

Firearms and Qualification

639.1 PURPOSE AND SCOPE

This policy establishes procedures for the acquisition, use, and documentation of training in the use of firearms. The Chief Probation Officer or designee shall approve all department firearms before they are acquired and utilized by any employee of this department.

639.1.1 GENERAL INFORMATION

Officers in designated assignments shall, at the discretion of the Chief Probation Officer, be armed. All armed officers will meet the training requirements of the Riverside County Probation Department and Sections 830.5 and 832 of the Penal Code. Unless specifically authorized, an officer may not carry his/her departmental firearm off duty.

In the event an officer chooses to carry a personal firearm while not performing employment functions for the county, the county does not consider such use within the course and scope of county employment. The officer will be considered to be acting independently from the county and will be considered individually liable for any claims arising from the use of a firearm. No employee of the Riverside County Probation Department is permitted to carry any firearm on his/her person, or to have any firearm on county property or job location, or in his/her vehicle while on official business, except with the prior and specifically expressed approval of the Chief Probation Officer.

Being armed is completely voluntary. Armed officers may opt to become unarmed at any time by submitting a written request to their immediate supervisor.

639.1.2 ARMING AUTHORIZATION

To become armed, an officer must successfully complete all department and state required firearms training and qualification requirements.

When permission is granted for an officer to be armed, the authorization will be in writing, countersigned by the armed officer, and placed in the officer's personnel file, subject to periodic review by the Chief Probation Officer. The written authorization shall include a statement indicating the officer understands and accepts departmental policy regarding firearms and shooting.

639.1.3 ARMING RESTRICTIONS

Officers who have been authorized to be armed are restricted from carrying or using firearms under the following conditions:

- (a) While in a condition where the officer's motor skills, reflexes, or judgment are or could be adversely affected.
- (b) While injured or in a physical condition causing inability to utilize a firearm properly.
- (c) While on administrative leave, unless specifically authorized by the Chief Probation Officer.

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- (d) While on extended leave without pay, or other period of unpaid absence from the department, including disciplinary suspension.
- (e) When ordered by the Chief Probation Officer and/or designee not to be armed.

639.1.4 ARMING REVOCATION

The Chief Probation Officer may rescind or revoke the authorization to be armed at any time, with no requirement for cause.

- (a) An armed officer's Division Director or designee may temporarily relieve an armed officer of his/her firearm, subject to review by the Chief Probation Officer.
- (b) If a recommendation for revocation of authorization to be armed has been made to the Chief Probation Officer, the person recommending the revocation shall immediately submit a written report to the Chief Probation Officer, via the chain of command, indicating the circumstances that led to the recommendation.
- (c) An armed officer may be re-assigned at any time based upon the needs of the department. If the new assignment is not designated as an armed position, the officer may be required to relinquish the department-issued firearm and related equipment at the discretion of the Chief Probation Officer.
- (d) There is no appeal to any revocation.

639.2 AUTHORITY AND REFERENCES

- Executive Committee;
- California Penal Code §§ 830.5, 832, 25100, 597.1(e), 597.1(b), 16850, 25140, & 25452;
- Title 49 Code of Federal Regulations § 1544.219.

639.3 AUTHORIZED WEAPONS, AMMUNITION AND EQUIPMENT

Officers are authorized to carry and use only the firearms and ammunition approved and issued by the Riverside County Probation Department. No firearms will be carried if they have not been thoroughly inspected by the Rangemaster except in an immediate life-threatening situation, or as authorized by the Chief Probation Officer or designee. In these instances, the firearm and its use will be subject to review. No firearm shall be carried by an officer who has not qualified with that weapon at an authorized department range except for officers actively participating in departmentally sanctioned arming academies.

All other weapons, 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, may not be carried by employees in the performance of their official duty. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

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639.3.1 DUTY WEAPONS

The authorized department-issued handguns are the [REDACTED]

[REDACTED]. Firearms issued by the department will not be altered in any manner, except for grips or grip adapters, as approved by the Rangemaster. All safety devices on the firearms provided by the manufacturer will be intact and functioning at all times. Firearms shall be inspected for serviceability by a designated armorer on an annual basis.

An approved non-lethal chemical agent, electronic control device (TASER) and impact weapon shall be carried in conjunction with the department-issued firearm while conducting field work. When in the office, if an officer chooses to carry the department-issued firearm, at least one approved less lethal option (chemical agent, electronic control device (TASER), or impact weapon), shall be carried in conjunction with the department-issued firearm. Task force officers and other positions as designated by the Chief Probation Officer are exempt from this requirement. The authorized firearm shall be encased in an approved holster and worn in conjunction with the officer's badge. It may be worn in plain view or concealed at the officer's discretion.

Any alleged improper use of a firearm will be investigated by the department, and if confirmed, may result in departmental sanctions as well as criminal and/or civil action.

639.3.2 AMMUNITION

Officers shall carry only department-authorized ammunition, [REDACTED]

[REDACTED]. If the aforementioned practice ammunition is unavailable, the lead Rangemaster will determine an appropriate substitute [REDACTED] that will allow officers the ability to train in accordance with department standards.

639.3.3 HOLSTERS

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

639.4 SAFE HANDLING AND STORAGE OF FIREARMS

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

639.4.1 SAFETY CONSIDERATIONS

- (a) Officers shall not unnecessarily display or handle any firearm.
- (b) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Officers shall not dry fire or practice quick draws except under Rangemaster supervision.
- (c) Officers shall not clean, repair, load or unload a firearm anywhere in the department, except where clearing barrels are present.

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- (d) Every firearm is to be treated as if it is loaded.
- (e) Any un-holstered firearm that is brought into a departmental facility shall first be unloaded.
- (f) Any weapon authorized by the department to be carried that is found by the officer to be malfunctioning or needing service, shall not be carried. It shall be promptly presented to the department Rangemaster for inspection. Any weapon determined to be in need of service or repair during an inspection by the department Rangemaster, will be immediately removed from service. If the weapon is the officer's primary duty weapon, a replacement weapon will be issued to the officer until the duty weapon is serviceable.

Any discharge of a firearm resulting from failure to comply with the above safety considerations shall be considered an act of negligence, and subject the officer to revocation of authority to carry a firearm and/or disciplinary action.

639.4.2 ALCOHOL AND DRUGS

Firearms shall not be carried by any officer who has consumed any amount of an alcoholic beverage, or has taken any drugs or medication that would tend to adversely affect the officer's senses or judgment.

639.4.3 FIREARM STORAGE

Officers shall not place or store any firearm, ammunition or other weapon on department premises except where the place of storage is locked.

No one shall carry firearms into the jail/institution or any part thereof when securing or processing a prisoner, but shall place all firearms in a secured location. 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 institutional grounds unless the vehicle is equipped with a firearm lock box. At such facilities, the above weapons and items must be checked into a specific area designated by facility staff for safekeeping and temporary storage.

Officers 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 (Penal Code § 25100).

Officers shall not permit department-issued firearms to be handled by anyone who is not authorized by the department to do so.

Officers shall be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

639.4.4 STORAGE IN VEHICLES

Firearms are not to be stored overnight in a county vehicle or private vehicle used on county business. If an on-duty armed officer, when conducting business other than client or high risk contacts, does not wish to carry their firearm into a residence or public building, the firearm may be temporarily stored in a locked vehicle trunk, as long as the vehicle is locked.

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When leaving a handgun in an unattended vehicle, officers shall ensure that it is locked in the trunk, or in a locked container which is placed out of view, or in a locked container that is permanently affixed to the vehicle's interior and not in plain view (Penal Code § 16850; Penal Code § 25140; Penal Code § 25452).

Officers are exempt from this requirement during circumstances requiring immediate aid or action in the course of official duties (Penal Code § 25140).

639.5 FIREARMS QUALIFICATIONS AND TRAINING

All armed officers are required to qualify quarterly with their duty weapon on an approved range course. The Rangemaster shall keep accurate records of quarterly qualifications, repairs, maintenance, training or as directed by the Training Manager. In addition to regular qualification schedules, the Rangemaster shall be responsible for providing all armed officers with annual practical training designed to simulate field situations. At least annually, all officers carrying a firearm will receive training on the department Use of Force policy and demonstrate their knowledge and understanding.

639.5.1 NON-QUALIFICATION

If any officer is unable to qualify for any reason, including injury, illness, duty status, or scheduling conflict, that officer shall submit a memorandum to his or her immediate supervisor prior to the end of the required shooting period.

Officers who repeatedly fail to qualify will be relieved from an armed assignment.

Officers who fail to qualify on their first shooting attempt shall be provided remedial training until proficiency is demonstrated and will be subject to the following requirements:

- (a) Additional range assignments may be required until consistent weapon proficiency is demonstrated.
- (b) Officers shall be given credit for a range qualification after remedial training and a qualifying score is obtained.
- (c) No range credit will be given for the following;
 - 1. Unauthorized range make-up.
 - 2. Failure to qualify after remedial training.

639.6 RANGEMASTER DUTIES

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

The range shall remain operational and accessible to department officers during hours established by the department.

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The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty weapons carried by officers of this department to verify proper operation.

639.7 MAINTENANCE AND REPAIR

Firearms carried on duty shall be maintained in a clean, serviceable condition.

639.7.1 REPAIR MODIFICATIONS OF DUTY WEAPONS

All repairs and/or modifications of department-issued weapons not performed by the Rangemaster must be approved in advance by the Rangemaster and accomplished by a department-approved gunsmith/armorer.

639.7.2 DAMAGED, LOST OR STOLEN FIREARMS

In the event a firearm is believed to have been damaged, lost or stolen, the officer shall immediately report the incident to his/her immediate supervisor. The verbal notification shall be followed by a written incident report, and, if warranted, a police report shall be filed in accordance with the Department-Owned and Personal Property policy.

639.8 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the department based on the law and published TSA rules.
- (b) Officers must carry their Riverside County Probation Department identification card bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief Probation Officer or the official seal of the department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).



- (d) An official letter signed by the Chief Probation Officer authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.

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- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor or as directed by the Staff Development Unit.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

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