

Appendix K. USE OF FIREARMS BY NON-LE EMPLOYEES (Management Directive 6.4)

PURPOSE

This policy, incorporating Director's Order (DO)-44, Reference Manual (RM)-9, DO-9, Departmental Manual (DM) 446, Title 36 of the Code of Federal Regulations (CFR) section 2.4 and other pertinent guidelines, will establish procedures for the management of firearms and ammunition use by non-law enforcement employees.

RESPONSIBILITIES

The Park Superintendent/Chief Ranger are delegated to serve as Accountable Officers for their parks and will delegate the following responsibilities to their staff:

1. Firearms Custodial Officer (Required to be full performance law enforcement officer)
2. Firearms Receiving Officer
3. Property Management Officer

A Full Performance Law Enforcement Officer will serve as the Firearms Custodial Officer and carry out the duties in DO-44, DO-9 and DM-446. The Firearms Custodial Officer is responsible for requirements in the above guidelines, including the following:

1. Maintains accurate records of firearms and ammunition.
2. Conducts annual inventories per DO-44 and semi-annual inventories per DO-9.
3. Ensures firearms and ammunition are safeguarded.

Supervisors are responsible for assuring that employees follow all guidelines and policies, receive training and proper equipment and submit proper documentation for training and firearm use authorization.

Employees are responsible for following all guidelines and policies, routine maintenance, safety and security of firearms, reporting any discharge of firearms (other than training) and following all applicable laws, include state regulations.

BACKGROUND

This policy is the result of the need to provide guidance for the management of firearms and ammunition, for non-law enforcement use. As most procedural matters for law enforcement are contained in DO-9, RM-9, and DM 446, this policy mainly addresses the use of firearms and ammunition for non-law enforcement personnel. The NPS promotes field techniques that help eliminate the need to use non-law enforcement firearms and wildlife management/safety training programs, as needed.

POLICY

Glacier National Park shall provide training, firearms, and ammunition resources sufficient to carry out the National Park Service's mission in a safe manner for employees. Training, firearms, and ammunition will be managed per all NPS and DOI regulations and guidelines.

Non-law enforcement employees shall not take direct action in a law enforcement situation and may carry weapons only with the approval of the superintendent. The use of non-law enforcement firearms may be further restricted by the superintendent.

PROCEDURES

The superintendent may authorize non-law enforcement personnel to carry firearms when functions or circumstances related to their official duties necessitate such permission. Use of non-law enforcement firearms by NPS personnel, while on official business, will be limited to those individuals who have been authorized and have successfully completed a firearms training course. Authorizations will be in writing and the training documented.

The superintendent may permit cooperators, contractors, and employees of other agencies to carry firearms and may require that they meet the same standard as NPS employees. The Superintendent may waive NPS requirements if the non-NPS personnel provide written documentation of their agency training and authorization to carry firearms. The superintendent may choose to withhold authorization to carry firearms in an official capacity while in the park.

- A. Expiration of Firearms Authorization. The authorization to carry a non-law enforcement firearm shall expire:
 1. At the end of the calendar year or the completion of the project, whichever is shorter; or
 2. If there is a change in duty station, status, or transfer; or
 3. Upon failure to demonstrate shooting proficiency as required; or
 4. If rescinded for any other reason.
 - B. Shooting Proficiency of Seasonal or Part Time Non-Law Enforcement Employees, or Full Time Employees That Have Occasional Need to Carry Non-Law Enforcement Firearms. Required to demonstrate proficiency once each field season prior to being issued a firearm.
 - C. Shooting Proficiency of Full Time Non-Law Enforcement Employees. Required to demonstrate proficiency twice a year, with each session no less than 3 months apart if the weapon is needed year round; or once a year, just prior to the field season for a 6 month or less season.
1. **Use of Firearms.** NPS employees must observe Federal, State, and local laws in regard to the licensing, use, transportation, etc. of firearms and ammunition.
 - A. General. The use of firearms by non-law enforcement personnel is prohibited except when required for safety of personnel or if in the best interest of the NPS, such as for use in hazing wildlife. Shotguns and rifles will not be carried with a round in the chamber, except in exigent circumstances.
 - B. Destroying wildlife in defense of life or property. The necessity of taking wildlife must not be brought about by harassment or provocation of the animal or the unreasonable invasion of the animal's habitat. All reasonable means should be employed to prevent undesirable animal/people encounters.
 - C. Weapon Discharge. The discharge of a weapon other than for approved practice or qualification, requires a verbal report to the superintendent within 24 hours, a written report, and if the situation dictates, a Technical Board of Investigation per DO-50. Use of a firearm for hazing will be in accordance with the park's Bear Management Plan.
 2. **Equipment, Non-Law Enforcement.** Glacier National Park will only issue 12-gauge shotguns and solid slug ammunition for animal protection. The preferred weapon is a Remington Model 870, 3 inch chamber. Employees wishing to use a 44 magnum pistol or rifle and/or personal weapons, must receive written permission from the Chief Ranger. Although technically not a firearm, Glacier National Park may issue non-lethal spray, commonly referred to as "bear spray," in the large container size.

3. **Firearms Certification for Non-Law Enforcement Personnel.** Only those non-law enforcement persons who are competent and qualified with firearms, and who have completed a firearms training program, may be authorized to use or carry firearms. The training program must consist of at least 4 hours of classroom time culminating in a prescribed shooting course. The firearms instructor will be a certified instructor per RM-9. Re-certification: For those individuals who have completed a basic course, the firearms instructor may elect to provide a refresher course, which will cover the same topics but may be shorter in length.

A. Contents of Classroom Component of Firearms Training Course.

1. Basic firearms safety review.
2. Legal aspects of firearm use, including state laws.
3. Policy review, including accountability and security.
4. Non-lethal spray (optional – if presented should include use, handling & storage and transportation).
5. Wildlife behavior

B. Shooting Proficiency Component – Non-RM-9 Course. This portion of the Firearms Training Course will take place on a firing range under an authorized firearms instructor. The target will be an animal silhouette at a distance of 15 yards. Proficiency will require that 70 per cent of the shots be on target and that all sequences of shot will be fired within the allowable time of 25 seconds. Each sequence will be shot twice. Proficiency will also require the shooter to demonstrate proper safe handling of the firearms.

1. Shotguns: two sequences of fire consisting of magazine capacity for the shotgun, plus one (i.e., Remington 870, 4 rounds in magazine, plus 1).
 - a. The shooter will start with a full magazine and empty chamber. The weapon will have the action closed (without having pulled the trigger on the empty chamber) and the safety on.
 - b. On the command to fire, the shooter will be required to fire the rounds in the magazine, then reload and fire one additional round, within 25 seconds. Upon completion, the shooter will open the action and ensure the safety is on. Repeat.
2. Rifles: two sequences of fire consisting of magazine capacity for the rifle, plus one.
 - a. The shooter will start with a full magazine and the action closed on an empty chamber (without having pulled the trigger on the empty chamber) and the safety on.
 - b. On the command to fire, the shooter will fire the rounds in the magazine, then reload and fire one additional round, within 25 seconds. Upon completion, the shooter will open the action and ensure the safety is on. Repeat.
3. Handguns: two sequences of fire consisting of magazine/cylinder capacity for the handgun.
 - a. The shooter will start with a fully loaded handgun.
 - b. On the command to fire, the shooter will fire the rounds in the cylinder/magazine within 25 seconds. Upon completion, the shooter will open the cylinder/slide and ensure the handgun is unloaded. Repeat.

C. Shooting Proficiency Component – Alternative Courses. As an alternative, the firearms instructor may use the DO-9 qualification standards, other DOI agency approved standards, or develop an

individual park course based on local conditions. The development of an individual park course requires the approval of the Chief Ranger.

- D. Prerogative of Firearms Instructors. Firearms instructors may refuse to pass an individual if in their judgment, the student fails to demonstrate an adequate knowledge and handling skills of the firearm, which would potentially make the issuance of a firearm more dangerous than its absence.
 - E. Record Keeping. Training will be scored Pass/Fail. The Chief Ranger will maintain a record containing training and authorization of personnel to carry firearms.
5. **Firearms and Ammunition Storage.** All firearms, when not in active use, shall be stored in a secure place, out of sight, under lock and key. Firearms will be unloaded prior to storage. Firearms and ammunition will be stored separately. All firearms will be issued some type of locking device.
6. **Background Investigations.** Non-law enforcement personnel must sign an application (attached) stating that they are not convicted felons and must submit a Domestic Violence form (attached). Felons or persons convicted of domestic violence cannot be issued firearms.

Recommended by _____ Date _____
Park Firearms Custodian

Approved by _____ Date _____
Chief Ranger

**United States Department of the Interior
National Park Service – Glacier National Park**

REQUEST TO USE AND CARRY

NON-LAW ENFORCEMENT FIREARMS IN GLACIER NATIONAL PARK

Full Name: _____ Job Title: _____

Park: _____ Area/District: _____

Account Number: _____

Employee will use firearm for _____ wildlife protection or _____ Other (please explain)

Recommended: _____
Supervisor Date

Approved: _____
Superintendent Date

Firearms Training and Annual Qualification

Dates Attended Initial Firearms Training Class: _____

Instructors Name & Agency (print): _____

Qualified with Firearm _____ by _____
(70% or greater) Date Approved Instructor

_____ by _____
Date Approved Instructor

Authorization dates: From _____ To _____

Information if personal weapon to be used

Firearm(s) to be used: Caliber: _____ Make: _____ Model: _____

Serial Number: _____ Registered Owner: _____

Employee Criminal History Certification

I certify that I am not a convicted felon and/or have not been convicted of a domestic violence charge and/or I am not wanted by any law enforcement agency.

Printed full name: Last, First and Middle

Date

Employee Signature

For Park Use

I certify the above individual has met all of the requirements of Glacier National Park's Management of Firearms and Ammunition policy.

I certify the individual has submitted an NACI, as required by the NPS, and the background has been successfully adjudicated.

The individual has/has not completed an optional criminal history check. If completed, the individual has satisfactorily passed the check.

Comments: _____

Chief Ranger

Privacy Act Statement

Section 552(k)(5) of Title 5 of the U.S. Code, authorizes collection of this information. The primary use of this record is to identify employees having security clearance and their degree of security clearance. Disclosures outside the Department of the Interior may be made, (1) to the U. S. Department of Justice related to litigation or anticipation litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order, or license, (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit, (5) to Federal, State, or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant, or other benefit.

Where the employee identification number is your Social Security Number, collection of this information is authorized by Executive Order 9397. Furnishing the information on this form, including your Social Security Number, is voluntary, but failure to do so may result in disapproval of this request.

If your agency uses this information furnished on this form for purposes other than those indicated above, it may provide you with an additional statement reflecting those purposes.

QUALIFICATION INQUIRY

The information obtained from this inquiry will be used to determine whether under the new legislation, 18 U.S.C. § 922(g)(9), you are barred from possessing a firearm. Reassignment or other administrative action may be necessary based on the information provided in this questionnaire.

YOU MUST COMPLETE THIS QUALIFICATION INQUIRY AND PROVIDE IT TO YOUR IMMEDIATE SUPERVISOR WITHIN TEN (10) WORKING DAYS OF RECEIPT. REFUSAL OR FAILURE TO RESPOND, OR SUBMITTING RESPONSES THAT ARE INCOMPLETE OR UNTRUE, MAY BE GROUNDS FOR DISCIPLINARY ACTION, UP TO AND INCLUDING REMOVAL.

Neither your answers, nor any information or evidence obtained by reason of your answers, can be used against you in any criminal prosecution for violation of 18 U.S.C. § 922(g)(9). However, the answers you furnish and any information or evidence resulting therefrom may be used against you in a prosecution for knowingly and willfully providing false statements or information, and may be a basis for agency disciplinary action.

The law. 18 U.S.C. § 922(g)(9) makes it a felony for anyone who has been convicted under federal or state law of a misdemeanor crime of domestic violence to possess any firearm or ammunition. A "misdemeanor crime of domestic violence" is defined generally as any offense -- whether or not explicitly described in a statute as a crime of domestic violence -- which has as its factual basis the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by the victim's current or former domestic partner, parent or guardian. The law further provides:

(B)(i) A person shall not be considered to have been convicted of such an offense for purposes of this chapter unless -

(I) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and

(II) in the case of a prosecution for an offense described in the paragraph for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either

(aa) the case was tried by a jury, or

(bb) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise.

(ii) A person shall not be considered to have been convicted of such an offense for purposes of this chapter if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored ... unless the pardon, expungement or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

Certification. To resolve any question whether you are affected by the statute -- that is, whether you ever have been convicted of a misdemeanor crime of domestic violence within the meaning of the

statute -- you should contact your immediate supervisor, your agency ethics officer, a union representative, or a private attorney.¹

1.) Have you ever been convicted of a misdemeanor crime of domestic violence within the meaning of the statute?

Initial and date: Yes. _____ No. _____ I am not certain. _____

2.) If you answered "yes" to the first question, please provide the following information with respect to the conviction:

Court/Jurisdiction: _____

Docket/Case Number: _____

Statute/Charge: _____

Date Sentenced: _____

3.) If you answered "yes" to the first question, was that conviction expunged or set aside or have you been pardoned for the offense or otherwise had your civil rights restored without a continuing prohibition of the use or possession of firearms or ammunition?

Initial and date: Yes. _____ No. _____

If you answer "yes" to this question, please provide documentation of the expungement, set aside or pardon.

IF YOU ANSWERED "YES" OR "I AM NOT CERTAIN" TO THE FIRST QUESTION, UNTIL YOU PROVIDE DOCUMENTATION OF ANY EXPUNGEMENT, SET ASIDE OR PARDON, YOU MUST IMMEDIATELY TURN OVER ANY GOVERNMENT-ISSUED FIREARMS OR AMMUNITION TO YOUR SUPERVISOR. ADDITIONALLY, YOUR AUTHORIZATION TO CARRY A GOVERNMENT-OWNED OR PERSONALLY-OWNED FIREARM AND AMMUNITION IS RESCINDED.

I hereby certify that, to the best of my information and belief, all of the information provided by me is true, correct, and complete. I understand that false or fraudulent information provided herein may be grounds for adverse personnel action, up to and including removal, and also is criminally punishable pursuant to federal law, including 18 U.S.C. § 1001.

Name: _____

Signature: _____ Date: _____

¹A conviction "within the meaning of the statute" means those convictions that have not been expunged or set aside, or for which the individual has not received a pardon.