

IDAHO STATE POLICE PROCEDURE

06.16 WEAPONS

I. DEFINITIONS

“Chemical agents” means less-lethal chemicals designed to temporarily incapacitate or render the subject unable to resist lawful police control. Orthochlorobenzalmalonitrile (CS) and Oleoresin Capsicum (OC) are examples of chemical agents.

“Diversion device” means a less-lethal device using a combination of bright light and loud noise to attract the immediate attention of a subject.

“Firearm” means any deadly weapon capable of ejecting or propelling one or more projectiles by the action of any explosive or combustible propellant.

“Impact weapons” means striking tools, such as a collapsible baton used by troopers to stop a violent act of aggression.

“Less-lethal weapons and ammunition” means devices, such as a Conducted Energy Device (CED), 12-gauge shotgun, and 40 mm launcher deploying non-penetrating impact projectiles.

“Secondary Firearm” means a handgun having a caliber of at least .380 and no larger than .45 caliber, is personally owned by an individual trooper, and is approved for on-duty use.

II. IMPACT WEAPONS

The ISP-issued impact weapon, the collapsible baton (ASP), is the authorized striking tool for carry and use by ISP troopers. Impact weapon use:

1. requires troopers to be trained and re-certified every 3 years;
2. is according to methods sanctioned through training;
3. is not normally used to strike handcuffed individuals; and
4. is in compliance with ISP procedure [06.15 Use of Force](#) when tools other than the collapsible baton (such as a flashlight) are used in exigent circumstances.

III. DIVERSION DEVICES

1. Diversion device use:
 - a. is authorized by the on-scene supervisor;
 - b. is based on operational and safety concerns; and
 - c. required troopers to be trained and qualified annually.

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2. Safety - Diversion devices:
 - a. have the potential to cause physical injury;
 - b. are deployed away from subjects to reduce possible injury; and
 - c. anyone expressing discomfort or showing signs of injury is given medical attention.
3. Reporting - The name of the trooper using the diversion devices, the number of devices used and any resulting damage or injuries are included in subsequent incident reports.

IV. LESS-LETHAL WEAPONS

1. Less-lethal weapons are used only by trained troopers.
2. Use of less-lethal weapons in compliance with ISP procedure [06.15 Use of Force](#) is similar to the collapsible baton.
3. Troopers using less lethal weapons must demonstrate proficiency and accuracy as directed by the [Firearms Training Plan](#).
4. In accordance with training, less-lethal weapons should only be deployed in situations where another trooper is available and ready to use lethal force in the event the threat level of the suspect escalates during or following less-lethal weapon use.
5. Troopers using less-lethal weapons should avoid strikes to the head/neck region to minimize injury to the subject.
6. Troopers should deploy projectiles at distances between 10 to 20 yards.
 - a. The recommended target area is the suspect's torso.
 - b. The trooper is not required to announce intent to use the less-lethal weapon, but it is recommended, as announcement serves as notice to both supporting troopers and the suspect(s).
 - c. When an announcement is warranted, the trooper shall announce loudly, "Bean-bag!"

V. USE OF OLEORESIN CAPSICUM (OC) SPRAY AND ORTHOCHLOROBENZALMALNONITRILE (CS) GAS

1. OC Spray – OC spray is primarily intended to subdue an attacker or a resisting subject. It may also be used under other circumstances that permit the lawful and necessary use of force such as repelling vicious animals.
 - a. All OC deployments outside of training must be reported.
 - b. OC spray must never be used indiscriminately.
 - c. OC spray is used and reported in compliance with procedure [06.15 Use of Force](#).

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- d. OC spray must not be used on people who are handcuffed, secured and properly in custody unless the suspect becomes combative and poses a significant risk of injuring themselves or others.
 - e. The trooper is not required to announce intent to use the spray/gas, but it is recommended, as announcement serves as notice to both supporting troopers and the suspect(s).
 - f. All suspects must be handcuffed as soon as practical following the use of OC spray.
2. CS Gas – CS gas is used to assist in the control and apprehension of resistant, violent or riotous subjects. It is used and deployed by specially trained troopers and is not generally carried by troopers in the field. Troopers using CS gas are trained and qualified in its use annually.
3. Decontamination and follow-up
- a. Persons subjected to a chemical agent are provided with appropriate decontamination treatment as quickly as possible:
 - 1) warn the subject not to rub his or her eyes as rubbing may cause increased irritation;
 - 2) remove the subject from the contaminated area and place in fresh air as this will normally begin to ease the effects within 15 minutes of exposure;
 - 3) ask the subject if he or she suffers from any respiratory problem – provide medical assistance as quickly as possible if the subject says there is a problem;
 - 4) reassure the subject that the effects of the chemical agent are temporary and encourage the subject to relax; and
 - 5) flush the subject's face and eyes with cold water if exposure to air is ineffective.
 - b. Follow-up procedures:
 - 1) do not leave the subject unattended until the effects of the spray have completely disappeared or the subject indicates full recovery;
 - 2) monitor the subject for signs of breathing disorders, nausea, or other physical problems;
 - 3) provide immediate medical assistance to any individual who develops difficulty breathing, other medical problems, or unconsciousness after exposure to a chemical agent; and
 - 4) advise the detention facility that the individual was subjected to a chemical agent if the individual is subsequently committed to that facility.

VI. CONDUCTED ENERGY DEVICE (CED)

A Conducted Energy Device (CED) is a less lethal weapon system designed to temporarily incapacitate a subject through use of an electrical current which interferes with the body's neuromuscular system and produces a sensation of pain.

- 1. The ISP-issued CED is the authorized CED tool for carry and use by ISP troopers.
- 2. Troopers may choose to carry a CED.

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3. Troopers who choose to carry a CED are not required to carry OC.
4. Troopers who choose to carry a CED are required to carry the device on their duty belt every shift.
5. A CED shall be worn on the duty belt on the opposite side from the issued sidearm.
6. CED responsibilities
 - a. Troopers:
 - 1) shall successfully complete certified CED training;
 - 2) recertify to maintain CED certification;
 - 3) conduct a spark test every shift;
 - 4) ensure there are no major or critical errors displayed on the CED;
 - 5) ensure completion of a download of the CED data after each deployment;
 - 6) ensure completion of a download of the CED data quarterly as part of the inspection; and
 - 7) securely store the CED when off duty.
 - b. Supervisors and/or CED instructors:
 - 1) download CED data quarterly;
 - 2) download CED data after each deployment;
 - 3) conduct firmware updates as necessary; and
 - 4) ensure troopers comply with requirements listed above.
7. CED use
 - a. The decision to use the CED shall be based on the immediate threat posed by the suspect to troopers or others (based on current case law), with consideration of the following factors:
 - 1) totality of the circumstances;
 - 2) severity of the crime committed;
 - 3) prior acts by the suspect (crimes of violence, threats, etc.);
 - 4) level of resistance;
 - 5) to prevent them from harming themselves or others; and
 - 6) other criteria listed for determining use of force in accordance with ISP procedure [06.15 Use of Force](#).
8. CED Deployment
 - a. If a trooper deploys a CED, they will contact their supervisor and
 - 1) ensure all personnel at the scene are notified by radio or other means that the CED is being deployed and may be used if time and conditions permit;
 - 2) ensure a plan is in place for taking physical control of the subject once the CED has been deployed;
 - 3) use minimum activations necessary to control the subject. Subsequent cycles will not exceed three applications unless exigent circumstances exist;
 - 4) once the suspect is restrained and has complied, there should be no further use of the CED;
 - 5) when practical, ensure the subject receives medical treatment by EMS in the field and/or hospital personnel after a CED deployment;
 - 6) when practical, ensure EMS or medical personnel shall remove probes from the CED;

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- 7) request photographs be taken of probe impact sites and any other related injuries; and
 - 8) ensure probes that have penetrated a body are treated as bio-hazardous and handled properly.
 - b. The supervisor shall:
 - 1) if practical, respond to the incident when a trooper indicates the necessity for deployment of the CED or when the CED has been deployed if the conditions did not permit previous notification; and
 - 2) ensure all documentation is completed and follow all guidelines as stated in ISP procedure 06.16 Use of Force.
 - c. Unless exigent circumstances exist, the CED will not be used:
 - 1) subject is fleeing shall not be the justification for use of the CED;
 - 2) on women known to be or who obviously appear to be pregnant;
 - 3) on elderly persons, young children, and visibly frail persons;
 - 4) on passive subjects;
 - 5) in combustible environments;
 - 6) on a handcuffed subject unless actively resisting or exhibiting active aggression to prevent individuals from harming themselves or others;
 - 7) on subjects in physical control of a vehicle in motion, including automobiles, trucks, motorcycles, ATVs, bicycles, and scooters; and
 - 8) on subjects in a location where a fall may cause substantial injury or death.
 - d. All CED deployments outside of training must be reported and documented per section 8. "CED Deployment" b (2) of this procedure, as soon as practical.
 - e. Accidental discharge of a CED is considered a deployment.
9. No more than one trooper should activate a CED against a person at a time unless exigent circumstances exist.

VII. USE OF FIREARMS

1. When handling firearms, all ISP troopers must observe the following safety rules:
 - a. treat every gun as if it were loaded;
 - b. point the gun in a safe direction;
 - c. keep your finger off the trigger until you have decided to fire; and
 - d. be sure of your backstop.

VIII. RESTRICTIONS ON USE OF FIREARMS

1. In compliance with [Idaho Code 18-3302B](#), no firearms can be carried by a trooper when intoxicated or under the influence of an intoxicating substance;
2. except in reasonable situations, troopers will not draw or exhibit their firearms unless circumstances create reasonable cause to believe that the trooper may need to use it; and
3. warning shots are prohibited.

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IX. ISSUED AND SECONDARY FIREARMS AND RELATED EQUIPMENT

1. Issued firearm(s):
 - a. all ISP troopers are armed with an ISP-issued firearm(s) while on duty unless a specific assignment precludes the wearing of a firearm;
 - b. only ISP-issued ammunition may be used in issued firearms;
 - c. on-duty holsters and ammunition carriers/pouches are ISP-issued or approved for use by the Deputy Director upon recommendation from a firearms instructor;
 - d. troopers may use issued firearms during secondary employment with the prior written approval of the Director/designee for each [EHF 03 06-01 Outside Employment Request](#). The process to request approval for outside employment is described in ISP procedure [03.06 Outside Employment](#).
2. Secondary firearm(s):
 - a. Secondary firearms, related ammunition, holsters and ammunition carriers/pouches may be carried on-duty with prior written approval from the Deputy Director;
 - b. Secondary firearms, all related ammunition, holsters and ammunition carriers/pouches are supplied by the trooper.
 - c. Prior to carrying a secondary firearm on-duty
 - 1) an ISP armorer must inspect and register the firearm with the ISP by make, model and serial number. The armorer completes the appropriate section of the [EHF 06 16-01 Secondary Firearm Request](#) and routes the form to the firearms instructor.
 - 2) complete the secondary firearms training course as directed by the annual ISP Firearms Training Plan. The firearms instructor completes the appropriate section of the [EHF 06 16-01 Secondary Firearm Request](#) and routes the request to the requesting trooper;
 - 3) complete the trooper attestation on the [EHF 06 16-01 Secondary Firearm Request](#) and route to the district Lieutenant;
 - 4) The lieutenant will submit the [EHF 06 16-01 Secondary Firearm Request](#) to the Operations Lt. Colonel.
 - 5) The Operations Lt. Colonel will route the approved request to Training.
 - d. the approved EHF 06 16-01 Secondary Firearm Request is added to the armorer database. The trooper may not carry the secondary firearm until the trooper has received approval from the Lt. Colonel's office.
 - e. Secondary firearms will be carried concealed and in a fashion as to not create or draw undue attention.
3. Troopers may carry their ISP-issued firearm or authorized secondary firearm off duty. Troopers choosing to carry a weapon off duty must carry proper ISP identification and should wear the weapon in a fashion so as not to create or draw undue attention.
4. If an ISP trooper carries any other firearm while off duty the trooper acknowledges and assumes full and exclusive personal liability of such carry, and any consequences that may result from discharge of such firearm.

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5. With supervisory approval troopers may be allowed to carry a secondary firearm in lieu of the ISP-issued handgun as the primary handgun for short term special assignments such as executive protection, undercover operations, or other situations where carry of the ISP-issued handgun would create or draw undue attention.

X. INSPECTION, REPAIR, OR MODIFICATION OF FIREARMS

1. The trooper is responsible for the operability and cleanliness of any authorized firearm. Any malfunction must be reported to an ISP armorer as soon as possible.
2. Armorers inspect all ISP firearms annually to ensure issued firearms are within manufacturer specifications issued and safety standards. A record of all firearms, dates of inspection, and service is maintained by each armorer.
3. Troopers must not alter, grind, or sand any issued firearm. Refinishing is authorized and documented solely by the armorer.
4. All issued firearms in need of repair must be submitted to an armorer for repairs.
5. Troopers must not alter, grind, or sand any issued firearm; refinishing is authorized and documented solely by an armorer.
6. Armorers inspect all approved secondary firearms annually. The inspection is a general overall inspection of basic functionality, cleanliness, and to ensure the firearm remains unchanged from the original “as approved” condition. A record of the date of inspection and overall condition is added to the Armorer Database.
7. Idaho State Police allows troopers to add, at their own expense, personally owned equipment related to agency-issued weapons provided they do not alter the weapon’s operation, functionality, or safety mechanisms and do not require permanent modifications. Personally owned accessories may be added to an issued firearm after approval from the Deputy Director. Firearm accessories are defined as: A privately acquired, non-department-issued item, magazine, or modification, whether to the firearm or its components, including magazines and slings, designed to enhance, customize, or complement the functionality or appearance of a firearm used in an official capacity.

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- a. Accessories that alter the trigger mechanism, firing mechanism, or safety features are prohibited.
 - b. Decorative modifications, such as engravings, paintings, wraps, or coatings are prohibited.
 - c. Accessories must be black in color, of reputable brand, and of quality and construction fit for duty use.
 - d. Handgun accessories include:
 - 1) Holster compatible attachments
 - 2) Red dot sight
 - 3) Grip
 - 4) Magazine
 - 5) Magazine well
 - 6) Magazine extension
 - e. Rifle accessories include:
 - 1) Optics (magnified or red dot)
 - 2) Iron sights
 - 3) Light
 - 4) Sling
 - 5) Handguards
 - 6) Charging Handle
 - 7) Bolt catch
 - 8) Magazine
8. Complete the [EHF 06 16-02 Request to Install Personally Owned Accessories](#) and submit it to the Deputy Director through the program chain of command: Trooper>District Armorer>Training Sergeant> Deputy Director.
9. Upon approval, the accessory must be installed by a district armorer or other qualified non-ISP armorer. If a non-ISP armorer is utilized, the employee must provide the district armorer with a copy of the non-ISP armorer certification. The employee is responsible for any costs associated with the use of a non-ISP armorer. Once an accessory is installed, the firearm must be inspected by a district armorer. The armorer notes the modification in the Armorer Database and attaches the approved [EHF 06 16-02 Request to Install Personally Owned Accessories](#).
10. Armorers may not approve their own accessories.
11. Following the installation, the trooper must qualify with the weapon including the accessory.
12. Troopers must keep accessories and firearms in proper working order at all times.
13. Items modifying or replacing issued equipment to accommodate the accessory are purchased at trooper expense.
14. Troopers or armorers receiving recall notices for accessories or noting defects in accessories immediately report the recall notice or defect to the Training Section.
15. The Deputy Director may rescind approval for any previously approved accessory at his/her discretion. If an accessory is unapproved, the trooper(s) are informed and must immediately request the district armorer remove accessories no longer

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approved. Any parts removed from an ISP-issued firearm for the purpose of installing a personally owned accessory must be maintained by the district armorer. In the event that personally owned accessories are removed, the firearm must be restored to its originally issued configuration upon turn-in. The district armorer notes the changes to the service record of the issued firearm in the Armorer Database.

XI. FIREARMS TRAINING AND QUALIFICATION

1. Annually, troopers will sign the ISP Range Rules Acknowledgment form which will be retained in the training matrix.
 - a. Troopers must complete firearms qualification:
 - 1) as directed by the annual ISP Firearms Training Plan;
 - 2) with each firearm they are authorized to use, including secondary firearms; and
 - 3) on a pass/fail basis.
2. The supervisor of a trooper who has taken extended leave or suffered an illness or injury that could affect firearms ability may require the trooper to re-qualify with each firearm before returning to enforcement duties.
3. The Deputy Director may issue a waiver of certain aspects of the firearms training program for a trooper on a showing of just cause. This waiver is documented in the Firearms/Armory Database under the Document Tab for that trooper.
4. During each firearms qualification session, a trooper is given a maximum of 2 attempts to qualify with each issued firearm.
5. If a trooper fails to qualify with any particular firearm:
 - a. The trooper receives individualized instruction from a firearms instructor and has 3 opportunities within the next 7 working days in which to qualify;
 - b. if the trooper fails to qualify within those 7 working days, his or her immediate supervisor:
 - 1) prepares a special counseling record of an unsatisfactory performance with firearms;
 - 2) forwards the record with supporting documents through the chain of command to the appropriate Major;
 - 3) relieves the trooper of the issued firearm;
 - 4) assigns the trooper to remedial firearms training; and
 - 5) if the firearm involved is the issued handgun:
 - (a) immediately places the trooper on non-enforcement duties; and
 - (b) temporarily relieves the trooper of his or her badge and state vehicle;
 - c. the trooper has 21 working days from the date of the special counseling record to qualify with the firearm;
 - d. if the trooper successfully qualifies, he or she is returned to enforcement duties with a requirement to qualify once per month for the next year to ensure firearms proficiency; or
 - e. if the trooper does not successfully qualify, the trooper receives an unsatisfactory performance rating and is notified of contemplated disciplinary action.

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6. If the trooper does not successfully qualify with an accessorized firearm, or the firearm is deemed to be unsafe for operation with the accessory, the firearm must be immediately returned to its issued state by the district armorer.
7. Troopers are also given a maximum of 2 attempts to qualify with any authorized secondary firearm during each firearms qualification session. If a trooper fails to qualify:
 - a. the trooper is prohibited from carrying that weapon;
 - b. a report is forwarded to the Deputy Director; and
 - c. upon proper qualification the trooper resubmits the appropriate request to carry the firearm and does not carry the firearm until re-approved by the Deputy Director.
8. Firearms instructors maintain a record of the compliance with the annual Firearms Training Plan for each trooper trained.

XII. USE OF SPECIAL WEAPONS

1. Troopers may be selected to use special weapons as ISP needs dictate.
2. These weapons include those capable of fully automatic fire or having other special purposes, such as precision rifles or projectile launchers.
3. Prior to a weapon's use, the trooper must be trained and required to demonstrate proficiency and accuracy regularly.
4. All special weapons are stored in the district and made available to all trained and qualified troopers unless operational considerations require otherwise or a supervisor approves other arrangements.

XIII. WEAPON STORAGE

1. Troopers must secure all ISP-issued weapons in a manner to prevent theft or improper use.
2. ISP-issued M4 rifles must be secured in department vehicles in an appropriate gun locking device or vault, or must be secured in a manner to prevent theft or misuse. ISP-issued M4 files with approved personally owned accessories installed must be compatible with the trooper's existing vehicle/gunlock configuration.
3. If employees are to be on extended leave they must ensure all firearms are appropriately secured either in their residence, gun vault, or district armory.
4. Troopers must remove ISP-issued firearms from any vehicle if the vehicle will be left unattended at a dealership or service facility.