



Policy Number: 305 – Firearms
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Approved By: Denis Otterness, Chief of Police

305.1 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 firearms that are addressed in Policy #300 – Response to Aggression and Resistance; or Policy #304 – Officer Involved Shooting/Critical Incident.

This policy only applies to those officers who are authorized to carry firearms.

305.2 POLICY

The Montana State University Billings Police Department (Department) will equip its officers with firearms to address the risks posed to the public and Department officers by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

305.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Sworn officers shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by a certified Department firearms instructor/armorer. Except in an emergency, or as directed by a supervisor, no firearm shall be carried by an officer who has not qualified with that firearm at an authorized Department range.

All other weapons not provided by the Department, including, but not limited to, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law, or that is not covered elsewhere by Department policy, may not be carried by officers in the performance of their official duties without the express written authorization of the Chief of Police. This exclusion does not apply to the carrying of a knife that is not otherwise prohibited by law.

305.3.1 HANDGUNS

The authorized Department-issued handgun is the Glock Model 17 – 9 mm. Alternative handguns may be approved by the Chief of Police.

305.3.2 PATROL RIFLES

The authorized Department-issued patrol rifle is the Bushmaster semi-automatic rifle, Model M4-A2 Patrolman's Carbine in .223 Caliber. Alternative patrol rifles may be approved by the Chief of Police.

Officers may deploy the patrol rifle in any circumstance where they 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 officer reasonably anticipates an armed encounter.
- b. When an officer is faced with a situation that may require accurate and effective fire at long range.
- c. Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.
- d. When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- e. When an officer reasonably believes that a suspect may be wearing body armor.
- f. When authorized or requested by a supervisor.
- g. When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured consistent with Department training in a locking weapons rack in a patrol vehicle

305.3.3 AUTHORIZED SECONDARY HANDGUN

Officers desiring to carry Department or personally owned secondary handguns are subject to the following restrictions:

- a. The handgun shall be in good working order and approved by the Chief of Police.
- b. Only one secondary handgun may be carried at a time.
- c. The purchase of the handgun and ammunition shall be the responsibility of the officer, unless the handgun and ammunition are provided by the Department.
- d. The handgun shall be carried concealed and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- e. The handgun shall be inspected by a Department firearms instructor/armorer prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- f. Ammunition shall be the same as Department issue. If the caliber of the handgun is other than Department issue, the Chief of Police, or their designee, shall approve the ammunition.
- g. Prior to carrying the secondary handgun, officers shall qualify under range supervision and thereafter shall qualify in accordance with the Department qualification schedule. Officers must demonstrate proficiency and safe handling, and that the handgun functions properly.
- h. Officers shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to a certified Department firearms instructor/armorer who will maintain a list of the information.

305.3.4 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by officers while off-duty is permitted, by the Chief of Police, but may be rescinded should circumstances dictate (e.g., administrative leave). Officers who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

- a. If a personally owned firearm is carried it shall be used, carried and inspected in accordance with the requirements in this policy.
- b. The purchase of the personally owned firearm and ammunition shall be the responsibility of the individual officer.
- c. The firearm shall be carried concealed and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- d. It will be the responsibility of the officer to submit the firearm to a certified Department firearms instructor/armorer for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection.
- e. Prior to carrying any off-duty firearm, the officer shall demonstrate s/he is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- f. The officer will successfully qualify with the firearm prior to it being carried.
- g. Officers shall provide written notice of the make, model, color, serial number and caliber of the firearm to a certified Department firearms instructor/armorer, who will maintain a list of the information.
- h. If an officer desires to use more than one firearm while off-duty, s/he may do so, provided all requirements set forth in this policy for each firearm are met.
- i. When armed, officers shall carry their badges and Montana State University Billings Police Department identification cards under circumstances requiring possession of such identification.
- j. An officer may choose to carry their duty firearm while off duty provided all other provisions of this policy are met.

305.3.5 AMMUNITION

Officers shall only carry Department-authorized ammunition in their Department issued weapon. Officers shall be issued new duty ammunition, in the specified quantity, for all Department-issued firearms, during the officer's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be issued by a certified Department firearms instructor in accordance with established policy.

Officers carrying personally owned authorized firearms of a caliber differing from Department-issued firearms shall be responsible for obtaining duty ammunition in accordance with the above, at their own expense.

305.4 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 officer.

305.4.1 REPAIRS OR MODIFICATION

Officers shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or certified Department firearms instructor/armorer.

Firearms that are the property of the Department, or personally owned firearms that are approved for Department use, may be repaired or modified only by a person who is Department-approved and certified as an armorer in the repair of the specific firearm.

Any repairs or modifications to an officer's personally owned firearm shall be done at his/her expense and must be approved by the Chief of Police.

305.4.2 HOLSTERS

Only Department-approved holsters shall be used and worn by officers. Officers shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

305.4.3. TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on or off-duty after they have been examined and approved by a certified Department firearms instructor/armorer. Once the approved tactical lights have been properly installed on any firearm, officers shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

305.4.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on or off-duty after they have been examined and approved by a certified Department firearms instructor/armorer and the Chief of Police. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, officers shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, an officer may only sight in on a target when the officer would otherwise be justified in pointing a firearm at the target.

305.5 SAFE HANDLING, INSPECTION AND STORAGE

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

- a. Officers shall not unnecessarily display or handle any firearm.
- b. Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by Department firearms instructors. Officers shall not dry fire or practice quick draws except as instructed by Department firearms training staff.

- c. Officers shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- d. Patrol rifles removed from vehicles or lockers shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
- e. Officers shall not place or store any firearm or other weapon on Department premises except where the place of storage is locked.
- f. Any firearm authorized by the Department to be carried on or off-duty that is determined by an officer to be malfunctioning, or in need of service or repair, shall not be carried. It shall be promptly presented to a Department supervisor or certified Department range instructor/armorer. Any firearm deemed in need of repair or service will be immediately removed from service. If the firearm is the officer's primary duty firearm, a replacement firearm will be issued to the officer until the duty firearm is serviceable.

305.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Patrol rifles shall be inspected at the beginning of the shift by the officer to whom the weapon is issued. The officer shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the patrol rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Personally owned firearms may be safely stored in lockers. Department owned firearms shall be stored properly. Handguns may remain loaded if they are secured in an appropriate holster. Patrol rifles shall be unloaded in a safe manner outside the building and then stored properly.

305.5.2 STORAGE AT HOME

Officers shall ensure that all Department owned firearms and ammunition are locked and properly secured while in their homes, vehicles or any other area under their control, in a manner that will keep them inaccessible to children and others who should not have access. Officers shall not permit Department-issued firearms to be handled by anyone not authorized by the Department to do so. The Department encourages the secured storage of personally owned firearms by officers, however, it is ultimately the officer's discretion how to store personally owned firearms and ammunition. Officers should be aware that negligent storage of a firearm could result in civil and criminal liability (§ 45-8-345, MCA).

305.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any officer, either on or off-duty, who has consumed any amount of an alcoholic beverage or taken any drugs or medication that would tend to adversely affect the officer's senses or judgment.

305.6 FIREARMS TRAINING AND QUALIFICATIONS

All officers who carry a firearm while on-duty are required to successfully complete training annually with their duty firearms. In addition to annual training, all officers are required to

qualify annually with their duty firearms. Officers will qualify with off-duty and secondary firearms at least annually. Training and qualifications must be on an approved range course (ARM 23.13.215).

At least annually, all officers carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

305.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

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

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- a. Additional range assignments may be scheduled to assist the officer in demonstrating consistent firearm proficiency.
- b. Officers shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- c. Officers who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

305.7 FIREARM DISCHARGE

Except during training or recreational use, any officer who discharges a firearm intentionally or unintentionally, on or off-duty, shall make a verbal 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 Policy #304 – Officer Involved Shooting/Critical Incident and Policy #300 – Response to Aggression and Resistance.

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

- a. If on-duty at the time of the incident, the officer shall file a written report or provide a recorded statement prior to the end of shift, unless otherwise directed by a supervisor.
- b. If off-duty at the time of the incident, the officer shall file a written report or provide a recorded statement no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

305.7.1 DESTRUCTION OF ANIMALS

Officers 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.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, officers should develop reasonable contingency plans for

dealing with the animal (e.g., fire extinguisher, Conducted Energy Weapons (CEW), oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any officer from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or is impractical.

305.7.2 INJURED ANIMALS

An officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

305.7.3 WARNING AND OTHER SHOTS

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the officer reasonably believes that they appear necessary, effective and reasonably safe.

305.8 RANGE DUTIES

The range will be under the exclusive control of certified Department firearms instructors. All officers attending will follow the directions of Department firearms instructors. Department firearms instructors will maintain a roster of all officers attending the range and will submit the roster to the Department Patrol Sergeant after each range date. Failure of any officer to sign in and out with Department firearms instructors may result in non-participation or non-qualification.

The range shall remain operational and accessible to Department officers during hours established by the Department.

Department firearms instructors/armorer have the responsibility of making periodic inspection of all duty firearms carried by officers of this Department to verify proper operation. Department firearms instructors/armorer have the authority to deem any Department issued or personally owned firearm unfit for service. The officer 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 Department firearms instructors/armorer.

Firearms instructors have the responsibility for ensuring each officer meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the officer is authorized to carry.

Firearms instructors shall complete and submit to the Department Patrol Sergeant documentation of the training courses provided. Documentation shall include a description of the training provided and, on a form that has been approved by the Department, a list of each officer who completes the training. Firearms instructors should keep accurate records of all firearms training, qualifications, repairs, maintenance or other records as directed by the Chief of Police, or their designee.

Firearms instructors shall ensure that no modifications may be made to any authorized firearm without approval of the Chief of Police.

Firearms instructors shall ensure that all defective, unsafe or unauthorized firearms be reported immediately.

Firearms instructors shall ensure that any repairs or alterations to Department authorized firearms shall be made only by an armorer employed or authorized by this Department.

305.9 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 officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- a. Officers 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 Department, based on the law and published TSA rules.
- b. Officers must carry their Montana State University Billings Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).
- c. The Montana State University Billings Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Montana State University Billings Police Department an NLETS message containing a unique alphanumeric identifier. The officer 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 Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- e. Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the Department-appointed instructor.
- f. It is the officer'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 officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- h. Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- i. Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.

- j. Officers flying armed shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

305.10 CARRYING FIREARMS OUT OF STATE

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

- a. The officer shall carry his/her Montana State University Billings Police Department identification card whenever carrying a firearm.
- b. The officer may not be the subject of any current disciplinary action.
- c. The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- d. The officer will remain subject to this and all other Department policies (including qualifying and training).

Officers 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 an officer from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.