

11  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

**FILED**

DEC 16 1985

NANCY HALL DOHERTY, CLERK

By B. Wallace

MISCELLANEOUS ORDER NO. 40

FIREARMS POLICY  
FOR THE  
UNITED STATES PROBATION OFFICE  
  
NORTHERN DISTRICT OF TEXAS

## FIREARMS POLICY

### U. S. Probation Office Northern District of Texas

#### I. Judicial Conference Policy

- A. It is the policy of the Judicial Conference of the United States that Probation Officers should not be permitted to carry firearms in the performance of their official duties unless an assignment, in the judgment of the Chief Probation Officer or the District Judge, subjects a Probation Officer to serious risk of physical harm and the services of a law enforcement officer in accompanying the Probation Officer would not be appropriate in the opinion of the Chief Probation Officer. Such Probation Officer may be permitted to carry a firearm under these conditions:
1. The law of the state permits the carrying of a firearm by a Probation officer.
  2. The Probation Officer has obtained all necessary licenses or permits required for the carrying of firearms.
  3. The Probation Officer has presented to the Chief Probation Officer sufficient reasons in writing why the carrying of a firearm is reasonably necessary.
    - a. In the performance of his duties generally, or
    - b. In the performance of duty in a specified assignment.
  4. The permission of the Chief Probation Officer has been granted in writing.
  5. The Chief Judge of the Court has been given actual notice in writing of the permission granted to carry a firearm and he has not objected within 48 hours of the notice.
- B. No Probation Officer shall be granted permission to carry a firearm in the performance of his duties unless he has completed an approved firearms training program and has qualified thereunder to carry a firearm.
- C. A Probation Officer who has been granted permission to carry a firearm in the performance of his duties shall use the same only in the exercise of his rights of self-defense in accordance with law.

- D. A Probation Officer who discharges a firearm while in the performance of his duties shall file a report in writing with the Chief Probation Officer within twenty-four (24) hours describing in detail the occasion on which, and the reason, he discharged the firearm.
- E. The Chief Probation Officer shall forthwith send copies of the report required under paragraph IV to the Chief Judge and the Administrative Office.

## II. Approval

- A. Probation Officers in the Northern District of Texas do not have general permission to carry firearms. Any officer may request permission of the Chief Probation officer to carry a firearm. Such permission must be in writing and may be granted:
  - 1. In the performance of his/her duties generally, or
  - 2. In the performance of his/her duty in a specified assignment.
- B. Such permission is intended to cover field investigation and supervision duties except as noted in IV. A below. Criteria for approval shall be:
  - 1. Completion of an approved district firearms qualification or requalification program, and
  - 2. Threat presented by client (offense, prior record of violence, threats, supervision history) or
  - 3. Supervision or investigation assignments in a high crime area.

## III. Training

- A. The Chief U. S. Probation Officer shall appoint a member of his staff to serve as Firearms Training Officer for the district. It shall be the Firearms Training Officer's responsibility, with the approval of the Chief Probation Officer, to formulate and carry out ongoing training relating to the safe, legal, and effective use of firearms.
- B. No Probation Officer shall be authorized to carry a firearm until he/she has received proper training and has completed a qualification course approved by the Chief Probation Officer and the Firearms Training Officer.
- C. Each officer shall complete a requalification on a course approved by the Chief Probation Officer and the Firearms Training officer on a semi-annual basis.

#### IV. Procedures

##### A. Office

1. No firearms will be routinely carried in any probation office facility in the district except in special instances approved by the Chief Probation Officer.
2. Firearms are to be stored and locked in the officer's vehicle prior to his/her entrance into a probation office facility. When such storage arrangement is not available, the weapon may be brought into the probation office provided the weapon is unloaded and secured in a locked storage facility within the probation office.
3. No firearm is to be stored in the probation office overnight.

##### B. Firearms on Person

When permission has been granted, a Probation Officer may carry a firearm on his/her person under the following circumstances:

1. When the officer has reasonable cause to believe that he/she will be in danger of serious bodily injury.
2. Each time a firearm is carried, the officer must note the action on his/her travel log.
3. When wearing a firearm, it shall be hidden from view at all times.
4. Officers may carry only one firearm on their person in connection with their official duties as a U. S. Probation Officer.
5. Officers are not generally authorized to carry a firearm during off-duty hours. Authorization for such permission will be granted **ONLY** by the Chief Probation Officer, or in his absence, the Deputy Chief Probation Officer.

##### C. Drawing and/or Discharging a Firearm

A Probation Officer may draw and/or discharge a firearm **ONLY** under the following circumstances:

1. In the necessary defense of himself/herself when the Probation Officer has reasonable cause to believe that he/she is in imminent danger of death or serious bodily injury.

2. A firearm should not be drawn and/or discharged under any other circumstances. Warning shots are prohibited because injuries to property or persons could result.

V. Departmental Review of Firearm Use

Except for routine target shooting, every officer is required to report in writing every use of the firearm. The requirement to report includes even a mere drawing of a firearm where no discharge occurs. This written report shall be forwarded, within twenty-four (24) hours of the incident, to the Chief Probation Officer. This report will describe the incident in detail, including the names of all the persons involved and the officer's reason for his/her action.

VI. Type of Firearms Authorized

- A. Firearms carried by an officer must be a .38 caliber revolver or .38 special. The barrel length shall not exceed four inches. Ammunition for street use is limited to a .38 caliber 158 grain hollow point bullet or any other ammunition issued by the Administrative Office.
- B. Firearms carried by an officer may be personally owned by the officer or assigned by the Probation Department. The officer shall report to the Firearms Training Officer the make, model, and serial number of their firearm. Further, the theft or loss of said firearm is to be immediately reported to the Firearms Training Officer.
- C. Officer's firearms are to be routinely inspected by the Firearms Training Officer.

VII. Failure to Comply with Policy

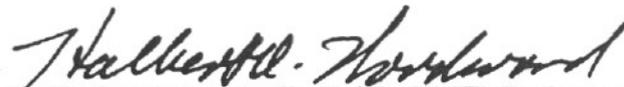
Probation Officers will be required to read and sign the district firearms policy. The signed policy will be retained in the officer's personnel file. Failure to comply with the policy outlined herein may result in the Chief Probation Officer denying the officer permission to carry a firearm in the discharge of his/her duties.

VIII. Reporting to the Court

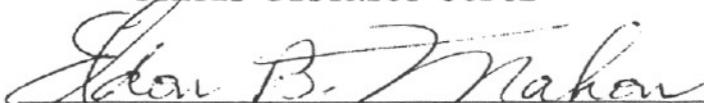
During the initial six month period of implementation of this policy, the Chief Probation Officer shall make a report monthly to the Court describing the implementation process. Thereafter, the Chief Probation Officer shall make a report to the Court semi-annually describing the experience of the Probation Department in the operation of this policy.

This policy shall be effective upon filing with the Clerk of Court after signing by the Judges of the Northern District of Texas.

Entered this 16th day of December, 1985.



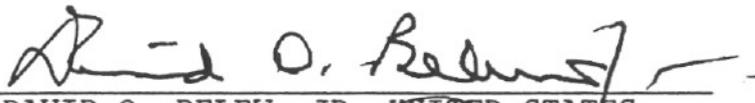
HALBERT O. WOODWARD, CHIEF UNITED STATES DISTRICT JUDGE



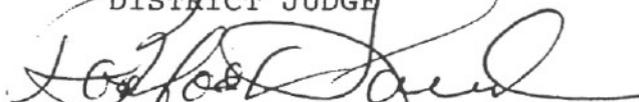
ELDON B. MAHON, UNITED STATES DISTRICT JUDGE



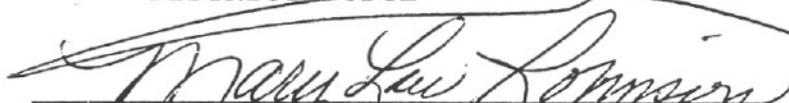
ROBERT W. PORTER, UNITED STATES DISTRICT JUDGE



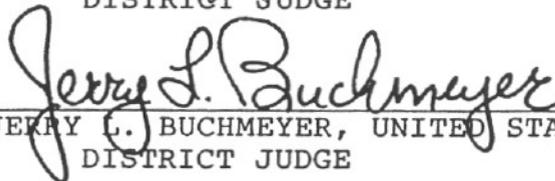
DAVID O. BELEW, JR. UNITED STATES DISTRICT JUDGE



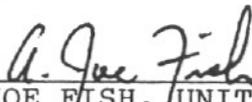
BAREFOOT SANDERS, UNITED STATES DISTRICT JUDGE



MARY LOU ROBINSON, UNITED STATES DISTRICT JUDGE



JERRY L. BUCHMEYER, UNITED STATES DISTRICT JUDGE



A. JOE FISH, UNITED STATES DISTRICT JUDGE