




**WINCHESTER POLICE DEPARTMENT OPERATION ORDER**

**NOTE: This policy is for internal use only, and does not enlarge an employee’s civil liability in any way. It should not be construed as the creation of a higher standard of safety or case in an evidentiary sense, with respect to third party claims. Violation of this policy, if proven, can only form the basis of a complaint by this Department, and then only in a non- judicial administrative setting.**

Number <b>2-4D</b>		Effective Date December 5, 2023	Review Date December 2, 2023	Reviewing Division Administration
Subject <b>FIREARMS</b>	References  VLEPSC: ADM.06.01  CALEA	<input type="checkbox"/> New Policy <input type="checkbox"/> Amends <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised:	This policy shall apply to personnel assigned to the following divisions:	
			<input type="checkbox"/> All Personnel <input checked="" type="checkbox"/> Patrol Division <input checked="" type="checkbox"/> Administration Division <input checked="" type="checkbox"/> Investigations Division	
<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;">   <hr style="width: 30%; margin: 0 auto;"/> <p>Chief of Police or Designee</p> </div> <div style="text-align: center;"> <p><u>December 5, 2023</u></p> <hr style="width: 30%; margin: 0 auto;"/> <p>Date</p> </div> </div>				

**I. PURPOSE**

The purpose of this policy is to establish policy and procedures governing firearms, the care and maintenance of issued weapons, the selection and use of holsters, off-duty weapons, firearms training, and firearms qualification.

**II. POLICY**

An officer's firearm is perhaps the most commonly perceived symbol of their authority and public safety role. In fact, every contact with a citizen is an armed encounter, because the officer always carries a loaded firearm. In the interest of public safety, the Winchester Police Department sets high standards of performance for its personnel who use firearms. Department policy ensures that officers are properly trained not only in the use of appropriate firearms and the circumstances of their use, but also in firearm safety and maintenance, regarding both on and off-duty firearms. Supervisors and Department firearms instructors shall rigorously enforce Department firearms policy and procedures.

**III. DEFINITIONS**

A. Firearm

A firearm is an instrument that was designed or intended to expel a projectile by means of an explosion.

B. Back-up

A weapon system carried while acting in an on duty capacity and functions as a back- up weapon system in the event a catastrophic failure occurs to the primary issued weapon system or additional resources are needed.

C. Ammunition

- a. The combination of a cartridge, projectile, primer, or propellant designed for use in a firearm other than an antique firearm.

D. Secondary

- a. An AR style weapon system or shotgun weapon system issued by the Department for use in an on duty capacity for an alternative to the primary firearm in special circumstances.

E. Weapon Mounted Light System (WMLS)

- a. For Department issued weapons is a lighting system that is designed to be attached to a weapon via the use of a rail, clamp or other specifically designed attachment.

#### IV. **AUTHORITY AND RESPONSIBILITIES**

A. Firearms Supervisor

The firearms supervisor must be a firearms instructor certified by the Department of Criminal Justice Services (DCJS) and must complete an approved armorer course related to weapons issued by the Department. In addition to the duties listed for armorer, the firearms supervisor shall have the following responsibilities:

1. Maintain records of issuance, care, and maintenance of Department firearms and associated items;
2. Maintain a record of all Department firearms issued or in inventory. This record shall be reviewed and updated annually and shall include the following:
  - a. Officer's name and unit number;
  - b. Make and model of firearm;
  - c. Serial number of firearm; and
  - d. Caliber of firearm.
3. Inspect, certify as serviceable, and maintain a record of all personally owned firearms that are authorized for on or off-duty use;

4. Inspect and authorize the use of Department issued holsters. An officer may only use Department issued or approved holsters while on-duty; and
5. Coordinate firearms training and qualifications.

B. Department Armorer

All Department armorers must be a firearms instructor certified by the DCJS and must complete an approved armorer course related to weapons issued by the Department. Armorers shall have the following duties:

1. Maintain issued and non-issued Department firearms and associated equipment;
2. Inspect all firearms being returned to the armory to ensure they are clean and serviceable;
3. Repair all returned malfunctioning firearms;
4. Issue Department ammunition; and
5. Inspect all firearms used by officers both on and off-duty at each firearms qualification;

V. **PROCEDURES**

A. Firearms - General

1. The firearms supervisor or his/her designee shall issue Department firearms and ammunition for those firearms to authorized personnel.
2. The Department service weapon must be a .40 caliber handgun, full size or compact. The make and model of the Department issued service weapon shall be determined by the Chief of Police.
3. All officers, while on duty, whether in uniform or plain clothes, shall carry the Department issued firearm and carry that firearm in a Department issued or approved holster. Officers engaged in activities in which the wearing of a firearm is prohibited or impractical due to the tasks involved, may be exempt from carrying a firearm. Examples are training academies where carrying a firearm is prohibited, defensive tactics training, and during on-duty physical workouts.
4. Department firearms, which become unserviceable or are no longer needed, shall be returned to the firearms supervisor.
5. Officers who carry a firearm while attending court shall comply with the requirements of the presiding judge. If firearms are not to be worn, the firearm shall be placed in a secure location prior to attending court.

6. Officers are responsible for the care, cleaning, and security of Department weapons they are issued. Officers shall immediately report any firearm malfunction to the firearms supervisor or a Department armorer.

B. Modification of Firearms

1. Department firearms shall not be modified or altered without written approval of the Chief of Police, except as outlined in this policy.
2. Modification of privately owned firearms approved by the Department as secondary or off-duty weapons is confined to the weapon grips and is authorized only under the following conditions:
  - a. Grips shall be of high quality wood, rubber, or polyurethane and shall be the color of natural wood or plain black; and
  - b. Target style grips or any grips that interfere with speed loading of the firearm are not authorized.
3. All modified firearms shall be inspected by the firearms supervisor for proper serviceability.

C. Weapon Mounted Light Systems

1. Only approved and issued WMLS shall be used on Department firearms. Laser aiming devices are not permitted or authorized.
2. Only employees that have attended and completed a required training for a specific WMLS may utilize them.
3. Employees utilizing a WMLS shall have a functioning handheld light on their person.
4. A WMLS shall never be utilized as a flashlight; it is dedicated part of the weapon system. If the weapon comes out of its holster, you must be able to articulate the reason for doing so. Violation of this may result in disciplinary action.
5. WMLS allows for:
  - a. An officer to utilize a firearm while having an active light source to help identify a threat when compressed time constraints make access to an independent light unfeasible.
  - b. An injured officer to utilize a weapon and have a light source.
  - c. Officers to effectively conduct secondary searches in a building when another officer is unable to assist in checking the secondary threat area.

6. Firearm (WMLS): Members that wish to utilize a WMLS on their firearm must:
  - a. Have the handgun inspected by a certified Glock armorer since only late model Glock handguns will accept a WMLS; have the carbine rifle inspected by AR-15 armorer; have the shotgun inspected by a shotgun armorer
  - b. Have the light installed and inspected by a certified Glock armorer to insure it will not interfere with the functioning of the weapon.
  - c. Must attend and complete a basic Department approved WMLS course.
  - d. Wear the Department issued holster that allows the weapon to be holstered with the light system attached.
  - e. With the light system attached to the weapon, qualify with Department minimum qualification score for daytime and night course.

D. Firearms Inspections

1. Firearm inspections shall include handguns, authorized carbine rifles, ammunition pouches, magazines, and holsters.
2. Firearms instructors shall thoroughly inspect each firearm before qualification on the firearms range. Supervisors shall inspect issued firearms monthly to ensure that they are maintained in a clean and serviceable condition.
3. Ammunition shall be inspected to ensure that the ammunition is Department issue, the correct quantity, and is in serviceable condition. For officers wearing Department issued weapons, each magazine will contain the manufacture's standard maximum cartridge capacity.
4. Upon completion of monthly firearms inspections, the shift supervisor shall forward an inspection report to the captain of the appropriate division. The inspection report shall document the following information:
  - a. The date the inspection was held;
  - b. The name of each officer inspected; and
  - c. The findings of the inspection, including any corrective action taken.

E. Back-Up Duty Firearms

1. Any additional firearms carried while on-duty shall be at least .380 caliber and shall not be greater than the caliber of the Department issued firearm.

Exceptions to having a weapon that exceeds .40 caliber as a back-up or off-duty weapon are:

- a. Any member of the Department that is an active member of the Special Weapons and Tactics (SWAT) team and has been trained and qualified with a weapon larger than .40 caliber, may have that weapon as a back-up or off-duty weapon. This does not exempt the officer from wearing their Department issued firearm when on-duty.
  - b. Any sworn law enforcement officer who has been trained and qualified with a carbine rifle, may possess that weapon while on-duty. An example would be an officer trained and qualified with a carbine rifle or shotgun, could have this weapon with them on-duty as a secondary weapon. This does not exempt the officer from wearing their Department issued firearm when on-duty.
2. Back-up on-duty weapons must be approved by the firearms supervisor and the Chief of Police through a submitted written request. The request shall include the make, model, and serial number of the back-up weapon. The firearms supervisor will forward the request to carry a back-up handgun to the Chief of Police with any recommendations. All requests for a back-up on-duty weapon must be approved by the Chief of Police.
  3. Officers shall be permitted to have only one (1) back-up handgun while on-duty.
  4. The back-up handgun shall not be carried in a conspicuous fashion or worn in any manner where it will be seen by the public.
  5. The back-up handgun must be worn in a holster that provides retention security that will prevent losing the firearm during physical activity. The holster must be approved by the firearms supervisor.
  6. Ammunition for a back-up handgun must be approved by the firearms supervisor and purchased at the officers' expense.

F. Off-Duty Handguns

1. Officers are encouraged, but not required to carry a handgun when off-duty. An officer who elects not to carry a handgun while off-duty shall not be subject to disciplinary action if an occasion should arise in which they could have taken police action if they were armed. The exception is while operating a Department vehicle, off-duty officers shall be armed with an approved handgun.
2. Officers may carry while off-duty, either an issued Department handgun or a personally owned handgun. Personally owned off-duty handgun and ammunition for those handguns are purchased at the officer's expense.

3. The caliber of the off-duty handgun shall be at least .380 caliber up to a .45 caliber.
4. Off-duty handguns must be approved by the firearms supervisor and the Chief of Police through a submitted written request. The request shall include the make, model, and serial number of the off-duty handgun. The firearms supervisor will forward the request to carry an off-duty handgun to the Chief of Police with any recommendations. All requests for an off-duty weapon must be approved by the Chief of Police.
5. All officers shall submit off-duty handguns to the firearms supervisor for inspection and qualification before carrying the handgun off-duty.
6. Officers who carry a handgun off-duty shall also carry their Department identification and badge.
7. Officers should exercise sound judgment when wearing firearms while attending social events such as sporting event, parties, or religious services.
8. Officers shall not wear weapons when consuming alcoholic beverages or prescription drugs to the extent that their physical and mental abilities are impaired.
9. When off-duty, it is preferred that handguns are worn concealed from public view. If the handgun is visible, the Department badge must be clearly displayed for easy identification as a police officer.

G. Carbine Rifle

1. The carbine rifle shall only be used when a possibility exists that the officer will be involved with an armed suspect such as an armed robbery in progress, searching for armed suspects, active shooter situation, or answering calls for service when the complainant has indicated that a person is armed.
2. The Chief of Police or his/her designee may approve the use of carbine rifles on raids and stakeouts when he or she believes that a threat to human life exists.
3. Carbine rifles shall be carried in designated Department vehicles in the mounting device if vehicle has one installed. If vehicle does not have mounting device, the weapon shall be carried in the concealed carry case provided secured in the rear hatch or truck area. The carbine rifle is to be encased and secured with the chamber empty and safety on until the officer removes the weapon from the vehicle.
4. Shotguns for SWAT shall be stored only in designated storage locations within the police Department. The shotgun is to be removed from the designated carry case and placed into the shotgun rack with the barrel pointed in an upward position. The chamber shall be empty and the safety on. The shotgun should never be stored in any designated storage area or transported with a loaded chamber.

5. Before beginning a tour of duty or immediately thereafter, officers shall inspect their carbine rifle before removing the weapon from the designated Department storage area.
6. Carbine rifles shall be removed from Department vehicles and secured in a designated storage area before leaving the vehicle at any garage or service Department.
7. The firearms supervisor or armorer shall develop a shotgun and carbine rifle maintenance, inspection, and cleaning schedule.
8. Officers shall complete a Department carbine rifle course and achieve at least the minimum qualification score before they are authorized to carry a shotgun or carbine rifle on-duty.
9. Officers shall carry only Department issued and approved ammunition in the carbine rifle.
10. Officers who deploy their carbine rifle per IV. F. 1. may deploy a thigh rigging ammunition pouch for their additional rifle magazines. These must be approved by the Department and at the officer's expense.

## **VI. FIREARMS QUALIFICATION AND TRAINING**

### **A. Firearms Qualification**

1. All sworn personnel shall qualify once annually with their Department issued firearms on an approved firearms range and under the supervision of a Department firearms instructor. Firearms qualification is a combination of skill and discretion. When to shoot is perhaps a more important question than how to shoot.
  - a. Officers shall be required to undergo annual refresher training on sub-polices that fall under Winchester Police Department General Order 2-4, Use of Force, and duty to intervene.
2. All officers shall qualify on an approved firearms course certified by the DCJS.
3. All personnel issued specialized firearms will qualify with the firearm annually, on an approved firing range, instructed by a DCJS certified firearms instructor. Specialized firearms include chemical agent weapons, submachine guns, carbine rifles, and sniper rifles.
4. Any officer approved to carry a secondary weapon or off-duty weapon, must qualify with that weapon a minimum of once annually and must have the weapon approved by the firearms supervisor and the Chief of Police.



5. The minimum Department qualification score is seventy-five (75). Any officer, who fails to qualify with a minimum score of seventy-five (75) on a third consecutive qualifying attempt on the same date, shall be placed in remedial training as soon as practicable. Officers who fail to qualify may be removed from their regular duties at the discretion of the Chief of Police, until the standards expressed in this order are met.
6. Only firearms and ammunition issued by the Department shall be used during qualifications, with the exception of officers who have approval to use personally owned firearms while on-duty or off-duty.
7. Officers who have taken extensive leave or suffered an illness or injury that could affect the use of firearms or non-deadly weapons shall re-qualify before returning to law enforcement duties.

B. Firearms Safety and Firearms Range Rules

1. The firearms instructor shall instruct all officers on range safety procedures prior to firearm qualification.
2. Firearms instructors shall be in command at all times when officers are on the firearms range for qualification.
3. Firearms instructors shall inspect all firearms to determine if the weapons are safe and to ensure that firearms are properly maintained.
4. All firearms and ammunition pouches shall be unloaded within the firing range upon command and under supervision of the firearms instructor.
5. Before approaching the firing line, each officer shall wear issued body armor and approved eye and ear protection.
6. Once firearms have been unloaded, they shall remain in holsters until officers have taken positions on the firing line and the firearms instructor has given permission to dry fire or load with ammunition.
7. Horseplay shall not be permitted on the firearms range. Anyone engaged in horseplay shall be asked to leave the firearms range and the firearms. The instructor shall write a report to the Chief of Police, through the chain of command, detailing the circumstances and any recommended action.
8. No smoking, drinking, eating, or chewing tobacco shall be permitted on the firing line.
9. Persons who are not qualifying with a firearm shall not be allowed near the qualification area other than the fifty (50) yard line, except with approval from a firearms instructor.
10. At no time shall anyone go beyond the firing line until it is safe, and then only when the firearms instructor gives the command to move forward.

11. Once a shooting phase has begun, firearms shall be kept pointed down range with officers facing their targets. If an officer misunderstands a command or has a problem with their weapon, they shall raise their non-firing hand to draw the firearms instructor's attention.

C. Additional Instruction

1. Officers must also demonstrate an understanding of law and Department policy on the use of force before qualifying with a firearm. Topics included are shoot and don't shoot issues and the use of the force continuum.
2. Tactical considerations such as the use of verbal commands, shooting in various positions, and handling multiple suspects shall be included in annual firearms training.