

| | | | |
|--|--|--|--|
| Geneva Police Department GENERAL ORDERS | | AUTHORIZED FIREARMS AND AMMUNITION | |
| <input type="checkbox"/> new: <input checked="" type="checkbox"/> rescinds: Policy & Procedure 20.5; 32.3 <input type="checkbox"/> amends: | | cross-reference: G.O. 400 Accreditation/Recognition standards: C.A.L.E.A.: 1.2.2; 1.3.9; 1.3.10; 1.3.11 NYS L.E.A.P.: 6.2; 20.5; 32.3 | |
| effective date: 1.29.04 | issue/amend date: 1.29.04 / 2.13.15 / 5.7.20 / 11.2.22 | | |

| | |
|--|--|
| I. PURPOSE | The purpose of this General Order is to establish policies and procedures for firearms governing the training, possession, safety and qualifications for sworn personnel. |
| II. POLICY | <p>A. Geneva police officers possess, carry, and use firearms in the course of their duties under the authority of New York Penal Law, § 265.20-1(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.</p> <p>B. The Chief of Police will designate and approve all service firearms including handguns, rifles, and other firearms utilized by the Geneva Police Department. While on-duty, Geneva Police Department personnel may possess only firearms and ammunition that have been designated and approved by the Chief of Police or his designee. Officers, when off-duty, may possess only Department approved weapons, ammunition, and related equipment other than those used for recreational purposes.</p> <p>C. All Officers of the Geneva Police Department will maintain proficiency in the use of all issued firearms including authorized handguns, rifles, or any other firearms approved for use by Officers.</p> <p>D. Officers will adhere to the guidelines outlined herein regarding the testing, use and possession of all firearms including authorized handguns, rifles, or any other firearms approved for use by Officers and personally owned firearms possessed by an exempt person (i.e., on the Officer’s badge and/or identification).</p> |
| III. DEFINITION | <p>A. Authorized Handgun - Any handgun issued by the Geneva Police Department or any personally owned handgun approved for law enforcement purposes by the Chief of Police and Department Armorer.</p> |
| IV. NEW OFFICER TRAINING & QUALIFICATIONS | <p>A. The Lieutenant/Uniform Force (LT/UF) will ensure that firearms training for new officers, (both recruit officers and lateral hires) meet the standards established by the Bureau of Municipal Police (BMP) and those set by the Chief of Police. New officers will be tested and qualify under the supervision of a Firearms Instructor, with the standard-issued handgun and rifle prior to being issued a firearm and assigned to field duty.</p> <p>B. In addition, all new officers will be issued and acknowledge receipt of General Order 400, Use of Physical Force, Deadly Force and Firearms and receive annual training in regard to the Department’s policies regarding Firearms and Use of Force.</p> |

V. QUALIFICATIONS

A. Qualification Requirement

1. Every Officer will qualify at least once every calendar year with any authorized handgun and/or patrol rifle unless temporarily exempt due to a medical disability or other extenuating circumstances as approved by the Chief of Police.
2. Only those officers that are qualified with the use of an authorized handgun and rifle may use same.
3. The Firearms Instructor, with the approval of the Chief of Police, will establish a qualification course, which the Officer must successfully complete under the supervision of a Firearms Instructor with each issued handgun and rifle.
4. Scores for qualification of the course shall be established by the Firearms Instructor with the approval of the Chief of Police.
5. The Firearms Instructor will document such training and qualifying scores and turn same over to the Lieutenant/Uniform Force (LT/UF) who will maintain a file on the firearms training.

B. Deadly Physical Force Training

1. On an annual basis, all sworn personnel will receive in-service refresher training on the Department's deadly physical force policy.

C. Failure to Qualify

1. In the event that an Officer does not fire a qualifying score with his/her department issued handgun, or is unable to complete the established course of fire, the following procedure will be followed:
 - a. The Firearms instructor will work with the Officer at that time and he/she will be given a second chance to qualify. If the Officer fails the second time, the Firearms Instructor will continue to work with the Officer and he/she will be given a third opportunity to qualify. If after three attempts the Officer fails to qualify, he/she will immediately surrender his/her firearm to the Firearms Instructor and the Officer's authority to carry the firearm will be suspended. The Officer will also make arrangements to turn over to a Firearms Instructor or Supervisor, any firearm that the Officer possesses as an exempt person. (i.e., on the Officer's badge and/or identification).
 - b. The Firearms Instructor may seize a firearm from an Officer at the qualification/range under extenuating circumstances. (i.e. qualification was extremely poor, officer does not show proper safety while qualifying).
 - c. The Firearms Instructor will notify the following persons of the Officer's failure to qualify:
 1. Chief of Police
 2. LT/UF
 3. LT/DB
 - d. The Officer failing to qualify will be placed on administrative duty until he/she successfully qualifies.

| | |
|---|---|
| <p>V. QUALIFICATIONS (CONT.)</p> | <p>e. The Firearms Instructor will continue to work with the Officer and if within seven (7) days of the first attempt the Officer qualifies, the Firearms Instructor will send written documentation of same to the Chief of Police and will return the service handgun to the Officer.</p> <p>f. If the Officer fails to qualify within seven (7) days of his first attempt, the Firearms Instructor will forward written documentation to the Chief of Police. In such cases, the Chief of Police will cause an investigation to be initiated to determine whether the Officer is competent to continue as a member of the Police Department. <i>(Reference Article 75 of the Civil Service Law)</i></p> <p>g. In the event that an officer fails to qualify with the rifle, the Firearms Instructor shall notify the LT/UF who will notify the Chief of Police and LT/DB as to same. It will be the responsibility of the LT/UF to notify the Officer's Supervisor(s) that the officer is not authorized to use or deploy a Department issued rifle in the line of duty. The Officer will not be authorized to deploy or use the rifle until he or she successfully qualifies. The LT/UF will also notify the Chief of Police, LT/DB and the Officer's Supervisor when the officer successfully qualifies with the Department-issued rifle.</p> <p>D. Remedial Training</p> <p>1. If, in the judgement of the Firearms Instructor, remedial or additional training for any officer is necessary, he/she shall notify the LT/UF of the training recommendations. The LT/UF, in consultation with the Chief of Police, will arrange for such training.</p> |
| <p>VI. AUTHORIZED DEPARTMENT ISSUED FIREARMS</p> | <p>A. On-Duty Considerations</p> <p>1. Sworn Officers shall be the only members of the Department authorized to carry, display or employ handguns or rifles while on-duty.</p> <p>2. All Officers, unless authorized otherwise for good cause by the Chief of Police (e.g. undercover assignment) will carry their issued handgun and ammunition in the prescribed manner while on-duty and will use all prescribed equipment including holsters, gun belts, ammunition, magazines, etc. The handgun will be loaded with a full magazine with one round loaded in the chamber.</p> <p>a. The Chief of Police may waive this requirement in cases of officer assigned to plain clothes details, light duty or administrative assignments.</p> <p>3. Only firearms issued by the Geneva Police Department will be carried by officers when on-duty unless use of a non-issued firearm is approved and authorized in writing by the Chief of Police in accordance with this Order.</p> <p>4. The following firearms are currently issued by the department and are authorized for use by officers:</p> <p>a. Uniformed Officers shall be issued the Glock Model 22 .40 Caliber handgun. Detectives shall be issued either the Glock Model 22 .40 Caliber handgun or the Glock Model 27 .40 Caliber handgun. The issued ammunition for these handguns shall be Federal 180 Grain Hydra-Shok JHP.</p> |

| | |
|---|--|
| <p>VI. AUTHORIZED DEPARTMENT ISSUED FIREARMS (CONT.)</p> | <p>b. The authorized patrol rifle shall be the Bushmaster XM 15-E2S M-4 or Colt M4 type carbine with the ammunition being Federal American Eagle AE223 .55 grain (.223 caliber/5.56mm).</p> <p>B. <u>Off-Duty Considerations</u></p> <ol style="list-style-type: none"> 1. Officers are not required to carry their Department issued handgun and ammunition off-duty, but may do so if they choose, wherever legal within the State of New York. 2. Officers may carry their Department-issued handgun outside of New York State unless possession of the weapon is prohibited by law in that particular location. 3. Officers are prohibited from carrying a Department-owned handgun off-duty, while under the influence of alcohol, or other drugs or medication, which would impair judgment or decision-making ability in any way. 4. If the department-issued handgun is carried off-duty, it must be in a holster approved by the Chief of Police and a Department Armorer, be loaded with issued ammunition, and worn in an approved manner. The officer must also be in possession of his/her issued identification and badge. 5. Department-issued handguns will not be used by officers engaged in outside employment. |
| <p>VII. AUTHORIZED PERSONALLY OWNED HANDGUNS</p> | <p>A. <u>On-Duty Considerations</u></p> <ol style="list-style-type: none"> 1. While in an on-duty status, personally owned firearms may be carried as a back-up weapon only with the approval of the Chief of Police. 2. To obtain authorization to carry a personally owned back-up weapon, officers must: <ol style="list-style-type: none"> a. Complete an “<i>Authorization To Carry a Personally Owned Handgun</i>” (<i>See Attachment A</i>) form and submit same to the Chief of Police for approval to carry that specific handgun. b. Once that handgun has been approved to carry, the Authorization Form will be forwarded to a Department Firearms Instructor who will make arrangements with the requesting officer to submit the handgun, ammunition and holster listed on the Authorization Form for inspection. <ol style="list-style-type: none"> 1. Officers will be given written notification if the handgun, holster or ammunition fails the inspection. If a handgun or holster fails the inspection, it may be resubmitted for inspection once the deficiencies have been corrected. c. Qualify and satisfactorily complete an approved firearms qualification course on an annual basis under the supervision of a certified Firearms Instructor. <ol style="list-style-type: none"> 1. Officers will be required at their own expense and on their own time, to qualify with said handgun(s) listed on the Authorization form on an annual basis. |

| | |
|--|--|
| <p>VII. AUTHORIZED PERSONNALLY OWNED HANDGUNS (CONT.)</p> | <p>2. Once the officer has qualified with the approved handgun, the <i>Authorization Form</i> will be forwarded to the Chief of Police for final approval.</p> <p>d. All qualifications will be documented and submitted to the LT/UF for inclusion in the Officer’s training records.</p> <p>e. Officers who fail to qualify with their personally owned handgun will be informed in writing that they do NOT have authorization to carry said handgun on-duty and will sign the notification form showing that they were duly advised as such. The notification form will be placed in the officer’s training file and a copy of same provided to the Officer.</p> <p>f. The Chief of Police will be advised accordingly by the firearms instructor as to whether or not the officer qualified with the handgun.</p> <p>g. Department Firearms Instructors will not provide remedial training to Officers who fail to demonstrate proficiency with their personally owned handgun. Requesting personnel will bear the responsibility and the expense of obtaining remedial training.</p> <p>3. Use the personally owned handgun only in cases of emergencies whereby his/her Department-issued handgun cannot be used for whatever reason.</p> <p>4. Follow the rules set forth in this Order as well as General Order 400 regarding the Use of Deadly Physical Force, and all other Departmental policies and procedures regarding the use of firearms.</p> <p>B. <u>Off-Duty Considerations</u></p> <p>1. Off-duty personnel may find it necessary to respond as police officers in emergency situations. Nevertheless, off-duty personnel are not required, but may if they choose at their own discretion, carry a personally owned firearm off-duty. Officers should take into consideration such factors such as the activity in which they are engaged, their location, their mode of dress and means of travel.</p> <p>2. Officers carrying personally owned handguns off-duty must comply with the authorization procedures as set forth above in § VII(A)(2)(a-f)</p> <p>3. Officers carrying or using personally owned handguns off-duty are subject to the same regulations pertaining to the use and display of firearms as while on duty. The use of discretion and good judgment is required at all times.</p> <p>4. Officers are prohibited from carrying a personally owned handgun off-duty while under the influence of alcohol or other drugs or medication which would impair judgment or decision-making ability in any way.</p> <p>5. If a personally owned handgun is carried off-duty, the Officer must also be in possession of his/her issued identification and badge.</p> |
| <p>VIII. PERSONNALLY OWNED FIREARMS</p> | <p>A. 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.</p> <p>a. Officers are strongly encouraged to obtain a NYS Pistol Permit and to register</p> |

| | |
|---|--|
| <p>IX. GENERAL SAFETY & CARE OF FIREARMS</p> | <p>all personally owned handguns on the permit.</p> <p>A. All Officers shall exercise due care in safely securing, carrying, using, loading, unloading and storage of all firearms while on and off-duty.</p> <p>B. Officers are responsible for the care and cleaning of their issued handgun.</p> <p>C. Each officer will immediately report any problem with the handgun or rifle, mechanical or otherwise to his/her immediate Supervisor, who in turn will see that the Department Armorer is made aware of the problem. If no Armorer is available to take possession of the firearm, the Supervisor will arrange for its safe and secure storage until an Armorer is available. Officers shall make no repairs, modifications, adjustments or changes to Departmentally owned handguns or rifle. The Department Armorer shall perform all such service or arrange for the repairs.</p> <p>D. While at the Public Safety Building, all firearms will be loaded and unloaded in a safe direction unless exigent circumstances require otherwise.</p> <p>E. Firearms stored in a locker or otherwise at the Public Safety Building must be stored in a safe and secure manner.</p> <ol style="list-style-type: none"> 1. The locker or other compartment for secure storage must be locked at all times so as to prohibit unauthorized access of the firearm. <p>F. Personnel must ensure that issued firearms that are taken out of the Public Safety Building for off-duty use are stored in a safe and secure manner. Steps that should be taken to secure the issued firearm when not in the officer's immediate possession, include, but are not limited to:</p> <ol style="list-style-type: none"> 1. Securing the firearm in a locked gun case or locker; 2. Removal and separate storage of the weapon's bolt; 3. Use of weapon or trigger lock mechanism; 4. Any other approved method that would prevent unauthorized access to the firearm and render it unusable in the event the weapon is stolen or found by someone not familiar with the firearms' use. <p>Note: Any method used to render a firearm unusable should not impair the firearms' immediate placement into service by the officer.</p> <p>G. <u>Any use of an authorized handgun whether on or off-duty will comply with all applicable laws, Department orders, policies, procedures, directives, and training.</u></p> |
| <p>X. ARMORER</p> | <p>A. The Chief of Police will designate one or more officers to serve as Department Armorer. Armorer will be qualified by certification or training to perform assigned firearm duties.</p> <p>B. The duties of the Armorer will include:</p> <ol style="list-style-type: none"> 1. Responsibility for issuing Department owned firearms, ammunition, and magazines. <ol style="list-style-type: none"> a. Prior to the issuance of a Department owned firearm to an officer, the Armorer shall review and inspect such firearm to be sure that it is operational and free of defects and shall approve same for duty use. |

| | |
|---|--|
| <p>X. ARMORER (CONT.)</p> | <ol style="list-style-type: none"> 2. Taking possession of any Department owned firearm requiring maintenance and/or repair and performing such maintenance or repairs when feasible or making arrangements for it to be done. 3. Maintain records of every firearm owned by the Department to include: <ol style="list-style-type: none"> a. Make, model and serial number of each firearm; b. Name and rank of each officer issued a firearm and the serial number of the issued firearm; and c. Storage location of un-issued firearms. <ol style="list-style-type: none"> 1. Such records to be turned over to the Chief of Police or his designee who will maintain a file on same. 4. Maintain all records necessary for the ordering, inventory, maintenance, and repair of firearms. 5. Ensure that an adequate supply of cleaning materials and other necessary items or equipment related to firearms is maintained. 6. At least annually, inspect each Officer's firearm. 7. Perform such other firearms related duties as may be authorized or directed by the Chief of Police or his designee. <p>C. The Armorer will coordinate his duties and responsibilities with the LT/UF.</p> <p>D. All firearms repair will be performed by the Armorer unless it is necessary to have the firearm repaired by another qualified person or entity (e.g. manufacturer). No employee other than an Armorer is permitted to repair or attempt to repair, modify or alter a firearm or change its operation in any way. Only Armorers are allowed to disassemble a firearm except as set forth below.</p> <p>E. Officers are responsible for normal cleaning of their Department issued firearms. To do so, officers are allowed to remove major sub-assemblies of firearms (field strip) for normal cleaning.</p> <p>F. Any firearm needing maintenance or repair will be turned over to the Armorer as soon as possible. The Armorer if possible, will immediately repair and reinspect the firearm. If the firearm cannot be repaired at that time, the Armorer will issue the Officer a reserve weapon for use until the Officer's own weapon is ready for service.</p> |
| <p>XI. FIREARMS AND RANGE SAFETY</p> | <p>A. The following firearm safety rules shall apply:</p> <ol style="list-style-type: none"> 1. Always know where your muzzle is pointed; point it there intentionally. 2. Keep your trigger finger off the trigger unless intending or willing to press it. 3. Check condition of your weapon each and every time it is handled. 4. Do not place a finger on the trigger unless the weapon is aligned on a target. 5. Be sure of what is in front of and behind your target. <p>B. All firearms training and qualifications will be under the personal supervision of a certified Firearms Instructor. All Officers, regardless of rank, will be subject to the</p> |

| | |
|--|--|
| <p>XI. FIREARMS AND RANGE SAFETY (CONT.)</p> | <p>direction of a Firearms Instructor in the actual conduct of firearms training. The Firearms Instructor will be in command of all actual firearms training and qualifications regardless of the rank of the trainees.</p> <p>C. All firearms training and qualifications will be conducted in a safe manner. Firearms Instructors are responsible for enforcing all safety rules on the range and all officers will fully comply with all written and verbal directives of the Firearms Instructor while on the Range.</p> <p>D. When removing the firearm from its holster, Officers should have a good grip on the weapon and draw in a safe manner. Finger should NEVER be placed in trigger guard while unloading.</p> <p>E. When preparing to place the firearm back into the holster, the Officer should load or unload in prescribed manner and secure weapon in holster. Again, remember finger must NOT be placed in trigger guard.</p> <p>E. All firearms are to be emptied at a charging barrel or in area at Range designated by the Firearms Instructor. Firearms are to remain holstered at all times, unless otherwise directed by the Firearms Instructor.</p> <p>F. Ear and eye protection will be worn by everyone during live firing at the Range.</p> <p>G. No dry firing shall be conducted in Range area while waiting to fire.</p> <p>H. Be sure there is no obstruction in the barrel of a firearm before loading.</p> <p>I. Never give a firearm to, or take a firearm from, anyone unless the, action or slide is open.</p> <p>J. Never anticipate a command from the Firearms Instructor.</p> <p>K. For the purpose of loading weapons, the term load shall mean when you fill your magazine and place it in the weapon. The term charging shall mean when you place the shell in the chamber and the weapon is hot and ready to fire.</p> <p>L. Unload when and as instructed.</p> <p>M. Keep firearm pointed down range at all times.</p> <p>N. The weapon shall always be pointed down range when not in use. Also, if a problem should arise with the weapon when firing, the Officer shall keep the weapon pointed down range and shall raise his/her weak hand and keep same raised until the Range Officer can assist him/her. The Firearms Instructor shall approach the Officer on the line from behind by placing his/her hand on the Officer's arm and sliding same up his/her arm until he/she has control of weapon.</p> |
| <p>XII. PROCEDURES FOR LESS THAN LETHAL SHOTGUN USE</p> | <p>A. All less lethal shotguns will be used in accordance with General Order 406 Kinetic Energy Impact Projectiles.</p> <p>B. At no time shall shotgun ammunition be brought to the Geneva police department, unless:</p> <ol style="list-style-type: none"> 1. It is less lethal (bean bag rounds) as specified in General Order 406 Kinetic Energy Impact Projectiles. |

| | |
|--|--|
| <p>XIII. PROCEDURES FOR RIFLE USE</p> | <p>2. The ammunition is evidence, turned in for safekeeping, or is for destruction and is placed in sealed packaging as set forth in <i>General Order 705 Crime Scene and Evidence Procedures</i>.</p> <p>A. Patrol rifles will be secured in the patrol vehicle. The safety will remain on while the patrol rifle is in the vehicle and not in use. A fully loaded 20 round magazine will be locked in the magazine well of the patrol rifle, with the bolt forward on an empty chamber with the safety on. <u>Rifles shall not have a round in the chamber while in the patrol vehicle.</u> A fully loaded 30 round magazine will also be secured in the patrol vehicle’s glove box.</p> <p>B. At the beginning of each tour of duty, those officer(s) who are assigned a vehicle that is equipped with a patrol rifle shall check the weapon to be sure that the safety is on and the chamber is clear of ammunition. Any discrepancies discovered during this check shall be reported to the Duty Supervisor.</p> <p>C. Patrol rifle iron sights shall be left at “Mechanical Zero”, unless an Officer is directed to make a sight adjustment by a firearms instructor. The rifles red dot sight (RDS) adjustments shall be left at their zero, unless and Officer is directed to make an adjustment by a firearms instructor.</p> <p>D. Whenever a police vehicle will be out of service away from the Public Safety Building and not under an Officers immediate control, the patrol rifle will be removed from the vehicle and turned over to a Supervisor who will place the rifle in a secure area at the Public Safety Building.</p> <p>E. If the rifle is removed from the vehicle and utilized, the procedures as outlined in General Order 400 shall be followed.</p> <p>F. Rifles shall be unloaded prior to entry into a law enforcement facility with the bolt locked to the rear and the safety on.</p> <p>G. The patrol rifle has a maximum range of over 2 miles. Officers utilizing the rifle must use safe handling techniques to ensure their own safety as well as the safety of those in the area. Rifles should not be employed at distances greater than 50 yards.</p> |
| <p>XIV. WEAPONS & AMMUNITION ACCOUNTABILITY</p> | <p>A. The Department’s weapons and ammunition shall be secured in the Armory located in the Public Safety Building. The Armory is a locked area with controlled access limited to the Chief of Police, Lieutenant’s and Department Armorer.</p> <p>B. In order to ensure accountability of the agency’s weapons and ammunition, a Department Armorer will, on a yearly basis, inventory such equipment and supplies. The results of the inventory will be recorded and given to the Chief of Police for record keeping.</p> <p style="text-align: right;">Approved By</p> <p style="text-align: right;">MICHAEL J. PASSALACQUA <i>CHIEF OF POLICE</i></p> |

3.22.04 – added §IX (E-G) / amended §XI (A) 3.14.05 – amended § IX (C), §X (A)

4.11.05 – amended §VI (A)(4) 8.04.08 – added §V (C)(1)(b), §VI (A)4(d) §XIV / amended §XIII

2.13.20 – removed §VI (A)(4)(b) / amended §XII (A), XIII (A) (B)

5.7.20 – amended §III, §IV(A), §V(A)(1), (C)(1)(c)(2) & (D)(1), §VI(A)(4)(c), §IX(D), §X(C), §XI(C),(E), §XII(A), (B), §XIII(B) / added §V(C)(1)(b)

11.2.22-amended §II(B,C,D), §IV(A), §V(A)(1-3), (C)(1)(g), §VI(A)(1)(4b), § IX(C),(F)(3), §X(B)(6), §XIV(C) / removed §XI(B-E) / added §XI(A)(1-5)

4.18.23-amended §XI (A)(1-5)