

## 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 San Luis Obispo 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.

### 305.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members 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 a member who has not qualified with that firearm at an authorized department range.

All other weapons not provided by the Department, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's Division Chief. This exclusion does not apply to the carrying of a folding pocket knife or fixed blade knife that is not otherwise prohibited by law.

#### 305.3.1 HANDGUNS

The authorized department-issued handgun is the Heckler & Koch .45. Additional handguns may be approved for on-duty use by the Rangemaster Supervisor that are of a reputable manufacturer.

#### 305.3.2 PATROL SHOTGUNS

The authorized department-issued shotgun is the XXX. Additional shotguns may be approved for on-duty use by the Rangemaster Supervisor that are of a reputable manufacturer.

When not deployed, the shotgun shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle. Bean-Bag shotguns shall be secured in the rear of the unit (trunk/cargo)

#### 305.3.3 PATROL RIFLES

The authorized department-issued patrol rifle is the Colt AR-15.

# San Luis Obispo Police Department

San Luis Obispo PD CA Policy Manual

## Firearms

---

Members may deploy the patrol rifle in any circumstance where the member 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 a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member 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 carried in a patrol vehicle but not deployed, the patrol rifle shall be properly secured in a locking weapons rack in the patrol vehicle with the chamber empty,, the bolt forward with the dust cover closed, leaving the hammer cocked and the selector lever in the safe position. The final step is to insert the loaded magazine into the magazine well. .

When not in the field, the patrol rifle shall be properly secured inside the police facility with the chamber empty, chamber flag inserted, and the bolt forward resting on the chamber flag. The magazine will be removed and stored in a secure location.

### 305.3.4 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Chief of Police or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order and of a reputable manufacturer and approved by the Rangemaster Supervisor.
- (b) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Personally owned duty firearms shall be inspected each calendar year (January 1 to December 31) by a qualified armorer at the officer's expense. Written verification of the inspection shall be provided to the Rangemaster upon completion of the inspection prior to January 1st. Officers who fail to provide an inspection letter prior to January 1 will be issued a department firearm and will be prohibited from carrying their personally owned firearm until such a letter is provided.
- (d) Prior to carrying the firearm, 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 firearm functions properly.

# San Luis Obispo Police Department

San Luis Obispo PD CA Policy Manual

## Firearms

---

- (e) Members 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.

### 305.3.5 AUTHORIZED SECONDARY HANDGUN

Members 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 of a reputable manufacturer approved by the Rangemaster Supervisor.
- (b) Only one secondary handgun may be carried at a time.
- (c) The purchase of the handgun and ammunition shall be the responsibility of the member 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) 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.
- (g) Members 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.

### 305.3.6 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Members 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 member 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. A member carrying his/her duty firearm will be deemed to have complied with (c), (d) and (e) of this section.
  1. The purchase of the personally owned firearm shall be the responsibility of the member.
- (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 member to submit the firearm to the Rangemaster for inspection for functionality prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.

# San Luis Obispo Police Department

San Luis Obispo PD CA Policy Manual

## Firearms

---

- (d) Prior to carrying any off-duty firearm, the member 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 member will successfully qualify with the firearm prior to it being carried.
- (f) Members 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 a member 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) Members shall only carry department-authorized ammunition.
- (i) When armed, officers shall carry their badges and/or San Luis Obispo Police Department identification cards under circumstances requiring possession of such identification.

### 305.3.7 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

## 305.4 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 member.

### 305.4.1 REPAIRS OR MODIFICATIONS

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

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. Any addition of an electronic sight (i.e. red dot sight), must have iron sights as a back-up. The iron sights must have a co-witness capability. Such modification or repair must be authorized in advance by the Rangemaster.

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

### 305.4.2 USE OF DEPARTMENT RANGE FOR PRACTICE

Officers may utilize the Department range for practice whenever the range is not otherwise in use or closed for maintenance, repair, or other reasons. Any officer using the range for practice must notify the watch commander and be accompanied by at least one other adult at all times with a signed waiver. Approval by a Watch Commander is required for civilian City employees or family members of an officer to utilize the range, and other employees or family members must

# San Luis Obispo Police Department

San Luis Obispo PD CA Policy Manual

## Firearms

---

be accompanied by an officer at all times. The officer is responsible for the safety of other City employees or family members using the range. All range and firearm safety rules and procedures are in effect during any practice session; utilizing the range or firearms at the range in an unsafe manner, or allowing others to do so, may be subject to discipline.

### 305.4.3 HOLSTERS

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

### 305.4.4 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. 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.

### 305.4.5 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. 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.

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.

## 305.5 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 unnecessarily display or handle any firearm.
- (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 Rangemaster
- (c) Members shall not load or unload a firearm anywhere 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 with the muzzle pointed in a safe direction.
- (e) Members 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. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.

# San Luis Obispo Police Department

San Luis Obispo PD CA Policy Manual

## Firearms

---

- (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- or off-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 the Department or a Rangemaster approved by the Department 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 member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

### 305.5.1 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 or into clearing barrels.

Firearms may be safely stored in lockers or another approved location at the end of the shift. 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.

Members shall ensure that ammunition stored at the department is stored in a locked and secure location.

### 305.5.2 STORAGE AT HOME

Members 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. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

### 305.5.3 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, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment.

### 305.5.4 STORAGE IN VEHICLES

When a firearm is left in a City-owned unmarked vehicle it shall be secured in a locked container that is permanently affixed to the vehicle. The locked container cannot be immediately identifiable as a weapon safe and where practical should be kept out of sight in the trunk of the vehicle (Penal Code § 16850; Penal Code § 25140; Penal Code § 25452). The use of a clamp-style gun lock is not authorized for unattended firearms storage in unmarked vehicles. If a City-owned vehicle is left unattended for more than three consecutive days while away from the Police Department, all

# San Luis Obispo Police Department

San Luis Obispo PD CA Policy Manual

## Firearms

---

firearms and kinetic impact weapons shall be removed from the vehicle and secured at the Police Department or in members' residence.

### **305.6 FIREARMS TRAINING AND QUALIFICATIONS**

All members who carry a firearm while on-duty are required to successfully complete training with their duty firearms. In addition, all members will qualify at least annually with their duty firearms. Members 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 including low-light shooting.

If an officer is unable to attend the annual qualification, they will have 30 days to makeup the training. If an officer is unable to attend due to an extended absence they will have 30 days from the time they return to duty to makeup the training. Failure to complete the training in 30 days will result in a non-field assignment.

#### **305.6.1 NON-CERTIFICATION OR NON-QUALIFICATION**

Officers will be given two opportunities to pass the standard SLOPD qualification on the day they attend range. They must pass (80% or better) on at least one of these opportunities. Officers who fail to qualify at least one of the two attempts shall be provided remedial training that day or as soon as practical, the nature of which will be at the discretion of range staff.

- (a) If the training occurs at a later date, officers will be temporarily suspended from field duty or carrying a firearm on duty until they pass. Range staff shall notify the Rangemaster Supervisor and the Watch Commander. The Officer shall submit a memo to their supervisor prior to the end of the scheduled training period.
- (b) Officers who qualify on the third attempt will be immediately reinstated to field duty and allowed to carry a firearm on duty
- (c) Following basic remedial training, Officers will be afforded one opportunity to remediate the Standard SLOPD qualification on the same day as this remedial training occurs. Officers who fail to qualify on this third attempt will be immediately suspended from field duty and not be allowed to carry a firearm on duty. Range staff shall notify the Rangemaster Supervisor and the Watch Commander. The Officer shall submit a memo to their supervisor prior to the end of the scheduled training period.
- (d) Officers who fail to qualify on the remedial (third) attempt shall be provided a plan for remedial training and placed on a performance improvement plan. This plan will be designed by range staff and approved by the Rangemaster supervisor. This plan may include:
  1. Self-guided technique/manipulation practice

# San Luis Obispo Police Department

San Luis Obispo PD CA Policy Manual

## Firearms

---

2. On-duty time allocated to range practice
  3. Guided practice and instruction from a department Rangemaster
  4. Designated goals and dates for accomplishment
  5. Date for re-qualification attempt(s)
  6. Officers shall be removed from field duty and not allowed to carry a firearm on duty during this time
- (e) Following remedial training period, Officers shall be provided two opportunities to qualify. Officers must pass (80% or better) on at least one of these opportunities.
1. Officers who pass one of these two opportunities shall be immediately reinstated to field-duty/allowed to carry a firearm on duty. These officers will be subject to a continuing plan for remedial training and performance improvement.
  2. Officers who fail to qualify on at least one of these opportunities shall be subject to termination.

### 305.6.2 ANNUAL INSPECTION

All patrol rifles, shotguns, and primary duty handguns that are more than one year old shall be inspected annually by a certified armorer, who will generate an inspection report for each firearm. Firearms found to have defects, wear, or other conditions that make them unsafe for service shall be taken out of service.

### 305.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. 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.

In all other cases, written reports shall be made as follows:

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Division Chief or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, the member shall file a written report or provide a recorded statement no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

### 305.7.1 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.



# San Luis Obispo Police Department

San Luis Obispo PD CA Policy Manual

## Firearms

---

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 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.

### 305.7.2 INJURED ANIMALS

With the approval of a supervisor, 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.

Stray or abandoned injured animals that may be moved or taken to an available veterinarian should not be euthanized. With supervisor approval, abandoned injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made. Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed (Penal Code § 597.1).

### 305.7.3 WARNING AND OTHER SHOTS

Generally, shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective, and reasonably safe.

Warning shots should not be used.

## 305.8 RANGEMASTER DUTIES

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

The range shall remain operational and accessible to Department members 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 members 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 member 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 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.

# San Luis Obispo Police Department

San Luis Obispo PD CA Policy Manual

## Firearms

---

The Rangemaster shall complete and submit to the Training Manager 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 member 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 Manager.

### **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.
- (b) Officers must carry their San Luis Obispo 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 San Luis Obispo Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the San Luis Obispo 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.

# San Luis Obispo Police Department

San Luis Obispo PD CA Policy Manual

## Firearms

---

- (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 San Luis Obispo 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.
- (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.