

204. USE OF FORCE: FIREARMS



RICHFIELD POLICE DEPARTMENT POLICY

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Authority: Chief Jay Henthorne

NOTE: This policy is for internal use only and does not enlarge an employee's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

I. PURPOSE

The purpose of this Policy is to provide direction in the proper use of firearms and to establish firearms training and certification standards for the Department.

II. POLICY

Police officers are vested with the authority to use firearms in situations where the use of deadly force is authorized to control a situation. Because of the potential for criminal and civil liability in the indiscriminate use of firearms, the Department will maintain strict firearms regulations and training requirements. Officers will be required to show proficiency on a regular basis with firearms they normally carry.

III. DEFINITIONS

DUTY FIREARM: Department authorized firearm(s) or any other weapon(s) expressly approved by the Chief or Deputy Chief for use while on duty.

SECOND FIREARM: Any firearm carried by an officer while on duty in addition to the duty firearm and approved by the CHIEF or Deputy Chief for use while on duty.

OFF DUTY FIREARM: Any firearm carried by an officer while off duty, excluding guns used exclusively for recreational purposes.

IV. PROCEDURE

AUTHORIZED CARRYING OF FIREARMS

While on duty, police officers **shall** carry only firearms and ammunition authorized by the Department as duty firearms or second firearms.

Authorized Duty, Second, and Off Duty firearms carried under the authority granted by status as an active law enforcement officer are those with which the police officer has qualified and received Departmental training on proper and safe usage, and that are registered with the Department and comply with Departmental specifications.

The only firearm(s) that **shall** be carried on duty is (are) the Department authorized Duty firearm(s) or authorized second firearm(s).

While on duty, officers of the Department should not arm themselves with machine guns, tear gas guns, or other weapons unless so ordered by a superior officer or Department order.

1) Carrying a Firearm off Duty under the authority granted by status as an active law enforcement officer.

Officers carrying firearms while off duty and out of uniform **shall** carry their identification card and badge and carry the firearm away from public view.

No officer shall carry an off duty firearm under the authority granted by status as an active law enforcement officer without written authorization from the Chief or Deputy Chief.

To obtain approval to carry a second or off duty firearm, under the authority granted by status as an active law enforcement officer, an officer must complete the *Handgun Authorization Request* form and submit it and the firearm to the Deputy Chief.

If the Deputy Chief approves the firearm, the requesting officer must complete the Department qualification course for off duty/back up weapons. Once the officer has qualified with the firearm the "Off Duty/Back-up Gun Qualification Record" shall be completed.

The completed Qualification Record and Handgun Authorization Request form should be submitted to the Deputy Chief for final approval. The officer will be notified in writing if the handgun has been authorized.

A copy of the *Handgun Authorization Request* form will placed in the officer's personnel file.

AUTHORIZED USE OF A FIREARM

Firearms **shall** only be discharged in situations that warrant the use of deadly force as defined in Policy #201 "Use of Force," except during training, to destroy an animal that represents a threat to public safety or as a humanitarian measure to destroy an animal that is seriously injured.

Before using a firearm in a deadly force situation, police officers shall make every reasonable attempt to identify themselves as police officers and state their intent to shoot.

Firearms **shall** not be discharged when it appears likely that an innocent person may be injured.

Officers **shall** not fire warning shots.

Except for maintenance or during training, police officers should not draw or exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the weapon.

1) Shooting at a Moving Vehicle

Firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. For the purposes of this Policy, the moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force. An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants. Officers shall not intentionally place themselves in the path of a moving vehicle.

2) Shooting from a Moving Vehicle

Firearms shall not be discharged from a moving vehicle except in exigent circumstances and in the immediate defense of life.

It is understood that this Policy may not cover every situation that may arise. In all situations, officers are expected to act with intelligence and exercise sound judgment, attending to the spirit of this Policy. Any deviations from the provisions of this Policy shall be examined rigorously on a case by case basis. The involved officer must be able to articulate clearly the reasons for the use of deadly force. Factors that may be considered include whether the officer's life or the lives of others were in immediate peril and there was no reasonable or apparent means of avoiding that peril.

WEAPON SELECTION

When faced with the decision of using a shotgun, squad rifle or a handgun in a deadly force situation, a number of factors must be considered. Projectiles from these weapons can be fatal well beyond the area of the immediate threat. For example, the standard buckshot load will spread approximately one inch per yard of travel. Extreme caution is required when using the shotgun for shots over 15 yards (15 inch spread) because of the potential for hitting bystanders. Other factors that should be considered when selecting a weapon are:

- a) The number of suspects and weaponry to be faced.
- b) The physical environment and the potential for projectile ricochet or penetration.
- c) The officer's proficiency and comfort level with each weapon in a given situation.
- d) The presence and deployment of assisting officers.
- e) The maximum range and maximum effective range of each weapon.

All information provided in the following chart is intended only as a guide to assist in making weapon selection decisions. The ballistic information is not to be relied upon as absolute. Many variables exist which can significantly alter both effective and maximum range. The ranges presented here should be treated as rough approximations.

BALLISTIC CHART

Weapon	Effective Range	Maximum Range	Notes
Shotgun -.00 buck shot	25 yards	650 yards - Can be lethal up to 200 yards.	The standard buckshot load will spread approximately one inch per yard of travel. Extreme caution is required when using the shotgun for shots over 15 yards (15 inch spread)
Glock 21 - .45 Caliber	50 yards*	Approximately 1 mile	*With a high level of proficiency and a carefully aimed shot
AR-15 -.223 caliber	600 yards*	2.2 miles	*with a high level of proficiency and a carefully aimed shot

Note: The effective range of a weapon is more dependent on training and ability than anything else. Approximately 80% of shots fired by police officers in real shootings miss the target. Distances to target are less than 21 feet in about 90% of the cases.

MAINTENANCE AND INSPECTION OF FIREARMS

1) Weapon/Ammunition Maintenance

Firearms should always be kept clean, oiled, and in working order. It is the responsibility officers to report any defect to their superior so that repairs can be made. New service ammunition should be issued at least once every two years. "Old" ammunition should be turned over to a range officer. Officers are responsible for making sure the service ammunition for their duty firearm is replaced every two years.

2) Authorized Ammunition

Only Department authorized ammunition **shall** be used in firearms carried by officers as their duty firearm or second firearm. Appropriate standard factory ammunition **shall** be carried in off-duty firearms.

3) Alteration of Firearms

No employee **shall** alter the Department issued duty firearm without the written approval of the Chief or a Deputy Chief.

Modifications made to previously approved second and off duty firearms must be approved by a Deputy Chief before the modified firearm may be carried. The Deputy Chief may require the officer to re-qualify with the modified weapon.

4) Shotguns

Before each shift, officers shall ensure that the shotgun is squad ready. The shotgun will be presumed to be squad ready if properly taped and dated per standard range practice. Squad ready procedures are as follows:

- 1) Chamber empty.
- 2) Slide forward.
- 3) Pull trigger.
- 4) Tape the slide with non-adhesive tape.
- 5) The safety is off.

The safety is off. If a shotgun is "charged" in the field, safely clear the weapon and return to "squad ready" as soon as possible.

Note: When "squad ready" The slide release button should be down and flush with the front of the trigger guard. (If this button is up, the gun is cocked and ready to fire. The safety should be put on immediately before removing it.)

A shotgun should be removed from the squad, maintained, and retaped with the date every 30 days or as close there to as practical. Any maintenance problems should be reported to the duty supervisor and the weapons should be removed from service until repaired.

5) Squad Rifles

Before each shift, officers should ensure that the AR-15 is squad ready. Squad ready procedures are as follows:

- 1) Chamber is empty
- 2) Bolt is forward.
- 3) The selector lever is on "safe" (do not pull the trigger. If you do, the safety will not go on).
- 4) Insert a magazine. Ensure the magazine is fully seated.

If the AR-15 is "charged" in the field, safely clear the weapon and return to "squad ready" as soon as possible.

The AR-15 should be removed from the squad and maintained following the posted weapon inspection schedule. . Any maintenance problems should be noted on the inspection log and reported to the duty supervisor, the weapon(s) should be removed from service until repaired.

SECURITY OF FIREARMS

Unattended firearms should be locked up or otherwise secured. Firearms left unattended in unlocked offices, unlocked lockers and other areas generally accessible by non-sworn personnel are not considered secure.

Officers are encouraged to leave their Department issued firearm(s) secured at the station while not on duty. Officers who take any Department issued firearm home are responsible for its security. A conviction under Minnesota Statute 609.666 concerning the negligent storage of firearms could lead to the loss of an officer's POST license.

Officers who have an unmarked take-home vehicle **shall** ensure that their Department issued squad rifle is unloaded and secured in the Richfield Police armory and/or their residence at the conclusion of

their shift unless their vehicle is parked inside a secure residential style garage. In these circumstances, the squad rifle may be left inside the vehicle in a secure weapons vault or locking rack.

TRAINING AND CERTIFICATION

Every officer is required to pass a firearms qualification test on a regular basis. Changes in qualification standards must be approved by a member of the command staff. Each officer must qualify with the Department issued duty firearm and any second and off-duty firearms that are carried. The basic firearms qualification period is once every three months for duty and back-up firearms. The basic firearms qualification period for off duty firearms is annually. Different units within the Department may have additional qualification requirements. Firearms qualification standards should meet all POST requirements

Officers will be notified in advance of the official periods of qualification with duty firearms and will be given the necessary training and opportunity so that they may qualify. Officers who miss the qualification deadline or fail to receive a passing score with their duty weapons will be subject to temporary reassignment to non-enforcement duties until successful completion of qualification and/or progressive discipline.

A police officer who has taken extended leave or suffered an illness or injury that could affect his or her use of firearms will be required to re-qualify before returning to enforcement duties.

1) Use of the Range

Use of the range is limited to Richfield police officers and persons or organizations that have specific approval of the Chief or Deputy Chief. For training purposes Richfield police officers may use the range without the presence of a range officer. They must notify the duty supervisor prior to use. All others will be required to have a range officer present. Additionally, officers using the range without the presence of a range officer must notify Dispatch before training begins and immediately after training is completed. The range may be used any time of the day, but is contingent upon the duty supervisor's approval. For those that must have a range officer present, a list of all current range officers will be posted in the range.

Only the following weapons may be used in the range:

- a) Firearms with ballistic characteristics less than or equal to .308 Winchester/7.62X51mm.
- b) Department issued duty firearms
- c) Approved second or off duty firearm
- d) MP-5
- e) Shotgun (no slugs)
- f) AR-15

Ball and hollow point ammunition may be used on the range. Under no circumstances are the following types of ammunition to be used on the range:

1. Armorpiercing (greentip, penetrator, etc.)
2. TRACER.
3. Other DESTRUCTIVE ammunition.
4. Shotgun slug ammunition (Slug, Sabot, rifled, etc.)

Weapons not listed above should not be used in the range. .

REPORTING REQUIREMENTS

Officers **shall** report any discharge of firearms, except in the case of firearm training, which occurs while the officer is on duty.

A supervisor should be immediately summoned to the scene when a firearm is discharged outside the range by an officer while on duty, other than during authorized firearms training

Incidents involving the discharge of firearms by personnel of this Department (excluding authorized firearms training) will be thoroughly investigated to determine whether the use of firearms was justified under the circumstances.

Detailed written reports should be submitted by the officer and shift supervisor, through the established chain of command, to the Chief of Police regarding any shooting incident.

The officer's written report should be submitted prior to the end of the officer's shift unless directed otherwise by a supervisor.

An officer involved in a firearm discharge that results in an intentional or accidental injury or death of any individual will immediately be placed on administrative leave with pay until the investigation of the incident is complete or permission to return to duty is granted by the Chief of Police.

An officer involved in any other deliberate or accidental firearm discharge may be put on administrative leave at the discretion of a supervisor.

By Order Of:



Chief of Police

