Firearms

306.1 PURPOSE AND SCOPE

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 (300) or Officer-Involved Shootings and Deaths (305) policies.

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

306.1.1 AUTHORIZATION TO CARRY FIREARMS

Members of this department who meet all state and North Dakota Peace Officer Standards and Training (POST) Board requirements shall have law enforcement privileges to carry firearms and other weapons pursuant to state laws (N.D.C.C. § 62.1-03-01(2)(f); N.D.C.C. § 62.1-04-02; N.D.C.C. § 62.1-05-02(3)).

306.2 POLICY

The Fargo Police Department shall equip its sworn members with firearms to address the risks posed to the public and department members by violent and armed persons. The Department shall ensure firearms are appropriate, in good working order, and relevant training is provided as resources allow.

All sworn members, while on official duty, shall only carry department-issued firearms and ammunition. When off-duty, members may carry an off-duty weapon of their choice or a department-issued handgun pursuant to this policy.

306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Training and Development Unit (TDU) Training Sergeant. 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 at an authorized department range.

All other weapons not provided by the Department, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the Chief of Police. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

306.3.1 HANDGUNS

The authorized department-issued handgun is the Glock, Model 45, 9mm Caliber, which shall be worn by all full-duty Neighborhood Services Division (NSD) personnel. The following additional handgun is approved for on-duty use by personnel assigned to the Criminal Investigations Division, Professional Standards Division, Executive Staff or the Office of the Chief:

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MAKE	MODEL	CALIBER
Glock	43X	9mm

306.3.2 RIFLES
The authorized department-issued rifle is an AR 15 style patrol rifle, 5.56 caliber.

Members may deploy the 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 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 rifle shall be properly secured consistent with department training in a locking weapons rack or vault inside a locked department vehicle.

306.3.3 PERSONALLY OWNED DUTY FIREARMS
Members are not authorized to carry a personally owned firearm while on duty.

306.3.4 CARRYING DEPARTMENT-ISSUED HANDGUNS OFF-DUTY
The carrying of department-issued handguns by sworn members while off-duty is permitted by the Chief of Police, but may be rescinded should circumstances dictate (e.g., administrative leave, suspension, etc.). Members who choose to carry a department-issued handgun while off-duty, based on their authority as peace officers, shall, in addition to the other requirements in this policy, meet the following guidelines:

(a) 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.

(b) Officers must carry their issued Fargo Police Department badge and identification card on their person.

306.3.5 CARRYING PERSONALLY-OWNED FIREARMS OFF DUTY
Members may choose to carry a personally-owned handgun off-duty, but when taking any action based on their authority as a peace officer, shall ensure they have their department-issued badge and identification card on their person.

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Members carrying a personally-owned handgun off-duty may participate in a department provided range qualification that is offered as part of the Law Enforcement Officers Safety Act (LEOSA). The Department will not otherwise regulate or provide separate training for off-duty carry.

306.3.6 AMMUNITION

Sworn officers shall carry only department-authorized ammunition while on duty, and shall ensure their handgun magazines are fully loaded and one round is in the chamber. Rifle magazines shall be loaded with a total of 29 rounds of ammunition. Department-issued ammunition shall be supplied and replaced by the Training Sergeant as needed. This includes replacing unserviceable or depleted ammunition issued by the Department.

306.4 EQUIPMENT

Department-issued firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of personally owned firearms are the responsibility of the individual officer.

306.4.1 REPAIRS OR MODIFICATIONS

Each sworn member shall be responsible for promptly reporting any damage or malfunction of a department-issued firearm to a supervisor and the Training Sergeant or authorized designee.

Firearms that are the property of the department may be repaired or modified only by a person who is department-approved. Such repairs shall be authorized in advance by the Training Sergeant or authorized designee. Any modifications shall be approved in advance by the Professional Standards Division (PSD) commander.

306.4.2 HOLSTERS

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

Officers assigned to plainclothes assignments, as well as sworn administrative staff, shall have a level-one retention holster that has been approved by the Training Sergeant or authorized designee.

306.4.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on- duty after they have been examined and approved by the Training Sergeant or authorized designee.

306.4.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on the AR-15 style rifle in strict accordance with manufacturer specifications. Sworn officers shall qualify with the rifle to ensure proper functionality.The Training Sergeant or their designee shall ensure proper sighting of the rifle prior to the carrying of the rifle.

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306.5 SAFE HANDLING, INSPECTION AND STORAGE

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 Training Sergeant or authorized designee(s). Members shall not dry fire or practice quick draws except as instructed by the Training Sergeant or authorized designee(s).

(c) Members 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 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.

(f) 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.

(g) 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. The member shall promptly notify a supervisor pursuant to SOP 306 (Firearms Standard Operating Procedures).

306.5.1 INSPECTION AND STORAGE

Handguns and rifles shall be inspected at the beginning of each shift by the member to whom the weapon is assigned, as well as following access or possession by another person. The member shall ensure that all issued or assigned firearms are carried in the proper condition and loaded with approved ammunition to the required capacity pursuant to this policy.

Inspection of the firearms shall be done in conformity with Standard Operation Procedures 306, section 306.1 (Department-Issued Firearms Inspections).

306.5.2 STORAGE AT HOME

Members should ensure all department-issued firearms and ammunition are secured while in their homes 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. Officers should be aware that negligent storage of a firearm could result in civil liability.

306.5.3 ALCOHOL AND DRUGS

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

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306.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training with their department-issued firearms. In addition, all members shall qualify at least annually, including successfully completing a North Dakota mandated firearms re-qualification program on a POST-certified range course unless waived by POST (N.D.A.C. § 109-02-03-04; N.D.A.C. § 109-02-03-06).

Any officer who has not qualified within the two previous years, due to a leave of absence, shall successfully complete both the POST written examination and the certified range course prior to being placed on full duty.

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

306.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If a 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 verbally notify their immediate supervisor as soon as practicable. The involved firearms instructor shall document any non-qualification and forward the memorandum to the Training and Development Unit (TDU) Lieutenant, who shall notify the member's commanding officer.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and removed from field assignment until they successfully pass qualification. Additionally, these sworn officers shall be subject to the following requirements:

(a) Additional range assignments should be scheduled to assist the member in demonstrating consistent firearm proficiency.

(b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.

(c) No range credit will be given for the following:

    1. Unauthorized range make-up.

    2. Failure to meet minimum standards or qualify after remedial training.

Members who fail to demonstrate firearms proficiency as required by this policy, or who fail to meet POST qualification requirements, shall not carry a firearm in the course of employment and shall be relieved from field assignment (N.D.A.C. § 109-02-03-01; N.D.A.C. § 109-02-03-04). Disciplinary action may follow.

306.7 FIREARM DISCHARGE

Except during training or off-duty range use, any member who discharges a department-issued firearm intentionally or unintentionally, on- or off-duty, shall report the discharge to his/her supervisor as soon as practicable. 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 (305). If a firearm was discharged as a use of force, the involved officer shall adhere to the additional reporting requirements set forth in the Use of Force Policy (300).

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306.7.1 DESTRUCTION OF ANIMALS
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, conducted energy weapon, oleoresin capsicum (OC) spray, animal control officer).

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

306.7.3 WARNING AND OTHER SHOTS
Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and shall not be done unless the member reasonably believes that they appear necessary, effective and reasonably safe.

306.8 TRAINING SERGEANT DUTIES
The range shall be under the exclusive control of the Training and Development Unit (TDU) Training Sergeant or authorized designee. All officers attending will follow the directions of the Training Sergeant or authorized designee. The Training Sergeant shall maintain a roster of all officers attending the range and shall submit the roster to the TDU Lieutenant after each range date. Failure of any officer to sign in with the Training Sergeant or authorized designee may result in non-participation or non-qualification.

The range shall remain operational and accessible to department officers during hours established by the Department.

The Training Sergeant or an authorized designee 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 Training Sergeant has the authority to deem any department-issued firearm unfit for service.

The Training Sergeant has the responsibility to ensure each sworn member 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 Training Sergeant shall complete and submit to the TDU Lieutenant documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each officer who completes the training. The Training Sergeant should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the TDU Lieutenant.

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The Training Sergeant shall forward documentation of licensed department personnel firearm qualifications to the North Dakota Peace Officer Standards and Training (POST) Board as required by state law (N.D.A.C. § 109-02-03-07(3)).

306.9 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

(a) Members 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) Members shall carry their Fargo Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or 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., drivers license, passport).

(c) The Fargo Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Fargo Police Department an NLETS message 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 shall also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and shall include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.

(e) Members must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by a department-approved instructor.

(f) It is the member'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 member 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 shall 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) Members should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.

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(j) Members shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

306.10 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time sworn members of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

(a) The member shall carry his/her Fargo Police Department identification card whenever carrying such firearm.

(b) The member is not the subject of any current disciplinary action.

(c) The member shall not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

(d) The member shall remain subject to this and all other department policies (including qualifying and training).

Members 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.

306.11 REVISION DATE 07/26/2024

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