

## Firearms

### **312.1 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 or Officer-Involved Shootings and Deaths policies.

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

### **312.2 POLICY**

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

### **312.3 PLAINCLOTHES PERSONNEL - FIREARMS**

- (a) Personnel assigned to duties requiring they wear civilian clothing are authorized to carry firearms approved for uniformed personnel; or approved 9mm,.40 or.45 caliber semi-automatic pistols.
- (b) A quantity of ammunition sufficient to permit at least one complete reloading of the weapon shall be carried on the officer's person at all times while on duty.
- (c) Plainclothes personnel assigned to duties in which adherence to the requirements of this procedure would be counterproductive, may be exempted from the requirements of this procedure by the chief of police, deputy chief of police, or the division commander.

### **312.4 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 Rangemaster. 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 with a department approve range master.

All other weapons not provided by the Department, including, but not limited to, any and all fixed blades, whether in a sheath, 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 member's Division Commander. This exclusion does not apply to the carrying of a folding pocketknife that is not otherwise prohibited by law.

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#### 312.4.1 DUTY WEAPONS

Uniformed personnel shall carry either the department issued handgun or an approved semiautomatic handgun as their primary duty weapon (revolvers may only be carried by Honor Guard members for ceremonial purposes) meeting the following specifications:

A. Manufacturer:

- Smith & Wesson
- Sig Sauer
- Staccato
- Colt
- Ruger
- Glock
- Beretta
- Heckler and Koch (H&K)
- Kimber
- Wilson
- Springfield
- Other reputable manufacturers as approved by the Chief of Police

B. Type:

- Double action revolver or semi-automatic handgun
- The 1911/2011 style pistol from an approved manufacturer (Colt, Kimber, Wilson, Ed Brown and Springfield Armory) is allowed and must be inspected by a certified department range master, who is a certified armorer for that weapon. The armorer will confirm the pistol has not been modified in anyway (unless completed by a department 1911/2011 armorer) and meets acceptable department standards. Officers wanting to carry this firearm are required to complete a department sponsored course.

C. Caliber: .38,.357, 9mm, 40 or.45

D. Barrel Length: 3"-6" only

E. Sights:

- Fixed
- Adjustable

F. Grips:

- Black, brown or other subdued color

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- Synthetic, wood or rubber

All semi-automatic handguns must be double action or striker fired (Glock type action) on the first-round fire (1911/2011 models exempted). Semi-automatic pistols that fire double-action on the first round and single-action on successive rounds shall be equipped with a de-cocking lever. No handgun will be carried with the hammer in a cocked position (1911/2011 models exempted).

All weapons carried must have a trigger pull of no less than four pounds, single action. All safety devices must be intact and operational.

All weapons shall be maintained in good working condition. All weapons carried must be inspected each year by a department Armorer as part of the employee's annual evaluation.

#### 312.4.2 SHOTGUNS

The authorized department-issued shotgun is the Remington 870.

#### 312.4.3 PATROL RIFLES

The authorized department-issued patrol rifles are the:

- Colt LE 6920-5.56mm
- Colt LE 6933-5.56mm
- Colt LE 6946-5.56mm

The following semi-auto patrol rifles can be purchase by the employee and are approved for on-duty use:

- Colt law enforcement series of rifles 5.56mm, 16" barrel
- Daniel Defense DDM4 series of rifles 5.56mm, 16" barrel
- Bravo Company BCM4 series of rifles 5.56mm, 16" barrel
- Geissele Super Duty Series of rifles 5.56mm, 16" barrel with a minimum of 4 pound trigger

When not deployed, the patrol rifle shall be properly secured in a locking weapons rack in the patrol vehicle with the chamber empty or in an approved gun case in the unit truck or cargo area.

The Chief of Police or authorized designee may at his/her discretion revoke the use of a rifle from any employee.

#### 312.5 AMMUNITION

All long rifles will be supplied with approved ammunition provided by the Department. Personally purchased ammunition is prohibited unless it is the same ammunition approved for department use.

Nothing in this policy is intended to preclude a member from using non-approved ammunition when confronted with an emergency situation.

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#### **312.6 OPTICS, SIGHTS, AND LIGHTS**

- (a) Officers shall not make any modifications to the long rifle unless authorized by the Chief of Police or his/her designee.
- (b) Optics such as Aim-Point (tm) may be purchased by the officer and installed on their assigned rifle.
  - 1. Officers will be required to have a backup sight installed capable of use in the event the optical sight fails.
  - 2. Both the optical sight and the backup sight will be military / law enforcement grade and be inspected by a rifle instructor or the Department Armorer prior to installation.
- 3. No visible/Infrared laser shall be attached to patrol rifles.

(c) Light mounts may be affixed to the rifles provided they are departmentally approved and inspected by the Armorer or patrol rifle instructor.

#### **312.7 AUTHORIZED SECONDARY HANDGUN**

Officers desiring to carry department or personally owned secondary handguns are subject to the following restrictions:

- (a) The handgun shall be in good working order and on the department list of approved firearms.
- (b) Only one secondary handgun may be carried at a time.
- (c) The purchase of the handgun and ammunition shall be the responsibility of the officer unless the handgun and ammunition are provided by the Department.
- (d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (e) The handgun shall be inspected by a Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (f) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.
- (g) Prior to carrying the secondary handgun, officers shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Officers must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (h) Officers shall provide written notice of the make, model, serial number and caliber of a secondary handgun to the Personnel and Training Secretary, who will maintain a list of the information.

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#### 312.7.1 PERSONALLY OWNED DUTY FIREARMS

Officers desiring to carry an authorized but personally owned duty firearm must receive written approval from the Chief of Police or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order and on the department list of approved firearms.
- (b) The firearm shall be inspected by a Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Personnel and Training Secretary who will maintain a list of the information.

#### 312.7.2 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by officers while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Officers who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

- (a) The officer may use his/her duty firearm or may use a personally owned firearm that is carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy. An officer carrying his/her duty firearm will be deemed to have complied with (c), (d) and (e) of this section.
  - 1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the officer.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the officer to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.
- (d) Prior to carrying any off-duty firearm, the officer shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (e) The officer will successfully qualify with the firearm prior to it being carried.
- (f) Officers shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Personnel and Training Secretary, who will maintain a list of the information.

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- (g) If an officer desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) Officers shall only carry department-authorized ammunition.
- (i) When armed, officers shall carry their badges and Fontana Police Department identification cards under circumstances requiring possession of such identification.

#### **312.8 AMMUNITION**

Officers shall carry only department-authorized ammunition. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

Officers carrying personally owned authorized firearms of a caliber differing from department issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

#### **312.9 EQUIPMENT**

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

#### **312.10 REPAIRS AND MODIFICATIONS**

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Rangemaster.

Firearms that are the property of the Department or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Rangemaster.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Rangemaster.

#### **312.11 HOLSTERS**

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun. If officers elect to wear "drop down" or "thigh rig" holsters, officers must be able to reach the bottom of the holsters while standing straight with their arms at their sides. Thigh straps may be worn tightly around officer's leg.

##### **312.11.1 TACTICAL LIGHTS**

Tactical lights may be installed on a firearm carried on- or off-duty.

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#### **312.11.2 OPTICS OR LASER SIGHTS**

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

The use of handgun optics, such as Trijicon RMR, Holosun, and Aimpoint requires a 16-hour transition course.

#### **312.12 SAFE HANDLING, INSPECTION AND STORAGE**

Officers shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Officers shall not unnecessarily display or handle any firearm.
- (b) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by a Rangemaster. Officers shall not dry fire or practice drawing except under Rangemaster supervision.
- (c) Officers shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles while at the police department shall be loaded and unloaded outside of the vehicle in the parking lot with the firearm pointed in a safe direction or in a department clearing barrel.
- (e) Officers 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. Officers providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Any firearm authorized by the Department to be carried on- or off-duty that is determined by an officer to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Rangemaster approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the officer's primary duty firearm, a replacement firearm will be issued to the officer until the duty firearm is serviceable.

#### **312.12.1 INSPECTION AND STORAGE**

Firearms shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with

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approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Personally owned firearms may be safely stored in lockers or another approved location at the end of the shift. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building or in a department clearing barrel and then stored in the appropriate equipment storage room.

#### **312.13 TRAINING**

Officers shall not carry or utilize the patrol rifle unless they have successfully completed departmental training. This training shall consist of an initial 36-hour patrol rifle user's course and qualification score with a certified patrol rifle instructor. Officers shall thereafter be required to successfully complete training and qualification every six (6) months conducted by a certified patrol rifle instructor.

Any officer who fails to qualify or successfully complete two or more department sanctioned training/qualification sessions will no longer be authorized to carry a patrol rifle. Officers failing to qualify must successfully retake the initial patrol officer user's course and qualification before carrying the rifle.

Records shall be maintained by the range master or firearms instructors of all training and inspections conducted. A copy shall be forwarded to the Training Division and scanned into the Laserfiche PD System file.

#### **312.14 LONG RIFLE ASSIGNMENT**

- (a) Assignment is based upon the needs of the Department and Unit to which the officer is assigned.
- (b) Transfer to another Unit, whether voluntary or not, may result in that long rifle position being reassigned.
- (c) Low or reduced individual performance of officers in their duties and decision-making skills may result in the inability to carry and utilize the long rifle.

#### **312.15 PATROL READY**

Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered in a patrol ready condition when it has been inspected by the assigned officer, the fire selector switch is in the safe position, the chamber is empty and a fully loaded magazine is inserted into the magazine well. There should not be a round in the chamber and the bolt should be closed.

The long rifle will be secured in a Pelican case or padded soft case in the trunk of the patrol unit OR the officer may remove the shotgun from the rack in his/her patrol unit and place the rifle in that rack.

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- (a) If the shotgun is removed to allow for the rifle to be carried in the rack, the shotgun must be unloaded and placed in the equipment room or in the rack in the trunk of the patrol unit in "cruiser safe" condition.
- (b) The officer will be responsible for reloading the shotgun to "cruiser safe" condition and securing it in the unit rack at the end of their shift.

#### **312.16 STORAGE AT HOME**

Officers shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles 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 shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Officers should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

#### **312.17 ALCOHOL AND DRUGS**

Firearms shall not be carried by any officer, either on- or off-duty, who has consumed an amount of an alcoholic beverage or has taken any prescribed medications that would tend to adversely affect the member's ability to use the weapon in a safe manner.

#### **312.18 FIREARMS AND QUALIFICATIONS**

All officers who carry a firearm while on-duty are required to successfully complete qualifications with their duty firearm/s six times per year and rifles/shotguns twice a year.

#### **312.19 NON-CERTIFICATION OR NON-QUALIFICATION**

If any 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 submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may 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

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Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

#### **312.20 FIREARM DISCHARGE**

Except during training or recreational use, any officer who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shooting Policy. 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.

In all other cases, written reports shall be made as follows:

- (a) If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor and immediate notification shall be made to the on-duty Watch Commander.

#### **312.21 DESTRUCTION OF ANIMALS**

Employees 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, TASER® device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any employee from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

##### **312.21.1 INJURED ANIMALS**

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical (Penal Code § 597.1(e)).

Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made (Penal Code § 597.1(b)). Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed.

#### **312.22 WARNING AND OTHER SHOTS**

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective and reasonably safe.

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#### **312.23 RANGEMASTER DUTIES**

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range.

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

The Rangemaster has the responsibility of making periodic inspection, of all duty firearms carried by members of this department to verify proper operation. The Rangemaster has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm and it will not be returned to service until inspected by the Rangemaster.

The Rangemaster has the responsibility for ensuring each member meets the minimum requirements.

The Rangemaster shall complete and submit to the Training Sergeant 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, a list of each member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Division Commander or designee.

#### **312.24 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) Officers 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) Officers must carry their Fontana 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., driver license, passport).
- (c) The Fontana Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Fontana 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.

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- (d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer'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 officer 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 must 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) Officers 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.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

### **312.25 CARRYING FIREARMS OUT OF STATE**

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

- (a) The officer shall carry his/her Fontana Police Department identification card whenever carrying such firearm.
- (b) The officer is not the subject of any current disciplinary action.
- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other department policies (including qualifying and training).

Officers 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.

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#### **312.26 DEFERRED ACTION FOR CHILDHOOD ARRIVALS AUTHORIZATION**

Federal Law, including the Gun Control Act, generally prohibits certain individuals within the United States from possessing firearms. There is, however, an exception to that prohibition when the person possesses the firearm for use as a police officer. Senate Bill 960 eliminates the requirement that a person be a United States citizen or a permanent resident in order to become a peace officer and instead requires that the person be legally authorized to work in the United States per Federal Law.

The Fontana Police Department has selected, trained, and hired qualified candidates who are in the United States under the Deferred Action for Childhood Arrivals (DACA) Immigration Policy. Fontana Police Department Policy currently authorizes officers to possess a firearm for use in the performance of their official duties or other law enforcement purposes.

Pursuant to department policy, and California Law, both on-duty and off-duty officers have peace officer authority. Any sworn member of this department who becomes aware of an incident or circumstances (while off duty) that he/she reasonably believes poses and imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat (FPD Policy 386.2.) This express authority and other considerations regarding the authority to carry a firearm off-duty are addressed in FPD Policy 386.4 (Decision to Intervene.)

The ability of Fontana Police Department officers to possess firearms, including those officers who are in the United States pursuant to DACA, applies to department issued firearms. The firearm shall not be possessed or used for a non-law enforcement related purpose.