

PORTLAND POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE

	Subject:	Firearms, Weapons, Munitions	Policy #:	1-1B
	Distribution:	All Personnel	Effective Date:	12/08/2013
	Standards:	BOT	Revision Date:	10/15/2020
	By Order Of:	Chief of Police	Review:	Biennially

I. PURPOSE:

To establish regulations and guidelines for the use of firearms and other weapons by members of this department.

II. POLICY:

It is the policy of this department to maintain strict control over the firearms, other weapons and ammunition that it allows its sworn members to carry and use in the performance of their official duties. The department will require that its personnel be instructed in SOP #1-1A, RESPONSE TO RESISTANCE, before being authorized to carry weapons. While on-duty, members shall only carry and use authorized weapons and ammunition, and must regularly demonstrate proficiency in the use of agency-authorized weapons. Members are also responsible for the safe use, storage and security of firearms, both on and off-duty.

III. AUTHORIZED WEAPONS / AMMUNITION:

- A. Handguns: Glock Model 17, 19, 21, 30, 45 or 26, as approved.
Smith & Wesson Model 64 (animal disposal only)
- B. Rifles: .223 caliber M-4 rifle, brand as approved by the Chief of Police.
H&R M14 (SRT)
HS Precision .308 (SRT)
H&K MP5 9mm (SRT)
H&K MP45 (SRT)
- C. Shotgun: Remington 870 (HDU)
Benelli M4 (SRT Breaching)
- D. Less lethal impact projectile deployment platform(s): CTS 40mm single-shot launcher; CTS 40mm six-shot launcher.
- E. O.C.: SABRE Red Crossfire MK-III, as issued.
Pepperball SA200 and Custom Carbine S semi-automatic launchers, as issued.
40mm OC powder barricade CTS-4441
- F. Conducted Energy Weapon: Taser X-26 or X26P, as issued.
- G. Impact Weapon: Baton, as issued.
- H. Munitions:
 - .45 caliber: Federal Premium .45+P 230
 - .223 Rifle: Federal Gold Dot .223 Rem. 55gr. GDSP
 - .308 Black Hills z308 Win Match 168 gr. Hornady Amax
 - 9mm: Federal 9mm Luger 147 gr. HST Tactical
 - Less Lethal: CTS #4557, 40mm Spin-Stabilized Foam Batons; and Pepperball LIVE Capsaicin II projectiles
Taser 21 foot (silver) or 25 foot (green) cartridges

Noise Flash Diversionary Device (NFDD): CTS #7290

- I. Other weapons and / or ammunition, as expressly authorized and approved for use by the Chief of Police, to include alternate or secondary handguns or officer-owned semi-automatic M-4 style .223 rifles.

IV. **DEFINITIONS:**

- A. **Accidental discharge:** the discharge of a firearm caused by an equipment malfunction.
- B. **Authorized Firearm:** Any make, model, or caliber of firearm that meets the department's requirements and specifications and has been formally approved for on duty and/or off duty use by the Chief of Police. This includes both department issued and personally-owned duty handguns, backup handguns, shotguns, and rifles used for law enforcement purposes.
- C. **Backup Handgun:** Any authorized personally-owned handgun that is carried concealed on duty to supplement an officer's duty handgun or a handgun carried concealed during an undercover detail with the permission of the detail supervisor.
- D. **Designated Marksman:** An officer who has received specialized training in the handling, marksmanship fundamentals and deployment of the M16/AR15 rifle and is authorized to carry the rifle while on duty.
- E. **Firearm:** any weapon that is designed to expel a projectile by the action of an explosive.
- F. **Qualification:** Periodic testing required of officers to determine their competency to carry/use authorized firearms.
- G. **Intentional discharge:** The deliberate discharge of a firearm by an officer for a particular purpose.
- H. **Negligent discharge:** Any unintentional discharge of a firearm by an officer that is not due to an equipment malfunction.
- I. **Range officer:** A police officer who has received firearms instructor training and is authorized to conduct firearm qualifications.
- J. **Range supervisor:** A police supervisor who is a Maine Criminal Justice Academy Certified Firearms Instructor, and is authorized to conduct and oversee the department's firearms program and manage the use of the range.
- K. **Use of a firearm:** the on or off duty use of duty or personal firearm (handgun, shotgun, rifle) for a law enforcement purpose.
- L. **Warning shot:** Discharge of a firearm for the purpose of compelling compliance from an individual, but not intended to cause physical injury

V. **PROCEDURES:**

A. **Approval and Use of Personally-owned Firearms and Ammunition**

1. Before an officer is allowed to carry a personally-owned firearm and ammunition either on duty, on duty as a back-up firearm or off duty for a police action, he/she must get written

approval from the Chief of Police. Approvals will be maintained by the Range supervisor and filed in the employee's personnel folder.

2. After purchase and prior to any type of on duty use, the officer must have the firearm inspected by a department Range officer to make certain that the weapon is safe and in satisfactory working condition and has not been mechanically modified. The officer must provide the Range officer with the serial number of the firearm prior to on duty use.
3. Officers carrying personal firearms may not make any mechanical modification to the weapon. Additional equipment that does not affect the firing system of the weapon (i.e., sighting mechanisms) is allowed but must be cleared with the Range Supervisor prior to use. Any modification to the sighting mechanism requires requalification. Other authorized modifications may require requalification at the direction of the Range Supervisor.
4. Officers who choose to purchase a personal weapon for on duty use must return to the department their issued firearm and associated duty gear (holster, magazine pouch). The officer shall retain the department issued handgun light. Detectives and officers assigned to administrative duties who purchase a Glock 26 subcompact (9mm) for plainclothes, on duty use should retain the department issued firearm for uniformed, on duty use.
5. Officers must purchase all related duty gear (holster, magazine pouch) for the personal firearm; except for the handgun light. Ankle holsters are prohibited for any firearm being carried as a primary duty weapon.
6. An officer's Allowable Apparel and Equipment stipend may be used for the purchase of the firearm, duty gear and/or ammunition.
7. Officers who purchase a personal firearm for on duty use are required to pass a transition course with the new weapon; including passing two consecutive qualification courses. Officers are responsible for the purchase of the ammunition necessary to complete the transition course.
8. The department will provide ammunition for all future training, qualification courses and duty carry. Only department-issued and authorized ammunition may be carried on duty. Utilization of re-load ammunition is only authorized for practice and training purposes.
9. Officers should be aware that an injury that results from routine, off duty maintenance and care of a personal firearm may not be considered a work-related or line of duty injury. The police department does not have the authority to make a determination of that issue.
10. Officers purchasing a personal firearm for on duty use are required to surrender possession of the weapon to the appropriate authorities, either the Portland Police Department or the Maine Attorney General's office, if the weapon is used as an instrument for the application of the use of deadly force, as defined in the Maine Criminal Statutes.
11. It is not the responsibility of the City of Portland to reimburse officers for the maintenance, repair or replacement of personally-owned firearms unless a member of the command staff authorizes said repair or replacement.
12. As an additional safety measure, and with the approval of the Chief of Police, an on duty officer may carry a personally-owned backup firearm. The backup firearm may be of the officer's choosing, subject to the following restrictions.

- a. The caliber of the firearm may not exceed .45 caliber.
- b. Approval is restricted to one firearm per officer.
- c. The backup firearm must be completely concealed in a safe manner and in a holster under the uniform. The method of carry must be reviewed and approved by the Range officer.
- d. Only factory-manufactured, department authorized ammunition is allowed for on duty use and must be supplied at the officer's expense.
- e. A Range officer must inspect the firearm to ensure that the weapon has adequate safety mechanisms.
- f. Officers must qualify annually with the backup weapon as provided below, except the officer must provide the ammunition used to qualify.
- g. Backup firearms must be inspected by a Range officer concurrent with the semi-annual qualifications. Officers are responsible for the maintenance, repair, and replacement of the backup firearm. Any modifications to the weapon must be inspected by a Range officer. The firearm must also be registered with the department.
- h. Once the officer qualifies with the firearm, the Range officer will submit documentation to the Chief of Police, who will forward a memo to the requesting officer indicating whether authorization has been granted.

B. Firearms

1. **General Considerations:** The use of a firearm as a deadly force response option must be consistent with state and federal laws and SOP #1-1A, RESPONSE TO RESISTANCE. The discharge of a firearm is an irreversible action. An officer's basic responsibility is to protect the public preserve life. If the officer reasonably believes that under the existing conditions a firearm should not be used to apprehend a criminal, that officer will not be disciplined for this decision, nor for the decision to employ another means to effect the arrest. Before firing, an officer should evaluate the direction in which the firearm would be discharged; the visibility, obstacles, weather and light conditions; and presence of innocent bystanders.
2. **Permissible Uses:**
 - a. for training at an approved range;
 - b. for the breaching of doors during dynamic entries by trained SRT members utilizing department-issued ammunition designed for breaching doors;
 - c. to dispatch an animal (including a domestic animal) that presents an imminent threat of injury to an officer or another person;
 - d. to dispatch a non-domestic animal that humanely requires its removal from further suffering when other dispositions are impractical; or
 - e. as a means of applying deadly force, or for deploying impact, chemical or other approved, specialty munitions, consistent with policy, training and law.
3. **Prohibited Uses:**
 - a. as a warning shot;
 - b. to intimidate or coerce a subject, without legal authority or justification.
 - c. at a moving vehicle, when the sole purpose is to disable the vehicle;
 - d. at a moving vehicle for any other purpose, unless:
 - 1) a person in the vehicle is threatening the officer or another person with the imminent use of deadly force by means other than the vehicle; or

- 2) the vehicle is being operated in a manner deliberately intended apply deadly force by striking an officer or another person, and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle.
- e. from a moving vehicle; except in extremely exigent circumstances. In these situations, an officer must have an articulable reason for this use of deadly force.
- f. as an impact weapon, unless no other means of defense is available;
- g. when there is an obvious danger to bystanders; or
- h. any careless or casual use or display of a firearm.

4. Reporting the discharge of a firearm

- a. Whenever an officer discharges a firearm to dispatch an animal that humanely requires its removal from further suffering, he/she must make notation in the call narrative field of CAD. The narrative must include a brief description documenting the safety of the location selected, the number of rounds fired, and the weapon used. No additional documentation is required unless there are unintended damages or injury.
- b. For other discharges, all on or off-duty, personnel must immediately report the accidental, negligent or intentional discharge of a department-owned or authorized firearm for other than recreational or training purposes, or the discharge of any firearm in the direction of another human being, or any damage, injury or death caused by any such on or off duty discharge, to the on-duty shift commander.
- c. The shift commander will make administrative notifications, and arrange for further investigation and documentation.
- d. A use of force report shall be filed for any application of deadly force. All other discharges will be documented in a memorandum. All reports will be forwarded to the chief of police through the chain of command within 8 hours of the discharge.
- e. A Range officer or supervisor will be part of any investigation related to the accidental or negligent discharge of a firearm.

5. Care, Use and Handling of a Firearm

- a. Electronic copies of the Standard Operating Procedures are available to all personnel on the PPD intranet. Sworn personnel will be instructed in the use of force before being allowed to carry a firearm on duty.
- b. If a weapon is lost, stolen or damaged, the officer must promptly report that fact to a supervisor and file a report with the appropriate agency, if necessary.

6. Safety

- a. Safety rules will not, in themselves, prevent an accident. It is necessary for every officer to make these rules a way of life. The careless or negligent handling of a firearm can result in the injury or death of another officer, a family member, friend or innocent bystander. It is imperative that each officer exercise extreme care in the handling of all firearms, always emphasizing safety, whether on or off duty, or whether a department or personally owned weapon.
 - 1) Treat every gun as if it were loaded;
 - 2) Never cock the firearm;
 - 3) Keep your finger out of the trigger guard until you are prepared to fire the firearm;
 - 4) Never give the firearm to anyone or take it from someone without checking to see that it is unloaded;

- 5) Be sure that your weapon(s) are not accessible to unauthorized or untrained individuals.
- 6) All firearms shall be carried and stored in a safe and secure manner. Each officer is responsible for the security of his/her firearm and shall not store a firearm in unsecured glove compartments, lockers, offices, desk drawers, athletic bags, or other temporary storage facilities. Officers shall not store or leave a firearm in any place where the public has easy access to the weapon. Protect the firearm at all times to prevent loss, theft or it being intentionally taken away;
- 7) Maintain the firearm in good working order; and
- 8) Wear appropriate safety gear when training with a firearm;
- 9) No use of alcohol, intoxicants, or drugs that impair. Officers shall report to their immediate supervisor any use of prescription drugs or other medication that they reasonably believe or their physician has advised might impair their ability or judgment to use a firearm.

7. Care of Firearms

- a. Cleaning and care: Officers are responsible for the care and cleaning of department-issued firearms, as well as personally-owned firearms authorized to be carried both on and/or off duty. Weapons shall be clean and lubricated at all times. It is the officer's responsibility to ensure that his/her personally-owned firearm is properly and safely stored, used, handled and maintained and is used for on duty purposes solely by the purchasing officer.
 - b. Repairs: Firearms in need of repair shall be submitted without undue delay to a Range officer with a written memorandum describing the type of malfunction and, if known, the cause. All repairs must be completed by certified armorers or returned to the original manufacturer for repair.
 - c. Damage to weapons: Damage to a department-issued firearm must be immediately reported to the Shift Commander. A written memorandum must be submitted describing the damage. The firearm shall be taken out of service until checked by a Range officer.
 - d. Inspections: Officers must allow a supervisor or Range officer to inspect their weapon at any time for modifications, cleanliness, and functionality. Any firearm found to be defective or unsafe will be removed from service and replaced with a safe, functional firearm.
8. Any weapon being carried on-duty will be carried in an approved holster designed for that particular weapon. Handguns and magazines will be fully loaded, including one round in the chamber. Factory grips will not be replaced with anything other than factory replacements, without the express authorization of the Chief of Police.

9. Range Officer Responsibilities and Use of the Indoor Range

- a. Range officers must:
 - 1) Qualify with a score of 90% and be a firearms instructor,
 - 2) Conduct and document all qualification sessions,
 - 3) Forward all appropriate documentation to the Training Sergeant,
 - 4) Notify the appropriate chain of command of an officer's failure to qualify,
 - 5) Maintain the Firing Range,
 - 6) Provide additional training to all officers, as needed,
 - 7) Inspect all on-duty firearms following qualifications and familiarization to ensure they are clean, safe and in proper working order; and

- 8) Document all inspections and repairs made to any department owned or authorized firearm.
- b. Use of the indoor range:
 - 1) Portland PD officers in good standing will not be refused access to the range, unless the range is under repair.
 - 2) Officers must wear the appropriate safety equipment while using the range. This includes body armor and eye and ear protection.
 - 3) Non-departmental personnel, including personnel from outside law enforcement agencies, are not permitted to use the range without the prior approval of the Chief of Police, or his/her designee. Non-departmental personnel may be asked to sign a liability waiver prior to using the range.
 - 4) Any damage and/or problems discovered in the range must be immediately reported to the Range supervisor and the on duty shift commander.
 - 5) All handguns and rifles up to and including .308 caliber are permitted for use in the range.

10. Qualifications

- a. Officers are required to abide by all department Standard Operating Procedures pertaining to firearms, whether they carry a personal, department-authorized firearm or a department-issued firearm.
- b. Under no circumstances will an officer be allowed to carry a firearm for which he/she did not pass the department-administered training and proficiency testing.
- c. In order to be allowed to continue to carry a personal firearm off-duty for a law enforcement purpose, the officer must meet the department's firearm qualification standards annually.
- d. Officers must qualify semi-annually on all primary firearms that they are authorized to carry on-duty. Proficiency in approved backup firearms shall be tested annually
- e. The qualification test shall be approved by the Range Supervisor and Maine Criminal Justice Academy and administered by a Range Officer.
- f. Officers must achieve a qualifying score of 80% or better, which shall be confirmed and observed by trained Range officer. Instructors and SRT members must achieve a qualifying score of 90%.
- g. Each officer will be afforded two opportunities, at City expense, to qualify on the officer's duty weapon during the mandatory testing period. Any additional time or ammunition needed to become proficient will be at the officer's expense.
- h. Officers must provide the ammunition necessary to qualify on approved backup firearms.
- i. The Range officer will immediately notify the Major and the Training Sergeant of any failure to qualify. Failing to qualify with an approved backup firearm shall also be reported. Only one qualification attempt may be made during a 24-hour period. Any officer who fails to qualify within 72 hours of the initial attempt to qualify will be immediately relieved of street duty and all overtime assignments, until such time as they are qualified. At a minimum, successful completion of remedial training and qualification will be required prior to being allowed to return to full duty status.
- j. Qualifications for Designated Marksmen: Prior to being issued an M16/AR15 rifle, designated marksmen must attend a 24-hour initial training course. Annual qualifications for designated marksmen will include 5 hours of training on an approved outdoor 100-yard range. During the course of a police call or other public safety incident, a rifle may only be deployed in a manner consistent with the designated marksman's training and experience.

- k. The SRT Commander will be responsible for maintaining the proficiency of SRT members in the use of any special firearms (M16/AR15, MP5, M14). Special firearm qualifications will be conducted semi-annually and SRT members must maintain a qualification score of 90% or better in all firearms utilized. Qualification scores will be maintained by the Commander of the Special Reaction team and sent to the Training Unit for inclusion in the officers' training records.

11. Mandatory familiarization

- a. In addition to the semi-annual qualifications, officers will participate in firearm familiarization training at least twice per year.
- b. Familiarization training will be conducted during an officer's on duty time with ammunition provided by the Department.

12. Remedial training

- a. If an officer fails to successfully complete a firearms qualification, the Range officer shall re-train the officer in those areas found to be deficient.
- b. The Range officer will be responsible for determining what training is needed. If remedial training is unsuccessful, a memo to that effect will be prepared and immediately forwarded to the Range supervisor, the Training Sergeant and through the appropriate chain of command. The Chief of Police will determine what further action will be taken.
- c. If appropriate, a Range officer may make a recommendation for an officer to carry a department-authorized, alternate type of firearm more suited to the abilities, physical restrictions and skill level of the officer.
- d. The Training Sergeant will document all firearms familiarization, qualifications and remedial training.

13. Firearm Availability

- a. Unless exempted for medical reasons or by the Shift Commander and assigned to alternate station duty, every on-duty officer must be armed when leaving police headquarters.
- b. Every officer assigned duties within headquarters must have his/her weapon available for use.
- c. Firearms not being worn or carried by an officer will be stored in a safe place under lock and key. Unlocked desk drawers and unlocked lockers are not acceptable areas in the police department. In motor vehicles, the locked trunk or a department-approved gun rack are the only acceptable locations.
- d. Before or upon entering a correctional facility, officers must secure all firearms in either locked vehicle trunk or a gun locker.
- e. All firearms found to be unsafe upon inspection will be taken immediately out of service and repaired. Duty firearms will be replaced by a spare department firearm, which shall be in good working order. Upon completion of the repair, the firearm will be returned to the officer and the spare firearm secured in a locked safe on the range.

14. On-Duty Patrol Rifle Procedures:

- a. Rifles may be carried only by officers trained in their use and should be inspected for readiness at the start of each patrol shift.
- b. Rifles shall either be secured in the vehicle's mounts, or stored in a hard-sided case in the trunk of the cruiser while deployed on a patrol shift. A rifle secured in a vehicle

mount will have the bolt closed on an empty chamber, a loaded magazine inserted in the magazine well, and the selector switch on "safe." A rifle stored in a hard case will have the bolt closed on an empty chamber, have an empty magazine well, and the selector switch on "safe."

- c. Department owned rifles that are not secured in the vehicle's mounts shall be returned to the equipment room at the end of the patrol shift.

15. Off-Duty Carrying / Use

- a. While not required by the department, officers may carry a concealed firearm off-duty, as consistent with applicable state and federal statutes.
- b. Only approved firearms and ammunition, as outlined in this SOP, are allowed to be carried off duty for law enforcement purposes.
- c. The carrying of an off-duty firearm shall be as unobtrusive as possible. Officers should not carry a firearm off duty when they are using alcohol or drugs.
- d. Officers must have their police identification with them at all times while carrying a concealed department-owned or authorized weapon.
- e. All firearms safety rules apply off duty as well as on duty.
- f. Officers must qualify on an annual basis with any firearm approved for off duty, law enforcement-related use.
- g. Nothing in this directive is intended to prevent an officer from owning or using any type of firearm for his/her off duty, recreational or personal protection use.
- h. No one will carry a weapon while consuming - or after having consumed – intoxicants.

16. Carrying Firearms on Commercial Aircraft

- a. When conducting official business that requires commercial airline travel, officers may secure their firearm in checked baggage or carry the firearm on their person.
- b. To transport firearms in checked baggage, the officer must:
 - 1) Declare all firearms to the airline during ticket counter check-in;
 - 2) Place the unloaded firearm in a hard-sided, locked container which completely secures the firearm from access by anyone other than the owner;
 - 3) Remain present during screening;
 - 4) Comply with any additional airline specific regulations.
- c. To carry a firearm onboard the aircraft, the officer must:
 - 1) Successfully complete the Transportation Security Administration (TSA) Law Enforcement Flying Armed Course;
 - 2) Follow all restrictions and requirements presented in the training course;
 - 3) Present an operational need to have the weapon accessible from the time he or she would have otherwise checked the weapon;
 - 4) Submit a National Law Enforcement Telecommunications System (NLETS) message to TSA at least 24 hours in advance of travel;
 - 5) Provide the 8-character alphanumeric identifier sent by NLETS reply message when checking in at the airport;
 - 6) Identify him/herself by presenting department credentials that include a full face picture, officer signature, and department authorizing official signature (a badge will not be accepted as the sole means of identification).
- d. Officers should plan to arrive early at the airline counter to ensure sufficient time to present credentials, complete required paperwork and clear security.
- e. If appropriate, the officer may request that he/she be notified of any other persons aboard the aircraft who are traveling armed.

- f. The guidelines outlined above are subject to change by TSA at any time. Officers should always check in advance of travel for the most current regulations. Additionally, officers should be aware that airline personnel have final authority and may require that an officer surrender a weapon before boarding or while on a commercial aircraft.

17. Purchase of Service Handguns:

- a. Officers who have served this community and retire in good standing from this department may request to purchase their issued handgun. This request must be made, in writing, to the Chief of Police, no later than their effective retirement date.
- b. If approved, the Range officer will consult with a licensed firearms dealer to determine the fair market value of the weapon. The Police Attorney will provide an agreement. The Range officer will coordinate and document the purchase, which will be filed in the retiree's personnel folder.
- c. The Chief of Police may authorize employee purchase of other agency firearms, in consultation with the Police Attorney.