

	LEXINGTON POLICE DEPARTMENT POLICY AND PROCEDURE GENERAL ORDER	Distribution ALL PERSONNEL	General Order Number 3.07
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Order Title: FIREARMS		CALEA Accreditation Standard: 4.1.3; 4.2.1; 4.3.1; 4.3.2; 4.3.3; 4.3.4; 72.4.1; VLEPSC: ADM 05.02; 06.01; 06.02	Section 3
		Rescinds:	
Section Title: RULES OF CONDUCT		 Angela M. Greene, Chief of Police	

This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

I. PURPOSE

To establish guidelines and procedures governing Lexington Police Department issued and/or authorized firearms and ammunition including training, qualification, safety, carrying, care, and maintenance.

II. POLICY

The Lexington Police Department (“Department”) is committed to the belief that increased training enhances professionalism and decreases the likelihood of injury to officers and citizens. Because of this commitment, officers are required to receive training on department use of force policies and demonstrate proficiency in the use of firearms at least annually, in compliance with Virginia Department of Criminal Justice Services requirements. Officers will be issued copies of and trained in agency orders pertaining to the Department’s Use of Force and Firearms policies and demonstrate proficiency in their application of any firearm issued/authorized, before being authorized to carry them. Policy receipt and curriculum methods must be documented and retained in the officer’s training file. All Department qualifications and sponsored firearms training shall be administered by certified firearm instructors. Firearms qualification is a combination of skill and discretion. Department training emphasizes proper use of force decision-making (when to shoot as well as how to shoot). (See General Order [3.01: Use of Force - General](#)).

III. DEFINITIONS

Administrative No Gun Status: The lack of technical ability to qualify, as determined by the Firearms Instructors.

Annual Firearm Qualification: Firearms qualification is required once every calendar year.

Firearm: An issued and/or authorized weapon designed to expel a projectile by the action of an explosive (e.g., revolver, pistol, shotgun, rifle) to be utilized in accordance with applicable department policies.

Magazine or "Source of Feed": An ammunition retainer for semi-automatic pistols and rifles.

Medical No-Gun Status: The lack of physical ability to qualify with a firearm as determined by a qualified physician.

Physical Stress Training: Requires the officer to successfully perform a live-fire exercise before or during an agility drill.

Sidearm: The on duty sidearm and the weapon officers must use to train and qualify with annually.

Proper Use of Force Decision Making: The use of reasonable force, including proper tactics, and de-escalation techniques.

Psychological Stress Training: Under stress certain physical changes may occur (e.g., loss of fine motor skills, tunnel vision, auditory exclusions). This training mentally prepares the officer to overcome or minimize these changes by demonstrating proficiency in a variety of skills within a specific time frame.

IV. PROCEDURE

A. Authorized Use of Firearms/Ammunition

1. General

- a. Only those firearms and ammunition which are issued and/or authorized and trained in by the Lexington Police Department shall be carried while on or off-duty. This is true even if an officer chooses to secure a Concealed Handgun permit in addition to their authorization to carry a firearm granted by virtue of their certification as a Lexington Police Officer;
- b. All officers will be issued a primary sidearm for on duty carrying to the exclusion of all other sidearms unless the Chief of Police has granted special permission. The Firearms Instructor will inspect, approve and maintain a record of all approved weapons, prior to an officer being

permitted to carry such weapon.

3. Security of Weapons

- a. Officers are responsible for the care, cleaning, and security of weapons issued to them. Officers shall keep their Department issued and/or approved weapons in good, serviceable condition at all times. All weapons shall be kept clean and free from excessive amounts of oil.
- b. When an officer's residence is to be vacant for an extended period of time (e.g., furlough, extended leave, or extended use of compensatory time, etc.) the officer shall not leave a Department issued weapon at the residence. An officer may leave the Department issued weapon at the Department if appropriate storage facilities are available. A Department locker is an appropriate storage facility for handguns when the locker is secured by a department lock.

4. Repair

- a. Officers shall report and explain any weapon malfunction to a Firearms Instructor. Department issued weapons shall only be repaired by a Firearms Instructor.
- b. Department issued weapons which become defective will be immediately removed from service.
- c. If a Department issued weapon must be replaced, the officer will report to a Firearms Instructor for an exchange. A Firearms Instructor shall record the information (e.g., weapon, model number, serial number) on the officer's firearm's record.

5. Ammunition

- a. Ammunition approved for use while on or off duty in Department issued or approved weapons are limited to the ammunition approved by the Firearms Instructors and the Chief of Police. No other ammunition is authorized unless the Chief of Police or his or her designee exempts the specific officer or group.
- b. Uniformed, on-duty officers shall carry department issued duty ammo for issued service weapons.
- c. The Firearms lead instructor, as authorized by the Chief of Police, shall provide ammunition guidelines for all other weapons.

6. Shoulder Weapons

- a. Only Department issued or approved shoulder weapons (carbines, rifles, shotguns) may be carried in any Department vehicle. No officer shall carry any shoulder weapon on duty prior to successful completion of training and qualification. All shoulder weapons shall be carried in Department approved locations: gun mount, gun box, bag in sedan trunk, or other suitable cases. (See General Order [3.08: Patrol Rifle](#)).

7. Shotguns

- a. The issued shotguns are:
 - (1) Remington 870
 - (2) Mossberg 590 A1
- b. The shotgun will be stored in the vehicle patrol ready with the magazine loaded with 00 Buckshot and 1 slug with no shell in the chamber.
- c. Officers shall carry and use only ammunition issued by this Department unless the Chief or his designee approves, in writing, for an exception and the officer qualifies with the alternate ammunition. This includes but is not limited to rifled slugs and magnum loads. The Training Officer shall maintain a written or electronic record of an officer's request for an exception and the disposition of that request. Approved shotgun ammunition will be approved by and issued by the Firearms Instructors.

B. Firearm Safety

1. General

- a. All firearms shall be carried holstered or in a gun bag or gun box.
- b. The use of shoulder holsters and cross-draw holsters are permitted with supervisor approval.

2. Securing Service Weapon While Handling Arrested Individuals

- a. Prior to removing a prisoner(s) from any secured area, officers will secure their weapons in a weapon locker, placing the locker key in their pocket or their vehicle trunk with the vehicle locked.

- b. Following all prisoner processing/detail duties, the officer will retrieve their secured weapon and shall secure it back in their holster prior to moving from the area.
- c. All lockers are individually keyed, and all lockers and keys are numbered. Locker keys shall be left in the locker when empty.
- d. Weapon lockers are located at the Rockbridge Regional Jail. Weapons must be secured prior to entering the processing area when prisoners are present.

3. Modifications

Officers are prohibited from affixing any attachment, grip, extension or other equipment, or in any way modifying any Department issued sidearm without written approval from the Chief of Police.

4. Prohibited Uses

- a. The use of a firearm is categorized as deadly/lethal force. The use of a firearm must be in strict compliance with General Order [3.01: Use of Force – General](#).
- b. An officer shall not unnecessarily display any weapon.
- c. The firing of warning shots is strictly prohibited.
- d. Firing at, or from a moving vehicle is prohibited. Moreover, officers shall not intentionally place themselves in the path of a moving vehicle.
 - i. Officers are prohibited from discharging their firearms at or from a moving vehicle, motorcycle, or bicycle (collectively, “moving vehicle”) unless officers reasonably believe deadly force is necessary to defend the officer or a third person from the use, or imminent use, of deadly force from an occupant by means other than the vehicle.
 - ii. Officers may discharge their firearms at or into a moving vehicle when a driver is intentionally placing others in the vehicle’s path causing an imminent risk of serious injury, such as driving into a crowd of assembled persons or into an occupied area not intended for vehicular traffic.
 - iii. For purposes of this policy, officers will not discharge their firearms at moving vehicles except under extreme circumstances. Such discharges will be rigorously scrutinized. Officers shall, as a rule, avoid tactics that could place them in a position where a

vehicle could be used against them. When confronted with an oncoming moving vehicle, officers must attempt to move out of its path, when possible, and should generally avoid placing themselves in situations where the use of deadly force is more likely. However, officers may discharge their firearm if the officer is unavoidably in the path of a vehicle and cannot move to safety.

5. Use of Force Reporting

- a. The use of a firearm must be reported in strict compliance with the Department's Use of Force policy (See General Order [3.05: Reporting and Investigating Force](#)).
- b. Any use of a firearm must comply with the Lexington Police Department General Order [3.01: Use of Force - General](#).

C. Sidearm Inspections

1. General

Prior to issuance or service, all firearms will be inspected by a firearms instructor. Although a Firearms Instructor shall inspect each weapon during qualification at the range, all supervisors shall ensure that a sidearm inspection is conducted as needed for all officers presently assigned to their command.

2. Inspection Procedure

- a. For all semi-automatic pistol inspections officers may be directed to a clearing barrel or shooting range by a supervisor conducting the inspection to perform the following:
 - 1) To remove the firearm from the holster;
 - 2) To keep his/her finger off the trigger and point the muzzle of the firearm into the clearing barrel or down range;
 - 3) To remove the magazine from the pistol, keeping his/her finger off the trigger. While keeping the finger off the trigger, the officer shall be instructed to rack the slide to the rear several times to eject the chambered round and then lock the slide to the rear;
 - 4) To inspect the weapon, ammunition, magazines and barrels with the muzzle of the weapon pointed into a clearing barrel or downrange. Reload all magazines with the finger off the trigger;

and

- 5) While keeping his/her finger off the trigger, the officer shall be instructed to reholster.

3. Inspections

- a. In addition to the above inspections, all officers with a Department issued or approved semi-automatic sidearm shall have their weapon inspected prior to qualifications by a Firearms Instructor.
- b. The following procedures will be adhered to:
 - 1) Inspections will be performed on all Department issued semiautomatic pistols in the command; and
 - 2) Inspections may only be conducted at locations equipped with either a clearing barrel or a Department range.

D. Firearms Training

1. General

- a. All officers are required to train and qualify with their Department issued sidearm, and shoulder weapon, if applicable, annually. Certified firearm instructors will provide corrective measures for any deficient firearm techniques and/or any failure to adhere to safe handling procedures.
- b. All officers are required to attend in-service training for firearms **annually**. This requirement shall apply for each firearm the officer is authorized to use. Each annual training shall include documented training of department use of force policies.
- c. All officers that fail to qualify with their duty weapons after multiple attempts shall relinquish their Department issued firearms and return the following day to receive remedial training and an opportunity to qualify.
- d. If the officer fails to qualify for certification, the officer shall be given two (2) additional opportunities to qualify, but must obtain certification within thirty (30) days after the initial training is completed. Time spent practicing at the range shall be off-duty and without compensation by the City. For each additional qualification attempt the police department will provide up to twelve (12) hours of additional training, a total of (36) hours of additional training. This will occur within the thirty (30) days of initial training.

- e. An officer unable to qualify during the thirty (30) day period shall be placed on a no-gun status (please see section E of this policy) until the officer qualifies. Failure to qualify within six (6) months from the date of suspension will be sufficient cause for discharge.
- f. The Firearms Instructors shall ensure that all of their officers are scheduled to qualify on an annual basis;
- g. The Firearms Instructor shall be in charge at all times when officers are on the firing range for qualification.
- h. A Firearms Instructor shall thoroughly inspect all Department issued or approved weapons annually to ensure that all weapons are safe and that they are properly maintained.
- i. The standards for all firearms qualifications shall meet current Virginia Department of Criminal Justice Services (DCJS) standards, shall be monitored by a certified weapons instructor and all training, including remedial training, will be documented.
- j. Training and qualification sessions for semi-automatic pistols and shoulder weapons, include but are not limited to: stress training, night training, advanced training and proper use of force decision making to adequately prepare for real life situations.

2. Accidental or Unintentional Firearm Discharge

- a. Supervisors shall require officers that experience an accidental or unintentional discharge or that have improperly used a weapon to receive and successfully complete firearms re-training. An Interdepartmental Memorandum shall be submitted to the Chief of Police requesting that the officer(s) be provided with re-training. A copy of the investigation and report on the incident precipitating the request shall be attached;
- b. All accidental or unintentional firearm discharges are classified as Level 1 uses of force and will be investigated by the Detective.

E. Firearms Qualification

1. Failure to Qualify

Failure to successfully complete the required training and qualification at the indicated frequency or to adhere to all safety protocols of the Department shall result in the administrative actions listed below:

- a. Officers who fail to qualify shall be relieved of their firearm and shall sign a Revocation Notice acknowledging not only that the officer is in a no-gun status, but also that the officer is prohibited from taking any law enforcement action;
- b. Officers shall also relinquish their Lexington identification card and shall be placed in an in-house, administrative assignment until such time as re-training and qualification is complete;
- c. Those officers that fail to qualify in accordance with the procedures set forth in section [D.1.d. \(above\)](#) shall be subject to disciplinary action up to and including a recommendation for termination of employment; and
- d. The Firearms lead instructor will notify the Chief of Police of an officer's administrative no-gun status and will provide progress reports to the Chief of Police during the period of remedial training.

2. Sidearm Failure

- a. A failure to qualify with the duty firearm will require that the officer be scheduled for an immediate remedial training session. Upon failure to qualify, the firearm shall be seized and the officer's supervisor notified immediately of the date and time of the remedial training session.
- b. If a remedial training session is missed or if the officer fails to qualify at the initial remedial training session, the officer will not be permitted to carry any Department issued firearm on or off duty.
- c. Officers placed in an administrative no-gun status after failing an initial remedial training session are limited to a total of three remedial training sessions, to be completed within a thirty day period;
- d. Officers placed in an administrative no-gun status will be subject to medical review after the second remedial training session within the thirty-day period.

3. Secondary Sidearm Failure

- a. All officers are required to train and qualify with their secondary Department issued or approved firearm annually;
- b. A failure to train and qualify with a secondary firearm will require the officer to be scheduled for a subsequent training and qualification attempt;

- c. Officers may not carry a secondary firearm prior to successfully completing a training and qualification session.

4. Shoulder Weapon Failure

- a. A failure to train and qualify with a Department issued shoulder weapon requires that the officer be scheduled for an immediate remedial training session.
- b. The officer may not carry or be issued the respective weapon until the officer successfully completes a training and qualification session.

5. Medical Deferment

- a. A Medical Deferment does not necessarily excuse an officer from firearms training and qualification. The Firearms Instructor can accommodate officers in wheelchairs or that are otherwise physically impaired. Officers shall be guided by the Firearms Instructor's determination of ability to complete a qualification course, considering any physical impairments or disabilities.
- b. Officers excused from any session(s) of the Training and Qualification Program for a medical condition (as determined by a qualified physician) shall be advised of a temporary revocation of authority to carry any Department issued weapon, on or off duty, during the deferment;
- c. Authority to carry a firearm is revoked after certification by an approved physician that the officer is either medically unable to take part in or complete a required firearm training and qualification session. The revocation shall take place regardless of whether the officer has previously qualified for the current year;
- d. The officer relieved of their firearm shall sign the Revocation Notice acknowledging that the officer is in a no-gun status and is prohibited from taking any law enforcement action. The Revocation Notice shall be forwarded to the Chief of Police.

6. Failure to Attend

- a. The annual Firearms Training and Qualification Program will be conducted on dates to be determined by the Firearms Instructors.
- b. Failure to attend required training sessions shall result in the immediate revocation of authorization to carry a firearm.

- (1) Officers shall be required to sign the Revocation Notice acknowledging that the officer is relieved from carrying a firearm and is prohibited from taking law enforcement action;
- (2) This revocation shall remain in effect until such time as the officer attends a training and qualification session; and
- (3) It is incumbent upon each officer to ensure attendance in order to avoid further administrative action.

7. Retired Police Officer Qualifications

- a. Retired law enforcement officers may request firearms qualifications through the Lexington Police Department. The requesting retiree will fill out LPD 1.08a and provide a copy of his/her retired law enforcement photo identification card and current driver's license prior to qualification. The firearms instructor will run a criminal history under purpose code "F" in Virginia only on the individual for any apparent disqualifications. The Lexington Police Department reserves the right to deny any retired law enforcement officer qualification through our department for any reason.
- b. Retired officers from the Lexington Police Department wishing to carry a firearm only inside the Commonwealth need to qualify once and are not required to requalify annually. Any wishing to carry nationally must qualify every 365 days. LPD HR-218 form will be completed and forwarded to the Chief for review. If approved, the Chief will fax the form to the Department of the State at (804) 674-2791. The original form will be kept on file at the Lexington Police Department. The Law Enforcement Officer's Safety Act (LEOSA) card will be issued to the retiree to carry on his/her person along with his/her retired law enforcement photo ID. Anyone carrying past the expiration date of the LEOSA card will only be authorized to carry inside the Commonwealth of Virginia.
- c. Retired law enforcement officers from another agency within the Commonwealth other than the Lexington Police Department will provide the firearms instructor with an HR-218 form from the department he/she separated service. Upon completion of the qualification, the firearms instructor will return the form to the retiree who will forward it to the department from which he/she separated for entry into VCIN. LPD 1.08a will be filled out and kept for our records.
- d. Retired law enforcement officers from another state will provide whatever forms necessary to the firearms instructor. Upon successful completion of qualifications, any necessary forms provided by the

retiree will be filled out by the firearms instructor and returned to the retiree and a LEOSA card issued. LPD 1.08a will be filled out and kept for our records.

- e. Any retired law enforcement officer will qualify as any active duty law enforcement officer would set forth in 6VAC20-30-80.

F. Carrying Firearms

1. General

- a. No officer shall enter any holding cell or holding cell area with a firearm.
- b. Officers assigned to duty inside any department building shall keep all weapons holstered and out of reach of the general public.
- c. The taking of prescription drugs or over the counter medications that may inhibit an officer's ability or judgment prohibits the officer from carrying any weapon. Officers shall notify their immediate supervisor, should they be required by a medical condition, to take any prescription or over the counter drug that may inhibit their ability or judgment to carry a weapon.
- d. Officers are required to store their firearms prior to a medical evaluation or taking part in a Department disciplinary proceeding. Lock boxes will be provided. Firearms shall not be removed from any holster in an unsafe manner. Officers shall keep their fingers off the trigger and the firearm pointed at the floor during the storage process.

2. Uniform (On Duty)

- a. Officers shall carry their Department issued or approved primary sidearm holstered in a Department issued or approved holster, worn in accordance with Department uniform standards;
- b. Secondary sidearms must be carried holstered and concealed in such a manner so as to allow for no unusual bulges, protrusions or exposure.

3. Civilian Attire (On Duty)

- a. All officers shall carry their Department issued or approved sidearm holstered, on their strong hand side, unless otherwise authorized in writing by the Chief of Police. The written authorization shall be retained in the officer's personnel file and shall be effective until the officer is notified by the Chief of Police that such authorization has been revoked.

- b. Officers that have been authorized by the Chief of Police to carry a primary sidearm in a purse, pouch, or similar article shall do so with the sidearm properly holstered, or in a separate compartment. A sidearm shall not lie free with other items.
- c. Officers in civilian attire shall not appear in public places or buildings open to the general public without having their weapons holstered and out of reach of the general public.

4. Off Duty

- a. The carrying of a Department issued sidearm while off-duty shall be at the option of the officer.
- b. All officers choosing to carry an off-duty firearm must have current qualification scores for each off-duty weapon on file.
- c. Officers carrying weapons off-duty shall comply with the guidelines and procedures set forth in this General Order, and with all Department use of force policies.
- d. All officers must carry their Lexington Police Department identification card and badge while on duty or off duty.
- e. While operating a Lexington Police Department vehicle off duty, officers shall be armed with their Department issued or approved sidearm.
- f. Officers electing to carry a weapon off duty shall carry a Department issued or approved sidearm, holstered, in a safe and accessible manner. Off-duty weapons shall be carried safely and concealed from public view.
- g. Officers are prohibited from participating in any sporting activity while carrying a sidearm.
- h. Officers shall not carry any Department issued weapon while engaged in or participating in any public demonstration, rally, march or picketing activity.
- i. Off-duty officers are prohibited by state law from carrying a firearm if they are under the influence of alcohol or illegal drugs. In addition, officers shall not carry a firearm in situations where an officer's performance may be impaired. The odor of intoxicants on the breath of an officer shall be deemed "prima facie evidence" that he is unfit to carry a Department issued weapon.

- j. Officers are prohibited from carrying a firearm if he or she is taking any debilitating medication (prescribed or non-prescribed).
- k. Officers shall not carry any weapon while serving in the capacity of juror or prospective juror.
- l. Officers appearing in any court for jury duty shall report to the police detail at court to check-in any weapon for safekeeping. If the police detail is closed or ill-equipped to handle safekeeping, the weapon shall be checked with the nearest police agency.

5. Off-Duty Police Action

- a. Off-duty officers shall notify on-duty Department or local law enforcement officers (if outside of the City of Lexington) before taking police action, absent exigent circumstances, so that they may respond with appropriate personnel and resources to handle the problem. (See *General Order 4.04: Off Duty Action*).
- b. Off-duty officers are prohibited from carrying or using firearms or taking police action in situations where an officer's performance may be impaired or the officer's ability to take objective action may be compromised.
- c. If it appears that the officer making an arrest or carrying a firearm while off duty has consumed alcohol or is otherwise impaired, the officer shall be required to submit to field sobriety, Breathalyzer, and/or blood tests.