

## AUTHORIZATION TO CARRY FIREARMS

- AUTHORITY:** Administrative Directive  
Sections 830.5, 830.5(d), and 832 of the California Penal Code  
California Government Code Section 12525  
California Department of Justice, Use of Force Incident  
Reporting No. 16-12-CJIS, dated December 21, 2016
- RESCINDS:** Procedure Manual Item 1-4-107, dated 10/20/20 (Major Revision)
- FORMS:** Authorization to Possess and Use a Firearm (F057-9179)  
Threats Against Employees Threat Assessment  
Threat Assessment Action Plan  
[Electronic Special Incident Report \(SIR\)](#)  
Firearm Inventory Form (F057-10080)  
Weapon and Equipment Control Training Agreement (F057-10081)
- PURPOSE:** To define the procedure for requesting authorization to carry a concealed department issued firearm on duty and to clarify departmental firearms procedures.

### I. GENERAL INFORMATION

#### A. Legal Authority to Carry and Use a Firearm

The “peace officer” authority of probation officers is created in P.C. § 830.5, which reads, in pertinent part:

“The following persons are peace officers whose authority extends to any place in the state while engaged in the performance of the duties of their respective employment and for the purpose of carrying out the primary function of their employment or as required under Sections 8597, 8598, and 8617 of the Government Code. Except as specified in this section, these peace officers may carry firearms only if authorized and under those terms and conditions specified by their employing agency: (emphasis added)

1. A probation officer or deputy probation officer...”

The probation officer’s use of the peace officer powers is limited by the statute.

“Except as otherwise provided in this subdivision, the *authority* of these probation officers shall extend only as follows: (emphasis added)

- a. To conditions...of parole, probation, mandatory supervision, or postrelease community supervision by any person in this state on

- parole, probation, mandatory supervision, or postrelease community supervision.
- b. To the escape of any inmate or ward from a state or local institution.
  - c. To the transportation of persons on parole, probation, mandatory supervision, or postrelease community supervision.
  - d. To violations of any penal provisions of law which are discovered while performing the usual or authorized duties of his or her employment.
  - e. To the rendering of mutual aid to any other law enforcement agency.”
2. “...any superintendent, supervisor, or employee having custodial responsibilities in an institution operated by a probation department, or any transportation officer of a probation department.”

Deputized staff’s authority to carry and use firearms shall be consistent with these provisions of the Penal Code and shall be limited by the terms and conditions specified by departmental policy and procedures. Nothing in departmental policy or procedures shall be considered or construed as conferring on the deputized staff member authority beyond that granted by the Penal Code.

Deputized staff authorized to carry firearms are required, pursuant to § 830.5 (d) of the Penal Code, to meet the training requirements of § 832 and to qualify with the firearm at least quarterly. Nothing in departmental policy or procedures shall be construed to modify these requirements of the Penal Code. Deputized staff authorized to carry firearms shall comply with the requirements of the Penal Code and departmental policy and procedures.

3. The training, certification, and authorization to possess and use a firearm in the course and scope of employment is limited by Department policy and law to use as a defensive tool, either for self-defense, or the defense of others against a violent, aggressive act, which occurs in the direct course of duty as a deputized employee. Staff are expected to approach all dangerous situations skillfully to avoid the unnecessary provoking of aggressive acts, which require a defensive response. Staff are referred to Procedure Manual Item (PMI) 1-4-105 (Use of Force [Field Services]) for further guidance.

B. Authorization to Carry Department Issued Firearms on Duty

1. The Department will not order a deputy to be armed. A deputy must choose to request to be armed; either in response to a documented, serious threat; or by virtue of accepting an assignment to a specialized armed unit or requesting to be voluntarily armed in a designated field unit.
2. Designated Field Positions

- a. Adult Field Services (Units – 128, 137, 238, 253, 323, 326, and 339).
  - b. Adult Court Services (Units – 220, 380, and 381).
  - c. Juvenile Field Services (Units – 115, 116, 152, 234, 336, and 351).
  - d. Juvenile Court Services (Units – 071 (DEJ only), 078 (Juvenile Admin.), and 079 (Juvenile Recovery Court and PPP OD/Warrant Officer)).
  - e. North and Central YRC – DPOs/SPOs (Units – 443 and 444).
3. Authorization to carry and use a department issued firearm on duty requires the employee to agree to certain conditions:
- a. The deputy shall adhere to all department policies and procedures regarding the carrying and use of firearms.
  - b. The deputy shall successfully complete all department-required firearms training, range qualification requirements and a psychological evaluation, prior to being armed.
4. Possession or use of department issued firearms by on-duty deputized staff is strictly prohibited except under conditions provided for in this section and with the written, expressed approval of the Chief Probation Officer (CPO). Permission to carry department issued firearms will be granted only where one of the following special circumstances exist:
- a. There has been a documented serious threat against the life of a deputy or family members as a result of the deputy's employment and sufficient cause exists to believe that the individual making the threat has both the means and ability to carry it out and alternative methods of providing the officer protection are considered ineffective. (See Section II A. 3-5).
  - b. The deputy is assigned to a specialized unit or is voluntarily armed in a designated field unit, where, due to job duties, deputized staff are authorized by the CPO to carry a departmental duty firearm while on duty for defensive purposes.
5. Authorization for deputies assigned to department armed positions to carry a department approved firearm while on duty and performing related work under conditions set forth in this procedure includes, but is not limited to the following activities:
- a. Suppression activities with other law enforcement agencies.
  - b. Joint task force activities.
  - c. Search warrant service with other law enforcement agencies.
  - d. Responding to requests for assistance from other law enforcement agencies.

e. General field supervision activities that may include other armed or unarmed deputies. General field supervision activities in which armed deputies may work directly with unarmed deputies include:

- (1) Assisting unarmed deputies in jail transports.
- (2) Where a K-9 deputy has been requested by an unarmed deputy to perform a canine search.
- (3) Assisting unarmed deputies with field or enforcement activities providing a second armed deputy is present, except the K-9 deputy as stated above.

f. Commuting to and from work.

6. Deputies may choose not to wear their department issued firearm during transportation to/from work or training, while in an office or administrative setting and during meal or break periods. At no time may a firearm be left unsecured. (See Section II H.).

7. Deputies are authorized to possess and use weapon systems of other agencies or deputies in a potentially life-threatening situation under conditions set forth in this procedure.

#### C. Carrying Department Issued Firearms Off Duty

Use of a Department firearm outside the scope of employment is prohibited. Deputies authorized by the Department to possess and use a department issued firearm on duty are prohibited from carrying and using any firearm issued by the Department off-duty without the expressed written authorization of the CPO (e.g., by assignment or arming in response to a verified threat on the deputies' life). Deputies are authorized to render themselves on-duty in response to what they reasonably believe to be an imminent threat of death or serious bodily injury to themselves or others.

The county will not therefore ordinarily provide legal defense in any claim or lawsuit arising out of the unauthorized use of a firearm. Likewise, the county ordinarily will not pay any claim or judgement against the individual arising out of the unauthorized use of a firearm. (Refer to Policy D-8).

#### D. Revocation of Authority to Carry a Department Issued Firearm

1. The CPO has the absolute discretion to revoke the authorization to carry a department issued firearm at any time. Upon revocation of authorization by the CPO, the deputy shall immediately cease carrying the department issued firearm during employment with the Department and shall return the firearm to the Department's Range staff.

2. The authority to order a deputy to surrender a department issued firearm is delegated to management and supervisory personnel pending notice to the CPO. Management and supervisory personnel may immediately take the deputy's department issued firearm for any of the following reasons:

- a. Failure to requalify in the required time frame and/or achieve a passing score. Please refer to Section II. D. 4. b.
  - b. Demonstrated inability or lack of physical or mental capacity to safely handle the firearm; or when the deputy has carried, exhibited or used the firearm in an unsafe, careless or other inappropriate manner.
  - c. When the deputy has violated the Department's firearms policy.
  - d. Failure to attend required classroom and/or range training.
  - e. When the deputy is on administrative leave or disciplinary suspension or status.
  - f. Transfer of a deputy to an assignment where authorized arming for defensive purposes is not required.
  - g. If the authorization was issued based on a specific threat to the deputy, when the threat has been determined to no longer exist.
  - h. Whenever a deputy has been arrested for an offense punishable as a felony or for a misdemeanor involving the carrying or use of a firearm.
  - i. For such other good cause as may relate to the deputy's ability to carry a firearm.
3. Upon revocation of authorization by the CPO or supervisory personnel, the deputy shall immediately cease carrying the department issued firearm on duty and shall return the firearm to the Department's Range staff.
  4. Immediately upon making the decision directing a deputy to surrender a department issued firearm, the supervisor or manager shall submit a written report to the CPO, via the chain of command, indicating the circumstances in support of the withdrawal.
  5. Written requests for reinstatement of the authorization may be made to the CPO, via the chain of command, clearly stating the reasons why the authorization should be reinstated.

## II. PROCEDURE

- A. Request for Authorization to Carry a Department Issued Firearm Because of Threat on Staff
  1. Any deputized staff member who believes he/she is facing a potential life-threatening situation shall report the circumstances to his/her supervisor and to law enforcement, if appropriate, as soon as possible.
  2. The supervisor shall have the responsibility to evaluate the circumstances, to mitigate or alleviate them if possible, and to explore alternative methods

of reducing the level of danger, per PMI 1-4-110 (Threats, Harm, or Danger to Employees and Others). The immediate supervisor or designee will complete a Special Incident Report (SIR) and develop a short-term plan using the Action Plan Worksheet and Threats Against Employees Threat Assessment (Supervisor's Checklist). The above documents must be submitted to the Chief Deputy Probation Officer (CDPO) via the director or designee within two business days of the initial threat.

3. The request for authorization to carry a department issued firearm shall be passed through the chain of command immediately and assigned top priority by each successive supervisor/manager. Whenever possible, the entire request process should be completed within 72 hours. Therefore, any individual in the chain of command who is unavailable will be bypassed and the request will be advanced to the next level. Notification will be accomplished by telephone when distance or location is a factor, which could delay the process. Meanwhile, other precautions to safeguard the employee, as outlined on the SUPERVISOR CHECKLIST, will be identified, and if deemed appropriate, implemented.
4. As soon as feasible, a meeting with the CPO (if available) the unit supervisor; the appropriate CDPO; and the affected employee will take place, during which all available options will be explored.
5. If the request is denied, the deputy shall be notified within five days in writing of the reason for the denial. The deputy, after receiving such notice, may through the chain of command, request a reconsideration of the denial, submitting any additional information to the CPO that was not provided in connection with the initial request. The CPO shall then reconsider the deputy's request and advise the deputy in writing of the final action within five days after submission of the request for reconsideration. The decision of the CPO shall be final.
6. If the CPO approves the request to be armed, it will be contingent upon the employee obtaining and successfully completing:
  - a. D.O.J. firearms clearance
  - b. Psychological clearance
  - c. 832 P.C. firearms training
  - d. Departmental Firearms Training Course (FTC)
7. Staff approved to be armed by the CPO because of a threat are authorized to carry a department-approved firearm under the specific conditions set forth in writing and signed by the CPO. (See Section I C.).

B. Request for Assignment to an Armed Position

1. Deputies requesting assignment to a specialized armed position or voluntary arming to a designated field unit, may submit an Assignment Preference Form through the chain of command.

2. Management will review requests as deputies are needed to fill armed positions.
3. Deputies successfully completing prerequisite background investigations will be considered for assignment to the Firearms Training Course by the CPO.
4. Deputies successfully completing the Firearms Training Course will be considered for assignment to an armed unit by the CPO, as needed. Pending assignment to an armed position, deputies will attend scheduled firearms training.

C. Official Authorization to Carry a Department Issued Firearm

1. Authorization to carry a department issued firearm for defensive purposes shall be put in writing and shall be signed by the CPO.
2. The authorization to carry a department issued firearm shall contain the following information:
  - a. The name of the deputized staff member requesting authorization to carry a department issued firearm.
  - b. An attached statement of any specific conditions and the name, address and/or other appropriate identifying information of person(s) making the threat, if applicable.
  - c. An affirmation that the deputy has satisfactorily completed all clearances, training and qualifications.
  - d. A description of the department issued firearm and ammunition which the deputy is authorized to carry and use.
3. The authorization must be countersigned by the deputy, indicating his/her understanding, acceptance of and compliance with the following conditions:
  - a. The deputy understands and agrees to adhere to all departmental policies.
  - b. The deputy has been qualified by an approved Rangemaster in the use of the firearm approved by the authorization.
  - c. The deputy will complete any and all ongoing training and qualification required by these policies and by his/her supervisor.
  - d. The deputy will abide by any other conditions imposed by the written authorization or by his/her supervisor.
  - e. The deputy has requested to be armed and is not being ordered to be armed.

- f. The deputy will carry a badge and identification as a deputized staff and an 830.5 PC-CPO authorization at all times when carrying a firearm.
- g. The deputy has completed psychological testing and has been certified as fit to carry a department issued firearm.
- h. Any unauthorized unholstering, drawing, displaying or use of a firearm will be investigated by the department and any improper action may result in departmental sanctions, as well as criminal and/or civil action. (See Section II L. 4).

D. Required Training and Qualification

1. Training

The Professional Standards Division (PSD) shall monitor required firearms training and qualification. All required training and qualification must be satisfactorily completed prior to approval of a deputy to carry a department issued firearm.

- a. The Probation Department's Range staff shall arrange for the required firearms training.
- b. Range staff shall maintain records of the firearms training of all deputies authorized to carry a department issued firearm and shall notify the deputy's immediate supervisor when any such deputy is not in compliance with the Department's training requirements.
- c. Range staff will initiate appropriate action to bring an armed deputy into compliance with training requirements.

2. Required training for authorized deputies shall include satisfactory completion of 832 PC Peace Officers Standards and Training (POST) Certification, and the successful completion of the 40-hour Firearms Training Course (FTC) provided by the Department's Range staff. The Department's FTC course, shall consist of:

- a. The legal consideration for the carrying and use of firearms.
- b. The law of self-defense and the use of force by peace officers.
- c. The civil liabilities of deputized probation staff.
- d. The ethical and moral considerations of the use of firearms and deadly physical force.
- e. A practical demonstration by the deputy regarding:
  - (1) Firearm safety
  - (2) The care and cleaning of the authorized weapon



(3) Shooting proficiency

3. Training shall be provided on a recurrent basis to maintain the deputy's skills/knowledge and to keep current on any required certification. These will include, at a minimum:

- a. Cardiopulmonary Resuscitation (CPR) and First-Aid certification.
- b. Use of Force options, which may include:
  - (1) Defensive tactics/arrest and control techniques
  - (2) Management of assaultive behavior
  - (3) Baton
  - (4) Taser
  - (5) Safety sweeps/entry training
  - (6) Simulator
- c. Legal Updates
- d. Range staff will issue a Departmental firearm to the deputy.
- e. Range staff will arrange for appropriate classroom and range facilities for defensive pistol training, or approved private ranges, subject to Probation Management's approval.
- f. Only those Department employees authorized by the CPO to possess a Department firearm are authorized to use the law enforcement portion of the range facilities and to charge related fees to the Department.
- g. The CPO may revoke the authorization to carry a department issued firearm at any time, for any reason, and without cause.
- h. The signed authorization to carry a department issued firearm shall be kept in the deputy's arming file.
- i. The authorization to carry a department issued firearm is subject to periodic review by the CPO or designee.

4. Qualification

Deputized staff members authorized to use a department issued firearm on duty must meet qualification standards set by Probation and/or OCSD Rangemasters. The minimum qualifying score for each course is established by range staff and approved by the CPO. Staff shall comply with the Departmental policies and directions of range staff.

- a. Authorized deputies shall qualify with their department issued firearm quarterly during regular working hours, as approved by the supervisor and scheduled with the Rangemaster. In the intervening months, under the direction of Probation Range Staff, they will participate in tactical range practicums. The Rangemaster or range staff shall provide additional training/remediation for officers who fail the qualification.
- b. Deputies who fail to qualify with their assigned department issued firearm may not carry or use said firearm and ammunition to participate in additional practice without approval from the range staff.
- c. Probation Department's Range staff has the authority to confiscate and/or take control of the department issued firearm of any deputy who fails to qualify or who exhibits inappropriate behavior while on the range.
- d. Any deputized staff member who will be absent 30 days or longer, unless approved otherwise by management shall surrender his/her department issued firearm to the Probation Department's range staff. Any deputized staff member who requests a reissue of the department firearm after being absent for a period of one (1) year or longer shall complete the standard firearms range familiarization course. In addition, the deputy shall re-qualify on an approved range before any department firearm shall be reissued. The returning deputy shall also receive and review all firearms training material provided to other deputized staff during the absence.

E. Department Rangemasters and Firearms Instructors

Rangemasters shall be qualified through an approved Rangemaster school. The Department's Rangemasters, with the assistance of Department firearms instructors, is responsible:

1. To facilitate firearms training, qualification and re-qualification as required by these policies and procedures.
2. To provide a firing range program for use by Probation Department personnel.
3. To establish and enforce such rules of conduct on the shooting range as the Rangemaster deems necessary for the safe operation of the shooting range and the safety of those using it.
4. To maintain records of required firearms qualification for each armed staff. The Rangemaster will notify the immediate supervisor and the Professional Standards Division Director of a staff member who has failed to qualify with recommended action to bring the staff member into compliance with qualification requirements.
5. To notify the CPO through the chain of command, in writing, of any deputized Probation staff who continues to fail qualification requirements.

6. To observe the handling of firearms by deputized Probation staff, report any firearms safety violations and to take any other action, which he/she deems necessary, including confiscation of a probation officer's firearm.
  7. To maintain firearms training records for all deputized staff members authorized to carry firearms.
  8. To maintain an inventory of all department-owned firearms, ammunition, and equipment including make, model, and serial number. This shall include maintaining a record of assignment of these items to armed deputies.
  9. To inspect department issued firearms, ammunition and equipment for safety; to maintain inspection records and to take any action which the Rangemaster deems necessary, including confiscation of a deputized Probation staff's department issued firearm, ammunition and equipment, when unsafe department issued firearms, ammunition and/or equipment are discovered.
  10. To confiscate and/or take control of a department issued firearm of any deputized Probation staff who fails to achieve a qualifying score and/or exhibits inappropriate behavior while on the range.
  11. The Rangemaster and/or range staff will conduct annual safety inspection of departmental firearms. If necessary, the Rangemaster will coordinate inspections by the Orange County Sheriff's Department or manufacturer-approved armorer to obtain safety certification for each firearm.
- F. Authorized Equipment (Firearms, Ammunition, Holsters, Weapon Mounted Lights (WML)) and Methods of Carry
1. Deputies authorized to carry department issued firearms shall carry and use only the firearm, ammunition, holster, and WML issued or approved by the Probation Department and with which the deputy has qualified pursuant to these policies. The department issued firearm shall be carried fully loaded with one round chambered. Magazines shall be carried fully loaded.
  2. When dressed in "plain clothes", deputies shall wear a Department-issued necklace badge or belt badge adjacent to the firearm at all times, department issued firearms may be exposed in or out of the office while performing official departmental duties. Exceptions would be facilities or buildings with policies or procedures that prohibit firearms. Outside the office, during breaks, lunch or on personal business, the department issued firearm and badge must be covered (concealed). Deputies shall carry a pair of handcuffs while wearing their department issued firearm.
  3. Following CPO approval, only department issued firearms shall be carried by deputies.
  4. Department issued ammunition shall be commercially manufactured. Target ammunition may only be used for approved training, qualification and practice.

5. Firearms, holsters, WMLs, magazines and ammunition are not to be altered or changed in any manner; unless prior written approval is received from the Rangemaster/Armorer. Following any modification, an officer must qualify/demonstrate proficiency before carrying the equipment on duty.
6. If a WML is issued, it shall be attached to the Department-issued firearm and carried in an approved duty holster designed for the firearm with the WML attached.
7. All safety devices on the department issued firearm provided by the manufacturer must be intact and functioning at all times.
8. An authorized deputy shall not carry a department issued firearm when boarding an aircraft without specific written approval by the CPO. If such permission is granted, the authorized deputy shall comply with all regulation as set forth by the Federal Aviation Administration and local jurisdictions.
9. Authorized deputies who are required to make a court appearance are to check in with the court bailiff and cooperate fully with the Sheriff's policy concerning the security and location of their department issued firearm during the time they will be in the courthouse.
10. Under no circumstances may a firearm, ammunition and/or other item, which threatens the security of a correctional facility, be left in any unattended vehicle on facility grounds. At such facilities, firearms, ammunition and other items must be checked into/stored in gun lockers in an area designated by facility staff for safekeeping and temporary storage.
11. Deputies have the discretion to either wear the department firearm on their person or to store the firearm in gun lockers at a department-approved location when attending non-firearms related training or other non-enforcement activities. Exceptions would be for training classes in which the presence of a firearm may compromise the safety of the training environment and/or any classes the instructor requests there be no live ammunition or firearms in the classroom. Gun lockers are available at all field offices.
12. Deputies authorized to carry department issued firearms shall wear a Department-issued necklace badge or belt badge adjacent to the firearm at all times.
13. Body armor shall be worn when conducting field enforcement activities and/or authorized range training. Deputies may choose not to wear body armor during transportation to/from work or training, while in an office or administrative setting and during meal or break periods. Additionally, deputies may choose not to wear body armor during low-risk activities such as demonstration and K-9 training.

G. Firearms Safety

Deputies authorized to carry department issued firearms on duty are responsible to observe and practice the following safety regulations:

1. The firearm shall be considered “loaded” until the deputy has personally cleared the weapon.
2. Firearms shall not be carelessly handled at any time.
3. All firearms equipped with safety devices shall be placed in a “safe” condition except when use is imminent.
4. The firearm shall be carried clean and holstered with magazines fully loaded with one round chambered.
5. Firearms shall not be used to strike another person. Their use as such is prohibited, except when necessary to protect the officer from death or serious bodily injury.

#### H. Firearms Storage

Firearm security is the responsibility of the authorized deputy to whom the firearm is assigned. Deputies authorized to carry department issued firearms are charged with the responsibility to observe and practice the following storage regulations:

1. Firearms assigned to authorized deputies, when not being worn or carried for approved purposes, shall be stored as follows:
  - a. In a designated firearms safe or gun locker at a Probation Department work facility.
  - b. At the deputy’s assigned police or sheriff’s facility, in a safe-and-secure manner that conforms to the agency’s firearms’ storage policy.
  - c. In the deputy’s home overnight, locked in a Department-issued or approved gun safe and out of reach of children in compliance with P.C. 25100-22500.
  - d. Issued firearms shall not be stored overnight in a county work facility. Surplus or inventory firearms will be stored in a locked safe at a facility designated by administrative management.
  - e. Firearms shall not be stored overnight in a County or private vehicle used on County business with the exception of the “Range and K-9 Vehicles”. These vehicles are equipped with secure gun lockers; firearms must be stored and locked in the gun lockers.
  - f. The only exception to the above practices are, the K-9 Handler, and pre-approved special circumstance for armed deputies. The K-9 Handler may store the firearm in a secure container, inside the locked K-9 vehicle, in the locked garage at the handler’s residence.

2. When practical, all loading/unloading of Department issued firearms will take place on the firing line at an approved range under range staff supervision. Firearms are not to be unloaded in a vehicle, trunk or parking lot. Department-approved loading barrels are an acceptable alternative, absent practical access to a range.
  3. Any time a departmental firearm must be loaded/unloaded, or holsters exchanged, and particularly when neither a range nor loading barrel is accessible (i.e. at home or in the field) the following safety measures will always be observed:
    - a. Finger off trigger.
    - b. Muzzle in safe direction.
    - c. Count rounds and do a visual inspection after unloading.
    - d. Immediately holster after loading.
  4. When leaving the department issued firearm in an unattended vehicle, the firearm may be safely and temporarily stored in a locked automobile trunk. For vehicles without a trunk, the firearm needs to be stored in a locked container and placed out of view; or lock the firearm in a locked container that is permanently affixed to the vehicle's interior and not in plain view. Locked container as defined in section PC 16850 means a secure container that is fully enclosed and locked by a padlock, key-lock, combination lock or similar locking device. Locked container does not include the utility or glove compartment of a vehicle. The deputy shall exercise caution so that he/she is not observed by the public when placing the firearm in the trunk.
  5. When entering a restricted building, a correctional facility or juvenile facility, the deputy shall secure the department issued firearm as prescribed by the director of each facility. Gun lockers are available at all probation custodial facilities.
  6. An authorized deputy shall not surrender his/her department issued firearm to any person other than his/her supervisor or other Probation Manager, range staff, appropriate personnel in charge of a secure facility or an authorized peace officer upon demand for the purpose of an investigation.
  7. The Department will investigate any improper use of a firearm, and such use of a firearm may result in Department issued sanctions, as well as in criminal and/or civil action. Any negligent discharge of a firearm resulting from failure to comply with the above regulations will be considered an act of negligence subject to disciplinary action following the results of an administrative investigation.
- I. Stolen or Lost Firearms
1. Upon discovery of a stolen or lost department issued firearm, deputies shall immediately:

- a. Notify their immediate supervisor or acting supervisor.
  - b. File a report with the appropriate law enforcement agency and provide their supervisor with a copy of said agency's report upon its completion.
  - c. Complete an SIR within 24 hours unless otherwise directed by a supervisor.
  - d. Notify the Range Master or range staff and provide a copy of the SIR.
2. Supervisors shall immediately upon notification of a stolen or lost firearm, notify their immediate supervisor.

J. Firearm Care and Maintenance

1. Cleaning and Inspection

- a. The deputy is responsible for all cleaning necessary to maintain the assigned firearm magazines and related gear in good working order.
- b. The deputy will clean the department issued firearm thoroughly as soon as safely possible after it has been fired and then perform a function check. As needed, the deputy will clean all magazines in order to keep them in good working order.
- c. The cleaning of firearms in an office setting is prohibited except at the offices of the Rangemasters or Firearm Instructors.

2. Service and Repair

- a. Inspections will be performed on departmental duty firearms annually. Annual certification will be recorded by range staff and documentation will be placed in the individual firearm files.
- b. Only a certified/authorized armorer will perform all servicing and repairs of departmental firearms. These will be scheduled by range staff.
- c. If the department issued firearm has been dropped or there is a question about the safety condition or proper functioning of the firearm, the deputy shall immediately notify his/her supervisor and range staff.

K. Restrictions for Carrying Department Issued Firearms

1. Probation personnel who have been authorized to carry and use a department issued firearm are prohibited from carrying or using firearms under the following circumstances:

- a. After consuming alcoholic beverages or substance where the deputy's motor skills, reflexes, vision or judgment could be adversely affected.
  - b. While injured or in a physical condition that prevents or limits proper use of a firearm (i.e. broken hand, eye injury, etc.).
  - c. While on disciplinary or administrative leave.
2. Probation personnel who have been authorized to carry and use a department issued firearm on duty will surrender their firearm when:
- a. Ordered to do so by the CPO or other superior officer.
  - b. The authorization to carry a department issued firearm has been revoked.
  - c. On disciplinary or administrative leave.
  - d. On any form of Leave of Absence in excess of 30 days, unless approved otherwise by the Professional Standards Division Director.
  - e. Having been convicted for any offense that would prohibit him/her from carrying a department issued firearm.

L. **Display and Use of Department Issued Firearms**

The fact that a deputy may be armed will not be a factor in determining whether he/she should respond to a given situation or whether the deputy should remain at the scene of a potentially dangerous situation. A deputy is not expected to engage in activities that are hazardous simply because he/she is armed with a department issued firearm. If a deputy has prior knowledge of a serious threat from a probationer, the appropriate law enforcement agency should be contacted for assistance.

1. An authorized deputy shall not display or brandish as a threat any department issued firearm unless its actual use in the situation would be proper pursuant to these policies and procedures.
2. The firing of warning shots presents a danger to both the deputy and innocent persons and is therefore prohibited.
3. Firing at or from a moving vehicle is prohibited except when necessary because of an imminent threat of death or serious bodily injury to the deputy or another person.
4. Unholstering a Department Issued Firearm

Deputies are authorized to draw their department firearm, from its holster or display it in public, under the following approved conditions:

- a. For departmentally approved training, practice and qualification.



- b. For approved cleaning, maintenance and inspection.
- c. When immediate circumstances create a reasonable belief that a serious threat exists, and the use of the firearm may be necessary to protect life.
- d. When the deputy provides appropriate back up to a law enforcement agency in a potentially life-threatening situation.

Any improper unholstering or display of a department issued firearm may result in departmental sanctions, including disciplinary action, and may result in civil or criminal sanctions being taken.

5. Discharging a Department Issued Firearm

It is the policy of this Department that the use of a department issued firearm in the line of duty by an authorized deputy shall be limited to circumstances where necessary for self-defense or defense of others and there is an imminent threat of death or serious bodily injury. An authorized deputy is expected to use sound judgment in making a determination that the use of deadly force is necessary.

Additionally, approved deputies are authorized to discharge department issued firearms in the line of duty under the following circumstances:

- a. Departmentally approved training.
- b. Qualification.
- c. Participation in approved competitive events.

Note: The improper use of a department issued firearm will result in departmental sanctions, including disciplinary action, and may result in civil or criminal sanctions being taken.

6. Discretion-Justification

In determining whether the circumstances justify the unholstering and/or discharge of a department issued firearm, approved deputies shall consider and give relative weight to the following factors:

- a. Whether the suspect is known to the deputy to have a history of violent behavior.
- b. Whether there has been a display of a firearm or any article that can be used as a weapon by an individual in a threatening manner that might cause death or serious bodily injury to the deputy or another person.
- c. Whether the deputy has information from a reliable source (such as a spouse, law enforcement official, employer, or landlord) that an individual is or may be armed or is dangerous.

- d. Whether there are auditory or visual indications at the scene of the potential threat (such as the sound of gunshot(s), screaming or cries, or sounds or signs of an altercation in progress).
- e. Whether, in the deputy's judgment and assessment, there is observed behavior that places a life in danger and the drawing of a firearm will render the situation less dangerous.
- f. Whether there are other, more reasonable alternatives available. Before escalating to the use of firearms, deputized staff should evaluate all available alternatives, including disengagement.
- g. Whether the department issued firearm can be tactically utilized (e.g., whether there are crowds, small children, hostages, etc.).
- h. Whether the unholstering or use of a department issued firearm will escalate rather than control the situation.
- i. Deputies must consider their surroundings and potential risks to bystanders, to the extent reasonable under the circumstances, before discharging a department issued firearm.
- j. The use of deadly force by a deputy is justified only when necessary in defense of human life. Deputies shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible.
- k. A deputy is justified in using deadly force when he/she believes, based on the totality of circumstances, that such force is necessary for either of the following reasons:
  - (1) To defend against an imminent threat of death or serious bodily injury to the officer or to another person. A threat of death or serious bodily injury is "imminent" when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the deputy or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.
  - (2) To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the deputy believes that the person will cause death or serious bodily injury to another unless immediately apprehended.
- l. A deputy shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively

reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the deputy or to another person.

M. Required Reporting

1. Procedure for Reporting Incidents Involving Department Issued Firearm

- a. If a deputy is involved in an incident in which they point their department issued firearm at an individual, the deputy shall verbally report the incident to their supervisor as soon as practical.
- b. If the supervisor believes the verbally reported circumstances require clarification or further review, the Supervisor will advise the deputy to submit a SIR within 24 hours, unless otherwise directed by the Critical Incident Manager (CIM) or supervisor.
- c. The report shall be forwarded with the supervisor's comments to the deputy's director via the chain of command.
- d. Those reports deemed by the Director to be unusual in nature or to be potentially in conflict with department policy will be sent to the CPO, via the chain of command, for further review.
- e. Any deputy who negligently discharges a departmentally issued firearm, shall notify their supervisor as soon as reasonably possible. A negligent discharge is considered a discharge of a firearm unintentionally or unexpectedly. A negligent discharge can occur at any time (on-duty or off-duty). A deputy may use the assistance of their union representative when notifying their supervisor and when writing/submitting their SIR. Further, the deputy shall:
  - (1) For safety reasons, notify local law enforcement of the discharge.
  - (2) Notify the CPO via the Chain of Command and range staff.
  - (3) The CPO shall notify the Professional Standards Division Director for follow up.
- f. The supervisor will include the number of verbal and written reports in the Unit Quarterly Report, along with a brief summary of the incidents.

2. Procedure for Reporting an Officer-Involved Shooting

Whenever an approved deputy discharges a department issued firearm in the course of his/her employment, except on a supervised range or in an approved training exercise, the deputy shall, as soon as safety permits:

- a. Approach with caution; be alert for additional suspects and weapons.

- b. Handcuff and immediately search the suspect.
- c. Keep the suspect under continuous observation and control. Be aware of members of the public and/or members of the media gathering. Be mindful of the possible presence of camera's, cell phones, and/or other recording devices.
- d. Assess the situation, if on duty through Probation Dispatch notify them of your location and circumstances if it has not already been done, render first-aid to any injured persons, summon emergency assistance if appropriate, and ask for the assistance of local law enforcement. Assist paramedics when and if they respond but continue to maintain control and observation of the suspect until they are removed from the scene.
- e. The deputy should secure the scene to the best of his/her ability until law enforcement arrives. While protecting the scene the deputy should also identify and document any statements offered by the witnesses.
- f. When law enforcement and/or other back up officers arrive on scene, the deputy shall be ordered to provide a Public Safety Statement. The Public Safety Statement will include a description of any outstanding suspects, their direction of travel, their mode of transportation, number and direction of rounds fired, any injuries, potential witnesses, etc. The deputy will not be asked any additional questions other than the ordered Public Safety Statement questions.
- g. The deputy will notify his/her CIM as soon as practical and/or possible. The CPO and range staff will be notified via the chain of command. Range staff will notify the California Department of Justice (DOJ). The CIM will notify the Association of Orange County Deputy Sheriff's (AOCDS) by calling 714-285-2800 as soon as practical and/or possible.
- h. Remain at the scene until dismissed by local law enforcement or Department Management, unless it is unsafe to do so, or the deputy is injured and needs medical treatment. The deputy may use the assistance of their union representative when notifying their supervisor. The deputy shall cooperate fully with any investigation related to the incident.
- i. Protect the firearm for investigation and submit the firearm to the appropriate investigator or Department supervisor/manager upon request. If possible, removing the deputy's firearm in public should be avoided. The law enforcement supervisor at the scene shall be responsible for the evidence.
- j. The deputy should be informed that in order to preserve the integrity of the investigation, he/she is ordered to not discuss the incident with anyone prior to the arrival of assigned criminal investigators, with the exception of a legal (AOCDS) representative.

- k. In the event an animal is injured as a result of a use of force, the deputy shall call animal control for assistance when safe and practical to do so.
- l. Only the CPO or designee will respond to media inquiries.
- m. When a deputy has surrendered his/her firearm, range staff may issue another firearm under the provisions of the PMI.

3. Use of Force Review Board

Whenever a department issued firearm is discharged either negligently or intentionally (authorized training and qualification excluded), the Use of Force Review Board will review the incident. (PMI 1-4-108, Use of Force Review Board).

REFERENCES:

Procedures:	1-2-108	Contact with the News Media
	1-3-304	Workers' Compensation (Employee Injuries, Blood/Body Fluids Exposure)
	1-3-307	Notification of Death or Serious Injury of an Employee
	1-4-001	Notification Guidelines for any Case Where an Adult Dies While in the Custody of the Probation Department/Officer Involved Deaths
	1-4-006	Accessing Employee Emergency Notification Information: After Hours
	1-4-104	Threats: Staff Responsibilities Regarding Threats and Notice to Unsuspecting Victims
	1-4-106	Oleoresin Capsicum (OC) Spray-Field Services
	1-4-108	Use of Force Review Board
	1-4-109	Notification system for the Death of a Minor and Other Special Incidents
	1-4-110	Threats, Harm, or Danger to Employees and Others
	1-4-111	Protective Body Armor
	1-4-112	Probation-Marked Field Jackets
	1-4-113	Injury and Illness Prevention Program
	1-4-114	Reporting Unusual or Special Incidents
	1-4-119	Field Officer Safety Information/Required Equipment for Field Activities
	1-4-128	Critical Incident Manager (CIM)
	2-1-013	Canine Use
	3-1-106	Death, Serious Suicide Attempts and Other Serious Incidents Related to Minors in Custody
Policy:	D-1	Threats, Harm, Danger to Employees and Others
	D-3	Peace Officer
	D-8	Firearms
	D-9	Tear Gas
	G-8	Injuries and Medical Emergencies

M. Redwood

APPROVED BY:

Michael Redwood

Aug 10, 2023

**Signature:** *Michael Redwood*

**Email:** michael.redwood@prob.ocgov.com






# Sign 1-4-107

Final Audit Report

2023-08-10

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