



Category:
Facility Management / Safety
Police

Responsible Office:
[University Police](#)

Policy Title:
Firearms on State-operated Campuses

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This policy item applies to:
State-Operated Campuses

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Summary

These guidelines ensure the safe and prudent implementation of the rules of the State University of New York (University) Board of Trustees concerning firearms and other weapons on campuses.

Policy

I. Purpose

- A. The rules of the State University Board of Trustees (8 NYCRR §535.3 (j)) prohibit the possession of air guns, firearms, rifles, shotguns or other weapons on a state-operated campus of the University without the written authorization of the campus president.
- B. The rules of the State University Board of Trustees (8 NYCRR §590) govern the possession, use and storage of air guns, firearms, rifles, shotguns and weapons on the premises of state-operated campuses of the University.

II. Possession and Storage of Firearms Owned by Students, Faculty and Staff

- A. No air gun, firearm, rifle, shotgun or weapon may be possessed, stored, discharged, loaded or used on property owned or leased by the University unless the person in possession of said device meets the requirements set forth in these administrative procedures. The president of each state-operated campus may, in accordance with the provisions of section 590.3 of the rules of the University Board of Trustees (8 NYCRR § 590.3), grant written authorization to students, faculty, staff or other persons to permit the possession and storage of air guns, firearms, rifles, shotguns and weapons on campus only where such possession is required or permitted for the purposes specified in said section. When authorized, they will be stored unloaded in an appropriately secured area within or under the control of the University police department of each state-operated campus. Such authorization may be rescinded at any time but in no event shall it be valid for longer than one academic year with the exception defined in section III (B) below.

- B. Air guns, firearms, rifles, shotguns and weapons that are evidence in a criminal case may be stored in a properly secured evidence locker or secured area until disposal or return of said item is permitted by the local prosecutor or court.
- C. When authorized for storage on campus, air guns, firearms, rifles, shotguns and weapons shall be tagged. Such tag will bear the owner's name, address and telephone number (both home and campus), date of storage and any other pertinent information deemed necessary by the campus chief of university police.
- D. Only the owner of an air gun, firearm, rifle, shotgun or weapon, upon presentation of proper identification, may obtain possession of the firearm after it is stored.
- E. No air gun, firearm, rifle, shotgun or weapon authorized on campus under Section 590.3 of the rules of the University Board of Trustees (8 NYCRR § 590.3) may be used, loaded, fired or discharged on campus except under the immediate supervision of a qualified instructor approved by the University and under a program specifically authorized by SUNY. This prohibition shall not apply to forestry lands under the supervision of the University College of Environmental Science and Forestry or farmland under the control of the University College of Technology at Alfred.

III. University Police Officers (Authorization for University Police Officers)

- A. The president of a state-operated campus may authorize University police officers to carry firearms while on duty.
- B. Only University police officers appointed under authority of Section 355 (2)(l), of the Education Law and who are recommended by the chief of university police and approved in writing by the campus president are authorized to carry firearms on duty.
- C. When authorized to carry firearms on duty and when assigned to do so, such officers will respond to any complaints involving armed individuals, robberies or other dangerous incidents that occur during their tours of duty.
- D. Prior to being given written authorization to carry firearms on duty, a designated officer must successfully complete a course of instruction conducted under the direct supervision of a qualified firearms instructor approved by the system administration office of university police.
- E. Arming is within the discretion of the campus president. However, all police officers are required to qualify to carry a firearm at least twice a year.
- F. Firearms obtained by each campus department of university police for issuance to members must be registered with the division of state police pursuant to Section 400.00 of the Penal Law .

IV. Use of Firearms by University Police Officers

- A. When authorization is given to University police officers to carry firearms on duty, the weapon to be carried shall be state-owned and approved by the campus president. Only an officially issued firearm will be carried at any time on duty.
- B. Holsters shall have a safety strap, trigger cover or other similar device designed to inhibit removal and/or discharge of the weapon by other than the carrying officer.
- C. As authorized by the provisions of Section 35 of the Penal Law, including but not limited to section 35.30, a University police officer may use deadly physical force in order to protect the officer or another person from what is reasonably believed to be an immediate threat of death or other serious physical injury, or to prevent the escape of a fleeing felon whom the officer has reasonable cause to believe will post a significant threat to human life should the escape occur. Firearms shall not be discharged when it appears that a third party may be injured as a result. A University police officer shall not draw or exhibit any firearm unless circumstances create reasonable cause to believe that it may be necessary to use the firearm in conformance with this policy.
- D. A University police officer may discharge a firearm during range practice, or to destroy an animal that

represents an immediate threat to human life, or as a humanitarian measure where an animal is seriously injured.

E. An authorized University police officer shall adhere to the following restrictions when any firearm is exhibited: (a) warning shots are prohibited; (b) a University police officer shall not fire any firearm from a moving vehicle; (c) dry firing of firearms, except under the direct supervision and authorization of a certified firearms instructor or as needed to disassemble a firearm is prohibited.

F. In considering the use of a firearm, University police officers must keep in mind that the individual officer alone is responsible for his or her acts and that he or she may be required to justify them in administrative hearings and courts of law.

G. Notwithstanding the restrictions on the use of firearms as set forth in section IV (B); firearms may be drawn for cleaning, proper range training and supervisory inspection.

H. Each police officer shall report immediately in person or by telephone (followed by report in writing) to the chief of university police the voluntary or involuntary discharge of a firearm, except during official firearm training sessions. The report shall include the full circumstances of the discharge and all relevant information related to the incident.

I. Any violation of the regulations contained herein may be cause for administrative and/or disciplinary action.

V. Storage of Firearms

A. All firearms shall be stored in an appropriately secured area within the University police department. The chief of university police and his or her designees shall have access to all firearms.

B. Loading and unloading of all firearms shall be done only in designated areas by the police officer assigned to carry the specific firearm.

VI. Care and Maintenance of Firearms

A. University police officers will maintain issued firearms in a clean and serviceable condition. Firearms will be examined and cleaned at least once a month and after the weapon has been fired. Problems found with firearms during these examinations will be brought to the attention of the chief of university police or his or her designee.

B. Firearms will be disassembled for examination and cleaning only to the extent authorized by the chief of university police.

C. A full inspection of all firearms will be conducted annually by the chief of university police or designee to determine their condition, safety and reliability. Firearms found with broken, worn or missing parts will be removed from service until repaired or replaced.

D. The campus chief of university police will maintain an accurate inventory of all firearms and ammunition.

VII. Department Response to the Use of a Firearm by a University Police Officer

A. After an incident involving the use of a firearm by a University police officer, the campus chief of university police will be notified as soon as possible by the officer involved in the incident. Each campus will have a formal notification procedure to the campus president and appropriate campus officials. In addition to campus notifications, the chief or designee will also notify the system administration office of university police as soon as possible.

B. The firearm used by the University police officer in the incident will be removed for investigation and storage and will be replaced as soon as practical.

C. An administrative investigation of the incident will be conducted under the aegis of the campus chief of university police according to department procedures and, when applicable, protocols established by the county district attorney's office.

D. Where the use of a firearm causes a serious physical injury or death, the University police officer shall be immediately assigned administrative duties and will not return to field assignments until he or she is determined fit for duty.

VIII. University-wide Review

A. The system administrative office of university police may conduct regular on-site reviews of the application of these policies and procedures.

B. Campuses may establish policies consistent with this administrative policy to augment and address local operating needs.

Definitions

Air gun – a device that is capable of firing a metallic projectile by means of compressed gases or spring.

Deadly Physical Force – deadly physical force as defined in Section 10.00 (11) of the Penal Law.

Firearm – any firearm as defined in Section 265.00 (3), or any antique firearm as defined in Section 265.00 (14) of the Penal Law.

Rifle – a rifle as defined in Section 265.00 (11) of the Penal Law.

Shotgun – a shotgun as defined in Section 265.00 (12) of the Penal Law.

University police officer – a sworn member of the department as defined in Section 355 (2) (1) of the Education Law.

Weapon – (1) a "deadly weapon" as defined in Section 10.00 (12) of the Penal Law, or (2) any weapon defined in Section 265.01 of the Penal Law

Other Related Information

There is no related information relevant to this policy.

Procedures

There are no procedures relevant to this policy.

Forms

There are no forms relevant to this policy.

Authority

[Board of Trustees Rules - Maintenance of Public Order \(8NYCRR Part 535\)](#)

[Firearms - Rifles - Airguns - Shotguns \(8 NYCRR Part 590\)](#)

The following links to FindLaw's [New York State Laws](#) are provided for users' convenience; it is not the official site for the State of New York laws.

[Education Law § 355 \(2\) \(l\)](#) (Appointment of University police officers)

Penal Law

[§ 10](#) (Definitions of deadly physical force and deadly weapon)

[§ 35](#) (Justification; a defense)

[§ 265](#) (Definitions of rifle and shotgun)

[§ 265.1](#) (Criminal Possession of a weapon in the fourth degree)

[§ 400](#) (Licenses to carry, possess and repair and dispose of firearms)

In case of questions, readers are advised to refer to the New York State Legislature site for the menu of [New York State Consolidated](#)

History

There is no history relevant to this policy.

Appendices

There are no appendices relevant to this policy.