

SONOMA COUNTY PROBATION DEPARTMENT DEPARTMENTAL POLICY & PROCEDURES MANUAL			
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4.1 ARMING

INTRODUCTION

The monitoring of defendants/offenders placed under the supervision of the Sonoma County Probation Department has become an increasingly difficult job. Offenders are more often drug-involved, which increases their unpredictability; more often gang-involved, which increases their use of weapons and potential for violence; and they face lengthier sentences, increasing the risk of their resistance to being arrested and incarcerated. While Deputy Probation Officers are trained to verbally defuse potentially violent confrontations, it is recognized that some officers may be placed in situations where it may be necessary to defend themselves or others. Deputy Probation Officers of the Sonoma County Probation Department supervising selected caseloads of potentially dangerous, high-risk offenders may be exposed to risk of serious or fatal injury during the course of their assignments

California law allows Deputy Probation Officers of the Probation Department to carry firearms on duty with the authorization of the Chief Probation Officer. Officers of the Probation Department carrying firearms have special responsibilities and must adhere to appropriate policies and guidelines. This policy establishes Department standards to address the unique situations that armed Deputy Probation Officers encounter resulting from their supervision of offenders. The Sonoma County Probation Department will appropriately authorize officers to carry firearms as an additional defense option.

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PHILOSOPHY

The decision to arm selected officers of the Sonoma 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 differs from that of other law enforcement officers.

This policy establishes department protocols for authorizing the carrying of a firearm, training requirements, and standards for using firearms that are consistent with the Probation Officer's role in the community. Training in the proper use of the firearm is critical. A thorough knowledge of Department policy and the relevant legal authority is equally important.

Since the authority and ability to take or damage a human life is one of the most serious responsibilities one can assume, the Sonoma County Probation Department believes each individual must consider his or her moral philosophy relative to this responsibility before serving in an armed assignment.

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CHAPTER 1: AUTHORITY AND ARMING REGULATIONS

1. PURPOSE

The purpose of this policy is to clearly establish and define the circumstances in which Sonoma County Probation Officers may carry and use firearms (Chapter 1); training and qualification standards (Chapter 2); the safe handling and storage of firearms (Chapters 3-5); the procedure for the investigation of shooting incidents (Chapter 6); and the retiree procedure for concealed firearm (Chapter 7).

2. POLICY REGARDING ON-DUTY ARMING

The Chief Probation Officer has the sole discretion to determine whether a Probation Officer may be armed on duty pursuant to Penal Code Section 830.5, which allows for the use of peace officer powers while engaged in the performance of their duties in the following circumstances:

(1) to conditions of parole, probation, mandatory supervision, or post release community supervision by any person in this state on parole, probation, mandatory supervision, or post release community supervision; (2) to the escape of any inmate or ward from a state or local institution; (3) to the transportation of persons on parole, probation, mandatory supervision, or postrelease 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; and (5) to the rendering of mutual aid to any other law enforcement agency.

- a. No employee of the Sonoma County Probation Department shall carry a firearm while on duty without the prior express written approval of the Chief Probation Officer.
- b. Probation Officers who are authorized to carry firearms are given such authority to protect human life and/or to prevent serious bodily injury, as further defined in this policy.
- c. Factors the Chief Probation Officer may consider in determining whether to authorize a Probation Officer to carry a firearm on duty include: 1) whether the officer is assigned to a field supervision caseload and, 2) any other officer the Chief Probation Officer deems appropriate to arm.
- d. The Department at its discretion shall designate and maintain certain high risk supervision positions to be armed. Supervisors assigned to

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units that require oversight of armed officers may voluntarily request authorization to be armed. Those positions listed in Appendix F to this policy have been designated by the Department as high risk supervision positions and mandatorily armed. Should the Department decide to change the list of mandatorily armed positions listed in Appendix F, it will provide advance written notice to the affected bargaining unit representative and the opportunity to meet and confer with the Department regarding any negotiable effects presented by changes to Appendix F.

- e. Possession or use of firearms by on-duty officers is strictly prohibited except under conditions provided for in this policy.

3. REQUESTS TO CARRY FIREARMS ON DUTY

a. Regular Arming Request

- i. Any supervision officer who is not currently armed may request to be armed. The officer shall forward a written request to their unit Supervisor and Division Director. The Director will review the request with the respective Deputy Chief Probation Officer of the division.
- ii. All requests for arming will be evaluated in order of risk level, in their respective work assignment, by management.

b. Identified Specific Threat Arming

- i. Any officer who is not currently armed and believes he/she is facing a potential life-threatening situation shall report the circumstances to his/her supervisor as soon as possible and, if appropriate, to the local law enforcement agency.
- ii. The Unit 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 to the officer.
- iii. If the affected officer believes it is necessary to carry a firearm for self-protection, he/she shall submit an [Application For Authorization To Carry A Firearm](#) (Appendix A) and a memorandum containing the following information to the officer's supervisor:

1. The officer's current assignment, outlining the known dangers;

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2. The name of the person making the threat, if known, his/her location, and his/her relationship to the officer;
 3. The circumstances and background of the situation, including any history of violence;
 4. The relevant factors establishing the immediacy of the threat;
 5. A statement of the precautionary measures that have already been taken to reduce the personal risk;
 6. An estimation of the time period to be covered by the authorization.
- iv. The Unit Supervisor shall inform the Division Director and Deputy Chief a request has been made. The Supervisor shall complete a report detailing his/her investigation of the matter, summarizing the incident(s), as well as any relevant personnel information. This report shall be forwarded, together with the officer's Request for Authorization, to the Chief Probation Officer via the chain of command.
 - v. The request shall receive top priority by the Division Director and Deputy Chief. Each level shall evaluate the request and make a recommendation. Notification to superiors may be accomplished by telephone, should distance and location be a factor. Meanwhile, other precautions to safeguard the officer should be examined and considered and implemented, to the extent warranted. Notification shall be made to Risk Management if the circumstances warrant.
 - vi. The Chief Probation Officer has the discretion to approve or deny the request based upon review of the following information:
 1. Psychological clearance;
 2. D.O.J. firearm clearance;
 3. Successful completion of firearm and range training as specified by the Department;
 4. Any other factors relevant to safety/security issues.
 - vii. The decision of the Chief Probation Officer regarding on-duty arming shall be documented in the format attached as Appendix A, which will be placed in the employee's personnel file, as well as an arming training file maintained by the Chief

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Probation Officer's Executive Secretary. If the request is denied, the officer shall be notified in writing of the reason for the denial. The decision of the Chief Probation Officer shall be final and not subject to review. The matter may be reconsidered should new and different information be brought to the attention of the Chief Probation Officer, through normal chain of command channels or the provisions of this chapter.

4. AUTHORIZATION TO CARRY FIREARMS ON DUTY

- a. If the Chief Probation Officer has authorized an officer to carry a firearm on-duty, as a condition of receipt of such authority, the officer must satisfy the following requirements:
 - i. The officer shall successfully pass an arming-specific psychological examination prior to being armed. While arming of these positions is voluntary, completion of a psychological evaluation is mandatory to be considered for authorization to carrying a firearm, pursuant to Government Code section 1031(f).
 - ii. The officer shall be familiar with and agree to adhere to all Department policies and manuals regarding the carrying and use of firearms.
 - iii. The officer shall be familiar with and agree to adhere to all requirements pursuant to the Department's Use of Force policy.
 - iv. The officer shall successfully complete all Department-required firearms training, including but not limited to:
 1. Completion of Penal Code 832 Firearm training;
 2. Force and Weaponry course (16-40 hours);
 3. A minimum of 12 hours of Shoot/Don't Shoot scenario training;
 4. Training hours standard of Defensive Arming/Weaponless Defense course; and
 5. Meet quarterly range qualification requirements.
 - v. The officer shall successfully complete the following programs/ training, including but not limited to:
 1. First Aid and CPR;
 2. Verbal Alternatives to the use of force

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3. Use of Chemical Agents; and
 4. Defensive Tactics.
- b. When an officer has completed all necessary requirements to be armed on duty, the Chief Probation Officer shall sign the Application for Authorization To Carry A Firearm. Selected Officers for armed positions shall also complete and sign the [On-Duty Arming Acknowledgement Form](#) (Appendix B).
 - c. Considerations for training equivalency in order to meet these requirements may be granted by the Chief Probation Officer.

5. RESTRICTIONS ON CARRYING FIREARMS ON DUTY

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

- a. While under the influence of any alcoholic beverage, or any controlled substance, including, but not limited to cannabis.
- b. While in a condition resulting from the use of any drug or medication, whether prescription or over-the-counter, that impairs or adversely affects motor skills, reflexes, vision, or judgment.
- c. While injured, on modified duty, or in a physical and/or emotional condition causing inability to use a firearm properly.
- d. When authorization to carry a firearm has been suspended or revoked, for a reason not enumerated above.

6. REVOCATION OR SUSPENSION OF AUTHORIZATION TO CARRY A FIREARM ON DUTY

- a. The authorization to carry a firearm shall be subject to on-going periodic review, and the Chief Probation Officer may revoke or suspend the authorization to carry a firearm on duty at any time at his/her sole discretion. For purposes of this policy, revocation means termination of the authorization to carry a firearm, and suspension means the temporary cessation of the authorization to carry a firearm. The authority to suspend the authorization is also delegated to management and supervisory personnel, pending review by the Chief Probation Officer. An officer's authority to carry a firearm may be revoked or suspended for any reason, including but not limited to the following reasons:
 - i. The officer fails to re-qualify in the required time frame and/or achieve a minimum qualifying score with the firearm.

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- ii. The officer demonstrates an inability or lack of physical or mental capacity to safely handle the firearm, or the officer has carried, exhibited, or used the firearm in an unsafe, careless, or otherwise inappropriate manner.
 - iii. The officer fails to attend required classroom and/or range training.
 - iv. The officer violates the law and/or has been arrested or convicted and subsequently placed on administrative leave.
 - v. If the authorization was issued based on a specific threat to the officer, it may be revoked when the threat has been determined to no longer exist, at the discretion of the Chief Probation Officer.
 - vi. For such other good cause as may relate to the officer's ability to carry and/or properly use a firearm.
- b. Upon revocation or suspension of authorization to carry a firearm on duty, the officer shall immediately cease carrying the firearm on duty and shall surrender the firearm to his/her supervisor or person designated by the Chief Probation Officer. Failure to surrender the firearm and firearm-related equipment as required, may result in disciplinary action.
- c. Any officer whose authority to carry a firearm has been revoked or suspended shall have an opportunity to meet with the Chief Probation Officer or designee, to hear and consider information, and to review the reason(s) for revocation or suspension. The decision to reinstate an officer to armed status is at the sole discretion of the Chief Probation Officer and may not be appealed or grieved.

7. POLICY REGARDING OFF-DUTY ARMING

- a. It is the policy of the Department to grant those employees authorized to carry a firearm on-duty permission to carry department-issued firearms also while off duty. Officers authorized by the department to be armed on-duty may carry their department-issued equipment, including firearms and ammunition while off-duty.
- b. Pursuant to Penal Code section 830.5, a probation officer has peace officer status while engaged in the performance of their duties of their employment. It is the position of Sonoma County and the Chief Probation Officer that the decision to carry a concealed weapon off-duty is solely that of the officer. Should a Probation peace officer elect to carry a firearm off duty, (concealed or otherwise), except to the extent the peace officer is acting within the course and scope their employment,

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they do so as a private citizen, and shall be deemed to be acting completely independently from the county, and the county assumes no responsibility or liability for the actions of such peace officer. Except to the extent otherwise provided by applicable law or statute, and liability arising from such off-duty possession or use of a firearm shall be the sole liability of the individual peace officer.

- c. Conditions for Carrying a Department-Issued Firearm Off-Duty:
 - i. Peace officer employees who are permitted to carry their Department-issued firearm off-duty shall have in their possession, whenever carrying the firearm, their Department-issued badge and identification card with the signed authorization to carry a firearm off-duty.

8. DEFINITIONS

Probation Department Rangemaster

The Rangemaster duties will include, but are not limited to, the following:

- a. Development, implementation, operation, and oversight of the Firearms Training Program for the Probation Department, upon approval of the Chief Probation Officer.
- b. Tracking of successful and unsuccessful completion of firearm specific training modules and qualification courses.
- c. Review of individual progress regarding proficiency with firearms for armed probation officers.
- d. Development and implementation of remediation programs for Deputy Probation Officers as needed.
- e. Provide recommendations via Chain of Command to the Deputy Chief Probation Officer regarding the arming of any Deputy Probation Officer.
- f. Provide direct instruction in the use of firearms to armed probation staff.
- g. Ensure the Department Firearms Program is conducted in a safe and responsible manner.

Probation Department Firearms Instructor

A Probation Department Firearms Instructor's duties will include, but are not limited to the following:

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- a. Provide recommendations and input to the Department Rangemaster regarding the development, implementation, operation, of the Probation Department Firearms Training Program.
- b. Assist and support the implementation and operation of the Probation Department Firearms Training Program.
- c. Assist with the tracking of successful and unsuccessful completion of firearms specific training modules and qualification courses.
- d. Provide recommendations, through the Department Rangemaster, via Chain of Command to the Deputy Chief Probation Officer regarding the arming of any Deputy Probation Officer.
- e. Provide direct instruction in the use of firearms to armed probation staff.
- f. Ensure the Department Firearms Program is conducted in a safe and responsible manner.

Probation Department Armorer

A Probation Department Armorer's duties will include, but are not limited to, the following:

- a. Ensure all firearms issued by the Probation Department are in working order and appropriate for use in the field.
- b. Ensure the maintenance of all firearms issued by the Probation Department is current.
- c. Maintain an inventory of all Department Firearms.
- d. Maintain an inventory of all firearm related equipment.

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CHAPTER 2: TRAINING AND QUALIFICATION FOR ON DUTY ARMING

1. RESPONSIBILITY FOR TRAINING

- a. Any peace officer employee authorized or applying for authorization to carry a firearm on duty must participate in all Department required training and must meet all requirements set forth in these policies or otherwise required by the Department.
- b. The Department Firearm Instructor(s), under the direction of the Deputy Chief Probation Officer, will monitor all firearm training and qualification. It is the responsibility of the Department to provide a training program meeting minimum standards of training required by applicable law and these policies.
- c. Unit Supervisors/Directors are responsible for ensuring their officers' compliance with the training requirements of these policies, including any ongoing or specialized training and/or qualification.

2. TRAINING REQUIREMENTS

- a. Authorization to carry a firearm on duty shall not be granted unless and until the officer has satisfactorily completed the following training requirements:
 - i. An approved course on firearms pursuant to Section 832 of the Penal Code;
 - ii. A review of the Department's firearms policy;
 - iii. A 16-40 hour Basic Force and Weaponry Course, as selected by the Department;
 - iv. A minimum of 12 hours of Shoot/Don't Shoot scenario training
 - v. Cardiopulmonary Resuscitation (CPR) and First Aid certification;
 - vi. Officer Safety, which includes other self-defense options, including but not limited to:
 1. Verbal Alternatives to the use of force
 2. Defensive tactics
 3. Chemical Agents, Oleoresin Capsicum (OC Spray) and

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- vii. Other training as set forth in this policy or otherwise required by the Department, or as may be added from time to time in accordance with future legislative changes.
- b. The Firearm Instructor(s) shall maintain and forward documentation containing all firearm training records of all officers authorized to carry firearms to the Chief Probation Officer's Executive Secretary, to be placed in the arming training file, and shall notify the Chief Probation Officer and the affected officer when any such officer is not in compliance with the Department's training requirements.
- c. Courses will be scheduled in a timely manner and coordinated with the training staff by the Training Analyst and Division Training Coordinator. These courses will include, at a minimum:
 - i. Cardiopulmonary Resuscitation (CPR) and First Aid certification; and
 - ii. Officer Safety, which includes self-defense options, including:
 - 1. Defensive tactics
 - 2. Chemical agents (OC Spray)
- d. All of the above training shall be completed on a yearly basis, or as otherwise required (e.g., CPR) to maintain the officer's skills and knowledge and to keep him/her current on any required certification.
- e. The Department's Firearm Instructor/Rangemaster will coordinate and provide a range program for use by Department personnel. When approved, additional range sessions may be scheduled for the purpose of practice or remediation.

3. QUALIFICATION

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

- a. The minimum qualifying score for each type of firearm shall be established by the Rangemaster and approved by the Chief Probation Officer/Deputy Chief Probation Officer.
- b. Officers shall comply with the Rangemaster/Firearm Instructors directions.
- c. The Department shall administer a firearms qualification program which ensures reasonable competency of all officers authorized to carry department issued firearms.

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- d. Each officer authorized to carry a firearm shall qualify quarterly or as directed.
- e. Any officer who fails to successfully qualify, after remediation training as mentioned in subsection 2.e., of this Chapter, shall have his/her authorization to carry a firearm temporarily suspended. The officer shall be afforded two opportunities to qualify within 60 days. The qualification shoots shall be administered by the department Rangemaster or Firearms Instructor. If the employee fails to qualify within the 60-day period, the authorization to be armed will be immediately rescinded and the officer's firearm(s), ammunition, and arming related equipment, shall be turned in immediately to the Rangemaster or Firearms Instructor.
- f. Officers shall qualify with their Department-issued firearm.
- g. Any officer who is absent for 45 days or longer may be required to surrender his/her firearm to a designated Rangemaster or Firearms instructor.
- h. Any officer who requests a reissue of the duty firearm after being absent for a period of three (3) months or longer shall qualify before the officer is authorized to carry the department issued firearm. The returning officer shall also receive and review all firearms training materials provided to other officers during their absence.
- i. Qualification shall be during normal business hours. Requests for qualification outside of regular working hours may be approved by the Unit Supervisor and scheduled with the Rangemaster/Firearms Instructor.
- j. An officer may, with the Supervisor and Firearm's Instructor approval, be authorized additional on-duty hours for practice to improve proficiency in the use of the firearm. Arrangements will be made for additional firearm practice under the supervision of the Rangemaster/Firearm Instructor(s).

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CHAPTER 3: GENERAL USE OF FIREARM REGULATIONS

1. FIREARM REGULATIONS

- a. It is the policy of the Department that officers, when practical, assess all reasonable means of self-protection and the protection of others before resorting to the use of a firearm. The authorization to carry a firearm shall not give an officer any additional authority or jurisdiction over offenders.
- b. A Deputy Probation Officer may discharge his/her firearm when he/she reasonably believes it necessary in the defense of self or another person who reasonably appears to be in danger of death or great bodily injury.
- c. In making the determination to unholster the firearm, it is not necessary for the officer to wait until an individual is actually being assaulted or otherwise under attack before the firearm can be drawn. Rather, if the officer reasonably determines that there is or may be a danger to life or risk of great bodily harm, the firearm may be drawn in anticipation of that danger. If, however, that danger fails to materialize or is otherwise controlled, the firearm shall be immediately reholstered. A verbal warning should precede the use of deadly force where feasible.
- d. A Deputy Probation Officer may discharge his/her firearm to stop a dangerous attacking animal if necessary to protect the officer or others from physical injury.
- e. The officer shall not discharge a firearm in the course and scope of employment except as permitted in these policies. The improper use of a firearm may result in Department sanctions, including disciplinary action up to and including termination of employment, and may also result in civil or criminal liability or penalties.
- f. Justification for the use of deadly force is limited to what reasonably appears to be the facts known or reasonably perceived by the officer at the time the officer decides to shoot. 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.

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2. THE FOLLOWING ARE EXAMPLES OF SPECIFIC CIRCUMSTANCES IN WHICH THE USE OF FIREARMS IS PROHIBITED

- a. The firing of warning shots presents a danger to both the officer and innocent bystanders, and is prohibited.
- b. Firing at or from a moving vehicle is prohibited except in very unusual situations when it is reasonably necessary because of an imminent threat of death or serious bodily injury to the officer or another person.
- c. An officer shall not release his/her firearm to any person other than a Department superior officer, the Rangemaster, Firearms instructor, a gunsmith designated by the Department, or another law enforcement official.

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CHAPTER 4: FIREARMS AND MAINTENANCE

1. AUTHORIZED FIREARMS, AMMUNITION, AND HOLSTERS

- a. Officers authorized to carry firearms on duty shall carry and use only the firearms, magazines, ammunition, and holsters authorized and issued by the Department.
 - i. The Department will issue the appropriate firearm, ballistic vest, duty belt, magazines, holster, at-home gun locker, and ammunition for use by the officer.
 - ii. The only department authorized firearms are identified as Glock, semi-automatic, models 17 and 19. The Chief Probation Officer may authorize an alternate make and model of firearm.
 - iii. All Department-issued firearms will be registered to the Probation Department and entered into the Automated Firearms System (AFS). The Department will maintain records in the arming file indicating firearm issued, including the date, the make, model, and serial number, and the date of authorization to carry the firearm.
 - iv. The firearm, holster, magazine and ammunition issued by the Department shall not be altered in any manner, unless previously approved in writing by the Rangemaster. The Rangemaster/Armorer may make personalized grips or grip adapters or adjustments with prior authorization from the Chief Deputy Probation Officer.
 - v. Only ammunition authorized and issued by the department may be used in a department-issued firearm. This includes firearm trainings. The use of reloaded ammunition is expressly prohibited.
 - vi. All safety devices on the firearm provided by the manufacturer will be intact and functioning at all times. All firearms equipped with safety devices shall be placed in the "safe" mode except when use is imminent.
 - vii. Back-up firearms are not to be carried on duty; only one primary firearm may be on the officer's person.
 - viii. The firearm will be fully loaded when it is carried or worn on duty. A loaded firearm is one where there is a round in the chamber and a full magazine housed in the magazine well.

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2. FIREARMS SAFETY AND STORAGE

- a. Officers authorized to carry firearms must maintain the highest level of safety when handling firearms and are charged with the responsibility to observe and practice the following safety regulations:
 - i. Every firearm shall be treated as a loaded firearm until the officer has personally inspected and cleared the weapon.
 - ii. Firearms shall not be fired, dry-fired, cleaned, repaired, exhibited, loaded, or unloaded in any manner that could result in a negligent and/or unintentional discharge.
 - iii. Firearms shall not be carelessly handled or unnecessarily displayed at any time.
 - iv. Officers shall not use any firearm on-duty with which they have not been qualified, except under the supervision of the Rangemaster.
- b. 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:
 - i. When not carrying in the office, field, or to and from work, officers shall store the firearm and ammunition in a Department of Justice approved safe, department armory or gun safe in County vehicle, and not accessible to unauthorized persons.
 - ii. Firearms are not to be stored overnight at any time in a County vehicle or private vehicle used on County business.
 - iii. When a firearm is stored at the officer's residence, it shall be locked in a Department of Justice approved gun locker, where it is inaccessible to other individuals, especially children, in compliance with Penal Code Section 12035.
 - iv. While on-duty, the loading/unloading of a Department firearm shall take place either in the armory or under the Rangemaster's supervision. The Department's unloading chambers are an acceptable alternative in designated areas.
 - v. In all but urgent or unusual circumstances, on-duty armed officers are not permitted to unholster, inspect, clean, repair, load, or unload any weapon in the immediate presence of other employees or the public in a Probation Department facility or County parking lot (except as permitted in Chapter 5, Section 3.a).

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- vi. Any time a Department weapon must be loaded/unloaded or holsters exchanged, particularly when neither a range nor unloading chamber is accessible, the following safety measures will always be observed:
 - 1. Keep finger off the trigger;
 - 2. Point the muzzle in a safe direction;
 - 3. Inspect the firearm to ensure a round is not in the chamber; and
 - 4. Immediately holster and engage the retention feature.
- c. It is an expectation that on-duty, armed officers will carry their firearm when conducting probation fieldwork. Officers returning from the field may continue to carry their firearm in an approved holster while in the office. Special precautions must be followed by armed officers when making an office arrest, in accordance with department training.
- d. Under no circumstances may a firearm, ammunition, and/or other items that threaten the security of a correctional facility (e.g. OC Spray) be left in any unattended, and/or unlocked vehicle on institutional grounds. At such facilities, ammunition and other items as directed, must be checked into a specific area designated by the facility staff for safekeeping or secured in a County vehicle in the manner described in Chapter 4, Section 2 (b) i.

3. FIREARM CARE AND MAINTENANCE

- a. Deputy Probation Officers shall keep their firearms clean and maintained in proper working order. On-duty time may be used to clean the firearm outside the office.
- b. The Department's armorer shall develop a schedule and inspect the Department firearms on an annual basis. The firearms shall be clean and unloaded.
- c. The Firearm Instructor shall maintain written records of all inspections. All firearms used in the performance of the officer's duties are subject to inspection at any time by the Rangemaster/Armorer. Such inspection shall take place in the Department Armory or at the direction of the Firearm Instructor(s)/Armorer.
- d. Any firearm found showing signs of neglect or damage shall be immediately taken out of service until the condition is rectified to the satisfaction of the Rangemaster/Armorer.

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CHAPTER 5: CARRYING AND UNHOLSTERING OF FIREARMS

1. CARRYING FIREARMS

- a. Officers shall wear Department-issued body armor, two extra loaded magazines, carry a chemical agent, Department-issued radio, Department identification, badge, handcuffs, and 830.5 PC authorization while engaged in field supervision activities while carrying a firearm, unless otherwise authorized by the Chief Probation Officer.
- b. An officer must carry a firearm encased in an approved holster.
- c. An officer shall not carry a firearm when boarding an aircraft unless flying in an official capacity and the officer has the prior specific written permission of the Chief Probation Officer or his or her designee. If such permission is given, the officer shall comply with all regulations set forth by the Federal Aviation Administration, the Transportation Security Administration, and local jurisdiction.

2. STOLEN OR LOST FIREARMS

- a. If an officer discovers his/her firearm is missing, the officer shall immediately notify his/her Supervisor/Division Director/Deputy Chief or Chief Probation Officer, whichever ranking individual is personally available to receive notification, and file a report with local law enforcement.
- b. Upon the loss or theft of a Department-issued firearm, the officer may be subject to disciplinary action, up to and including termination of employment, and may also be required to reimburse the Department in the event a firearm and related equipment is lost due to a dishonest or willful act of the officer or due to the gross negligence of the officer.

3. UNHOLSTERING AND DISPLAY OF FIREARM

- a. Officers shall not unholster firearms unless:
 - i. Maintenance is being performed, the weapon is being stored, or during authorized training.
 - ii. It becomes necessary to draw the firearm in accordance with this policy.

The improper unholstering and/or display of a firearm may result in Department sanctions, including disciplinary action, up to and including termination.

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CHAPTER 6: DEPARTMENT POLICY REGARDING THE DISCHARGE OF A FIREARM

1. REPORTING THE DISCHARGE OF A FIREARM

Any Probation Officer who discharges a firearm, whether intentionally or unintentionally, on or off-duty (except during training or lawful recreational use) shall comply with the following procedures, subject to the provisions of Government Code Section 3300, et seq.:

- a. Except when the Sonoma County Law Enforcement Chiefs' Association countywide Protocol 93-1, named the "Sonoma County Law Enforcement Employee Involved Fatal Incident Protocol," has been invoked, the officer shall make a verbal report regarding the discharge of the firearm to his/her supervisor or the on-duty supervisor as soon as practical.
- b. The Officer shall prepare an [Incident Report](#) detailing the circumstances surrounding the discharge of the firearm, and shall forward a copy to his/her immediate supervisor as soon as practical.
- c. If the countywide "[Employee Involved Fatal Incident Protocol](#)" has been invoked, then the Officer shall comply with all protocols required therein.
 - i. The "Sonoma County Law Enforcement Employee Involved Fatal Incident Protocol" may be invoked when a critical incident has occurred in Sonoma County as defined by the "Sonoma County Law Enforcement Employee Involved Fatal Incident Protocol."
 - ii. A critical incident is an incident involving two or more people, in which a law enforcement agency employee, herein Deputy Probation Officer, is involved as an actor, victim, or custodial officer, where fatal injury, including an injury which is so severe that death is likely to result, occurs.

2. EVALUATION FOLLOWING FIREARM DISCHARGE INVOLVING INJURY OR DEATH

The welfare of its staff is of primary concern to the Department. Therefore, whenever an officer has been involved in an incident resulting in death or an injury likely to cause death, the "Sonoma County Law Enforcement Employee Involved Fatal Incident Protocol" shall be invoked and all protocols/procedures therein followed.

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CHAPTER 7: RETIREE AUTHORIZATION PRIVILEGE TO CARRY A CONCEALED FIREARM

1. QUALIFIED RETIREES

Any full-time sworn peace officer of this Department who was authorized to, and did, carry a concealed firearm during the course and scope of his/her employment may petition the Chief Probation Officer in writing for the privilege to carry a concealed firearm upon honorable retirement. (Penal Code §§ 25450(d) and 25900(d)).

- a. For the purpose of this policy, “honorably retired” includes any peace officer who has qualified for, and accepted, a service or disability retirement, but does not include any peace officer who retires in lieu of termination. (Penal Code § 16690).
- b. “No CCW Approved” endorsement shall be issued to any peace officer retiring because of a psychological disability. (Penal Code § 26305(a)).
- c. Other required qualifications shall include:
 - i. The honorably retired peace officer separated from service in good standing.
 - ii. Before such separation, had regular employment as a peace officer for an aggregate of 10 years or more or, if employed as a peace officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability, as determined by this Department.
 - iii. Has not been disqualified for reasons related to mental health.
 - iv. Has not entered into an agreement with this Department where the peace officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
 - v. Is not prohibited by federal or state law from receiving or possessing a firearm.

(See e.g. Title 18 U.S. Code § 926C).

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2. RETIREE AUTHORIZATION STANDARDS

Any qualified, honorably retired peace officer of this Department must meet the following standards in order to obtain an identification card with a "CCW" endorsement:

- a. Sign a waiver of liability relieving the Department and the County of liability for any and all post-retirement acts, errors or omissions related to firearms qualifications, use of a firearm, and/or the carrying of a concealed firearm. The decision to carry a firearm post-retirement is solely that of the retiree, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by California law, and also that such acts were not taken as an agent or employee or former employee of the Department. In accordance with the signed waiver of liability, the County of Sonoma will provide neither a legal defense nor indemnification for any claim arising from a retiree carrying a firearm.
- b. Remain subject to all applicable Department policies and federal, state and local laws.
- c. Not have been convicted of an offense which the Chief Probation Officer deems unsuitable for continued CCW approval.
- d. Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
- e. Successfully pass an annual or periodic criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.
- f. Identify a Department-approved firearm, holster, and ammunition the retiree intends to carry while authorized to carry a concealed firearm.
- g. Qualify with the authorized firearm at a course approved by this Department no more than ninety days prior to his/her retirement or post-retirement application for a CCW endorsement.
- h. Upon the Chief Probation Officer's approval, the honorably retired peace officer shall be issued an identification card with a "CCW Approved" endorsement (Penal Code § 25455).

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(Penal Code § 26305 and Title 18 U.S. Code § 926C).

3. CALIFORNIA RETIRED PEACE OFFICER CCW IDENTIFICATION CARD FORMAT

Any qualified, honorably retired peace officer who meets the qualifications and standards and has been granted authority by the Chief Probation Officer to carry a concealed firearm upon retirement may be issued a California Retired Peace Officer CCW Identification card by the Department. The identification card shall be 2 inches by 3 inches, and minimally contain:

- a. A photograph of the retiree.
- b. The retiree's name and date of birth.
- c. The date of retirement.
- d. The name and address of this Department.
- e. A stamped "CCW Approved" endorsement along with the date by which the endorsement must be renewed (not more than five years).
- f. If a CCW endorsement has been denied or revoked, the identification card shall be stamped: "No CCW Privilege."

(Penal Code §§ 25460(c) and 25910(a)).

4. RETIREE AUTHORIZATION TO CARRY A CONCEALED FIREARM

Any qualified, honorably retired peace officer who meets the qualifications and standards and has been granted authority to carry a concealed firearm upon retirement may carry a concealed firearm only when s/he is:

- a. In possession of his/her Department-issued, valid California Retired Peace Officer CCW Identification card.
- b. Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
- c. Not prohibited by federal or state law from receiving a firearm.

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d. Not in a location prohibited by California law or by a private person or entity on his/her property, if such prohibition is permitted by California law.

(Title 18 U.S. Code § 926C)

5. RETIREE DENIAL OR REVOCATION OF STATE CCW ENDORSEMENT

The CCW endorsement under Penal Code § 25470(a) for any peace officer retired from this Department may be denied or permanently revoked upon a showing of good cause. Under Penal Code Sections 25450 and 26305, the Department may revoke or deny an endorsement to carry a concealed firearm if a retired officer violates any departmental rule or state or federal law that would result in the arrest, suspension, or removal from the agency of an active duty officer. Any denial or revocation under this section shall also be considered disqualification under 18 USC § 926C(d). The CCW endorsement may also be immediately and temporarily revoked by the Chief Probation Officer or his/her designee when the conduct of an honorably retired peace officer compromises public safety. Good cause, if challenged, shall be determined in the following manner:

a. In the event that a CCW endorsement is initially denied, the retired peace officer shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. (Penal Code § 26312(c). The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.

b. Prior to revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree's last known address. (Penal Code § 26315).

i. The retiree shall have 15 days from the date of service to file a written request for a hearing.

ii. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received. (Penal Code § 26315). The hearing decision shall be binding on the Department and the retiree.

iii. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.

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iv. Any retiree who waives the right to a hearing or whose “CCW approved” endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Department will then reissue a new identification card, which shall be stamped: “No CCW Privilege.” Penal Code § 26325.

6. RETIREE REPORTING RESPONSIBILITIES

Honorably retired peace officers of this Department who are authorized to carry a concealed firearm are required to notify the Department as soon as practical if s/he is arrested or convicted or becomes the subject of a criminal investigation or domestic restraining order. Employees who have reason to suspect a retiree's conduct has compromised public safety should notify any available supervisor or manager as soon as possible.

- a. Immediately notify the Chief Probation Officer or his/her designee.
- b. Designee employee will then take appropriate steps to promptly investigate the matter.
- c. If warranted, contact the retiree in person and advise him/her in writing of the following:
 - i. The retiree's CCW endorsement is immediately and temporarily revoked.
 - ii. The retiree will have 15 days to request a hearing to determine whether the temporary revocation should become permanent.
 - iii. The retiree will forfeit his/her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.
- d. A current copy of Penal Code §§ 26305, 26312 and 26315 should be attached to the written notice.
- e. If the retiree is contacted in person, every effort should be made to confiscate the retiree's identification card with the CCW endorsement during the period the retiree's CCW endorsement is temporarily revoked.

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f. In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the assigned supervisor or manager should attempt to make the above notice of temporary suspension through another peace officer. For example, if a retiree was arrested or detained by a distant agency, the assigned supervisor or manager may request that a peace officer of that agency act as the Department's agent to deliver the written notification.

g. Notification of the temporary suspension should also be promptly mailed to the retiree at the retiree's last known place of residence via first class mail, postage prepaid, return receipt requested. (Penal Code § 26312).

h. The assigned supervisor or manager should document in a memo the investigation, the actions taken, and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief Probation Officer as soon as practical.

7. RETIREE FIREARM QUALIFICATIONS

a. A Department assigned range master or other qualified Rangemaster approved by the Department may provide honorably retired peace officers from this Department who are authorized for a CCW endorsement, an opportunity to qualify at the retiree's expense.

b. The Department shall bear no expenses related to a retiree's post-retirement firearm qualifications. Retiree expenses include, but are not limited to, the cost of targets, ammunition, range fees, qualified Rangemaster compensation, membership fees, or any other costs associated with the retiree's post retirement firearm qualifications.

c. Written evidence of the range qualification, date of the qualification, and the weapon(s) used will be provided in the record.

d. The Department Rangemaster will maintain a record of the qualifications and weapons used.

e. An honorably retired peace officer from this Department who meets the requirements to maintain a CCW endorsement shall be issued a new retiree identification card with a CCW endorsement. (Penal Code §§ 25465 and 25915).

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f. The retiree shall qualify with their approved personal firearm on an annual basis. The retired officer will provide his/her own ammunition for the annual qualification.

g. The Rangemaster is authorized to take possession of the CCW identification card and will immediately report any confiscation and the reason therefore to the Chief Probation Officer via the chain of command.

i. The new identification card shall be updated with a current photograph of the retiree, physical description, and expiration date in accordance with this policy.

h. An honorably retired peace officer from this Department who does not meet the requirements to maintain a CCW endorsement may be issued a new retiree identification card stamped "No CCW Privilege" that also includes a current photograph of the retiree and physical description, in accordance with this policy. (Penal Code §§ 25470 and 25920).

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3. REPLACEMENT HISTORY: [4.1]

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APPROVED BY:

 DAVID M. KOCH
 Chief Probation Officer

APPENDIX:

[Application for Authorization to Carry A Firearm.....A](#)
[Deputy Probation Officer Arming Acknowledgement Form B](#)
[Rangemaster Requalification Form C](#)
[Incident ReportD](#)
[Release Liability Retired Peace OfficerE](#)
[Appendix F, Designated Armed Assignments \(10/23/18\).....F](#)