

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
ARIZONA CODE OF JUDICIAL)	Administrative Order
ADMINISTRATION § 6-113:)	No. 2014 – <u>7</u>
FIREARMS STANDARDS)	(Affecting Administrative
)	Order No. 2010-08)
)	

An amendment to the above-captioned section of the Arizona Code of Judicial Administration having come before the Arizona Judicial Council on December 12, 2013, and having been approved and recommended for adoption,

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that Arizona Code of Judicial Administration § 6-113 is amended as indicated on the attached document. All other provisions of § 6-113, as originally adopted, remain unchanged and in effect.

Dated this 8th day of January, 2014.

REBECCA WHITE BERCH
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION

Part 6: Probation

Chapter 1: General Administration

Section 6-113: Firearms Standards

A. Definitions. In this section, unless otherwise specified, the following definitions apply:

“Certified firearms instructor” means an individual trained in accordance with national law enforcement firearms training standards and approved by the Administrative Office of the Courts (AOC).

“Firearms automated training system” means a system which visually presents situations the officer may encounter in the officer’s duties and requires the officer to make use-of-force decisions relating to the use of a firearm.

“Firearms involved incident” means an event in which an officer discharges a duty weapon or is victimized by a firearm.

“Immediate threat” means the subject poses a risk of instant harm or attack with the elements of jeopardy, opportunity and ability.

“Intentional discharge” means a non-training ~~related~~ discharge of a department issued firearm by an officer ~~that~~ who is ~~either~~ on or off duty, where the officer believes the firearm is loaded and consciously performs all of the actions necessary to cause a discharge.

“Life-threatening ~~circumstances~~” means actions, ~~which~~ that may cause serious bodily injury or death.

“Low light condition” means firearms training ~~conducted in situations either natural or simulated~~, designed to expose officers to situations they may encounter while working at night or in reduced light situations.

“On duty” means the time period during which the officer ~~is involved in performing the officer’s respective~~ probation duties or is functioning at the direction of the ~~officer’s respective~~ probation department.

“Off duty” means the time period during which the officer is not ~~involved in performing the officer’s respective~~ probation duties or functioning at the direction of the ~~officer’s respective~~ probation department.

“Officer” means both adult and juvenile probation and surveillance officers.

“Tactical condition” means a training ~~which involves the officer’s appropriate use of a firearm in training~~ involving the use of distance, shielding and movement, and other issues the officer may encounter during the course of duty.

“Unintentional discharge” means the discharge of a department issued firearm by an officer that is either on or off duty, where the firearm discharges by an action of the officer without the officer’s intent to cause a discharge or when the officer unconsciously acts to cause the firearm to discharge or when outside forces cause the discharge.

B. Applicability. An officer of ~~the~~ a probation departments with the authority of a peace officer pursuant to A.R.S. §§ 12-253, 13-916, 8-205 and Arizona Code of Judicial Administration (ACJA) §§ 6-105 and 6-105.01, may carry and use a firearms while on duty only if authorized by the chief probation officer or director of juvenile court services and under the ~~terms and~~ conditions specified in this section.

C. Purpose. This code ~~To~~ governs the administration and authority of an officer to use a firearms while on duty ~~for defensive purposes only~~.

D. General Policy. An officer may be armed ~~for defensive purposes only~~ pursuant to the following:

1. The chief probation officer or director of juvenile court services may require that certain job assignments are staffed by an armed officer. Examples include, but are not limited to:
 - a. Warrant teams; or
 - b. Specialized supervised caseloads.
2. The chief probation officer or director of juvenile court services shall determine when an officer authorized to carry a firearm is restricted from carrying in certain job assignments or in the performance of certain duties.
3. The chief probation officer or director of juvenile court services shall not order an ~~staff member~~ officer to be armed.
4. The chief probation officer or director of juvenile court services may require the transfer of an unauthorized ~~unarmed~~ officer to another job assignment if the current assignment requires an armed officer.
5. ~~An~~ Officers shall not carry any firearm on ~~the officer’s~~ their person, ~~or have any firearm in the office or at their~~ job location or in their officer’s vehicle, while on official business except with prior approval and authorization of the chief probation officer or director of juvenile court services.

E. Request for Authorization to Carry Firearm.

1. An officer ~~wishing~~ seeking authorization to carry a firearm or ~~who desires~~ training on firearms shall submit a written request to the chief probation officer or director of juvenile court services ~~and submit to the following screening and testing requirements~~.

2. The chief probation officer or director of juvenile court services shall confirm and document, prior to granting authorization, that the requesting officer has ~~done the following~~:
 - a. Completed psychological testing ~~which meets~~ minimum standards established by the AOC;
 - b. Completed a criminal history records check;
 - c. Successfully completed and demonstrated proficiency in all required defensive tactics training;
 - d. Completed and certified, on a form approved by the AOC, that they are medically and physically able to perform the job duties of an armed officer;
 - ee. Successfully completed the Committee on Probation Education (COPE) approved firearms training academy with the firearm intended for use;
 - df. Successfully completed a COPE approved competency test and training course on ACJA §§ 6-112 and -113, and legal issues relating to firearms; and
 - e. ~~Successfully completed and demonstrated proficiency in all required defensive tactics training~~;
 - f. ~~Completed and certified, on a form approved by the AOC, that they are medically and physically able to perform the job duties of an armed officer; and~~
 - g. Submitted a form, approved by AOC, attesting that:
 - (1) The officer agrees to submit to an AOC approved psychological evaluation;
 - (2) The officer has no medical, psychological, or health condition including a physical or mental disability, ~~which substantially impairs~~ their officer's ability to responsibly carry a firearm or interfering with the safe use of or handling of a firearm;
 - (3) The officer is not addicted to alcohol or prescription drugs;
 - (4) The officer does not use unlawful narcotics or drugs;
 - (5) The officer agrees to submit to random drug tests if ~~authorized~~ to carry a firearm is granted;
 - (6) The officer agrees to submit to drug testing based on reasonable suspicion pursuant to departmental policy and procedures; and
 - (7) The officer shall abide by all ACJA requirements and department policies regarding firearms.
3. The chief probation officer or director of juvenile court services may require that the requesting officer submit to a polygraph examination to inquire about matters that would reasonably be the basis for not authorizing an officer to carry a firearm including, but not

limited to, sexual misconduct, use of excessive force and abuse of authority. A polygraph examination may also be used to question officers where the truthfulness or accuracy of information provided in the request to be armed is at issue.

4. The chief probation officer or director of juvenile court services shall act on the request for initial authorization, within 30 days, by initiating arrangements for the probation officer to undergo the necessary tests, evaluations, checks and training.

F. Required Firearms Training and Qualifications.

1. COPE shall approve a uniform, standardized and statewide firearms training academy and annual re-qualification.
2. The ~~e~~Certified ~~f~~Firearms ~~i~~nstructor (CFI) shall only use curriculum approved by COPE ~~and~~ to provide firearms training that meets the following minimum standards.
 - a. Annual training in:
 - (1) Daylight conditions and qualification;
 - (2) Low light conditions and qualification;
 - (3) Tactical conditions;
 - (4) Firearms automated training system or a judgmental shooting simulation; and
 - (5) Range safety.
 - b. Required instruction on the safe and effective use of department firearms.
3. Departments shall provide range equipment including eye and ear protection for use during training and qualifications.
4. An officer shall comply with all directives of the CFI concerning firearms training and safety.
5. An officer's direct supervisor may give written authorization ~~to~~ for the officer to use ~~the~~ a department issued firearm for practice while off duty on a ~~departmentally approved~~ range approved by the department.
6. The CFI shall confiscate and take control of the firearm of any officer who exhibits inappropriate or unsafe behavior while on the range or of any firearm determined to be unsafe.

G. Procedures for Authorization, Denial, Temporary Suspension or Revocation.

1. The chief probation officer or director of juvenile court services shall deny authorization to carry a firearm if an officer:

- a. Has been convicted in any court of a qualifying misdemeanor crime of domestic violence under federal law. See 18 U.S.C. § 922 (g)(9).
 - b. Is subject to a qualifying protection order under federal law. See 18 U.S.C. § 922 (g)(8).
2. The chief probation officer or director of juvenile court services may deny authorization to carry a firearm during any point of the screening and testing process based on the criteria stated in subsection (G)(6).
 3. The chief probation officer or director of juvenile court services shall approve or disapprove the request to carry a firearm in writing within 30 days after the officer satisfactorily completes all requirements stated in subsection (E)(2).
 4. The chief probation officer or director of juvenile court services shall provide written reasons for denial, temporary suspension, or revocation to the officer and a copy of the approval, denial, temporary suspension, or revocation shall be kept on file.
 5. The chief probation officer or director of juvenile court services or designee shall place the original request and the approval or reasons for denial, temporary suspension, or revocation in the officer's personnel file and provide copies to the officer, and to the officer's supervisor. ~~The CFI shall receive a copy of all approvals.~~
 6. The chief probation officer or director of juvenile court services shall ~~only~~ deny, revoke, or temporarily suspend authorization to carry a firearm for the following reasons:
 - a. Results from the psychological evaluation ~~that~~ indicatinges unfitnes to carry a firearm;
 - b. The officer is currently diagnosed with a mental disability or illness by a licensed mental health professional that may impact the officer's ability to safely use a firearm;
 - c. The denial or revocation of a permit to carry a concealed weapon by the State of Arizona;
 - d. A result from a criminal history record check or a self report indicating any or all of the following:
 - (1) The conviction of a felony or an offense, which would be a felony if committed in this state;
 - (2) The commission of any offense involving dishonesty, unlawful sexual conduct, physical violence or domestic violence;
 - (3) The violation of ~~A.R.S. § 13-3112, concealed weapons permit or~~ statutes governing firearms or lethal and non-lethal weapons; and
 - (4) The commission of a misdemeanor involving the carrying or use of a firearm.

- e. The violation of departmental policy or this code relating to the carrying or use of firearms;
- f. Carrying, exhibiting, or using a firearm in an unsafe or careless manner;
- g. Disciplinary charges pending or action taken ~~that~~ relating to the fitness to carry a firearm;
- h. Any use of alcoholic beverages on duty or excessive use of alcoholic beverages off duty that affects job performance ~~of job~~;
- i. The administrative reassignment of an officer as a result of a documented stress related disorder or post traumatic stress disorder as diagnosed by a licensed mental health professional that may impact the officer's ability to safely use a firearm;
- j. A medical, psychological, or health condition including a physical or mental disability, which substantially impairs the officer's ability to responsibly carry a firearm or interferes with the safe use of or handling of a firearm;
- k. The addiction to alcohol or prescription drugs that would interfere with the safe use of a firearm and render the officer unfit to carry a firearm;
- l. An officer is found to have illegally used dangerous drugs or narcotics for any purpose within the past seven years;
- m. An officer is found to have illegally used marijuana for any purpose within the past three years;
- n. Transfer or reassignment of an officer to an assignment or unit where carrying a firearm is not authorized pursuant to (D)(2) of this section;
- o. The authorization was based solely upon a specific personal risk to the officer and the risk is determined to no longer exist;
- p. Arrest for an offense punishable as a felony or for a misdemeanor involving the carrying or use of a firearm;
- q. Discharge of a firearm by an officer in violation of any municipal, county or state law, regulation or policy;
- r. Drawing a firearm or use of a non-lethal defensive weapon in violation of any municipal, county or state law, regulation or policy;
- s. Any ~~other~~ circumstance, temporary or permanent, other than time in service, which leads the chief probation officer or director of juvenile court services to believe that

~~the~~ arming of the officer could place that officer, other staff, probationers or the public in jeopardy; or

- t. Failure to successfully complete the annual re-qualification program and participate in required practice sessions.
7. All screening and testing records shall be maintained in the officer's personnel file and be remain confidential as required by law.
8. The presiding judge shall hear all appeals to the denial, temporary suspension, or revocation and the judicial decision is final and not appealable.
9. An officer wishing to have their authorization reinstated after revocation may submit a written request to the chief probation officer or director of juvenile court services after one year. The officer shall clearly state the reasons for reinstatement of the authorization. The presiding judge, presiding juvenile judge or judicial designee shall hear all appeals to the denial of reinstatement.

H. Authorization.

1. An officer granted authorization to carry a firearm shall acknowledge and sign an authorization document indicating the officer understands the terms and conditions contained in the code and any department policy regarding the use of firearms. The authorized officer shall agree to adhere to all state laws regarding the carrying and use of firearms. This includes all laws relating to the use of force.
2. An officer failing to comply with regulations and limitations are subject to disciplinary action and loss of firearm authorization.
3. An officer granted authorization to carry a firearm shall successfully complete the annual re-qualification and participate in all required practice sessions.
4. The chief probation officer or director of juvenile court services may order an authorized officer to submit to an evaluation by a licensed or certified professional when the officer is not performing assigned job functions adequately or who is experiencing problems which could affect job performance or the safety of the public and employees.

I. Restrictions for Carrying Firearms. An officer authorized to carry and use a weapon on duty is prohibited from carrying department issued firearms under the following conditions:

1. While in a condition resulting from the use of alcohol or medication where the officer's motor skills, reflexes, or judgment could be adversely affected or while displaying evidence of mental or emotional instability;
2. While injured or in a physical condition causing inability to use a firearm properly, for example, broken hand or an eye injury causing uncorrected impaired vision. This is not

intended to limit an authorized officer's ability to defend oneself during the incident or others when injuries are incurred in a life-threatening situation;

3. While on disciplinary or investigative suspension;
4. While on leave, short term or extended, with or without pay, or other periods of unpaid absence from the department;
5. When the chief probation officer, director of juvenile court services, or other superior directs the officer not to carry a firearm;
6. When the chief probation officer or director of juvenile court services revokes the authorization to carry; and
7. When engaged in official travel out of state unless written permission is obtained from the chief probation officer or director of juvenile court services.

J. Authority to Unholster, Draw and Display Firearms. An officer shall only draw their duty weapon from its holster, or display it in public, under the following conditions and as authorized in subsection (L) of this section.

1. In compliance with department policy regarding firearm concealment or exposure;
2. The circumstances surrounding the incident create a reasonable belief that it may become necessary to use the firearm in the performance of probation supervision duties;
3. When a law enforcement officer requests assistance from an officer in a life-threatening situation;
4. For maintenance, inspection and training purposes; and
5. When using the weapon in an approved training course, practice session or qualification with the CFI.

K. Required Reporting of Firearm Unholstering, Drawing, or Displaying a Firearm in the Course of Duty.

1. Except for training or to secure a weapon or when requested by a CFI for purposes of maintenance, or inspection, An officer who unholsters, draws or displays, but does not discharge a firearm while on duty, excluding training, shall submit a written incident report to their supervisor no later than the next business day. ~~except other than to secure the weapon or when requested by the CFI for maintenance, inspection or training purposes.~~
2. ~~An officer who witnesses this behavior shall submit an written incident report to their supervisor no later than the next business day.~~

32. The supervisor shall immediately send the written ~~incident~~ report through the departmental chain of command to the chief probation officer or director of juvenile court services.
43. Failing to comply with reporting requirements may be cause for disciplinary actions, up to and including termination of employment.

L. Authority to Discharge Firearm.

1. An officer shall determine that deadly force is warranted under the circumstances provided by statute before using deadly force in the performance of the officer's duties.
- a. A.R.S. § 13-410(A)(1) provides:

The threatened use of deadly physical force by a person against another is justified pursuant to § 13-409 only if a reasonable person effecting the arrest ~~...~~ ... would believe the suspect~~...~~ ... is:

(1) Actually resisting the discharge of a legal duty with deadly physical force or with the apparent capacity to use deadly physical force; or-

- b. A.R.S. § 13-410(C)(1)(2)(a)(b)(c) and (D) provides:

C. The use of deadly force by a peace officer against another is justified pursuant to § section 13-409 only when the peace officer reasonably believes that it is necessary:

1. To defend himself or a third person from what the peace officer reasonably believes to be the use or imminent use of deadly physical force.

2. To effect an arrest~~...~~ ... of a person whom the peace officer reasonably believes:

(a) Has committed, attempted to commit, is committing or is attempting to commit a felony involving the use or threatened use of a deadly weapon.

(b) Is attempting to escape by use of a deadly weapon.

(c) Through past or present conduct of the person which is known by the peace officer that the person is likely to endanger human life or inflict serious bodily injury to another unless apprehended without delay.

~~...~~ ...

D. Notwithstanding any other provision of this chapter, a peace officer is justified in threatening to use deadly physical force when and to the extent a reasonable officer believes it necessary to protect himself against another's potential use of physical force or deadly physical force.

2. An officer shall not:
 - a. Draw or display a weapon unless the situation poses a threat that may warrant the use of the weapon;
 - b. Fire warning shots;
 - c. Fire in the immediate direction of a crowd;
 - d. Fire into buildings or through doors or windows, when the subject is not clearly visible;
 - e. Use firearms to protect property;
 - f. Discharge firearms to apprehend a fleeing offender;
 - g. Fire at a moving vehicle unless it is necessary to protect oneself or others against immediate threat of death or serious physical injury; or
 - h. Fire at an animal unless justified in preventing substantial harm to oneself or another.
3. An officer may use firearms on an approved range or during other approved training, practice or qualification when supervised by a CFI or in other department-approved training.

M. Responses to Discharges and Firearms Involved Incidents. ~~Investigation of Discharges and Call-Out Procedures.~~ Departments shall respond to discharges and firearms involved incidents according to the following criteria ~~Any department conducting a firearm's discharge investigation shall classify the discharge in one of the following categories:~~

1. Unintentional discharge without injury. The chief probation officer or director of juvenile court services shall ensure the following:
 - a. The department conducts an administrative investigation and shall not be required to conduct a formal shooting inquiry board. This type of discharge does not necessarily require an immediate departmental response.
 - b. The chief probation officer or director of juvenile court services shall notify the AOC within 72 hours when an unintentional discharge without injury has occurred.
 - c. The chief probation officer or director of juvenile court services shall have the authority to administer any discipline or remedial measures according to the local personnel procedures.

2. Training related unintentional discharge without injury. The chief probation officer or director of juvenile court services may follow the requirements of subsection (M)(1) of this section regarding a training related unintentional discharge without injury.
- ~~3. Unintentional discharge with injury. The chief probation officer or director of juvenile court services shall ensure that all investigations follow the criteria stated in subsection (M)(4) of this section.~~
43. Unintentional discharge with injury or intentional discharge. Departments shall defer the scene and investigation to and the appropriate law enforcement agency. Departments shall conduct an internal administrative investigation of ~~shall investigate~~ any intentional discharge of a firearm or unintentional discharge of a firearm with injury.
 - a. The improper use of a firearm may result in sanctions, criminal, or civil action.
 - ~~b. In an administrative investigation of a weapons discharge of a firearm, the first non-involved armed responding officer shall:~~
 - ~~(1) Secure and preserve the firearm in a condition as close as possible to the condition when the discharge took place. For example, leaving the firearm with the officer in the holster until it can be surrendered to an investigating officer.~~
 - ~~(2) Take care not to destroy or add fingerprints;~~
 - ~~(3) Protect the weapon for examination and only submit it to the CFI or investigating authority;~~
 - ~~(4) Record exactly what is done with the firearm and report it to the investigating law enforcement agency; and~~
 - ~~(5) Provide all gathered information to the incident investigator from the probation department and law enforcement.~~
 - ~~c. The probation department shall assign a staff member to aid and assist the officer if the discharge of the officer's firearm results in the wounding or death of a person or persons.~~
 - ~~d.~~ b. The chief probation officer or director of juvenile court services shall ensure that when the officer's weapon is held as part of an investigation, a replacement firearm is issued as soon as is reasonable unless authorization to carry a firearm has been revoked or temporarily suspended.
 - ~~e. Each department shall have policies and procedures for the investigation of all firearm discharges or firearm involved incidents. Each department's policies and procedures shall include, but are not limited to, the following:~~
 - ~~(1) Direction as to who shall be notified;~~
 - ~~(2) Direction as to who shall be called to the scene;~~
 - ~~(3) Notification to AOC and appropriate law enforcement;~~
 - ~~(4) Notification to county and state risk management;~~

- ~~(5) Notification to county attorney and attorney general;~~
 - ~~(6) Establishment of a critical incident response team;~~
 - ~~(7) Notification of a critical incident response team representative or representatives;~~
 - ~~and~~
 - ~~(8) Procedures to place an officer on administrative leave following a shooting or discharge.~~
- f. ~~The chief probation officer or director of juvenile court services or designee shall handle all media and family inquiries.~~
4. Each department shall have policies and procedures for the internal administrative investigation and responses of all firearm discharges or firearm involved incidents. Each department's policies and procedures shall include, but are not limited to, the following:
- a. Direction as to who shall be notified;
 - b. Direction as to who shall be called to the scene;
 - c. Notification to AOC and appropriate law enforcement;
 - d. Notification to county and state risk management;
 - e. Notification to county attorney and attorney general;
 - f. Establishment of a critical incident response team, to include a member to aid and assist an officer directly following a line of duty shooting or other firearms involved incident. This does not include unintentional discharge without injury;
 - g. Notification of a critical incident response team representative or representatives; and
 - h. Procedures to place an officer on administrative leave following a shooting or discharge.
5. The chief probation officer or director of juvenile court services shall ensure all officers are trained in policies and procedures regarding firearms discharges or firearms involved incidents.
6. The chief probation officer or director of juvenile court services or designee shall handle all media and family inquiries.

N. Shooting Inquiry Board.

1. The chief probation officer or director of juvenile court services shall appoint a shooting inquiry board within twenty days of any unintentional discharge with injury or intentional discharge of a department issued firearm.

2. The shooting inquiry board shall convene for the purpose of revealing the facts in each instance of a discharge.
3. The shooting inquiry board shall consist of:
 - a. Two members of the probation department not involved in the incident, appointed by chief probation officer or director of juvenile court services;
 - b. One member of a law enforcement agency, not the investigative officer, appointed by the chief probation officer or director of juvenile court services;
 - c. One representative of the officer from the department, not involved in the incident;
 - d. One representative not involved in the incident, appointed by the presiding judge, from either inside or outside the probation department; and
 - e. An ~~The~~ AOC probation safety specialist.
4. The shooting inquiry board shall review the investigation of the shooting and determine the facts surrounding the incident, interview witnesses, and when necessary, request the chief probation officer or director of juvenile court services to assign investigators.
5. The board shall issue a written report to the chief probation officer or director of juvenile court services at the conclusion of its review containing the following:
 - a. A brief summary of the incident, as determined by the facts presented to the board;
 - b. The board's opinion of whether the discharge complied with department policy and this code;
 - c. Determination if the action of the officer was reasonable, ~~safe, and necessary~~;
 - d. Any minority opinion of a member, in the event that the board's opinion is not unanimous; and
 - e. The signature of each board member.
6. The chief probation officer or director of juvenile court services shall have the authority to administer any discipline or remedial measures according to the local personnel procedures.
7. The chief probation officer or director of juvenile court services shall forward a copy of the shooting inquiry board's report to the AOC probation safety specialist along with the actions taken by the chief probation officer or director of juvenile court services.

O. Authority to Carry and Use Concealable Firearms While Off Duty.

1. An officer authorized to carry and use issued firearms and ammunition on duty may request, in writing, separate authorization from the chief probation officer or director of juvenile court services to carry and use the issued firearm and ammunition off duty. Approval or denial of a request to carry off duty shall be in writing and placed in the officer's personnel file and shall be based on a specific personal risk or need to immediately respond based on assignment.
2. An officer authorized to carry and use a firearm while off duty shall comply with all laws and regulations and ACJA code sections concerning the carrying of firearms.
3. An officer who is carrying off duty without written authorization pursuant to this code section, shall be deemed to be acting outside the course and scope of employment and to be acting completely independently from the county or state.
 - a. The county and state assume no responsibility or liability for those actions.
 - b. Any liability arising from such possession or use of a firearm shall be the sole, individual liability of the officer.
4. An officer shall not carry department issued firearms while working secondary employment.
5. Any officer found to have carried a department issued firearm while off duty without written consent may lose authorization to be armed and may face other disciplinary actions up to and including termination of employment.

P. Authorized Firearms, Ammunition and Holsters.

1. An officer may only carry and use the firearm and ammunition that are approved by the AOC as their duty weapons.
2. The chief probation officer or director of juvenile court services shall ensure a database of each firearm serial number is maintained with the probation department.
3. The department shall maintain records of all firearms carried by on duty officers.
4. ~~An officer shall only alter the firearm with personalized grips or grip adapters.~~ Only probation department approved armorers shall make adjustments to the firearm except for personalized grip or grip adapter that may be added by the officer.
5. All safety devices manufactured into ~~on~~ the firearm ~~provided by the manufacturer~~ shall be intact and functioning at all times.

6. An officer may use another officer's firearm in the case of a life-threatening emergency. An officer may only use another firearm on the range, under the direct supervision of a CFI.
7. The chief probation officer or director of juvenile court services shall approve holsters for the authorized firearms based on guidelines issued by the AOC.
8. An officer shall qualify with the approved holster or holsters prior to initiating use and upon re-qualifying.
9. The CFI shall ensure that only factory ammunition is used. The use of reload ammunition is prohibited.
10. An officer shall only carry the approved and authorized firearm.
11. An officer shall have in their possession their department issued badge, identification card and firearms authorization card whenever carrying a firearm.
12. An officer shall ensure that the firearm is fully loaded when it is carried or worn.
13. The chief probation officer or director of juvenile court services may grant written approval for an officer on official business to carry an issued firearm when traveling out of jurisdiction. The officer shall:
 - a. Carry the written approval at all times while traveling;
 - b. Follow all federal, state, and local laws and regulations; and
 - c. Comply with the carrier's requirements.

Q. Firearms Safety and Storage.

1. An officer authorized to carry a firearm shall observe and practice the following safety regulations:
 - a. All firearms shall be handled safely and treated as a loaded firearm until the handler has personally proven otherwise;
 - b. An officer shall only dry-fire, clean, exhibit, load or unload in a safe manner and environment;
 - c. An officer shall ensure that any unholstered firearm that is brought into a probation department facility is unloaded. This does not include an officer's duty weapon for transfer to safe storage;

- d. An officer shall ensure that a firearm equipped with any safety device is carried in a “safe” position; and
 - e. An officer shall ensure that the weapon is empty of ammunition prior to cleaning or inspection.
2. An officer shall ensure that the ~~holstered~~ firearm and ammunition are stored in a designated safe and locked place that is not accessible to unauthorized persons when not carrying or wearing the firearm.
 - a. An officer shall not keep a firearm in the office overnight unless secured in a department approved firearms storage unit.
 - b. An officer shall not store a firearm overnight in any vehicle.
 - c. An officer shall ensure that a firearm is kept in a secure and safe place where the firearm is not accessible to other individuals, particularly children.
 - d. An on-duty armed officer not wanting to carry a firearm into a residence or public building, shall temporarily store the firearm in a locked automobile trunk or glove compartment.
 - (1) An officer shall ensure that the automobile is locked if the firearm is stored in a glove compartment or if the trunk is accessible through the passenger area.
 - (2) An officer shall exercise care that the placement of the firearm in the glove compartment or trunk is not observed by the public.
 - (3) The chief probation officer or director of juvenile court services may approve alternative arrangements, such as secure lock boxes under the seat.
 - e. An officer shall follow facility procedures for safekeeping and temporary storage of their firearm, ammunition, and other prohibited items at all correctional and court facilities.
 3. An officer shall immediately notify their supervisor of any unauthorized use, handling, or discharge of a department issued firearm. Chief probation officers or directors of juvenile court shall ensure that all discharge investigations follow all criteria provided in subsection M (4) of this code section.
 4. An officer failing to comply with the safety and storage regulations may be subject to disciplinary action, which may include the loss of authorization to carry a firearm.

R. Stolen or Lost Firearm.

1. An officer shall immediately file a report with local law enforcement upon discovery that a firearm is missing.

2. An officer shall immediately report a stolen or lost firearm to the supervisor, who will in turn notify the chief probation officer or director of juvenile court services.
3. An officer shall provide a written report to the supervisor no later than the close of that business day. The supervisor shall review the report and forward it to the chief probation officer or director of juvenile court services. Upon review the chief probation officer or director of juvenile court services shall forward the report to an AOC probation safety specialist.
4. The chief probation officer or director of juvenile court services shall discipline an officer who is found negligent in the loss of their department issued weapon. The discipline shall minimally consist of a letter of reprimand and may include the loss of authorization to carry a firearm.
5. An officer shall reimburse the county or state in the event that a probation department firearm and related equipment is lost or damaged through negligence.

S. Firearm Care and Maintenance.

1. An officer shall be responsible for cleaning and inspection of their issued firearm.
2. An officer shall not clean a firearm in the probation department other than in a departmental armory or other designated area.
3. The department shall retain ownership of all firearms and ammunition purchased and provided to an officer.
4. An officer shall return the firearm and ammunition to the department upon request.
5. An officer shall present the firearm to the CFI for inspection upon the instructor's request.