

**POLICY
812**

**EFFECTIVE
DATE
12-11-19**

**Eugene
Police Department**



Department Firearms

812.1 PURPOSE AND SCOPE

This policy establishes procedures for the acquisition, use, and documentation of training in the use of firearms. The Chief of Police or his/her designee will approve all department firearms before they are acquired and utilized by any member of this department. This policy is intended to be used in a manner consistent with *Policy 800 - Use of Force* and other relevant department policies including Procedure 12.1 - Equipment.

812.1.1 DEFINITIONS

Unintentional Discharge: An unintentional discharge is any time a projectile weapon such as a firearm, less lethal launcher, or TASER is activated or discharges a projectile at a time not intended by the user.

Secondary Firearm: A privately owned factory Glock handgun, allowed to be carried under some circumstances.

Backup Firearm: An approved handgun of various makes and models to be carried concealed as an emergency backup to the officer's primary department issued handgun.

812.1.2 APPROVED USE

In the performance of your duties an officer may only discharge a firearm when:

- (a) The use of deadly force against a person is authorized (refer to *Policy 800 – Use of Force*);
- (b) To kill a dangerous or suffering animal when other options are impractical;
- (c) Participating in department approved training or firearms qualification.

812.2 FIREARMS AND ACCESSORIES

All firearms, and accessories affixed to or used to secure a department issued firearm or ammunition, which are carried on duty must be inspected and approved by the Rangemaster or designee. Except in an emergency, no firearm will be carried on duty by an officer who has not qualified with that firearm. Each officer, sergeant, and lieutenant will be issued a handgun and a patrol rifle (once qualified). Patrol personnel are required to carry their assigned firearms while on duty. Administrative and plainclothes personnel should carry their assigned rifle while on duty but may choose not to on a case by case basis depending on their vehicle configuration, security needs, and assignment.

812.2.1 DUTY FIREARMS

(a) The standard authorized department-issued handgun is the 9mm Glock. Officers assigned to plain clothes assignments may elect to carry an approved compact version of the 9mm Glock. Officers currently issued a .45 caliber Glock may continue to carry the issued handgun.

(b) An officer must carry his or her department-issued handgun while on duty.

(c) Officers may carry an authorized secondary firearm they are currently qualified on instead of their primary duty firearm if attending training, or out of state activities (background investigations, conferences, and training courses) where enforcement activity is unlikely. This provision does not apply to detectives performing investigative functions. The firearm must be in a holster per section d below.

(d) An officer may not carry any firearm, holster, loading equipment (e.g., magazine), or firearm accessory (e.g., laser sight, gun light, grips) that has not been inspected and approved by the Rangemaster. Holsters will only be approved by the Rangemaster if they have a reliable retention method, and the handgun is able to be re-holstered single handedly without pointing at the officer. Non-issued holsters must be inspected by the Rangemaster for approval.

812.2.2 AUTHORIZED SECONDARY FIREARMS

Officers desiring to carry a secondary firearm are subject to the following restrictions:

(a) The firearm will be a factory Glock firearm.

(b) The purchase of the firearm and approved ammunition (§812.2.4) will normally be the responsibility of the officer.

(c) The firearm will be subject to inspection whenever deemed necessary.

(d) Ammunition will be the same as Department issue. If the caliber of the firearm is other than Department issue, the Rangemaster or designee will approve the ammunition.

(e) Personnel will qualify with the secondary firearm under range supervision prior to carrying the weapon on duty.

(f) Officers must demonstrate their proficiency, safe handling, and serviceability of the firearm.

812.2.2 AUTHORIZED BACKUP FIREARMS

Officers desiring to carry a backup firearm are subject to the following restrictions:

(a) The firearm will be of good quality and must be approved by the Rangemaster, or designee, prior to carrying the weapon on duty.

(b) The purchase of the firearm and approved ammunition (§812.2.4) will normally be the responsibility of the officer.

(c) The firearm will be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.

(d) The firearm will be subject to inspection whenever deemed necessary.

(e) Ammunition will be the same as Department issue. If the caliber of the firearm is other than Department issue, the Rangemaster or designee will approve the ammunition.

(f) Personnel will qualify with the secondary firearm under range supervision prior to carrying the weapon on duty.

(g) Officers must demonstrate their proficiency, safe handling, and serviceability of the firearm.

812.2.3 AUTHORIZED OFF-DUTY FIREARMS

The carrying of concealed firearms by a police officer while off duty may be permitted in certain circumstances by Oregon Revised Statute Chapter 166 among other laws. In accordance with *Policy 1020 – Personnel Complaints* §1020.4.1, the Chief of Police may administratively determine

a police officer is no longer “active” within the meaning of *ORS 166.260(1)(a)* should circumstances dictate (e.g., disciplinary action, fitness for duty evaluation) and hence no longer eligible for the protection of *ORS 166.260*. This section is not intended to restrict a police officer or employee’s ability to possess or carry concealed firearms under any other statutory authority

Sworn officers who choose to carry a concealed firearm while off duty under the authority of ORS Chapter 166 will be required to meet the following guidelines:

- (a) The firearm will be of good quality and workmanship and loaded with factory loaded ammunition.
- (b) Armed off-duty officers will carry department identification.
- (c) It is recommended that officers armed off duty also carry a badge, handcuffs, and an extra magazine.

812.2.4 AMMUNITION

- (a) Officers will carry only department-authorized ammunition while on duty. Officers will be issued fresh duty ammunition in the specified quantity for all department issued firearms at least once each year. Replacements for unserviceable or depleted ammunition issued by the department will be issued by the Rangemaster or designee when needed in accordance with established policy.
- (b) Officers carrying personally owned authorized firearms of a caliber differing from department issued firearms will be responsible for obtaining fresh duty ammunition in accordance with the above at their own expense. Ammunition must be new, commercially manufactured (e.g. not reloaded or remanufactured), consistent with department issued duty ammunition, and approved by the Rangemaster or designee.

812.2.5 LASER SIGHTS

- (a) Laser sights may only be installed on a firearm carried on duty after they have been examined and approved by the Rangemaster.
- (b) Any approved laser sight will only be installed in strict accordance with manufacturer specifications.
- (c) Once approved laser sights have been properly installed on any firearm, the officer will qualify with the firearm once without laser sights, and once with the laser sights to ensure proper functionality and sighting prior to carrying it.
- (d) Except in an approved training situation, an officer may only activate a laser sight when the officer would otherwise be justified in pointing a firearm at an individual or other authorized target.

812.2.7 PATROL RIFLES

- (a) Assigned rifles will be carried with the magazine loaded to full capacity, no round in the chamber, bolt charged and forward, with the safety on, and a chamber safety device in place. The magazine may be loaded in the receiver in this configuration.
- (b) A patrol rifle may be deployed when the use of a rifle may more easily neutralize a threat posed by a suspect, and minimize the risk to officers or members of the community; or, when dispatching sick or injured animals.
- (c) The patrol rifle will be handled in accordance with *812.3.1 – Safety Considerations*.
- (d) Officers who are issued a patrol rifle are required to carry the patrol rifle in a way that it is immediately available to them in the course of their duties.
- (e) Patrol rifles should not be deployed inside of a structure unless authorized by a supervisor or in response to an active shooter situation. It is recognized that situations are dynamic, and sometimes this is unavoidable, these situations should be the exception and not the norm.

812.3 SAFE HANDLING OF FIREARMS

The intent of this policy is to promote proper firearm safety on and off duty. Employees will maintain the highest level of safety when handling firearms and will consider the following:

812.3.1 SAFETY CONSIDERATIONS

- (a) Officers will not unnecessarily display or handle any firearm; this includes horseplay, practical joking or roughhousing.
- (b) Anyone at the range will be governed by all rules and regulations pertaining to the use of the range and will obey all orders issued by range personnel. While at the range, firearms will be handled only as directed by range personnel.
- (c) Officers will follow the provisions of *Policy 801 - Use of Force Reporting* regarding reporting firearm discharges on and off duty.
- (d) Bullet traps are provided at most department facilities and should be used for loading and unloading firearms.
- (e) Firearms stored on department premises should be locked or secured in such a manner as to prevent unauthorized access to the firearm.
- (f) Except for emergencies, firearms and ammunition will not be removed from the Armory without authorization of the Rangemaster or designee.
- (g) Any firearm authorized by the department to be carried on or off duty that is found by the officer to be malfunctioning or needing service will not be carried and will be promptly taken out of service.
- (h) An officer will not use a loaded firearm as an impact weapon unless it is the only reasonable option available to defend the officer or another person.

812.3.2 STORAGE OF FIREARMS AT HOME

Officers will keep all department firearms securely stored both on and off duty when the firearm is not being carried. "Securely stored" means that a firearm is stored in a manner that will keep it inaccessible to children and unauthorized adults, and/or that the firearm has been rendered inoperable by a locking device or other mechanism.

812.3.3 UNINTENTIONAL DISCHARGE OF A FIREARM

After an unintentional discharge, the involved employee shall immediately notify their supervisor of the unintentional discharge. If the unintentional discharge of the weapon system caused a projectile to strike a person, the officer will immediately summon medical assistance.

812.4 FIREARMS QUALIFICATION AND TRAINING

All sworn personnel are required to achieve a qualification semi-annually with all firearms carried on duty on an approved range course. The Rangemaster will keep accurate records of qualifications, repairs, maintenance, and training as directed by the Training Manager.

The Rangemaster will be responsible for providing all sworn personnel with annual practical training designed to simulate field situations. At least annually, all personnel carrying a firearm will receive training on, and demonstrate their knowledge and understanding of, the department Use of Force policies. Training on Use of Force may include, but is not limited to the following training topics: defensive tactics, tabletops, discussions, or case reviews of uses of force by police, firearms training, scenario-based training that includes use of force decisions, and case law updates around police use of force.

All firearms proficiency training and qualification courses will be conducted under the supervision of designated instructors.

If an officer is unable to participate in qualification because of an injury or illness (including officers on modified duty status), the officer must notify his/her supervisor and the Rangemaster at the earliest opportunity. If the medical condition and circumstances permit, the officer may be rescheduled for a make-up qualification session.

If an officer will be on previously-scheduled leave that includes an entire qualification period, s/he should notify his/her supervisor and the Rangemaster, who will attempt to schedule a qualification session prior to the officer's return to work.

If an officer is returning to full duty following an injury during which he or she was unable to work and/or was on modified duty status, s/he should contact the Rangemaster, who will determine whether the officer must qualify before returning to full duty.

812.4.1 NON-QUALIFICATION

If any officer is unable to qualify for any reason, including injury, illness, duty status, or scheduling conflict, that officer will submit a memorandum to his or her immediate supervisor prior to the end of the required qualification period.

If an officer fails to shoot a qualifying handgun/rifle score on his/her first attempt, a second attempt on the same course must be completed and scored.

(1) An officer who successfully shoots a qualifying score on the second attempt will be qualified.

(2) An officer who fails to shoot a qualifying handgun score on the second attempt must notify his or her supervisor as soon as possible, and the officer may not carry the firearm on duty and will be reassigned to duties where he or she is not expected to take enforcement action. An officer who fails to shoot a qualifying rifle score will not be allowed to carry the rifle on duty. After the officer receives mandatory additional training, he or she will have the opportunity to shoot the qualification course for record. If the officer shoots a qualifying score, he or she will be qualified.

If the officer fails to achieve a qualification as required above, the Rangemaster will notify the officer's chain of command, including documentation of all training and qualification attempts, and recommend a course of action.

Failure of an officer to attend firearms qualification when scheduled may result in non-qualification. An officer who misses his or her scheduled qualification must shoot a makeup qualification scheduled by the Rangemaster within the qualification period. An officer who is absent due to work or approved leave more than 21 days from the last scheduled qualification day must qualify before carrying a firearm at work on his or her return.

An officer who repeatedly fails to qualify with their handgun will be relieved from field assignment and appropriate disciplinary action may follow.

812.5 RANGEMASTER DUTIES

Any person serving as the Rangemaster for the Eugene Police Department must be a current firearms instructor. The range will be under the exclusive control of the Rangemaster or his/her

designee. All officers attending will follow the directions of range staff. The Rangemaster will maintain a roster of all officers attending firearms training and will submit the roster to the Office of Professional Standards Lieutenant after each range date.

The Rangemaster or designee will maintain a record of all weapons authorized in department inventory or issued for duty use, and to whom each weapon is issued or assigned.

The Rangemaster has the responsibility to oversee periodic inspection, at least once a year, of all firearms, holsters, and firearms accessories carried while on duty by officers of this department to verify proper operation. The Rangemaster has the authority to deem any privately owned firearm unfit for on-duty use. The officer will be responsible for all repairs to his or her personally owned firearm and it will not be carried on duty until inspected and approved by the Rangemaster.

The only exception to these duties is with regard to the SWAT Team. The SWAT Commander is responsible for all Rangemaster duties as they relate to SWAT activities, equipment, and training.

812.6 MAINTENANCE AND REPAIR

Firearms carried on duty will be maintained in a clean, serviceable condition. Individual owners are responsible for maintenance and repair of their personally owned firearms carried on duty.

812.6.1 REPAIR OR MODIFICATIONS OF DUTY FIREARMS

Department armorers and factory-authorized representatives are the only persons authorized to repair or modify any Department-owned firearm. All repairs and/or modifications of department issued firearms not performed by the Department armorers must be approved in advance by the Rangemaster and accomplished by a department approved armorer. Any repairs or modifications to the officer's personally owned firearm will be done at his/her expense and must be approved by the Rangemaster prior to use on duty.

Department issued firearms will be maintained in a manner consistent with manufacturer's recommendations.

812.7 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to personnel who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (*49 CFR 1544.219*):

(a) Officers with a need to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes. Based on the determination of the department, the officer must need to have the firearm accessible from the time he or she would otherwise check the firearm to the time it would be claimed after deplaning for one of the reasons outlined in *49 CFR 1544.219(2)*.

(b) Officers must carry their Department identification card and which must contain a full-face picture, the officer's signature and the signature of the Chief or the official seal of the Department, and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g. driver's license, passport).

- (c) Prior to travel, all required notifications must be transmitted in accordance with TSA regulations via NLETS and a unique identifier number will be supplied by TSA via return NLETS message. The officer(s) travelling must have the identifying number when they travel.
- (d) Officers must have completed the mandated TSA security training covering officers flying while armed. The training will be provided by the TSA.
- (e) It is the officer's responsibility to notify the air carrier at least one hour in advance of the intended armed travel. This notification can generally be accomplished by early check-in at the carrier's check-in counter.
- (f) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (g) An officer should not surrender his/her firearm to anyone, but try to resolve any problems through the flight captain, ground security manager, or other management representative of the air carrier.
- (h) Officers will not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.
- (i) An officer may not sleep aboard an aircraft while armed unless accompanied by another armed officer who is nearby and who remains awake.
- (j) If the travel is to escort a prisoner, additional federal requirements must be met. They are outlined in *49CFR1544.221*.

812.8 CARRYING FIREARMS OUT OF STATE

Qualified active officers and qualified retired officers (refer *18 USC 926C*) of this department are authorized to carry a concealed firearm in all other states subject to the conditions prescribed by United States Code.

- (a) The officer will carry his or her Department identification whenever carrying such firearm.
- (b) Qualified retired officers will also carry certification of having met firearms qualification within the past 12 months.
- (c) The officer is not the subject of any current disciplinary action where he or she has been placed on administrative leave.
- (d) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (e) The officer will remain subject to this and all other Department policies.

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 to carry a concealed firearm may not shield an officer from arrest and prosecution in such locally restricted areas.

Visiting active and retired peace officers from other states are subject to all requirements set forth in United States Code.

Chris Skinner
Chief of Police