

Firearms

303.1 PURPOSE AND SCOPE

Best Practice

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 the Use of Force or Officer-Involved Shootings and Deaths policies.

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

303.1.1 AUTHORIZATION TO CARRY FIREARMS

State MODIFIED

All licensed personnel shall successfully complete department training regarding the use of force, deadly force and the use of firearms before being issued a firearm or being authorized to carry a firearm in the course of their duties (Minn. Stat. § 626.8452, Subd. 3; Minn. Stat. § 626.8463).

303.2 POLICY

Best Practice

The Burnsville Police Department will equip its members with firearms to address the risks posed to the public and department members 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.

303.3 AUTHORIZED FIREARMS AND KNIVES

Best Practice MODIFIED

Members shall only use firearms that are issued or approved by the department and have been thoroughly inspected by a firearms instructor. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm.

Authorization is not needed for the carrying of a single blade knife that has a blade length under 4 inches that is not otherwise prohibited by law. A knife is allowed to be carried on duty, with the understanding that its primary function is that of a tool. The Burnsville Police Department issues a knife to each officer. The issued knife is a folding style, with a blade less than 4 inches. Officers may, at their own option, carry a non-department issued knife. The knife must contain a single blade of less than 4 inches and cannot be prohibited by law.

The knife should be securely carried in an inconspicuous manner.

A multi-tool (LEATHERMAN) may also be carried as long as the knife blade meets the same requirements.

303.3.1 DUTY HANDGUNS

Discretionary MODIFIED

Burnsville Police Department

MN Policy Manual

Firearms

The authorized department-issued handgun is the Glock 9mm Model 17 or 19.

Authorized handguns that are not issued by the department shall be one of the following calibers: .40, .45, 9mm or .380.

303.3.2 PATROL RIFLES

Best Practice **MODIFIED**

The authorized department issued patrol rifle is the Heckler and Koch MR556. Once trained and qualified, EAG members are authorized to use their assigned rifle on duty.

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.
- (g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured consistent with department training.

- (a) In-service patrol rifles should be secured in the vehicle gun lock. In the case of specialty vehicle use, patrol rifles shall be secured in a safe or other approved locking mechanism inside the specialty vehicle.
- (b) When not in use, extra patrol rifles will be stored in the department armory in a secured rifle rack.
- (c) Patrol rifles maintained in any school setting shall be stored and locked in an approved gun safe, out of plain sight from the general public.

303.3.3 PERSONALLY OWNED DUTY FIREARMS

Discretionary **MODIFIED**

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Chief of Police or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order and on the department list of approved firearms.
- (b) The firearm shall be inspected by a firearms instructor prior to being carried and thereafter shall be subject to inspection.

Burnsville Police Department

MN Policy Manual

Firearms

- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department 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 a firearms instructor, who will maintain a list of the information.

303.3.4 AUTHORIZED OFF-DUTY FIREARMS

Discretionary **MODIFIED**

The carrying of firearms by members while off-duty is permitted by the Chief of Police 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 peace officers, will be required to meet the following guidelines:

- (a) A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Firearms requirements in this policy.
 - 1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the member to submit the firearm to the Firearms Instructor for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Firearms Instructor.
 - 1. Firearms other than Glock shall be inspected by a certified armorer and certification paperwork turned in to the Firearms Instructor.
- (d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Firearms Instructor that the member is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (e) The member will successfully qualify with the firearm prior to it being carried. The member will then qualify annually thereafter.
- (f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Firearms Instructor, who will maintain a list of the information.
- (g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) Members shall only carry department-authorized ammunition
- (i) When armed, officers shall carry their badge and City of Burnsville identification card.

303.3.5 AMMUNITION

Best Practice

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's

Firearms

firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Firearms Instructor when needed, in accordance with established policy.

Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Firearms Instructor when needed, in accordance with established policy.

303.4 EQUIPMENT

Best Practice

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 member.

303.4.1 REPAIRS OR MODIFICATIONS

Best Practice

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Firearms Instructor.

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 or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Firearms Instructor.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Firearms Instructor.

303.4.2 HOLSTERS

Best Practice

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

303.4.3 TACTICAL LIGHTS

Best Practice

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

303.4.4 OPTICS OR LASER SIGHTS

Best Practice

MODIFIED

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Firearms Instructor. Any approved sight shall only be installed

Firearms

in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

303.5 SAFE HANDLING, INSPECTION AND STORAGE

Best Practice **MODIFIED**

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

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Firearms Instructor.
- (c) Members generally shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot, pointed in a safe direction or using clearing barrels.
- (e) Members shall not place or store any firearm or other weapon on department 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. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) When an officer is not in physical control or within reach of their issued firearm, the firearm should be secured. For purposes of this policy, the locked passenger compartment of a vehicle is not considered secure.
- (g) Members 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.
- (h) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Firearms Instructor approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Firearms Instructor will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

303.5.1 INSPECTION AND STORAGE

Best Practice **MODIFIED**

Handguns shall be inspected regularly and upon access or possession by another person.

Rifles shall be inspected at the beginning of the shift by the officer to whom the weapon is issued. Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered in a patrol ready condition when it has been inspected by the assigned officer, the fire selector switch is in the safe position, the chamber is

Firearms

empty and a fully loaded magazine is inserted into the magazine well and ensuring the optics and site systems are in working order.

Officers shall ensure that the firearm being carried is in proper condition and loaded with approved ammunition. All firearms shall be pointed in a safe direction or into clearing barrels.

Department-issued and/or personally-owned firearms may be safely stored in lockers at the end of the shift.

303.5.2 OFF-DUTY STORAGE

State MODIFIED

Members shall ensure that all 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. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Minn. Stat. § 609.666; Minn. Stat. § 609.378).

303.5.3 ALCOHOL AND DRUGS

Best Practice MODIFIED

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

303.6 FIREARMS TRAINING AND QUALIFICATIONS

State MODIFIED

All members who carry a firearm while on-duty are required to successfully complete annual training and qualification with their duty firearms (Minn. Stat. § 626.8452). Officers will also receive training on this policy, including the learning objectives as provided by POST, at least annually (Minn. Stat. § 626.8452, Subd. 3).

Members will qualify annually with off-duty and secondary firearms.

Training and qualifications must be on an approved range course.

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

303.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

Best Practice MODIFIED

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member 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.

Firearms

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

303.7 FIREARM DISCHARGE

Best Practice **MODIFIED**

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

Written reports shall be made as follows:

- (a) If on-duty at the time of the incident, the member shall file a written report with their Division Commander 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 recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

303.7.1 DESTRUCTION OF ANIMALS

Best Practice **MODIFIED**

Members 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, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, TASER (TM) device, 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.

303.7.2 INJURED ANIMALS

Best Practice

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

303.7.3 WARNING AND OTHER SHOTS

Best Practice **MODIFIED**

Warning shots are prohibited.

Firearms

303.7.4 REPORTING FIREARMS DISCHARGE

State

The Chief of Police shall notify the Commissioner of Public Safety within 30 days of an on-duty firearm discharge, except when the discharge is in the course of training or destruction of animals (described in this policy). The notification shall contain information concerning the reason for and circumstances surrounding the discharge (Minn. Stat. § 626.553).

303.8 FIREARMS INSTRUCTOR DUTIES

State

MODIFIED

The Firearms Instructor has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by officers of this department to verify proper operation. The Firearms Instructor has the authority to deem any department-issued or privately 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 inspected and approved by the Firearms Instructor.

The Firearms Instructor has 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.

The Firearms Instructor shall complete and submit to the Staff Sergeant documentation of the courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided, and a list of each officer who completes the training. The Firearms Instructor should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Staff Sergeant.

303.9 FLYING WHILE ARMED

Federal

MODIFIED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to personnel 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 Burnsville Police Department identification card bearing the officer's name, a full-face photograph, badge number, 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 Burnsville Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Burnsville Police Department an NLETS message

Burnsville Police Department

MN Policy Manual

Firearms

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 the 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 at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should 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 shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

303.10 RETIREE PURCHASE OF FIREARM

Agency Content

The Burnsville Police Department allows sworn Department member officers the privilege of purchasing their Department-issued duty weapons under the following circumstances:

- (a) Officer separates from service in good standing and meets the qualifications for issuance of a LEOSA card under Department Policy 209.4.
- (b) Officer requests to exercise the privilege of purchasing their Department-issued duty weapon in writing or by email to the Chief of Police or his/her designee, within 30 days of their separation from service in good standing.
- (c) Police Department sells the duty weapon to a Federal Firearms Licensee (FFL) at fair market value (determined on the day of the Officer's separation from employment in good standing).
- (d) Officer is promptly notified when/where to purchase the duty weapon from the FFL for fair market value, as determined above.

If the Officer does not request to exercise the privilege of purchasing their Department-issued duty weapon within 30 days of their separation from service in good standing, the firearm may be destroyed or returned to inventory for Department use or reassignment to personnel, as directed by the Chief of Police.

Firearms

303.11 CARRYING FIREARMS OUT OF STATE

Federal **MODIFIED**

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 their Burnsville Police Department identification card whenever carrying such 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.