

	ITHACA POLICE DEPARTMENT	Distribution ALL PERSONNEL	General Order Number <b>3.07</b>
	POLICY AND PROCEDURE GENERAL ORDER	Original Issue Date 07/15/2019	Reissue/Effective Date 07/30/2019
ORDER TITLE  FIREARMS	Accreditation Standard: NY 2.2; .7; 6.1; 6.2; 20.5; 21.1; 21.2; 32.3; 33.1; 33.2; 35.1; 64.1	Section  3	
		Section Title RULES OF CONDUCT	
Rescinds: General Order 342, Firearms Qualification, Use and Possession issued 5/11/2015		<b>Dennis Naylor, Acting Chief of Police</b>	

*This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting*

## I. PURPOSE

To establish guidelines and procedures governing Ithaca Police Department issued and/or authorized firearms and ammunition including training, qualification, safety, carrying, care, and maintenance.

## II. POLICY

The Ithaca Police Department (“Department”) is committed to the belief that increased training enhances professionalism and decreases the likelihood of injury to officers and citizens. Because of this commitment, officers are required to demonstrate proficiency in the use of firearms at least twice annually, in compliance with the New York State Division of Criminal Justice (DCJS) and the Municipal Police Training Council (MPTC) requirements. Only officers who first receive training in the Department’s Use of Force and Firearms policies, and demonstrate proficiency in their application, are authorized to carry firearms. All Department qualifications and sponsored firearms training shall be administered by certified firearm instructors. Firearms qualification is a combination of skill and discretion. Department training emphasizes proper use of force decision-making (when to shoot as well as how to shoot). [Refer to General Order 3.01 (*Use of Force*)].

## III. DEFINITIONS

**Administrative No Gun Status:** The lack of technical ability to qualify, as determined by the Firearms Training Unit.

**Firearm:** An issued and/or authorized weapon designed to expel a projectile by the action of an explosive (e.g., revolver, pistol, shotgun, rifle) to be utilized in accordance with applicable department policies.

Firearms Instructor: A police officer within the Department assigned to the Firearms Training Cadre by the Training Coordinator to correlate and develop all activities relating to firearms, firearms training and firearms range activities. The Firearms Instructor shall, at minimum, have satisfactorily completed a Firearms Instructor Course which meets the standards of the New York State Division of Criminal Justice Services and the Municipal Police Training Council. Officers who are certified Firearms Instructors, but are not currently assigned to the Firearms Training Cadre, are not authorized to deliver firearms related instruction to members of the Department.

Firearms Training Cadre: A group of Department Firearms Instructors selected by the Training Coordinator to develop and deliver firearms training to department members.

Magazine or "Source of Feed": An ammunition retainer for semi-automatic pistols and rifles.

Medical No-Gun Status: The lack of physical ability to qualify with a firearm as determined by a qualified physician.

Physical Stress Training: Requires the officer to successfully perform a live-fire exercise before or during an agility drill.

Proper Use of Force Decision Making: The use of reasonable force, including proper tactics, and de-escalation techniques.

Psychological Stress Training: Under stress certain physical changes may occur (e.g., loss of fine motor skills, tunnel vision, auditory exclusions). This training mentally prepares the officer to overcome or minimize these changes by demonstrating proficiency in a variety of skills within a specific time frame.

Firearm Qualification: Firearms qualification is required at least two times per calendar year.

Sidearm: The on duty sidearm and the weapon officers must use to train and qualify with annually.

Training Coordinator: A Department member selected by the Chief of Police to oversee and coordinate all departmental training.

#### **IV. PROCEDURE**

##### **A. Authorized Use of Firearms/Ammunition**

###### **1. General**

- a. Only those firearms and ammunition which are issued and/or authorized and trained in by the Ithaca Police Department shall be carried while on duty.

- 1) Officers who purchase or dispose of a firearm and do not possess a CCW for said firearm must register the firearm on a New York State Police "C" form PPB-1 with the Department Armorer once approval is obtained from the Chief of Police. The Department Armorer is responsible for forwarding the "C" form to the Chief of Police and filing with the New York State Police within 10 days of purchase.

New York State Police  
Pistol Permit Bureau  
Building 22  
1220 Washington Avenue  
Albany, NY 12226-2252

- b. All officers will be issued a model 17 or model 19 Glock 9 mm semi-automatic pistol as a primary sidearm for on duty carrying to the exclusion of all other sidearms unless the Chief of Police has granted special permission. The Training Coordinator will maintain a record of all approved primary and secondary weapons.
- c. Qualification with one Department issued model firearm does not qualify the officer to carry other model firearms. Officers must qualify separately with each model of semi-automatic pistol or firearm that they choose to carry while on duty.

### 3. Security of Weapons

- a. Officers are responsible for the care, cleaning, and security of weapons issued to them. Officers shall keep their Department issued and/or approved weapons in good, serviceable condition at all times. All weapons shall be kept clean and free from excessive amounts of oil.
- b. When an officer's residence is to be vacant for an extended period of time (e.g., furlough, extended leave, or extended use of compensatory time, etc.) the officer shall not leave a Department issued weapon at the residence. An officer may leave the Department issued weapon at the Department if appropriate storage facilities are available. A Department locker is an appropriate storage facility for handguns when the locker is secured by a lock.

### 4. Repair

- a. Officers shall report and explain any weapon malfunction to a Department Firearms Instructor. Department issued weapons shall only be repaired by Department armorers.

- b. Department issued weapons which become defective will be immediately removed from service, and a replacement weapon will be issued by a firearms instructor.
- c. Any firearms instructor who receives a malfunctioning weapon shall notify the Training Coordinator immediately. The Training coordinator will record the information (e.g., weapon, model number, serial number) on the officer's firearm's record.

#### 5. Ammunition

- a. Ammunition approved for use while on or off duty in Department issued or approved weapons are limited to the ammunition approved by the Training Coordinator and the Chief of Police. No other ammunition is authorized unless the Chief of Police or his designee exempts the specific officer or group. Currently, the following ammunition is approved for use:
  - Speer Gold Dot LE Federal 147 Grain HST 9mm
  - Hornady 55 Grain Tactical Application Police .223 Caliber
- b. All Department issued firearms carried by officers, on or off duty, shall be carried with a chambered round and a fully loaded magazine. Additional magazines, when carried, shall also be fully loaded;
- c. Uniformed, on-duty officers shall carry the following ammunition on their person: A minimum of 51 rounds for a Glock Model 17 and 45 rounds for a Glock Model 19. All supervisors shall ensure that officers under their command are in compliance during their required monthly firearm inspection.
- d. The Firearms Training Cadre, as authorized by the Chief of Police, shall provide ammunition guidelines for all other weapons.

#### 6. Shoulder Weapons

- a. Only Department issued or approved shoulder weapons (carbines and rifles) may be carried in any Department vehicle. No officer shall deploy any shoulder weapon on duty prior to successful completion of training and qualification in compliance with the firearms training program. All shoulder weapons shall be carried in Department vehicles locked in the gun mount or in appropriate gun boxes or other suitable cases.
- b. The serial number of any Department issued or approved shoulder

weapon carried in an Ithaca police department vehicle must be recorded on the officer's vehicle inspection sheet.

- c. The Firearms Training Coordinator shall notify all Shift Commanders of those officers within their command that have not qualified with the Patrol Rifle. The Training Coordinator shall note this information in the officer's Training File.

#### 7. Shotguns

- a. Shotguns that are owned by this Department, except for breaching shotguns, are for academy and other training purposes only and are not authorized for deployment by officers in the field.
- b. Department-issued shotguns may be carried in the trunk of a Department vehicle in a Department issued bag or case unloaded condition while being transported to the Range or Academy.
- c. The issued shotguns are:
  - (1) Breaching shotguns utilized by SWAT
  - (2) Remington 870 pump action
- d. Officers shall carry and use only ammunition issued by this Department unless the Chief or his designee approves, in writing, for an exception and the officer qualifies with the alternate ammunition. This includes but is not limited to rifled slugs and magnum loads.

#### 8. Secondary Weapons

- a. Officer may carry an authorized secondary weapon upon their person in accordance with [Section A \(1\) b](#) and:
  - 1) Weapon must be at least a .380 caliber;
  - 2) Weapon must be a single, double or "safe-action;"
  - 3) Minimum of five (5) rounds; and
  - 4) May only be used in cases of emergencies whereby the officer's primary duty weapon cannot be utilized.

## B. Firearm Safety

### 1. General

- a. All firearms shall be carried holstered or in a gun bag or gun box.
- b. Officers are prohibited from the use of shoulder holsters and cross-draw holsters.

### 2. Securing Service Weapon While Processing Arrested Individuals

- a. Prior to removing a prisoner(s) from any secured area (e.g. rear of vehicle, cellblock, etc.), officers will secure their weapons in a weapon locker, placing the locker key in their pocket.
- b. Following all prisoner processing/detail duties, the officer will retrieve his/her weapon from the locker and shall secure it back in his/her holster prior to moving from the area.
- c. All lockers are individually keyed and all lockers and keys are numbered. Locker keys shall be left in the locker when empty.
- d. Weapon lockers are located in the 87 (2)(f) [REDACTED] 87 (2)(f) [REDACTED]. Weapons must be secured prior to entering the prior to entering the processing area when prisoners are present.

### 3. Modifications

Officers are prohibited from affixing any attachment, grip, extension or other equipment, or in any way modifying any Department issued sidearm without written approval from the Chief of Police.

### 4. Prohibited Uses

- a. The use of a firearm is categorized as deadly/lethal force. The use of a firearm must be in strict compliance with this department's Use of Force policy (See General Order 3.01.)
- b. An officer shall not unnecessarily display or at anytime use any weapon as an intimidation device.
- c. The firing of warning shots is strictly prohibited.
- d. Officers are prohibited from discharging their firearms at or from a moving vehicle, motorcycle, or bicycle (collectively, "moving vehicle") unless officers reasonably believe deadly force is necessary to defend the officer

or a third person from the use, or imminent use, of deadly force. For purposes of this policy, officers will not discharge their firearms at moving vehicles except under extreme circumstances. Such discharges will be rigorously scrutinized. Officers shall, as a rule, avoid tactics that could place them in a position where a vehicle could be used against them. When confronted with an oncoming, moving vehicle, officers must attempt to move out of its path, when possible.

### 5. Use of Force Reporting

- a. The use of a firearm must be reported in strict compliance with the Department's Use of Force policy (See General Order 3.05 (*Reporting and Investigating Force*)).
- b. Any use of a firearm must comply with the Ithaca's Use of Force Policy (See General Order 3.01).

### 3. Semi Annual Inspections

- a. All officers with a Department issued or approved semi-automatic sidearm shall have their weapon inspected once per calendar year.
- b. The following procedures will be adhered to:
  - 1) Inspections will be performed on all Department issued semiautomatic pistol;
  - 2) Inspections may only be conducted at locations equipped with either a clearing barrel or a Department range; and
  - 3) Inspections will be conducted by a Department Armorer
  - 4) The Training Coordinator will record and generate the inspection data in the the Department's computerized system.

## D. Firearms Training

### 1. General

- a. All officers are required to train and qualify with their Department issued sidearm twice per year, and a department owned Patrol Rifle at least once time per calendar year. Certified firearm instructors will provide corrective measures for any deficient firearm techniques and/or any failure to adhere to safe handling procedures.
- b. All officers are required to attend each in-service training for firearms annually.
- c. All officers that fail to qualify with their duty weapons after multiple attempts shall relinquish their Department issued firearms and return

the following day to receive remedial training and an opportunity to qualify.

- d. If the officer fails to qualify for certification, the officer shall be given two (2) additional opportunities to qualify, but must obtain certification within sixty (60) days after the initial training is completed. For each additional qualification attempt the police department will provide up to twelve (12) hours of additional training, a total of (36) hours of additional training. This will occur within the sixty (60) days of initial training.
- e. The Training Coordinator shall ensure that all of their officers are scheduled to qualify on an annual basis;
- f. The Firearms Instructor shall be in charge at all times when officers are on the firing range for qualification.
- g. A Department Armorer shall thoroughly inspect all Department issued or approved weapons annually to ensure that all weapons are safe and that they are properly maintained.
- h. The standards for all firearms qualifications shall meet current DCJS and MPTC standards and all training, including remedial training, will be documented. The lesson plan must be on file with the Training Unit.
- i. Training and qualification sessions for semi-automatic pistols and shoulder weapons, include but are not limited to: stress training, night training, advanced training and proper use of force decision making to adequately prepare for real life situations.
- j. Officers are prohibited from carrying or using any firearm in connection with the performance of their official duties, with the exception of authorized departmental firearms training, until they have satisfactorily completed an approved DCJS and MPTC program that constitutes the basic course of instruction in the use of deadly physical force and the use of firearms.

## 2. Accidental or Unintentional Firearm Discharge

- a. Commanding officers shall require officers that experience an accidental or unintentional discharge or that have improperly used a weapon to receive and successfully complete firearms re-training. An Interdepartmental Memorandum shall be submitted to the Chief of Police requesting that the officer(s) be provided with re-training. A copy of the investigation and report on the incident precipitating the



request shall be attached;

- b. All accidental or unintentional firearm discharges are classified as uses of force and will be investigated by the Deputy Chief of Professional Standards.

### 3. Range Procedures

- a. The Department firearms range is located in the Town of Ithaca, at 100 Burns Road.
- b. The use of the range is restricted to sworn personnel of the Ithaca Police Department, other police departments, military personnel, or non-sworn students or instructors specifically approved by the Chief of Police or designee.
- c. Live fire is specifically permitted Monday through Saturday from 0800 hours to 2100 hours. Live fire is not permitted outside designated time frame unless specifically approved by the Chief of Police or designee.
- d. To insure safety of all participants and maintain a safe training environment, an instructor may remove any member from the firing line and/or firearms range for any safety infraction or conduct which negatively impacts the training environment. If removal of an officer is made, prompt notification to the Training coordinator shall be made.
- e. Alcohol consumption is prohibited at the firearms range house or any firearms range property used for the firing of weapons.
- f. Off duty use of the range is permitted with specific approval of the Chief of Police or designee.

## E. Firearms Qualification

### 1. Failure to Qualify

Failure to successfully complete the required training and qualification at the indicated frequency or to adhere to all safety protocols of the Department shall result in the administrative actions listed below:

- a. Officers who fail to qualify shall be relieved of their firearm and advised that they are on no-gun status and prohibited from taking any law enforcement action;
- b. Officers shall be placed in an in-house, administrative assignment until

such time as re-training and qualification is complete;

- c. Those officers that fail to qualify after designated remedial training sessions within sixty (60) days of their initial failure to qualify shall be subject to disciplinary action up to and including a recommendation for termination of employment; and
- d. The Training Coordinator will notify the Chief of Police of an officer's administrative no-gun status and will provide progress reports to the Chief of Police during the period of remedial training.

## 2. Sidearm Failure

- a. A failure to qualify with the duty firearm will require that the officer be scheduled for an immediate remedial training session. Upon failure to qualify, the firearm shall be seized and the officer's supervisor notified immediately of the date and time of the remedial training session.
- b. If a remedial training session is missed or if the officer fails to qualify at the initial remedial training session, the officer will not be permitted to carry any Department issued firearm on or off duty.
- c. Officers placed in an administrative no-gun status after failing an initial remedial training session are limited to a total of four remedial training sessions, to be completed within a sixty (60) day period;
- d. Officers placed in an administrative no-gun status will be subject to medical review after the second unsuccessful remedial training session within the sixty (60) day period.

## 3. Secondary Sidearm Failure

- a. All officers are required to train and qualify with their secondary Department issued or approved firearm bi-annually; one of which must be in low-light conditions.
- b. A failure to train and qualify with a secondary firearm will prevent the officer from carrying the firearm on duty.
- c. Officers may not carry a secondary firearm prior to successfully completing a training and qualification session.

## 4. Shoulder Weapon Failure

- a. A failure to train and qualify with a Department issued shoulder weapon requires that the officer be scheduled for an immediate remedial training session.
  - b. The officer may not carry or be issued the respective weapon until the officer successfully completes a training and qualification session.
5. Failure to Attend

- a. Firearms Training and Qualification Program will be conducted on dates to be determined by the Firearms Training Coordinator.
- b. Failure to attend required training sessions ~~shall~~ may result in the revocation of authorization to carry a firearm.
  - 1) This revocation shall remain in effect until such time as the officer attends a training and qualification session; and
  - 2) It is incumbent upon each officer to ensure attendance in order to avoid further administrative action.

F. Carrying Firearms

1. General

- a. No officer shall enter any holding cell or holding cell area with a firearm.
- b. Officers assigned to duty inside any department building shall be armed in compliance with department policies.
- c. The taking of prescription drugs or over the counter medications that may inhibit a officer's ability or judgment prohibits the officer from carrying any weapon. Officers shall notify their immediate supervisor, should they be required by a medical condition, to take any prescription or over the counter drug that may inhibit their ability or judgment to carry a weapon.
- d. Officers are required to store their firearms prior to a medical evaluation or taking part in a Department disciplinary proceeding. Lock boxes will be provided. Firearms shall not be removed from any holster in an unsafe manner. Officers shall keep their fingers off the trigger and the firearm pointed in a safe direction during the storage process.

2. Uniform (On Duty)

- a. Officers shall carry their Department issued or approved primary

sidearm holstered in a Department issued or approved holster, worn in accordance with Department uniform standards;

- b. Secondary sidearms must be carried holstered and concealed in such a manner so as to allow for no unusual bulges, protrusions or exposure. The holster, at minimum, has a retention system, covers the trigger/trigger guard and keeps the weapon securely in place during regular daily duties.

### 3. Civilian Attire (On Duty)

- a. All officers shall carry their Department issued or approved sidearm **87 (2)(f)** unless otherwise authorized in writing by the officer's Commanding Officer. Officers will also carry an extra magazine, set of handcuffs, and less lethal option (usually OC.) The written authorization shall be retained in the officer's command personnel file and shall be effective until the officer is transferred to another command or notified by the officer's commanding officer that such authorization has been revoked.
- b. Officers in civilian attire in public places or buildings open to the general public shall either have their weapons concealed in such a manner so as to allow for no unusual bulges, protrusions, or exposure or have their department shield clearly displayed next to the firearm.

### 4. Off Duty

- a. The carrying of a Department issued sidearm while off-duty shall be at the option of the officer.
- b. Officers carrying department owned weapons off-duty shall comply with the guidelines and procedures set forth in this General Order, and with all Department use of force policies.
- c. All officers must carry their Ithaca Police Department identification card and badge while on-duty and it is recommended for being carried off-duty.
- d. While operating an Ithaca Police vehicle off duty, officers shall be armed with their Department issued or approved sidearm.
- e. Officers electing to carry a department owned weapon off duty shall carry it holstered, in a safe and accessible manner. Off-duty weapons shall be carried safely and concealed from public view, or with department shield clearly displayed next to the firearm.

- f. Officers are prohibited from participating in any sporting activity while carrying a department owned firearm.
- g. Officers shall not carry any Department issued weapon while engaged in or participating in any public demonstration, rally, march or picketing activity.
- h. Off-duty officers are prohibited by state law from carrying a firearm if their blood alcohol level is .08 or above. In addition, officers shall not carry a department owned firearm in situations where an officer's performance may be impaired. The odor of intoxicants on the breath of an officer shall be deemed "prima facie evidence" that he is unfit to carry a Department issued weapon.
- i. Officers are prohibited from carrying a firearm if he or she is taking any debilitating medication (prescribed or non-prescribed).

5. Off-Duty Police Action

- a. Off-duty officers shall notify on-duty Department or local law enforcement officers (if outside of the City of Ithaca) before taking police action, if possible and absent exigent circumstances, so that they may respond with appropriate personnel and resources to handle the problem.
- b. Off-duty officers are prohibited from carrying or using department owned firearms or taking police action in situations where an officer's performance may be impaired or the officer's ability to take objective action may be compromised.

