

# **Firearms**

## **1 The Purpose**

To establish a procedure that provides for the effective control of firearms and to ensure that any use of a firearms by an officer of the municipality is legally, morally essential and the last resort under the circumstances was reasonable necessary.

## **2 Background**

The requirements of Firearms Control Act, Act 60 of 2000 takes precedence over all the practice of use of municipal firearms. Therefore, municipal firearms are issued to traffic and security officers for:

- Use within the precincts of Firearms Control Act, Act 60 of 2000;
- Use whilst performing municipal duties;
- Protection of the Councils property, and;
- Use within the conditions permitted in the Criminal Procedure Act, Act 57 of 1977 (use of force).

## **3 The Policy**

### **3.1 Issue of firearm and ammunition**

3.1.1 Firearms shall only be issued to traffic/security officers who have successfully completed the prescribed practical and theoretical tests and have been certified competent by a prescribed accredited training institution.

3.1.2 A firearm shall be only be issued to traffic/security officers who has been certified competent, in possession of valid competency certificate and who has signed acknowledgement of this policy regarding firearms and ammunition.

3.1.3 The register shall be kept in respect of all firearms and ammunition received or issued.

3.1.4 The register shall be kept up to date on the basis of the format register for this purpose.

### **3.2 Competency Certificate & Firearm Permit**

3.2.1 A member must have undergone a prescribed firearm competency course prior to being issued with a municipal firearm and be in possession of a competency certificate issued by the South African Police Services.

3.2.2 A firearm permit with a validity period not exceeding 72 hours must be issued to a member authorizing the holder to be in possession of a firearm is issued by the authorized person and shall at all times be carried on the person while he/she is in possession of the firearm. Permit for period exceeding 72 hours can be arranged with an authorized person.

3.2.3 A holder of a municipal issued firearm shall at least every six months undergo a firearm refresher training in a prescribed and accredited training institution.

### 3.3 **Private Firearms**

3.3.1 Private firearms shall not be carried whilst on duty

### 3.4 **Safekeeping of Firearms**

3.4.1 The borrowing, lending or exchange of firearms or ammunition between officers is prohibited.

3.4.2 Municipal firearms shall, when not worn, be kept in the safe provided at work for this purpose.

3.4.3 The firearm will be under the direct supervision of the officer to whom it was issued and shall not be locked in the cubbyhole or boot of the vehicle or in any room or place.

3.4.4 At the end of the shift, the officer shall lock his firearm away in a safe unless when special provision is made for firearm to be taken home and in that regard a safe must be available at home.

3.4.5 The Security supervisor on duty will ensure that all the officers lock their firearms away and will then lock the store room.

3.4.6 Where a municipal issued firearm has been lost or stolen. The officer concerned shall immediately report the theft or loss to the S.A. Police Services and immediately afterwards submit a report in which a SAPS case number is stated, to his shift supervisor.

3.4.7 Failure to ensure the safekeeping of the firearm is a criminal offence and will be treated as such by the department.

3.4.8 A municipal issued firearm will be carried for official purposes only, and shall not be used for private purposes.

- 3.4.9 The firearm shall only be carried in officially issued holsters
- 3.4.10 When not in use, the firearm shall be kept in the holster with the retainer strap fastened.
- 3.4.11 Firearms shall not be used for horseplay and due care shall be taken when locking the firearm away or taking it out for purposes of use. The barrel shall under no circumstances be pointed at any person unless for the purposes as prescribed in the Criminal Procedure Act, Act 57 of 1977.
- 3.4.12 Because of the risk factor, firearms shall not be carried when loaded (with a round in the chamber), unless in an emergency or on the instruction of a senior officer.
- 3.4.13 Taking of firearms to the place of residence for the overnight keeping can only be done after the permission is granted and the place of residence has been inspected to verify the presence of safe which is mounted in terms of the Firearms Control regulations.

### **3.5 Inspection of firearms**

- 3.5.1 Firearms shall, over and over the normal care to preserve its appearance and condition, be serviced and be kept in a clean and usable condition and submitted for inspection if requested to do so. Before cleaning the firearm, the member shall ensure that it is not loaded. The barrel shall at all times be pointed away from the person handling the firearm and other people.
- 3.5.2 Shift supervisor shall do a weekly firearm inspection to ensure that the firearm service is clean and usable and that the conditions pertaining to the carrying of ammunition are met. For the purposes of this inspection, member shall line up, and the supervisor shall ensure that it is safe to continue with the inspection.
- 3.5.3 The responsible supervisor shall inspect all firearms including the firearm in the strong room on monthly basis. Record of the inspections shall be kept in the prescribed format. The Senior Community Services Officer will check the firearm register one a month to ensure compliance.

### **3.6 Handling of Firearm**

- 3.6.1 Regard every firearm as loaded until the opposite is proved and handle it at all times with the necessary respect.
- 3.6.2 The firearm may not be displayed, waved about, irresponsibly handled or played with in any way. It shall at all times be kept in the holster or in a safe position except-

- For use with the limitations of the law.
- For authorized inspections.
- For use during a departmentally authorized shooting (target) practice.
- For cleaning the firearm at the office or at an authorized shooting-range.

3.6.3 Firearm shall not be used after the use of intoxicating liquor or other agents with narcotic effect.

3.6.4 An officer shall never receive or clean a firearm before he/she has made certain that is unloaded. First unloaded the firearm before you hand it to another person for safe keep the locking mechanism open.

3.6.5 An officer shall never point a firearm at somebody he does not intended to shoot or in a direction where a shot that does go off accidentally may cause damage or injury.

3.6.6 Before an officer shoots, he shall first positively identify the target

3.6.7 An officer shall be aware of the direction of the bullet and where it will end (remember to take distance, penetration and deflection into consideration).

3.6.8 An officer shall keep his finger away from the trigger until the barrel is in line with the target and he/she is ready to fire.

3.6.9 The use of firearms by traffic/ municipal police/security officers shall be justified under the following circumstances:

- The protection of Council property against an unlawful attack, if the attack cannot be stopped in any other way.
- Self-defense or protection of others as a last resort where the attack is unlawful and could cause the death or serious bodily harm and no alternative method of protection is available, or in terms of the Criminal Procedure Act.

**On condition that:**

- The force used shall only be sufficient to end resistance, prevent flight or stop the attack. A person shall not be shot merely because he is running away. A firearm shall only be used in the case of Schedule 1 offence.

- Escaping from custody where an arrest for traffic offence has been effected does not warrant the use of firearm.
- The degree of force shall always be weighed up against the gravity of the offence.

3.6.10 The following uses of firearms shall be prohibited:

- The firing of warning shots.
- Before firing a shot an officer shall take into consideration location, vehicles and pedestrian traffic. He/she shall also consider whether shots would endanger the lives of innocent bystanders. The court require that warning shots be fired whenever possible.

### **3.7 Shooting Incident-Investigation Procedure**

3.7.1 Where an officer fires a shot or where a firearm is pointed at someone as a deterrent, the officer shall immediately notify his immediate supervisor. Thereafter the officer shall immediately hand in a report, in which all the relevant facts about the incident are stated.

3.7.2 Immediately after the incident, the immediate supervisor shall also submit a report which contains all the following particulars:

- Date, time and place of the incident, and the time of his arrival at the scene.
- Name and addresses of people involved
- Damage to property and/or people killed or injured.
- Name and addresses of any witnesses.
- Number of rounds and cartridges handed in.
- Short summary of the incident according to his observations.
- Relevant facts and circumstances and whether the shooting in his opinion was legally or morally justified.
- If, in his opinion, whether any legislation and/or Departmental policies were contravened.

### **3.8 Confiscation of Firearms**

3.8.1 Should it come to the attention of the shift supervisor or any other officer of the Department that an officer has threatened to:

- Commit suicide
- Shoot family members or other persons;

Or

- It is clear that the officer is emotionally unstable or under influence of intoxicating liquor or drugs or has become reliant on such substances
- Handles a firearm irresponsibly or contrary to this standing order

He/she shall immediately confiscate the firearm and then inform the superintendent of the officer concerned. The firearm shall then be handed back to the stores for safe keeping.

3.8.2 The firearm shall remain in storage pending the Departmental investigation, up to which time the officer shall not be entitled to be issued with a firearm.

