

DIVISION OF PARKS AND RECREATION

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7.1.4.3.2 State Law and Park Regulations - this subject should address any additions or amendments in state law or park rules affecting law enforcement operations in the field.

7.1.4.3.3 Any subject(s) required by the CJETSC.

7.1.4.3.4 The remainder of the training should be targeted at knowledge and skills relevant to the participant's position.

7.1.4.4 Annual firearms training up to sixteen (16) hours may be included to satisfy the forty (40) hour requirement.

7.1.4.4.1 Firearms requalification will be conducted in accordance with the provisions of 12 NCAC 9E.0100 (see Appendix M).

In accordance with 12 NCAC 9E.0103 the designated representatives to review division policies regarding the use of force are the Deputy Director, Chief of Operations, district superintendents and the Chief of Ranger Activities in addition to the Director.

7.1.4.4.2 Revolver Handgun and shotgun requalifications may be conducted on the same date or on separate dates. Likewise, the revolver handgun day course and night course may be conducted on the same date or on separate dates.

7.1.4.4.3 Any officer who fails to requalify with either the revolver handgun or the shotgun or both shall be prohibited from possessing any firearm and from performing law enforcement duties until a qualification score(s) is attained.

7.1.4.4.4 Any officer who fails to requalify with either the revolver handgun or the shotgun or both shall, upon notification of such failure(s) by the firearms instructor, immediately surrender their firearm(s) to their immediate supervisor. In the absence of the immediate supervisor, the firearm(s) shall be surrendered to the next highest officer on the scene. In the absence of a supervisory officer, the firearm(s) shall be surrendered to the senior officer with years of service on the scene.

7.1.4.4.5 Any officer who fails to requalify with either the revolver handgun or the shotgun or both will be allowed 90 calendar days or through December 31, whichever is shorter, to attain a qualifying score(s). Failure to qualify under this section will be cause for termination of employment from the Division. Exceptions may be granted by management for physical injury, illness, death of family member or other matters deemed by management to be beyond the control of the officer.

7.1.4.5 First Aid and/or CPR training up to eight (8) hours may be included to satisfy the forty (40) hour requirement.

7.1.4.6 Where applicable, CJETSC trainer certification requirements are prerequisite for authorized instructors.

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8.0 DEFENSIVE EQUIPMENT

8.1 Guidelines

8.1.1 Wearing and Carrying of Defensive Equipment

8.1.1.1 The Division uniform including a visible badge, patch, and name tag will be worn in accordance with Division policy. In addition, commissioned employees engaged in uniformed law enforcement duties will be distinguishable by the wearing of the required weapon, expandable baton, handcuffs and ammunition.

8.1.1.2 When in uniform and performing duties with law enforcement responsibilities, commissioned employees will be armed. Such duties include, but are not limited to, day or night patrol by vehicle, foot, horse or boat, hunting and poaching patrol, prisoner transport, enforcement back-up requests, criminal investigations, response to intrusion alarms, disturbance calls, and service of warrants. In any other instances requiring the attention of commissioned employees where the possibility of physical harm exists, the employees may be armed at their discretion. Employees while on backcountry patrol may wear the service revolver handgun or carry it with other equipment at their discretion. Employees involved in law enforcement duties are not expected to remove defensive equipment to enter buildings, while at lunch, etc., unless they have terminated enforcement responsibilities for the tour of duty. The term "armed" is defined as wearing on the person, at minimum, handcuffs with case, 4" revolver handgun with holster, expandable baton with holster, and ammunition in an ammunition holder. When working plain clothes or on backcountry foot patrol, when defensive equipment is routinely carried in a back pack, employees may carry a revolver handgun with less than 4" barrel with approval of their supervisor.

8.1.1.3 Commissioned law enforcement supervisors not routinely assigned to law enforcement duties will have their firearms available for response to an emergency. These supervisors may be minimally armed with their revolver handgun in a close riding or "pancake" holster, handcuffs, and ammunition in an ammunition holder.

8.1.1.4 A revolver handgun may be worn in a shoulder holster when the employee is performing duties while in a uniform where special protective clothing (waders, snowmobile suits, etc.) make access to the weapon difficult or where the weapon may be damaged by water, etc. if worn on the belt. This authorization shall be made by the supervisor.

8.1.1.5 Chemical weapons may be worn when the employee feels the situation warrants, or when told to do so by the supervisor.

8.1.1.6 (Deleted per revision to 8.1.1.2 regarding mandatory wearing of expandable baton.)

8.1.1.7 Only Division issued or Division approved weapons will be carried or worn while on duty.

8.1.1.8 When the commissioned employee is performing plainclothes law enforcement duties, the revolver handgun will be holstered in such a manner as to be concealed from sight.

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8.1.2.1 The use of deadly force is governed by North Carolina General Statutes, as follows:

15A-401(d)(2) A law-enforcement officer is justified in using deadly physical force upon another person for a purpose specified in subdivision (1) of this subsection only when it is or appears to be reasonable necessary thereby:

8.1.2.1.1 To defend himself or a third person from what he reasonable believes to be the use or imminent use of deadly physical force;

8.1.2.1.2 To effect an arrest or to prevent the escape from custody of a person who he reasonably believes is attempting to escape by means of a deadly weapon, or who by his conduct or any other means indicates that he presents an imminent threat of death or serious physical injury to others unless apprehended without delay; or

8.1.2.1.3 To prevent the escape of a person from custody imposed upon him as a result of conviction for a felony.

Nothing in this subdivision constitutes justification for willful, malicious or criminally negligent conduct by any person which injures or endangers any person or property, nor shall it be construed to excuse or justify the use of unreasonable or excessive force.

8.1.2.2 A Commissioned Employee:

8.1.2.2.1 Never removes the revolver handgun from the holster unless there is a demonstrated potential for its legitimate use.

8.1.2.2.2 Never fires warning shots.

8.1.2.2.3 Never fires a gun in the apprehension of a misdemeanor.

8.1.2.2.4 Does not use a firearm as a striking instrument.

8.1.2.2.5 Never fires from a moving vehicle. Firing at a moving vehicle is only justified when there is an imminent and immediate danger of physical harm to commissioned personnel or another person.

8.1.2.2.6 Never carries a cocked revolver.

8.1.2.2.7 Avoids discharging a chemical agent directly into the eyes or face of a subject at close range (less than two (2) feet).

8.1.2.2.8 Provides the same degree of security to the chemical agent dispenser that is afforded the revolver handgun.

8.1.2.2.9 Avoids discharging a large amount of chemical agent into a confined space such as a small room or closed automobile.

8.1.2.2.10 Avoids discharging chemical agents in the immediate vicinity of infants.

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8.1.6 Description of Authorized Defensive Equipment

- 8.1.6.1 Handgun—Duty (Division Issue)—Double action only, semi-automatic pistol, .45 caliber, eight shot or more capacity, 3.9 - 5.0 inch barrel, fixed or adjustable sights (luminescent sights optional), corrosion resistant finish. OR American made, six shot, double action revolver, .38 caliber or .357 caliber, four (4) inch barrel, adjustable sights for windage and elevation (optional), blue steel or stainless steel (depending on area needs).
- 8.1.6.2 Handgun—Undercover/Plainclothes/Backcountry (Division Issue)—American made six shot, double action revolver .38 caliber, 4, 2 or 2-1/2 inch barrel, adjustable or fixed sights, round or square butt, blue or stainless steel.
- 8.1.6.3 Shotgun—12 gauge, pump action, receiver milled from solid block, 2-3/4 or 3 inch chamber, rifle or bead sights are authorized, tubular magazine, cylinder bore, 18-20 inch barrel, blue steel, stainless or Parkerized finish, wood or synthetic standard straight stock and forearm (American manufacture). No after market magazine extensions extenders or other modifications. No exposed hammers. No shotguns capable of being fired by having the trigger pulled to the rear and the closing of the action disengaging the sear causing the weapon to fire.
- 8.1.6.4 Rifles and Carbines—.223 (5.556mm) or any .30 caliber semi-automatic, bolt or pump action, stainless, blue or Parkerized finish, adjustable sights for windage and elevation. Telescopic sights optional.
- 8.1.6.5 Chemical agents—Chemical CS/CN, aerosol-type, American manufacture, maximum effective range at least eight (8) feet. Oleoresin capsicum (O.C.), aerosol irritant projector, American manufacture, maximum effective range at least eight (8) feet.
- 8.1.6.6 Police Baton—metal, friction-grip, expandable baton, 20-22" in length, black in color.
- 8.1.6.7 Handcuffs—American manufacture, double lock capability, stainless, nickel, or chrome finish.
- 8.1.6.8 Disposable cuffs—plastic self locking type.
- 8.1.6.9 Handgun ammunition, Duty—American manufacture, .45 ACP, 230 grain semi-jacketed or jacketed hollow point OR .38 special, 125 grain, semi-jacketed or jacketed hollow point, +P. (Practice rounds will be the same weight, load and muzzle velocity as duty rounds in either hollow point, semi-wadcutter or full metal jacket configurations.)
- 8.1.6.10 Shotgun ammunition, American manufacture, 12 gauge, plastic cased, no. 4 or "00" buck shot, or 7/8 oz. or 1 oz. rifled slug. (Tactical, reduced recoil load optional)
- 8.1.6.11 Rifle ammunition, American manufacture, jacketed soft point or hard ball for caliber needed.
- 8.1.6.12 Holster—American manufacture, plain, black color, no tooling, thumb-break to draw, covered (pistol or revolver) or uncovered (revolver only) trigger guard, vertical or standard tilt, high or low ride, belt loop style for 2 1/4" belts. Holsters must be of plain leather-like synthetic laminate or leather construction. Holsters will be specifically designed for the model and caliber of the weapon being carried. Safety-type holsters are authorized. Close riding or "pancake" type holsters are authorized for supervisors.

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- 8.1.6.12.1 The immediate supervisor may authorize low ride holsters for employees who have difficulty drawing the ~~revolver~~ handgun from a high ride holster.
- 8.1.6.13 Handcuff case—American manufacture, plain leather-like synthetic laminate or leather, plain black color, pouch type with ~~velcro closure or brass~~ hidden snaps closure.
- 8.1.6.14 Equipment belt—American manufacture, two belt system, outer belt 2 1/4 inch wide, plain leather-like synthetic laminate or leather, plain black color with no design or tooling, buckleless, with velcro hook lining. Inner belt, reversible plain leather-like synthetic laminate or leather, 1 1/2 inch wide, with velcro pile lining plain black color with no design or tooling, buckleless.
- 8.1.6.15 Ammunition magazine carrier—American manufacture, plain leather-like synthetic laminate or leather, plain black color, ~~velcro closure or brass~~ hidden snaps closure, ~~leather~~, covered ammunition holder.
- 8.1.6.16 Accessories—Any other authorized plain leather-like synthetic laminate or leather items to be plain black color with no exposed buckles. Closures are to be ~~velcro or brass~~ hidden snap closure.
- 8.1.6.17 Speed Loaders or magazines.
- 8.1.6.18 Speed strips authorized to be carried in dump pouches.
- 8.1.6.19 Soft body armor.
- 8.1.6.20 Radium luminescent material sight.
- 8.1.6.21 Tear gas masks—standard police type.
- 8.1.6.22 Safety helmet—police type with face shield.
- 8.1.6.23 Expandable baton holster, plain black color, swivel type or side break type.
- 8.1.6.24 Flashlight holder.
- 8.1.6.25 Black rubber handgun grips.
- 8.1.6.26 Badge case or badge holder, plain black leather.
- 8.1.6.27 Chemical agent carrier—American manufacture, plain leather-like synthetic laminate or leather, plain black color, covered aerosol canister carrier with hidden snap closure.

