



TOWN OF MACEDON POLICE DEPARTMENT

General Order: 319	Effective Date: June 24, 2020
Subject: Discharge of a Firearm	
Reference Standards: 20.1, 21.1, 21.2, 40.2	
Rescinds:	
Page 1 of 8	Attachments: Report of Animal Destroyed Form

I. Policy

- A. While in the performance of their duties, sworn members of the Macedon Police Department may utilize any departmental firearms for which they are trained to use and have shown proficiency with.
- B. Any discharge of a firearm whether on or off duty for reasons other than training, target practice, or legal hunting must fall within the guidelines of this General Order.

II. Guidelines

- A. Warning shots are prohibited.
- B. Officers are justified in removing firearms from holsters and gun mounts, or pointing the firearm if:
 1. There is justification to use a firearm against a person or an animal
 2. The officer reasonably believes that a person or a situation poses or may pose an immediate threat of death or serious physical injury either to himself/herself or another person
- C. Officers may use firearms against:
 1. Another person when the use of deadly physical force is justified

2. Dogs that are attacking any person
 3. Wildlife that is destructive, injured, or threatening a person. Officers will notify the on-duty supervisor and the Wayne County 911 Dispatcher that an animal destruction by the use of a firearm is necessary.
- D. Discharge of a firearm at a moving vehicle is prohibited unless the officer reasonably believes that the person being fired at is about to use or is using deadly force against the officer or another person.
- E. Discharging a firearm at an occupant of a fleeing vehicle or a vehicle that is moving away from the officer and is no longer perceived to be a threat to anyone is prohibited.

III. Officer responsibilities

- A. When a sworn officer's firearm is discharged, whether on or off duty, other than for training, legal hunting, or target practice purposes, he/she will:
1. Provide medical assistance if required
 2. Notify the on-duty supervisor as soon as reasonably possible. If no on-duty supervisor is available notify the Chief of Police or his/her designee.
 3. Notify the local law enforcement agency if necessary
 4. Locate and identify witnesses
 5. Submit all required reports
- B. If the discharge occurs on duty and is directed at a person, the officer will submit a Standard Incident Report. An addendum report may be substituted if another officer is filing a Standard Incident Report. The officer involved will also file a Subject Management Resistance Report.
- C. If the discharge occurs off duty and is directed at a person, the officer will submit a Standard Incident Report and a Subject Management Resistance Report.
- D. If the discharge is accidental, the member will submit a Standard Incident Report.
- E. If the discharge is directed at a dog or other animal, the officer will submit a Report of Animal Destroyed Form (Attachment 1).

1. Section 11-0915 of the New York State Environmental Conservation Law authorizes a police officer of a town to issue deer possession permits for deer killed because of a collision with a motor vehicle. This will also apply when any injured deer must be destroyed.
 2. No permit is necessary if no one wishes to possess the deer carcass for consumption. In such cases Macedon Animal Control will be notified to pick up the carcass for disposal.
- F. Nothing in these requirements is meant to limit the reports to be filed. A supervisor may request additional reports as deemed necessary.

IV. Duties of the supervisor

A. The on-duty supervisor or Chief of Police will:

1. Respond to the scene of the incident immediately if within the county
2. Notify the Chief of Police.
3. If the scene is outside Wayne County, the Chief of Police will be notified and will determine the department's response.
4. If the discharge is directed at an unarmed subject, and results in serious physical injury to the subject the New York State Attorney General's officer involved shooting group will be notified.
5. Determine if the services of the Wayne County Sheriff's Office or New York State Police should be utilized as well as the level of technician's services to be used including photos, measurements, and diagram.
6. Decide if an investigator should be notified and respond to the scene.
7. Response to animal destruction incidents will be left to the discretion of the on-duty supervisor.
8. Notification of the Chief of Police on animal destruction incidents will be left to the discretion of the on-duty supervisor.

B. If the discharge is directed at a person, if a person is injured or killed as a result of a

discharge, or if property damage occurs as a result of the discharge, and the event occurs within Wayne County, the on-duty supervisor or Chief of Police will:

1. Respond to the scene
 2. Ensure the immediate notification of the Chief of Police.
 3. Ensure that all necessary medical attention is provided
 4. Ensure that the officer:
 - a) Receives medical assistance, if needed
 - b) Is afforded privacy from inquiries from the public and departmental personnel not involved in the actual investigation of the incident
 - c) Is able to contact a representative from the Macedon Police Association, Inc., or Counsel 82 and a lawyer.
 5. Conduct a preliminary investigation of the circumstances surrounding the incident, and promptly report the results of the preliminary investigation to the Chief of Police.
 6. Determine if the services of the Wayne County Sheriff's Office or New York State Police should be utilized as well as the level of technician's services to be used including photos, measurements, and diagram.
- C. If the discharge is directed at a person, if a person is injured or killed as a result of a discharge, or if property damage occurs as a result of the discharge, and the event occurs outside Wayne County, the on-duty supervisor will notify the Chief of Police.
1. The Chief of Police will decide the department response. The Chief of Police will consider the following:
 - a) Apparent circumstances
 - b) Injuries to a police employee and/or non-police personnel
 - c) Distance from Town of Macedon.

V. Custody of discharged weapons

1. When an officer discharges a firearm within the Town of Macedon, the department will take custody of any firearm and related equipment utilized by the officer under the following circumstances:
 - a) If the discharge is directed at a person
 - b) If a person is injured or killed as a result of a discharge
 - c) If the discharge is accidental
 - d) If property is damaged as a result of the discharge
2. If an officer discharges a firearm outside the Town of Macedon under the circumstances detailed in § C-1 (a-d) above, the department will only take custody of the firearm and related equipment utilized by the officer if the local investigating law enforcement agency does not.
3. An on-duty supervisor or Evidence Technician will take custody of any and all evidence. Evidence may include the officer's firearm, ammunition and related leather goods. Nothing in this section precludes an evidence technician from an outside law enforcement agency (NYSP or Wayne County Sheriff's Office) from taking custody of the evidence provided said agency has been charged with conducting or assisting with the investigation.
 - a) Any firearm will be made safe.
 - b) A member of the firearms staff will replace the department issued weapon and equipment.
 - c) Proper documentation will be made of all items taken via notes, reports, photographs, etc.
4. All items will be placed in the custody of the Property Office pursuant to General Order 480 until:
 - a) Authorized for release by the Wayne County District Attorney's Office or the New York State Attorney General's officer involved shooting group and the Chief of Police; or
 - b) The termination of any internal or legal proceedings.

VI. Reporting

A. Guidelines

1. Items that may be included in any reports relating to the discharge of a firearm include but are not limited to:
 - a) Whether the officer was on or off duty
 - b) Whether the officer was in uniform or plain clothes
 - c) The Nature of incident when dispatched
 - d) Witnesses who observed all or part of the incident
 - e) Names and unit numbers of officers present at the scene, with statements regarding their involvement
 - f) Description of weapon(s) used including:
 - (1) Whether it is department issued.
 - (2) Type (e.g. revolver, pistol, shotgun, rifle, etc.)
 - (3) The caliber.
 - (4) The serial number.
 - (5) The manufacturer.
 - (6) The officers pistol permit number.
 - (7) The capacity of rounds of the firearm.
 - (8) The number of unspent rounds in the weapon and magazine.
 - (9) The type of ammunition in the firearm.

- g) The number of rounds fired by the officer and adversary.
- h) The type of holster and whether it is department issue.
- i) Whether the officer was wearing a bullet resistant vest and if so, what type.
- j) The lighting and weather conditions

B. Filing

- 1. All reports will be forwarded through the chain of command to the Chief of Police before the conclusion of the tour of duty on which the incident occurred, by the officer or, if the officer is incapacitated, by an on-duty supervisor.

VII. Assignment to administrative duty

- A. The Chief of Police or his/her designee will assign an employee to administrative duty when that employee has discharged a firearm and:

- 1. Directed the discharge at another person
- 2. Caused injury or death to another person
- 3. Violated the provisions of this General Order; or
- 4. When deemed necessary by the Chief of Police or his/her designee

- B. The administrative duty will not place the officer in a position where the use of force may be necessary due to the nature of the assignment.

- 1. Administrative duty assignments will be made in the best interests of the department and the officer.
- 2. The assignment to administrative duty does not imply guilt nor innocence of the employee involved.

- C. When a member is assigned to administrative duty, he/she will:

1. Refrain from routine exercise of police arrest and intervention powers
2. Refrain from any public discussion of his administrative assignment or the circumstances related to the discharge of the weapon
3. Retain all rights, privileges and employee benefits
4. Retain responsibility for compliance with all laws, department rules and regulations, General Orders, and directives governing department personnel not specifically exempted by this order

D. The employee will remain on such assignment until notified by the Chief of Police.

VII. Review and disposition

- A. Upon receipt of the reports related to a firearm discharge, the Chief of Police or his/her designee, and a training officer will review them. The review process will include but not be limited to the following:
 - a) Reviewing the reports documenting the firearm discharge
 - b) Reviewing the retention of training as it applies to the circumstances of the firearm discharge.
 - c) Determining if the firearm discharge was within department guidelines.
 - d) Determining if there is a need for remedial, reinforced, or additional training.
 - e) Determining if policies and procedures need to be reviewed and/or amended.
- B. If the review is completed by the Chief's designee he/she will forward a copy of all applicable reports to the Chief of Police including recommendations as to what actions, if any, needs to be taken. The Chief of police pursuant to his review may make any additional recommendations as necessary and will implement any recommendations or other actions deemed necessary

By Order of the Chief of Police

John P. Colella
John P. Colella (Sep 14, 2020 11:06 EDT)

John P. Colella

Chief of Police

Dated this 24th day of 2020