

## Firearms

### 1200.1 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 a firearm 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.

### 1200.2 POLICY

The Montgomery County Sheriff's Office will equip its members with firearms to address the risks posed to the public and office members by violent and sometimes well-armed persons. The Office will ensure firearms are appropriate, in good working order and that relevant training is provided as resources allow.

### 1200.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Deputies shall only use firearms that are issued or approved by the Office and have been thoroughly inspected by the Range Master. No firearm shall be carried on-duty, as a secondary handgun or as an approved off-duty firearm by a member who has not qualified and registered with the firearm range officer.

All other weapons not provided by the Office, 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 office policy, may not be carried by members in the performance of their official duties without the express written authorization of the office. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

#### 1200.3.1 HANDGUNS

The authorized office-issued handgun is the Glock Model 22 .40 Cal. Following additional handguns are approved for on-duty use by Investigations:

MAKE: Smith & Wesson	MODEL: M & P Shield	CALIBER: 40
----------------------	---------------------	-------------

#### 1200.3.2 SHOTGUNS

The authorized office-issued shotgun is the Remington 870 12 gauge.

When not deployed, the shotgun shall be properly secured in the trunk of the patrol vehicle with the magazine loaded, the action closed on an empty chamber, the trigger pulled to release the hammer and the safety in the safe position.

# Montgomery County Sheriff's Office

## Policy Manual

### *Firearms*

---

#### 1200.3.3 PATROL RIFLES

The authorized office-issued patrol rifle is the DPMS 4-15 5.56 mm rifle.

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.

When not deployed, the patrol rifle shall be properly secured in the trunk of the patrol vehicle with the chamber empty, magazine loaded and inserted into the magazine well, the bolt forward with the dust cover closed, the trigger pulled to release the hammer and the selector lever in the safe position.

#### 1200.3.4 PERSONALLY OWNED DUTY FIREARMS CARRIED BY ACTIVE RESERVE DEPUTY SHERIFF'S

Active Reserve Deputy Sheriff's must personally own a duty firearm. Personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order and on the office list of approved firearms.
- (b) The firearm shall be inspected by the Range Master prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the office qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Range Master, who will maintain a list of the information.

#### 1200.3.5 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry office or personally owned secondary handguns are subject to the following restrictions:

# Montgomery County Sheriff's Office

## Policy Manual

### *Firearms*

---

- (a) The handgun shall be in good working order and on the office list of approved firearms.
- (b) The purchase of the handgun and ammunition shall be the responsibility of the member.
- (c) 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.
- (d) The handgun shall be inspected by the Range Master prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (e) Ammunition shall be the same as office issue. If the caliber of the handgun is other than office issue, the Sheriff or the authorized designee shall approve the ammunition.
- (f) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the office 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 Range Master, who will maintain a list of the information.

#### **1200.3.6 AUTHORIZED OFF-DUTY FIREARMS**

The carrying of firearms by members while off-duty is permitted by the Sheriff 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 law enforcement officers, will be required to meet the following guidelines:

- (a) Must be carried in accordance with NC Law as it pertains to law enforcement officers and current policy.
- (b) Must be their issued handgun or approved secondary handgun.

#### **1200.3.7 AMMUNITION**

Deputies shall carry only office-authorized ammunition. Deputies shall be issued fresh duty ammunition in the specified quantity for all office-issued firearms during the Deputies firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Office shall be dispensed by the Range Master when needed, in accordance with established policy.

Deputies carrying personally owned authorized firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

#### **1200.4 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 deputy.

# Montgomery County Sheriff's Office

## Policy Manual

### *Firearms*

---

#### 1200.4.1 REPAIRS OR MODIFICATIONS

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

Firearms that are the property of the Office may be repaired only by a person who is office-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Range Master.

Any repairs or modifications to the Deputies personally owned firearm shall be done at his/her expense and must be approved by the Range Master.

#### 1200.4.2 HOLSTERS

Only office-approved holsters shall be used and worn by members. Deputies shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun and are required to report damaged holsters to their supervisor. Holsters of personally owned secondary handguns are the responsibility of the member.

### **1200.5 SAFE HANDLING, INSPECTION AND STORAGE**

Shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Deputies shall not unnecessarily display or handle any firearm.
- (b) Deputies shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Range Master.
- (c) Deputies shall not clean, repair, load or unload a firearm anywhere in the Office, except in a safe manner.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, in a safe manner.
- (e) Deputies shall not place or store any firearm or other weapon on office 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. Deputies providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Deputies 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.

# Montgomery County Sheriff's Office

## Policy Manual

### Firearms

---

- (g) Any firearm authorized by the Office to be carried on- or off-duty that is determined by a deputy to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to their Supervisor. Any firearm deemed in need of repair or service by the Range Master will be immediately removed from service. If the firearm is the deputies primary duty firearm, a replacement firearm will be issued to the deputy until the duty firearm is serviceable.

#### 1200.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected periodically by the deputy to whom the weapon is issued. The deputy 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.

#### 1200.5.2 STORAGE AT HOME

Deputies shall ensure that all office-issued/approved 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. Deputy shall not permit office-issued firearms to be handled by anyone not authorized by the Office to do so. Deputies should be aware that negligent storage of a firearm could result in civil and criminal liability.

#### 1200.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any deputy, either on- or off-duty, who:

- (a) Is consuming any alcohol.
- (b) Has alcohol in his/her blood.
- (c) Has a controlled substance in his/her blood.

This also applies to prescribed medications with side effects..

#### 1200.6 FIREARMS TRAINING AND QUALIFICATIONS

All deputies shall qualify at least annually with all weapons issued or used by them. At least annually, all deputies carrying a firearm should receive practical training designed to simulate field situations, including low-light shooting. These qualifications shall meet Commission standards.

All deputies who carry a firearm while on-duty are required to successfully complete training annually with their on-duty firearms. Deputies will qualify with their secondary firearms at least annually. Training and qualifications must be on an approved range course.

# Montgomery County Sheriff's Office

## Policy Manual

### *Firearms*

---

#### **1200.6.1 NON-CERTIFICATION OR NON-QUALIFICATION**

If any deputy fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that deputy shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Unless otherwise exempted by the Commission, those who fail to meet minimum standards or qualify pursuant to Sheriff's Training and Standards Rules shall be provided remedial training and will be subject to the following requirements:

- (a) Deputies who fail to qualify with any service handgun or authorized shotgun, rifle or automatic weapon will be prohibited from accessing those weapons until the deputy obtains qualification within thirty (30) days.
- (b) Deputies shall take vacation while they are in a non-qualified status until they qualify or thirty (30) days
- (c) Deputies who fail to qualify with any specialized or tactical weapons will be prohibited from accessing those weapons until the deputy obtains qualification.
- (d) Additional range assignments may be scheduled to assist the deputy in demonstrating consistent firearm proficiency.

Deputies shall be given credit for range training or qualification when obtaining a qualifying score or meeting standards after remedial training.

Deputies will not receive range credit for the following:

- Unauthorized range attendance.
- Failure to meet minimum standards or qualify after remedial training

Deputies who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

The Sheriff or the authorized designee shall report to the North Carolina Department of Justice once each calendar year a roster of all deputies who failed to successfully complete annual in-service training and firearms qualification. The report shall certify that deputies not listed successfully completed the training and qualification.

#### **1200.7 FIREARM DISCHARGE**

Except during training, any Deputy who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a written 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 Deputy shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

# Montgomery County Sheriff's Office

## Policy Manual

### *Firearms*

---

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

- (a) If on-duty at the time of the incident, the Deputy shall file a written report 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, a written report shall be submitted or a recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

#### **1200.7.1 DESTRUCTION OF ANIMALS**

Deputies 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. A written report is required to illustrate the incident.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, Deputies should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, TASER (TM), 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 or becomes impractical.

#### **1200.7.2 INJURED ANIMALS**

A Deputy may not euthanize an animal that is injured.

#### **1200.7.3 WARNING AND OTHER SHOTS**

Warning shots are prohibited.

#### **1200.8 RANGE MASTER DUTIES**

The range will be under the exclusive control of the Range Master. All Deputies attending will follow the directions of the Range Master. The Range Master will maintain a roster of all Deputies attending the range and will submit the roster to the Sheriff Training and Standards Commission after each range date. Failure of any Deputy to sign in and out with the Range Master may result in non-participation or non-qualification.

The Range Master has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by Deputies of this office to verify proper operation. The Range Master has the authority to deem any office-issued or personally owned firearm unfit for service. The Deputy will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until it has been inspected and approved by the Range Master.

The Range Master has the responsibility for ensuring each Deputy meets the minimum requirements during training shoots and, on at least an annual basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the Deputy is authorized to carry. Any failure to maintain minimum qualification standards shall be immediately reported to the Sheriff.

# Montgomery County Sheriff's Office

## Policy Manual

### *Firearms*

---

The Range Master shall complete and submit the 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 Commission, a list of each Deputy who either fails or who successfully completes the training. The documentation shall be forwarded to the Commission by the Sheriff annually. The Range Master should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records.

#### **1200.9 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 deputies who intend to be armed while flying on a commercial air carrier or flights where screening is conducted:

- (a) Deputies 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 Office based on the law and published TSA rules.
- (b) Deputies must carry their Montgomery County Sheriff's Office identification card, bearing the deputy's name, a full-face photograph, identification number, the deputy's signature and the signature of the Sheriff or the official seal of the Office and must present this identification to airline officials when requested. The deputy should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The Montgomery County Sheriff's Office must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the deputy's travel. If approved, TSA will send the Montgomery County Sheriff's Office an NLETS message containing a unique alphanumeric identifier. The deputy 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 Sheriff authorizing armed travel may also accompany the deputy. The letter should outline the deputy's need to fly armed, detail his/her itinerary, and include that the deputy has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Deputies must have completed the mandated TSA security training (available from TSA) covering deputies flying while armed. The training shall be given by the office-appointed instructor.
- (f) It is the deputy'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 deputy flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.

# Montgomery County Sheriff's Office

## Policy Manual

### *Firearms*

---

- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The deputy 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.
- (i) Deputies should try to resolve any problems through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Deputies shall not consume alcoholic beverages while aboard an aircraft, or within twenty-four (24) hours prior to boarding an aircraft.

#### **1200.10 CARRYING FIREARMS OUT OF STATE**

Qualified, active, full-time deputies of this office are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The deputy shall carry his/her Montgomery County Sheriff's Office identification card whenever carrying such firearm.
- (b) The deputy is not the subject of any current disciplinary action.
- (c) The deputy may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The deputy will remain subject to this and all other office policies (including qualifying and training).

Deputies 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 a deputy from arrest and prosecution in such locally restricted areas.

A deputy carrying firearms in another state under duty-related conditions are held to office standards that are more restrictive.

Active law enforcement officers from other states are subject to all requirements set forth by State Law.