



IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

MISCELLANEOUS ORDER NO. 53

The district judges of this court have considered and adopted the attached Firearms Policy. This policy supersedes the policy adopted on December 13, 2004, and is effective immediately.

ENTERED on behalf of the Court on April 25, 2006 .

A. Joe Fish
A. JOE FISH, CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

Firearms Policy - U.S. Probation
Northern District of Texas

Issue Date: 10/9/1997

Revision Date: 4/21/2006

Pursuant to 18 USC §§ 3154(13) & 3603(9), an officer may carry a firearm pursuant to the regulations of the Director of the Administrative Office of the U.S. Courts and local policy of the Northern District of Texas. With the Court's authorization (see Miscellaneous Order No. 53), officers are permitted to carry district-issued firearms in the performance of their duties, generally. The Chief Probation Officer (Chief) shall make a report to the Court semi-annually, describing the experience of the department in the operation of this policy.

Lethal Force: The use of lethal force is limited to defensive situations. Officers may use issued firearms only to defend themselves or fellow officers from a perceived threat of imminent serious bodily injury or death when retreat is not a safe alternative.

Initial Procedures: To qualify to carry a firearm, an officer must successfully complete the Administrative Office of the U.S. Courts Initial Firearms Training Program. The program consists of classroom and range training. Successful completion requires passing a written examination with a score of at least 80 percent and shooting the qualifying courses with a score of at least 80 percent on each. Upon successful completion of the initial training, the officer must request permission in writing to carry a firearm, and the request must be approved in writing by the Chief. Officers shall carry only the firearm and holster with which he or she qualified, with only the authorized, issued magazines and duty ammunition (see Authorized Ammunition). Upon recommendation of the District Firearms Instructor (DFI) and/or at the Chief's discretion, the officer's authority to be armed on duty may be revoked at any time.

Requalification and Training: Officers shall requalify on the nationally approved qualification courses annually with a score of at least 80 percent on each. At least two attempts to requalify will be permitted. Further training will be required if more than two attempts are necessary to requalify. Any officer who fails to requalify shall cease carrying a firearm immediately. The firearm, along with magazines and holster, shall be immediately surrendered to the DFI or designated Assistant Firearms Instructor (AFI), who will then ensure the firearm is returned to inventory until such time as the officer has the opportunity to requalify. Any officer who fails to requalify shall participate in firearms remediation training prior to the next attempt at requalification. The DFI or AFI will transport the weapon(s) for any training sessions and requalification. At the Chief's discretion, the officer may be required to purchase his or her own ammunition for remediation training sessions. In addition to requalifying annually, armed officers shall participate as directed in firearms training.

Authorized Weapon: Officers may carry only an authorized weapon, which is a government-issued Glock Model 22 or Model 23, safe-action, semi-automatic pistol with a trigger pull of no less than 5.5 pounds. In the rare event an officer's hand size requires a smaller-framed pistol, the Assistant Director of the Office of Probation and Pretrial Services or his delegate may authorize a Chief to provide an officer with an alternative government-owned pistol pursuant to the instructions provided in the National Firearms Policy.

Weapon Servicing: The officer assigned the firearm will conduct a weapon safety inspection before and after each firearms training session. The firearm is to be cleaned thoroughly after each training session and as needed thereafter. The firearms instructor or designated assistant will conduct a safety inspection on each weapon before it is put into service and will conduct safety inspections on that weapon annually. All pistols will be serviced, internally cleaned, and inspected at least every 3 years by a competent, factory-authorized Glock armorer. Weapons are not to be structurally modified and should be in compliance with all factory specifications.

Authorized Ammunition: Only nationally-approved service ammunition, as specified in the Firearms Regulations of the Director of the Administrative Office for U.S. Probation and Pretrial Services Officers, is to be carried on duty and is to be used in qualifying and requalifying to carry a firearm. Reloaded ammunition is not authorized for use.

Authorized Holster: Authorized holsters include (1) a directional draw, hip holster, with a trigger guard and thumb break or other retention device approved by the DFI or (2) a fanny pack with a retention device approved by the DFI. Holsters will be inspected by the firearms instructor before they are put into service to ensure that they are safe and appropriate for duty use. The firearms instructor will conduct annual holster inspections.

Safe Handling and Storage of Firearms: A firearm and its accessories, including a holster, magazines, and ammunition, are not be displayed in plain view in public areas or in the office, except in a defensive response. Firearms are never to be cleaned in the office, except by a factory-authorized Glock armorer. Any time a weapon is drawn in a defensive manner, the Chief must be notified immediately.

In the office: At the discretion of the Chief, the firearm should be carried (1) concealed on the officer or (2) stored in the locked office gun cabinet or (3) stored in a lock box mounted to the desk or (4) kept in an officer's locked desk drawer, pursuant to national policy. Overnight storage of a firearm must be in a safe, a vault, or a firearm lock box in a secured room designated and designed for the storage of firearms. This room is to be locked, with access limited primarily to officers. If a designated room is not available, a gun safe may be used in the officer's office, with the Chief's prior approval. The gun safe should be securely mounted to a piece of furniture or the floor and out of plain view. The door of the officer's office must be locked at night. Overnight storage in a gun safe mounted to a desk drawer, or cabinet drawer is not permissible. A firearm stored in any of the approved office storage options is to remain loaded and in the holster.

In the vehicle: It is acceptable to lock the firearm in the vehicle trunk or other attached locking storage container in vehicles, such as trucks and vans when commuting directly to or from work, or directly to or from the firearms range. Otherwise, the firearm should be concealed in a holster on the officer. Firearms and accessories, including magazines and ammunition, are **not** to be stored or left unattended in Government or personal vehicles at any time. An officer who makes a stop during the commute to or from work should carry the firearm on his/her person, to avoid leaving the firearm unattended in the vehicle. At the discretion of the Chief or Chief's designee, an exception may be made during the transport of firearms and related equipment for the purpose of qualification/training. However, firearms and related equipment should never be left in a vehicle overnight, under any circumstances.

In the residence: The firearm should be safely secured at home to minimize the possibility of any unauthorized use. Particular attention to security must be given in residences, where any children may have access to the firearm. Gun locks and lock boxes are issued as safety devices to prevent children and other unauthorized individuals from being able to fire the weapon. Firearms should be unloaded and secured with a gun lock supplied by the department or by the firearm manufacturer. Accessories, including magazines ammunition, the gun lock key, and the lock box key, are to be stored separately from the firearm, secured in a location not readily apparent to other individuals.

Carrying the Firearm: The firearm is only to be carried while the officer is on duty, except in special instances approved by the Chief or Chief's designee with the Chief Judge's approval. Officers shall carry their firearm concealed and in an approved holster; firearms will not be carried in purses. While the preferred practice is for officers to carry their firearm on their person, it is recognized that in exceptional circumstances, firearms may be transported in briefcases (while holstered) in vehicles according to policy (see section on Safe Handling and Storage of Firearms - In the vehicle), then carried by the officer directly into the office, where the gun shall either be stored according to policy (see section on Safe Handling and Storage of Firearms - In the office) or holstered on the officer's person.

Officers shall carry credentials and a badge on their person when armed or when transporting a weapon. Officers are to only wear or carry badges authorized through the U.S. Probation Office. It is highly recommended, but not required, that officers wear badges when armed. While wearing an authorized weapon, in the authorized holster, the badge may be placed immediately in front of the holster, and must be concealed so it is only visible if the officer pulls back the vest or jacket to draw the weapon. Badges are only to be worn in this manner, when the officers are armed. Officers who use fanny packs may wear their badge on the inside front flap. Officers may also wear their badges on a neck chain/case, when participating in a multi-defendant raid. Firearms are not to be carried in a courtroom or judge's chambers.

Carrying a Firearm Aboard an Aircraft: 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 has been granted in writing on agency letterhead, and carrying the firearm is permissible under the regulations of the Transportation Security Administration (TSA) and in accordance with national policy.

Firearm Discharge: Warning shots are prohibited. Any discharge of the firearm other than during training, shall be reported to the officer's supervisor or Chief as soon as possible. A written report shall be submitted to the Chief within 24 hours. The Chief shall send copies of any reports to the Chief Judge and the Director of the Administrative Office of the U.S. Courts forthwith.

In the event an officer discharges their weapon, the officer should consider the need for medical attention and attempt to secure emergency medical services as soon as possible. Each officer is to be provided with an "Emergency Procedure Card," and must carry the card any time the officer is armed or on duty away from the office. The officer should immediately refer to the card for instructions in the event of a shooting.

Responsibility of the Officer: The firearm and accessories, including the holster, magazines, ammunition, gun lock, and lock box, are issued to the officer for authorized use as described herein, but remain the property of the respective office. The officer is responsible for the safe handling and storage of the firearm and accessories. Any unauthorized use, loss, or inability to account for any issued firearm or firearm accessory, must be reported immediately to the Chief or Chief's designee. The officer shall also file a report describing the factual circumstances in detail within 24 hours of the incident. Such unauthorized use or loss may result in disciplinary action, which may include termination. The officer may be required to reimburse the agency for any loss of issued property, including the firearm, holster, magazines, magazine holster, ammunition, gun lock, and lock box.

Chief's Discretion: The District firearms policy may be modified as necessary at the discretion of the Chief.