

FIREARM POLICY

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1. INTRODUCTION*F 2 / 002*

It should be understood that the adoption of this policy is not to change the law, but should be regarded as an attempt to carry out the intent of the law in the highest professional tradition of excellence. It is also to ensure the handling and use of firearms within the legal framework of the relevant legislation. A copy of this policy must be issued to every member of the Directorate : Protection Services, especially the traffic and law enforcement officers.

2. DEFINITION

Words in this policy shall have the meaning assigned thereto in either the Firearms Control Act, or the Firearms Control Regulations.

“the act” means the Firearms Control Act, Act 60 of 2000

“the municipality” means the Overstrand Municipality

“the official” means the officer to whom a firearm has been issued.

“the Regulations” means the Firearms Control Regulations, GNR. 345 of 26 March 2004

“the responsible person” means the officer(s) designated as such in terms of the Municipality’s accreditation as an official institution.

3. POLICY

There are civil liabilities attached to all Peace Officers who carry firearms and it is therefore necessary that all Overstrand Municipal Protection Service Peace Officers participate in firearm training and qualification programmes.

The firearm training programme will be under the guidance of the firearm instructions attached to the Training section. This policy is guided by the Firearm Control Act (Act 60 of 2000) and all laws pertaining to the use of firearms and all Regulations governing the use of firearms especially the Firearm Control Regulations (GNR.345 of 26 March 2004) [the regulations].

All officers are required to pass the basic firearm course and to carry a firearm whilst on duty.

In this policy the name “Director” shall include all such officers designated by the Director of Protection Services to fulfil specific duties with specific powers.

4. RESPONSIBILITY

The Chief : Traffic and Chief : Law Enforcement of the Municipality’s Protection Services Directorate will be responsible for all firearms under his/her command in respect of, but not limited to the following :

- Monthly inspection of all firearms and ammunition of all staff under his/her command.
- Firearm inspection reports are to be forwarded by the responsible officer to the Director : Protection Services during the first week of each month.

- Certification by the inspecting officer that the reflects the correct status firearm concerned.
- The chiefs referred to above may delegate a specific officer from his/her area to perform these functions.

5. TRAINING

Any officer who in terms of his/her functional duties is required to be issued with an official firearm will only be issued with such if the official meets all the competency requirements as set out in Section 6 of the Act. The training program must comply with the National Policing Standards. All staff members of the Protection Services are required to qualify with the basic firearm course twice a year. A qualification score shall be 60% or higher.

The Municipality will, in terms of its supply chain management policy obtain the services of a registered and competent training person or institution, who can provide the necessary training for officers as set out in Section 9(2)(q) and (r) of the Act, read with the Regulations.

Unless already declared a competent person, and for which purpose the necessary documentary proof thereof must be submitted to the responsible person to his/her satisfaction, an officer must undergo the training as prescribed by the Municipality's service provider at the Municipality's cost.

In the event of the officer failing the training course, such officer may, at his/her own cost repeat the training course. Should the officer again fail the course, such officer's services will be subject to the outcome of a due incapacity hearing process.

The arrangement as set out above will apply whenever the officer has to have his/her competency status renewed or if, for whatever reason, the officer no longer complies with the competency requirements of Section 9 of the Act.

6. FAILURE TO REPORT FOR TRAINING

Officers who have failed to report for training as scheduled and have not been granted leave of absence shall face disciplinary action.

Non-attendance other than the following reasons will not be accepted :

- verified sick or injury;
- light duty;
- emergency duty;
- court appearance;
- being an annual, maternity or family responsibility leave.

7. USE OF OFFICIAL FIREARMS

All irregularities in the handling of firearms and ammunition must immediately be reported in writing to the Chief or his / her delegated officer who must submit the report to the Director : Protection Services as soon as possible for his attention and action.

Whenever a staff member uses a firearm, whether discharged or not, a Shooting Incident Report shall be submitted before end of that tour of duty. The Shooting Incident Report shall be submitted to the officer's immediate supervisor who shall forward it to the Chief and a copy to the Director : Protection Services.

If the officer is unable to submit the report, this responsibility rests with the immediate supervisor who shall submit the report within 24 hours of the incident.

The supervisor must ensure that a CAS number is obtained from the SAPS in the event of a shooting incident that necessitates the opening of a criminal investigation and is therefore responsible to report any such contraventions which come to his / her attention to the local South African Police Service where the incident occurred.

Where a firearm has been discharged, whether a person has been injured or killed, the following procedure shall be followed :

The officer involved in the shooting incident must follow the standard operating procedures for making safe a firearm. The control room officer shall be informed immediately and an OB (occurrence book) entry recorded. The officer's immediate supervisor must be notified by the officer.

The following information must be supplied to the control room by the officer or his / her supervisor.

- The exact location
- Serial number of firearm
- Time of incident
- Officer call sign
- Short description of the incident
- Officer's name and staff number
- CAS number, if available
- Number of rounds fired, calibre and type of weapon and ammunition

8. CARRYING AND SAFEKEEPING OF OFFICIAL FIREARMS

When an officer carries his/her official firearm on his/her person he/she must do so in the manner as prescribed in the Act. Failure to do so will result in a disciplinary hearing to be instituted against the officer.

When an official carries his/her official firearm on his/her person he/she must at all times be able to produce the relevant permit for that firearm.

Whenever a firearm is issued to an officer, and the officer is allowed to store such issued firearm at his/her place of residence, the officer shall at his/her own cost purchase a firearm safe that complies with the Regulations and install such safe in accordance with the Regulations.

Only after the responsible officer has approved of the safe and its installation, which approval shall be conveyed in writing to the officer, may the responsible officer issue a firearm to that officer.

The Director : Protection Services may revoke permits or authorisations referred to in this policy.

The firearm shall remain holstered at all times except :

- For inspection;
- For use in the scope of the officer's duties/authority;
- For the use at scheduled firearm practices;
- For storage;
- For cleaning.

Official firearms must be carried in accordance with Section 84 of the Act.

No officer shall repair, modify or adjust any issued weapons.

Officers on duty may use only approved holsters issued by Protection Services. Additional holsters must first be authorized by the Director : Protection Services.

All official firearms in need of maintenance or repair shall be taken to the officer responsible for firearms. The weapons will be held in the dedicated safe until such time as the repairs or maintenance can be effected.

Every Chief or delegated officer shall on a regular basis be responsible for the inspection of weapons, ammunition, firearm permit (authorisation) and leather gear of all officers under their supervision.

The shift supervisor shall be held responsible for ensuring the cleanliness of firearms of officials under his supervision.

Officials in possession of an official firearm will, when the firearm is not under their direct and physical control, as well as when off duty, store the firearm for safekeeping in the safe provided for this purpose at his/her reporting office. The only exception will be when an officer is authorized in writing to take his / her firearm home. The officer will store his/her firearm in a safe in terms of Regulation 86 of the Regulations.

The condition of a firearm while on patrol must be as follows :

- Loaded magazine in the firearm;
- No round in the chamber;
- Safety catches on firearm where applicable (not all firearms have this feature).

9. CARRYING OF FIREARMS

Section 98 (5) of the Act provides that at the end of each period of the officer's duty he/she must return the firearm in question to the place of storage designated for this purpose by the Official Institution.

Section 98 (4) of the Act provides that the Head of an Official Institution may impose conditions on the possession and use of the firearms and ammunition under the control of that Official Institution.

The carrying of official firearms when outside the area of jurisdiction of the Overstrand Municipality is strictly forbidden unless specifically authorised in writing by the Director : Protection Services.

The carrying of official firearms when in civilian clothing is strictly forbidden unless specifically authorized in writing by the Director : Protection Services.

No official issued firearm shall be used, carried or kept in any vehicle at any time when off duty.

No private firearms may be carried when on duty.

10. ISSUING OF FIREARMS

The shift Supervisor shall ensure that all the officers are accounted for and are in possession of the required leather gear prior to the issue of firearms on commencement of their tour of duty.

The shift Supervisor shall liaise with the designated Control Room of the municipality for the issue of firearms.

The shift Supervisor shall ensure that the firearms are made safe and unloaded prior to issue, in the designated Firearm Safety Zone (fumble zone) at the safe.

Every officer shall receive the firearm and magazine, visually ensure that it is safe, place it in the holster, sign the firearm register and record the issue in their pocket books.

The shift Supervisor shall counter sign the issue of each firearm in both the firearm register and pocket book. In the case of the Municipality, a permit will be issued which will allow the officer to take the firearm home. When all firearms have been issued to the officers, the shift Supervisor shall ensure that all the officers are present in the Safety Zone at the Safe and shall ensure that the firearms are loaded, checked and holstered in accordance with safety procedures.

11. RETURN OF FIREARMS

The Shift Supervisor shall ensure that all the officers are present and all weapons are accounted for prior to returning the firearms to the Control Room Supervisor.

The Shift Supervisor will ensure that all firearms are unloaded and checked in the Firearm Safety Zone before they are handed in at the Control Room. The Control Room Supervisor will check the condition of the firearms and shall sign his return in the firearm register.

12. LOSS, THEFT ON UNAUTHORISED USE OF OFFICIAL FIREARM

Any official firearm lost, stolen or any unauthorized use of firearms will be immediately reported. Such report shall be submitted to the Director: Protection Services through the chain of command setting forth the detailed circumstances of the loss, theft or unauthorised use of the firearm. In addition the shift supervisor shall ensure that the crime and incident report is prepared, reported and entered into the Register at the relevant South African Police Station.

The Municipality's internal investigator shall lodge an objective comprehensive investigation into the matter. The investigator shall fully co-operate with the South African Police Services.

All the information and statements shall be compiled and forwarded through the chain of command to the office of the Director : Protection Services.

13. CONCLUSION

Any transgression of this policy will be regarded as extremely serious. It is therefore compulsory that no person to whom the content of this policy is relevant may deviate from it without written permission from the Director : Protection Services. Officers who transgress this policy can be charged criminally as well as disciplinary procedures to be instituted against them. On conviction the privilege to carry an official firearm might be withdrawn or may under the Act be declared a person unfit to possess a firearm.

Policy Section	Protection Services
Current update	N/A
Previous review	N/A
Approval by Council	25 November 2009