

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Adopting a Policy)
Regarding the Issuance of Firearms)
and the Use of Force by the)
Department of Community Corrections)
_____)

ORDER NO. 69-2006

WHEREAS, Parole and Probation Officers employed by the Columbia County Department of Community Corrections engage in supervision of persons who have been convicted of crimes; and

WHEREAS, in the course of such supervision, such Officers may be placed in situations that are dangerous to themselves or others; and

WHEREAS, individual Officers have requested authority to carry firearms in the course of duty for their own protection, as well as protection of others; and


WHEREAS, there is a need to reflect current practice in a comprehensive written policy regarding the issuance of firearms and the use of force, if Officers will be carrying firearms; and

WHEREAS, the Columbia County Department of Community Corrections has prepared a Firearms/Use of Force Policy, a copy of which is attached hereto, labeled Exhibit "A" and incorporated herein by this reference, for consideration by the Board of County Commissioners;

NOW, THEREFORE, IT IS HEREBY ORDERED that the Firearms/Use of Force Policy attached as Exhibit "A" be, and hereby is, ADOPTED.

DATED this 23rd day of August, 2006.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Chair

By: 
Commissioner

By: 
Commissioner

Approved as to form

By: 
Office of County Counsel

Approved: _____

Date: _____

POLICY:

It is the policy of the Columbia County Community Corrections Department ("CCCC" or the "Department") to maintain the highest level of firearm proficiency possible for employees who request and are authorized to be armed by stressing realistic training and empirical qualification, coupled with a thorough working knowledge of firearms. CCCC will strive to maintain a safe training environment while addressing the complex needs of training in the use of firearms.

Authorization to carry a firearm while on duty is a privilege, and not an entitlement. Before a Parole and Probation Officer will be allowed to carry or use a CCCC-issued firearm, that Officer must demonstrate proficiency with the CCCC-issued firearm.

The use of deadly force by Officers shall be strictly limited to defensive situations. An Officer may use deadly force only to defend himself/herself or another person from what the Officer believes is an immediate threat of death or serious physical injury, and when there reasonably appears to be no other alternative.

PROCEDURE:

Eligibility:

- A. Only CCCC Parole and Probation Officers who have been certified by the DPSST and who have completed their initial probationary period are eligible to carry a firearm on duty. Eligible Officers may request in writing for authorization to carry a firearm on duty. The Director, in his or her discretion, may authorize the Officer to carry a firearm. The authorization shall be in writing, signed by the Director, and shall be subject to all other requirements of this Policy and Procedure.
- B. Prior to receiving authorization to carry a firearm, the Officer shall undergo a psychological evaluation from a psychologist approved by the Director that certifies that the Officer is suitable for carrying firearms. The initial evaluation will be paid for by the Department. The evaluation shall be forwarded by the psychologist to the Director. The Director will consider the evaluation in the determining whether to authorize the Officer to carry a firearm. An evaluation which finds the Officer is suitable to carry a firearm shall not be binding on the Director. An evaluation which finds the Officer is not suitable to carry a firearm shall be binding on the Director. If the evaluation finds that the Officer is not suitable at the present time to carry a firearm, but may be suitable at a specified date in the future, the Officer may submit a new request at that time to carry a firearm. In such a case, the Officer must undergo a new psychological evaluation from a psychologist approved by the Director at the Officer's expense that certifies that the Officer is suitable to carry a firearm.
- C. Parole and Probation Officers pass the DPSST firearms training course before they will be eligible for Department-sponsored firearms training. Officers who pass the DPSST training

course shall then be required to take training sponsored by the Department, pass a written Use of Force test, and demonstrate proficiency with their assigned firearm before they will be allowed to carry firearms in the line of duty. Officers shall be required to re-take the Department-sponsored training, pass the written Use of Force test, and demonstrate proficiency with their assigned firearms on at least an annual basis. Officers must re-qualify at an approved range every six months in addition to the annual training. Failure to pass the Use of Force test and to demonstrate proficiency shall result in the Officer not being allowed to carry a firearm in the line of duty.

- D. When a Parole and Probation Officer becomes qualified and is authorized to carry a firearm in the performance of duties, it is mandatory for that Officer to carry the firearm in the field, including but not limited to all residence checks, all client home searches, and planned field arrests. The firearm shall be fully loaded and operational when it is carried. Parole and Probation Officers shall not wear their firearms within the Community Corrections Office other than upon entering and departing the Office. Parole and Probation Officers shall secure their firearms in an approved storage area.
- E. Parole and Probation Officers who have been the recipients of major and/or numerous corrective actions for failure to follow CCCC rules, policies, or directives, including any portion of this Policy, or who are suffering from any physical or pharmacological conditions causing physical and /or emotional impairment, may be subject to denial, suspension or revocation of the authority to carry firearms at the discretion of the Columbia County Community Corrections Director.
- F. A Parole and Probation Officer's authority to carry a firearm while on duty may be suspended immediately whenever the Director reasonably believes that the Officer has failed to demonstrate good judgment in decision-making and/or lack of emotional control. The suspension shall remain in effect until the Director's belief is confirmed or not confirmed by a CCCC-approved psychologist or other qualified professional at CCCC's expense. If confirmed, the authority will be revoked. If not confirmed, the authority may be reinstated, if the Director's concerns are otherwise resolved.
- C. In the event an Officer is required to submit to a "Fitness for Duty" evaluation and the evaluation finds that the Officer is not suitable at the present time to carry a firearm, but may be suitable at a specified date in the future, the Officer may submit a new request at that time to carry a firearm. In such a case, the Officer must undergo a new psychological evaluation from a psychologist approved by the Director at the Officer's expense that certifies that the Officer is suitable to carry a firearm.

II. Firearm/Ammunition Specification:

- A. Firearm: The Director shall specify and only the Department shall issue any firearm authorized for use by Parole and Probation Officers. Only CCCC-issued firearms may be carried by Officers while on duty. Parole and Probation Officers authorized to carry a firearm shall demonstrate proficiency with said firearm.
- B. Ammunition: The Director shall specify and only the Department shall issue any ammunition authorized for use by Parole and Probation Officers. Only CCCC-issued ammunition may be used in CCCC-issued firearms, including ammunition for range practice.

III. Rules:

- A. The use of deadly force by CCCC Parole and Probation Officers shall be strictly limited to defensive situations.
- B. Parole and Probation Officers shall ensure they have exhausted all reasonable levels of force and escape prior to engaging in the use of deadly force.
- C. When the use of deadly force is justified, Officers discharging firearms shall not shoot to kill nor shoot to wound, but rather to stop the action by causing the instant incapacitation of the subject. For maximum stopping effectiveness and to minimize the danger to innocent bystanders, Officers should shoot at center body mass or the center of available mass.
- D. Firearms shall not be drawn or displayed routinely during arrests, nor should they be used for any reason other than protection of human life.
- E. Parole and Probation Officers shall not utilize deadly force in an offensive posture to effect the apprehension of those persons who commit violations of probation or parole, or any other law. Nothing contained in this paragraph shall preclude the use of deadly force for self-defense, when warranted.
- F. Holstered firearms should be concealed from public/offender view at all times. Armed Parole and Probation Officers shall make every effort to assure that their firearms are not readily discernible. The choice of attire employed to accomplish this end is left to the discretion of the Officer.
- G. A CCCC-approved chemical agent or baton/asp must be worn on the Officer's person whenever a firearm is carried in order to assure that lesser force options are always available.
- H. Parole and Probation Officers shall retain custody and control of their firearms at all times.
- I. Firearms stored in the CCCC Office must be secured in an approved locked gun drawer designated and approved by the Director for this purpose.
- J. When entering a correctional facility or the CCCC Office where firearms are not allowed, Parole and Probation Officers shall place their firearm in a designated locked storage area.
- K. Particular care shall be exercised by Officer to safely store their firearms at their homes to ensure that unauthorized persons may not gain access to the firearms. Failure to safely store firearms at home shall be considered a violation of this Policy and Officers shall be solely responsible for any injury or damage which results from such violation.
- L. Officers shall maintain their assigned firearms in optimum operating conditions at all times.
- M. Parole and Probation Officers shall secure their assigned firearms in a safe and secure manner at all times when on or off duty.
- N. Parole and Probation Officers shall abstain from the use of alcohol and/or any mind-altering substance while carrying a firearm pursuant to this Policy.

- O. Parole and Probation Officers shall carry their badges in a clip or badge holder that will assure the badge is readily visible when needed.
- P. Parole and Probation Officers shall, at all times, demonstrate self-discipline, emotional control, and professionalism.
- Q. Officers shall not engage in activities that are unreasonably hazardous simply because the Officer is armed with a firearm.
- R. Carrying a second firearm is prohibited.
- S. Firearms and ammunition shall not be left in cars, desks, briefcases or other areas of storage, except locked storage areas approved by the Director for that purpose. In an emergency, a firearm may be locked in the trunk of a vehicle.

IV. Care and Cleaning of Firearms:

- A. Only firearms issued by the CCCC Director, or his/her designee, are authorized to be carried on duty.
- B. Only ammunition approved or issued by the CCCC Director is authorized to be carried on duty.
- C. The Director, or his/her designee shall be the designated Field Services armorer.
- D. The Director or any designated Firearms Instructor or Armorer will be permitted to inspect the Officer's firearms at any time.
- E. There will be no non-factory alterations made to any CCCC-issued firearm or ammunition.
- F. Each Parole and Probation Officer shall be responsible for the proper care and cleaning of his or her issued firearm. Firearms should be inspected and/or cleaned periodically and following each time it is discharged.
- G. All firearms carried by or issued to Officers shall be kept clean and operational at all times.
- H. All CCCC-issued firearms shall be inspected annually by a certified Armorer or Firearm Instructor. Additional inspections may be conducted as needed.
- I. Every Parole and Probation Officer shall immediately report to an Armorer any malfunctioning, unsafe or defective CCCC-issued firearm. Such firearms shall not thereafter be carried or used until repaired or deemed operational by an Armorer. All repairs not caused by an Officer's negligent or inappropriate care of the firearm will be at CCCC's expense. The Director or his/her designee shall issue a substitute firearm to the Parole and Probation Officer.

V. Firearms Safety Guidelines:

- A. Parole and Probation Officers shall exercise the utmost caution while in possession of any firearms and shall provide maximum security for all firearms in their custody. Any careless, flippant, or casual use or display of a firearm will constitute grounds for discipline.

- B. Parole and Probation Officers shall notify the Director of any physical or pharmacological conditions causing physical and /or emotional impairment. Impairment shall be defined as a condition that can affect judgment, reaction time or motor skills as it may affect the ability to handle a firearm safely and proficiently.
- C. The purpose of firearms safety rules are to establish guidelines for the Parole and Probation Officer in the safe handling of firearms. Parole and Probation Officers are expected to exercise extreme caution in all aspects of firearms use and demonstrate a reasonable and prudent attitude toward all aspects of firearm safety. The following rules apply:
 - 1. Treat all firearms as though they are loaded.
 - 2. Firearms shall never be left unattended or unsecured.
 - 3. Never point a firearm at anyone or anything unless shooting is justified.
 - 4. Be sure of the target and beyond before the trigger is pulled.
 - 5. Place finger on the trigger only when on target and prepared to fire.
 - 6. While on duty, the firearm shall remain in the Officer's holster until he or she is required to use it or store it.
 - 7. Never give a firearm to anyone or take it from someone without checking to see that it is unloaded and the action (slide) is open.
 - 8. Follow any and all safety precautions as deemed reasonable and prudent or as addressed in the training and certification process.
 - 9. Never carry a firearm inside of any jail, correctional facility, or any other structure where offenders are domiciled.
 - 10. Any firearm which has been dropped, or which is perceived to have any defect whatsoever, shall be turned over to the Director or any designated Firearms Instructor or Armorer for inspection.

VI. Training/Qualification:

- A. Parole and Probation Officers shall receive training at least once each year in the use of force, the proper care of firearms, fundamentals of marksmanship, and firearm safety. The firearms curriculum shall also focus on critical thinking skills, problem solving under duress, the use of cover and concealment, and other issues relevant to the job.
- B. In addition to the above-mentioned training and practice discharging of firearms, Officers shall be required each year to pass a written examination on the use of force and to demonstrate proficiency with their approved firearm by reaching a sufficient score in a firearms qualification test.
 - 1. Qualification test scores shall be maintained in each Officer's training file.

2. The Director may require an Officer to undergo a Use of Force test and/or live fire firearms qualifications test at any time.
 3. Parole and Probation Officers will be required to undergo training in practical decision-making scenarios in regards to the use of their firearms.
 4. Each Parole and Probation Officer authorized to carry a firearm shall annually review the following critical areas of firearms training: policy review, general objectives of procedure, use of force, firearms familiarity, marksmanship, gun handling, threat assessment, target priority, use of cover, survival mindset, and post-shooting procedures.
 5. Minimal Qualification Requirements:

Minimal CCCC firearms qualifications are:
 - a. Qualify annually with authorized firearm.
 - b. 100% on Pistol Qualification Course (PQC)
 - c. Additional Division specific requirements.
 6. Pistol Qualification Standards: CCCC's minimum Pistol Qualification Course (PQC) requires 100% proficiency. If the Parole and Probation Officer cannot qualify in four attempts, then remedial training will be conducted and two more attempts will be offered to achieve 100% proficiency.
- C. Failure to take or pass an annual Use of Force test shall result in the Officer not being allowed to carry a firearm in the line of duty or perform the functions of Parole and Probation Officer.
 - D. In the event a Parole and Probation Officer fails to take or pass an annual firearms qualifications test for a firearm:
 1. The Officer shall be required to return the issued firearm to the Director.
 2. The firearm may be checked out for a limited time from the Director for the exclusive purpose of practice and/or re-testing.
 - E. Written notification shall be given to the Parole and Probation Officers whose qualification dates have expired or who have failed their firearms qualification test or Use of Force written test. The notification shall instruct them to return their CCCC issued firearm to the Director.
 - F. All firearms training must have the prior approval of the Director.
 - G. Only a firearms range approved by the Director may be used for any firearms training.
 - H. No firearms training shall occur without a minimum of two Officers present.
 - I. All Parole and Probation Officers participating in firearms training shall wear protective ballistic vests, hearing protection, and shooting glasses while on the firing line.
 - J. All firearms shall be holstered whenever a Parole and Probation Officer steps forward of the firing line.

- K. Muzzle integrity shall be maintained by assuring that the muzzle of the firearm is pointed down range at all times when unholstered; e.g., when discharging, loading and unloading, cleaning, etc.
- L. Parole and Probation Officers shall keep their fingers out of the trigger guard until the firearm has been drawn and pointed at the intended target.
- M. No smoking, eating, or drinking is allowed on the firing line.
- N. Parole and Probation Officers shall be required to wear a protective vest when training with firearms in order to simulate actual field equipment usage.
- O. When handling a firearm, safety shall be the Parole and Probation Officer's first priority. It is the most important aspect of firearms handling and training.

VII. Reporting Incidents:

- A. Any Parole and Probation Officer involved in the discharge or unholstering of his/her firearm in a situation other than training or practice shall immediately report the incident, by the quickest means possible, to the Director.
- B. Any Parole and Probation Officer involved in the discharge of his/her firearm in a situation other than training or practice shall also file a written report of the incident to the Director. Parole and Probation Officers shall follow the CCCC policy on Investigation of Deputy-Involved Shooting.
- C. Any Parole and Probation Officer shall also file a written report of the incident to the Director whenever a firearm is unholstered to defend the Parole and Probation Officer or another from the use or threatened use of deadly physical force.

VIOLATION OF POLICY

Carrying or using a firearm in violation of the terms of this Policy shall be grounds for disciplinary action up to and including dismissal.

Walt Pesterfield, Director