


CHAPTER 2
FIREARMS SAFETY
REVISED FEBRUARY 2025
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CHAPTER 2

FIREARMS SAFETY

1. PURPOSE. The purpose of this chapter is to provide guidance in the safe and professional handling of firearms, to minimize the occupational hazards inherent in the use of firearms, and to create a safe working environment by implementing measures to eliminate accidental discharges.

a. Accidental Discharges. Accidental discharges could occur. Three primary factors connected with accidental discharges are:

- (1) Failure to ensure a firearm is unloaded before dryfiring.
- (2) Placing a finger on the trigger when the employee is not intending to discharge the firearm.
- (3) The use of loose articles of clothing, keys, or similar items hanging from the duty belt. These items should only be carried on the opposite side of the duty holster, or in front of the holster, in a manner that does not allow the articles to contact the holster or obstruct the safe holstering of the firearm.

b. Firearm Safety Guidelines.

(1) Safety Rules. The following four firearm safety rules shall be applied and adhered to at all times:

- (a) Treat all firearms as though they are loaded.
- (b) Keep the finger off of the trigger until the sights are on the target and a conscious decision to fire has been made.
- (c) Point the muzzle in a safe direction at all times. Do not allow the muzzle to cross anything other than the identified target.
- (d) Be sure the target has been identified and know what is in front and beyond it.

c. Authorized Discharges. Firearms shall not be discharged except as permitted in Highway Patrol Manual (HPM) 70.6, Officer Safety Manual, Chapter 1, Use of Force.

2. POLICY.

a. Clearing Tubes. Handling a firearm is necessary for a variety of reasons, such as firearm cleaning, preshift or postshift checks, training, etc. A firearm clearing tube has been adopted as a safe impact area when handling firearms for such purposes at California Highway Patrol (CHP) facilities. Clearing tubes have been distributed to CHP Headquarters, Divisions, Area offices, and Commercial Vehicle Enforcement Facilities. They are designed to be used indoors or outdoors, and careful consideration should be given to their placement. Clearing tubes should be placed in conveniently accessible locations, yet free from the distractions of telephones, and away from areas of heavy foot traffic and areas where people congregate. Once filled with clean sand to within approximately 12 inches from the top, these clearing tubes will contain all common handgun, shotgun, and rifle bullets should an accidental discharge occur. However, no firearm shall be intentionally fired into a clearing tube.

(1) Use of Clearing Tube.

(a) If available, place the firearm's safety in the "on" position.

(b) Keep all fingers off the trigger, stand in front of the clearing tube, and point the barrel of the firearm directly into the tube.

(c) Ensure the muzzle of the firearm is below the rim of the clearing tube. At this point, the firearm may be loaded or unloaded. Once unloaded, the firearm may be dryfired (still aimed directly into the clearing tube).

(2) Clearing tubes shall be maintained free of debris (e.g., casings, cigarette butts). Two nylon burlap bags partially filled with clean sand should be set inside the tube, at a height no less than 12 inches from the outer rim. This amount of sand will provide the necessary impact surface.

(3) At CHP facilities, firearms shall not be drawn, loaded, unloaded, or dryfired except at a clearing tube.

(4) Commands requesting additional clearing tubes should submit a requisition to Business Services Section, Purchasing Services Unit.

b. Jail Facilities. Special attention shall be given to the requirement that firearms shall not be carried into a jail facility (California Penal Code [CPC] Section 4574). All primary and secondary firearms shall be secured prior to entering any jail facility. The primary and secondary firearms may be stored in the trunk of the patrol vehicle, vehicle gun safe lockbox, or in the gun locker at the jail facility. It is the responsibility of the employee to ensure their pistol(s) are safely secured prior to entering the jail facility and ready for duty use prior to returning to patrol duties.

3. SAFE HANDLING AND STORAGE OF FIREARMS.

a. Each employee is personally responsible for the safe handling of any firearm in their possession. The handling of firearms requires complete concentration and should be done only when necessary, and then only in the most conscientious and safe manner. The following guidelines shall govern firearms handling by employees at all times when on duty or at CHP facilities. The exceptions are Department-sponsored training and inspections, or during an enforcement action justifying the display or use of firearms.

b. Firearms shall not be left unattended unless in a designated and secure location (e.g., Lektro-Lok, patrol vehicle trunk, vehicle gun safe lockbox, locker, locked personal desk).


c. When not holstered or properly cased, pistols shall be carried with all ammunition removed and the action (slide or bolt) to the rear, or with the cylinder open. Department-owned rifles and shotguns shall be carried with the action open (or closed on an empty chamber), with the safety on, muzzle up at a port arms position, and finger out of the trigger guard.

d. Storing in a Vehicle. Per CPC Section 25140(a), it is an infraction to leave a handgun in an unattended vehicle without either locking the handgun in the vehicle's trunk, locking the handgun in a locked container which is placed out of plain view, or locking the handgun in a locked container which is permanently affixed to the vehicle's interior and not in plain view. This section does not apply to a peace officer during circumstances requiring immediate aid or action that are within the course of their official duties.

(1) All employees should be aware of any local ordinance which regulates the storage of handguns in unattended vehicles if the ordinance was in effect before September 26, 2016.

(2) Weapons may be stored overnight in the Lektro-Lok if the vehicle is parked at a secure state or CHP facility. If the vehicle is not parked in a secure state or CHP facility or a locked garage without public access, weapons shall be moved from the vehicle to a secure location. If the vehicle is equipped with a gun safe, weapons may be stored in the safe regardless of parking location or duration. This policy includes state vehicles parked at resident posts.





4. FIREARMS SAFETY. Each employee shall ensure reasonable measures are taken to minimize the accessibility of firearms. Per CPC Section 25100, felony charges can be filed against an employee if a minor should gain access to and discharge a firearm causing great bodily harm and/or death to themselves and/or another due to the employee's failure to use reasonable measures to secure the firearm. Misdemeanor charges may also apply as listed in CPC Section 25200 for incidents that do not result in great bodily injury or death. For exceptions, refer to CPC Sections 25105 and 25205.

5. AIR SAFE PROGRAM.

a. Federal Regulations. Transportation Security Administration (TSA) regulations authorize uniformed law enforcement personnel to carry a firearm onboard a commercial aircraft provided they have received proper training and meet specific criteria (Title 49 of the Code of Federal Regulations [CFR], Section 1544.219).

b. Policy. For purposes of the Air Safe Program, uniformed personnel who meet the criteria listed in paragraph 5.c. of this chapter may carry their departmentally issued firearm (primary duty or supplemental pistol) or approved secondary firearm (as defined in this manual).

(1) Uniformed personnel carrying a firearm onboard an aircraft shall adhere to TSA regulations.

(2) Uniformed personnel electing to carry a firearm onboard an aircraft shall carry it concealed either on their person or within their immediate reach. Under no circumstances shall a firearm be placed in an overhead storage compartment. In addition, personnel shall carry their departmental badge and either flex-cuffs or handcuffs while traveling armed.

(3) Pursuant to Federal Aviation Administration regulations, no person may carry oleoresin capsicum spray, tear gas, or similar pressurized containers in the passenger compartment of an aircraft.

(4) Uniformed personnel are issued an ID card with "POLICE" printed on the front which shall be carried in conjunction with the departmental badge and used for the purpose of identifying themselves as law enforcement officers to

airline personnel and passengers. This ID card shall be in the possession of uniformed personnel who elect to fly armed and is the only law enforcement ID the airlines will accept.

(5) Uniformed personnel will not be authorized to fly armed if they are not in possession of their departmental badge, ID card, and driver's license.

(6) Uniformed personnel are to remain alert and vigilant at all times. Policies pertaining to on-duty conduct shall be strictly adhered to while flying armed.

(7) Pursuant to CFR Section 1544.219, when flying armed, the consumption of alcoholic beverages will be prohibited eight hours prior to and during a flight.

c. Criteria for Law Enforcement Officers Flying While Armed. Only those uniformed employees actively engaged in one of the following activities will be granted permission to carry a weapon on a commercial aircraft.

(1) Protective Detail. The officer must be actively assigned to protective duty or be required to immediately be prepared to engage in a protective function.

(2) Surveillance. This must be considered a hazardous surveillance activity requiring the officer to have access to their firearm, from the time the officer would otherwise check their weapon until the time the weapon would be claimed after deplaning.

(3) Enforcement or Investigation. The officer must be working in an official police activity which requires the officer to be armed and prepared for duty, and the officer must have an operational need to have the weapon accessible on the aircraft.

(4) Prisoner Escort. The officer must be actively escorting or picking up a prisoner.

NOTE: An aircraft operator has the option to refuse to transport an armed law enforcement officer (LEO). If this should occur, consider involving an aircraft operator ground security coordinator or other supervisor. Law enforcement officers should also be prepared to place their weapon and ammunition into checked baggage, if necessary (refer to paragraph 6.b. of this chapter).

d. Flight Procedures. Prior to flying armed, uniformed personnel shall obtain two unique alphanumeric identifiers from TSA (one for their departure and one for their return).

(1) Unique Alphanumeric Identifier. A National Law Enforcement Telecommunications System (NLETS) message must be transmitted to obtain

the required TSA unique alphanumeric identifiers. For step-by-step instructions on how to complete this process, refer to the CHP Intranet website (Resources/Technology/CLETS). A properly formatted NLETS message should be transmitted to the TSA a minimum of 24 hours prior to the date of travel. Once the NLETS message is received by the TSA, a return NLETS message containing the alphanumeric identifier will be sent to the command's NLETS printer. It is necessary to send two separate NLETS messages to obtain the two unique alphanumeric identifiers that are required (refer to paragraph 5.d. of this chapter).

NOTE: Any questions or concerns regarding obtaining a TSA alphanumeric identifier may be directed to the California Law Enforcement Telecommunications System Administrator/Information Technology Section at (916) 843-4100.

(2) Check-In. When checking in for a flight, uniformed personnel shall present their unique alphanumeric identifier from the NLETS message and ID card to the appropriate airline ticket agent, at which time they will be issued a flying armed authorization form by an airline official.

(3) Security Checkpoint. Uniformed personnel shall proceed to the armed LEO screening checkpoint. If unsure of the LEO screening checkpoint location, ask security personnel for directions. Do not proceed through the normal security checkpoint. At the LEO screening checkpoint, uniformed personnel will provide the unique alphanumeric identifier, ID card, badge, boarding pass, driver's license, and the required airline flying armed authorization form. Uniformed personnel will complete the LEO logbook and proceed to the boarding gate.

(4) Boarding Gate. Prior to boarding a flight, uniformed personnel shall check in at the boarding gate, present their flying armed authorization form, and identify themselves as an armed LEO.

(5) Itinerary Changes. As is the case with government travel, changes to the itinerary may become necessary while in transit. Uniformed personnel flying armed shall adhere to the following procedures whenever a change in itinerary becomes necessary:

(a) An existing TSA alphanumeric identifier will be accepted if the date of travel remains the same and travel is through the same airports. If the date of travel or the airports traveled through change, a new NLETS message and TSA unique alphanumeric identifier will be required. (Only the alphanumeric identifier is required for verification to travel, not the actual NLETS message.)

NOTE: The Emergency Notification and Tactical Alert Center (ENTAC), which is operational 24 hours a day, can assist with late flight changes, if necessary. The telephone number for ENTAC is (916) 843-4199.

(b) Uniformed personnel shall call the airline in advance and facilitate the changes prior to checking in with the airline ticket agent. Airline representatives will require the flight confirmation number to make requested changes.

(c) Upon checking in with the airline ticket agent, uniformed personnel shall notify the ticket agent of the itinerary change.

(d) A 24-hour point of contact and a telephone number shall be printed on the authorization letter. If necessary, the telephone number will be used by airline personnel to confirm the change in itinerary is authorized by the appropriate commander.

(6) Boarding. Uniformed personnel will normally be preboarded and escorted down the boarding ramp by an airline representative. Flight crew members will be advised of seat locations. Uniformed personnel shall not move to another seat unless a crew member is aware of the change.

(7) In-Flight Incidents. The pilot in command shall always have the final authority on a commercial flight. During in-flight situations, uniformed personnel shall only take action when requested by the flight crew. Uniformed personnel shall employ the use of force options available to them, up to and including deadly force, as contained in HPM 70.6. Departmental policies regarding the use of deadly force and the discharge of a firearm shall be adhered to at all times. Uniformed personnel shall only initiate action to prevent imminent loss of life or serious bodily harm to passengers and flight crew.

e. Training. Uniformed personnel receive training on the policies and procedures of the Air Safe Program during initial Academy training. Uniformed personnel who did not receive this training at the Area level during implementation of the Air Safe Program shall not be allowed to fly armed until the training has been completed and appropriately documented in the Employee Training Record System.

f. Reporting Requirements. The Academy is the Office of Primary Interest for the Air Safe Program. All incidents where uniformed personnel take any form of law enforcement action shall be reported immediately through the appropriate chain of command in accordance with current departmental policy contained in General Order 100.80, Notification and Report of Emergency Incidents and Significant Events. Division commands shall ensure a report of the unusual occurrence is forwarded, via Communications Network message, to the Academy. In addition, all incidents shall

be documented on a CHP 216, Arrest – Investigation Report. All pertinent documentation will be generated by the appropriate Area or Division command.

6. AIRPORT SECURITY PRECAUTIONS.

a. Airport Regulations. Local airport security policies may place restrictions on carrying firearms within terminal concourses. Uniformed personnel anticipating the need to carry a firearm within the terminal concourse shall contact airport security personnel at the facility to ascertain specific requirements.

b. Checking Firearm in Baggage. Uniformed personnel who travel with a firearm but do not elect to carry it on their person while on the commercial aircraft shall:

(1) Unload the firearm.

(2) Ensure the firearm is placed in a hard-sided container that can be locked. Uniformed personnel shall retain the key or combination of the locked container. A locked, hard-sided carrying case placed inside a soft-sided piece of luggage is acceptable. Ammunition may be placed in the same locked container as the unloaded firearm. Ammunition must be secured in a magazine, manufacturer's original packaging, or other similar container designed to store ammunition. Checked baggage must be inaccessible to passengers.

(3) Notify the airline while checking baggage that the unloaded firearm is enclosed.

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