



TORRANCE POLICE

TRAINING

BULLETIN

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CHIEF OF POLICE

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OFFICER SAFETY

The “Open Carry” Movement

LAW ENFORCEMENT SENSITIVE INFORMATION

WARNING: This document contains confidential information. It is intended for law enforcement personnel only. The information should not be released to the media or the general public. Further dissemination of this document should be done on a need to know basis. If you are not the intended recipient, you are hereby notified that any use, review, dissemination, or copying of this document is strictly prohibited.

This information is being provided to law enforcement by the Sacramento Regional Terrorism Threat Assessment Center (RTTAC) for the purposes of officer safety and situational awareness. Recently, E-mails have been circulating about members of the “Open Carry” movement and their efforts to openly carry firearms in public places. The intent of this group may be to instigate an arrest or firearm seizure and then file a civil lawsuit. Recent incidents in the Sacramento region may be replicated elsewhere.

The “Open Carry” movement began in 2004 when the website, OpenCarry.org, was established by two gun-rights activists. The website serves as a legal resource and a social networking portal for thousands of American gun owners. Reviews of the website indicate it is active with many daily postings related to several forum topics.

The Sacramento Police Department recently received a phone call from an individual inquiring about carrying an unloaded handgun in public. Additional information was received indicating members of “Open Carry” had suggested going to a local restaurant wearing non-concealed pistols on their belts to instigate arrests. The arrests would then be secretly videotaped for use in a civil lawsuit.

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In a Turlock incident in July 08, officers responded to a citizen report of an armed person in a park. The officers encountered an adult male armed with a handgun carried in a belt holster. The person was disarmed at gunpoint and detained. The handgun was found to be unloaded and properly registered. The male adult possessed valid identification and declared that he was engaging in his "constitutional right" to openly carry an unloaded firearm. Because the firearm was unloaded and not concealed, no criminal violation occurred. Once the person was properly identified and the weapon checked for registration status, the subject was released.

The following Monday, an individual identifying himself as a co-founder of OpenCarry.org called Turlock Police Department suggesting officers required training on the "right to carry firearms." Postings on OpenCarry.org also claimed illegal detention and harassment by Turlock Police. The website suggested that the incident and an included videotape were being reviewed by an attorney for a civil rights action.

Based on a review of recent activities and their website, it appears that the "Open Carry" movement is spreading in the Sacramento and Central Valley regions. The group founders are based on the east coast where much of their activity has occurred thus far. Recent activity and forum postings indicate their operations may spread in California.

By logging onto www.opencarry.org, opening "Our Forum" and selecting "California," postings about incidents and plans for California events can be viewed. Planned "meet and greets" that have either taken place or are being planned can also be viewed. No Torrance specific activity, however, has been discovered as a result of the reviews of the group.

Personnel should be aware of the following firearms laws if they are confronted with a subject openly carrying a firearm:

- PC 12025(f) Unloaded firearms carried openly in belt holsters are not concealed within the meaning of section 12025.
- PC 12025 Only applies to concealable firearms, which is defined in PC 12001(a) as a pistol, revolver or firearm with a barrel less than 16 inches. There is nothing prohibiting someone from carrying an unloaded, concealed rifle or shotgun on their person or in their vehicle unless the barrel is less than 16 inches.
- PC 12031(g) A firearm shall be deemed to be loaded for the purposes of this section when there is an unexpended cartridge or shell in, or attached in any manner to, the firearm, including, but not limited to, in the firing chamber, magazine, or clip thereof attached to the firearm. **Case law now states the ammunition must be in a position

from which it can be fired (People. v. Clark).

- PC 12031(e) In order to determine whether or not a firearm is loaded for the purpose of enforcing this section, peace officers are authorized to examine any firearm carried by anyone on his or her person or in a vehicle while in any public place or on any public street in an incorporated city or prohibited area of an unincorporated territory. Refusal to allow a peace officer to inspect a firearm pursuant to this section constitutes probable cause for arrest for violation of this section.

For questions concerning the information contained in this bulletin, contact the Sacramento Regional Terrorism Threat Assessment Center (RTTAC) at (888) 884-8383, (916) 808-8383, or sacrttac@sacsheriff.com.

Officer Safety / Threshold Incidents / Third Party Video Recording

When dealing with armed subjects the primary concern of officers is officer safety. As in any incident, if it is suspected an activist group is involved, responding personnel should treat the event as a threshold incident. Field response in such cases should include: use of tape recorders, notification of a supervisor, and if practical, use of video equipment. If police activity is videotaped by a third party, ensure proper procedures are followed and notify a field supervisor.

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