



**DEPARTMENT OF CORRECTIONS  
Community Corrections**



<b>Title:</b>	<b>Authorization to Carry Firearms (Parole and Probation Officers)</b>	<b>DOC Policy: 50.1.2</b>
<b>Effective:</b>	<b>12/1/16</b>	<b>Supersedes: 7/1/13</b>
<b>Applicability:</b>	<b>Community Corrections staff</b>	
<b>Directives Cross-Reference: Use of Force (Community Corrections) – Div 022</b>		
<b>Attachments: Request for Authorization to Carry Firearms (CD1287) Waiver of Liability (CD1753)</b>		

**I. PURPOSE**

The purpose of this policy is to establish policy and procedures governing authorization for parole and probation officers to carry a department-authorized or department-issued firearm.

**II. DEFINITIONS**

- A. Department Armorer: A department employee certified and authorized to make repairs or modifications as recommended by the manufacturer to department-issued firearms.
- B. Duty Firearm: A department-issued firearm carried by an authorized parole and probation officer while performing official duties.
- C. Firearms Instructor: A designated employee with demonstrated expertise in firearms, firearms training and less than lethal force options assigned by the Local State Director as approved by the Department of Corrections, to oversee firearms training pursuant to this policy.
- D. Local State Director: A person within the Department of Corrections who reports to the Assistant Director of Community Corrections and has responsibility for managing a state community corrections office within a particular county.
- E. Mind Altering Substance: Anything ingested or otherwise introduced into the body which could reasonably be expected to adversely affect the employee’s ability to exercise good judgment and emotional control; e.g., alcohol, prescription medication, etc.
- F. Off-Duty: Whenever the officer discontinues the performance of their job description, or other management assigned duties for the day. Whenever an officer is called out after hours, the officer would be considered to be on duty.
- G. Offender: Any person under supervision of the Department of Corrections who is on parole, post-prison supervision, transitional leave, local control and/or probation status.
- H. Officer: Any state parole and probation officer certified as such by the Department of Public Safety Standards and Training.
- I. Off-Duty Firearm: A department issued firearm carried by an authorized parole and probation officer while off-duty.

**III. POLICY**

## **A. Application**

1. Any officer who is trained in arrest procedures, use of restraints, less than lethal force options, or other defensive tactics as evidenced by department training records, may apply to carry a duty firearm pursuant to this policy.
2. An officer desiring to carry a duty firearm shall make written application to the Local State Director on the department's "Request for Authorization to Carry a Firearm While on Duty" form (CD 1287).

## **B. Approval/Denial**

1. The Local State Director shall review and approve or deny all applications to carry a duty firearm, subject only to limited review by the Assistant Director of Community Corrections as set forth in this policy.
2. In reviewing an application, the Local State Director may consider the applicant's background performance and adherence to department rules, policies, procedures, pertinent statutory provisions and training mandates, and whether the applicant has otherwise acted in a manner which could reflect an inability to exercise sound judgment and emotional control in the utilization of a firearm while on duty.
3. Prior to receiving authorization to carry a firearm, staff shall obtain a psychological screening as approved by the department, which certifies their suitability for carrying firearms. Staff that has received a psychological screening as part of the hiring process may or may not need an additional screening as part of the arming process. This report will be forwarded by the evaluator to the Local State Director.
4. The Local State Director's decision to approve or to deny an application to carry a duty firearm shall be promptly communicated to the applicant in writing. A copy of the decision shall be distributed to the Assistant Director of Community Corrections.
5. An officer whose application to carry a duty firearm has been denied by the Local State Director may obtain an administrative review of the denial as set forth in Section I Administrative Review of this policy. No administrative review shall be available to an applicant whose application is denied based on the applicant's refusal to submit to a medical, psychological and/or psychiatric screening when requested by the Local State Director.
6. An officer whose application to carry a duty firearm has been approved by the Local State Director or Assistant Director of Community Corrections will be scheduled to participate in the department's firearms training and qualification.
  - a. If the officer can demonstrate to the satisfaction of the firearms instructor that he/she is physically able to successfully complete the department's firearms training and qualification, the Local State Director shall provide the officer with written departmental authorization to carry his/her duty firearm pursuant to this policy.
  - b. If the officer cannot demonstrate to the satisfaction of the firearms instructor that he/she is physically able to successfully complete the department's firearms training and qualification, the firearms instructor shall report this to the Local State Director, who shall use this information in considering an officer's application to carry a firearm. A copy of the written departmental authorization shall be provided to the firearms instructor and placed in the officer's personnel file.

### **C. Suspension/Revocation of Authorization**

1. The Local State Director may suspend an officer's authority to carry a duty firearm pursuant to this policy in circumstances in which the officer has:
  - a. Violated department rules, policies, procedures, or pertinent statutory provisions;
  - b. Violated department training and qualification mandates;
  - c. Acted in a manner that reflects an inability to exercise good judgment in use of force decision making; and,
  - d. Acted in a manner that reflects an inability to exercise emotional control in the utilization of a firearm.
2. Authorization to carry a duty firearm may also be temporarily suspended whenever an officer is physically or medically unable to successfully complete the department's firearms training and qualification.
3. Refusal on the part of any officer to submit his/her duty firearm for inspection upon request shall result in an immediate and automatic suspension of the officer's authority to carry a duty firearm pursuant this policy.
4. Failure on the part of any officer to achieve a qualifying score at his/her second consecutive firearms qualification shall result in an immediate automatic suspension of the officer's authority to carry a duty firearm pursuant to this policy. The officer's authority to carry his/her duty firearm may be reinstated by the Local State Director when a qualifying score is achieved. (See Section F. Training and Qualification)
5. To assist the Local State Director in determining whether to revoke or to reinstate an officer authorization to carry a duty firearm, the Local State Director may require the officer to submit to a screening from a department-approved physician, psychologist or psychiatrist at department expense, whenever he/she deems such an evaluation to be necessary or advisable. Refusal to submit to an evaluation when requested by the Local State Director shall result in an immediate and automatic revocation of the officer's authority to carry a duty firearm.
6. The Local State Director's decision to revoke or to reinstate an officer's authority to carry a duty firearm pursuant to this policy shall be promptly communicated to the affected officer in writing. A copy of the decision shall be distributed to the Assistant Director of Community Corrections.
7. An officer whose authority to carry a duty firearm has been revoked by the Local State Director may obtain an administrative review of the revocation as set forth in Section I Administrative Review of this policy. No administrative review shall be available to an officer whose authority to carry a duty firearm has been revoked based on the officer's refusal to submit to a medical, psychological and/or psychiatric evaluation when requested by the Local State Director, or based on the officer's refusal to surrender his/her duty firearm for inspection when requested.

### **D. General Terms and Conditions for Carrying a Duty Firearm**

1. Authorization for officers to carry a duty firearm, pursuant to this policy, is restricted to the performance of official duties contained within the officer's job description or as assigned by management.

2. A department-approved less than lethal option, and security restraints, must be carried on the officer's person whenever a firearm is carried on duty.
3. Firearms stored in a department facility must be secured in a department-approved firearms locker designated for that purpose. Firearms shall never be stored in an unlocked desk, file cabinet or otherwise left unattended.
4. Officers shall maintain their duty firearm in optimum operating condition at all times.
5. Officers shall secure their duty firearm in a safe and secure manner at all times.
6. Officers shall carry their badges in a manner in which the badge is readily visible when a firearm is displayed. Department identification cards shall be carried and accessible at all times when on duty.
7. Officers shall at all times handle their duty firearm as prescribed by department rules, policies, procedures and training.
8. Officers are prohibited from carrying a second firearm while on duty.
9. Officers will not discharge firearms except as authorized in the department's rule on **Use of Force (Community Corrections)** (OAR 291-022).
10. Officers authorized to carry a duty firearm under this policy are responsible for cleaning and maintaining the firearm in accordance with factory specifications, and in good working order.
  - a. A department-approved firearms instructor shall inspect each duty firearm prior to each qualification, or more frequently when deemed appropriate by the firearms instructor, to assure that the firearm has been properly cleaned, maintained, and is in good working order. All repairs or manufacturer recommended modifications must receive the recommendation of the department armorer and the prior written approval of the Local State Director.
  - b. Prior to carrying a duty firearm which has been repaired or serviced, the firearm shall be inspected and test fired by a department armorer. A copy of the written approval to carry the firearm shall be placed in the officer's training file.
11. Officers are prohibited from carrying a duty firearm while under the influence of any mind-altering substance. It is the responsibility of the officer to notify his/her supervisor or Local State Director of use of mind-altering substances.
12. Officers that have a temporary and/or permanent medical condition which prevents them from qualifying with their duty firearm, or that have the potential for aggravating their condition if they discharge their firearm in the course of their duties, shall immediately notify the local director and not carry their duty firearm until such time they no longer have any medical restrictions, been medically cleared and they have qualified.

#### **E. Off-Duty Firearm Carry**

1. The carrying of department issued firearms by authorized parole and probation officers while off-duty is permitted by the Assistant Director of Community Corrections, but may be rescinded should circumstances dictate (i.e. administrative leave).

2. When an officer decides to carry a department issued firearm off-duty, it must be carried concealed and in such a manner to prevent negligent discharge or loss of control. Officers shall carry their badge and department identification or have a concealed handgun license on them at all times when carrying a department issued firearm while off-duty.
3. Officers shall only carry department authorized ammunition in their department issued firearm.
4. Officers shall ensure all department issued firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control.
5. Officers are required to sign the Waiver of Liability prior to carrying a department issued firearm off-duty.

#### **F. Training and Qualification**

1. Officers authorized to carry a duty firearm pursuant to this policy shall successfully complete a firearms training program recognized by the Department of Corrections.
2. Officers authorized to carry a duty firearm pursuant to this policy must qualify with their authorized or issued firearm on a semi-annual basis.
  - a. All qualifications must be documented in writing by a department-approved firearms instructor with copies to the officer's personnel file. The serial number of the duty firearm used for qualification shall be documented at each qualification.
  - b. If an officer is unavailable for scheduled qualifications, an alternative qualification schedule shall be made available.
  - c. If any officer does not post a qualifying score after three attempts, the officer will receive corrective training from the firearms instructor until qualified. The officer will return to the range with the firearms instructor after their corrective training qualification and he/she will receive further corrective training as arranged. Between regularly scheduled qualifications, corrective training will be offered.
  - d. At the next qualification, if the same officer does not post a qualifying score after three attempts, the officer's firearm will be immediately surrendered to a supervisor and the Local State Director will be immediately notified. The Local State Director shall suspend their authority to carry their duty firearm until the officer has demonstrated the ability to post a qualifying score.
  - e. While the suspension is in effect, the officer will have access to the firearm for training purposes only under the direct supervision of the firearms instructor.
3. In addition to semi-annual qualifications, officers are required to participate in a minimum of eight hours of annual firearms training. Additional training may be made available in which the officer may be required to participate.

#### **G. Authorized Equipment**

1. Only firearms and ammunition approved and/or issued by the department may be carried while on duty pursuant to this policy.
2. Modifications of firearms must be approved and recorded by the department armorer.

3. Employees are required to have at least two issued magazines for use with their duty firearm.
4. Holsters must be approved by the Local State Director and firearms instructor for use in carrying the officer's duty firearm.
5. Any optional equipment must be approved, in advance, by the Assistant Director of Community Corrections and firearms instructor. Optional equipment includes, but is not limited to, grips and grip adapters, extra magazines, carrying cases, and modifications to the sights for low light conditions. Officers shall qualify with the optional equipment prior to use on duty.

#### **H. Reporting**

Any officer involved in the discharge of his/her firearm in a situation other than training or off-duty practice shall immediately report the incident, in accordance with the department's rule on **Use of Force (Community Corrections)** (OAR 291-022).

#### **I. Administrative Review**

1. An officer may request an administrative review of a denial/revocation decision by the Local State Director. Requests for administrative review shall be in writing and submitted to the Assistant Director of Community Corrections within 30 calendar days from the date of the written decision or shall be considered waived.
2. The Assistant Director of Community Corrections shall render his/her decision, in writing, within 30 calendar days of receipt of the request. The Assistant Director of Community Corrections' decision shall be promptly communicated to the employee in writing. Copies of the decision shall be distributed to the Local State Director.

### **IV. IMPLEMENTATION**

This policy will be adopted immediately without further modification.

Certified: signature on file  
Birdie Worley, Rules Coordinator

Approved: signature on file  
Brian Belleque, Deputy Director