

Firearms

307.1 PURPOSE AND SCOPE

Probation Officers are classified as peace officers under Section 830.5 of the California Penal Code. This section authorizes Probation Officers to carry firearms while on duty with the express permission of and under such terms and conditions as are specified by the Chief Probation Officer (CPO). This policy establishes Departmental requirements and standards for firearms training, issuance, maintenance, use and carry protocols.

This policy does not apply to issues related to the use of a firearm that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

307.2 APPLICABILITY

This policy applies to all employees of the Probation Department.

307.3 POLICY

The San Diego County Probation Department will equip its employees with firearms to address the risks posed to the public and department employees by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate, in good working order and that required training is provided.

No employee of the San Diego County Probation Department is permitted to carry any firearm on his/her person, or to have any firearm in the office or job location, while on official business except with the prior and specifically expressed approval of the CPO. In the absence of the Chief, the Assistant Chief may authorize the carrying of a firearm. When permission to carry firearms is granted, the authorization will be in writing and subject to periodic review by the Chief Probation Officer. Probation Officers permitted to carry firearms pursuant to this policy must meet the training requirements of Section 832 of the Penal Code.

Department gun lockers are to be used only by staff authorized to carry a firearm while on duty.

307.4 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Employees shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Rangemaster. Except in an emergency or as directed by a supervisor, no firearm shall be carried by an employee who has not qualified with that firearm at an authorized department range.

All other weapons not provided by the Department, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, shall not be carried by employees in the performance of their official duties without the express written authorization of the CPO, Assistant Chief Probation Officer (ACPO) or his/her designee. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

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307.4.1 HANDGUNS

The authorized department-issued handgun will be determined by the CPO or his/her designee. Additional handguns may be authorized by the CPO or his/her designee.

307.4.2 SHOTGUNS

Shotguns will be issued by the Rangemaster on a case by case basis.

307.4.3 AUTHORIZED SECONDARY HANDGUN

Employees desiring to carry department or personally owned secondary handguns are subject to the following restrictions:

- (a) The handgun shall be in good working order and on the department list of approved firearms.
- (b) The purchase of the handgun shall be the responsibility of the employee unless the handgun is provided by the Department. The Department will provide ammunition for any approved secondary weapon.
- (c) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (d) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (e) Prior to carrying the secondary handgun, employees shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Employees must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (f) Employees shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

307.4.4 AUTHORIZED OFF-DUTY DEPARTMENT ISSUED FIREARMS

Penal Code Section 830.5 peace officers are exempt from Penal Code Section 25400 restrictions and may carry their personally-owned weapons in accordance with those sections and other applicable laws (72 Ops. Cal. Atty. Gen. 167).

Department employees who are issued firearms pursuant to this Department policy are authorized to carry their Department-issued firearms off-duty in conformance with all applicable laws, regulations and Departmental-policies.

307.4.5 AMMUNITION

Employees shall carry and use only department-authorized ammunition. Employees shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the employee's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

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307.5 EQUIPMENT

Firearms carried on-or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual employee.

The firearm will be inspected each time the officer qualifies on the range, or more frequently if the Rangemaster deems it necessary.

307.5.1 REPAIRS OR MODIFICATIONS

Each employee shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Rangemaster.

Firearms that are the property of the Department or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Rangemaster. Personal firearm expenses are the responsibility of the employee.

307.5.2 HOLSTERS

Only department-approved holsters shall be used and worn by employees. Employees shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

307.5.3 ACCESSORIES OR ALTERATIONS

Any accessories added or alterations made to any firearm carried on duty must be approved by the Rangemaster.

307.6 SAFE HANDLING, INSPECTION AND STORAGE

Employees shall maintain the highest level of safety when handling firearms and shall consider the following:

- Employees shall not unnecessarily display or handle any firearm.
- Employees shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster.
- Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
- Employees shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail or juvenile institution or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Employees providing access to any juvenile institution by persons from outside agencies are responsible for ensuring firearms are not brought into the facility.
- Employees shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of the Rangemaster Supervisor or designee.

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- Any firearm authorized by the Department to be carried on-or off-duty that is determined by an employee to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Rangemaster for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the employee's primary duty firearm, a replacement firearm will be issued to the employee until the duty firearm is serviceable.

307.6.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly. Although not carried on a regular basis, should a shotgun or rifle be issued, the aforementioned firearms shall be inspected at the beginning of the shift by the employee to whom the weapon is issued. The employee shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done in a safe manner. All firearms shall be pointed in a safe direction or into clearing barrels.

Any weapon which is signed out of the armory by an officer for field use shall be returned at the designated date/time as determined by the Rangemaster or designee. Assigned duty firearms must be taken home at the conclusion of each shift.

307.6.2 STORAGE AT HOME

Employees shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Employees shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Employees should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

307.6.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any employee, either on-or off-duty, who is under the influence of alcohol, or has consumed any amount of an alcoholic beverage within eight hours of the beginning of their shift. Firearms shall not be carried by any employee, either on- or off-duty, who has taken any drugs or medication that would tend to adversely affect the employee's senses or judgment.

307.7 FIREARMS TRAINING AND QUALIFICATIONS

All employees who carry a firearm while on-duty are required to successfully complete training quarterly with their duty and backup firearms. Training and qualifications must be on an approved range course.

At least annually, all employees carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

307.7.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any employee fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that employee shall submit

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a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet the minimum standards on the first attempt will receive remedial training, then be allowed a second attempt to qualify. Upon the second failure, the department Rangemaster or designee will assign additional remedial range training before a third attempt is given. Following a failure on the third attempt, an assessment will be performed with the employee to determine if a fourth attempt will be given. Upon a fourth failure, a recommendation will be submitted through the chain of command by the Rangemaster for possible removal of the employee from an armed unit.

307.8 FIREARM DISCHARGE

Except during training or recreational use, any employee who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved employee shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

307.8.1 DESTRUCTION OF ANIMALS

Employees are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department employees should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, Electro-muscular-disruption-technology-device (EMDT), oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any employee from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

307.8.2 INJURED ANIMALS

With the approval of a supervisor, an employee may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical (Penal Code § 597.1(e)).

Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made (Penal Code § 597.1(b)). Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed.

307.8.3 WARNING AND OTHER SHOTS

Warning shots or shots fired for the purpose of summoning aid are not allowed.

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307.9 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster. All employees attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all employees attending the range and will submit the roster to the Supervisor after each range date. Failure of any employee to sign in and out with the Rangemaster may result in non-qualification.

The range shall remain operational and accessible to Department employees during hours established by the Department.

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by employees of this department to verify proper operation. The Rangemaster has the authority to deem any department-issued or personally owned firearm unfit for service. The employee will be responsible for all repairs to his/her personally owned firearm and it will not be returned to service until inspected by the Rangemaster.

The Rangemaster has the responsibility for ensuring each employee meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the employee is authorized to carry.

The Rangemaster shall complete and submit to the Supervisor documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each employee who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Supervisor.

307.10 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules for governing law enforcement officers carrying accessible weapons while flying on a commercial aircraft. Department personnel intending to carry an accessible weapon on a commercial aircraft should consult with their supervisor to ensure compliance with all training requirements and TSA regulations.

307.11 CARRYING FIREARMS OUT OF STATE

Interstate transportation of firearms is governed by 18 U.S.C § 926A. The carrying of concealed firearms by qualified law enforcement officers in out-of-state jurisdictions is governed by both federal and state law, including but not limited to 18 U.S.C § 926B. Employees shall consult with their supervisors before engaging in interstate transportation of firearms on Probation Department business or carrying firearms pursuant to 18 U.S.C § 926B.

307.12 PROCEDURE TO REQUEST AUTHORIZATION TO CARRY FIREARM

Any officer who believes that he/she is facing a potential life-threatening situation shall immediately report the circumstances to his/her Supervisor and to law enforcement authorities, if appropriate.

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The Supervisor has the responsibility to evaluate the circumstances, alleviate them if possible, and explore alternative methods of reducing the level of danger. If the affected officer believes additional protection to be necessary, a memorandum including the following information is to be prepared and directed to the CPO, with recommendation, via the chain of command. These procedures may be expedited and/or modified based upon the immediacy of the threat:

- (a) 1. (a) The name of the person making the threat, his/her location and his/her relationship to the employee.
- (b) The circumstances and background of the situation, including any history of violence.
- (c) Relevant time factors--immediacy of the threat.
- (d) The precautionary measures already taken to reduce the personal risk.
- (e) An estimation of the time period to be covered by the authorization
- (f) The personnel record--for review to determine if the applicant has engaged in any behavior in the past which might reflect on the officer's ability to safely carry a firearm while on duty. This must be reflected in the report to the Chief.

The written request shall be submitted through the chain of command immediately and assigned top priority by each successive Supervisor. If any individual in the chain of command is not available in a timely fashion, it will be appropriate to advance to the next level. Each level will evaluate the request and make a recommendation. Notification of the superiors may be made by telephone, if distance and location are factors.

If permission to carry a firearm is granted, the authorization shall be in writing and subject to periodic review by the CPO and/or ACPO. Such authorization must be countersigned by the employee to be armed, indicating his/her understanding and acceptance of delineated conditions and department Firearms Policy. The following information will be maintained:

- (a) 1. (a) The written request for authorization to carry a firearm, which will include the name and location of both the employee and, if known, the person who made the threat.
- (b) The specific time period covered by the authorization, and a date for review.
- (c) The training received by the employee which will include all 832 pc documentation; employee sign-off of department firearms policy (section 1206); weapon/ammunition approval; and qualification record.
- (d) A record of successful completion of psychological evaluation.
- (e) Details of any special conditions dictated by the individual situation.

307.13 REVOCATION OF AUTHORITY TO CARRY AND USE FIREARMS

- The CPO and his/her designee may, at any time and for any reason, revoke authority for any employee to carry and use a firearm.

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- For good cause, immediate and temporary revocation of firearms may be made by the ACPO, Deputy Chief Probation Officers, Division Chiefs or Supervising Probation Officers. The revocation will be followed by a written recommendation for permanent revocation to the CPO through the chain of command. The immediate revocation of the officer's identification card shall always accompany the revocation of the firearm.
- The CPO or designee shall immediately inform the employee when the authorization to carry a firearm is revoked. As the sole authority for issuing firearms, the Chief's decision to revoke is final. There is no right to appeal. Revocation of firearms authorization is not a punitive or disciplinary measure.
- If circumstances warrant it, Supervising Probation Officers and above may order subordinates to cease carrying weapons. An employee so ordered shall immediately surrender his/her weapon (if County-owned) and department issued ammunition, and immediately cease carrying any weapon authorized to be carried on duty. A Supervisor having taken action as described above, through the chain of command, shall notify the CPO in writing regarding the action taken and the rationale for such action.
- Failure to surrender, or cease carrying such weapon upon the order of a superior officer will be considered insubordination and is subject to disciplinary action.

307.14 STOLEN OR LOST FIREARM

- The officer shall immediately file a report with local law enforcement upon discovery that a firearm is missing.
- A stolen or lost firearm will be immediately reported by the officer to the Supervisor and Rangemaster, who will in turn notify the CPO via the chain of command. The officer will submit a written report, through channels to the CPO, by the close of the same working day.
- The Rangemaster shall keep a record of lost weapons and shall ensure that information regarding the lost weapon is noted in the officer's personnel file.
- The officer shall reimburse the county for any department owned firearm and related equipment if the loss was due to negligence.