COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER MULTI-BUREAU	DATE OF ISSUE November 24, 2026	EFFECTIVE DATE November 24, 2026	NO. 015-26
SUBJECT: GENERAL ORDER Firearms/Deadly Physical Force		DISTRIBUTION All Personnel	AMENDS
REFERENCE: NYSLEAP 6.1, 6.2, 14.4, 20.1, 20.5, 21.1, 32.3, 40.2, 43.8 NYSSA (JAIL) 19, 34, 43, 60, 62, 73-76, 78-80 MPTC Use of Force Model Policy NYS Penal Law Article 10, 35, 265 Graham vs. Connor 490 U.S. 386 (1989) Tennessee vs. Garner 471 U.S. (1985)			RESCINDS 15-24

Purpose: To familiarize employees with policies and procedures regarding the use of firearms and deadly physical force.

Policy: Only those members who have satisfactorily completed a Monroe County Sheriff's Office (MCSO) approved firearms program will be authorized to carry and use an MCSO firearm.

Deadly physical force will only be used when necessary to protect the member or a third person from the imminent use of deadly physical force by another.

Definitions: Deadly Physical Force: Physical force that, under the circumstances in which it is used is readily capable of causing death or other serious physical injury.

Objectively Reasonable-An objective standard used to judge an officer's actions. Under this standard, a particular application of force must be judged through the perspective of a reasonable officer facing the same set of circumstances, without the benefit of 20/20 hindsight, and be based on the totality of the facts that are known to that officer at the time that the force was used.

Physical Injury- Impairment of physical condition or substantial pain.

Serious Physical Injury: Physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ.

Deadly Weapon: Means any loaded weapon, from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, gravity knife, pilum ballistic knife, metal knuckle knife, dagger, billy, blackjack, plastic knuckles, or metal knuckles.

Weapon: An object designed or can be used to inflict bodily harm or physical injury.

Imminent threat–Physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: The duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.

I. Deadly Physical Force:

A. Members will be trained in de-escalation tactics and techniques designed to gain voluntary compliance from a subject before using force, and such tactics and techniques should be employed if objectively feasible and they would not increase the danger to the deputy or others.

B. Deputies will be trained in, and must recognize and act upon, the affirmative duty to intervene to prevent or stop, as appropriate, any law enforcement officer from engaging in excessive force or any other use of force that violates the Constitution, other federal laws, or Department policies on the reasonable use of force.

C. Deadly physical force may be used upon another individual when, and to the extent that, he/she reasonably believes it to be necessary to defend himself/herself (or someone else) from what he/she reasonably believes to be the use or imminent use of unlawful deadly physical force by such individual.

D. Deadly physical force may be used to stop a fleeing suspect when there is probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.

E. Members will be held responsible for maintaining a working knowledge of New York State Penal Law Article 35, Defense of Justification.

F. The use of a firearm by a member in any other situation involving human life is strictly prohibited.

II. Brandishing a Weapon:

* A. Brandishing –Pointing a firearm, a chemical agent, impact weapon, electronic control weapon or any other weapon system at a person or persons for the purpose of gaining compliance.

Note: Any member that brandishes a weapon in order to gain compliance from a subject and does not use force must also complete a SMMR.

B. Each member is held responsible for justifying their actions when a particular situation warrants displaying a weapon/firearm based upon objective facts that a weapon may be needed.

Note: When plausible a contact and cover officer should be used.

III. Restrictions:

A. Warning Shots:

1. Members of the MCSO will not fire warning shots.

2. Members may be held criminally and civilly liable for the death or injury of a person caused either intentionally or accidentally by them.

B. Any unauthorized or careless handling of a firearm or weapon, on or off-duty, by any member of this Office, is prohibited and may be cause for disciplinary action.

C. Force shall not be used by a deputy for the following reasons:

1. To extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present.

2. To coerce a confession from a subject in custody.

3. To obtain blood, saliva, urine, or other bodily fluid or cells, from an individual for the purposes of scientific testing in lieu of a court order where required.

4. Against persons who are handcuffed or restrained unless it is used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.

IV. On/Off Duty Procedure Upon Discharge (No injury or death):

A. When a member of this Office discharges an MCSO issued firearm accidentally or intentionally discharges any weapon (Refer to **MBGO-012 Less-Lethal Weapons)** in the performance of their official duties or not, they must adhere to the following:

1. Immediately notify their immediate supervisor of the circumstances surrounding the firearm/weapon discharge.

2. Complete and submit a MB-033 Firearms Discharge Report Form to include all pertinent details relating to the accidental or intentional discharge of a firearm. The report is to be completed on all discharges of firearms, including the destruction of animals. In order to ensure an objective and timely review, critique, and disposition of such documented incidents, the report will be submitted through the chain-of-command to the Major of Operations, who after a review will forward the report to the Commander of Staff Services. The report will then be filed with the Standards and Compliance Unit (SCU) for the annual report.

3. In the event the member who discharged a firearm is unable to complete the written report, his/her immediate supervisor will be responsible for completing the report as soon as possible.

4. Complete and submit a MB-119 Subject Management Resistance Report when applicable, **(MBG0-033 Response to Resistance, Aggression, and Subject Management Resistance Report)**.

B. Members may use firearms against animals when they are:

1. Attacking or presenting an imminent danger to any person. In these instances, the supervisor's responsibility will be as outlined below in Section IV of this Order.

2. Injured/sick or appearing as such.

C. Supervisory Responsibilities:

1. Whenever a member of this Office has accidentally or intentionally discharged a firearm/weapon, it will be the responsibility of the supervisor to notify the on-duty command officer.

2. Except where a firearms discharge occurred to destroy an animal where no physical injury occurred to a member of this office or a civilian, a supervisor will respond to the location of the firearm/weapon discharge and protect the scene pending an investigation.

Note: Immediate documentation with BWC and photos.

D. Command Responsibilities:

1. Appropriate notifications must be made in accordance with the current notification policy.

2. Immediately notify Internal Affairs (IA).

3. Initiate a preliminary investigation.

4. In the event of a discharged firearm not involving the destruction of an animal, Technical Services Unit (TSU) Technician will be notified and respond as directed. The TSU Technician will take custody of the members firearm and make the weapon safe, all leather gear and any other property as deemed necessary by the technician and/or command officer. The TSU Technician will submit a written report and be responsible for delivering the property to the Monroe County Crime Lab as needed.

   Note: The TCU Technician will make the weapon safe by current procedures as soon as practical prior to placement into the Property Management Office (PMO).

5. After the completion of the investigation and court proceedings, an MCSO armorer will inspect the firearm. The armorer will submit a written report to IA regarding the operating condition of the firearm. The determination to release the firearm will reside with the CIS Captain.

V. Procedure upon Discharge Involving Injury or Death or Use of Deadly Physical Force

Procedures upon discharge involving injury or death, refer to **MBGO-110 Investigative and Administrative Response to Use of Deadly Physical Force Incidents**.

VI. Shotgun Procedures:

A. Shotgun Procedures:

1. All shotguns will be numbered for identification

2. Shotguns will remain loaded with Segmented Slug only. The gun has a capacity of 17 rounds. Six (6) in the magazine tube, six (6) in the sidesaddle and five (5) on the Knoxx Stock.

   Note: Tactical buck shot will still remain available upon request for specialized units and/or for specific tactical applications.

3. The action will remain closed with an empty chamber and the safety mechanism engaged.

4. When not used on patrol, the shotgun will be unloaded and secured in the appropriate zone shotgun safe.

5. It will be the responsibility of the unit commander to ensure that shotguns are cleaned twice a month. A log will be maintained indicating the date(s) cleaned and overall condition.

6. Shotguns, as with any other weapon, or firearm, will be handled in a safe and careful manner.

7. If the shotgun is discharged, firearm discharge procedures will be followed as outlined in this order.

8. Upon discharge, the shotgun will be cleaned before being returned to service.

B. Deployment – the shotgun will be signed out, in a log book located in the shotgun safe, at the beginning of each tour-of-duty, and physically inspected by the operator. The shotgun will be locked in the shotgun rack between the front seats of the marked patrol vehicle with the action closed on an empty chamber with the safety on. The operator will exercise sound judgment when displaying or deploying the shotgun and must be able to justify his/her reasoning.

C. Storage – When not in use, the shotgun will be stored in the appropriate zone substation safe/locker along with all ammunition. The shotgun safe/locker is to only be used for MCSO shotguns and related equipment

D. Maintenance - Each zone substation will select one (1) operator who will be responsible for the monthly maintenance on each shotgun. This operator will physically inspect each shotgun on a monthly basis and perform any needed cleaning and lubrication.

Note: Any requests for armorer's repairs will be documented on a MB-166 Firearms Tracker Form and forwarded to the Firearms Coordinator immediately. If any firearm is deemed "unserviceable" or "not fit for deployment" the operator will attach a "DEADLINED" tag to the barrel and notify their supervisor immediately. That supervisor will ensure that the zone commander is notified, as well as the Firearms Coordinator, so that timely repairs can be made.

E. Program Oversight - The Sheriff's Firearms Coordinator or designee will have the overall responsibility for the management of this program. The Firearms Coordinator will, at a minimum, track the inventories, oversee repairs, supervise the operator's qualifications, and oversee annual armorer's inspections of each shotgun

VII. Patrol Rifle Procedures:

A. Purpose - the purpose of this protocol is to establish common guidelines for the storage, assignment, deployment, and maintenance of agency issued Patrol Rifles assigned to the Police Bureau.

B. Assignment of Operators - in order to be assigned as a Patrol Rifle Operator the member must be selected by the Sheriff or his/her designee and successfully complete an MCSO approved Patrol Rifle Course. Operators are required to successfully qualify with the rifle on an annual basis. Those members who do not successfully qualify will be prohibited from carrying the rifle.

C. Patrol Rifle Procedures:

1. All Patrol Rifles and Deployment Bags will be numbered for identification.

2. Patrol Rifle Magazines will be loaded with 28 rounds of 62 grain, tactical .223 ammunition. The magazines will not be loaded to their 30 round capacities due to the

excessive tension on the magazine spring and difficulty in seating the magazine properly.

3. The Patrol Rifle bolt will remain forward on an empty chamber and the selector switch will be on SAFE until the rifle is to be deployed at the scene of an incident.

4. A Patrol Rifle Deployment Bag will be assigned to each rifle and will contain the following items: two (2) additional loaded rifle magazines, flexi-cuffs, medical supplies to include scissors, chemical lights, and lithium tactical light batteries.

5. When not used on patrol, the rifle will be unloaded and secured in the appropriate zone rifle safe along with the corresponding Deployment Bag.

6. It will be the responsibility of the zone commander to ensure that the rifles are cleaned and inspected on a monthly basis. A log will be maintained indicating the dates cleaned and inspected.

7. It will be the responsibility of each supervisor to maintain accountability of all rifles and Deployment Bags assigned to the unit during the tour-of-duty.

8. Patrol Rifles will be handled in a safe and careful manner, as with any other weapon or firearm.

9. If the rifle is discharged, firearm discharge procedures will be followed as outlined in this order.

10. Upon discharge, the rifle will be cleaned before being returned to service.

D. Deployment - the Patrol Rifle and Deployment Bag will be signed out, in a log book located in the rifle safe, at the beginning of each tour-of-duty, and physically inspected by the operator. The rifle will be locked in the rifle rack between the front seats of the marked patrol vehicle with the bolt forward on an empty chamber. The magazine will be seated in the magazine well, and the selector switch on SAFE. The Deployment Bag will be secured in the patrol car's front passenger compartment. The operator will exercise sound judgment when displaying or deploying the rifle and must be able to justify his/her reasoning. The rifle may be deployed in-lieu of a shotgun. Only under extraordinary circumstances will the rifle be utilized for the destruction of an animal.

E. Storage - when not in use, the Patrol Rifle will be made safe and Deployment Bag will be stored in the appropriate zone substation rifle safe/locker along with the magazine and all ammunition. The rifle safe is to be used only for MCSO patrol rifles and related equipment.

F. Maintenance - Each zone substation will select one (1) operator who will be responsible for the monthly maintenance on each rifle, similar to the shotgun maintenance. This operator will physically inspect each rifle on a monthly basis and perform any needed cleaning and lubrication. They will also inspect each magazine to ensure each is loaded with exactly 28 rounds.

Note: Any requests for armorer's repairs will be documented on a MB-166 Firearms Tracker Form and forwarded to the Firearms Coordinator immediately. If any firearm is deemed "unserviceable" or "not fit for deployment" the operator will attach a "DEADLINED" tag to the barrel and notify their supervisor immediately. That supervisor will ensure that the zone commander is notified, as well as the Firearms Coordinator, so that timely repairs can be made.

G. Program Oversight - The Sheriff's Firearms Coordinator or designee will have the overall responsibility for the management of this program. The Firearms Coordinator will, at a minimum, track the inventories, oversee repairs, supervise the operator's qualifications, and oversee annual armorer's inspections of each rifle.

Note: SWAT Team members and other members who are assigned patrol rifles will follow the storage/security procedures as outlined in **EMGO 109-Special Weapons and Tactics Unit (SWAT).**

VIII. Security of Issued Firearms:

Any member issued an agency firearm is charged with the responsibility of ensuring proper firearms safety in the work place and home at all times. They will have the specific responsibility to ensure that their firearms are secured and not accessible to children or any unauthorized person.

A. All members issued an agency firearm will receive a cable gun lock. Replacements are available from the Quartermaster in the event of breakage.

B Members are strongly encouraged to use these locks when storing agency firearms. Members are also strongly encouraged to ensure the safety and security of personally owned firearms.

C. Cable gun locks are only to be applied to unloaded firearms. The locked firearm should never be stored with the key or ammunition in close proximity. A firearm should never be stored where children or unauthorized persons may attempt to handle it. Failure to adhere to these safety warnings can result in an unintentional discharge. Members may be held accountable should a discharge occur.

D. Firearms stored within an MCSO facility locked cabinet or locker does not require the use of an MCSO issued cable gun lock.

E. Members should not store or otherwise leave a firearm out of immediate possession or control inside a vehicle, without first removing the ammunition and securely locking the firearm in an appropriate safe depository. The firearm should not be seen from outside the vehicle.

F. The MCSO Medical Provider does provide gun lockers in the Medical Office Building. These lockers are securely installed and are available for use by MCSO members who are being examined by the doctor. Members who are there for an examination who are required to disrobe and/or leave the original exam room for additional testing are to use these lockers for securing their firearm during the exam.

G. Four Cardinal Rules of Safe Weapon Handling

1. Always point a firearm in the safest possible direction unless an active threat is perceived.

2. Treat all guns as if they were loaded.

3. Keep your finger off the trigger until you're ready to shoot.

4. Always be sure of your target and what's beyond it.

IX. Assignment of Issued Firearms:

A. Members authorized to carry or use MCSO firearms in conjunction with their assigned duties will not adjust, repair, or alter any such firearm at any time. Any member wishing to add friction tape or slip on grip to their assigned duty weapon will make the request via MB-003

Intra-Departmental Correspondence to the Firearms Training Sergeant. Any grip enhancement must be purchased at the member's expense and pre-approved by the Firearms Training Unit. All grip enhancements will be installed by a certified MCSO armorer.

B. Any MCSO firearm that is found to be defective will be removed from service immediately. Only MCSO designated certified armorers are authorized to adjust, repair, or alter agency issued firearms.

C. Any new firearms or firearms returned from repair, or firearms turned in from a retiree will be inspected by a certified armorer and a **MB-166 Firearms Tracker Form** will be completed prior to re-issue.

D. For repairs done outside of the MCSO, the Firearms Coordinator or designee, will have the responsibility to prepare the outgoing firearm for shipment, and evaluate the repair when returned.

E. Repairs that are made at the range will require a MB-166 Firearms Tracker Form to be completed and a copy of this form will be forwarded to the Firearms Coordinator.

F. Firearms assigned to the Monroe County Jail Bureau will be inspected bi-annually by a Firearms Instructor or MCSO armorer.

G. The firearms coordinator will maintain a record on all issued and inventoried firearms owned by the MCSO. Firearms other than the .45 caliber, 9 millimeter, .38 caliber, and 12 gauge shotguns, patrol rifle that are issued to specialized unit members will be inventoried by the specialized unit commander/supervisor and a copy of that inventory will be forwarded to the Firearms Coordinator on an annual basis.

H. Only members, who have satisfactorily completed an Office approved firearm program, conforming to Municipal Police Training Council (MPTC) standards and requirements, will be allowed to carry and use an MCSO firearm. To maintain firearms certified status, members must satisfactorily complete all firearms requalification courses on an annual basis. All training and proficiency must be documented.

I. Any Member who does not attend scheduled firearms in-service/qualification (and the last time they went to firearms in-service/qualification exceeds six months or more) will have their name reported to their respective Bureau Chief by Staff Services. The Bureau Chief will review the circumstances as to why the member failed to attend firearms in-service/qualification and document those circumstances to the Commander of Staff Services. In all instances where the reason for the failure to attend in-service/qualification is due to an extended absence (refer to MBGO 041 Limited Duty), the respective Bureau Chief will ensure any MCSO issued firearm(s) are turned in to the Firearms Coordinator or Quartermaster for safekeeping. Once the member has been cleared for duty, the respective Bureau Chief will ensure the member is placed on an "inactive firearms list" and is not assigned duties requiring an MCSO firearm until the member has attended and satisfactorily completed firearms qualification. After successful completion, the issued firearm will be returned to the member and written notification will be sent to the Firearms Coordinator.

J. Members who attend but do not satisfactorily complete firearms requalification will be subject to remedies as enumerated in the current collective bargaining agreements.

K. Only MCSO issued firearms and service ammunition, approved by the Firearms Coordinator or his/her designee, may be carried while on-duty. Members assigned to SWAT or other specialized units will only use MCSO approved and issued firearms and ammunition.

L. Members assigned to the Greater Rochester Narcotics Enforcement Team (GRANET), the Heroin Task Force, and IA will be authorized to carry an MCSO issued Smith & Wesson .38 Caliber Model 340 Revolver and ammunition under the following circumstances:

1. Members will adhere to use of firearms and deadly physical force as outlined in this order.

2. Upon completion of an MCSO approved revolver firearms training program.

3. The .38 caliber revolver may be carried when the member is actively involved in an undercover situation, when concealment is necessary in furtherance of his/her duty and to provide increased officer safety. During duty hours other than a "buy situation" members will carry their authorized GLOCK duty pistol.

   Note: The GRANET Supervisor and the IA Lieutenant may permit the manner in which the .38 Caliber is used other than the above stated restrictions.

4. Only one (1) firearm will be carried, the alternate firearm will be secured with a gun lock in an MCSO issued lock box at the respective unit office when not in use.

M. Unless otherwise authorized, Police Bureau personnel assigned to uniform patrol duty carrying the issued handgun will leave the Weapons Mounted Tactical Light (WMTL) attached to the pistol at all times while utilizing the duty holster. The WMTL may only be removed for cleaning purposes and maintenance.

X. Firearms Registration:

Employees must be in complete compliance with existing NYS Penal Law requirements regarding the registration of personal handguns.

A. Employees are advised that only sworn members of in the Police, or Civil Bureaus, are authorized to carry and use an MCSO issued firearm and only MCSO issued service ammunition while off-duty. Additionally, only certified Police and Civil Bureau Deputies, due to their training and assignment, are authorized to identify themselves as police officers, while off-duty, for the purpose of invoking or attempting to invoke the police powers inherent in the title of Deputy Sheriff. Employees not members of the Police and Civil Bureaus are reminded that engaging in unsanctioned actions of this description, which do not fall within the scope of duties normally associated with their employment, may expose such members and employees to personal liability litigation and the loss of legal defense and indemnification normally provided by the County of Monroe.

B. When an employee chooses to possess a personal firearm, they must obtain a New York State Pistol Permit. No personal firearms will be carried on a badge of the MCSO. Employees who are not in compliance must surrender all personal firearms to the Sheriff's Property Clerk until they are in compliance with this order.

C. All firearms qualified Court Security Deputies will be assigned a Monroe County Sheriff's Office (MCSO) issued firearm.

D. Employees will ensure that any personally owned firearms and ammunition are of such quality and condition so as to not be of any danger to the user.

XI. Duty to Intervene

A. Any deputy present and observing another law enforcement officer using force that they reasonably believe to be clearly beyond that which is objectively reasonable under the

circumstances shall intercede to prevent the use of unreasonable force, if and when the deputy has a realistic opportunity to prevent harm.

B. A deputy who observes another law enforcement officer use force that exceeds the degree of force as described in subdivision A of this section should promptly report these observations to a supervisor.

XII. Responsibility of the Staff Services Standards and Compliance Unit:

The Staff Services Standards and Compliance Unit will conduct an annual review and analysis of all firearms discharge reports (reference **MBGO-33 Response to Resistance, Aggression, and Subject Management Resistance Report**). The review process will check for completeness, accuracy, and timeliness of filing of these reports. The findings are to be summarized in writing and submitted to the Undersheriff.

Note: The intent of the review is also to reveal any patterns or trends that may need to be addressed by training or a change in policy with respect to the discharge of a weapon.

By Order of the Sheriff,

Todd K. Baxter

* Indicates a change from the previous version of this general order.