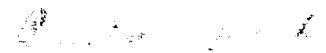


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 89-6

APPLICATION

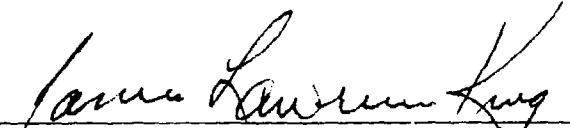
Comes now Carlos Juenke, Chief United States Probation Officer for the Southern District of Florida, and moves the Court for an Order authorizing United States Probation Officers in the Southern District of Florida, appointed and actively serving in such capacity, pursuant to Title 18, United States Code, Sections 3654 and 3655, to possess and carry firearms subject to the conditions in the attached statement: Amended Firearms Policy and Training Program for the United States Probation Officers in the Southern District of Florida, for their own protection in the furtherance of their duties as officers of the Court.



Carlos Juenke, Chief
United States Probation Officer
Southern District of Florida

ORDER

On the 27 day of January, 1989, it is ordered that United States Probation Officers appointed by this Court and actively serving in such capacity, pursuant to Title 18, United States Code, Sections 3654 and 3655, shall be authorized to possess and carry firearms for their own protection in the performance of their official duties as officers of the Court with respect to investigation and supervision of offenders, subject to compliance with the conditions set forth in the attached statement: Amended Firearms Policy and Training Program for the United States Probation Officers in the Southern District of Florida. This Administrative Order supersedes Administrative Order No. 85-18.



Honorable James Lawrence King
Chief U.S. District Court Judge
Southern District of Florida

AMENDED
FIREARMS POLICY AND TRAINING PROGRAM
FOR THE
UNITED STATES PROBATION OFFICERS
IN THE
SOUTHERN DISTRICT OF FLORIDA

JANUARY 20, 1989

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FIREARMS POLICY

A. INTRODUCTION

As probation officers authorized to carry firearms in the performance of official duties it is essential that you are knowledgeable of the district policy regarding the carrying of firearms and that you are familiar with the overall firearms training program.

B. JUDICIAL CONFERENCE POLICY

"At the March 1975 meeting of the Judicial Conference, the following policy regarding the carrying of firearms by probation officers was adopted.

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 officers may be permitted to carry a firearm under these conditions:

- a. 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 their 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 d to the chief judge and the Administrative Office."

C. SOUTHERN DISTRICT OF FLORIDA POLICY:

The firearms policy for the Southern District of Florida is based on the Judicial Conference Policy set forth above and the firearms training program developed by the Administrative Office of the U.S. Courts.

Probation officers in this district who have met all district training requirements and are approved by the chief probation officer have permission to carry firearms in the performance of their duties. Continued permission is subject to the probation officer meeting all ongoing training and safety requirements.

1. District Firearms Officer

In an effort to provide a maximum amount of support to field staff in assuring the safe, professional handling of weapons, this district shall appoint a district firearms officer. This officer will be trained to become a certified firearms instructor. In addition to normal probation duties, his responsibilities will include:

a. Acting as a resource person to the office in the areas of firearms policy, safety and training;

b. Conducting the training in the use and handling of firearms in the classroom and on the range;

- c. Maintaining district firearms training records;
- d. Maintaining an inventory of weapons authorized to be carried and ammunition assigned to the district;
- e. Conducting regularly scheduled inspections of weapons at least once annually and maintaining inspection records;
- f. Authorizing the use of individual holsters;
- g. Observing the safe handling of weapons in the probation office;
- h. Periodically meeting with other district firearm officers and Probation Division personnel to review the firearms training program and suggest modifications if needed; and
- i. Act as Chairman of the District Firearm Review Board.

Staff desiring assistance or having questions regarding firearms should consult the district firearms officer. As general needs or problems arise they should be brought to the attention of the district firearm office and the Probation Division so that modifications to training and procedures may be considered in order to offer sound guidance and support to those carrying weapons.

2. 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 and the Firearms Review Board. This report will describe the incident in detail, including the names of all the persons involved and the officer's reasons for his action.

The Review Board will be charged with the responsibility of examining every firearm incident. It will be comprised of the Deputy Chief Probation Officer, the Firearms Training Officer, and a line officer. They will critique each incident and make recommendations to the Chief Probation Officer.

3. Training

a. Initial Qualification

Staff requesting permission to carry a firearm must attend an Initial Firearms Qualification Course consisting of a minimum of three days of instruction and live firing range experience. A minimum of four hundred (400) rounds will be allocated for each individual at this training. At least two qualification attempts will be permitted at this training using the approved course of fire for firearms qualification with an eighty percent score needed to qualify. This initial training will be conducted by district firearms officer.

Those staff failing to obtain a passing score on the first course will be permitted to re-take the training a second time when the course is again available.

b. Requalification

In order to maintain the authorization to carry a firearm personnel must requalify using the approved course of fire twice each calendar year, and achieve a minimum passing score of eighty per cent. These courses will be held locally and supervised by a district firearms instructor.

Those staff failing to obtain a passing score will be permitted to attempt a second qualification as time and resources permit. Requests for additional attempts, beyond the second, will be at the discretion of the chief probation officer. Persons failing to obtain a passing score at any point must cease carrying their weapon until such time as they obtain a passing score.

c. Practice

Each officer shall be required to fire a minimum of one hundred (100) rounds at a fixed target on a quarterly basis under the supervision of the District firearms officer. The one hundred (100) rounds are to be over and above those rounds fired for semi-annual qualification.

d. Other Provisions

Probation officers must qualify with the weapon that they carry. That is, you may not qualify with one weapon and then carry another in the performance of your duties.

Due to the necessity of maintaining safe firing conditions any firearms instructor conducting either initial qualification or requalification training has the authority to restrict or stop the firing of any particular individual should he or she observe unsafe practices or the inability to properly handle a weapon.

Following the completion of an initial qualification or requalification program, the district firearms officer shall forward to the chief probation officer copies of the scores of each individual taking the training. Notation of these scores will be maintained in the employee's training record as maintained by the district firearms officer and should be included in the individual's personnel file for future reference.

Any officer who does not comply with the policy herein shall be prohibited from carrying a firearm.

General Firearms Safety

A. Use and Type of Firearm

The use of deadly force by probation officers is strictly limited to defensive situations. An officer may use a firearm only to defend him or herself from what the officer perceives as an immediate threat of death or serious injury when there appears to be no other alternative. All nonviolent alternatives, including withdrawal from the scene, should be attempted before the use of a firearm is contemplated. Firearms will not be drawn or displayed nor should they be used for any other reason other than as described above. The Judicial Conference authorizes the carrying of a weapon only in the performance of official duties.

The continued authorization to carry a firearm will be dependent upon the individual's compliance with the Judicial Conference Firearms Policy and safe, proper conduct while in possession of a weapon. Generally, the firearm is to be concealed on the person and not drawn or displayed unless there is a reasonable belief of a threat of immediate death or serious bodily injury. The carrying of a firearm places a great deal of responsibility upon the person, and the weapon must be treated with respect. Individuals found to be careless or negligent in their handling of a weapon will have their authorization to carry a firearm withdrawn.

Probation officers who are permitted to carry a firearm are authorized to carry only a 5 or 6 shot revolver capable of firing .38 special ammunition. That is, officers may carry a .38 special or a .357 revolver, but are authorized to use only .38 special ammunition. This requirement has been instituted to help assure uniformity in training, safety, and security requirements.

Probation officers who desire to carry firearms and are authorized to do so must also purchase their own weapons at personal expense. The Director of the Administrative Office may neither purchase weapons for individual officers nor authorize their procurement from other law enforcement agencies, such as the Bureau of Alcohol, Tobacco, and Firearms or the U.S. Marshals Service.

Standard ammunition is authorized for purchase by the Probation Division and the carrying of other ammunition is not permitted.

Staff not conforming to these standards do so at their own risk and are subject to having their authorization to carry a weapon withdrawn and possibly face disciplinary action. The safe handling of weapons is of paramount concern. This involves the joint effort of individual staff, supervisors, and the overall agency in assuring that every possible effort is made to avert accidents, negligence or misuse.

Safety

1. Handling Firearms

- a. You cannot guess or forget how a weapon functions.
- b. You must know and fully understand:
 1. if the weapon is loaded
 2. where the target is
 3. where the bullet may go, and
 4. where the bullet may stop.
- c. Carelessness in the use of a weapon may cause you to be legally liable.
- d. Treat every weapon as if it were loaded.
- e. Never assume that a weapon is unloaded. Check!

f. Unload all weapons before handing them to another person, and never pass a closed weapon to another person

1. unload
2. count all rounds of ammunition
3. check chambers
4. pass with the cylinder open, stock first

g. Always keep the muzzle (barrel) of the weapon pointed in a safe direction away from other persons.

h. Always check a weapon for live ammunition when you

1. pick up any weapon
2. draw it from the holster (except for defense purposes)
3. hand a weapon to someone
4. accept a weapon from someone

i. Never point a weapon at anyone unless you are justified in firing at that person should the situation warrant it.

j. Never cock a weapon unless you intend to fire it immediately

1. when a revolver is cocked it takes less than four pounds of pressure to fire
2. you should never cock a weapon when
 - a. placing it in your holster
 - b. withdrawing from a hazardous situation
 - c. restraining anyone

k. Do not insert your finger into the weapon's trigger guard until the weapon is pointed at your target and you are ready to fire.

2. Firearms Safety Procedures While Carrying a Holstered Weapon

All holsters must have a keeper strap or an approved design that prevents the revolver from falling out of the holster's compartment, and should enclose the trigger guard. A

directional draw holster, i.e. one which is worn on the same side of your body as your shooting hand, is recommended for the following reasons:

1. This arrangement provides you with the safest and fastest method for drawing the weapon.
2. When drawn correctly the weapon's muzzle does not pass across any part of your body.
3. It enables you to travel the shortest distance in putting your weapon on the intended target.

Cross draw holsters have significant disadvantages. First of all you must reach across your body to get to your weapon, which takes additional time. Secondly, the revolver must be swung at a 90 degree arc before being placed on the target, which can be dangerous in very close street situations, and in training situations where the 90 degree arc causes the muzzle to sweep over fellow officers.

When drawing your weapon from its holster it is essential that your trigger finger remains outside of the weapon's trigger guard until the weapon is pointed at the intended target and you are ready to fire. Similarly, when placing your revolver in its holster remember that your finger must be off the trigger and outside of the weapon's trigger guard. Anytime you have your finger on the weapon's trigger there is the possibility of firing an accidental or negligent shot.

All holsters must be approved by the firearms training officer. It is the probation officer's responsibility to notify the training officer of the type of holster used and to submit it for inspection and approval.

When wearing a firearm, it shall be hidden from view at all times. The belt holster is the preferred holster for carrying a firearm; however, it is recognized there are special circumstances. Attire or personal preference of the officer may dictate the use of an alternate holster. The holster must be capable of holding the weapon safely and must have a restraining strap. It must be capable of holding the weapon during strenuous physical activity, such as running or climbing and while the officer is in any position, including upside down. When using a belt holster, the holster must allow the firearm to be released and returned with one hand. Alternate holsters, such as cross draw, shoulder, and ankle must meet the same criteria, except it is permissible to steady the holster with the weak hand when the firearm is returned to the holster.

Routine requalification will be with a belt holster. The officer is required to demonstrate proficiency in the use of the belt holster at each training session. If an alternate holster is utilized by the officer, he/she must demonstrate proficiency in its use once a year. Unless safety precludes it, the officer must draw and fire at least 15 times during the training session with the alternate holster. If live fire is unsafe, the officer must draw and fire under simulated combat conditions at least 15 times in an area deemed safe by the firearms training officer.

3. When Revolver is Drawn in Street Situations

The Judicial Conference policy specifies that a probation or pretrial services officer shall use a firearm only in the exercise of his rights of self defense in accordance with law. Before a probation officer resorts to the use of a firearm, he must honestly and reasonably believe that he is in actual physical danger and that reliance upon a firearm is required in order to avoid death or great bodily harm. The concept of self defense is covered in greater detail in the lesson on legal issues and civil liability.

In the event the weapon is fired, the officer must take steps to promptly disarm the assailant and preserve the scene of the incident. First aid should be administered and the police should be notified. The chief, deputy chief or firearms officer should also be contacted.

4. Loading and Unloading

A. Loading Steps (procedure described for right hand shooters)

1. remove the revolver from your holster making sure the trigger finger is out of the trigger guard.
2. Point the revolver at a selected backstop or down range in a safe direction with the muzzle at a 45 degree angle.
3. Put the left hand forward with the palm facing up. This is in preparation for receiving the revolver to open the cylinder.
4. Lay your revolver in your hand with the cylinder resting on the tops of the fingers.
5. Place the thumb of your right hand on the cylinder release latch.

6. Push forward with the right thumb on the Smith and Wesson cylinder release latch; pull to the rear with the thumb on a COLT revolver.

7. Grasp the cylinder with the left thumb and two inner fingers. With the grasp, the cylinder will be lifted or swung out of the weapon's frame. Use the thumb and inner two fingers to open the cylinder.

- a. Just pushing up with the two inner fingers is not acceptable.
- b. If only pressure from the two inner fingers is used, and the cylinder is released, it causes damage to your revolver.

8. Next, bring the two inner fingers through the frame as the cylinder swings out. This ensures a firm grip and prevents the revolver from dropping.

9. You are now ready to insert cartridges into the cylinder chambers.

- a. You should develop the habit of loading two rounds at a time. This will facilitate your being able to fire a partially loaded cylinder more quickly if necessary in street situations.

10. Rotate the cylinder counterclockwise loading the empty chambers at the 9 and 10 o'clock positions until all chambers are loaded.

- a. Loading the revolver by rotating the cylinder in a counterclockwise direction enables better control of the loading process.

11. When the revolver cylinder is loaded, use the thumb and inner two fingers of your left hand to gently swing the cylinder back into the frame to close your revolver. DO NOT SLAM OR SNAP IT SHUT.

12. When the cylinder is completely seated in its frame, rotate the cylinder to see if it is locked. When the cylinder is properly locked, you will be unable to rotate it any further.

13. Your revolver is now loaded.

14. Reholster the revolver and remember to keep your trigger finger out of the trigger guard.

B. Unloading A Loaded Revolver

1. Start the unloading process with the revolver in the left hand and cylinder open.
2. Position your left thumb on the tip of the ejector rod.
 - a. Apply firm pressure with the two middle fingers.
 - b. Hold the cylinder firmly.
3. Cup the right hand and place the cupped hand under the hammer spur of the revolver.
 - a. Tip the muzzle of the weapon upward and begin to position the hammer spur so that it is going to the center of the palm of your cupped hand.
 - b. Simultaneously, while tipping the muzzle upward, press downward on the ejector rod with your thumb.

C. Extracting Empty Cases

1. Let the empty cases fall to the ground without catching them. Officers who develop a habit of catching expended rounds in their hand in training have a tendency to do the same in street situations which adds unnecessary time in reloading.
2. In unloading a partially fired cylinder, it should be noted that generally a round that has been fired will have a dent in the primer. However, this is not an absolute rule as at times a firing pin will dent the primer but the round will not fire. Upon the primer being stuck, a subsequent time, it may fire; therefore, do not assume a weapon is not loaded.

5. Uncocking a Cocked Revolver

It is important that you understand this procedure, because there may be a time while you are on duty that you have possession of a cocked revolver and need to uncock it to make it safe. The safety factors involved cannot be over emphasized.

A. Step by step procedures for uncocking a cocked revolver.

1. Place your shooting hand around the revolver grip as if you were intending to build a grip. Remember, keep your finger off the trigger.

2. Point the revolver's muzzle in a safe direction.
3. Grasp the revolver frame with the non-shooting hand to support the weapon while you perform this uncocking procedure.
4. Place the non-shooting thumb in front of hammer firing pin resting against the back part of the weapons frame over the recess area.
5. Place your shooting hand thumb on the hammer spur, push down until the hammer's movement stops. It will travel a short distance to the rear.
6. While maintaining pressure on the hammer spur, place your finger on the trigger and pull the trigger to the rear. You should be certain that your thumb is positioned on the hammer spur in such a manner that it will not slip off.
7. When the trigger movement has stopped, allow the hammer to come forward so the hammer's firing pin rests on the thumb nail of the non-shooting hand.
8. Maintain this position while you remove your finger from the trigger.
9. After you have removed your trigger finger completely out of the trigger guard, remove the thumb of the non-shooting hand while pressure on the hammer spur is maintained then let the hammer come to its final resting place.
10. The revolver is now uncocked.

B. Revolver Safety Feature

Removing the trigger finger completely from inside the trigger guard insures that the revolvers built-in safety can function if necessary. This safety functions in the following manner:

1. When the trigger is pulled to the point of releasing the hammer, the firing pin can strike the cartridge primer only if the trigger is held to the rear (pressure is still on the trigger).
2. If the trigger were allowed to go forward at the same instant the hammer was released to fall forward, internal safety features would stop the hammer at a point that would prohibit the firing pin striking the primer of the cartridge.

Note: If you allowed your finger to remain in the trigger guard while lowering the hammer and the hammer slipped from under your thumb, your finger in the trigger guard would prevent the internal safeties from taking effect resulting in a negligent shot being fired.

The weapon's internal safety features are designed to prevent any accidental discharge of the revolver even if the revolver is cocked and dropped.

6. Dry Firing

Dry firing, i.e. practice firing of an unloaded revolver, can be useful in improving marksmanship skills. However, never attempt to dry fire until you have met the following conditions:

- A. unload the weapon
- B. count all rounds
- C. check the weapon's cylinder
- D. have a free line of fire away from others
- E. utilize an outside wall as your backstop.

7. Weapon Cleaning

Individuals authorized to carry a firearm are responsible for the care and cleaning of the weapon and for the proper use of safety equipment. If defects are noted or repairs are needed, the individual should immediately notify the District Firearms Officer so appropriate arrangements can be made.

Weapons will be inspected at least annually by the District Firearms Officer. The weapon will be inspected for care, cleanliness, serviceability, and evidence of unauthorized modifications. The District Firearms Officer will maintain an inspection roster for all weapons in the District. If a weapon has been neglected or abused, this will be reported to the Chief Probation Officer upon whose discretion permission to carry a firearm may be rescinded or other corrective action taken.

8. Security and Storage

When in the field, weapons are to be carried but concealed on the individual and not left in the car, or carried in briefcase, purse, etc. where they are vulnerable to theft or use by others.

Firearms storage lock boxes are available in each office. The weapon is to be stored in the lock box in its holster while the officer is in the office. If this cabinet is not available, staff must keep firearms and holsters concealed on their person. Weapons and holsters shall not be displayed in any Probation Office and shall not be stored in desks. Under no circumstances are weapons to be stored anywhere in a Probation Office over night.

Weapons should be safeguarded by carrying concealed on the person when travelling to and from work. Officers should limit personal business as far as possible when carrying weapons between work and home and should definitely avoid situations (i.e., consumption of alcoholic beverages) that would impair their ability to safeguard or properly handle a weapon.

When at home the individual should secure the weapon where it is safe and not accessible to others. It is recommended that the ammunition be removed and stored separately to further reduce chances of accident.

Authorization to carry a firearm under any circumstances other than those listed above must be given in writing by the Chief U.S. Probation Officer, or in his absence, the Deputy Chief U.S. Probation Officer.

LEGAL ISSUES AND CIVIL LIABILITY

A. ISSUES

Probations officers must be aware of the factors involved in civil liability cases so that they may realize the importance of complying with all training requirements and standards. Even in a situation where the officer's right to employ deadly force is justified, there still remains several factors impacting on an officer's potential liability.

These factors generally fall into three categories:

1. Did the officer use an authorized weapon?
2. Did the officer use authorized ammunition?
3. Was the officer properly trained?

FACTORS

1. Factors involving the weapon and ammunition
 - a. Was the type of weapon authorized, i.e., a .38 special or .357 caliber revolver?

- b. What was the condition of the weapon?
- c. What is the inspection and maintenance program?
- d. Did the officer qualify with that particular weapon?
- e. Did the officer use the authorized type of ammunition?

2. Factors involving training

- a. What instruction did the officer receive prior to authorization to carry a firearm?
- b. What proficiency was required?
- c. What regulations were issued pertaining to the lawful use of force (intentional shootings) and safe handling of the firearms (accidental shootings)?
- d. What were the qualifications of the instructor?
- e. What records exist documenting training and proficiency?
- f. What in-service training has been given?
- g. What in-service proficiency is required?
- h. Was classroom instruction conducted on the proper cleaning methods? Equipment, oils and solvents, etc.?
- i. Was classroom instruction conducted on the general technical qualities of the firearms?
 - 1. Types of ammunition
 - 2. Maximum range
 - 3. Penetration
 - 4. Recommended use.

3. Vicarious Liability

Vicarious liability is that liability attached to an individual who has the authority to direct the actions of another. An administrator can be held liable for the acts of his subordinates if the subordinate wrongly injures a third party and the injury was approximately caused by the administrator's negligence in:

- a. appointment
- b. retention
- c. assignment

- d. entrustment
- e. failure to supervise
- f. failure to train
- g. failure to direct

4. Legal definition of self defense

The General Counsel's office has provided the following guidance regarding the right of probation officers to use firearms in the exercise of their right of self defense.

"Generally speaking, the right of self defense is the right to resist force and violence by a sufficient amount of force or violence applied by the person attacked to protect him or herself. State v. Woodward, 58 Idaho 385, 74 P.2d 92. For self defense to serve as a justification in the case of an assault with a deadly weapon, the person who commits the assault must be able to show that he was faced with actual, or at least reasonably apparent, danger of losing his life or suffering serious bodily injury. State v. Woodward, supra; State v. Anderson, 230 N.C. 54, 51 S.E. 2d 895. See also United States v. Jackson, 569 F.2d 1003 (7th Cir. 1978), cert. denied, 437 U.S. 907 (A person is justified in the use of force when he reasonably believes that such conduct is necessary to defend himself against the imminent use of lawful force.). Thus, before a probation officer resorts to the use of a firearm, he must honestly and reasonably believe that he is in actual physical danger and that reliance upon a firearm is required in order to avoid death or great bodily harm. See Smith v. Lauritzen, 356 F.2d 171 (3d Cir. 1966); People v. Sonier, 113 Cal. App. 2d 277, 248 P.2d 155. If a firearm is an appropriate means of self defense under the circumstances (i.e., in view of the kind of attack and the respective strength of the parties), then a probation officer would not be required to exhaust other means of self defense before resorting to a firearm. However, if use of a firearm is clearly excessive force in light of the given circumstances, then the officer should obviously utilize a lesser and more appropriate means of defending himself. United States v. Stahls, 194 F.Supp. 894 (S.D. Ind. 1961). (One defending himself against unlawful attack is only justified in using such force as may appear to him at the time necessary to accomplish his purpose, and excessive force, or force out of proportion to necessity, as it honestly appeared to him, renders him guilty of assault).

While there may be circumstances in which a probation officer would be justified as a matter of law in using a firearm in order to protect third parties, such action would not, strictly speaking, be considered "self defense" and would therefore not be in compliance with the Judicial Conference's

policy on the use of firearms by probation officers. For the record, however, it may be pointed out that from a legal standpoint a person is generally entitled to resort to violence in the defense of another only when the imperiled person would have been justified in using it in his own defense. State v. Young, 52 Or. 227, 96 P. 1067, People v. Young, 11 N.Y. 2d 274, 229 N.Y.S. 2d 1, 183 N.E. 2d 319."

REVOLVER NOMENCLATURE

A. INTRODUCTION

As probation officers authorized to carry firearms in the performance of your official duties you should have a general understand of how a revolver operates and its general nomenclature.

B. PRESENTATION

General Nomenclature

1. Barrel

The Barrel is the elongated part which is constructed to give the bullet direction.

2. Front Sight

This part is located on the top side of your weapon's barrel and is used in connection with the rear sight as an aid in sighting a weapon on to its target.

3. Rear Sight

This part of the weapon is located at the rear end of the revolver's top and is used as an aid along with the front sight in sighting your weapon on to its target.

4. Muzzle

The muzzle is the opening at the front end of the revolver's barrel.

5. Cylinder

The cylinder is the rotating assembly which holds the ammunition.

6. Chamber

The chamber is an integral part of a weapon's cylinder and is used to contain each individual round of ammunition. When the cylinder is closed, only one chamber is in line with the weapon's barrel.

7. Ejector Rod

This movable device is located through the center of the cylinder assembly and is used to extract both live ammunition and expended cases from the cylinder chambers.

8. Crane

The crane, located at the front of a weapon cylinder acts as the cylinder's hinge to the frame.

9. Top Strap

The top strap is the part located at the top of a weapon's frame between the barrel and the hammer assembly.

10. Cylinder Latch

The cylinder latch is a device located on the left side of the revolver's frame. It's function is to allow the opening of the revolver's cylinder when pushed forward or backward depending on the make and model.

11. Hammer Assembly

The hammer assembly is located behind the rear of the top strap. The hammer causes the firing pin to strike the primer of each round.

12. Firing Pin

The firing pin is either attached to or struck by the front end of the hammer assembly and is the part that actually strikes the primer.

13. Hammer Spur

The hammer spur is the rear extension of the hammer's assembly and is used to facilitate the cocking of the weapon with the thumb. The hammer spur has a rough surface to prevent your thumb from slipping off during the single action cocking procedure.

14. Trigger

The trigger is that part of a weapon located at the bottom of weapon's frame and housed within the trigger guard. When the trigger is pulled to the rear, the revolver will fire.

15. Trigger Guard

This metal loop is located at the bottom of the weapon's frame. Its function is to protect the weapon's trigger.

16. Back Strap

The back strap is part of the revolver's frame and is located at the rear of the weapon's hand grip.

17. Butt

The butt is part of the revolver's frame and is located at the bottom of the weapon's hand grip.

18. Stock

The stock, usually made of wood, covers the metal portion of the hand grip on a weapon's frame.

Nomenclature of Ammunition

Probation officers must have a basic knowledge of the component parts of a round of the ammunition they use. The following components make up one round of ammunition.

1. Cartridge Case

The metal case of a round of ammunition holds all of the components. This includes:

a. Primer

The primer is located at the center of the base of the case. It is used to ignite the powder in the case when struck by the revolver's firing pin.

b. Powder

A measured amount of powder is located within the case. When ignited by the primer the powder burns rapidly causing tremendous gas pressure which forces the projectile from the case through the barrel at a high velocity.

c. Projectile or Bullet

The projectile authorized for service use by probation officers is a 158 grain lead hollow cavity bullet.

2. Types of Ammunition

It is important that we as probation officers have a general understanding and knowledge of the various types of .38 caliber ammunition.

a. .38 Special Caliber Ammunition

To identify and distinguish this type of ammunition, officers must examine the word "special" or the letter "SPL" following number .38.

b. .38 Smith and Wesson Ammunition

The imprinted word "Special" letters WILL NOT appear on the above mentioned round of ammunition. Another way to distinguish a .38 round of ammunition from a .38 special round is that the .38 caliber round is shorter than that of the .38 special round.

c. .38 Special Military Ball Ammunition

This type of ammunition is distinguished by its round-nose, full metal jacket and an overall copper color. This type of ammunition can be used for target practice only and it must be emphasized that it is not authorized for street.

d. .38 Special Military Tracer

This type of ammunition is like the military ball ammunition as mentioned above. The only difference is that the tip of the projectile is red in color and will illuminate once fired. It must be stressed that this type of ammunition should never be fired in your service revolver. Also, it is a possible fire hazard.

e. .38 Special Caliber Metal Piercing Ammunition

This type of ammunition has a pointed nose. This type of ammunition is NOT AUTHORIZED. The prime concern is that when this type of ammunition has been fired ricochets and uncontrolled penetration beyond the target is very possible.

f. .38 Special Caliber Wadcutter Ammunition

This type of ammunition is used primarily for training or target practice. It can be identified by the fact that it has a flat nose that is enclosed within the cartridge case. This type of ammunition should not be used for purposes other than training or target shooting.

g. .38 Special Caliber Semi-Wadcutter

This type of ammunition is used primarily for training or target practice. It can be identified by the fact that it has a flat head on a raised portion of the bullet extending from the cartridge case. This round is more typical of service ammunition than the full wadcutter, but should not be used for purposes other than training or target shooting.

h. .38 Special Nonjacketed Hollow-Point Ammunition

This type of ammunition is primarily distinguished by the point of the projectile being indented forming a hollow cavity in the nose. The .38 Special 158 Grain + P Lead Hollow point is the only type of ammunition authorized by the Probation Division for service use.

i. Defective Reload Ammunition

Officers should never use "reloaded" service ammunition in their revolvers. It can be identified by producing a less than normal noise and lacks the recoil or kick that an officer would experience with a well-manufactured round of ammunition.

It is important that all officers understand the difference in ammunition and use only that ammunition which is authorized by the Probation Division.

A. FUNDAMENTALS OF MARKSMANSHIP

You are about to enter the instructional phase of training dealing with basic marksmanship. It cannot be over emphasized that this is one of the more critical areas of your training. Yet understanding the techniques must be absorbed with the first lesson, for the proper employment of these techniques, when they are needed, may determine whether you survive or not. When an emergency situation demands that an officer demonstrate revolver firing proficiency, he has no time to review the principles of basic marksmanship.

B. STEPS OF MARKSMANSHIP

All of us must realize that Firearms Marksmanship requires 70 percent mental concentration and 30 percent physical ability.

Concentration is the key factor to a successful application of marksmanship principles.

There are five basic fundamental steps of marksmanship. They are:

- Stance
- Grip
- Sight Alignment - Sight Picture
- Breath Control
- Trigger Control

In order to fire accurate shots consistently onto your intended target, you must apply each of these fundamental steps.

1. Stance - The Weaver Position

In the early 1960's, freestyle, competitive combat pistol shooting developed in the United States and abroad, eventually evolving into the International Practical Shooting Confederation (IPSC). IPSC matches have sought to create a realistic environment in which to test practical defensive use of the handgun. Within this spirit of competition, the best and fastest techniques were evaluated. An outgrowth of this was the Weaver position, popularized initially by Jack Weaver, a Southern California police officer. Weaver observed when facing a target in a "squared-off" two-handed position, the shooter had to break his wrist outward at some point in order to get sight alignment, which violated the locked-wrist necessary for double-action trigger control. In addition, recoil resulting from this two-handed grip was excessive and recovery time too long.

Weaver developed his technique by dropping the strong foot and shoulder back and applying a "push-pull" grip on the weapon. The position is described as follows:

- a. Start from a position facing straight at the target
- b. Place your feet a comfortable distance apart
- c. Drop your strong foot and shoulder back, similar to the stance used in defensive tactics or boxing
- d. Using two hand bring the weapon up to eye level, noting that the gun hand and arm remains in a straight line
- e. Do not lock the elbow of the gun arm

The straight gun hand and arm, reinforced grip and unlocked elbow help to control recoil. From this position the shooter can stand straight up, crouch, or drop to a kneeling or barricaded position.

The Firearms Training Unit of the FBI Academy conducted an extensive evaluation of the Weaver Technique. They found this position to be more accurate in first and subsequent shots than traditional stances and that it allowed for extremely fast shooting, even with full service ammunition. In 1981 the FBI officially adopted the Weaver stance as the basic firing position for its agents.

2. Grip

The basic grip is a two-handed reinforced grip with the weak hand overlapping the strong. The shooter applies pressure forward with the gun hand, and pulls backwards with the supporting hand with equal pressure to create an isometric force which steadies the weapon and reduces barrel rise from recoil.

- a. Place the revolver in the "V" formed by the thumb and the forefinger of your shooting hand with the sights in line with your firing arm.
- b. Wrap your lower three fingers firmly around the revolver grip with your middle finger under the trigger guard.
- c. Pull with equal pressure on all three fingers straight to the rear through your wrist and forearm. Be careful that you do not apply pressure to the side with your finger tips.
- d. rest the ball of your thumb on top of your middle finger when gripping the revolver. Do not exert any downward pressure.
- e. Grip the revolver firmly but not so tightly that it makes your hand tremble.
- f. Assume the firing position (Weaver Stance) and fully extend the shooting arm, pointing the revolver toward the target.
- g. Extend the non-shooting hand out alongside the hand holding the revolver. Grasp the shooting hand around the fingers gripping the revolver and apply a positive pressure straight to the rear or directly towards the shooting hand shoulder.

3. Sight Alignment - Sight Picture

A. Sight Alignment

Sight alignment is placing the front sight in line with the rear sight so that the tip of the front sight is even with the top of the rear sight and equal light appears between the sides of the front sight and the sides of the rear sight.

During close in shooting, five to seven yards, the shooter does not have time to acquire perfect sight alignment. The shooter is, therefore, instructed to fire with both eyes open and to bring the sights up to eye level. As distances increase, the need for better sight alignment increases. If sights were misaligned 1/16 of an inch the strike of the bullet would hit approximately two inches from the point you were aiming at a distance of 25 yards, and would be off approximately 8 inches at a distance of 50 yards.

B. Sight Picture

Sight alignment should not be confused with sight picture, which means placing the sights on the target once you have aligned them. Sight picture includes the front sight, the rear sight and the target. Since it is impossible to focus your vision on three different points in a line at the same time, you should focus on the front sight. In a correct sight picture then, the front sight would be clear, the rear sight would be slightly blurred, and the target would become a dark mass. Place the sights in the middle of the dark blur.

4. Trigger Control

Trigger control is defined as a constant pressure straight to the rear on the trigger until the revolver fires.

a. Place the pad of your finger (between the first joint and the end of the finger) on the trigger.

b. The trigger finger should be in a relaxed hook shape so that the pad is the only part of the finger making contact with the weapon.

c. The trigger finger is the only thing that moves on the firing hand.

d. The fingers that are gripping the revolver do not increase their tension on the grip. It remains constant.

e. Control of the trigger finger must be smooth and have a constant rearward application. Do not yank or jerk the trigger.

f. The exact moment that the revolver fires should be a surprise even to the shooter. Anticipation of the shot may result in flinching just prior to firing.

5. Breath Control

Breath control, which means the proper method of holding your breath while you are preparing to fire a shot, plays a very important part in firing. Generally you should inhale deeply, let out about one-half of the breath, and hold the remaining until the shot is fired.

Indications that you have held your breath too long are:

- a. blurred vision
- b. eyes watering
- c. slight dimness of vision
- d. double images.

if any of the above symptoms occur, stop and resume breathing. Then start from the beginning in establishing proper breathing control. Avoid the tendency, once the symptoms occur, to rush the shot by jerking on the trigger.

6. Dry Firing

Since you cannot fire the revolver as frequently as might like to, there is a procedure that you can use at home to remain proficient in the practice of the basic fundamentals of marksmanship. this practice is called dry firing.

a. Dry Firing simply means simulated firing at a target with an empty revolver.

1. The following procedures when dry firing should be strictly adhered to:

- a. Unload the revolver and double check to insure it's unloaded.
- b. Select an area that is remote from others such as a basement or unoccupied room

- c. Always use on outside wall
- d. Place some small target on the wall at eye level
- e. Follow all marksmanship procedures as already mentioned, except the loading of the weapon
- f. As you begin to apply pressure on the trigger make sure that you are focusing on the front sight alone and not the target
- g. Be conscious of what happens to the front sight

FIREARMS SAFETY RULES

A. INTRODUCTION

It is of paramount importance that probation officers, firing at an approved range for practice or qualification, observe the range safety rules as well as any verbal instructions given to them by range personnel. Strict compliance to established range safety policy not only guarantees the safety of range participants but also assures an efficient and effective range operation.

B. RANGE SAFETY

Firearms Safety Rules

GENERAL RULES

1. TREAT ALL FIREARMS AS THOUGH THEY ARE LOADED.
2. NEVER POINT A FIREARM AT ANYONE UNLESS YOU ARE JUSTIFIED.

SPECIFIC RULES

1. All firearms training must be properly and adequately supervised by someone in authority.
2. All safety precautions must be adhered to and enforced.
3. Strictest discipline must be maintained.
4. Carelessness cannot and must not be tolerated during firearms training.

5. Immediately upon picking up a firearm, open the cylinder or action and check to see that it is unloaded.
6. Check a second time.
7. Never give a firearm to, or take a firearm from, anyone unless the cylinder or action is open.
8. Never anticipate a command.
9. Conduct a proper safety check of the weapon before and after a training session.
10. Load only after position is taken at the firing point and the command to load is given.
11. Unload and reload only as instructed.
12. Keep the firearm pointed down range at all times.
13. Never draw a revolver from the holster or reholster with the finger in the trigger guard.
14. No smoking or eating on the firing line while actually engaged in shooting.
15. No talking on the firing line or to shooters on the firing line, except by instructors.
16. Never permit the muzzle of a firearm to touch the ground.
17. Deactivated weapons should be regarded as a live weapon and not pointed at anyone unless specifically directed in a training exercise.
18. In case of a misfire or malfunction keep the weapon pointed down range and raise the non-shooting hand for instructor assistance.
19. Never leave your firing point unless instructed to do so.
20. Never go forward of the firing line unless instructed to do so.
21. Never remove a weapon from the holster unless instructed to do so.
22. Never dry fire on the range except under the supervision of an instructor.
23. Shooters will be instructed exactly what to do.

24. Pay strict attention to the firearms instructor.
25. Eye and ear protection is required when firing on the range.
26. Everyone has the responsibility for range safety.

A. PRELIMINARY DOUBLE ACTION PROFICIENCY COURSE

Number of Rounds: 100
Range: 5-25 yards
Scoring: 1 point for each hit in either the K 5 or K4 area of target B-21
100 points possible.

Introduction

The preliminary double action proficiency course is designed to develop the officer's proficiency in basic marksmanship fundamentals and to develop good safety habits in all aspects related to firearms safety. This course of fire will be fired from the Weaver position. All rounds should be aimed at center of mass on the target.

5 yards

- 6 rounds - 2 rounds on each whistle
- 6 rounds - 2 rounds on each whistle

7 yards

- 12 rounds - loading 2 live rounds with 4 empty chambers (Ball and Dummy)
- 6 rounds - 2 rounds on each whistle
- 6 rounds - 2 rounds on each whistle
- 10 rounds - load 6 rounds on whistle, fire 6, reload 4 rounds, fire 4

15 yards

12 rounds - loading 2 live rounds with empty chambers (Ball and Dummy)

6 rounds - 2 rounds on each whistle

6 rounds - 2 rounds on each whistle

10 rounds - load 6 rounds on whistle, fire 6, reload 4 rounds, fire 4

25 yards

5 rounds - All 5 rounds on whistle, standing

5 rounds - repeat

5 rounds - All 5 rounds on whistle, kneeling

5 rounds - repeat

SCORING: 1 point for each hit in either the K5 or K4 area - 100 points possible

1. CLOSE RANGE COURSE

The following course is designed to meet the requirements of one-hand revolver training for probation officers.

Number of rounds: 50

Range: 1 - 3 yards

Scoring: 1 point each hit in K5 area of target B-21

Satisfactory Score - 40 (80%)

The hip shooting position requires the shooter to move his/her shoulder back, drawing the weapon and pivoting it up toward the target with the forearm on hip, firing as soon as weapon points at target. There is no crouch and no exaggerated foot motion. Shooter's feet should be in the Weaver position. This is recommended for officers to reinforce the ready position already used.

For safety purposes, the nonfiring hand should be anchored behind the back on the belt or pocket and the prohibition against placing the trigger finger into the guard prematurely should be emphasized.

One Yard:

Load 6, place gun in weak hand, ready position, wrist on hip.
Fire 2 rounds on each command.

Load 6, place gun in strong hand, ready position, wrist on hip.
Fire 2 rounds on each command.

Load 6 and holster. Draw and fire 2 rounds on each command.

Load 6 and holster. Draw and fire 2 rounds on each command.

Load 6 and holster. Draw and fire 2 rounds on each command.

Three Yards:

Load 4 and holster. Draw and fire 2 rounds on each command.

Load 6 and holster. Draw and fire 2 rounds on each command.

Load 6 and holster. Draw and fire 2 round on each command.

Load 4 and holster. Draw and fire all 4 rounds on command.

Time Limits:

No specific time limits. Students are instructed to draw and fire as fast as possible while maintaining safe conditions.

CLEANING THE REVOLVER

A. Introduction

To avoid revolver malfunctions and the development of rust, you must clean your revolver thoroughly after each firing session. It is also good practice to clean the revolver periodically between firing sessions if it has been carried frequently. To allow residue to accumulate on your revolver is inviting tragedy should it fail to function when you need it.

B. Equipment and Supplies Needed

1. Revolver

2. Cleaning Kit

- a. Aluminum or brass cleaning rod with a swivel handle
- b. Eye attachment to hold cleaning patches
- c. Brass bristle brush

- d. Cleaning solvent
- e. Gun lubricant
- f. Cleaning patches
- g. Rags

C. Method

1. Cleaning the Revolver

- a. Screw the swab holder on the cleaning rod
- b. Put a swab in the swab holder. Dip it in the bore cleaner
- c. Run the swab through the bore and each cylinder several times
- d. Remove the swab holder
- e. Put the cleaning brush on the cleaning rod
- f. Run the brush through the bore of the revolver several times
- g. Take the brush through each chamber of the cylinder three or four times
- h. Take the cleaning brush off the cleaning rod. Screw on the swab holder.
- i. Put a clean, dry swab in the swab holder
- j. Run the swab through the bore and each cylinder several times. If the swab gets wet, take it off and put on a clean, dry one.
- k. Examine the area around the rear of the barrel inside the frame. If lead and powder residue are present, scrape these away using a safe material such as plastic or wood. Do not scrape with a knife. Also, examine the hold in which the firing pin protrudes.
- l. Using a saturated patch or absorbent cloth, wipe the entire surface of the revolver.
- m. Using clean patches or absorbent cloth, wipe the entire revolver dry.

2. Lubricating the revolver

- a. Put a clean swab in the swab holder.

- b. Put a few drops of lubricating oil on the swab. Do not use penetrating oil.
- c. Run the swab through the bore and each cylinder.
- d. Cover all outside parts of the revolver with a light coat of oil. Use as many swabs as you need.
- e. Put a light coat of oil on the cylinder.
- f. Push the ejector and hold it. Put a light coat of oil on the ejector rod where it slides through the cylinder. Release the ejector.
- g. Pull the hammer back. Put a drop of oil inside on the pivot pin. Let the hammer go forward.
- h. Dry the outside of the revolver to remove the excess oil. Use a rag.
- i. Check the screws on the grip and frame to make sure they are tight. If the screws are loose, tighten them.

3. Repair of the Revolver

Officer's firearms and equipment are to be routinely inspected the Firearms Training Officer and well maintained. All tolerances are to be within factory specification. There will be no mechanical alterations or repair without written notice to the Firearms Training Officer. The alteration or repair must be done by a licensed Gun Smith with a written description and receipt of the work submitted to the Firearms Officer immediately after the repair. The Firearms Officer will maintain a log of inspections.

QUALIFICATION COURSE

Qualification courses enable the officer to demonstrate that he or she has acquired sufficient proficiency to safely handle and fire a revolver. The officers will fire two separate courses - the hip shooting course and the double action course. Officers must achieve a score of 80% or better in each course to qualify. At least two qualification attempts will be permitted, if necessary. Equipment and supplies needed:

1. An approved range
2. Revolver and holster for each officer

3. 100 rounds of ammunition per officer
4. Eye and ear protection for each officer

CLOSE RANGE COURSE (Hip Course)

The following course is designed to meet the requirements of one-hand revolver training for probation officers.

Number of rounds: 50

Range: 1 - 3 yards

Scoring: 1 point each hit in K-5 area of target B 21

Satisfactory Score - 40 (80%)

The hip shooting position requires the shooter to move his/her shoulder back, drawing the weapon and pivoting it up toward the target with the forearm on hip, firing as soon as weapon points at target. There is no crouch and no exaggerated foot motion. Shooter's feet should be in the Weaver position. This is recommended for officers to reinforce the ready position already used.

For safety purposes, the nonfiring hand should be anchored behind the back on the belt or pocket and the prohibition against placing the trigger finger into the guard prematurely should be emphasized.

One Yard

Load 6, place gun in weak hand, ready position, wrist on hip.
Fire 2 rounds on each command.

Load 6, place gun in strong hand, ready position, wrist on hip.
Fire 2 rounds on each command.

Load 6 and holster. Draw and fire 2 rounds on each command.

Load 6 and holster. Draw and fire 2 rounds on each command.

Load 6 and holster. Draw and fire 2 rounds on each command.

Three Yards

Load 4 and holster. Draw and fire 2 rounds on each command.

Load 6 and holster. Draw and fire 2 rounds on each command.

Load 6 and holster. Draw and fire 2 rounds on each command.

Load 4 and holster. Draw and fire all 4 rounds on command.

Time Limits

No specific time limits. Students are instructed to draw and fire as fast as possible while maintaining safe conditions.

DOUBLE ACTION COURSE (DAC)

Holster

Number of Rounds - 50

Range: 5 - 25

Scoring: 1 point each of hits in either the K5 or K4 area of target B-21

50 points possible

Satisfactory Scoring: 40 (80%)

The entire course is fired using the Weaver Position.

5 yards

6 rounds - 2 rounds on each whistle (in 3 seconds)

4 rounds - 2 rounds on each whistle (in 3 seconds)

7 yards

6 rounds - 2 rounds on each whistle (in 3 seconds)

4 rounds - 2 rounds on each whistle (in 3 seconds)

10 rounds - Load 6 rounds, on whistle, fire 6, reload 4 rounds, fire 4, all in 20 seconds

5 yards

6 rounds - 2 rounds on each whistle (in 3 seconds)

4 rounds - All 4 rounds in 6 seconds

25 yards

5 rounds - All 5 rounds in 10 seconds - kneeling position

5 rounds - Repeat