



KERN COUNTY PROBATION DEPARTMENT

Policies And Procedures

TITLE: Firearms To And From Work			Article: 1714
APPROVED: William Dickinson, Chief Probation Officer			
EFFECTIVE: October 2016	REVIEWED: August 2018	REVISED: September 2024	UPDATED: October 2016

POLICY

Probation Officers who are authorized to carry department issued firearms on duty may carry the firearm while enroute to and from work. Unless driving a probation vehicle, badges, uniform items with probation identifiers, and firearms must be worn in such a way that they are concealed, not in a position exposed to public view, or otherwise displayed. The permission to carry department issued firearms while to and from work does not indicate, in any way, that officers are being given additional jurisdiction as to offenders and offenses. Officers must adhere to the Kern County Probation Department Administrative Manual, specifically Article 1701:

I. OFF-DUTY RESTRICTIONS:

- A. In Opinion No. 89-505 issued in 1989, the California Attorney General concluded a county probation officer cannot preclude deputy probation officers who are peace officers under Penal Code Section 830.5 from carrying a personal firearm while off-duty. Therefore, it is the policy of this Department that:
 - a. Any consequence or liability arising out of any act or incident involving any personal or department issued firearm during off-duty hours shall be the sole, personal responsibility of the officer taking the action or involved in the incident.
 - b. No such action or incident shall be deemed official, permitted or authorized as an exercise of the peace officer authority provided for in Penal Code Section 830.5.
 - c. Any misuse of any personal or department issued firearm, criminal or otherwise, by an employee of this Department shall subject the employee to discipline up to and including termination.
- B. On July 22, 2004, President George W. Bush signed H.R. 218, the Law Enforcement Officers Safety Act, into law. The bill exempts qualified active and retired law enforcement officers from local and State prohibitions on the carrying of concealed handguns off duty.
- C. This policy shall apply to any employee of this Department designated as a peace officer pursuant to Penal Code Section 830.5.

- D. Probation officers may carry their Department firearm off-duty if approved by the Chief Probation Officer. When carrying their Department firearm off-duty, it shall be mandatory officers carry their Department badge and the firearm be concealed.

Permission to carry a department issued firearm to and from work must be requested, in writing, through the officer's chain of command. The memorandum must clearly state the reason(s) the request is being made. Approval is not automatic and can only be granted by the Chief Probation Officer or his/her designee.

Department issued firearms taken to an officer's private residence shall be stored with a trigger locking device, a cable lock or in a locking safe. It is the officer's responsibility to ensure his/her department issued firearm is secured and not accessible to unauthorized persons.