

General Order

Houston Police Department



ISSUE DATE:

December 18, 2008

NO.

400-05

REFERENCE: Supersedes all prior conflicting Circulars, Directives, and General Order 400-05, dated July 26, 2007

SUBJECT: FIREARMS QUALIFICATION AND CONTROL

POLICY

Officers will carry only those firearms that meet department standards. Officers are responsible for attaining and maintaining a proficiency in the use of authorized firearms and will obey all department policies and procedures related to firearms control.

Except as noted in this General Order, officers will carry only those firearms listed in Attachment A of this General Order. A complete description of all firearms carried by each officer will be listed in the Houston Police Department's weapons registration database.

Division commanders will ensure officers in their divisions comply with the firearms policies and procedures contained in this General Order.

This General Order applies to classified employees. Section 18, *Concealed Handguns*, paragraph two of this General Order applies to civilian employees.

DEFINITIONS

Academy Firearms Range. The Training Division's Firearms Training Indoor Range or Qualification Outdoor Range.

Academy Range Personnel. TCLEOSE (Texas Commission on Law Enforcement Officer Standards and Education) certified firearms instructors assigned to an *academy firearms range*.

Attempt to Qualify. Each year during an officer's birthday month, the officer will shoot the qualification course during an official qualifying line and be scored by *firearms range* personnel.

Back-up Weapon. A firearm that meets the criteria of this General Order and is registered in the department's weapons registration database as a back-up weapon may be carried on duty.

Firearms Training Facility. A facility where firearms training is conducted by Houston Police Department TCLEOSE certified firearms instructors.

Firearms Training Course. Department approved firearms training administered by Houston Police Department TCLEOSE certified firearms instructors.

Off-Duty Weapon. A handgun registered in the department's weapons registration database that may be carried in an off-duty capacity by meeting the guidelines set forth in this General Order. An off-duty weapon may also be carried as a *back-up weapon* when all criteria and qualifications for each of those classifications are met.

Plainclothes. All manner of dress other than approved department uniforms.

Primary Weapon. A handgun that meets the guidelines set forth in this General Order and is registered in the department's

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weapons registration database as a *primary weapon* and may be carried alone.

Shoulder Fired Weapon. A shotgun or carbine that meets the guidelines set forth in this General Order and is registered in the department's weapons registration database and may be carried only with a *primary weapon*.

Specialized. Only divisions, units, weapons, and ammunition so designated by the Chief of Police in writing will be considered specialized. Only officers assigned full time to a specialized division or unit and while carrying out those assignments, duties, and functions are allowed to carry specialized weapons and ammunition.

Under the Influence of Alcohol. Any measurable concentration of alcohol in one's blood, breath, or urine.

1 PRIMARY WEAPONS LIST

Cadets and Probationary Officers

Only the weapons listed under Cadet and Probationary Officers in Attachment A of this General Order are approved *primary weapons* for police trainees (cadets) and probationary police officers while in uniform.

Uniformed Officers

Only the weapons listed under Uniformed Officers in Attachment A of this General Order are approved *primary weapons* for officers while in uniform.

Plainclothes Officers

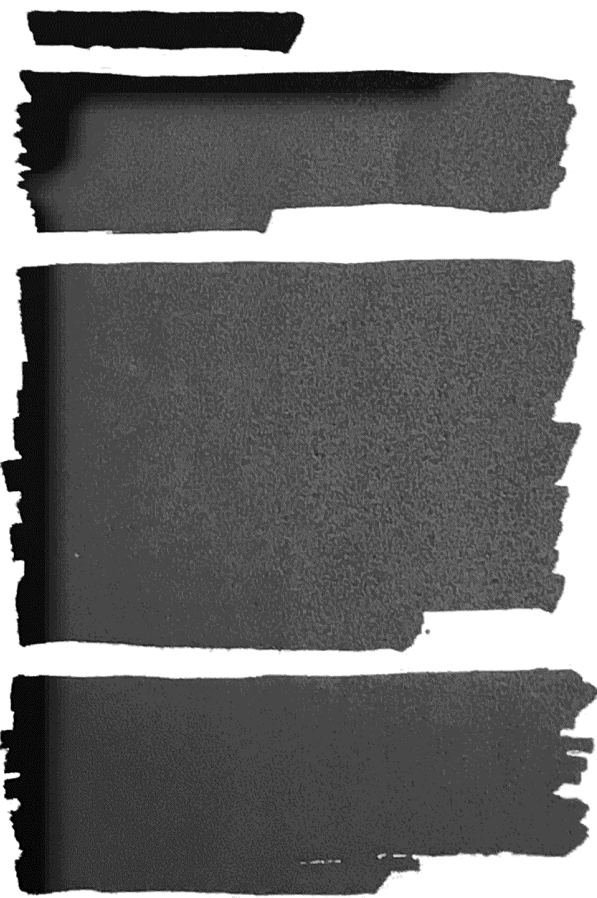
Only the weapons listed under Plainclothes Officers in Attachment A of this General Order are approved *primary*

weapons for officers while in plainclothes.

2 APPROVED PRIMARY WEAPONS

While in police uniform, on duty, or working police-related extra employment, officers will carry a *primary weapon*. Officers will qualify with such weapons on the department's *primary weapons* course.

Regardless of assignment or exceptions stated in this section, all officers must qualify annually with an approved *primary weapon* prior to qualification with any other weapon. Such qualification must be on the *primary weapons* course at an *academy firearms range*.



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12 QUALIFICATION WITH FIREARMS

All officers will qualify annually during their birthday month at an *academy firearms range* with all firearms they intend to carry. Each officer attempting to qualify will be handled on a first-come, first-served basis. Regardless of which *firearms range* officers use, officers will comply with that facility's policies.

Officers will qualify annually during their birthday month with their department issued conducted energy device (CED). See General Order 400-26, **Conducted Energy Devices**. Officers will qualify with their CED after they have successfully qualified with their primary duty weapon. *Academy range personnel* will conduct the annual qualifications. Officers who fail to qualify or do not attempt to qualify with their CED during their birthday month are subject to the same guidelines for failing or failing to attempt to qualify with their *primary weapon*.

When to Qualify

Officers must attempt to satisfy the department's mandatory firearms qualification requirement during their birthday month. Qualification will not be done during an officer's duty hours unless Personal Fitness and Training (PFT) time or other authorized leave is taken. Officers may also qualify on their own time. Division commanders will give priority to officers needing time off in order to satisfy the department's qualification requirements.

Ammunition

The department will provide up to 120 rounds of ammunition to each officer for

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use in qualifying with the officer's *primary weapon*. Any additional round needed for qualification with other firearms will be purchased at the range, if available, or provided by the officer in accordance with range specifications.

Multiple Weapons

Officers will qualify annually during their birthday month with all of their approved firearms they intend to carry as a primary, back-up, off-duty, or shoulder fired weapon. These firearms will be listed in the department's weapons registration database. Failure to qualify with a weapon will result in that weapon not being eligible for use as an on-duty or off-duty weapon and it will be omitted or removed from the weapons registration database.

Exam Content

Annual qualification includes a demonstration to *academy range personnel* of a working knowledge of each officer's primary, off-duty, and back-up weapons. In addition, officers will be required to complete a designated *firearms range* course for each weapon listed in their weapons registration database.

Passing Score

To pass the qualification exam, a range score of at least 75 percent is required. Officers will not carry any firearm for which their score was less than 75 percent.

Performance Medals

Shooting performance medals, which remain the property of the City of Houston, will be based on the highest score an officer obtained while shooting a *primary weapon* on the *primary weapons* course. These medals will be awarded according to the following percent ranges.

Score (%)	Medal
75-79.8	Qualified (no medal)
80-84.8	Marksman
85-94.8	Sharpshooter
95-98.8	Expert
99-100	Distinguished Expert

Officers may attempt to upgrade their qualification scores on future qualification courses.

The appropriate medal, if any, can be obtained from Uniform Supply. Officers who break a medal will return it to Uniform Supply for replacement. Officers who upgrade or downgrade their qualification scores during the next annual exam will return the medals they were previously awarded before receiving a new one.

Qualification Documents

After successfully completing the department approved *primary weapons* course, each officer will be given a qualification card denoting the officer's skill level and the month and year the qualification expires.

Specialized Divisions and Units

A division or unit that is issued or authorized to use specialized weapons will train, qualify, and maintain records of the officers in the unit who are authorized to use specialized weapons while acting in the capacity of a police officer.

13 INABILITY TO QUALIFY

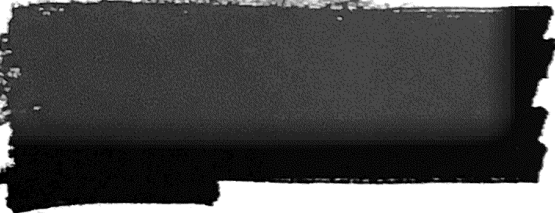
Officers are authorized to carry only those firearms and shoulder fired weapons with which they have qualified during or since the end of their most recent birthday month. All firearms and shoulder fired weapons with which officers did not qualify will be deleted from the weapons

registration database and will not be carried by officers again until they have re-qualified with those weapons.

All records relating to the removal of a weapon from an officer's current weapons registration database are to be maintained by the officer's division commander.

Failing the Exam

Officers who fail to qualify by the last day of their birthday month with an approved *primary weapon* on the *primary weapons course*, will notify their immediate supervisor in writing by the next workday. No officer will work extra employment until the officer passes the qualification examination.



It will be the officer's responsibility to meet qualification standards as soon as possible after having failed to qualify during the officer's birthday month.

Officers who fail to qualify with an approved *primary weapon* after three attempts during their birthday month, will be

required to schedule and attend a four-hour remedial course and shoot a passing score of 75 percent or higher. Officers who fail to attend or to qualify in the remedial class will be required to attend a sixteen-hour *firearms training course* and shoot a passing score of 75 percent or higher.

All remedial training, *firearms training courses*, and subsequent qualifications will be done on an off-duty basis. Officers will use PFT time or other authorized leave if the remedial activities occur during duty hours. Division commanders will give priority to officers needing time off in order to satisfy the remedial training and qualification requirements.

Failure to attend or pass the four-hour remedial class will result in a letter being forwarded to the officer's division commander advising of the absence or failure.

Failure to attend or pass the sixteen-hour *firearms training course* will result in a letter being forwarded to the Chief of Police and appropriate action will be taken.

Physical Disability

Officers who are physically unable to qualify during their birthday month will provide sufficient, acceptable documentation to their division commander, justifying the nature and extent of the disability. Pregnant officers will be classified as unable to qualify after appropriate documentation is provided.

Division commanders will advise the *academy firearms range* in writing of an officer's inability to qualify due to a physical condition. *Academy range personnel* will record and maintain this information.

The disabled officer is responsible for making arrangements to qualify when physically able to do so.



14 NO ATTEMPT TO QUALIFY

All records relating to officers not attempting to qualify with a *primary weapon* are to be maintained by the officers' division commander.

Officers who make no attempt to qualify during their birthday month with an approved *primary weapon* on the *primary weapons* course will be subject to appropriate disciplinary action. Such action may include involuntary reassignment, relief from duty, or dismissal from service.

Until officers qualify, they will not be assigned to duty that requires them to be armed.

Officers who have a legitimate reason for not attempting to qualify during their birthday month will notify their division commander. If officers are division commanders or above, notification will be given to their immediate supervisors. Examples of legitimate absences include, but are not limited to, authorized absences, documented illnesses, and special assignments. Officers will attempt to qualify as soon as possible after returning

to a normal duty assignment. Officers will be given 30 *calendar* days to qualify after returning to normal duty. Unless an exigent circumstance exists, an officer on normal duty at least one day during the officer's birthday month will not be granted the extension.

No extra employment permits will be approved or continued for officers who fail to comply with the department's qualification requirements.

15 AUTHORIZATION TO CARRY WEAPONS

Department authorization for officers to carry any firearm requires that officers meet all pertinent specifications of this General Order. Authorization to carry any approved firearm automatically expires 12 months from the last day of an officer's most recent birthday month. Officers will complete the qualification procedure described in this General Order by that date.

16 LOAN OF FIREARMS

Any officer who does not have a *primary weapon* to carry on duty may request the loan of a replacement *primary weapon* if:

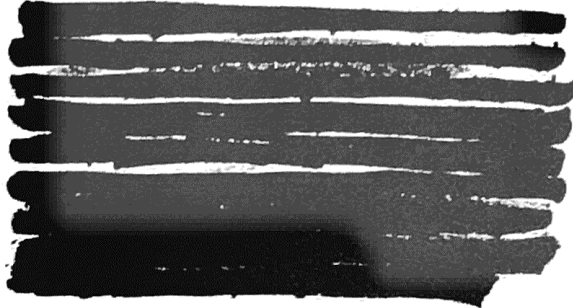
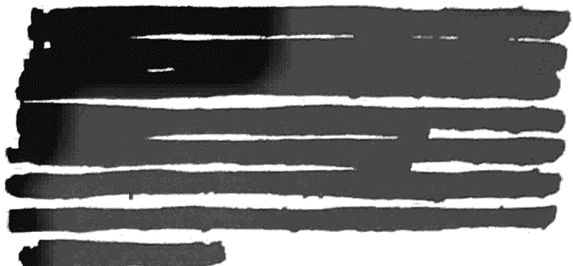
- The officer's firearm has been rendered temporarily inoperable and is being repaired or replaced.
- The firearm has been stolen and properly reported as required by HPD.
- The department has retained the officer's *primary weapon* as part of an investigation and the officer has been returned to full-duty status.

An officer requiring the loan of a *primary weapon* will submit a request in writing, signed by the officer's division com-

mander to an academy range supervisor via the Training Division commander. The officer will then contact an academy range supervisor to be issued a weapon, and then qualify with that weapon as required by this General Order. The loan of a *primary weapon* will not exceed 30 calendar days without written justification from the officer's division commander.



Shotguns



17 EXCEPTIONS

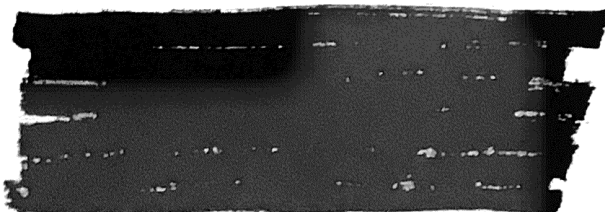
Weapon Uniformity

Officers who graduated from the Houston Police Academy before cadet class 170 graduated, may continue to carry as a *primary weapon* a firearm not on the *primary weapons* list, provided the firearm was registered with the department prior to September 1, 1997. This applies only to firearms remaining continuously registered in the department's weapons registration database since September 1, 1997. In order to carry these firearms, officers will qualify with them on the *primary weapons* course during their birthday month.

Weapon Replacement

In the event a firearm that is not on the *primary weapons* list and has been continuously registered with the department since September 1, 1997, becomes stolen, lost, or unrepairable, officers have the option of replacing that *primary weapon* with a firearm similar in design and identical in caliber.

Barrel Length



Personal Weapons

Officers often own or possess firearms for which they have no reasonable expectation of being called upon to use while acting in a police capacity (e.g., weapons normally used only for hunting or as part of a personal collection). Weapons possessed solely for such purposes and that are never carried while the individuals are acting in the capacity of police officers, need not be registered with the department.

18 CONCEALED HANDGUNS

Section 46.15 of the *Texas Penal Code*, "Nonapplicability" (to police officers), states that restrictions for carrying concealed weapons as outlined in section 46.02 and 46.03 of the *Texas Penal Code* do not apply to police officers while on or off duty.

As an added restriction to *Texas Penal Code* sections 46.02, "Unlawful Carrying Weapons" and 46.03, "Places Weapons Prohibited," City ordinance prohibits civilian employees from carrying firearms into any City owned or controlled building.

19 QUALIFICATION FOR RETIRED OFFICERS

Chapter 411 of the *Texas Statutes, Government Code* governs the firearms qualification for honorably retired peace officers holding a license to carry concealed handguns in the state of Texas. The following guidelines will be followed for all honorably retired HPD officers who have submitted a sworn statement from the Chief of Police as required in order to comply with Section 411.199(b) of the *Texas Statutes, Government Code*.

- a. Proficiency testing will be required annually and will be conducted at an *academy firearms range*.
- b. Testing will be consistent with the requirements, procedures, and qualification course designated for retirees by the HPD Firearms Training and Qualification Unit.
- c. Proficiency testing (excluding ammunition) will be provided as available at no cost to any person honorably retired from HPD as a law enforcement officer and who currently resides in the state of Texas.
- d. A certificate documenting firearm proficiency will be provided to honorably retired HPD officers so they may

- report the successful demonstration of proficiency to the Texas Department of Public Safety.


Retired officers wanting certification under the Federal Law Enforcement Officer Safety Act of 2004 to carry a concealed firearm in any state within the United States, will see General Order 400-06, *Carrying Concealed Firearms*.

20 QUALIFICATION FOR PHASE DOWN PROGRAM OFFICERS

Officers in the Phase Down Program will refer to General Order 300-35, *Phase Down Program* for specific guidelines regarding firearms qualification. Any firearms issues not specifically addressed in General Order 300-35, are governed by this General Order or other applicable department policy.

21 RELATED GENERAL ORDERS

- 200-08, *Conduct and Authority*
- 300-10, *Transitional Duty Assignment*
- 300-15, *Appearance and Grooming Standards - Classified*
- 300-28, *Use of Intoxicants*
- 300-35, *Phase Down Program*
- 400-06, *Carrying Concealed Firearms*
- 400-26, *Conducted Energy Devices*
- 500-01, *Effecting Arrests and Searches*
- 600-05, *Special Threat Situations*
- 600-17, *Use of Force*


Harold L. Hurt
Chief of Police

