

A-1. HANDGUNS

The standard duty firearm issued to all qualified badge personnel is the Glock, Model 17, 9mm caliber handgun. Those personnel assigned to an undercover or plain clothes enforcement assignment may request to be issued a Glock, Model 26, 9mm caliber handgun for use. All such requests will be forwarded to the Training and Professional Development Captain for approval. When an employee is transferred out of an undercover or plain clothes enforcement assignment, the Glock Model 26 shall be returned to the Sheriff's Range. Failure to return a firearm as directed by this order may result in corrective action up to and including formal disciplinary action.

A-2. SHOTGUNS

The authorized office-issued shotgun is the Mossberg 590A1, 12 gauge. Shotguns assigned to the Patrol Divisions will be assigned to each vehicle and shall be stored in the vehicle's locked shotgun rack or the divisions' firearm locker. When the shotgun is not in use and being stored, the shotgun shall be unloaded, with the action open (except for storage in a shotgun rack that requires the action to be closed) and the safety on. All other divisions will store the shotguns in division designated lockable storage areas or racks.

Deputies shall inspect and load the shotgun at the beginning of each shift and unload it at the end of each shift. The standard loading process for the short-barreled shotguns will be to insert four rounds of 00 buckshot into the magazine and four slug rounds into the stock or sidesaddle. No rounds will be chambered until the weapon is ready for deployment. Shotguns shall only be loaded or unloaded when pointed in a safe direction.

A-3. RIFLES

The authorized standard-issued rifle is the Colt AR-15, .223. Rifles will be assigned to deputies who have completed a Sheriff's Office POST certified patrol rifle course and are currently assigned to a patrol division or enforcement division with a field assignment as authorized by the Division Commander. The assigned rifle shall be maintained by the individual deputy who the weapon is assigned to.

Deputies shall inspect and load the rifle at the beginning of each shift and unload it at the end of each shift. No ammunition will be loaded into the chamber until the rifle is ready for deployment. Rifles shall only be loaded or unloaded when pointed in a safe direction.

Deputies assigned a rifle and assigned to a Patrol Division will be required to have the weapon in their patrol vehicle each shift, locked in the proper weapon mount. Deputies who are assigned a rifle while assigned to any division other than a Patrol Division will be required to

have the weapon locked in a secure area within their division where it can be made available if needed.

When the rifle is not in use, employees will keep their assigned rifle unloaded and secured in an area within their assigned division that has been designated as a storage area for rifles or locked in their assigned locker within their assigned division. Supervisor approval shall be required to take a rifle home in preparation for, during or after an approved training course. When not secured in a Sheriff's Office approved location, the rifle shall be stored in a DOJ certified safe.

Deputies shall properly store and secure the rifle in any vehicle used to transport the weapon to and from their residence and/or training class when approved to have possession of the rifle for authorized training. Deputies should make every effort to travel directly to their residence and/or training course while transporting the rifle.

Deputies who are issued a rifle will be required to complete the firearms qualification bi-annually.

Deputies may deploy a rifle in any circumstance where the deputy can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:

- a. Situations where the member reasonably anticipates an armed encounter.
- b. When a member is faced with a situation that may require accurate and effective fire at long range.
- c. Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- d. When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- e. When a member reasonably believes that a suspect may be wearing body armor.
- f. When authorized or requested by a supervisor.

A-4. AMMUNITION

Deputies shall carry only office-authorized ammunition. Deputies shall be issued fresh duty ammunition in the specified quantity for all office-issued firearms during the deputy's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the

Office shall be dispensed by the Rangemaster when needed, in accordance with established policy.

B. ISSUANCE, INVENTORY, AND PROCUREMENT

All Sheriff's Office firearms shall be issued at the Sheriff's Range. When an employee separates from the Sheriff's Office for any reason, or when a Correctional Deputy/Officer is removed from Gun Bearer status, the Sheriff's Range shall be immediately notified, and their firearm shall be returned to the Sheriff's Range as soon as practical.

In the event of an officer involved shooting, the Personnel Captain, Training and Professional Development Captain or the Rangemaster may issue another duty firearm to the involved employee. The employee shall qualify with the newly issued firearm as soon as practical.

The Rangemaster is responsible for maintaining a complete inventory of all firearms, less-lethal launchers, and other weapons prohibited or restricted by law for law enforcement use. All firearms and other weapons requiring registration shall be registered with the Department of Justice as institutional firearms in the Automated Firearm System (AFS).

The Rangemaster shall conduct an annual audit of all firearms and other weapons. All Divisions shall also complete bi-annual firearm inventories and forward them to the Rangemaster as soon as practical.

Loss or theft of any Sheriff's Office firearm or weapon shall be reported to the local law enforcement agency, the Sheriff's Office, and the Rangemaster immediately.

The Rangemaster and the Training and Professional Development Division Captain will approve the purchase and procurement of firearms, ammunition, less-lethal weapons, and other weapons prohibited or restricted by law for law enforcement use.

C. EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Each deputy shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Rangemaster.

C-1. HOLSTERS

Only approved holsters shall be used and worn by deputies consistent with the approved uniform policy. Deputies shall periodically inspect their holsters to make sure they are

serviceable and provide the proper security and retention of the handgun and other approved equipment, such as weapon-mounted lights and optics.

C-2. USE OF PISTOL MOUNTED OPTICS FOR GLOCK DUTY FIREARMS

Deputies are permitted to carry an authorized pistol mounted optic on a department issued Glock Model 17 MOS at their individual voluntary discretion.

Deputies are authorized to carry pistol mounted optics listed in this order after the successful completion of the Sheriff's Office two-day POST certified pistol mounted optic transition course and demonstrating proficiency with the optics during qualification.

Glock Model 17 MOS firearms and Holosun 509T-RD X2 pistol optics will be issued to Field Enforcement Bureau deputies upon successful completion of the transition course or during a basic academy, which includes equivalent instruction and qualification. All other badge staff may request a MOS firearm with appropriate justification based on their assignment in writing to the Rangemaster. Any exception to this order must have the written approval from both the Training and Professional Development Captain and the Rangemaster.

In addition to the department issued pistol optic, deputies are permitted to purchase and carry, after demonstrating proficiency with the optics during qualification, the following pistol mounted optics at their voluntary discretion and own expense:

- a. Trijicon RMR Type 2 Adjustable 3.25 MOA (Black)
- b. Aimpoint ACRO P-2
- c. Holosun 507C X2
- d. Holosun 508T-RD X2
- e. Steiner Micro Pistol Sight

Pistol mounted optics can only be installed by Sheriff's Office Range staff. If a deputy chooses to purchase and carry their own optic, they will also have to purchase the corresponding C&H Precision mounting plate for the optic. Once approved for carry, the personally owned optic will be considered required on-duty equipment and will be kept in proper working order at the expense of the individual deputy.

Deputies shall perform a pre-shift inspection of their optic, including checking that the optic is functioning properly, checking all screws, and zeroing turrets for movement, and disabling auto-adjust features if applicable. Deputies shall replace their optic battery once a year, at a minimum, during the first-half Range qualification session.

Except in an approved training situation, deputies may only sight in on a target when the deputy would otherwise be justified in pointing a firearm at the target.

C-3. USE OF WEAPON MOUNTED LIGHT FOR GLOCK DUTY FIREARMS

Deputies are permitted to carry an authorized weapon mounted light on their department issued handgun at their individual voluntary discretion and own expense. Deputies will only be authorized to carry those weapon mounted lights listed in this order after completion of the orientation training course. Any exception to this order must have the written approval from both the Training and Professional Development Captain and the Rangemaster.

Badge personnel are permitted to purchase and carry the following weapon mounted lights:

- a. Surefire brand weapon mounted light producing at least 150 lumens.
- b. Streamlight brand weapon mounted light producing at least 150 lumens.
- c. Modlite brand weapon mounted light producing at least 150 lumens.

The weapon mounted light must have a rear switch that is manually activated to use the light. No weapon mounted light may be operated using a remote pressure pad and no weapon mounted lasers or weapon mounted light with a laser are approved.

Deputies must complete an authorized weapon mounted light orientation course prior to being authorized to utilize their approved weapon mounted light and holster.

Once approved for carry, the weapon mounted light, and holster will be considered required on-duty equipment and will be kept in proper working order at the expense of the individual deputy.

Weapon mounted lights shall only be used under the same circumstances listed in General Order 12.02 A.1. Badge personnel are subject to disciplinary action if the weapon mounted light is used for any other reason not outlined in this order.

D. INSPECTION AND STORAGE

Clearing stations have been designated at the range and in Sheriff's Office facilities for the purpose of loading and unloading firearms. Only these stations shall be utilized for this purpose. However, should any personnel have the need to load or unload a firearm in a place other than while on-duty where a clearing station is available, the firearm must be pointed in a safe direction while utilizing range safety rules to avoid a potential accidental discharge.

Deputies shall maintain the highest level of safety when handling firearms and shall consider the following:

- a. Drawing, exhibiting and discharge of department firearms is permitted pursuant to General Order #12.02 (Use of Firearms). "Inspections" of the firearm may be self-inspections or formal inspections performed by superior officers.
- b. All personnel are subject to firearms inspections. The semi-automatic firearm's reliability and operation are affected by its maintenance. Those individuals whose firearms are found to be poorly maintained and dirty to the point that the operation of the firearm may be in doubt, may lose their authorization to carry a firearm or be subject to corrective action at the discretion of the supervisor.
- c. Firearms clearing will be conducted at designated clearing stations:
 1. The deputy will remove their semi-automatic firearm from the holster over the clearing barrel.
 2. With the muzzle of the firearm placed into the clearing barrel, the deputy will remove the magazine. If the firearm is holstered, the magazine will be removed while the firearm is still in the holster, then the firearm will be drawn, and the muzzle placed into the clearing barrel.
 3. Keeping the finger clear of the trigger, the deputy will eject the round out of the chamber locking the slide to the rear. The deputy will visually and physically check the chamber and magazine well to make sure that they are clear.
 4. The firearm will be held in the deputy's shooting hand in the port arms position. The magazine and ejected round will be held in the offhand.
 5. After the firearm has been inspected, the deputy will return to the clearing station and with the muzzle of the firearm placed into the clearing barrel, will load the firearm.
- d. Rangemasters may conduct firearms inspections at locations other than specified; however, good judgment shall be used as to the locations selected.
- e. The firearms and magazines shall be inspected for proper maintenance as well as ammunition for the authorized department issued type.

E. STORAGE AT HOME AND IN VEHICLES

Deputies shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles, or any other area under their control, and in a manner that will keep them

inaccessible to children and others who should not have access. Deputies shall not permit office-issued firearms to be handled by anyone not authorized by the Office to do so. Deputies should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100)

When leaving a handgun in an unattended vehicle, deputies shall ensure that it is locked in the trunk, or in a locked container that is placed out of view, or in a locked container that is permanently affixed to the vehicle's interior and not in plain view, or in a locked toolbox or utility box permanently affixed to the vehicle (Penal Code § 16850; Penal Code § 25140; Penal Code § 25452). If the vehicle does not have a trunk or a locked container, then the firearm should be locked within the center utility console that can be locked with a padlock, keylock, combination lock, or other similar locking device (Penal Code § 25140).

Deputies are exempt from these requirements during circumstances requiring immediate aid or action in the course of official duties (Penal Code § 25140).

F. FIREARMS TRAINING STANDARDS

The following training standards are established not only to ensure that all deputies are properly trained in the use of their firearms, but also to ensure that they thoroughly understand the consequences of that usage.

All deputies shall qualify as required by this Order:

- a. Any employee who fails to maintain the required qualifications is subject to placement in the Firearms Remediation/Requalification Program as well as possible disciplinary action. If an employee is unable to qualify within the required period due to illness, injury, or approved leave, the Training and Professional Development Division Captain may grant an extension to comply with that period's requirement.
- b. Qualify on a comprehensive training course, as established by the Training and Professional Development Division, at least once during each of the following six-month periods: January 1 through June 30 and July 1 through December 31.
- c. The qualification course shall provide familiarization and skills in shooting techniques, enabling the deputy to utilize the handgun, shotgun and the rifle (if issued), both safely and effectively, while providing instructions regarding the consequences of the use of deadly force.
- d. Deputies shall qualify with all firearms they carry or are issued on duty. There will be no exceptions.

- e. Personnel assigned to carry specific departmental weapons due to an assignment to a special team, must be qualified with those weapons on a course established by the special team. SERT team members who participate in a qualification course with duty firearms on a training day shall satisfy the bi-annual departmental qualification for that period.
- f. Sheriff's Office personnel, upon graduating from the POST basic training academy, will be considered qualified to carry the handgun and shotgun for the qualification period in which they graduate.
- g. Deputies will qualify with the clothing they wear at work (i.e., uniform, load-bearing vest, suit/tie) at least once per year.
- h. The Training and Professional Development Division will keep accurate records to ensure the compliance of all deputies with Sheriff's Office firearm qualification requirements. The Rangemaster will provide a list of those personnel who fail to comply with qualification standards to the Training and Professional Development Captain for each qualification period.
- i. Any employee who fails to qualify with his or her handgun or shotgun will be required to remain at the range that day and receive remedial training from the range staff. The employee will be required to qualify prior to leaving the range (based on Rangemaster's normal daily schedule) and resuming normal duty. Should they not qualify, they will be assigned to the Firearms Remediation/Requalification Program and will be required to complete the qualification course prior to returning to their normal assignment:
 - 1. The Rangemaster shall immediately notify the employee's division captain as well as the Training and Professional Development Captain as to the failure to qualify as well as retain the employee's handgun, should that be the weapon the employee is not qualified with.
 - 2. The Firearms Remediation/Requalification Program will be run through the Training and Professional Development Division, via the Rangemaster, and will consist of an eight-hour training day in which employees will receive instruction on those areas of deficiency. The employee will be allowed to practice shooting techniques and will then be allowed two opportunities to qualify with a passing score.
 - 3. This Firearms Remediation/Requalification Program will begin on the next regular working day of the range. Any work time missed between the failure to qualify, and the remedial program time shall be charged to the employee's vacation bank or leave without pay, at the discretion of the employee.

4. Those employees who have not attained a qualifying score after completing the Firearms Remediation/Requalification Program shall be subject to disciplinary action, up to and including termination.
5. Those employees who do qualify after completing the Firearms Remediation/Requalification Program will be returned to their original duty assignment and shall be required to attend range qualification once per month for the next six months. This six-month period of qualification will be completed on duty and on dates and times scheduled by the division commander. If during this six-month period, the employee fails to qualify, he or she shall be reassigned to the Firearms Remediation/Requalification Program. No employee shall be allowed to participate in the Firearms Remediation/Requalification Program more than two times a year nor more than three times in his or her career.
6. If an employee fails to qualify with an issued rifle, they will have thirty (30) days in which to qualify but may not carry the weapon until they have qualified with it. The Rangemaster shall immediately notify the employee's division captain as well as the Training and Professional Development Captain as to the failure to qualify with an issued rifle. If by the end of the thirty (30) days the employee does not qualify, they may no longer carry the weapon until they can demonstrate proficiency with the weapon, qualify with the weapon, and are approved by the Rangemaster and division captain to carry the weapon once again.
7. Any employee who fails to qualify with any of their assigned weapons after completing the remediation program shall receive Formal Written Counseling. This action does not circumvent any other formal disciplinary action that might be taken.

G. RANGE RULES

To promote a safe environment for firearms training, the following rules shall be in effect at the Sheriff's Office range facility:

- a. No firing is permitted unless an authorized range instructor is present. There shall be no exceptions.

- b.** Personnel on the range shall adhere to all instructions and orders of the rangemaster in charge.
- c.** Firearms will not be handled, loaded or unloaded unless the rangemaster gives specific instructions or permission to do so.
- d.** Deputies shall always handle every firearm as though it were loaded.
- e.** Uncased or unholstered revolvers will be carried by the top strap with the cylinder open.
- f.** Uncased or unholstered (semi-automatic) pistols will have the magazine removed and the slide locked open.
- g.** Uncased rifles and shotguns will be carried with the action open.
- h.** Dry firing will be done only on the firing line on command.
- i.** If a firearm is handled from one person to another, the cylinder, slide, bolt, or action will be open and the person receiving the firearm will check to verify that it is not loaded.
- j.** When on the firing line, if the firearm is not holstered, it shall be pointed down range.
- k.** When firing a course that requires drawing the firearm from a holster, the shooter shall keep his or her fingers out of the trigger guard until the firearm is clear and pointed down range.
- l.** If a misfire occurs or mechanical difficulty develops with a firearm, the shooter should attempt to clear the firearm. If the shooter is unable to rectify the problem, assistance should be summoned from the range staff.
- m.** If assistance is needed while on the firing line:
 - 1.** Keep the firearm pointed down range
 - 2.** Call for the range officer
 - 3.** Raise the free hand above your head
 - 4.** Wait for further instructions.

- n. No alcoholic beverages are permitted within the range training facility.
- o. Personnel will not be permitted on the range if they have been drinking alcoholic beverages, or have consumed a drug, which are likely to impair their ability to safely operate a firearm.

H. ON-DUTY SECONDARY BACKUP FIREARMS

The Sheriff has authorized the use of secondary or back-up firearms during on-duty hours if the employee and the equipment meet the following criteria:

- a. The employee is a sworn Peace Officer authorized by State Law to carry firearms in the performance his or her assigned duties.
- b. The employee is carrying his or her primary agency-issued duty weapon in a loaded condition.
- c. The firearm is voluntarily purchased by the employee and is maintained as the personal property of the employee carrying the firearm.
- d. The firearm is used and maintained in original factory condition without any modifications, (limited modifications may be authorized by the Sheriff Office Rangemaster to the sights and grips of the guns in order to accommodate the user, but such authorization shall be requested in writing and approved prior to any modifications being made).
- e. The firearm is carried in a concealed manner on the employees' person and is not subject to casual view by others.
- f. The firearm is carried in a holster or other device which is designed to prevent accidental discharge, dropping, or loss during strenuous work activities. The firearm shall be holstered with the safety on if equipped and decocked if equipped. The employee shall qualify bi-annually with the backup or secondary firearm using the holster the employee carries the backup or secondary firearm at the Santa Clara County Sheriff's Office firearms Training Facility in accordance with the standards set by the Sheriff's Office Rangemaster.
- g. The firearm meets the following criteria:
 - 1. Any Glock, Beretta, Ruger, Smith and Wesson or Sig Sauer pistol with an overall barrel length of four inches or less, chambered in .380 ACP, 9mm, .40 S&W or .45 A.C.P.

2. Any Colt, Ruger or Smith and Wesson double action revolver with an overall barrel length of 4 inches or less, and of five or six shot capacity, chambered for either .38 special or .357 magnum.
3. Any variance to weapon type must be approved by the Training and Professional Development Captain and the Rangemaster.

I. OFF-DUTY FIREARMS

The carrying of a firearm off-duty is not required by the Sheriff's Office but is permitted by state law for sworn personnel under Penal Code § 830.1(a). Off-duty deputies who choose to carry a concealed firearm pursuant to state law must meet the following guidelines:

- a. Off-duty weapons, (if other than the deputy's issued duty weapon), holsters, and support equipment must be purchased and maintained by the individual deputy and shall remain the personal property of the employee.
- b. The firearm must be carried in a holster which is designed for the weapon, and which securely attaches to the employees clothing, or the interior portion of a backpack, purse, or other bag designed to carry firearms.
- c. All off-duty weapons shall be carried in a manner that conceals the weapon from public view and conceals the fact that the employee is in possession of a firearm.
- d. The off-duty employee must carry their agency ID card for the purpose of providing officer recognition.
- e. If the firearm is not carried on the person, it must be secured in a safe manner and the employee will take all reasonable steps to prevent any loss of control of the firearm.
- f. The Sheriff's Office encourages all sworn Penal Code § 830.1(a) personnel who wish to carry a firearm off-duty to complete the Sheriff's Office Weapons Proficiency Course of Fire on a bi-annual basis at the Sheriff's Office Range Facility.
- g. Off duty weapon qualifications will not be completed when personnel report to the range to qualify with their assigned duty weapon(s) and must be done off duty.
- h. Sheriff's Office personnel are encouraged to qualify with the holster and support equipment they carry off duty.

J. RETIRED EMPLOYEES

The carrying of a firearm as a Retired Deputy Sheriff is not required but is permitted under State authority with a valid C.C.W. endorsement issued by the Sheriff. The Sheriff retains the right, under Penal Code § 25920, to revoke the CCW privilege of any retired officer who fails to comply with the following requirements as a condition of receiving and maintaining a CCW endorsement:

Firearms must meet the following criteria:

- a. Any semi-automatic pistol chambered in .380 ACP, 9mm, .40 S&W or .45 ACP.
- b. Any revolver chambered for either .38 special or .357 magnum.
- c. The firearm is used and maintained in original factory condition without any modifications, (limited modifications may be authorized by the Sheriff's Office Rangemaster to the sights and grips of the gun(s) to accommodate the user, but such authorization shall be requested in writing and approved prior to modifications being made).
- d. All weapons, holsters and support equipment must be purchased and maintained by the retired deputy and shall remain his/her personal property.
- e. The firearm must be carried in a holster which is designed for the weapon, and which securely attaches to the retired deputies clothing or interior portion of a backpack, purse, or other bag designed to carry firearms.
- f. All firearms shall be carried in a manner that conceals the weapon from public view and conceals the fact that the retired officer is in possession of a firearm.
- g. The retired deputy must carry his/her agency ID card when carrying a concealed firearm for the purpose of providing officer recognition.
- h. If the firearm is not carried on the person, it must be secured in a safe manner.
- i. Any retired employee who requests a CCW endorsement on his/her retired Sheriff's Office identification card will be scheduled by the Personnel Division and required to complete the Sheriff's Office Weapons Proficiency Course of Fire prior to receiving the endorsement.

K. RETIRED EMPLOYEE PROFICIENCY COURSE REQUIREMENTS

Retired Sworn personnel must complete the Sheriff's Office Weapons Proficiency Course of Fire with the firearm they intend to carry prior to receiving an identification card with a C.C.W. endorsement, and at each required renewal as defined in General Order #9.04 ("Retirement Policy"). This course of fire may be completed at the Sheriff's Office Range Facility. Retired personnel must be approved by the Sheriff's Personnel Division prior to scheduling their proficiency exam at the range facility. Requests for approval shall be made by contacting the Sheriff's Personnel Division at (408) 808-4611.

Retired employees living out-of-county may complete the proficiency examination on a firing range in their jurisdiction, providing the Rangemaster in their jurisdiction is willing to complete and sign a Sheriff's Office Course Completion Certificate. These certificates may be obtained by contacting the Sheriff's Office Rangemaster at (408) 918-4950.

All ammunition used by retired employees during the proficiency examination shall be factory loaded ammunition, designed specifically for the firearm to be carried. This ammunition, and all costs related to the proficiency examination, shall be borne by the retired employee.



LAURIE SMITH
SHERIFF