

SUPERIOR COURT OF GUAM

ADMINISTRATIVE POLICY

FIREARMS IN CONJUNCTION WITH THE PERFORMANCE OF DUTIES

BACKGROUND AUTHORITY: As defined in 8 GCA Chapter 5 Section 5.55, Superior Court Marshals and Probation Officers are peace officers and as such are designated personnel authorized to carry firearms in conjunction with the performance of their duties. Code of Civil Procedure, Title IV, Chapters III Section 197 and IV Section 201 describes the duties of Marshals and Probation Officers respectively.

STATEMENTS OF POLICY: It is the intent of court management that this Firearms Policy serve as rules of procedure relative to the possession and use of firearms for Superior Court personnel who are issued firearms in conjunction with the performance of their official duties. Additionally, this policy shall include established standards for qualification to use a firearm for Superior Court Marshals and Probation Officers. The authority to bear firearms carries with it an obligation and responsibility to exercise good judgement, discipline and restraint in their use. Because Marshals and Probation Officers are armed for their own protection, they must and should always be aware that their firearms are defensive weapons to be used only as a last resort to prevent the loss of life or serious bodily injury to themselves or other persons. Because of this sensitive issue, Marshals and Probation Officers must acquaint themselves with all of the following provisions which shall govern the rules of procedures and guidelines relative to the possession and use of firearms for official duties.

I. EQUIPMENT STANDARDS:

Court Issued Firearms - Authorized Arms and Ammunition

Court issuance of a uniform firearm will be distributed to each Marshal and Probation Officer for official use. Such issuance shall be made upon completing all requirements for firearms qualification and training as provided in Section IV of this policy.

1. Sidearms

Semi-Automatic pistol of 9mm Sig Sauer or .38 Snubnose Revolver or other additional firearms owned by Superior Court (Government of Guam) which is issued to Superior Court Marshals and Probation Officers. All such weapons issued shall be recorded with the Chief Marshal and Chief Probation Officer.

## 2. Shoulder Weapons

Any rifle, carbine or shotgun owned by the Superior Court which is issued and carried by Marshals or Probation Officers. All such weapons shall be recorded with the Chief Marshal and Chief Probation Officer.

## 3. Privately Owned Weapons

Marshals and Probation Officers desiring to carry personally-owned firearms on official duty must obtain written approval from the Chief Marshal or Chief Probation Officer prior to using and carrying a privately owned weapon in conjunction with official duties. Personally-owned weapons must meet the standards for government-owned weapons. At the discretion of the Chief Marshal or the Chief Probation Officer, calibers other than those specified above may be authorized. Ammunition for such non-standard calibers shall be the responsibility of the Marshals or Probation Officers. Such personal weapons desired for use on official duty is entirely the responsibility of the individual Marshal or Probation Officer in which the court bears no responsibility for damage or loss.

In the event the Marshal and/or Probation Officer received approval to use his/her personal weapon for official duty, the court-issued firearm may be surrendered back to the division Chief. Additionally, the division Chief must forward a copy of the approval to the Administrative Director and Court Procurement Administrator.

## 4. Ammunition

- a. All ammunition must be safe and in good condition. Ammunition issued will be only standard load, factory manufactured ammunition that may be carried for official duties. Under no circumstances may "wad-cutter" or "reloaded" ammunition be used for official duty.
- b. The court shall supply the necessary ammunition for court-issued weapons. Two magazine clips of thirteen (13) rounds each will be issued upon qualification. Ammunition for approved personal weapons shall be the responsibility of the individual Marshal or Probation Officer.

## 5. Holsters

Side, shoulder and pancake holsters as issued together with firearms.

## II. MAINTENANCE, STORAGE AND LOSS OF FIREARM

1. Each Marshal and Probation Officer will be responsible at all times for the maintenance and security of firearms issued to them and will take reasonable precautions against theft or loss of any firearm in their possession. Under no circumstance will a Marshal or Probation Officer leave any firearm, official or personal, in an unattended vehicle or areas of public access except when the vehicle or area is properly secured and remains within sight of the officer. Public access means a place or thing to which the people as a whole (the public) have permission or liberty to enter, approach, or pass to and from in the normal course of events, i.e, shopping centers, beaches, parking on public streets, etc.

An employee's office or desk of which he/she has exclusive use is not an area of public access, except by invitation. Regardless, firearms shall not be left unattended in these areas when persons other than employees of the court are present. In no case shall a firearm be stored unattended in plain sight, nor shall the firearm be left in an office or desk after the employee's tour of duty.

- a. When storing firearms and ammunition at home, such storage should be to keep them under lock and key.
  - b. Only under unusual and necessary circumstances, may firearms be stored and locked in the trunk of an automobile for a short period of time.
2. All weapons issued to a Marshal and Probation Officer must be kept clean, free of rust, and in good operating condition. All weapons will be inspected by the Chief Marshal and Chief Probation Officer or their designee annually. This however, does not prohibit random inspections to ensure compliance.
  3. Repairs and modifications to court-issued weapons must be made only by a qualified gunsmith. The actual dates and approval of repair must be approved and recorded by the Chief Marshal or Chief Probation Officer.

- a. Court-issued weapons may be modified to better suit an individual Marshal or Probation Officer's need (improved grips, sights, etc.) only upon approval of Chief Marshal and/or Chief Probation Officer and at the personal expense of requesting Marshal or Probation Officer.
  - b. Trigger-pull on both court-issued and approved personal weapons shall not be adjusted to be less than 3½ pounds.
  - c. Necessary repairs to court-issued weapons will be made at the court's expense. Repairs to personal weapons shall be the responsibility of the owner.
3. Ammunition issued shall be turned-in for exchange six months from the date of issue, or sooner if circumstances indicate that the condition of the ammunition is adversely affected such as exposure to inclement weather.

4. LOSS OR DAMAGE OF FIREARMS

- a. Marshals and Probation Officers must first immediately report the loss, damage or theft of court-issued firearms or personal weapons to the Guam Police Department for record in the event the firearm is picked up by an unauthorized person. Secondly, an incident report must be submitted to his/her Division Chief detailing the circumstances and facts of the incident. This report must be submitted no later than three (3) working days from the date of the occurrence or incident known to the employee.
- b. The division head will then commence an investigation to determine responsibility for the loss, damage or theft to collect all facts and pertinent information relative to the incident. This investigation must include a meeting or interview with the employee if needed. Upon conclusion of the investigation, the division head will submit his/her findings to the Administrative Director to include appropriate disciplinary action taken if any or recommend adverse disciplinary action.
- c. When willful damage, negligence and malice is factored in an investigation, the Marshal or Probation Officer shall be required to reimburse the court for the expenditure incurred to procure such firearms.

### III. CARRYING AND THE USE OF FIREARMS

- A. GENERAL: Except for training purposes, only Marshals and Probation Officers who qualify and re-qualify in accordance with Section IV of this policy are authorized to carry firearms in conjunction with the performance of official duties.

#### 1. Field Personnel

All Marshals and Probation Officers performing field work are required to carry their issued or approved personal firearm on duty together with their peace officer badge, firearms identification card and registration and court employee identification at all times.

- a. Normally, sidearms shall be carried in plain sight in holsters of any standard type that secure the firearm safely but available to be readily withdrawn for use.
- b. Sidearms may be carried concealed by the Marshal or Probation Officers who are engaged in operations whereby the open display of firearms would be disadvantageous or when operating in plain clothes and out of official uniform. Note: Provided there is authorization to carry a firearm concealed in compliance to Title 10, GCA, Section 60101 and/or 60109. (According to the Court Staff Attorney, a list of authorized personnel pursuant to this subsection must be transmitted to the Guam Police Department for record purposes. Accordingly, the division Chiefs shall be responsible in submitting and updating the lists of personnel who will carry their firearms concealed).

#### 2. Non-Field Personnel

- a. Courtroom Duty: Only Deputy Marshals are allowed to be armed in the courtroom during court business hours. All other personnel authorized to carry firearms must surrender their firearm to the Marshal on duty at the entrance of the court building.

Marshals assigned to courtroom security may

either display their sidearm on the waist area, or carry sidearm in a concealed area of their body.

Probation Officers scheduled for courtroom duty for purposes of client hearings may store their firearm at the designated area (firearms locker) or at the officer's work station under lock and key. If at the court hearing, the officer is ordered to transport a client to a designated place, the officer must return to retrieve the issued weapon.

- b. Escorting Duty: Marshals assigned to escort judges and/or jurors may carry their sidearms in a concealed or unconcealed manner during the performance of their security duty.

Marshals assigned to escort clients/inmates may carry their sidearms in a concealed or unconcealed manner.

### 3. Off-Duty

Because Marshals and Probation Officers are subject to call-out twenty-four (24) hours a day, immediate possession of their firearms, badge and employee identification should be on hand at all times. Proper securing of firearms off-duty is provided for in Section II of this policy.

Note: Any Marshal or Probation Officer scheduled on extended leave for whatever reason in excess of eighty (80) hours must surrender his/her court-issued firearm to his/her immediate supervisor for safekeeping. Upon return to active duty status, the firearm will be reissued to the employee.

## B. JUSTIFIABLE USE OF FIREARMS

- 1. Firearms are defensive weapons and are to be used only to:
  - a. Protect the life of officers and others;
  - b. To prevent serious injury when there is no other alternative; and
  - c. To apprehend a fleeing person who poses a significant threat of death or serious physical injury to the officer or others.

Unless one of these conditions is present, the use of the firearm is not permissible.

2. Justification for the use of firearms with deadly force must be limited to what reasonably appears to be the facts known or perceived by the Marshal or Probation Officer at the time he/she decides to shoot. Full consideration must be given for other alternatives such as verbal communication, unarmed tactics, use of non-lethal weapon (aerosol chemical, straight baton, PR-24 baton, tear gas, etc.) before deadly force can be used. Facts unknown to the Marshal or Probation Officer, no matter how compelling, cannot be considered in later determining whether the shooting was justified. Marshals and Probation Officers are justified in using their firearm only:

- a. If they have reasonable cause to believe that they or someone else is about to sustain serious injury or be killed by the person at whom they shoot.
- b. If they have reasonable cause to believe it is necessary to effect an arrest or prevent the escape of a person where the conduct of that person indicates that he presents a serious immediate danger to human life, or that he is likely to inflict serious physical injury, unless apprehended without delay.

C. UNJUSTIFIABLE USE OF FIREARM

Marshals and Probation Officers must constantly keep in mind that when using their firearm, it is first and foremost a defensive weapon which will be used as a last resort when all else has failed in legally justified situations; and that whenever they discharge their firearm, a homicide may result. Further, a Marshal or Probation Officer is generally not justified in discharging his/her firearm in any of the following situations:

1. To fire a warning shot.
2. To fire at a fleeing person.
3. To fire at a moving vehicle.

D. GUIDELINES AND GENERAL RESPONSIBILITIES

1. Marshals and Probation Officers are to exercise care and caution in the safekeeping and storage of weapons and equipment to insure against loss, theft, or misappropriation

resulting in accidental usage (i.e., theft from home or automobile, the use of a firearm by a minor child or any unauthorized person).

2. Marshals and Probation Officers must always keep in mind that whenever a firearm is discharged, there always exists a danger to innocent parties. Injury to innocent bystanders is not necessarily excused by the fact that the Marshal or Probation Officer would have been legally justified in shooting to accomplish an arrest or apprehension. Good judgement must always be exercised inasmuch as to minimize the risk of death or injury to any person.
3. As a general rule, sidearms should be drawn from the holster only when the Marshal or Probation Officer has reasonable cause to expect that it will be used or under circumstances which might reasonably develop into a situation where the Marshal or Probation Officer must use their firearm.
4. Sidearms should never be cocked until ready to fire.
5. Warning shots are not authorized.
6. Firing at any fleeing person will be considered justified only if the Marshal or Probation Officer has reasonable cause to believe that the person he/she is intending to shoot poses a serious and imminent threat to the life of the Marshal or Probation Officer or others.
7. Firing at a moving vehicle will not be considered justified unless the Marshal or Probation Officer has reasonable cause to believe that the moving vehicle or the persons within the moving vehicle poses a serious and imminent threat to the life of the Marshal or Probation Officer or others. There shall be no justifiable reason that a Marshal or Probation Officer fired to a fleeing vehicle for purposes of disabling or stopping the vehicle.

#### E. REPORTING SHOOTING INCIDENTS

1. All discharges of a firearm by a Marshal or Probation Officer will be considered a shooting incident except those during qualification or training.



2. All shooting incidents shall be reported to the Marshal on duty who shall immediately notify his/her immediate Supervisor, and the supervisor will then notify the Chief Marshal or Chief Probation Officer by telephone or in person as soon as practicable following the incident. Shooting incidents which had resulted in bodily injury must immediately be reported to the Guam Police Department in addition to notifying the Marshal on duty (Post 1). The verbal report shall be followed by a written report to the Chief Marshal or Chief Probation Officer within twenty-four (24) hours of the incident. The written report must detail:
  - a. Date, time and place of incident;
  - b. Circumstances of the shooting incident;
  - c. Identity of individual and/or witnesses involved;
  - d. Type of firearm used and number of rounds discharged;
  - e. Identity of injured parties, if any, and the nature and severity of their injuries; and
  - f. Property damage, if any.
3. Upon notification, the division Chief will submit a request to the Administrative Director for immediate appointments of three (3) individuals to an Internal Investigation Panel (IIP). This panel will be tasked with an investigation into the circumstances of the shooting to determine if the shooting was justified and/or warranted. The IIP will be composed of one Probation Officer Supervisor, one Probation Officer in the case of a Probation Officer's incident and vice versa in the case of a Marshal. The third member of the IIP shall be appointed from another division by the Administrative Director.

Whenever a Marshal or Probation Officer has had a shooting incident which inflicted bodily injury to self or another, the Administrative Director shall immediately place the employee on administrative leave for three (3) weeks. Such leave from duty shall be with compensation and should not be construed to be a disciplinary action, but rather an administrative course of action for the purpose

of:

- a. Relieving the Marshal or Probation Officer from further performance of duties while undergoing the emotional stress of having used deadly force;
- b. Permitting an unbiased and objective investigation into the matter under a more restrained atmosphere; and
- c. Maintaining the public's confidence in court management.

Without sacrificing objectivity and completeness, the investigation into any duty-connected shooting resulting in death or bodily injury shall be expeditiously conducted by the IIP. The completed investigative report shall be forwarded to the Administrative Director who shall determine if:

- a. No administrative action is necessary due to justifiable discharge of the firearms; or
  - b. Administrative disciplinary action is warranted due to unjustified discharge of the firearm.
4. In the case where relief from duty had been imposed, the returning Marshal or Probation Officer shall be restored to his/her original assignment as soon as it is determined that the shooting incident was justified. If the findings of the investigation revealed negligence or unjustifiable causes for the shooting incident, the Marshal or Probation Officer will face adverse disciplinary action as determined by the Administrative Director.

#### IV. FIREARMS QUALIFICATION AND TRAINING:

- A. Responsibility  
Probation Officer Supervisors and/or Marshal Supervisors are delegated responsibility to ensure that the requirements for periodic qualification and refresher training are met by all Probation Officers and/or Marshals assigned under their supervision.

Records shall be submitted to, and maintained by the Chief Probation Officer and/or Chief Marshal which will include the qualification scores, and dates of training.

Division Range Master: The Chief Marshal or Chief Probation Officer may select Marshals or Probation Officers who may be trained or is trained in the techniques and procedures for operating a firing range. These selected personnel will be designated Division Range Masters, and as such will be responsible for supervising all qualification firing. This designation is considered a collateral duty assignment.

B. Qualification

1. Initial Qualification: All Marshals and Probation Officers must qualify the issuance of a firearm by firing minimum score of 60% on the Standard Qualification Course (see #4 a. below) under the supervision of a Certified Range Officer or Division Range Master.
2. Ammunition: Ammunition for qualification with court-issued weapons and approved personal weapons that utilize ammunition of the same calibers as court-issued weapons will be provided by the court. Ammunition for qualification with approved personal weapons of non-standard caliber shall be the responsibility of the individual Marshal or Probation Officer.
3. Requalification: After initial qualification, all Marshals and/or Probation Officers must re-qualify every twelve months or sooner as arranged by the immediate supervisor through the Chief Marshal and/or Chief Probation Officer. Requalification shall be accomplished only under the same conditions prescribed for initial qualification.
4. Marksmanship Ratings:
  - a. Qualifying scores/ratings will be based upon the following schedule:

<u>Points</u>	<u>Rating</u>	<u>Percentage</u>
Below 150	Unqualified	Below 60%
151-175	Qualified	61-69%
176-200	Marksman	70-79%
201-225	Sharpshooter	80-89%
226-238	Expert	90-95%
239-250	Distinguished Expert	96% +

- b. Division certificates may be awarded based on the level of proficiency achieved in qualification firing.

5. Standard Qualification Course

- a. Sidearms: The Modified Tactical Revolver course utilized by the Guam Police Department shall be the Standard Qualification course for Superior Court Marshals and Probation Officers.
- b. Shoulder Weapon: Each Marshal and Probation Officer issued shoulder weapons or who carries approved personal shoulder weapon shall demonstrate a knowledge of the safe operation (loading, unloading, etc.) of the weapon and shall fire a minimum of five (5) shots at a silhouette target at a distance of twenty-five (25) yards.

6. Training

- a. Upon issuance of a firearm, the designated division armorer will give training on the safe operation relative to the use, cleaning and storage of the firearm.
- a. Refresher Training: All Marshals and Probation Officers are required to attend a minimum of four (4) hours refresher training in firearms use and safety every twelve (12) months. This refresher training will be conducted in conjunction with the required periodic requalification.
- b. Competition: To encourage proficiency and safety in the use of firearms, authority is granted to participate in organized competitions of marksmanship. Such competition may be with other law enforcement agencies or with certified shooting organizations. Participation in such events must be outside of scheduled working hours and will be at the employee's personal expense.

V. MEDICATION

Anytime a Marshal or Probation Officer is taking medication, prescription or otherwise, that may affect his/her mental or physical faculties, it is that employee's responsibility to inform his/her immediate supervisor. If the medication produces side-effects that interfere with the proper use of a firearm, the supervisor shall not allow the employee to assume duties requiring the bearing of firearms or other duties that

might be adversely affected.

VI. OTHER PROVISIONS

- a. All personnel voluntarily or involuntarily terminated from employment with the court shall surrender his/her issued firearms, holsters and ammunition to their assigned Marshal or Probation supervisor. Non-compliance with this requirement will result in reimbursement from the employee. Reference: Administrative Policy #001-92 (Loss, Damage or Theft of Court-Issued Property).
- b. Any personnel who is indicted by a grand jury or is placed on administrative leave because of an investigation shall surrender his/her issued firearms, holsters and ammunition to his/her assigned Marshal or Probation Supervisor.

  
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PERRY C. TAITANO  
ADMINISTRATIVE DIRECTOR OF THE COURT

10/16/92  
Date

# JUDICIARY OF GUAM

## HANDGUN QUALIFICATION COURSE

### FIRST PHASE

#### **STAGE ONE: FAILURE DRILL**

When instructed to fire, shooters will draw their handgun and shoot their assigned targets from the hip position with two (2) rounds to center mass, then take one step back and shoot their targets with hands fully extended with one (1) more round to the head.  
(Two strings of fire)

The following is the description of the two strings of fire.

Distance:	2-yard line
Total rounds:	6 rounds
Shooting position:	Standing, hip and strong hand
Time Limit:	6 seconds each string of fire

#### **STAGE TWO: BARRICADE/COVER**

When instructed to fire, shooters will move and seek behind the barricade, draw their handgun and shoot their assigned targets with two (2) rounds from each barricade position.  
(Three strings of fire)

Sequence of fire: Running from the 10-yard line (Optional)

- a.) First string, right side barricade. Handgun held by right hand supported with the left hand.
- b.) Second string, left side barricade. Handgun held by left hand supported with right hand.
- c.) Third string, over the barricade. Handgun held with strong hand supported with non-firing hand.

Distance:	5-yard
Total rounds:	6 rounds
Shooting positions:	Right side barricade/Left side barricade/Over barricade
Time Limit:	8 seconds each string of fire

### **STAGE THREE: READY POSITION**

When instructed to fire, from the “**Ready Position**”, shooters will raise their handgun and shoot their assigned targets with four (4) rounds. Handgun will be held by the strong hand supported by the non-firing hand.  
(Two strings of fire)

**Note: Emergency Reload must be performed after shooting the first round on this stage.**

Distance:	10 yards
Total rounds:	8 rounds
Shooting position:	Standing at the “ <b>Ready Position</b> ”
Time:	12 seconds first string of fire 8 seconds for second string of fire

### **STAGE FOUR: KNEELING or PRONE**

When instructed to fire, shooters will draw their handgun from their holster, then drop to their knees, or into a prone position. Shooters will then shoot their assigned targets with six (6) rounds.

Distance:	15 yards
Total rounds:	6 rounds
Position:	Kneeling or Prone
Time Limit:	10 seconds

## **SECOND PHASE**

Similar to the first phase, however, with limited visibility (**Night Shooting**). Distractions may be added into the second phase using blue amber lights, flashlights, sirens, noise simulating a commotion or official vehicles situated with headlights on, simulating a pull over. Other distractions are optional so long as practicality and safety is considered.

## SCORING SYSTEM

### With two (2) 13 round magazines.

26 rounds maximum possible score: 260 points

21 rounds minimum passing score: 210 points/80%

Marksman	210-220
Sharpshooter	230-240
Expert	250-260

### NOTE:

If a person fails to qualify after three (3) attempts, then the Court's Firearms Instructor will confiscate the Court issued weapon and surrender the weapon to his/her Division Chief for safekeeping. When such person successfully qualifies then the Court weapon will be re-issued to such person. Should the Court's Firearm Instructor determine that a person needs firearms remedial training then such person will under go firearms remedial training. When a person fails qualification after undergoing firearms remedial training, then such person's Division Chief will be advised of such matter for their information and disposition.

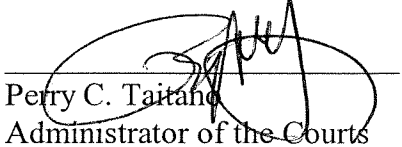


Ronnie G.Q. Castro

Firearms Instructor (Stressfire)

Cc: Marshal of the Courts  
Chief Probation Officer  
Human Resource Administrator

☒ Approved ☐ Disapproved



Perry C. Taitano

Administrator of the Courts