



FIREARMS		
new:		cross-reference:
✓ rescinds: 20.5, 20.6 & 20.6(3)		accreditation standards: NYSLEAP Standard(s): 20.5, 21.1, 32.3 & 33.2
✓ amends:		
effective date:	amend date:	
October, 2016	May, 2020	

I. PURPOSE

The purpose of this General Order is to establish and describe policies and procedures for firearms training and qualification, firearms safety, on-duty and off-duty restrictions, and possession of firearms as an exempt person.

II. POLICY

- A. The main responsibility of the Sheriff's Office is to protect the life and property of civilians. In compliance with applicable law, officers shall use only the amount of force necessary and reasonable to accomplish lawful objectives and to control a situation, effect an arrest, overcome resistance to arrest, or defend themselves or others from harm.
- B. Sheriff's Office members possess, carry, and use firearms in the course of their duties under the authority of New York Penal Law § 265.20-I(b) and New York Criminal Procedure Law § 1.20-34(d). Officers will comply with all applicable Federal, State, and local laws and ordinances governing the possession and use of personally owned firearms and ammunition.
- C. While on-duty, Sheriff's Office members may possess only the firearms and ammunition that have been issued and/or approved by the Sheriff. All sworn personnel engaged in field assignment shall carry a firearm in the performance of their duties.
- D. Officers will maintain proficiency in the use of all issued firearms including handgun, shotgun, rifle and any other firearms approved for use by officers. Officers must qualify as outlined in this policy.
- E. Officers shall carry office approved weapons only in office approved holsters, which are authorized by the Sheriff.
- F. Unless authorized otherwise by competent authority for good cause (i.e. undercover assignment), officers will carry their department issued handgun and ammunition in the manner prescribed while on-duty and will use all prescribed equipment including holsters, gun belts, ammunition magazines, belt keepers etc. The handgun will be loaded in the

prescribed manner. (This requirements may be waived by the Sheriff in cases of light duty or administrative assignments).

- G. All use of office issued firearms/ammunition, whether on-duty or off-duty, and use of personally owned firearms/ammunition while on-duty or off-duty as an exempt person, will comply with all applicable laws and office orders, policies, procedures, directives, and training.
- H. Officers will maintain issued firearms in a clean and serviceable condition. Problems found with firearms during maintenance service should be documented and forward to a member of the Firearms Instructor Team.

III. OFFICE FIREARMS INSTRUCTOR TEAM

- A. The Sheriff, at their discretion, will assign office personnel to the Firearms Instructor Team, thus designating them as an Office Firearms Instructor.
- B. All members of the Firearms Instructor Team must be certified by the New York State Division of Criminal Justice Services as a Firearm Instructor.
- C. Firearm Instructors are authorized to direct the activities of person receiving firearms training. All officers are required to comply with the lawful instructions while engaged in firearms training and qualifications.
- D. The Firearms Instructor Team will meet annually with the Sheriff or his designee to review the standard firearms qualification courses and to make recommendations for the following year's training, equipment and qualification needs.
- E. The Firearms Instructor Team is responsible for the following:
 - 1. Issue office-owned firearms, ammunition, and magazines.
 - 2. Maintain records of every firearm owned by the agency.
 - 3. Maintain all records necessary for the ordering, inventory, maintenance, and repair of firearms.
 - 4. Ensure that the adequate supply of parts, tools, cleaning materials, and other necessary items or equipment related to firearms are maintained.
 - 5. Perform an inspection of every office-owned firearm at least once a year.
 - 6. Document all training and maintain training files.

IV. NEW OFFICER TRAINING AND QUALIFICATION

- A. Prior to being given authorization to carry firearms on duty, a lateral transfer hire must successfully complete a course of instruction and qualification conducted under the supervision of an Office Firearm Instructor.

- B. All officers must complete the criteria set by the Municipal Police Training Council and are so certified by the New York State Division of Criminal Justice Services.

Pursuant to the New York State Law Enforcement Accreditation Program Standards manual: *Officers shall not be authorized or permitted to carry firearms in connection with the performance of their duties, with the exception of authorized department firearms training, unless such officers have satisfactorily completed that portion of an approved municipal police training council program or a program that meets or exceeds those requirements that constitute the basic course of instruction in the use of deadly physical force and in the use of firearms.*

V. FIREARMS QUALIFICATION

A. Qualification Requirement

1. Every officer will qualify at least twice a year with the office issued handgun unless temporarily exempt because of medical disability or other extenuating circumstances as approved by the Sheriff. The Sheriff at his discretion may mandate additional training sessions.
2. Every officer will have the opportunity to qualify at least once a year with the office issued rifle and less-lethal shotgun. If an officer fails to initially qualify with the patrol rifle they will have one additional opportunity to qualify during that training session. Those that do not qualify will not be authorized to carry that weapon.
3. The term “Qualify” means: officers must exhibit proficiency in the area of safety, accuracy and proper technique. Deficiencies in any of these areas are cause for disqualification.
 - a. The officer must complete all phases of the approved and prescribed course of fire, including all firing positions and;
 - b. The officer must obtain a qualifying score as determined by the Firearm Instructor Team and;
 - c. The officer must complete range safety and participation forms.
4. All officers will be required to fire the same course and qualify in the same manner. The course of fire will not be changed or modified for any officer.

B. Criteria For Passing The Sheriff’s Office Firearms Qualification Course

1. **Safety** – The strictest discipline must be maintained at all times on the firing range in order to prevent accidents or injuries. Carelessness or thoughtless action will not be tolerated. It is the responsibility of every member to comply with range safety regulations and to promptly report violations of these rules to the firearms instructor.
2. **Proper Technique** – Proper handling an operation of a firearm, ammunition, holster and other related equipment is necessary. Proper tactics should be employed at all

time. Proper use of cover, shooting positions, verbal commands and safe movements are essential.

3. **Accuracy** – Members shall achieve a minimum score on the designated Office Firearms Qualification Course and other office required courses.

C. Failure to Qualify

1. In the event that an officer does not qualify with the office issued handgun or is unable to fully complete the prescribed course of fire, the following procedure will be followed.
 - a. The officer will have two (2) additional opportunities to qualify within the training session. The second opportunity will be with a different instructor “calling” the course of fire.
 - b. Failure of an officer to qualify will result in the member’s authority to carry or possess the issued handgun to be temporarily suspended. The member will turn over his/her weapon to the Firearms Instructor before leaving the range. The Firearms Instructor Team will make arrangements with the member to turn over to the Lieutenant any firearms possessed by the member as an exempt person.
 - c. The officer will be assigned administrative duties until such time he or she successfully qualifies. Such assignment will be in a non-uniform capacity.
 - d. Remedial training will occur as soon as possible within 30 days and will be conducted by two (2) New York State certified firearms instructors. The training will be scheduled at the convenience of the office and will be overseen by the Lieutenant.
 - e. Failure of an officer to meet the Office qualification standard after receiving remedial training or the continuing inability of an officer to participate in qualification for a period of time that, in the discretion of the Sheriff impedes the office’s ability to carry out its mission, may result in the Sheriff exercising his discretion regarding administrative action pursuant to the collective bargaining agreement seeking discipline up to and including termination from employment.

C. Additional Training

1. If, in the judgement of the Firearms Instructor Team additional training for any member is warranted, due to the performance during the range training, the team shall implement such training at that range training day. If the Firearms Instructor Team becomes aware at any time other than range training that an officer may need additional training, the team will submit a memorandum to the Lieutenant with training recommendations. The Lieutenant will in consultation with the Firearms Instructor Team will arrange for the training. All overtime to conduct such additional training must be approved by the Undersheriff.

D. SWAT Team Qualifications

1. Policies and procedures for firearms training and qualifications for SWAT Team members will be set forth in directives governing SWAT Team operations. It is noted that SWAT Team members may train with and deploy weapons and ammunition not routinely issued to other sworn members.

E. Medical or Other Disability

1. In the event an officer is ill, injured, or on light or administrative duty due to a medical, physical, or other condition, and is not able to undergo firearms qualification, he or she will have thirty (30) days from the date of return to full duty to qualify.
 - a. Upon return to full duty it will be the responsibility of the officer and his or her supervisor to make arrangements with the Firearms Instructor Team for the officer to qualify within the 30-day period.
 - b. Any officer who is not able participate in two (2) consecutive, bi annual qualifications sessions will not be allowed to carry their office issued handgun on duty until such time that they are medically cleared and have qualified with their office issued handgun under the supervision of a member of the Firearms Instructor Team.
2. It is the responsibility of each officer to inform their supervisor in writing, prior to the start of range of any known medical or physical conditions that may preclude him or her from participating in firearms training and qualifications.
3. Prior to the commencement of actual training, Firearms Instructors will review the course of fire with trainees. Upon completion of this review each trainee will sign a form indicating that he or she has no known medical of physical conditions that would preclude participation in training. It is the responsibility of each officer to make any medical or physical condition known to the Firearms Instructor Team prior to the commencement of any training.
4. If an officer stated he or she is medically or physically unable to fully complete the course as prescribed for any reason, the following procedures will be followed:
 - a. The officer will not be required to complete the course. The Firearms Instructors will not attempt to persuade or direct the officer to do so as to avoid any risk of aggravating the medical or physical condition.
 - b. The Firearms Instructor Team will immediately notify the Lieutenant of these circumstances. The Lieutenant will follow-up with a written memorandum to the Sheriff documenting the circumstances.

- c. The officer will be placed on administrative leave duties until further notice. The Sheriff, Undersheriff, Lieutenant, and the Firearms Instructor Team will consult on a further course of action.

VI. INJURIES AND UNINTENTIONAL FIREARMS DISCHARGES DURING THE COURSE OF FIREARMS TRAINING

A. Non-Firearms Injury

1. The Firearms Instructor Team will ensure that all applicable office procedures are followed for any minor, non-firearms injury occurring in the course of firearms training.
2. In the event of a serious injury sustained in the course of firearms training, the Lieutenant will be notified and they will notify the Sheriff and/or Undersheriff.

B. Unintentional Firearm Discharges

1. Unintentional firearm discharges occurring in the course of firearms training that do not result in injury to any person shall be handled in accordance with the procedures determined by the Firearms Instructor Team.
2. Unintentional firearm discharges that result in injury to any person will be handled in accordance with procedures determined by the Sheriff.
3. For safety considerations, the Firearms Instructor(s) shall insure that a properly equipped first aid kit shall be available at all times during range training sessions. The Firearms Safety and Range Rules shall be reviewed and signed by the each officer at the beginning of the range training day.

VII. GENERAL SAFETY AND MAINTENANCE PROCEDURE

- A. Officers are responsible for the proper, safe, and secure carrying, use, loading, unloading, and storage of all firearms at all times both on-duty and off-duty. The security of office-issued weapons taken home off-duty shall be under the care and responsibility of the officer.
- B. While on-duty or at the Sheriff's Office all firearms will be loaded and unloaded only at the "clearing device" unless exigent circumstances require otherwise. Such devices are located within the locker rooms.
- C. An Armorer will perform all firearm repairs, under the direction of the Firearms Instructor Team, unless it is necessary to have the firearm repaired by another qualified person or entity (i.e. manufacturer). No member other than the armorer is permitted to repair or attempt to repair, modify, or alter a firearm or change its operation in any way. Only an armorer is allowed to disassemble a firearm except as set forth below.
- D. Officers are responsible for normal cleaning of their office-issued firearms. To do so, members are permitted to remove major subassemblies or firearms (field strip) for normal

cleaning purposes. The disassembly or fieldstripping may not exceed the procedures taught in office training.

VIII. AUTHORIZED OFFICE WEAPONS

A. The issued handgun for the uniformed officers of the Sheriff's Office assigned to patrol duties is the Glock 9mm model 17 handgun. (SWAT members may be authorized to carry the Glock 45 model).

1. The Glock will be loaded with 18 rounds, (17 in the magazine and one in the chamber) when carried, and the magazines will be placed in an authorized magazine holster on the weapons belt worn in an approved manner.

B. Sworn officers not assigned to patrol duties may be issued a Glock 9mm, model 19 or 26 for duty use.

1. The Glock 19 will be loaded with 16 rounds, 15 in the magazine and one in the chamber.

2. The Glock 26 will be loaded with 11 rounds, 10 in the magazine and one in the chamber.

Note: A magazine extension may be used as approved by a firearms instructor.

C. The approved rifle for the office is the Colt AR-15 in.223 caliber.

1. The Patrol Rifle will be secured in the designated mount within a patrol vehicle in the condition referred to as "cruiser ready." For the Patrol Rifle, this is defined as the following:

- Safety on;
- Bolt forward with an empty chamber;
- Loaded magazine inserted in the magazine well; and
- Dust cover closed.
- Aimpoint Optic turned off

D. The approved less-lethal shotgun for the office is the Remington 870 Police model.

1. The Less-lethal Shotgun will be secure in the designated mount within a patrol vehicle in the following condition:

- Closed chamber, with NO rounds in the magazine tube; and
- Six (6) Drag Stabilized Bean Bag rounds will be stored in a sleeve on the stock of the shotgun.

E. Officers must qualify with any model weapon approved, prior to duty use.

IX. PERSONALLY OWNED BACK-UP WEAPONS (ON DUTY)

- A. A member may not carry a personally owned weapon on-duty unless:
 - 1. The weapon is of a Glock format; and
 - 2. That member makes a written request, to the Sheriff for permission to carry a personally owned weapon on duty. [See Attachment A](#); and
 - 3. The Sheriff approves in writing the members request; and
 - 4. The member successfully qualifies with the weapon that he/she has received permission to carry. The member is responsible for providing the ammunition.
- B. Members who receive permission to carry a personally owned weapon on duty must carry office approved ammunition in that weapon. The member is responsible for the purchase of the ammunition.
- C. Members who receive permission to carry a personally owned weapon on duty must carry the weapon in an office approved holster and method of carry for which they qualified at range training.
- D. Personally owned firearms shall only be utilized when the issued duty weapon becomes empty, damaged or unavailable to the officer.
- E. The maintenance and condition of the personally owned weapon is the responsibility of the officer.

X. OFF-DUTY FIREARMS POSSESSION & CARRY

- A. The carrying of a firearm while off-duty is encouraged but shall be at the option of the officer. An officer shall not be subject to disciplinary action if an occasion should arise in which he/she could have taken action but did not do so because he/she was unarmed.
- B. Anytime an officer carries an office-issued handgun while off-duty he or she must do so in an approved holster and must also be in possession of his/her badge and agency identification.
- C. Officers who are off-duty and wish to carry an office-issued handgun under the color of law should carry the weapon concealed. This is to prevent the member from being targeted in the opening stages of a crime and to prevent undue public annoyance or alarm. If it becomes necessary to carry the weapon exposed, officers are required to display their badge in close proximity to the weapon. If it becomes necessary to draw the weapon, the officer is required to display the badge in a conspicuous manner, as a means to identify themselves as a law enforcement officer to a suspect, witness and any other law enforcement officers that be in the area or responding to the scene.
- D. Officers may purchase, own, possess, and/or carry while off-duty personally owned handguns, or any legal rifle or shotgun, and ammunition, provided that all applicable laws are

complied with. The officer will be responsible to comply with all applicable Federal, State, and local registration, permit, possession, and use requirements.

XI. **SUSPENSION OF AUTHORITY TO CARRY FIREARMS**

A. Office-Issued Firearms and Firearms Acquired or Possessed As an Exempt Person

1. At the discretion of the Sheriff, an officer's authority to carry or possess any office issued firearm, and any firearm acquired or possessed as an exempt person, may be suspended.
2. Upon receiving notice that such authority has been suspended the officer will fully cooperate in surrendering the firearm(s) to the Sheriff or his designee.
3. The Sheriff or his designee will notify the law enforcement agency having jurisdiction over the location of the officer's residence that the officer no longer has the authority to possess handguns as an exempt person

B. Other Firearms

1. Other firearms possessed by an officer may be confiscated pursuant to law or in accordance with Office policies and procedures applicable to all persons (i.e. held for safekeeping in a domestic situation).

Attachments:

- A. [Request to Carry Personally Owned Firearm On-Duty](#)

By Order Of



Derek Osborne
Sheriff