

 Official Policy Manual	Date issued 08/25/23	Supersedes 04/2007	Page 1 of 2	Section # A-3007
	Section: Administration			
	Directive: Weapon Control: Firearms/Pepper or Oleoresin Capsicum Spray			
	Policy Owner: Director, Administrative Support Services Group			

**A. Weapon Control: Firearms/ Pepper or Oleoresin Capsicum (OC) Spray**

To provide the highest degree of safety for our patients, staff, and visitors, it is necessary to restrict the carrying of weapons within OMH State-operated facilities and private facilities licensed by OMH. This policy is based on Title 14 of the New York State Codes Rules and Regulations, Part 45.

Section 45.1 provides for a prohibition on firearms and states, is the prohibition “No person shall bring into or possess a firearm at any institution of the Department of Mental Hygiene, or any Residential Facility which has an operating certificate issued by the Department except with the permission of the director of the Facility as hereinafter stated.”

Section 45.2 provides exceptions to the prohibition, subject to the discretion of the director of a facility and includes:

- Employees living on the grounds of the institution who require for hunting purposes, shotguns, rifles, or similar weapons, but excluding revolvers and concealed weapons.
- Police Officers of organized Police Departments and Correction Officers employed by the Department of Correctional Services who are on grounds of a Facility in the performance of their official duties may be exempted.
- The Director may set aside a secure place, under their control, for the temporary deposit of firearms.

**Key Staff Roles to implement Part 45.**

Safety Shift Supervisor	<ul style="list-style-type: none"> <li>• Secures weapons per facility policy.</li> <li>• Transfer illegal weapons, that have been seized, as soon as possible to local or state law enforcement.</li> <li>• Ensures any situation involving weapons is documented on the proper reporting forms (250ADM).</li> <li>• Ensures completeness and accuracy of reporting.</li> <li>• Reports violations to facility administration.</li> </ul>
Safety Department Staff	<ul style="list-style-type: none"> <li>• Maintain constant alert to detect presence of weapons, as defined in NY Penal Law on Facility grounds.</li> <li>• Responds to areas of Facility where weapons are reported to be unlawfully present.</li> <li>• Secures area until such weapon may be seized with least possible risk to others or self.</li> </ul>

	<ul style="list-style-type: none"><li>• Verbally reports violation of policy to Safety Shift Supervisor and documents in shift blotter.</li><li>• Turns over seized weapons to Safety Shift Supervisor for proper disposal.</li><li>• Informs armed Police Officers entering the Facility of Part 45.1 and the Facility policy and assists them in securing firearms at designated locations before entering patient areas.</li><li>• Completes report (250ADM).</li><li>• Submits 250ADM report to Safety Shift Supervisor.</li></ul>
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**B. Pepper Spray and OC Spray**

It is the Policy of OMH that Pepper Spray and/or OC Spray is not permitted to be carried or used on any OMH Facility or campus with the exception of police officers, and non-OMH Peace Officers on official duty.

Although it is permissible by NYS law for persons to carry and possess such weapons, OMH reserves the right to protect the safety and security of patients/residents and staff by restricting these on OMH property in accordance with facility procedure.