

# Department of the Interior Departmental Manual

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**Effective Date:** 10/4/00

**Series:** Law Enforcement and Security

**Part 446:** Law Enforcement

**Chapter 10:** Firearms and Other Defensive Equipment

**Originating Office:** Office of Managing Risk and Public Safety

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## 446 DM 10

**10.1 Purpose.** This chapter establishes uniform policy concerning the standardization and use of firearms and other defensive equipment by all employees of the Department of the Interior (Department) who are engaged in law enforcement duties.

**10.2 Policy.** All persons engaged in law enforcement activities shall be properly trained, armed and equipped. Law enforcement officers will responsibly and discriminately use firearms and other defensive equipment in the performance of their duties. Every law enforcement officer is accountable for his/her actions.

**10.3 Guidelines.** The following guidelines shall be adhered to:

A. The Department shall establish the minimum standards for law enforcement equipment (see 446 DM 12). Equipment within each bureau/office shall be standardized to the extent feasible, except where special purposes require deviations. Only Government-issued and/or bureau/office-approved firearms and other defensive equipment shall be carried or worn while on duty. Government-issued firearms and other defensive equipment may not be possessed or used by an unauthorized person.

B. Each bureau/office shall ensure that each law enforcement officer receives, at least, the minimum standard issue of law enforcement equipment (see 446 DM 12). Each bureau/office shall establish necessary defensive equipment standards and specify the type of defensive equipment to be used by its law enforcement officers.

C. Only the minimal force necessary to effect and maintain public order, protect human life or property, and/or arrest shall be used.

(1) Except for legitimate wildlife management or training purposes, the discharge of a firearm, (the use of deadly force) is used only when necessary, that is, when the officer has an objectively reasonable belief, in light of the facts and circumstances confronting the officer, that the subject of such force poses an imminent danger of death or serious injury to the officer or to another person. (See 446 DM 20).

(2) The firing of warning shots is not permitted. (See 446 DM 20).

(3) Weapons may not be fired solely to disable a vehicle. (See 446 DM 20).

D. Each law enforcement officer shall report the loss of any firearm and/or other defensive equipment as soon as possible. Each law enforcement officer is responsible for ensuring the security of his/her assigned firearm and other defensive equipment while on or off duty. All defensive equipment should be afforded the same degree of security as the firearm. Any law enforcement officer who loses any equipment or issued property of any type through carelessness may be deemed guilty of negligence.

#### **10.4 Authority to Carry Firearms.**

A. Authorizing Official. In accordance with statutory authority and established guidelines, the Secretary of the Interior may authorize designated Departmental employees to carry firearms. For the efficiency of operations and maintenance of proper records, this authority to designate employees to carry firearms may be delegated to bureau/office heads or their designated representatives.

B. Employees Permitted to Carry Firearms. Only Departmental law enforcement officers are authorized to carry firearms for law enforcement purposes. Law enforcement trainees without commissions may carry weapons only during authorized training exercises. Bureaus/offices may promulgate policy permitting employees who are not law enforcement officers to carry firearms for purposes other than law enforcement when functions or circumstances related to their official duty necessitate such action.

**10.5 Carrying Firearms.** Law enforcement officers of the Department are authorized to carry firearms, in accordance with Federal and State laws, regulations, and policies of their bureau/office. No firearm other than Government-issued will be carried while on official duty except upon written authorization from the bureau/office head. Such authorization shall include the firearm serial number and a description of the handgun. The authorization will be recorded in the appropriate bureau/office files pertaining to the officer to whom such authorization is given. Law enforcement officers must qualify with all firearms which they are authorized to carry.

A. When performing law enforcement duties in uniform, law enforcement officers will carry firearms.

B. It shall be Departmental policy to carry and/or transport firearms and other defensive equipment aboard aircraft in accordance with Federal Aviation Regulations.

#### **10.6 Types of Firearms.**

A. Bureaus/offices will specify and standardize the type of firearms and ammunition to be used by law enforcement officers of that bureau/office (see 446 DM 12).

B. Bureau/office will establish supplemental guidelines covering automatic weapons,

which shall be subject to the approval of the Director, Office of Managing Risk and Public Safety (MRPS).

C. Compliance with the specifications and competitive acquisition standards delineated in the Federal Acquisition Regulations (FAR Parts 6, 10 and 11) will be adhered to in establishing firearms standards.

D. The following standards are established for routine law enforcement services. Bureaus/offices may deviate from these standards when circumstances warrant use of other specialized equipment. Such deviations will be reported in writing to the Director, MRPS, and will be concurred with by the bureau/office procurement officials.

(1) Handguns.

(a) For law enforcement purposes, each bureau/office may issue or authorize the purchase or carrying of firearms conforming to bureau/office specifications.

(b) No revolver or pistol chambered for ammunition of diameter less than .355 caliber is authorized. Authorized firearms will conform to bureau/office specifications.

(2) Shotguns. Riot type with rifle sights, 12 gauge, 18-20 inch barrel, with twin slide bar.

(3) Rifles. The make, model, and caliber to be determined according to the needs of the bureau/office and approved by the bureau/office head.

(4) Ammunition.

(a) Handgun/Rifle - only new, commercially manufactured cartridges will be used for qualification and duty use. The bullet weight and style will be at the discretion of the bureau/office according to need.

(b) Shotgun - No smaller than number 4 buckshot or rifled slug. Only new, commercially manufactured cartridges will be used for qualification and duty use.

## **10.7 Required Qualifications.**

A. Proficiency Training. Prior to initial proficiency certification by a qualified instructor (see paragraph 10.7B(2), below), all Departmental employees authorized to carry firearms and other defensive equipment will be required to receive a minimum of 4 hours classroom training in safety, handling or firing. The training also includes the legal and moral aspects of the use of all types of firearms and other defensive equipment which they will be authorized to carry. This training shall be relevant to the employee's assignment. Evidence of this training shall be documented by a qualified instructor who is certified to instruct others on the proper use of the types of firearms and/or defensive equipment which will be carried by the employee.

B. **Qualifications.** All law enforcement officers authorized to carry firearms shall qualify at least semiannually, participating in an approved course of fire, with any and all Departmental-issued and/or approved personally-owned firearms, carried with the concurrence of the bureau/office. Departmental law enforcement officers must attain a score of 70 percent or more with each firearm they are authorized to carry.

(1) **Minimum Qualifying Score.** All bureaus/offices will require a score of 70 percent or more as the basic score for certification as proficient in the use of firearms. A score of less than 70 percent shall be considered unsatisfactory for purposes of the required semiannual firearms qualification. All firearms qualifications shall be conducted and documented by a qualified firearm instructor. The documentation shall be recorded in the employee's training records. Any person who fails to qualify with his/her primary handgun which he/she has been issued or authorized to carry may not perform any law enforcement duties which may require the carrying of a firearm. Any person who fails to qualify with any other firearm (i.e., rifle, shotgun, or any special firearm) may not perform law enforcement duties which require the carrying of that firearm and may not continue to carry that firearm until he/she is able to qualify and meet the minimum standards.

(2) **Firearms Instructors.** All firearms training shall be conducted and supervised by qualified firearms instructors. Firearms instructors, so designated by bureaus/offices within the Department, will be trained and certified according to standards established and approved by the Federal Law Enforcement Training Center (FLETC) or the Federal Bureau of Investigation (FBI). However, if no instructors with these certifications are available, an instructor certified by the State in which the firearms training is being conducted may supervise the employee's participation in a course of firearms approved by the Director, MRPS. Courses and training presented by other Federal agencies may be substituted, pending the approval of the Director, MRPS.

**10.8 Actions to be Taken When Firearms Are Discharged.** The following guidelines shall be followed whenever a law enforcement officer discharges a firearm, except during firearm training or legitimate wildlife management:

A. Each law enforcement officer who discharges his/her firearm will report the incident to his/her supervisor as soon as possible. A firearm may be discharged only as a last resort and when, in the considered opinion of the officer, there is imminent danger of death or serious injury to the law enforcement officer or to another person.

B. Upon notification that a firearm has been discharged, without injury to any person, a law enforcement supervisor will investigate the incident and submit a written report of his/her findings and recommendations, through appropriate channels, to the bureau/office's Senior Law Enforcement Official.

C. A report of the discharge of a firearm by an employee at an individual will follow prescribed procedures for Serious Incident Reporting (see 446 DM 17).

D. Upon notification that a law enforcement officer has caused injury or death with a firearm, the person with designated responsibility will place the officer on administrative leave or assign the officer to administrative or non-law enforcement duties, pending a thorough investigation of all circumstances surrounding the incident by the appropriate law enforcement official, as determined by each bureau/office. A report of the investigation will be forwarded to the bureau/office Senior Law Enforcement Official, who will determine what action will be taken and forward his/her recommendations to the bureau/office head. A report of the incident will follow prescribed procedures for Serious Incident Reporting (see 446 DM 17).

E. Where the incident involves injury or death to a person, the bureau/office Senior Law Enforcement Official will promptly, through appropriate channels, notify the Director, MRPS.

F. Each bureau/office will establish procedures to provide a law enforcement officer who has been involved in any significant traumatic incident with counseling to assist the officer with possible after effects of the incident.

**10.9 Use of Defensive Weapons.** Defensive weapons may be used to gain control of an individual or group of individuals, or to effect an arrest, or to ensure the protection of the public, the law enforcement officer, and/or any arrestee. For the purpose of this chapter, the term "use" as applied to a firearm or any defensive equipment means the display, pointing or discharging at an individual. Bureaus/offices shall develop defensive weapons guidelines to ensure that law enforcement officers are properly trained and certified in the use of the defensive weapons they are authorized to carry. If the use of the defensive weapon results in serious injury or death, a report of the circumstances of the incident will follow prescribed procedures for Serious Incident Reporting (see 446 DM 17).

**10.10 Use of Chemical Agents.** Chemical agents should be used only when, in the opinion of the person using them, it is necessary to gain control of an individual or group of individuals or to effect an arrest; or to ensure the protection of the public or law enforcement officer(s), or any arrestee(s); or to apprehend dangerous violators of the law or persons who present a danger to themselves or others. Care should be taken to afford first aid to any person upon whom chemical agents have been used. Circumstances surrounding the use of a chemical agent should be reported to the law enforcement officer's supervisor as soon as possible. If the use of the chemical agent results in serious injury or death, a report of the circumstances of the incident will follow prescribed procedures for Serious Incident Reporting. Chemical agents should be replaced every 4 years or as recommended by the manufacturer. Disposal of the chemical agents shall be in accordance with prescribed environmental procedures.

**10.11 Actions to be Taken When Force is Used.**

A. Only the minimal force necessary to effect and maintain public order, protect human life or property, and/or arrest shall be used.

B. It will be the responsibility of each law enforcement officer to report to his/her supervisor, as soon as possible, the use of force against a person.

C. The supervisor shall investigate the occurrence and forward through channels a written report, including recommendations, to the bureau/office Senior Law Enforcement Official.

D. If the use of the force results in serious injury or death, a report of the circumstances of the incident will follow prescribed procedures for Serious Incident Reporting (see 446 DM 17).

E. Whenever the use of force results in serious injury or death, the officer involved shall be immediately placed on administrative leave or assigned to non-law enforcement duty.

**10.12 Inspection of Firearms and other Defensive Weapons.** All firearms and other defensive equipment shall be inspected on a yearly basis and, more frequently, if required, to ensure that all items are serviceable and being properly maintained. All government-issued firearms and other defensive equipment found to be in need of repair will be immediately replaced. Each bureau/office will establish written procedures and guidelines for the inspection and servicing of firearms and other defensive equipment, including, at least, an annual inspection. The appropriate records shall be maintained.

#### **10.13 Boards of Inquiry.**

- A. Each bureau/office will establish a Board of Inquiry to review incidents concerning:
- (1) The discharge of a firearm by a law enforcement officer at another individual,
  - (2) The use of force by a law enforcement officer that results in the death or serious injury of another individual,
  - (3) Any incident that results in the death or serious injury of a law enforcement officer, or
  - (4) Any incident deemed appropriate for review by the Law Enforcement Administrator.

B. Each bureau/office shall ensure that the Board of Inquiry is authorized as the proper authority to complete the board's mission. The Board of Inquiry shall analyze all factors relating to the incident and shall prepare a report of its review and findings that will provide an analysis of the incident, any conclusions derived from the facts presented, suggest corrective actions, or make recommendations in an attempt to prevent the recurrence of a similar incident or improve the handling of future incidents.

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