
**NEVADA COUNTY
SHERIFF'S OFFICE**



GENERAL ORDER
56
Effective Date 11/10/04
Replaces GO 19,22 & DD 6

SUBJECT **FIREARM STANDARDS, TRAINING AND DEPLOYMENT**

POLICY All employees who, as a function of their duties within the Sheriff's Office, are required to carry a firearm, shall show proficiency with all firearms they may use while performing their duties. This proficiency shall be in accordance with an established department wide standard/qualification. Furthermore, these standards shall regulate who is authorized to deploy specific weapons while on and off duty and which firearms are authorized for such deployment.

PURPOSE This policy provides for a defined method of ensuring all employees assigned to carry firearms meet minimum acceptable department standards in the selection and deployment of those weapons specified within. By meeting these minimum standards, there will be an increase in safety and confidence, and a decrease in liability for employees, citizens and the department.

CODE REFERENCE

CASE LAW

DEFINITIONS

EMPLOYEE – As used in this General Order, only those Nevada County Sheriff's Office employees who, as a function of their job description and duties within the Sheriff's Office, are required to carry and/or deploy a firearm either in their official on-duty capacity or for off-duty/back-up purposes.

SUPERVISING RANGE MASTER - A employee of the Sheriff's Office (typically a sergeant or high rank), who is currently a POST certified Firearm Instructor and has been tasked with overseeing all aspects of firearms as they relate to training, scheduling, maintenance, etc.

PROCEDURE

- A. FIREARM QUALIFICATION STANDARDS** – Any employee of the Nevada County Sheriff's Office who cannot meet the Basic Firearms Qualifications, as established by the range training staff and authorized by Department Administration, shall be subject to the process detailed in subsections 1 through 5 below.

1. Employees will have 3 months to voluntarily bring their shooting skills within the standard. If, after the 3 months, the minimum qualifications still cannot be met, those employees shall participate in a 9-month mandatory and formal re-mediation program. This re-mediation program will consist of a one-on-one training environment with a Firearm Instructor. The employees will be required to attend at least 1 training session per week during this 9-month period. Their progress at each session will be documented and monitored.
2. Scheduling for the one-on-one training sessions will be at the availability of the Firearms Instructor. Once a scheduled day is agreed upon, the employees shall provide at least 24-hours notice for any cancellation or change. Excusable schedule changes and cancellations will comply with the department's policy on Sick Leave with the exception of the previously mentioned 24-hour notice requirement (as opposed to the 4 hours stated in the policy). The cancelled session(s) will be rescheduled as soon as possible.
3. Any employee who has previously recorded consistent qualification scores, and subsequently falls below the standard for any reason, shall have 90 days to re-qualify before corrective action is pursued. If the standards are met within the 90 days, no action will be taken.
 - a. Firearm Instructors who identify a person falling into this category should consult with the individual in order to identify the potential problem so as to prevent future inconsistencies.
4. Employees who cannot demonstrate the ability to consistently qualify under the minimum standards after 12 months shall be subject to corrective action. This corrective action may include, but shall not be limited to, instructional re-mediation with a department Firearm Instructor and/or discipline. The final determination of appropriate corrective action shall be at the discretion of the Sheriff or his designee.
5. The department will supply ammunition and a suitable range for the re-mediation. Employees involved in the program are encouraged to seek the assistance of any one or more of the Firearm Instructors of their choosing, being careful not to over-burden any one Firearm Instructor.
6. The Firearm Training staff shall develop and maintain a separate minimum qualification standard for sidearms, shotguns and patrol rifles. In addition, a qualifying "combat course" will also be implemented which combines the skills of all weapons.
7. Prior to the end of their probationary period, all newly hired employees shall successfully complete a "transition" course of fire before being authorized to carrying the department issued sidearm. The transition course shall be

specific to the current department issued sidearm and shall also incorporate the Basic Firearms Qualification course of fire.

8. The Firearm Training staff shall have the responsibility to periodically review the established standard for its continued practical application in the field of law enforcement firearms qualification, as it applies to the Nevada County Sheriff's Office. The established standards shall be made available to all personnel for review.

B. CARRYING OFF-DUTY/AUXILIARY OR BACK-UP WEAPONS – Sworn officers (deputies) employed by the Nevada County Sheriff's Office having full peace officer powers may choose, at their discretion, to carry a handgun while they are off-duty. Deputies may also choose to carry auxiliary weapons in special assignments when approved, or to carry back-up weapons while on normal duty or special assignments.

1. The Penal Code allows off-duty peace officers to carry concealed firearms. It is recognized that a deputy sheriff, while in an off-duty status, may become involved in a situation where violations of the law are occurring and the deputy chooses to make an arrest. The Sheriff has authorized that deputies may carry the department issued firearm off-duty while in the state of California. Deputies are authorized, pursuant to The Law Enforcement Officers Safety Act, (HR 218), signed into law by President Bush in July of 2004, to carry a concealed weapon outside California whether or not the deputy is on duty or off duty. The Sheriff may restrict this privilege due to any pending administrative and or criminal investigation, as needed. All applicable laws and department policies will be adhered to when a deputy carries a concealed weapon off-duty.
2. Each deputy sheriff employed by the Nevada County Sheriff's Office is issued a handgun, which is the property of the department. That handgun is a Sig Sauer, Model P226/P229, .40 caliber. Deputies may choose to carry their issued weapon as an off-duty firearm. Any other weapon the deputy chooses to carry in an off-duty, auxiliary, or back-up capacity must meet the criteria outlined below:
 - a. Deputies will have the firearm he or she chooses to carry in an off-duty or back-up capacity approved for safety and functional operation by a department firearm instructor or armorer. The deputy will be required to demonstrate proficiency with the handgun. He or she is responsible for providing the ammunition for the demonstration of proficiency.
 - b. Deputies may have a maximum of three weapons approved under this sub-section.
 - c. No firearm carried on or off duty for the purpose of law enforcement will have any mechanical alteration that reduces

trigger pull, inhibits or renders inoperative any safety device, other than those approved by the department range master.

- d. Deputies may carry any approved weapon which is not smaller than .380 caliber or larger than .45 caliber.
- e. The department Range Master will schedule a session each calendar year in which deputies may bring weapons for inspection and demonstration of proficiency. Each deputy must bring his/her weapons for inspection and proficiency demonstration at least once a year.
- f. Ammunition for an off-duty, auxiliary, or back-up weapon must be factory ammunition.
- g. Off-duty, auxiliary, or back-up weapons will be carried concealed and in an appropriate holster or restraint device designed for that purpose. Carrying such weapons in a pocket or tucked in the waistband is not permitted. The appropriate holster or restraint device shall be used during the demonstration of proficiency.
- h. The deputy must have approval on file for the weapons that are going to be used in an off-duty or back-up capacity. The form approving the weapon(s) must include the make, model, and serial number for each weapon. Deputies may have up to three weapons approved and on file. Once a deputy has completed the safety inspection, inspection of operational effectiveness, and demonstration of proficiency, the Undersheriff will approve the weapon. When that approval has been obtained, the document will be filed in the deputy's personnel file and will be valid for a period not more than one year from the date of issuance.
- i. Off-duty officers shall make every effort to conceal their weapons from public view. They shall not display or cause to be displayed a weapon in any manner which is not in accordance with Nevada County's "Use of Force" policy (General Order 23).
- j. Officers shall carry their departmental badge and ID card when armed, with the exception of a sanctioned undercover operation in which doing so could jeopardize the safety of the officer(s) on the mission.

C. **DEPLOYMENT OF SHOTGUNS** – Any employee who meets the qualification standard with patrol shotguns, may carry/deploy them into the field.

- 1. When deployed into the field, departmental shotguns are to be loaded with no more than four (4) rounds of 00 buck or slugs in the magazine. No round is to be chambered while the shotgun is secured in the vehicle's gun

rack. Extra 00 buck and slugs should be carried and immediately available. This policy does not prevent maximum loading when circumstances dictate.

2. Shotguns will be removed from patrol vehicles at the end of each shift. They will be unloaded outside before entering the station and carried through the station with the action open and the safety on. The shotgun will be placed in the shotgun locker with the action open and the safety on, or personally given to the next on-duty officer.
3. All officers will inspect the shotgun taken at the beginning of each shift and report any malfunction to the sergeant or Range Master. There will be no cycling of the action or dry firing the shotguns inside the station. Shotguns will be loaded outside the station and placed in the proper shotgun rack.

D. **DEPLOYMENT OF AR-15 RIFLES** – Any employee who meets the qualification standard with AR-15 rifles, may carry/deploy them into the field.

1. The AR-15 rifles are available only to employees who have qualified to carry the weapon by the Firearms Training staff. Qualification will occur at a minimum of once a year. No other officers will carry the AR-15 without specific authorization. In addition to the qualification, all officers will complete a course of instruction on AR-15 familiarization, on a yearly basis.
2. The AR-15 rifles will have the same loading and unloading policy as the shotgun with the exception of the magazines, which can be loaded with ammunition while inside the station but shall be placed in the magazine receiver of the weapon outside of the station. No round is to be chambered while the rifle is secured in the vehicle's gun rack

E. **DEPLOYMENT OF M-14/M1A RIFLES** – It shall be the policy of the Nevada County Sheriff's Office to authorize the use and deployment of the M-14/M1A rifles, under the following conditions:

1. Successful completion of a qualification course prior to deploying the weapon. This course shall be determined by the range/training staff and shall include, but not be limited to, marksmanship skills and recognizing deployment and environmental limitations. The qualification course/standard shall be maintained in the Personnel/Training Unit and made available to all personnel for review.
2. In addition to the Nevada County Sheriff's Office Use of Force Policy governing the deployment of firearms, Department personnel shall not deploy M-14/M1A rifles inside buildings. Additionally, they shall only be deployed in moderately to heavily populated neighborhoods with expressed authorization from the supervisor, or when extreme circumstances exist and notifying the supervisor is impossible or impractical, and only as a last resort in the preservation of human life.
3. M-14/M1A rifles shall have the same loading and unloading policy as the AR-15 rifles.

- F. **ON-DUTY WEAPONS** - The following will be adhered to for the purposes of deploying weapons while on-duty.
1. No firearm carried on or off duty (whether personally owned or department issued) for the purpose of law enforcement will have any alteration that reduces trigger pull, inhibits or renders inoperative any safety device, etc. other than those approved by the Supervising Range Master.
 2. Officers, while on duty and on assignment requiring it, shall carry a fully loaded pistol, including a chambered round.
 3. Sworn personnel will carry the **issued Sig Sauer** pistol on duty unless another pistol has been authorized. As an alternate duty weapon, deputies may privately purchase and carry a .40 caliber Glock 22/23 and holster as their on-duty weapon provided:
 - a) The weapon and holster have completed a safety inspection, inspection of operational effectiveness, and demonstration of proficiency supervised and approved by a rangemaster. The approval document shall be filed in the deputy's personnel file.
 4. Absent the deployment of a AR15, the issued shotgun shall be carried into the field by Patrol Division deputies.
 5. S.E.D. officers have qualified with, been issued, and are approved to carry special weapons for their tasks.
 6. Reserve deputies may carry a personally owned handgun if it is the **same model and caliber** as the department issued weapon.
 7. Only department issued ammunition may be carried on duty in any issued weapon.
 8. Use of personally owned rifles (assault weapons) on duty.
 - a. For the purposes of this section, acceptable assault weapons are those rifles of caliber .223/5.56mm or .308/7.62 NATO. The make and model shall be at the discretion of the deputy. However, the functionality of the rifle shall be the same as the department's Colt AR15 or Springfield M1A1 (i.e. semi-automatic only, with the charging handles and safety switches located in place, the magazines interchangeable with the AR15 or M1A1, etc.)
 - b. Personally owned assault weapons carried by deputies on-duty must be legally owned and purchased by the deputy.
 - c. A deputy may not possess a personally owned assault weapon on-duty without written authorization by the Sheriff or his designee. Deputies are required to receive prior approval from the Sheriff or his designee and have a letter of authorization to purchase/possess an assault weapon in order to purchase the weapon for use on-duty. There is a limit of one (1) personally owned assault weapon for on duty use. Authorization shall include the deputy's name and the specific type of assault weapon

- acquired. The authorization shall also contain a statement to the effect that the named deputy is authorized by the Nevada County Sheriff to receive or possess the specific weapon.
- d. If required under California State law, the rifle shall be registered.
 - e. The rifle must qualify under the State of California Department of Justice's definition of assault weapons for peace officers in the State of California.
 - f. The rifle must be inspected and approved by a department armorer on an annual basis.
 - g. The deputy must qualify with the rifle on a periodic basis, typically during the normally scheduled patrol rifle update/re-qualification course.
 - h. The ammunition for the rifle must be department approved and/or issued.
 - i. Deputies are allowed to own, possess, and use the listed firearms as long as the aforementioned criteria is met. Additionally, each must be listed on his/her personal "Off-duty, Auxiliary, or Back-up Weapons" form. The form must be on file with the department, and approved by the Undersheriff and the Operations Division Commander.
 - j. Upon retirement, resignation or termination, the deputy must properly and legally dispose of the assault weapon and submit such proof to the department. In the case of a deputy who is employed by a subsequent law enforcement agency, a copy of the authorization letter issued by the current employing law enforcement agency is acceptable.
9. Use of Privately Owned Shotguns On-Duty
- a. Privately owned shotguns carried by deputies on-duty must be legally owned and purchased by the deputy.
 - b. The shotgun must be inspected and approved by a department armorer on an annual basis.
 - c. The deputy must qualify quarterly with the shotgun.
 - d. On-duty ammunition for the shotgun must be department approved and/or issued.
 - e. The shotgun must be a 12 gauge Remington Model 870. Deputies may register for "on-duty use", one or more of his/her personally owned shotguns as long as all of the aforementioned criteria is met. Additionally, each must be listed on his/her personal "Off-duty, Auxiliary, or Back-up Weapons" form. The form must be on file with the department and approved by the Undersheriff and Operations Division Commander.

- G. **FIREARMS TRAINING** – In order to provide quality firearms instruction and ensure conformance with current laws and teaching techniques, the following

shall be adhered to when any firearm instruction occurs, on-duty or in an official capacity of the Nevada County Sheriff's Office.

1. Employees may teach firearms training to other employees only after successfully passing a P.O.S.T. approved Firearms Instructor course. Any Firearm Instructors not employed by this Department shall possess similar/satisfactory credentials.
2. Firearms training for department personnel shall occur at a frequency of no less than four (4) times per year, preferably on a quarterly basis. At least one (1) of these training sessions shall be conducted in nighttime/low light conditions. Any additional training sessions over and above the mandated four (4) may occur, but only as scheduling and budget constraints permit.
3. Firearms training lesson plans shall be submitted for approval to the Supervising Range Master and the Personnel Training Unit prior to the first range date. For lesson plans that will be P.O.S.T. certified, submission must occur with sufficient time so certification will be in place prior to the first range date. Furthermore, lesson plans shall be in a format conforming to the department format for all training lesson plans.
4. After the last scheduled date for a firearms training session, the Firearm Instructor assigned to coordinate the instruction shall submit to the Personnel Training Unit, (1) a list of those employees who attended and who were absent, (2) a list of those employees who passed and those who didn't, and (3) an "after-training" memorandum. The after-training memorandum shall include a list of any injuries, any safety or administration issues, any additions or changes to the lesson plan, any firearms repair or maintenance issues, any range supply issues, and any other miscellaneous issues needing documentation.
5. Employees are required to attend each and every range scheduled. The supervisor of any employee missing a scheduled range shall report in memorandum form to the Personnel and Training Unit, via the chain-of-command, the reason for the absence. The content of the memo shall include whether the absence was authorized, justified or otherwise excusable. The memorandum shall minimally be placed in the training file for that specific range.
6. While at the range, the employees instructing the firearms training shall have instructional authority on all activities at the range. All attending employees shall comply with the direction of the Firearm Instructor staff. Any disputes or conflicts shall be decided by the appropriate management personnel, post-training.