



# NEWARK POLICE DIVISION GENERAL ORDER



<b>SUBJECT:</b> <b>FIREARMS AND OTHER WEAPONS</b>		<b>GENERAL ORDER NO.</b> <b>18-XX</b>
<b>SUPERSEDES:</b> <b>NEW</b>	<b>DATED:</b> <b>May 22, 2018</b>	<b>SECTION CODE:</b> <b>K-1</b>

This Order consists of the following numbered sections:

**Policy Index:**

- I. PURPOSE**
- II. POLICY**
- III. DEFINITIONS**
- IV. FIREARMS AND AMMUNITION**
- V. FIREARMS RANGE**
- VI. OTHER WEAPONS**
- VII. TRAINING**
- VIII. EFFECTS OF THIS ORDER**



# NEWARK POLICE DIVISION GENERAL ORDER



<b>SUBJECT:</b> <b>FIREARMS AND OTHER WEAPONS</b>	<b>GENERAL ORDER NO.</b> <b>18-XX</b>
<b>SUPERSEDES:</b> <b>NEW</b>	<b>DATED:</b> <b>May 22, 2018</b>
<b>SECTION CODE:</b> <b>K-1</b>	

**I. PURPOSE**

The purpose of this policy is to identify the types of firearms and other weapons sworn Newark Police Division (NPD) members are authorized to carry and use while in the performance of their lawful duties.

The policy also addresses the pre-deployment and post-deployment considerations as they pertain to using weapons as instruments of force.

All definitions in the Use of Force G.O. #XX-XX and Use of Force Reporting, Investigation, and Review G.O. #XX-XX apply to this Order.

**II. POLICY**

It is the policy of the Newark Police Division to ensure that Division members are properly trained and equipped with the weapons they need to perform their official duties as law enforcement officers and guardians of the community.

Members are **prohibited** from carrying and using any weapon that has not been authorized by the Police Division’s Public Safety Director or Chief of Police.

Members shall be mindful that the use of force is never routine, and that the same applies to the use of authorized weapons.

Members shall be guided by New Jersey State Laws, Federal Laws, Police Division Policies, Rules, and Regulations, N.J. Attorney General Guidelines, and Newark Police Training Division/Firearms Range training regarding the carrying, and use of authorized weapons.

Supervisors shall, consistent with the responsibilities of their rank and assignment, inspect members within their command for compliance with NPD Policies, Rules and Regulations concerning certifications, proper care, maintenance, and carrying of Division-authorized weapons and ammunition. Discrepancies shall be documented and addressed immediately.



# NEWARK POLICE DIVISION GENERAL ORDER



### III. DEFINITIONS

#### A. **Conducted Energy Device (CED)**

Any device that is capable of firing darts/electrodes that transmit an electrical charge or current intended to temporarily disable a person.

CEDs are categorized under N.J. Attorney General Guidelines as a form of enhanced mechanical force (Ref. def. in Use of Force G.O. #XX-XX).

#### B. **Firing of Conducted Energy Device**

Causing the darts/electrodes of a conducted energy device to be ejected from the main body of the device and to come into contact with a person for the purpose of transmitting an electrical charge or current against the person.

#### C. **Discharge of Conducted Energy Device**

Cause an electrical charge or current to be directed at a person in contact with the darts/electrodes of a conducted energy device.

#### D. **Distraction Devices**

Distraction Devices, also referred to as Flash Bang/Flash/Sound Diversionary Devices, are less-lethal mechanical devices, which emit a bright flash, loud report, and heat on detonation, with the purpose of creating a distraction or diversion to the intended target, allowing for a safer environment for tactical team members to operate.

#### E. **Firearm**

Any handgun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectable ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. It shall also include, without limitation, any firearm, which is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or



# NEWARK POLICE DIVISION GENERAL ORDER



missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person.

## **F. Less-Lethal Ammunition**

Any ammunition approved by the Attorney General which is designed to stun, temporarily incapacitate or cause temporary discomfort to a person without penetrating the person's body. The term shall also include ammunition approved by the Attorney General, which is designed to gain access to a building or structure and is used for that purpose.

## **G. Oleoresin Capsicum (i.e., OC, pepper spray)**

Oleoresin Capsicum (OC) spray is an essence of cayenne peppers. OC is an inflammatory agent, classified as a lacrimator (producer of tears), that causes an intense burning sensation of the skin, eyes, and mucous membranes. OC canisters are color coded for immediate identification (color code: black).

The proper use of OC spray may reduce or eliminate the need for substantial physical force to make an arrest or gain custody. It may reduce the potential for injuries to members and subjects.

## **H. Chloracetophenone (i.e., CN, tear gas)**

Chloracetophenone is a chemical irritant that is deployed as a gas. Classified as a lacrimator (producer of tears), that causes irritation to the eyes, and skin. CN canisters are color coded for immediate identification (color code: red).

The proper use of CN is generally an effective and safe method to disperse unruly or riotous crowds.

## **I. Orthochlorobenzalmalononitrile (i.e., CS, tear gas)**

Orthochlorobenzalmalononitrile is a chemical irritant that is deployed as a gas. Classified as a lacrimator (producer of tears), that causes irritation to the eyes, respiratory tract, and skin. CS is stronger and safer than CN. CS canisters are color coded for immediate identification (color code: blue).

The proper use of CS is generally an effective and safe method to disperse unruly or riotous crowds.



# NEWARK POLICE DIVISION GENERAL ORDER



## J. Special Weapons

Special weapons include those firearms and other weapons specifically designed for use during high-risk situations (e.g., Long guns, automatic weapons, OC/CN/CS launchers).

Special weapons are intended for use by highly trained specialized units (ESU/SWAT) who have been trained in the care, and use of these weapons.

## IV. FIREARMS AND AMMUNITION

### A. General Requirements

Members shall only possess or use firearms and ammunition approved by the Police Division's Public Safety Director or Chief of Police while on duty.

Division Firearms include:

1. Handguns (see Appendix A)
2. Shotguns (see Appendix A)
3. Special Weapons (see Appendix A)
  - a. Rifles/Long Guns
  - b. Less-Lethal Weapons and Ammunition

### B. Pre-Deployment Considerations

Members shall be guided by the Use of Force General Order #XX-XX when considering whether to use a firearm.

Police Division members shall be cognizant that the use of a firearm constitutes deadly force and may only be used when the member reasonably believes such an action is immediately necessary to protect the member or another person from imminent danger of death or serious bodily harm.



# NEWARK POLICE DIVISION GENERAL ORDER



Police Division members shall use the utmost care when handling and using firearms.

Members shall ensure that the use of Division-authorized firearms does not pose a substantial risk of injury to innocent persons.

Members shall, when feasible, issue a verbal warning to the subject and other members prior to discharging a firearm.

Members shall be guided by the Firearms Range training, and Manufacturer recommendations for the care, maintenance, storage, and carrying of Division-issued firearms.

## C. Post-Deployment Considerations

When a member discharges a firearm he or she **shall**:

1. Render aid in accordance with their training and experience to any injured person;
2. Immediately after rendering the scene safe notify E.M.S.;
3. Notify the on-duty supervisor to respond to the scene;
4. Secure the scene;
5. Identify any witnesses;
6. Follow instructions from the on-duty supervisor; and
7. Report and document the discharge by completing all relevant Division reports in accordance with the Use of Force Reporting, Investigation, and Review General Order #XX-XX.

In accordance with New Jersey Attorney General Directive 2006-05, discharges of a firearm by law enforcement officers are investigated by the Essex County Prosecutor's Office (E.C.P.O.). Therefore, the scene of any discharge shall be secured pending response by the E.C.P.O. Investigative Personnel.



# NEWARK POLICE DIVISION GENERAL ORDER



## Exceptions

Police Division members are not required to report, and no investigation is required, for discharges of Division-approved firearms during recreational shooting at an appropriate site (range), or during Division -required firearms training.

Police Division issued firearms **shall not** be used for sports or recreational hunting activities.

## D. Handguns

### 1. Authorization - On-duty

Division members shall carry the Division-issued and authorized handgun and ammunition while on duty.

Uniformed members shall keep their duty handgun in the Division-provided and authorized holster.

Plain clothes members shall keep their duty handgun in a holster they purchase that is approved by the Firearms Range and which conforms to Division specifications (see G.O. #67-04 Secondary Firearms).

Uniformed and plain clothes members may also carry a back-up handgun. The back-up handgun must be purchased by the member, conform to Division specifications, and must be authorized by the Division.

Members must also qualify with the back-up handgun in order to carry it while on or off duty. Furthermore, members must also re-qualify on a semi-annual basis with the back-up handgun. The member must provide his/her own Division-authorized ammunition during qualification at the Firearms Range. Members shall be guided by **G.O. #67-04 Secondary Firearms** when considering the purchase of an on-duty back-up handgun or an off-duty handgun.



# NEWARK POLICE DIVISION GENERAL ORDER



## 2. Authorization - Off-duty

Division members have the option of carrying off-duty the Division-issued handgun or a Division-approved off-duty handgun owned by the member.

Members shall be responsible for the care and maintenance of their Division-issued handgun and any Division-approved off-duty handgun they own.

Members shall carry their *Division-issued handgun* in a holster purchased by the member which conforms to Division specifications, and is approved by the Firearms Range.

Members shall carry their *off-duty handgun* in a holster purchased by the member that conforms to Division specifications, and is approved by the Firearms Range.

Personnel may qualify with their off-duty handgun when they receive in-service training at the Firearms Range or on their off-duty time. Those members who opt to qualify on their off-duty time shall comply with the conditions listed in Section V.C.1 of this Order.

Members shall be responsible for re-qualifying on a semi-annual basis with their off-duty handgun. He/she must provide his/her own Division-authorized ammunition during qualification at the Firearms Range. Refer to **G.O. #67-04 Secondary Firearms** for more information on off-duty handguns.

Members who fail to re-qualify on a semi-annual basis with their off-duty handgun are prohibited from carrying the off-duty handgun at any time.

## E. Shotguns

### 1. Authorization to Use

Members shall only use shotguns and ammunition issued by the Division.

Shotguns shall only be carried and used by authorized on-duty Division members.





# NEWARK POLICE DIVISION GENERAL ORDER



When members are teamed up in the same Division vehicle only one shotgun per team shall be carried.

Members shall be guided by Firearms Range training concerning the proper procedures for the carrying, storing, loading, and unloading of ammunition, and use of shotguns.

When a member authorized to carry a shotgun signs one out of their command, he or she shall inspect the shotgun for damage. If any damage that may affect the operation of the shotgun is observed, the member shall immediately return the shotgun, submit an administrative report documenting the damage, and request a replacement if available.

Shotguns signed out by members shall be mounted on the shotgun rack inside their Division vehicles. When no rack is available the shotgun shall be stored in the trunk of the Division vehicle.

## **2. Supervisor Responsibilities**

Supervisors shall ensure that all members issued a shotgun are authorized to carry the shotgun. Supervisors at any time may request that a member present his/her Firearms Qualification Card, which must be stamped with approval to carry a shotgun. Only members authorized to carry shotguns shall be allowed to sign them out of their command.

All supervisors who are responsible for issuing shotguns and ammunition shall conduct an inventory of all shotguns and ammunition at the beginning and end of their shift, and shall document the inventory in accordance with Division procedures.

When issuing shotguns, the supervisor shall inspect the weapon to ensure that it appears operational before issuing it to the member.

If a shotgun appears to be inoperable or damaged, the supervisor shall submit an Administrative Report indicating the need for repair, and notify the Firearms Range at **973-733-6019** or **7915** to arrange for the repair.



# NEWARK POLICE DIVISION GENERAL ORDER



## **F. Special Weapons**

The Commander of SOD shall ensure that members under his/her command receive appropriate training on the care, storage, and use of special weapons.

No member shall be permitted to utilize special weapons without proper training and required periodic qualification.

Rifles/Long Guns and Less-Lethal Weapons and Ammunition are considered special weapons and are kept by the Division and issued as needed to members who are trained in their use.

These weapons are reserved for high-risk incidents such as violent emotionally disturbed persons, barricaded persons, active shooters, hostage situations, and terrorist attacks.

The use of special weapons requires advanced training; therefore, special weapons shall only be carried and used by members trained in their use, and assigned to ESU and SWAT.

The Commander of the Special Operations Division (SOD) shall ensure that all special weapons assigned to members under his/her command are tracked, and shall ensure that a monthly inventory of all special weapons is conducted.

## **V. FIREARMS RANGE**

### **A. Organizational Structure**

1. The Firearms Range is organizationally placed under the Training Division on the Newark Police Division's Organizational Plan.
2. The Firearms Range Commander shall oversee all operations of the Firearms Range, and shall as required provide updates on range operations to the Commander of the Training Division.
3. The Firearms Range shall be staffed by trained and certified firearms instructors.



# NEWARK POLICE DIVISION GENERAL ORDER



## B. Responsibilities

1. The Firearms Range staff shall conduct all firearms training which shall include the care, maintenance, carrying, and use of all Division-issued firearms, and approved off-duty/back-up firearms.
2. The Firearms Range operations shall be conducted in a manner consistent with Division Rules, Regulations, Policies and Procedures, N.J. Attorney General Guidelines, Police Training Commission, State and Federal Laws.
3. The Firearms Range staff shall track and maintain records for all firearms training and other assigned in-service training as designated by the Training Division Commander, Chief of Police, or Public Safety Director. Firearms Range records shall include but will not be limited to:
  - a.        Dates and times of Firearms Range operation.
  - b.        Type of training conducted.
  - c.        Names of members attending training.
  - d.        Members' scores for all firearms training for both on- and off-duty firearms.
  - e.        Inventory of all firearms, ammunition, and targets.
  - f. Any other records deemed necessary for the proper operation of the Firearms Range.
4. Additional training, specifically in-service semi-annual state-mandated training conducted by the Firearms Range staff includes, but is not limited to, the following subject matters:
  - a. Use of Force
  - b. Domestic Violence
  - c. Sexual Harassment
  - d. Vehicle Pursuit Policy



# NEWARK POLICE DIVISION GENERAL ORDER



- e. Blood Borne Pathogens
- f. Right to Know (OSHA)
- g. Prisoner Watches
- h. Hazardous Communication

5. Firearms Range staff shall provide the Office of Professional Standards (OPS) with copies of all members' firearms training records for entry into IA-Pro.

6. The Firearms Range Commander shall:

- a. Ensure that **all Division firearms** are properly maintained, repaired, tracked, and inventoried.
- b. Issue firearms only to trained and qualified Division members.
- c. Ensure that all Firearms Range Safety Rules (See Appendix B) are followed and enforced, and take appropriate action when they are not.
- d. Ensure to procure and maintain a sufficient supply of ammunition for in-service training.
- e. Prepare an annual firearms report addressed to the County Prosecutor. The report shall first be forwarded to the Office of the Public Safety Director for approval and signature. The report must be sent to the Public Safety Director's Office no later than the 10<sup>th</sup> of January in order to be sent prior to the January 15<sup>th</sup> due date as set forth in N.J. Attorney General Guidelines. The report shall detail the following:
  - i. A description of all Division-authorized firearms and ammunition.
  - ii. The Division's training/qualification schedule, including the dates and types of qualification sessions conducted during the report year.



# NEWARK POLICE DIVISION GENERAL ORDER



iii. The number of participants who satisfied qualification requirements and the number of non-qualifying participants during each qualification session for each type of course and weapon: service weapon, off-duty weapon and Division-authorized shotgun.

7. The Public Safety Director, Chief of Police or designee shall provide a written report to the Essex County Prosecutor of any member who fails to qualify on the service weapon.

## C. Use of Firearms Range

### 1. Off-duty Personnel

Off-duty personnel shall be permitted to utilize the Firearms Range facility under the following guidelines:

- a. Off-duty personnel must utilize the range in conjunction with the Division In-Service Training Program.
- b. Appointments must be made in advance by contacting the Range Commander at the Firearms Range at (973)-733-6019.
- c. For reasons of scheduling, only four (4) off-duty personnel per day will be permitted to use the range.
- d. All safety rules must be strictly obeyed. (Appendix B)
- e. Off-duty personnel must supply their own ammunition.

### 2. Other Police Agencies

The Newark Police Division will permit other police agencies to utilize its firearms range facilities under the following conditions:

- a. All requests must be in written form and addressed to the Public Safety Director for approval.
- b. Once approved, scheduling shall be arranged by the Range Commander.



# NEWARK POLICE DIVISION GENERAL ORDER



- c. These other police agencies shall provide their own instructors, ammunition, targets and shall comply with all firearms range rules, procedures and policies.
- d. These other police agencies shall assume all responsibility for their personnel and any liabilities incurred through the actions of their officers.

## VI. OTHER WEAPONS

### A. **Conducted Energy Devices (CED)**

#### 1. **Authorization to Use**

Conducted Energy Devices (CED) are issued by the Police Division. Only members who have been trained and authorized by the Essex County Prosecutor's Office in accordance with N.J. Attorney General Guidelines may carry and use CEDs. This authority may be revoked at any time by the Essex County Prosecutor's Office, Public Safety Director or Chief of Police.

Conducted Energy Devices are categorized as a form of enhanced mechanical force under N.J. Attorney General Guidelines.

Members authorized to use CEDs shall be guided by the N.J. Attorney General Guidelines, the Conducted Energy Device General Order #XX-XX, and the Use of Force General Order #XX-XX.

CEDs shall be stored at the authorized member's command, in a similar fashion as shotguns, in a secured location.

#### 2. **Pre/Post Deployment Considerations**

Refer to the CED General Order #XX-XX.

#### 3. **Supervisor Responsibilities**

Supervisors responsible for the issuance of CEDs shall ensure that they conduct an inventory at the beginning and end of their shift of all CEDs under their control.



# NEWARK POLICE DIVISION GENERAL ORDER



Supervisors shall only issue CEDs to trained and authorized Division personnel.

Supervisors shall be guided by the Use of Force Reporting, Investigation, and Review General Order #XX-XX, and the Conducted Energy Devices General Order #XX-XX.

## B. Oleoresin Capsicum Spray (OC)

### 1. Authorized Use

Members are **prohibited** from using any OC spray that is not authorized by the Division.

OC spray is provided by the Division to all members trained in its use, who shall also carry the Division-issued OC spray at all times when in full police uniform.

The Division issued OC spray *must be labeled EDW- Electronic Discharge Weapon Tested and Safe/Non-Flammable*.

OC is categorized as an element of mechanical force under N.J. Attorney General Guidelines and the Use of Force General Order (III, J).

### 2. Pre-Deployment Considerations

Members **shall not** use OC spray in hospitals, nursing homes, schools, areas where children may be affected (playgrounds), or where bystanders may be affected.

Members **shall not** use OC spray when wind, weather, or tactical conditions do not allow for the safe and proper use of the chemical agent.

Members **shall not** use OC spray near open flames.

OC spray is used as a means of control to minimize the potential for injury to members, offenders, or other persons during a use of force incident. OC is generally a safe, effective and humane method for members to protect themselves or other persons against actively resisting and/or combative persons, or vicious animals.



# NEWARK POLICE DIVISION GENERAL ORDER



Members shall be guided by the Use of Force General Order #XX-XX when considering whether to use OC spray.

Members shall, if feasible and safe to do so, issue a warning prior to using OC spray.

Members shall not use OC spray in a moving vehicle or upon the person positioned on the driver side of any running vehicle.

### 3. Post-Deployment Considerations

Members who use OC spray upon a person shall as soon as practicable

- a. Reassure the person that they will recover;
- b. Place the person in a fresh air environment;
- c. Allow the person to flush out exposed areas with clean cool water;
- d. Allow the person to remove contact lenses if worn; and
- e. Contact EMS to evaluate the person.

Members shall document on the appropriate Division forms the use of the OC spray.

A supervisor shall be notified and requested to respond to any incident where a member uses OC spray.

### 4. Supervisor Responsibilities

Supervisors shall respond to all deployments of OC spray and shall be guided by the Use of Force General Order #XX-XX and the Use of Force Reporting, Investigation, and Review General Order #XX-XX.

Supervisors shall, at a minimum, inspect annually members' OC spray to ensure that it is not expired, and that it is in compliance with Division Rules, Regulations, Policies and Procedures, and this





# NEWARK POLICE DIVISION GENERAL ORDER



G.O. Supervisors shall document the results of their inspections on the Supervisor's Field Inspection Report.

## 5. **Property & Evidence Division Responsibilities**

The commander of the Property and Evidence Division shall ensure that a sufficient quantity of OC spray is procured and stored at the Property & Evidence Division to equip the entire Police Division as needed.

Members shall further refer to the Use of Chemical Agents and Non-Lethal Aerosol Incapacitating Agent General Order #68-2 for additional information concerning OC and other Chemical Agents.

## C. **Other Chemical Agents**

The following other chemical agents (e.g., CN/CS) are intended to be used only by the Special Weapons and Tactics Team (SWAT) or Emergency Services Unit (ESU) members.

Only members who have successfully completed a Division approved training course in the proper use of CN, and CS shall be authorized to use them.

The use of CN/CS chemical agents in any form (e.g., spray, gas) by a Division member requires that the member complete a use of force report. The member will further be guided by the relevant provisions contained in the Use of Force Reporting, Investigation, and Review General Order.

The reporting for the deployment of these other chemical agents shall also be documented in the SWAT team's After Action Report.

### 1. **Chloracetophenone (CN) & Orthochlorobenzalmalononitrile (CS) – Chemical Agents Authority to Use**

#### a. **Authorized Use**

The authority to use CN or CS rests with the ranking member of SWAT or ESU.



# NEWARK POLICE DIVISION GENERAL ORDER



## **b. Pre-Deployment Considerations**

In a riotous or unruly crowd, incident members must first attempt other less intrusive methods to disperse the crowd.

An escape route for the crowd must be available.

Division members in the immediate area must be equipped with gas masks.

To ensure effective deployment, weather conditions, such as wind, should be considered.

## **c. Post-Deployment Considerations**

If any person is injured as a result of the use of a chemical agent, EMS shall be notified to respond. Members shall also provide aid in accordance with their training and experience.

## **d. Supervisor Responsibilities**

The SWAT Commander or ESU Commander or their designee shall review the use of CN/CS after each incident or operation to ensure that the device(s) was/were properly deployed and functional. All Deployments and unusual occurrences shall be documented in the mission After Action Report.

## **D. Police Batons**

### **1. Authorized Use**

Members of the Division are authorized to carry and use Police Batons.

Members are responsible for purchasing their own Police Batons.

All Police Batons must conform to Division specifications and must be approved by the Training Division (see Basic Uniform Regulations G.O. #63-22).



# NEWARK POLICE DIVISION GENERAL ORDER



Members are prohibited from carrying or using Police Batons that are not approved by the Training Division.

Members shall carry a Police Baton at all times when in full police uniform.

## **2. Pre-Deployment Consideration**

Members shall be guided by the Use of Force General Order when considering the use of a Police Baton.

Batons are considered a form of mechanical force in accordance with N.J. Attorney General Guidelines. They can be used to block or strike when active resistance is experienced by a member. Batons are generally not considered lethal weapons, but do have the potential to be lethal if improperly used or when the circumstances warrant the use of a baton as a lethal weapon.

Members shall be aware of what are known as red zones when using a Police Baton (e.g., head, neck, groin). Strikes to these areas constitute deadly force and are not authorized unless the use of deadly force is authorized as per the Use of Force General Order.

## **3. Post-Deployment Consideration**

When a member uses a Police Baton to strike a person during an incident warranting the use of such force, and an injury is observed or alleged, the member shall notify EMS and render aid commensurate to their training and experience as needed.

The member shall also document the use of such force in accordance with the Division Use of Force General Order #XX-XX and the Use of Force Reporting, Investigation, and Review General Order #XX-XX.

A supervisor must be notified and must respond to all incidents where a Police Baton is used to strike a person regardless of whether the person is injured.



# NEWARK POLICE DIVISION GENERAL ORDER



## **E. Distraction Devices**

Distraction devices are designed for a variety of purposes that do not necessarily constitute a use of force. They can be used when dealing with violent or armed persons to distract (noise), create cover (smoke), and other tactical purposes. The use of distraction devices reduces the risk of injury to members and other persons.

### **1. Authorized Use**

Except in emergent situations, the use of a distraction device requires the authorization of the SWAT Commander or SWAT Team Leader.

### **2. General Deployment**

Generally, the use of Distraction Devices may be considered whenever their use would enhance safety and mitigate risks associated with any given mission.

These situations include, but are not limited to:

- i.** Barricaded persons
- ii.** Hostage situations
- iii.** High-risk warrant service (Intelligence indicates violent offenders, weapons present, fortified structures etc.)
- iv.** Presence of aggressive canines that exhibit behavior threatening to SWAT or ESU members.

NOTE: Every tactical situation has its own unique circumstances and obstacles, and must be resolved with its own unique solution. SWAT or ESU members must rely on their training and experience, as well as common sense and sound judgment, when utilizing this equipment.

### **3. Pre-Deployment Considerations**

Prior to deploying a Distraction Device, personnel shall consider intelligence information and circumstances to determine if devices may be safely deployed. Unless justification can be clearly articulated, Distraction Devices shall not be deployed in the following circumstances:



# NEWARK POLICE DIVISION GENERAL ORDER



- a. Young children are present in the target area.
- b. Elderly persons are present in the target area.
- c. Flammable vapors or flammable liquids are present in the target area.

A portable fire extinguisher shall be readily accessible whenever these devices are to be deployed.

Distraction Devices may be deployed by hand or initiated by pole.

Distraction Devices may be deployed at the breach point or away from the breach point if deemed necessary.

SWAT or ESU members should, whenever possible, visually inspect the area of deployment and lob the device approximately one meter off the breach point.

#### 4. **Post-Deployment Considerations**

If any person is injured as a result of the use of a Distraction Device, EMS shall be immediately notified to respond. Members shall also provide aid in accordance with their training and experience.

#### 5. **Supervisor Responsibilities**

The SWAT Commander or ESU Commander or their designee shall review the use of Distraction Devices after each incident or operation to ensure that the device(s) was/were properly deployed and functional. All Deployments and unusual occurrences, shall be documented in the mission After Action Report.

## VII. **TRAINING & RE-QUALIFICATIONS**

### A. **Firearms Training – Police Recruit**

The Training Division & Firearms Range shall conduct its police recruit firearms training program in compliance with the mandates and qualifying standards established by the N.J. Police Training Commission.



# NEWARK POLICE DIVISION GENERAL ORDER



## **B. Firearms In-Service Re-Qualifications**

The Firearms Range Commander shall develop and provide a practical training course for members involving the use of barricades, vehicles, and urban scenarios. The Range Commander shall review and update this course quarterly.

All Officers shall qualify at least twice annually at the Firearms Range for any firearm the officer will carry or use while on duty following the procedures and requirements established by the New Jersey State Attorney General Guidelines for Firearms Qualification.

When a member successfully passes the qualification course, the Range Commander will issue a card (Firearms Qualification Card) to that member indicating the date the member passed the course. The member shall maintain possession of the card, and produce it upon request by a supervisor. The member shall also provide a copy of the card to their Command for record-keeping purposes.

Members are responsible for ensuring they qualify at the Firearms Range twice per year.

Members must complete the required semi-annual re-qualification course to continue to carry and use authorized firearms in accordance with N.J. Attorney General Guidelines, Division Rules, Regulations, Policies and Procedures.

The Firearms Range shall notify Division Commanders of all members assigned to their Commands in need of re-qualification. This notification shall be made one month in advance from when the member is in need of re-qualification.

Members who fail to meet the training requirements will receive remedial instruction and will be rescheduled in order to comply with the training requirements.

If after remedial training and subsequent attempts to qualify the member still does not fire a passing score, the supervising firearms instructor shall report this information to the Chief of Police and Public Safety Director. The Chief of Police and the Public Safety Director will then determine what action is appropriate and maintain whatever records are appropriate.



# NEWARK POLICE DIVISION GENERAL ORDER



Members who fail to meet the training requirements for the use of authorized firearms shall relinquish their Division issued firearm.

Members who fail to qualify after remedial training within a reasonable time will be subject to disciplinary action, up to and including termination of employment.

The Executive Officer of each Command shall be responsible for scheduling members within their Command for the bi-annual firearm range re-qualification.

The Executive Officer shall provide a list of members they have scheduled for re-qualification to the Firearms Range one (1) week in advance of the scheduled training.

Each Command shall maintain records of attendance at the Firearms Range for personnel assigned to their Command.

## **C. Other Weapons Training**

The Essex County Prosecutors Office is responsible for all initial Conducted Energy Device (CED) user training in accordance with N.J. Attorney General Guidelines. The Firearms Range shall be responsible for all CED training re-certifications.

The Firearms Range shall be responsible for the routine inventory of Division-wide CEDs.

The tracking of training for the use of special weapons, other than firearms, shall be the responsibility of the Special Operations Commander.

The SOD Commander shall ensure members receive proper training and retraining in accordance with N.J. Attorney General Guidelines and Manufacturer recommendations.

Members shall be guided by the Firearms Range and the Training Division regarding any and all training or re-qualification concerning all other weapons not covered above.



# NEWARK POLICE DIVISION GENERAL ORDER



## VIII. EFFECTS OF THIS ORDER

All previous Memorandums and Orders that are in conflict with this Order are repealed.

**BY ORDER OF:**

---

**ANTHONY F. AMBROSE  
PUBLIC SAFETY DIRECTOR**

AFA/BO/ma

### **Related General Orders**

G.O. #63-22 Basic Uniform Regulations

G.O. #67-04 Secondary Firearms

G.O. #68-02 Use of Chemical Agents and Non-Lethal Aerosol Incapacitating Agent

G.O. #05-03 Police Officers Carrying Firearms

G.O. #08-05 Emotionally Disturbed Person

G.O. #16-02 Officer Involved Critical Incident Management

G.O. #18-?? Use of Force

G.O. #18-?? Use of Force Reporting, Investigation, and Review

### **Attorney General Guidelines & Directives**





# NEWARK POLICE DIVISION GENERAL ORDER



## APPENDIX A

### AUTHORIZED DIVISION FIREARMS AND OTHER WEAPONS

**A.** Hand guns:

- Sig Sauer P229 9mm Semi-Automatic (*Division Handgun*)
- Sig Sauer P229 40mm Semi-Automatic
- Glock Model 22 .40 cal. Semi-Automatic

**B.** Shot guns:

- Remington Model 870 and 870P 12-gauge Shotguns
- Benelli M1 12-gauge Shotgun

**C.** Long guns:

- Colt Model AR-15 .223 cal. Semi-Automatic
- Colt M4 Model Commando .223 cal. Rifle Semi/Automatic
- Colt M4 Model A2 .223 cal. Rifle Semi/Automatic
- Benelli M16 Assault Rifle
- Remington Model 700TWS Bolt Action Centerfire Rifle 26" Barrel .308 Winchester (Ammunition: Remington 308 Windmag)
- FN Herstal M-249 .223 cal. Automatic Assault Weapon

**D.** Chemical Agents:

- Oleoresin Capsicum (OC)
- Chloracetophenone (CN)
- Orthochlorobenzalmalononitrile (CS)

**E.** Conducted Energy Device (CED):

- Taser Class III – X2 w/Cam.

**F.** Police Batons:

- Monadnock PR24
- Monadnock 22: Expandable Baton w/Power Tip
- Foam Batons



# NEWARK POLICE DIVISION GENERAL ORDER



**G.** Ammunition:

- .223 Ammunition
- 9mm hollow-point Ammunition
- 9mm ball Ammunition
- .40 ball Ammunition
- .40 hollow-point Ammunition
- Segmented Slugs Ammunition (for Shotguns)
- 00 Buck Ammunition (for Shotguns)
- Less-than-lethal Ammunition:
  - Foam Round Bean Bags
  - Chemical Agent Rounds (OC/CN/CS)
- Hatton Rounds

**H.** Launchers:

- 37mm Single-Shot Launcher
- 37mm Multi-Shot Launcher
- 40mm Multi-Shot Launcher

|



# NEWARK POLICE DIVISION GENERAL ORDER



## APPENDIX B

### Firearms Range Safety Rules

- A. Any violation of the following Rules may result in disciplinary action:
- B. **NO** horseplay is allowed at the Firearms Range.
- C. Weapons will remain holstered at all times unless otherwise instructed by the Range Commander or the firearms instructor.
- D. When on the firing line, drawn weapons will be pointed down range and level to the ground.
- E. Any weapon malfunctions, or misfires, will be immediately reported to an instructor.
- F. Only shooters and instructors are permitted on the firing line.
- G. All personnel on the firing line must wear ear and eye protection.
- H. Unsupervised firing of weapons is prohibited. Firearms Range Personnel must be present when weapons are discharged at the Firearms Range.
- I. No armor piercing and or tracer ammunition is allowed at the Firearms Range. **Exception:** Specialized Units, such as the Emergency Response Team (ERT), are allowed to fire such rounds.
- J. The use of cross-draw (in the pants) holsters and shoulder holsters shall be prohibited at the range. Only those holsters approved by the Department shall be utilized.
- K. The following safety rules shall apply when responding to the Firearms Range:
  - 1. Any officer having any physical disability, limitation, illness or other condition that would affect their ability to participate safely in any aspect of the firearms program shall immediately notify the supervising firearms instructor.
  - 2. Any officer under the influence of any prescription/non-prescription drug or alcohol shall immediately notify the supervising firearms instructor.
  - 3. Never draw or re-holster a weapon with your finger in the trigger guard or on the trigger guard.
  - 4. Never go forward on the firing line unless instructed to do so by a firearms instructor.



# NEWARK POLICE DIVISION GENERAL ORDER



5. While on the firing line, never bend over to retrieve dropped articles until instructed to do so by a firearms instructor.
6. No talking on the firing line, except by or with a firearms instructor.
7. No eating, chewing tobacco or smoking on the firing line.
8. All officers must pay strict attention to the Firearms Range Instructors.
9. Never anticipate a command.
10. Never permit the muzzle of a firearm to touch the ground.
11. Range staff/armorsers shall conduct a safety check of all weapons before and after a training session.
12. The Supervisor in charge of qualification training on a particular day as well as the officer/participant shall make sure that the ammunition they are using is a "Service Load" (ammunition authorized by the agency and issued for duty use) or "Equivalent Load" (ammunition which is equivalent to the Service Load designed for training use) and is of the same caliber for the firearm in which it is used, and it is not damaged in any way.
13. Before firing any firearm that is unfamiliar to you, make sure that you understand exactly how it functions. A lack of familiarity with the firearm can result in serious accidents.
14. Always wash hands after leaving the range to reduce the possibility of lead contamination.
15. The Firearms Range's Commanding Officer shall ensure that personnel equipped to provide first aid are present on the firearms range during all qualification activities. (This person can be a certified member of a local volunteer first aid squad, an agency member certified as a first responder or emergency medical technician, or a member of the agency who is otherwise adequately trained.
16. The Firearm Range's Commanding Officer shall ensure that adequate first aid supplies are on-site at all times.