



# *San Diego Community College District Police Department Policy and Procedures*

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## 1.07 FIREARMS PROCEDURES

EFF. 10/01/19

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### **I. PURPOSE**

This Department procedure establishes guidelines for the proper use, continued proficiency and safe handling of firearms.

### **II. SCOPE**

This procedure applies to all members of the Department.

### **III. FIREARMS PROGRAM**

#### A. Organization

The Firearms Training Unit (FTU) is a functional program of the Department under the overall direction of the FTU Lieutenant. All FTU personnel are voluntary collateral positions.

#### B. Responsibilities

The FTU's responsibilities include, but are not limited to, the following:

1. Firearms training on handgun, patrol rifle, shotgun, and less lethal;
  2. Active Shooter Response Training (ASRT);
  3. Tactical training;
  4. Inter-agency training;
  5. Procurement of firearms, ammunition, and related equipment and inventory;
  6. Department firearms safety and functionality check, scheduled inspections and maintenance, and repair;
  7. Conducting training outlines and lesson-plans;
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8. Individualized training and other firearms-related training as needed.

C. Personnel

1. Firearms Coordinator (Sergeant): Overall functional responsibility and coordination of the program. Assigned by the Chief of Police or FTU Lieutenant. The Firearms Coordinator reports directly to the FTU Lieutenant.
2. Firearms Range Master: Responsible for the day to day functions of the Firearms Training Unit.
3. Firearms Instructors: Responsible for all firearms training for sworn personnel.
4. Department Armorer: Responsible for the repair of the Department Firearms.

D. Administration

See Firearms Training Unit Operations Manual for a detailed list of unit functions and member responsibilities.

**IV PROCEDURES FOR THE SAFE HANDLING AND USE OF FIREARMS**

- A. Officers shall not discharge any firearm in the performance of their duties except as authorized by this Department procedure. Safe handling of firearms is required of all members of the Department while acting within the scope and course of their duties, and while exercising their option to carry a concealed loaded weapon while off-duty.
- B. No officer shall discharge a firearm in the performance of duty except:
1. During authorized training at a target range.
  2. When the officer has a reasonable belief that a subject (or animal) poses an imminent threat of death or serious bodily injury to the officer or another person.
  3. Apprehend a fleeing suspect if there is probable cause to believe the suspect has committed a felony involving the infliction or threatened infliction of death or serious bodily injury, and the officer reasonably believes the suspect is armed with a deadly weapon and the suspect's escape would pose an imminent threat to the officer or others.
- C. A verbal warning to submit to the authority of the officer shall be given prior to the use of a firearm (or any less lethal instrument), if feasible, and if to do so would not

increase the danger to the officer or other persons.

D. Officers shall exercise the utmost care in their handling and use of firearms while engaged in the performance of their duties and while exercising their option to carry a loaded and concealed weapon while off-duty. Officer should consider the following factors before discharging a firearm:

1. Immediacy of the threat;
2. Suspect(s) age, size, skill, injury or disability;
3. Environment (field of fire);
4. Capabilities of the suspect's weapon;
5. Officer's present capability with the weapon, and;
6. Type of crime.

E. Motor Vehicles

1. Firearms are found to be generally ineffective in stopping vehicles. Firearms shall not be discharged at a vehicle solely in an attempt to disable the vehicle. Officers shall consider the ramifications when shooting at occupants in a moving vehicle, such as:
  - a. Moving vehicle present a rapidly changing field of fire;
  - b. If the driver is incapacitated, the vehicle would be uncontrolled, and not immediately stop; or
  - c. The action could create a danger to the public that outweighs the reason that deadly force was initially used.
2. Officers shall not discharge a firearm at an occupant of a vehicle unless;
  - a. The officer has probable cause to believe that the subject or the vehicle poses an immediate threat of death or serious bodily harm to the officer and there is no reasonable alternative for the officer to avoid the harm; or
  - b. The officer has probable cause to believe that the subject or the vehicle poses an immediate threat of death or serious bodily harm to other persons.

3. Officers shall not knowingly position themselves in the path of a moving vehicle.
- F. Firearms are not designed or intended for use as impact weapons and shall not be used as impact weapons, except when necessary to protect the officer or another person from death or serious bodily injury.
- G. Warning shots present a danger to the officer and other persons. They are prohibited except under exigent circumstances when:
  1. The officer has a reasonable belief that a subject (or animal) poses an imminent threat of death or serious bodily injury to the officer or another person; and
  2. Necessary to apprehend a fleeing suspect if there is probable cause to believe the suspect has committed a felony involving the infliction or threatened infliction of death or serious bodily injury, and the officer reasonably believes the suspect is armed with a deadly weapon and the suspect's escape would pose an imminent threat to the officer or others.

## **V REQUIREMENTS REGARDING FIREARMS, AMMUNITION, AND EQUIPMENT**

### **A. On-Duty Firearms**

1. All firearms shall be inspected by the FTU Coordinator or Rangemaster. All firearms carried on- or off-duty shall be of a type approved or issued by the Department. Other models previously authorized may be retained, but no additional firearms of those types will be authorized for Department use. Other models will be evaluated on a continuing basis.
2. Effective July 1, 2009, all sworn officers who are in uniform will carry the Department issued handgun/firearm: Glock 22 or Glock 23 (.40-caliber).
3. Effective March 1, 2016, sworn officers who are in uniform, have the option of carrying the .45-caliber handgun or the .45-caliber 1911-model handgun. Those intending to use this weapon platform must purchase their own .45-caliber handgun, three applicable magazines, and an applicable level-II holster. Magazines of a 7-round or 8-round capacity are approved. This equipment must be approved by the FTU Coordinator or Rangemaster. Officers electing to use the .45-caliber handgun must successfully pass the SDCCD-PD FTU Transition Course and qualification prior to on-duty field use.

Approved .45-caliber handguns and approved .45-caliber 1911-model handguns are

as follows:

- a. Glock 21, 41;
  - b. Sig Sauer P220, Sig Sauer P250, Sig Sauer 1911 Full Size;
  - c. Springfield Armory XD, Springfield Armory 1911 Full Size;
  - d. Colt 1911 Full Size;
  - e. Ed Brown 1911 Full Size;
  - f. Les Baer 1911 Full Size
4. Effective March 1, 2019, sworn officers who are in uniform, have the option of carrying the Department issued 9mm-caliber handgun / firearm: Glock 17 Sworn officers also have the option of purchasing their own 9mm handgun / firearm from the approved following list:
- a. Glock 19 & 34
  - b. Sig Sauer P226 & P229
- Those intending to purchase their own 9mm-caliber handgun from the approved list above, must purchase three applicable magazines, an applicable level-II holster and an applicable magazine pouch. This equipment must be approved by the FTU Coordinator or Rangemaster. Officers electing to use the 9mm-caliber handgun must successfully pass the SDCCD-PD FTU Transition Course and qualification prior to on-duty field use.
5. Firearms shall have a blue steel, stainless steel, or black non-reflective finish. Chrome, nickel-plated, or colored finishes are prohibited.
6. Officers shall be limited to three approved handguns for on- or off-duty use in their official police capacity. Personally-owned shotguns and rifles are not included in the three-gun limit.
7. In instances of lost or stolen handguns, the officer shall prepare a police report, which includes the handgun's serial number, prior to the issuance of a replacement handgun. If the incident occurred outside the County of San Diego, the officer shall obtain a lost or stolen incident report from the appropriate police agency.
- a. The officer shall also prepare an ARJIS-9 report detailing the circumstances of the lost or stolen handgun. The crime report and ARJIS-9 shall be approved by a supervisor and routed to SDPD Records Division.

#### B. Plain Clothes / Undercover

Officers working in plain clothes or in an undercover capacity are considered to be on-duty. As such, are approved to carry a firearm from the approved lists above.

#### C. Back-Up / Off-Duty Firearms

1. The Department authorizes officers to carry a back-up or off-duty firearm other than the Department issued firearm. Officers are prohibited from carrying any firearm in a back-up or off-duty capacity until obtaining approval from the FTU Coordinator or Rangemaster. Officers shall be limited to three approved firearms for back-up or off-duty use in their official police capacity.
2. Firearms carried as a back-up or off-duty use shall be inspected and approved, by the Department's FTU Rangemaster or designee. Back-up and off-duty weapons require yearly qualifications.
3. The following calibers may be used in a back-up or off-duty capacity:
  - a. .45
  - b. .40
  - c. 9mm
  - d. .380
  - e. .38
4. On-duty backup firearms shall be completely concealed on the officer's person.

#### D. Carrying of Concealed Firearms

Officers of the San Diego Community College District Police Department, as defined in section 830.32 PC and 72330 EDC, are authorized to carry a concealed weapon and are exempt per section 25900 PC.

All officers carrying a concealed firearm must meet and follow all the requirements listed above in Section IV., C., Back-Up / Off-Duty Firearms.

#### E. Ammunition

Ammunition carried for use in an official police capacity must be of a type currently approved and issued by the Department and shall not be altered in any way. This includes extra ammunition carried on the gun belt, external vest carriers, equipment cases or loaders.

The Department will provide Department-approved ammunition for on-duty, back-up and off-duty approved firearms, for the following caliber firearms:

- a. .45
- b. .40
- c. 9mm
- d. .380
- e. .38

Additionally, the Department may provide training ammunition in the calibers listed above, during a Department firearms training event.

#### F. Holsters

All on-duty holsters will be of a Level-II or higher retention level. Uniformed sworn officers will have the holster in a basket-weave design. Uniformed sworn bike-officers have the option to have a non-basket-weave design in accordance to their bike uniform. Officer-purchased holsters must be approved by the FTU Coordinator or Rangemaster prior to use.

#### E. Accessories or Modifications

The FTU Coordinator or Rangemaster must approve accessories added or alterations made to any firearm, prior to being carried on- or off-duty.

#### F. Maintenance

Each officer is responsible for the cleaning and general maintenance of their on-duty weapon. An FTU member can be contacted for instruction on cleaning and maintaining a firearm.

The Department has the L&R Ultrasonic Weapons/Firearms Cleaning and Lubricating system, model Quantrex 420. This cleaning system is available to use for all sworn-officers. It is available for the officer's approved on-duty firearm, as well as for their approved and listed back-up / off-duty firearm(s). Use of the cleaning machine is at the risk of the officer. Officers should adhere to the specific instructions provided by the Department FTU, in regards to use of the system. The FTU members will be the only personnel authorized for any maintenance with cleaning/lubrication solutions, as well as to the L&R Ultrasonic Cleaning Machine. The Ultrasonic Cleaner will be inspected monthly by an FTU member to ensure cleaning and lubricating solutions are maintained at the proper levels. Officers shall report any damage or excess dirt in the machine immediately

to an FTU member.

#### G. Repairs

The Department's FTU may repair firearms carried on or off-duty. Firearms carried on-duty, including handguns, shotguns and rifles, which become inoperable or jammed, shall be handled in the following manner:

- a. The officer issued or in charge of the firearm shall immediately advise their supervisor and/or any on-duty FTU member;
- b. The firearm shall be taken to the FTU. The Rangemaster shall arrange for repair of the malfunction. If possible, the firearm will be repaired while the officer waits. If the repairs will take an extended period of time, the officer will be directed to turn in the firearm to the Rangemaster, who will then arrange for the firearm to be repaired.

### VI **RECORD KEEPING**

The Department FTU Coordinator will be responsible for maintaining all records pertaining to all forms/documents of firearms qualifications, training, handguns, patrol rifles, shotguns, ammunition, and other FTU-related equipment. The records include the following:

- A. Officer Pass/Fail cards;
- B. Training outlines and lesson plans;
- C. Inventory of Department firearms and firearms-related equipment;
- D. Make, model and serial number of on-duty, off-duty and back-up firearms used by officers; including patrol rifles and shotguns. All officers using any approved firearm other than a Department issued firearm, will be required to submit this information to the Department Rangemaster;
- E. Any and all information related to or deemed pertinent to firearms training.

### VII **SAFETY AND SAFETY PRACTICES**

- A. Department lockers and desk drawers containing firearms shall be kept securely locked.
- B. Except as part of an inspection or in a designated area, firearms may be cleaned,

repaired, loaded or unloaded in any police facility, upon proper unloading into a firearms clearing barrel.

- C. Members shall not leave weapons unattended in a careless manner at any time.
- D. Officers who come into possession of any loaded firearm shall immediately unload the firearm, unless the loaded condition is necessary for evidentiary purposes. Officers who are unfamiliar with the unloading procedures of the firearm shall seek assistance from someone who is knowledgeable about the safe unloading of the firearm, prior to unloading or transporting the firearm.

## **VIII IN SERVICE FIREARMS TRAINING**

### **A. Responsibility**

1. Officers who are authorized to carry a firearm in the performance of their duties shall meet all requirements set forth for firearms qualification.
2. The FTU Coordinator or Rangemaster will have responsibility for scheduling proficiency qualification shoots and training.

The Department FTU, who are certified firearms instructors, under the guidance of the Department FTU Coordinator will be responsible with providing the instruction, training, and qualification of shoots.

### **B. Department Qualification / Training Shoot**

1. Firearms proficiency qualifications will be conducted three (3) times within every twelve (12) month calendar year. Officers must attend at least two (2) of the scheduled proficiency qualifications, and achieve a passing score at the designated proficiency shoot.
2. FTU personnel will be available for individual coaching and instruction if necessary. Officers should contact a firearms instructor for an appointment.
3. Officers participating in firearms proficiency qualification shoots must achieve a passing score.
  - a. Original Test Failure – on the day of the qualification, the officer will be given three additional opportunities to achieve a passing score. These are “re-tests.”
  - b. “Re-test Failure – officers who fail the original qualification and the three

“re-tests” will be assigned to remedial training on duty. The training will begin on the officer’s next work day. The officer’s Regional Lieutenant, Administrative Sergeant, and the officer’s chain of command will be notified.

- c. Remedial Training – the officer shall be assigned to a member of the FTU staff for remedial firearms training and practice. A remedial test shall be given to the officer when they have progressed to the point the instructor thinks the officer can achieve a passing score.
  - d. Any officer failing to qualify will be released from their armed assignment and given an unarmed assignment. Members will remain in that capacity until they receive remedial training and qualify.
  - e. Continued failure to qualify may lead to formal administrative action, including termination.
4. Failure to attend the scheduled qualification shoots without a legitimate reason will result in disciplinary action.
  5. Authorized absences will be approved by the Department Firearms Coordinator on a case by case basis. All sworn personnel shall contact the Firearms Coordinator prior to an anticipated absence from any scheduled firearms qualification.

#### C. Extended Absence

1. Upon returning to duty, after an extended absence or injury, each officer authorized to carry a firearm shall demonstrate familiarity with their duty firearm and pass a Department proficiency qualification shoot.
2. An extended absence is defined as an absence from full duty, for any reason, for a period of thirty (30) or more consecutive work days.
3. If the officer fails to achieve a passing score, the officer will be placed in a non-field assignment and given remedial training.

#### D. Medical Absence from Duty

1. Officers who, due to medical restrictions, have been removed from full-duty for more than thirty (30) consecutive work days, but less than one year, shall demonstrate familiarity with their duty firearm and pass a Department proficiency shoot prior to returning to full-duty.

2. Officers who, due to medical restrictions, have been removed from full-duty and have not qualified in the Department firearms proficiency qualification shoot for more than one year from the time of the medical restriction, shall not carry a firearm on duty or carry an off-duty firearm until they demonstrate familiarity with their weapon(s) and pass a Department proficiency qualification shoot.
3. Officers returning to duty from any medical restriction shall obtain written authorization from Administration permitting their participation in a proficiency shoot (medical clearance). Officers shall achieve a passing score at a proficiency qualification shoot prior to returning to full-duty. If the officer fails to pass the proficiency qualification shoot, she/he will be given an opportunity to remediate and demonstrate proficiency with his/her duty firearm.
4. Officers with medical restrictions shall notify FTU personnel of any limitations prior to beginning any training or Department shoots.

**VIX****MISCELLANEOUS RULES REGARDING FIREARMS****A. H.R. 218 – The Law Enforcement Officers Safety Act**

On July, 2004, the Law Enforcement Officers Safety Act, which is also known as HR 218, went into effect. Prior to passage of this law, individual states could decide whether to allow out-of-state officers to carry concealed weapons within that state's borders. The new federal law, which is codified as 18 U.S.C. sections 926B and 926C, allows "qualified active and retired law enforcement officers" to carry concealed firearms in all 50 states upon meeting certain criteria and carrying photographic identification cards.

1. Under HR 218, an active law enforcement officer (on or off duty) is qualified to carry a concealed firearm in all states, must carry a Department identification card, and only if the officer:
  - a. Possesses statutory powers of arrest and is authorized to carry a concealed firearm;
  - b. Is authorized by the Department to carry a firearm;
  - c. Has completed the Department firearms qualification course;
  - d. Is not under the influence of alcohol or drugs;

- e. Is not prohibited by federal or state law from possessing a firearm;
- f. Is not subject to disciplinary action preventing the officer from carrying a firearm under existing policy.

B. Honorably Retired Peace Officer (CCW) / HR 218

1. Retired Peace Officer CCW Authority sections:

As defined per 25900 (d) PC, which authorizes an honorably retired peace officer who during the course and scope of his or her appointment as a peace officer, is authorized to carry a firearm.

As defined per 25905 (a)(1) PC, any peace officer described in Section 25900 who has been honorably retired shall be issued an identification certificate by the Department. A stamped endorsement of "CCW Approved" is required on the identification certificate and Department identification card.

As defined per 25920 (a) PC, the Department may, upon initial retirement of the peace officer, or at any time subsequent thereto, deny or revoke for good cause the retired officer's privilege to carry a loaded firearm.

2. On July 22, 2004, the Law Enforcement Officers Safety Act went into effect. This new federal law allows "qualified retired law enforcement officers" to carry concealed firearms in all 50 states upon meeting certain criteria and carrying photographic identification cards.

Under HR 218, a retired law enforcement officer is qualified to carry a concealed firearm in all states, must carry a Department identification card, and only if the officer:

- a. Retired in good standing, other than for reasons of mental instability;
- b. Served at least ten years or more as an active law enforcement officer or retired from service after completing a probationary period due to service-connected disability;
- c. Has successfully completed an annual background check indicating that he or she is not prohibited by federal law from receiving or possessing a firearm;
- d. Is not under the influence of alcohol or drugs;

- e. Has, during the most recent twelve-month period, successfully passed the standards for training and qualification for active law enforcement officers to carry firearms in their primary state of residence.

### 3. 18 U.S.C. section 926C

Under HR 218: 18 U.S.C. section 926C – Carrying of concealed firearms by qualified retired law enforcement officers:

§ 926C (4) – during the most recent 12-month period, has met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers, as determined by the former agency of the individual, the State in which the individual resides or, if the State has not established such standards, either a law enforcement agency within the State in which the individual resides or the standards used by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State.

### 4. Annual Qualification

- a. The Department firearms proficiency qualification shoot for retirees assesses general firearms safety and proficiency in handling and firing the weapon. It is available to any retired SDCCD-PD officer who retired in good standing. California residency is not required. HR-218 testing is by appointment only.

Retired personnel who successfully complete the firearms proficiency qualification shoot will be issued a certification card, valid for one year from the date of certification. This card must be carried with the retiree's Department identification.

- b. HR 218 allows for SDCCD-PD retirees living in other states to be certified by that state if the state offers such a test. Retirees living out of state should contact their local law enforcement agency to determine if such a test is available.

Retirees who do not wish to carry a concealed firearm outside of California do not have to qualify under the Federal law (HR 218). However, if they wish to continue carrying in California only, they must renew their CCW permit as currently required.

### C. Flying Armed

If flying on a commercial airline, while traveling within state or to another state, officers must follow all regulations required by the respective airline company and by the Transportation Security Administration (TSA).

Prior to flying in an official capacity, officers must obtain written authorization from the Chief of Police in order to be armed while flying, in addition to the below requirements.

1. In order to fly armed, a law enforcement officer must meet all of the following:
  - a. Be a federal law enforcement officer or a full-time municipal, county, state, tribal or territorial law enforcement officer who is a direct government agency employee;
  - b. Be sworn and commissioned to enforce criminal or immigration statutes;
  - c. Be authorized by the employing agency to have the weapon in connection with assigned duties;
  - d. Have completed the TSA Law Enforcement Officer Flying Armed Training Course, and to provide a certificate of completion.
2. In addition to the above requirements, officers must present an operational need to have the weapon accessible from the time he or she would otherwise check the weapon, until the time it would be claimed after deplaning. The need to have the weapon accessible aboard the aircraft must be determined by the employing agency and based on one of the following:
  - a. Assigned to a protective duty as a principal or advance team, or on travel required to be prepared to engage in a protective function;
  - b. Conducting a hazardous surveillance operation;
  - c. On official travel with a requirement to report to another location armed and prepared for duty immediately upon landing;
  - d. Control of a prisoner, or on a round trip ticket returning from escorting or traveling to pick up a prisoner.