



## WADING RIVER FIRE DISTRICT BOARD OF FIRE COMMISSIONERS

### *1.8 Firearms and Weapons Policy*

A Workplace Violence Prevention Policy should address the issue of firearms and other types of weapons in the workplace. The following shall supplement any Workplace Violence Prevention Policy heretofore or hereinafter adopted by the Board of Fire Commissioners.

While citizens have certain rights to possess firearms under the Constitution and laws of the United States and the State of New York such rights must be balanced with need to provide a safe workplace for employees. Employees, volunteers, officers and others present in our workplace are not permitted to be present while possessing firearms and/ or other weapons unless as otherwise enumerated in this policy. Employees, volunteers, officers and others present in our workplace are not permitted to possess any firearms and/or other weapons in violation of any law. Any violation of this provision shall subject the offender to Disciplinary action and criminal proceedings.

Employees, volunteers, officers and others present in our workplace are permitted to possess firearms and other personal weapons if they are peace officers or law enforcement officers authorized to possess such weapons in accordance with state or federal law. Employees, volunteers, officers and others present in our workplace who have been issued a license to carry a firearm or carry a concealed firearm may do so, but only to the extent that the law and the license that has been issued to them permits. If there is an issue as to the legitimacy of an authorized person pursuant to this paragraph, the employee, volunteer, officer or others present, must present, on demand, to the highest ranking firematic officer present proof of their lawful authority to possess or carry such firearm or weapon.

Employees, volunteers, and officers present in our workplace and permitted under applicable law to possess firearms may not carry a firearm into a scene of a working fire due to the inherent danger of bringing firearms and ammunition into such conditions.

Employees, volunteers, and officers in possession of firearms or weapons by virtue of their status as peace officers or law enforcement officers may elect to perform their legal obligations as peace officers or law enforcement officers and address a breach of the peace, but any such action will be deemed undertaken as a peace officer or law enforcement officer of their assigned agency and not as the act of an employee, volunteer or officer of the fire district or fire department. Nothing contained herein shall act to prevent or restrain a person legally in possession of a firearm or weapon from using the firearm or weapon in self-defense or in defense of another under circumstances where he or she reasonably believes that he or she or another is confronted with the threat of deadly physical force. Any such actions will be personal

actions of the person in possession of the firearm or weapon and must be undertaken in compliance with applicable law.

No employee, volunteer or officer may unholster a firearm or weapon, or handle it in any manner while on fire district property or at a fire district or fire department scene, event or activity except to safe the firearm or weapon, place it in a secure location in a personal vehicle or weapons safe, if one is made available by the fire district, or as previously enumerated in the preceding paragraph.

In the event that a firearm or weapon is unholstered or possessed in violation of this policy and such action is witnessed by or reported to an officer of the fire department or fire district, that officer shall contact the police department and file a report on the incident.

No employees, volunteers, officers and others present in our workplace or at any event or activity of the fire department or fire district shall possess or consume alcoholic beverages while also in the possession of a firearm.

In the event that the fire district elects to provide a locked or lockable gun safe for members to store weapons they are permitted to possess, the fire district shall assume no liability related to same. The fire district shall assume no liability related to the need of an employee, member or officer to store a firearm or weapon in a secure location in a personal vehicle. Firearms shall not be stored in fire district vehicles unless the fire district provides a secure locker in the vehicle. The person who elects to store the firearm in such secure location agrees to assume all risk of loss associated with such storage.

Nothing contained herein shall act to obligate the fire district to provide secure weapons lockers for personnel.

Nothing contained herein shall authorize an employee, member or officer to take a firearm into a location where the possession of firearms is restricted by law.

An employee, volunteer or officer may briefly leave an emergency scene or department or district activity or event because of the need to secure a firearm on notice to his or her supervisor or officer in charge without being exposed to any type of disciplinary action.

#### **POLICY AND REFERENCE:**

1.X Workplace Violence Policy  
1.X Disciplinary Policy  
NYS PL Art 265.00 Weapons Definitions  
NYS PL Art 35.00 Defense Justification  
NYS CPL Art I 1.20-34 Definition Police Officer  
NYS CPL Art II 2.10 Definition Peace Officer

#### **Historical Note:**

Est 09//27/2011  
Rev 03//28/2016  
Rev 03/27/2017

Adopted by the Wading River Fire District Board of Fire Commissioners on Monday, 03/27/2017.

Glenn Erick, Chairman  
Tom Colitti, Vice Chairman  
James Meier, Commissioner  
John McManus, Commissioner  
Randolph Hintze, Commissioner