



NORTH MIAMI POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES



FIREARMS 400.03

EFFECTIVE DATE: 03-28-23

APPROVED: APH
Chief of Police

SUPERSEDES: 12-04-20

CFA: 4.02, 4.03, 4.05, 10.10

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I. PURPOSE

To establish guidelines and procedures to provide criteria for authorized weapons and ammunition and to ensure that the officers are properly trained in their use. Federal and State laws and departmental policies, rules, and orders, serve to define the obligation.

II. POLICY

To enhance employees' performance for the protection of citizens as well as the employee. Such safeguards may serve to reduce the probability of criminal and civil liability that could stem from questions of competency, training, and standards.

III. SCOPE

This procedure applies to all members of the Department.

IV. DEFINITIONS

Language clarification:

- Should: Indicates a general or expected action, absent a rational basis for failing to conform.
- Shall or Will: Indicates a mandatory action.

V. PROCEDURES

The Department requires the successful completion of the Florida Basic Recruit Training Program, or its equivalent, prior to assignment in any capacity in which a sworn member is allowed to carry a firearm, or is in any position to make an arrest.

Sworn personnel meeting the above-listed requirement shall carry firearms that have been approved and meet Departmental specifications. **CFA 4.03**

VI. USAGE/CARRY CRITERIA

Firearms are considered use of force weapons and shall be employed in a manner consistent with this Department's Use of Force Policy. Members will receive copies and be instructed in the agency's Use of Force Policy before they are authorized to carry lethal weapons. Only firearms and ammunition meeting agency approval are used in the performance of duty. Members choosing to carry a personally owned firearm, on or off duty, must make the request to carry the firearm to the designated Range Master, have the firearm approved and inspected, and successfully complete a course of fire that shows qualification prior to carrying. **CFA 4.05D**

A. Approved firearms for on-duty use shall include the following: **CFA 4.05A**

1. Uniform assignment shall only carry the following firearms, magazines and ammunition on their person:
 - a. Department-issued firearm (.40 caliber Sig Sauer);
 - b. Personally owned firearm (.40 caliber or 9mm Glock or Sig Sauer), to be approved by the Range Master;
 - c. Barrel length will conform to manufacturer's construction guidelines, not exceeding five inches, and will not be altered

in any way;

- d. Grips with thumb rests are PROHIBITED;
- e. Prior to issuing weapons to personnel, all weapons must be pre-approved and inspected by the Range Master or qualified firearms instructor or Department armorer. If found to be unsafe, improperly maintained, or altered in any manner, authorization to carry that weapon shall be denied;

CFA 4.05E

1.) Unsafe firearms in need of maintenance, including firearms utilized by SWAT, will be made safe by running a zip tie through its barrel and breach.

CFA 4.05F

2.) The firearm will be tagged as in need of repair and stored in the firearms cage located in the SWAT locker until sent for repairs by the Range Master, or his/her designee.

- f. No modifications, alterations or repairs may be made to the basic weapon by any person other than a Department-approved armorer or authorized manufacturer service center, without prior approval of the Range Master; and

- g. Flashlights may be attached to firearms that are manufactured with attachment railings. Flashlights may only be attached to an on-duty firearm after receiving authorization from the Range Master and demonstrating proficiency with the firearm with light attachment. Flashlights attached to on-duty firearms will be considered to be part of the firearm and shall be used in a manner consistent with this Department's Use of Force policy and in accordance with the training received.

- h. Magazines:

- 1.) Standard capacity manufacturer's magazines, no more than three (3), including the one in the firearm;
- 2.) If a fourth magazine is desired, the officer must submit a memo to the Range Master requesting the approval to carry the additional equipment;

- 3.) All magazines carried on duty must be filled to capacity with approved/Department-issued ammunition; and
 - 4.) High capacity/extended handgun magazines are prohibited from being carried on the duty belt or any part of the uniform.
2. Non-uniform assignments: Sworn personnel, assigned to a non-uniform assignment, will carry a semiautomatic pistol as their service weapon, which meets the criteria established for uniform personnel or approved by the Range Master or designee.
3. Additional on-duty firearm: Sworn personnel are authorized to carry an additional personal revolver or semiautomatic pistol, in a concealed manner, while on-duty. As with any weapon authorized to be carried on or off-duty, officers must first demonstrate proficiency and qualify with the weapon during a Department authorized qualification course in the presence of a Department firearms instructor. **CFA 4.05A,B,C**

B. Off-duty sworn personnel may carry a revolver or semiautomatic pistol, which is inspected and approved by the Range Master. Although it shall be the officer's personal decision whether to carry a firearm on or about his/her person while off-duty, officers are required to have a firearm whenever they are driving a police vehicle. **CFA 4.05B,E**

1. If the off duty firearm is chambered in .40 caliber, 9 mm, .38 special, or .380 caliber, training ammunition will be provided for departmental firearms training and qualification. An off duty firearm's ammunition must be approved by the Range Master, and purchased by sworn personnel.
2. Officers will carry identification to identify themselves as officers when carrying a firearm both on and off-duty.

C. Shotguns may be carried by sworn personnel who have demonstrated proficiency with the Department's shotgun course. The following criteria must be met:

1. Either departmentally issued or personally owned;
2. Manufactured by Remington, Mossberg, Winchester, or other brand approved by the Range Master;

3. 12-gauge, 00-buck or slug, (Departmentally issued); **CFA 4.05D**
4. Barrel length 18-20 inches;
5. Blue, black, parkerized, nickel, stainless steel or matte gray finish;
6. Full stock, folding design stock or telescoping stock;
7. With or without magazine extension kit, minimum four (4) round Capacity;
8. Slide action pump, and/or semi-automatic operation;
9. Chambered to accept the 2-3/4 or 3 inch shell; and
10. Inspection by the Range Master or his/her designee, and identifying information concerning the weapon, will be recorded at the time of qualification. **CFA 4.05E**

D. Carbines may be carried by sworn personnel. These rifles are a tool to allow the potential resolution of incidents by providing a tactical advantage not available with other police firearms.

1. Carbines may be carried by authorized personnel, when the following criteria is met:
 - a. Officers requesting to carry carbines must first complete a Department approved firearms training/qualification carbine course and demonstrate proficiency under the supervision of a Department firearms instructor; **CFA 4.05C**
 - b. Only AR-15 style rifles manufactured by Colt, Bushmaster, Rock River Arms, DPMS, Smith & Wesson, Daniel Defense, or ArmaLite, or any other brand approved by the Range Master;
 - c. .223 caliber only; **CFA 4.05D**
 - d. Semi-Automatic only;
 - e. Must be equipped with iron sights;

- f. All rifles shall be equipped with a 3-point tactical sling, a 2-point quick-transition sling, or a tactical full-bungee sling that permits the rifle to be carried in a muzzle-down, cross body carry;
- g. Must qualify annually;
- h. Authorized sworn personnel wishing to carry a carbine, shall purchase the rifle; and
- i. Must carry Department issued ammunition. **CFA 4.05D**

2. Carbine / Shotgun deployment: This policy does not seek to articulate the only situations where carbine or shotgun deployments are appropriate. Officer judgment determines the appropriate deployment of the carbine or shotgun.

Examples of acceptable deployment circumstances could include:

- a. Where the officer believes an armed subject s/he encounters is wearing protective body armor;
- b. Subject is armed with or has immediate access to high powered or shoulder fired weapons;
- c. Subject is armed and situated in a distant or fortified location which affords them a tactically superior position;
- d. Hostage situations;
- e. Barricaded subject(s);
- f. Felony traffic stop;
- g. Perimeter where an armed subject(s) is sought;
- h. Specific security assignments;
- i. Assisting other agencies where armed resistance is anticipated;
- j. Officer under fire; officer or citizen rescue;
- k. Initial containment of a sniper, pending deployment of SWAT; and
- l. Any situation where it would be tactically advantageous to use the carbine/shotgun.

3. Following a deployment, and prior to storing the carbine or shotgun, the weapon's safety will be engaged, the chamber will be emptied, the round returned to the magazine, and the bolt will be closed. Carbine magazines will remain locked in the weapon's

magazine well.

VII. CARBINE ACCESSORIES

- A. Carbines may have alternative non-magnifying optical sighting devices, such as EO Tech, or others approved by the Range Master. Devices must not obstruct iron sites and must allow for co-witnessing with iron sites.
- B. Carbines may have full or collapsible stocks.
- C. Weapon mounted lights are recommended.
- D. Any equipment modifications or additional accessories must be approved by the Range Master.

VIII. SAFETY AND SECURITY

- A. Officers are responsible for the safety and security of “all” firearms under their control. When not under their control, the officer must adequately secure the firearm when:
 1. An officer attends judicial proceedings (when required);
 2. An officer processes a subject; e.g., fingerprinting, booking, or performing DUI testing in a police facility;
 3. An officer enters a governmental facility and does not intend or is prohibited from carrying the weapon upon his/her person (jail, etc.); and **CFA 21.08A**
 4. An officer is off-duty and the weapon is not being carried.
- B. Other than Department issued Less-Lethal shotguns, no firearm will be left unattended in any vehicle while off-duty.
- C. Lost or Stolen Firearm: When an employee’s firearm is lost or stolen, a police report will be filed immediately and the appropriate information entered into FCIC/NCIC by the responding agency. When a Department-issued firearm is involved, the employee will immediately notify the on-duty Shift Commander. In addition to filing a police report, a memorandum will be prepared for the Chief of Police by the officer involved. Their supervisor will route the memorandum through the chain of command.

IX. HOLSTERS AND AMMUNITION

A. Holsters:

1. Sworn personnel on-duty shall carry their firearms in departmentally approved holsters. Shoulder holsters are prohibited.

B. Approved ammunition:

1. Only ammunition approved by the Department Range Master will be utilized for weapons carried on duty. **CFA 4.05D**

X. PROFICIENCY and QUALIFICATIONS

Sworn personnel are required to demonstrate proficiency annually with all approved on-duty and off-duty firearms. Proficiency may be attained through the live fire of firearms (preferred method), simunitions, reality-based training scenarios and physical manipulation of inert replicas of firearms authorized for the member to carry. **CFA 10.10A**

Sworn members must also qualify with all approved on-duty and off-duty firearms in accordance with CJSTC Rules and the established FDLE course.

CFA 10.10E

A. All proficiency and qualifications will be in the presence and control of an authorized Department firearms instructor, and will be documented. The documentation will include the make/model and serial number of the weapon, date of qualification; course fired and pass/fail results on qualifications.

1. Personnel who fail to pass firearms qualification with an approved on-duty firearm shall be mandated to attend remedial training as prescribed in the Training SOP (400.07). If the officer fails to qualify after remedial training, he/she will be prohibited from carrying the firearm until they have qualified with it, in accordance with Department policy.

Officers who fail to qualify with their secondary or off-duty weapon shall be prohibited from carrying the firearm until they have qualified with it, in accordance with Department policy.

2. Any concerns observed during proficiency training will be addressed immediately by the firearms instructor.

3. Officers who fail to attend firearms proficiency and/or qualification training because of an excused absence will be required to attend a subsequent departmental proficiency or qualification session as scheduled by the Training Unit.
4. Officers will be excused from firearms proficiency and/or qualifications training for the following reasons only:
 - a. Verified illness/injury/light duty;
 - b. Subpoenaed court appearance;
 - c. Pre-scheduled vacation; or
 - d. Other authorized special circumstances.
5. Officers who are not able to attend must notify their supervisor, along with the Training Unit, to be rescheduled.
6. Officers who fail to attend firearms proficiency and/or qualification training (unexcused absence) are required to submit a memo, through their chain of command, to the Training Unit, detailing the reason for not attending, and may be subject to discipline.
7. The Training Supervisor will maintain a record of departmental personnel who fail to attend firearms proficiency and/or qualification training.
8. A record of all departmentally approved firearms will be kept and maintained by the Range Master or designee. **CFA 4.05G**
9. The SWAT Commander will maintain records of all firearms proficiency and qualifications training pertaining to SWAT members during SWAT firearms training. The SWAT Commander will be required to maintain records consistent with the information required for standard qualifications outlined in this policy.

B. Inspection, Approval and Maintenance of firearms:

1. Weapons will be inspected and approved during annual proficiency/qualification.
2. The Range Master, or his/her designee, will utilize a Firearms Inspection and Approval Form, or a Carbine/Shotgun Inspection Approval Form for all on- and off-duty weapons.

3. Maintenance will be as follows:
 - a. Personnel are responsible for proper care, cleaning, and treatment of firearms carried in the line of duty. All cleaning and loading will be conducted in a safe manner.
 - b. If a weapon is determined to be defective or in need of being serviced, the weapon will be submitted to a Department firearms instructor. A Department firearms instructor will then examine it, before the weapon is turned into the Department armorer for inspection and repair.
 - c. Officers will be issued a loaner weapon in the event their Department-issued weapon is being repaired. Should their weapon be unserviceable, the officer will be issued a replacement weapon.
4. Firearms issued by the Department or authorized to be carried on or off-duty shall NOT be altered. Firearms shall be maintained to factory specifications.

C. Retired Officers Qualifications:

1. HR 218 allows retirees, who have qualified at the range within a year of their retirement, to carry a concealed firearm, providing the retiree qualify annually at an approved firearms range. The North Miami Police Department will allow officers, who have retired in good standing, to participate in the annual firearms qualification in order to meet the minimum state standard.
2. Retired officers may engage in firearms qualification during scheduled training for the purpose of completing the Florida Law Enforcement Officer Firearms Qualification Standard to establish firearms proficiency.

Retired officers will be required to complete and sign both, an HR 218 Retired Officer Request for Firearm Qualification form, and a Gun Range Hold Harmless and Indemnification Agreement prior to participating in any scheduled range session with NMPD.

XI. CONCEALED FIREARMS PERMIT

This policy governs all on-duty use and carry of firearms, and makes provisions

for off-duty use and carry of firearms for sworn personnel who do not have a concealed firearms permit, or who wish to carry an off-duty firearm outside of the scope provided by F.S.S. 790.06. Sworn personnel who have obtained a concealed firearms permit pursuant to F.S.S. 790.06 may carry firearms off-duty in accordance with existing state statutes, and are not governed by this policy while carrying firearms off-duty.