

WOLFEBORO POLICE DEPARTMENT

SOP 2.0

Date Issued: 12/27/2019

Review: 02/24/2021

[Note: This written directive is for the internal governance of the Wolfeboro Police Department and, as provided by RSA 516:36, is not intended and should not be interpreted to establish a higher standard of care in any civil or criminal action than would otherwise be applicable under existing law.]

By Order of:
Dean J. Rondeau, Chief of Police

RULES AND REGULATIONS

Policy

The Wolfeboro Police Department shall develop rules and a general code of conduct to regulate employee's behavior that shall reflect the highest standards of professionalism in law enforcement. All employees shall comply with established work rules and the general code of conduct. All violations of established work rules shall be investigated fairly, uniformly, and equitably.

Purpose

To establish a set of work rules and general code of conduct for all employees of the Wolfeboro Police Department.

Responsibilities

All supervisors are responsible for ensuring that all employees comply with this directive and for reporting and investigating violations in accordance with Disciplinary Process.

All employees are responsible for complying with this directive.

The Captain/Executive Officer is responsible for investigating violations of this directive.

Employees of the Wolfeboro Police Department shall observe and abide by the following work rules that pertain to on duty and off duty situations:

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Employees shall be responsible and appropriate for the discipline and governance of the Wolfeboro Police Department.

Being considerate of the rights, feelings, and interests of all persons;

It cannot be expected that any set of regulations will cover all situations or

Taking action which is a situation to provide the best of all appropriate, sensible, and dignified proper officer to the best available and appropriate;

Requesting the regulation, of a specific nature where the appropriate and required is officers, civil possible liability instances, or they shall be construed as the authority of the employer of whom a request was made in a secondary sense, with respect to third party claims. Violations of these directives, if proven ~~Per~~ only on official basis, in a complaint, are to be defined, in part, and in reasonable administrative setting.

Cooperation

Employees shall cooperate with other employees and with the employees of other public agencies as necessary toward the accomplishment of professional responsibilities.

Truthfulness

Employees shall be truthful in their written and spoken words at all times.

Conduct

Employees shall not act in an official or private capacity in a manner that shall bring discredit upon the department or themselves.

Obey the law

Employees shall uphold the Constitutions of the United States and the State of New Hampshire, obey all applicable federal, state, and local laws, and comply with all applicable court decisions and orders of the courts.

Criticism

Employees shall not publicly criticize any employee or any order, action, or policy of the department except as officially required. Criticism, when required, shall be directed only through official department channels, to correct any deficiency, and shall not be used to the disadvantage of the reputation or operation of the department or any employees.

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Suspended Employees

An employee suspended without pay must relinquish their issued firearm, badge, and all identification cards, or any other department equipment to the Administrative Sergeant, as soon as the suspension becomes effective. These items may be stored in the supply area. Upon relinquishing their issued equipment, the employee will be given a copy of their property receipt form.

Employees shall not solicit

Employees shall not solicit any gift, gratuity, loan, or fee where there is any direct or indirect connection between the solicitation and their employment with the department.

Acceptance of Gifts, Gratuities, Fees, Loans, Etc.

1. Employees shall not accept, either directly or indirectly, any gift, gratuity, loan, fee, or any other thing of value arising from or offered them because of their employment with the department without the written or verbal permission of the Chief of Police.
2. Employees shall not accept, either directly or indirectly, any gift, gratuity, loan, fee, or other thing of value that might tend to influence their actions or that of any other employee in any matter of department business.
3. Employees shall not accept, either directly or indirectly, any gift, gratuity, loan, fee, or any other thing of value, which might tend to cast an adverse reflection on the department or any employee thereof.

Reward

Employees shall not accept any reward, of any kind, from any persons, without the prior written or verbal permission of the Chief of Police.

Bribery

Employees shall not accept any money, gratuity, loan, fee, gift of any kind, or any other thing of value, from any person if the purpose is intended to influence the employee in the performance of their official duties.

Transactions with involved persons

Employees shall not engage in any transaction with any complainant, suspect, defendant, prisoner, or other person involved in a department matter whereby the successful prosecution of that matter or an employee's personal integrity may be jeopardized.

Using position for personal gain

Employees shall not use their official position, identification, or employment with the department for financial gain.

Confidentiality of Department Business

Employees shall treat as confidential the business, activities, files and reports of the department. They must not impart knowledge of the above except to those who have a "right to know." Employees shall also comply with any nondisclosure agreement(s) in which they have entered.

Right to Know

Employees who are unable to determine an individual's or organizations "right to know," shall refer the matter to a supervisor.

Personal Debt

Employees shall not contract a debt under false or fraudulent pretenses. Employees shall not refuse to discharge their lawful obligations without reasonable cause.

Provide Telephone Number

Employees shall maintain telephone service and provide the department and their immediate supervisor with that number. Any change of telephone number shall be immediately reported in writing. Telephone numbers shall be kept confidential.

Report of Change of Address

Employee shall keep the department and their immediate supervisor informed of their current place of residence. Any change of address shall be immediately reported in writing. Addresses shall be kept confidential.

Threat or violence to an employee

Employees shall not threaten, strike, or attempt to strike any other employee or threaten any violence against another employee.

Personal Business

Employees shall not use any property, equipment, or facilities purchased, leased, or owned by the department or the Town to conduct personal business without authorization from the Chief of Police.

General Conduct on Duty

Employees of the department shall observe and abide by the following work rules while on duty or representing the Department.

Public Service

Employees shall promptly, courteously, and effectively assist the public. A citizen's need for assistance takes precedence over any activity, except those of an emergency nature. Routine department business shall not take precedence over providing service to the public. Prompt assistance shall be rendered whether requested in person, by telephone, or by letter. Employees shall provide immediate attention to the needs of any person without referral to any other employee or agency unless this cannot be avoided.

Courtesy

1. Employees shall be civil, orderly and courteous to the public, co-workers, and supervisors and should not use coarse, insensitive, abusive, violent, or profane language.
2. When in public, in an on-duty capacity or official capacity, employees shall be referred to by their appropriate rank, position, and/or title.

Responsibilities of Supervisor

1. Supervisory employees shall enforce the rules and regulations of the department and shall ensure the proper conformity to department policies and procedures.
2. Supervisors shall take immediate, appropriate action(s) when the conduct of any employee is contrary to the public interest or the good reputation or proper operation of the department.
3. Supervisors shall issue orders to employees in a clear, articulate, understandable, and professional manner.
4. Supervisors are prohibited from issuing any order which is in violation of any law or department rule, regulation, directive, or procedure.

Obedience to Unlawful or Improper Orders

1. Employees are not required to obey an order that is improper or contrary to federal, state, or local laws or department rules, directives, or procedures.

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Obedience to an unlawful or improper order is never a defense for unlawful or improper action.

2. The responsibility for refusal to obey an order rests with the refusing employee who shall be required to justify his/her actions.

Improper Orders

Employees who receive an improper or unlawful order shall, at the first opportunity, report the facts of the incident and the action taken in writing to the Chief of Police through the chain of command.

Conflicting Orders

1. Upon receipt of an order conflicting with any previous order, instruction, or directive, the employee affected shall, when practicable, advise the person issuing the second order of this fact in writing.
2. Responsibility for countermanding the original instruction rests with the individual issuing the second order.
3. If so, directed by a supervisor, the latter command shall be obeyed, unless that command is unlawful or improper.

Obeying Supervisory Personnel

Employees shall promptly obey all proper and lawful orders of supervisors and other employees assigned to act in a supervisory capacity, including any order relayed from a superior by an employee of the same or lesser rank.

Chain of Command

Employees shall conduct all official business through the chain of command. While lateral communication is encouraged, employees shall inform immediate supervisors of significant matters and parties involved in such lateral communications.

Forwarding Written Communication

Employees who receive a written communication from another employee directed to a higher authority shall initial and promptly forward it through the chain of command, indicating approval or disapproval, and shall make such explanatory comments as the matter requires to fully inform the higher authority.

Discrimination

Employees shall not allow any of their actions or decisions to be affected by prejudice of gender, race, color, religion, sexual orientation, social class, position or standing in the community, or political belief.

Discriminatory References

Employees shall not refer to any person in a derogatory manner because of their gender, race, color, religion, sexual orientation, social class, position or standing in the community, or political preference.

Intoxicants, Stimulants, or Depressants

1. Employees shall not consume intoxicants or illegal substances while on duty nor shall they consume intoxicants or legal or illegal substances to the extent that performance is impaired.
2. The smell of intoxicants on the breath or any impaired performance resulting from the use of intoxicants or legal or illegal substances by an employee reporting for duty or on duty is grounds for disciplinary action. The employee shall be immediately relieved from duty.
3. Intoxicants or illegal substances shall not be consumed in any department facility or vehicle.

Physical Fitness for Duty

Employees shall maintain such physical condition that they can fulfill the duties of their assignments.

Minimum Physical requirements

Employees must be physically able to operate a variety of job-related machines and equipment. Employees must be able to use body members to work, move or carry related objects or materials. Employees must be able to exert up to one hundred pounds of force occasionally, and/or up to fifty pounds force frequently. The physical demand requirements are at levels of those for active work. Employees must be able to lift and/or carry weights of fifty to one hundred pounds.

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Sleeping on Duty

1. Employees shall not sleep or doze during the time they are on duty and are responsible for reporting to work physically able to appropriately complete the tour of duty.
2. Employees unable to remain awake or complete the tour of duty shall report to their supervisor who shall take appropriate action.

Malingering or Pretending

Employees shall not attempt to avoid their duties by feigning illness or by giving a false impression that they are performing their duties.

Punctuality

Employees shall be punctual when reporting for duty or reporting or performing any official act.

Absence from Duty

Employees shall not absent themselves from their assignment without permission from a supervisor or until properly relieved.

Keeping Up to Date

Employee reporting for duty shall acquaint themselves with events that have taken place since the end of their last tour of duty that pertain to their responsibilities or assignment.

Submitting Reports

Employees shall submit all reports which are required of them as promptly, correctly and completely as possible.

Identification Cards

1. While on duty and not in uniform, outside department's facilities, employees shall have the department issued photo identification card readily available on their person. Employees working undercover assignments are exempt from this requirement.
2. While on duty and in uniform, other than the sole exceptions of a rain slicker or a traffic direction vest, employees shall at all times wear a conspicuously visible nametag.

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Giving Identification

Employees who are in uniform, who have displayed a badge or have otherwise identified themselves as sworn employees, shall identify themselves by name and badge number upon request while on duty or performing their official duties.

Senior Employee in Charge

When two or more employees of equal rank are simultaneously engaged in the same operation, the employee with longest service in rank shall be in charge, except when otherwise designated by a supervisor.

Private Business

Employees shall not conduct private business while on duty. Lunch periods are exempt.

Peddling and Soliciting Prohibited

Employees shall not peddle or solicit in department facilities or on department property unless authorized by the Chief of Police.

Loitering by Public

Employees shall not permit persons to loiter on departmental premises or in a department facility or vehicle, unless they are conducting official business.

Department Correspondence

Employees shall not use department stationery, postage, duplicating machines, typing support, or other equipment, except for official department correspondence.

Recovered Property

Employees shall be responsible for all property coming into their possession. Employees shall handle all property in accordance with department policy and procedure.

General Appearance

1. Employees shall be neat, clean, and well-groomed while on duty. Dress shall be appropriate given the position and/or function of the employee and reflect standards that depict public service employees in the best possible image.

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2. Employees shall not wear articles of clothing or ornamentation while on duty if the wearing, or the article itself, symbolizes or represents an organization or philosophy which supports discrimination in any form or any other abridgement of human rights.

Conformance to Directives

Employees are required to familiarize themselves with, and conform to, the rules, regulations, directives, and standard operating procedures of the Department.

Abuse of Leave

Employees shall not misuse or abuse the leave policies, procedures, practices, or records of the department.

Call out

Employee shall give four hours of notice before calling out sick. In some cases, it's avoidable, despite the best efforts of the employee.

If no employee is available to cover the shift. The officer prior and after the shift will be ordered on overtime to cover the shift.

Vacation time

Employees will give the scheduling supervisor a minimum of two weeks' notice prior to their requested vacation. Any request within the two weeks can be denied without explanation.

Personality Clashes

Employees who have personality problems involving another employee, which cannot be resolved amicably, may consult with any of the following: His/her immediate supervisor; Captain and/or Chief of Police.

Unsatisfactory Performance

1. Employees shall maintain sufficient competency to perform their duties and assume the responsibilities of their position. Employees shall perform their duties in a manner which shall establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the department.
2. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of the laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards

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established for the employee's rank, grade, or position; the failure to take appropriate action on the occasion of a situation or incident deserving a public safety employee's attention; absence without leave; or unexcused absence from a duty assignment during a tour of duty.

3. In addition to other indications of unsatisfactory performance, repeated poor evaluations and/or repeated infractions of department directives shall be considered prima facie evidence of unsatisfactory performance of duty:

Outside Employment

Employees shall not engage in any employment outside the department without the prior written permission of the Chief of Police.

Understanding Directives

Employees who do not understand an official department directive or procedure shall seek the advice of their supervisor.

Call to Duty

Employees shall be subject to call to duty anytime of the day and shall be prepared to assume duty if ordered by a supervisor.

Available for Service

Employees shall keep themselves available for service at all times while on duty unless they are on specific assignment.

Radio to Remain

Employees who have been assigned a radio for communicating purposes shall ensure that the radio is fully operational, powered, audible, and tuned to the appropriate frequency at all times while on duty unless otherwise authorized by a supervisor or necessary for the safety of the employee.

Interfering with Radio Communication

Employees shall not willfully, intentionally, or otherwise interfere with radio communication except in exigent circumstances.

Emergency Situations

Employees shall perform in all emergency situations in accordance with established department procedures and shall perform during training drills in the

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same manner. Emergency situations may include, but are not limited to terrorist activities or attacks, bomb threats or explosions, acts of civil unrest, fires, etc.

Mutual Protection/Assistance

Employees shall assist and/or protect any other employee immediately upon observing or hearing that said employee needs or requests assistance.

Off-Duty Situations

Employees shall take appropriate and necessary action when off duty in any situation where human life is endangered. Employees shall turn the situation over to on-duty public safety employees as soon as possible.

Fear

Employees shall not shrink from danger or fail to discharge their official duties.

Abuse of Authority

Employees shall not use their authority to abuse, harass, oppress, or persecute any person.

Unnecessary Force

1. Employees are expressly prohibited from the unnecessary or unreasonable use of force against any person or property.
2. Reporting required when force used; Employees who use force against any person or the property of any person shall make a report of the incident and report it to their supervisor as soon as practicable.

Off-Duty Employee in Uniform in Public

Employees appearing in public in uniform shall be considered on duty and must be prepared to assist the public by taking whatever public safety action is appropriate and necessary.

Situations Involving Off-Duty Employees

Employees confronted with a situation requiring public safety intervention or action in which an off-duty employee is involved shall not intervene, except to meet an emergency that exists. As soon as possible, the employee shall notify communications and request that a supervisor respond to the scene.

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Civil Actions

Employees shall not render any aid or assistance, in an official capacity, to either party in a civil dispute, except when ordered to do so by the court. This shall not prohibit an employee from advising a person that a matter is civil and referring that person to the proper agency for service.

Divorce Actions

Employees shall not render any aid or assistance to either party in any divorce case or any case leading up to a divorce action, except where an emergency exists or a criminal act (or potential criminal act) has been committed and requires public safety action.

Situations Involving Family or Friends

Employees who are confronted with a situation where public safety action is required involving family members or friends shall not intervene unless an emergency exists and then only to meet that emergency until the department can be notified and another officer arrives.

Outside Affiliation

Employees shall not affiliate with, or become or remain a member of, any organization if such affiliation would in any way interfere with or prevent them from performing their duties as employees of the department.

Conflicts of Interests

Employees shall not invest or hold investments, directly or indirectly, in any financial, business, commercial, or other private transaction which creates, or gives the appearance of creating, a conflict with their official duties.

Fraternalizing with Person(s) of Questionable Character

1. Employees shall not fraternize or associate in a personal, social, or financial relationship with any person(s) of questionable character except in the performance of their official duties and with the knowledge and consent of their supervisor.
2. Employees shall not idle, loiter, or spend unnecessary time in or around a place of ill-repute or a place of questionable reputation except in the performance of their official duties and with the knowledge and consent of their supervisor.

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Access to Places of Business

Employees shall not have a key, access card, or code to any place of business on their assigned beat or relating to their assignment without the permission of their supervisor or Chief of Police.

Contraband

Employees shall not be negligent in the control of contraband.

Security Matters

Employees shall not discuss security matters or issues with other persons in the presence of inmates, prisoners, or defendants.

Conduct and Appearance in Court

Employees appearing in court shall:

1. Be punctual and prepared as appropriate;
2. Conform to the court's rules of conduct;
3. Obey all orders of the court;
4. Dress appropriately according to the court's standards;
5. Be truthful at all times;
6. Attend court as scheduled and/or when subpoenaed.

Subpoenaed as Defense Witness

Employees subpoenaed as a defense witness in a criminal or civil case shall immediately notify, in writing, their immediate supervisor. Employees do not need permission from a supervisor or the department to attend court as a defense witness and must comply with the requirements of the subpoena.

Arrest of or Court Actions Involving an Employee

Employees who have been arrested or become involved in any court action, in any capacity other than as a witness for the prosecution, shall immediately notify the Chief of Police in writing through the chain of command.

Responsibility for and Examination of Town Property

1. Employees shall be responsible for the condition and the prompt reporting of loss, damage, or defect of all department or town property placed in their custody or use.

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2. Before use, employees shall examine any town vehicle or property assigned to them, report unrecorded damage or operational defects to their supervisor, and submit the necessary written reports.
3. If property is lost, stolen, or damaged, a detailed report shall be made immediately. The immediate supervisor of the employee shall review the report and submit an investigative report through the chain of command to the Captain/Executive Officer.

Operator to be Qualified and Authorized

Employees shall not operate a city vehicle or vehicles used for law enforcement purposes unless they are qualified and authorized to do so and possess a valid State of New Hampshire driver's license.

Use of Town Vehicles or Vehicles used for law enforcement purposes

1. Employees shall use a town vehicle or vehicles used for law enforcement purposes only in the course of official business.
2. Employees shall not operate personally owned vehicles as a vehicle used for law enforcement purposes, not to include using their vehicle to commute to and from their assignment and work place without consent from the Chief of Police.

Operation of Town Vehicles or Vehicles used for law enforcement purposes

1. Wolfeboro Police Department personnel shall operate all town vehicles and vehicles used for law enforcement purposes in such a manner as to avoid injury to persons or damage to property at all times.
2. Wolfeboro Police Department personnel shall park all town vehicles and vehicles used for law enforcement purposes in such a manner as to cause the least interference with traffic flow without compromising their safety.

Vehicle Appearance

Employees assigned to operate town vehicles or vehicles used for law enforcement purposes are responsible for ensuring their cleanliness.

Safe Driving Techniques

Wolfeboro Police Department personnel shall exercise due caution and exhibit good driving habits when operating all city vehicles and vehicles used for law enforcement purposes.

Personal use of property

Employees shall not convert to their own use, or have any claim on, any found or recovered property, property held as evidence, or property purchased, leased, or owned by the department or the Town.

Public Activities

Employees of the department shall observe and abide by the following work rules while on duty or representing the department as it concerns public activities that relate to their employment with the department.

Endorsements and Testimonials

Employees shall not permit their names, photographs, or identities as employees of the department to be used to endorse any product or service without the prior written permission of the Chief of Police.

Authoring Books, Pamphlets, or Articles

Any written material for publication or distribution outside the department (except personal correspondence) which draws on the writer's experience as an employee of the department or identifies the writer as an employee thereof, must be submitted to the Chief of Police for approval, prior to submission for publication, for determination of the correctness of any references to department operations or policy and the appropriateness of making public any information which might be prejudicial to the lawful interest or privacy of any person.

Improper Organizations

Employees shall not join, or in any way participate with, any organization which advocates the violation of any of the laws, statutes, or ordinances of federal, state, or local governments, unless authorized by the Chief of Police or his or her designee.

Soliciting Advertising

Employees shall not solicit advertising, which is to appear in any commercial publication, nor lend their support in any manner to such solicitation, which would identify themselves with the department.

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Firearms

Employees of the department shall observe and abide by the following work rules while on duty or representing the department as it concerns firearms and other weapons and equipment.

Approved Type

While on duty or performing official duties, employees shall only carry firearms and weapons that have been issued and/or approved by the department.

Issuance

The department shall issue employees firearms and other weapons. The firearm issued shall remain with the employee throughout their period of employment and shall be surrendered upon their separation from the department.

Personal Weapons

Employees may carry personally-owned or other issued firearms that have been approved by the department while on duty or performing official duties.

Ammunition

Employees shall only carry and/or use ammunition issued and/or approved by the department. Ammunition issued and/or approved by the department for training purposes shall only be carried and/or used for training purposes while participating in training activities.

Qualifying; Employees shall qualify with all firearm(s) they carry on duty on an annual basis as determined by the Chief of Police.

Carrying of Firearms

Employees shall be armed with a fully loaded and approved firearm whenever on duty, in uniform, performing official duties, or when traveling to and from their place of duty.

Safeguarding of Firearms

1. Employees shall secure all department issued and/or approved weapons when such weapons are not in their immediate possession. Weapons must be locked in a secure enclosure that is not readily accessible to persons not authorized to use such weapons.

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2. Employees shall secure all department issued and/or approved weapons in their immediate possession to ensure that such weapons are not readily accessible to persons not authorized to use such weapons.
3. Employees who handle firearms shall do so in a safe manner, so as to avoid unintentional discharges.

Reporting Discharge of Firearm

1. Employees shall report all discharges of their department issued or approved firearms, whether accidental or intentional and regardless of who was responsible for the discharge, to their immediate supervisor as soon as possible. Discharges for training purposes are excluded.
2. Employees, whether on or off duty, shall notify their immediate supervisor which the discharge took place. The employee shall submit all necessary reports without undue delay.
3. All firearm discharges require the submission of an incident report completed in its entirety. Incident reports shall also include: the employee's duty status at the time of the discharge; the make, model, and serial number of the weapon discharged; the ownership of the weapon discharged; whether the firearm and ammunition was department issued or approved; the person who fired the weapon; the number of shots fired; the reason for the discharge; the distance between the employee and the person fired at when first shot was fired; who fired the first shot; if the employee was being fired on; and how many shots were fired at the employee.

Display of Firearms

Employee, when not in uniform, shall refrain from unnecessarily displaying their firearm or holster and from making reference to the fact that they are carrying a gun.

Loss or Theft

The loss or theft of a department issued owned firearm shall be reported promptly to the employee's immediate supervisor. The supervisor so notified shall cause an immediate and thorough investigation in each case of loss in an effort to effect recovery. Employees may be required to pay for lost or stolen equipment.

Maintenance and Repair

Firearms shall be maintained in a clean, safe, and dependable working condition. Responsibility for the safe operation and maintenance of the firearm rests with the

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employee to whom the firearm is issued. Weapons found to be in need of repair shall be presented to the issuing authority who shall determine what action should be taken toward making repairs and arrange for a replacement weapon.

Altering Firing Mechanism

No alteration of the firing mechanism of any Department-owned firearm shall be permitted. Radical alteration of trigger guards, triggers, and/or hammers shall not be permitted.

Inspection; Employees shall have all department issued approved firearms inspected as necessary by their immediate supervisor.