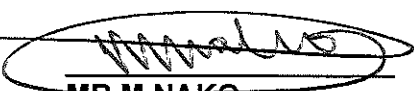


MBHASHE FIREARM POLICY & OPERATIONAL PROCEDURES



APPROVED BY:


MR M NAKO
MUNICIPAL MANAGER
DATE: 17/06/22

APPROVED BY:


CLLR JANDA
EXECUTIVE MAYOR
DATE: 17/06/22

FIREARM POLICY & OPERATIONAL PROCEDURES

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FIREARM POLICY & OPERATIONAL PROCEDURES

1. FIREARM TRAINING

1.1 Newly appointed staff members, who in the course of their duties will be required to handle Council firearms, will undergo compulsory firearm-training course, which may form part of a broader spectrum-training course such as for Security Officers or Traffic Officers, conducted by a registered / accredited training institution as per the required training standards.

1.2 Training will be conducted in terms of the relevant Firearms Training Manual and include all weapons deployed by the respective Business Unit / Division. The training requires the successful completion of the following evaluation processes:-

- After the theoretical training a test is written, which requires a 70% pass mark.
- A practical firing / handling of the firearms is followed only after achieving the required pass mark in the theory of firearms. A pass mark of 70% is required in the practical shoot.

1.3 Firearms may only be utilized by the respective staff member after the successful completion of the training as per entry 1.1 and on receipt of a competency certificate / Firearm Authority Permit.

2. CERTIFICATE OF ACKNOWLEDGEMENT

2.1 It is required, after the successful completion of the training course, mentioned in entry 1 that the Section Leader of each staff member completes a "Certificate of Acknowledgement". For a sample see attached Annexure "A".

2.2 The purpose of this certificate is an acknowledgement of having received / declared the following:-

- Having completed the prescribed official training course, which covers all the firearms, deployed by the respective Division and their safe handling, at a recognized training institution.
- Instruction in the safety precautions pertaining to the weapons concerned.
- Instructed in the legal aspects pertaining to firearms and their use.
- That the member has no restrictions placed on him / her or been declared an unfit person in terms of the Firearms Control Act (Act 60 of 2000).
- That the member will undergo firearm continuation training as and when required.

2.3 On the rear of the Certificate of Acknowledgement provision has been made for the records of all continuation training.

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2.4 The Certificate of Acknowledgement will be retained at the Section where the member is based. Completed Certificates will be filed in the Record of Service of the specific individual.

3. FIREARMS CONTROL OFFICER & ALTERNATE (FCO)

3.1 The Council's Firearms Control Officer is responsible for rendering a support function to all Business Units relating to firearms in respect of:-

3.1.1 Purchasing (compilation of specifications) and supplies of all firearms, ammunition and related equipment such as holsters and gun safes.

3.1.2 Repairs and maintenance.

3.1.3 Budgetary provision / control.

3.1.4 Administrative control over licensing and authority to possess firearms.

3.1.5 SAPS liaison.

3.1.6 Compliance with the Firearms Control Act (Act 60 of 2000).

3.1.7 Main firearm and ammunition inventory control.

- All procurement and issuing of ammunition will be regarded as separate from firearms and controlled as such from a central point.

- Details of ammunition received / issued must be entered in the respective Central Ammunition Register. For an example of the register, see attached Annexures "B".

- The Firearm Control Officer must do an inspection of the register and ammunition in the central storage facility once a month.

4. AUTHORITY TO POSSESS FIREARMS

4.1 Although Mbhashe Local Municipality is the license holder of all firearms an Authority Permit must still be issued to each qualifying firearm user as a means of authority to be in possession of and use a Municipal firearm in the execution of their duties.

4.2 The FCO is responsible for processing the application and issuing of Authority Permits after the successful completion of the training as contemplated in entry 1.

4.3 Authority Permits are only valid for a period of 12 months, where after a new Permit is to be issued, preferably of a different colour.

4.4 Firearms may only be issued to members in possession of their Authority Permits and on permission of their immediate Officer in-charge.

4.5 Shift Leaders, where applicable, must, at the commencement of each shift, check that all their shift members are in possession of their Authority Permits. Section Leaders to do random checks.

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4.6 Lost Permits must immediately be reported to the Section Leader, who is responsible for the completion of the Firearm Authority Permit application form and arranging a replacement Card from the FCO.

4.7 Copies of the respective firearm licenses must be retained at each area (Unit) where firearms are deployed.

4.8 The FCO must maintain a record of all Authority Permits issued / returned and lost against a signature of the relevant member. For a sample of the register see attached Annexure "C".

4.9 The following procedure is required to be followed for obtaining a Firearm Authority Permit:-

4.9.1 A Firearm Authority Permit may only be issued to a member in terms of the Firearms Control Act 60 of 2000, section 98 (1)(a), (2) and 8, i.e. (a) "is a fit and proper person to possess a firearm and (b) has successfully completed the prescribed training and the prescribed test for the safe use of a firearm". For a sample of the Firearm Authority Permit, see attached Annexure "D".

4.9.2 An application for a Firearm Authority Permit can only be processed after a staff member has completed his / her firearm training and a Competency Certificate issued, a copy of which must be attached to the application form/s.

4.9.3 The Section Leader of the member applying for the Firearm Authority Permit must complete the relevant sections of the prescribed application forms, comprising:-

- Possession of Official Firearm: Declaration

- Firearm Issue Receipt & Undertaking (only in respect of members authorized to take a firearm home). For a sample of each see attached respective Annexures "E" and "F".

4.9.4 The Section Head, after checking that the forms have been completed correctly must forward the same via the relevant Manager to the Firearm Control Officer for signature.

4.9.5 The Firearm Control Officer is responsible for the processing and issuing of the Firearm Authority Permit.

4.9.6 Only after finalization by the Firearm Control Officer and when the Firearm Authority Permit has been issued, may a firearm be issued to a member. 4.9.7 A Firearm Issue Receipt / Undertaking must be completed for members authorized to have a firearm in his / her possession after normal working hours and store the firearm at his / her place of residence. A firearm for these members may only be issued after;

- The Firearms Control Officer and Section Head have inspected the firearm safekeeping facilities and certified the same and

- Once the member has produced a SABS certificate confirming that the safe conforms to SABS Specification 953-1(Storage of firearms and ammunition Part 1 : Safes).

4.9.8 Original documentation must be retained on the personal file of the individual member.

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4.9.9 A certified copy of the Firearm Authority Permit, Competency Certificate and Firearm Issue Receipt, SABS certificate where applicable, must be forwarded to the SAPS Designated Firearms Control Officer, for their records.

5. FIREARM AND AMMUNITION REGISTER

5.1 A Firearm and Ammunition Register is located at each area (Section) where firearms are deployed. For a sample see attached Annexure "G".

5.2 The purpose of this register is to maintain a central record of all firearm and ammunition movements within a Section or between different areas or Sections.

5.3 Entries in the Firearm and Ammunition Register are to be made at the time of a transaction and not thereafter.

5.4 Details of all firearms / ammunition handed or taken over at the change of shifts must be made in the relevant Occurrence Book, with cross reference to the records in the Firearm and Ammunition Register.

5.5 Whenever removing firearms or ammunition from one area to another, such transfer must be reflected in both the issuing and receiving Firearm and Ammunition Registers. This includes the drawing of ammunition for shooting practices.

5.6 Section Leaders must inspect their Firearm and Ammunition Registers once a week and sign on the extreme right hand side of the page, opposite the relevant date entry, as an acknowledgement of the inspection.

6. SECURITY OF FIREARMS

6.1 Municipal firearms and ammunition will at all times be kept under lock and key in a gun cabinet, when not being used. All firearm safekeeping facilities must conform to the relevant SABS standards.

6.2 The FCO is responsible to retain a spare key for all gun safes. A record must be maintained whenever a spare key is issued and for whatever reason.

6.3 All firearms in gun cabinets are to be unloaded.

6.4 Under no circumstances are firearms or ammunition to be left unattended whilst out of the gun cabinet. Firearms and ammunition are to be kept under the immediate control of the person to whom they are issued.

6.5 Loss or damage to firearms and ammunition will be viewed in a serious light. Extreme care will be taken at all times to ensure maximum security of these items. Note that the loss of a firearm is an offence with severe penalties.

6.6 Details of damaged or lost firearms and ammunition must be recorded in the respective Firearm and Ammunition Register and Occurrence Book and reported via the Section Leader for further investigation / action. Lost firearms, for whatever reason, must immediately be reported to the SAPS and Security Division Investigation Unit. The temporary suspension of authority to use a firearm, or to be deployed where firearms are utilized, may be imposed depending on the circumstances of the case and until all investigations are completed, or as directed by the respective Business Unit Manager.

6.7 All damaged firearms and ammunition must immediately be handed over to the Firearm Control Officer for repairs or disposal. Once every 12 months all damaged ammunition must be handed to the SAPS for disposal.

6.8 Disciplinary action will be taken where negligence is established in the handling of firearms and ammunition, apart from any criminal action instituted by the SAPS.

7. FIREARM INSPECTION

7.1 Shift Leaders are to ensure that firearms issued are inspected at the commencement of a shift and meet the required operational standards in terms of cleanliness and serviceability. Members receiving such firearms are to double check.

7.2 Members allocated firearms are responsible for ensuring that their firearms are kept clean and in a serviceable condition for immediate use at all times.

7.3 Section Leaders are responsible for inspecting all ammunition and firearms under their control once a week. The last inspection of a month must include an inspection of all firearm safes of those Officers authorized to take their firearms home. Findings will be recorded on a Firearm and Ammunition Inspection Schedule, certifying that the required inspection has taken place. For a sample see attached Annexure "H".

7.4 Any irregularity or defect detected during these inspections must immediately be recorded in the respective Occurrence Book and reported to the Section Leader.

8. CARRYING OF FIREARMS

8.1 All qualified members, except those in administrative capacities or as determined from time to time, are allowed to carry a firearm, depending on their operational deployment. The relevant Manager must authorize any deviation from this provision.

8.2 Uniformed members shall, in terms of the Firearms Control Act (Act 60 of 2000), at all times carry firearms in a prescribed holster, issued / authorized by the relevant Division.

8.3 Firearms carried by members in civilian dress shall be well concealed.

8.4 Because of the risk factor, firearms shall not be carried loaded (with a round in the chamber), unless in an emergency or on the instruction of a senior Officer.

8.5 The onus is upon the individual to whom the firearm is issued to ensure that the chamber of his weapon is cleared immediately the need to use the weapon has ceased.

8.6 The full load of rounds shall not be carried in the magazines of a pistol and rifles. Two rounds less is required in order to minimize magazine spring fatigue.

8.7 Whenever a firearm is handed or transferred from one person or place to another, the person handing it over is responsible for ensuring that it is not loaded (either chamber or magazine). The individual receiving such firearm is to double check to ensure that it is unloaded.

8.8 Upon entering premises where the carrying of firearms is controlled, such as Banks and other public buildings, the firearm shall be handed over to the authorized Security Officer upon request, provided that the firearm will be kept in a safe and a receipt is issued by the authorized Security Officer.

8.9 Shift and Section Leaders must carry out random checks to ensure that these requirements, where applicable, are being complied with.

9. GENERAL SAFETY TIPS

9.1 Ensure that a firearm is always clean.

9.2 Don't use damaged or incorrect ammunition.

9.3 Point the barrel in safe direction. Never point a firearm at somebody you do not intend to shoot or in a direction where a shot that does discharge accidentally may cause damage.

9.4 Don't lock away a loaded firearm.

9.5 Keep ammunition and firearms away from unauthorized persons.

9.6 Don't drop a loaded firearm.

9.7 Don't receive or take a firearm before making sure it is safe.

9.8 Unused firearms must be locked away in an approved safekeeping facility.

9.9 Don't play with firearms and ammunition.

9.10 Regard every firearms as loaded until the opposite is proved and handle it at all times with the necessary respect.

9.11 Where applicable, always keep a firearm holstered or in a safe position, except for:-

- Use within the limitation of the law
- Authorized inspections
- Use during shooting and other practices
- Cleaning purposes

9.12 Firearms may not be used after or during the consumption of alcohol or other agents.

9.13 Positively identify the target before shooting.

9.14 Be aware of the direction of the projectile and where it will end (remember to take distance, penetration and deflection into consideration).

9.15 Always keep the trigger finger next to the trigger guard until the target has been identified and you are ready to fire.

10. PRIVATE FIREARMS & SMALL ARMS / AMMUNITION SAFE KEEPING FACILITIES

10.1 No member is permitted to carry his / her own private firearm whilst on duty.

10.2 Private firearms should be handed in for safekeeping at the commencement of a duty period and only removed when the member reports off duty.

10.3 Details of private firearms handed in for safekeeping must be recorded on a Firearms Receipt in terms of the procedure as per entry 10.4. See attached sample marked Annexure "I" 10.4 Small arms / ammunition safe deposit facilities are available at certain localities. The following procedures will apply when utilizing these facilities, or any other facility where private firearms may be stored:-

10.4.1 All firearms will be made safe before being brought into a Security Lodge / Reception / Working Area and will be kept in a safe condition until after removed from such locality.

• Note: "Made Safe" means: All rounds to be removed from the chamber and magazine/s removed from pistols / rifles. The person in control must make sure the firearm is safe before being placed in the safe deposit facility.

10.4.2 A member will after declaration of a safe firearm:

- Complete the form "Permission to a Competent Person by Holder of a License to Be in Possession of a Firearm" in duplicate, giving the original to the owner / carrier of the firearm;
- In the case of a safe deposit box, issue the owner / carrier of the firearm with one key which he / she must retain until the firearm is removed from the safe. (The master key will remain with the controlling officer whilst a firearm is locked inside the safe.)

10.4.3 On completion of the owner / carrier's business, he must return the key to the controlling officer, after he has removed his firearm from the safe, together with his original authority receipt.

10.4.4 The controlling officer is responsible for unlocking / locking the safe and securing the safe each time it has to be used.

10.4.5 Should the owner / carrier of a firearm have daily business on site for an uncertain period (period not exceeding fourteen days) the same form is to be used, by filling in the specific number of days in the space provided for "period of days":

- in this case the owner or carrier will retain the original copy of "Authority" until the number of days expire, but when on each occasion he removes the firearm from the safe he will hand back the safe key to the controlling officer.

10.4.6 The keys of the safe deposit boxes must be issued against the signature of the owner / carrier of the firearm on the key issue schedule each time the firearm is stored in the safe.

10.4.7 The controlling officer is responsible for the security of the keys to the safe.

10.4.8 Whenever a key has been lost an amount of R20, 00 must be paid before a new key will be issued.

10.4.9 All completed forms must be returned to the original issuing authority for records/ filing purposes.

11. RANGE PROCEDURES

11.1 Procedures Prior to Commencement of Range Exercises

11.1.1 Persons entering a shooting range area must ensure that magazines of weapons are removed or in the case of shotguns, their magazines unloaded through the following procedure:

- Line shortlists up on the firing point, next to each other, facing the target area,
- Unload all magazines,

- Safety measures must be performed on all weapons being brought onto the range through the following procedure:

- o Remove magazine

- o Ensure safety catch is in the off position

- o Cycle the firearm twice

- o Lock 9mm in the open position, hold working parts of shotguns and rifles back in the open position

- o Look and feel if the chamber is empty

- o Range Officer to physically inspect each firearm

- o Unlock 9mm, release working parts forward of shotgun and rifle

- o Pull trigger, pointing firearm in target direction

- After this exercise members must check each other for any additional ammunition or firearms.

11.2 Immediate Action Drill

11.2 .1 immediate action drills are applied in event of a stoppage during shooting, as follows:

- Release / remove magazine (9mm and rifle) • Cycle X 1 (faulty round will be ejected)

- Insert magazine (if applicable)

- Continue to fire

11.2.2 Repeat above procedure once in event of a re-occurring stoppage, thereafter notify the Range Officer as either the weapon or the ammunition could be faulty and may need to be withdrawn.

11.3 Practical Load and Unload Procedures

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11.3.1 It is essential that a uniform system of commands and actions be followed in the load and unload process in order to maintain range discipline and safety standards, as follows;

11.4 Procedures Applicable to Weapons Not In Use

11.4.1 Magazines of 9mm's may be holstered on the person and those for rifles, stored separate from the weapon,

11.4.2 Holstered or stored 9mm's must be in the "cocked and locked" position, with the magazine removed and an empty chamber,

11.4.3 Weapons not holstered must be stored in a safe place.

11.5 General Range Orders

11.5.1 Personnel are to remain at the firing point until instructed to do otherwise by the Range Officer.

COMMAND / ACTION Weapon LOAD UNLOAD 9mm Remove firearm from holster Point in direction of target Release working parts Insert loaded magazine Ensure safety catch is off Cycle Safety catch on Holster firearm Ready Remove magazine Ensure safety catch is off Cycle x 2 Cycle x 1 and lock Look & feel if chamber is empty Hold for Range Officer inspection Release working parts Pull trigger, pointing in target direction Cycle and loc. Holster firearm S/gun Semi Auto. Load x4 rounds into magazine Ensure safety catch is off Cock firearm Safety catch on Ready

Cycle x 2 Look if chamber is empty Hold working parts back Hold for Range Officer inspection Release working parts Pull trigger, pointing in target direction Safety catch on Pump Action Load x 6 rounds into magazine Cock firearm Safety catch on Ready Safety catch off

Inspect the magazine if empty Cycle x 2 Hold working parts back Hold for Range Officer inspection Push working parts forward Pull trigger, pointing in target direction Safety catch on "S" LM 5 Insert loaded magazine Safety catch on "R" Cock firearm Safety catch on "S" Ready Remove magazine Ensure safety catch is on "R" Cycle x 2 Look if chamber is empty Hold working parts back Hold for Range Officer inspection Release working parts Pull trigger, pointing in target direction Safety catch on "S"

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11.5.2 Horseplay on the range is strictly prohibited. The handling, safety and use of firearms is a very serious matter and must be treated as such. Accidents and injuries in this connection may have to be answered for in a court of law.

11.5.3 The Range Officer is in total command of all persons and activities on the range. He is also responsible for the manner in which persons conduct themselves.

11.5.4 Either the Range Officer or a person appointed by him will only issue ammunition to a shotist immediately prior to a specific exercise.

11.5.5 If weapons are handed over, for whatever reason, from one person to another, the person handing over the weapon must apply safety measures and declare "weapon safe" before handing the weapon over to the receiver, who is to immediately apply safety measures as a double check.

11.5.6 Shotguns and rifles are to be left on the firing point in between shoots and changeover of shotists. 9mm's may be holstered or handed over to the next shotist on the firing point.

11.5.7 During an exercise a firearm may only be pointed toward the target area. In the case of combat shooting, the firearm must be pointed to the front, not exceeding a radius of 180 degrees.

11.5.8 Immediately after an exercise, on the "unload" command, apply safety measures.

11.5.9 Weapons may only be loaded or unloaded on command of the Range Officer, prior to the commencement of an exercise.

11.5.10 Ear and eye protection, where applicable, must be used at all times, failure of which may result in a "no claim" in event of injury or long term medical side effects.

11.5.11 Range Officers may only be appointed after successful completion of a certified training course.

11.5.12 under no circumstances should firearms and ammunition be left unattended on the range.

11.5.13 The Range Officer will appoint a scorer/s, cartridge collectors and whoever he deems necessary to assist him in ensuring an orderly sequence of events take place on the range.

12. SHOOTING ACCIDENTS / DISCHARGE OF FIREARMS

12.1 Where a member fires a shot or where a firearm is pointed at somebody as a deterrent, the officer shall immediately notify the Control Room and his most senior member on duty. All details are also to be recorded in the relevant Occurrence and Note Book. Thereafter, a

report shall be handed in, in which all the relevant facts about the incident are stated including the following detail;

- Date, time and place of incident and time of arrival at the scene
- Names and addresses of people involved
- Damage to property and-or people killed or injured

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- Name and addresses of witnesses
- Number of rounds and shells handed in

- Short summary of the incident
- Relevant facts and circumstances supporting the action
- The Investigating Officer's opinion whether legislation and/or departmental policy were contravened.

12.2 The most senior member on duty from the respective Unit must respond to all firearm related incidents. The Control Room will also notify the respective stand-by Officer and SAPS if a shot has been fired.

12.3 Accidental discharge of firearms will not be tolerated. The need for extreme caution at all times when handling firearms, cannot be emphasized strongly enough. Members are forewarned that any misuse or accidental discharge of a firearm will not be accepted and will result in disciplinary action being taken.

12.4 Firearms are never to be pointed at anyone, be they loaded or unloaded, unless it is the intention to use the firearm. The person at whom the firearm is pointed could lay a criminal charge.

12.5 All shooting accidents, incidents or accidental discharges must be reported via the Unit Commander to the Security Division Investigation Unit for investigation purposes. The attached "Shooting Incident Report" marked Annexure "K" will guide the investigation.

13. CONFISCATION OF FIREARMS

13.1 The immediate confiscation of a firearm is required, after informing the most senior person on duty and where applicable the Control Room / stand-by Officer, under the following circumstances,

- Threatened to commit suicide
- Threatened to shoot family members, colleagues or other persons /a person who has been issued with protection order for GBV
- Is emotionally unstable ((confirmed by medical doctor?))
- Is under the influence of intoxicated liquor or drugs
- Suffers from a stress related illness (confirmed by medical doctor)
- Handles a firearm irresponsibly or contrary to the Firearm Policy / Operational Procedures.

13.2 The firearm shall remain impounded pending the outcome of an investigation, up to which time the member shall not be entitled to be issued with a firearm.

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14. CONTINUATION TRAINING

14.1 Practical Shooting Exercises

14.1.1 Practical shooting exercises for members will take place twice a year utilizing the firearms deployed at their respective Section.

14.1.2 Shooting practices will be in accordance with the laid down format.

14.2 Inter Section Shoot Competitions

Inter Section Shoot competitions will be held once every quarter. Its top four shotists, selected on merit, will represent each Unit. Shooting proficiency badges will be awarded to members achieving certain qualifying standards in all the firearms used. The following criteria apply.

14.2.1 Qualifying criteria for proficiency badges:-

- Only members participating in the inter-section shoots will be eligible to qualify.
- The guidelines hereunder will be followed for the selection of inter-section teams:-
 - o Members maintaining a constant above average percentage in routine shooting exercises over a twelve-month period.
 - o Should two or more members tie on the same averages, reference will be made to the period prior to the twelve months mentioned above, in order to obtain the highest average.
 - o The selection process will be based firmly on merit as per above qualifying criteria.
 - o Section heads will be responsible for the selection of their respective teams.
 - o The Training Officer (shooting) will be responsible for scrutinizing teams before final acceptance.

14.2.2 Category of badges and qualifying percentages:-

AWARD CATEGORY QUALIFYING % SCORE SPECTRUM
Bronze 70% to 74,6 216 – 230
Silver 75% to 79,8 231 – 246
Gold 80,1% to 100% 247 – 308

14.2.3 Shooting Proficiency Badge retention standards

- Members qualifying for any category of badge, after an inter-section shoot (first shoot), will automatically be included in the team for the following (second) inter-section shoot. • Should these members continue to achieve the qualifying percentage at the second shoot and thereafter, they will maintain their positions in the teams for the forthcoming shoots.

- Should members fail to achieve the required percentage at any shoot, an additional opportunity will be available for them at the next shoot, to qualify. Should they fail to do

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so, their proficiency badges will be withdrawn and the members will once again be judged on merit.

- All members in possession of shooting proficiency badges must take it along to intersection shoots, as any new issue or exchanges will be done after the shoot on the range, against a signature of the member and Range Officer.
- NB : lost badges must be compensated for by the member concerned, at a replacement cost of R30,00.

14.2.4 General

- At the end of the final shoot for the year certificates will be awarded to:
 - o the top three shotist in all firearms used
 - o the top three shotist overall
 - o the most improved shotist
- The Range Officer is responsible for all arrangements related to these awards.
- Only members who participated in 75% and more of the competitions for that year will be eligible for certificates.

14.3 Section Heads are responsible for the immediate recording of all results and details of shooting exercises after the completion of such exercises. These results are recorded on the rear of the "Certificate of Acknowledgement" as part of the record of Continuation Training.

14.4 Monthly Firearm Safety Precaution Tests

14.4.1 A procedure has been established to ensure that members undergo frequent firearm safety precaution tests to prevent them from becoming complacent or forgetful in the correct handling of firearms.

14.4.2 All members will be exercised and tested on a monthly basis in respect of all types of firearms held at their respective Units.

14.4.3 The exercise will take the form of:-

- A study of the correct procedures
- Questions on the procedures

- Physical handling of the appropriate firearms

14.4.4 The Shift Leader will be responsible for ensuring that all personnel on his shift are tested each month in accordance with the test manual.

14.4.5 A record in the form of a schedule will be completed by the Shift Leader in respect of all his personnel, which will be retained at the individual's current Unit. For a sample of the Schedule, see attached Annexure "J".

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14.4.6 Abovementioned schedule will accompany the individual to where ever he / she is stationed.

14.4.7 Section Leaders are to counter sign all schedules to confirm that the tests are being conducted correctly.

14.4.8 Section Leaders are to ensure that new arrivals at their Sections are immediately tested on firearms held at their Section, which were not being deployed at their previous Section.

15. LEGAL IMPLICATIONS

15.1 The use of firearms and actions by members must be in accordance with the Firearms Control Act and Regulations (Act 60 of 2000), Firearm Standing Orders, Training Manuals and any other relevant policies and procedures.

15.2 In view of the above, certain facts must be borne in mind before the use of firearms are contemplated and are repeated hereunder:-

15.2.1 Never use a firearm if the objective has already been achieved.

15.2.2 If it is possible, obtain authority to shoot from the most senior member available.

15.2.3 If in doubt, do not fire.

15.2.4 The member or person being protected must either have been unlawfully attacked or faces a situation where he / she had reasonable grounds for believing that he /she was in danger of death or serious injury.

15.2.5 Any response to an attack must be an immediate reaction to a particular situation and not as a result of a past action. (not premeditated).

15.2.6 The force used should stop immediately the need for it has ceased.

15.2.7 In terms of the Criminal Procedure Act.

15.2.8 If the threat of danger can be averted by any less forceful means, than the use of a firearm, then a firearm should not be used. Thus, never use a firearm when it is possible to achieve an objective by other means.

15.2.9 The means of force used must not be excessive in relation to the danger anticipated. Only such force as is necessary to restrain an accused or prevent him from escaping may be used.

15.3 Use of force diagram

15.3.1 This diagram provides a pictorial view of force application.

15.3.2 Since the amount of force is based on the amount of resistance, the diagram shows the assailant's action on the left and the member's response on the right. The various force options are displayed at the bottom.

15.3.3 The member must use a level of force high enough to gain control. The object being to control, not punish.

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FORCE CONTINUUM

USE OF FORCE DIAGRAM

1 2 5 3 4 6 7 8 9

FORCE OPTIONS

Assailant Action

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USE OF FORCE DIAGRAM: LADDER CONFIGURATION

FORCE OPTION DESCRIPTION DEFENCE AND CONTROL TECHNIQUE

9

Lethal Force

- Firearm

8

Intermediate Force

- Shock stick, Stun Gun, Taser
- Tonfa Baton or other Impact Instrument

7

Aerosol Chemical Agents

- CN Tear agent • CS Irritant

6

Empty Hand Impact

- Stunning techniques

5

Decentralization

- Heavy techniques of subject control • Defensive tactics above could be applied with or without Tonfa Baton or other Impact Instrument

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Oleoresin Capsicum Aerosol Units

- OC products (Pepper spray)

3

Passive Control

- Pain compliance holds • Pressure point control tactics • Escort techniques • Light subject control above could be applied with or without Tonfa Baton or other Impact Instrument

2

Verbal Commands

- Verbal communication • Non-verbal communication

1

Officer Presence in Uniform

By climbing this ladder the member would escalate force, which means moving to higher force level to exercise control. This is, however, determined by the resistance encountered and nature of threat perceived by the member in that specific situation.

De-escalation is the reverse process as the member gains control over the situation.

Reproduced from the Aquila Training Academy TOCAT training course manual

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ANNEXURE "A"

FIREARMS TRAINING

CERTIFICATE OF ACKNOWLEDGEMENT

1, FULL NAMES RANK.....

STAFF NUMBER.....

Being employed by the Mbhashe local Municipality for the implementation of security protection / law enforcement function, acknowledge having completed an accredited Training Course at a recognized Training Centre, which included the safe handling and usage of the following firearms:-

NO TYPE OF FIREARM TRAINING DATES

1

Pump Action Shotgun

2

Semi-automatic shotgun

5

Protecta Shotgun

4

9mm semi-automatic pistol

3

LM 5 semi-automatic rifle

During the course of the abovementioned training, I was fully informed of all the safety precautions pertaining to the firearms concerned, which are issued to staff members.

I was also instructed in the legal aspects relating to firearms and their usage and in my responsibilities under the law governing this part of my duties. I have read and understood the Firearms Control Act, Firearm Operational Procedures and applicable safety requirements.

I know of no restrictions to my use of a firearm in the course of my duties. I have never been declared an unfit person in terms of the Firearms Control Act.

I understand the content of this instruction and that I will be required to undergo continuation training in firearms from time to time.

Signed:member.....

Witness:Name.....

Rank.....Signature.....

Date:

PTO

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(Certificate of Acknowledgement - Rear page)
CONTINUATION TRAINING

ANNEXURE "A"

DATE

FIREARMS
SIGNATURE - UNDERSTOOD

DATE

FIREARMS
SIGNATURE - UNDERSTOOD

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ANNEXURE "B" Page No.....

Reduced Version (normal size A3) CENTRAL AMMUNITION REGISTER To be retained at the central ammunition storage facility and completed in respect of all ammunition received and issued

Type.....

RECEIVED RECEIVED RECEIVED RECEIVED ISSUED ISSUED ISSUED ISSUED

REFERENCE RECIPIENT REFERENCE RECIPIENT ENTRY NO.

DATE ORIGIN NUMBER

AMOUNT NAME SIGNATURE ENTRY NO.

DATE END USER NUMBER

AMOUNT NAME SIGNATURE

ANNEXURE "C" Page No.
FIREARM AUTHORITY PERMIT REGISTER

OUT OUT OUT OUT RETURNED / LOST RETURNED / LOST RETURNED / LOST
RETURNED / LOST

PERMIT NUMBER
ISSUE DATE
RECIPIENT NAME
STAFF NUMBER

DIVISION
RECIPIENT SIGNATURE

DATE

REASON
SIGNATURE FCO

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ANNEXURE "D" 01/02/2004 AUTHORISATION PERMIT TO POSSESS A FIREARM

In terms of Section 98 (1)(a) and (2) of the Firearms Control Act, No. 60 of 2000, and in my capacity as Firearms Control Officer of the Mbhashe Local Municipality hereby authorize

the under mentioned employee of Mbhashe LM to be in possession of the firearms described on the attached list, for the purpose of:-

- (a) Protecting his/her own person or that of other employees of the Mbhashe LM;
- (b) Protecting any property or premises belonging to or in the care or custody of or lawfully occupied by the Mbhashe LM;
- (c) Executing his/her powers as a peace officer in terms of Section 49 of the Criminal Procedure Act, No. 51 of 1977, and subject to the conditions prescribed therein.

This authority is limited to the said employee and he/she shall not delegate, or permit, or cause someone else to be in possession of the firearm; provided this restriction shall not curtail the authority of a member of the South African Police Services in any way whatsoever, or that of a Business Unit Manager in terms of Council's Conditions of Service, or his/her representative, for the purpose of safekeeping.

This authority shall remain in force until rescinded in writing, or when the service of the said employee is terminated, or when the member is declared unfit to possess a firearm in terms of the said Firearms Control Act.

NAME: ID NO: AGE:
GENDER: STAFF NO: ADDRESS:
POSITION: BUSINESS UNIT: DIVISION: VALIDITY PERIOD: from to 12
months only

SPECIFIC AUTHORITY REQUIREMENTS:

(Tick in the appropriate block) be in possession of firearms after normal working hours. Carry firearm on person outside of workplace in accordance with sect 84 of the Act. Store firearms in a SABS approved safe DATE OF THIS CERTIFICATE:

.....Authorized Signature..... FIREARMS CONTROL OFFICER

24

ANNEXURE "E" POSSESSION OF OFFICIAL FIREARM: DECLARATION to be completed in respect of members authorized to utilize firearms

NAME: I,
IDENTITY NUMBER: AGE: GENDER:
ADDRESS:

OCCUPATION:

ADDRESS:

TELEPHONE NUMBER:

STATES IN ENGLISH UNDER OATH: I am a member of or above the age of 21 years, employed by the Mbhashe Local Municipality.

I am conversant with my powers and obligations in terms of the Firearms Control Act, No. 60 of 2000, the Criminal Procedure Act, No. 51 of 1977 and the South African Criminal Law, with regard to "self defence", "defence of necessity", possession and the use of a firearm by a Peace Officer.

I have never been declared incompetent by the Commissioner of the South African Police Services or a court of law to possess a firearm.

I know and understand the contents of this declaration. I have no objection to taking the prescribed oath. I consider the prescribed oath to be binding on my conscience. I swear that the contents of this declaration are true, so help me God.

.....**Signature**.....

I certify that the above statement was taken by me and that the deponent has acknowledged that he / she knows and understands the contents of this statement.

This statement was sworn to before me and the deponent's signature was placed there on in my presence at Mbhashe Traffic Section on:- at

.....Signature.....

Commissioner of

Oaths

Name:

Address:

Rank:

Area:

Place:

Date:

Time:

Full name/s & surname

Residential

Work

Work

Home Work Cell

Date Time

Full name & Surname

Work

I, the undersigned,

Hereby acknowledge receipt of the following:-

Accessories:

Issued to me by the:

Subject to the following conditions, namely:

That I shall at all times be responsible for the safe, proper keeping and maintenance of the firearm. On the termination of my service or as may be stipulated I undertake to return such firearm and accessories to my Division in the same good condition; That I shall use the firearm solely in the execution of my duties and nowhere else, nor for any other purpose; That the firearm will at all times remain the sole property of the Mbhashe LM ; That I shall carry the firearm on my person while I am performing my duties; That at all times, when not carrying the firearm on my person, I shall keep it in a safe and proper place in order to prevent damage or theft of the firearm and accessories; If I move from the abovementioned address, I will notify my Division in writing immediately to enable a follow-up inspection of my safe at the new address; That, should I for whatever reason be absent from duty for more than 3 days, I shall hand in the firearm with accessories at the Division for safekeeping.

DATED and SIGNED in MBHASHE LM on this _____ of _____

SIGNATURE: RECIPIENT

1

&

Have inspected the safe of the abovementioned member and is satisfied that it meets the requirements in terms of the Firearms Control Act.

SIGNATURE: FIREARM CONTROL OFFICER

.....

ANNEXURE "I" 49

Full name & Surname

Residential

Make / Model / Serial Number

Make & Identification

Business Unit & Division

Day

Firearm Control Officer

Date

Month Year

Rank

Name & Surname

Signature

Return receipt/information: Details of authorized member receiving returned firearm

Date: Time: Place: OB reference: if applicable

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ANNEXURE "G" Reduced Version (normal size A3)
Page No. FIREARMS AND AMMUNITION REGISTER

OUT OUT OUT OUT RETURNED RETURNED RETURNED RETURNED

FIREARM IN GOOD CONDITION

FIREARM IN GOOD CONDITION

DATE BOOKED OUT

CALIBRE AND MAKE

MANUFACTURER SERIAL NUMBER

NO. OF ROUNDS

YES / NO

TIME

ISSUED TO (PRINT NAME)

SIGNATURE OF RECIPIENT

INITIALS OF SUPERVISOR

DATE RECEIVED BACK

MANU- FACTURER SERIAL NO.

NO. OF ROUNDS

YES / NO

TIME

RETURNED BY (PRINT NAME)

RECEIVED BY (PRINT NAME)

SIGNATURE OF RECIPIENT

SIGNATURE OF SUPERVISOR

ANNEXURE "H"

FIRE ARM CONTROL OFFICER : WEEKLY FIREARM / AMMUNITION & SAFE
INSPECTION SCHEDULE

FIREARM INSPECTION VERIFICATION INSPECTING OFFICER / RANK / NAME
INSPECTING OFFICER / RANK / NAME
MONTH / YEAR INSPECTING OFFICER / RANK / NAME

TYPE

SERIAL NO. WEEK 1 WEEK 2 WEEK 3 WEEK 4 WEEK 5

DATE + SIGN
DATE + SIGN
DATE + SIGN
DATE + SIGN
DATE + SIGN

MBHASHE LOCAL MUNICIPALITY
AUTHORITY TO POSSESS ARMS AND AMMUNITION

PERMISSION TO A COMPETENT PERSON BY A HOLDER OF A LICENSE TO BE IN
POSSESSION OF A FIREARM. TO BE COMPLETED AT MUNICIPAL LOCALITIES
WHERE FIREARMS ARE HANDED IN FOR SAFEKEEPING

I, full
names.....(ID)

of
.....
.....(address)

herewith give permission to..... full names
.....(ID)

of
.....
.....(address)

to have in his possession for a period of Days, from date
..... the firearm described as follows:

Type Make
.....

Caliber Serial
number.....

Number of rounds

Signature (license holder) Date
.....

Declaration by Receiver

I am older than 21 years and have not been forbidden to possess a firearm \ ammunition. I took possession of the above firearm this date and hereby agree to keep it secure as prescribed by law and to return it within the prescribed period.

..... Signature
(Print).....

..... Name

Note : Mbhashe local

Municipality or its agents will not be held responsible for any loss or damage to any firearm / ammunition handed in for safekeeping.

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ANNEXURE "J"

SAFETY PROCEDURES TEST SCHEDULE IN RESPECT OF LM 5 RIFLE, SEMI AUTOMATIC SHOTGUN, PUMP ACTION SHOTGUN, PROTECTA SHOTGUN, 9mm PISTOL

I,Print..... the undersigned, certify that I have studied, been questioned and exercised on the safety procedures relating to the firearms reflected in the columns below

TESTED BY

LM 5

SEMI AUTO SHOTGUN

PUMP ACTION

9 mm PISTOL

PROTECTA SHOTGUN

DATE

Tick (✓ ✓✓ ✓) under applicable firearm tested

SIGNATURE OF MEMBER NAME PRINT

SIGNATURE

UNIT COMMANDER SIGN SATISFIED TEST CARRIED OUT

30

ANNEXURE "K"
SHOOTING INCIDENT REPORT

Ondate.....at approximately.....time.....the following member
.....full name/s and initials.....rank.....
.....
staff number.....

Used his/her firearm under the following circumstances;

Firearm used:..... TYPE & SERIAL NO.
.....

1. SHOOTING INCIDENT

1.1 A short description of incident (without unnecessary repetition of facts stated further on in this report).

1.2 Date and time of incident:

Date Time.....

1.3 Precise location of incident (where it took place):

.....
.....
.....

1.4 The reason for the incident, with express reference to the crime that caused it and the CAS reference:

Reason:
.....
.....

2.7 Number of shots fired (excluding those stated in paragraph 2.5):

Number:

2.8 Whether action was justified or not in terms of the Criminal Procedure Act, Section 49, Act 51 of 1977 (if doubtful, this should be expressly stated):

.....

2.9 If shooting incidents is investigated, state inquiry number or CAS reference:

SAPS Station:.....CAS/Inquiry no.:.....

Complaint:.....

2.10 Is the suspension of the member recommended or not:

.....

.....

2.11 Were any divisional policies contravened (refer to specific procedures and sections):

.....

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3. FIREARM INVOLVED

3.1 Type of weapon, with reference to caliber and make:-

Type of weapon:.....

Caliber:.....

Unit:.....

3.2 Mechanical condition of firearm:

Describe:.....

3.3 Ammunition issued:

Number:.....

Type:.....

3.4 Number of cartridges found at scene:

Number:.....

4. TARGET / VICTIM

4.1 Described nature and extent of target / victim, whether brick building / motor vehicle/ person, whatever the case may be:

.....

.....

.....

.....

4.2 Whether the initial target / victim had been hit or not. If not, please state the involvement of the target / victim in the incident (eg. innocent pedestrians, etc.):-

Initial target:.....

.....

.....

Involvement:.....

.....

.....

4.3 Whether the target / victim had been hit or not and, if so, a full explanation of the area hit, eg. Left thigh, from the front, from the back, from the side:

33

Hit or not:

Where:.....

From which direction:

4.4 Name and initials of each victim, including sex and age:

Initials and surname:.....

Sex:

Age:.....

Initials and surname:.....

Sex:

Age:.....

Initials and surname:.....

Sex:

Age:.....

4.5 Condition of victim / target after the incident:

.....
.....
.....
.....

4.6 Had the victim / target been involved in or sought for any crime other than the one that caused the incident. Please state full particulars:

Sought for another crime:.....

SAPS Station:.....

CAS reference:.....

Charge:.....

5. ARREST/S ARISING FROM INCIDENT

5.1 Number of arrests, including statement of personal details:

Number:

34

Initials and surname:.....

Sex:

Age:.....

Home address:.....
.....

Work address:.....
.....

Tel.No. (H).....(W).....(Cell).....

Initials and surname:.....

Sex:

Age:.....

Home address:.....
.....

Work address:.....
.....

Tel.No. (H).....(W).....(Cell).....

Initials and surname:.....

Sex:

Age:.....

Home address:.....
.....

Work address:.....
.....

Tel.No. (H).....(W).....(Cell).....

5.2 Time and date on which Shift Commander (or other member/s) arrived at the scene, as well as his name (if officer did not visit the scene, please state reasons):

Time:Date:

Name:

Number:Rank:

35

Shift Commander did not visit scene, provide reasons:.....

PLACE:

DATE:

TIME:

NAME / RANK OF INVESTIGATING OFFICER:.....

SIGNATURE OF INVESTIGATING OFFICER :.....

1. REVIEWAL

The policy will be reviewed yearly, during the policy reviewal.

