

FIREARMS AND AMMUNITION

STANDARD NO(S):

NYSLEAP: Chapters 20, 21.1, 32.3-4

33.1, 41.3

NYSSA #: 20,21,23,34,37,43, 73-80,90

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DATE:

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REFER TO:

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I. OBJECTIVE:

To establish guidelines effecting the issuance, approval, storage and carriage of firearms and ammunition by members of the Correction and Law Enforcement Divisions of the SCSO..

II. POLICY:

It is the policy of the SCSO to have uniform guidelines and standards for the issuance of firearms, carriage of firearms and firearms qualifications. It is also the policy of the SCSO to store such weapons and any associated ammunition or chemicals in a safe and accountable manner compliant with all State and Federal regulations.

III. FIREARMS – AMMUNITION - CHEMICALS - EQUIPMENT “GENERALLY” -

- A. Members who are required to carry possess or transport firearms will receive instruction, individually, prior to being issued any firearm. In addition, the policies and regulations of the SCSO, relative to the use of force, are set forth in the Manual of Instructions, available to each member, which each member is expected to be entirely knowledgeable at all times.
- B. The use of weapons such as, pistols, shotguns, tear gas guns, tasers and rifles as issued and approved by the SCSO will be limited to members who have demonstrated proficiency for such use. Certification in this regard will be handled by the SCSO Firearms Instructors who will insure that members having such weapons are thoroughly familiar with safe-handling procedures and have achieved and maintained their qualifications through authorized training. Members may carry an SCSO issued firearm while off-duty. The SCSO has placed limitations on the off-duty use of weapons owned by the SCSO and assigned to members, (See “**Code of Conduct**”), this manual.
- C. In order to assure accountability of weapons, ammunition and chemicals, all such equipment and supplies shall be inventoried on a semi-annual basis by the ranking Firearms Instructor from each division, ie: Corrections and Law Enforcement. Chemical munitions will be inventoried by the chemical agent instructors also in each division, ie: Corrections and Law Enforcement. Corrections Personnel will ensure compliance with NYS Minimum Standards section 7063. The results of the inventory

shall be provided to the Chief Deputy for record purposes and to the Fiscal Manager, who is responsible for property and inventory control.

- D. Controlled access to Law Enforcement Division stored weapons and ammunition shall be limited to the SCSO armorer(s), key command staff, and firearms instructors. The Corrections Division has in its inventory ten (10) stored weapons for the purpose of transporting inmates outside of the Correctional Facility. (See “**Facility Firearms**”), eCMOI.
- E. All service ammunition and spare duty weapons and specialized weapons systems will be stored in the SCSO weapons vault located at the Seneca County Law Enforcement Center, 6150 State Route 96 in the Town of Romulus, New York. The weapons vault is a secured room with access being monitored through the card access computer also monitored in the Correctional Facility by the Central Control Unit.
- D. Only weapons, ammunition and chemicals meeting the specifications as authorized by the Sheriff of Seneca County, the New York State Commission of Corrections and determined to be in compliance there in by the SCSO armorer(s) may be carried and used by members of the SCSO in the performance of their duties.
- F. Only that equipment which has been issued or approved may be carried by a member while on duty and only such equipment may be used in the necessary application of physical force, except that in emergency situations and with justification, a member may use any resources at one's disposal.
- G. Members are required to use restraining devices on all prisoners unless in the member's judgment unusual circumstances exist which make the use of restraining devices impossible or unnecessary, e.g. an elderly or handicapped prisoner. The mere placing of handcuffs on a prisoner is not construed to be a use of physical force; however, when the handcuffs become an instrument to exert force to further subdue a prisoner or when a subject physically resists the application of handcuffs, a use of physical force has occurred and must be reported.
- H. A member may carry a personal side arm while on duty only under the following conditions:
 - 1. When the assignment makes it essential that the weapon be concealed and the issued SCSO weapon cannot accomplish this;
 - 2. The member has demonstrated proficiency by qualification in the preceding twelve months with the personal sidearm to be carried; and,
 - 3. The action was authorized by the Firearms Instructor and the Sheriff or his designee.
- I. Inspection of weapons – (ARMORER.) Prior to its being issued for duty use, each weapon, whether new or used, is inspected by a certified SCSO armorer and approved for deployment.

- J. When a weapon is received for inventory, its serial number is recorded in an inventory log and in a maintenance log, both of which are kept in the weapons vault. In the future a computer record will be kept so reports of inventory and maintenance can be kept and recalled in a more efficient manner.
- K. The weapon is completely disassembled, cleaned and inspected for function, wear and condition. It is lubricated, reassembled and tested.
- L. When issued, the member, firearms instructor or armorer will proceed to the firing range for a qualification exercise for the purpose of weapon familiarization and to insure the weapon is properly sighted.
- M. In compliance with the requirements of New York State Penal Law §400.00, a letter showing the make, model and serial number of the weapon is forwarded to the New York State Police in Albany.
- N. At least bi-annually, and more often if there is a perceived deficiency, each weapon is reinspected during a range firearms session. Any problems noted are immediately repaired. If the armorer cannot make the needed repairs, the weapon is returned to the factory.
- O. Any weapon found to be unsafe and unrepairable is removed from service, and the pertinent records are marked "unserviceable, do not issue." The weapon is stripped of all useable parts and the frame and barrel are given to the Evidence Section for subsequent destruction. The New York State Police are notified by letter that the weapon has been deleted from SCSO's inventory.

IV. SCSO APPROVED DUTY WEAPONS – All sworn Law Enforcement Division members Engaged in field assignments are required to carry a firearm in the performance of their duties.

- A. Duty issued Hand Guns must be of a make and model approved by the Sheriff.
- B. The shotguns approved for on-duty use are all 12 gauge pump action which must be of a make and model approved by the Sheriff.

V. SCSO PATROL RIFLES

- A. The department issued patrol rifle shall be a .223 caliber rifle of a make and model Approved by the Sheriff.
- B. Training
 - 1. The patrol rifle will be issued only to those officers who have received qualifying training and orientation for the rifle and proven proficiency in its' use and knowledge of deployment. Only officers who have successfully completed the SCSO Patrol Rifle School will be authorized to carry and use a patrol rifle.

2. The SCSO Patrol Rifle School will consist of 16 hours of instruction and include the firing of five hundred (500) rounds of ammunition. Officers must demonstrate safe handling of the rifle at all phases of the training and demonstrate the ability to fire accurately and score a minimum of 80% to pass the rifle course. A written test will also be administered with a passing score of 80% required.
3. Officers who are issued rifles or authorized to carry same must qualify with them on a semi-annual basis at the department's range qualifications. A minimum qualifying score will be established by the range master.

C. Deployment

1. Patrol rifles may be deployed only in situations where the officer reasonably believes that the tactical advantage afforded by the rifle may be necessary and can be articulated by the officer. This policy does not specify the only situations where rifle deployment is appropriate. The on scene judgment of the officer and/or supervisor is the first indicator of appropriate deployment.

Examples of some general guidelines for deploying the patrol rifle may include, but not be limited to the following:

- a. Situations where the officer reasonably anticipates an armed encounter or a subject wearing protective body armor.
 - b. Situations that may require the delivery of accurate and effective fire at long range.
 - c. "Active shooter" situations.
 - d. Situations where it may be necessary to deliver fire on a barricaded subject or a person holding a hostage.
 - e. Situations where the subject is afforded a tactically superior position, either by location, firepower or other aspect.
 - g. When authorized or requested by a supervisor.
2. At any point of deployment officers must consider that the rifle has a range of approximately two miles, but the recommended distance for deployment is fifty yards and closer.

D. Storage

1. Patrol rifles will only be stored in the front of a marked patrol vehicle that is equipped with an approved rifle/shotgun rack. In vehicles not equipped with a rifle rack,

patrol rifles will be stored in the trunk of the issued officer's vehicle within the SCSO issued gun case.

2. While the rifle is in the vehicle rack, or the gun case and not in use, the weapon will be stored UNLOADED, with the safety ON, bolt forward. While in the rifle rack the magazine will be inserted. The rifle will NOT have a round in the chamber while in the rack or trunk gun case.
3. All rifles will have three (3) loaded 30 round magazines and an additional sixty (60) rounds of .223 ammunition stored in the case with the rifle.

E. Maintenance

1. Patrol rifle will be cleaned by the assigned officer after every live fire, including the range and periodically as required by the department armorer.
2. Rifles are subject to periodic inspections by supervisory personnel and/or department armorer.

VI. CORRECTIONS DIVISION – FIREARMS -

- A. The following will be the Correctional Facility Standard for Weapons Inspection and C are in accordance with NYS Commission of Corrections Minimum Standards * Section 7003.8.* Firearms control.
- B. Except as otherwise provided, firearms or ammunition shall not be permitted within the secure area of any local correctional facility.
- C. All persons in possession of any firearms or ammunition shall be required to deposit such items in a secure storage depository or with a facility staff member prior to entering the secure area of the any local correctional facility. Any person so depositing firearms or ammunition may demand, and upon demand shall receive, a receipt for such items. Any firearms or ammunition deposited pursuant to this subdivision shall be maintained in a safe and secure manner.
- D. All facility firearms or ammunition shall be maintained in a safe and secure area. An inspection of all facility firearms or ammunition shall be conducted at least every six months. A written record of such inspections shall be maintained and shall include:
 1. the name of the person conducting the inspection;
 2. the date of inspection;
 3. the type and quantity of firearms or ammunition; and, any other information relative to the condition of the firearms or ammunition.

4. Facility firearms or ammunition shall be issued only upon the determination of the chief administrative officer. Such determination shall be in writing and shall include the:
 - a. specific facts and reasons underlying the determination;
 - b. date and time of issuance and return of any firearms or ammunition
 - c. type and serial number of firearms or ammunition issued; and
 - d. name of any person issued the firearms or ammunition.
5. Firearms or ammunition shall be issued only to facility staff members trained in the use of such equipment by a certified firearms instructor.
6. Except as otherwise provided in this subdivision, only firearms and ammunition issued and approved by the SCSO will be used by facility staff members in the performance of their official duties.
7. Facility firearms may be issued to off-duty members who participate in a ride-along program with SCSO Road Patrol Deputies (See “**Facility Firearms**”), eCMOI..
8. A member may carry a personal side arm while on duty only under the following conditions:
 - a. When the assignment makes it essential that the weapon be concealed and the issued SCSO weapon cannot accomplish this;
 - b. The member has demonstrated proficiency by qualification in the preceding twelve months with the personal sidearm to be carried; and,
 - c. The action was authorized by the Firearms Instructor, C.A.O. and the Sheriff or his designee.
9. The storage, inspection, issuance and administration of chemical agents shall be in accordance with the provisions of Part 7063 of the NYS Minimum Standards.

VII. SCSO APPROVED ON-DUTY AMMUNITION –

- A. Ammunition for all SCSO weapon systems will be approved by the Sheriff and issued by the firearms instructor(s) or armorer and will be the only ammunition approved for on-duty and off duty use.
- B. Notwithstanding the above, in the event a particular tactical situation should require, the firearms instructor(s), after consulting with either the Sheriff, Undersheriff, or Chief Deputy, may authorize the use of a different ammunition to be deployed.

VIII. DISCHARGING A FIREARM -

- A. Any member who discharges a firearm other than for training or recreational purposes, whether intentionally or accidentally, shall immediately notify the on duty Division supervisor. The notification will include information concerning the requirement for such action, how many times the firearm was discharged, and whether death or injury resulted to any person or animal.
- B. Also included should be an account of any resulting property damage whether it be public or private. The member discharging a firearm may be required to surrender it along with any spent cartridges for later examination.
- C. The firing of warning shots by members of the SCSO is strictly prohibited.
- D. Members and Division Supervisors will comply with the Member Reporting and Division Supervisory Responsibility sections of this directive in the event of a discharge of a firearm.

IX. ACQUISITION OF PERSONAL FIREARMS –

- A. Section 400.00 (12-c) of the New York State Penal Law imposes certain reporting responsibilities on employees of agencies who would otherwise be exempt from the licensing requirements for purchasing, possessing, carrying or disposing of a firearm. The employee "shall promptly report in writing to his employer, the make, model, caliber, and serial number of each such firearm ... within ten days of acquisition or disposal ... including the name and address of the person from whom the weapon was acquired or to whom it was disposed." Thereafter, the employer must submit the information to the Superintendent of the New York State Police. Failure to comply with the provisions of this section is a misdemeanor.
- B. In order to avoid inadvertent noncompliance, it shall be the policy of the SCSO that an employee be prohibited from using SCSO identification to purchase a firearm for which there is a licensing requirement under Section 400.00. Instead, any such purchase must be made on the basis of a valid New York State Pistol Permit, in which case all the required information will be reported routinely.

X. FLYING ARMED –

- A. As a result of an initiative by the Federal Aviation Administration, the New York State Office of Public Safety (OPS), formerly Bureau for Municipal Police (BMP) has instituted a two-hour course of study concerning law enforcement officers carrying firearms aboard commercial aircraft. This course has been added to the Basic Recruit Academy and results in certification for the trainee. For reference and to make clear SCSO's policy affecting members who may be required to fly armed there are the following points:

1. Member must be authorized by the SCSO to carry a firearm; and,

2. Member must have completed the required FAA training through Basic School, in-service, roll call, or other scheduled session presented by a qualified instructor; and,
3. Member must have a "valid need to fly armed." In this regard it shall be SCSO's policy to recognize as valid the following reasons:
 - a. When providing a protective escort for a dignitary or for one who is in a witness protection program.
 - b. When engaged in transporting a prisoner. It should be understood that airlines do not have an obligation to transport prisoners and may choose not to accept a prisoner as a ticketed passenger.
 - c. When the subject of an ongoing surveillance has, without prior notice boarded the commercial aircraft.
4. Travel to a training session wherein a firearm will be needed for the program is NOT a valid reason for being armed during the flight.
5. The member will be required to present credentials plus a letter (required by Federal Aviation Regulations Part 108) showing travel dates and itinerary for flights on which the firearm is needed, certification or letter attesting to member's FAA training, the reason member needs to be armed, and signed by the Sheriff.
6. An UNLOADED firearm may be transported in checked baggage provided it is in a locked, hard-sided container such as a suitcase, briefcase, or something smaller that could be placed inside other luggage.
7. At each airline carrier's station there is a Ground Security Coordinator who is responsible for liaison with law enforcement personnel.
8. The Pilot-In-Command is the In-flight Security Coordinator and is the final authority concerning the safety of the aircraft.
9. Whether armed or not armed, the law enforcement officer should not attempt to intervene in any in-flight disturbance unless specifically asked to do so by a uniformed crew member. No matter what the circumstances discharging a firearm while the aircraft is in flight should never be considered.

XI. FIREARMS QUALIFICATION –

- A. Any member who is authorized to carry a SCSO issued firearm shall be required to maintain a demonstrated proficiency in the use thereof by attaining a score of at least 70% in each of two annual firearms qualification sessions; one daytime and one nighttime. These semi-annual firearms training sessions will be conducted as a portion of the members annual 21 hour in-service training requirement. Instructors will be certified in accordance with instructor standards and qualifications set forth in Part 6023 or 6024 of the NYS Codes, Rules and Regulations. Accurate training records will be kept

up to date and properly documented for all sworn personnel. Qualifying sessions will be held at the SCSO range under the following conditions:

1. Ammunition will be supplied by the firearms instructor(s).
 2. The course of fire at each session will be determined by the firearms instructor(s) according to the needs of the SCSO, and subject to the approval of the Sheriff.
 3. Distances will include, but will not be restricted to 50, 25, 20, 15, 10, 7, 5, and 3 yards.
 4. Targets for each session will be determined by the firearms instructor(s), subject to the approval of the Sheriff, and will include but not be restricted to the B-27 target and the anatomical silhouette target.
 5. Courses of fire will be timed according to the design of the firearms instructor(s) with particular attention to the training needs of the unit being trained, e.g. Corrections Officers, Road Patrol, etc., and subject to the approval of the Sheriff.
 6. SCSO firearms training activities comply with OSHA standard 1910.95 - Occupational Noise Exposure; Hearing Conservation Amendment. The program requires:
 - a. That all firearms instructors receive annual audiometric testing as directed by the Seneca County Sheriff;
 - b. That approved hearing protection be worn by all firearms instructor(s) while engaged in activities wherein firearms are being discharged;
 - c. In addition, firearms instructor(s) will insure that all SCSO personnel will be provided with suitable ear and eye protection while receiving firearms training and that such protection is properly worn.
- A. Upon receipt of a of a “Subject Resistance Report”, or “Citizen Comment Form” indicating unlawful or excessive use of force by any member or employee either through the use of a weapon or other means, the Chief Deputy will review all such reports for policy compliance. If after a review by the Chief Deputy determines that further investigation is warranted, then the Undersheriff and Chief Deputy shall assign the necessary and appropriate personnel to review and investigate the incident (See “**Professional Conduct Unit**”), this manual. Any complaint received by the SCSO by way of a “Citizen Comment Form” or any other means alleging excessive force shall be investigated to the fullest extent
- B. Upon review and investigation of a use of force incident, it is required that all intermediate reporting and reviewing personnel insure that a report of their findings be submitted to the Sheriff as soon as possible after the incident.

- C. In an effort to protect the community's interest when a member may have exceeded the scope of authority in the use of deadly physical force, and, conversely, to shield a member from possible confrontation with the community when acting within the scope of authority, the member may be reassigned from line-duty assignment to an administrative assignment pending an administrative review.
- D. Such review may include a Grand Jury investigation or any other process needed to insure a full investigation of the facts and circumstances of the incident. If deemed necessary, other members who may have been involved, however indirectly, may also be reassigned. Following such reassignment under this provision, the return to line-duty assignment shall be only with the express permission of the Sheriff.
- E. In the event a member is reassigned from duty under any of the above provisions, consideration shall be given to providing stress counseling in order to assist the member in coping with the critical or traumatic incident. Seneca County has contracted with a professional organization to provide this service. The Sheriff or his designee may require mandatory attendance on the part of the member for such stress counseling.