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| <b>CHAPTER 1:<br/>LAW ENFORCEMENT ROLE AND<br/>AUTHORITY</b>   | <b>POLICY # 1.4<br/>FIREARMS</b> |
| <i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> |                                  |
| Date Implemented: 11/01/2019<br>Date Revised: 01/24/2022   | Review Date:                     |

**PURPOSE**

The purpose of this section is to establish guidelines for authorization of firearms carried by sworn members of the Indian Hills Police Department.

**POLICY**

It shall be the policy of the Department that only authorized firearms and ammunition will be carried by officers in the performance of law enforcement related functions.

**Authorization to Carry**

Officers are authorized to carry concealed deadly weapons under KRS 527.020(3). This authorization allows both on-duty and off-duty officers to carry an authorized firearm within the Commonwealth of Kentucky.

Authorized firearms are those that comply with the department's specifications. Authorized firearms include both departmentally owned firearms as well as personally owned weapons that the officer has qualified with and been approved to carry by the Department. Authorized firearms will be properly inspected and documented with the Department before being approved for service.

It is the policy of the agency to train and qualify all sworn personnel in the use of departmentally approved weapons, holsters, lights, and ammunition. All sworn personnel will have access to the departmental policy and be instructed in response to resistance prior to being authorized to carry a weapon.

Training is conducted and documented by the Indian Hills Police Department, or an outside KLEC-approved instructor. As required by the Department, officers must qualify with their approved uniform service pistol, twice annually, one of which will be in night/low-light conditions. This will be done before the officer is authorized to carry the weapon.

Records of weapon qualifications and results, including the make, model, caliber, and serial number of each firearm will be maintained by the Department. This applies to all departmentally authorized weapons, whether on duty, off duty, and/or backup weapons.

Any weapon that an officer chooses to carry must be inspected, approved, test-fired and registered with the department. A shell casing and bullet from the weapon should be maintained by the department for identification purposes.

### **Authorized Firearms**

The following are the authorized firearms of the department. The deployment of all authorized firearms should be in keeping with authorized firearms training.

#### Uniform Service Pistols

- Glock, Model 17, 9 MM, Black

#### Plainclothes Service Pistols

- Glock, Any Model, 9 MM, Black

#### Long-Barreled Weapons (Shotguns and Rifles)

- Any shotgun or patrol rifle must be approved by the Department's firearms instructor and the Chief of Police.
- Rifles should be fired in a semi-automatic mode only.

Officers are accountable for decisions made to deploy all firearms. Situations calling for the deployment of long-barreled weapons may include, but are not limited to:

- Potential mass violence (i.e., active shooters).
- Perimeter containment in barricaded suspect situations with known weapon potential.

### **Off-Duty/Backup Firearms**

Officers may carry a maximum of two (2) handguns on their person while on duty. Off-duty/backup firearms will be carried in a holster.

While within Jefferson County, an officer will carry an approved pistol, with which he or she has qualified.

Officers should refrain from carrying firearms when manifestly under the influence of alcoholic beverages or under other circumstances where the need to carry a firearm is outweighed by safety issues associated with the circumstances that the officer will be undertaking.

Officers should carry the pistol and ammunition in a concealed manner. When an officer's activity is such that concealment is not practical, the weapon will be kept as readily accessible as circumstances permit.

If confronted by on-duty officers verbally identify yourself as a police officer —not once and not in a normal tone of voice, but repeatedly and very loud.

Keep shouting out: "POLICE! DON'T SHOOT! OFF-DUTY OFFICER!" until you get acknowledgment and directions as to what you should do.

When the responding officers issue commands, follow them promptly and completely. Expect to be treated like a suspect until your law enforcement status is verified.

The most important rule of all: If you have a gun in your hand, NEVER, EVER turn toward an on-duty officer.

The possession of a carry concealed deadly weapon (CCDW) license by an officer does not relieve him or her of the pistol requirements listed above.

## **Official Departmental Holsters**

The Department will purchase holsters to be used with the uniform duty belt. The Chief of Police will determine the appropriate make and style.

Any holsters with the SERPA (or similar) style retention and release are prohibited for departmental use, including training. This includes any holster with an external release button primarily designed to be disengaged by use of the trigger finger.

Shoulder holsters both vertical and horizontal are prohibited for departmental use.

## **H.R. 218 – The Law Enforcement Officers’ Safety Act**

Officers traveling outside of Kentucky will abide by H.R. 218 (Law Enforcement Officers’ Safety Act of 2004) regarding the carrying of concealed firearms. H.R. 218 exempts qualified active law enforcement officers from local and state prohibitions on the carrying of concealed firearms. However, the following laws are still applicable to qualified active law enforcement officers:

Federal laws or regulations governing the carrying of firearms onto aircraft, in federal buildings, on federal property, and in national parks.

State laws which prohibit the carrying of firearms onto state or local government property.

State laws which allow private entities to prohibit firearms on their private property.

The Law Enforcement Officers’ Safety Act excludes machine guns, firearm silencers, and other destructive devices from the definition of firearms.

In order to qualify for H.R. 218, an officer must have his or her departmentally issued ID card on his or her person. Therefore, if an officer’s police powers have been suspended, for any reason, he or she will not be following H.R. 218. Additionally, an officer will not be covered under this act if he or she is under the influence of alcohol or drugs.

Officers carrying concealed firearms in accordance with H.R. 218 are further restricted by the department to carry only their approved uniform service pistol and/or the off duty/backup pistol on which they are currently qualified.

If an officer does not meet the standards as outlined above and is traveling outside of Kentucky, he or she will abide by all firearms regulations of the jurisdiction through which he or she travels. H.R.218 does not give law enforcement authority outside of the officer’s jurisdiction.

## **Firearms Aboard Commercial Aircraft**

Officers will abide by all Federal Aviation Administration (FAA), Transportation Security Administration (TSA), and individual airline regulations regarding weapons on aircraft. To carry a departmentally approved firearm aboard a commercial aircraft, officers must first complete the TSA’s Law Enforcement Officer Flying Armed (LEOFA) Training Course.

For each assignment that requires a departmentally approved firearm to be carried aboard a commercial aircraft, the officer must complete the Law Enforcement Officers Flying Armed form and forward the form to the Chief of Police, or his or her designee, at least 24 hours prior to the planned departure. If approved by the Chief of Police, or his or her designee, he or she will forward the form to the National Crime Information Center (NCIC) Unit. The NCIC Unit will forward the necessary information to the TSA, who will make the final approval or denial. If the request is approved, the TSA will forward a receipt message with a unique alphanumeric identifier to be used by the officer at the airport on the day of travel. If the date or route of travel changes, the officer must contact the NCIC Unit to obtain a new unique alphanumeric identifier to reflect the new travel information.

On the day of travel, the officer must identify himself or herself as a LEOFA upon check-in at the airline ticket counter. The officer may be required to complete additional paperwork for the airline with which he or she is flying. Upon arrival at the TSA Security Checkpoint, the officer will be required to use the designated LEOFA checkpoint lane and provide the TSA with his or her departmentally issued badge/credentials, boarding pass, second form of

government identification, the alphanumeric identifier issued by the TSA, and any additional paperwork for the airline with which he or she is flying. The officer will then complete the TSA Checkpoint sign-in log entry and proceed to his or her boarding gate. At the boarding gate, the officer will inform the gate agent of his or her presence and armed status and provide any requested paperwork. The gate agent will identify any additional armed officers on the flight and escort the officer to meet the pilot in command, federal air marshal(s), and federal flight deck officer(s) on the flight.

### **Altering**

Authorized firearms, including magazines, magazine floor plates, and rifle dust covers, will not be altered in any way unless approved by the Chief of Police.

### **Ammunition**

Officers will only carry ammunition issued or approved by the Department in all authorized firearms and extra ammunition pouches. Ammunition will not be altered.

Uniformed officers will carry a minimum of two (2) complete reloads for their on-duty weapon. Plainclothes officers will carry at least one (1) complete reload. Weapons will be loaded to the maximum recommended capacity.

All duty ammunition will be of new manufacture and will be rotated out of service annually by firing it during approved training courses during regular qualification.

It is the responsibility of the individual officer to maintain ammunition in such a manner as to preserve its readiness.

### **Firearms in Courtroom**

Officers may be armed in a courtroom at the discretion of the presiding judge. When a presiding judge prohibits a firearm in his or her court, the officer will secure the weapon in a locked receptacle as close to the courtroom as possible.

### **Firearms in Restricted Areas**

When an officer enters an area of another government agency that restricts or has regulations governing firearms (e.g. correctional facilities), he or she will abide by that agency's regulations. However, under all circumstances, the weapon will be properly secured.

Pursuant to state law, officers may carry their firearms on private property (e.g. malls, schools, restaurants, theaters) even if a weapons prohibition is posted.

If an off-duty officer attempts to enter a public venue with a concealed firearm and that venue denies entry, the officer will call an on-duty supervisor to assist in resolving the matter.

If the venue management still denies entry, the officer may only attend the event after securing his or her weapon. The supervisor will complete an incident report setting out the facts of what occurred. The incident report will include the person who denied entry and the manager on duty at the time of the incident. A copy of the incident report will be sent to the legal advisor or city attorney. If a venue allows entry but utilizes a reasonable system for identifying law enforcement and/or where they are seated, the off-duty officer will comply with the regulations set forth by the management. If there is a question of reasonableness of a system, the officer will forward their concerns, in writing, to the Chief of Police.

### **Care of Firearms**

The Department has the responsibility to remove from service any firearm determined to be unsafe or nonfunctional.

## **Safe Storage of Firearms**

Department members are responsible for the security of their department firearms.

## **On-Duty Storage of Firearms**

Person: Members shall carry department firearms in authorized holsters.

Offices: At no time shall a firearm be left unsecured in an unlocked office or unlocked desk.

Jail/Holding Facilities: When entering any jail or holding facility, members shall safely secure their firearm.

## **Off-Duty Storage of Firearms**

Vehicles:

All Vehicles: Department firearms shall not be left unsecured in the passenger compartment of any vehicle. Rifle/shotgun racks are considered secured devices.

Department Vehicles: If a vehicle is to be parked unattended, all firearms will be removed or secured with a secondary security device.

Personal Vehicles: If a vehicle is to be parked unattended, department firearms will be removed or secured with a secondary security device.

Home:

All members are directed to identify safe-storage area(s) for department firearms within their home.

The safe-storage area should have limited access. Safe-storage area for purposes of this provision may include trigger-locks on firearms which would render them inoperable without access to the unlock mechanism.

Members should make the safe storage of firearms a habit of priority whenever they enter their home.

## **Discharge of Firearms**

Officers are required to immediately report any instance of a discharge of an authorized firearm to their supervisor. If someone is injured as the result of a discharge of an authorized firearm, the Chief of Police will designate who is responsible for the investigation. This investigation includes the completion of an Administrative Incident Report. All findings and recommendations will be forwarded through the appropriate chain of command.

Officers are not required to report the discharge of a firearm for target practice or training purposes.

Officers are required to report to their supervisor, any discharge for the humane destruction of non-domesticated animals.

## **Firearms Qualification**

Approved Uniform Service Pistols/Plainclothes Service Pistols

All officers will qualify with their approved uniform service pistols on a schedule determined by Department Officers must qualify with their approved uniform service pistol, at a minimum of twice annually, one of which will be in night/low-light conditions. Qualifications will be based on proficiency standards and scored on a pass/fail basis.

## **Qualification Courses**

Firearms qualification courses may include but are not be limited to the following:

- Daytime qualification course
- Night firing courses (with and without lighting)
- Stress courses (tactical type courses, moving targets, etc.)
- Off-duty firearms courses
- Rifle courses

Officers in plainclothes or administrative assignments may qualify with an approved plainclothes service pistol. The qualification course will be the same as the approved uniform service pistol qualification. A plainclothes or administrative assignment does not alleviate the officer from his or her requirement to qualify with an approved uniform service pistol.

Should an officer fail to qualify with his or her approved uniform service pistol, he or she is prohibited from carrying the pistol, while on duty or off duty, until a passing score is achieved.

Officers having trouble passing the approved service pistol qualification course will be given remedial training.

Officers failing to obtain a passing score on the service pistol qualification course after three subsequent attempts following the remedial training, will be required to return the following day to successfully complete the qualification course.

Officers still unable to obtain a passing score will:

- Receive additional training from the departmental firearms instructor in the use of the weapon. He or she is prohibited from carrying the pistol, while on duty or off duty, until a passing score is achieved.
- If the employee is still unable to successfully certify with the weapon, the Chief of Police shall review their continued status as a sworn employee.
- Continue in supplemental training after a passing score is achieved.
- Officers are prohibited from qualifying with off-duty/backup weapons and long-barreled weapons until a passing score is achieved with the approved uniform service pistol.

## **Off-Duty/Backup Pistols**

Officers will qualify with their off duty/backup pistols on a schedule determined by the Department. At a minimum, these qualifications will be held annually. Officers who fail to qualify will be given additional opportunities to meet the qualification standard as the Department staff's time allows. Should an officer fail to qualify with an off duty/backup pistol, he or she is prohibited from carrying the pistol, on duty or off duty, until a passing score is achieved at the next scheduled qualification course.

## **Long-Barreled Weapons**

All officers will qualify with their departmentally approved shotgun and/or patrol rifle on a schedule determined by the Department. At a minimum, these qualifications will be held annually. Qualifications will be based on proficiency standards scored on a pass/fail basis.

Should an officer fail to qualify with his or her approved patrol rifle and/or shotgun, he or she is prohibited from carrying the patrol rifle and/or shotgun, while on duty or off duty, until a passing score is achieved.

Officers having trouble passing the approved patrol rifle and/or shotgun qualification course will be given remedial training.

Officers failing to obtain a passing score on the patrol rifle and/or shotgun qualification course after three subsequent attempts, following the remedial training, will be required to return the following day to successfully complete the qualification course.

Officers still unable to obtain a passing score will:

- Receive additional training from the departmental firearms instructor in the use of the weapon. He or she is prohibited from carrying the patrol rifle and/ or shotgun, while on-duty or off-duty, until a passing score is achieved.
- If the employee is still unable to successfully certify with the weapon, the Chief of Police shall review their continued status as a sworn employee.
- Continue in supplemental training after a passing score is achieved.
- Any officer who fails to qualify with his or her patrol rifle and or shotgun for two consecutive qualifications will be de-certified and prohibited from carrying the patrol rifle and or shotgun while on duty. Officers wishing to requalify with the patrol rifle and or shotgun will successfully pass an approved patrol rifle and/or shotgun course prior to carrying the rifle and/or shotgun while on duty.

### **Administrative Leave or Administrative Reassignment**

If an officer is returning to duty after being on administrative leave or administrative reassignment and is issued a temporary or loaned firearm, he or she will successfully qualify with this firearm prior to returning to duty.

### **Weapons Inspections**

All weapons will be inspected during regular qualifications, at a minimum of once a year, by certified firearms instructors