
 <p>NEW YORK STATE Corrections and Community Supervision</p> <p>DIRECTIVE</p>	TITLE		NO. 2021
	Firearms Qualification and Requalification		DATE 12/04/2018
SUPERSEDES DIR# 2021 Dtd. 12/14/2017	DISTRIBUTION D	PAGES PAGE 1 OF 10	DATE LAST REVISED
REFERENCES (Include but are not limited to) 7NYCRR 50.1, NYS Criminal Procedure Law §2.10; Directive #2020; ACA Expected Practices 4-4090, 4-4091, 4-APPFS-3A-22-M, 4-APPF-3B-01-M, 4-APPF-3B-02-M, 4-APPF-3B-03-M, 4-APPFS-3B-04	APPROVING AUTHORITY 		

I. **DESCRIPTION:** This directive defines the Department’s policy and procedures for assuring that employees are competent in the use of firearms assigned to them.

II. **POLICY**

- A. When used in this directive, the term “employee” shall mean any employee in the security services, or any other employee possessing Peace Officer status pursuant to New York State Criminal Procedure Law Section 2.10 or 7NYCRR Section 50.1.
- B. During their initial training period with the Department, employees must qualify with firearms and receive instruction in the use of deadly physical force. Thereafter, employees must re-qualify and receive additional instruction in the use of deadly physical force at least annually.
- C. No employee shall be assigned any firearm unless he or she is currently qualified with that firearm. Should the employee fail to qualify, or re-qualify in the use of a firearm assigned to a post or position, he or she is ineligible to bid for, or be assigned to that post or position. An employee who fails to re-qualify with the firearm assigned to his or her current post shall be removed from that post. An employee who fails to re-qualify with the Department Glock Semi-Automatic Pistol will be issued a “Firearms Restricted ID Card” (Attachment A) in accordance with Directive #2020, “Off-Duty Firearms Regulation.”
- D. Whenever possible, a Weapons Training Officer (WTO), certified by the Department, shall be assigned to each correctional facility. A facility without a WTO shall make other arrangements for its employees to receive training, and the opportunity to qualify and re-qualify with a WTO.
- E. Each employee shall be aware that their weapons qualification expires on the date shown on their “Weapons Qualification Card,” Form #1258, (See Attachment A). Accordingly, they shall be responsible for contacting the Training Office if they have not been scheduled for their annual requalification. For Community Supervision (CS) field staff, weapons qualification will be conducted on an annual basis.
- F. An employee’s qualification for any of the weapons listed in this directive shall not exceed one year from the date last qualified.

- G. An employee with a medical condition that would preclude them from firing any Department weapon, must submit medical documentation to the Superintendent, or his or her designee, five days prior to their scheduled training date. If accepted, the WTO and the Regional Training Lieutenant (RTL) will be notified in writing and the employee's "Weapon's Qualification Card," Form #1258 (Attachment A) marked "N/Q." (See Section III-E below.)

If the employee is assigned to a CS Peace Officer title and has a medical condition that would preclude them from firing any Department weapon, the employee must immediately report any such medical condition, medical restriction, or any physical limitation to their immediate supervisor, Bureau Chief, or Unit Chief and Regional Director. The Bureau Chief or Unit Chief is responsible for notifying the Director of Training, or his or her designee.

- H. Employees shall not alter or modify Department weapons in any manner. This includes, but is not limited to, the authorized trigger, sights, magazines, and ammunition. Employees are prohibited from carrying a personally-owned firearm while on duty, except as authorized in Section IV-E of this directive.

III. PROCEDURES FOR CORRECTIONS BASED EMPLOYEES

- A. The Deputy Commissioner for Correctional Facilities, the Deputy Commissioner/Chief of Investigations, the Director of the Training Academy, the Deputy Superintendent for Security (DSS), the Superintendent (where there is no DSS position), and any other Department Head who supervises an employee who may be assigned a firearm, must provide that employee with the opportunity to qualify and re-qualify as required.
- B. Whenever possible, employees shall be notified 48 hours in advance of range training and firearms requalification.
- C. Initial Qualification Requirements
1. *Instruction in Physical Force/Deadly Physical Force*: During initial training with the Department, an employee shall receive seven hours of instruction in the use of force, including the use of deadly physical force, in accordance with the Department-approved lesson plan.
 2. *Qualification Criteria*: Employees shall qualify with the Glock Model 17 Semi-Automatic pistol, demonstrate proficiency with the Remington 870P shotgun, and be familiarized with other Department firearms using the criteria established in the Department-approved lesson plan.
 3. *Weapons Qualification*
 - a. Glock Model 17 Semi-Automatic Pistol: During initial training with the Department (usually while at the Department Training Academy), an employee must qualify with the Glock Model 17 Semi-Automatic Pistol. Failure to qualify will result in dismissal from service.
 - b. Remington Model 870P, 12-Gauge Shotgun: During their initial training with the Department, all employees will receive instruction in the safe handling and firing of the Model 870P, 12-gauge shotgun per the Department-approved lesson plan. All employees will be required to demonstrate proficiency with the Remington 870P shotgun.

A “qualified” rating, as described in the Department-approved lesson plan, must be received by an employee in order for that employee to be assigned to a post equipped with this firearm.

If the weapon was handled as prescribed in the lesson plan and fired safely, then the employee will be “qualified” with that weapon, and the proper notation will be entered on the “Weapons Qualification Card,” Form #1258 (Attachment A). (See “Weapons Qualification Card, Form #1258” and Section III-D-3-b below.)

- c. Colt Model AR-15 .223 Rifle: During initial training with the Department, all employees shall be familiarized with the use of the standard Department rifle, Colt AR-15 .223.

When the term “familiarized” with the Department’s Colt AR-15 .223 rifle is used in this directive, it shall mean “the safe handling, loading, and unloading of the weapon with no live firing.” When an employee receives this type of familiarization training, “FAM” will be noted on their “Weapons Qualification Card,” Form #1258 (Attachment A).

4. “Weapons Qualification Card,” Form #1258 (Attachment A): Employees will be issued a “Weapons Qualification Card,” Form #1258 (Attachment A). The card will show the date of expiration (month/year) and the firearms with which the employee qualified. The employee and the WTO shall affix their signatures to the “Weapons Qualification Card,” Form #1258 (Attachment A). The employee will carry their “Weapons Qualification Card,” Form #1258 (Attachment A) at all times when on duty.

D. Requalification Requirements

1. Instruction in Physical Force/Deadly Physical Force: At the time of the yearly requalification, all employees shall receive the required hours of instruction in the use of force and deadly physical force in accordance with the Department-approved lesson plan.
2. “Weapons Qualification Card,” Form #1258 (Attachment A): Upon reporting to the facility firing range for yearly requalification, the employee will surrender his or her expiring “Weapons Qualification Card,” Form #1258 (Attachment A) to the WTO before being allowed to fire for requalification.

After the employee fires for requalification, a new “Weapons Qualification Card,” Form #1258 (Attachment A) will be issued showing the type of weapon and the date of qualification expiration. If the employee fails to re-qualify, the WTO shall mark the employee’s card “N/Q.” (Not Qualified)

If all training is not completed on the same date, a card will be completed showing the status of the employee. At no time should the employee have more than one “Weapons Qualification Card,” Form #1258 (Attachment A).

The employee and the WTO shall affix their signatures to the new “Weapons Qualification Card,” Form #1258 (Attachment A).

3. **Weapons Requalification:** Employees shall re-qualify, and be familiarized with firearms using the criteria in the Department-approved lesson plan at the facility range under the direction of the WTO. Where a range does not exist, the facility or office head shall arrange for requalification to be made at a nearby Department approved range.
 - a. **Glock Semi-Automatic Pistol:** After initial qualification, each employee shall be required to fire for requalification with a Glock Semi-Automatic pistol.
 - b. **Remington Model 870P, 12-Gauge Shotgun:** At the time of requalification with the Department-approved pistol, all employees will be required to demonstrate proficiency with the Model 870P, 12-gauge shotgun. Employees will receive either a “qualified” or “N/Q” rating in the handling and firing of the shotgun.
 - c. **Colt Model AR-15 .223 Rifle**
 - (1) An employee assigned to a facility having the standard Department rifle, Colt AR-15 .223 as part of its arsenal shall be familiarized with the use of the rifle at the time of annual requalification.
 - (2) An employee assigned to a post equipped with the standard rifle will be qualified with the iron sights prior to assignment to a post. An employee assigned to a post equipped with an optically assisted rifle must be qualified with both the scope and the iron sights annually.

E. **Failure to Re-qualify**

1. An employee who fails to re-qualify at the scheduled time will be allowed to fire the course a second time. If the employee still fails to re-qualify, a third opportunity will be provided with the WTO giving individual attention to the employee. If the employee fails after the third attempt or if the second or third opportunity is to be scheduled at a later date, the appropriate officials listed in Section III-E-3 below shall be notified. Upon receipt of such notification, the officials listed in Section III-E-3 below shall:
 - a. Remove the employee from any post equipped with the firearm(s) with which he or she failed to re-qualify;
 - b. Assign the employee to posts or duties not requiring firearms until such time as the employee re-qualifies;
 - c. Inform the employee in writing, in accordance with Directive #2020, that the carrying of firearms while off-duty, without a valid permit, is prohibited; and
 - d. Issue the employee a new ID card indicating “Firearms Restricted” (Attachment A) in accordance with Directive #2020.
2. If the employee re-qualifies, after notice has been given as referenced in Section III-E-1 above, the appropriate officials listed in Section III-E-3 below shall be notified, in writing, of this requalification by the WTO.
3. Should an employee continue to fail to re-qualify with the Glock Semi-Automatic pistol, consideration shall be given to available administrative options including a warning that continued employment in the Department may be contingent upon such requalification.

NOTE: In instances where the employee fails to re-qualify, notifications shall be made to the Superintendent, Deputy Superintendent for Administration (DSA), DSS, the staffing Lieutenant, and the RTL prior to the close of business.

IV. PROCEDURES FOR COMMUNITY SUPERVISION (CS) BASED EMPLOYEES

- A. The Regional Director, the Director of Internal Operations for Community Supervision, and any other Department Head who supervises an employee, who may be assigned a firearm, must provide that employee with the opportunity to qualify and re-qualify as required. The Director of the Training Academy, via the Regional Training Coordinators, will establish and publish a schedule for range qualification dates for each Region. Officers and managers with Peace Officer status are to qualify on the date they are scheduled.

NOTE: All CS Peace Officers will **only** be trained and qualify annually with the issued Glock Model 19, 9mm Semi-Automatic pistol. If they have obtained authorization to carry a personally owned firearm as a primary or back-up weapon while on duty pursuant to Section IV-E below, they shall also qualify and re-qualify annually with that firearm. All CS staff must carry the Glock Model 19 (and/or other firearm) authorized pursuant to Section IV-E while on duty, unless their work assignment precludes it.

B. Initial Qualifications Requirements

1. *Instruction in Physical Force/Deadly Physical Force:* During initial training with the Department, an employee shall receive seven hours of instruction in the use of force, including the use of deadly physical force, in accordance with the Department-approved lesson plan.
2. *Qualification Criteria:* Employees shall qualify with the Glock Model 19, 9 mm Semi-Automatic pistol using the criteria established in the Department-approved lesson plan. Failure to qualify will result in dismissal from service.
3. *Weapons Qualifications:* It is the responsibility of the Director of Internal Operations for Community Supervision to maintain accurate records of the qualification status, dates of qualification or requalification, and the weapon(s) qualified on for all Community Supervision Peace Officers.

The Director of Internal Operations for Community Supervision or designee will notify the Regional Director or appropriate Division Head when a Peace Officer has failed to qualify with a State-issued weapon.

4. *"Weapons Qualification Card," Form #1258 (Attachment A):* Employees will be issued a "Weapons Qualification Card," Form #1258 (Attachment A) by the WTO. The card will show the date of expiration (month/year) and the firearms with which the employee qualified. The employee and the WTO shall affix their signatures to the "Weapons Qualification Card," Form #1258 (Attachment A). The employee will carry their "Weapons Qualifications Card" at all times when on duty.

C. Requalification Requirements

1. *Instruction in Physical Force/Deadly Physical Force:* During each year of weapon requalification, all employees shall receive the required hours of instruction in the use of force and deadly physical force in accordance with the Department-approved lesson plan.

2. *Weapons Requalification:* The Director of the Training Academy, via the Regional Training Coordinators, will establish and publish a schedule for range requalification dates for each region. Officers and managers with Peace Officer status are to qualify on the date they are scheduled.
Glock Semi-Automatic Pistol: After initial qualification, each employee shall be required to fire yearly for requalification.
3. *“Weapons Qualification Card,” Form #1258 (Attachment A):* Upon reporting to the firing range for yearly requalification, the employee will surrender his or her expiring “Weapons Qualification Card,” Form #1258 (Attachment A) to the WTO before being allowed to fire the requalification.
After the employee fires for requalification, a new “Weapons Qualification Card,” Form #1258 (Attachment A) will be issued, by the WTO, showing the type of weapon and the date of qualification expiration. If the employee fails to re-qualify, the WTO shall mark the employee’s card “N/Q.”
If all training is not completed on the same date, a card will be completed showing the status of the employee. At no time should the employee have more than one “Weapons Qualification Card,” Form #1258 (Attachment A).
The employee and the WTO shall affix their signatures to the new “Weapons Qualification Card,” Form #1258 (Attachment A).

D. Failure to Re-qualify

1. An employee who fails to re-qualify after two attempts must surrender their State issued weapon to the WTO who will secure the firearm until such time as the employee is able to successfully re-qualify. The Instructor will schedule the employee for the next available remedial range training date. Prior to the close of business, the WTO will notify the appropriate officials listed in Section IV-D-3 below of the failure to qualify. Upon receipt of such notification, the officials listed in Section IV-D-3 below shall:
 - a. Assign the employee to duties not requiring firearms until such time as the employee requalifies; and
 - b. Inform the employee in writing, in accordance with Directive #2020, that the carrying of firearms off-duty, without a valid permit, is prohibited.
2. If the employee requalifies, after notice has been given as referenced in Section IV-D-1 above, the appropriate officials listed in Section IV-D-3 below shall be notified, in writing, of this requalification by the WTO. The employee should be notified in writing by the Bureau Chief that they are reinstated to carry a firearm off-duty.
3. Should an employee continue to fail to re-qualify, consideration shall be given to available administrative options, including a warning that continued employment in the Department may be contingent upon such requalification.

NOTE: In instances where the employee fails to re-qualify, notifications shall be made to the Director of Internal Operations for Community Supervision, Deputy Commissioner for Community Supervision or designee, and the Regional Director, prior to the close of business.

E. Authorization to Carry Personal Firearms

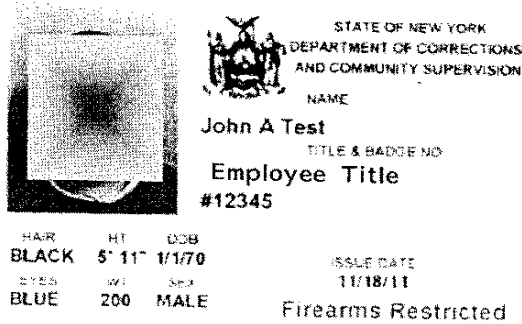
1. Any Community Supervision Regional Director, Bureau Chief, Senior Parole Officer, or Parole Officer may request approval to carry a personally-owned Glock Model 19 or Glock Model 26 while “on-duty.” This weapon must be registered in accordance with Department Directive #2020. Employees wishing to carry the aforementioned personally-owned firearm must complete Part I of Form #4200, “Request to Carry Personally Owned Firearm” (Attachment B). The employee will then secure the approval of the Regional Director by having the Regional Director or their designee sign Part II of “Request to Carry Personally Owned Firearm,” Form #4200 (Attachment B).
2. Following the Regional Director’s approval (or Assistant Commissioner in the case of a Regional Director making such application), the employee will arrange to qualify at the range, with the approved firearm, through their local Training Coordinator and Bureau Chief. The employee must bring the approved “Request to Carry Personally Owned Firearm,” Form #4200 (Attachment B) to the range along with their personal firearm.
3. The personal firearm will be inspected by a WTO, and the applicant Peace Officer will be provided with one attempt to qualify with their personal firearm under the same procedures that are used for State issue firearms qualifications. Department WTO will not provide remedial instruction for employees who fail to qualify with their personal firearms after the one attempt.
4. Employees intending to qualify or re-qualify on an approved personal firearm, Glock Models 19 or 26, for use as a primary, alternate, or back-up weapon are required to identify the model and serial number of the firearm on the “Range Qualification Sign-up Sheet” prior to their scheduled range date. No Officer shall be permitted to qualify with a personal firearm where approval to carry such weapon has not been approved and verified by the WTO.
5. Once an employee has qualified with their personal firearm, Part III of “Request to Carry Personally Owned Firearm,” Form #4200 (Attachment B) will be completed and signed by the WTO. If the applicant fails to qualify, the WTO will note that under Part III of Form #4200 (Attachment B). The WTO will contact the employee’s Regional Director or designee within one business day to inform him or her of the range results. The employee will be given a copy of the completed “Request to Carry Personally Owned Firearm,” Form #4200 (Attachment B), and the WTO will forward the original form to the Director of Internal Operations for Community Supervision for review and distribution, including the employee’s personal history folder.
6. An employee who qualifies with a personal firearm for use as a primary, alternate, or back-up weapon, must continue to use that firearm of choice for one year. The Officer must re-qualify annually with that firearm for any year in which they choose to carry it.

7. Department weapons may not be altered or modified in any manner. Community Supervision staff who have permission to carry a personally-owned Glock Model 19 or Glock Model 26 firearm may not make any modifications or alterations to their firearm except for the following:
 - a. Glock factory authorized fixed front and rear sights, including factory authorized night sights manufactured by Trijicon or Meproflight; and
 - b. Grip Sleeves.
 - c. Grip adaptors (finger extensions) which do not increase the overall magazine capacity beyond 15 rounds.
8. Authorization to carry a personally-owned firearm may be rescinded by the Department at any time.

F. Approved Magazines and Holsters

1. Only Glock factory authorized Model 19 magazines with an overall capacity of 2 with 17 rounds, and 1 with 15 rounds of 9mm ammunition are permitted for use in the Glock Semi-Automatic pistol. Only Glock factory authorized Model 19 or Model 26 magazines are permitted for use in the Glock Model 26 pistol.
2. The primary firearm, whether State issued or personally-owned, must be carried in a holster fastened to the outside of a work belt on the strong hand side of the employee. The holster may or may not have a strap or snap to be fastened over the back plate. If it does not have a strap, the holster must be specifically molded to carry the Glock pistol. If an employee is approved to carry a back-up firearm it must be carried in a holster originally designed to accommodate the Glock Model 19 or Glock Model 26 respectively. The holster must be secured on the employees' person by means of a belt or other fastener incorporated into the holster design. The holster must be factory designed to cover the trigger guard of the firearm.

“EXAMPLE”
FIREARMS RESTRICTED ID CARD



Form #1258
WEAPONS QUALIFICATION CARD

<p align="center">NEW YORK STATE CORRECTIONS AND COMMUNITY SUPERVISION WEAPONS QUALIFICATIONS CARD</p> <p>Facility: _____</p> <p>Name: _____ Title: _____</p> <p>Badge No.: _____ has qualified as indicated below: <u>Qualification expires on the dates indicated</u></p> <p>Glock: _____ Rifle: _____ Shotgun: _____ Baton: _____</p> <p>O.C.: _____ Use of Force: _____ Other: _____</p> <p>_____ NYS Emp. I.D.# Weapons Training Officer</p> <p>Form 1258 (9/17)</p>	<p align="center">NOTICE TO EMPLOYEE</p> <p align="center">This card expires on the dates indicated.</p> <p>This card shall be produced upon demand of any supervisory officer.</p> <p>This card verifies that the bearer has been qualified in the safe handling and proper use of the aforementioned weapons.</p> <p>Any employee accepting possession of a firearm that they are not qualified to use, for other than training purposes, shall be held solely responsible for any resulting use of that weapon.</p> <p>Employee's Signature _____</p>
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**NYS DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
REQUEST TO CARRY PERSONALLY OWNED FIREARM**

PART I (To be completed by applicant)

I request permission to carry the following personally owned firearm:

Make Model Caliber Serial Number

Signature of Applicant/Date

Print Name of Applicant Shield # Work Location

PART II The application of _____ to carry the firearm

Name of Applicant

described above is approved pending range qualification.

Signature of Regional Director (or his/her designee) and Date

PART III (To be completed by Range Officer)

I hereby certify that on _____ at _____

Date Place

the above mentioned _____ did qualify with

Print name of applicant Shield #

the firearm described in Part I of this form, with a score of _____ .

Signature of Range Officer and Date

Print Name of Range Officer Duty Station

Original Personnel File (Central Office)
Copies: Operations (Central Office), Regional Office, Area Office, Training Unit (Central Office), and Applicant