

BERKELEY POLICE DEPARTMENT

DATE ISSUED: September 16, 2004

GENERAL ORDER F-2

SUBJECT: FIREARMS, AMMUNITION, AND NON-LETHAL WEAPONS:
TRAINING, QUALIFICATION, AND SPECIFICATIONS

PURPOSE

- 1 - The purpose of this General Order is to establish procedures for training, qualification, and specifications for firearms, ammunition and non-lethal weapons.

POLICY

- 2 - All employees are expected to follow rules, regulations, and procedures regarding weapons specifications, qualification, and training.

PROCEDURES

- 3 - Lethal and Non-lethal weapons training is mandatory for assigned employees.
 - (a) Each Supervisor shall ensure that employees under his/her supervision attend training sessions as scheduled.

TRAINING AND QUALIFICATION

- 4 - The guidelines for training and qualification are as follows:
 - (a) Firearms and Ammunition:
 - (1) **While on-duty, sworn officers shall carry only firearms authorized by the Berkeley Police Department.**
 - (2) **Authorized firearms, including Optional Duty Pistols (ODP's) must be registered and on file with the Firearms Training Unit.**
 - (3) Authorized firearms are those with which the officer has qualified, received departmental training in safe usage, and comply with departmental specifications.
 - (4) The Personnel and Training Bureau shall schedule regular training and qualification sessions for duty, off-duty, auxiliary and specialized firearms, which will be evaluated on a pass/remediate basis. Officers, at minimum, shall qualify with firearms as follows:
 - (a) Barricaded Subject/Hostage Negotiation Team, firearms, quarterly. **Qualification during HNT training sessions may suffice for departmental qualifications, providing that qualification takes place within the same quarter.**

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- (b) On-duty service **pistol**, shotgun, and **patrol rifle if assigned**, semi-annually.
- (c) Off-duty and auxiliary firearms, annually.
- (5) Any officer who fails to attend firearms qualifications, or who fails to achieve the qualifying standard with their duty firearm in accordance with departmental testing procedures, shall be retested until he/she qualifies. As noted in MOU Section **45.3**, "Employees who are not able to achieve the minimum standard within a reasonable period of time will be immediately assigned to work on an intensive basis with range masters who will evaluate the severity of the problem. Consistent inability to meet the standard may be cause for termination."
 - a) Per **Departmental standards**, the **FTU** will furnish remedial measures and an employee failing to demonstrate proficiency with his/her weapon will not return to duty until such time as proficiency is demonstrated and documented.
- (6) An officer shall not be permitted to carry any off-duty or auxiliary firearm with which he/she has not qualified with at least annually.
- (7) An officer who has taken an extended leave, (6 months or more) or suffered an illness or injury that could affect his/her firearms skills will be required to re-qualify before returning to enforcement duties.
- (b) Non-lethal Weapons:
 - (1) The following non-lethal weapons are authorized:
 - (a) **29" baton**
 - (b) 36" long baton (CMT only)
 - (c) 26" expandable baton
 - (d) Aerosol Gas Dispenser (Oleoresin Capsicum)

FIREARMS SPECIFICATIONS

- 5 - The following Departmental specifications regulate firearms for sworn personnel for uniform **or plainclothes duty** wear.
 - (a) The authorized service pistol shall be the Smith and Wesson self-loading double action pistol in .40 caliber with a minimum barrel length of 4", in blue or stainless steel finish.

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- (b) The authorized Optional Duty Pistols (ODP) shall be Heckler & Koch, Glock and Sigarms, in .40 and .45 caliber only, with a minimum barrel length of 3 ½ “, and a maximum barrel length or 5”. Double action pistols shall be holstered in the double action mode, with the hammer down.

 - (1) The authorized magazine capacity for the ODP shall be not less than a total of seven (7) rounds in a factory supplied magazine. Only Departmentally issued duty ammunition shall be carried.
 - (2) Trigger pulls shall be maintained according to manufacturer specifications.
 - (3) No laser sighting devices shall be used unless expressly authorized in writing, by the Chief of Police.
 - (4) No weapons with a ported slide, barrel or compensator shall be authorized.
 - (5) All manufacturers approved and installed safety devices shall be maintained according to manufacturer recommendations and/or specifications.
 - (c) The modification of any pistol, other than changes in sights or stocks/grips, is expressly prohibited. Removable tactical lights are not considered modifications.
 - (d) The Firearms Training Unit will maintain, on the appropriate form, a record of each weapon approved for use.
 - (e) Firearms Training Unit Armorers shall inspect and approve all pistols intended for duty for mechanical functioning within specifications prior to deployment. Should a pistol be deemed “unsafe,” it will be barred from deployment, until the cause of the unsafe pistol has been remedied, and rechecked and deemed “safe” by the armorers.
- 6 - Holsters, ammunition carriers and necessary auxiliary equipment for ODP’s must be supplied by the officer, be specifically made for the pistol in use, be of comparable quality to the Departmentally issued holsters, and be approved by the Department prior to deployment.**
- (a) Approved holsters shall be manufactured with at least a primary and a secondary retention device.
 - (b) Unless expressly authorized, holsters for uniform patrol shall be of a black basket weave design and shall match the remainder of an officer’s duty belt.

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- 7 - Officers shall supply magazine pouches for ODP's. (Unless current leather gear accommodates the ODP magazines) Pouches must be of a black basket weave design, be of comparable quality to the Departmentally issued magazine pouches, and be approved by the Department prior to deployment.
- 8 - In the event an ODP malfunctions or is otherwise unavailable for use, the following options for ODP Replacement are as follows:
 - (a) Use another officer's departmentally registered ODP of the same make, model and caliber.
 - (b) Use a second pistol owned by the officer of the same make, model and caliber and registered with the Department.
 - (c) Obtain a "loaner" pistol from the Department, of the same make, model and caliber.
 - (d) If the same make, model and caliber of pistol is not available, the officer shall qualify with another ODP or Departmentally issued firearm.
- 9 - Patrol Rifle
 - (a) The authorized Patrol Rifle is an AR-15 style semi-automatic rifle in 5.56mm or .223 caliber issued by the department to selected officers assigned to Patrol or SEU.

OFF-DUTY FIREARMS

- 10 - An "off-duty firearm" is defined as any concealable **primary** handgun normally carried by the sworn officer when not officially in an "**on-duty**" status.

AUXILIARY FIREARMS

- 11 - Approval to carry an auxiliary (secondary) weapon is governed by Police Regulation 319. Employees on duty shall not carry auxiliary weapons, either on their person or in vehicles, without written approval of the Administrative Division Captain.

Auxiliary weapons shall meet the following criteria and be inspected by a **Firearms Training Unit** instructor before being approved for use.

- (a) Weapon and Ammunition:
 - (1) The firearm and ammunition must be of commercial manufacture. The **FTU** will record the manufacturer, caliber and serial number of the weapon on the back of the firearms training record card.

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- (2) The caliber of the auxiliary **weapon** shall not be greater than **.45 caliber**.
- (b) Reliability and Quality:
 - (1) An **FTU instructor** will operate the firearm to ascertain any observable defects.
 - (2) An **FTU instructor** will conduct a routine service inspection of the firearm.
 - (3) The officer will, when possible, field strip the firearm for a detailed inspection.
- (c) Method of Carry:
 - (1) The weapon shall be held secure and completely hidden in a **short-sleeved** uniform.
- (d) **The officer shall complete a qualification exercise, as provided by the FTU, which will verify security of the weapon's method of carry.**
- (e) The auxiliary weapon application shall be routed to the Administrative Division Captain via the officer's Division Commander for final approval upon successful completion of the qualification exercise.

AMMUNITION

- 12 - The following Departmental specifications regulate service ammunition for sworn personnel:
 - (a) The authorized primary service handgun cartridge shall be of a controlled expansion bullet type (hollow point) **that** will release the greatest amount of kinetic energy within the target, and reduce the potential for over-penetration and ricochet.
 - (1) The reference cartridge for the semi-automatic pistols shall be **those issued by and approved for use by the FTU, and authorized by the Chief of Police.**
 - (2) Ammunition for the auxiliary **pistol** shall conform to the bullet type of the service handgun cartridge.
 - (3) Ammunition authorized for service use in the 12-gauge shotgun is the 9 or 12 pellet **Buckshot and Rifled Slug** cartridges.

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- (4) **Ammunition authorized for service use for the Patrol Rifle is the 5.56mm or .223 caliber cartridge, provided by the FTU and authorized by the Department prior to deployment.**
- (5) The use of any other ammunition while on-duty is strictly prohibited.

References: Berkeley Police Association MOU
General Order U-2
Police Regulations 318, 320, 321, 322, 323, 324 and 330
Uniform Equipment Manual
Departmental Order of 10/31/03, Patrol Rifle and Deployment Policy