

## ODNR Weapons Directive

<b>Effective</b>	October 1, 2011
<b>Purpose</b>	To provide weapon guidelines for ODNR law enforcement officers
<b>Authority</b>	ORC 1501.01
<b>Reference</b>	ORC 2923.11
<b>Resource</b>	ODNR Law Enforcement Administrator Chief Legal Council Ohio Attorney General's Office/Ohio Peace Officer Training Academy

### Policy Statement

Any weapon not specifically listed in this Policy is prohibited for use by an ODNR officer without the permission of the Division Chief and the Department Law Enforcement Administrator.

### Definitions

1. Primary Duty Handgun – A Department approved, division issued handgun, carried while in uniform.
2. Specialized Duty Handgun – A Department approved, division issued handgun provided to officers participating in special assignments.
3. Second Handgun – A personally owned handgun that is carried as a backup to the duty or authorized handgun.
4. Department Authorized Handgun – A personally owned handgun that may be worn while on duty in civilian clothes.
5. Primary Duty Shotgun – A Department approved, division issued shotgun.
6. Primary Duty Rifle – A Department approved, division issued rifle.
7. Department Authorized Rifle – A personally owned rifle that may be carried while on duty.
8. Department Law Enforcement Administrator (DLEA) – Oversees the Department law enforcement program.
9. Vehicle – For the purpose of this policy, a vehicle shall include everything listed in ORC 4501.01 and vessels.

### Handguns

#### A. Primary Duty/Specialized Handgun

1. Duty handgun calibers will be 9 mm, .40 S&W, or .45 ACP.
2. The handgun and loading devices will be charged and fully loaded while on duty.
3. Only duty ammunition issued by the divisions will be carried in the handgun. Duty ammunition will be replaced at least every two years.
4. Practice ammunition will only be used on practice ranges and during training. Unjacketed lead ammunition shall not be fired from the handgun.

5. All modifications to the handgun must be approved in writing by the respective division's law enforcement administrator or designee.
6. All repairs and approved modifications will only be completed by an approved division armorer.
7. Officers are responsible to ensure the handgun and magazines are clean and properly lubricated after each use and routinely as needed.
8. Each division will maintain test fired duty rounds and shell casings from all duty and specialized handguns.
9. The DLEA may authorize other caliber handguns as specialized duty handguns.

#### B. Second Handgun

1. Second handguns must be a minimum of .32 caliber.
2. The second handgun must be concealed, in or out of uniform.
3. The second handgun must have a magazine/cylinder capacity of at least 5 rounds.
4. The second handgun must pass safety and mechanical check by a division firearms instructor.
5. Second handgun duty ammunition must be factory ammunition designed for defensive purposes.
6. Ammunition for duty carry, practice and qualification is the responsibility of the officer.
7. Officers are responsible to ensure the handgun and magazines are clean and properly lubricated after each use and routinely as needed.
8. Each division will maintain test fired duty rounds and shell casings from all second handguns.
9. The second handgun must be carried in an approved holster that has a minimum of one retention device.

#### C. Department Authorized Handgun

1. Department authorized handgun calibers will be 9 mm, .40 S&W, or .45 ACP.
2. The department authorized handgun must be concealed.
3. The department authorized handgun must have a magazine/cylinder capacity of at least 5 rounds.
4. The department authorized handgun must pass safety and mechanical check by a division firearms instructor.
5. Department authorized handgun duty ammunition must be the same make and manufacture as issued for the duty weapon.
6. Ammunition for duty carry, practice and qualification is the responsibility of the officer.
7. Officers are responsible to ensure the handgun and magazines are clean and properly lubricated after each use and routinely as needed.
8. Each division will maintain test fired duty rounds and shell casings from all department authorized handguns.
9. The department authorized handgun must be carried in an approved holster that has a minimum of one retention device.

## **Non-Uniform Firearms Carry Requirement**

- A. All commissioned officers while on duty and out of uniform will carry their duty or department authorized handgun in an approved holster concealed from public view.
- B. Officers may carry the law enforcement weapons covered by this policy while commuting directly to or from work.
- C. If an officer is on duty and out of uniform completing training outside their jurisdiction within the State of Ohio, the officer is required to wear the duty or authorized handgun. The firearm may be removed and secured if it is inappropriate for the type of training received. The officer must follow all training institution firearm regulations.
- D. A Division Chief or commissioned supervisor may relieve an officer from carrying a duty or authorized handgun when performing duties that make it inappropriate or unsafe.
- E. When an officer is carrying their duty or authorized handgun, the officer's badge and I.D. must be on their persons.
- F. Officers must carry an extra magazine, one Department approved intermediate defensive weapon, and a Department approved restraint device concealed
- G. Officers while in the office are not required to carry their duty or authorized hand gun, but must have it available.
- H. No Department officer will be permitted to carry any authorized handgun concealed unless they have received division concealed carry training.
- I. Commissioned personnel whose position description does not contain the job duties of law enforcement or law enforcement supervision are not required to carry a firearm while in civilian clothes, and may only do so with the approval of their immediate supervisor.
- J. The Department or Division Law Enforcement Administrators or designee may provide exemptions to this section of the Weapons Directive as necessary.

## **Primary Duty Shotgun**

- A. Commissioned officers are required to have the shotgun, if one is available, in their patrol vehicle/vessel when on duty whether in uniform or civilian clothes. An exemption to this standard requires approval from the Division Law Enforcement Administrator.
- B. The shotgun will be carried in an electronic locking device or locked storage compartment.
- C. All patrol vehicle(s) will be equipped with an electronic locking device for the issued shotgun.
- D. The shotgun will be carried inside the vehicle in Condition 3 (magazine charged, chamber empty, action closed, trigger released, safety off).
- E. When the shotgun is not in use, it will be removed from the vehicle and stored in a gun locker in a secure area. The shotgun will be stored in Condition 4 (magazine empty, chamber empty, action open, and safety on). Shotguns may be stored in Condition 3 in an electronic locking device or locked storage compartment in a locked vehicle with approval of the Law Enforcement Administrator.
- F. Officers who are issued a shotgun are responsible to ensure that the shotgun is inspected for function and cleanliness once a month. At locations in which multiple officers are assigned to use the same shotgun, the commissioned supervisor will be responsible to ensure the shotgun is inspected once a month.
- G. No modifications or accessories will be permitted to the shotgun except as approved in

writing by the Division Law Enforcement Administrator or designee and completed by a certified armor.

- H. The standard issue shotgun shell to be loaded in the shotgun will be a #00 buck.
- I. Every issued shotgun carried will have the magazine loaded to capacity. The stock or ammo carrier will also be filled to capacity and will include rifled slugs.
- J. An additional five rounds of #00 buck and five rounds of rifled slugs will be kept in the vehicle or vessel.
- K. Shotgun ammo will be replaced at least every three years.

### **Primary Duty Rifle**

- A. Commissioned officers must complete primary duty rifle training to be authorized to carry or utilize a primary duty rifle.
- B. Qualified officers are required to have the rifle, if one is available, in their patrol vehicle/vessel when on duty whether in uniform or civilian clothes. An exemption to this standard requires approval from the Division Law Enforcement Administrator.
- C. The rifle will be carried in an electronic locking device, or in a locked storage compartment.
- D. The rifle will be carried in Condition 3 (magazine charged, chamber empty, action closed, trigger released, safety off, and dust cover closed). The magazine will be loaded with ammunition designed for law enforcement application to fragment and avoid over-penetration.
- E. When the rifle is not in use, it will be removed from the vehicle and stored in a gun locker in a secure area. The rifle will be stored in Condition 4 (chamber empty, action open, safety on, dust cover open). Rifles may be stored in Condition 3 in an electronic locking device or locked storage compartment in a locked vehicle with approval of the Law Enforcement Administrator.
- F. Officers who are issued a rifle are responsible to ensure that the rifle is inspected for function and cleanliness once a month. At locations in which multiple officers are assigned to use the same rifle, the commissioned supervisor will be responsible to ensure the rifle is inspected once a month.
- G. No modifications or accessories will be permitted to the primary duty rifle except as approved in writing by the Division Law Enforcement Administrator and completed by a certified armor.
- H. Only ammunition issued by the division will be used in the rifle.
- I. Every rifle will have the magazine inserted in the rifle loaded with ammunition designed for law enforcement application to fragment and avoid over-penetration.
- J. In addition to the magazine in the weapon, an additional three (3) properly loaded magazines will be kept with the rifle.
- K. Duty ammunition will be replaced at least every three years.

### **Department Authorized Rifle**

- A. Department authorized rifle will be a semi-automatic AR15/AR10 platform.
- B. Department authorized rifle calibers will be .223 caliber/5.56 mm or 308 caliber.
- C. The department authorized rifle must pass safety and mechanical check by a Division

#### Firearms Instructor.

- D. Department authorized rifle duty ammunition must be the same type and manufacturer as division issued rifle ammunition.
- E. Ammunition for practice, duty carry, and qualification is the responsibility of the officer.
- F. Officers are responsible to ensure the rifle and magazines are clean and properly lubricated after each use and routinely as needed.
- G. Officers utilizing a department authorized rifle must meet the same requirements as the primary duty rifle.
- H. Officers utilizing a department authorized rifle must meet the same training and qualification requirements as the primary duty rifle.

### **Firearms Security**

- A. Unless specifically addressed above all division issued firearms will be secured in the following manner:
  - 1. Office
    - a. Attended: Firearm will be on the officer or stored out of sight.
    - b. Unattended: Firearm will be secured out of sight or in a locked storage area.
  - 2. Unattended Vehicle: Vehicle locked and firearms secured in a gun locking device.
  - 3. Home: Firearms will be stored out of sight and secured with a gun locking device or in a locked cabinet.
  - 4. All firearms must be removed from a vehicle that is being serviced without the officer being present.

### **Intermediate Defensive Weapons**

- A. The following are the Department approved intermediate weapons and are division issued or approved.
  - 1. Aerosol Defense Spray
  - 2. Expandable Baton
  - 3. Conductive Energy Weapon (CEW)
- B. Requirements
  - 1. No officer is authorized to carry the above intermediate defensive weapons unless they are currently certified in the use of the weapon by a division approved certified instructor.
  - 2. All training records will be provided to the respective division Law Enforcement Section and entered into the Department training/qualification database.
  - 3. While in uniform officers are required to carry two intermediate defensive weapons.
  - 4. After any level of force is used, the subject is controlled and the scene is safe; an officer shall immediately evaluate the need for medical attention or treatment of a subject and

arrange for such treatment when:

- a. The person has a visible injury; or
- b. The person complains of injury or discomfort, and/or requests medical attention.

#### C. Aerosol Defense Spray

1. The aerosol defense spray will be division issued, electric immobilization device compatible, and non-flammable.
2. If there is a concern about the proper function of the aerosol defense spray, it will be replaced. It is recommended that the canister be replaced after each discharge.
3. Canisters will be replaced prior to the manufacturer's expiration.
4. After a subject is controlled and the scene is determined to be safe; decontamination may be accomplished by using an approved commercial decontamination product or clean water.
5. All applications of aerosol defense spray will require EMS evaluation unless local correctional facility protocols provide decontamination and evaluation.
6. No contaminated person should be left in a position that could restrict breathing.

#### D. Expandable Baton

1. The expandable baton will be division issued or authorized.
2. A flashlight does not satisfy an officer's requirement to carry two intermediate defensive weapons, but may be used as an intermediate defensive weapon.
3. Care and maintenance of the expandable baton will follow manufacturer recommendations.
4. All strikes with the expandable baton or flashlight will require EMS evaluation.

#### E. Conducted Energy Weapons (CEW)

1. The issued CEW is the Taser X26.
2. The CEW is classified as a non lethal weapon that is designed to disrupt the sensory and motor nervous systems.
3. The use of the CEW is strictly limited to control subjects that pose a risk to themselves or the safety of the public or officers. It is also used to facilitate gaining control of actively resistive or combative subjects. It is not a means to punish or injure people but a tool to control and reduce the possibility of injury to all involved. A CEW will not be used against a passive subject.
4. The CEW may be used in circumstances to control subjects and prevent escalation of violence. Use of the weapon is an alternative to other types of force such as the baton and may prevent the need to use deadly force. The CEW is not a substitute for deadly force when such force is necessary and justified.
5. There shall be no simultaneous activation of CEWs against a subject.

6. Approved uses of this device are:
  - a. To disable and control violent subjects when verbal commands have failed and the officer feels that the subject presents a risk of harm to himself or others if not restrained.
  - b. To disarm and control subjects in a situation that may escalate to deadly force.
  - c. Other circumstances where the use of, or the threat of the use of the weapon is likely to assist officers in gaining control of actively resistive or combative subjects.
7. When activating a CEW, the officer should use it for one standard cycle and stop to evaluate the situation. Each additional cycle and/or a prolonged cycle should only be used when reasonable to aid in gaining control of the subject.
8. Officers should avoid the CEW for use against:
  - a. Young children or persons under 80 pounds
  - b. Known pregnant women
  - c. Elderly persons
  - d. Persons in wheelchairs
  - e. Persons with known neuromuscular disorders
  - f. Handcuffed persons
  - g. When the subject is in a location where a fall may cause substantial injury or death
  - h. When the subject is in control of a vehicle in motion
  - i. Against persons contaminated by or in proximity of flammable or highly combustible liquids, gases, or other similar materials

These may not apply if the use of the weapon can be justified as a means to reduce the chance of a higher level of force or if necessary to gain control of an actively resistive or combative subject.

#### 9. Uniform Wear

- a. The CEW will be carried on the support side in a holster approved by the division and specially designed for the weapon on the duty belt.
- b. Officers carrying the CEW will also carry one additional air cartridge.

#### 10. After-Action Reporting

- a. The reporting requirements are outlined in the Department Response to Resistance and/or Aggression Directive. In addition the officer shall indicate the following:
  - 1) Serial number on the weapon
  - 2) Approximate distance from the person when the weapon was discharged
  - 3) Location of the dart impact
  - 4) CEW use mode, probe or touch stun contact

