Memorandum to Presidents

Date: June 21, 1989

From: Office of Student Affairs and Special Programs

Subject: Revisions of Policy on Possession, Storage, Care and Use of Firearms

To: Presidents, State-operated Campuses

The University's Board of Trustees has adopted revisions to the University Administrative Policies, Item 080.1, Possession, Storage, Care and Use of Firearms on State-operated Campuses.

Among the changes are the adoption of the 1988 Penal Law definition of firearms and the addition of airguns to the list of weapons regulated on University campuses. The Chief Administrative Officer is now authorized to apply University-wide weapons regulations to the use and storage of airguns. Other revisions consist of rewordings to reflect updated terminology and safety procedures. The revisions are detailed in the attachment.

Any questions regarding this policy should be directed to Dr. R. Bruce McBride, Director of University Public Safety (518/443-5116).

Frank G. Pogue
Vice Chancellor for Student Affairs and Special Programs

Attachment

This memorandum for information to:

Presidents, Community Colleges
Deans, Statutory Colleges
President Coll
Vice President Nesheim
I. Purpose

The purpose of these regulations is to provide appropriate guidelines that will insure the safe and prudent implementation of the Rules of the Board of Trustees concerning firearms and other weapons on campuses.

A. The Rules of the Board of Trustees (Article 2, Part 535, Section 535.3 (j) of the Official Compilation of Codes, Rules and Regulations of the State of New York) prohibit the possession of firearms or weapons on a State-operated campus of the State University of New York without the written authorization of the Chief Administrative Officer of the campus.

B. The Rules of the Board of Trustees (Article 4, Part 590 of the Official Compilation of Codes, Rules and Regulations of the State of New York) govern the possession, use and storage of firearms, rifles, shotguns and weapons on the premises of State-operated institutions of the State University of New York.

1. The fact that a person is in possession of a valid New York State pistol permit does not authorize that person to have a firearm or weapon on campus without the written authorization of the campus president.

2. Persons who are designated peace officers under authority of Section 355, paragraph 2, subdivision m of the Education Law are not exempt from the firearms licensing requirements of the Penal Law (Section 265.20 Penal Law).

II. Definition of Terms

* A. "Firearm" means (a) any pistol or revolver; or (b) a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six inches; or (c) a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than twenty-six inches. For the purpose of this subdivision the length of the barrel on a shotgun or rifle shall be determined by measuring the distance between the muzzle and the face of the bolt, breech, or breechlock when closed and when the shotgun or rifle is cocked; the overall length of a weapon made from a shotgun or rifle is the distance between the extreme ends of the weapon measured along a line parallel to the center line of the bore. Firearm does not include an antique firearm. (Section 265.00, para 3, Penal Law.)

* B. Airgun means either a pistol or rifle which is capable of firing a metallic projectile by means of compressed gas.
II. Definition of Terms (cont.)

C. "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each pull of the trigger. (Section 265.00, paragraph 11, Penal Law)

D. "Shotgun" means a weapon designed or redesigned, made or remade and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger. (Section 265.00 paragraph 12, Penal Law)

E. "Deadly Physical Force" means physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury (Section 10, subdivision 11, Penal Law)

* F. "Deadly Weapon" means any loaded weapon from which a shot, readily capable of producing death or other serious physical injury may be discharged, or a switchblade knife, gravity knife, dagger, billy, blackjack, or metal knuckles. (Section 10, subdivision 12, Penal Law) or those weapons, described in Section 265.01, subdivisions 1 and 2 of the Penal Law.

G. "Dangerous Instrument" means any instrument, article or substance, including a "vehicle" as that term is defined in the Penal Law, which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or other serious physical injury.

III. Storage of Firearms Owned by Students, Faculty and Staff

* A. The Chief Administrative Officer of a State-operated campus may, in accordance with the provisions of Section 590.3 of the Rules of the Board of Trustees, grant written authorization to students, faculty or staff to permit the storage of firearms, rifles, airguns or shotguns on campus only where such possession is required or permitted for the purposes specified in said section. When authorized, such weapons shall be stored/unloaded in an appropriately locked arsenal within or under the control of the campus public safety department of each State-operated campus. Such authorization may be rescinded at any time but in no event shall be valid for longer than one academic year.

* B. A firearm, rifle, airgun or shotgun that is evidence in a criminal case may be stored in a properly secured evidence locker or arsenal until disposal or return of the weapon is permitted by the local prosecutor or court.
III. Storage of Firearms owned by Students, Faculty and Staff (cont.)

* C. When authorized for storage on campus, firearms, rifles, airguns and shotguns shall be tagged. Such tag will bear the owner's name, address and telephone number (both home and campus), date of storage and any other pertinent information deemed necessary.

D. Only the owner of such weapons, upon presentation of proper identification, may obtain possession of them after they are stored.

* E. No firearms, rifle, airgun, shotgun or other weapon authorized on campus under Section 590.3 of the Rules of the Board of Trustees may be used, loaded, fired, or discharged on campus except under the immediate supervision of a qualified instructor approved by the State University and under a program specifically authorized by the University. This prohibition shall not apply to Forestry lands under the supervision of the State University College of Environmental Science and Forestry or farm lands under the control of the State University College of Technology at Alfred.

IV. Campus Public Safety Personnel

A. Authorization for Campus Public Safety Personnel.

* 1. The Chief Administrative Officer of a State-operated campus may authorize campus public safety personnel who possess a valid New York State pistol permit to carry firearms while on duty. Such authorization shall only be given for selective assignments such as money escorts, a fixed post during registration periods, or a mobile or foot patrol assignment during a specific shift and/or covering a specific sector of the campus.

* 2. Only those officers who have been designated as peace officers under authority of Section 355, paragraph 2, subdivision 1 of the Education Law, who are recommended by the Director of Campus Public Safety and approved in writing by the Chief Administrative Officer are authorized to wear firearms on duty.

3. When so designated and approved to carry firearms on duty, such officers so assigned will respond to any complaints involving armed individuals, robberies or other dangerous incidents that occur during their tour of duty on their post.

* 4. Prior to being given written authorization to carry firearms on duty, any officer so recommended and designated must successfully complete a course of instruction (practical pistol course) conducted under the strict supervision of a qualified firearms instructor approved by the Office of the University Public Safety Services. The training will be undertaken with the weapon and ammunition the officer is assigned to carry.
IV. Campus Public Safety Personnel (cont.)

* 5. Thereafter such officer must qualify at least twice each year to validate the written authorization. Written records of scores and qualification shall be maintained in the department's central firearms file.

B. Use of Firearms by Public Safety Personnel

* 1. When written authorization is given to Campus Public Safety personnel to carry firearms on duty, the weapon to be carried shall be State owned, not less than a five shot .38 caliber revolver.

2. Holsters shall be black leather with a strap fastener approved by the Office of University Public Safety.

3. A campus public safety officer may draw the firearm and may fire such weapon when all reasonable means for protection of the officer and/or others in his presence have been exhausted and such action is necessary to defend the officer or another person from what is reasonably believed to be the use or imminent use of deadly physical force, and as otherwise permitted by law and these rules and regulations.

4. Firearms shall not be worn by public safety officers while working crowd confrontations or disruptions where a considerable number of people have gathered for the purpose of protest, whether or not such gatherings are non-violent in nature, unless specifically authorized by the Chief Administrative Officer.

5. Campus public safety officers shall not fire "warning" shots nor shall they fire a weapon at a vehicle, conveyance or other structure unless the occupants of the vehicle, conveyance or other structure fall within the definitions of Section 35.30 of the Penal Law.

6. In considering the use of firearms, campus public safety officers must keep in mind that the individual officer alone is responsible for his acts and that he may be required to justify them in a court of law.

7. In addition to the stipulation for the use of firearms as set forth under E 3 they may be drawn for cleaning, proper range training and supervisory inspection.
B. Use of Firearms by Public Safety Personnel (cont.)

8. Each member shall report immediately in person or by telephone (followed by a report in writing) to the Director of Campus Public Safety the voluntary or involuntary discharge of firearms, except during official firearms training sessions. The report shall include the full circumstances of the case and the number of shots fired.

9. Any violation of University regulations for procedures governing the use or maintenance of firearms on campus shall be cause for administrative and/or disciplinary action.

C. Firearms Safety Rules

1. The following safety rules shall be complied with by all campus public safety personnel while assigned to firearms training and/or while using or carrying firearms.

a. Treat every weapon as though it were loaded and cocked until you have checked it personally to make sure it is safe.

b. Never point a firearm at a person unless you are ready to shoot that person as permitted by law and these regulations.

c. Members shall not engage in firearms practice on State University grounds. They shall not discharge a firearm in any other target area unless they are duly authorized to do so and then only while an approved qualified firearms instructor is physically present at the time.

d. Members will report to firearms training ranges with unloaded weapons.

e. At the range never load a firearm unless on the firing line and commanded to load.

f. When handling a firearm before commencing training, double check to make sure it is unloaded. Check the barrel for obstruction. If a firearm should be dropped during training, always unload and check the barrel for obstruction. The weapon must be checked by a qualified firearms instructor before it is fired again.

g. On the range, weapons shall remain in the holster at all times, unless actually engaged in firing or unless a command to draw weapons has been received. When immediate use is not anticipated, safety straps shall be fastened.
C. Firearms Safety Rules (cont.)

h. Never anticipate a command on the range at any time.

i. When loading, firearms shall be pointed down range. Proper range loading procedure will be followed as directed by the firearms instructor.

j. There shall be no unnecessary conversation while on the firing line. Trainees shall not speak to anyone except their firearms instructor. Head, eyes and weapons shall be down range at all time during any necessary conversation.

k. In the event of a malfunction or suspected malfunction, keep head, eyes and weapon pointed down range. Signal the firearms instructor and range officer by raising non-shooting hand. The weapon must be checked by a firearms instructor before firing can be resumed. Under no circumstances shall a trainee try to clear the difficulty himself or try to fire another round until a firearms instructor has checked the weapon.

l. Under no circumstances shall anyone go forward of the firing line until all weapons are empty, the entire line is cleared by the range officer, and he has told you as an individual or the entire line to go forward. Do not anticipate the range officer. This applies during both actual and dry firing.

m. If it is necessary for anyone to carry a weapon in his hand or lay it down anywhere in the range area, the weapon shall be unloaded and the action open. The action shall remain open until the weapon is holstered.

n. No smoking or carrying unlighted cigarettes, cigars or pipes is permitted while actually engaged in firing.

o. Ear protectors or cotton shall be used to protect ears by all members present on the range during firing.

p. Weapons shall be cleaned upon completion of the day's firing, under supervision of a firearms instructor and in a designated area. The action of the weapon shall remain open during cleaning. When cleaning is completed, the action shall be closed and the weapon shall be holstered empty. Weapons shall not be reloaded in the cleaning area.

q. All members must comply with safety rules and regulations governing the use of firearms. Failure to do so will be cause for administrative and/or disciplinary action.
IV. Campus Public Safety Personnel (cont.)

D. Storage of Firearms

* 1. All firearms shall be stored in an appropriate locked arsenal within the public safety department spaces. They shall not be worn to and from work. The Director of Campus Public Safety and his designees shall have access to them.

* 2. Loading shall be done in a designated area. Firearms shall be loaded by the member designated for an armed assignment. The member shall hold the weapon with the right side in the palm of his left hand and with the barrel pointed toward the floor, unlatch the cylinder with the right thumb, place the middle and ring finger of the left hand against the right side of the cylinder and follow it through the revolver frame. First and little fingers remain on the frame. With the right hand place the cartridges in the empty chambers. Close the cylinder using the right thumb on cylinder latch. Do not "flip" or "snap" the cylinder into place.

3. The dry firing of any firearms is not permitted in or on any State University facility.

4. All members must comply with safety rules and regulations relating to the use of firearms. Failure to do so will be cause for administrative and/or disciplinary action.

E. Care and Maintenance of Service Revolvers

1. Revolvers shall be examined and cleaned at least once a month, and after firing. The Director of Campus Public Safety shall be responsible for proper inspection of firearms and for the maintenance of appropriate records concerning results of his inspections. An accurate inventory of firearms and ammunition will be maintained by the Director.

2. Revolvers shall not be disassembled for cleaning. They will be checked to determine that they are unloaded, then double checked, before cleaning begins. The revolver shall be cleaned as follows:

   a. place a few drops of powder solvent on a bristle brush and run through the barrel taking care not to let the handle scrape the lands and grooves at the muzzle end of the barrel.

   b. clean chambers of the cylinder in the same manner.

   c. brush around outside of barrel, where it protrudes through the frame to make junction with the chambers.

* Revised Material
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E. Care and Maintenance of Service Revolvers (cont.)

d. take cleaning rod and dry patches, run through the barrel and chambers until they all come out clean.

e. run oiled patches through the barrel to leave a light coat of oil therein.

f. wipe off exterior of gun with a slightly oiled rag.

g. do not flip cylinder open or slam cylinder closed.

* F. University-wide Review

1. An on-site review of policies and procedures of these guidelines shall be conducted by the Office of University Public Safety.

2. Campuses considering the arming of their Public Safety officers shall forward plans to the Chancellor of the State University for review.

* Revised Material
TR 89-2