

# WINTER HAVEN POLICE DEPARTMENT

## GENERAL ORDER 1.6

### FIREARMS

**ACCREDITATION STANDARDS: CALEA – 1.3.3, 1.3.9, 1.3.10, 1.3.11, 1.3.12, 16.3.6  
CFA – 4.02, 4.03, 4.04, 4.05, 4.06 10.04**

**EFFECTIVE DATE: May 3, 2013**

**RESCINDS: G.O. 1.6 May 16, 2018 and all applicable Amended/Temporary Orders prior to October 10, 2018**

**LAST REVISED DATE: October 10, 2018**

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### POLICY

It shall be the policy of the Winter Haven Police Department to regulate the types of firearms/weapons carried by Department members. It shall be the policy of the Department to prohibit members from carrying any firearm/weapon prior to being qualified, being issued a copy of General Order 1.5, Use of Force and being trained in agency policies relating to the use of non-deadly and deadly force. (CALEA 1.3.12) (CFA 4.02)

### PURPOSE

The purpose of this General Order is to establish procedures for the carrying of firearms/weapons by authorized members and to ensure those members are properly trained.

## **SCOPE**

This General Order shall apply to all Department members.

## **DISCUSSION**

Florida law allows individual law enforcement agencies the autonomy and discretion to regulate the use and carrying of firearms/weapons by their law enforcement officers. It is imperative that control of firearms/weapons be strictly maintained and that training in the use of firearms/weapons is continuous.

## **PROCEDURE**

### **I. Authority to Carry Firearms and/or Weapons**

- A.** Members who have met the criteria set forth in Florida State Statute 943.13 are authorized to carry a firearm on-duty or off-duty in accordance with Chapters 790.051 and 790.052 of the Florida State Statutes. Authority to carry a firearm and/or weapon, whether on-duty or off-duty is granted by the Chief of Police. Before authority to carry any firearm or weapon is granted, the following must be shown: (CFA 4.03, 4.06)
  - 1.** The member has completed the Florida Basic Recruit Training Program or its equivalent.
  - 2.** The member has received documented training on the use of the weapon. This may be through the Florida Basic Recruit Training Program, CJSTC approved training, approved outside source training or in-service training.
  - 3.** The member has shown proficiency in the use of the weapon.
  - 4.** The member has received training in use of force and the Department's guidelines for use of force.

### **II. Authorized Handguns**

- A.** The Lead Firearms Instructor is the designated authority for approval of all firearms/weapons and ammunition, whether department issued or personally owned, carried by members both on-duty and/or off-duty. The Lead Firearms Instructor shall maintain a record on each firearm/weapon approved by the Department for official use. (CALEA 1.3.9c, e) (CFA 4.05d,g)
- B.** Authorized on-duty handguns: (CALEA 1.3.9a)(CFA 4.05a)
  - 1.** Authorized members, while on-duty, shall carry the Department issued Glock Model 21 SF semi-automatic pistol, chambered in .45 caliber.
  - 2.** Members that are assigned to work in an undercover capacity may be issued a Department Glock Model 30 semi-automatic pistol chambered in .45 caliber or carry an approved personally owned handgun.
  - 3.** Plainclothes members shall carry the Department issued Glock Model 21 SF semi-automatic pistol, chambered for .45 caliber. While on-duty, the firearm/weapon may be worn unconcealed and in the public's view whenever the member prominently displays their Department issued badge. Members shall have immediate possession of their Department identification card.

4. Only members assigned to the Emergency Response Team or who have attended a Department approved course on single-action semi-automatic pistols shall be authorized to carry a single-action semi-automatic pistol, chambered in either 9mm or .45 caliber.
  5. Secondary or back-up firearms carried by members, whether Department issued or personally owned, shall receive written authorization (WHPD-025) documenting the firearm has been inspected by a Department Firearms Instructor and the member has qualified with the firearm. Secondary and back-up firearms shall be restricted to the following calibers: .25, .32, .380, .38, .357, 9mm, 10mm, .40, and .45. Members carrying a secondary or back-up firearm shall do so only when the firearm is completely concealed. (CFA 4.05e)
- C. A list of Duty firearms currently authorized and available to members is included in this General Order (Attachment A). The list shall be revised as necessary. (CALEA 1.3.9a)

### III. Shotguns (CALEA 1.3.9a)

- A. The carrying of shotguns is optional. Members may carry the Department issued shotgun or personally owned shotgun. Members wishing to carry a personally owned shotgun will adhere to the guidelines set forth in this General Order. The following shall apply:
1. Shotguns shall meet the following criteria:
    - a. Pump action;
    - b. 12 gauge only;
    - c. Barrel no shorter than 18 inches (except ERT); and
    - d. Have an attached sling.
  2. Any member requesting a variance in the above criteria shall submit a written request outlining the reason for the request to the Lead Firearms Instructor. The Lead Firearms Instructor has the authority to approve or deny any requests.
  3. While carried on-duty, shotguns shall be loaded with Department issued ammunition only. (CFA 4.05d)
  4. Members carrying a Department issued or personally owned shotgun must show proficiency with the shotgun by qualifying on the Department Shotgun Course before carrying the shotgun. Members carrying shotguns must qualify annually with their shotgun. (CFA 4.05c)

### IV. Rifles, Carbines and Fully Automatic Firearms/Weapons: (CALEA 1.3.9a)

- A. Rifles or carbines chambered for .223 or 5.56mm ammunition shall be Department issued or Department approved. (CFA 4.05d)
- B. Members wishing to carry a personally owned rifle or carbine shall adhere to the guidelines set forth in this General Order.

- C. Only members assigned to the Emergency Response Team are authorized to use fully automatic firearms.
- D. While carried on-duty, rifles, carbines, and fully automatic firearms shall be loaded with Department issued or Department approved ammunition only. (CFA 4.05d)
- E. Before a member may carry a rifle or carbine, Department issued or personally owned, the member must complete the Department's Basic Patrol Rifle Course or an equivalent course. The member must also qualify on an approved rifle/carbine qualification course. Members must qualify annually with their patrol rifle.

**V. Ammunition**

- A. Ammunition for all authorized firearms carried by member's on-duty or off- duty shall be restricted to Department issued or ammunition approved by the Lead Firearms Instructor. All supervisors are responsible for ensuring that members within their span of control carry only Department issued or approved ammunition. (CALEA 1.3.9b)
- B. Ammunition shall be furnished for all agency issued firearms.
- C. A list of Department issued and approved ammunition is included in this General Order (Attachment A).

**VI. Off-Duty Firearms (CALEA 1.3.9a)(CFA 4.05b)**

- A. Authority to carry a firearm off-duty is restricted to full-time sworn members and Reserve Officer I with authorization from the Chief of Police. Reserve Officers II and III are not permitted to carry a firearm off-duty.
  - 1. The Department encourages, but does not require, that full-time, off-duty members carry a firearm.
  - 2. Members choosing to carry a firearm while off-duty must carry their Department issued identification and badge.
  - 3. Members carrying a firearm off-duty must carry the firearm concealed and in a secure manner (i.e. holster or weapon mounted clip)
  - 4. Members may carry the Department issued handgun off-duty.
  - 5. Members may carry a personally owned handgun off-duty, but shall meet the guidelines set forth in this General Order.
  - 6. Reckless, careless or unnecessary display or use of firearms, handcuffs or Department identification, shall result in disciplinary action.
- B. Off-duty members shall not carry an authorized firearm when:
  - 1. Member(s) intend to consume any alcoholic beverages.
  - 2. Taking any medications that may impair the member's judgment or coordination skills.
  - 3. Participating in any event or circumstance that would preclude the proper

concealment of the firearm.

**VII. Request to Carry Personally Owned Firearm**

- A.** If a member desires to carry a personally owned firearm (shotgun, rifle/carbine, handgun) the member shall do the following:
  - 1.** Contact the Department's Lead Firearm's Instructor/Armorer to have the firearm inspected and to qualify with the firearm. (CFA 4.05e)
  - 2.** After inspection and qualification, submit a Request to Use/Carry Personal Weapon Form (WHPD-025) through their chain of command.
  - 3.** The request shall be forwarded to the Chief of Police or designee, who has ultimate approval for any firearm carried.
  - 4.** Members shall qualify annually with all approved firearms.

**VIII. Repair or Modification to an Authorized Firearm**

- A.** Any authorized firearm deemed to be unsafe or in need of repair shall be immediately removed from service. This includes personally owned weapons. The member shall complete a Weapons Repair Form (WHPD-31), forward the form and firearm to the Department's Armorer for evaluation, repair or replacement. Any actions or outside contributors that may have caused damage to a Department owned firearm shall be documented on a City of Winter Haven Incident Report (blue form). Personally owned firearms removed from service for repair must be re-inspected before being returned to service. (CALEA 1.3.9d) (CFA 4.05e,f)
- B.** No issued firearm or personally owned firearm shall be modified without prior approval, in writing, from the Lead Firearm Instructor/Armorer.
- C.** Modification of an issued firearm or an authorized personally owned firearm shall be grounds for discipline. In the case of an authorized personally owned firearm, it may result in loss of approval to carry the firearm.

**IX. Qualification** (CALEA 1.3.9c, 1.3.11a, b)

- A.** Authorized members shall receive in-service, online training, on the agency's use of force policy and be required to qualify at least annually, or on demand, with any firearm/weapon that is authorized for their use or carry. Those firearms shall include: (CALEA 1.3.11a, 16.3.6)
  - 1.** Department issued duty handgun;
  - 2.** Shotgun (if applicable, to include both buckshot and slug);
  - 3.** Patrol Rifle/Carbine (if applicable); and
  - 4.** Secondary firearm and/or off-duty firearm (if applicable)
- B.** At the time of qualification, all firearms (Department issued or approved personally owned firearms) shall be inspected by a firearms instructor for violations and safety defects. (CFA 4.05e)

- C. A member shall score 80% or higher on the qualification course.
- D. Members shall be allowed no more than three attempts to qualify on the same day with a handgun or shotgun.
- E. Only two attempts to qualify with a rifle/carbine are allowed for the Florida Department of Law Enforcement (FDLE) rifle/carbine course.
- F. Documentation of satisfactory completion of in-service training and firearms/weapons qualification shall be placed in the member's training file. (CALEA 1.3.11b)
- G. New members shall receive training on the Department's general orders for use of force and firearms and qualify with the firearm and/or weapon before any firearm or weapon is issued.

**X. Failure to Qualify with an Authorized Firearm(s)/Weapon(s): (CALEA 1.3.11c)**

- A. If any Member fails to qualify with an agency issued firearm that is authorized for carry, they shall be relieved from duty. It shall be at the discretion of the Chief of Police, if the member is suspended or assigned administrative duties.
- B. The on-duty firearms instructor shall take the firearm from the member and store the firearm in the armory. The instructor shall take the member's badge, identification card, and agency issued vehicle (if applicable).
- C. The on-duty firearm instructor shall notify the Lead Firearm Instructor of the member's failure to qualify. It shall be the responsibility of the Lead Firearms Instructor to notify the Deputy Chief of Police and the member's Bureau Commander of any failure to qualify.
- D. Remedial training shall be scheduled, as soon as possible, with a Department Firearms Instructor. The member shall be required to complete remedial training and must complete the firearms qualification course with a score of 80% or higher. This remedial training shall not exceed eight hours.
- E. If a member fails to qualify after eight hours of remedial training, a Department Firearms Instructor shall provide additional remedial training up to sixteen hours. If the member fails to qualify after the additional sixteen hours of instruction, the member's failure to qualify may result in administrative action or termination.
- F. If a member notifies a firearms instructor or supervisor of a possible physical condition that is preventing the member from qualifying with a firearm, the member may be required to obtain a fitness for duty assessment to determine if the member is capable of performing the duty.
- G. Members who fail to qualify with an optional firearm (shotgun, patrol rifle, secondary firearm, and off-duty firearm) shall lose the authority and approval to carry the optional firearm. Remedial training for optional firearms shall be at the discretion of the Deputy Chief of Police or lead firearms instructor.
- H. If during annual online testing, on use of force, a member who is authorized to carry a firearm or less lethal weapon, fails to achieve a score of 80% on two tries, shall receive remedial training on General Order 1.5 (Use of Force) by either a Department Firearms or Defensive Tactics Instructor. If the member fails to achieve a passing score of 80%

on the written test after remedial training this may result in administrative action or termination.

- I. All members shall have three attempts to qualify with any approved less-lethal weapon. If any member fails to qualify with a less-lethal weapon, that weapon shall be taken from the member by the on-duty instructor. The instructor shall notify the Training Coordinator, who shall notify, in writing, the affected member's bureau commander. Remedial training shall be given to the member as follows:
  1. A Department defensive tactics instructor shall be assigned to provide remedial training to the member, not to exceed four hours.
  2. If the member fails to qualify with the less-lethal weapon after remedial training, the member shall be given additional remedial training, not to exceed four hours. The member shall show proficiency with the weapon by completing qualification.
  3. If the member still fails to qualify with a less-lethal weapon, that member shall not be allowed to carry the weapon until proficiency is demonstrated.

## **XI. Carrying of Firearms/Weapons**

- A. Authorized members shall carry and use firearms/weapons in a careful, prudent manner in accordance with the laws of the State of Florida and agency rules and procedures.
- B. Upon successful completion of firearms/weapons training, each authorized member shall be approved to carry their agency approved firearm/weapon on-duty and off-duty. All authorized members shall maintain proficiency in the use of firearms/weapons and only those who demonstrate such proficiency during qualification shall be authorized to carry their personal firearms/weapons. (CALEA 1.3.10)(CFA 4.05c)

## **XII. Safety and Handling of Firearms/Weapons**

- A. Members are responsible for the safety and security of all firearms/weapons under their control. This includes, but is not limited to, the following:
  1. Revolvers shall be carried uncocked and loaded to capacity.
  2. Safe-action and double-action, semi-automatic pistols shall be carried fully loaded, uncocked, safety off, with a round in the chamber. Single action, semi-automatic pistols shall be carried fully loaded, cocked, safety on, with a round in the chamber.
  3. When kept in the vehicle, shotguns, rifles, and carbines shall be carried with the magazine fully loaded, no round in the chamber, bolt forward, hammer forward, and the safety on.
  4. Shotguns, rifles, and carbines shall be kept in the trunk, or the gunlock in the front of the vehicles, except when needed in the performance of duty or for training purposes. At no time shall a member leave any firearm/weapon unattended while it is unsecured.
  5. All firearms/weapons shall be carried in a safe and secure manner. Horseplay, flippant, and/or careless behavior, removal of firearms/weapons from holsters or other carrying devices for "show off" purposes is prohibited.

6. Members with a valid reason for carrying a firearm/weapon in a manner other than what is set forth in this General Order may do so only upon written authorization from the Chief of Police.

**XIII. Safe Storage of Firearms/Weapons Required: (CALEA 1.3.9f)**

- A. A member who stores or leaves on a premise, under the member's control, a firearm/weapon, as defined in Florida State Statute 790.001, and who knows or reasonably should know that a minor is likely to gain access to the firearm/weapon without the lawful permission of the member, shall keep the firearm/weapon in a securely locked box or container or in a location which a reasonable person would believe to be secure or shall secure the firearm/weapon with a trigger lock.
- B. It is unlawful and punishable by imprisonment and fine for a member to store or leave a firearm/weapon under circumstances permitting a minor to gain access to the firearm/weapon.
- C. This section does not apply if a minor obtains a firearm/weapon from a member as a result of an unlawful act by the minor.

**XIV. Carrying a Firearm/Weapon While Consuming or While under the Influence of Alcoholic Beverages**

- A. Members shall not carry a firearm/weapon while consuming alcoholic beverages.
- B. Members shall not carry a firearm/weapon while under the influence of alcoholic beverages.
- C. Members shall not consume alcoholic beverages while on paid, (stand-by) status so they are able to return to service and carry a firearm/weapon.
- D. Members shall not carry a firearm/weapon within eight hours after consuming alcoholic beverages.
- E. Members carrying a firearm/weapon may patronize establishments that sell alcoholic beverages for consumption on the premises, while on-duty or off-duty, provided they do not consume any alcoholic beverages.
- F. The exception to this section is members engaged in lawful investigations that require the consumption of alcoholic beverages may carry a firearm/weapon while engaged in such activity, provided they have first received supervisory approval.

**XV. Carrying Firearms/Weapons Within the Courthouse**

- A. By order of the Chief Circuit Court Judge, sworn members may carry a firearm/weapon in the main courthouse at the Bartow Judicial Complex and satellite courtroom (Winter Haven). Sworn members shall comply with the following:
  1. The member shall be on official Department business.
  2. The member shall be in uniform, unless they are assigned to a position that allows plain clothes to be worn. A member in plain clothes shall have their Department issued badge and identification prominently displayed.

3. On entering the courthouse, the member shall show their Department identification to Courthouse Security personnel. The member shall complete the daily log with the date, their name, agency, identification number and nature of their business.
  4. All firearms shall be carried in a Department issued/approved level III duty holster with an internal locking mechanism or the Department issued/approved level III plain clothes holster. All holsters must be preapproved by the Polk County Sheriff's office training Section.
  5. Only pistols approved for on-duty use shall be carried in the courthouse.
  6. If an active shooter emergency occurs at the courthouse, members shall be under the command of the ranking senior bailiff of courthouse security at the time, until the senior bailiff is relieved by the Incident Commander.
  7. Members shall have completed a minimum of six (6) hours of recognized training in active shooter situations.
  8. As soon as practical, members shall receive training to familiarize members with the layout of the courthouse(s).
- B.** Any firearms/weapons not approved to be carried in the courthouse shall be secured in the lock boxes or other designated secure areas for firearms/weapons storage, upon entering the main courthouse, or properly secured in the member's vehicle.

#### **XVI. Firearm Restrictions**

- A.** Authorized members of the agency shall not use a firearm to:
1. Fire warning shots; (CALEA 1.3.3)(CFA 4.04)
  2. Attempt to disable an occupied motor vehicle or other occupied conveyance; or
  3. Shoot at or from a moving vehicle, except in those instances, which do not endanger innocent persons and are justified by unusual or exigent circumstances.

#### **XVII. Shooting of a Domestic or Agricultural Animal (Livestock)**

- A.** Pursuant to Florida State Statute 828.05, law enforcement officers are permitted to shoot and destroy animals that are severely injured due to a vehicular or other accident. A member encountering such a situation shall make every effort to contact the owner of the animal, the owner's agent, or a veterinarian before destroying the animal. If a member is to destroy the animal at the scene, a supervisor shall be notified prior to the destruction of the animal.
- B.** When livestock are running at large on roadways, the traveling public's safety is of paramount importance. A member must exhaust all available means to clear these animals from the roadway. Whenever there is an imminent threat of great bodily harm or death to the public, a member shall not be hindered from destroying the animal. A member using a firearm shall at all times be aware of the surroundings and the trajectory of the projectile as not to further endanger any bystanders or property.

**XVIII. Selection of Departmental Weapons**

- A. In cases when available technology and equipment relating to Department Weapons, presents a change to Department standards, the Chief of Police may authorize a review of such changes as an opportunity to update, modify, acquire, or eliminate certain Department weapons.
  - 1. The review shall include the following:
    - a. Complete identification and historical view of the proposed weapon.
    - b. The benefits, drawbacks and any liability of the proposed weapon or the proposed change to an existing weapon.
    - c. Recommendation of where the use of the weapon falls on the Response to Resistance matrix.
    - d. The total cost to purchase, train and deploy the proposed weapon or proposed change to an existing weapon; and identify the funding source.

**XIX. Definitions- None**

APPROVED   

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Charles E. Bird  
CHIEF OF POLICE

**Attachment A**

The firearms and ammunition listed below represent those available to members of the Winter Haven Police Department under the provisions of **General Order 1.6, Firearms.**

This list is subject to periodic review and revision by the Chief of Police or their designee.

**Department-Owned Firearms Available for Issue to Members, Section I, A, 1-3**

Glock Model 21 .45 ACP pistol  
Glock Model 30 .45 ACP pistol  
Mossberg Model M590A 12 gauge shotgun  
Remington Model 870 12 gauge shotgun  
Smith & Wesson Model 3000 12 gauge shotgun  
Bushmaster AR-15 5.56mm rifle

**Department Owned Firearms for ERT and Field Force, Section I,A, 4**

Glock Model 21 .45 ACP pistol  
H&K Model MP-5 9mm submachine gun  
Mossberg Model M590A 12 gauge shotgun  
Remington Model 700 7.62 x 51 mm rifle  
Bushmaster AR-15 5.56 mm rifle  
M-14 7.62 x 51 rifle, various manufacturers  
Accuracy International 7.62 x 51mm rifle  
CTS 40 mm launcher  
Defense Technologies 37 mm launcher

**Firearms Personally-Owned, Section I, A, 5**

Refer to individual WHPD Request to Carry/Use Personal Weapon (WHPD-025)

**Ammunition Provided to Members for Duty Use and Required for Secondary/Off-Duty Weapons**

Speer Gold Dot .45 ACP 200 gr. +P  
Speer Gold Dot .45 ACP 230 gr.  
Speer Gold Dot .40 caliber 180 gr.  
Speer Gold Dot .38 special 125 gr.  
Federal .38 special 147 gr. Hollow point  
Speer Gold Dot or Federal Hollow point .380 90 gr.  
Federal or Speer Gold Dot 9 mm 124 gr. Hollow point  
Federal Tactical 12 gauge 00 buckshot, reduced recoil  
Federal Tactical 1 oz. Rifled Slug  
.223 64 gr. pointed soft point, Speer Gold Dot or Federal Tactical Rifle Urban

**Attachment A (continued)**

**Ammunition Provided to WHPD ERT Team**

Speer Gold Dot .45 ACP 200 gr. +P  
Speer Gold Dot .45 ACP 230 gr.  
Federal Hydro-Shock or Speer Gold Dot, 9mm 124 gr.  
Federal Tactical, 12 gauge 00 buckshot  
Federal, 12 gauge 1oz rifled slugs  
Hornady TAP, 7.62 x 51 mm 168gr  
Hornady TAP, 5.56 mm 55 grain  
.223 64 gr. Soft point, Speer Gold Dot or Federal Tactical Rifle Urban  
.223/5.56 mm 55 gr. Full metal jacket, various manufactures  
37 mm and 40 mm Chemical munition/less-lethal rounds as designated