

PROBATION DEPARTMENT DIRECTIVE

No.:	1444
Issued:	10-22-20
Post Until:	11-22-20

SUBJECT: ADULT INVESTIGATIVE SERVICES BUREAU (AISB) MANUAL POLICIES – LEGAL AUTHORITY TO CARRY & USE A FIREARM (SECTION 101.2); AND QUALIFICATIONS (SECTION 103.3)

This Directive supersedes and fully replaces Directive No. 1426, issued 6/14/19.

The following sections of the AISB Manual has been approved for distribution. Staff assigned to support the AIS Bureau are instructed to review the attached policies. The following new/revised policies are to be incorporated into the AISB Manual, which is currently in progress:

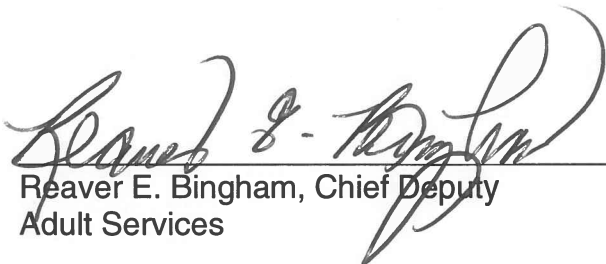
1. General Policies & Authority

- Legal Authority to Carry & Use a Firearm; Section 101.2 (*revised*)

2. Training & Qualification

- Qualifications: Section 103.3 (*revised*)

The policies will also be located on Prob-Net [Probation Manuals → Adult Investigative Services Bureau (AISB)]. Questions or concerns regarding this Directive shall be directed to the Special Enforcement Operations (SEO) Director, at (562) 334-4218.



Reaver E. Bingham, Chief Deputy
Adult Services

10-22-20

Date

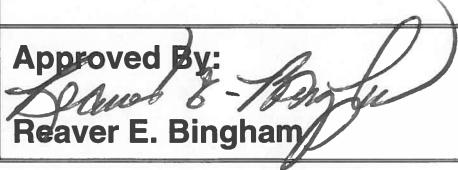
Subject: ADULT INVESTIGATIVE SERVICES BUREAU MANUAL ARMING POLICY	Section Number: AISB-100
	Effective Date: 10/22/2020
	Approved By:  Reaver E. Bingham

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ARMING POLICY – INTRODUCTION & PURPOSE**100 INTRODUCTION & PURPOSE****100.1 INTRODUCTION**

The decision to arm officers of the Los Angeles County Probation Department must address the role of those sworn officers and how their roles are affected by the carrying of a firearm. Although probation officers are peace officers by statute, the authority and role of probation officers differ from each other, as well as from other law enforcement officers. The Probation Department, the Legislature, the Judiciary, and society in general place greater value on the preservation of human life than on the apprehension of criminal offenders. For this reason, the Department considers firearms defensive weapons, to be used only for self-defense or the defense of others in life-threatening situations.

Recognizing the use of firearms as defensive weapons, this manual establishes policies for authorizing the carrying of a firearm, training requirements, and standards for using firearms. The Probation Department must also carry-out its responsibility to provide peace officers with a proper legal and moral framework within which to be guided in decisions concerning the use of a firearm.

Since the authority and ability to take a human life is one of the gravest responsibilities one can assume, it demands the highest moral and ethical principles. Each individual must consider his or her moral philosophy relative to the taking of a human life before serving in an armed assignment. One's own moral stance in regard to firearms must recognize that such an act on the part of an officer is an act of finality. A human life taken cannot be restored. An officer's decision to use or not use a firearm in the performance of his or her official duties constitutes one of the most difficult decisions one can make and must be freely and voluntarily made prior to the carrying of a firearm.

100.2 PURPOSE

The purpose of this manual is as follows:

- To clearly establish and define the policy of the Los Angeles County Probation Department regarding the authority of probation officers to carry firearms; handling, use, and storage of firearms; training and qualification requirements; and reporting and investigation of shooting incidents.
- To define the use of firearms by officers for self-defense or the defense of others in life-threatening situations.
- To define the legal authority of Probation Department staff classified as peace officers per Penal Code Section 830.5. This section authorizes officers to carry and utilize firearms while on-duty only if specifically authorized by and under those terms and conditions specified by the Chief

ARMING POLICY – INTRODUCTION & PURPOSE

Probation Officer and under the terms and conditions of this policy and its amendments.

ARMING POLICY – GENERAL POLICIES & AUTHORITY**101 GENERAL POLICIES & AUTHORITY****101.1 GENERAL ADMINISTRATIVE INFORMATION**

No employee of the Los Angeles County Probation Department shall carry a firearm while on-duty, either on his/her person or in a vehicle operated for official business or have a firearm in an office or job location without the prior, expressed, written approval of the Chief Probation Officer or his/her designee.

The Chief Probation Officer may authorize the arming of officers assigned to special units, assignments, or under such special circumstances as outlined in this policy. Such special circumstances could include where there is a serious threat against the life of an officer and sufficient cause exists to believe the individual making the threat has both the ability and the means to carry out the threat.

In the case of a request for mutual aid or other emergency circumstance, an armed officer (SEO) may be redeployed to assist and work under the direction of the requesting agency. This redeployment will be considered "on-duty" for the purposes of the authorization to carry 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 or his/her designee for continued authorization.

Officers permitted to carry firearms pursuant to this policy must meet the training requirements of Section 832 of the Penal Code, qualify with the firearm at least quarterly, as well as successfully complete any Department mandated training(s).

A firearm shall be regarded as a defensive weapon and will be used by sworn Probation Department officers authorized to carry firearms only for defensive purposes to protect human life and/or to prevent serious bodily injury as further defined in these policies.

101.2 LEGAL AUTHORITY TO CARRY & USE A FIREARM

The peace officer status of probation officers and corrections services officers is created in Penal Code Section 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:

ARMING POLICY – GENERAL POLICIES & AUTHORITY

(a) *"A . . . probation officer, deputy probation officer . . .*

(b) *". . . any superintendent, supervisor, or employee having custodial responsibilities in an institution operated by a probation department, or any transportation officer of a probation department."*

The probation officer's use of peace officer powers is limited by statute in Penal Code Section 830.5, subdivision (a), which reads in pertinent part:

"Except as otherwise provided in this subdivision, the authority of these . . . probation officers shall extend only as follows:

(1) *"To conditions . . . of probation by any person in this state on . . . probation.*

(2) *"To the escape of any inmate or ward from a state or local institution.*

(3) *"To the transportation of persons on... probation, mandatory supervision, or post release community supervision.*

(4) *"To violations of any penal provisions of law which are discovered while performing the usual or authorized duties of his or her employment.*

(5) *"To the rendering of mutual aid to any other law enforcement agency."*

As designated in Penal Code Section 830.5, the peace officer powers of a probation officer are limited. Probation officers, therefore, will not pre-empt other law enforcement agencies in enforcing the law.

The Probation Department's sworn officers' 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 in these policies. Nothing in these policies and procedures shall be considered or construed as providing a sworn officer authority beyond that granted in the Penal Code.

Officers authorized to carry firearms are required, pursuant to Penal Code Section 830.5, subdivision (d), to meet the training requirements of Penal Code Section 832 and to qualify with the firearm at least quarterly. Nothing in the Department's policy or procedures shall be construed to modify these requirements of the Penal Code. Officers authorized to carry firearms must comply with the requirements of the Penal Code and departmental policy and procedures as identified below:

- Officers authorized to carry firearms shall satisfactorily complete a prescribed departmental training course in legal aspects and departmental policies relating to firearms.
- Officers authorized to carry firearms must be qualified on the current departmental qualification course by an approved Rangemaster/Firearm Instructor. Qualification must be with the firearm to be carried or used and

ARMING POLICY – GENERAL POLICIES & AUTHORITY

completed prior to assuming the duties of an armed position. Successful re-qualification must be accomplished on at least a quarterly basis thereafter.

The legal authority for the discharge of firearms is derived from the Penal Code, and nothing in this policy shall preclude the Penal Code. On January 1, 2020, Penal Code Section 835(a) was updated and states the following:

- Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance.
- A peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons:
 - To defend against an imminent threat of death or serious bodily injury to the officer or to another person.
 - To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.
- A peace officer 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 peace officer or to another person.
- A peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested. A peace officer shall not be deemed an aggressor or lose the right to self-defense by the use of objectively reasonable force to effect the arrest or to prevent escape or to overcome resistance. For the purposes of this subdivision, “retreat” does not mean tactical repositioning or other de-escalation tactics.

Penal Code Section 196 states, “*Homicide is justifiable when committed by public officers and those acting by their command in their aid and assistance, either*”:

ARMING POLICY – GENERAL POLICIES & AUTHORITY

- *“In obedience to any judgment of a competent court; or,*
- *“When necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty; or,*
- *“. . . When necessarily committed in arresting persons charged with a felony and who are fleeing from justice or resisting such arrest.”*

Courts have interpreted that the Penal Code authorizes the use of deadly force only if the felony is a forcible one that threatens death or serious bodily harm to the officer or any other person. The fact that an officer is armed will not be the sole factor in determining whether an officer responds to a given situation or whether an officer shall remain on the scene of a potentially dangerous situation. An officer is not expected to and must not engage in activities that are hazardous simply because the officer is armed.

ARMING POLICY – REQUIREMENTS, AUTHORIZATIONS, & RESTRICTIONS**102 REQUIREMENTS, AUTHORIZATION, & RESTRICTIONS****102.1 REQUIREMENTS FOR AUTHORIZATION TO CARRY FIREARMS**

Authorization to carry and use a firearm on-duty requires the officer to agree to certain conditions:

1. The officer shall adhere to all departmental policies and procedures regarding the carrying and use of firearms.
2. The officer shall successfully complete all Department required firearms training, range qualification requirements, and pass both a medical examination by a County Physician and psychological examination by a departmental approved psychologist prior to being armed.

The Department will not require an officer to be armed. Officers must volunteer to be armed. Officers in the Department may be armed through the Special Enforcement Operations (SEO) recruitment process or through the Armed on Request (AOR) program. SEO and AOR are two distinct arming programs within the Department. SEO teams conduct enforcement and suppression type activities in the community. Staff armed via AOR are armed in their current assignment and capacity; their existing job functions do not change. They are armed due to the high-risk factors and the nature of their current assignment and associated job function(s).

SEO

SEO is the Department's armed operations consisting of the following programs:

1. Community Law Enforcement and Recovery (CLEAR). The CLEAR program is to facilitate the recovery of gang-infested communities with a co-located partnership with Los Angeles City and the Los Angeles Police Department.
2. Developing Increased Safety through Arms Recovery Management (DISARM). DISARM is a specialized program administered by the Department which works in collaboration with local agencies to provide street-level enforcement of probation conditions.
3. Prop 63 teams conduct activities similar to DISARM and focus on individuals who are going through the court process where a Prop 63 search has been ordered by the Court for firearm relinquishment and probationers identified as Prop 63 with search and seizure conditions.
4. AB 109 Armed is the armed contingent of the AB 109 program. These teams focus on the enforcement of conditions of supervision of Post-

ARMING POLICY – REQUIREMENTS, AUTHORIZATIONS, & RESTRICTIONS

Release Supervised Person (PSPs) and Mandatory Supervision (Split-Sentence) individuals.

Recruitment of staff into the SEO programs is done by a Departmental Special Recruitment Notice. Once the staff have successfully completed the SEO Arming Process (Orientation, Letter of Interest, Internal Background Check, Panel Interview, Medical Evaluation, Psychological Evaluation, and SEO Arming Academy), the staff is placed in a six (6) month Field Training Officer (FTO) program and is assigned to one of the above teams upon completion.

AOR

The Department implemented a process making arming available to qualified staff due to the nature of their assignments, high-risk factors, and other circumstances the Department may recognize. AOR is voluntary and must be initiated by the staff requesting to be armed. Staff that is armed via AOR is only approved to be armed for their specific assignment at the time of application and approval. Any time a staff changes assignments/duties, the armed approval will be revoked, and the firearm shall be returned to the Department.

Officers who believe that their current assignment requires a firearm shall fully complete and submit an original Armed on Request application (Appendix A), for review and approval. Once approved for arming, the officer will need to complete and successfully pass the entire AOR Arming Process (Internal Background Check, Medical Evaluation, Psychological Evaluation, and AOR Arming Academy); regardless if the officer has previous arming experience or have prior SEO Arming Academy completion; AOR and SEO are two distinct arming programs with differing job functions, mandates, and responsibilities (armed for enforcement/suppression vs. armed in their current assignment and duties).

102.2 AUTHORIZATION TO CARRY A FIREARM

The authorization to carry a firearm shall be in writing and signed by the Chief Probation Officer or designee using the Application to Possess and Use a Firearm (Appendix B), upon completion of the training and approved to carry a firearm on-duty, the Agreement to Carry a Firearm (Appendix C) document is completed. No officer shall carry a firearm while on-duty without prior written authorization of the Chief Probation Officer obtained pursuant to these policies and procedures.

The request to carry a firearm shall contain the following information:

1. The name of the officer;
2. Verification that the officer has completed medical and psychological testing and was certified by psychologically fit to carry a firearm;

ARMING POLICY – REQUIREMENTS, AUTHORIZATIONS, & RESTRICTIONS

3. A description of the type of weapon and ammunition that the officer is authorized to carry and use; and
4. A statement of any special conditions.

The authorization must be countersigned by the officer indicating his/her understanding of, acceptance of, and compliance with the following conditions:

1. The officer understands and agrees to adhere to all departmental policies;
2. The officer has satisfactorily completed all required training and qualifications;
3. The officer has been qualified by an approved Rangemaster/Firearm instructor in the use of the firearm;
4. The officer will complete any and all ongoing training and qualification required by these policies and by his/her immediate supervisor;
5. The officer has requested to be armed and is not being ordered to be armed;
6. The officer will carry a badge and identification as a sworn officer of the Los Angeles County Probation Department while carrying a firearm pursuant to Chief Probation Officer authorization under Penal Code Section 830.5;
7. The officer has completed psychological testing and has been certified as fit to carry a firearm;
8. The officer has completed all required physical screening/qualification;
9. Any violation of policy will be investigated by the Department and any improper action may result in disciplinary action, as well as criminal and/or civil action.
10. The Chief Probation Officer may revoke the authorization at any time, for any reason, and without cause.
11. Officers approved for an armed position may be eligible for an Additional Responsibility Bonus Pay (SEO). However, if an officer is reassigned from the armed position, the Additional Responsibilities Bonus Pay will be terminated upon reassignment.

The signed authorization to carry a firearm shall be kept in the Master Personnel File.

Officers are not authorized to carry their Department-issued firearm while off-duty. Officers may carry their Department-issued firearm while traveling directly to and from their residences and work location(s). Officers may not carry any non-Departmental issued firearm while on-duty unless authorized in writing by the Chief Probation Officer or designee. Any liability arising from such possession or use of a firearm shall be the sole liability of the officer.

ARMING POLICY – REQUIREMENTS, AUTHORIZATIONS, & RESTRICTIONS**102.3 ON-DUTY / OFF-DUTY**

Officers are not permitted to possess any non-Department issued firearm while in any building or vehicle owned or leased by the Los Angeles County Probation Department.

On-Duty

Officers designated by the Chief Probation Officer to carry a departmental issued firearm may only carry the firearm on-duty when authorized pursuant to and in accordance with these Departmental policies.

An officer is considered to be “on-duty” during his/her assigned working hours and whenever called back to duty by a supervisor or by his/her assignment and required to respond to a probation-related situation.

Off-Duty

- The off-duty use of any weapon is considered to be outside the scope of employment. Any officer who carries a concealed weapon off-duty, including officers licensed under Penal Code Section 25400 A(2) without the authorization of the Chief Probation Officer will be deemed to be acting outside the scope and course of his/her employment and to be acting completely and independently does so at his/her own risk. The county does not assume any liability or responsibility for such use.
- Any consequence or liability arising out of any act or incident involving unauthorized use or carrying of any personal firearm during off-duty hours shall be the sole, personal responsibility of the officer taking the action or involved in the incident.
- The Los Angeles County Probation Department will not provide legal defense in any claim or lawsuit arising out of the off-duty use of a weapon. Likewise, the County will not pay a claim or judgment against an individual arising out of the off-duty use of a weapon.

102.4 RESTRICTIONS ON CARRYING FIREARM

Officers who have been authorized to carry and use a firearm on-duty are prohibited from carrying or using firearms under the following conditions:

- After consuming alcoholic beverages or any controlled substances;
- When using prescription or off the counter medication that may impair or adversely affect motor skills, reflexes, vision, or judgment;

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- While injured or physically incapable and/or emotionally distressed causing inability to use a firearm properly;
- While on leave of absence without pay, or other period of unpaid absence from the Department or while on workers' compensation status and not working;
- While on disciplinary suspension or when the subject of an investigation at the discretion of the Chief Probation Officer;
- Any officer who will be absent from work for 30-days or longer will surrender his/her firearm to a Department Rangemaster/Firearms Instructor, Armed Supervising Deputy Probation Officer, Armed Director, Bureau Chief or Chief Probation Officer for safekeeping until the deputy returns to duty;
- When ordered by the Chief Probation Officer or other superior officer not to carry a firearm;
- When authorization to carry a firearm on-duty has been revoked by the Department;
- At such other times when prohibited by law, by policy, or as ordered.

102.5 REVOCATION OF AUTHORITY TO CARRY A FIREARM

The Chief Probation Officer or designee may revoke the authorization to carry a firearm at any time at his/her sole discretion. The authority to temporarily revoke the authorization and seize the firearm is delegated to management and supervisory personnel at their sole discretion pending final approval by the Chief Probation Officer or designee. The officer shall immediately be informed of the temporary revocation. A copy of the revocation shall be provided to the officer within five (5) working days.

Upon notification of revocation of authorization by the Chief Probation Officer or supervisory personnel, the officer shall immediately cease carrying the firearm on duty and shall return the firearm and armed ID to the Rangemaster or to an armed supervisor or above that is qualified to handle a firearm. The returned firearm and armed ID shall be logged by the Rangemaster and stored.

Immediately upon making the decision to temporarily revoke authorization, the manager shall submit a written report to the Chief Probation Officer via the chain of command. The report must indicate the circumstances in support of the revocation. The Chief Probation Officer shall then make a final determination to revoke or not revoke the authorization. If it is determined that the firearm authorization is revoked, a memo shall be given to the officer within five (5) working days following the determination by the Chief Probation Officer.

ARMING POLICY – REQUIREMENTS, AUTHORIZATIONS, & RESTRICTIONS

Temporary and/or permanent revocations shall not be considered disciplinary action nor subject to the grievance/arbitration procedures. Failure to surrender the firearm will result in disciplinary action.

102.6 EMERGENCY RESPONSE STATUS

SEO Officers trained in the defensive use of a firearm may be directed by the Chief Probation Officer or designee to respond to an emergency or exigent circumstance, either within the Department or as a response to a request for mutual aid. Despite the variance from the officer's normally assigned duties, location and hours of work, this response will be considered to be "on-duty" for the purposes of the authorization to carry a firearm.

In the case of responding to a request for mutual aid, an officer may be temporarily assigned to work with and under the direction of the requesting agency. Any such officers are expected to continue to act in accordance with their training and experience and conduct themselves in a manner that reflects positively on the Probation Department. The officer shall communicate with their unit supervisor if any confusion or conflicts occur regarding their role or duties in a mutual aid situation.

102.7 USE OF FIREARMS FROM OR AT MOVING VEHICLES

The use of firearms against moving motor vehicles is inherently dangerous and almost always ineffective. An officer threatened by an oncoming motor vehicle shall move out of its path instead of discharging a firearm at it or its occupants and allow the vehicle to pass and utilize other tactical or investigative means to identify or apprehend the suspect. Officers shall make every effort not to position themselves or remain in the path of a moving vehicle or a stationary suspect vehicle that might become mobile. An officer shall not discharge a firearm from or at a motor vehicle or its occupant(s) in response to a threat posed solely by the vehicle unless the member has an objectively reasonable belief that:

- The vehicle or suspect poses an immediate threat of death or serious physical injury to the officer or another person, AND
- The officer has no reasonable alternative course of action to prevent the death or serious physical injury.

ARMING POLICY – TRAINING & QUALIFICATIONS**103 TRAINING & QUALIFICATION****103.1 RESPONSIBILITY FOR TRAINING**

Any officer authorized or applying for authorization to carry a firearm, must participate in all required Department approved training and must meet all requirements set forth in these policies or otherwise required by the Department.

The training unit will monitor all firearm training and qualification. It is the responsibility of the Department to provide a program meeting minimum standards of training required by these policies.

Each officer and his/her supervising officer are responsible for compliance with the training requirements of these policies, including any ongoing or specialized training and qualification.

Armed officers may participate in the training conducted by their assigned law enforcement team(s) with the prior review and approval of the Rangemaster/Firearms Instructor, Director, and Bureau Chief.

103.2 TRAINING REQUIREMENTS

Required training shall include the successful completion of an approved course on firearms pursuant to Section 832 of the Penal Code, a course on the Departments firearms policies, and other training as set forth in these policies or otherwise required by the Department.

All training and qualification must be satisfactorily completed prior to the granting of approval for the officer to carry a firearm. All firearm training outside the Department shall be approved by the Rangemaster/Firearm Instructor, Director, and Bureau Chief.

The Department shall monitor all legislative and policy changes relating to the use of firearms by peace officers and shall provide necessary updated training in a timely manner.

The Department shall maintain records of firearms training of all officers authorized to carry firearms and shall notify the Chief Probation Officer, via the chain of command, starting with the affected officer, when any such officer is not in compliance with the Department's training requirements.

In addition to the training pursuant to Penal Code Section 832, the firearm certification, and the quarterly certification with the firearm, authorized peace officers being armed shall satisfactorily complete all applicable Arming Academy

ARMING POLICY – TRAINING & QUALIFICATIONS

(SEO or AOR) course training requirements. The course is adapted from the Chief Probation Officers of California guidelines and shall consist of the following:

- The legal considerations for the carrying and using firearms, include:
 - The laws governing incident to an arrest,
 - The law of self-defense and the use of force by peace officers,
 - The civil liabilities of probation officers;
- Agency policies concerning the carrying of firearms by officers;
- The ethical and moral considerations of the use of firearms and deadly physical force;
- Including quarterly qualifications and practical demonstration by the officer regarding:
 - Firearm safety,
 - The care and cleaning of the authorized weapon, and
 - Shooting proficiency.

Additional courses, as directed, will be coordinated with the staff training unit by the officer's supervisor/management. These courses will include, at a minimum:

- Cardiopulmonary Resuscitation (CPR) and First Aid certification;
- Officer Safety, which includes self-defense options, including:
 - Verbal alternatives to the use of force;
 - Tactical Communications;
 - Mental Health;
 - Defensive Tactics;
 - Management of assaultive behavior;
 - Disengagement;
 - Chemical agents.

All of the above training shall be provided by subject experts on a recurrent basis to maintain the officer's skills and knowledge and to keep him/her current on any required certification.

The Rangemaster/Firearm Instructor will issue a Department weapon to the officer, for training purposes only, if the officer has not been issued a service weapon. Such weapons will be returned to the Department Rangemaster/Firearm instructor when not being used for training. The Rangemaster/Firearm Instructor will provide

ARMING POLICY – TRAINING & QUALIFICATIONS

a firing range program for use by Department personnel. In given circumstances, as approved, additional range(s) may be utilized.

103.3 QUALIFICATIONS

Any officer authorized to carry and use a firearm must be certified as currently qualified to do so by the Rangemaster/Firearm Instructor.

- The minimum qualifying score of Pass/Fail shall be established by the Rangemaster/Firearm Instructor and approved by the Chief Probation Officer.
- Officers shall comply with the Rangemaster/Firearm Instructor's policies and directions.
- The Rangemaster/Firearm Instructor shall administer a firearms qualification program in liaison with the Department that ensures competency of all officers authorized to carry firearms.
- Any officer who fails to qualify shall be given the opportunity to remediate under the direction and supervision of the Rangemaster/Firearm Instructor. The officer will be provided the opportunity to remediate during the same qualification month.
- Officers who fail to qualify quarterly, will be required to attend an internal Standards and Training for Corrections (STC) certified remediation class within the current qualification month. The curriculum will cover the fundamentals of handling a firearm. In addition, at the conclusion of the course, the officer must successfully complete one (1) practice course of fire and will have two (2) opportunities to qualify.
- Officers who fail to qualify after attending the internal STC certified remediation class shall immediately surrender their firearm to the Rangemaster and will be scheduled to retake the Combat 50 Firearms Course with the Los Angeles County Sheriff's Department (LASD). Please note: The retaking of the Combat 50 Firearms Course will be based on LASD's schedule and availability.
- Officers who fail the Combat 50 Firearms Course shall immediately surrender their firearm to the Probation Department Rangemaster and will be removed from any and all armed programs. The impacted officer may re-apply for the armed programs after three (3) years from the date of removal. The reapplication process will require passing all phases, as outlined in the applicable Armed Reserve Pool Academy Special Recruitment Notice.

ARMING POLICY – TRAINING & QUALIFICATIONS

- Officers who pass the Combat 50 Firearms Course must immediately qualify with the Probation Department Rangemasters. If the Officer qualifies, the firearm will be re-issued. If the Officer fails to qualify, they shall immediately surrender their firearm to the Rangemaster and will be removed from any and all armed programs. The impacted officer may re-apply for the armed programs after three (3) years from the date of removal. The reapplication process will require passing all phases, as outlined in the applicable Armed Reserve Pool Academy Special Recruitment Notice.
- Any Officer that fails quarterly qualification twice within a calendar year, but qualifies through the remediation process, shall be required to complete and successfully pass the Combat 50 Firearms Course with all previously noted conditions, including surrendering of the firearm until the retaking of the course.
- Officers shall qualify with their Department issued firearm quarterly or as directed. Officers not qualified with a Department issued weapon are not authorized to carry that weapon until they become qualified with it.
- All officers shall be issued a Weapon Qualification Card (See Appendix D) to reference their quarterly qualification status. The card will list the officers First and Last Name, Employee Number, Weapon Model, Weapon Serial number, qualification data, and the Rangemaster that records the score.
- Any officer who is absent for 30 days or longer shall surrender his/her firearm to the Rangemaster/Firearm Instructor or his/her supervisor, who shall deliver it to the Rangemaster/Firearm Instructor, for safekeeping until the officer returns to duty.
- The Rangemaster/Firearm Instructor shall prepare and submit a quarterly firearm qualification report to the Chief Probation Officer, with copies to the appropriate Bureau Chief and Director.
- An officer may, with the Supervising Deputy Probation Officer's approval, be authorized additional on-duty hours for practice to improve proficiency in the use of a firearm. Arrangements will be made for additional firearm practice under the supervision of, or with the approval of, the departmental Rangemaster/Firearm Instructor. Officers are not to train or practice with a departmentally issued weapon on their own or without the supervision of a departmental Rangemaster/Firearm Instructor.

103.4 RANGEMASTER/FIREARM INSTRUCTOR REQUIREMENTS

A Rangemaster/Firearm Instructor must be qualified through a POST certified firearms course approved by the Department. The Department's Rangemaster/Firearm Instructor's duties consist of the following:

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- Conducting firearm qualification and re-qualification as required by these policies.
- Conducting such shooting range and additional firearms-related training as the Rangemaster/Firearm Instructor deems appropriate and necessary.
- Providing a firing range program for use by Probation Department personnel.
- Establishing and enforcing such rules of conduct on the shooting range as the Rangemaster/Firearm Instructor deems necessary for the safe operation of the shooting range and the safety of those using it.
- Notifying the Director in writing of any officer who fails to qualify after the second attempt on the same day. A remediation attempt will be provided to the affected staff within the same qualification's month; a memo from the Rangemaster/Firearm Instructor noting the process and protocol will also be provided to the staff.
- Rangemasters/Firearm Instructors may use the assistance of a departmentally approved Range Safety Officer while conducting training.
- Observing the handling of firearms by officers, report any firearms safety violations, and take any other action that he/she deems necessary, including confiscation of an officer's firearm.
- Maintaining firearms training records for all officers authorized to carry firearms.
- Maintaining inventory of all weapons, ammunition, and equipment issued to officers and/or weapons, ammunition, and equipment that officers have been authorized to use.
- Inspecting weapons, ammunition, and equipment for safety; to maintain inspection records; and to take any action that the Rangemaster/Firearm Instructor deems necessary, including the confiscation of an officer's weapon, ammunition, and equipment when unsafe weapons, ammunition, and/or equipment are discovered.
- Confiscating and/or taking control of a Department authorized firearm of any officer who fails to achieve a qualifying score and/or exhibits inappropriate behavior while on the range. A written report must be submitted to the Chief Probation Officer within one (1) working days of any incident involving the confiscation of a firearm or ammunition.
- Coordinating annual safety inspections of Department-issued weapons by approved armorer and to obtain certification for each weapon.

ARMING POLICY – FIREARMS & MAINTENANCE**104 FIREARMS & MAINTENANCE****104.1 AUTHORIZED FIREARMS, AMMUNITION, AND HOLSTERS**

Officers authorized to carry firearms shall carry and use only the firearms, ammunition and holsters authorized by the Department and with which the officer has qualified pursuant to the following:

- The Department will issue the appropriate firearm, holster, and ammunition for use by the officer. Only Department issued equipment shall be authorized.
- All Department issued firearms will be registered to the Probation Department. The Department will maintain records indicating to whom the firearm is issued, the date, the make, model, and serial number, and the date of certification.
- The firearm, holster, and ammunition issued by the Department shall not be altered in any manner, unless previously approved in writing. Personalized grips or grip adapters or adjustments may be made by the Rangemaster/Firearm Instructor/Armorer.
- The officer will check all safety devices on the firearm provided by the manufacturer and ensure that they are intact and functioning at all times.
- All firearms shall be certified annually by the Rangemaster/Firearm Instructor/Armorer.
- Officers are authorized to carry and use only the firearm with which they have successfully completed the prescribed training course. They must have current qualification on the range with that weapon and holster.

104.2 FIREARMS SAFETY AND STORAGE

Officers authorized to carry firearms are charged with the responsibility to observe and practice the following safety regulations:

- Every firearm shall be treated as a loaded firearm until the officer has personally inspected and cleared the weapon.
- Never point a firearm at anything you do not intend to shoot or destroy.
- Keep your finger off the trigger until you have made the decision to shoot.
- Be sure of your target, backstop, and beyond before firing.
- Firearms shall not be fired, dry-fired, cleaned, repaired, exhibited, loaded, or unloaded in any manner that could result in negligent discharge.

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- Firearms shall not be carelessly handled at any time.
- Officers shall not use any firearm with which they have not been qualified except under the supervision of the Rangemaster/Firearm Instructor.
- All firearms equipped with safety devices shall be placed in a “safe” position except when use is imminent.
- Officers shall wear Department issued body armor at all times while engaged in field activities, firearms training or transportation activities while carrying a firearm, unless otherwise authorized by the Chief Probation Officer or designee.
- When practical, the loading/unloading of Department weapons will take place on the firing line at an approved range under Rangemaster/Firearm Instructor supervision. Probation Department or Sheriff’s Department loading barrels are an acceptable alternative, absent practical access to a range.

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

- When not being carried or worn, the firearm and ammunition shall be stored in a designated gun safe (personal or department issued) that is not accessible to unauthorized persons. Only departmentally issued firearms are to be stored in the departmentally issued gun safe. The Department-issued gun safe shall be used solely for Department issued firearms.
- To the extent that personnel use their firearm or gun safe for non-authorized purposes or for personal firearms, the Department will neither defend nor indemnify you against any liability and you will be subject to personal liability.
- Firearms are not to be stored overnight in a County vehicle.
- When a firearm is taken to the officer’s residence, it shall be kept the Department-issued locked box where it is inaccessible to other individuals, especially children, in compliance with Penal Code Section 25100, which reads:
 - Except as provided in Section 25105, a person commits the crime of “criminal storage of a firearm of the first degree” if all of the following conditions are satisfied:
 - (1) The person keeps any loaded firearm within any premises that are under the person’s custody or control.

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- (2) The person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian.
- (3) The child obtains access to the firearm and thereby causes death or great bodily injury to the child or any other person.

104.3 CLEANING & INSPECTION

All cleaning necessary to maintain the firearm in good working order is the responsibility of the officer to whom the firearm is assigned. The firearm will be cleaned after use and inspected each time the officer qualifies on the firing range or more frequently if the Rangemaster/Firearm Instructor deems it necessary. Cleaning of firearms by armed staff is preferably conducted in Department approved settings or facilities. Armed staff are prohibited from cleaning firearms in Department area offices and work sites. Rangemaster/Firearm Instructors may conduct maintenance in designated areas, such as the armory.

104.4 MAINTENANCE

All repairs and servicing of authorized firearms will be performed by or under the direction of the armorer. The only exception will be the normal cleaning of firearms (field stripping). All weapons must be inspected annually by the armorer as arranged by the Rangemaster/Firearm instructor.

Any officer whose firearm has been dropped and any officer who has a question regarding the safety condition or proper functioning of the firearm shall notify his/her Supervising Deputy Probation Officer and the Rangemaster/Firearm instructor, who will have the firearm inspected by the armorer.

When a weapon is taken for repair or servicing, a replacement weapon of the same make, model and caliber will be issued. The officer shall qualify with the replacement weapon and on approved range.

When the regularly-issued firearm is returned to the officer, the temporarily issued firearm shall be promptly returned to the Department.

ARMING POLICY – CARRYING, UNHOLSTERING & USE OF FIREARMS**105 CARRYING, UNHOLSTERING, & USE OF FIREARMS****105.1 CARRYING THE FIREARM**

Officers authorized to carry firearms shall only carry firearms issued by the Department or approved by the Chief Probation Officer. The authorized and approved firearm must be encased in an approved holster. Any officer authorized to carry a firearm shall have in his/her possession, whenever carrying a firearm, his/her Department issued badge and identification card. The display badge shall be worn on the belt next to the weapon. The firearm shall be fully loaded with a duty round chambered when it is carried or worn on-duty.

SEO Officers carrying a firearm on-duty shall wear full designated uniforms with safety equipment and shall display issued badge next to their firearm at all times, unless otherwise exempted below:

- Non-field operations (meetings, presentation, training, court subpoenas);
- Assignments that involve/require surveillance and other specialized undercover functions; and
- Any additional exemptions authorized by the Chief Probation Officer or designee.

AOR Officers carrying a firearm on-duty shall wear the applicable dress/uniform as they would be prior to being armed as their assignment dictates with safety equipment and shall display issued badge next to their firearms at all times. Generally, AOR Officers will be carrying their firearm concealed while in the field due to the nature of their assignment and job function, with any exemptions as authorized by the Chief Probation Officer or designee.

Regardless of any exceptions, any officer equipped with a duty firearm, shall also have the following:

- Protective vest;
- Handcuffs;
- OC Spray/Gel;
- Firearm holster;
- Magazine holder with additional issued magazines; and
- Display badge.

An officer shall not carry a firearm when boarding an aircraft without specific written permission given by the Chief Probation Officer or designee. If such permission is

ARMING POLICY – CARRYING, UNHOLSTERING & USE OF FIREARMS

given, the officer shall comply with all regulations set forth by the Federal Aviation Administration and local jurisdiction.

105.2 FIREARM SAFETY

An officer authorized to carry a firearm shall not brandish any firearm unless its actual use in the situation would be proper pursuant to these policies.

The firing of warning shots presents a danger to both the officer and innocent bystanders and is prohibited.

Firearms are not designed or intended to be used as clubs and shall not be used to strike another person, except as a last resort in a serious bodily injury or life-threatening situation.

Firearms installed with weapon lights are not designed or intended to be used as handheld flashlights and shall not be used in place of a handheld flashlight.

An officer shall not surrender his/her firearm to any person other than the unit's supervisor, Rangemaster/Firearm Instructor, or another law enforcement official acting in a legitimate official capacity.

105.3 STOLEN OR LOST FIREARMS

The officer shall file a report with local law enforcement and their supervisor immediately upon discovery that his/her firearm is missing. The supervisor will notify the Director of the lost or stolen firearm through the chain of command.

All officers involved in or witnessing such an incident shall prepare a Special Incident Report (Appendix E) containing the details regarding the loss or theft of the firearm. He/she shall provide that report to the Supervising Deputy Probation Officer before the end of the first working day. That report will be forwarded to the Director, through the chain of command.

The officer is subject to disciplinary action and shall reimburse the Department in the event a firearm and related equipment are lost through the negligence of the officer.

105.4 UNHOLSTERING & USE OF FIREARM

Except for cleaning purposes, training, and storage, the firearm shall not be removed from the holster unless there are sufficient and compelling reasons for doing so. In making that determination, it is not necessary for the officer to wait until an individual is actually being assaulted or otherwise under attack before the

ARMING POLICY – CARRYING, UNHOLSTERING & USE OF FIREARMS

firearm can be drawn. Rather, if the officer determines that there is a potential threat to life through the behavior of another, the firearm may be drawn in preparation of a need to respond to that danger. If, however, that threat fails to materialize or is otherwise controlled, the firearm shall be re-holstered as soon as it is safe to do so.

Officers are authorized to draw their weapon from its holster under the following conditions:

- When circumstances surrounding the incident create a reasonable belief that a potential threat of death or serious bodily harm exists to the officer and/or members of the public and the use of a firearm may be necessary to protect life.
- An officer is requested to provide backup by a law enforcement agency in a potentially life-threatening situation. This may include high-risk entry situations.
- For maintenance and inspection. The officer shall ensure that the firearm is empty of ammunition prior to cleaning or inspection.
- For training purposes; whenever utilizing the firearm in an approved training course, practice session, or qualification with the Rangemaster/Firearm instructor.
- When conducting a protective/safety sweep of a residence during a search.

105.5 DISCHARGE OF A FIREARM & THE USE OF DEADLY FORCE

Deadly force may be used only when all other reasonable means have been exhausted or if, under the circumstances then existing, other means would likely be ineffective and could increase the danger to officers or other innocent parties. It is the policy of the Department that officers shall assess all reasonable means of self-protection and the protection of others in the officer's presence before resorting to the use of a firearm.

Justification for the use of deadly force is limited to what reasonably appears to be the facts known or perceived by the officer at the time the officer decides to shoot. Officers must have an independent basis to fire weapon and shall not shoot based solely on the observation of another peace officer or because other law enforcement personnel may be shooting. Facts unknown to the officer and which could not reasonably have been expected to be known by the officer cannot be considered later in determining whether the shooting is justified. The justification will be assessed by the legally-authorized agency or Department.

Officers are authorized to discharge firearms in the line of duty under the following circumstances:

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- Armed officers may use deadly force to protect themselves or others from what they reasonably believe to be an immediate threat of death or serious physical injury to themselves or others.
- An armed officer may use deadly force to affect the capture or to prevent the escape of a suspect where the officer has probable cause to believe that the suspect poses a significant and immediate threat of death or serious physical injury to the officer or others.

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

- Whether a firearm has been displayed or any article that can be used as a weapon by an individual in a threatening manner that might reasonably cause the death or serious bodily injury to the officer or another person.
- Whether the suspect is known to the officer to have a record and/or history of violent behavior.
- Whether the officer has information from a reliable source (such as a spouse, law enforcement official, employer, or landlord) that an individual is or may be armed and dangerous.
- Whether there have been auditory or visual indicators at the scene of the potential threat (such as the sound of gunshots, screaming, or cries, or sounds or signs of an altercation in process).
- Whether there are other reasonable alternatives available, including disengagement.
- Whether the firearm can be tactically utilized (e.g., whether there are crowds, small children, hostages, etc.).

105.6 USE OF FIREARMS ON ANIMALS

Just as with human life, deadly force on animals should be used only for self-defense or the defense of others in life-threatening situations. Officers shall assess all reasonable means of self-protection and the protection of others before resorting to the use of a firearm. Officers may use firearms to employ deadly force on animals only when they reasonably believe the animal poses an immediate threat of death or serious physical injury to themselves or others. Department members shall not use firearms to shoot animals fighting with other animals or to euthanize an animal.

ARMING POLICY – INVESTIGATION OF UNHOLSTERING & SHOOTING INCIDENTS**106 INVESTIGATION OF UNHOLSTERING & SHOOTING INCIDENTS**

In the event an officer discharges his/her weapon during the course of his/her employment, officers and supervisory staff may refer to the Officer Involved Shooting Checklist (Appendix F) to serve as a guide of the procedures to follow. The procedures reporting and investigating officer-involved shootings and unholstering of the firearm are detailed in the following sections.

106.1 UNHOLSTERING OF FIREARM

Any officer who draws his/her firearm except on a supervised range, training exercise, joint task force, or enforcement operation protective/safety sweep shall verbally report to the supervising officer as soon as practical, as would be expected with any out-of-the-norm field events. Prior to the end of the working day, a Special Incident Report will be submitted by all officers witnessing or involved in such an incident.

Upon being notified, the supervising officer will conduct a preliminary review of the circumstances which led to the unholstering and discuss any training or tactics implications with the officer.

A Special Incident Report shall be prepared by the Supervising Deputy Probation Officer prior to the end of the next working day, and routed to the Director, who will then forward the report to the Bureau Chief and Rangemaster/Firearm Instructor and Officer Involved Shooting (OIS) Investigator.

The above notification and written report by the Supervising Deputy Probation Officer should include the following information, if available:

- A brief description of the incident.
- A description of the Operational Plan/Search packet
- The names of all persons present during the incident, noting their status as a probation officer, probationer, and/or other persons, listing agency of law enforcement officers present.
- Recommendation, if appropriate, regarding the need for further investigation of the incident.
- Recommendation, if appropriate, of any need for officer training regarding the incident.
- Assessment if the weapon was drawn consistent with policy.

Within three (3) working days, the Director will recommend any further investigation of the incident and concur or disagree with the supervisor's written report as to whether the action of the officer was appropriate pursuant to these

ARMING POLICY – INVESTIGATION OF UNHOLSTERING & SHOOTING INCIDENTS

policies. The Director, in consultation with the Bureau Chief, will determine whether further investigation or actions are appropriate.

106.2 DISCHARGE OF A FIREARM WITHOUT INJURY

Whenever an officer discharges a firearm in the course of his/her employment, except on a supervised range or in an approved training exercise, and there is no resulting injury, the officers involved in the incident or witnessing the incident, as soon as safety permits, shall:

- Report the incident up the chain of command immediately.
- Prior to the end of the next working day, submit a Use of Force Report as soon as practicable up the chain of command.
- Immediately report the discharge to the local law enforcement agency with jurisdiction. Remain at the scene if requested by the local agency unless it is unsafe to do so.

Upon receipt of the notification, the supervising officer will report the incident to his/her Director and Special Projects Team (SPT) and respond to the scene. The Director or supervising officer shall obtain copies of related reports, if any, from other agencies and forward them through the chain of command.

The highest ranking on-scene Probation Department personnel at the time of the Officer Involved Shooting (OIS) shall preserve the scene and establish a perimeter. Location and scene preservation responsibility will be transferred to SPT upon arrival. Any evidence such as spent casings shall not be removed nor touched.

106.3 DISCHARGE OF A FIREARM INVOLVING DEATH, INJURY, OR POSSIBLE FELONY CRIMINAL VIOLATION BY A PEACE OFFICER

Whenever an officer intentionally or negligently discharges a firearm in the course of his/her employment and a death, injury, or possible felony criminal violation occurs, the officer shall, as soon as safety permits:

1. Secure and preserve the scene of the incident to the best of the officer's ability, including handcuffing all suspects.
2. Assess the situation and determine the condition of any injured person. If there are injured persons, the officer will summon emergency aid and render first aid, if appropriate.
3. Notify the local law enforcement agency with jurisdiction using 911.
4. Notify his/her immediate supervisor. The supervisor along with Director and Bureau Chief will respond to the scene.

ARMING POLICY – INVESTIGATION OF UNHOLSTERING & SHOOTING INCIDENTS

5. Remain at the scene until dismissed by the local law enforcement agency and/or supervising Professional Standards Bureau Investigator, unless it is unsafe to do so, or the officer is injured and needs medical treatment.
6. Protect the weapon for examination and when requested, the firearm shall be immediately surrendered to the local law enforcement agency or supervising officer, Director or Bureau Chief for purpose of examination or for investigative purposes.
7. When an officer has surrendered his/her firearm following a shooting unless exigent circumstances exist, a replacement weapon of the same make, model and caliber may be temporarily issued. The officer shall qualify with the replacement weapon at an approved range under the supervision of the Department's Rangemaster/Firearm Instructor. When the regularly-issued firearm is returned to the officer, the temporarily issued firearm shall be promptly returned to the Department.

The local law enforcement supervisor on the scene is responsible for the collection and preservation of evidence, and for contacting the District Attorney's Office.

Any officer who discharges his/her firearm and any other officers at the scene shall not discuss the incident except as provided below:

- Officer(s) will provide information to supervising officer necessary to provide a Public Safety Statement (Appendix G), protect the scene, and preserve evidence.
- Once enough information is gathered for the initial incident report, the officer(s) will be advised of the time and place of further interview(s). Such interview(s) shall take place as soon as practicable and shall not unreasonably delay the investigation.

Officers shall not comment to anyone from the media, general public, or others not directly involved in the investigation. Only the Chief Probation Officer or designee will respond to media inquiries. All officers on the scene involved or witnessing the incident shall submit a full, complete, and accurate written Special Incident Report to the supervising officer. Generally, the appropriate law enforcement investigators will handle in-depth interviews with the officers involved in the shooting.

106.4 CRITICAL INCIDENT SCENE RESPONSE

When an officer becomes involved in a shooting incident, an investigation shall typically be conducted by the Los Angeles County Sheriff's Department or local law enforcement agency with jurisdiction and the District Attorney. A concurrent administrative investigation by the Probation Department will also be conducted.

ARMING POLICY – INVESTIGATION OF UNHOLSTERING & SHOOTING INCIDENTS

When notified of an officer-involved shooting incident as part of the Department notification procedure, the supervising officer receiving the notification will obtain all necessary information, including the following:

- Emergency services contacted,
- Officer(s) involved,
- Date, time, and location of incident,
- Reporting party,
- Synopsis (who, what, when, where, how),
- Nature and extent of injuries (name, role, and agency, if applicable),
- Agencies involved (names and titles), and
- Name of supervising officer.

The supervising officer will then notify the Director via the chain of command. Once the Director notifies the Bureau Chief of the discharge of a firearm, the Professional Standards Shooting Response Team will respond to the scene of the incident and assume control of the scene in conjunction with the law enforcement agency with legal jurisdiction.

Prior to the arrival of the Shooting Response Team, the highest ranking or senior officer on the scene who was not involved in the shooting shall assume the leadership role as incident commander and do the following:

1. Notify Los Angeles Sheriff's Department or local law enforcement agency with jurisdiction.
2. Designate an officer to document all pertinent incidents and record the timeline of events leading up to and after the shooting incident, including the time of the shooting, arrival of supervisor, arrival of law enforcement, arrival of medical support staff, etc.
3. Notify their supervisor or manager. The supervisor or manager will notify Executive Management and Union Leadership using the EDL-PROB OIS group email.
4. See to the welfare of the involved officers.
5. Separate or remove involved officers from the scene.
6. Assign a chaperone to each officer involved in the shooting.
7. Direct involved officers and witnesses not to discuss incident until interviewed by investigators.

ARMING POLICY – INVESTIGATION OF UNHOLSTERING & SHOOTING INCIDENTS

The Professional Standards Shooting Response Team shall proceed as follows:

1. With due consideration for the preservation of life and the arrest of a suspect, protect the crime scene and preserve all the evidence until properly relieved by local law enforcement officers or other appropriate investigative agency personnel with legal jurisdiction.
2. Cooperate with the local law enforcement agencies conducting the investigation(s).
3. Identify witnesses and document any witness statements.
4. Follow the chain of evidence if the firearm is being relinquished for investigative purposes.
5. Provide all information gathered to local law enforcement officers or other appropriate investigative agency personnel as soon as possible.
6. If necessary, call additional probation personnel to the scene to assist.
7. If there has been a death or injury as a result of the discharge of a firearm, assign a probation staff member to remain with the officer involved in the shooting and to provide aid and assistance. If possible, this will be a person of the officer's choice. The person so assigned shall not inquire about the facts of the incident.
8. If the officer involved in the shooting needs transportation, assign a probation staff member to provide transportation. The officer involved shall avoid driving.
9. Inform the involved officer(s) that unless required for defensive purposes, the weapon shall be secured in the holster for later collection. Unless the circumstances dictate an immediate need, or unless directed by the law enforcement agency with legal jurisdiction, the involved officer(s) shall not be disarmed while in the field.

106.5 CRITICAL INCIDENT FOLLOW-UP

The Department will request an inspection of the firearm by a person of competent authority to determine its mechanical and/or functional condition, in addition to any other physical examinations that may be necessary as part of the investigation. A replacement weapon of the same make, model and caliber may be temporarily issued, if appropriate and available. When the regularly-issued firearm is returned to the officer, the temporarily issued firearm shall be promptly returned to the Department.

When the discharge of a firearm by an officer result in injury or death to another person, the officer shall be immediately relieved of duties and placed on administrative leave, without loss of pay or benefits, until authorized to return to duty by the Chief Probation Officer. This action does not imply improper conduct by the officer.

ARMING POLICY – INVESTIGATION OF UNHOLSTERING & SHOOTING INCIDENTS

While on administrative leave, the officer must remain available for official interviews. The officer shall not discuss the incident with anyone except the law enforcement agency handling the investigation, the District Attorney, Department personnel assigned to the investigation, the officer's private attorney, the officer's union representative, the officer's mental health professional, the officer's chosen cleric, and the officer's immediate family.

Any officer involved in an incident where a firearm has been discharged resulting in the injury or death of another person, even if the discharge was by another officer, shall be required to undergo a debriefing session with a Department designated psychologist as soon as possible following the incident. The purpose of the debriefing session is to allow the officer to express his/her feelings and to deal with the moral, ethical, and psychological after-effects of the incident. The debriefing session shall not be related to the Department investigation of the incident. The debriefing session shall remain protected by the privileged doctor-patient relationship.

Before the officer may return to work from an administrative or other leave resulting from the shooting incident, he/she must undergo a psychological evaluation and be cleared for return to duty. A psychological evaluation may also be required before an officer, who was reassigned as a result of a shooting incident, can be returned to the previous work assignment.

106.6 AGENCY REVIEW OF OFFICER-INVOLVED SHOOTING INCIDENTS

As necessary, the Chief Probation Officer or designee will submit requests to the Internal Investigations Office to investigate the facts surrounding shooting incidents and whether staff adhered to departmental rules, regulations, policies, and procedures. Following completion of the investigation, all investigative materials shall be submitted to the Shooting Review Board for review. The Chief Probation Officer has the authority to accept or reject the findings of the Board.