

SOUTH BURLINGTON POLICE DEPARTMENT

PR-302: Use of Force – Appendix F - Firearms

Effective: 10/1/2021

Updated: 9/15/2021

1. FIREARMS - GENERAL

1. As required by Vermont Criminal Justice Training Council (VCJTC) , South Burlington Police Department officers will receive annual firearms training and demonstrate proficiency with any/all issued and approved weapon(s) that they are authorized to use.
2. In the event an officer fails to qualify with their service weapon by the end of a range session, they shall be given onsite remedial training by a firearms instructor and provided with two more attempts to qualify during the training session.
 - a. If the officer fails to qualify on the second attempt, they will be given onsite remedial training by a different firearms instructor. If the officer fails to qualify after the third attempt they will not be given another attempt to qualify on that day, however they will continue to participate in the rest of the scheduled training. If an officer fails to qualify the firearms instructors will notify the Firearms Committee supervisor and Administrative Services sergeant of the failure to qualify, suspected reason for failure and remedial actions taken during the training day. The firearm instructor will also complete and file an outline with the Firearms Committee supervisor and Administrative Services sergeant of the remedial training conducted.
 - b. If the officer fails to qualify before their next regularly scheduled work, they will not be authorized to carry their service weapon and they shall be assigned to administrative duty until they qualify and demonstrate proficiency.
 - c. The Administrative Services sergeant will work with Department's Firearms Committee to establish a remedial training plan for the officer to ensure that annual qualification is achieved. Whenever remedial training is required or needed, a firearms instructor will be present and conduct the training. After completion of the remedial training plan, the Officer will be given three more attempts to qualify. If the Officer fails to qualify after these three attempts (6 total), the firearms instructors will notify the Firearms Supervisor and Administrative Services lieutenant of the failure to qualify, suspected reason for continued failure and remedial actions taken during the training day. The firearm instructor will also complete and file an outline with the Firearms Supervisor and Administrative Services sergeant of the onsite remedial training conducted. Following the continued failure to qualify the Officer shall be assigned to administrative duty pending further review by the Chief of Police.
3. Only officers demonstrating proficiency in Agency authorized firearms, as prescribed by the Firearms Committee and applicable VCJTC rules, will be allowed to carry such firearms.

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4. An officer who has taken extended leave or suffered an illness or injury that could affect their firearms ability will be required to re-qualify before returning to full enforcement duties at the discretion of the Chief of Police.

2. SERVICE WEAPONS

1. While on duty, all officers of the Department will carry only firearms and ammunition that are issued or approved by the Department.
2. Service weapons will be selected by the Firearms Committee for issue.
3. Only Department approved ammunition may be used in any weapon carried on duty, and the ammunition must be factory fresh (new).
4. Any modifications or accessories that permanently modify the Department weapon must have the prior written approval of the Firearms Committee and the Chief of Police. Any temporary modification or accessories added to the Department weapon must be approved by the Firearms Committee and installed by a Department armorer.
5. The Firearms Committee will provide copies of all firearms related records to the Administrative Services Division for maintenance.
6. Prior to being authorized to carry a weapon on duty, officers must qualify with the weapon under Department standards and as required by the Vermont Criminal Justice Training Council Rules & Regulations. Before being qualified to carry a weapon, the officer must demonstrate knowledge of the weapon as to parts, fieldstripping, cleaning, safe handling techniques, and the ability to perform weapon failure clearing techniques
7. All weapons should be inspected by a Department armorer or firearms instructor prior to use on duty and will be kept serviceable by the carrying officer as follows:
 - a. The firearm will be cleaned after training use, before the next tour of duty.
 - b. The firearm will be kept clean from dust, lint and other particles that tend to collect on the weapon through daily carrying.
 - c. The firearm will be kept properly lubricated.
 - d. When on duty the firearm will be fully loaded with a round in the chamber.
8. Uniformed Officers are required to carry a double magazine pouch with two extra magazines. Plain-clothes officers are required to carry at least one extra magazine but may carry two if they so choose.

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9. All officers, while outside police headquarters during such time as they are working, shall carry a firearm at least basic safety equipment as outlined in general order AD-127: Uniforms and Appearance, unless it is prohibited by a type of training. The Chief of Police may authorize exceptions to this requirement. Officers in plain clothes who are carrying a firearm that is visible should display a badge and/or identification simultaneously to the extent possible via belt clip, neck chain, or other highly visible method.

B. Secondary firearm:

1. South Burlington Police Department officers may carry a secondary (backup) defensive firearm in addition to their issued service pistol. This firearm must be inspected by a firearms instructor and the officer must qualify with it annually; upon qualifying, a firearms instructor will record that the qualification was completed in the same manner that such a qualification would be done for a service weapon.
2. Secondary firearms shall be carried concealed in a secure manner and such that the trigger is protected from unintentional discharge. Secondary firearms may only be utilized in the event of a failure of the primary service weapon or in a circumstance in which for some reason the primary service weapon is compromised or unavailable.
3. Only ammunition recommended by the Firearms Committee may be carried in a secondary firearm.
 - a. An officer electing to carry a secondary firearm is responsible for supplying approved ammunition for carry and any ammunition for training.
4. Secondary firearms must be in good working condition and must be from a reputable manufacturer.
5. Secondary firearms may only be chambered in .380 ACP, .38 Special, .357 Magnum, 9mm Parabellum, .40 Smith and Wesson, .357 Sig, or .45 ACP.
6. Failure to qualify with a secondary firearm will result in a prohibition for its carry until such time that a successful qualification occurs.

C. Shotguns:

1. Shotguns are an integral part of the field officer's equipment and may be deployed at the officer's discretion in situations in which a patrol rifle may be deployed utilizing the standards as set forth in this general order.

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2. All shotguns shall be carried cruiser loaded. A condition in which long guns (shotgun or rifle) shall be carried in which the bolt is forward, the chamber is empty, and the magazine is loaded/affixed in the magazine-well. The selector switch shall be in the "SAFE" position, and the dust cover shall be closed.

D. Patrol Rifles:

1. South Burlington Police Department officers who have received specialized training in the use of long arms and have been approved by the Firearms Committee, are authorized to carry patrol rifles in their cruisers or on specialized details. The training in the use of patrol rifles shall include but is not limited to Department level proficiency and annual recertification training conducted by a Patrol Rifle Instructor approved by the Vermont Criminal Justice Training Council (VCJTC). The instructor may be assisted during this training by firearms instructors with experience in the use of the police patrol rifle.
2. The qualification course shall be the VCJTC required course of fire and can be administered by a certified firearms instructor.
3. The rifle may be used if lethal force is justified and shall be governed by the use of force guidelines contained in this policy.
 - a. Though generally considered to be a threat response weapon, there may be instances in which the open carry of the patrol rifle is approved based on elevated threat potential. This may include VIP or dignitary visits, security response based on specific threats, or other similar incidents as dictated by the Officer In Charge.
4. Special consideration is to be given to the increased power and range of the rifle as opposed to the service pistol. It is imperative that officers consider the backstop and ricochet potential when deploying the patrol rifle.

5. Deployment:

- a. Rifles owned by the South Burlington Police Department shall be signed out for patrol by qualified personnel at the beginning of each shift. The rifle shall be returned to an approved secured storage area at police headquarters at the end of the shift. If left unattended for other than routine calls (e.g. the cruiser is in an accident and is towed or the cruiser is taken in for service), an officer should remove the rifle and it should remain under physical control of the officer at all times until it can be secured in a cruiser rifle rack, a cruiser trunk, or at police headquarters.
- b. When a rifle is checked out of the secured area a notation shall be made with the Officer in Charge and documented on the daily shift report.

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- c. While inside the vehicle, the patrol rifle shall be secured in the locked rack or in a case in a locked trunk. It shall only be removed as necessary for safekeeping, cleaning, return to the office, or deployment in a use of force situation in which its use is appropriate.
- d. Rifles stored in a cruiser shall be carried cruiser loaded. The weapon shall remain in this condition unless a threat is anticipated and rifle deployment is justified. In most circumstances the officer should exit the cruiser before chambering a round.
- e. A loaded Department rifle carried in a police vehicle shall be carried cruiser loaded with a fully loaded magazine. The bolt will be forward, the chamber empty and the dust cover closed. The safety selector will be set in the ON (SAFE) position. A rifle shall not routinely be carried in a police vehicle with a chambered round.

6. Rifle / Ammunition Specifications:

- a. Patrol rifles shall be chambered in .223 Remington or its military designation of 5.56mm (NATO).
- b. Rifles used by the South Burlington Police Department will be those that are purchased by the department or personally owned rifles as outlined 5(E) of this General order.

7. Accessories:

- a. Only those accessories approved by the department shall be affixed to the patrol rifle.
- b. Any discharge of the patrol rifle shall be reported in accordance with this policy.

E. Personally Owned Patrol Rifles:

1. Officers who have completed probation and are trained and qualified to carry a patrol rifle may carry an approved personally owned semi-automatic patrol rifle while performing lawful duties.
2. Personally owned patrol rifles are required to be of AR-15/MCX rifle or carbine platforms; pistol AR-15/MCX are prohibited. The rifle must be equipped with, at minimum, the following items:
 - a. a functioning manual safety
 - b. a functioning sling
 - c. a quality flashlight approved by the South Burlington Police Department Firearms Committee affixed to the rifle
 - d. iron-style sights that do not rely on battery or other power
 - e. three removable magazines in good working condition
3. Personally owned rifles must be functionally sound and have a minimum barrel length of 10.5 inches. They may only be chambered in 5.56 NATO or .223 Remington with a preferred barrel twist rate of 1/7 to 1/9.

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4. Only Department-issued ammunition shall be carried and used with personally owned patrol rifles. The Department will issue enough ammunition to allow officers to load three 30 round magazines.
5. Officers will be required to zero, train, and qualify with their personally owned rifle annually using the standards prescribed by the Vermont Criminal Justice Training Council. A department armorer will record the make, model, and serial number of the personally owned rifle which will then be maintained in the training record. A copy of any National Firearms Act Tax stamps for the rifle or peripheral equipment will also be kept with training records.
6. Officers authorized for personally owned rifle carry are permitted to use an approved non-magnified optic sight; the Firearms Committee shall publish a list of approved sights. The sight used must be inspected and approved by the Firearms Committee.
 - a. In addition to a non-magnified sight, officers may use a stand-alone magnifier if the magnifier can be immediately disengaged from the sight system so that the sight can be used without magnification. (An example of this type of magnifier is the EOTech 3x spring loaded magnifier.)
7. In lieu of a non-magnified optic sight, officers authorized for personally owned rifle carry will be permitted to use a 1-6x variable low power optic sight with a front objective lens no larger than 2 inches (50mm). The chosen optic sight must allow true one-power at the low end of its designated range while also providing the Officer with the ability to manually adjust the magnifier to engage threats at greater distances on the high end of its designated range.
 - a. A standalone magnifier may not be used in conjunction with a variable power optic sight.
8. Regardless of chosen optic system, personally owned rifles are required to have a back-up iron sight system in the event of a failure.
9. Officers may add approved accessories at their own expense. Approved accessories are items that can be added to the rifle without permanent modification and include:
 - a. foregrips (drop in or free float)
 - b. a vertical grip
 - c. extended trigger guard
 - d. extended or ambidextrous magazine release
 - e. oversized bolt catch
 - f. light switch
 - g. aftermarket stock (including folding stock)
 - h. aftermarket bolt carrier group

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- i. charging handle
 - j. end plate
 - k. compensator
 - l. ambidextrous fire selection switch
 - m. aftermarket grips with storage
 - n. aftermarket trigger group
 - i. Rifles may not be equipped with adjustable, binary, or single stage triggers. Aftermarket triggers must be from a quality manufacturer, rated for duty use, and approved by a Department armorer.
 - o. suppressors
 - i. Suppressors provide a valuable hearing-saving function and protect the hearing of both the user and those around them. As such, suppressors are allowed but must be removable. Officers will be required to zero the rifle with both the suppressor on and off to account for any changes in accuracy. The serial number of the suppressor will be maintained in the training record as will a copy of the NFA tax stamp associated with it.
10. Use of any of these items will require inspection by a Department armorer before duty use. A Department armorer cannot inspect or approve their own rifle.
- a. Any modification/accessory which requires an NFA tax stamp must be accompanied by one.
 - b. Any accessories selected by the owner for duty must be affixed when the owner qualifies with the weapon. At the time of qualification, the affixed accessories will be recorded by a Firearms Instructor on a Personally Owned Rifle Inventory Sheet. Additional/alternative accessories **may not** be affixed to the firearm until the next qualification session at which time the Personally Owned Rifle Inventory Sheet shall be updated by a Firearms Instructor to reflect changes.
11. Permanent modifications which alter the function/operation of the rifle are prohibited.
12. Rifles may not have any engraving, etching, or markings which could be perceived as unprofessional or offensive. This includes ejection port cover engravings with inappropriate phrases. The Chief of Police shall make final determination in evaluating phrases which may be considered offensive or unprofessional.
13. Off duty, officers are responsible for ensuring the proper operation and storage of any personally owned rifle and compliance with all applicable State and Federal firearms laws; the Department shall not be liable for any claim or injury associated with a personally owned rifle when the officer is not on duty.

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14. The Department reserves the right to rescind an officer's approval to carry a personally owned rifle for any reason at any time.
15. All relevant Department directives shall apply to personally owned rifles.

3. FIREARMS SAFETY

- A. Except for general maintenance, storage or authorized training, officers will not draw or exhibit any firearm in public unless circumstances create a reasonable belief that it may be necessary to lawfully use the weapon in conformance with other sections of this policy.
- B. Officers will not point or direct their firearm at a person unless circumstances create reasonable belief that it may be necessary to lawfully use the weapon in conformance with other sections of this policy.
- C. A discharge barrel will be for loading and unloading of weapons. The muzzle of the weapon will be pointed into the unintentional discharge barrel when chambering or ejecting a live round. If an officer is not near a discharge barrel, weapons should be unloaded pointed in a safe direction toward soft ground (e.g. grass or soil) to minimize any possibility of ricochet.
- D. The Department encourages storing Department issued weapons securely at Headquarters when off-duty. Wherever an officer chooses to store their weapon it must be secured in such a way as to reasonably ensure that no unauthorized person will have access to or gain control of the weapon. The Department encourages officers to store their weapon unloaded.
- E. Officers will exercise all customary safety precautions and obey all appropriate rules or directives while practicing on the range.
- F. Officers shall keep their firearms in clean, in working condition with special care taken to clean and lubricate the weapon after firing.
- G. No alterations in the mechanical action or functions of any weapon carried on duty shall be made unless by a Department armorer for that weapon.
- H. The Department does not require the carrying of a firearm while off-duty. If an officer chooses to carry a firearm other than the Department issued firearm off-duty, they are encouraged to demonstrate and document proficiency with the firearm.
 1. The Department will offer reasonable opportunities at each range session for officers wishing to do so to "qualify" with an off-duty weapon provided it meets the same criteria as outlined in the sub-section "secondary weapons" in this general order.

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4. LAW ENFORCEMENT OFFICERS' SAFETY ACT (LEOSA)

- A. The Law Enforcement Officer's Safety Act (LEOSA), outlined in 18 U.S.C. § 926C, allows certain certified full-time sworn officers in good standing to carry firearms nationwide also allows certain retired officers to carry firearms nationwide.
1. LEOSA does not allow for weapon carry in certain areas including Federal buildings, private property where it is otherwise prohibited, etc. It is the responsibility of the officer carrying a weapon to know the limitations of LEOSA and abide by them.
 2. For the purposes of LEOSA and this section, "retired" shall mean someone who separated from service as a law enforcement officer for an aggregate period of ten years or more, or who separated from service after completing probation due to a service-connected disability as determined by the SBPD.
- B. The South Burlington Police Department will offer reasonable opportunities for current and retired officers to qualify with off-duty firearms, provided they meet the requirements stipulated in LEOSA and within this general order.
- C. For each weapon an officer/retiree wishes to qualify with, the following information shall be recorded by a member of the Firearms Committee and a copy shall be furnished to the officer/retiree:
1. type of weapon (pistol or revolver)
 2. make, model, and caliber
 3. serial number
 4. date of qualification
- D. The South Burlington Police Department will offer annual qualification opportunities to retired SBPD officers who wish to carry a firearm if they meet the requirements set forth in LEOSA. Retirees wishing to carry a firearm under LEOSA shall be required to attend an annual use of force review in addition to completing a range qualification.
1. Retired employees that qualify under the LEOSA limitations will be issued documentation acknowledging their qualification valid for one year from the date of qualification.
- E. Each retired officer of the South Burlington Police Department will receive a photo identification that clearly identifies the bearer as "retired." The Chief of Police has discretion in the issuance of police identification cards to retired South Burlington Police Department officers but shall not

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arbitrarily decline to issue identification cards for employees who were otherwise in good standing during their career and at separation.

- F. This policy shall be reviewed by retirees qualifying with firearms, and retirees shall be required to sign waivers acknowledging they understand the policy and have reviewed it.
- G. Officers electing to carry a firearm under LEOSA provisions must be aware of the limitations of the authority provided.