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 Union City 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 and in good working order and that relevant training is provided as resources allow.

312.3 RECORD OF APPROVED WEAPONS
A record of each weapon approved by the Union City Police Department for official use shall be maintained by the Firearms Program Manager.

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 at an authorized department range.

All other weapons not provided by the Department, including but not limited to 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 Captain. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

312.4.1 HANDGUNS
The authorized department-issued handgun is the Sig Sauer P320 9mm, 40 Cal or 45 Cal.

312.4.2 SHOTGUNS
The authorized department-issued less lethal shotgun is the less lethal Remington 870.

When not deployed, the less lethal shotgun shall be properly secured in a locking weapons rack in the patrol vehicle with the magazine loaded, the action closed on an empty chamber, the trigger pulled to release the hammer and the safety in the safe position.
312.4.3 PATROL RIFLES
The authorized department-issued patrol rifle is the Colt AR-15.

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:

(a) Situations where the member reasonably anticipates an armed encounter.
(b) When a member is faced with a situation that may require accurate and effective fire at long range.
(c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
(d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
(e) When a member reasonably believes that a suspect may be wearing body armor.
(f) When authorized or requested by a supervisor.
(g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured in a locking weapons rack in the patrol vehicle with the chamber empty, magazine loaded and inserted into the magazine well, the bolt forward with the dust cover closed.

312.4.4 AUTHORIZED SECONDARY HANDGUN
Members desiring to carry department or personally owned secondary handguns are subject to the following restrictions:

(a) The handgun shall be in good working order, made by a reputable manufacturer, be a caliber of .380 or greater and approved by a department Rangemaster prior to being carried on duty.
(b) The purchase of the handgun shall be the responsibility of the member unless the handgun is provided by the Department.
(c) 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.
(d) Prior to carrying any off-duty firearm, the member 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 in a department approved holster with a positive retention device.
(e) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
(f) Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining authorized industry standard factory ammunition.
(g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify annually. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.

(h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

312.4.5 AUTHORIZED OFF-DUTY FIREARMS
The carrying of firearms by members while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Members 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 member may use his/her duty firearm or may use a personally owned firearm that is in good working order, made by a reputable manufacturer, be a caliber of .380 or greater, with a capacity of five rounds or more and approved by a department Rangemaster prior to be carried. A member carrying his/her duty firearm will be deemed to have complied with (c), (d) and (e) of this section.

(a) The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.

(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 member to submit the firearm to the Rangemaster for approval prior to being personally carried.

(d) Prior to carrying any off-duty firearm, the member 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 in a department approved holster with a positive retention device.

(e) The member will successfully qualify with the firearm prior to it being carried.

(f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

(g) If a member 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) Members shall only carry department authorized ammunition.

(i) When armed, officers shall carry their badges and Union City Police Department identification cards under circumstances requiring possession of such identification.

312.4.6 WEAPON LAUNCHERS
The authorized Departmental weapon launchers are:

- Defense Technology, 40mm
- Fabrique Nationale, Model FN303, Pepper/less lethal
• Penn Arms PGL65-40 multi-launcher

312.4.7 AMMUNITION
Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member’s firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

Members carrying personally owned authorized firearms of a caliber differing from department issued firearms shall be responsible for obtaining authorized industry standard factory ammunition, at their own expense.

312.5 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 member.

312.5.1 REPAIRS OR 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 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, by a certified armorer and must be approved by the department Rangemaster.

312.5.2 HOLSTERS
Only department-approved holsters with a positive retention 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.

312.5.3 TACTICAL LIGHTS
Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Once the approved tactical lights 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.

312.5.4 OPTICS
Optics 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 threat when the member would otherwise be justified in pointing a firearm at the threat.

312.6 SAFE HANDLING, INSPECTION AND STORAGE
Members shall maintain the highest level of safety when handling firearms and shall consider the following:

(a) Members shall not unnecessarily display or handle any firearm.

(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except under Rangemaster supervision.

(c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.

(d) Less lethal shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.

(e) Members 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. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.

(f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.

(g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member 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 member’s primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable. The firearm shall not be placed back into service until it has been fixed and test fired.

312.6.1 INSPECTION AND STORAGE
Handguns shall be inspected annually 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 approved ammunition. Inspection of the less lethal shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed into clearing barrels when unloading or loading the firearm.

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. Less lethal shotguns
and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

312.6.2 STORAGE AT HOME
Members 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. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

312.6.3 STORAGE IN VEHICLES
When leaving a handgun in an unattended vehicle, members shall ensure that it is locked in the trunk, or in a locked container that is placed out of view, or in a locked container that is permanently affixed to the vehicle’s interior and not in plain view, or in a locked toolbox or utility box permanently affixed to the vehicle (Penal Code § 16850; Penal Code § 25140; Penal Code § 25452).

If the vehicle does not have a trunk or a locked container, then the firearm should be locked within the center utility console that can be locked with a padlock, keylock, combination lock, or other similar locking device (Penal Code § 25140).

Officers are exempt from these requirements during circumstances requiring immediate aid or action in the course of official duties (Penal Code § 25140).

312.6.3 ALCOHOL AND DRUGS
Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, or has taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member’s senses or judgment.

312.7 FIREARMS TRAINING AND QUALIFICATIONS
All members who carry a firearm while on-duty are expected to successfully complete training and qualify three times a year. Members will qualify with off-duty and secondary firearms at least once within an aggregate twelve month period. Training and qualifications must be on an approved range course.

Qualification for duty firearms and patrol rifles are held three times a year. Members must attend and successfully qualify minimally, twice within a calendar year. Members must successfully qualify with the less lethal shotgun once within a calendar year.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

Members with the rank of lieutenant or above are required to qualify annually with their department-issued firearm.
312.7.1 NON-CERTIFICATION OR NON-QUALIFICATION
If any member is unable to qualify for any reason, including injury, illness, duty status, or scheduling conflict, that officer shall submit a memorandum to his or her immediate supervisor prior to the end of the required shooting period. Officers cannot miss two consecutive firearms training within a calendar year. Members who repeatedly fail to qualify will be relieved from field assignment and appropriate disciplinary action may follow. 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:
   (a) Unauthorized range make-up
   (b) Failure to meet minimum standards or qualify after remedial training

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

312.7.2 OPEN RANGE
All sworn personnel will have the opportunity to seek additional firearm training during scheduled on-duty qualifications. Open range will be offered during specific times during the on-duty qualification period.

Open range will be an organized voluntary training where off-duty sworn personnel may attend, and depending on patrol staffing and Watch Commander discretion, on-duty sworn personnel may attend. Open range will consist of identified time blocks with pre-designated skill training. Those officers who are on-duty and must qualify will have priority at the range even during open range designated times.

Ammunition for duty weapons will be provided by UCPD during open range days.

Overtime compensation in any form is not authorized. This includes both pay and schedule adjustments for officers who voluntarily choose to attend while off-duty.

312.8 FIREARM DISCHARGE
Except during training or recreational use, any member 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 and Death Policy. If a firearm was discharged as a use of force, the involved member 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 on-duty at the time of the incident, the member shall file a written report with his/her Division Captain or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

(b) 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.

312.8.1 DESTRUCTION OF ANIMALS
Members 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, Conducted Energy Weapon, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

312.8.2 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.

Stray or abandoned injured animals that may be moved or taken to an available veterinarian should not be euthanized. With supervisor approval, abandoned injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made. 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 (Penal Code § 597.1).

312.8.3 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.

312.9 GENERAL RANGE SAFETY RULES
The following general range safety rules shall apply:

(a) To provide adequate safety there must be at least two (2) persons at the range whenever it is in use.

(b) Extreme care and caution shall be used at all times by those present at the range.
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(c) Safety equipment, which includes eye and ear protection and bullet proof vests, must be worn at all times when firing on the range.

(d) Any firing shall only be directed towards targets which are located in the authorized target area.

(e) There shall be no firing, whatsoever, at any object at the range other than authorized targets. Nor shall any firing occur at targets not authorized for the weapon being used. Metal knock down targets which are not rated for rifle or shotgun slug rounds shall only be used in connection with handgun rounds.

(f) Sighting, dry firing, or pointing of a firearm behind the firing line or any other place where an accidental discharge might injure any person or property is prohibited.

(g) Firearms shall not be passed to another person unless the slide is locked back or the weapons cylinder or action is open.

(h) Firearms shall always be pointed down range when on the firing line.

(i) No one shall walk in front of the firing line until the line has been cleared by the Rangemaster and all weapons have been holstered or benched.

(j) If a misfire occurs the shooter shall keep the muzzle of the gun pointed down range and immediately clear the malfunction using trained methods only. If the shooter is unable to clear the malfunction, the Rangemaster shall be immediately notified. The weapon shall be treated with extreme caution until the defective condition has been cleared.

(k) Firearms shall be holstered and in an unloaded condition at all times on the range, except when firing on a training course, and/or when under the direction of a Rangemaster.

312.10 MAINTENANCE AND REPAIR
Firearms carried on or off duty shall be maintained in a clean, serviceable condition.

312.10.1 MODIFICATIONS OF DUTY WEAPONS
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.

312.10.2 REVIEW, INSPECTION AND APPROVAL OF DUTY WEAPONS
The Union City Police Department provides for the review, inspection and approval of all duty weapons and ammunition intended for use by each sworn employee in the performance of their duties, prior to carrying, by a qualified weapons instructor or Departmental Armorer.

The procedure for the review, inspection and approval of duty weapons are as follows:
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(a) Annually, a Departmental Armorer will notify each sworn employee that his/her weapon(s) are subject for review and inspection. This notification will consist of a written request to the employee.

(b) Upon receiving the written notification, the employee will communicate with the Departmental Armorer and arrange for the Armorer to receive the weapon(s). Any known weapon(s) problems will be brought to the attention of the Armorer at that time.

(c) Upon receiving the weapon(s), the Departmental Armorer will thoroughly review, inspect, repair as needed, and approve the weapon for duty use. Written documentation of the inspection(s) will be maintained by the Firearm's Division.

(d) All approved weapons will be returned to the sworn employee.

(e) Weapons that are deemed unsafe will be removed from duty use. A replacement weapon will be provided to the employee until such time that his/her weapon is returned, inspected and approved for duty use by a Departmental Armorer.

(f) Departmental shotguns, rifles and specialty weapons not specifically assigned to a sworn employee will be annually reviewed, inspected and approved for use following the same process outlined above.

(g) In addition, Rangemasters will conduct annual inspections during the yearly qualification course. Officers issued Departmental issued handguns or officers who choose to use an individually owned duty firearm will have their firearm inspected yearly for proper function. Firearms requiring cleaning or repair will not be allowed for use on duty. If this occurs to an Officer using an individually owned duty firearm, the Officer is responsible for repairing and cleaning the weapon and must resubmit the weapon for inspection. Any costs associated with repairing the firearm will be the responsibility of the officer.

312.10.3 REVIEW, INSPECTION AND APPROVAL OF OFF-DUTY WEAPONS
The Union City Police Department provides for the review, inspection and approval of all off-duty weapons and ammunition intended for use by each sworn employee in the performance of their duties, prior to carrying, by a qualified weapons instructor or Departmental Armorer.

The procedure for the review, inspection and approval of off-duty weapons are as follows:

(a) Annually during Departmental qualification range training, the Rangemaster will review, inspect and approve all off-duty weapons used by sworn employees. Written documentation of the inspection(s) and approval will be maintained by the Firearm's Division.

(b) Any repairs or modifications to the officer's personally owned weapon shall be done at his or her expense and must be approved by the Rangemaster. Written documentation of the repairs or modifications will be maintained by the Firearm's Division.

312.11 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...
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attending the range and will submit the roster to the Training Manager after each range date. Failure of any member to sign in and out with the Rangemaster may result in non-qualification.

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, at least once a year, 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 during training shoots and, on at least a bi-annual basis, can demonstrate proficiency in the care, cleaning, and safety of all firearms the member is authorized to carry.

The Rangemaster shall complete and submit to the Training Manager 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, on a form that has been approved by the Department, 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 Training Manager.

312.12 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 Union City 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 Union City Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer’s travel. If approved, TSA will send the Union City 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.

(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.

312.13 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 Union City 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.

312.14 REVISIONS

Revised: December 1, 2015
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Revised: May 3, 2016
Revised: November 28, 2016
Revised: August 3, 2017
Revised: November 20, 2017
Revised: February 20, 2019
Revised: March 30, 2020