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	<i>Subject</i> 20.5 Carrying and Use of Firearms	
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Carrying and Use of Firearms

PURPOSE

Perhaps the gravest decision any member may face in their police career is whether to use a firearm against another person. At times, that decision must be made in a matter of seconds with little time for discussion, consideration, or the election of alternatives. We understand that we must do our utmost to protect human life and safeguard against the use of firearms unless, it is absolutely necessary.

Nonetheless, the use of physical force and/or deadly physical force in preventing or terminating certain acts, or in the effecting of arrest, or the prevention of escape from custody may be justified under the Penal Law's Defense of Justification.


POLICY

It is the policy of the New Paltz Police Department that officers hold the highest regard for the sanctity of human life as well as the dignity and liberty of all persons. The safety of innocent persons and officers is of paramount importance. The application of deadly physical force is a measure to be employed in the most extreme of circumstances.

This policy provides clear procedures to sworn officers regarding the use of force in the performance of their duties. New Paltz Police Department members shall adhere to the requirements established herein in order to ensure the safe handling and use of firearms. Additionally, all sworn personnel engaged in field assignments will carry an authorized firearm in the performance of their duties.

DEFINITIONS

1. **Authorized firearm:** Any make, model, or caliber of firearm that meets this agency's designated requirements and specifications, and has been formally approved by the agency armorer and chief executive officer or his or her designee for general or individual use by sworn law enforcement personnel. This includes primary service handguns, backup handguns, shotguns, and rifles used for law enforcement purposes.
2. **Primary service handgun:** The firearm issued by this agency to be carried as part of the service uniform and related equipment for uniformed personnel or the issued firearm to be carried by plainclothes officers.
3. **Backup handgun:** Any authorized handgun other than the primary service handgun that is carried in an authorized concealed manner and in which the member has been qualified on by the department range master.

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4. **Firearms qualifications:** Periodic testing required of officers to determine their competency to carry authorized firearms.
5. **Field Assignment:** Can be, but are not limited to; patrol functions, bicycle patrol. K9 patrol, investigative operations.

DEPLOYMENT OF DEADLY PHYSICAL FORCE

1. New Paltz Police Officers must know, understand and comply with the sections of the New York State Penal Law that deal with the Defense of Justification (Article #35) and the use of deadly physical force.
2. New Paltz Police Officers shall only discharge their firearms at or from a moving vehicle when a person in the vehicle is immediately threatening or using deadly physical force against them or another person present, by means other than the moving vehicle or when the vehicle is intentionally being used as a deadly weapon and all other reasonable means of defense have been exhausted or are not present or practical.
 - a. Officers should, as a rule, avoid tactics that place them in a position where a vehicle could be used against them. When confronted with an oncoming, moving vehicle, officers should attempt to move out of its path and avoid placing themselves in situations where the use of deadly force is more likely.
3. In considering the use of a firearm, officers are reminded that their actions must be reasonable, justified and authorized to withstand scrutiny by this agency, the courts and professional standards. Understand that you alone are responsible for your actions and that you may be required to justify your actions in court. You are under no obligation to retreat in lieu of the justifiable use of deadly force. Nevertheless, deadly force should never be used if a less drastic means can be employed without unreasonably endangering yourself or another person.

GENERAL RULES OF FIREARM SAFETY

1. To prevent unwarranted injury to persons and needless damage to property, comply with these firearm safety rules:
 - a. Treat all firearms as if they are loaded.
 - b. Never point a firearm at anything that you do not intend to discharge your weapon at.
 - c. Be sure of your target and what is beyond it.
 - d. Keep your finger outside of the trigger guard until your sights are on target and you are ready to fire.
 - e. Before any cleaning, inspecting, or other maintenance is performed on any firearm, unload it and render it safe (clear and unloaded);
 - i. Semi-automatics - ammunition removed, slide back, port/chamber area inspected.
 - ii. Revolvers - ammunition removed, cylinder open barrel inspected.

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- iii. Shoulder weapons – visually and physically inspect the chamber and magazine area.
- f. Safe condition for Firearms:
 - i. Sidearms- (all pistols, revolvers, etc...)
 - 1. Loaded: Cylinder filled with ammunition, action closed, uncocked and holstered. Chamber (breech) filled magazine filled, locked in battery, holstered.
 - 2. Unloaded: Cylinder empty of ammunition, uncocked, action open. Chamber (breech) empty, action open (out of battery), magazine removed and emptied.
 - 3. General storage: These weapons should be stored in the unloaded condition.
 - ii. In Station Storage of Sidearms:
 - 1. Revolvers: These side arms should be stored with the cylinder open and the ammunition removed.
 - 2. Semi-automatic Pistols: Will be stored in unloaded condition. At the end of each duty tour, officers will unload the pistol by first removing the magazine, then clear (empty) the chamber or breech of ammunition. This procedure will take place only in the designated area within the station. Upon emptying the weapon of all ammunition, the weapon will then be placed within the officer's locker with the action locked open (out of battery). This procedure is void if officers choose to carry this weapon after duty tours - for off duty purposes.
 - a. *(For prolonged leaves officers are requested to "field strip" the semi-auto pistol, and remove all ammunition from magazines thereby relieving unnecessary spring tension.)*
 - 3. Shotguns / Long Guns: Loaded: Action closed, ammunition in magazine, chamber empty, safety on, muzzle vertical. Unloaded: Action open, magazine and chamber empty, safety on. Storage: Shotguns/Long Guns shall be stored in the unloaded condition.

TRANSPORTING THE POLICE SHOTGUN / LONG GUN

- 1. When transporting the shotgun / long gun within the vehicle it should be in the vehicles with a lockable weapon rack, the magazine loaded, safety on, action closed, with no live rounds in the chamber or breech. If a long gun is carried in a vehicle that does not have a secure/lockable rack, then the officer should consider placing the long gun in the trunk.

POSSESSION AND CARRYING OF FIREARMS


- 1. For purposes contained within this entire Policy & Procedure the recognized issued sidearm of the New Paltz Police Department will be;
 - a. Sigarms Model P-229, 40 cal., semi-automatic pistol

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- b. Sigarms Model P-226, 40 cal., semi-automatic pistol
 - c. Sigarms Model P-239, 40 cal., semi-automatic pistol
 - d. Remington, Model 1187, 12 gauge, semi-automatic shotgun
 - e. Remington Model 870, 12 gauge, pump action shotgun
 - f. Colt's, Model LE6920 .223 Cal., AR-15, Semi-automatic patrol rifle
2. The AR 15 patrol rifle will be carried in the following manner:
- a. While in storage at the station the patrol rifle will be unloaded, safety on, action open.
 - b. Magazines will be stored in the station fully loaded.
 - c. Upon taking a patrol rifle the officer will sign the rifle out, on the long gun sign out log. The officer will also sign out the two magazines. The magazines and long gun should have matching painted numbers on them.
 - d. The sight will be turned on, checked to make sure it is in working condition and then shut off.
 - e. The action will be closed on the weapon by depressing the bolt release and the safety will be left in the SAFE position.
 - f. AFTER the action is closed and with the firearm pointed in a SAFE direction insert seat and tug one fully loaded 20 round magazines into the weapon. 6) Once loaded and until the weapon is secured in the weapon mount in the patrol vehicle officer's should be careful to not cover another person with the loaded AR-15.
 - g. While in the patrol vehicle the AR will be carried in the following condition. SAFETY ON, ACTION CLOSED.
 - h. Spare magazines may be carried in a cargo pocket of the officer's pants or kept in the glove box.

DEPLOYMENT OF THE AR 15 PATROL RIFLE

- 1. When by policy the patrol rifle is deployed the following procedure will be followed;
 - a. The weapon will be removed from the vehicle.
 - b. The sight will be turned on.
 - c. Chamber a round
 - d. The spare magazines will be carried by the officer who has deployed the rifle.
 - e. The weapon will be deployed within the guidelines of department Officer Defensive Action Policy and Article 35 of the New York State Penal Law.
 - f. When returning the patrol rifle to the vehicle after deployment the following will be done by the member:
 - i. With the weapon on safe the magazine will be removed, the charging handle pulled to the rear and bolt locked open. The officer will physically and visually check to make sure that there is no longer a round in the chamber.

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- ii. The officer should then close the bolt, insert the magazine with the remaining rounds into the magazine well, seat and tug. The round that was chambered into the weapon is not to be used again. The officer will return the chambered round back to the station and place in the box labeled chambered rounds located atop the filing cabinet in the sergeants' office. The member will replace this round with a new round taken from a box of ammo.
- iii. The weapon may now be placed back into the weapon lock in the patrol vehicle.

ARMED WHILE ON DUTY AND OFF DUTY


1. Except as otherwise required by regulation, instructions, or orders, you must be armed at all times with your issue sidearm, or your approved personally owned sidearm. This weapon will be kept fully, loaded, clean, oiled and in correct working order;
 - a. When on duty;
 - b. When in uniform; (this includes the time you are enroute to duty or enroute from duty if you are in uniform).
 - c. While assigned to desk duty at the station.
 - d. While on duty you may carry a shotgun / long gun. No personally owned shoulder weapons will be carried, unless otherwise approved in writing.
 - e. When off duty you may not be required to carry a sidearm, but should you decide to carry a sidearm, you may carry:
 - i. Your issued sidearm;
 - ii. Any personally owned sidearm that is legally registered.
 - iii. Both active and retired members carrying firearms across state lines are required to be compliant with the federal "Law Enforcement Officers' Safety Act of 2004."

DEPARTMENT TRAINING/QUALIFICATIONS

1. Qualification Standards
 - a. No member will carry a sidearm, issued or otherwise in any capacity related to his or her function or position with the New Paltz Police Department unless that person holds qualified status with such weapon.
 - b. Qualifications shall be held at least a minimum of twice a year in which all members must display safety, skill and a level of proficiency with the sidearm and according to assignment; shotgun and/or patrol rifle.
 - c. Qualification standards must minimally meet any standards established by the department and the State of New York Division of Criminal Justice Services. Standards will have minimum acceptable (passing) level. This passing level must be met by every member.

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- d. Qualification standards will be devised by the Firearms Instructor(s) who will comply with any mandates of the State of New York and/or the Federal Government. The instructor will also incorporate tactics which are based in actual and/or potential life-threatening situations. All concepts of personal safety, protection of civilian life and property must be considered.
2. Instructor's Review
- a. Beyond developing qualification standards, Firearms Instructors will supervise any and all firearms training and maintain the highest degree of safety and discipline of members while instruction/training is being conducted.
 - b. Instructors will evaluate all courses and effect necessary changes to keep the firearms program current and within any established guidelines. (i. e. NYS Division of Criminal Justice Service and/or the FBI).
 - c. Firearms Instructors will review and evaluate each member's performance as related to safety, skill, and proficiency. Such review and evaluation will be made, recorded and maintained within the New Paltz Police Firearms Records. Additionally, the Chief, (or his Designee) will receive a memorandum of all members' progress and status with respect to skill, safety, and proficiency.
 - d. Recommendations may also be included.
 - e. Firearms Instructors will notify the Chief or their designee, of any member who does not successfully complete any portion of any Qualification Course prior to that officer's next tour of duty.
3. Management Review
- a. The Chief or their designee will direct every member to attend Qualification Training at least twice a year.
 - b. The Chief (or designee) will review and approve all qualification standards and lesson plans. They will see to it that they comply with any State and/or Federal mandates and that they are applicable to the situations confronting members of the Department.
 - c. The Chief shall review every member's proficiency, and any recommendations forwarded from the firearms instructors.
 - d. Upon receiving notice of any member's inability to meet, or maintain qualified status, the Chief will review the firearms instructors' recommendation and based upon the results of this review render a decision of either remedial training, disciplinary action, or dismissal from service.
4. Remedial Training
- a. Based upon the decision of the Chief, members in need of further training or who were unable to obtain or maintain qualified status will attend a remedial program designed to improve their safety, skills, and proficiency.
 - b. Remedial training will be under the direction of Firearms Instructors who will report to the Chief the results of this training.

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REPORTING A LOSS OR THEFT OF A SIDEARM

1. Should any personally owned sidearms or Department owned Firearms be lost or stolen, report it as soon as possible to the police agency having jurisdiction.
2. If that agency is the New Paltz Police Department an appropriate entry should be made in the Blotter. A report explaining the details should also be completed and forwarded through the channels to the Chief of Police as soon as possible.
3. If the agency is other than the New Paltz Police Department, arrange to send a File 25 terminal message to the New Paltz Police, attn.; Chief of Police, and information in that terminal message must include;
 - a. Make, Model, Caliber, and serial number of the sidearm(s).
 - b. Date of loss or theft (or date of discovery).
 - c. Circumstances surrounding the loss or theft.
 - d. Name of the police agency receiving the report, and the date reported.


APPROVAL TO CARRY A “BACK-UP” HANDGUN REQUIRED

1. Officer's Prerequisites;
 - a. Officers shall not carry any personally owned sidearm while on duty without the express permission of the Chief of Police.
 - b. For approval, the sidearm must meet the following standards;
 - i. All sidearms must be qualified on with department firearms instructors and the weapon must be a caliber that is deemed suitable for personal defense and approved by the Chief of Police or their designee.
 - ii. Use the following format;

To: The Firearms Instructor _____ (appropriate name)
 FROM: Police Officer _____ (name)
 SUBJECT: Personally owned Sidearm - On Duty Use Request

The following described sidearm is personally owned and has been registered with the Department. I therefore request permission and approval to carry the below described weapon while on duty;
 Make Model Type Caliber Serial Number (i.e. Sigarms P-226 Semi-Auto 9mm S/N-U 151691) along with carry holster make and model.

- iii. Firearm’s Instructor Review of Request- the Firearm’s Instructor will review the officer's request and if he/she approves it, will then forward to the Chief of Police for final approval.

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- iv. Once final approval is received from the chief, the Firearm's Instructors Review process can begin;
1. The Firearms Instructor will upon receipt of the memorandum examine the sidearm to be sure that it is safe and meets the Departments standards.
 2. Supervise the member's qualification with the sidearm on the Department's Range. Record such results.
 3. If all standards are met by the sidearm, then endorse all copies of the member's memorandum request. (your endorsement is the certification that the sidearm is safe and that the member did obtain a qualifying score.)
 4. Return all copies of the memorandum back to the Chief of Police.