

Survey to Chief APOs

Issue: Long Guns

Question (from Pike County):

I was wondering what Counties are authorized to use long arms in the performance of their duties and if you would be willing to share your policy?

Counties authorized to use long guns (counties who responded)

- Bradford County - Bradford does have a department shotgun. I believe my predecessor was a NRA certified long arm instructor which allowed for us to use the shotgun in certain situations. Here is the policy (see Appendix).
- Clinton County - is a merged department and we recently adopted a long gun policy as part of our Firearm's Policy, which is attached. Last year my Deputy Chief was certified by the NRA as a long gun instructor. He also is our MI and does all of our in-house DT trainings. We purchased six (6) Daniel Defense MK18's short barrel rifles equipped with suppressors. Active shooter trainings ultimately convinced my President Judge to approve long guns for our department. We began training in November of 2017 and the department is set to qualify on Friday for long guns. Contact Deputy Chief Ed Hosler if you have any questions regarding long guns and/or training. Phone number is 570-893-4051 ext. 3374 and email is ehosler@clintoncountypa.com
- Franklin County - Adult and Juvenile are separate departments. Juvenile Probation does not carry any firearms. Adult Probation has two shotguns. We have an NRA certified Shotgun Instructor. We have never taken them out in the field. We probably would if FETC would develop a qualification Course.
- Sullivan/Wyoming Counties: Wyoming and Sullivan County Adult and Juvenile Probation is a joint Judicial District. We have a department shotgun and AR 15 that we qualify with and are authorized to carry in the field when deemed necessary when making an arrest and/or serving a warrant. Although, it may be controversial and seem unnecessary to some, it appears that our jobs are becoming increasingly more dangerous. The safety of my officers takes precedence with regards to this matter.
- Susquehanna County - has merged department (adult & juvenile). Yes, same qualification standards for adult and juvenile on handgun, shotgun, patrol rifle. We qualify with .223 patrol rifle. One of my PO's is handgun/shotgun/patrol rifle instructor.

Counties NOT authorized to use long guns/ no policy

- Adams County
- Allegheny County
- Bedford County
- Blair County
- Bucks County
- Butler County
- Cameron County

- Carbon County
- Clarion County
- Columbia County - was carrying long guns but has since suspended until it can be looked at again
- Crawford County
- Cumberland County
- Dauphin County
- Delaware County
- Erie County
- Fayette County
- Fulton County
- Greene County
- Indiana County
- Jefferson County
- Juniata County
- Lackawanna County
- Lancaster County
- Lawrence County
- Lebanon County
- Lehigh County
- Luzerne County
- Lycoming County
- Mifflin County
- Monroe County
- Montgomery County
- Northampton County
- Northumberland County - no current policy but are considering
- Perry County
- Philadelphia County
- Schuylkill County
- Snyder County
- Somerset County
- Union County
- Venango County
- Warren County
- Washington County - we do not carry long guns at present; however, I can see that as an option in the future. We are not a merged department. 99% of the adult PO's are armed, about 65% of the juvenile officers are armed. We are not hiring any new employees who do not wish to carry a firearm, only two PO's do not carry and they are office only PO's who were grandfathered into the old policy.
- Wayne County
- Westmoreland County
- York County

Appendix A – Bradford County Policy

SECTION FOUR - USE OF DEADLY FORCE

A. Firearms Policy

The following is the firearms policy for the Probation Department of Bradford County. This policy will spell out the steps each officer must follow to insure compliance with procedure.

1) General

As directed in an order of Court issued by President Judge Jeffrey A. Smith on January 14, 1986, probation officers are authorized to carry firearms in the performance of their duties.

Probation officers are defined by the U.S. Supreme Court and Title 18 of the Penna. Consolidated Statutes as law enforcement officers. Therefore, probation officers are authorized to carry firearms in the performance of their duties without a license, as defined in Title 18 Pa.C.S. Section 6106.

In the performance of their duties, probation officers may find themselves in dangerous or life-threatening situations. These situations would most likely occur when making field contacts, arresting probationer or parolees, and transporting prisoners. Because of these dangers, probation officers are authorized to carry firearms.

2) Use of Deadly Force

The use of deadly force is authorized when an officer feels that deadly force is an adequate response to an assault which may cause death or serious bodily injury to the officer or another person.

Deadly force is to be used in accordance with the Protective S.A.F.E.T.Y. System Use of Force Paradigm for Enforcement and Corrections. Each officer must complete the P.S.S./Phase II Safety Training as a part of the on-going safety training required for employment as a probation officer in Bradford County, and prior to attending the County Probation/Parole Officers Firearms Education and Training Commissions basic training course. The Use of Force Paradigm shows that deadly force is the appropriate use of force when dealing with a high level assailant, a subject whose actions are aggressively offensive to the point of causing death or serious bodily injury.

Deadly force is not to be used in situations where the Use of Force Paradigm would indicate that the use of deadly force would show probable excessive control.

Deadly force should be used in accordance with the techniques demonstrated during P.S.S./Phase II Safety Training, departmental firearms training and training provided by the County Probation/Parole Officers Firearm Education and Training Commission.

Whenever possible, an officer should give appropriate verbal directions to a subject advising them to “stop” their offensive behavior or “force” will be used.

Officers should be able to switch to other control modes, such as assailant control, resister control, impact weapons or deadly force as necessary.

3) Limitations

During the arrest of a probationer/parolee, the probation officer places himself in the highest threat of death or serious bodily injury. Weapons should be drawn when an officer feels there is a potential risk of death or serious bodily injury.

Under no circumstances should a firearm be used to intimidate, threaten or scare any person.

Probation officers shall carry their assigned weapon at all times in the course of their duties. General exceptions are when an officer is working in the Probation Office, working at a school location, attending training or when an exclusion is granted by the Chief Probation Officer.

An exception to the requirement to carry a firearm in the course of employment duties may be issued by the Chief Probation Officer for the following:

A probation officer reports that they are taking medication that may prohibit the safely handling a firearm or carrying out the duties of a probation officer.

The Chief Probation Officer has cause to believe that the emotional stability a probation officer may prevent them from safely carrying a firearm or carrying out the duties of a probation officer.

The Chief Probation Officer has cause to believe that the probation officer has physical limitations that might prevent them from safely carrying a firearm or conducting the duties of a probation officer.

When the Chief Probation Officer issues a directive stating that a probation officer may not carry a firearm in the course of employment for any of the above stated exceptions, or for any cause not listed above, the probation officer will immediately surrender the firearm. The Chief Probation Officer will secure the firearm in the gun locker until such time as the exception is lifted.

Probation officers authorized to carry weapons shall have the assigned weapon at their immediate disposal during the course of their work hours.

Probation officers should attempt to wear weapons inconspicuously when outside of the Court House. Badges are to be worn at all times when a weapon is visible.

Probation officers shall wear weapons concealed, whenever possible, when dealing with juvenile offenders.

Probation officers are responsible for appropriate security of their assigned weapon in the office and their residence.

Probation officers are authorized to carry the assigned weapon only when carrying out the duties of a probation officer.

4) Responsibility

Each probation officer is responsible for the safe handling, safety, maintenance and security of their assigned weapon.

Probation officers will be assigned a specific weapon and will sign a weapon responsibility statement.

It is suggested that each probation officer, at their own expense, obtain a general weapons permit from the Sheriff's Department, if desiring to carry any weapon outside of the normal duties and business of the Probation Department.

Probation officers shall secure their weapon in the assigned gunlocker, or use any device issued for the purpose of weapon safety and security, when not carrying the weapon during the working day. Probation officer will secure the handgun fully loaded when placing the weapon in the gun locker. This will avoid the unnecessary number of loading and unloading of weapons in the office.

If unloading a handgun, a bullet that was cycled in the chamber will never be reloaded in the firearm.

Probation officers shall secure their weapon with the combination trigger or cable lock at all times when the weapon is stored at home. Additional safety procedures at home are encouraged, such as securing the ammunition in a different location than the weapon.

Probation officers shall immediately notify an administrative officer when they are taking any medication that indicates that driving or performing any duty that may be a hazard, including the safe handling of a firearm, should not be performed while on the medication. The Chief Probation Officer will give the probation officer an exception to the requirement to carry a firearm and may assign alternative duties for the duration of the medication.

Probation officers must inform the physician, and the pharmacist filling the prescription, that their duties involve carrying a firearm, and ask if the medication will affect their judgement and ability to handle a firearm safely.

Probation officers must immediately report the loss of the assigned weapon to the Chief Probation Officer. After investigation, the probation officer may be held responsible for the replacement cost of the weapon.

Probation officers must immediately report any damage or malfunctions of the assigned weapon to the Chief Probation Officer. The weapon will be inspected, and repaired or replaced, as soon as possible. After investigation, the probation officer may be held responsible for the cost of repair or replacement if the probation officer was negligent in carrying for the weapon.

Whenever possible, if a weapon is lost or damaged, a weapon will be assigned to the probation officer for the period of time required to repair or replace a weapon.

5) Weapons and Ammunition

A. Handgun

Probation officers will be assigned a Glock Model 23, .40 S&W caliber weapon, along with three magazines and two holsters. In addition to this equipment, the officers will be assigned duty ammunition and a combination trigger or cable lock. Probation officers will carry, while performing their duties, only the assigned weapon, ammunition and holster. The firearm will be loaded with a fully loaded magazine. The magazine shall not be "topped off".

In certain situations, the Chief Probation Officer may authorize a probation officer to carry a weapon other than the assigned weapon. If the occasion arises, the probation officer must state the reason for not carrying the assigned weapon in writing to the Chief Probation Officer. Documentation of qualification with the specified weapon must accompany the request. Written authorization must be given to the probation officer from the Chief Probation Officer prior to carrying any weapon other than the assigned weapon.

B. Handgun Ammunition

Ammunition for training, approved practice and qualification will be provided by the department. Ammunition for competitive departmental shooting must be approved by the Chief Probation Officer and purchased at the officer's expense.

Under no circumstance is any ammunition other than that approved by the Chief Probation Officer to be fired from the assigned weapon.

Duty ammunition provided by the department for use in the assigned weapon shall be Federal .40 S&W 180 gr, Hi-Shok Jacketed Hollow Point. The Chief Probation Officer may designate a change in duty ammunition, if necessary.

A live round should never be loaded in a weapon more than one time.

C. Shotgun

Probation officers will train, practice and qualify on the departmental shotgun.

The shotgun is a Mossberg Model 500, 12 gauge. (Ser.#P389071)

Prior to an arrest situation, whenever possible, probation officers should attempt to discuss the arrest with an administrative officer. This discussion should include the need for the shotgun during the arrest, how the shotgun will be deployed, and the responsibilities of the officer carrying the shotgun during the arrest.

The department shotgun shall only be used for training and arrest situations. The shotgun is to be locked in the gun locker at all times when not approved for use.

D. Shotgun Ammunition

Duty ammunition for the shotgun will be Winchester Tactical "00" buckshot and rifled slug. Probation Officers shall use only duty ammunition in the shotgun.

6) Training and Qualification

Probation officers must complete all mandated firearms training.

The in-service training will consist of designated hours of classroom and range instruction, situational training, including qualification provided by a certified firearms instructor.

Act 158 of 1994 requires all county probation officers to complete the County Probation/ Parole Officers' Basic Firearms Certification Training. All probation officers will attend this training. In addition to the in-service training provided by the department, probation officers must successfully complete this Basic Firearms Certification Training. Upon successful completion of the Basic Firearms Certification Training and qualifying on the County Probation/Parole Firearm Education and Training Commission's course of fire, a probation officer will be certified by the Firearms Commission to carry a firearm.

In-service firearms qualifications will be scheduled throughout the year, one of which will be the Firearms Commission's course of fire. Dim light/night shoots will be conducted, as well as other in-service training. All probation officers certified by the Firearms Commission must attend these designated in-service trainings and qualifications. Any officer failing to qualify during a scheduled "ten shot" tactical course of fire, or the "ten shot" marksmanship course of fire, shall receive remedial in-service training before attempting to re-qualify.

All authorizations to carry a firearm in the line of duty will be made by the Chief Probation Officer, after certification from the Firearms Commission and qualifications.

7) Inspection

Probation officers are responsible to maintain the assigned weapon and to report any malfunctions of the weapon immediately to the Chief Probation Officer.

The Chief Probation Officer, Assistant Chief Probation Officer and Probation Supervisor are responsible for monitoring the actions of probation officers.

The Chief Probation Officer, Assistant Chief Probation Officer and Probation Supervisor shall periodically inspect the weapons issued to probation officers, including assignment of weapons by serial number.

Probation officers will surrender their weapon immediately to any administrative officer when requested.

8) Incident Reports

Probation officers involved in a situation in which a weapon has been discharged by a probation officer shall complete a written firearms discharge report. The original report shall be given to the Chief Probation Officer, with a copy going to the officer's immediate supervisor. After a review of the report by the Chief Probation Officer, a copy of the report will be provided to the President Judge, along with a recommendation regarding the situation.

Probation officers discharging their weapon are responsible for notifying the appropriate law enforcement agency in a timely fashion.

Probation officers shall report all situations immediately to an administrative officer which they observe that may be considered a violation of this policy.

9) Suspension for Cause

Probation officers that fail to properly report an incident involving a firearm or any other violations of this policy are subject to, but not limited to, the following action:

First offense - Written reprimand.

Second offense - Suspension from duty for one week without pay.

Third offense - Suspension from duty for thirty days without pay.

Fourth offense - Immediate termination of employment.

10) Clearing and loading Weapons

When clearing or loading a weapon always remember the fundamental rules of weapon handling, which include:

Treat every weapon as if it is loaded;

Keep you finger off the trigger and outside of the trigger guard;

Keep muzzle pointed in a safe direction;
Always be aware of the possible area where a bullet would impact,
if the weapon discharges.

A. Clearing outside of Office

When outdoors (i.e. firing range), point the weapon down range whenever possible, or at the ground.

Remove the magazine (source of ammunition).

Rack the slide three times.

Lock the slide open.

Visually check the chamber and magazine well.

Physically check the chamber and magazine well with the tip of your little finger.

Properly dispose of the round ejected from the chamber.

B. Loading outside of the office

Point the weapon in a safe direction.

Insert a loaded magazine in the magazine well.

Confirm the magazine locked in place.

Rack the slide.

Check the extractor (chambered round indicator) or perform a press check.

C. Clearing while in the office

All clearing must be performed using the bullet trap.

Remove the magazine (source of ammunition).

Place muzzle in bullet trap.

Rack the slide three times.

Lock the slide open.

Visually check the chamber and magazine well.

Physically check the chamber and magazine well with the tip of your little finger.

Properly dispose of the round ejected from the chamber.

Properly secure the weapon in an approved storage area.

D. Loading while in the office

All loading must be performed using the bullet trap.

Insert a loaded magazine in the magazine well.

Confirm the magazine locked in place.

Place the muzzle in the bullet trap.

Rack the slide.

Check the extractor (chambered round indicator) or perform a press check while the muzzle is still in the bullet trap.

E. Clearing/Loading in other buildings

Follow all the steps outlined above and remember the safest direction to point a weapon is the area where the floor meets a corner and the wall.

SECTION FIVE - BODY ARMOR

Each probation officer is assigned individual, personalized body armor. This body armor is to be worn at all times when the officer is carrying a duty weapon, and at other times based on the officer's discretion. It is recommended that officers wear their body armor under the following circumstances:

1. When the officer is carrying a service weapon.
2. When making a planned arrest.
3. When conducting field contacts.
4. When the officer feels that safety is a primary issue.