

MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> FIREARMS		
<i>Effective Date:</i> 4/25/2018	<i>Original Date:</i> 08/01/2002	<i>Next Review:</i> 4/25/2019
<i>Chapter</i> 8	<i>Policy #</i> 8.10	<i>Distribution:</i>
<i>References:</i> Appendix AR-15		

I. Purpose

The purpose of this policy is to provide officers with guidelines for the proper training and use of department authorized firearms.

II. Policy

The Missoula Police Department shall provide a basic firearms training program for all officers. Officers shall be required to complete this program and to qualify with their weapon prior to carrying the weapon on duty. Officers must then qualify with issued or approved weapons, they regularly carry/use, twice a year.

III. Definitions

Alternate Weapon: A non-department owned firearm carried as a primary weapon, under specified conditions, as authorized by the Chief of Police or his designee.

Authorized Firearms: Any weapon authorized by the Chief of Police or his designee for duty or off-duty use to be carried and/ or used by an officer.

Duty weapon: Any weapon that is department issued and is worn by an officer or stored within Department property and/or vehicles.

Primary Weapon: The weapon an officer is carrying, generally in an on the hip holster, that an officer will utilize first in a situation when the use of a weapon is justified.

Qualify: To complete a department approved firearms qualification shooting course with a score of 80% or better

Secondary Weapon: A non-department owned firearm utilized as a secondary weapon on duty. A secondary weapon may be carried concealed while off duty.

IV. Procedures

- A. All operational officers, whether in uniform or plain clothes, are required to carry or wear a department authorized firearm whenever on duty. The weapon will be carried in a manner appropriate to the assignment. Duty weapons authorized for issue and carry by officers include the, the Glock models 22, 23 or 27 all in the 40 caliber S&W.

- B. Authorized holsters for uniformed officers are the department issued holster or a factory manufactured holster with Level Two retention capability specifically designed for the issued duty weapon with the department issued light attached.
- C. Department issued or approved lights must be carried on all duty weapons, capable of accommodating one, while on duty. The officer's duty weapon must be able to be secured in the authorized holster without removing the light. An officer's division captain may give an officer permission to carry the pistol without the attached light.
 - 1. The weapon mounted light is not to be used for general illumination. Lights are to be used to illuminate a potential threat.
 - a. Drawing or pointing a weapon requires more justification than a simple need to illuminate an area or person.
- D. Lasers are considered an aiming device and are not allowed to be attached to any weapon approved to be carried on duty, unless they are approved for special teams usage.
- E. Plain-clothes officers must carry their department authorized firearm in a holster or in a manner approved by the appropriate division commander.
- F. All officers must carry at least one extra magazine unless the officer's division captain gives them permission not to carry one.
- G. Duty ammunition, for department issued weapons, will be replaced every two years.
- H. Alternate Weapons:
 - 1. Officers may receive authorization from the Chief of Police or his designee to carry alternate weapons while on duty.
 - a. Officers, who are authorized to wear plain clothes for their current regular duty assignment, may carry a Glock 23 or 27 as their primary weapon if it is authorized as an alternate weapon.
 - i. Regular duty assignment refers to an actual assignment such as detectives, misdemeanor investigations, training officer, etcetera.
 - b. Other standard semi-automatic handguns chambered in 9mm, .40 S&W, .45 ACP and 10mm may be authorized as alternate weapons
 - i. Authorized firearms, described in the above sentence, may only be carried as a primary firearm when attending training or a trial as a witness.

- ii. The chief or his designee may authorize other types and calibers of weapons as an alternate weapon for special situations such as undercover work.
 - c. Officers may not carry an alternate firearm as their primary weapon when in uniform
- 2. All requirements for qualification with alternate weapons remain the same as department issued weapons.
 - a. Officers must supply their own ammunition for duty carry in alternate and secondary handguns.
 - i. The ammunition must be factory loaded and approved by the firearms committee.
 - b. Officers must supply their own ammunition to qualify/demonstrate proficiency for all alternate or secondary handguns.
 - c. Officers must supply their own ammunition for the initial qualification for personally owned AR-15s.
 - i. The department will replenish the ammunition fired during qualifications for AR-15s.
 - ii. If an officer wishes to carry extra duty ammunition for an alternate AR-15, the officer must supply their own ammunition and the ammunition shall be factory manufactured ammunition, approved by the firearms committee.
- 3. Officers will be allowed to carry personally owned AR-15's on duty when they meet the guidelines and requirements of Appendix AR-15.
- 4. If an officer carries their alternate weapon as their primary duty weapon most of the time, they will qualify with the alternate firearm before their issued firearm during regular qualifications.
- 5. If an officer fails to qualify with their alternate weapon they will not be allowed to carry that firearm, while on duty, until they have qualified with it. .
- 6. If an officer fails to qualify with their duty weapon during any qualification their permission to carry the alternate weapon will be rescinded. Once they have completed the full procedure required in this policy after a failure to qualify they

may resume carrying the alternate weapon. The Chief or his designee may authorize an alternate procedure.

7. Officers are responsible to arrange to qualify with their alternate weapons twice a calendar year, generally during their regularly scheduled qualification. If an officer for any reason does not shoot the qualification course with their alternate weapon during a regular qualification, they may not carry the alternate weapon on duty until they have successfully completed the qualification.
8. If an officer fails to qualify with an alternate weapon they may attempt to qualify with it the following work day (or any subsequent day), if a firearms instructor on regular duty is available to run the qualification for them. Firearms instructors are not required to provide extra training to an officer, who has failed to qualify with their alternate firearm.
9. If an officer has re-qualified after a failed qualification attempt, they must demonstrate they have maintained their ability to use the weapon properly by successfully completing the qualification course approximately 30 days after their requalification. No practice firing will be allowed immediately prior to this qualification attempt.
10. If an officer fails to qualify during this course the firearms committee will recommend to the Chief of Police that they rescind permission to carry an alternate weapon for six months.
11. If an officer fails to qualify during two, regularly scheduled, consecutive qualifications, the firearms committee will recommend to the Chief of Police that permission to carry that alternate weapon be rescinded for six months.
12. If an officer fails to qualify with an alternate weapon twice in any two year period, the firearms committee will refer the information to the Chief of Police for his consideration.

I. Secondary Weapons:

1. Officers may carry a secondary weapon after demonstrating proficiency with the firearm and obtaining authorization from the Chief of Police or his designee.
 - a. The officer must provide their own ammunition to demonstrate proficiency,
 - b. Officers must supply their own duty ammunition for secondary weapons. The ammunition must be factory loaded and approved by the firearms committee

- c. All maintenance and care of this weapon will be the responsibility of the officer.
2. Approved and authorized secondary weapons are to become the primary weapon used by an officer only under extraordinary circumstances.
3. Under Montana Statutes, police officers are exempt from being required to possess a concealed weapons permit when carrying a concealed weapon under the color of their authority. When carrying a weapon (concealed and other than the department issued duty weapon) in an off-duty status, under the above criteria, the officer must have the prior approval by the Chief of Police or his designee and have met the qualification standards of secondary weapons as described above.
4. Outside of the State of Montana, all peace officers carrying concealed weapons must comply with US Code Title 18 Part I Chapter 44 section 926B.
5. When working in an off-duty status (non-uniform, not department approved) the department issued service pistol may only be carried when specifically authorized by the Chief of Police or his designee. In all other cases of off-duty employment, the officer must provide their own approved/authorized weapon and have successfully demonstrated the required proficiency with that firearm.

J. General Rules and Behavior:

1. Any discharge of a firearm other than at an approved firing range may result in temporary reassignment of the individual during the subsequent investigation. This reassignment will be administrative and does not connote improper or illegal use of a firearm. The reassignment will be made by the Chief of Police or his designee.
2. A report must be filed any time an officer discharges a weapon purposely or negligently while on duty, or a department owned firearm is discharged purposely or negligently while off duty. A report is not required if the weapon is discharged when putting down an injured animal or during training or qualification.
3. A firearms instructor and an additional safety officer are required to be present during any Missoula Police Department firearms training or firearms qualification(s).
4. An officer will be subject to disciplinary action should the discharge or public display of a firearm involve:
 - a. A violation of law

- b. A violation of Police Department policy relating to the discharge or display of firearms
 - c. A wanton disregard of public safety, and
 - d. An act of misconduct including, but not limited to:
 - 1) Being under the influence of alcohol or drugs
 - 2) Unjustified display of authority
 - 3) Use of official position for personal advantage
 - 4) Negligent discharge of a firearm due to carelessness or misbehavior
5. Maintenance of duty weapons or any other department owned weapon will be the responsibility of the department.
- a. No work will be performed on a department owned weapon by any person other than a department certified armorer or factory authorized repair person. Any work (repairs or modifications) performed by someone, who is not a member of the MPD, may only be performed after approval by the Chief of Police or his designee
 - b. Care and cleaning of the duty weapon is the responsibility of the officer.
6. Officers may not use department owned firearms they have not been trained to use or are not currently qualified to use.

K. Qualifications:

- 1. Officers are required to qualify twice a year in a departmental firearms program with department issued and alternate firearms. Officers approved to carry alternate firearms must qualify with both the department issued firearm and the alternate firearm.
- 2. Officers who carry secondary weapons are required to demonstrate proficiency once a year.
- 3. Failure to Qualify
 - a. The first time an officer fails to qualify, the failure will be noted in a Supervisory Log sheet.
 - b. If an officer fails to qualify during two out of four consecutive qualifications, that officer will be subject to level one disciplinary action.

- i. If an officer has already been the subject of level one discipline, the officer may be subject to progressive discipline for subsequent failures to qualify.
 - ii. The need for further discipline will be evaluated based on the amount of time that has passed since the officer last failed to qualify and any other factors considered to be relevant.
- c. Procedure after failure to qualify.
- 1) Step #1 - Should an officer fail to qualify, that officer will not be authorized for operational assignment. That officer's supervisor will be notified and that officer will be reassigned to administrative duties at the direction of the division commander. The officer will be scheduled for a minimum of four hours of remedial training during that officer's next, normally scheduled, regular work day. The remedial training may be scheduled during the officer's time off only if:
 - a) It is advantageous to the department to do so.
 - b) The officer agrees.
 - c) The schedule change complies with the requirements of MPD Policy and the Missoula Police Association contract.
 - 2) The training will include, but is not limited to:
 - a) firearms safety
 - b) basic shooting mechanics
 - c) individual problems
 - d) practice on departmental courses
 - e) one re-qualification
 - 3) Step #2 - Should there be a subsequent failure to qualify after one session of remedial training, that officer will remain on administrative duties. A second session, consisting of a minimum of 10 hours of remedial training, will be scheduled for the next working day of that officer. This training will include the same topics covered in the first remedial training.
 - 4) Step #3 - Should there be a third failure to qualify after the second remedial training, disciplinary action may be taken.

- 5) Step #4 - At the conclusion of disciplinary action, a third remedial training session will be scheduled for that officer. If there is a fourth failure to qualify after a third remedial training session, that officer's ability to perform as a police officer will be evaluated. Recommendation from the Firearms Committee at this point will be referred to the division commander for further disciplinary action.
- 6) Should a qualifying score be achieved after any step in remedial training, that officer will be deemed fit for duty. Thirty (30) days later that officer will again shoot the departmental qualification course for a qualifying score to show that they have maintained a level of firearms proficiency. No warm up shots will be allowed during this shoot. Should there be a failure to qualify at this point, that officer will return to step one of remedial training. Officers will be allowed only one repeat of steps one through four of remedial training before disciplinary action is taken. If there is a failure to qualify after one repeat of steps one through four of remedial training, termination of that officer will be referred by the Firearm's Committee to the Chief of Police.