

**In the United States District Court
For the Southern District of Alabama**

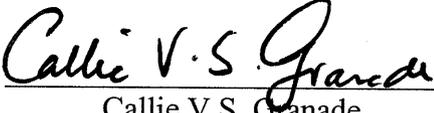
In the Matter of: Authorization of firearms policy for
 U.S. Probation and Pretrial Officers

ORDER

Pursuant to the provisions of 18 U.S.C. §§ 3603(9) and 3154(13), probation officers and pretrial services officers of this Court have been extended statutory authority to carry firearms in the execution of their official duties.

Therefore, it is **ORDERED** that the attached two-page document be, and hereby is, adopted as the Firearms Policy for the U.S. Probation Office for the Southern District of Alabama.

DONE this 29th day of August, 2006



Callie V.S. Granada
Chief United States District Judge

Firearms Policy
United States District Court
Southern District of Alabama

The district's firearms policy is authorized under the provisions of 18 U.S.C. § 3603(9) & 3154 (13) and is consistent with and incorporates by reference the firearms regulations of the Director of the Administrative Office of the U.S. Courts and the national firearms policy (see probation and pretrial services manuals). With the Court's authorization, probation and pretrial services officers are permitted to carry firearms in the performance of their duties generally.

- A. To be authorized to carry and use a firearm, an officer must have the written approval of the chief probation or pretrial services officer.
- B. The officer must satisfactorily complete the National Firearms Training Program for U.S. Probation and Pretrial Services Officers developed by the Administrative Office of the U.S. Courts, and pass qualifications testing conducted by a firearms instructor who is trained and certified through the Administrative Office of the U.S. Courts.
- C. Officers can only carry district-issued firearms that they used to meet the Administrative Office firearm qualification standards.
- D. Officers are bound by these regulations and may not in any case be exempt from these requirements.

Firearm Use

- A. A probation or pretrial services officer who has been authorized to possess a district-issued firearm will use it only to defend him or herself or a fellow officer from what the officer perceives as an imminent threat of death or serious bodily injury and when there appears to be no other reasonable alternative, and safe retreat is not an option.
- B. An officer shall not ingest alcohol or controlled substances while carrying a firearm, and under no circumstances shall an officer carry an issued firearm if he or she has ingested alcohol or a controlled substance within the previous eight hours except as provided in the following situation:
 - 1. If taking medication or experiencing a medical or emotional condition, the officer will consult with the attending doctor to determine if the medication or condition may alter the officer's ability to make judgments or to handle and use the weapon safely. If there is a possibility of either, the officer will advise the chief.

2. The final decision as to whether an officer should continue to possess a firearm or not rests with the chief probation or pretrial services officer and the chief judge.
- C. A probation or pretrial services officer who discharges an issued firearm at any time, whether intentionally or unintentionally, except during approved training and qualification, shall file a report in writing with the chief probation officer or chief pretrial services officer as appropriate within twenty-four (24) hours. The report shall describe the factual circumstances of, and reason for, the discharge of the firearm. The chief probation officer or chief pretrial services officer shall immediately send copies of the report to the chief judge of the district and to the Director of the Administrative Office, through the Office of Probation and Pretrial Services.
- D. Any probation and pretrial services officer who loses his or her issued weapon, has it stolen, or is unable to account for the weapon must file a report with his or her chief within 24 hours.

Limitations on Carrying a Firearm Aboard an Aircraft

- A. An officer may not carry a firearm in the passenger compartment of a commercial aircraft unless an exceptional need has been clearly defined, approval from the chief probation or pretrial services officer has been granted in writing on agency letterhead, and carrying the firearm is permissible under the regulations of the Transportation Security Administration (TSA). The written request and approval must be based on the following:
1. Air travel is required for the performance of official duties and the officer has a reasonable need to have the firearm accessible immediately prior to boarding or immediately upon deplaning.
 2. The officer has successfully completed the Transportation Security Administration's training requirement for law enforcement officers flying armed and has agreed to comply with the TSA's rules and regulations. Consistent with TSA regulations, an officer may be granted approval by the chief to transport a firearm on a commercial aircraft for training, relocation, or administrative purposes. In such cases:
 1. The firearm will be stored unloaded with a district-approved safety lock engaged in a hard-sided type of baggage in accordance with TSA's requirements.
 2. The officer must carry his or her badge and credentials at all times.
 3. Airline personnel will be notified of the presence of the firearm, presented with the officer's credentials and permitted to inspect the baggage if necessary.

Approved Firearm, Ammunition, Holster and Safety Equipment

- A. Only “approved” district-issued firearms, ammunition, and holsters described in these regulations may be possessed by officers.
1. An officer may only be assigned one weapon at a time.
 2. The only approved weapon is a government-owned Glock, Model numbers 22 and 23 in .40 S&W, double-action-only, semi-automatic pistol with a trigger pull no less than the factory standard of 5.5 pounds.
 4. The approved duty ammunition is Speer, .40 S&W, 165 grain Gold Dot Hollow Point-HV (GDHP-HV, JHP). Only commercially-manufactured ammunition in .40 S&W may be used. The practice ammunition should approximate the duty ammunition whenever possible. Reloaded or non-jacketed ammunition is not authorized for use.
 5. All holsters shall enclose the trigger guard and shall have a keeper strap or a retention design approved by the district firearms instructor.
 6. It is strongly recommended that officers authorized to possess a firearm wear a ballistic protective vest and, if authorized pursuant to national and district policy, possess oleoresin capsicum non-lethal alternative.
 7. Officers will carry their badge and credentials whenever in possession of a district-issued firearm. Officers will wear their issued belt badge on the waistline in close proximity to the firearm whenever the firearm is carried on their person.

Firearms Accountability, Inventory and Storage

- A. Except for transportation to and from a location in which an officer will perform official duties, a probation or pretrial services officer who has been authorized to possess a firearm may only possess or use a firearm in the performance of the officer’s official duties.
1. A probation or pretrial services officer who has been authorized to possess a firearm shall, while on duty, conceal the firearm on the officer’s person.
 2. While transporting the weapon in a vehicle, the firearm will be concealed in a holster on the officer's person or locked in a secured gun box within the vehicle trunk when commuting to or from work or the firearms range. In vehicles without a trunk, such as trucks and vans, the firearm will be secured in a lockable, attached gun box or other attached storage container or compartment (other than the glove compartment). At no time will a vehicle containing a firearm locked in the trunk or other lockable gun box or storage container be left unattended unless the vehicle is in a secured

setting with controlled or limited public access.

3. While in the probation or pretrial services office, the firearm should be carried concealed on the officer, stored in a firearms lock box, or locked in a cabinet or desk drawer (that can be locked separately) in the officer's office. Overnight storage of a firearm must be in a safe. If a gun safe is used in the officer's office, it should be securely mounted to a piece of furniture or the floor and out of plain view. A locked desk or cabinet drawer is not permissible for overnight storage.
 4. While in the officer's residence, the firearm will be unloaded and safely secured out of sight, separate from the ammunition. Particular attention to security must be given in residences where children may be present. The use of a locking device or lockbox is required to prevent unauthorized use or accidental discharge. Use of both a locking device and a lockbox is strongly encouraged.
- B. Any probation and pretrial services officer who loses his or her weapon, has it stolen, or is unable to account for the weapon must file a report with his or her chief within 24 hours. The report shall describe the factual circumstances in detail. The chief probation officer or chief pretrial services officer shall forthwith send copies of this report to the chief judge of the district and to the Director of the Administrative Office, through the Office of Probation and Pretrial Services.

Any officer who is unable to account for his or her issued weapon for any reason may be subject to disciplinary action, which may include suspension or termination. Additionally, if upon a determination made by the Chief Probation officer or Chief Pretrial Services Officer that the loss or theft of the firearm was the result of officer negligence, the officer may be required to replace the firearm.

- C. A probation or pretrial services officer who has been authorized to possess a firearm is responsible for the care and maintenance of the firearm. Repairs on weapons should only be made by factory-authorized armorers using factory-approved parts.
- D. An officer must return an assigned firearm when requested by the chief and, in any event, upon termination or suspension of the officer's service in the district.