

CHAPTER 12: UNIFORMS AND EQUIPMENT

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1.0 UNIFORMS

1.1 POLICY

It is the policy of the Buffalo Police Department to field a force of well groomed Officers attired in neat and meticulously maintained uniforms that reflect the Department's high standards of competence, discipline and professionalism.

1.2 STANDARDIZATION OF UNIFORMS

All members of the Department shall be governed by the dress and appearance standards of this Chapter. Uniforms for males and females shall be the same except:

- A. maternity uniforms may be worn by female Officers who are pregnant;
- B. female Report Technicians may wear a skirt rather than trousers.

1.3 UNIFORMS TO BE KEPT AVAILABLE

Members shall have available at all times the uniform prescribed for their rank or assignment.

1.4 INSPECTION AND APPROVAL

Articles of uniform shall be inspected daily by the Superior Officer of the unit to which the Officer is assigned.

1.5 UNIFORMS TO BE WORN PROPERLY

- A. Uniform shirts shall be securely buttoned and worn properly at all times.
- B. When worn, caps and hats shall be positioned squarely on the head, with the center of the peak over the nose.
- C. Ties shall be the breakaway type and shall be worn snug to the collar.
- D. Uniforms shall be clean, well pressed, and in good repair. Leather shoes shall be highly polished, and leather articles kept in good repair.
- E. Uniforms shall be worn exactly as prescribed, and no unauthorized insignia shall be worn.
- F. Badges, whether the shield type or the sewn on variety, must always be displayed on the outer most garment.
- G. Name tags must always be displayed on the outer most garment.

1.6 UNIFORMS, WHEN WORN

Except for plainclothes Officers, or those excepted by the Commissioner, all members of the Department of the rank of Captain and below shall wear the prescribed uniform when:

- A. on duty, or
- B. appearing at Department trials, or
- C. required to report to the Commissioner, a Deputy Commissioner, Chief or an Inspector, unless specifically excused from so doing by the Officer to whom they are to report, or
- D. directed to do so by a Superior Officer.

1.7 WEARING THE UNIFORM HAT

Uniformed members of the Department are encouraged to wear the regulation police hat whenever they are outside and in public view. From May through October, the eight point cloth cap, and from November through April, either the eight point cloth cap, insulated winter knit hat or the Trooper Cap must be worn. Any other form of headwear may be approved at the discretion of the Commissioner:

- A. at the direction of a Supervisory or Commanding Officer;
- B. at all high visibility functions;
- C. while on a walking post or a traffic post;
- D. at parades, funerals or other formal Department functions;

1.8 ATTIRE WHILE RECEIVING COURT TIME PAY

Members of the Department must appear in full uniform or with a sport coat, dress slacks or suit and tie or shirt with collar and dress pants and shoes (or the business professional equivalent for female Police Officers) for any appearance in court (NO JEANS, SHORTS, T-SHIRTS OR SNEAKERS). Members appearing in court who are not wearing the regulation uniform shall wear their Department issued identification card on their outermost garment.

1.9 RESTRICTIONS ON WEARING UNIFORMS

- A. Except as outlined in M.O.P. Chapter 12 above, members shall wear their uniform only while on actual duty, or in going to, or returning from, duty.
- B. Members shall not wear their uniform in Canada unless they have the permission of the Commissioner and the Canadian authorities.
- C. Members under suspension shall not wear their uniform, or any part thereof, except when appearing at a Departmental hearing or trial.
- D. Members shall wear the uniform only as prescribed, without any unauthorized insignias or embellishments.

E. While in public, members shall not wear a combination of part civilian dress together with a readily identifiable part of the regulation uniform.

1.10 DISTRIBUTION, REPAIR, AND REPLACEMENT OF UNIFORMS AND EQUIPMENT

The Administration and Finance Lieutenant shall be responsible for the distribution, repair, and replacement of all badges, uniforms and equipment, except firearms and chemical sprays. The Administration and Finance Lieutenant shall maintain all necessary records and files to facilitate this responsibility.

1.11 RETURN OF UNIFORM AND EQUIPMENT

All items of uniform and equipment shall be returned to the Department whenever a sworn member ends his/her employment with the Department, whether by retirement or otherwise, or whenever a member of the Department takes an unpaid leave of absence in excess of thirty (30) days (refer M.O.P. Chapter 9). The member is responsible for returning all Department issued items of uniform and equipment and for having form BPD-24 completed as (s)he returns each item. The member shall attest to the fact that all items have been returned by signing the bottom of the BPD-24.

1.12 BODY ARMOR

POLICY

It is the policy of this Law Enforcement Agency to maximize Officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of Office safety procedures.

DEFINITIONS

Field Activities: Duty assignments and/or tasks that place or could reasonably be expected to place officers in situations where they would be required to act in enforcement rather than administrative or support capacities.

PROCEDURES

A. Issuance of Body Armor

1. All body armor issued must comply with protective and related requirements prescribed under current standards of the National Institute of Justice.
2. All officers shall be issued agency-approved body armor.
3. Body armor that is worn or damaged shall be replaced by the agency.

B. Use of Body Armor

1. Officers shall wear only agency-approved body armor.
2. Officers that are assigned to a uniformed function are required to wear body armor while engaged in field activities on duty.

C. Inspections of Body Armor

1. Supervisors shall be responsible for ensuring that body armor is worn and maintained as required by this policy through routine observation and periodic documented inspections.
2. Annual inspections of body armor shall be conducted for fit, cleanliness, signs of damage, abuse and wear.

D. Care, Maintenance and Replacement of Body Armor

1. Officers shall routinely inspect personal body armor for signs of damage and for general cleanliness.
2. As dirt and perspiration may erode ballistic panels, each officer shall be responsible for cleaning personal body armor in accordance with the manufacturers' instructions.
3. Officers are responsible for the proper storage, maintenance and care of body armor in accordance with manufacturers' instructions.
4. Officers are responsible for reporting damage or excessive wear to the ballistic panels or cover to their supervisor and the individual responsible for the uniform supply function.
5. Body armor will be replaced in accordance with guidelines and protocols established by the National Institute of Justice.

E. Training

The Training Officer shall be responsible for:

1. Monitoring technological advances in the body armor industry that may necessitate a change in body armor.
2. Assessing weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
3. Providing training programs that demonstrate body armor's stopping power under actual firing conditions and that emphasize its safe and proper use.
4. Maintaining statistics on incidents where armor has or has not protected officers from harm, including traffic accidents.

2.0 TYPES OF UNIFORM

2.1 SPECIFICATIONS

Members shall wear only those items of uniform issued by the Department or that have been authorized by the Department to be worn, and which meet specifications. Specifications for uniform articles are on file in the Administration and Finance Lieutenant Office. Members shall not remove any authorized patch or insignia; nor shall they add any patch, insignia or other item to the uniform; nor shall they alter or cause to be altered any item of uniform or equipment. Authorized alterations will be performed exclusively through the Department.

2.2 BASIC UNIFORM - POLICE OFFICERS

A. The basic regulation uniform shall consist of the following items:

1. Class A – navy blue color pants with piping
2. Class B – navy blue colored pants with side pockets
3. Class A & B - navy blue color long sleeve shirt
4. Class A & B - navy blue color short sleeve shirt
5. navy blue color turtleneck shirt
6. black 4 in hand fabric tie (breakaway type)
7. belt, black leather, plain metal buckle
8. black boot and low quarter shoe (members, at their own choosing, may wear a plain black sneaker type shoe so long as the exterior of the shoe does not exhibit any names, stripes or logos)
9. eight point cloth hat with silver hat band and Department buttons, or the Trooper Cap
10. winter coat
11. light weight jacket
12. police style rain coat and rain cap
13. name tags (sewn on shirts, jackets and coats)
14. gun belt with holster
15. firearm
16. handcuffs
17. badge (a Department issued sewn on badge is available at the Officer's option)
18. wreath
19. bullet proof vests
20. black leather gloves

B. WARM WEATHER UNIFORM

During warm weather the following articles of uniform shall be worn:

1. short sleeve shirt, open collar, white crew neck t-shirt, no tie
2. low quarter shoes, or black sneaker type shoes,
3. when the hat is worn it must be the eight point cloth cap.

C. COLD WEATHER UNIFORM

During cold weather the following articles of uniform shall be worn:

1. long sleeve shirt, with collar buttoned, and tie,
 - a. the collar shall not be buttoned nor a tie worn if the turtle neck is worn, (the turtleneck shirt is only to be worn when covered by the long sleeve shirt, and is never to be worn alone or as an outer garment),
2. the light weight jacket or winter coat,
3. boots, low quarter shoes, or black sneaker type shoes,
4. either the eight point cloth cap or the Trooper Cap (the perforated eight point cloth hat is no longer in use),

5. military commando style V neck sweater in navy blue or black is optional but must be purchased by the Officer,
6. black leather gloves,
7. scarves and ear muffs are not issued, but if worn they must be solid black or navy blue.
8. turtlenecks may be worn but only by Police Officers and Lieutenants and only while they are assigned to street duty (desk officers and personnel assigned to inside duties will wear the regulation office uniform).

2.3 UNIFORM FOR LIEUTENANTS AND HIGHER RANKING OFFICERS

The uniform for Officers of the rank of Lieutenant and above is basically the same as that for Police Officers except that:

- A. shirts are white in color (Lieutenants also may wear a white turtle neck in the manner prescribed in M.O.P. Chapter 12 above),
- B. the eight point cloth cap has a gold hat band with gold Departmental buttons,
- C. the badge and wreath shall be appropriate for each specific rank and are gold in color,
- D. Officers of the rank of Captain and above may opt to wear the dress blouse.

2.4. OFFICE UNIFORMS

- A. Lieutenants assigned to office duty shall wear the regulation Police Lieutenant uniform.
- B. Police Officers assigned to office duty, desk duty or clerical duty shall wear the regulation Police Officer uniform, including badge, shoulder patch, name tag, etc.
- C. Turtlenecks shall not be worn when members are assigned to office duty, desk duty, or clerical duty.

2.5. MEMBERS ASSIGNED TO PLAIN CLOTHES DUTY

- A. Sworn members of the Department assigned to plainclothes duty shall be clean and neatly attired in conventional business professional attire.
- B. Plainclothes other than the type specified above may be worn but only with the permission of the Officer's Chief or higher authority.
- C. Between June 1st and September 1st, male plainclothes Officers may wear business professional attire that includes a traditional style sport or golf style shirt.

2.6. REPORT TECHNICIAN UNIFORM

A. The basic regulation uniform for Report Technicians shall consist of the following:

1. shirt - white uniform long sleeve, shoulder straps, pocket flaps, badge tabs or navy/light blue polo/golf style shirt with embroidered BPD insignia. Shirts shall be tucked in. No shoulder patch.
2. trousers/slacks/skirts as specified,
3. tie (male) black four-in-hand, fabric, (female) black cross over, fabric
4. belt - black leather, plain metal buckle
5. socks – black stockings - (female) neutral color hose
6. shoes (male), black color, smooth finish, tip of toe shall be plain with no design, (female) black color, smooth finish, toes and heels shall be closed, tip of toe shall be plain, heels shall not exceed 2 1/2" in height, die work, ornamentation, fabric, western style or boots, sneakers, or clogs shall not be worn
7. name plate centered on the right shirt pocket flap, with the retaining pins positioned so that the top of the name plate shall not be more than one-half (1/2) inch below the top of the right shirt pocket flap.

B. WARM WEATHER UNIFORM

1. short sleeve shirt
2. no tie

2.7 DISPATCHER UNIFORMS

A. The basic uniform for dispatchers is:

1. Pants: dickies or equivalent, cotton/poplin, khaki in color
2. Shirts: Outer Banks or equivalent, 100% cotton, green in color. Each shirt shall be embroidered with the official communications emblem. on the front left breast. Shirts may be long or short sleeve.
3. Belts: black leather belts to be worn with regulations pants.
4. Shoes: black shoes, sneakers or boots.

2.8 UNIFORMS FOR MAINTENANCE AND CLEANING PERSONNEL

A. The basic uniform for maintenance and cleaning personnel:

1. Pants: Dickies or equivalent, cotton/poplin, khaki in color. During the summer months shorts of the same make and color may be worn.
2. Shirts: Dickies or equivalent, cotton/poplin, black in color. Shirts may be long or short sleeve.
3. Belt: black leather belts will be worn with issued pants or shorts
4. Shoes: black shoes, sneakers or boots. Employees are encouraged to wear safety shoes.
5. Ties: not required.

3.0 BADGES AND WREATHS

3.1 TYPE

Badges and wreaths for all ranks shall be of the type prescribed by the Commissioner. Sew on badges are available from the Department and may be used at the Officer's option.

3.2 HOW WORN

- A. When on duty in uniform, sworn members must wear the badge on the outside of the outer most garment, over the left breast, so that the entire surface of the badge is distinct and may be easily seen.
- B. When necessary for purposes of identification, plainclothes Officers shall display the badge over the left breast, on the outside of the outer most garment.
- C. When in uniform and the regulation hat is worn, members shall wear the wreath clearly displayed on the front of the prescribed head gear (except helmets).

3.3 CARE OF BADGES AND WREATHS

- A. The police badge and wreath are the property of the Department and not of any individual member. They shall be carefully safeguarded.
- B. Members shall not:
 - 1. wear any badge or wreath other than the one that they are assigned;
 - 2. give, loan or relinquish possession of their badge or wreath to any other person for any reason;
 - 3. willfully damage, mutilate, or alter in any manner, the badge and wreath that were issued to them.

3.4 LOST BADGES/WREATHS

A. Reporting A Badge Or Wreath As Missing

- 1. Members of the Department missing their Police badges or wreaths shall report the loss or theft to their immediate supervisor as soon as the member becomes aware that the item is missing;
- 2. members shall prepare a complete report on an Intra-Departmental Memorandum, directed to the Internal Affairs Divisions (IAD) and sent through the chain of command, detailing the circumstances surrounding the missing badge or wreath;
 - a. the District Chief or Commanding Officer shall review the report and submit comments and recommendations;
 - b. IAD shall review the report and recommend appropriate action to the Commissioner;
- 3. an electronic message shall be transmitted reporting the loss or theft.

B. Duty Assignments for Those Officers Missing a Badge or Wreath

Members who have lost their badges and do not have the sew on badge attached to their outer most garment shall be assigned to duty that does not generally put them in public view. Members who have lost their wreaths shall not be assigned to duty where it is possible that they may be required to wear the regulation police hat.

C. Issuance of New Badges/Wreaths

1. A replacement badge or wreath shall be obtained from the Quartermaster as soon as possible after the item has been reported missing and in no event, later than the next business day.
2. A replacement badge or wreath shall not be issued without a written order from the Officer's immediate superior.
3. IAD will review circumstances regarding loss of badge and authorize replacement of the badge.

D. Loss Due to Carelessness

If in the judgment of the Commissioner, the loss was due to the carelessness of the member, the member will be required to pay for the lost badge or wreath in addition to whatever disciplinary action the Commissioner may order.

3.5 DAMAGED BADGES AND WREATHS

- A. Damaged badges and wreaths shall be returned to the Administration and Finance Lieutenant. If the damage can be repaired, the Administration and Finance Lieutenant shall loan the Officer an appropriate badge/wreath until repairs are made.
- B. If the damage cannot be repaired, the badge/wreath shall be replaced.
- C. The Administration and Finance Lieutenant shall maintain a record of the Officer's name and rank, the number of the badge loaned, date loaned and date returned.
- D. If it appears that the damage to the badge or wreath was caused by carelessness or by deliberate mutilation, the member shall be required to submit a report on an Intra-Departmental Memorandum to the District/Division Chief through channels, explaining the damage. If the report does not satisfactorily explain the damage, the member shall be required to pay for the item's replacement, in addition to whatever disciplinary action may be taken.

3.6 ISSUANCE, RECORDS AND CONTROL OF BADGE/WREATHS

All badges and wreaths shall be issued only through the Administration and Finance Lieutenant, who shall maintain complete, accurate and current records of all such items.

3.7 PURCHASING BADGES UPON RETIREMENT

At the discretion of the Commissioner, members in good standing who have left the employ of the Department may be allowed to purchase their badges. Purchases of the

badges are contingent upon the following conditions which the requesting Officer must agree to, and acknowledge in writing:

- A. the total cost of the badge must be paid for by the Officer;
- B. the badge must be mounted on some sort of plaque; (plaque and mounting not provided by the BPD)
- C. the Officer may not loan, give, or in any manner, relinquish possession of the badge;
- D. if the badge is used in any manner other than as specified above, or is misused in any way, the Department retains the right to retake possession of the badge.

4.0 INSIGNIA, SERVICE RIBBONS AND MEDALS

4.1 INSIGNIA

Insignia are those emblems that denote rank. The insignia of rank of members of the Department shall be only as specified by this section, subject to the orders of the Commissioner. Only members of the rank of Lieutenant and above shall wear insignia.

4.2 GENERAL GUIDELINES - WEARING INSIGNIA

- A. On each collar of the shirt, the insignia of rank shall be placed in the center of the collar between the tip and neck line, approximately one-quarter (1/4) inch in from the front edge of the collar.
- B. On each shoulder of the outer most garment, (rainwear and uniform shirt excepted) the insignia of rank shall be placed with outer edge one (1) inch above sleeve seam, centered over the shoulder seam, parallel to sleeve seam. When the uniform shirt is the outermost garment, the insignia shall be worn on the collar as described in A, above.
- C. Adjustable gold band on hat, to extend across peak, attached with 2 ligne gilt Department buttons.

4.3 INSIGNIAS OF RANK

- A. Lieutenants - single military gilt bar.
- B. Captains - double military gilt bar
- C. Inspectors - gold eagles
- D. Chiefs - 2 gold stars
- E. Deputy Commissioners - three gold stars

F. Commissioner - four gold stars

4.4 SERVICE RIBBONS AND MEDALS

A. When Worn

1. Departmental awards and ribbons may be worn on either the dress or duty uniform.
2. Other award ribbons and medals may be worn but only with the permission of the Commissioner.

B. How Worn

Service ribbons and medals are to be worn on the outermost garment and shall be centered on the pocket seam just below the nametag on the right hand side of the shirt or jacket.

5.0 IDENTIFICATION CARDS AND NAME TAGS

5.1 IDENTIFICATION CARD

- A. While on duty all employees of the Department shall have in their immediate possession their Official Departmental Laminated Identification Card.
- B. No identification card shall be replaced without written authorization of the employee's Superior Officer and the Internal Affairs Division.
- C. Wearing The Identification Card:

1. How Worn

The identification card shall be worn in a clearly visible position, above the waist, and preferably over the upper left quadrant of the chest.

2. When Worn

The identification card shall be worn in Police Headquarters and all other police buildings.

3. By Whom Worn

All members of the Department not wearing a uniform shall wear the identification card.

5.2 NAME TAGS

A. By Whom Worn

While on duty all employees of the Department who are assigned to uniform duty, either office or patrol, shall wear the personal identification nametag on the outside of the outer most garments (rainwear excepted).

B. How Worn

The personal identification nametag shall be worn on the right quadrant of the chest, immediately above, and centered directly over the right pocket flap.

5.3 MISSING OR DAMAGED ITEMS

All employees shall be responsible for the security of their identification cards and nametags. The loss, destruction, or mutilation of these items must be immediately reported to IAD on an Intra-Departmental Memorandum, sent through the chain of command. The District/Division Chief shall make recommendations. If, in the judgment of the Commissioner, carelessness was involved, the member shall be required to pay for the replacement of these items, in addition to whatever disciplinary penalty that may be imposed.

6.0 DAMAGED OR WORN UNIFORMS

6.1 REPLACEMENT

A. Items of uniform and equipment that were provided to sworn members, will be replaced by the Department when necessary. An Officer reporting a worn or damaged item shall:

1. present the deficient item to the Quartermasters Office for decision on replacement;
2. if after initial inquiry, the Quartermaster suspects that the items to be repaired or replaced are due to the carelessness of the member, the investigation shall be forwarded to the IAD;
3. if in the judgment of the Commissioner, the items to be repaired or replaced are due to the deliberate carelessness of the member, the member may be required to compensate the Department for the loss in addition to whatever disciplinary action that may be taken.

B. If an item of uniform or equipment is lost or stolen, an Intra-Departmental Memorandum explaining the circumstances surrounding the loss/theft shall be forwarded through the chain of command to the Internal Affairs Division. In such cases, IAD will determine whether the Department will replace the item. An electronic message must also be sent detailing loss/theft.

6.2 CLAIMS FOR REIMBURSEMENT

Claims by members of the Department for the reimbursement of Department authorized property or equipment (ex. eyeglasses, flashlight, etc...) owned by the member, that was damaged or destroyed in the performance of duty, shall be prepared on claim forms supplied by the Corporation Counsel and available in the Administration and Finance office.

The claimant shall obtain a written appraisal or receipt from replacement of damaged item. The original appraisal/receipt shall be attached to the original claim form and shall be sent to the Administration and Finance office.

The Administration and Finance office will review and forward for approval by the Commissioner of Police. If denied, documentation will be returned to member with explanation for denial. If approved, Administration and Finance office will submit the original and three copies to Corporation Counsel for review, approval and processing for payment.

All claims must be submitted within fifteen (15) days of the date of occurrence of the damage or destruction.

7.0 PERSONAL APPEARANCE

7.1 APPLICATION

All members of the Department shall be neat and clean while on duty. Personnel shall comply with the grooming standards listed below except that Commanding Officers may authorize some deviation by plainclothes Officers but only when the particular job assignment requires it.

7.2 GENERAL GUIDELINES

A. HAIR

Hair shall be neatly cut and trimmed. Hairstyles shall be conservative and not excessive in length. The maximum possible bulk of hair shall be approximately two (2) inches in thickness on top and approximately one and one-half (1 1/2) inches in thickness at the back and sides of the head. In no event shall any hairstyle or thickness of hair interfere with the proper wearing of the uniform headgear. The hairstyle shall not extend over the collar line or any part of the ear. In no event shall ponytails or other styles of lengths of hair be permitted which may be readily grabbed by a suspect or defendant.

1. Hair longer than that specified above may be worn but it must be pulled back away from the face and secured under the uniform cap so that it does not touch the collar.
2. Items used to hold hair up must blend with the hair.
3. Decorative articles may not be worn in the hair.

B. SIDEBURNS

Sideburns shall be neatly trimmed, and may extend no further than the bottom of the ear lobe, and trimmed level therewith. Sideburns shall be squared off, and not flared or tapered to a point, nor connected to the mustache.

C. MUSTACHES

Mustaches, if worn, shall not extend over the top of the upper lip.

D. BEARDS - GOATEES

Beards and goatees are not permitted without the permission of the Commissioner.

E. MAKE-UP

Female Officers may wear make-up while in uniform, as long as it is worn in moderation. False eyelashes shall not be worn while on duty.

F. FINGERNAILS

Fingernails may not extend more than 1/8 inch from tip of finger.

G. JEWELRY

Uniformed Officers shall not wear any items of jewelry which may jeopardize their safety.

1. Earrings or choker chains shall not be worn while on duty.
2. Outlandish or excessively ornate jewelry shall not be worn while on duty (I.E. large medallions, bracelets, etc.).

H. EXCEPTIONS

Exceptions to these guidelines may be made when necessary to accomplish a police purpose.

7.3 RESPONSIBILITY OF SUPERIOR OFFICERS

A. Whenever a member appears for duty whose appearance is, in the opinion of a Superior Officer, in violation of Department Rules and/or procedures, the Superior Officer shall call the matter to the attention of the member, with directions to comply.

B. If the member refuses to comply, disciplinary action shall be initiated.

8.0 FIREARMS

8.1 REGULATION SERVICE FIREARM

The Regulation Service Firearm shall be as specified by the Police Commissioner. Specifications for the Regulation Service Firearm shall be kept on file in the Firearms Unit. Except as otherwise permitted in this Chapter, no other firearms may be carried, and only authorized ammunition used, by sworn members of the Department while on duty. Civilian members of the department are not to carry a weapon while on duty.

8.2 OFF DUTY OFFICERS

Off duty Officers may carry any legal firearm, provided that the weapon is properly registered with the State of New York and the Buffalo Police Department Firearms Unit. If a member uses a firearm in a law enforcement capacity while on or off duty, the member must be proficient in the use of that firearm.

8.3 WEARING THE SERVICE WEAPON

While on duty, uniform members shall carry their firearms fully loaded. The weapon shall be worn on the strong arm side, in a holster attached to a belt at the hip.

Plainclothes Officers shall carry their weapons fully loaded and concealed on their person in a manner of their choice as long as the weapon is readily available and safe for carrying and drawing.

The carrying and use of agency firearms and ammunition while off-duty must be authorized by the Commissioner of Police or his designee.

8.4 CARRYING ADDITIONAL FIREARMS WHILE ON DUTY

Members are permitted to carry an additional weapon, at their own expense, while on duty, subject to the following provisions:

- A. Sworn members desiring to carry an additional weapon while on duty shall first obtain the written authorization of their Commanding Officer via the P-73a form (Request to Carry Secondary Weapon While on Duty).
- B. The requesting Officer must then take the authorized P-37a to the Firearms Unit and qualify with the weapon. Qualification and requalification will be during the requesting Officer's non-duty hours and at the Officer's personal expense. The standards for qualification and requalification shall be the same as those required for the Service Firearm. Requalification with the additional weapon is required annually and must be accomplished during the same time frame required for the Service Firearm.
- C. The additional weapon must be of a type and caliber approved by the Firearms Unit.
- D. Firearms Unit personnel will forward the member's original request to the Deputy Commissioner of Operations for approval. The approval or denial of the Deputy Commissioner of Operations will be returned to the member and his/her command. No member is authorized to carry an additional weapon without written approval from the Deputy Commissioner of Operations or Commissioner.
- E. The additional weapon, when carried, must be carried on the person of the Officer in such a way that it is completely concealed from view. In no event shall shoulder holsters be worn by uniformed officers if it is exposed to view.
- F. The Firearms Unit shall maintain a record of all members of the Department who are authorized to carry an additional weapon while on duty and the type of weapon they are authorized to carry. Each individual Command shall maintain a record of those Officers assigned to that Command who are authorized to carry an additional weapon while on duty and the type of weapon they are authorized to carry.

8.5 QUALIFICATION WITH FIREARMS

- A. The Buffalo Police Department prohibits Officers from carrying or using any firearm in connection with the performance of their official duties, with the exception of firearms training, unless they have satisfactorily completed an approved Municipal Police Training Council Program (or a program that meets or exceeds those requirements) that constitutes the basic course of instruction in the use of deadly physical force and in the use of firearms.
- B. Every sworn member of the Department authorized to carry a firearm shall be required to qualify at the Firearms Unit at least once each year with:
 - 1. the Regulation Service Weapon,
 - 2. any additional weapon (s)he has been authorized to carry on duty,
 - 3. a Department issued shotgun if the Officer has been authorized to use a shotgun while on duty.
 - 4. a Department issued patrol rifle if the Officer has been authorized to use a patrol rifle on duty.
- C. Failure To Qualify
 - 1. An Officer who fails to qualify with any weapon as specified in "A" above will not be authorized to use that firearm until the Officer is able to qualify.
 - 2. If the weapon with which the Officer fails to qualify is the Regulation Service Weapon, the Department shall:
 - a. assign the member to administrative duty;
 - b. allow the member to take additional supervised training with the
 - c. Firearms Unit;
 - d. if the member fails to qualify within ten (10) business days of the first attempt, IAD shall initiate an investigation to determine if the member is competent to continue as a member of the Department (This does not preclude the member from attempting to qualify during the pending investigation).
- D. Firearms Qualification Scheduling
 - 1. The Commanding Officer of the Police Academy shall be responsible for establishing and posting a schedule so that all sworn members of the Department fulfill the requirement of qualifying at least once each year.
 - 2. The Firearms Unit shall maintain all necessary records and files.
 - 3. The Commanding Officer of the Police Academy shall notify the District/Division Chief of members who have failed to qualify or have not appeared for qualification as required. (S)he shall also notify IAD whenever any member fails to qualify within ten (10) days of the member's initial attempt.
- E. Inspection and Instruction by the Firearms Unit

1. Firearms Unit personnel shall be responsible for instructing members of the Department in the proper use and handling of firearms.
2. Police Academy personnel shall, at least once each year, instruct members on Department policies concerning the use of force and deadly physical force.
3. During the member's annual firearms qualification, Firearms Unit personnel shall inspect each weapon used by the member for law enforcement purposes. The Firearms Unit shall maintain a record of each such inspection. Members shall not be allowed to continue using any firearm in which a deficiency is detected.

8.6 REGISTRATION OF FIREARMS

- A. Sworn members must promptly report to the Department all acquisitions or dispositions of firearms (as the term "firearm" is defined in the NYS Penal Law) on NYS Police Form "C". Failure to comply is a Class "A" Misdemeanor.
 1. Form "C" shall be completed by the member and forwarded through the chain of command to the Firearms Unit.
 2. The Firearms Unit shall time stamp Form "C" and:
 - a. retain one copy for filing
 - b. transmit one copy to the State Police
 - c. forward one copy to the member submitting the report.
 3. If the member submitting Form "C" does not receive a copy from the Firearms Unit within ten (10) days, (s)he shall make inquiry and must obtain the copy.
- B. The Firearms Unit shall maintain a record on Form P-17A , of all firearms (as that term is defined in the NYS Penal Law) purchased or in the possession of a sworn member of the Department The registration shall include:
 1. members' name, rank, command, employee number and badge number,
 2. brand name of the weapon (manufacturer's name),
 3. model of weapon,
 4. length of barrel,
 5. serial number,
 6. finish (blue, nickel, stainless steel, etc.).
- C. Changes or alterations in a weapon that have been previously registered by the member must be reported to the Firearms Unit so that the weapons report (P-17A) can be amended accordingly. Examples of changes or alterations that must be reported include shortening the barrel or changing the finish.

8.7 LOST OR STOLEN FIREARMS

- A. Sworn members of the Department losing or having their firearms stolen, shall promptly report the incident to their immediate superior. In addition, the member shall prepare an Intra-Departmental Memorandum describing the weapon, make,

model, serial number and type of finish and the circumstances surrounding the incident.

1. If the weapon was lost or stolen outside of the City of Buffalo, the member shall also promptly report the loss to the Police Agency having jurisdiction of the incident. That agency shall be responsible for preparing the general offense report and for entering a report of the loss into the NYSPIN Teletype Firearms Record System.
- B. The member's Commanding Officer, upon receipt of the initial report from the member, shall direct that an E-Mail message reporting the loss be sent. An event number shall be obtained in all cases.
- C. The member's Commanding Officer shall initiate an investigation of the loss of the firearm and shall file a written report of his findings, with recommendations as to the propriety and nature of disciplinary action. The report shall be forwarded to the IAD through the chain of command.
- D. If a member is reimbursed for the loss of a firearm (i.e. by an insurance company), the Officer must prepare the NYS Police Form "C" as outlined in M.O.P. Chapter 14 above. No "C" Form need be prepared if the member is not reimbursed or refuses settlement, since the member in that case retains title even though the firearm is missing.

8.8 SUSPENSION OF AUTHORITY TO CARRY A FIREARM

- A. A sworn member's authority to possess a BPD owned firearm as a sworn officer is automatically suspended whenever the member is suspended from duty or takes a leave of absence from the Department. Members may continue to possess weapons, other than those issued by the Department, but only if the firearms are duly registered on a valid pistol permit.
- B. An Officer's authority to possess a firearm may be suspended for good cause at the discretion of the Commissioner.
- C. When an Officer's authority to possess a firearm is suspended:
 1. a P-10A shall be prepared,
 2. the weapons turned over to the member's Superior Officer, and
 3. the weapons safeguarded in the Property Office.

9.0 RESTRAINING EQUIPMENT

9.1 AUTHORIZED RESTRAINING EQUIPMENT

Members of the Department shall use only that type of restraining equipment specifically authorized by the Department and for which they have received proper training. Any

other type of restraining equipment is prohibited (e.g. metal knuckles, blackjacks, saps, sap gloves, stun guns, etc.), except with the written approval of the Commissioner.

A. The Department has authorized the following types of restraining equipment:

1. metal handcuffs and Department issued plastic type restraining cuffs;
2. Department issued police baton and/or ASP;
3. Department issued chemical spray.

9.2 SAFEGUARDING AGENCY WEAPONS

1. All issued Buffalo Police Department weapons and ammunition will be stored safely and securely in the armory located inside Buffalo Police Headquarters. **Only FIREARMS UNIT PERSONNEL and THEIR DIRECT SUPERVISOR shall have access to this armory.** The Firearms Unit shall keep and maintain an inventory of all Department owned weapons and ammunition.

2. It is the responsibility of each Officer to make certain that his/her Department issued firearm is kept safe and secure at all times.

A. While on duty, Buffalo Police Department issued rifles and shotguns will be stored and locked securely in the racks provided in the issued Officer's patrol vehicle.

B. While off duty, Buffalo Police Department issued rifles and shotguns will be locked safely and security inside the issued Officer's personal Department issued locker.

- 1) **BUFFALO POLICE DEPARTMENT ISSUED RIFLES OR SHOTGUNS WILL NOT BE TAKEN HOME OR TAKEN FOR ANY PERSONAL USE FOR ANY REASON,** without permission from a Chief or higher rank in the Buffalo Police Department.