

NIAGARA FALLS POLICE DEPARTMENT GENERAL ORDER

EFFECTIVE DATE: 07/20/2015	SUBJECT: Illegal Firearms at International Bridges	Number 347.00
RESCINDS: None Previous		Number of pages 2

- I. **PURPOSE:** To outline procedures to be followed while responding to the Rainbow or Whirlpool Bridges in order to assist members of the United States Department of Homeland Security who are holding a subject in possession of a firearm.

- II. **POLICY:** Any officer responding to the Rainbow Bridge or Whirlpool Bridge to assist the US Department of Homeland Security (Customs and Border Protection or Immigration and Customs Enforcement etc.) with an illegal weapon investigation, shall only make an arrest in accordance with the Niagara County District Attorney's policy for prosecution of these incidents.
 - A. The Niagara County District Attorney's Office will not prosecute if:
 1. The subject has a valid carry permit in his/her state of residence; and,
 2. The subject has not committed any other offense defined by the New York State Penal Law; and,
 3. The subject has no criminal history in any State.
 4. If all of the above factors apply, no charges shall be placed upon the subject. The weapon shall be confiscated by the responding officer and handled pursuant to NFPD Evidence Control Policy 109.00 Section IV Part B (5).
 - a. The weapon must be immediately turned over to the Firearms Evidence Technician or another member of the Crime Scene Unit.
 5. The responding officer shall submit an Incident Report, issue the subject a Property Receipt, and supply the subject with contact information for the NFPD Crime Scene Unit to arrange for lawful return of the weapon after their return home.
 - B. The Niagara County District Attorney's Office will prosecute and the subject shall be charged accordingly if any of the following factors exist:

1. The subject does not have a valid firearms permit in any State; or,
2. The subject has committed any other Penal Law offense; or,
3. The subject has a criminal history in any State.
4. In any prosecution, the District Attorney's office will handle disposition of the firearm through the judicial system.