

Firearms

305.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

305.2 POLICY

The Redding Police Department will equip its officers with firearms to address the risks posed to the public and Department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

305.3 USE OF FIREARMS

- (a) Firearms may be discharged by officers of this Department in the performance of their duties under the following conditions:
 - 1. In the defense of themselves or other persons from the imminent, actual or perceived threat of death or serious bodily injury. When possible, officers should issue a warning of their intent to use deadly force.
 - 2. Once an officer no longer perceives a threat, deadly force is no longer justified.
 - 3. To prevent a crime where the suspect's conduct places a person or persons in danger of death or serious bodily injury.
 - 4. To apprehend a fleeing felon suspect for a violent crime involving the use or threatened use of deadly force or where there are other circumstances which reasonably create a threat of death or serious bodily injury to the officer or others if apprehension is delayed.
 - 5. To kill a dangerous animal or one that is so severely injured that it should be humanely removed from further suffering and other disposition is not practical. The Animal Control Officer shall be called in all such cases when it is practical to do so.
 - 6. For target practice at an approved range or such interdepartmental competition as shall be approved by the Range Master of this Department.
 - 7. Under circumstances authorized by the Chief of Police, including but not limited to destruction of old ammunition and testing of weapons and ammunition.
- (b) Warning shots shall not be fired except for the purpose of summoning aid when more conventional communication is not effective and the safety of other persons is ensured.

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- (c) When an employee discharges a firearm, with the exception of section a paragraphs (6) and (7), the employee, as soon as practicable, shall notify the shift supervisor on duty.
- (d) Each reportable discharge of a firearm will be investigated in a manner determined by the Department to be appropriate for the circumstances.
- (e) The employee who discharged the weapon and the discharge is being investigated by the "Multi-Agency Officer Involved Critical Incident Team" shall not be compelled to provide a statement or written report during the criminal investigation. Employees who decline to provide a consensual, voluntary, and timely detailed account of the discharge incident (either in writing or in an interview, as selected by the Department) may be administratively ordered and compelled by a superior officer, under the authority of the Lybarger and Garrity cases, to provide such an account as part of an administrative investigation.
- (f) If the employee who discharged the firearm is incapable of filing the required report, the shift supervisor on duty at the time of occurrence shall be responsible for filing the report.
- (g) Each discharge of a firearm that is not being investigated by the "Multi-Agency Officer Involved Critical Incident Team," shall be personally investigated by the shift supervisor on duty at the time of occurrence unless otherwise directed by a division commander.
 - 1. Upon the conclusion of the investigation, the supervisor conducting the required investigation shall immediately forward a detailed written memorandum to the Chief of Police through the chain of command. This report shall include the conclusion of the investigating officer.
- (h) The release of the memoranda or any information pertaining to it shall be cleared through a division commander and/or the Chief of Police.
- (i) If in the judgment of the Chief of Police, the circumstances warrant further investigation or action, a Board of Review may be called. The makeup of such a board shall be at the discretion of the Chief and the chairman shall be a commanding officer. The Board shall be authorized to review all circumstances attending the discharge of the firearm and make recommendations to the Chief. The Board shall additionally be responsible to make recommendations as it may deem necessary for changes in firearms policy or training. The recommendations of the Board are not binding on the Chief of Police, whose decision shall be final in all instances.

305.4 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Officers shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Rangemaster. Except in an emergency or as directed by a supervisor, no firearm shall be carried by an officer who has not qualified with that firearm at an authorized Department range.

All other weapons not provided by the Redding Police Department, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited

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or restricted by law or that is not covered elsewhere by Department policy, may not be carried by officers in the performance of their official duties without the express authorization of the officer's Division Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

305.4.1 HANDGUNS

The authorized department-issued handgun is the Glock Model 22 (.40 caliber) and shall be used by on-duty, uniformed patrol personnel. The Glock Model 35 (.40 caliber) handgun is also approved for on-duty use by patrol personnel at their own expense.

Alternate handguns are approved for on-duty use by Administration, Investigations, and non-uniformed Sworn Personnel. All alternate-duty weapons shall be a minimum of 9mm and shall not exceed .45 caliber. The weapon must be approved by the Division Commander, inspected by a Department armorer and the officer must successfully pass Department qualification.

305.4.2 SHOTGUNS

The authorized department-issued shotgun is the Remington 870 12 gauge.

When not deployed, the shotgun shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

305.4.3 PATROL RIFLES

The authorized Department-issued patrol rifle is the AR-15 platform rifle in .223 caliber with a minimum 16" barrel. Motors and SWAT may be authorized by the Division Commander to use shorter barreled rifles.

Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the member reasonably anticipates an armed encounter.
- (b) When an officer is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When an officer reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle. Officers shall ensure their issued rifle and each magazine is properly labeled with their name and ID number.

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305.4.4 PERSONALLY OWNED DUTY FIREARMS

Officers desiring to carry an authorized but personally owned duty firearm or AR-15 platform rifle must receive approval from the Division Commander and inspection by a Department armorer. Once approved, personally owned duty firearms/rifles are subject to the following restrictions:

- (a) The firearm shall be in good working order and on the department list of approved firearms.
- (b) The firearm and any accessories (e.g., magazines, slings, lights, sights) shall be inspected by a Department armorer prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the Department qualification schedule. Officers must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Officers shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Department rangemaster, who will maintain a list of the information.
- (e) Rifles must have a minimum 16" barrel and fit into vehicle gun locks.

Personnel are advised that any officer-owned rifle or handgun seized after an officer-involved shooting may be subject to a longer "DOJ hold" period than that of a Department-issued weapon.

305.4.5 AUTHORIZED SECONDARY HANDGUN

Officers desiring to carry Department or personally owned secondary handguns are subject to the following restrictions:

- (a) The handgun shall be in good working order and on the department list of approved firearms.
- (b) All secondary/backup weapons shall be a minimum of .380 caliber and shall not exceed .45 caliber.
- (c) The purchase of the handgun and ammunition shall be the responsibility of the officers unless the handgun and ammunition are provided by the Department.
- (d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (e) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (f) Ammunition shall be the same as Department issue. If the caliber of the handgun is other than Department issue, the Chief of Police or the authorized designee shall approve the ammunition.
- (g) Prior to carrying the secondary handgun, officers shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Officers must demonstrate proficiency and safe handling, and that the handgun functions properly.

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- (h) Officers shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

305.4.6 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by officers while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Officers who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

- (a) The officers may use his/her duty firearm or may use a personally owned firearm that is carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy. An officer carrying his/her duty firearm will be deemed to have complied with (c), (d) and (e) of this section.
 - (a) The purchase of the personally owned firearm and ammunition shall be the responsibility of the officer.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the officer to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.
- (d) Prior to carrying an off-duty firearm, the officer shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (e) The officer will successfully qualify with the firearm prior to it being carried.
- (f) Officers shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.
- (g) If an officer desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) When armed, officers should carry their badges and shall carry Redding Police Department identification cards under circumstances requiring possession of such identification.

305.4.7 AMMUNITION

Officers shall carry only Department-authorized ammunition. Officers shall be issued fresh duty ammunition in the specified quantity for all Department-issued firearms annually. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

Officers carrying personally owned authorized firearms of a caliber differing from Department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

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305.5 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual officer.

305.5.1 REPAIRS OR MODIFICATIONS

Each officer shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Rangemaster.

Firearms that are the property of the Department or personally owned firearms that are approved for use may be repaired or modified only by a person who is Department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Rangemaster.

Any repairs or modifications to the officer's personally owned firearm shall be done at his/her expense and must be approved by the Rangemaster.

305.5.2 HOLSTERS

Only Department-approved holsters shall be used and worn by on-duty officers. Officers shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

305.5.3 TACTICAL LIGHTS

Optional tactical lights may only be installed on a firearm carried on-duty after they have been examined and approved by the Rangemaster. Once the approved tactical lights have been properly installed on any firearm, the officer shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

A weapon mounted light shall not be used in situations where only a flashlight is required for illumination.

The light, holster, and batteries are provided to new officers by the Department..

305.5.4 OPTICS OR LASER SIGHTS

Optional holographic weapon sights (HWS), Reflex and Red Dot sight systems may only be installed on a rifle carried on-duty after they have been examined and approved by the Rangemaster. The sights must be of law enforcement or military grade. Sight systems must be non-magnified, non-variable power with a 3 MOA (minutes of angle) dot or less. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the officer shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

- (a) The purchase and maintenance of HWS systems shall be the officers' responsibility.
- (b) Iron sights shall continue to be mounted to all rifles and shall be in useable condition.
- (c) Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

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The following are approved sighting system manufacturers:

- (a) Aimpoint, Leopold, Trijicon, and Vortex.
- (b) EOTech optics manufactured after October 2016.
- (c) With SWAT Commander approval and qualification by a rangemaster, magnified and/or variable sight systems may be utilized by SWAT team members.

305.6 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Officers shall not unnecessarily display or handle any firearm.
- (b) While on the range, officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Officers shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
- (c) Officers should not clean, repair, load or unload a firearm in the Department, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
- (e) Officers shall not place or store any firearm or other weapon on Department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee but shall place all firearms in a secured location. Officers providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Officers shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with the approval of a supervisor.
- (g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by an officer to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Rangemaster for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the officer's primary duty firearm, a replacement firearm will be issued to the officer until the duty firearm is serviceable.

305.6.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the officer to whom the weapon is issued. The officer shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

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Personally owned firearms may be safely stored in lockers at the end of the shift. Department-owned firearms shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

305.6.2 STORAGE AT HOME

Officers shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Officers shall not permit Department-issued firearms to be handled by anyone not authorized by the Department to do so. Officers should be aware that the negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

305.6.3 STORAGE IN VEHICLES

When leaving a handgun in an unattended vehicle, members shall ensure that it is locked in the trunk, or in a locked container that is placed out of view, or in a locked container that is permanently affixed to the vehicle's interior and not in plain view, or in a locked toolbox or utility box permanently affixed to the vehicle (Penal Code § 16850; Penal Code § 25140; Penal Code § 25452).

If the vehicle does not have a trunk or a locked container, then the firearm should be locked within the center utility console that can be locked with a padlock, keylock, combination lock, or other similar locking device (Penal Code § 25140).

Officers are exempt from these requirements during circumstances requiring immediate aid or action in the course of official duties (Penal Code § 25140).

305.6.4 ALCOHOL AND DRUGS

Firearms shall not be carried by any officer, either on- or off-duty, who has consumed an amount of an alcoholic beverage, or has taken any drugs or medication, has taken any combination thereof that would tend to adversely affect the officer's senses or judgment.

305.6.5 STORAGE IN OR AROUND HOLDING CELLS/JAIL

When handling prisoners in and around holding cells or at the jail, officers shall lock their service handguns in the lockers provided or in the police vehicle trunk or SUV locking cargo box.

305.7 FIREARMS TRAINING AND QUALIFICATIONS

305.7.1 QUALIFICATION PROCEDURE

All officers who carry a firearm while on-duty are required to successfully complete monthly training with their duty firearms. In addition to this monthly training, all members will qualify at least two times a year with their duty firearms. Officers will qualify with off-duty and secondary firearms at least once a year. Training and qualifications must be on an approved range course.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations.

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- (a) The term "range" shall include firing facilities used by this Department.
- (b) The range is under the authority of the Field Operations Division Commander, who is designated as Chief Range Master, and who is responsible to the Chief of Police for range function and control.
- (c) Subject to the approval of the Chief of Police, the Field Operations Division Commander is responsible for the adherence of all rules and regulations governing range operations and procedures, and no regulations or rules may be changed or new rules or regulations established unless approved by him, or by direct authorization of the Chief of Police.
- (d) The Chief Range Master may appoint Range Masters whose duties shall include:
 - 1. Development and administration of firearms training programs.
 - 2. Care and maintenance of departmental firearms.
 - 3. Inventory, control, storage, and issuance of ammunition and supplies.
 - 4. Responsibility for the condition and cleanliness of all range facilities.
- (e) Cleaning equipment shall be supplied and maintained by a Range Master. Officers using these facilities shall not misuse supplies and shall maintain clean and orderly conditions at all times.
- (f) General Safety Rules:
 - 1. The sighting, dry firing, or pointing of a firearm behind the firing line or any other place where accidental discharge might injure any person or property, is prohibited.
 - 2. Firearms shall not be passed to another person unless the cylinder or action is open.
 - 3. Firearms shall always be pointed down-range on the firing line.
 - 4. When a misfire occurs, the shooter shall keep the muzzle of the gun pointed down-range and immediately notify the Range Master. The weapon shall be treated with extreme care until the defective condition has been cleared.
 - 5. An approved form of eye and ear protection must be worn at all times by personnel firing on any of the police ranges.
 - 6. Unholstered weapons shall be carried with the cylinder or the action open and may be benched in an open and safe condition.
 - 7. Weapons should not be loaded or unloaded inside the Department, except for inspection purposes.

305.7.2 NON-CERTIFICATION OR NON-QUALIFICATION PROCEDURE

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the officer in demonstrating consistent firearm proficiency.

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- (b) Officers shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
 - 1. Unauthorized range make-up
 - 2. Failure to meet minimum standards or qualify after remedial training

If an officer fails to qualify, the Rangemaster shall notify the on-duty supervisor. Officers who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

305.8 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster. All officers attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all officers attending the range and will submit the roster to the Training Sergeant after each range date. Failure of any officer to sign in and out with the Rangemaster may result in non-qualification.

The range shall remain operational and accessible to department officers during hours established by the Department.

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by officers of this department to verify proper operation. The Rangemaster has the authority to deem any department-issued or personally owned firearm unfit for service. The officer will be responsible for all repairs to his/her personally owned firearm and it will not be returned to service until inspected by the Rangemaster.

The Rangemaster has the responsibility for ensuring each officer meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Rangemaster shall complete and submit to the Training Sergeant documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each officer who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Sergeant.

305.9 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 officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.

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- (b) Officers must carry their Redding Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police 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 license, passport).
- (c) The Redding Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Redding Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) 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.
- (i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

305.10 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time officers of this Department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The officer shall carry his/her Redding Police Department identification card whenever carrying such firearm.
- (b) The officer is not the subject of any current disciplinary action.
- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

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- (d) The officer will remain subject to this and all other Department policies (including qualifying and training).

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.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.