

SOUTH PORTLAND POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES

Subject:	Firearms, Weapons & Munitions	Policy #	1-1-B
Effective Date:	May 23, 2018	Review:	Annually
Distribution:	All Personnel	# of pages:	7

I. PURPOSE:

To establish regulations and guidelines for the use of firearms and weapons by members of this department.

II. POLICY:

It is the policy of this department to maintain strict control over the firearms, other weapons and ammunition that it allows its sworn members to carry and use in the performance of their official duties. The department will require that its personnel be instructed in SOP #1-1-A, USE OF FORCE & CONTROL, before being authorized to carry weapons. While on-duty, members shall only carry and use authorized weapons and ammunition, and must regularly demonstrate proficiency in the use of agency-authorized weapons. Members are also responsible for the safe use, storage and security of firearms, both on and off-duty. Nothing in this policy is intended to prevent any officer from owning or using a personal firearm for off-duty, recreational purposes.

III. AUTHORIZED WEAPONS / AMMUNITION:

- A. Handguns: Glock .40 caliber model 22 or 27, as issued.
- B. Patrol rifles: .223 caliber M-4, brand as approved by the Chief of Police.
- C. Less lethal impact projectile deployment platform(s): dedicated and color-coded (orange) Remington 870 shotgun; CTS 40mm single-shot launcher.
- D. Breaching Shotgun: Mossberg 12 gauge, model 500A
- E. O.C. Spray: SABRE Red Crossfire MK-III, as issued.
- F. Pepperball Technologies SA200 and Custom Carbine S semi-automatic launchers, as issued.
- G. Conducted Energy Weapon (CEW): Taser X-26 or X26P, as issued.
- H. Impact Weapon: ASP collapsible baton, as issued.
- I. Munitions:
 - .40 caliber: Federal Tactical 180 grain HST HP
 - .223 Rifle: Speer Gold Dot .223 Rem. 64gr. GDSP
 - Less Lethal: CTS #4557, 40mm Spin-Stabilized Foam Batons; and
CTS #2581, 12 gauge *Super-Sock* “Bean Bags”
Pepperball LIVE Capsaicin II projectiles
Taser 21 foot (silver) or 25 foot (green) cartridges
 - Breaching: CTS #2570 Door Breaching Rounds
 - Flash Bang: CTS #7290
- J. Other weapons and / or ammunition, as expressly authorized and approved for use by the Chief of Police, to include alternate or secondary handguns or officer-owned semi-automatic M-4 style .223 rifles.

IV. PROCEDURES:

- A. **Less Lethal Force Weapons / Response Options:** The use of these non-deadly force response options must be consistent with state and federal laws and SOP #1-1-A, USE OF FORCE & CONTROL.
- B. **Firearms:**
 - 1. **General Considerations:** The use of a firearm as a deadly force response option must be consistent with state and federal laws and SOP #1-1-A, USE OF FORCE & CONTROL. The discharge of a firearm is an

irreversible action. An officer's basic responsibility is to protect the public. If the officer reasonably believes that under the existing conditions a firearm should not be used to apprehend a criminal, that officer will not be criticized or disciplined for this decision, nor for the decision to employ another means to effect the arrest. Before firing, an officer should evaluate the direction in which the firearm would be discharged; the visibility, obstacles, weather and light conditions; and presence of innocent bystanders.

2. Permissible Uses:

- a. As a means of applying or displaying to threaten the use of deadly force; or for deploying impact, chemical or other approved, specialty / tactical munitions, each as consistent with law, policy and training;
- b. To humanely destroy an animal, when other options are impractical.¹
- c. For training.

3. Restricted Uses:

- a. Warning shots are prohibited.
- b. To intimidate or coerce a subject, without legal authority or justification.
- c. As an impact weapon, unless no other means of defense is available.
- d. At or from a moving vehicle (to include motor vehicles, motorcycles), unless absolutely necessary under extreme circumstances and the use of deadly force would be reasonable and justified under State and Federal law and SOP #1-1-A, USE OF FORCE & CONTROL. *As an example, shooting at a moving vehicle may be an option to defend against the imminent use of unlawful deadly force, or the use or threatened use of deadly force against the officer or a third person, to include the deliberate and intentional operating of a motor vehicle in such a manner so as to cause or create a substantial risk of causing death or serious bodily injury to the officer or another person. This is not the case merely because the vehicle is moving, and other reasonable means of defense, to include moving out of the path of the vehicle, should be considered the first option.*

4. Accountability - Maintenance / Inspection / Lost or Stolen:

- a. The Firearms Training Coordinator will maintain a record on each weapon approved by the agency, to include the type (make, model), serial number and assigned officer.
- b. Prior to carrying, all weapons will be inspected by a firearms instructor or armorer for functionality.
- c. It will be the direct responsibility of each officer to maintain a clean weapon in good operating condition.
- d. All weapons are subject to and will be made available for announced or unannounced inspections upon the request of a superior officer, department firearms instructor, or armorer to ensure that they are safe, clean, operationally functional and loaded with authorized ammunition.
- e. The department's Firearms Training Coordinator will coordinate and document an annual inspection of all department issued and approved firearms. If a firearm is determined to be damaged or unsafe, the weapon will be taken out of service and either promptly repaired by an armorer and returned to the officer, or the officer will be issued an alternate firearm.
- f. If any agency weapon is lost, stolen, or damaged, the officer must immediately report that fact, in writing, to the Chief of Police through the chain of command. A report must also be completed with the law enforcement agency with jurisdiction, as applicable.

5. On-Duty Handgun Procedures:

- a. EVERY ON-DUTY OFFICER SHALL BE ARMED, unless otherwise directed by a department supervisor for an undercover assignment or other legitimate law enforcement purpose.
 - 1) Officers, whether inside or outside of the station, must carry their weapon in an approved holster designed for that particular weapon.

¹ See SOP #2-16-B, ANIMAL CONTROL

- 2) Handguns and magazines will be fully loaded, including one round in the chamber. Factory grips will not be replaced with anything other than factory replacements, without the express authorization of the Chief of Police.
 - 3) Officers at another law enforcement agency's facility will follow that agency's procedures for weapon retention, storage or security.
- b. Each authorized firearm will be inspected at least annually by a factory-trained armorer or certified gunsmith. Officers will only allow certified gunsmiths or factory-trained armorers to perform annual maintenance or repairs on department-authorized weapons. Any firearm found to be defective or unsafe will be removed from service and replaced with a safe, functional firearm
 - c. Carrying unauthorized firearms, other weapons, or munitions, on-duty, is strictly prohibited.
 - d. Officers are strongly discouraged from surrendering their weapons to anyone for any reason.

6. On-Duty Patrol Rifle Procedures:

- a. Rifles may be carried only by officers trained in their use and should be inspected for readiness at the start of each patrol shift.
- b. Rifles shall either be secured in the vehicle's mounts, or stored in a hard-sided case in the trunk of the cruiser while deployed on a patrol shift. A rifle secured in a vehicle mount will have the bolt closed on an empty chamber, a loaded magazine inserted in the magazine well, and the selector switch on "safe." A rifle stored in a hard case will have the bolt closed on an empty chamber, have an empty magazine well, and the selector switch on "safe."
- c. Department owned rifles that are not secured in the vehicle's mounts shall be returned to the equipment room at the end of the patrol shift.

7. On-Duty Carry of Non-Issued Rifles:

- a. The requesting officer must submit a Weapons Authorization Form to the Lead Firearms Instructor, providing the make, barrel length, caliber and serial number of the weapon.
- b. The Lead Instructor will ensure that the weapon is inspected for functionality and safety.
- c. The officer will then successfully complete the qualification standards and demonstrate familiarity with the weapon's nomenclature and safe weapon handling and manipulation.
- d. The assigned Firearms Instructor may then sign the form, affirming that the weapon is in safe, working condition, the ammunition is consistent with authorized specifications, and the officer has successfully passed the qualification standards.
- e. The form will then be forwarded to the Chief of Police, who will then issue a memo to the officer, authorizing or declining authorization for use of the weapon.
- f. The officer will have to annually re-qualify on the approved rifle.
- g. Carrying of unauthorized rifles is strictly prohibited. Failure to obtain proper approval will be grounds for dismissal.
- h. Officers may only use department issued ammunition. Officers must purchase all related equipment for the non-issued rifle. Unless otherwise authorized by the Chief, an officer's clothing allowance may not be used for the purchases. The department mandated equipment for the non-issued rifle includes a weapon lighting system, three (3) magazines, a sling, a weapon case, and iron sights.
 - 1) In addition, an officer may utilize a red dot system (Aimpoint), or a high quality, low power (1.5x – 4x) magnifying scope. Either will need to be equipped with a QD mounting system.
 - 2) All sighting systems must be zeroed at 50 yards.
- i. Officers who carry a non-issued rifle are required to abide by all department SOPs pertaining to firearms. Once an officer receives approval from the Chief and department armorer to carry a non-issued rifle, the officer must meet the department rifle qualification standard prior to carrying the weapon. The officer must re-qualify annually to continue to carry the non-issued rifle.
- j. Officers should be aware that an injury that results from routine, off-duty maintenance and care of a non-issued rifle may not be considered a work-related or line of duty injury. The department does not have the authority to make a determination of that issue.

- k. It is the officer's responsibility to ensure that the weapon is properly and safely stored, used, handled, and maintained and is used for on-duty purposes solely by that officer.
- l. The officer must allow a supervisor or firearms armorer to inspect the weapon at any time to ensure that the weapon functions properly and the department approved and mandated equipment is operational.
- m. Officers authorized to carry a non-issued rifle for on-duty use are required to surrender possession of the weapon to the appropriate authorities, either the South Portland Police Department or the Maine Attorney General's Office, if the weapon is used as an instrument for the application of the use of force, as defined in the Maine Criminal Statutes.
- n. It is not the responsibility of the City of South Portland to reimburse an officer for the maintenance, repair, or replacement of a personally-owned rifle, unless otherwise authorized by the Chief of Police.
- o. An officer's authorization to carry a personally-owned rifle for on-duty use may be withdrawn by the Chief of Police at any time and for any reason. The City of South Portland will not be responsible for reimbursement of the purchase price of the rifle if the Chief's authorization is withdrawn, even if the withdrawal is later found to be inappropriate or improper.

8. Non-Issued Handguns / Ammunition (Approval for On-Duty & Off-Duty Carry / Use):

- a. Officers must seek approval to carry and use a non-issued *secondary handgun, on-duty*, and / or any handgun, *off-duty*, in accordance with the following procedure:
 - 1) Submit a *Non-Issued Weapons Authorization Form* to the Lead Firearms Instructor, providing the make, model, barrel length, caliber, and serial number of the weapon and the type of ammunition.
 - 2) The Instructor will ensure that the weapon is or has been inspected for functionality and safety.
 - 3) The officer will then successfully complete the department-recognized qualification course of fire with a certified firearms instructor, demonstrating familiarity with the weapon's nomenclature and safe weapon handling and manipulation. This requirement may be waived by the Lead Firearms Instructor if the requested secondary or off-duty handgun is the same make and functionality as the officer's department-issued weapon with which the officer has already successfully passed the qualification course.
 - 4) The assigned Firearms Instructor may then sign the *Weapons Authorization Form*, affirming that the weapon is in safe, working condition, the weapon and ammunition is consistent with authorized specifications, and the officer has successfully passed the qualification standards.
 - 5) The form will then be forwarded to the Chief of Police, who will complete the form, authorizing or declining authorization for use of the weapon. The original paperwork will be maintained by the Lead Firearms Instructor, with a copy being returned to the requesting officer.
- b. Unless exempted by the Lead Firearms Instructor, as noted above, the officer will have to annually submit the weapon for inspection and re-qualify to retain authorization.
- c. The officer will assume all expenses related to this secondary firearm, to include maintenance and purchase of department-approved ammunition for qualifications, carry and use.

9. Off-Duty Carry / Use:

- a. While not required by the department, officers may carry a concealed firearm, off-duty, consistent with applicable state and federal statutes, to include restrictions on firearm types (i.e., automatic weapons), prohibition from certain Federal properties, and magazine capacity laws.
- b. Officers must have their police identification with them at all times while carrying a concealed department-owned or authorized weapon. The police identification is recommended in all other instances as well, but carrying of any other weapons must again be in accordance with applicable state and federal statutes.
- c. Carrying off-duty weapons will be as unobtrusive as possible and all safety rules apply off-duty as well as on-duty.
- d. No one will carry a weapon while consuming or after having consumed intoxicants, or while under the influence of any intoxicants.
- e. Officers are responsible for the safe handling, security and storage of both duty and personal firearms.

- f. Only firearms and ammunition, approved and authorized as outlined above, may be used by off-duty personnel in the performance of law enforcement duties (e.g., effecting arrest, applying force). All off-duty law enforcement actions must comply with this and other applicable laws and directives.²
- g. An off-duty officer's lawful use of a firearm within the State of Maine, where they have recognized law enforcement authority, may be viewed as the actions of a law enforcement officer. Use of a firearm in areas where officers do not possess law enforcement authority (e.g. outside of the state) will likely be viewed as the actions of a private citizen. Legal protection and liability coverage for lawful, off-duty law enforcement actions will be as outlined within current Collective Bargaining Agreements.
- h. Nothing in this section is intended to limit an officer from owning, carrying or using any type of firearm they choose in an individual capacity for off-duty recreational or personal protection use, consistent with applicable state and federal statutes.

10. Reporting the Discharge of a Firearm (Intentional / Unintentional):

- a. All personnel, whether *on-duty* or *off-duty*, must immediately report the INTENTIONAL or UNINTENTIONAL discharge of a firearm in the direction of another human being - OR any discharge resulting in injury or loss of life - to the on-duty Shift Commander. All such discharges will be investigated, as outlined in SOP # 1-1-G, POLICE-INVOLVED DEATHS / CRITICAL INCIDENTS, and SOP #5-52, ADMINISTRATIVE INVESTIGATION / INTERNAL AFFAIRS.
- b. All *on-duty* personnel must immediately report the discharge of a firearm for anything other than training purposes, including any INTENTIONAL, ACCIDENTAL or UNINTENTIONAL discharge, to the on-duty Shift Commander. All *off-duty* personnel must immediately report the INTENTIONAL, ACCIDENTAL or UNINTENTIONAL discharge of any department-owned, department-issued, or department-authorized firearm for anything other than training or recreational purposes to the on-duty Shift Commander.
- c. For INTENTIONAL discharges, the involved officer(s) must complete an Incident Report. For UNINTENTIONAL discharges, the involved officer(s) must complete an email or memorandum, which must be forwarded to the Chief of Police through the Chain of Command within eight (8) hours of the discharge. In the event of an UNINTENTIONAL discharge, the Chief of Police will appoint a Firearms Instructor to the Administrative Review Board, which will conduct an administrative review³ in order to determine the cause of the discharge and the appropriate resolution. If there is any question about the firearm itself, it should be inspected by a certified armorer for defects and functionality.

11. Firearms Qualifications:

- a. The supervisor designated as the department's Firearms Training Coordinator will schedule ongoing mandatory training and qualifications.
 - 1) All sworn personnel will be required to qualify annually with each issued handgun. Training will be conducted at least three (3) times annually.
 - 2) Each officer selected and trained in the use of the patrol rifle will qualify annually with that weapon. Training will be conducted bi-annually.
 - 3) All qualifications and familiarization training sessions will be documented and supervised by a certified firearms instructor. The lead firearms instructor will forward the names of any officer who does not appear for the mandatory training to the Chief of Police.
- b. At each training or qualification session, each officer must demonstrate familiarity with the firearm's nomenclature, familiarity with safe handling procedures, and proficiency in firing. Firearms qualification / proficiency will be scored on a pass or fail basis, consistent with academy criteria.
- c. If an officer fails to qualify with a firearm on the first attempt, the achievement of two consecutive qualifying scores within three attempts will be required. If the officer does not meet this standard, or is otherwise deemed non-proficient, the instructor shall notify the Chief of Police, in writing. The instructor will develop a remedial training (lesson) plan, subject to approval by the Chief of Police or

² SOP #4-40, ARRESTS & SOP #1-1-A, USE OF FORCE & CONTROL

³ See SOP #5-52, ADMINISTRATIVE INVESTIGATION / INTERNAL AFFAIRS

Training Officer, which will include the type of remedial training and the timetable upon which the training will be completed. Other provisions and duty restrictions, as outlined in SOP #1-1-A, USE OF FORCE & CONTROL (Training & Proficiency), will be applicable.

- d. The commander of the Special Weapons and Tactics Team will be responsible for maintaining the proficiency of team members in the use of any special weapons. The SWAT procedures are included in SOP #4-47, SPECIAL WEAPONS AND TACTICS TEAM.

12. Duties of Firearms Instructors:

- a. Firearms instructors will be selected by the department's Administration.
- b. All departmental firearms instructors will be certified by the Maine Criminal Justice Academy to instruct in firearms training. Instructors will also be available to qualify officers on departmental submachine guns and rifles. Work hours will be assigned, as needed, to accomplish weapons training. Supplies will be approved by the Chief of Police.
- c. Firearms instructors will be responsible for:
 - 1) establishing departmental criteria and implementing firearms training programs by reviewing new laws and training standards;
 - 2) maintaining records of the specifications for each firearm approved by the administration for official use, the specifications of ammunition approved for use, training and qualifications, and firearms equipment inventory;
 - 3) testing and evaluating firearms and related equipment;
 - 4) submitting training and equipment requests for budgeting purposes;
 - 5) keeping maintenance records for department issued and approved firearms;
 - 6) keeping an inventory of cleaning equipment for each type of firearm approved for use by members of the department;
 - 7) upkeep of range equipment and the maintenance of targets, target frames, repair stock, and ammunition inventory;
 - 8) demonstrating proper coaching techniques and using proper range safety techniques
 - 9) identifying and notifying the Office of Professional Standards of any need for change in relevant department policy and procedures;
 - 10) scheduling and attending annual hearing and lead testing through the City's HR Department
- d. Firearms instructors will be part of any investigation related to the accidental or unintentional discharge of a firearm by an officer.

13. Firearms Safety / Security (On-Duty / Off-Duty):

- a. Because safety rules will not, in themselves, prevent an accident, it is necessary for each officer to make these rules an automatic way of life. The careless or negligent handling of a firearm can result in the injury or death of another officer, a family member, friend or innocent bystander. Sworn personnel shall follow these rules:
 - 1) Treat every gun as if it were loaded and always point it in a safe direction;
 - 2) Keep your finger off the trigger until you are ready to shoot;
 - 3) Keep firearm pointed in an appropriate direction at all times;
 - 4) Be sure of your target and what lies behind it, shooting when reasonable;
 - 5) Be sure that your weapon(s) are not accessible to unauthorized or untrained individuals.
- b. Public scrutiny of an officer's actions in weapon handling is unavoidable, so safe handling, control and storage of any weapon both under and not directly under an officer's control is crucial.
- c. Although highly recommended for all weapons under the officer's control, in order to prevent loss or theft, all duty, department-owned or department-authorized weapons not being worn or carried by the officer shall be secured under lock and key, and out of reach of anyone not authorized to use it. Unlocked offices, unlocked desk drawers, or unlocked lockers are not acceptable areas for weapon storage in the station. The department's Armory, safes, locked offices, desk drawers and lockers would be considered acceptable. Outside the station, weapons locked in a motor vehicle's trunk, in a

locked safe or device designed or modified specifically for weapon storage and mounted to the vehicle, or in the possession or under the control of another officer will be considered secure. Passenger compartments or glove boxes of vehicles, even if locked, are not acceptable for weapon storage.

- d. Each officer will be issued a gun lock, intended for use in further securing the department issued weapon in the home while off-duty. The key to the gun lock should be stored securely and separately from the locked firearm.

14. Purchase of Service Handguns:

- a. Officers who have served this community and retire in good standing from this department may request to purchase their issued handgun. This request must be made, in writing, to the Chief of Police, no later than their effective retirement date.
- b. The request will be reviewed by both the Chief of Police and the Human Resources Director. If approved, the Chief of Police will designate a firearms supervisor to determine the fair market value of the weapon, by consulting a licensed firearms dealer. The firearms supervisor will then coordinate and document the purchase, which will be filed in the retiree's personnel folder.

By Order Of:

Timothy B. Sheehan
Chief of Police