

Firearms

306.1 PURPOSE AND SCOPE

Best Practice NYSLEAP - 8.4 - 6.2

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of a firearm that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

306.1.1 DEFINITIONS

Agency Content

Accidental Discharge of a Firearm - A firearm will be considered “accidentally discharged” for the following reasons only: mechanical failure and/or faulty ammunition.

Unintentional Discharge of a Firearm - A firearm will be considered ‘unintentionally Discharged’ when it is not an accidental discharge or when it is discharged without purpose or intent.

306.2 POLICY

Best Practice

The Auburn Police Department will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Best Practice MODIFIED NYSLEAP - 8.4 - 20.5

Members shall only use firearms that are issued by the Department and have been thoroughly inspected by the Range Instructor. Except in an emergency or as directed by a supervisor, no firearm shall be carried on duty by a member who has not qualified with that firearm at an authorized department range. All sworn members must carry a firearm while working in any field assignment while in the performance of their official duties.

All other weapons not provided by the Department, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the Chief of Police. This exclusion does not apply to the carrying of a single folding pocket knife that is not otherwise prohibited by law.

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306.3.1 HANDGUNS

Best Practice MODIFIED

The authorized department-issued handgun is the Glock model 22 or model 27 .40 caliber, semi-automatic pistol. Offices will carry the weapon with a round chambered.

[Handgun Modification / Accessories](#)

306.3.2 SHOTGUNS

Best Practice MODIFIED NYSLEAP - 8.4 - 6.2

The authorized department-issued shotgun is the Remington 870P 12 gauge.

When not deployed, the shotgun shall be properly secured in a locking weapons rack in the patrol vehicle, with 5 rounds loaded in the tube, the action closed on an empty chamber, and the safety in the safe position.

When not deployed into service, the shotgun shall be secured in the patrol weapons safe, completely unloaded with the action closed and the safety in the safe position. Ammunition will be stored on the top shelf in the patrol weapons safe.

306.3.3 PATROL RIFLES

Best Practice MODIFIED NYSLEAP - 8.4 - 6.2

The authorized department-issued patrol rifle is the Colt AR-15 .223. The following additional patrol rifles are approved for on-duty use:

MAKE	MODEL	CALIBER
Rock River	AR-15	.223
H&K	MP-5	.40
S&W	M&P	.223

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

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When not deployed, the patrol rifle shall be properly secured in a locking weapons rack in the patrol vehicle, with the chamber empty, magazine loaded and inserted into the magazine well, the bolt forward with the dust cover closed, and the selector lever in the safe position. ERT members carrying their assigned weapons on patrol will be required to secure their weapons in their patrol lockers at the end of their shift.

When not deployed into service, the patrol rifle will be stored in the patrol weapons safe with the chamber empty, magazine removed with the bolt forward, the dust cover closed and the selector level in the safe position. The magazine will be stored on the top shelf in the patrol weapons safe.

306.3.4 ERT MEMBERS SPECIAL WEAPONS CARRIAGE

Agency Content

- (a) Only those officers who have shown a proficiency in the use of special department weapons will be authorized for their use. The Chief of Police, the Emergency Response Team Commander, and team firearms instructor shall determine which officers are authorized to use special weapons.
- (b) A Department Certified Firearms Instructor will furnish to the Chief of Police, annually, a list of department personnel authorized to use Department special weapons as well as the specific weapons issued to individual team members.

306.3.5 AUTHORIZED OFF-DUTY FIREARMS

State MODIFIED

The carrying of firearms obtained by virtue of their authority as a police officer by members while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their training, authority and scope as an officer, will be required to meet the following guidelines:

- (a) The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (c) Members who possess or carry a firearm (as defined in Penal Law § 265.00) under a license exemption shall report to the Department in writing the make, model, caliber and serial number of each such firearm on the form specified by the New York State Police (NYSP) C-form. The completed C-form will be forwarded to the office of the Chief of Police for signing. The original form will then be submitted to the NYSP Pistol Permit Unit. The Office of the Chief of Police will maintain a list of the information in the member's personnel record (Penal Law § 400.00(12-c)).
 - 1. Within 10 days of any acquisition or disposition of any firearm, members shall report the name and address of the person from whom the weapon was acquired or to whom it was disposed. The Department shall promptly forward that information to the NYSP (Penal Law § 400.00(12-c)).

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- (d) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (e) When armed, unless the member has a NYS pistol permit, officers shall carry their badges and Auburn Police Department identification cards under circumstances requiring possession of such identification.

306.3.6 AMMUNITION

Best Practice MODIFIED NYSLEAP - 8.4 - 20.5

On-duty members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Range Instructor when needed, in accordance with established policy.

[Department Issued / Authorized Ammunition](#)

306.4 EQUIPMENT

Best Practice

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

306.4.1 REPAIRS OR MODIFICATIONS

Best Practice MODIFIED

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Range Instructor.

Firearms that are the property of the Department may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Range Instructor.

306.4.2 HOLSTERS

Best Practice

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

306.5 SAFE HANDLING, INSPECTION AND STORAGE

Best Practice MODIFIED NYSLEAP - 8.4 - 6.2

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Members shall not unnecessarily display or handle any firearm.

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- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Range Instructor. Members shall not dry fire or practice quick draws except under Range Instructor supervision.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except before utilizing a clearing barrel which is located in the department ready room.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle with the muzzle pointed in a safe direction.
- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Range Instructor approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Range Instructor will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

306.5.1 INSPECTION AND STORAGE

Best Practice MODIFIED NYSLEAP - 8.4 - 6.2

Department issued handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Department-owned firearms shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

306.5.2 STORAGE AT HOME

Best Practice MODIFIED NYSLEAP - 8.4 - 6.2

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Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil liability.

306.5.3 ALCOHOL AND DRUGS

Best Practice

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or taken any combination thereof that would tend to adversely affect the member's senses or judgment.

306.6 POLICE OFFICER FIREARMS TRAINING AND QUALIFICATIONS

Best Practice MODIFIED

All police officers will qualify at least annually with their duty firearms, unless more frequent standards are required by the Municipal Police Training Council (MPTC). Training and qualifications must be on an approved range course.

At least annually, all police officers carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

306.7 NON-CERTIFICATION OR NON-QUALIFICATION

Best Practice MODIFIED

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Failure to Qualify:

- (a) If a member fails to qualify on his/her first attempt, he/she will be given a second attempt during that training session following remedial training. If the member fails to qualify after the second attempt, the member will:
 1. surrender his/her department issued weapon to the range officer;
 2. the members Shift Commander will be notified and assign the member to administrative duties; and
 3. be given the opportunity to take intensive, supervised training from a Range Officer, on the member's own time.
 4. After the intensive remedial training has been completed, the member will, within a reasonable time period, be afforded another opportunity to qualify.
- (b) If the member again fails to qualify after his/her first attempt of his/her second opportunity, the Certified Firearms Instructor will give the member a second attempt

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during that training session following remedial training. If the member fails to qualify after the second attempt, the Certified Firearms Instructor will again:

1. secure the members surrendered department issued weapon;
 2. notify the Chief of Police and the member's immediate supervisor without unnecessary delay; and the member will:
 - (a) be assigned to administrative duties; and
 - (b) be given the opportunity to take intensive, supervised training from a Certified Firearms Instructor, on the member's own time.
 - (c) After the intensive remedial training or other corrective action(s) has been completed, the member will, within a reasonable time period, be afforded a third opportunity to qualify.
- (c) If the member fails to qualify after the third opportunity, he/she shall be relieved of duty pending the outcome of an administrative finding and/or fitness for duty evaluation as determined by the Chief of Police or their designee.

306.8 FIREARM DISCHARGE

Best Practice **MODIFIED** NYSLEAP - 8.4 - 21.1 (A), 21.1 (B), 21.1 (C), 21.1 (D)

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on or off-duty, under circumstances where a person could be struck by a bullet from the weapon shall, when able, make an immediate verbal report to the department's officer in charge, but under no circumstance shall this notification be made later than six hours after the incident (Executive Law § 837-v). If off-duty at the time of the incident, the member shall file an internal written report upon their next report for duty. If the member is on extended leave this written report will be made within 48 hours from the time of the original incident.

If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Commander and provide a recorded (video preferred) statement to detectives at a time to be determined by the Commander but not to exceed 48 hrs from the time of the incident.
- (b) It is important to obtain individual statements as opposed to group interviews. Group dynamics may negatively influence individual recall and judgment.
- (c) Upon providing a statement, each involved officer must file a Defensive Action Report report detailing the incident.

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- (d) More than one detective may conduct administrative interviews, but interviewers should designate one person as the lead; this person will conduct the questioning, while the other is primarily responsible for note-taking.
- (e) The department will allow officer to bring a personal representative into an administrative interview, who may be an attorney, union representative, supervisor, or other person chosen by the officer, as long as the person has no connection with the incident under investigation in any way. The role of the interviewee's representative is that of observer; the interviewer should advise the observer not to intervene unless the interviewer or employee requests them to, or if the interview leads to issues of criminal activity. Legal representation of officers during a criminal investigation is essential. All persons present during questioning should be documented.
- (f) All interviews, whether administrative or criminal, should be audio, and when possible, video recorded in their entirety. If there is a break taken during the interview, the interviewer will make a notation, including the time of the break, who requested it, and the time at which the interview resumed.
- (g) If off-duty at the time of the incident, the member shall file a written report and provide a recorded (video preferred) statement to detectives at a time to be determined by the Commander but not to exceed 48 hrs from the time of the incident.
- (h) If the discharge of the members weapon was an unintentional or accidental in nature, the investigating Command Officer will ensure that the training office is notified of the incident and that the officer undergoes remedial training in firearm safety provided by the Range Instructor as soon as possible and as necessary.

306.8.1 DESTRUCTION OF ANIMALS

Best Practice

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, ECW, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

306.8.2 INJURED ANIMALS

State MODIFIED

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed (Agriculture and Markets Law § 374). A badly injured animal that is euthanized will follow with an immediate notification to a supervisor via a radio dispatch advising that the animal has been euthanized. A report explaining the circumstances will be completed by the member who used the firearm.

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A dog, cat or ferret may be destroyed if it is exhibiting the signs of rabies and cannot be safely captured, and the New York State Commissioner of Health has certified the existence of rabies in that county (Public Health Law § 2143).

306.8.3 WARNING SHOTS

Best Practice MODIFIED NYSLEAP - 8.4 - 21.1 (E)

Warning shots are prohibited.

306.9 RANGE INSTRUCTOR DUTIES

Best Practice MODIFIED

The range will be under the exclusive control of the Range Instructor. All members attending will follow the directions of the Range Instructor. The Range Instructor will maintain a roster of all members attending the range and will submit the roster to the Training and Planning Administrator. Failure of any member to be present on their scheduled range day may result in non-participation or non-qualification.

The range shall remain operational and accessible to department members during hours established by the Department.

The Range Instructor has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this department to verify proper operation. The Range Instructor has the authority to deem any department-issued firearm unfit for service.

The Range Instructor has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Range Instructor shall complete and submit to the Training and Planning Administrator documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Range Instructor should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training and Planning Administrator.

As per 29 CFR1910.95 (g-1) The Auburn Police Department shall establish and maintain an audiometric testing program as provided in this paragraph by making audiometric testing available to all employees whose exposures equal or exceed an 8- hour time-weighted average of 85 decibels. Department Firearms Instructors will, at the City of Auburn's expense, have audiograms conducted prior to April 1 on an annual basis. Records of the performed audiograms will be maintained by the Office of the Chief of Police.

306.10 FLYING WHILE ARMED

Federal

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The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their Auburn Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The Auburn Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Auburn Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

306.11 CARRYING FIREARMS OUT OF STATE

Federal

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Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The officer shall carry his/her Auburn Police Department identification card whenever carrying such firearm.
- (b) The officer may not be the subject of any current disciplinary action.
- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Active police officers from other states are subject to all requirements set forth in 18 USC § 926B.

Attachments

Department Issued Authorized Ammunition.pdf

Department Issued/Authorized Ammunition

308 Cal:

308 - Winchester - S308M *Sniper Duty Round

12 Gauge:

12 GA OO Buck - Federal - LE 13200 *Duty Round

12 GA Slug - Winchester - X12RS15

12 GA Dove and Quail - Winchester - WW12D8

40 Cal:

40 Cal - Winchester - RA40T *Duty Round

40 Cal FMJ - Winchester Q4238

223 / 5.56:

223 soft tip - Winchester - RA223R *Duty Round

223 FMJ - Winchester - Q3131

5.56 FMJ - PMC - XP193