

NOPD CONSENT DECREE MONITOR
NEW ORLEANS, LOUISIANA



May 23, 2017

202.747.1904 direct
ddouglass@sheppardmullin.com

File Number: 37PA-191555

Deputy Superintendent Danny Murphy
Compliance Bureau, New Orleans Police Department
714 Broad Street
New Orleans, LA 70119

Dear Superintendent Murphy:

This letter constitutes confirmation that the Office of Consent Decree Monitor ("OCDM") has reviewed and provided comments on the amended Chapter 1.4 – Authorized Firearms. The OCDM has no objection to the policy as amended.

We believe that the amended Chapter 1.4 – Authorized Firearms, incorporates all requirements of the Consent Decree and sets forth clear and appropriate rules to guide officer conduct. We will continue to assess the adequacy of this policy following its implementation. If we identify any concerns following implementation, we will present those concerns to you and the Department of Justice. Additionally, we note that, pursuant to the Consent Decree, NOPD has agreed to review and revise policies and procedures as necessary upon notice of a significant policy deficiency. We also note NOPD's obligation to review this policy after a year of implementation to ensure it "provides effective direction to NOPD personnel and remains consistent with the Agreement, best practices, and current law." Consent Decree at ¶ 8.

We appreciate your team's effort, cooperation, and responsiveness throughout this process.
Very truly

Very truly yours,

David L. Douglass
For SHEPPARD MULLIN RICHTER & HAMPTON LLP*
2099 PENNSYLVANIA AVE., N.W., SUITE 100
WASHINGTON, DC 20006

CC: HONORABLE SUSIE MORGAN (VIA ELECTRONIC MAIL)
EMILY GUNSTON, DEPARTMENT OF JUSTICE (VIA ELECTRONIC MAIL)



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 1.4

TITLE: AUTHORIZED FIREARMS

EFFECTIVE: 08/23/15

REVISED: 12/06/15

PURPOSE

This Chapter governs the authorization, acquisition, condition, and maintenance of Department authorized firearms.

Employees shall recognize that safety is paramount when handling firearms.

POLICY STATEMENT

1. Only authorized personnel who have met all Louisiana State Peace Officer Standards and Training (POST) requirements and have been commissioned by the Superintendent of Police shall have the privilege to carry a firearm, as a police officer (peace officer) both on-duty and off-duty (La. R.S. 40:2405).
2. Commissioned members in probationary status and commissioned members who return from unarmed status are required to successfully complete firearm training and qualify for duty handguns and other service firearms before they are permitted to carry and use firearms. All Recruits shall complete and satisfactorily pass POST firearms training and qualification for duty firearms before they may receive a commission.

DEFINITIONS

Definitions relevant to this Chapter include:

Administrative personnel—Administrative personnel are any commissioned members, not reassigned for investigative purposes, who are performing duties of an administrative nature.

Approved department armory—Any facility or locker that has been specifically designated by the Superintendent or his/her authorized designee for the security of Departmental weapons. This includes the lockers and facilities maintained by the Special Operations Division, the Education and Training Division – Firearms Unit, the Scientific Criminal Investigations Section (Crime Lab), Central Evidence and Property Section and the District gun lockers.

Duty handgun—The primary authorized firearm carried while on duty by NOPD officers. Duty handgun is synonymous with duty firearm and duty sidearm.

Duty shotgun—An authorized weapon designed to be fired from the shoulder, which chambers a 12-gauge cartridge.

Off-duty handgun—A firearm carried by an officer while off duty **based on his/her authority as a police officer**. The firearm shall be required to meet the same guidelines as established for primary and secondary firearms or side arms.

Patrol rifle—An authorized firearm made available to properly trained and qualified officers as a supplemental resource to their duty handgun or duty shotgun.

Patrol ready condition (duty handgun)—A duty handgun is considered in a patrol ready condition when:

- (a) It has been inspected by the assigned officer.
- (b) A fully charged magazine, with Department-approved ammunition, is inserted into the magazine well.
- (c) The first round of ammunition is chambered after inserting the magazine.
- (d) Additional rounds **will not be** manually charged into the magazine after a round has been chambered.

Patrol ready condition (rifle)—A rifle is considered in a patrol ready condition when:

- (a) It has been inspected by the assigned officer;
- (b) The fire selector switch is in the safe position;
- (c) The chamber is empty; and
- (d) A fully charged magazine, with Department-approved ammunition, is inserted into the magazine well.

Patrol ready condition (shotgun)—A shotgun is considered in a patrol ready condition when:

- (a) It has been inspected by the assigned officer;
- (b) The magazine is full with department approved ammunition;
- (c) The action is closed on an empty chamber;
- (d) The firing pin is released; and
- (e) The safety is on.

Secondary handgun—An authorized firearm to be carried while on duty under the conditions set forth in this policy and related policies, in addition to the primary authorized firearm/sidearm. A secondary handgun may be carried as an off-duty firearm.

Unarmed status—The period of time during which a commissioned member of the NOPD has had his/her authority to carry an authorized weapon as a police officer restricted or rescinded, for any reason, by the Superintendent or his/her designated representative.

Unintentional discharge—Any discharge of a firearm by NOPD commissioned member in an inadvertent or unintended manner. (Unintentional discharges are synonymous with accidental discharges.)

GENERAL INFORMATION/AUTHORIZED FIREARMS

3. All duty firearms are subject to approval of the Superintendent of Police or his/her authorized designee before they are acquired and utilized by any officer of this Department. Any secondary firearms or non-department issued firearms are subject to approval of the Superintendent of Police or his/her authorized designee before any officer of this Department may use or possess such firearm while on duty.
4. The NOPD will equip its officers with firearms to address risks posed to the public and our members by violent and sometimes well-armed persons. The Department will

ensure that prior to issuance firearms are appropriate and in good working order, and that essential training is provided as resources allow.

5. Commissioned personnel shall be accountable for proper maintenance of department issued and personal firearms.
6. The New Orleans Police Department's Education and Training Division shall be responsible for inventory control and establish guidelines for training safety of all agency-owned firearms. Additionally, the Division shall maintain qualification records for any commissioned member requesting to carry a personally owned weapon either off or on duty.
7. The Special Operations Division and other units that require Department-issued, special weapons have specialized policies authorized by the Superintendent of Police and covered by **Chapter 46 – Unusual Occurrences and Special Operations**.
8. No firearm will be carried on duty or on an authorized police secondary employment that has not been inspected by a certified firearms instructor or qualified armorer for that class of firearm, of the Education and Training Division Range Staff or Special Operations Division Armory.
9. At the start of each assigned shift and working his/her regular duty assignment, an on-duty commissioned member who has qualified with and been issued or approved to carry a patrol-ready rifle or patrol-ready shotgun must do so unless specifically advised not to by his/her supervisor.
10. Patrol rifles and patrol shotguns may be carried on police secondary employments, while the member is in a "detailed" status or during a designated "special event" as long as they are secured as directed in this Chapter.
11. Emergency situations may arise in which an officer may need to obtain and use a firearm with which he/she has not been previously qualified, are currently qualified or been previously authorized to carry. Only a police Commander, Deputy Superintendent, or the Superintendent of Police can grant this authority.

DUTY HANDGUNS

12. The authorized Department-issued handgun is the Glock Model 22.
13. With prior approval as described in this Chapter, commissioned members may elect to carry a personally owned Glock Model 23 pistol in lieu of a Model 22.
14. Command staff (commissioned rank of captain, major, police commander, deputy chief or superintendent) are authorized to carry a Department-issued or personally owned Glock Model 23 or Model 27 in lieu of a Model 22 as a duty weapon after qualification with the weapon.
15. Commissioned members performing duties in plain clothes are authorized to carry the Glock Model 27 handgun. Personnel below the rank of captain are not authorized to carry a Glock Model 27 pistol as their duty handgun when working an authorized secondary employment assignment or when attired with a duty gun belt.
16. Individuals wishing to purchase their own departmentally approved Glock pistol may do so in addition to, or in lieu of, being issued a departmental handgun when authorized

pursuant to this Chapter. However, all approved Glock pistols must be equipped with the Glock New York #1 trigger spring.

17. All other weapons (e.g., edged weapons, chemical, electronic, impact, etc.) not previously, expressly authorized in writing by a deputy superintendent, the Superintendent of Police, or by departmental regulations, **are prohibited**. This exclusion does not apply to the carrying of a single folding pocket knife that is not otherwise prohibited by Louisiana State law.
18. Only issued or approved shotguns and patrol rifles are authorized for on-duty use.
19. Officers shall not possess or use unauthorized firearms or ammunition while on-duty or on police secondary employment. See **Chapter 1.4.1 – Authorized Ammunition**, specifically Appendix A.
20. It shall be the responsibility of the commissioned member to submit the handgun, if other than a Department-issued duty handgun, to the POST Certified Firearms Instructor designated by the Education and Training Division Range commander for inspection prior to being carried. Thereafter, the handgun shall be subject to periodic inspection by the Education and Training Division Range staff.

OTHER DEPARTMENT-ISSUED HANDGUNS AND FIREARMS MAY BE AUTHORIZED

21. The Superintendent of Police may authorize, in writing, specialized firearms and ammunition for use by designated units (e.g., SOD, S.W.A.T., Canine, etc.) that are not authorized for all commissioned members. Only commissioned members assigned to these designated units, while in that assignment, may use the special firearms authorized for that unit.
22. Commanding officers shall ensure that all commissioned members assigned to specialized units are qualified in the use of authorized firearms specifically assigned to those units and their qualifications remain current.
23. If an officer is transferred to another unit, for any reason, it is his/her responsibility to return all Department-issued weapons, other than his/her duty handgun, to the unit that issued the respective weapons within five (5) working days. Within that five working-day period, the officer may request authorization to maintain the assignment of these special weapons subsequent to his/her transfer to the new unit.
24. Upon being transferred to a new unit, officers shall be responsible for notifying the commander and their immediate supervisor for the new unit of any special weapons training, certifications, or authorizations the member may possess.
25. Commanders of the transferred member's unit must affirmatively acknowledge that all specialized weapons and equipment have been returned as required. This may be done by departmental email copied to their respective Bureau Chiefs. Specialized weapons, unless personally owned, remain with the unit they are assigned.

AUTHORIZED SECONDARY HANDGUNS

26. Officers wishing to carry a secondary handgun are subject to the following restrictions:
 - (a) Prior to carrying a secondary handgun, commissioned members shall qualify under Education and Training Division Range supervision, and they thereafter shall qualify annually in accordance with the Department qualification schedule.

- (b) A complete description of the handgun shall be contained on the qualification record approved by the Education and Training Division Range commander, including the make, model, serial number, and caliber of the secondary handgun.
 - (c) No modification shall be made to any secondary handgun once initial authorization has been granted, without subsequent written authorization from the Commander of the SOD Armory Unit or the Education and Training Division Range commander.
 - (d) The handgun shall be in good working order, as determined by the Education and Training Division POST Certified Firearms Instructor or a Departmental armorer for that class of firearm.
 - (e) The Handgun must be on the department list of approved makes, models, and caliber of firearms. All secondary firearms shall be subject to the approval of the Superintendent of Police or his/her authorized designee.
 - (f) Only one approved secondary handgun may be carried at a time by a commissioned member.
 - (g) The purchase of the handgun and departmentally approved or authorized ammunition shall be the responsibility of the requesting commissioned member.
 - (h) The approved secondary handgun shall be carried concealed in a holster at all times and in such a manner as to prevent unintentional cocking, discharge, or loss of physical control.
 - (i) The approved secondary handgun should be used only when the primary sidearm is not available or is inoperable.
27. A handgun (revolver or semi-automatic pistol) authorized as a duty handgun is also authorized as a secondary handgun and off-duty handgun.

AUTHORIZED HANDGUN MAKES

28. The following manufacturers and makes of handguns are authorized for use by commissioned members:
- (a) Glock
 - (b) Smith & Wesson
 - (c) Ruger
 - (d) Colt
 - (e) Beretta
 - (f) Sig Sauer
 - (g) Heckler & Koch
 - (h) Walther
 - (i) Kel-Tec
 - (j) North American Arms
 - (k) Browning
 - (l) Kimber and Springfield

AUTHORIZED HANDGUN CALIBERS

29. The following calibers of handguns are authorized for use by commissioned members:
- (a) .22
 - (b) .25
 - (c) .32
 - (d) .38
 - (e) .380
 - (f) .357
 - (g) 9mm
 - (h) .40

AUTHORIZED PERSONALLY-OWNED RIFLES OR SHOTGUNS

30. An officer may seek the written approval of the current Superintendent of Police to use his/her personally owned rifle in place of a Department-issue rifle as his/her duty rifle and/or his/her personally owned shotgun in lieu of a Department-issue shotgun provided that:
- (a) Any such personally owned rifle and/or shotgun is identical in manufacturer, model, and caliber to currently utilized Department-issued-and-approved models;
 - (b) The personally owned firearms are not modified in any manner a Department-issued model could not be modified;
 - (c) The officer qualifies on the use of the personally owned firearms as his/her patrol rifle and/or duty shotgun pursuant to this Chapter;
 - (d) The Superintendent or his/her designee determines the officer's mission and assignment require the use of the requested rifle and/or shotgun; and
 - (e) The officer's carrying and use of personally owned firearms comports with all requirements of this Chapter.
31. Officers must seek re-approval for any personally owned rifle or shotgun upon any transfer of duty station or assignment to a specialized unit.

AUTHORIZED OFF-DUTY HANDGUNS

32. The carrying of handguns by commissioned members while off duty is permitted by the Superintendent of Police, but may be rescinded should circumstances dictate (e.g., administrative leave, disciplinary action). Commissioned members who choose to carry a handgun while off duty ***based on their authority as New Orleans Police Officers*** shall be required to meet the same guidelines as established for primary and secondary handguns in this Chapter.
33. Commissioned members who desire to carry a handgun when off duty are authorized to do so only after successfully completing the POST Firearms Qualification Course conducted by a POST Certified Firearms Instructor designated by the Education and Training Division Range commander. The commissioned member shall successfully qualify with the approved off-duty handgun annually. The range qualification dates will be specified by the Education and Training Division Range commander or his/her designee. It will be the responsibility of the commissioned member to submit the handgun, if other than a Department-issued duty handgun, to the POST Certified Firearms Instructor designated by the Education and Training Division Range commander for inspection prior to being carried. Thereafter, the handgun shall be subject to periodic inspection by the Education and Training Division Range Staff. Prior

to carrying any off-duty handgun, the commissioned member shall demonstrate to any designated member of the Education and Training Division Range Staff that he/she is proficient in handling and firing the handgun, and he/she shall demonstrate that it will be carried in a safe manner.

34. If any commissioned member desires to use more than one handgun while off duty, he/she may do so as long as the commissioned member meets all the requirements set forth in this Chapter for each handgun used.
35. Officers shall carry their Department identification at all times when armed, whether on duty or off duty.

WEAPON LIGHTS, OPTICS, OR LASER SIGHTS

36. A weapon light, optic, or laser sight may only be installed on, or affixed to, a handgun carried on-duty or off-duty after the device has been approved by the Education and Training Division Range commander.
 - (a) Any approved weapon light, optic, or laser shall only be installed on, or affixed to, a handgun in strict accordance with the manufacturer's specifications.
 - (b) The officer shall demonstrate to any designated member of the Education and Training Division Range Staff that:
 - He/she is proficient in handling and firing the handgun with the equipment attached;
 - The handgun will be carried in a safe manner and in an approved holster; and
 - The handgun light, optic, or laser does not interfere with the consistent firing of the handgun.
 - After any weapon light, optic, or laser has been installed on any handgun; the officer shall qualify annually with the handgun to ensure proper functionality and sighting of the handgun prior to carrying it.
37. Weapon lights shall not replace the use of a flashlight for conventional uses and shall not be carried unless the officer is also equipped with a traditional flashlight.
38. Weapon lights, optics, or laser sights utilized with handguns for applications specific to duties of the Special Operations Division shall be subject to prior, written authorization by the Commander of the Special Operations Division.

BORROWING/LOAN OF DEPARTMENT FIREARMS

39. Commissioned members may request to borrow a Department handgun by submitting a written request through his/her commanding officer to the Commander of the Education and Training Division. After approval, the requesting commissioned member shall bring the approved request to the Education and Training Division Range facility, where the commissioned member shall complete and sign the necessary handgun issuance forms.
40. Commissioned members may borrow only handguns with which they are qualified at the time of the request. Commissioned members who borrow Department handguns shall be prohibited from altering or modifying those handguns in any manner.
41. Commissioned members who borrow Department handguns shall return the handgun to the Education and Training Division Range Facility within six months. Should the commissioned member require an extension, he/she shall submit another written request through his/her commanding officer to the Commander of the Education and Training Division. After approval of the extension by his/her Commander, the

commissioned member shall hand carry the approved request to the Education and Training Division Range commander with the borrowed firearm for an inspection and re-issuance.

42. When a commissioned member's handgun is confiscated for investigative purposes, the commissioned member may be offered the use of a Department handgun until his/her handgun is returned.
43. If the borrowed Department handgun is a different make, model, or caliber, and the commissioned member is not already qualified on the borrowed model, the officer must successfully qualify with the borrowed handgun by the next available Range qualification date.
44. Borrowed Department handguns may be picked up from the Education and Training Division Range Facility Monday through Friday between the hours of 10:00 A.M. and 3:00 P.M. If it is necessary to issue a Department firearm outside of those hours, the individual on call for the Education and Training Division Range shall be responsible for issuing the handgun.

USE OF THE PATROL RIFLE

45. Commissioned members shall not carry or utilize a patrol rifle unless they have successfully completed Department training as outlined in **Chapter 1.4.2 – Firearms Training Qualification and Requalification**.
46. Commissioned members may use the patrol rifle in any circumstance where they can articulate a reasonable expectation the rifle may be needed and in conformity with **Chapter 1.3 – Use of Force**. General guidelines for use of the patrol rifle may include, but are not limited to situations in which:
 - (a) An officer reasonably anticipates an armed encounter;
 - (b) An officer is faced with a situation that may require the delivery of accurate and effective fire at long range;
 - (c) An officer reasonably expects the need to meet or exceed a suspect's firepower;
 - (d) An officer reasonably believes there may be a need to engage a barricaded person or a person with a hostage;
 - (e) An officer reasonably believes a suspect may be wearing body armor;
 - (f) Has been authorized or requested by a supervisor; and
 - (g) An officer needs to euthanize an animal and a duty handgun is believed to be ineffective for the incident.

AUTHORIZED RIFLES

47. The Bushmaster Model XM-15 is an optional shoulder weapon for commissioned members.
48. Rifles authorized for use by officers are subject to the following requirements:
 - (a) The rifle stocks and fore end must be black matte or brown in color, and may not have any attached lasers/optics or weapon lights without prior written approval from the Education and Training Division Range commander.
 - (b) The barrel length shall be 16 inches.
 - (c) The rifle shall be equipped with a tactical sling.

- (d) Commissioned members who purchase their own duty rifle must demonstrate proficiency to a POST Certified Firearms Instructor prior to carrying the weapon on duty.
- (e) Once a rifle cartridge is chambered, the safety shall be on unless the rifle is to be used immediately.
- (f) Each commissioned member carrying a rifle may be required to demonstrate the ability to fieldstrip and clean the rifle.
- (g) Each commissioned member shall be responsible for promptly reporting any damage or malfunction of a Department-issued or personally owned rifle to their immediate supervisor and SOD Armory Unit.
- (h) The rifle shall be taken out of service as soon as practical for repairs.
- (i) Repairs for a personally owned duty use rifle shall be the responsibility of the requesting officer.
- (j) Each rifle carried on duty shall be subject to inspection by a supervisor, the SOD Armory Unit, or any POST Certified Firearms Instructor at any time.
- (k) No modification may be made to any departmentally issued or personally owned rifle to be used on-duty once initial authorization has been granted, without subsequent written authorization from the Commander of the SOD Armory Unit or the Education and Training Division Range commander.

PATROL READY RIFLE CONDITION

49. Any qualified commissioned member carrying a patrol rifle in the field shall maintain the security of the weapon. The weapon may be:
- (a) Secured in the gun mount / rack installed in the departmental vehicle, or
 - (b) Secured in the lock box installed in the departmental vehicle, or
 - (c) Secured in the trunk of departmental vehicles in a patrol-ready condition until deployed if the vehicle has a trunk.

USE OF SHOTGUNS

50. Commissioned members shall not carry or utilize a shotgun unless they have successfully completed Department training as outlined in **Chapter 1.4.2 - Firearms Training Qualification and Requalification**.
51. Commissioned members shall obtain permission from their immediate supervisor **each time** they carry a shotgun while on duty. **Approval shall not be automatic**. The approval shall be **expressly noted** on both the officer's and the approving supervisor's Daily Activity Sheet.
52. Commissioned members may use a shotgun in any circumstance in which the officer can articulate a reasonable expectation that the shotgun may be needed and in conformity with **Chapter 1.3 – Use of Force**. General guidelines for use of the shotgun may include, but are not limited to situations in which:
- (a) An officer reasonably anticipates an armed encounter;
 - (b) An officer is faced with a situation that may require the delivery of effective fire;
 - (c) An officer reasonably expects the need to meet or exceed a suspect's firepower;
 - (d) an officer reasonably believes there may be a need to engage a barricaded person;
 - (e) It has been authorized or requested by a supervisor; and

- (f) An officer needs to euthanize an animal and a duty handgun is believed to be ineffective for the incident.

AUTHORIZED SHOTGUNS

- 53. The Remington 870/870P, 12-gauge, five or eight shot, fixed choke, and pump action shotgun is an optional shoulder weapon for commissioned members.
- 54. Shotguns authorized for use by officers are subject to the following requirements:
 - (a) The shotgun stocks and fore end must be black matte or brown in color, and may not have any attached lasers/optics or weapon lights without prior written approval from the Education and Training Division Range commander.
 - (b) The barrel length shall be 18 to 22 inches, with the exception of Department issued shotguns.
 - (c) The shotgun shall be equipped with a tactical 1 point or 3 point sling.
 - (d) Commissioned members who purchase their own duty shotgun shall demonstrate proficiency to a POST Certified Firearms Instructor prior to carrying the weapon on duty.
 - (e) Once a shotgun shell is chambered, the safety shall be on unless the shotgun is to be used immediately.
 - (f) Each commissioned member carrying a shotgun may be required to demonstrate the ability to fieldstrip and clean the shotgun.
 - (g) Each commissioned member shall be responsible for promptly reporting any damage or malfunction of a Department-issued or personally owned shotgun to their immediate supervisor and SOD Armory Unit.
 - (h) The shotgun shall be taken out of service as soon as practical for repairs.
 - (i) Repairs for a personally owned duty use shotgun shall be the responsibility of the requesting officer.
 - (j) Each shotgun carried on duty shall be subject to inspection by a supervisor, the SOD Armory Unit, or any POST Certified Firearms Instructor at any time.
 - (k) No modification shall be made to any departmentally issued or personally owned shotgun once initial authorization has been granted, without subsequent written authorization from the Commander of the SOD Armory Unit or the Education and Training Division Range commander.

PATROL READY SHOTGUN CONDITION

- 55. Shotguns in the field shall be secured in the trunk of Departmental vehicles in a patrol ready condition until deployed. If the Departmental vehicle does not have a trunk, the shotgun shall be secured in a locking mechanism or lock box approved by the Superintendent of Police or his/her designee.

SAFETY AND REPORTING CONSIDERATIONS

- 56. Guidelines for the safe handling and carrying of firearms include, but are not limited to, the following:
 - (a) Firearms shall not be carried by any officer who has consumed **any** amount of alcoholic beverage or taken **any** drugs, including current prescription medications for that member that may adversely affect the officer's senses or judgment.
 - (b) Officers shall not unnecessarily display or handle any firearm.
 - (c) While at the Range, officers shall be governed by all rules and regulations pertaining to the use of the Range, shall obey all orders issued by the range

- master and shall not dry fire or practice quick draws except under range master supervision.
- (d) Any discharge of a firearm by a NOPD commissioned member, excluding range and training firings; is governed by **Chapter 1.3.6 – Reporting Use of Force**
 - (e) Officers shall not clean, repair, load, or unload a firearm while on duty, except in agency-designated locations or under the directions of a supervisor or Education and Training Division Range Staff.
 - (f) Shotguns or rifles removed from vehicles or equipment storage rooms shall be loaded and unloaded outdoors and pointed in a safe direction at all times.
 - (g) Officers shall not place or store any firearm on Department premises, except where the place of storage is locked.
 - (h) Officers shall not carry firearms into a jail or correctional facility.
 - (i) When processing a prisoner, officers shall secure their firearms in a secure container or in a vehicle in a locked holder or secure out-of-sight area.
 - (j) Non-issued, Department-owned patrol rifles and shotguns will be stored in approved Department armory racks.
 - (k) When off duty and not in-transit, the officer should secure all patrol rifles or shotguns in the officer's residence, temporary housing, or approved Department armory.
 - (l) When secured in the officer's residence, the rifle will be stored with the bolt locked to the rear, magazine removed, and fire selector switch on safe. The use of a gun lock is required.
 - (m) When the officer is, or is anticipated to be, in an off-duty, approved leave, sick leave, suspended, limited duty working status or any working status **other than full-duty** for more than seven (7) consecutive days, the departmentally issued patrol rifle shall be turned in to his/her respective District / Division Commander prior to the officer's leave for storage in the approved department armory. It is the responsibility of the officer and his/her supervisor to ensure the security of the departmental patrol rifle in these circumstances.
 - (n) When secured in the officer's residence, the shotgun will be stored with the chamber and magazine empty, safety on, and the action closed. The use of a gun lock is required. Officers shall not use any automatic firearm, heavy caliber rifle, gas, or other type of chemical weapon (from the SOD Armory Unit), except with express approval of the Special Operations Division Commander, his/her designee, or when an emergency or exigency reasonably requires immediate use of the weapon and it has been authorized by a deputy superintendent or the Superintendent of Police. This authorization must be documented by both the officer and the approving authority, in writing, as soon as circumstances permit.
 - (o) Any firearm authorized by the Department to be carried on-duty or off-duty and found to be malfunctioning or needing service **shall not** be carried and shall be promptly presented to the Education and Training Division Range Staff for inspection. Any firearm determined to be in need of service or repair during an inspection by the Education and Training Division Range Staff will be immediately removed from service. If the firearm is the officer's primary duty handgun, a replacement handgun will be issued to the officer until the duty handgun is rendered serviceable.

MAINTENANCE AND REPAIR

57. Firearms carried on-duty shall be maintained in a clean, serviceable condition and free from corrosion.
58. Any POST Certified Firearms Instructor, range safety officer or armorer assigned to the Education and Training Division Staff or SOD has the authority to deem any firearm unfit for service. In all cases, any firearm deemed unfit for service shall be immediately reported to the Education and Training Division Range commander by Departmental e-mail by both the commissioned member and the member who has deemed the firearm unfit for service.
59. Any firearm that has been deemed unfit for service shall not be returned to service until inspected and approved for duty use by the Education and Training Division Range commander.
60. Firearms that are the property of the Department may be repaired only by a member of the Department certified as an armorer or gunsmith in the repair of that specific type of firearm.
61. For Department-issued handguns, the repair shall be documented on a Glock Pistol Inspection Form (GLK#129) or in a written Form 105 from the armorer or gunsmith who repaired the firearm to the Commander of the Education and Training Division. The Form 105 or inspection form will specifically identify the firearm repaired, the nature of the repair, and whether the damage or malfunction repaired was caused by negligence or mishandling of the firearm by the officer assigned.
62. All repairs of Department-issued firearms not performed by the Education and Training Division Range staff must be authorized in advance by the Education and Training Division Range commander and accomplished by a department-approved gunsmith, who is certified to repair such firearm. Documentation by the authorized gunsmith shall specifically identify the firearm repaired, the nature of the repair and if the damage or malfunction repaired was caused by negligence or mishandling of the firearm by the officer assigned. Proof of the repairing gunsmith's certification or qualification to repair the firearm will also be provided.
63. All repairs of member owned firearms must be accomplished by a department-approved gunsmith, who is certified to repair such firearm. Documentation by the authorized gunsmith shall specifically identify the firearm repaired, the nature of the repair, and whether the damage or malfunction repaired was caused by negligence or mishandling of the firearm by the officer assigned. Proof of the repairing gunsmith's certification or qualification to repair the firearm will also be provided.
64. All maintenance and repair documentation is the responsibility of the Education and Training Division Range commander and will be kept on file for each firearm.

MAINTENANCE OF PATROL RIFLES AND SHOTGUNS

65. Primary responsibility for maintenance of Departmental patrol rifles and shotguns shall fall on the Special Operations Division (SOD) Armory Unit, which shall inspect each approved patrol rifle and shotgun on a semi-annual basis. Certified patrol rifle and shotgun instructors assigned to the Education and Training Division Range Unit may assist the SOD Armory Unit with the semi-annual inspections.

66. Each commissioned member shall be responsible for promptly reporting any damage or malfunction of an approved patrol rifle or shotgun to his/her immediate supervisor and the SOD Armory Unit. The rifle or shotgun shall be immediately taken out of service and for Department-issued rifles or shotguns brought to the SOD Armory Unit as soon as practical for repairs.
67. Any patrol rifle or shotgun found to be unserviceable shall also be clearly identified as non-serviceable, including details regarding the unserviceable condition.
68. Each patrol rifle or shotgun shall be subject to inspection by a supervisor, the SOD Armory Unit, or the Education and Training Division Range Staff at any time.
69. No modification shall be made to any patrol rifle or shotgun without prior written authorization from the Commander of the SOD Armory Unit.

MODIFICATIONS OF DUTY FIREARMS

70. Firearms that are the property of the Department may be modified only by a member of the Department certified as an armorer or gunsmith in the repair of the specific firearm. All repairs shall be documented and all maintenance and repair history and documentation is the responsibility of the Education and Training Division Range commander and will be kept on file for each firearm.
71. Any modifications to an officer's personally owned duty handgun, including secondary handguns, shall be done at his/her expense and must be approved and inspected by the Education and Training Division Range commander.

FLYING WHILE ARMED

72. The Transportation Security Administration (TSA) has imposed rules governing flights on commercial aircraft by armed police officers. Commissioned members who intend to be armed while flying on a commercial air carrier or flights for which screening is conducted must meet all the requirements of (49 CFR § 1544.219) and the TSA.

CARRYING FIREARMS OUT OF STATE

73. Qualified, full-duty commissioned members of this Department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B, 18 USC § 926C):
 - (a) The officer shall carry his/her Department identification card whenever carrying such firearm.
 - (b) The officer is not the subject of any current disciplinary criminal investigation, suspension from duty, or administrative re-assignment that includes a prohibition from possessing a firearm.
74. The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
75. The officer shall remain subject to this and all other Department policies (including qualifying and training).
76. Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local

government property, installation, building, base, or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.