



Wilmington Police Department

Directive: .05.23

Lethal Weapons

CALEA Standards: 4.3.1, 4.3.2, 4.3.3, 4.3.5, 41.3.4

NCLEA Standards: 1.08, 2.01, 5.05



I. Purpose:

To establish and outline the guidelines that officers must meet to qualify, equip, and carry lethal weapons.

II. Procedures:

Officers will adhere to NCGS 15A-401(d) and departmental directive 5.01 Use of Force when deciding to use lethal weapons in a deadly force situation.

A. Firearms

- 1.** When not in use, firearms will be securely stored in a manner which renders them inaccessible to minors. Officers are furnished with cable locks with their firearms to render the weapon useless when utilized. Officers may use gun safes, lock boxes, or any other method to safely store firearms which are not in use.

Officers will train and qualify with firearms according to the North Carolina Administrative Code (NCAC), Title 12, Chapter 9, subchapter 9E. The use of weapons will be in compliance with all state and federal laws and regulations.

Wilmington Police Auxiliary Officers shall also comply with City Ordinance in regard to the carrying of firearms.

2. Carrying Firearm

- a)** All officers, while on duty, will possess only departmental issued or authorized weapons and ammunition on their persons or in any departmental vehicle.
- b)** Any officer working in an off-duty capacity as a police officer will possess only departmental issued or authorized weapons and ammunition on their persons.

3. Firearm Malfunctions

- a)** If a departmentally issued firearm malfunctions or is non-operational, the employee in possession of such firearm shall:
 - i.** Make themselves unavailable for call responses by contacting dispatch, and;
 - ii.** Immediately contact their first line supervisor
- b)** Supervisor in receipt of a malfunctioning pistol report from an employee will:
 - i.** Inspect the weapon to verify the malfunction

- ii.** Contact any departmental armorer whom is working and summon them to make the needed repairs
 - iii.** If no departmental armorer is available, the head armorer will be contacted at their residence.
 - iv.** If an armorer is unable to repair or resolve the issue with the issued pistol, the affected employee will remain on duty in an administrative capacity until such a time as either their weapon is repaired or they qualify to NCAC Standards with a different pistol.
- c)** If the malfunctioning weapon is a shotgun, the employee may be temporarily issued a departmental shotgun while their issued shotgun is being repaired by the armorer. If the malfunctioning weapon is a rifle, the rifle will be submitted during normal business hours for repair to a departmental armorer.
- d)** The officer is capable of functioning in an operational capacity without their issued patrol rifle, so long as their issued pistol is operational. The department maintains a pool of departmental shotguns for routine/emergency issuance.

4. Procedure When Carrying Firearms Off-Duty

- a)** Officers who elect to carry any concealed firearm while off duty will be required to have in their possession the department-issued badge and/or official identification card.
- b)** In addition to being in compliance with NCGS 14-269 and other applicable statutes, officers shall not possess, carry, or carry concealed a department issued firearm or department authorized firearm at any time while the officer is consuming or under the influence of an intoxicating beverage or any other impairing substance.

5. Firearms Inspection

- a)** Individual officers are charged with the responsibility of maintaining a clean and fully functional weapon at all times. Supervisors are responsible for assisting officers under their commands with maintaining clean, functional weapons. There shall be monthly supervisory inspections of side arms, back up weapons, shotguns, and auxiliary weapons.
- b)** Any problem encountered with a weapon or its ammunition will be brought to the immediate attention of the officer's immediate supervisor. A supervisor in receipt of any such report will make immediate arrangement for the firearm to be removed from service and inspected/serviced by a Departmental Armorer.

6. Alteration or Modification of Departmental Firearms

- a)** Employees shall not alter or modify departmental firearms in any manner.

b) Only the Lead Departmental Armorer has the authority to make modifications or alterations to departmental firearms. Upon written request (WPD Form 15), the head departmental armorer is authorized to make the following changes:

- i. Shotgun Alteration:** single point sling mount; fore-end, to include dedicated surefire type light; barrel attached flashlight mount; extended magazine tube, Remington brand only. Sights requiring the receiver to be dilled and tapped can be added, but the requestor agrees that when the shotgun is surrendered back to the department for any reason, the sights remain with the shotgun, as they have become a permanent part of the weapon. No equipment will be installed that requires the permanent alteration of any part of the shotgun, except as listed above. No addition that will not allow the shotgun to be housed, as designed, in the city provided vehicle overhead shotgun rack. No exchange of any of the following parts will be considered: any trigger group part; any bolt group part; barrel.
- ii. Rifle Alteration:** single point sling mount; hand guards; flashlight mount (can be mounted to front sight post); pistol grip. No equipment will be installed that requires the permanent alteration of any part of the rifle. No exchange of any of the following parts will be considered: any trigger group part; any bolt group part; magazine catch; bolt catch; charging handle catch; sights; flash suppressor; no part requiring removal of the barrel; no part requiring exchange of receiver extension.
- iii. Handgun Alteration:** Front/Rear Sights; Magazine Baseplates. No equipment will be installed that requires the permanent alteration of any part of the handgun. No exchange of any of the following parts will be considered: Trigger Assembly; Firing Pin Assembly; Barrel; Recoil Spring Assembly.

***Magazine Baseplates must not add capacity to the standard issued magazine and must be approved/installed by the Lead Departmental Armorer. Magpul Magwell must be approved and installed by the Lead Departmental Armorer.**

***Front/Rear Sights must be of good quality from reputable manufactures. All front/rear sights must be approved/installed by the Lead Departmental Armorer.**

7. Improper Use of Firearms

Officers will be subject to disciplinary action if the use of a weapon includes:

- a)** A violation of the law by the officer.
- b)** A violation of departmental rules.
- c)** Disregard for public safety.

- d)** Misconduct on the officer's part.
- e)** Negligent discharges through carelessness, recklessness, or blatant disregard of standard procedures.
- f)** Other poor judgment involving the use of the firearm.
- g)** Using the weapon inconsistent with its intended use.

B. Qualification

1. State Requirements

- a)** All certified law enforcement officers will qualify at least once each calendar year with the weapon(s) they are issued.
- b)** The qualification will be conducted by an officer who holds a "Specialized Instructor Certification – Firearms" issued by the N.C. Department of Justice Criminal Justice Education and Training Standards Commission (hereafter referred to as the Commission).
- c)** The instructor will deliver the training consistent with the minimum specifications as established by administrative code. The instructor will report the successful or unsuccessful completion of training for each officer to the Chief of Police on a form approved by the Commission.
- d)** Qualification will be completed with duty equipment and practice ammunition for all weapons. Training and proficiency shall be documented.
- e)** If an officer fails to successfully qualify with any weapon, the instructor shall inform the officer they did not qualify. The instructor shall deliver a Commission approved form to the officer which shall be signed by the officer. This form shall instruct the officer not to use the weapon and shall require the officer to notify the Chief of Police or designee within 24 hours of the failure to qualify. The instructor shall personally deliver this form or send the form by certified mail to the Chief of Police or representative within 72 hours of the failure to qualify.
- f)** If an officer fails to qualify with their department issued pistol during their annual in-service training, their firearm will be taken from them by the Firearms Instructor. If an officer below the rank of Lieutenant fails to qualify with their department issued shotgun during the annual in-service training, their shotgun will be taken from them by the firearms instructor and the employee will be informed they may not use or be issued a shotgun until such a time as they are able to qualify. After failing to qualify with their pistol the Officer will be placed in a "restricted duty" status until such time as they qualify. The Officer will subsequently be afforded four hours of remedial instruction and 400 rounds of ammunition in which to attempt to qualify with their issued

pistol. For the shotgun, the Officer will be afforded 80 rounds of shotgun ammunition and a maximum two hours remedial training with a Departmental Firearms Instructor to re-qualify. After the remedial training, if the officer has still failed to qualify, they will be required to furnish any additional ammunition necessary to qualify. It shall be the responsibility of the officer to make further qualification arrangements with a firearms instructor after the initial remedial training has been conducted.

- g)** If an officer fails to qualify with other firearms (rifle, off-duty handgun, or back-up firearm), the officer will not be permitted to carry those firearms until such a time as they are able to qualify with them. The department will make no provisions for remedial training for these types of firearms, because the officers are able to function without them. If an officer fails to qualify with a department-issued rifle, the Firearms Instructor will take custody of that firearm, and turn it into the quartermaster for re-issuance to qualified personnel.
 - h)** Where the officer has failed to qualify within a calendar year, with their issued pistol, the provisions of 12 NCAC 9E Rule .0107 apply. Upon notification to the Commission of a failure to qualify, the officer's certification will be suspended.
 - i)** Within 12 months, the officer must enroll in and successfully complete a 40 hour firearms training course in a "Basic Recruit Training – Law Enforcement" to regain certification.
- 2.** When any officer successfully completes the qualification course prescribed by NCCJTSC, they will be issued service weapons and related items. The type of weapon issued to an officer is based upon the duties they are expected to perform. No officer may deviate from this standard weapon assignment without the express authorization of the Chief of Police.

C. Firearm/Ammunition Specifications

- 1. All** Wilmington Police Officers (including SWAT, Narcotics Enforcement, Gang, MFF and Task Force officers) are issued the Glock 17 Gen 5 9mm caliber semi-automatic handgun, equipped with a Trijicon RMR (Ruggedized Miniature Reflex/Red Dot Sight), a Surefire X300U-A Ultra Handgun Weapon light, and 52 rounds of ammunition. The ammunition issued for this firearm is the Federal 147gr 9mm Tactical HST JHP.
- 2.** Remington 870 12 gauge shotguns are issued to most personnel. The ammunition specified for those shotguns are: Federal Tactical Low Recoil FliteControl 9 Pellet 00 Buck and Federal Tactical TruBall Low Recoil 1 oz Rifled Slug.
- 3.** SWAT members that were previously issued a Glock 34 9mm caliber semi-automatic handgun can continue to carry that weapon until the entire team has fully transitioned over to the Glock 17 Gen 5 9mm caliber semi-automatic handgun. The ammunition for the Glock 34 9mm caliber handgun is Federal 147gr 9mm Tactical HST JHP.

SWAT utility weapons: Heckler and Koch MP5 9mm sub-machine gun that uses Federal 147gr 9mm Tactical HST JHP. Colt M4 rifle that uses Federal Tactical 55gr BSP .223 rounds. Remington 700, which uses Federal 168gr Sierra MatchKing BTHP .308 and/or Speer 168gr GDSP .308 ammunition.

4. In addition to being issued the Glock 17 Gen 5 9mm caliber semi-automatic handgun, Narcotics Enforcement, Gang, MFF and Task Force officers are issued a Glock 43X 9mm caliber semi-automatic handgun with 31 rounds of ammunition. The ammunition issued is the Federal 147gr 9mm Tactical HST JHP.
5. Officers assigned a departmental patrol rifle, or officers approved to carry a personal patrol rifle, are issued 90 rounds of Federal Tactical 55 gr BSP .223 ammunition.

D. Secondary Handgun While on Duty (Back up) & Off-Duty Handguns

The Wilmington Police Department permits full-time officers of the department to possess and carry back up weapons. Officers are not required to carry a backup weapon while on duty but may do so at their discretion.

Officers are also authorized to carry a handgun while off-duty. Officers can carry their department issued service weapon or a personally owned handgun that has been authorized and the officer has qualified with same. All officers are encouraged to carry a handgun in the city limits of Wilmington while off-duty so they may react if an emergency situation arises.

1. Procedure When Carrying Secondary and Off Duty Weapons

- a) Secondary and off-duty weapons shall be concealed and carried in a holster or other means approved by a Wilmington Police Firearms Instructor.
- b) Only those weapons and ammunition which meet the following standards, shall be considered for approval as secondary weapons and off-duty use.
- c) Firearms carried as secondary and off-duty weapons shall only include the following calibers and/or millimeters:
 - i. .32 caliber
 - ii. .380 caliber
 - iii. .38 caliber
 - iv. 9 mm
 - v. .357 caliber
 - vi. .40 caliber

- vii.** .45 caliber
- d)** These weapons shall be of a good quality and produced by a recognized manufacturer and appear to be in good working order. The mechanisms shall not be altered or tampered with except as provided in the manufacturer's owner's manual.
- e)** Ammunition selection will be left to the individual officer based on the following standards:
 - i.** Must be factory loaded to SAAMI specifications (no reloads);
 - ii.** No frangible bullets; and
 - iii.** Must be jacketed hollow points, jacketed soft points, or soft lead (no hardball).
- f)** The personally owned firearm and ammunition approved for secondary and off duty use must be registered with the Professional Development Unit which shall maintain a file on all authorized personally owned firearms and ammunition carried by officers. No officer shall register more than two (2) personally owned firearms. Only one (1) personally owned firearm can be registered for back up use. The same firearm can be used both as a backup and off-duty weapon if it has been registered as both.
- g)** Prior to carrying a personally owned secondary or off duty weapon, the officer must qualify with the firearm pursuant to the administrative code. Further, the officer must qualify with the approved back up or off- duty weapon at least once each calendar year with a Wilmington Police Department Firearms Instructor. The course of fire for qualifying will be as directed by the certified instructor in accordance with state standards. Sworn personnel may qualify with an off-duty and/or back-up weapon using ammunition supplied by the Department if it is available. If it is not available, the sworn member must supply their own ammunition, which must meet the approved lists of ammunition. A failure to qualify shall automatically suspend the authorization to carry the personally owned secondary or off duty firearm, and the officer shall not carry the firearm while on or off duty.
- h)** All personally owned firearms and ammunition submitted for secondary and off-duty use to the Training Unit shall be subject to approval and be subjected to an initial inspection and periodic inspections thereafter by a departmental armorer. A failure of any inspection requirements shall automatically revoke the authorization for on or off-duty use.
- i)** Wilmington Police Officers shall not carry personally owned handguns for use, as a primary sidearm while on duty, unless authorized to do so by the Chief of Police.

- j)** Prior to carrying any secondary or off-duty weapon all endorsements must be signed on a WPD – 19 Request to Carry Secondary or Off-Duty Weapons form, the officer must qualify with the weapon and the weapon and ammunition must conform to the above listed criteria.

E. Police Shotgun

Only department approved shotguns (currently Remington 870) will be issued to qualified personnel. All officers below the rank of Lieutenant will be required to qualify annually with the police shotgun. Those personnel holding the rank of Lieutenant or above will not be required to qualify with or carry a shotgun. Should they choose to do so, they must have met North Carolina's annual in-service firearms qualification specifications as set forth in (12 NCAC 09E.0106).

1. Police Shotgun Use

- a)** The shotgun will be loaded and unloaded by the current procedures as demonstrated and practiced during departmental firearms training. The shotgun will be stored in the police vehicle with the weapon in the "safety on" position. The weapon will be stored with the magazine tube fully loaded tube and the chamber empty.
- b)** No ammunition will be carried in the firing chamber of any shotgun until such time as the use of the weapon is apparently imminent and the officer is prepared to fire the weapon.
- c)** The shotgun will be carried in the "safety on" position until the weapon is to be fired.

2. Police Shotgun Security

It shall be the responsibility of the officer to maintain security and control of the weapon while it is in their care.

F. Patrol Rifles (Departmental & Personal)

In order to be considered for carrying a personally owned or department issued rifle, Officers must meet the following selection criteria.

- 1.** Officers must have completed their initial probationary period.
- 2.** Officers must forward a memo through their chain of command with recommendations by each supervisor.
- 3.** Officers who wish to carry a patrol rifle must be first responders on either patrol or special ops.
- 4.** The memo must state whether the participant wishes to be considered for a department issued rifle or carry a personally owned rifle that meets the department's specifications.
- 5.** The Division Commander of each division is responsible for the selection and approval of candidates. The final list of candidates for their division should be forwarded to Professional Development.

6. Each selected officer must attend and successfully complete the department's rifle training course which includes annual qualification.
7. Each personally owned rifle is subject to a NCIC check by serial number before it can be carried.
8. The Department will provide .223 ammunition for annual qualifications and duty issuance to those personnel authorized to carry departmental and personally owned rifles.
9. If the officer violates any provision of this policy the privilege to carry the rifle may be withdrawn as well as other disciplinary action.

10. Deployment

- a) Is defined as the use of the rifle during the course of duty for other than training, qualification, inspection, or cleaning.
- b) Rifles shall not be deployed as primary weapons on routine patrol responses including, but not limited to:
 - i. Routine traffic stops.
 - ii. Building searches.
 - iii. K-9 Tracks/searches.
 - iv. Routine Felony stops.
 - v. Routine disturbances.
 - vi. Alarm calls.
- c) Patrol rifles shall only be deployed in high risk situations and any confrontations with an armed suspect. The number of rifles shall be regulated by the supervisor in these situations to allow for officers to detain suspects and for close quarters weapons.

11. Storage/Security

- a) Each member authorized to carry a patrol rifle will ensure the security of the weapon by locking it in the patrol vehicle's trunk. The patrol rifle will be carried with an empty chamber, no magazine in the magazine well and the safety in the "On" position.
- b) It shall be the responsibility of the officer to maintain security and control of the weapon at all times. The rifle safety will be on at all times unless the operator is on target and has decided to shoot.
- c) A round will only be loaded into the chamber of the weapon outside the police vehicle in anticipation of the weapon's imminent use.

G. Personal Rifle Requirements

Officers will only be able to carry personally owned rifles that meet the standards set forth below.

1. Prior to being scheduled for training the officer must submit a written request to carry a personally owned rifle on a WPD – 18 Request to Carry

Personal Patrol Rifle form, listing all attached accessories, and with all endorsements signed.

2. The rifle must be an M16/AR Platform rifle.
3. The rifle must be black in color.
4. The barrel must be 16.1 to 20 inches in length and have a 1-9, 1-8, or 1-7 twist rate.
5. A 14.5 inch barrel with a permanently attached flash hider or compensator is acceptable if the overall length of the barrel is 16.1 inches.
6. Stocks can be either collapsible or fixed. **No "Slide Stocks"**
7. Only 5.56mm or .223 caliber rifles can be used.
8. The rifle must have iron sights.
9. The rifle can only be semi-automatic.
10. The rifle must have a sling.
11. The rifle must have two magazines (20 or 30 round capacity).
12. The mechanisms shall not be altered or tampered with except as provided in the manufacturer's owner's manual.
13. The personally owned rifle must be registered with Professional Development which shall maintain a file on all authorized personally owned firearms.
14. All personally owned rifles shall be subject to approval, initial inspection, and test firing by the head departmental armorer or the range master. The rifles will be subjected to periodic inspections thereafter by the head departmental armorer. Failure to comply with or pass any inspection requirements shall automatically revoke the authorization for on-duty use.
15. Should a conflict arise involving whether a rifle meets the specifications of the Department, the designated range master will make the final decision.
16. The weapons shall be of a good quality, in good working order and come from the following approved manufacturers list:
 - a) Armalite
 - b) Bushmaster
 - c) Colt
 - d) Delton
 - e) DPMS
 - f) HK
 - g) Larue Tactical
 - h) Les Baer
 - i) Rock River Arms
 - j) Smith and Wesson
 - k) Stag Arms
 - l) Sig Sauer
 - m) Ruger
 - n) Bravo Company MFC

- o) Daniel Defense
- p) CMMG
- q) Barrett
- r) LMT
- s) Palmetto State Armory
- t) Windham Weaponry
- u) **If a rifle meets the requirements set out above and is not on the approved list, the lead armorer has the discretion to approve the same.**

17. Approved Accessories

- a) All accessories added to the rifle must be from a reputable manufacturer and they cannot alter the rifle's function as designed. The chosen accessories must be attached to the rifle at time of qualification and no accessories may be added until the officer's next qualification date. The Head Departmental Armorer will have the final say on attached accessories.
- b) Approved accessories will include flashlights from companies such as Surefire, Insight Tech, and Stream light. No lasers, either visible or infra-red will be allowed. Railed fore-ends from reputable manufacturers will be allowed. No Suppressors shall be carried or used on the rifle.
- c) Members participating in the patrol rifle program will be allowed to carry additional magazines at their expense. Additional magazines will be restricted to 20 and 30 round capacities and demonstrate high quality and reliability. Additional magazines may be listed on WPD form 18 prior to qualification. Ammunition for additional magazines will be supplied by the officer and will be the same as the ammunition issued for departmental rifles. (Federal Tactical, 55 gr BSP .223)

18. Holographic Sights/Electronic Optics (Red Dot)

- a) No magnified optic is approved for carry. This includes 3 power magnifiers. Holographic sights must be of a good quality, in good working order and come from the following approved manufacturers list:
 - i. Aimpoint
 - ii. Bushnell
 - iii. C-More
 - iv. EOTech
 - v. Leupold
 - vi. Millett
 - vii. Trijicon
 - vii. **If a red dot sight meets the requirements set out above and is not on the approved list, the lead armorer has the discretion to approve the same**

- b)** Holographic sights must securely mount to the weapon and must be mounted so that they do not interfere with the weapon operation or the iron sights.

19. Maintenance/Damage/Loss

- a)** The Wilmington Police Department will not be liable for any damage to or loss that occurs to any personally owned patrol rifle.
- b)** Also, officers should be aware that if a shooting occurs, the rifle can be taken as evidence for extended periods of time. The department will not be responsible for the weapon or a replacement.
- c)** The individual officer is responsible for all maintenance and repair of the personally owned rifle.

H. DEADLY FORCE AGAINST THE OPERATOR OF A MOVING VEHICLE

- 1.** Shooting at or from a moving vehicle for the sole purpose of stopping or disabling a vehicle is prohibited by the Wilmington Police Department. Shooting at a moving vehicle is rarely effective at stopping a moving vehicle and can create other hazards to the public.
- 2.** Wilmington Police Officers should not fire shots at the operator of a moving vehicle unless it reasonably appears that failing to do so would result in death or serious bodily injury to officers or the public. Officers are expected to move out of the path of any approaching vehicle.
- 3.** This Policy is not intended to restrict an officer's right to use deadly force directed at the operator of a vehicle when it is reasonably perceived that the vehicle is being used as a weapon against the officers or others. Officers must not deliberately place themselves in the path of moving vehicles. It is the officers' first responsibility to move from the path of the moving vehicle and/or seek cover. In most instances, this option will provide the safest alternative for the officer.
- 4.** Officers should use their training and safe positioning to minimize the danger presented by occupied vehicle.
- 5.** Nothing in this subdivision constitutes justification for willful, malicious or criminally negligent conduct by any person which injures or endangers any person or property, nor shall it be construed to excuse or justify the use of unreasonable or excessive force