

Firearms

310.1 PURPOSE AND SCOPE

This policy only applies to those members who are authorized to carry firearms.

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to guidelines related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

310.1.1 LEGAL AUTHORITY TO CARRY AND USE A FIREARM

The peace officer status of probation officers is granted by Penal Code section 830.5: which provides that probation officers and deputy probation officers may carry firearms only if authorized and under those terms and conditions specified by their employing agency.

The probation officer's use of peace officer powers is defined by statute, court decisions and opinions of the California Attorney General's Office.

Penal Code section 830.5 (a) states, in part:

- (a) "...Except as otherwise provided in this subdivision, the authority of these parole or probation officers shall extend only as follows:
 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 post-release community supervision.
 4. To violations of any penal provisions of law which are discovered while performing the usual or authorized duties of his or her employment.
 5. To the rendering of mutual aid to any other law enforcement agency".

The authority of this Department's officers to carry and use firearms on-duty shall be consistent with the above provisions of the Penal Code and shall be limited by the terms and conditions specified in this policy. Probation officers and detention officers authorized to carry firearms on duty are required, pursuant to Penal Code section 830.5 (d), to meet the training requirements of Penal Code section 832 and to qualify with the firearm at least quarterly. Nothing in this policy shall be considered or construed as conferring on this Department's officer's authority beyond that granted by the Penal Code. Officers authorized to carry firearms shall comply with the requirements of the Penal Code and this policy.

Under the provisions of Penal Code section 830.5, a probation officer holds peace officer "status" at all times and therefore may carry a personal, concealed firearm during off-duty hours without violating Penal Code section 25450. The "authority" to act as a peace officer, however,

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only extends to on-duty hours while the officer is engaged in the performance of his or her duties. It is the responsibility of the individual officer to maintain his or her eligibility to carry concealable firearms off-duty.

An officer who carries or uses any firearm off-duty does so as a private citizen. Any consequences of liability of any kind arising out of any act or incident involving the use or carrying of any firearm during off-duty hours shall be the sole, personal responsibility of the officer. The County assumes no liability or responsibility for such off-duty use of a firearm by an officer, and any act or incident shall not be deemed an official or permitted act or incident or the exercise of peace officer "authority".

Any misuse of a firearm off-duty by an officer may subject that officer to disciplinary action up to and including termination, in addition to any civil or criminal action to which the officer may be subjected.

310.1.2 AUTHORIZATION TO CARRY A FIREARM ON DUTY

The Department will not order an officer to be armed. Any officer seeking authorization to be armed shall familiarize himself or herself with the Department's Firearms, Discharge of Firearms, Officer-Involved Shooting, and Use of Force policies, and submit his or her written request to be armed to his or her supervisor on the Department's "Request to be Armed" form.

The Arming Authorization shall be in writing and shall be signed by the Chief Probation Officer. No officer shall carry a firearm, other than his or her Department issued firearm or personal firearm qualified for on-duty use, on his or her person at any time or have a firearm in his or her possession in the office or at any other job location or on County property or in his or her vehicle without the prior written authorization of the Chief Probation Officer obtained in compliance with this policy.

The signed Arming Authorization form shall be kept in the officer's personnel file with copies to the Departmental Training Coordinator and Rangemaster or designee assigned with record retention.

The authorization to carry a firearm shall be subject to periodic review by the Chief Probation Officer.

The Chief Probation Officer may approve or deny any formal request by an officer to be armed on a case-by-case basis subject to any terms and limitations deemed appropriate within the sole discretion of the Chief Probation Officer.

The Chief Probation Officer may, at any time, for any reason without cause, revoke the authority of any officer to carry a firearm on duty. The officer shall immediately be informed of the revocation and, if necessary, transferred to an assignment not requiring arming. A copy of the written revocation shall be delivered to the officer within five (5) working days, and a copy shall be placed in the officer's personnel file. The officer shall be entitled to pursue any remedies allowed under the Public Safety Officers Procedural Bill of Rights Act and/or applicable MOU.

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310.1.3 CARRYING THE FIREARM

a. Officers authorized to carry firearms on duty shall only carry firearms that have been issued by the Department or approved by the Chief Probation Officer and with which the officer has qualified as provided in this policy.

b. The authorized and approved firearm must be encased in a holster approved by the Rangemaster.

c. The firearm must be fully loaded with a round chambered.

d. Whenever an armed officer is in the field (e.g., on a school campus, conducting home visits, transportation, etc.) the officer shall carry the firearm in an approved retention holster.

e. Any officer authorized to carry a firearm shall have in his or her possession, whenever carrying a firearm, his or her Department- issued badge and identification card. Exceptions to this requirement need to be pre-approved and documented by a Supervisor. The badge must be displayed in close proximity to the firearm. However, armed officers may choose to wear their Department issued badge on a neck chain when the situation warrants (e.g., Court appearance, going to the homes of victims, meetings, etc.).

f. Officers authorized to carry firearms shall wear Department-authorized body armor at all times while on duty and engaged in out-of-office field activities, unless otherwise authorized by the Chief Probation Officer.

g. Unless pre-approved and documented by a Supervisor, officers authorized to carry firearms shall carry a minimum of one (1) less than lethal force option (e.g., O.C. spray, Taser) while on duty and engaged in out-of-office field activities.

h. If an armed officer is performing administrative duties (e.g., office work, Court appearance, etc.), the officer may carry the firearm in any approved holster.

i. Pursuant to protocols set by the Superior Court of California, County of Yolo, non-uniformed peace officers are required to inform the bailiff upon entering the courtroom that they are an armed peace officer. No peace officer is permitted to enter armed when attending court on personal business (e.g., traffic ticket, divorce, etc.) and must leave their firearm outside the courthouse while attending non-official court business.

j. Officers authorized to carry a firearm are encouraged to carry their weapon at all times while on duty. Armed personnel should have their firearms and all authorized safety equipment readily available to them while on duty. Any officer who requires his or her firearm to be stored (during lunch, training, or any meetings) should use the Department's gun lockers.

310.1.4 RESTRICTION ON CARRYING FIREARMS

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

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- (a) When an officer has consumed any alcoholic beverage or taken any drugs that would tend to adversely affect the officer's senses or judgment.
- (b) While injured or in a physical or mental condition causing inability to use a firearm effectively or properly, (e.g., broken arm, eye injury causing impaired vision, etc.).
- (c) While on disciplinary or investigative suspension.
- (d) While on leave of absence without pay or other period of unpaid absence from the Department or while on injury or disability status.
- (e) When authorization to carry a firearm has been revoked.
- (f) When the officer has been directed by the Rangemaster or a superior officer to cease carrying a firearm.

Any officer directed to cease carrying a firearm shall immediately surrender his or her firearm (if owned by the Department) and shall immediately cease carrying any firearm on-duty. The authorized person, who determined that the officer shall cease carrying the firearm is the person who shall take possession of that Department-owned firearm immediately.

If a suspension of authority to carry a firearm has been made, the person ordering the suspension shall submit a written report, within three (3) working days, to the Chief Probation Officer, indicating the circumstances that led to the suspension. The Chief Probation Officer will review the report and determine if the suspension should be upheld or if the suspension shall become permanent. Notice of the Chief's decision shall be made available or mailed to the officer within five (5) working days following submission of the report.

A written request for a review of any suspension or revocation may be made by the affected officer to the Chief Probation Officer within ten (10) working days of the officer's receipt of notification of suspension or revocation of authority to carry a firearm. The written request shall state the reason(s) the authorization should be reinstated or specific objections to the decision. The Chief Probation Officer shall make a determination whether or not to continue to revoke the authorization. The Chief Probation Officer's decision is final.

310.1.5 STOLEN OR LOST FIREARMS

- (a) An officer shall file a report with the appropriate law enforcement agency immediately upon discovering his or her on-duty firearm is missing.
- (b) An officer also shall immediately report a lost or stolen firearm to his or her Supervisor, who will notify the Chief Probation Officer via the chain of command.
- (c) The officer will file a written report regarding the matter with his or her Supervisor by the end of the assigned shift. The written report shall be submitted to the Chief Probation Officer through the chain of command.
- (d) The officer may be required to reimburse the Department in the event a Department-owned firearm and/or related equipment is lost or damaged through gross negligence

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of the officer. This reimbursement obligation is in addition to any disciplinary action that may be imposed by the Department due to the officer's negligence.

- (e) Arrangements may be made for the temporary or permanent issuance of another firearm if the Chief Probation Officer or designee authorizes such issuance. The officer shall qualify with the newly issued firearm before authorization to carry the firearm on-duty shall become effective.

310.2 RANGE ADMINISTRATION

The Chief Probation Officer or designee shall serve as the Range Administrator. The Range Administrator or designee shall maintain training records of armed personnel and process arming requests. Department employees who have been assigned by the Chief Probation Officer to facilitate the quarterly qualifications of armed staff or other training related to arming will be known as Rangemasters.

Rangemasters must be qualified through an approved Rangemaster School (e.g., Federal Bureau of Investigation, Gunsite Training Center, Inc., or State Department of Justice).

310.2.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly. The officer shall ensure the firearm is carried in the proper condition and loaded with approved ammunition. All handguns shall be pointed in a safe direction or into clearing barrels.

Personally owned firearms approved by the Chief may be safely stored in gun lockers during a shift. Department-owned handguns or personally owned approved handguns shall be stored in gun lockers/lockbox when working in locations where firearms are prohibited (JDF, Jail, etc). Handguns may remain loaded if they are secured in an appropriate holster.

310.2.2 STORAGE IN VEHICLES

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

If the vehicle does not have a trunk or a locked container, then the firearm should be locked within the center utility console that can be locked with a padlock, keylock, combination lock, or other similar locking device. (Pen. Code § 25140.)

Officers are exempt from these requirements during circumstances requiring immediate aid or action in the course of official duties. (Pen. Code § 25140.)

310.2.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment.

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310.3 RANGEMASTER DUTIES

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

The range shall remain operational and accessible to Department officers during hours established by the Department. The hours shall be assigned by the Department's Rangemasters, and limited by the Department's contract for use of the range.

Rangemasters certified as armorers for the Department issued firearms have the responsibility of making periodic inspection, at least once a year, of all duty weapons carried by officers of this Department to verify proper operation. The Rangemaster has the authority to deem any privately owned weapon unfit for service. The officer will be responsible for all repairs to his or her personal weapon and it will not be returned to service until inspected by the Rangemaster.

The Rangemaster shall monitor all legislative and policy changes relating to the use of firearms by officers and shall provide necessary updated training in a timely manner. The Rangemaster and Training Coordinator shall maintain the training records of all officers authorized to carry firearms and shall promptly notify the Chief Probation Officer or designee when any such officer is not in compliance with the Department's training requirements.

310.4 AUTHORIZED WEAPONS

No firearms will be carried that have not been thoroughly inspected by the Rangemaster during a regularly scheduled range date. Except in an emergency or as directed by a Supervisor, no firearm shall be carried by an officer who has not qualified with that weapon at an authorized department range. Officers are not permitted to carry secondary handguns while on duty.

All other weapons, including but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law, may not be carried by personnel in the performance of their official duty without the express written authorization of the Chief Probation Officer or designee. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

310.4.1 DUTY FIREARMS

The Department issued or authorized handguns are the Glock models #17, #19, or ##26, using 9 mm ammunition.

310.4.2 AMMUNITION

Officers shall carry only Department-authorized ammunition. Officers shall be issued fresh duty ammunition in the specified quantity for all Department issued firearms during the officer's first scheduled qualification each year. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed in accordance with established policy.

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310.5 SAFE HANDLING OF FIREARMS

The intent of this policy is to promote proper firearm safety on and off-duty. Employees shall maintain the highest level of safety when handling firearms and shall consider the following:

310.5.1 SAFETY CONSIDERATIONS

- (a) Every firearm handled by officers authorized to be armed, shall be treated as a loaded firearm. Officers shall not unnecessarily display or handle any firearm.
- (b) Any unholstered firearm that is brought into a Probation Department facility shall first be unloaded.
- (c) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Officers shall not dry fire or practice quick draws except under Rangemaster supervision.
- (d) The cleaning of a firearm in an office-setting, vehicle, or in the field is prohibited except when the firearm has been fouled by a foreign substance that might render it inoperable. In those instances, all safety precautions must be taken when cleaning the firearm.
- (e) Officers shall not place or store any firearm on Department premises except where the place of storage is locked. No one shall carry firearms into the juvenile detention facility/jail facility or any part thereof when securing or processing a prisoner, but shall place all firearms in a secured location (preferably Department provided gun lockers). It shall be the responsibility of the booking/releasing officer to make sure that persons from outside agencies do not enter the juvenile detention facility/jail facility with any firearm.
- (f) All firearms equipped with safety devices shall be placed in a "safe" condition except when use is imminent.
- (g) Any weapon authorized by the Department to be carried on duty, that is found by the officer to be malfunctioning or needing service, shall not be carried. It shall be promptly presented to a Department supervisor or Rangemaster for inspection. Any weapon determined to be in need of service or repair during an inspection by the Department Rangemaster shall be immediately removed from service. If the weapon is the officer's primary duty weapon, a replacement weapon will be issued to the officer until the duty weapon is serviceable.

310.5.2 STORAGE OF FIREARMS AT HOME

Department employees shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control in a manner that will keep them inaccessible to children and irresponsible adults.

Department employees shall be aware that negligent storage of a firearm may result in criminal prosecution under Penal Code section 25100.

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310.5.3 STORAGE OF FIREARMS WHILE ON-DUTY

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:

- (a) When not being carried during duty hours, the firearm and ammunition shall be stored in a secure and safe place that is not readily accessible to unauthorized persons. The firearm shall not be stored in a place where it is visible to anyone. If possible, the firearm should remain in the holster when being stored.
- (b) Firearms shall not be kept in the office overnight, unless authorized by the Rangemaster to be stored in Departmental issued lock boxes.
- (c) Firearms shall not be stored overnight at any time in a County vehicle or private vehicle.
- (d) If an on-duty armed officer does not wish to carry his or her firearm into a residence or public building, he or she shall take the following precautions:
 1. The firearm shall be stored temporarily either in a locked vehicle trunk or vehicle lock box not within plain view in the vehicle. If the firearm is stored in the vehicle, the automobile shall be locked.
 2. The officer shall exercise caution so that the public does not observe placement of the firearm into storage in the automobile.

310.5.4 PERSONALLY- OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Chief Probation Officer or the authorized designee. Once approved, personally-owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order and on the department list of approved firearms.
- (b) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the Department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

310.6 FIREARMS QUALIFICATIONS

Any officer authorized to carry and use a firearm must be certified as currently qualified to do so by the Rangemaster, under the following conditions:

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- a. The minimum qualifying score for each type of firearm shall be established by the Rangemaster and approved by the Chief Probation Officer.
- b. Officers shall comply with the Rangemaster's directions and policies.
- c. The Rangemaster as approved by the Chief Probation Officer shall administer a firearm qualification program that ensures competency among all officers authorized to carry firearms.
- d. Each officer authorized to carry a firearm on duty shall qualify quarterly.
- e. Any officer who fails to qualify shall have his or her authorization to carry a firearm suspended. This suspension shall remain in effect until the individual receives additional training and qualifies. Continued failure to qualify will result in revocation of the authorization to carry a firearm. A person who fails to qualify may attempt to re-qualify no more than three (3) times in one day, time permitting.
- f. Officers must qualify with their Department issued firearm and/or personally-owned approved firearm. Officers not qualified with a particular firearm are not authorized to carry that firearm until they become qualified with it.
- g. Qualification shall be during normal working hours. Request for qualification outside of regular working hours may be approved by the Chief Probation Officer or designee and scheduled by the Rangemaster.
- h. The Training Coordinator or Rangemaster shall prepare and submit a quarterly firearms qualification report to the Chief Probation Officer.
- i. Any officer may, with the Chief Probation Officer's approval, be authorized additional on-duty hours for practice to improve proficiency in the use of a firearm. Arrangements will be made for additional firearms practice under the supervision of the Rangemaster.
- j. For the sake of transparency, Rangemasters shall qualify quarterly along with armed officers during scheduled Department qualification, under the same conditions, and under the supervision of another Rangemaster. Documentation of each qualification by Rangemasters shall be submitted to STC, the Chief Probation Officer, as well as a separate training file monitored and stored by the Department Training Coordinator;

Special Note

Any officer in good standing, who has been transferred from a traditional "armed" assignment to a "non-armed" assignment may elect to continue his or her armed status. Although they will not continue to possess a Department-issued weapon, they will qualify under the supervision of a designated Rangemaster. During scheduled qualifications, a Department issued weapon will be provided. It is the responsibility of those staff electing to maintain their armed status to qualify quarterly with the same standards and expectations of staff in armed assignments.

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The Rangemaster shall keep accurate records of quarterly qualifications, repairs, maintenance, training or as directed by the Chief Probation Officer. In addition to regular qualification schedules, the Rangemaster shall be responsible for providing all armed personnel with annual practical training designed to simulate field situations. At least annually, all officers carrying a firearm will receive training on the Department Use of Force policy and demonstrate their knowledge and understanding.

310.6.1 FAILED FIREARM QUALIFICATION

If an officer fails to pass the firearms range qualification, the following shall occur on the scheduled qualification day.

First Failed Attempt to Qualify:

- The officer will meet with a Rangemaster to review fundamentals of shooting (e.g. hand grip, sight alignment, sear re-set, smooth trigger pull, etc.).
- The officer will NOT be allowed to fire any live rounds in keeping with the "cold shoot" Department standard.

Second Failed Attempt to Qualify:

- The officer will meet with a Rangemaster to review fundamentals of shooting (e.g. hand grip, sight alignment, sear re-set, smooth trigger pull, etc.).
- The Rangemaster will point out any deficiencies that were observed during the first remediation, and allow the officer to ask questions to receive additional feedback or guidance if needed.
- The officer will NOT be allowed to fire any live rounds in keeping with the "cold shoot" Department standard.

Third Failed Attempt to Qualify:

- The officer's duty weapon and all ammunition and magazines shall be taken by a Rangemaster while at the range.
- The Rangemaster will notify the Officer's Supervisor or designee immediately.
- The Rangemaster shall document the third failed attempt in the Department's Firearms Training Record.
- The Firearms Training Record form shall be submitted to the Chief Probation Officer for review.

Three (3) Failed Qualifications Within any Twelve (12) Month Period:

- If an officer fails three (3) qualifications within any twelve (12) month period (the three qualification failures do not have to be sequential), a written recommendation to remove the officer from an armed assignment by the Rangemaster shall be forwarded to the Chief Probation Officer.

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310.6.2 TRAINING AND OTHER REQUIREMENTS

Officers must satisfactorily complete all training and qualification pursuant to this policy prior to being authorized to carry a firearm while on duty. Required training includes:

- a. Successful completion of firearm training pursuant to Penal Code section 832;
- b. Successful completion of Probation Officer or Juvenile Institutions CORE training;
- c. Successful completion of an assigned psychological assessment;
- d. Successful completion of Arrest, Search and Seizure pursuant to Penal Code section 832;
- e. Successful completion of a probationary period as a Deputy Probation Officer I or Detention Officer I;
- f. Cardiopulmonary Resuscitation and First Aid certification;
- g. A review of the Department's policies concerning the carrying of firearms by officers;
- h. Ethical and moral considerations of the use of firearms and deadly physical force; and
- i. Chemical agents, Force and Weaponry, Ethics, Firearm Policy, and any other Departmental approved training related to firearm safety.

Armed officers may also be required to be able to provide a practical demonstration of at least the following:

- a. Firearm safety.
- b. Shooting proficiency during scenario-based training.
- c. Weapon retention.
- d. All less than lethal self-defense options for which the officer is certified.
- e. The care and cleaning of an authorized firearm.
- f. Weaponless Defense Training/Management of Assaultive Behavior.

310.6.3 HOLSTERS

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

310.7 MAINTENANCE AND REPAIR

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

310.7.1 REPAIR OR MODIFICATIONS OF DUTY WEAPONS

The Lead Rangemaster or designee shall be the only person authorized to repair or modify any Department owned weapon. All repairs or modifications of Department issued weapons not performed by the Rangemaster must be approved in advance by the Rangemaster and

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accomplished by a Department approved gunsmith. Modifications to personally-owned and approved use firearms must be authorized in advance by the Rangemaster.

310.8 FLYING WHILE ARMED

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

- (a) Officers must carry their Department identification card which must contain a full-face picture, the officers signature and the signature of the Chief Probation Officer or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).
- (b) The Yolo County Probation Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Yolo County Probation Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message to airport personnel as authorization to travel while armed on the day of travel.
- (c) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the Department appointed instructor.
- (d) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification can be accomplished by early check-in at the carrier's check-in counter.
- (e) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his or her person at all times.
- (f) When transporting an in-custody person, officers should not surrender their firearm but should try to resolve any problems through the flight captain, ground security manager or other management representative of the air carrier.
- (g) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.
- (h) The only time an officer shall fly armed is when transporting an in custody person. On all other occasions the officer will secure his or her firearm and duty ammunition in a Department lock box which will be secured and checked in with the airline. At no time shall an officer fly with their Department issued firearm unless the officers is doing so in an official approved Department capacity.

310.9 CARRYING FIREARMS OUT OF STATE

Qualified active full-time officers and qualified retired officers (see Policy Manual § 220) of this Department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B, C):

- (a) The officer shall carry his or her Department identification card whenever carrying such weapon.

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- (b) Qualified retired officers shall also carry certification of having met firearms qualification within the past 12 months.
- (c) The officer is not the subject of any current disciplinary investigation or action.
- (d) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (e) The officer will remain subject to this and all other Department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Visiting active and retired peace officers from other states are subject to all requirements set forth in 18 USC 926B and C.