

WEBER COUNTY SHERIFF'S OFFICE		POLICY AND PROCEDURES	
SUBJECT: On and Off-Duty Weapons, Qualifications, Carry and Use, Storage		CHAPTER/SECTION NO.: 1.41, 1.42, 1.43, 1.44, 1.45	
EFFECTIVE DATE:10/7/03		REVIEW DATE:	
AMENDS/SUPERSEDES:		APPROVED: <u>**See Master File</u> Sheriff	
STANDARD NUMBER: 1.3.9, 1.3.10, 1.3.11, 1.3.12		Revised 3/8/04	

### 1.41 Policy

- 1.41.1 Deputies are authorized to apply the physical force necessary to effect an arrest or prevent harm to themselves or others through the use of the:
- A. Expandable Baton (ASP Style)
  - B. Aerosol Chemical Agent, personal and crowd device
  - C. Police Service Dog (K-9)
  - D. Weaponless control techniques
  - E. Sheriff's Office authorized firearms
- 1.41.2 Issued Duty Weapons shall be:
- A. Sidearms
    - 1. Glock .40 caliber semi automatic pistol(model 22 or 23).
    - 2. Any other duty or backup sidearm, only if authorized by the Sheriff.
  - B. Shotgun
    - 1. Remington 870 pump shotgun (12 gauge only)
  - C. Patrol Rifles
    - 1. Colt M-16
    - 2. M-4 .223 caliber
    - 3. Colt AR-15 .223 caliber

4. Bushmaster XM-15 .223 caliber
5. Ruger Mini-14 .223 caliber

D. Approved SWAT Issue Rifle

1. .223 or .308 caliber bolt action, and
2. Remington 700 or Equivalent Quality, and
3. Approved by Ogden Metro SWAT Commander and the Sheriff.

1.41.3 Off Duty Firearms

- A. If the deputy is using a Sheriff's Office vehicle or if his/her sole authority to carry a firearm off duty is his/her police powers, then the off duty firearm shall be the Office issued Glock pistol.
- B. If the off duty deputy has a Utah State Concealed Weapons Permit issued under the authority of UCA 53-5-704, then he/she may carry any legal firearm allowed under the concealed weapons permit program.

1.41.4 Non-Issued Personal Firearms Authorized for Use

- A. Personally owned firearms will be authorized for duty use only after they have been inspected by the department Armorer.
- B. Personal handguns and rifles authorized for duty use will be the same manufacture and caliber as the department issued weapons.
- C. The Sheriff's Office assumes no liability for repairs or replacement if a personally owned firearm is damaged or lost when used at the Deputy's request, for duty.
- D. A personal firearm may be carried as a backup firearm, providing that:
  1. The Deputy requests in writing, and the Sheriff has approved, in writing, the carrying of a backup firearm, and ammunition to be used.

2. The weapon is of a quality manufacture and adequate size caliber, whether semi-automatic pistol or revolver.
3. The Deputy qualifies with the firearm on the same basis as his/her issued duty firearm.

1.41.5 Authorized Ammunition for Office Issued Duty Firearms

A. Types of Ammunition

1. .40 caliber hollow point bullets/projectile, 165-180 grains in weight
2. 12 gauge rifle slug
3. 12 gauge 00 or 000 Buckshot
4. .223 caliber hollow point, 52-62 grains in weight
5. .223 caliber ballistic tip, 52-62 grains in weight
6. .223 or .308 caliber ammunition as approved by Ogden Metro SWAT Commander and the Sheriff for approved sniper rifle.

B. Ammunition carried in the on-duty firearm will be of reputable commercial manufacture and will be subject to approval by the Sheriff and Office Armorer.

C. Unless authorized by the Sheriff or his/her designee, no armor piercing or tracer type ammunition will be permitted.

D. Ammunition carried in personally owned off-duty firearms will be of commercial manufacture and be purchased from a lawfully licensed firearms dealer or provided by the Sheriff's Office.

E. Reloaded ammunition will not be allowed for on-duty or off-duty or backup firearms carried for defensive purposes whether on or off duty.

#### 1.42 Procedure

- 1.42.1 All weapons will be inspected and approved according to procedures outlined by the Sheriff's Office firearms instructor or armorer, prior to being issued and at least annually.
- 1.42.2 Any issued weapon determined to be unsafe will be removed from use and the Deputy will be issued a replacement.
- 1.42.3 **Any issued or approved weapon will be carried and used "as is", meaning it will be kept in exactly the same condition as when it was issued or approved. ANY changes, modifications or repairs MUST be authorized in writing by the Sheriff or his/her designee and filed with the Sheriff's Office Armorer.**
- 1.42.4 All records detailing inspections, repairs, modifications and authorizations will be kept in a file in the armory and maintained by the WCSO armorer/s.
- 1.42.5 All issued firearms/weapons will be recorded in the Sheriff's Office inventory system by make, model, caliber and serial number and will indicate to which Deputy the firearm was issued.
- 1.42.6 With the exceptions of emergency situations, loaded rifle/shotguns shall not be brought into the Sheriff's Office or other County facilities.
- 1.42.7 Rifle/Shotgun will not be carried in the vehicle with a round in the chamber.

#### 1.43 Training/Qualification/Proficiency

- 1.43.1 **Requirements to be Armed**
  - A. All sworn Deputies will qualify and be armed with the authorized duty weapons at all times while on-duty.

- B. The Sheriff may specifically relieve a deputy of that responsibility when necessary for a special function.

1.43.2 **Initial Qualification** - All Deputies, before being allowed to carry any issued or approved firearm on duty, off duty or as a backup, will:

- A. Qualify with said weapon under the direction of the Sheriff's Office firearms instructor(s).
- B. Obtain at least the minimum passing score as determined by the Sheriff's Office firearms instructor.
  - 1. The Deputies shooting score will be recorded on an approved individual range card, signed by the deputy and the instructor.
  - 2. Cards with both passing and failing scores will be maintained by the instructor for each weapon used.
  - 3. Course descriptions shall also be maintained by instructor(s).

1.43.3 **Re-qualification**

- A. At least annually each Deputy shall re-qualify, under the direction of the Sheriff's Office instructor(s) with each weapon he or she has been issued or authorized to use. This will include on duty, off duty and backup firearms.
- B. The Deputy will obtain at least the minimum passing score as determined by the Sheriff's Office firearms instructor.
  - 1. The Deputies shooting score will be recorded on an approved individual range card, signed by the deputy and the instructor.

2. Cards with both passing and failing scores will be maintained by the instructor for each weapon used.
3. Course descriptions shall also be maintained by instructor(s).

1.43.4 Qualifying Courses of Fire and Minimum Passing Scores

- A. Will be determined by the Sheriff's Office firearms instructor(s).
- B. Courses of Fire may be different each time and may include the testing of numerous shooting disciplines such as but not limited to:
  1. sight alignment/picture,
  2. accuracy,
  3. time elements,
  4. positions,
  5. reloading, malfunction clearing,
  6. shoot/don't shoot or other decision making testing, and
  7. safety considerations.

1.43.5 Classroom Instruction

- A. All Deputies will attend classroom instruction as well as range instruction which shall include but is not limited to:
  1. weapon maintenance,
  2. proper deployment,
  3. stance, grip, sight and trigger skills,
  4. holster, slings or case considerations, or
  5. other carry/vehicle considerations.
- B. Classroom instruction will include:
  1. Review and understanding of Use of Force and Deadly Force policies outlined under WCSO policies 1.20-22 and 1.23-25;
  2. Review and understanding of Utah State codes 76-2-402 through 407;

3. Particular emphasis on Utah State Code 76-2-404, the peace officers use of deadly force.
  4. Testing on such will be determined by the instructor(s) and maintained on file if utilized.
- C. Copies of the above policies and laws will be distributed at each training class and a class roster will be maintained and signed by Deputies indicating having received these policies.

**1.43.6 Failure to Qualify with Issued Duty Weapon**

- A. Failure to obtain the minimum passing score on the duty issued sidearm will result in additional or remedial training until the Deputy passes.
- B. The Deputy will be suspended immediately from duties requiring the use of the duty issued sidearm until he/she has passed the minimum qualification shoot for that firearm.
- C. Failure to pass the required sidearm qualification shoot within thirty (30) days from the initial qualification attempt may result in disciplinary action up to and including termination.

**1.43.7 Failure to Qualify with Optional Weapons**

- A. Failure to obtain the minimum passing score with an optional or non-required weapon such as the patrol rifle or shotgun or the off duty or backup sidearm, will result in additional or remedial training if, and until, the Deputy passes.
- B. Because the weapon is not a required there will be no suspension of the Deputy from field work.

- C. Authorization to use the weapon will be revoked until the Deputy can obtain the minimum passing score.
- D. The Deputy shall make arrangements with the firearms instructor(s) at his/her convenience to schedule another attempt to qualify, within thirty (30) days.
- E. If the Deputy cannot pass within thirty (30) days, his authorization to carry said weapon will be revoked until the next regularly scheduled training and qualification.

1.43.8 Waiver to the above may be granted by the Sheriff only, upon showing sufficient cause.

1.43.9 A Deputy who has taken extended leave or suffered an illness or injury that could affect his/her ability to use a firearm will be required to re-qualify before returning to enforcement duties.

#### 1.44 Deployment of Weapons

##### 1.44.1 Considerations

- A. Situations where a deputy may be required to deploy an authorized firearm are varied and numerous depending on circumstances at the time.
- B. Each Deputy must have a full understanding of the use of force which may include the taking of another's life.
- C. Each Deputy must have a full understanding of Weber County Sheriff's Office policy governing the use of force and deadly force.
- D. The primary guiding factor in the deployment and use of force and deadly force will be within the parameters of Weber County Sheriff's Office policies 1.20-22, 1.23-25, and 1.28-30, as well as Utah State Code 76-4-404, peace officers use of deadly force.

- E. Training classes are to be utilized for the purposes of not only teaching a clear understanding of policies and laws governing force, but to cover the potential situations where deadly force may arise and to cover the tactics to be used in those situations.
- F. Range instruction is best utilized by taking classroom situations and placing them into practice with live ammunition.

1.44.2 Situations Requiring "Sniper" Use of Force

- A. Unless absolutely necessary, deputies shall not attempt to use "sniper" tactics.
- B. Personnel qualified as snipers will be provided by the Ogden Metro SWAT team and deployed to the scene, in such situations.
- C. All sniper training, equipment and qualification will be provided by the Ogden Metro SWAT Team.

1.44.3 Off Duty Activities

- A. The carrying of a weapon off duty shall be in accordance with policy 1.41.5.
- B. It is recommended that off-duty Deputies be armed when within the statutory boundaries of Weber County.
- C. Deputies will have immediate access to an approved firearm when operating a Sheriff's Office vehicle on or off duty.
- D. Deputies will not be armed when consuming alcohol beverages.
  - 1. Exceptions may be made, with the approval of the Sheriff, where Deputies working special undercover assignments may find themselves in a position where drinking alcoholic beverages may be unavoidable.

2. Discretion should be used to keep the use of alcohol to a minimum quantity.
- E. When off duty, a Deputy must use discretion when deciding to get involved in a situation which may require use of any degree of force or a weapon. Factors that should be considered include but are not limited to:
1. The need for involvement,
  2. The degree of crime being committed,
  3. Immediate dangers to any people or self in the immediate area
- F. In the event of force or the display and use of a weapon the off duty Deputy must:
1. Be aware that he/she may not be recognized as a law enforcement officer either by suspects, bystanders or responding on duty officers from other jurisdictions.
  2. Make necessary announcement of authority.
- G. At the very least, an off duty Deputy in circumstances which preclude immediate action, should:
1. Be a good witness and take appropriate action as soon as possible.
  2. At a minimum notify and cooperate with the venue authorities.
- H. Any such incident will be reported to the on-duty supervisor as soon as possible whether the event occurred in Weber County or not.
- 1.44.4 Corrections Officers and Auxiliary Deputies
- A. May not carry a weapon when they are off duty,
  - B. Except as a private citizen with a valid Utah State Concealed Weapons Permit.

- 1.44.5 After the use of any force the medical condition of the suspect/detainee will be assessed and policy 1.31-32 will be followed.
- 1.44.6 Police Report of the Incident
  - A. Will be completed on any uses of force, without regards of the results.
  - B. A copy of the report will be forwarded to the Deputy's supervisor, who will then forward a copy to the bureau commander and the use of force committee chairman.
- 1.44.7 Use of Force Form
  - A. The use of any lethal weapon will be reported utilizing the office Use of Force form, and
  - B. Must be submitted along with the case report to the Deputy's supervisor as soon as practical.
- 1.44.8 Guidelines for Storage of Authorized Weapons
  - A. Members, either on or off duty, who are assigned authorized firearms will, whenever reasonably possible, safely and securely store firearms when not being carried on their person.
  - B. When storing or securing firearms, members should:
    - 1. Lock firearms in the trunk of their Office vehicle, or
    - 2. Lock firearms in an office or residence drawer or safe, or
    - 3. Lock firearms in a gun locker designed for the purpose, or
    - 4. Utilize a commercial gun lock on the weapon itself.

1.45 Officer Involved Shooting or Death

1.45.1 Investigation

- A. Conducted by the Weber County Attorneys Office.
- B. Assistance from Sheriff's Office Investigations Section.

1.45.2 Surrender of Deputies Duty Sidearm for Lab and/or Evidence Processing

- A. Surrender of the sidearm immediately after the incident by the deputy can be disconcerting to the deputy.
- B. Responding Deputies should **not** relieve the involved Deputy of his or her sidearm.
- C. Investigators will take possession of the weapon as soon as reasonably appropriate.
- D. The responding on duty supervisor may take the deputy's weapon, if he/she determines an immediate safety or evidentiary need.
- E. Another sidearm will be issued to the involved Deputy(s) prior to going off shift as appropriate.

1.45.3 Guidelines in Event of a Shooting or Use of Deadly Force include but are not limited to:

- A. Secure any suspect, whether dead, alive or wounded.
- B. Be aware and continue to provide safety for public and self.
- C. Summons medical and back-up assistance. Provide medical help on scene as is possible.
- D. Secure scene

- 1.45.6 First responding Deputies should upon arrival confirm the above, notify supervisors, investigators and summon other assistance necessary.
- 1.45.7 Notification of the involved Deputy's family shall be made as soon as possible by a supervisor.