

# MEDINA POLICE DEPARTMENT

## GENERAL ORDER

**ORDER NO:** 2017-032

**SUBJECT:** Firearms/Use of Firearms

**EFFECTIVE DATE:** Dec. 11, 2017    **RESCINDS ORDER NO:** 00-10-01

**DISTRIBUTION:** All Department Personnel

- I. PURPOSE:** To establish a standardized policy for the issue, use, training, qualification, and possession of firearms by members of the Medina Police Department.
- II. POLICY:** Members of the Medina Police Department may use their weapons per the procedures and guidelines of this General Order. Any use of firearms as a use of force will be covered in the Use of Force policy.

### PROCEDURE:

- A. When an officer discharges a departmental firearm, whether on or off duty, deliberately or accidentally; other than for training, legal hunting, disposal of animals, or target practice purposes, he shall immediately submit, in addition to any other required reports, a Firearm Incident Report, which will be forwarded without delay through the appropriate chain of command to the Chief of Police. Such report will be prepared by the conclusion of the tour of duty on which the incident occurred, by the officer, or if he is incapacitated, by his immediate supervisor. If not on duty, this report will be prepared and submitted immediately. The supervising officer of the officer involved shall review such firearm report and ensure that all required details are included.

### III. AUTHORIZED FIREARMS

- A. The standard firearms carried and used by all Officers will be as follows:
1. Pistol: The Glock model 21 generation 4, .45 cal semi automatic
  2. Shotgun: The Remington 870 Shotgun.
  3. Patrol Rifle: Sig Sauer Model 400.
- B. The Standard Duty Ammo:
1. Pistol: Federal Premium 230 gr. Hydra-Shok JHP
  2. Shotgun: 1 oz Tactical Slug, 9 pellet Tactical Buckshot
  3. Patrol Rifle: Federal Premium 69 gr. Matchingking BTHP

- C. While on duty, no member of this Department shall carry any firearm that has not been recorded by the Firearms Instructor including the type, caliber, and serial number. Only firearms approved by the Medina Police Department will be carried by officers when on-duty. Secondary or “back up” weapons will **not** be carried on duty.
- D. Police Officers of the Medina Police Department are **not** required to carry a firearm when off duty.
- E. Any firearms possessed by individual officers will be possessed pursuant to section 400.00 of the Penal Law (Pistol Permit). Officers will not purchase or possess firearms pursuant to section 265.20 on the Penal Law (Purchasing/possessing “on your badge”).
  - 1. New Hires may purchase/carry the standard department pistol according to section 265.20 in the event that they have begin employment prior to the issuance of said permit.
- F. The obtaining of a New York State Pistol Permit including all fees for same, is the responsibility of individual police officers.
- G. All officers transferring to the Medina Police Department from another agency, who possess personal firearms under section 265.20 of the Penal Law, shall turn said weapons into the Property Officer. The Property Officer will hold these weapons until the officer obtains a New York State pistol permit.
- H. No provisions of this order shall prohibit an officer from carrying the approved service weapon when off duty, however they are not mandated to do so.
- I. No member of this agency will attempt or allow any alteration or adjustment of his/her service weapon without prior authorization.
- J. Laser aiming devices shall be allowed with the approval of the Chief of Police.
  - 1. The cost for purchase and installation will be the sole responsibility of the individual officer.
  - 2. Laser aiming devices are designed to assist the officer with target acquisition, however all officers are expected to qualify with their duty weapon with and without the aid of the laser aiming device.
  - 3. Laser aiming devices installed in duty firearms shall be subject to all current department firearm safety and use of force regulations. Officers shall avoid pointing the laser aiming device at a person or group at eye level due to the possibility of injury.

4. Officers shall not engage in any activity with the Laser aiming device not authorized by the Medina Police Department rules and regulations.
5. As the Laser aiming device operates on a battery, it shall be the individual officer's responsibility to check the device frequently and change the batteries as needed.

#### **IV. FIREARMS TRAINING AND QUALIFICATIONS**

##### **A. In-service training.**

1. In-service officers shall qualify a minimum of twice per calendar year. Each training and qualification session shall be designed by the firearms training unit. A lesson plan for each training session will be kept on file by the firearms training unit.
2. Minimum pistol qualifying score shall be 80%.
3. Shotgun qualification shall be pass or fail, as determined by the firearms training officer.
4. Minimum patrol rifle qualifying score shall be 80%.
5. Training on firearms range shall be conducted with authorized substitute ammunition closely simulating recoil and muzzle blast of the authorized ammunition.
6. Training and written testing in the use of deadly physical force shall be conducted a minimum of once per year. Passing grade shall be 90%.
7. Total firearms qualification shall require passing grades on the handgun course, shotgun course, patrol rifle course, and use of deadly physical force testing.
8. No Officer will operate a weapon platform, ie: Shotgun, Patrol Rifle, Less Lethal, that they have not received prior training and qualified on.

##### **B. Failure to qualify may result in disciplinary action:**

1. An officer who fails to meet any of the minimum standards as specified in "A" above will be given an immediate second opportunity to do so at that training session.
2. If an officer fails after two attempts to qualify with the weapon in any component above, they will:

- a. be given the opportunity to take intensive, supervised training on his/her own time by the Police Firearms Officer.
3. Within seven (7) days the Officer will be given a third and if necessary fourth attempt. If after the fourth attempt, the Officer fails to qualify, the Officer will be removed from road patrol, and the Firearms Officer will forward a report to the Chief of Police, directing that an investigation be initiated to determine whether such officer is competent to continue as a member of the Police Department.
4. Failure to attend a training session shall indicate failure to qualify unless excused by the Chief of Police. In any event, failure to qualify a minimum of twice per calendar year shall be considered failure.

#### C. Recruit Officer Training

1. Recruits and probationary officers shall not be issued a department – approved weapon until minimum training requirements are satisfactorily completed. The minimum standard of training shall consist of:
  - a. 24 hours of instruction in the use of deadly physical force.
  - b. 240 rounds of actual firearms training.

NOTE: The desired training standard is that provided by the regional Criminal Justice Training Program.

#### D. Lateral Applicants and Non-Recruit New Hires

1. All new employees including lateral applicants and new hires who have completed the academy more than one year prior to the date of hire will be required to qualify with their firearm prior to being authorized to carry a weapon while on duty.

#### E. HR-218 Law Enforcement Officer's Safety Act

1. The National Law Enforcement Act of 2004 allows retirees in good standing to carry a pistol throughout the United States, assuming that they have met the following standards and have appropriate documentation.
  - a. Retiree with at least 10 years of service, **with ID Card**.
  - b. Meet annual departmental training requirements including qualification with carried pistol platform (revolver/semi) and have also received use of force training.
  - c. HR-218 Compliance Card documenting qualification.
2. The cardholder is still obligated to follow all local, state, and federal laws in relation to firearms carry and possession.

3. There is no requirement stating that Police Departments must conduct this training for retired Officers. If conducted, it will be at a date and time at the discretion of the firearm instructor. Ammo and the cost of compliance cards will be covered by the retiree.

## **V. FIREARMS TRAINING UNIT**

The firearms training unit shall consist of commanding officer and firearms instructors.

- A. Firearms Instructor-Shall be designated by the Chief of Police and have completed minimum training standards of basic firearms training, by the New York State Police, Federal Bureau of Investigation, or other Public Safety Training Center.
- B. Unit Responsibilities
  1. Maintain and control inventory of all department owned or approved weapons, record individual service weapon by serial number, and report all changes to the Chief of Police on a regular basis.
  2. Maintain and control inventory of special weapons (cap-stun, tear gas, less lethal, etc.)
  3. Maintain and control ammunition and related records of distribution and use.
  4. Maintain and control firearms training records for each individual officer, including name, date of training, type of training and scores.
  5. Coordinate repairs of all weapons.
  6. Coordinate and instruct at all firearms training sessions.
  7. Testify at any court proceeding or hearing investigation a weapon discharge, when required with regards to the individual training records etc.
  8. Forward a complete year-end report of training requisitions disbursement of all ammunition, and updated inventory of all weapons and firearms to the Chief of Police.

## **VI. WEAPON CLEANING/DISASSEMBLY**

1. Any and all cleaning and disassembling of weapons will be conducted in the cleaning area provided in the back locker room area.
2. When cleaning or disassembling a firearm, the Officer will first insure that the firearm is clear of any magazines and ammunition.
3. If a firearm requires depressing the trigger to disassemble the weapon, following clearing of ammunition, the Officer will utilize the bullet trap provided while depressing the trigger.

## **VII. ACCIDENTAL DISCHARGE OF FIREARM**

1. Officers will exercise due care to handle and store firearms properly and safely and to prevent an accidental discharge.
2. An accidental discharge of a firearm by any Department personnel, whether on-duty or off-duty, will be reported immediately to the on duty Supervisor/Officer-in-Charge (OIC) by the involved officer. Notifications will be made to the supervisory staff as well. Response to the scene by Supervisory Staff is highly encouraged.

**Note:** Officers will also report off-duty accidental discharges of other firearms in accordance with applicable laws.

3. If any person is injured as a result of the accidental discharge the incident will be investigated as a deadly physical force incident in accordance with the procedure set forth in the Handling Deadly Force Incidents Policy.
4. If no one is injured as a result of the accidental discharge the SGT/OIC will ensure that a full investigation is conducted including all appropriate reports and evidence work. The SGT/OIC will request whatever assistance may be required to accomplish this.
4. The Officer involved will complete an Incident Report outlining the details of the situation.
5. The case file, including all reports and documentation, will be forwarded to the Chief of Police via the chain-of-command.

## **VIII. USE OF FIREARMS AGAINST DOGS OR OTHER ANIMALS**

- A. An officer may use his firearm to destroy an animal under the following circumstances:
1. The officer reasonably believes that the animal is so badly injured that it is appropriate to destroy the animal for humanitarian reasons; or
  2. The officer reasonably believes that the animal is presenting a danger or threat of injury to the Officer or another person
- B. In using firearms to destroy animals officers will adhere to the following procedures:
1. Officers shall exercise due care to ensure that no person is endangered or injured by the discharge of the firearm.
  2. In the case of an injured animal permission from the owner should be obtained if possible. If the owner is present and declines permission the officer will require the owner to remove the animal.
  3. Destroying an animal in the presence of children should be avoided.
  4. Officers will make arrangements to remove the remains as soon as possible.
  5. If the animal is suspected of being rabid, and has comes in contact with humans, weather wild or domesticated, due caution will be taken to insure the head (brain) of the animal is intact for delivery for rabies testing.

By Order Of:

Chad Kenward  
Chief of Police