

Firearms

306.1 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 policy.

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

306.2 POLICY

The Bozeman Police Department will equip its members 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.

306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

While on duty, members shall only use firearms that are issued and approved by the Department and have been thoroughly inspected by a designated department firearms armorer. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

Members who are assigned to the joint city-county Special Response Team may be assigned departmental specialty weapons not otherwise indicated in this policy. In all cases, the specialty weapons will have been approved by The Chief of Police or designee.

No unauthorized alterations of any kind will be made to departmental firearms. See Firearms Modification Document for current protocols regarding modifications.

All other weapons not provided by the Department may not be carried by members in the performance of their official duties without the express written authorization of the member's Division Commander. This exclusion does not apply to an authorized secondary handgun or the carrying of a folding pocketknife or straight knife under 4 inches that is not otherwise prohibited by law.

306.3.1 HANDGUNS

The authorized department-issued handguns are the Glock 17, Glock 47 and Glock 43x 9mm.

306.3.2 SHOTGUNS

The authorized department-issued shotgun is the Remington 870 12 Gauge, and is only authorized with kinetic "bean-bag" energy rounds. With the exception of the joint city-county Special Response Team, the duty use of shotgun rounds such as buckshot, slugs, birdshot, etc., are prohibited.

When not deployed, the shotgun shall be properly secured consistent with department training.

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306.3.3 PATROL RIFLES

The standard service rifle is the AR-15 5.56mm semi-auto rifle. The following rifles are authorized and provided by the department:

Daniel Defense - V7 -.223

Colt - M4 -.223

Rock River Arms - LAR 15 -.223

When not deployed, the patrol rifle shall be properly secured consistent with department training in a locking weapons apparatus, if available, in the patrol vehicle. Officers are at all times to store and control departmental firearms in a manner that prevents unauthorized person(s) from gaining access to or control over the weapon.

306.3.4 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry department or personally owned secondary handguns are subject to the following restrictions:

- (a) 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.
- (b) The handgun shall be in good working order.
- (c) The handgun may be a semi-automatic pistol or a double action revolver chambered in a caliber no smaller than a .380 ACP/.38 Special.
- (d) Only one secondary handgun may be carried at a time.
- (e) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.
- (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, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (h) Members shall provide written notice of the make, model, serial number and caliber of a secondary handgun to a designated firearms instructor, who will maintain a list of the information.

306.3.5 PLAIN CLOTHES DUTY CARRY AND OFF DUTY CARRY

- (a) Officers working plain-clothes on-duty assignments who are openly or conceal-carrying their authorized duty pistol are required to carry departmental identification and badge on their person. The badge shall be worn with a belt clip adjacent to the holstered firearm or by neck chain badge holder.

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- (b) Officers may be excused from the above requirements based on a specific operational assignment. Decisions to excuse officers from the above requirements must be approved by the Chief of Police or designee.
- (c) Officers may openly carry their authorized duty pistol off-duty. Officers are required to display their badge adjacent to the holstered firearm when doing so.
- (d) Officers may carry their authorized duty pistol concealed off-duty, but are required to carry departmental identification when doing so.

306.3.6 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms at times designated by the firearms committee. Replacements for unserviceable or depleted ammunition issued by a Department shall be dispensed by a Firearms Instructor when needed, in accordance with established policy.

Members 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.

306.4 EQUIPMENT

Department-issued 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 member.

306.4.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or designated department armorer.

Firearms that are the property of the Department or personally owned firearms that are approved for department 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 Firearms Approval Committee.

Any repairs or modifications to the member's personally owned firearm that is used in an on-duty capacity shall be done at their expense and must be approved by the Firearms Approval Committee.

See Bozeman Police Department Firearms Modification Document for current protocols regarding modifications.

306.4.2 HOLSTERS

Only department-approved on-duty holsters shall be used and worn by members. Holsters shall be approved by the division commander or designee. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

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306.4.3 TACTICAL LIGHTS

Tactical lights may only be installed on a department issued firearm carried on- or off-duty after they have been examined and approved by the Firearms Approval Committee. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Any modifications to tactical lights must be approved by the Firearms Approval Committee and installed by a department armorer.

306.4.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a department issued firearm carried on- or off-duty after they have been examined and approved by the Firearms Approval Committee. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Any modifications to optics or sights must be approved by the Firearms Approval Committee and installed by a department armorer.

306.5 SAFE HANDLING, INSPECTION AND STORAGE

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

- (a) Members shall not display or handle any firearm in an unsafe manner.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Firearms Instructor. Members shall not dry fire or practice quick draws except as instructed by the Firearms Instructor or other firearms training staff.
- (c) Prior to cleaning or repair, department members shall not load or unload a firearm anywhere inside a department building, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles shall be loaded and unloaded in a manner consistent with department weapon handling training.
- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Department to be carried on duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to a supervisor or a designated department armorer for inspection and repair. Any firearm deemed in need of repair or service will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

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306.5.1 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 member to whom the weapon is issued. The member 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 and in a manner consistent with department approved weapon handling training.

Officers are required at all times to store and control department issued or personally owned patrol rifles in a manner that prevents unauthorized person(s) from gaining access to, or control, over the weapon.

All department assigned patrol rifles stored within the Bozeman Police Department will be kept in the Bozeman PD armory, in the rifle's assigned location. Department members are permitted to store department assigned rifles at their home provided they are secured in such a manner that prevents unauthorized person(s) from gaining access to, or control over the weapon.

Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so.

306.5.2 ALCOHOL AND DRUGS

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

306.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete minimum established training with their duty firearms. All members will qualify at least annually with their duty and secondary firearms. Training and qualifications must be on an approved range course (ARM 23.13.215).

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

306.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

Those who fail to meet minimum standards or who fail to show proficiency with firearms that meet department standards, may be required to attend additional remedial firearms training.

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

306.7 FIREARM DISCHARGE

Any member who discharges a firearm intentionally or unintentionally while working in an official capacity shall make a verbal report to his/her supervisor as soon as circumstances permit and shall complete a weapons discharge report that shall be reviewed by a member of the command

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staff. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

Any unintentional discharge of a department-issued firearm shall be reported to a supervisor.

306.7.1 DESTRUCTION OF ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, conducted energy device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal with a firearm if circumstances reasonably dictate that a contingency plan has failed, becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

306.7.2 INJURED ANIMALS

A member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

306.7.3 WARNING SHOTS

The firing of warning shots is inherently dangerous and should not be fired except under the most compelling of circumstances. A warning shot may be fired in an effort to stop a person only when the officer is authorized to use lethal force, and if the officer reasonably believes a warning shot can be fired safely in light of all the circumstances of the encounter.

306.8 FIREARMS INSTRUCTOR DUTIES

The range will be under the exclusive control of the Firearms Instructor. All members attending will follow the directions of the Firearms Instructor. The Firearms Instructor will maintain a roster of all members attending the range and will ensure the roster is entered into the appropriate training database after each range date.

Only current department members may use the department firearms range. The range is not available to family and friends of the department members. Other law enforcement agencies and members may use the range with the approval of the Firearms Instructor for official training events.

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

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The Firearms Instructor has the responsibility for ensuring each member 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 Firearms Instructor shall complete and submit to the Training Sergeant documentation of the training courses provided. Documentation shall include a description of the training provided and, in a method that has been approved by the Department, a list of each member who completes the training. The Firearms Instructor should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records, and shall ensure the records are entered into the appropriate training database.

306.9 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.
- (b) Officers must carry their Bozeman 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's license, passport).
- (c) The Bozeman Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Bozeman 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.
- (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.

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- (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.

306.10 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 their Bozeman Police Department identification card whenever carrying such firearm.
- (b) The officer may not be the subject of any current disciplinary action which could result in suspension or loss of police powers.
- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (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.

306.11 RETIREES

Sworn officers, who provide a minimum of twenty years of law enforcement service, with at least ten years of that service with the Bozeman Police Department, may be provided their last issued duty firearm upon honorable retirement. The decision to provide a duty firearm to an officer upon retirement is at the discretion of the Chief of Police.