

SONOMA COUNTY SHERIFF'S OFFICE OFFICE -WIDE POLICY AND PROCEDURE MANUAL

AUTHORIZED FIREARMS

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1.0 POLICY STATEMENT

Deputy Sheriffs and Correctional Deputies shall only carry and use firearms while on duty that are safe, well maintained, have been authorized and approved by the Sheriff's Office, and with which the Deputy Sheriffs or Correctional Deputies have properly qualified.

The purpose of the Use of Firearms policy is to establish procedures for the use and reporting of incidents involving the discharge of firearms. This policy is for internal use only. Violations of this policy shall only form the basis for departmental administrative actions.

2.0 DEFINITIONS

FIREARM:	A weapon from which a projectile is discharged by gunpowder.
FIREARMS LIEUTENANT:	Lieutenant in charge of the Sheriff's Office Firearms Training Program.
PRIMARY SIDEARM:	The main firearm used by Deputies in the performance of their duties.
CALIBER:	The diameter of the bullet or size as designated by the firearm or ammunition manufacturer.
SECONDARY FIREARM:	Office approved additional firearm.
OFF-DUTY FIREARM:	Firearm carried when not on-duty

INVENTORY CONTROL: The process by which all Sheriff's Office firearms are logged in and out of databases maintained by the Personnel Bureau and the Department of Justice. The Personnel Bureau Lieutenant, Deputy Sheriff Sergeant assigned to Personnel or a Law Enforcement or Administration Division Captain or above shall be the only persons to remove guns from the safe.

INSTRUCTOR: Deputy Sheriff selected by the Sheriff's Office, trained through a POST course, and authorized to conduct firearms training for all Sheriff's Office personnel.

ARMORER: Deputy Sheriffs selected from the list of active firearms instructors who are authorized to maintain and repair Sheriff's Office firearms as part of the course and scope of their duties. At a minimum, they will have completed factory sponsored courses or the equivalent for the issued handgun, shotgun and rifles.

3.0 MANDATES

None.

4.0 LAW ENFORCEMENT DIVISION

4.1 POLICY

It is the policy of the Sheriff's Office that a Deputy Sheriff may resort to the use of a firearm when lawful and when it reasonably appears to be necessary. Generally, when one of the following conditions applies:

- (a) To protect him or herself or others from what they reasonably believe would be an imminent threat of death or serious bodily injury.
- (b) To affect the arrest or prevent the escape of a suspected felon where the Deputy has probable cause to believe that the suspect has committed or intends to commit a felony involving the inflicting of serious bodily injury or death. Under such circumstances, a verbal warning should precede the use of deadly force where feasible.
- (c) To stop a dangerous animal Deputies are authorized to use deadly force against an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods to neutralize the threat are not reasonably available or would likely be ineffective. This would include any dangerous animals that are destroying or attempting to destroy livestock or property.
- (d) With the approval of a supervisor, to kill an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical. Injured animals (with the exception of dogs and cats) may only be killed after a reasonable search to locate the owner. Penal Code §597.1(e). Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed.
- (e) For target practice at an approved range.

Where feasible, a warning should be given before a Deputy Sheriff resorts to deadly force.

4.2 WARNING SHOTS

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged. If a Deputy Sheriff reasonably believes that warning shot(s) are necessary and may be effective, they may be used so long as such discharge can be fired in a safe manner.

4.3 MOVING VEHICLES

Shots fired at or from a moving vehicle are generally discouraged, unless it reasonably appears that it is needed to protect the safety of Deputy Sheriffs or the public. Deputy Sheriffs should attempt to move out of the path of any approaching vehicle.

- (a) Deputy Sheriffs have the right to use deadly force against the operator of a vehicle when it is reasonably perceived that the vehicle is being used as a deadly weapon against the Deputy Sheriff or others.

4.4 REPORTING

Except during training or recreational use, or when the Sonoma County Law Enforcement Chiefs Association Countywide Protocol 93-1 has been invoked, any Deputy who discharges a firearm, whether accidentally or intentionally, on or off duty shall comply with the following procedures, subject to the provisions of Government Code Section 3300, et seq. and Constitutional law:

- (a) The Deputy shall make a verbal report regarding the discharge of the firearm to the on-duty supervisor as soon as practical.
- (b) The on-duty Supervisor will advise the Deputy to write an incident report (in cases such as shooting animals, etc.) or a memorandum (accidental discharge, etc.). The Deputy shall write a report or memo detailing the circumstances surrounding the discharge of the firearm, and shall forward a copy to the Supervisor as soon as practical.
- (c) If the Countywide Employee Involved Fatal Incident Protocol has been invoked, then the Deputy shall comply with all protocols required therein.

4.5 INVESTIGATIONS

- (a) The immediate Supervisor (or on-duty Supervisor) of a Deputy Sheriff who discharges a firearm shall make any investigation that is needed to properly evaluate the circumstances of the firearm discharge. Unless the Countywide Employee Involved Fatal Incident Protocol has been invoked, that supervisor shall prepare a memo detailing his/her finding(s) and conclusion(s).
 - 1. The supervisor's memo should briefly summarize the facts and circumstances of the shooting, whether or not the shooting was within policy, and any training issues.
 - 2. The supervisor shall forward the memo and all pertinent documentation to the responsible Lieutenant or the Watch Commander (whichever is appropriate).
- (b) The responsible Law Enforcement Lieutenant shall review all relevant documents and other necessary information and make a finding regarding any violations of law or policy.

If the responsible Lieutenant determines the discharge of the firearm was outside of this policy and/or the law, and is going to recommend discipline above a letter of reprimand, a Policy & Procedure investigation will be conducted. Upon completion, this investigation will be

forwarded to the section Captain for review. The Captain will then forward the recommendation to the appropriate division Assistant Sheriff or Sheriff.

- (c) The Assistant Sheriff or Sheriff shall determine what, if any, disciplinary action is to be taken in accordance with County and Sheriff's Office policies. The Assistant Sheriff shall forward all original documents and any disciplinary action information to the Sheriff's Personnel Bureau for filing with a policy and procedure number.

4.6 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement deputies flying armed on commercial aircraft. Here are the guidelines that directly affect our agency and personnel:

- (a) Deputies wishing to fly while armed shall be flying in an official capacity, not for vacation or pleasure purposes; and
- (b) Deputies shall carry their Sheriff's Office identification card and California driver's license. When requested, Deputies shall present their identification to airline officials; and
- (c) The Deputy shall request approval to fly armed from his/her Lieutenant, Captain, or Assistant Sheriff. A document, email or memorandum, shall be presented to the Central Information Bureau (CIB) staff requesting CIB transmit a request via NLETS to the TSA for approval. TSA will review the request and if granted, provide a return confirmation number to the CIB. This approval shall be presented at the airline counter; and
- (d) Deputies shall have completed the mandated TSA security training, covering peace officers flying while armed. The training shall be given by the Sheriff's Office appointed instructor; and
- (e) Discretion must be used to avoid alarming passengers or crew by displaying your firearm. The firearm shall be kept on your person concealed at all times, and may not be stored in an overhead compartment; and
- (f) Never surrender your firearm to anyone. Resolve any problems with a management representative of the air carrier, which may include the flight Captain and/or ground security manager; and
- (g) No armed Deputy may consume any alcoholic beverage while aboard an aircraft, or eight hours prior to boarding an aircraft.
- (h) This section does not apply to members who choose to include an unloaded firearm in the checked baggage. All applicable regulations shall be followed.
- (i) See TSA FAQ under the 'Forms' section and 'Online Training – Flying While Armed' on the Sheriff's Office intranet.

4.7 CHOICE OF FIREARMS

Handguns, rifles, and shotguns are authorized to be used in circumstances in which a reasonable Deputy would conclude that the particular firearm would be the most effective weapon. Prior to using a particular make and model of weapon, each Deputy shall have successfully completed the Sheriff's Office approved qualification course.

4.8 COUNTY ISSUE PRIMARY WEAPON

Upon request, all Deputy Sheriffs are entitled to receive a handgun (sidearm) furnished by the Sheriff's Office (a Glock Model 22, 40 caliber semi-automatic pistol or a Glock Model 17, 9mm semi-automatic pistol).

4.9 OPTIONAL PRIMARY WEAPONS

Deputies may carry an optional handgun (sidearm) other than that issued by the Sheriff's Office, provided that the firearm falls within the criteria set forth below, and the Firearms Program Manager and the Deputy's Assistant Sheriff have authorized, in writing, optional sidearm in writing. See Office-Wide Policy on Reimbursement of Lost/Damaged Personal Property.

- (a) All optional sidearms, related equipment, and ammunition shall be provided by the member. Ammunition shall be new, commercially manufactured (no reloads) ball or hollow point design.
- (b) Optional Primary Handgun (Sidearm) Criteria
 - 1. Revolvers:
 - a. Double action only
 - b. Smith & Wesson, Colt, or Ruger
 - c. Other brands approved on a case-by-case basis by the Firearm Program Manager and the Assistant Sheriff.
 - d. .38 Special caliber or larger
 - e. 3 1/2" to 6 1/2" barrel for uniformed personnel
 - f. 2" to 6 1/2" barrel for non-uniformed law enforcement personnel.
 - 2. Semi-Automatic Pistol Criteria
 - a. Double action type:
 - i. Glock, Smith & Wesson, Browning, Heckler & Koch, Beretta, Sig-Sauer and similar designs.
 - ii. Firearms of similar design may be approved on a case-by-case basis by the Firearms Program Manager, and the Assistant Sheriff.
 - iii. Each shall be equipped with a decocking lever and firing pin block.
 - iv. If not equipped with a decocking lever, it shall be of a design that returns the firing device(s) (firing pin, striker, hammer, etc.) to a safe position after firing.
 - b. Single Action Semi-Automatic Criteria
 - i. Colt, Kimber and Springfield Armory 1911 models.
 - ii. Firearms of similar design may be approved on a case-by-case basis by the Firearms Program Manager.
 - c. Striker Fired semi-auto, similar to a Glock
 - d. Allowable Calibers: semi-automatics shall be at least 9mm caliber, but not larger than .45 caliber.
 - e. Barrel Length shall be at least 3", not to exceed 6 1/2".
- (c) Prior to carrying either an issued or optional primary weapon on-duty, the Deputy Sheriff shall have successfully completed a Sheriff's Office approved qualification course with the particular handgun prior to receiving authorization to carry it on-duty.

4.10 SECONDARY HANDGUNS

Deputies may carry Sheriff's Office-issued handguns or may carry privately owned handguns upon receipt of written approval of the Firearms Program Manager or designee as a secondary handgun, subject to the following criteria. See Office-Wide Policy on Reimbursement of Lost/Damaged Personal Property.

- (a) The handgun must be .380 ACP caliber or larger, and may be a semiautomatic or revolver with the following exception – if a member intends to carry a secondary handgun of a smaller caliber, then it is the responsibility of that member to qualify with that weapon on an approved course beforehand. No overtime shall be paid for the time any member spends in qualifying with a secondary handgun.
- (b) Deputies shall be required to have successfully completed a Sheriff's Office-approved qualification course with the particular handgun prior to receiving authorization to carry it on duty.
- (c) Authorization to carry privately-owned handguns shall be provided in writing, and a copy shall be placed in the Deputy's personnel file prior to on-duty use of the firearm.
- (d) The secondary handgun shall not be visible to the public unless the Deputy is using it. The secondary firearm shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.
- (e) Only one secondary firearm may be carried at a time.

4.11 AUTHORIZED SECONDARY WEAPONS FIREARM

Deputies desiring to carry a secondary firearm are subject to the following restrictions:

- (a) The firearm shall be of good quality and workmanship in good working order and on the office's list of approved firearms. (e.g., Colt, Smith & Wesson, Browning, Sig Sauer, etc.)
- (b) The purchase of the firearm and ammunition shall be the responsibility of the Deputy Sheriff.
- (c) The firearm should be inspected by an armorer prior to being carried and thereafter shall be subject to inspection whenever deemed necessary.

4.12 HOLSTERS FOR PRIMARY SIDEARMS AND SECURITY

All types of holsters Deputies use to carry their firearms while on duty must be approved by the Firearms Program Manager or designee. Deputies shall keep their firearms secured or under their direct control at all times while on duty or at their workstations. See Office-Wide Policy on Reimbursement of Lost/Damaged Personal Property.

4.13 RIFLES

Deputy Sheriffs may be authorized to carry a Sheriff's Office-issued rifle, or may carry a privately-owned rifle upon receipt of the written approval of the Firearms Program Manager or designee. Deputy Sheriffs shall be required to have successfully completed a Sheriff's Office-approved qualification course (with that firearm) prior to carrying a rifle. See Office-Wide Policy on Reimbursement of Lost/Damaged Personal Property.

- (a) Large Capacity Magazines: California Penal Code Section 32405 provides an exemption for peace officers from the prohibition on the sale to, lending to, transfer to, purchase by, receipt of, importation into California of, a large-capacity magazine as set forth in California Penal Code Section 32310. Sonoma County Sheriff's Deputies are authorized by this Department to carry firearms with large-capacity magazines both on-duty and off-duty. Certain municipalities and

other local government entities in the State of California have enacted prohibitions on the possession of large-capacity magazines with an exception for peace officers (qualified in some instances by the requirement that the peace officer who is carrying a firearm with a large-capacity magazine must do so “within the scope of his or her duties” in order to be eligible for such exception). It is the policy of the Sonoma County Sheriff’s Office that any Sonoma County Sheriff’s Deputy who is carrying a firearm with, or otherwise possesses, a large-capacity magazine is authorized to possess and carry the large-capacity magazine, and is considered by this policy to be doing so, within the scope of such deputy’s duties both on-duty and off-duty.

4.14 TYPES OF RIFLES

- (a) The following rifles are approved for on-duty use: Colt AR-15 rifles or similar models from other manufacturers.
- (b) Other rifles, including quality semi-automatic rifles with detachable box magazines, bolt action or lever action rifles chambered for center fire cartridges with the approval of the firearms program manager.
- (c) Authorized calibers are non-magnum, center-fire between .223 through .30.
- (d) No fully automatic weapons outside of SWAT.

4.15 OPTIONAL RIFLES

- (a) If the Sheriff’s Office has authorized a Deputy Sheriff to carry an optional (privately-owned) rifle, the Deputy Sheriff is not entitled to any compensation for the purchase or for maintenance of the rifle, ammunition, or related equipment.
- (b) The responsibility of the Sheriff’s Office for loss of or damage to a Deputy Sheriff’s (privately-owned) optional rifle shall be limited to the replacement value of a Sheriff’s Office-owned patrol rifle.

4.16 CARRYING OF RIFLES

- (a) Rifles may be carried in locking gun racks in vehicles so equipped, but not in the place of shotguns. Rifles carried in vehicle trunks shall be stored in a hard or soft rifle cases.
- (b) Rifles shall be carried in vehicles with the loaded magazine inserted in the rifle; the bolt shall be closed and chamber empty.
- (c) Other than in tactical situations, rifles shall be carried through the workstation, or to and from the Deputy Sheriff’s work vehicle, in the following manner:
 - 1. In a hard or soft gun case, chamber empty, bolt closed (loaded magazine may be inserted); or
 - 2. If not in a case, then with the muzzle down and unloaded with the bolt open (empty chamber and no magazine inserted); or
 - 3. Carried on the shoulder by the weapon sling, muzzle down, unloaded with the bolt open (empty chamber and no magazine inserted).

4.17 SHOTGUNS

Deputy Sheriffs and sergeants shall be issued a Sheriff’s Office shotgun, or may carry a Sheriff’s Office approved personal shotgun upon receipt of the written approval of the Firearms Program Manager or designee. Deputy Sheriffs and sergeants who are assigned to Court Security or Transportation, other than

temporary rotations, and Sheriff's Office Managers may be exempt from this section. All Deputy Sheriffs shall qualify twice a year using their assigned shotgun or a Sheriff's Office pool shotgun if they do not have an assigned shotgun.

4.18 TYPES OF SHOTGUNS

The Sheriff's Office-authorized shotgun is the Remington, model 870, 12 gauge, or other Sheriff's Office-approved shotgun, issued by the Sheriff's Office. The only privately-owned shotgun approved for use by Deputies is a right hand, Remington Brand, model 870, 12 gauge.

4.19 OPTIONAL SHOTGUNS

- (a) If the Sheriff's Office has authorized a Deputy Sheriff to carry an optional (privately-owned) shotgun, the Deputy Sheriff is not entitled to any compensation for the purchase or for maintenance of the shotgun, ammunition, or related equipment.
- (b) The responsibility of the Sheriff's Office for loss of or damage to a Deputy Sheriff's (privately-owned) optional shotgun shall be limited to the replacement value of a Sheriff's Office-owned patrol shotgun. See Office-Wide Policy on Reimbursement of Lost/Damaged Personal Property.

4.20 CARRYING: SHOTGUNS SHALL BE CARRIED AS FOLLOWS:

- (a) Shotguns shall be carried in the front passenger compartment of patrol vehicles in the locking gun rack. Shotguns in vehicles shall be carried with the hammer down on an empty chamber and four rounds of duty ammunition in the magazine.
- (b) Other than in tactical situations, shotguns shall be carried through the workstation, or to and from a Deputy Sheriff's work vehicle, in the following manner:
 - 1. In a gun case with an empty chamber, action closed, and magazine loaded or empty; or
 - 2. If not in a case, then with the muzzle down and unloaded with the action open (empty chamber and magazine); or
 - 3. Carried on the shoulder by the weapon sling, muzzle down, unloaded with the action open (empty chamber and magazine).

4.21 AMMUNITION

The Sheriff's Office supplies all Deputy Sheriffs with commercially manufactured ammunition for issued or authorized duty firearms. This includes 9mm, .40S&W, .45ACP, 12gauge slug and 00 buck, .223/5.56. and .308/7.62mm. If the Deputy Sheriff is not using issued ammunition, it shall be limited to new, commercially manufactured ammunition and shall be approved by the Firearms Program Manager.

4.22 OFF-DUTY WEAPONS

The Sheriff's Office does **not** mandate the carrying of weapons while off duty. The carrying of firearms by Deputy Sheriffs while off- duty is permitted by state law, but may be rescinded by the Sheriff should circumstances dictate (e.g., administrative leave). Deputy Sheriffs who choose to carry a firearm while off-duty, based on their authority as a peace officer, will be required to meet the following guidelines:

- (a) The Deputy Sheriff shall carry his/her Sheriff's Office identification whenever carrying such weapon.
- (b) The Deputy Sheriff shall remain subject to this Policy and all other Sheriff's Office policies (including qualifying and training).

- (c) Weapons shall not be carried by any Deputy Sheriff who has consumed an amount of an alcoholic beverage or taken any drug that adversely affects the Deputy Sheriff's senses or judgment.
- (d) Deputy Sheriffs are cautioned that there may be restrictions that prohibit carrying firearms in certain government and private properties.

4.23 SPECIALIZED DUTIES

Certain specialized duties may, at times, necessitate the carrying of a different type of firearm. The Law Enforcement Division Assistant Sheriff may authorize another type for particular situations or assignments.

4.24 SHERIFF'S OFFICE ARMORY

- (a) The Sheriff's Office Armory has a workstation for Sheriff's Office Armorers to service weapons.
- (b) Use of the Armory workstation is restricted to Sheriff's Office Armorers or others with specific authorization of the Firearms Program Manager or designee
- (c) Before using the Armory workstation, the member shall ensure that the firearm is unloaded.
- (d) Proper eye protections shall be worn when working with liquid chemicals in the Armory.

4.25 LOADING, MAINTENANCE, CARE AND INSPECTION OF FIREARMS

- (a) Deputy Sheriffs shall keep their duty firearms clean and maintained in proper working order.
- (b) If available, members shall use safety barrels to load, unload, and check firearms.
- (c) Sheriff's Office issue firearms shall be inspected by Sheriff's Office Armorers when reasonably necessary. It is the responsibility of each Deputy Sheriff to contact one of the Armorers for this service. Each firearm delivered to the Armorer for inspection shall be clean and unloaded.
- (d) Sheriff's Office Armorers shall maintain written records of all inspections. Armorers shall notify the Firearms Sergeant of any weapon showing signs of neglect.
- (e) All firearms used in the performance of the Deputy Sheriff's duties are subject to inspection at any time by a Sheriff's Office Armorer, Firearms Instructor, or the Deputy Sheriff's supervisors. Upon request, the Deputy Sheriff shall make all firearms within their control available for such inspection.
- (f) Any firearm found showing signs of neglect or damage shall be taken out of service until the condition is rectified to the satisfaction of the Firearms Program Manager.

4.26 ALTERATIONS TO FIREARMS

- (a) No alteration shall be made to any firearm that is carried on duty that changes it from factory standard condition without the prior approval of the Firearms Program Manager or express designee. The Firearms Program Manager shall consider each request for alteration on a case-by-case basis.
- (b) After receipt of approval to alter a firearm, a Deputy Sheriff may alter the firearm according to the approved specifications and by an approved armorer or gunsmith.
- (c) No altered firearm shall be used on duty unless and until a Sheriff's Office Armorer has inspected and approved the firearm, evidence of which shall be maintained by that Armorer in writing for as long as the altered firearm is in use.

- (d) Optical Sights for Rifles: Specific non-magnifying optical sights are approved for patrol rifles. The Firearms Program Sergeant shall maintain a list of approved non-magnifying optical sights. The Firearms Program Manager, or designee, will consider low power magnifying optical sights on a case-by-case basis.
- (e) A Sheriff's Office Armorer shall inspect the installation of all optical sights to ensure they are properly mounted.
- (f) The inspection shall be recorded in the Armorer's records and maintained while the firearm is in use. Deputies shall qualify with optical sights prior to on duty use.

4.27 LASER SIGHTS

Laser sights may only be installed on a weapon carried on duty after they have been examined and approved by a Sheriff's Office Armorer.

- (a) Any approved laser sight shall be installed only pursuant to manufacturer specifications.
- (b) Once approved laser sights have been properly installed on any weapon, the Deputy Sheriff shall qualify with the weapon to ensure proper functionality and sighting of the weapon prior to carrying it.

Except in an approved training situation, a Deputy Sheriff may only activate a laser sight when the Deputy Sheriff would otherwise be justified in pointing a weapon at an individual or other authorized target.

4.28 WEAPON MOUNTED LIGHTS

Tactical Lights provide Deputy Sheriffs with an additional advantage in lowlight conditions by providing a source of high intensity light when attached to primary handguns, shotguns and patrol rifles. The lighting systems are designed for use as illumination tools functioning as a component of the handgun and not as a sighting device or stand alone light.

- (a) Weapon mounted lights are not intended to replace handheld flashlights. Deputy Sheriffs shall carry another flashlight as their primary means of illumination. Handheld flashlights are to be used in situations where deploying a firearm is inappropriate.
- (b) Pistols equipped with a weapon mounted light shall be carried in a duty holster designed for the specific weapon and light to be carried. The holster shall be designed to carry and secure the weapon with the light mounted on the weapon.
- (c) The use of weapon mounted light that shall be removed from a pistol prior to re-holstering, or is mounted after un-holstering, is not allowed.
- (d) The attachment of a weapon mounted light should be documented through a personally owned equipment slip or during an armorer's inspection of the weapon.
- (e) Deputy Sheriffs who carry a light mounted pistol shall qualify with the light attached in order to ensure the weapon / light combination functions as intended.
- (f) Deputy Sheriffs who carry weapons with lights mounted on them shall qualify with those weapon mounted lights attached.

4.29 STORAGE OF SHERIFF'S OFFICE-ISSUED FIREARMS WHILE OFF DUTY

- (a) Storage of Handguns - While Deputies are off duty, they shall store their Sheriff's Office-issued firearms in the following manner:
 - 1. Handguns shall be stored as required by law; and
 - 2. Deputies shall take all reasonable and prudent steps to ensure that their handguns are secure from unauthorized persons at all times.
- (b) Storage of Rifles and Shotguns - While Deputies are off duty, they shall store their Sheriff's Office-issued rifles and shotguns in their lockers, or a designated secured area at the Deputies' assigned work stations, except under the following conditions:
 - 1. Assigned vehicles: Deputies who have assigned vehicles may store rifles or shotguns in the locked trunk or vehicle Electrolock if so equipped; and
 - 2. Deputy Sheriff's residence: Deputies are discouraged from storing Sheriff's Office-issued rifles or shotguns at their residence. If a Deputy Sheriff chooses to store a Sheriff's Office issued rifle or shotgun at their residence, then it shall be securely locked in a gun safe or similar secure, theft resistant device.

4.30 INVENTORY OF ALL FIREARMS PURCHASED / OWNED BY THE SHERIFF'S OFFICE

- (a) A detailed inventory of all Sheriff's Office firearms (including those used for less than lethal techniques) is required for the purpose of ensuring accountability and inventory control.
- (b) When an order is placed for the purchase of a firearm, the Sheriff's Purchasing Unit shall forward a copy of the approved firearms requisition to the Firearms Lieutenant.
- (c) The Sheriff's Purchasing Unit shall notify the Firearms Lieutenant immediately upon receipt of a new firearm, and shall obtain approval from the Firearms Lieutenant prior to releasing a new firearm to anyone.
- (d) The Sheriff's Firearms Lieutenant or designee shall document the receipt of all firearms purchased or acquired by the Sheriff's Office into the Sheriff Office firearms database and the DOJ firearms system.
- (e) When any firearm is taken out of service and marked for destruction, the employee making this decision shall notify the Firearms Lieutenant via email so the firearm can be taken out of the databases.
- (f) The law allows the transfer of ownership of firearms from evidence/property be transferred to the Sheriff's Office (through court order, donation, or other means). Only similar makes and models of firearms currently used by the Sheriff's Office shall be transferred to the Sheriff's Office for use. The Law Enforcement Division Assistant Sheriff shall approve all requests for firearm ownership transfers to the Sheriff's Office. The Firearms Lieutenant shall review all requests and forward to the Assistant Sheriff for approval. The Firearms Lieutenant shall ensure all firearms are entered into the AFS and the Sheriff's Office firearms database. Firearms that are transferred from property/ evidence shall be destroyed when they are no longer needed or serviceable. These firearms shall not be sold as surplus.
- (g) Supervisors shall notify the Firearms Lieutenant by e-mail when a firearm is transferred between Bureaus or Units, e.g., guns assigned to the Detective Bureau, from SWAT to Tactical Team etc.

- (h) The Firearms Lieutenant shall conduct an audit of all Sheriff's Office owned firearms in May of each fiscal year and the results reported on the Yearly Firearms Audit Form to the Administration Division Captain by June 15.

4.31 CARRYING FIREARMS OUT OF STATE

Pursuant to 18 USC 926B, Deputy Sheriffs who are authorized to carry firearms when on-duty (830.1(a) and 830.6(a)(1) PC) and qualified retired Deputies (See: Office Wide Policy entitled "RETIRED IDENTIFICATION CARD ISSUANCE / CARRY CONCEALED WEAPON (CCW) ENDORSEMENTS") are authorized to carry a concealed firearm in all other states subject to the following conditions:

- (a) The Deputy Sheriff shall carry his/her Sheriff's Office identification whenever carrying such weapon.
- (b) The Deputy Sheriff shall remain subject to this and all other Sheriff's Office policies (including qualifying and training).
- (c) The Deputy Sheriff may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) Deputies are cautioned that individual states may still restrict or prohibit carrying firearms in certain areas such as government buildings, property and parks. Other states may also restrict specific ammunition (e.g. hollow point bullets) or magazine capacity. This law also does not exempt Deputy Sheriff's from the prohibitions of 18USC § 922(q)(1) concerning firearms in schools; it is up to each Deputy Sheriff to research the laws of those states they may travel to.

4.32 OUT OF STATE PEACE OFFICERS IN CALIFORNIA

Pursuant to 18 USC 926B and 926C, any Qualified Law Enforcement Officer and any Qualified Retired Law Enforcement Officer is authorized to carry a concealed firearm in California subject to the following conditions:

- (a) 18 USC § 926B requires that the individual must carry photographic identification issued by the governmental agency for which the individual is employed that identifies the employee as a peace officer or law enforcement officer of the agency.
- (b) Photographic identification issued by the agency from which the individual separated from service as a law enforcement officer that identifies the person as having been employed as a police officer or law enforcement officer and indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the active duty standards for qualification in firearms training as established by the agency to carry a firearm of the same type as the concealed firearm.
- (c) The out-of-state peace officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) Out of state peace officers are not authorized to carry a concealed firearm into government buildings or areas otherwise expressly restricted by state or local law.

4.33 QUALIFICATION REQUIREMENTS

Qualification requirements will be approved by the Firearms Program Manager or his designee. The qualification and training records shall be forwarded to Personnel Bureau, Training Unit by the 15th day after the ending of the quarter for record keeping.

4.32 QUALIFICATION PROCEDURES

Assistant Sheriffs or their designees are required to ensure that all sworn personnel under their command qualify and train in accordance with policy.

- (a) A Firearms Instructor shall keep a record of all members who attend trainings.
- (b) All Deputy Sheriffs shall successfully complete the course of fire for the quarter with their duty sidearm or shotgun, as follows:
 - 1. First Quarter: January through March
 - 2. Second Quarter: April through June
 - 3. Third Quarter: July through September
 - 4. Fourth Quarter: October through December
- (c) Failure to comply with regulations governing firearms training with their duty sidearm, rifle or shotgun (attendance and qualification) may result disciplinary action.
- (d) All Deputy Sheriffs authorized to carry a rifle shall qualify with it twice per year. The first qualification shall be completed within the first or second quarter. The second qualification shall be completed within the third or fourth quarter. Only one of these qualification shots may have been completed on an indoor range.
- (e) All Deputy Sheriffs who have Sheriff's Office approval to carry a secondary (back-up) firearm shall qualify with that firearm on a Sheriff's Office-approved course once per year.
- (f) If a Deputy Sheriff fails to qualify within any given quarter, the firearms instructor shall attempt to remediate the Deputy Sheriff. If a Deputy Sheriff fails to qualify after remediation, the firearms instructor shall contact the Deputy Sheriff's supervisor as soon as possible and advise them of the Deputy Sheriff's failure to qualify. The Firearms Sergeant and Firearms Program Manager shall be notified as soon as practical.
 - 1. The firearms instructor shall document the failure to qualify, and subsequent remediation attempts, in a memorandum which shall be forwarded to the Firearms Sergeant and Firearms Program Manager.
 - 2. The Firearms Sergeant, or his designee, shall arrange for further remediation as soon as practical, preferably the next day. The results of the remediation shall be forwarded to the Firearms Sergeant and Firearms Program Manager.
- (g) Only the Sheriff, an Assistant Sheriff, or their designees, may exempt a member from the provisions mandated in this policy.
- (h) The Sheriff reserves the right to revoke a Deputy Sheriff's Peace Officer status for cause. Should a Deputy Sheriff's Peace Officer status be revoked, their right to carry a firearm off duty as a peace officer per 830.1 PC shall be revoked.

5.0 DETENTION DIVISION

5.1 CORRECTIONAL DEPUTIES AUTHORIZED FIREARMS

No firearms may be carried that have not been thoroughly inspected by the firearms instructor during a regularly scheduled range date.

It is the policy of the Sheriff's Office that a Correctional Deputy may resort to the use of a firearm when lawful and when it reasonably appears to be necessary. Generally, when one of the following conditions applies:

- (a) A Correctional Deputy may use deadly force to protect him or herself or others from what they reasonably believe would be an imminent threat of death or serious bodily injury.
- (b) For target practice at an approved range or other form of lawful recreation.

5.2 SPECIALIZED DUTIES

Certain specialized duties may, at times, necessitate the carrying of a firearm while on-duty. The Sheriff may authorize specific types of firearms for particular situations or assignments by particular Correctional Deputies. Except as provided herein, Correctional Deputies shall not carry firearms when on-duty, nor shall they be carried within the secure perimeter of any correctional facility.

5.3 REPORTING

Except during training, recreational use, or when the Sonoma County Law Enforcement Chiefs Association countywide Protocol 93-1 has been invoked, any Correctional Deputy who discharges a firearm, whether accidentally or intentionally, shall comply with the following procedures, subject to the provisions of Government Code Section 3300, et seq. and Constitutional law:

- (a) The Correctional Deputy shall make a verbal report regarding the discharge of the firearm to the on-duty Detention Supervisor as soon as practical.
- (b) The on-duty Supervisor shall advise the Correctional Deputy to write an incident report or a memorandum (accidental discharge, etc.). The Correctional Deputy shall write a report or memo detailing the circumstances surrounding the discharge of the firearm, and shall forward a copy to the Supervisor as soon as practical.
- (c) If the Countywide Employee Involved Fatal Incident Protocol has been invoked, then the Correctional Deputy shall comply with all protocols required therein.

5.4 INVESTIGATIONS

- (a) The immediate supervisor (Detention Supervisor) of a Correctional Deputy who discharges a firearm shall contact the on duty patrol sergeant to conduct any investigation that is needed to properly document and evaluate the circumstances of the firearm discharge. Unless the Countywide Employee Involved Fatal Incident Protocol has been invoked, that supervisor shall prepare a memo detailing his/her finding(s) and conclusion(s).
 - 1. The Supervisor's memo should briefly summarize the facts and circumstances of the shooting, and whether or not the shooting was within policy.
 - 2. The Supervisor shall forward the memo and all pertinent documentation to the responsible Patrol Lieutenant.
 - 3. The responsible Patrol Lieutenant shall review all relevant documents and other necessary information and make a finding regarding any violations of law or policy.

4. The responsible Patrol Lieutenant shall forward all relevant information to the Administrative Captain who will forward it to the Detention Division Captain(s) and Detention Division Assistant Sheriff.
- (b) The Detention Division Assistant Sheriff shall recommend what, if any, disciplinary action is to be taken in accordance with County and Sheriff's Office policies. The Assistant Sheriff shall forward all original documents and any disciplinary action information to the Sheriff's Personnel Bureau for filing.

5.5 AMMUNITION

Ammunition used by Correctional Deputies shall be limited to new and commercial manufacture, unless attending a range.

5.6 CARRYING OFF-DUTY WEAPONS

The Sheriff's Office does **not** mandate the carrying of weapons while off-duty. The carrying of firearms by Correctional Deputy while off- duty is permitted by the Sheriff, but may be rescinded should any circumstances dictate (e.g., administrative leave). Correctional Deputies who chooses to carry a firearm while off-duty, based on their authority as a peace officer, will be required to meet the following guidelines:

- (a) The Correctional Deputy shall carry his/her Sheriff's Office identification whenever carrying such weapon.
- (b) The Correctional Deputy shall remain subject to this Policy and all other Sheriff's Office policies (including qualifying).
- (c) The Correctional Deputy may not be under the influence of alcohol or any other intoxicating or hallucinatory drug including prescription medication to include prescription medication that warns of impairment.
- (d) Correctional Deputies are cautioned that there may be restrictions that prohibit carrying firearms in certain government and private properties.

5.7 QUALIFICATION PROCEDURES

Qualification requirements will be approved by the Firearms Program Manager or his Designee. The qualification records shall be forwarded to Personnel Bureau for record keeping.

- (a) Qualified off-duty Correctional Deputies are authorized to carry concealed firearms pursuant to their status under 830.1(c) PC.
- (b) The Firearms program shall keep a record of all Correctional Deputies who attend training. The Firearms Lieutenant will track all Correctional Deputies who choose to carry an off-duty weapon and whether or not they are currently qualified.
- (c) Correctional Deputies shall attend training and range on their off-duty time. Overtime will not be authorized for Correctional Deputies attending training or range.
- (d) Correctional Deputies shall be required to attend and successfully complete a two-day Off-Duty Concealed Carry course taught by Sheriff's Office Law Enforcement Division Firearms Instructors.

- (e) After completion of the initial two-day training, all Correctional Deputies authorized to carry a handgun shall qualify with it twice per calendar year to continue carrying off-duty. The qualifications shall be completed at least three months apart. Both qualifications shall be conducted by a Sheriff's Office Law Enforcement Division Firearms Instructors.
- (f) If a Correctional Deputy fails to qualify within any given quarter, the Firearms Instructor shall attempt to remediate the Correctional Deputy. If a Correctional Deputy fails to qualify after remediation, the Firearms Instructor shall contact the Correctional Deputy's Supervisor as soon as possible and advise them of the deputy's failure to qualify. The Firearms Sergeant and Firearms Program Manager shall be notified as soon as practical.
 - 1. The Firearms Instructor shall document the failure to qualify, and subsequent remediation attempts, in a memorandum which shall be forwarded to the Firearms Sergeant and Firearms Program Manager.
 - 2. Should a Correctional Deputy fail to successfully qualify, the Sheriff or Designee shall revoke their right to carry a firearm off-duty per 830.1(c). Upon successful remediation, the Sheriff or Designee can reinstate their privilege.
- (g) The Sheriff reserves the right to revoke a Correctional Deputy's Peace Officer status for cause. Should a Correctional Deputy's Peace Officer status be revoked, their right to carry a firearm off duty as a peace officer per 830.1(c) PC shall be revoked.

6.0 REVISION HISTORY

Version: 4.07.16

Replaced v. 3.06.16; replaces v. 2.04.15, replaces v. NEW 1.09.14, Law Enforcement Policy 312 and Detention Policy "Firearms – Carrying Off Duty" (both deleted)