

**NEW SMYRNA BEACH POLICE DEPARTMENT
NEW SMYRNA BEACH, FLORIDA**

POLICY AND PROCEDURE DIRECTIVE

TITLE: AUTHORIZED WEAPONS AND TRAINING

NUMBER: 4-3

EFFECTIVE: 3/14

REFERENCE:

RESCINDS/ AMENDS: 4-2-12

REVISED: 4/18

ATTACHMENTS: [AUTHORIZED WEAPONS, AMMUNITION & MUNITIONS](#)
[REQUEST TO CARRY SECONDARY FIREARM](#)
[REQUEST TO CARRY OFF-DUTY FIREARM](#)

PURPOSE

The purpose of this directive is to establish guidelines governing the possession and proper training in the use of authorized firearms and less lethal weapons carried by New Smyrna Beach Police Officers. *(Currently, only Sworn Members are authorized to carry and use firearms and/or less than lethal weapons). (CFA 4.02M)*

DISCUSSION

Per [FS 790.052](#) law enforcement officers are authorized to carry firearms and less lethal weapons in the performance of their official duties. Officers may be authorized by the Chief of Police to carry concealed firearms and less lethal weapons while off-duty. Any use of force, on or off duty, shall be governed by applicable law and the guidelines herein.

POLICY

All sworn members shall be required to successfully complete the appropriate minimum state certification program prior to assignment in any capacity in which the member is allowed to carry a firearm or is in any position to make an arrest. [\(Temporary Employment Authorization Exception\)](#). *(CFA 4.03M)*

All personnel who are authorized to carry and use agency authorized weapons shall be issued copies of, and be instructed in this directive and, [Directive 4-1 Use of Force](#), prior to being authorized to carry lethal and less lethal weapons, or being placed into any position or training situation which could result in the use of deadly force. The issuance and instruction on these policies shall be documented. *(CFA 4.02M)*

The New Smyrna Beach Police Department requires all sworn personnel to be properly trained and demonstrate proficiency at least annually in the use of firearms and the Taser® and, biennially with all other agency approved less lethal weapons. Annual in-service training on the use of deadly force, to include a review of agency policy, shall be required for all members authorized to carry and use agency authorized weapons. Additionally, the Police Department shall comply with mandatory [CJSTC training standards](#). Training and proficiency shall be documented. *(CFA 4.07M-C)*

AUTHORIZED WEAPONS USE, ON-DUTY & OFF-DUTY

The following weapons are authorized for use, both on-duty and *off-duty, by agency personnel that have previously qualified to use such weapons: (**Officers that act in an official capacity "off-duty" are technically considered on-duty at the moment of the first action*)

1. Department issued handgun;
2. Department issued rifle and shotgun;
3. Department issued Taser®;
4. Department issued baton (ASP);
5. Department issued OC Spray;
6. Department issued less than lethal munitions;
7. Department approved personally owned firearm.

PROCEDURE

AGENCY APPROVED FIREARMS

4.3.1 Only firearms that have been approved by the agency shall be carried on-duty and/or off-duty, and only by those personnel who have successfully completed a qualification course of fire. The firearms training section shall maintain a record, regardless of ownership, of every firearm that is approved by the agency for official use. (*CFA 4.05M-C,G*)

1. Handguns: (CFA 4.05M-A,B)

- Department issued Glock .40 caliber semi-automatic pistols shall be standard equipment for all sworn officers and no other handgun shall be carried on or off-duty unless stipulated in this section or granted in writing by the Chief of Police.
- Only agency approved ammunition shall be used in any department issued or authorized handgun. (*CFA 4.05M-D*)
- The handgun, while on duty and not in use, shall remain holstered and secured.
- Gun safety cases and or gun safety locks have been distributed to all officers issued a departmental handgun. When the handgun is not being utilized, the weapon will be properly, securely, and safely encased/stored.

4.3.2 The above applies to personally owned handguns that have been authorized by the department for secondary and off-duty carry by officers.

1. Shoulder-Fired: (CFA 4.05M-A,B)

- Department issued shotguns include but, are not limited to the Smith & Wesson, Winchester, and/or Remington. Officers may elect not to carry a departmentally issued 12 Ga. Shotgun. The shotgun is considered as an optional and supplemental weapon and should be utilized in those cases where the officer's sidearm would be impractical or ineffective.
- Department issued rifles and/or carbines include but, are not limited to the Colt .223 or the Olympic Arms .45 carbines. The carbine/rifle is not an optional weapon. The patrol rifle, currently the .223 caliber rifle, shall be issued to all patrol members.
- Only agency approved and issued ammunition shall be used in any shoulder-fired weapon. (*CFA 4.05M-D*)
- Managerial, Special Weapon and Tactics Team (SWAT) or other specialized unit personnel may carry additional or supplemental armament as authorized by the Chief of Police or his designee. Including, but not limited to, the H&K MP5.

4.3.3 The above applies to any "off-duty" use of a shoulder-fired weapon. Personally owned shoulder-fired weapons are not authorized for use in an official capacity.

4.3.4 Department owned firearms shall not be used for recreational purposes nor transported out of the State.

INSPECTION & APPROVAL OF AGENCY APPROVED FIREARMS

4.3.5 All agency authorized firearms, regardless of ownership, are inspected by a department armorer and/or a qualified range instructor prior to issue and carry. The inspection includes a function test of the firearm and essential components, such as magazines. The inspection shall be documented and the record maintained by the armorer/Rangemaster. The completed record shall include the name of the officer receiving/owning the firearm and the make, model and, serial number of the issued /approved firearm. Only department issued or authorized ammunition shall be used by officers while on duty. *(CFA 4.05M-E,F)*

1. The process described above shall apply to agency approved personally owned firearms that will be used as secondary or off-duty weapons.

4.3.6 Officers will not make alterations to any duty or off-duty/secondary firearm once it has been inspected and approved.

1. No alterations will be made to any ammunition after it has been issued or approved by the Rangemaster.
2. Officers having an approved secondary/off-duty firearm repaired or altered in any way must have the firearm re-inspected and approved by an armorer, Rangemaster, or firearms instructor before carrying the same. Additionally, the officer may be required to re-qualify with the firearm before being authorized to carry.

4.3.7 Any firearm that becomes unserviceable shall be reported immediately to a supervisor, armorer, Rangemaster, or firearms instructor and removed from service. The firearm shall be conspicuously marked or tagged “Inoperable” so that it may not be mistakenly removed from the armory. *(CFA 4.05M-F)*

1. The firearm will be repaired by the armorer if possible, or returned to the factory or authorized repair center for service.
2. Upon return the firearm shall be inspected and test fired for proper function/operability before being returned to the officer or inventory. The repair record and subsequent inspection shall be documented with the record being retained in the proper file.

REQUEST TO CARRY PERSONALLY OWNED PISTOL OR REVOLVER

4.3.8 Off-duty and secondary firearm carry is optional. The Chief of Police may authorize officers to carry secondary or off-duty handguns. Officers seeking permission to carry shall comply with the following procedures:

1. The officer shall submit the firearm, ammunition, and holster to the Armorer, Rangemaster, or Firearms Instructor for inspection and approval. The firearm and ammunition must be on the approved [Authorized Weapons and Ammunition List](#).
2. The officer will qualify with the firearm. The ammunition approved shall be noted on the officer’s qualification record. *(CFA 4.05M-D)*
3. The requesting officer shall submit a request for authorization along with the qualification record through the chain of command to the Chief of Police.
 - Once approved, authorization continues until such time as the officer withdraws the request, fails to qualify with the firearm, or the Chief revokes the authorization. The officer will be required to qualify with the firearm annually.
4. The secondary firearm shall only be used if the officers’ primary firearm is unavailable or inoperable.

CARRYING FIREARMS & IDENTIFICATION

4.3.9 Plain clothes:

1. Officers working in civilian clothing will carry their issued firearm, handcuffs, and police identification.

4.3.10 Off-duty:

1. Officers will have their department issued identification card and badge in their possession when electing to carry a firearm off-duty.
2. The firearm shall be concealed at all times.
3. The firearm shall not be carried if the member is intending to consume alcoholic beverages.

4.3.11 When an off duty officer is involved in any matter requiring the display of his/ her firearm and/or police identification, or takes an official action, he/she will immediately notify the on-duty supervisor. A full report will be made and forwarded to the Division Commanding Officer.

1. Reckless, careless, or unnecessary display or use of the firearm, handcuffs, or identification will be cause for disciplinary action.

OUT OF STATE CARRY OF OFF-DUTY

4.3.12 Officers may carry their personally owned, departmentally authorized off-duty, or secondary handgun out of state in accordance with the [Law Enforcement Officer's Safety Act](#) and the provisions set forth below. Officers are reminded that when they are off-duty, armed, and out of state that they are solely responsible for their actions and normal police department or city indemnification will not extend to the officer.

1. Unless otherwise authorized, an officer shall not carry or possess any agency owned firearm while off-duty and out of the State of Florida.
2. Officers contemplating the carry of an off-duty handgun out of the State of Florida in accordance with the Law Enforcement Sworn Officers' Safety Act shall first obtain written permission from the office of the Chief of Police or his designee.
3. The Department is required to send signed permission as confirmation to an inquiring agency or officer that the officer in possession of a handgun has met all the requirements set forth in the LEOSA at the time that permission was granted.
4. Permission will not be granted to any officer who:
 - Is the subject of any disciplinary review, inquiry, or pending disciplinary action;
 - Is involved in any appeal of a disciplinary action that has not been fully resolved;
 - Is a defendant in any court case or legal proceeding, unless authorized by the Chief of Police;
 - Has failed to qualify during the annual qualification process or whose qualification will lapse during the time that the officer is out of state; *and/or*
 - Is otherwise disqualified under any provision of the LEOSA.
5. Officers who discharge or display a handgun while out of the State of Florida shall report the facts and circumstance of the incident to a New Smyrna Beach supervisor. Said report shall be made as soon as practicable after the conclusion of the incident. This requirement does not apply to lawful recreational or competitive events that an officer may engage in while out of state.
6. Officers who are out of state shall immediately notify a supervisor when they have been arrested or have knowingly become the subject of a criminal investigation.
7. Officers who suffer any medical or psychological condition that would preclude possession of a firearm shall immediately notify a supervisor.

PROFICIENCY & QUALIFICATION

4.3.13 Only officers who have demonstrated proficiency in the use of each department authorized firearm and less lethal weapon shall be approved to carry and use such weapons. This shall include off-duty and secondary firearms,

rifles, shotguns, chemical and striking weapons. Proficiency shall include achieving a minimum qualifying score on a prescribed course, demonstrating knowledge concerning safe handling, laws and policies on use of force, escalating force, and deadly force. A certified weapons instructor will conduct this qualification and proficiency demonstration.

4.3.14 Officers shall qualify at least annually with their issued weapon(s), and their off-duty or secondary weapon. The course of fire and the minimum qualifying score will be in accordance with Criminal Justice Standards & Training Commission (CJSTC) standards. In-service training on department use of deadly force and authorized restraint hold techniques shall be completed annually. Less lethal weapons, (except the Taser), proficiency shall occur at least biennially. The Training Section shall post the annual qualification schedule electronically or in memorandum form. A certified weapons instructor shall monitor and ensure documentation of all proficiency qualification and training. (CFA-4.05M-C)

1. Officers shall qualify annually with the issued shotgun and law enforcement carbine. The Training Section will establish the course of fire and the minimum qualifying score.
2. Additional training courses may be conducted throughout the year.

FAILURE TO QUALIFY

(CFA-10.04M-E)

It is the intent of this section to set forth the process applied to officers who do not qualify with their department issued and or department authorized firearm. Officers who fail to qualify under these enumerated conditions shall be relieved of their department issued weapon(s) until such time as they have qualified or have been relieved of their law enforcement responsibilities.

4.3.15 The following procedures shall apply to qualification with the department issued/authorized weapons:

1. Officers will be allowed three attempts to qualify on the same day.
2. If the officer fails to qualify on his/her second attempt the range officer may option to inspect the officers weapon to insure the failure is not weapon related (sights, function etc.) If no problems with the weapon are identified the officer shall be provided with remedial training (trigger actuation, breathing, sight picture, etc.) The remedial training shall be documented on the qualification record.
3. Upon completion of the remedial training the officer will attempt to qualify.
4. Officers failing to qualify on their third attempt shall be relieved of their weapon and shall be advised that they will not be permitted to carry any firearm on or off duty until such time as they have qualified with their department weapon.
5. The range officer shall immediately notify the officer's Commanding Officer and the Chief of police, of the failure to qualify. The officer shall be placed on restricted administrative duty until such time as he/she successfully qualifies.
6. Officers on restricted administrative duty shall be scheduled for additional remedial training and a qualification date that is not to exceed ten (10) days from the date that he/she was placed on restrictive duty. Prior to the expiration of the ten-day period, the officer will be required to qualify on two of three attempts. If successful, the officer will immediately be restored to active duty status. The Chief of Police for reasons such as medical may extend the ten-day period. The extension must be documented and the officer will remain on restrictive duty.
7. Failure to qualify as required above will result in disciplinary action up to and including termination.
8. Officers failing to qualify with their department issued firearm shall not attempt to qualify with their off-duty/secondary firearm.

4.3.16 Members who are on an extended leave of absence and/or do not participate in those training or evaluation sessions that qualify them to carry weapons and employ force shall be relieved of police authority.

4.3.17 The officer's gun, badge, and police identification shall be surrendered until the Chief of Police authorizes re-issuance and reinstatement of police authority.

4.3.18 Carry of an off-duty/secondary firearm is not mandatory; as such, the required remedial training and subsequent qualifying attempts shall be scheduled at the convenience of the police department and range officer. Officers

may be required to complete the remedial training and qualifying effort on their own time. Remedial training time shall be documented on the qualification report. Upon successful qualification the Chief of Police may restore the officer's privilege to carry his/her off-duty/backup firearm.

CONDUCTED ELECTRICAL WEAPON

4.3.19 Only CEW's approved and issued by the department are authorized for carry and use by members of the New Smyrna Beach Police Department. Currently, the department issues Taser® CEW devices which are approved for on-duty and off-duty use. [Approved models](#) and specifications are maintained in the Training Unit. (CFA 4.07M-A,B,E)

4.3.20 Officers must demonstrate proficiency before being authorized to carry/ use the Taser®. Training shall include the use of force and post use aftercare. Officers must demonstrate proficiency annually in accordance with [FS 943.1717](#). Training and proficiency shall be documented. (CFA 4.07M-C, 10.10M-B,C)

4.3.21 Officers shall use the Taser® in accordance with training provided by the department.

- Proficiency training shall be conducted or monitored by a certified weapons instructor;
- Remedial training shall be conducted as prescribed by the departments training section; (CFA 10.04M-E)
- During annual proficiency training, a documented inspection of Taser cartridges and batteries shall be conducted to ensure expiration dates have not been exceeded. Expired components shall be replaced and removed from service. Expired cartridges may be used for training. (CFA 4.07M-E)
- Officers shall provide or seek the appropriate level of aftercare for any person who has been subjected to an impact from the Taser®. (CFA 4.08M)

IMPACT WEAPONS

4.3.22 The department issued ASP tactical baton is the only authorized impact weapon to be used by department personnel on or off-duty. (CFA 4.06M-A,B,D)

4.3.23 Officers must demonstrate proficiency before being authorized to carry/ use the ASP. Training shall include the use of force and post use aftercare. Officers must demonstrate proficiency biennially. Training and proficiency shall be documented. (CFA 4.07M-C, 10.10M-D)

4.3.24 Officers shall use the ASP in accordance with training provided by the department.

- Proficiency training shall be conducted or monitored by a qualified instructor;
- Remedial training shall be conducted as prescribed by the departments training section; (CFA 10.04M-E)
- During biennial proficiency training, a documented inspection of the ASP shall be conducted to insure that it is functioning correctly.
- Officers shall provide or seek the appropriate level of aftercare for any person who has been subjected to an impact from the ASP. (CFA 4.08M)

KINETIC DISTANT IMPACT MUNITIONS

4.3.25 Only department issued/authorized distant impact munitions are authorized for use by agency personnel. These include, "bean bags", and similar impact munitions. Impact munitions are only authorized for on-duty use. (CFA 4.06M-A,B)

4.3.26 Officers must demonstrate proficiency before being authorized to carry/ use distant impact munitions. Training shall include the use of force and post use aftercare. Officers must demonstrate proficiency biennially. Training and proficiency shall be documented. (CFA 4.06M-C, 10.10M-C)

4.3.27 Officers shall use distant impact munitions in accordance with training provided by the department.

- Proficiency training shall be conducted or monitored by a qualified instructor;
- Remedial training shall be conducted as prescribed by the departments training section; *(CFA 10.04M-E)*
- Annually, a documented inspection of all munitions shall be conducted to ensure expiration dates have not been exceeded. Expired components shall be replaced and removed from service. Expired munitions may be used for training. *(CFA 4.07M-E)*
- Officers shall provide or seek the appropriate level of aftercare for any person who has been subjected to an impact from an impact munition. *(CFA 4.08M)*

OC & CHEMICAL MUNITIONS

4.3.28 The department issued OC is the only authorized ARS to be used by department personnel on or off-duty. *(CFA 4.06M-A,B)*

- Chemical munitions shall not be used by agency personnel off-duty.

4.3.29 Officers must demonstrate proficiency before being authorized to carry/ use the ARS and/or chemical munitions. Training shall include the use of force and post use aftercare. Officers must demonstrate proficiency biennially. Training and proficiency shall be documented. *(CFA 4.06M-C, 10.10M-C)*

4.3.30 Officers shall use the ARS/chemical munitions accordance with training provided by the department.

- Proficiency training shall be conducted or monitored by a qualified instructor;
- Remedial training shall be conducted as prescribed by the departments training section; *(CFA 10.04M-E)*
- Annually, a documented inspection of the ARS and all chemical munitions shall be conducted to ensure expiration dates have not been exceeded. Expired components shall be replaced and removed from service. Expired spray/munitions may be used for training. *(CFA 4.07M-E)*
- Officers shall provide or seek the appropriate level of aftercare for any person who has been subjected to an impact from the ASP. *(CFA 4.08M)*

RESTRAINT HOLDS

4.3.31 When the use of physical force is limited to restraint holds as a method of controlling and/or calming a hostile situation, and where that force is not resisted in any manner by the subject(s) involved, the option to arrest or not arrest shall be at the discretion of the officer.

4.3.32 In non-deadly force situations, the following restraint holds, that pose a serious threat of death or serious injury to the subject, are prohibited:

- Lateral vascular neck restraint (choke hold);
- The practice of binding the hands and feet behind the back (hogtie) and placing the arrestee in a prone position that may cause positional asphyxia.

4.3.33 In any such situation, an appropriate police incident report shall be made to document the extent of physical contact and the precise means by which it was applied.

4.3.34 Any situation that results in actual or claimed injury, whether evident or non-evident, will require the officer to notify his supervisor and document the incident in a report.

Revised: DMB 04/18

**Approved: Signature on File
Chief McKinley D. Coffin, Jr.**

