

**Department of Consumer Affairs**  
***Bureau of Security and Investigative Services***



**FIREARMS TRAINING MANUAL**  
**JULY 2023**



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**STATE OF CALIFORNIA  
BUREAU OF SECURITY AND INVESTIGATIVE SERVICES  
FIREARMS TRAINING MANUAL**

**TITLE 16, DIVISION 7**

**§ 635. Course of Firearm Training.**

(a) Each applicant for an initial firearms permit shall complete classroom training related to the use of firearms, as outlined below, and complete and successfully pass an examination. Classroom training shall be conducted through traditional classroom instruction by a Bureau-approved Firearms Training Instructor at a Bureau-approved Firearms Training Facility. The following outline includes the minimum subjects which shall be taught and the minimum length of time which shall be devoted to each subject. Classroom training shall be completed before range training and before any attempt at range qualification.

<b>Firearms Training Outline</b>	
<b>Recommended Instruction Sequence</b>	
<b>Subject and Objective</b>	<b>Length of Time</b>
I. Registration (Classroom)	
A. Administration <b>Objective:</b> To enroll individual in course 1. Check individual identification 2. Check individual's Bureau registration status 3. Course admission and discussion	1/2 Hour
B. Laws and regulations for issuing a firearms permit <b>Objective:</b> To familiarize and instruct individual on the laws, regulations, other requirements, and the administrative process for issuing a firearms permit and renewals	1/2 Hour
II. Moral and Legal Aspects (Classroom)	
A. Laws regarding possession and carrying of firearms <b>Objective:</b> To familiarize and instruct individual on the applicable laws relating to the possession and carrying of firearms while working as an armed security guard 1. Penal Code sections 2. Government Code sections 3. Bureau statutes and regulations 4. Instructor examples	1/2 Hour

<p>B. Shooting incidents  <b>Objective:</b> To familiarize and instruct individual on what is likely to happen in a shooting incident and how a firearms permit holder should act to minimize the use of deadly force</p>	<p>1/2 Hour</p>
<p>C. Effects of Firearms Use  <b>Objective:</b> To familiarize and instruct individual on how and why bullets travel and what implications this has on the use of deadly force</p>	<p>1/2 Hour</p>
<p>III. Firearms Nomenclature, Maintenance (Classroom)</p>	
<p>A. The revolver and semi-automatic, ammunition, parts and nomenclature.  <b>Objective:</b> to familiarize and instruct individual on the principles and operation of weapons, the differences between weapons and how to care for a weapon.</p> <ol style="list-style-type: none"> <li>1. Picture of revolver and semi-automatic with parts identified</li> <li>2. Revolver and semi-automatic, parts and description</li> <li>3. Picture of ammunition with parts identified</li> <li>4. Ammunition parts and description</li> </ol>	<p>1 Hour</p>
<p>B. Firearms safety, general  <b>Objective:</b> to familiarize and instruct individual on how to safely fire, wear and store the weapon while on the firing range, or on duty or off duty</p> <ol style="list-style-type: none"> <li>1. General safety rules</li> <li>2. Specific safety rules</li> <li>3. Safety at home and off duty</li> <li>4. Transporting the weapon to the range</li> <li>5. Carrying the weapon on duty</li> <li>6. Suggested eye and ear protective equipment</li> <li>7. Inspection, cleaning, and maintenance</li> <li>8. General information <ol style="list-style-type: none"> <li>a. Inspection</li> <li>b. Cleaning</li> <li>c. Cleaning kit</li> <li>d. To clean the weapon</li> <li>e. Check list</li> </ol> </li> </ol>	<p>1 Hour</p>
<p>IV. Appropriate Use of Force (Classroom)</p>	
<p>A. Legal standards for use of force</p> <ol style="list-style-type: none"> <li>1. Statutes</li> <li>2. Licensee and client contractual obligations</li> <li>3. Civil and criminal liability</li> </ol>	

<p>B. Objectively reasonable force</p> <ol style="list-style-type: none"> <li>1. Objectively reasonable standard</li> <li>2. Restraint techniques and their implications</li> <li>3. Force options</li> <li>4. Real-life scenarios</li> </ol>
<p>C. Duty to intercede</p>
<p>D. Supervisory responsibilities</p> <ol style="list-style-type: none"> <li>1. Incident reporting requirements pursuant to 7583.2 and 7583.4 of the Business and Professions Code</li> </ol>
<p>E. Use of force review and analysis</p> <ol style="list-style-type: none"> <li>1. Real-life scenarios</li> </ol>
<p>F. De-escalation and interpersonal communication, including tactical methods that use time, distance, cover, and concealment to avoid escalating situations that lead to violence</p> <ol style="list-style-type: none"> <li>1. Common misconceptions and benefits of de-escalation</li> <li>2. Four concepts of de-escalation <ol style="list-style-type: none"> <li>a. Self-Control</li> <li>b. Effective Communication</li> <li>c. Scene Assessment and Management</li> <li>d. Force Options</li> </ol> </li> <li>3. Real-life scenarios</li> </ol>
<p>G. Implicit and explicit bias and cultural competency as defined in section 631</p> <ol style="list-style-type: none"> <li>1. Define and explain: <ol style="list-style-type: none"> <li>a. Implicit bias</li> <li>b. Explicit bias</li> <li>c. Cultural competency</li> </ol> </li> <li>2. Strategies for effective communication within a diverse community</li> <li>3. Real-life scenarios</li> </ol>
<p>H. Skills, including de-escalation techniques, to effectively, safely, and respectfully interact with people with disabilities or behavioral health issues</p> <ol style="list-style-type: none"> <li>1. Strategies for identifying and effectively communicating and de-escalating a situation with an individual with a disability or behavioral health issues</li> <li>2. Real-life scenarios</li> </ol>
<p>I. Use of force scenarios, including simulations of low-frequency, high-risk situations and calls for service, shoot-or-don't-shoot situations, and real time force option decision making</p> <ol style="list-style-type: none"> <li>1. Factors that can affect an individual's response when threatened with danger</li> <li>2. Factors to consider before using force</li> <li>3. Real-life scenarios</li> </ol>

J. Mental health and policing of the public, including bias and stigma <ol style="list-style-type: none"> <li>1. Categories of mental illness as defined in section 631</li> <li>2. Biases and stigmas surrounding mental illness</li> <li>3. Real-life scenarios</li> </ol>	
K. Active shooter situations <ol style="list-style-type: none"> <li>1. Recognizing an active shooter situation</li> <li>2. Roles and responsibilities of a private security professional</li> <li>3. Real-life scenarios</li> </ol>	
V. Examination	As needed to achieve a passing score

(b) In addition to completing and successfully passing an examination related to the use of firearms, each applicant for an initial firearms permit shall complete range training as outlined below. Range training shall be conducted by a Bureau-approved Firearms Training Instructor at a Bureau-approved Firearms Training Facility or shooting range.

<b>Range Training Outline</b>	
VI. Weapon Handling and Shooting Fundamentals	1 Hour
<b>Objective:</b> To familiarize and instruct individual on the fundamentals of marksmanship and the handling of weapons	
A. Weapon fundamentals, general differences between handguns	
B. Loading/Unloading <ol style="list-style-type: none"> <li>1. Proper loading procedures</li> <li>2. Proper loading procedures (right-handed)</li> <li>3. Proper unloading procedures (right-handed)</li> <li>4. Proper loading procedures (left-handed)</li> <li>5. Proper unloading procedures (left-handed)</li> <li>6. Loading devices</li> </ol>	
C. Proper positions <ol style="list-style-type: none"> <li>1. Point shoulder position</li> <li>2. Standing, barricade or supported position</li> <li>3. Kneeling position</li> <li>4. Sitting position</li> <li>5. Prone position</li> <li>6. Cover and concealment</li> <li>7. Bouncing bullets</li> </ol>	
D. Grip <ol style="list-style-type: none"> <li>1. Two-handed grip</li> </ol>	
E. The draw <ol style="list-style-type: none"> <li>1. General information</li> <li>2. The holster and the draw</li> </ol>	



<p>F. Shooting Fundamentals</p> <ol style="list-style-type: none"> <li>1. Sight alignment</li> <li>2. Trigger squeeze (control) <ol style="list-style-type: none"> <li>a. Single action</li> <li>b. Double action</li> <li>c. Count your shots</li> <li>d. Anticipation</li> <li>e. Dry firing</li> </ol> </li> <li>3. Establishing the Dominant Eye</li> </ol>	
<p>VII. Range Preparation</p> <p><b>Objective:</b> Individual will review range safety and the fundamentals of marksmanship and deployment of weapons. In addition, the individual will review requirements for the use of deadly force</p> <ol style="list-style-type: none"> <li>1. Range location</li> <li>2. Equipment needed</li> <li>3. Course of fire (explanation)</li> <li>4. Targets, scoring explanation</li> <li>5. Range commands (explanation)</li> <li>6. Use of deadly force</li> </ol>	<p>1 Hour</p>
<p>VIII. Range Training</p> <p><b>Objective:</b> To instruct individual in the safe and accurate use of a firearm until such time as the individual demonstrates to the instructor that they can safely draw and fire the weapon and has a high likelihood of passing the qualification course</p> <ol style="list-style-type: none"> <li>1. Instructions</li> <li>2. Drawing and holstering practice</li> <li>3. Dry firing</li> <li>4. Loading and reloading procedures</li> </ol>	<p>As needed</p>

(c) After completing both classroom-based firearms training and range training, each applicant for an initial firearms permit shall complete range qualification. The applicant's initial range qualification shall only be completed by firing live ammunition and shall not be completed with a firearm simulator. The applicant must complete each range qualification with the same caliber of weapon that will be listed on the firearms permit and carried by the permit holder while on duty. If the applicant seeks to qualify for more than one caliber of weapon, the applicant must complete a range qualification for each additional caliber to be listed on the firearms permit. The following is a list of allowable calibers:

- .357
- .38
- .45
- 9 mm
- 10 mm
- .40
- .380

Each Range qualification shall be conducted by a Bureau-approved Firearms Training Instructor at a Bureau-approved Firearms Training Facility as specified below:

<b>Range Qualification</b>
<b>Objective:</b> Applicant shall pass firearms qualification based on their demonstrated use of weapon.

A. Stance: Permit holders shall use one of the following stances during their course of fire training:

<b>Stance</b>	<b>Characteristics</b>
Isosceles	<ul style="list-style-type: none"> <li>○ The shooter is facing the target.</li> <li>○ Shoulders are squared and both arms are forward and straight.</li> <li>○ Shoulders and arms form an isosceles triangle.</li> </ul>
Weaver	<ul style="list-style-type: none"> <li>○ The shooter stands in a position of interview at a 45-degree angle to the silhouette target with the support hand forward, wedged toward the target.</li> <li>○ The shooting arm elbow is slightly bent.</li> </ul>
Modified Weaver	<ul style="list-style-type: none"> <li>○ The shooter stands in a position of interview at a 45-degree angle to the silhouette target with the support hand forward, wedged toward the target.</li> <li>○ Primary arm is locked at the elbow.</li> </ul>
One-hand	<ul style="list-style-type: none"> <li>○ The shooter holds the handgun with one hand.</li> </ul>

B. An applicant may request and if requested, shall be permitted to participate in a practice course prior to the range qualification. A practice round may also be required at the discretion of the instructor. If a practice course is conducted, the number of rounds discharged in a practice course shall be determined by the instructor and applicant. After completing a practice course, if applicable, each individual shall discharge 50 rounds for scoring purposes, using one silhouette target as specified in section 635.1, and according to one of the applicable schedules below:

1. Revolver Course of Fire (for applicants using a revolver handgun to qualify for their permit)

<b>Course of Fire (Revolver)</b>		
Stage 1	15 yards	6 rounds in 30 seconds *6 standing position
Stage 2	7 yards	14 rounds in 45 seconds (includes 2 reloads) (load 6, reload 6 and reload 2)
Stage 3	7 yards	6 rounds in 10 seconds (any position)
Stage 4	7 yards	12 rounds in 25 seconds (includes reload) (load 6 and reload 6) *6 rounds with dominant hand, 6 rounds with non-dominant hand
Stage 5	5 yards	6 rounds *3 rounds in 4 seconds (2 stages)
Stage 6	3 yards	6 rounds *2 rounds in 3 seconds (3 stages)

2. Semi-Automatic Handgun Course of Fire (for applicants using a semi-automatic handgun to qualify for their permit)

<b>Course of Fire (Semi-automatic)</b>		
Stage 1	15 yards	5 rounds in 30 seconds
Stage 2	10 yards	20 rounds in 30 seconds (includes one reload)
Stage 3	7 yards	10 rounds in 20 seconds *5 rounds with dominant hand *5 rounds with non-dominant hand
Stage 4	5 yards	10 rounds in 30 seconds
Stage 5	3 yards	5 rounds in 8 seconds

C. Scoring. For the purposes of this section, the following scoring requirements shall be met:

1. Silhouette targets shall be used. A 5-point score shall be granted for each round discharged inside of the seven (7) ring (center mass) as specified in Section 635.1.
2. Each individual shall qualify with an 80% score (200 out of 250 points) on the scoring segment.
3. Each individual shall be informed whether their score passes or fails.

D. A Bureau-approved Firearms Training Instructor conducting the range qualification must certify under penalty of perjury that an initial firearms permit applicant completed the required range qualification using live ammunition and provide a signed copy of the qualification documentation to the applicant. The Firearms Training Instructor certifying the applicant's completion of training shall issue the applicant a Certificate of Proficiency that includes all of the following:

1. a statement that the applicant has completed the required hours of firearms training;
2. a statement that the Firearms Training Instructor has deemed the applicant proficient in the handling and use of a firearm; and
3. certifies that the applicant is proficient in each specified caliber of firearm in which the applicant qualified with on the firearms range.

Authority cited: Sections 7515, 7581, 7585, 7585.6 and 7591.6, Business and Professions Code.

Reference: Sections 7542, 7583.7, 7583.22, 7583.23, 7583.37, 7585, 7596, 7596.3 and 7599.40, Business and Professions Code.

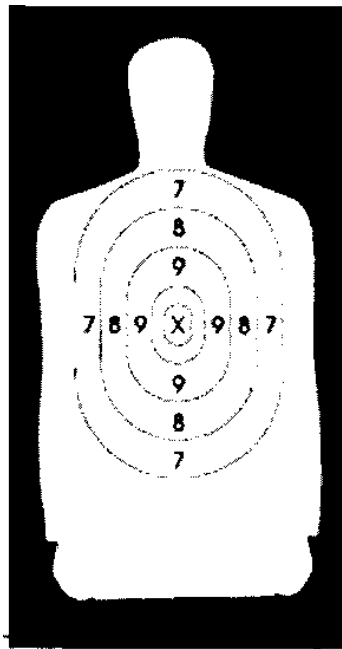
## **HISTORY**

- A. Change without regulatory effect renumbering former section 697 to new section 635, including amendment of Note, filed 5-21-98 pursuant to section 100, title 1, California Code of Regulations (Register 98, No. 21). For prior history, see Register 93, No. 3.
- B. Change without regulatory effect amending subsections VI.D. and VII.B. filed 4-25-2011 pursuant to section 100, title 1, California Code of Regulations (Register 2011, No. 17).
- C. Change without regulatory effect amending parts II. and VII.B. filed 9-21-2015 pursuant to section 100, title 1, California Code of Regulations (Register 2015, No. 39).
- D. Amendment of section heading, section and Note filed 9-12-2016; operative 1-1-2017 (Register 2016, No. 38).
- E. Change without regulatory effect amending subsection (c) and amending Note filed 3-18-2021 pursuant to section 100, title 1, California Code of Regulations (Register 2021, No. 12).
- F. Pending adoption of amendments, operative 7-1-2023.

### §635.1. Acceptable Targets for use During Range Qualification.

The target used for the purposes of completing the required range qualification shall be human silhouette type targets, like the target shown in Figure 1. The minimum dimensions of the target shall be 14" x 24" and the maximum dimensions shall be 24" x 45". The target must contain no fewer than five (5) rings for the purposes of scoring. The rings must center on an "X" in the middle of the target, with each successive ring no more than 4" and not less than 1" from the perimeter of the prior ring. Rings should be numbered from the center out, the "X" ring and the ring immediately outside the "X" ring may be unnumbered, the next most interior ring numbered with a nine (9), and so on. All five (5) rings used for the purposes of scoring must be positioned within the center mass of the silhouette target. "Center mass" is defined as the region of the human silhouette target below the throat and above the navel, centered between both shoulders. More rings than needed for scoring may be present on the target; however, no ring outside of the ring marked with a seven (7) may be used in calculating a passing score.

Figure 1



Authority cited: Sections 7515, 7581 and 7591.6, Business and Professions Code.

Reference: Sections 7585 and 7585.6, Business and Professions Code.

#### HISTORY

A. New section filed 9-12-2016; operative 1-1-2017 (Register 2016, No. 38).

**State of California**  
**Bureau of Security and Investigative Services**  
**Firearms Training Manual**

**Note:** Throughout this section, the Bureau of Security and Investigative Services is referred to as the “Bureau.”

**I. Registration**

**A. Administration (Course Admission and Discussion)**

Course admission is at the discretion of the instructor. If the instructor believes that an individual may be a hazard to self or others, the instructor may exclude that individual from the course. Firearms, ammunition, and/or equipment deemed unacceptable by the instructor will not be allowed in the classroom or on the range.

**Instruction Discussion**

The instructor is to inform students that unless they provide proof of citizenship or legal residence and authorization to work, they are not allowed to participate in the course. (Business and Professions Code (BPC) Section 7585.8(a)) (See Attachment I on page 19).

1. Check Individual Identification/Proof of Permanent Residence

The instructor is responsible for verifying the identity of individuals taking the Firearm Training Course by checking the driver's license or other photo and/or signature identification.

The instructor is also responsible for verifying the citizenship or permanent residence of individuals taking the Firearm Training Course. Please refer to Attachment 1 on page 19 for a list of documents that serve as acceptable proof of citizenship or permanent residence.

2. Check Registration/License Status

Private investigators, private patrol operators, security guards, alarm company operators, and responding alarm agents are eligible to take the Firearm Training Course and, upon successful completion of the course, are eligible to receive a Bureau-issued firearm permit.

- If the student possesses a valid license or registration, record the license/registration number on the training roster.
- If the student does not possess a valid license or registration, proof of application or the intent of application must be presented. Proof can be presented in the form of an application, or a copy of an application, that has been completed and signed by the applicant within one year of the date of the firearms training course.

3. Have State Forms Filled Out (Complete Application)

Instructors are to complete the Certification of Firearms Range Qualification Training using one color ink and follow all directions specified in the instructions included in the Firearms Permit Initial Application packet. Students must complete the Firearms Permit Initial Application before submitting it to the Bureau. The submission of incomplete or illegible forms may result in processing delays or the application being returned.

4. Have training school forms filled out (complete training roster)

Instructors are responsible for the completion of a training roster. Rosters must be typed or clearly printed and must contain the following information:

- a. The student's name
- b. The written examination score
- c. The range score
- d. The date of classroom instruction
- e. The date of range qualification
- f. The make and caliber of the qualifying firearm
- g. The instructor's name
- h. Information recording the passing or failure of the firearm training course

If a student fails to qualify, whether in the classroom or on the range, the score(s) must be recorded on the date(s) qualification was attempted. Rosters must be retained for a period of two years (BPC Section 7585.7). Students should also ensure their instructor has fully and accurately completed their paperwork, including signing and dating forms correctly. If any information submitted to the Bureau is inaccurate, the application will be delayed.

Students are required by law to maintain their own copies of their training documentation. The Firearms Training Instructor certifying the applicant's completion of training shall issue the applicant a Certificate of Proficiency that includes all of the following: (1) a statement that the applicant has completed the required hours of firearms training; (2) a statement that the Firearms Training Instructor has deemed the applicant proficient in the handling and use of a firearm; and (3) certifies that the applicant is proficient in each specified caliber of firearm in which the applicant qualified with on the firearms range.

5. Course admission and discussion (Instructor Discussion)

## **B. Laws and Regulations for Issuing a Firearms Qualification Card: General Information**

PENAL CODE SECTION 832 TRAINING IS NOT ACCEPTED BY THE BUREAU OF SECURITY AND INVESTIGATIVE SERVICES (BUREAU) AND CAN NOT BE USED AS A SUBSTITUTE COURSE OF TRAINING:

Penal Code Section 832 (PC 832) training is intended for and required of California peace officers. Security guards are NOT peace officers as defined by the Penal Code. Security guards are subject to the Private Security Services Act (BPC Sections 7580 to 7588.5). The primary role of the security guard is to “observe and report.” Therefore, because peace officer training is not appropriate for security guards, the Bureau does not recommend nor accept the training for security guards.

### **FIREARM APPLICATION PROCESSING TIME/USE OF LIVE SCAN RECOMMENDED**

The approximate timeframe to process an initial firearms permit application is generally between two and four months (approximately 60 to 120 days). Firearm renewal applications must be submitted to the Bureau at least 60 days prior to the expiration date of the firearms permit (BPC Section 7583.32).

Applicants are urged to use “Live Scan” rather than fingerprint cards to submit the fingerprints required for a firearm permit, as well as all other licensing, registration, or permit applications. Live Scan is a process of electronic transmission of fingerprints rather than the manual submission of fingerprint cards. To avoid delays, applicants must use the exact same iteration and spelling of their name on both their Live Scan application and their firearm permit application.

The processing time may take longer if the applicant has a criminal record. If the guard first applied for and received a guard card, then applied for a firearms permit, the guard may not carry a firearm while on duty until the firearms permit is issued by the Bureau. The guard must possess and carry a valid firearms permit in order to carry and use a firearm while on duty as a guard. If the firearms permit expires, the guard may not carry a firearm while on duty until the guard receives a new, valid firearms permit.

Instructors are to inform students that although they have paid the firearm course fees, successful completion of the course is not guaranteed. Students must establish to the instructor's satisfaction that they are proficient in the handling of the weapon and in meeting course requirements.



## **FELONS, PROHIBITED MISDEMEANORS, DOMESTIC VIOLENCE PROHIBITIONS, AND DEPARTMENT OF JUSTICE PROHIBITIONS**

Instructors are to specifically inform each student that a firearms permit shall not be issued by the Bureau to a person who has been convicted of a felony or a misdemeanor that prohibits the person from carrying or possessing a firearm. The California Department of Justice also issues firearm prohibitions for various reasons.

Specifically, the Bureau SHALL NOT issue a firearms permit to: A convicted felon (BPC Section 7583.24(a); Penal Code Sections 29800, 29810, 29900, 29905), to a person convicted of a misdemeanor who is prohibited from possession of a firearm for a period of 10 years (Penal Code Section 29805 and 29810); nor to an individual with a history of domestic violence or who is subject to a Temporary Restraining Order (TRO) - (Penal Code Section 18250).

Students may also be denied a firearms permit if they have been convicted of a crime of violence (Penal Code Section 29905), such as assault, battery, assault with a deadly weapon, or a weapons violation, such as brandishing a weapon, illegal possession of and/or discharge of a weapon or carrying a concealed weapon without a concealed weapon permit.

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## **FELONS, PROHIBITED MISDEMEANORS, DOMESTIC VIOLENCE PROHIBITIONS, AND DEPARTMENT OF JUSTICE PROHIBITIONS**

Instructors are to specifically inform each student that a firearms permit shall not be issued by the Bureau to a person who has been convicted of a felony or a misdemeanor that prohibits the person from carrying or possessing a firearm. The California Department of Justice also issues firearm prohibitions for various reasons.

Specifically, the Bureau SHALL NOT issue a firearms permit to: A convicted felon (BPC Section 7583.24(a); Penal Code Sections 29800, 29810, 29900, 29905), to a person convicted of a misdemeanor who is prohibited from possession of a firearm for a period of 10 years (Penal Code Section 29805 and 29810); nor to an individual with a history of domestic violence or who is subject to a Temporary Restraining Order (TRO) - (Penal Code Section 18250).

Students may also be denied a firearms permit if they have been convicted of a crime of violence (Penal Code Section 29905), such as assault, battery, assault with a deadly weapon, or a weapons violation, such as brandishing a weapon, illegal possession of and/or discharge of a weapon or carrying a concealed weapon without a concealed weapon permit.

### **QUALIFICATION AND PERMIT TO CARRY FIREARMS BY CALIBER**

Instructors are to clearly inform students that the caliber of ammunition that the student uses for range qualification is printed on the firearms permit. While on post, armed with a firearm, the guard can only carry a firearm of a caliber that is printed on their firearms permit. A guard may NOT carry while on duty any caliber that is NOT printed on the permit.

A student may qualify with more than one caliber provided they pass the entire course of fire and qualifies on the range with each caliber the student wants to be printed on the firearm permit. For example, if a licensee/registrant wants to carry a 38 or 45 caliber while on duty, they must qualify on the range with a 38 and 45 caliber and submit that information to the Bureau.

The Bureau will then issue a firearms permit which states the licensee/registrant may carry a 38 or 45 caliber. The licensee/registrant MUST then carry ONLY a 38 caliber or 45 caliber while on duty. The licensee/registrant may not carry both a 38 and 45 calibers while on duty. The following is a list of allowable calibers:

- .357
- .38
- .45
- 9 mm
- 10 mm
- .40
- .380

A person with a Bureau-issued exposed firearms permit may carry an exposed firearm **ONLY** when performing the duties of his/her qualifying license or registration (BPC Section 7583.37(b)(7)). The qualifying license or registration for an exposed firearm permit is a valid security guard registration, private patrol operator's license, private investigator license, alarm company qualifying manager license, or alarm agent registration.

Existing law does not authorize security guards, alarm agents, or other Bureau licensees to carry long guns, including rifles, shotguns, etc. while on duty. Doing so could potentially violate California Penal Code Section 25850 (a).

### **QUALIFICATIONS TO CARRY AN EXPOSED FIREARM WHILE ON DUTY**

A security guard must possess both a valid security guard registration and a valid firearms permit.

An alarm agent must possess both a valid alarm agent registration and a valid firearms permit.

A firearms permit only can be associated to a sole owner/partner principal of a valid private investigator, private patrol operator or alarm company operator licensee; or a qualified manager of a valid qualifying license. Officers of a corporation or members, managers, or officers of a limited liability company (LLC) are not a licensee, they are agents of the licensed corporation or LLC. Officers, managers or members who wish to hold a firearms permit must themselves hold a qualifying license.

### **ACTIVE-DUTY PEACE OFFICERS: CONCEALED WEAPONS AND EXEMPTIONS**

An active-duty peace officer may carry an exposed or concealed weapon while on duty as a security guard provided all of the following conditions are satisfied: The peace officer is employed as a security guard and is on the payroll (paid on a W-2) of a private patrol operator. (See licensing exemptions on page 102.)

While on duty as an armed security guard, the peace officer must possess a guard registration card and an exposed firearms permit issued by the Bureau. An active-duty peace officer is not required to complete the Bureau's firearm course nor satisfy the Bureau's twice-a-year range requalification. An active duty or level I or II reserve peace officer is exempt from the training and the requalifying requirements as long as they are required to requalify with their law enforcement employer.

An active-duty peace officer who contracts to provide armed security services **MUST** possess a private patrol operator's license issued by the Bureau.

## **RETIRED PEACE OFFICERS: ENDORSEMENT TO CARRY A CONCEALED WEAPON**

An honorably retired peace officer with an endorsement from a law enforcement agency to carry a concealed weapon may carry a concealed weapon while on duty as a private patrol operator (qualified manager), security guard, private investigator (qualified manager), alarm company qualified manager or alarm agent, provided that they have a valid private patrol operator license, security guard registration, private investigator license, alarm company qualified manager license or alarm agent registration, and a valid firearms permit issued by the Bureau.

Retired peace officers **MUST** complete the Bureau's course of fire **AND** the twice-a-year requalification requirements.

## **RESERVE PEACE OFFICERS**

Reserve peace officers authorized and qualified by their agency to carry a firearm are exempt from completing the twice-a-year requalification requirements. Reserve peace officers not authorized and qualified to carry a firearm while on duty must complete the twice-a-year course review and the range requalification (California Code of Regulations, Section 633).

Reserve peace officers must submit proof from their agency that they are authorized and qualified to carry a firearm in order to be exempt from the requalification requirements.

## **TWO-HOUR REVIEW COURSE PRIOR TO RANGE REQUALIFICATION**

Persons completing a range requalification must complete a two-hour review course prior to firing on the range. The two-hour review course must be administered by a Bureau-certified firearms instructor. The review course shall follow the outline specified in California Code of Regulations, Section 633.

## **RENEWAL APPLICATION: FAILURE TO COMPLETE REVIEW COURSE AND RANGE REQUALIFICATION**

Failure to complete the twice-a-year course review and range requalification may result in the permitholder being ineligible to renew the firearms permit upon expiration.

## **EXPIRED FIREARM PERMITS NOT VALID NOR RENEWABLE**

Expired firearms permits are not valid and cannot be renewed. A guard with an expired firearms permit may not carry a firearm while on duty.

If a guard fails to apply for renewal of a firearms permit prior to the expiration date on the permit, the guard must apply for a new firearms permit as an initial applicant and may not carry a firearm while on duty until a new firearm permit is issued by the Bureau.

An employee of a licensee may carry or use a firearm while working as a security guard or security patrolperson pending receipt of a firearm qualification card if they have been approved by the Bureau and carries on their person a hardcopy printout of the Bureau's approval from the Bureau's internet website and a valid picture identification. (BPC Section 7583.12(b)).

Any guard who does not comply with these requirements is subject to criminal prosecution and Bureau discipline.

Also, the guard company employing the guard with an expired firearms permit is subject to Bureau discipline.

### **FIREARM ACCESSORIES**

California has many laws and regulations covering firearms and firearm accessories. There are no specific exemptions for security guards, or any Bureau licensee in terms of firearm hardware, ammunition, or accessories. Failure to comply with these laws may result in an arrest, criminal prosecution, and a prison sentence and/or payment of a fine whether or not you possess a Bureau-issued exposed firearms permit. In addition, if you are convicted of violating any of these laws, you are subject to disciplinary action by the Bureau, such as revocation of your permit.

For example, there are specific types of firearms or accessories that are prohibited, such as large capacity magazines. These types of specific laws are not identified in this manual. There are two reasons for this: first, these laws are not in the domain of the Bureau; second, these laws are subject to change.

Nevertheless, if you possess a Bureau-issued exposed firearm permit, you are responsible for complying with these laws.

If you have any questions about these laws, contact your local law enforcement agency or the Department of Justice. These agencies, not the Bureau, are generally responsible for regulating and enforcing the laws regarding prohibited firearms or accessories.

Active-duty peace officers are advised to discuss this matter with their agency.

## ATTACHMENT I

STUDENTS MUST PROVIDE PROOF OF CITIZENSHIP OR LEGAL RESIDENCY PRIOR TO COURSE PARTICIPATION. THESE DOCUMENTS ARE ACCEPTABLE EVIDENCE OF UNITED STATES CITIZENSHIP OR PERMANENT RESIDENCE:

1. Permanent Resident Card [green card] (INS Form I-551, a revised edition of INS Form I-151). This card must contain a photograph of the bearer.
2. Certificate of Naturalization (INS Form N-550 or N-570). This certificate must contain a photograph of the bearer with a dry seal over the photograph.
3. United States Citizen Identification Card (INS Form I-197). INS no longer issues these cards, however, once issued, they do not expire. Must contain photo & physical description.
4. Identification Card for use of Resident Citizen in the United States (INS Form I-179). INS stopped issuing this card after 1977; however, once issued, they do not expire.
5. Certificate of United States Citizenship (INS Form N-560 or N-561).
6. Certificate of Birth abroad issued by the Department of State (Form FS-545 or form DS-1350).
7. Native American Tribal documents.
8. United States Military ID card or DD214, Geneva Convention Identification card for Active Military Person.
9. Report of Separation [military discharge] (Form DD-214).
10. Birth Certificate showing birth in the United States, American Samoa, District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, Swains Island, or United States Virgin Islands.
11. United States Passport Book (unexpired) or United States Passport Card (unexpired).
12. Permit to Re-enter the United States (INS Form I-327).
13. Refugee or parolee documents only if accompanied by INS Form AR-3a, or I-551.

## **II. MORAL AND LEGAL ASPECTS**

### **A. Laws regarding possession and carrying of firearms (Introduction to Firearm Use: Moral Aspects)**

The firearms training course is designed to teach students basic technical aspects and legal responsibilities inherent in carrying and using a firearm. Knowing how and when to use a firearm are both equally important. Knowing how to use the weapon may save your life. Knowing when to use the weapon may keep you from being criminally prosecuted and going to jail, or facing civil monetary penalties.

A firearm is a deadly weapon, and a security guard may use a firearm while on duty only for defensive purposes. This means a guard may use a firearm **ONLY** if there is an eminent threat to the guard's life or to another person's life. This is the condition and responsibility a guard accepts if the guard carries and uses a firearm on duty. If the student cannot comply with this condition and responsibility, then do not participate in this training course and do not carry a weapon on duty. A guard may be held responsible, criminally prosecuted, and sentenced to prison for using a firearm on duty if there was not a clear and immediate threat to the guard's life or to another person's life. A primary objective of firearms training is to clearly communicate that a firearm may be used only to protect and preserve life.

#### **THE PROTECTION AND PRESERVATION OF LIFE – REQUIREMENTS FOR USE OF DEADLY FORCE:**

- A firearm may be used only when there is a clear and present danger to life.
- A firearm may be used only when other defensive methods are inappropriate or have failed.

#### **FIREARM MUST NEVER BE USED FOR ANY OF THE FOLLOWING:**

- To apprehend a fleeing suspect.
- To demonstrate authority.
- To psychologically "impress" others.
- As an aggressive or offensive weapon.

#### **AVOID POTENTIAL DANGER AND DO NOT:**

- Handle a firearm recklessly.
- Practice an unauthorized and unsafe "quick-draw."
- Draw a firearm to frighten someone.
- Fire a warning shot.
- Fire at suspicious objects (such as movement in a brush or in the direction of a strange noise).
- Fail to thoroughly examine the physical condition of all firearm parts, including ammunition.

A firearm may be used ONLY if there is an imminent danger of death or serious bodily injury to the guard or to another person and there is no other option available to avoid or neutralize the danger.

Each student is expected to be familiar with each section of this manual. The instructor is expected to adequately cover each section to assure that the student has had the opportunity to review and understand the material, the law, and what consequences may follow for violating the law.

**The following pages provide legal restrictions, statutes, codes, and regulations regarding the use of firearms. Instructors are encouraged to give examples and explanations where appropriate.**

## **PENAL CODE (PC) SECTIONS**

### **§25850(a)**

A person is guilty of carrying a loaded firearm when the person carries a loaded firearm on the person or in a vehicle while in any public place or on any public street in an incorporated city or in any public place or on any public street in a prohibited area of unincorporated territory.

(Amended by Stats. 2011, Ch. 15, Sec. 544. (AB 109) Effective April 4, 2011. Amending action operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68. Section operative January 1, 2012, pursuant to Stats. 2010, Ch. 711, Sec. 10.)

### **§26030**

- A. Section 25850 does not apply to any of the following who have been issued a certificate pursuant to subdivision (d):
- (1) Guards or messengers of common carriers, banks, and other financial institutions, while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other thing of value within this state.
  - (2) Guards of contract carriers operating armored vehicles pursuant to California Highway Patrol and Public Utilities Commission authority, if they were hired prior to January 1, 1977.
  - (3) Guards of contract carriers operating armored vehicles pursuant to California Highway Patrol and Public Utilities Commission authority, if they were hired on or after January 1, 1977, and they have completed a course in the carrying and use of firearms that meets the standards prescribed by the Department of Consumer Affairs.
  - (4) Private investigators licensed pursuant to Chapter 11.3 (commencing with Section 7512) of Division 3 of the Business and Professions Code, while acting within the course and scope of their employment.



- (5) Uniformed employees of private investigators licensed pursuant to Chapter 11.3 (commencing with Section 7512) of Division 3 of the Business and Professions Code, while acting within the course and scope of their employment.
  - (6) Private patrol operators licensed pursuant to Chapter 11.5 (commencing with Section 7580) of Division 3 of the Business and Professions Code, while acting within the course and scope of their employment.
  - (7) Uniformed employees of private patrol operators licensed pursuant to Chapter 11.5 (commencing with Section 7580) of Division 3 of the Business and Professions Code, while acting within the course and scope of their employment.
  - (8) Alarm company operators licensed pursuant to Chapter 11.6 (commencing with Section 7590) of Division 3 of the Business and Professions Code, while acting within the course and scope of their employment.
  - (9) Uniformed security guards or night watch persons employed by any public agency, while acting within the scope and course of their employment.
  - (10) Uniformed security guards, regularly employed and compensated in that capacity by persons engaged in any lawful business, and uniformed alarm agents employed by an alarm company operator, while actually engaged in protecting and preserving the property of their employers, or on duty or en route to or from their residences or their places of employment, and security guards and alarm agents en route to or from their residences or employer-required range training.
- B. Nothing in paragraph (10) of subdivision (a) shall be construed to prohibit cities and counties from enacting ordinances requiring alarm agents to register their names.
  - C. A certificate under this section shall not be required of any person who is a peace officer, who has completed all training required by law for the exercise of the person's power as a peace officer, and who is employed while not on duty as a peace officer.
  - D. The Department of Consumer Affairs may issue a certificate to any person referred to in this section, upon notification by the school where the course was completed, that the person has successfully completed a course in the carrying and use of firearms and a course of training in the exercise of the powers of arrest, which meet the standards prescribed by the department pursuant to Section 7583.5 of the Business and Professions Code.

(Added by Stats. 2010, Ch. 711, Sec. 6. (SB 1080) Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

## **§29800**

A.

- (1) Any person who has been convicted of a felony under the laws of the United States, the State of California, or any other state, government, or country, or of an offense enumerated in subdivision (a), (b), or (d) of Section 23515, or who is addicted to the use of any narcotic drug, and who owns, purchases, receives, or has in possession or under custody or control any firearm is guilty of a felony.
- (2) Any person who has two or more convictions for violating paragraph (2) of subdivision (a) of Section 417 and who owns, purchases, receives, or has in possession or under custody or control any firearm is guilty of a felony.
- (3) Any person who has an outstanding warrant for any offense listed in this subdivision and who has knowledge of the outstanding warrant, and who owns, purchases, receives, or has in possession or under custody or control any firearm is guilty of a felony.

B. Notwithstanding subdivision (a), any person who has been convicted of a felony or of an offense enumerated in Section 23515, when that conviction results from certification by the juvenile court for prosecution as an adult in an adult court under Section 707 of the Welfare and Institutions Code, and who owns or has in possession or under custody or control any firearm is guilty of a felony.

C. Subdivision (a) shall not apply to a conviction or warrant for a felony under the laws of the United States unless either of the following criteria, as applicable, is satisfied:

- (1) Conviction of a like offense under California law can only result in imposition of felony punishment.
- (2) The defendant was sentenced to a federal correctional facility for more than 30 days, or received a fine of more than one thousand dollars (\$1,000), or received both punishments.

(Amended by Stats. 2020, Ch. 306, Sec. 1. (SB 723) Effective January 1, 2021.)

## **§29805**

A.

- (1) Except as provided in Section 29855, subdivision (a) of Section 29800, or subdivision (b), any person who has been convicted of a misdemeanor violation of Section 71, 76, 136.1, 136.5, or 140, subdivision (d) of Section 148, subdivision (f) of Section 148.5, Section 171b, paragraph (1) of subdivision (a) of Section 171c, Section 171d, 186.28, 240, 241, 242, 243, 243.4, 244.5, 245, 245.5, 246.3, 247, 273.5, 273.6, 417, 417.6, 422, 422.6, 626.9, 646.9, 830.95, 17500, 17510, 25300, 25800, 30315, or 32625, subdivision (b) or (d) of Section 26100, or Section 27510, or Section 8100, 8101, or 8103 of the Welfare and Institutions Code, any firearm-related offense pursuant to Sections 871.5 and 1001.5 of the Welfare and Institutions Code, Section 487 if the property taken was a firearm, or of the conduct punished in subdivision (c) of Section 27590, and who, within 10 years of the

conviction, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(2) Any person who has an outstanding warrant for any misdemeanor offense described in this subdivision, and who has knowledge of the outstanding warrant, and who owns, purchases, receives, or has in possession or under custody or control any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

- B. Any person who is convicted, on or after January 1, 2019, of a misdemeanor violation of Section 273.5, and who subsequently owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.
- C. Any person who is convicted on or after January 1, 2020, of a misdemeanor violation of Section 25100, 25135, or 25200, and who, within 10 years of the conviction owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.
- D. Any person who is convicted on or after January 1, 2023, of a misdemeanor violation of Section 273a, subdivision (b), (c), or (f) of Section 368, or subdivision (e) or (f) of Section 29180, and who, within 10 years of the conviction owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.
- E. The court, on forms prescribed by the Department of Justice, shall notify the department of persons subject to this section. However, the prohibition in this section may be reduced, eliminated, or conditioned as provided in Section 29855 or 29860.

*(Amended by Stats. 2022, Ch. 143, Sec. 1.5. (AB 2239) Effective January 1, 2023. Note: This section was amended on Nov. 8, 2016, by initiative Prop. 63.)*

## **§29810**

Upon conviction of any offense that renders a person subject to Section 29800 or Section 29805, the person shall relinquish all firearms he or she owns, possesses, or has under his or her custody or control in the manner provided in this section.

*(Repealed (in Sec. 10.3) and added November 8, 2016, by initiative Proposition 63, Sec. 10.4. Section operative January 1, 2018, by its own provisions.)*

## **§29815**

- A. Any person who, as an express condition of probation, is prohibited or restricted from owning, possessing, controlling, receiving, or purchasing a firearm and who owns, purchases, receives, or has in possession or under custody or control, any firearm, but who is not subject to Section 29805 or subdivision (a) of Section 29800, is guilty of a public offense, which shall be punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.
- B. The court, on forms provided by the Department of Justice, shall notify the department of persons subject to this section. The notice shall include a copy of the order of probation and a copy of any minute order or abstract reflecting the order and conditions of probation.

(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

## **§29900**

(a)

- (1) Notwithstanding subdivision (a) of Section 29800, any person who has been previously convicted of any of the offenses listed in Section 29905 and who owns or has in possession or under custody or control any firearm is guilty of a felony.
- (2) A dismissal of an accusatory pleading pursuant to Section 1203.4a involving an offense set forth in Section 29905 does not affect the finding of a previous conviction.
- (3) If probation is granted, or if the imposition or execution of sentence is suspended, it shall be a condition of the probation or suspension that the defendant serve at least six months in a county jail.

(b)

- (1) Any person previously convicted of any of the offenses listed in Section 29905 which conviction results from certification by the juvenile court for prosecution as an adult in adult court under the provisions of Section 707 of the Welfare and Institutions Code, who owns or has in possession or under custody or control any firearm, is guilty of a felony.

- (2) If probation is granted, or if the imposition or execution of sentence is suspended, it shall be a condition of the probation or suspension that the defendant serve at least six months in a county jail.
- (c) The court shall apply the minimum sentence as specified in subdivisions (a) and (b) except in unusual cases where the interests of justice would best be served by granting probation or suspending the imposition or execution of sentence without the imprisonment required by subdivisions (a) and (b), or by granting probation or suspending the imposition or execution of sentence with conditions other than those set forth in subdivisions (a) and (b), in which case the court shall specify on the record and shall enter on the minutes the circumstances indicating that the interests of justice would best be served by the disposition.

*(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)*

### **§29905**

- A. As used in this chapter, a violent offense includes any of the following:
- (1) Murder or voluntary manslaughter.
  - (2) Mayhem.
  - (3) Rape.
  - (4) Sodomy by force, violence, duress, menace, or threat of great bodily harm.
  - (5) Oral copulation by force, violence, duress, menace, or threat of great bodily harm.
  - (6) Lewd acts on a child under the age of 14 years.
  - (7) Any felony punishable by death or imprisonment in the state prison for life.
  - (8) Any other felony in which the defendant inflicts great bodily injury on any person, other than an accomplice, that has been charged and proven, or any felony in which the defendant uses a firearm which use has been charged and proven.
  - (9) Attempted murder.
  - (10) Assault with intent to commit rape or robbery.
  - (11) Assault with a deadly weapon or instrument on a peace officer.
  - (12) Assault by a life prisoner on a noninmate.
  - (13) Assault with a deadly weapon by an inmate.
  - (14) Arson.
  - (15) Exploding a destructive device or any explosive with intent to injure.
  - (16) Exploding a destructive device or any explosive causing great bodily injury.
  - (17) Exploding a destructive device or any explosive with intent to murder.
  - (18) Robbery.
  - (19) Kidnapping.

- (20) Taking of a hostage by an inmate of a state prison.
  - (21) Attempt to commit a felony punishable by death or imprisonment in the state prison for life.
  - (22) Any felony in which the defendant personally used a dangerous or deadly weapon.
  - (23) Escape from a state prison by use of force or violence.
  - (24) Assault with a deadly weapon or force likely to produce great bodily injury.
  - (25) Any felony violation of Section 186.22.
  - (26) Any offense enumerated in subdivision (a), (b), or (d) of Section 23515.
  - (27) Carjacking.
  - (28) Any offense enumerated in subdivision (c) of Section 23515 if the person has two or more convictions for violating paragraph (2) of subdivision (a) of Section 417.
- B. As used in this chapter, a violent offense also includes any attempt to commit a crime listed in subdivision (a) other than an assault.

*(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)*

### **§23515**

As used in the provisions listed in Section 16580, an offense that involves the violent use of a firearm includes any of the following:

- (a) A violation of paragraph (2) or (3) of subdivision (a) of Section 245 or a violation of subdivision (d) of Section 245.
- (b) A violation of Section 246.
- (c) A violation of paragraph (2) of subdivision (a) of Section 417.
- (d) A violation of subdivision (c) of Section 417.

*(Added by Stats. 2010, Ch. 711, Sec. 6. Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)*

### **§245**

A.

- (1) Any person who commits an assault upon the person of another with a deadly weapon or instrument other than a firearm shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not exceeding one year, or by a fine not exceeding ten thousand dollars (\$10,000), or by both the fine and imprisonment.
- (2) Any person who commits an assault upon the person of another with a firearm shall be punished by imprisonment in the state prison for two, three, or four years,

or in a county jail for not less than six months and not exceeding one year, or by both a fine not exceeding ten thousand dollars (\$10,000) and imprisonment.

- (3) Any person who commits an assault upon the person of another with a machinegun, as defined in Section 16880, or an assault weapon, as defined in Section 30510 or 30515, or a .50 BMG rifle, as defined in Section 30530, shall be punished by imprisonment in the state prison for 4, 8, or 12 years.
  - (4) Any person who commits an assault upon the person of another by any means of force likely to produce great bodily injury shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not exceeding one year, or by a fine not exceeding ten thousand dollars (\$10,000), or by both the fine and imprisonment.
- B. Any person who commits an assault upon the person of another with a semiautomatic firearm shall be punished by imprisonment in the state prison for three, six, or nine years.
- C. Any person who commits an assault with a deadly weapon or instrument, other than a firearm, or by any means likely to produce great bodily injury upon the person of a peace officer or firefighter, and who knows or reasonably should know that the victim is a peace officer or firefighter engaged in the performance of his or her duties, when the peace officer or firefighter is engaged in the performance of his or her duties, shall be punished by imprisonment in the state prison for three, four, or five years.
- D.
- (1) Any person who commits an assault with a firearm upon the person of a peace officer or firefighter, and who knows or reasonably should know that the victim is a peace officer or firefighter engaged in the performance of his or her duties, when the peace officer or firefighter is engaged in the performance of his or her duties, shall be punished by imprisonment in the state prison for four, six, or eight years.
  - (2) Any person who commits an assault upon the person of a peace officer or firefighter with a semiautomatic firearm and who knows or reasonably should know that the victim is a peace officer or firefighter engaged in the performance of his or her duties, when the peace officer or firefighter is engaged in the performance of his or her duties, shall be punished by imprisonment in the state prison for five, seven, or nine years.
  - (3) Any person who commits an assault with a machinegun, as defined in Section 16880, or an assault weapon, as defined in Section 30510 or 30515, or a .50 BMG rifle, as defined in Section 30530, upon the person of a peace officer or firefighter, and who knows or reasonably should know that the victim is a peace officer or firefighter engaged in the performance of his or her duties, shall be punished by imprisonment in the state prison for 6, 9, or 12 years.
- E. When a person is convicted of a violation of this section in a case involving use of a deadly weapon or instrument or firearm, and the weapon or instrument or firearm is owned by that person, the court shall order that the weapon or instrument or firearm

be deemed a nuisance, and it shall be confiscated and disposed of in the manner provided by Sections 18000 and 18005.

- F. As used in this section, "peace officer" refers to any person designated as a peace officer in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

*(Amended (as amended by Stats. 2010, Ch. 178) by Stats. 2011, Ch. 183, Sec. 1. Effective January 1, 2012. Amended version operative January 1, 2012, pursuant to Stats. 2010, Ch. 178, Sec. 107.)*

## **§246**

Any person who shall maliciously and willfully discharge a firearm at an inhabited dwelling house, occupied building, occupied motor vehicle, occupied aircraft, inhabited housecar, as defined in Section 362 of the Vehicle Code, or inhabited camper, as defined in Section 243 of the Vehicle Code, is guilty of a felony, and upon conviction shall be punished by imprisonment in the state prison for three, five, or seven years, or by imprisonment in the county jail for a term of not less than six months and not exceeding one year.

As used in this section, "inhabited" means currently being used for dwelling purposes, whether occupied or not.

*(Amended by Stats. 1988, Ch. 911, Sec. 1. Effective September 15, 1988.)*

## **§417**

A.

- (1) Every person who, except in self-defense, in the presence of any other person, draws or exhibits any deadly weapon whatsoever, other than a firearm, in a rude, angry, or threatening manner, or who in any manner, unlawfully uses a deadly weapon other than a firearm in any fight or quarrel is guilty of a misdemeanor, punishable by imprisonment in a county jail for not less than 30 days.
- (2) Every person who, except in self-defense, in the presence of any other person, draws or exhibits any firearm, whether loaded or unloaded, in a rude, angry, or threatening manner, or who in any manner, unlawfully uses a firearm in any fight or quarrel is punishable as follows:

- a. If the violation occurs in a public place and the firearm is a pistol, revolver, or other firearm capable of being concealed upon the person, by imprisonment in a county jail for not less than three months and not more than one year, by a fine not to exceed one thousand dollars (\$1,000), or by both that fine and imprisonment.
- b. In all cases other than that set forth in subparagraph (A), a misdemeanor, punishable by imprisonment in a county jail for not less than three months.

- B. Every person who, except in self-defense, in the presence of any other person, draws or exhibits any loaded firearm in a rude, angry, or threatening manner, or who, in any manner, unlawfully uses any loaded firearm in any fight or quarrel upon the grounds



of any day care center, as defined in Section 1596.76 of the Health and Safety Code, or any facility where programs, including day care programs or recreational programs, are being conducted for persons under 18 years of age, including programs conducted by a nonprofit organization, during the hours in which the center or facility is open for use, shall be punished by imprisonment in the state prison for 16 months, or two or three years, or by imprisonment in a county jail for not less than three months, nor more than one year.

- C. Every person who, in the immediate presence of a peace officer, draws or exhibits any firearm, whether loaded or unloaded, in a rude, angry, or threatening manner, and who knows, or reasonably should know, by the officer's uniformed appearance or other action of identification by the officer, that he or she is a peace officer engaged in the performance of his or her duties, and that peace officer is engaged in the performance of his or her duties, shall be punished by imprisonment in a county jail for not less than nine months and not to exceed one year, or in the state prison for 16 months, or two or three years.
- D. Except where a different penalty applies, every person who violates this section when the other person is in the process of cleaning up graffiti or vandalism is guilty of a misdemeanor, punishable by imprisonment in a county jail for not less than three months nor more than one year.
- E. As used in this section, "peace officer" means any person designated as a peace officer pursuant to Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.
- F. As used in this section, "public place" means any of the following:
  - (1) A public place in an incorporated city.
  - (2) A public street in an incorporated city.
  - (3) A public street in an unincorporated area.

*(Amended by Stats. 2011, Ch. 15, Sec. 347. Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)*

## **§240**

An assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another.

*(Enacted 1872)*

## **§242**

A battery is any willful and unlawful use of force or violence upon the person of another.

*(Enacted 1872)*

## §245

A.

- (1) Any person who commits an assault upon the person of another with a deadly weapon or instrument other than a firearm shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not exceeding one year, or by a fine not exceeding ten thousand dollars (\$10,000), or by both the fine and imprisonment.
- (2) Any person who commits an assault upon the person of another with a firearm shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not less than six months and not exceeding one year, or by both a fine not exceeding ten thousand dollars (\$10,000) and imprisonment.
- (3) Any person who commits an assault upon the person of another with a machinegun, as defined in Section 16880, or an assault weapon, as defined in Section 30510 or 30515, or a .50 BMG rifle, as defined in Section 30530, shall be punished by imprisonment in the state prison for 4, 8, or 12 years.
- (4) Any person who commits an assault upon the person of another by any means of force likely to produce great bodily injury shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not exceeding one year, or by a fine not exceeding ten thousand dollars (\$10,000), or by both the fine and imprisonment.

B. Any person who commits an assault upon the person of another with a semiautomatic firearm shall be punished by imprisonment in the state prison for three, six, or nine years.

C. Any person who commits an assault with a deadly weapon or instrument, other than a firearm, or by any means likely to produce great bodily injury upon the person of a peace officer or firefighter, and who knows or reasonably should know that the victim is a peace officer or firefighter engaged in the performance of his or her duties, when the peace officer or firefighter is engaged in the performance of his or her duties, shall be punished by imprisonment in the state prison for three, four, or five years.

D.

- (1) Any person who commits an assault with a firearm upon the person of a peace officer or firefighter, and who knows or reasonably should know that the victim is a peace officer or firefighter engaged in the performance of his or her duties, when the peace officer or firefighter is engaged in the performance of his or her duties, shall be punished by imprisonment in the state prison for four, six, or eight years.
- (2) Any person who commits an assault upon the person of a peace officer or firefighter with a semiautomatic firearm and who knows or reasonably should know that the victim is a peace officer or firefighter engaged in the performance of his or her duties, when the peace officer or firefighter is engaged in the performance of his or her duties, shall be punished by imprisonment in the state prison for five, seven, or nine years.

- (3) Any person who commits an assault with a machinegun, as defined in Section 16880, or an assault weapon, as defined in Section 30510 or 30515, or a .50 BMG rifle, as defined in Section 30530, upon the person of a peace officer or firefighter, and who knows or reasonably should know that the victim is a peace officer or firefighter engaged in the performance of his or her duties, shall be punished by imprisonment in the state prison for 6, 9, or 12 years.
- E. When a person is convicted of a violation of this section in a case involving use of a deadly weapon or instrument or firearm, and the weapon or instrument or firearm is owned by that person, the court shall order that the weapon or instrument or firearm be deemed a nuisance, and it shall be confiscated and disposed of in the manner provided by Sections 18000 and 18005.
- F. As used in this section, "peace officer" refers to any person designated as a peace officer in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

*(Amended (as amended by Stats. 2010, Ch. 178) by Stats. 2011, Ch. 183, Sec. 1. Effective January 1, 2012. Amended version operative January 1, 2012, pursuant to Stats. 2010, Ch. 178, Sec. 107.)*

## **§197**

Homicide is also justifiable when committed by any person in any of the following cases:

- (1) When resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person.
- (2) When committed in defense of habitation, property, or person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony, or against one who manifestly intends and endeavors, in a violent, riotous, or tumultuous manner, to enter the habitation of another for the purpose of offering violence to any person therein.
- (3) When committed in the lawful defense of such person, or of a spouse, parent, child, master, mistress, or servant of such person, when there is reasonable ground to apprehend a design to commit a felony or to do some great bodily injury, and imminent danger of such design being accomplished; but such person, or the person in whose behalf the defense was made, if he or she was the assailant or engaged in mutual combat, must really and in good faith have endeavored to decline any further struggle before the homicide was committed.
- (4) When necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed, or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace.

*(Amended by Stats. 2016, Ch. 50, Sec. 67. Effective January 1, 2017.)*

## §192

Manslaughter is the unlawful killing of a human being without malice. It is of three kinds:

- A. Voluntary—upon a sudden quarrel or heat of passion.
- B. Involuntary—in the commission of an unlawful act, not amounting to a felony; or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection. This subdivision shall not apply to acts committed in the driving of a vehicle.
- C. Vehicular
  - (1) Except as provided in subdivision (a) of Section 191.5, driving a vehicle in the commission of an unlawful act, not amounting to a felony, and with gross negligence; or driving a vehicle in the commission of a lawful act which might produce death, in an unlawful manner, and with gross negligence.
  - (2) Driving a vehicle in the commission of an unlawful act, not amounting to a felony, but without gross negligence; or driving a vehicle in the commission of a lawful act which might produce death, in an unlawful manner, but without gross negligence.
  - (3) Driving a vehicle in connection with a violation of paragraph (3) of subdivision (a) of Section 550, where the vehicular collision or vehicular accident was knowingly caused for financial gain and proximately resulted in the death of any person. This paragraph does not prevent prosecution of a defendant for the crime of murder.
- D. This section shall not be construed as making any homicide in the driving of a vehicle punishable that is not a proximate result of the commission of an unlawful act, not amounting to a felony, or of the commission of a lawful act which might produce death, in an unlawful manner.
- E.
  - (1) “Gross negligence,” as used in this section, does not prohibit or preclude a charge of murder under Section 188 upon facts exhibiting wantonness and a conscious disregard for life to support a finding of implied malice, or upon facts showing malice, consistent with the holding of the California Supreme Court in *People v. Watson* (1981) 30 Cal.3d 290.
  - (2) “Gross negligence,” as used in this section, may include, based on the totality of the circumstances, any of the following:
    - a. Participating in a sideshow pursuant to subparagraph (A) of subparagraph (2) of subdivision (i) of Section 23109 of the Vehicle Code.
    - b. An exhibition of speed pursuant to subdivision (a) of Section 23109 of the Vehicle Code.
    - c. Speeding over 100 miles per hour.
- F.
  - (1) For purposes of determining sudden quarrel or heat of passion pursuant to subdivision (a), the provocation was not objectively reasonable if it resulted from the discovery of, knowledge about, or potential disclosure of the victim’s actual or

perceived gender, gender identity, gender expression, or sexual orientation, including under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance towards the defendant, or if the defendant and victim dated or had a romantic or sexual relationship. Nothing in this section shall preclude the jury from considering all relevant facts to determine whether the defendant was in fact provoked for purposes of establishing subjective provocation.

- (2) For purposes of this subdivision, “gender” includes a person’s gender identity and gender-related appearance and behavior regardless of whether that appearance or behavior is associated with the person’s gender as determined at birth.

*(Amended by Stats. 2022, Ch. 626, Sec. 3. (SB 1472) Effective January 1, 2023.)*

### **§198**

A bare fear of the commission of any of the offenses mentioned in subdivisions 2 and 3 of Section 197, to prevent which homicide may be lawfully committed, is not sufficient to justify it. But the circumstances must be sufficient to excite the fears of a reasonable person, and the party killing must have acted under the influence of such fears alone.

*(Amended by Stats. 1987, Ch. 828, Sec. 8.)*

### **§198.5**

Any person using force intended or likely to cause death or great bodily injury within his or her residence shall be presumed to have held a reasonable fear of imminent peril of death or great bodily injury to self, family, or a member of the household when that force is used against another person, not a member of the family or household, who unlawfully and forcibly enters or has unlawfully and forcibly entered the residence and the person using the force knew or had reason to believe that an unlawful and forcible entry occurred. As used in this section, great bodily injury means a significant or substantial physical injury.

*(Added by Stats. 1984, Ch. 1666, Sec. 1.)*

## **BUSINESS AND PROFESSIONS CODE (BPC) SECTIONS**

### **§7583.5**

- A. Every licensee and any person employed and compensated by a licensee, other lawful business, or public agency as a security guard or patrolperson, and who in the course of that employment or business carries a firearm, shall complete a course of training in the exercise of the power to arrest and the appropriate use of force and a course of training in the carrying and use of firearms. This subdivision shall not apply to armored vehicle guards hired prior to January 1, 1977. Armored vehicle guards hired on or after January 1, 1977, shall complete a course of training in the carrying and use of firearms, but shall not be required to complete a course of training in the exercise of the power to arrest and the appropriate use of force. The course of training in the carrying and use of firearms shall not be required of any employee who is not required or permitted by a licensee to carry or use firearms. The course in the carrying and use of firearms and the course of training in the exercise of the power to arrest and the appropriate use of force shall meet the standards which shall be prescribed by the Department of Consumer Affairs. The department shall encourage restraint and caution in the use of firearms.
- B. No licensee or uniformed employee of a licensee shall carry or use any firearm unless the licensee or employee has in their possession a valid firearms qualification card.
- C. This section shall become operative on July 1, 2023.

*(Amended (as added by Stats. 2021, Ch. 697, Sec. 8) by Stats. 2022, Ch. 287, Sec. 19. (AB 2515) Effective January 1, 2023. Operative July 1, 2023, by its own provisions.)*

### **§7583.3**

No person required to be registered as a security guard pursuant to this chapter shall do any of the following:

- A. Fail to carry on their person, while on duty, a valid and current security guard registration card, or if pending receipt of the registration card after the bureau's approval, a hardcopy printout of the approved security guard registration information from the bureau's internet website and a valid picture identification pursuant to Section 7583.17.
- B. Fail to carry on their person when carrying a firearm on duty either a valid and current firearm permit, or if pending receipt of the permit after the bureau's approval, a hardcopy printout of the approved firearms permit information from the bureau's internet website and a valid picture identification pursuant to Section 7583.12
- C. Carry or use a firearm unless they possess a valid and current firearm permit that is associated with a valid and current security guard registration issued pursuant to this chapter.

- D. Fail to report to their employer within 24 hours of the incident the circumstances surrounding any incident involving the discharge of any firearm in which they are involved while acting within the course and scope of their employment.
- E. Carry or use a firearm or baton, as authorized by this chapter, unless the security guard is an employee of a private patrol operator licensee or an employee of the state or a political subdivision of the state.

*(Amended by Stats. 2021, Ch. 697, Sec. 6. (AB 229) Effective January 1, 2022.)*

#### **§7583.4**

Any person registered as a security guard or patrolperson, and the employer of the security guard or patrolperson, shall deliver to the director a written report describing fully the circumstances surrounding any incident involving the discharge of any firearm in which he or she was involved while acting within the course and scope of his or her employment, within seven days after the incident. The report shall be made on a form prescribed by the director which shall include, but not be limited to, the following:

- A. The name, address, and date of birth of the guard or patrol person.
- B. The registration number of the guard or patrolperson.
- C. The firearm permit number and baton permit number of the guard or patrolperson, if applicable.
- D. The name of the employer of the person.
- E. The description of any injuries and damages that occurred.
- F. The identity of all participants in the incident.
- G. Whether a police investigation was conducted relating to the incident.
- H. The date and location of the incident. Any report may be investigated by the director to determine if any disciplinary action is necessary.

A copy of the report delivered to the director pursuant to this section shall also be delivered within seven days of the incident to the local police or sheriff's department which has jurisdiction over the geographic area where the incident occurred.

*(Amended by Stats. 2016, Ch. 800, Sec. 23. (SB 1196) Effective January 1, 2017.)*

#### **§7583.12**

- A. An employee of a licensee shall not carry or use a firearm unless the employee has in their possession both of the following:
  - (1) A valid guard registration card issued pursuant to this chapter.
  - (2) A valid firearm qualification card issued pursuant to this chapter.
- B. An employee of a licensee may carry or use a firearm while working as a security guard or security patrolperson pending receipt of a firearm qualification card if the employee has been approved by the bureau and carries on their person a hardcopy

printout of the bureau's approval from the bureau's internet website and a valid picture identification.

C. Paragraph (2) of subdivision (a) and subdivision (b) shall not apply to a duly appointed peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, who meets all of the following:

- (1) The peace officer has successfully completed a course of study in the use of firearms.
- (2) The peace officer is authorized to carry a concealed firearm in the course and scope of their employment pursuant to Article 2 (commencing with Section 25450) of Chapter 2 of Division 5 of Title 4 of Part 6 of the Penal Code.
- (3) The peace officer has proof that they have applied to the bureau for a firearm qualification card.

D.

- (1) This section shall not apply to a duly appointed peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or a federal qualified law enforcement officer, as defined in Section 926B of Title 18 of the United States Code, who has written approval from their primary employer, as defined in paragraph (2) of subdivision (h) of Section 7583.9, to carry a firearm while working as a security guard.
- (2) A peace officer exempt under this subdivision shall carry on their person a letter of approval from their primary employer authorizing the peace officer to carry a firearm while working as a security guard.

(Amended by Stats. 2019, Ch. 377, Sec. 25. (SB 609) Effective January 1, 2020.)

## **§7583.22**

A. A licensee, qualified manager of a licensee, or security guard who, in the course of their employment, may be required to carry a firearm shall, prior to carrying a firearm, do all of the following:

- (1) Complete a course of training in the carrying and use of firearms.
- (2) Receive a firearms qualification card or be otherwise qualified to carry a firearm as provided in Section 7583.12.

B. A security guard who, in the course of their employment, may be required to carry a firearm, shall, prior to carrying a firearm, be found capable of exercising appropriate judgment, restraint, and self-control for the purposes of carrying and using a firearm during the course of their duties, pursuant to Section 7583.47.

C. A licensee shall not permit an employee to carry or use a loaded or unloaded firearm, whether or not it is serviceable or operative, unless the employee possesses a valid and current firearms qualification card issued by the bureau or is so otherwise qualified to carry a firearm as provided in Section 7583.12.



- D. A pocket card issued by the bureau pursuant to Section 7582.13 may also serve as a firearms qualification card if so indicated on the face of the card.
- E. Paragraph (1) of subdivision (a) shall not apply to a peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, who has successfully completed a course of study in the use of firearms or to a federal qualified law enforcement officer, as defined in Section 926B of Title 18 of the United States Code, who has successfully completed a course of study in the use of firearms.

(Amended by Stats. 2021, Ch. 367, Sec. 23. (SB 607) Effective January 1, 2022.)

### **§7583.37**

The director may assess fines as enumerated in Article 7 (commencing with Section 7587). Assessment of administrative fines shall be independent of any other action by the bureau or any local, state, or federal governmental agency that may result from a violation of this article. In addition to other prohibited acts under this chapter, no licensee, qualified manager, or registered security guard shall, during the course and scope of licensed activity, do any of the following:

- A. Carry any inoperable, replica, or other simulated firearm.
- B. Use a firearm in violation of the law, or in knowing violation of the standards for the carrying and usage of firearms as taught in the course of training in the carrying and use of firearms. Unlawful or prohibited uses of firearms shall include, but not be limited to, the following:
  - (1) Illegally using, carrying, or possessing a dangerous weapon.
  - (2) Brandishing a weapon.
  - (3) Drawing a weapon without proper cause.
  - (4) Provoking a shooting incident without cause.
  - (5) Carrying or using a firearm while on duty while under the influence of alcohol or dangerous drugs.
  - (6) Carrying or using a firearm of a caliber for which a firearms permit has not been issued by the bureau.
  - (7) Carrying or using a firearm while performing duties not related to the qualifying license or registration to which the bureau associated the firearms permit.
- C. Carry or use a baton in the performance of their duties, unless they have in their possession a valid baton certificate.
- D. Carry or use tear gas or any other nonlethal chemical agent in the performance of their duties unless they have in their possession proof of completion of a course in the carrying and use of tear gas or any other nonlethal chemical agent.
- E. Carry a concealed pistol, revolver, or other firearm capable of being concealed upon the person unless one of the following circumstances applies:

- (1) The person has been issued a permit to carry a pistol, revolver, or other firearm capable of being concealed upon the person in a concealed manner by a local law enforcement agency pursuant to Section 26150, 26155, 26170, or 26215 of the Penal Code.
- (2) The person is employed as a guard or messenger of a common carrier, bank, or other financial institution and they carry the weapon while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other thing of value within this state, as specified in Section 25630 of the Penal Code.
- (3) The person is an honorably retired peace officer authorized to carry a concealed firearm pursuant to Section 25650 of the Penal Code or Article 2 (commencing with Section 25450) of Chapter 2 of Division 5 of Title 4 of Part 6 of the Penal Code.
- (4) The person is a duly appointed peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, who is authorized to carry a concealed firearm in the course and scope of their employment pursuant to Article 2 (commencing with Section 25450) of Chapter 2 of Division 5 of Title 4 of Part 6 of the Penal Code.

F. This section shall become operative on January 1, 2024.

*(Repealed (in Sec. 30) and added by Stats. 2022, Ch. 287, Sec. 31. (AB 2515) Effective January 1, 2023. Operative January 1, 2024, by its own provisions.)*

## **BUREAU REGULATIONS**

### **California Code of Regulations (CCR)**

#### **Title 16, Division 7**

#### **§631.1. Possession of a Firearms Permit.**

A firearms permit holder must carry his or her valid Bureau-issued firearms permit on his or her person while carrying a firearm in the course of his or her duties. The permit must be shown to any peace officer or Bureau representative upon demand.

Authority cited: Sections 7515, 7581 and 7591.2, Business and Professions Code.  
Reference: Sections 7542, 7583.3, and 7597.1, Business and Professions Code.

#### **HISTORY**

- (1) Change without regulatory effect renumbering former section 691.1 to new section 631.1 filed 5-21-98 pursuant to section 100, title 1, California Code of Regulations (Register 98, No. 21).
- (2) Change without regulatory effect amending subsection (a) and Note filed 1-12-2015 pursuant to section 100, title 1, California Code of Regulations (Register 2015, No. 3).

(3) Amendment of section heading, repealer and new section and amendment of Note filed 9-12-2016; operative 1-1-2017 (Register 2016, No. 38).

(4) Change without regulatory effect amending section filed 3-18-2021 pursuant to section 100, title 1, California Code of Regulations (Register 2021, No. 12).

### **§632. Firearms Qualification Card.**

A. The Bureau shall issue a firearms qualification card to an applicant where all of the following conditions exist:

(1) The applicant is a licensed private investigator, alarm company operator, private patrol operator or registered employee of such a licensee or is employed or compensated by a lawful business or public agency as a security guard or patrol person;

(2) The applicant has filed with the Bureau a completed application for a firearms qualification card on a form prescribed by the Bureau, dated and signed by the applicant under penalty of perjury that the information in the application is true and correct;

(3) The application is accompanied by:

a. Payment of the firearms qualification fee prescribed by Sections 639, 640 and 641.

b. Proof, satisfactory to the Bureau, of successful completion of a course approved by the Bureau in the carrying and use of a firearm. Including:

a. Proof of successful passage of a written examination prescribed by the Bureau. Such examination shall be based on information required to be taught pursuant to Section 635; and

b. Proof of qualifying on an approved firearm range with the caliber of weapon to be used by the applicant pursuant to Section 635.

(4) The Bureau has determined, after investigation, that the carrying and use of a firearm by the applicant in the course of their duties presents no apparent threat to the public safety.

B. The firearms qualification card, when issued, shall be mailed to the applicant at the address which appears on the application. In the event of the loss or destruction of the card the cardholder may apply to the Chief for a certified replacement for the card, stating the circumstances surrounding the loss, and pay the replacement fee set forth by Sections 7570, 7588, and 7599.70 of the Code whereupon the Chief shall issue a certified replacement for such card.

C. A firearms qualification card does not authorize the holder thereof to carry a concealed weapon.

Authority cited: Sections 7515, 7581 and 7591.6, Business and Professions Code.  
Reference: Sections 7542, 7583.12, 7596.3 and 7599.40, Business and Professions Code.

## HISTORY

- (1) Change without regulatory effect renumbering former section 692 to new section 632, including amendment of Note, filed 5-21-98 pursuant to section 100, title 1, California Code of Regulations (Register 98, No. 21). For prior history, see Register 93, No. 3.
- (2) Change without regulatory effect amending section and Note filed 3-18-2021 pursuant to section 100, title 1, California Code of Regulations (Register 2021, No. 12).

### §633. Biennial Renewal of Firearms Permit.

- A. An applicant shall complete and pass the review training course on the laws and standards regarding use of deadly force, avoidance of deadly force, and de-escalation of force, as outlined below. All required classroom training shall be completed prior to attempting each range qualification. Training regarding use of deadly force and avoidance of deadly force shall be conducted through traditional classroom instruction by a Bureau-approved Firearms Training Instructor at a Bureau-approved Firearms Training Facility.

<b>Review Training Outline</b>	
<b>Subject and Objective</b>	<b>Length of Time</b>
<p><b>Laws and standards regarding use of deadly force.</b> <b>Objective:</b> To familiarize and instruct individual on the meaning of deadly force, the standards for using deadly force, the applicable laws relating to the use of deadly force and the consequences of not properly using deadly force or violating the standards and requirements for use of a weapon.</p> <ol style="list-style-type: none"><li>(1) Penal Code sections</li><li>(2) Government Code sections</li><li>(3) Bureau statutes and regulations</li><li>(4) Instructor examples</li></ol>	1 Hour
<p><b>Avoidance of deadly force -The de-escalation of force.</b> <b>Objective:</b> To familiarize and instruct individual on the role of the armed security guard, the role that deadly force may play and when and how to de-escalate the use of deadly force.</p>	1 Hour

- B. The permit holder shall complete a range qualification by firing fifty (50) rounds with a passing score:
- (1) On two (2) separate occasions, at least four months apart, within each twelve-month period before the permit expires, and
  - (2) With at least one (1) of the range qualifications in each twelve-month period completed using live ammunition.
  - (3) Permit holders must complete each required range qualification for each caliber of firearm listed on the permit.
  - (4) Scoring: Silhouette targets as described in Section 635.1 shall be used. A 5-point score shall be granted for each round discharged inside of the seven (7) ring (center mass). Each individual shall qualify with an 80% score (200 out of 250 points) on the scoring segment. Each individual shall be informed whether his or her score passes or fails.

<b>Revolver Course of Fire</b> (All stages are unsupported)		
Stage 1	15 yards	6 rounds in 30 seconds *6 standing position
Stage 2	7 yards	14 rounds in 45 seconds (includes 2 reloads) (load 6, reload 6 and reload 2)
Stage 3	7 yards	6 rounds in 10 seconds (any position)
Stage 4	7 yards	12 rounds in 25 seconds (includes reload) (load 6 and reload 6) *6 rounds with dominant hand, 6 rounds with non-dominant hand
Stage 5	5 yards	6 rounds *3 rounds in 4 seconds (2 stages)
Stage 6	3 yards	6 rounds *2 rounds in 3 seconds (3 stages)

<b>Semi-Automatic Course of Fire</b> (All stages are unsupported)		
Stage 1	15 yards	5 rounds in 30 seconds
Stage 2	10 yards	20 rounds in 30 seconds (includes one reload)
Stage 3	7 yards	10 rounds in 20 seconds *5 rounds with dominant hand *5 rounds with non-dominant hand
Stage 4	5 yards	10 rounds in 30 seconds *5 rounds standing *5 rounds kneeling
Stage 5	3 yards	5 rounds in 8 seconds

C. The application for the renewal of a firearms permit shall include the following proof and information:

- (1) Certification or documentation from each Bureau-approved Firearms Training Facility and by each Bureau-approved Firearms Training Instructor that the applicant has completed and passed each range qualification. Each Bureau-approved Firearms Training Instructor administering the range qualification must certify under penalty of perjury the method (live ammunition or firearm simulator) in which each range qualification was completed and provide a signed copy of the requalification documentation to the applicant.
- (2) Certification or documentation from each Bureau-approved Firearms Training Facility and by each Bureau-approved Firearms Training Instructor that the applicant has completed the review course prior to each range qualification.

D. A Reserve Peace Officer is exempt from the firearms requalification requirements providing he/she submits documentation of firearms proficiency provided by the Law Enforcement entity with which he/she is associated, with their proof of renewal. This documentation must be submitted with the request for renewal of the firearms permit.

Authority cited: Sections 7515, 7581 and 7591.6, Business and Professions Code.

Reference: Sections 7542, 7583.32, 7596.7 and 7599.40, Business and Professions Code.

## **HISTORY**

- (1) Change without regulatory effect renumbering former section 693 to new section 633, including amendment of Note, filed 5-21-98 pursuant to section 100, title 1, California Code of Regulations (Register 98, No. 21). For prior history, see Register 82, No. 49.
- (2) Amendment of section heading, section and Note filed 9-12-2016; operative 1-1-2017 (Register 2016, No. 38). 3. Revised, pending implementation 7-1-2023.

## **§637. Suspension or Revocation.**

Any use of a firearm by a holder of a Firearms Qualification Card which is in violation of law or in knowing violation of the standards for carrying and usage of firearms as taught in the course of training in the carrying and use of firearms may be grounds for suspension or revocation of the holder's Firearms Qualification Card.

Authority cited: Sections 7515, 7581 and 7591.2, Business and Professions Code.

Reference: Sections 7561.1, 7587.1 and 7599.61, Business and Professions Code.

## **HISTORY**

Change without regulatory effect renumbering former section 699 to new section 637, including amendment of Note, filed 5-21-98 pursuant to section 100, title 1, California Code of Regulations (Register 98, No. 21).

Authority cited: Sections 7515, 7581 and 7591.6, Business and Professions Code.

Reference: Sections 7542, 7583.32, 7596.7 and 7599.40, Business and Professions Code.

## **INSTRUCTOR NOTES**

### **PC §25850**

- A. A person is guilty of carrying a loaded firearm when the person carries a loaded firearm on the person or in a vehicle while in any public place or on any public street in an incorporated city or in any public place or on any public street in a prohibited area of unincorporated territory.
- B. In order to determine whether or not a firearm is loaded for the purpose of enforcing this section, peace officers are authorized to examine any firearm carried by anyone on the person or in a vehicle while in any public place or on any public street in an incorporated city or prohibited area of an unincorporated territory. Refusal to allow a peace officer to inspect a firearm pursuant to this section constitutes probable cause for arrest for violation of this section.
- C. Carrying a loaded firearm in violation of this section is punishable, as follows:
  - (1) Where the person previously has been convicted of any felony, or of any crime made punishable by a provision listed in Section 16580, as a felony.
  - (2) Where the firearm is stolen and the person knew or had reasonable cause to believe that it was stolen, as a felony.
  - (3) Where the person is an active participant in a criminal street gang, as defined in subdivision (a) of Section 186.22, under the Street Terrorism Enforcement and Prevention Act (Chapter 11 (commencing with Section 186.20) of Title 7 of Part 1), as a felony.

- (4) Where the person is not in lawful possession of the firearm, or is within a class of persons prohibited from possessing or acquiring a firearm pursuant to Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9 of this title, or Section 8100 or 8103 of the Welfare and Institutions Code, as a felony.
  - (5) Where the person has been convicted of a crime against a person or property, or of a narcotics or dangerous drug violation, by imprisonment pursuant to subdivision (h) of Section 1170, or by imprisonment in a county jail not to exceed one year, by a fine not to exceed one thousand dollars (\$1,000), or by both that imprisonment and fine.
  - (6) Where the person is not listed with the Department of Justice pursuant to Section 11106 as the registered owner of the handgun, by imprisonment pursuant to subdivision (h) of Section 1170, or by imprisonment in a county jail not to exceed one year, or by a fine not to exceed one thousand dollars (\$1,000), or both that fine and imprisonment.
  - (7) In all cases other than those specified in paragraphs (1) to (6), inclusive, as a misdemeanor, punishable by imprisonment in a county jail not to exceed one year, by a fine not to exceed one thousand dollars (\$1,000), or by both that imprisonment and fine.
- D. (1) Every person convicted under this section who has previously been convicted of an offense enumerated in Section 23515, or of any crime made punishable under a provision listed in Section 16580, shall serve a term of at least three months in a county jail, or, if granted probation or if the execution or imposition of sentence is suspended, it shall be a condition thereof that the person be imprisoned for a period of at least three months.
- (2) The court shall apply the three-month minimum sentence except in unusual cases where the interests of justice would best be served by granting probation or suspending the imposition or execution of sentence without the minimum imprisonment required in this section or by granting probation or suspending the imposition or execution of sentence with conditions other than those set forth in this section, in which case, the court shall specify on the record and shall enter on the minutes the circumstances indicating that the interests of justice would best be served by that disposition.
- E. A violation of this section that is punished by imprisonment in a county jail not exceeding one year shall not constitute a conviction of a crime punishable by imprisonment for a term exceeding one year for the purposes of determining federal firearms eligibility under Section 922(g)(1) of Title 18 of the United States Code.



- F. Nothing in this section, or in Article 3 (commencing with Section 25900) or Article 4 (commencing with Section 26000), shall preclude prosecution under Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9 of this title, Section 8100 or 8103 of the Welfare and Institutions Code, or any other law with a greater penalty than this section.
- G. Notwithstanding paragraphs (2) and (3) of subdivision (a) of Section 836, a peace officer may make an arrest without a warrant:
- (1) When the person arrested has violated this section, although not in the officer's presence.
  - (2) Whenever the officer has reasonable cause to believe that the person to be arrested has violated this section, whether or not this section has, in fact, been violated.
- H. A peace officer may arrest a person for a violation of paragraph (6) of subdivision (c), if the peace officer has probable cause to believe that the person is carrying a handgun in violation of this section and that person is not listed with the Department of Justice pursuant to paragraph (1) of subdivision (c) of Section 11106 as the registered owner of that handgun.

(Amended by Stats. 2011, Ch. 15, Sec. 544. (AB 109) Effective April 4, 2011. Amending action operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68. Section operative January 1, 2012, pursuant to Stats. 2010, Ch. 711, Sec. 10.)

**Instructor Explanation: Possession of Valid Firearm Permit Required to Carry Firearm On Duty**

Instructors are to inform students that the term "in the course and scope of their employment" also requires the guard to possess a valid firearm permit. A security guard who does not carry a valid firearm permit while armed and on duty with a weapon is subject to arrest for unlawfully carrying a firearm. Possession of a guard registration and exposed firearm permit does not permit a security guard to carry a firearm while off duty, unless the guard is traveling to or from their residence, work site or firearm range (PC 26030(a)(10)).

The completion of this course is NOT sufficient for a person to carry a firearm on duty, whether exposed or concealed. While on duty as a guard, armed with a firearm, the guard must be in possession of a valid firearms permit. In addition, the guard can only carry a firearm of a caliber with which they have qualified for on the range and which is printed on their firearms permit. An individual who carries a firearm on duty without having received the Bureau-issued firearms permit is in violation of this requirement and subject to criminal prosecution and denial or revocation of the firearms permit by the Bureau.

A security guard who carries a concealed weapon while on duty in civilian clothes must possess and carry both the guard registration card and exposed firearms permit, issued by the Bureau, AND satisfy one of the following three requirements: (1) possess a

concealed weapons permit (CCW) issued by a local law enforcement agency; or (2) be an active duty peace officer employed as a security guard/bodyguard by a private patrol operator, or by the person or the entity being protected; or (3) be an honorably retired peace officer, with an endorsement to carry a concealed weapon, and employed as a security guard/bodyguard by a private patrol operator, or by the person or entity being protected.

### **Instructor Explanation: Prohibited Factors**

The Bureau is prohibited from issuing a firearms permit to any person convicted of violating any of the above sections of the Penal Code. Any person convicted of a prohibitive misdemeanor, a felony, or the violent use of a firearm anywhere in the United States is prohibited both from possessing a firearm and from being issued a firearms permit by the Bureau. A felony conviction prohibits the felon from possessing a firearm and the Bureau from issuing a firearms permit, no matter how many years have passed.

### **PC §417**

A.

(1) Every person who, except in self-defense, in the presence of any other person, draws or exhibits any deadly weapon whatsoever, other than a firearm, in a rude, angry, or threatening manner, or who in any manner, unlawfully uses a deadly weapon other than a firearm in any fight or quarrel is guilty of a misdemeanor, punishable by imprisonment in a county jail for not less than 30 days.

(2) Every person who, except in self-defense, in the presence of any other person, draws or exhibits any firearm, whether loaded or unloaded, in a rude, angry, or threatening manner, or who in any manner, unlawfully uses a firearm in any fight or quarrel is punishable as follows:

a. If the violation occurs in a public place and the firearm is a pistol, revolver, or other firearm capable of being concealed upon the person, by imprisonment in a county jail for not less than three months and not more than one year, by a fine not to exceed one thousand dollars (\$1,000), or by both that fine and imprisonment.

b. In all cases other than that set forth in subparagraph (A), a misdemeanor, punishable by imprisonment in a county jail for not less than three months.

B. Every person who, except in self-defense, in the presence of any other person, draws or exhibits any loaded firearm in a rude, angry, or threatening manner, or who, in any manner, unlawfully uses any loaded firearm in any fight or quarrel upon the grounds of any day care center, as defined in Section 1596.76 of the Health and Safety Code, or any facility where programs, including day care programs or recreational programs, are being conducted for persons under 18 years of age, including programs conducted by a nonprofit organization, during the hours in which the center or facility is open for use, shall be punished by imprisonment in the state prison for 16 months, or two or

three years, or by imprisonment in a county jail for not less than three months, nor more than one year.

- C. Every person who, in the immediate presence of a peace officer, draws or exhibits any firearm, whether loaded or unloaded, in a rude, angry, or threatening manner, and who knows, or reasonably should know, by the officer's uniformed appearance or other action of identification by the officer, that he or she is a peace officer engaged in the performance of his or her duties, and that peace officer is engaged in the performance of his or her duties, shall be punished by imprisonment in a county jail for not less than nine months and not to exceed one year, or in the state prison for 16 months, or two or three years.
- D. Except where a different penalty applies, every person who violates this section when the other person is in the process of cleaning up graffiti or vandalism is guilty of a misdemeanor, punishable by imprisonment in a county jail for not less than three months nor more than one year.
- E. As used in this section, "peace officer" means any person designated as a peace officer pursuant to Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.
- F. As used in this section, "public place" means any of the following:
  - (1) A public place in an incorporated city.
  - (2) A public street in an incorporated city.
  - (3) A public street in an unincorporated area.

(Amended by Stats. 2011, Ch. 15, Sec. 347. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

### **Instructor Explanation: Drawing or Exhibiting Weapon**

In a conflict situation while on duty, a guard must have just cause to remove the weapon from the holster. Just cause is defined as an imminent danger to life. The guard may not remove the weapon for any other reason, such as to threaten, intimidate, demonstrate authority, or impress another person.

### **PC §197**

Homicide is also justifiable when committed by any person in any of the following cases:

- (1) When resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person.
- (2) When committed in defense of habitation, property, or person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony, or against one who manifestly intends and endeavors, in a violent, riotous, or tumultuous manner, to enter the habitation of another for the purpose of offering violence to any person therein.
- (3) When committed in the lawful defense of such person, or of a spouse, parent, child, master, mistress, or servant of such person, when there is reasonable ground to

apprehend a design to commit a felony or to do some great bodily injury, and imminent danger of such design being accomplished; but such person, or the person in whose behalf the defense was made, if he or she was the assailant or engaged in mutual combat, must really and in good faith have endeavored to decline any further struggle before the homicide was committed.

- (4) When necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed, or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace.

(Amended by Stats. 2016, Ch. 50, Sec. 67. (SB 1005) Effective January 1, 2017.)

### **Instructor Explanation: Justifiable Homicide Requires Real Threat**

Students are to be informed that while the law states that homicide may be justifiable when apprehending a felon other factors also apply. The felon must have committed an atrocious crime involving the use of force and there must be a real threat of death or great bodily harm. The following case law explains how courts interpret justifiable homicide:

In *People vs. Ceballos* (1974), 12 CalApp.3d 470, the court held that homicide or the use of deadly force was justified only if the “felony” or “offense” contemplated by the statutes constituted a “forcible or atrocious” crime at common law. The Ceballos court explained that the justifiable homicide statute must be read in the light of the common law rule that, ordinarily deadly force could not be used for the sole purpose of protecting property. The Ceballos court held that homicide is justifiable when resisting any attempt to murder any person, or when committed in defense of habitation, property, or person, against one whom manifestly intends or endeavors, by violence or surprise, to commit a felony. The Ceballos court went on to conclude that burglary does not under all circumstances, constitute a forcible and atrocious crime such as will justify killing to prevent its commission.

In *People vs. Piorkowski* (1974), 41 CalApp.3d 324, the court held that even though the felon had committed a burglary, the use of deadly force to effect the arrest was not warranted, and the felon’s death during the course of arrest was not justified because the crime committed by the felon was not of the type which normally threatened death or great bodily harm since it was committed during the daylight hours and in a business establishment which was open to the public and no confrontation aided by force was involved.

Because the same laws which apply to private citizens apply also to security guards, if a security guard shoots a fleeing suspect, they will be prosecuted accordingly. It will only be considered justified if these factors apply.

## **PC §198.5**

Any person using force intended or likely to cause death or great bodily injury within his or her residence shall be presumed to have held a reasonable fear of imminent peril of death or great bodily injury to self, family, or a member of the household when that force is used against another person, not a member of the family or household, who unlawfully and forcibly enters or has unlawfully and forcibly entered the residence and the person using the force knew or had reason to believe that an unlawful and forcible entry occurred.

As used in this section, great bodily injury means a significant or substantial physical injury.

(Added by Stats. 1984, Ch. 1666, Sec. 1.)

### **Instructor Discussion: Imminent Danger**

The instructor will discuss with the students that killing an individual because of a belief that the person may pose a future threat is not sufficient justification for homicide. There must also be a clear and present danger.

## **BPC §7583.4**

Any person registered as a security guard or patrolperson, and the employer of the security guard or patrolperson, shall deliver to the director a written report describing fully the circumstances surrounding any incident involving the discharge of any firearm in which he or she was involved while acting within the course and scope of his or her employment, within seven days after the incident. The report shall be made on a form prescribed by the director which shall include, but not be limited to, the following:

- (1) The name, address, and date of birth of the guard or patrolperson.
- (2) The registration number of the guard or patrolperson.
- (3) The firearm permit number and baton permit number of the guard or patrolperson, if applicable.
- (4) The name of the employer of the person.
- (5) The description of any injuries and damages that occurred.
- (6) The identity of all participants in the incident.
- (7) Whether a police investigation was conducted relating to the incident.
- (8) The date and location of the incident. Any report may be investigated by the director to determine if any disciplinary action is necessary.

A copy of the report delivered to the director pursuant to this section shall also be delivered within seven days of the incident to the local police or sheriff's department which has jurisdiction over the geographic area where the incident occurred.

(Amended by Stats. 2016, Ch. 800, Sec. 23. (SB 1196) Effective January 1, 2017.)

### **Instructor Explanation: Reporting Requirements**

The instructor is to inform students that a registrant with a firearm permit must report in writing the discharge of a weapon. Failure to report the discharge may result in the Bureau imposing disciplinary action, such as a fine. (BPC Sections 7583.3(d) and 7599.42)

#### **BPC §7583.22**

- A. A licensee, qualified manager of a licensee, or security guard who, in the course of their employment, may be required to carry a firearm shall, prior to carrying a firearm, do all of the following:
  - (1) Complete a course of training in the carrying and use of firearms.
  - (2) Receive a firearms qualification card or be otherwise qualified to carry a firearm as provided in Section 7583.12.
- B. A security guard who, in the course of their employment, may be required to carry a firearm, shall, prior to carrying a firearm, be found capable of exercising appropriate judgment, restraint, and self-control for the purposes of carrying and using a firearm during the course of their duties, pursuant to Section 7583.47.
- C. A licensee shall not permit an employee to carry or use a loaded or unloaded firearm, whether or not it is serviceable or operative, unless the employee possesses a valid and current firearms qualification card issued by the bureau or is so otherwise qualified to carry a firearm as provided in Section 7583.12.
- D. A pocket card issued by the bureau pursuant to Section 7582.13 may also serve as a firearms qualification card if so indicated on the face of the card.
- E. Paragraph (1) of subdivision (a) shall not apply to a peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, who has successfully completed a course of study in the use of firearms or to a federal qualified law enforcement officer, as defined in Section 926B of Title 18 of the United States Code, who has successfully completed a course of study in the use of firearms.

(Amended by Stats. 2021, Ch. 367, Sec. 23. (SB 607) Effective January 1, 2022.)

### **Instructor Explanation: Disciplinary Action**

Instructors are to inform students that employers who allow their employees to carry a firearm without possessing a valid firearms permit are subject to disciplinary action, such as a fine, for each employee who carries a firearm without a permit. Security guards are also subject to disciplinary action, such as fines; and subject to criminal prosecution and conviction under Section 25850 of the Penal Code. (BPC Sections 7583.2, 7583.3 and 7599.40.)

### **BPC §7583.37**

The director may assess fines as enumerated in Article 7 (commencing with Section 7587). Assessment of administrative fines shall be independent of any other action by the bureau or any local, state, or federal governmental agency that may result from a violation of this article. In addition to other prohibited acts under this chapter, no licensee, qualified manager, or registered security guard shall, during the course and scope of licensed activity, do any of the following:

- (1) Carry any inoperable, replica, or other simulated firearm.
- (2) Use a firearm in violation of the law, or in knowing violation of the standards for the carrying and usage of firearms as taught in the course of training in the carrying and use of firearms. Unlawful or prohibited uses of firearms shall include, but not be limited to, the following:
  - a. Illegally using, carrying, or possessing a dangerous weapon.
  - b. Brandishing a weapon.
  - c. Drawing a weapon without proper cause.
  - d. Provoking a shooting incident without cause.
  - e. Carrying or using a firearm while on duty while under the influence of alcohol or dangerous drugs.
  - f. Carrying or using a firearm of a caliber for which a firearms permit has not been issued by the bureau.
  - g. Carrying or using a firearm while performing duties not related to the qualifying license or registration to which the bureau associated the firearms permit.
  - h. Carry or use a baton in the performance of their duties, unless they have in their possession a valid baton certificate.
- (3) Carry or use tear gas or any other nonlethal chemical agent in the performance of their duties unless they have in their possession proof of completion of a course in the carrying and use of tear gas or any other nonlethal chemical agent.
- (4) Carry a concealed pistol, revolver, or other firearm capable of being concealed upon the person unless one of the following circumstances applies:
  - a. The person has been issued a permit to carry a pistol, revolver, or other firearm capable of being concealed upon the person in a concealed manner by a local law enforcement agency pursuant to Section 26150, 26155, 26170, or 26215 of the Penal Code.
  - b. The person is employed as a guard or messenger of a common carrier, bank, or other financial institution and they carry the weapon while actually employed in and about the shipment, transportation, or delivery of any

money, treasure, bullion, bonds, or other thing of value within this state, as specified in Section 25630 of the Penal Code.

- c. The person is an honorably retired peace officer authorized to carry a concealed firearm pursuant to Section 25650 of the Penal Code or Article 2 (commencing with Section 25450) of Chapter 2 of Division 5 of Title 4 of Part 6 of the Penal Code.
- d. The person is a duly appointed peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, who is authorized to carry a concealed firearm in the course and scope of their employment pursuant to Article 2 (commencing with Section 25450) of Chapter 2 of Division 5 of Title 4 of Part 6 of the Penal Code.

(5) This section shall become operative on January 1, 2024.

(Repealed (in Sec. 30) and added by Stats. 2022, Ch. 287, Sec. 31. (AB 2515) Effective January 1, 2023. Operative January 1, 2024, by its own provisions.)

## **REQUIREMENTS FOR CARRYING A FIREARM:**

### Instructor Explanation

- a. Guards employed as in-house security guards, who do not carry a firearm and meet the definition of a proprietary private security officer as defined in section 7574.01 must be registered with the Bureau as a proprietary private security officer and the employer must be registered as a proprietary security employer. Proprietary security officers cannot carry an exposed firearm or other deadly weapon, including any electronic control device stun gun, baton, or any chemical agent, including pepper spray, while on duty per section 7574.39(b).
- b. Security guards can only carry an exposed firearm with a valid Bureau-issued firearms permit and when employed by a licensed private patrol operator or a political subdivision of the state per 7583.3(e).
- c. Active-duty peace officers working off-duty as armed security guards or bodyguards must possess a Bureau-issued security guard registration and firearms permit.
- d. Honorably retired peace officers working as armed security guards or armed bodyguards must possess a Bureau-issued security guard registration and a Bureau-issued exposed firearms permit. Retired peace officers who: (1) work for a private employer approved by the chief law enforcement officer of that jurisdiction and (2) works in the uniform of that law enforcement agency, are not required to obtain a security guard registration or firearms permit. If these conditions are not met, the retired peace officer must obtain the appropriate Bureau permits. A retired peace officer with an endorsement to carry a concealed weapon who works as an armed security guard or armed bodyguard in civilian clothes MUST possess a Bureau-issued guard registration and Bureau-issued exposed firearms permit.



A retired peace officer may carry a baton on duty as a security guard only if they possess a Bureau-issued baton permit, the baton is carried exposed, and they are in a security guard uniform with Bureau-approved patches.

## **Shooting Incidents (Civil and Criminal Liability)**

### Criminal Liability

Criminal liability is the potential for a criminal penalty one incurs for committing a criminal act. This liability may include an arrest and booking; a court trial; a conviction; and sentencing. A sentence may include payment of a fine, a prison sentence, probation or community service, and monetary restitution. An entry is also made on the subject's criminal history record, maintained by the Department of Justice.

The parties in a criminal process include the defendant (the accused) and the prosecution (the People of the State of California).

For example, suppose a guard fatally shoots a fleeing suspect in the back. The guard may be subject to criminal prosecution for the shooting. The guard may be charged with a crime (such as manslaughter), arrested, booked, and prosecuted in a criminal court, convicted, and sentenced to prison.

### Civil Liability

Civil liability is the potential non-criminal legal consequences one incurs from the commission or omission of an act. A civil liability is separate from the criminal process and cannot result in a person being arrested or sentenced to jail or prison. Civil judgement may result in a civil trial and one party being ordered by the civil court to pay money to another party for "damages." The process generally involves one party filing a civil suit against another party in a civil court. The parties to a civil process are the "plaintiff or petitioner" and the "respondent or defendant".

For example, suppose a guard fatally shoots a fleeing suspect in the back. The guard, his employer, and any other person party to the shooting, such as a supervisor, may be subjected to a civil suit for the shooting and wrongful death of the deceased. This means, for example, that the civil trial may find that the guard has deprived the family of the love, comfort, and financial support of the deceased. If the family members win the civil lawsuit, the guard, employer, and other parties responsible for the deadly shooting may be required to pay monetary damages to the family of the deceased.

In the example given above, a guard shot and killed a fleeing suspect in the back. The guard may be subject to criminal prosecution and a prison sentence and subject to a lawsuit resulting in the guard being ordered to pay money to the suspect's survivors.

## **Effects of Firearm Use (Instructor Discussion)**

Instructors are to familiarize and instruct students on how and why bullets travel and what implications this has on the use of deadly force.

### III. FIREARM NOMENCLATURE AND MAINTENANCE

#### A. The Revolver and Semi-Automatic, Ammunition, Parts, and Nomenclature.

(1) Picture of revolver and semi-automatic with parts identified.

- a. A picture of a revolver with parts and identified is located on page 51. (See Illustration A)
- b. A picture of a semi-automatic with parts and identified is located on page 52. (See Illustration B)

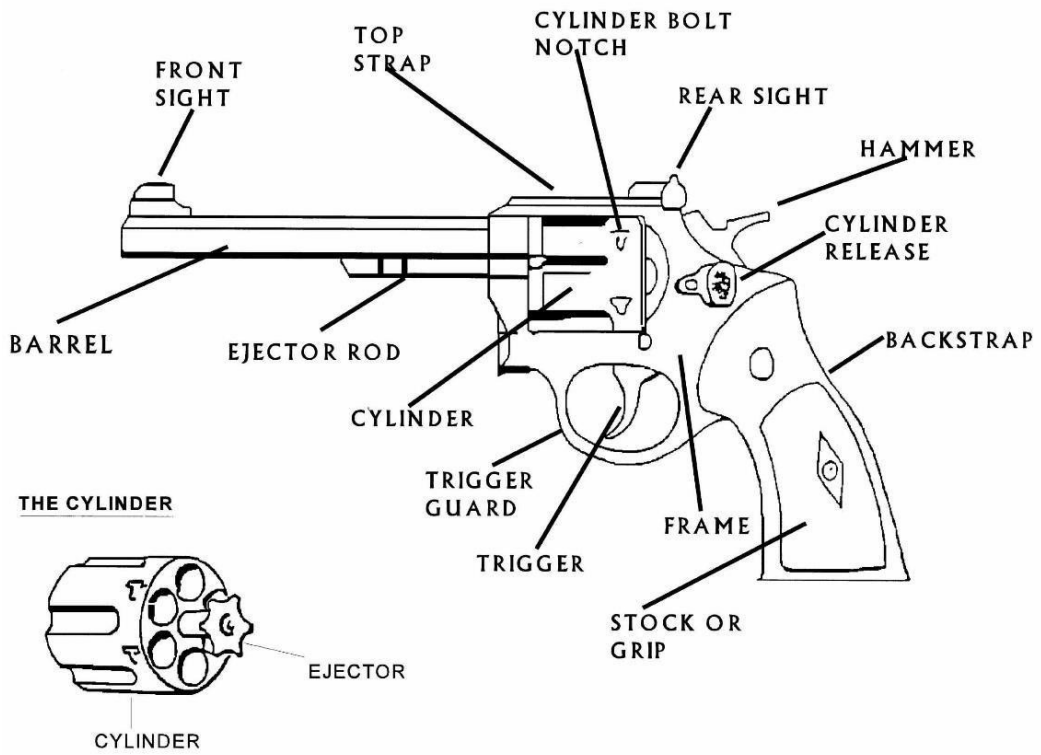
#### **Instructor Explanation:**

Instructors should inform students that while guns vary according to manufacturer and model, the illustrations represent a basic overview that can be applied to all guns.

(2) Revolver and semi-automatic, parts and description. (Instructor Discussion)

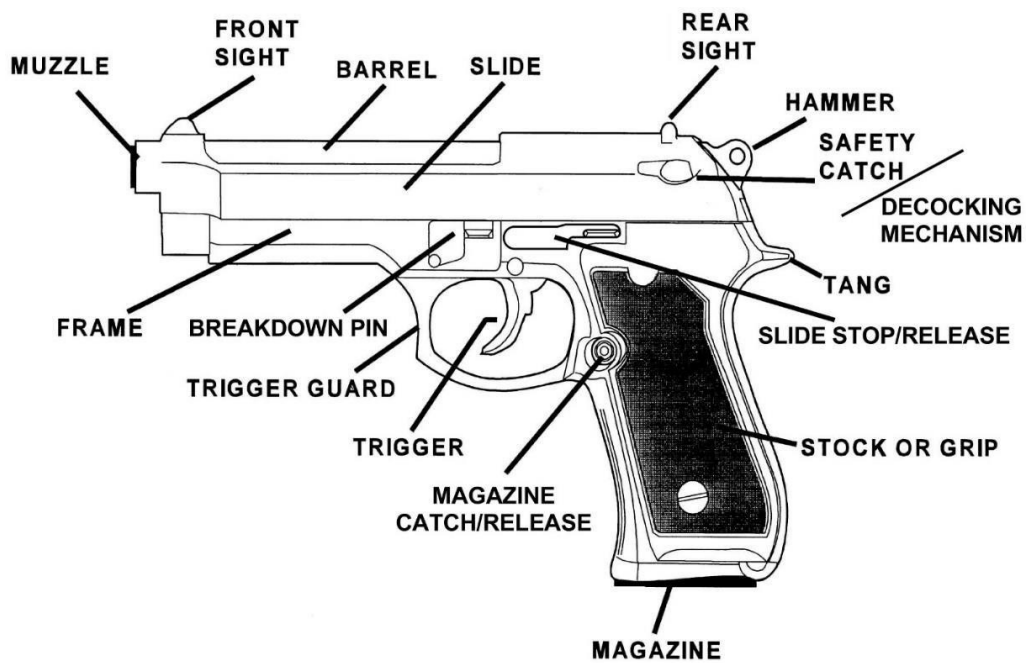
- a. Revolver
  - i. Frame
  - ii. Cylinder
  - iii. Trigger guard
  - iv. Trigger
  - v. Stock or grip
  - vi. Barrel
  - vii. Ejector rod
  - viii. Front sight
  - ix. Top strap
  - x. Rear sight
  - xi. Cylinder bolt notch
  - xii. Hammer
  - xiii. Backstrap
  - xiv. Cylinder release

ILLUSTRATION "A"

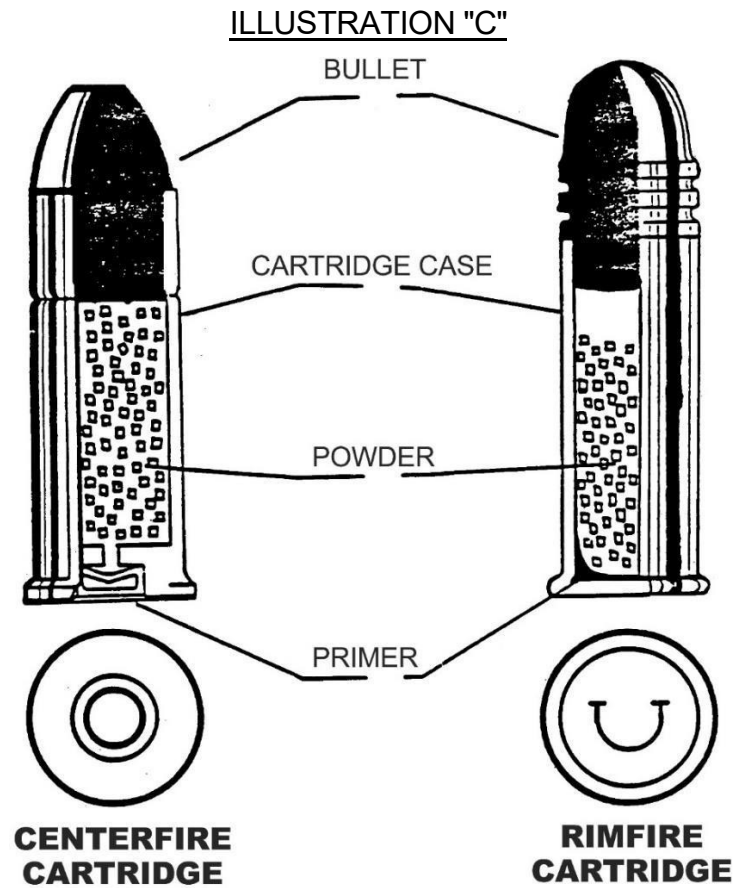


- b. Semi-automatic
  - i. Front sight
  - ii. Muzzle
  - iii. Frame
  - iv. Slide stop
  - v. Trigger guard
  - vi. Trigger
  - vii. Magazine catch/release
  - viii. Magazine
  - ix. Stock or grip
  - x. Hammer
  - xi. Rear site
  - xii. Slide
  - xiii. Barrel
  - xiv. Safety catch/Decocking mechanism
  - xv. Breakdown pin
  - xvi. Tang

ILLUSTRATION "B"



(3) Picture of ammunition with parts identified. (See Illustration C)



(4) Ammunition parts and description. (Instructor Discussion)

Ammunition parts description, altogether known as a cartridge.

- a. Cartridge case
- b. Bullet
- c. Powder
- d. Primer
- e. Explain rifling and identifiable characteristics of fired bullet.

## **B. Firearm Safety, General. (Instructor Directions)**

### **(1) General Safety Rules**

Students are to be instructed to observe all standard safety rules pertaining to firearms. This includes the following:

- a. To treat all firearms as though they are loaded.
- b. To never point a firearm at anyone unless there is a legal justification to shoot.
- c. That semi-automatics eject hot casings, sometimes at high velocity, creating a hazard and distraction. (Discussion)

### **(2) Specific Safety Rules (Range Safety Rules - demonstrate and explain as appropriate)**

Inform students that on the range, strict discipline must be maintained.

Carelessness will not be tolerated. Point out the following: Students are to pay strict attention to the range officer who will provide instruction.

- a. Never anticipate a command. Wait for a command to be announced.
- b. All firearm training must be properly and adequately supervised.
- c. Upon picking up a firearm, render it safe:
  - i. Revolver: Open cylinder and check chambers.
  - ii. Semi-automatic: remove magazine, lock slide to rear and check chamber.
- d. Never give a firearm to, or take a firearm from, anyone unless the action is open.
- e. Before loading a firearm, be sure there are no obstructions in the barrel.
- f. Load only after position is taken at the firing line and the command to load has been given.
- g. Unload when and as instructed.
- h. Keep the firearm pointed down range at all times, when not holstered.
- i. Keep the finger away from the trigger except when ready to fire.
- j. No talking is allowed on the firing line except for instructions to the shooters.
- k. Never permit the muzzle of a firearm to touch the ground.
- l. Never let the hammer down on a live cartridge. Raise free hand to signal instructor.
- m. In case of a misfire, keep the barrel pointed down range and raise free hand to signal instructor.

- n. Never fire a succeeding shot after a malfunction. Keep barrel pointed down range and raise free hand to signal instructor.
- o. Never carry a loaded firearm onto the range or leave the firing line without first unloading the firearm.
- p. Never walk in front of the firing line until it has been cleared and the command is given to go forward.
- q. Never dry fire on the range except under supervision of the instructor.
- r. No one is to be allowed on the firing line except those firing and instructors.
- s. When holstering a firearm, keep your thumb pressed against the hammer

REMEMBER: Students must carefully follow all directions in order to help prevent accidents.

### **(3) Safety at Home and Off Duty (Possible Criminal Prosecution)**

In the home, a firearm must be kept out of the reach of children and inaccessible to curious teenagers. A locked cabinet or drawer provides an acceptable storage place. The higher the storage area, the less likely it is that children will attempt to retrieve it. Should a child gain access to your weapon at home resulting in injury, and you did not take sufficient precautions to secure the weapon, you are subject to criminal prosecution. (PC 25200– 25225)

A firearm should always be kept in the same location when not in use, assuring that adult family members will be able to retrieve it, if needed. Discuss the following methods of storage:

- a. Padlock (shank coated with rubber, padded) through the frame of the firearm
- b. Trigger lock.
- c. Lockable firearm container.

Ammunition must be kept in a safe location away from the handgun. Store the ammunition in a locked and secure metal container in a cool, dry place to prevent deterioration.

### **(4) Transporting the Weapon to the Range**

Firearms are to be transported to the range unloaded in a locked gun container unless carried exposed while in uniform and in route to employer-required range training.

(PC 25540,25505 and 26030(a)(10))

At the range, students must leave their firearms in the gun case until the instructor gives further instruction.

## **(5) Carrying the Weapon on Duty (Transportation of Weapon)**

In a safe area, inspect the firearm and ammunition for defects before going on duty. When on duty, the firearm must remain properly holstered at all times. Do not neutralize the safety features of the holster. Do not remove the firearm to show, compare, or demonstrate the weapon or to threaten with it.

*Note: PC 26030 (a)(10) allows a guard with a BSIS firearms permit and in uniform to carry an exposed loaded firearm while in direct route to and from their residence and place of employment or to employer-required range training. Any clothing worn (e.g., jacket, sweatshirt, etc.) that covers the firearm could be considered by law enforcement as the weapon being concealed.*

### **Instructor Explanation**

Instructors should explain that the exemption for armed guards in PC 26030 (a)(10) is specific to exposed firearms and not concealed firearms. Instructors should reiterate to students the need to practice caution when wearing clothing that could lead a peace officer to believe the firearm is concealed (e.g., wearing a jacket or coat that covers the firearm). This includes the wearing of hoodies, fleeces, vests, etc. If at any point the firearm is covered, the licensee may be in violation of the law and could be criminally cited, which could also lead to a Department of Justice firearms prohibition and revocation of the firearms permit.

## **(6) Suggested eye and ear protective equipment**

If the range instructor does not provide ear and eye protection or if there is a rental charge, students should be informed prior to range instruction.

### **a. Ear Protection**

- i. Hearing loss due to firearms discharge can be permanent and cumulative.
- ii. To prevent hearing loss, students should wear ear protection when shooting.
- iii. Ear protection is designed to reduce the effect of ear damaging sound waves produced by gunshots. It will not eliminate all noise.
- iv. Students must be able to clearly hear all range commands.
- v. Hearing impaired students must be provided with effective alternative method of communications.

### **b. Eye Protection**

- i. Firearm and ammunition systems work at very high pressures, creating hot, high velocity gases and fast-moving particles.
- ii. When there is a failure in the system, the gas and propelled particles of primer, case, powder, or gun can cause severe injury.



- iii. Prevent eye injury by wearing eye protection when shooting.
- iv. Wear only protective lenses or prescription glasses with safety lenses.

## **(7) Inspection, Cleaning and Maintenance**

### a. General Information

When properly maintained, a firearm can be expected to function properly. The firearm should be inspected periodically to determine whether it is in good working condition. It should be inspected before and after shooting and should be cleaned after shooting. During cleaning, the firearm should be thoroughly inspected.

### b. Inspection

#### i. Revolver

##### 1. Screws:

Check the tightness of the screws on the side plate of the handgun, the screw holding the stocks, and all other visible screws.

##### 2. Ejector Rod:

Check the area between the ejector rod and cylinder well into which it fits to determine if it is clean and if the ejector drops neatly into the recess.

Examine the ejector rod to determine if it is bent or marred in any way.

Check it for looseness and tighten if necessary.

##### 3. Firing Pin (those with exposed firing pins):

Check the firing pin for looseness and penetration.

#### ii. Cleaning

1. Under normal conditions, the firearm should be cleaned when it comes in contact with moisture or any possible obstruction such as dirt and dust.

2. The build-up of powder residue, shaved lead, and other debris that occur during shooting can penetrate the action of the firearm and eventually cause mechanical problems.

3. Firearms must be properly lubricated.

4. Firearms should be cleaned after each shooting.

iii. Cleaning Kit

An acceptable gun cleaning kit will include, but is not limited, to:

1. A can of lubricating oil. (NOTE: Never use household oil, as it will collect dust and other particles.)
2. A can of solvent.
3. A bore brush.
4. A bore patch holder.
5. Bore patches.
6. A toothbrush.
7. A small screwdriver.

iv. To Clean the Weapon (Instructor Discussion)

v. Checklist

vi. Use the following checklist as a step-by-step procedure for cleaning the firearm. Instructors should demonstrate these steps by cleaning their own firearm. Each student should practice cleaning their firearm.

1. Make sure the firearm is unloaded.
2. Point barrel downward so that debris does not enter the action.
3. Make sure all screws are tight as they loosen periodically.
4. Use a bore brush and solvent to clean debris from barrel and action.
5. Put a bore patch in the patch holder.
6. Put solvent on the patch.
7. Push the patch through the barrel.
8. Wipe all surfaces with the patch.
9. Check around the barrel and inside top portion of revolver cylinder housing for residue build-up. If any is found, remove using toothbrush.
10. Push patch through the barrel (again).
11. Check barrel for lead deposits. If any are found, remove using bore brush.
12. Clean all solvent off with a clean bore patch.
13. Put oil on a patch and insert patch in holder.
14. Repeat steps (g) and (h) with the oily patch.

## a. APPROPRIATE USE OF FORCE

### Section 1: Legal Standards for Use of Force

#### (1) Statutes and Legal Considerations

Reasonable force in an arrest situation is a degree of force reasonably needed to detain an individual and to protect oneself. See *People v. Garcia* (1969) 274 Cal.App.2d 100.

In *Graham v. Connor*, 490 U.S. 386, (1989), the United States Supreme Court held determining the objective reasonableness for the use of force must be fact-specific, based on the totality of the circumstances confronting the individual at the time the force is used, in addition to Penal Code section 835(a). The reasonableness of a particular use of force must be judged from the perspective of a reasonable person on the scene, rather than with hindsight.

The evaluation should be based on the facts and circumstances confronting the individual without regard to their underlying intent or motivation. While this Graham only applies to peace officers, it still provides a framework for defining reasonable force.

Additionally, in *People v. Curtis* (1969 70 Cal 2d 347), the California Supreme Court held that “a person may use objectively reasonable force to defend life and limb against excessive force.”

When charged with a crime, a defendant is found to have legally acted in self-defense under Penal Code section 197(3), if all of the following are found:

- reasonably believed that they were in **imminent danger** of being killed or suffering bodily injury;
- reasonably believed that the immediate use of force was necessary to defend against that danger; and
- used no more force than was reasonably necessary to defend against that danger.

Danger is considered imminent when there is an **immediate or present threat**. An imminent danger cannot relate to something that may or may not happen in the future. (See California Criminal Jury Instructions (CALCRIM) No. 505.)

#### (2) Licensee and Client Contractual Obligations

As security personnel, you are a representative of your employer. Therefore, any negligence or wrongful acts committed by you may also cause your client to be held responsible. Suits may be brought against you (the security agent) and/or your client.

**EXAMPLE:** A security guard makes a false arrest. The person arrested may file a civil suit for damages against the security agent, his employer, and all of those believed to be responsible which may include the client being held liable.

Even if the civil suit against you (the security personnel) or your employer fails, the action may be costly for you, your employer and your client to defend.

Security personnel who are expected to make citizen's arrests should receive explicit instructions and training on how to do so. Training should make clear the circumstances under which an arrest can be made and the procedure for making it, so as to minimize civil liability.

As security personnel, you should work primarily in a preventive role. Use good judgment and exercise caution when faced with a citizen's arrest situation. Every person must be accountable for their actions. Acts of security personnel in a citizen's arrest situation are easy to defend when good judgment, restraint, and good faith have been used.

### **(3) Civil and Criminal Liability**

#### **Civil Liability**

The responsibility for the things we do, or fail to do, with the possibility of being sued by another, is called civil liability. A court judge may decide whether one party in a lawsuit has damaged another. If damages are due, the court will decide, after a trial, how much money must be paid by one party to another.

Civil liability is the potential non-criminal legal consequences one incurs from the commission or omission of an act. Civil liability is separate from the criminal process and cannot result in a person being arrested or sentenced to jail or prison. Civil judgment may result in a civil trial and one party being ordered by the civil court to pay money to another party for "damages." The process generally involves one party filing a civil suit against another party in a civil court.

**EXAMPLE:** A security guard fatally shoots a fleeing shoplifting suspect in the back. The guard, their employer, and any other person party to the shooting, such as a supervisor, may be subjected to a civil suit for the shooting and wrongful death of the deceased. This means, for example, in a civil trial, the jury may find the guard has deprived the family of the love, comfort, and financial support of the deceased. If the family members win the civil lawsuit, the guard, employer, and other parties responsible for the deadly shooting may be required to pay monetary damages to the family of the deceased.

In the example given above, the guard may be subject to criminal prosecution and a prison sentence *and* subject to a civil lawsuit resulting in the guard being ordered to pay money to the suspect's survivors.

## **Criminal Liability**

Crimes are generally defined in penal statutes of a state, or the ordinances of local cities or counties. All persons are expected to obey these laws. Anyone who violates a criminal law is subject to a fine, and/or a term in jail or prison, depending on the type of crime.

The potential for punishment as a result of violating a criminal law is called criminal liability. Some acts by security personnel for which criminal liability is possible include:

### **INTIMIDATION:**

Threatening physical harm or otherwise frightening people when they do not cooperate or confess to a crime.

### **EXCESSIVE PHYSICAL FORCE:**

Where a citizen's arrest is made, the law allows only the use of physical force that is reasonable or necessary to restrain the suspect if they are resisting, in order to make the arrest. Where more force is used than that which the law allows, the arresting party is said to be using "excessive force" and may be held criminally as well as civilly liable. An example of excessive force is the discharge of a firearm in shooting a suspect in order to protect personal property. By law, deadly force is allowed only to protect lives.

### **USE OF UNAUTHORIZED DEADLY WEAPONS:**

Becoming registered as a security guard DOES NOT entitle a security guard to carry a weapon. Some weapons cannot be carried by security guards, including knives with blades longer than 2 inches or switch-blade knives, brass knuckles, nunchakus, or sawed-off shotguns. Security guards cannot carry a firearm and/or a baton unless they have the additional exposed firearm permit and/or baton certificate. If they carry the firearm concealed, they must also have a concealed weapons permit issued by their local law enforcement agency.

**Proprietary private security officers are unarmed and cannot carry a firearm, a baton, or any deadly weapon.**

### **UNLAWFUL USE OF DEFENSIVE WEAPONS:**

Security guards cannot carry firearms and batons unless authorized by the Bureau. Security guards are allowed to carry an exposed firearm and/or baton only after the security guard completes the Bureau-recognized training and the appropriate permits are issued.

### **FALSE ARREST:**

**MISDEMEANOR ARREST** - a private person making a misdemeanor citizen's arrest may be found criminally liable for a false arrest if the arrest is made and the arresting party did not actually **observe** the suspect commit the misdemeanor in their presence.

**FELONY ARREST** - a private person making a felony citizen's arrest may be found criminally and civilly liable for a false arrest if the arrest is made or caused to be made

by others, and the arresting party does not have **reasonable cause** to believe that the person arrested committed the felony.

**Criminal liability** is the potential for a criminal penalty one incurs for committing a criminal act. This liability may include an arrest and booking, a court trial, a conviction, and sentencing. A sentence may include payment of a fine, a prison sentence, probation or community service, and monetary restitution. An entry is also made on the subject's criminal history record, maintained by the Department of Justice. The parties in a criminal process include the defendant (the accused) and the prosecution (the People of the State of California).

**Example:** A security guard fatally shoots a fleeing shoplifting suspect in the back. The guard may be subject to criminal prosecution for the shooting. The guard may be charged with a crime (such as manslaughter), arrested, booked, and prosecuted in a criminal court, convicted, and sentenced to prison.

**Below is an example of a common interaction that illustrates these liability principles:**

#### **Civil and/or Criminal Liability**

**Example:** A security guard has an interaction with a local activist and the activist attempts to antagonize the security guard and becomes confrontational. A bystander witnesses the interaction, films the interaction between the security guard and the activist, and posts the video on a social media platform. The security guard may be subject to criminal or civil liability, depending on the security guard's conduct and/if any use of force was used, regardless of the guard being antagonized.

## **Section 2: Use of Objectively Reasonable Force**

### **1. Objectively Reasonable Standard**

The goal for the use of force by licensed security agents is to **gain and maintain control of an individual and the situation.**

Security personnel are required to:

- use the type of force objectively reasonable under the totality of the circumstances
- use only the amount of force objectively reasonable to overcome resistance and to gain or maintain control of a subject
- conform to agency policy, federal, and state law

Individuals must rely upon their own judgment to ensure that the amount of force used to gain and/or maintain control of a subject or situation does not exceed what is objectively reasonable under the totality of the circumstances confronting them. *Whenever possible, security personnel should attempt to generate voluntary compliance without resorting to physical force.*

## “Objective Reasonableness”

When balanced against the type and amount of force used, the *Graham* factors used to determine whether an individual’s use of force is **objectively reasonable** are:

- whether the suspect posed an immediate threat to the safety of the public;
- the severity of the crime at issue;
- whether the suspect was actively resisting detention or citizen’s arrest;
- whether the suspect was attempting to evade arrest by flight; and
- split-second judgments during circumstances that are tense, uncertain, and rapidly evolving

Of these factors, the most important is whether the individual poses an ***immediate threat*** to the individual or to the public.

The reasonableness inquiry is not limited to the consideration of those factors alone. Other factors which may determine reasonableness in a use of force incident include:

- whether there was an opportunity to warn about the use of force prior to force being used and, if so, was such a warning given;
- whether there was any assessment by security personnel of the subject’s ability to cease resistance and/or comply with the guard’s commands;
- availability of other reasonable force options;
- number of guards/subjects;
- age, size, and relative strength of guards/subjects;
- specialized knowledge, skills, or abilities of subjects;
- prior contact(s);
- injury or exhaustion of security personnel;
- access to potential weapons;
- environmental factors, including but not limited to lighting, footing, sound conditions, crowds, traffic, and other hazards; and
- whether security personnel have reason to believe that the subject is mentally ill, emotionally disturbed, or under the influence of alcohol or drugs

### **Examples of situations where force *may* be necessary:**

- Which force options would be considered a *reasonable* response?  
Example: A shoplifting subject verbally and physically assaults a security officer with an open hand, it is reasonable to protect yourself with less lethal weapons, and place the subject in custody by using handcuffs.
- What options would be considered *unreasonable*?  
It would be unreasonable to utilize alternative items in the store that may be considered a deadly weapon (common items such as a fire extinguisher) to halt the individual's actions.
- How does *situational awareness* play into this real-time decision-making?  
Situational awareness plays a key role into real-time decision-making. If the officer is unaware of the situation and cannot consistently adapt to a changing and often chaotic environment, they will have a difficult time prevailing in this situation.

## **2. Restraint Techniques and their Implications**

The primary objective of the application of control holds and takedowns is to gain control of a subject. Security personnel must be prepared to use physical force to overcome resistance and gain control of a subject. Once control is obtained, the degree of force used should be reevaluated.

It is illegal and immoral for security personnel to use their authority and position to punish anyone. Also, any time force is used, the security guards subject themselves and their agency to substantial liability.

A **control hold** is a method for physically controlling a subject by manually applying pressure to a particular part of the body until the security personnel has control over the subject. A joint lock is a specific class of a control hold where the technique involves the manipulation of subject's joints in such a way that they reach their maximal degree of motion.

The proper use of a control hold can help security personnel:

- effectively control a subject
- guide a subject in a desired direction
- control a subject when searching **for weapons only**
- control a subject while handcuffing
- prevent escape



Security personnel should be aware of the following when a control hold is used on a subject:

Consideration	Explanation
Direction and control	If a subject resists or does not respond to the control hold, communicate effectively by telling the subject what you want them to do and at the same time applying the proper level of force to gain compliance. Once compliance is achieved, the controlling force should be reevaluated. The force used must be reasonable.
Close proximity of the security guard and the subject	Security personnel are within striking distance of the subject during the use of a control hold and the guard's weapon (if any) may be accessible to the subject. An individual may be able to respond faster through touch than by sight.

A **takedown technique** is a method for taking the subject to the ground in order to control the subject and the situation.

The proper use of a takedown technique may help security personnel:

- defuse a situation
- achieve greater control over a subject
- distract a subject
- control a situation
- reduce the ability of the subject to effectively attack, strike, or escape

Security personnel should be aware of these considerations when a takedown technique is used:

Consideration	Explanation
Close proximity of the security guard and the subject	Guards are within striking distance of the subject during a takedown technique and are vulnerable to attack.
Team takedown	When possible, security personnel should control the arms to prevent the subject from tucking their arms. Communication is important for coordinating control amongst guards.
A single technique may not be adequate to gain complete control of the subject.	Security personnel must be prepared to transition to another technique if the one currently being used is not working.

**Restraint devices**, such as handcuffs, are safety devices for both the security guard and the detainee. Handcuffs inhibit and limit movement, but they do not provide total control.

Security personnel are responsible for their detainees at all times while in custody. All restraint devices are *temporary* restraining devices used to limit a detainee's actions. They do not totally immobilize a subject.

Restraint devices are used to minimize:

- attack on security personnel or others
- escape of the detainee
- destruction or concealment of evidence or contraband
- self-inflicted injury by subject
- combat between detainees

Agency policies may vary regarding the use of different restraint devices. Security personnel should be familiar with their own employer's policies regarding limitations and procedures for using restraining devices.

### 3. **Force Options**

**Force options** are choices available to security personnel in any given situation to overcome resistance, affect a citizen's arrest, prevent escape, gain control of the situation, and in the defense of self and others. Individuals must rely upon their own judgment to ensure the amount of force used to gain and/or maintain control of a subject or situation does not exceed what is objectively reasonable under the totality of the circumstances confronting them.

The various force options are placed into three general categories:

<b>Force Option</b>	<b>Foreseeable Injury</b>
Non-Deadly Force	Force which creates a minimum risk of injury
Intermediate Force	Force which has a significant risk of injury
Deadly Force	Force which has a substantial risk of serious bodily injury/death

The following list includes tools and techniques which are the most common force options available to security personnel, but it is not all-inclusive. Security personnel should recognize that the risk of injury created by a particular force option may vary depending upon how the force option is applied.

- Professional/command presence
- Interpersonal communication techniques/warnings
- Control holds/takedowns/handcuffing
- Chemical agents (i.e. teargas, pepper spray)
- Impact weapons (i.e. batons, tasers)
- Impact projectile weapons (i.e., tasers)
- Firearms

**NOTE:** Security personnel need not apply force options and techniques chronologically. Individuals should select the force option most objectively reasonable given the "totality of the circumstances" once the decision to use force has been made.

There are a number of factors that can affect which force option security personnel should select. The following chart identifies, but is not limited to, some of the most critical factors:

Factor	Considerations
Public and personal safety	<ul style="list-style-type: none"> <li>○ Immediate action required for self-defense or defense of others</li> </ul>
Amount and nature of the resistance which must be overcome, or flight or attempted flight	<ul style="list-style-type: none"> <li>○ Passive noncompliant</li> <li>○ Active resistance</li> <li>○ Assaultive resistance</li> <li>○ Life-threatening resistance</li> </ul>
Presence of a weapon and type of weapon	<ul style="list-style-type: none"> <li>○ Other Weapons</li> <li>○ Firearms</li> </ul>
Seriousness and nature of the offense	<ul style="list-style-type: none"> <li>○ Misdemeanor</li> <li>○ Trespassing</li> <li>○ Robbery</li> </ul>
Characteristics of the subject as compared to the characteristics of the guard	<ul style="list-style-type: none"> <li>○ Size</li> <li>○ Age</li> <li>○ Knowledge of Capabilities</li> </ul>
Availability of assistance	<ul style="list-style-type: none"> <li>○ Number of security personnel</li> <li>○ Available law enforcement</li> <li>○ Distance of responding law enforcement</li> </ul>
Nature and condition of the location and surroundings	<ul style="list-style-type: none"> <li>○ Danger to bystanders</li> <li>○ Availability of weapons</li> <li>○ Environmental conditions</li> </ul>

### Key Considerations

Practical considerations are a key factor in a security agent's choice of force options. Some of the factors to consider are:

- **Distance:** Would a force option be effective at the distance involved?
- **Number of subjects:** Can the force option effectively be used to engage multiple subjects or only a single subject?
- **Subject's mental state or state of intoxication:** Which force options would be effective regarding a subject's apparent mental illness or state of intoxication, possibly resulting in increased pain tolerance, accelerated strength, or inability to communicate with the subject?
- **Subject's physical strength and skill:** Does security personnel have the physical strength and skill to effectively use a force option, compared to the subject's apparent physical strength and skill?
- **Affecting or endangering other people:** What potential effect does a force option have on other security personnel or bystanders at the scene?
- **Time:** Does the guard have time to effectively use a force option?

Security personnel should recognize making transitions between force options can be difficult during stressful and rapidly changing conditions. It is useful for security personnel to practice making such transitions during training. Be prepared to transition to another force option if the one being used appears to be ineffective in controlling the subject or situation.

#### **4. Real-Life Scenarios Including Potential Consequences**

The use of deadly force is the most serious decision an individual may ever have to make. **Deadly force** applied by security personnel is force that creates a substantial risk of causing death or serious bodily injury. The decision to use deadly force to defend against an **imminent threat of death** or serious bodily injury to the individual or to another person is guided by federal case law and California state law.

**Serious bodily harm or injury** means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of any bodily member or organ, a wound requiring extensive suturing, and serious disfigurement. (*Penal Code Section 243(f)(4) effective January 1, 2016.*)

**Reasonable necessity** means that delay in apprehension would create substantial and unreasonable risk to the individual or others possibly resulting in serious physical injury or death.

**Imminent.** A threat of death or serious injury is “imminent” when, based upon the totality of the circumstances, a reasonable individual in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the security guard or another person. Imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed. (*Penal Code Section 835a(e)(2) effective January 1, 2020.*)

According to the law, fear alone does not justify the use of deadly force. The courts have held that:

- A simple statement of fear for your safety is not enough; there must be objective factors to justify your concern.
- It must be objectively reasonable.
- It must be based on the facts and circumstances known to the officer at the time.

Security personnel shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable individual would believe the person does not pose an imminent threat of death or serious bodily injury to the security guard or to another person.

## Section 3: Duty to Intercede

As security personnel are not sworn peace officers, they do not have an obligation to intercede and cannot be held liable for a failure to intercede.

Remember, if you can't prevent an incident, the proper action should be to observe and report. You should:

- Observe *carefully* and
- Report *immediately* to local law enforcement and/or your supervisor.

Actions based on poor judgment can lead to legal problems for both you and your employer. You must, by law, *avoid certain actions*. Legal responsibilities and liabilities that affect you are presented in this section.

### Legal Considerations

Security guards do not have:

- The same job duties as peace officers;
- The same training; or
- The same powers as peace officers, according to the law.

A security guard's duty to intercede is going to be dictated by the contract for services. These duties can range from simply being present to removing trespassers or reacting to crimes and maintaining law and order. Knowing all the responsibilities of the post and understanding what is expected of the security guard will ensure security personnel are acting within the limitations of their position.

Security personnel have the authority to enforce company rules, protect persons and property, remove trespassers, and fulfill whatever duties they are contractually obligated to provide. Security personnel must be educated and aware of any contractual obligations they may have regarding their duty to intercede and/or use of physical contact to remove and/or apprehend a subject. Security personnel must be educated and aware that if they go beyond what is allowable by law and/or outside of the scope of the contract they are serving under, they may be held criminally and/or civilly liable.

## Section 4: Supervisory Responsibilities

### *Incident Reporting Requirements:*

While practices vary among employers, at the very least security personnel must report to their supervisor any incident that results in physical contact, regardless of whether a weapon was involved, or whether an injury resulted from the altercation.

Under Section 7583.2 of the Business and Professions Code, the Bureau requires a written report to be delivered to the Bureau within 7 days of a physical altercation (see below). Failure to do so may result in the suspension or revocation of a license and a fine up to \$5000. Communication with your employer is crucial to ensure that all relevant incidents are reported in a timely manner.

## **Business and Professions Code, Division 3, Chapter 11.5 Private Security Services:**

**7583.2** A person licensed as a private patrol operator shall not do any of the following:

\*\*\*\*\*

(6)

1. Fail to deliver to the director a written report describing the circumstances surrounding the discharge of any firearm, or physical altercation with a member of the public while on duty, by a licensee or any officer, partner, or employee of a licensee while acting within the course and scope of their employment within seven business days after the qualifying incident.
2. The report shall be required only for physical altercations that result in any of the following:
  - i. The arrest of a security guard.
  - ii. The filing of a police report by a member of the public.
  - iii. A member of the public requiring any type of first aid or other medical attention.
  - iv. The discharge, suspension, or reprimand of a security guard by their employer.
  - v. Any physical use of force or violence on any person while on duty.
3. The report shall include, but not be limited to, a description of any injuries or damages incurred, the identity of all participants, and whether a police investigation was conducted. Any report may be investigated by the director to determine if any disciplinary action is necessary.
4. A report shall not be required when a security officer or multiple security officers are requested by hospital staff to assist in restraining a patient by either holding the patient or limiting the movement of the patient for medical or mental health reasons.

(7) Fail to notify the bureau in writing and within 30 days that a manager previously qualified pursuant to this chapter is no longer connected with the licensee.

(8) Fail to administer to each registered employee of the licensee, the review or practice training required by subdivision (e) of Section 7583.6.

*(Amended by Stats. 2022, Ch. 287, Sec. 17. (AB 2515) Effective January 1, 2023.)*

### **Section 5: Use of Force Review and Analysis**

The immediate threat to the safety of security personnel or others is the most significant factor in determining reasonableness. The subject's actions and the practical considerations involved in a situation are major factors in determining the type of force the guard may lawfully use in order to gain or maintain control of the subject or the situation.

The following chart illustrates how a subject's resistance/actions can correlate to the force applied by a guard:

Subject's Actions	Description	Possible Force Option
<b>Compliant</b>	Subject offers no resistance	<ul style="list-style-type: none"> <li>○ Mere professional appearance</li> <li>○ Nonverbal actions</li> <li>○ Verbal requests and commands</li> <li>○ Handcuffing and control holds</li> </ul>
<b>Passive Non-Compliant</b>	Does not respond to verbal commands but also offers no physical form of resistance	<ul style="list-style-type: none"> <li>○ Security personnel's strength to take physical control, including lifting/carrying</li> <li>○ Proper level of force using control holds, takedowns and techniques to direct movement or immobilize a subject</li> </ul>
<b>Actively Resistant</b>	Physically evasive movements to defeat a guard's attempt at control, including bracing, tensing, running away, or verbally or physically signaling an intention to avoid or prevent being taken into or retained in custody	<ul style="list-style-type: none"> <li>○ Control holds and techniques to control the subject and situation</li> <li>○ Use of personal body weapons to gain an advantage over the subject</li> </ul>
<b>Assaultive</b>	Aggressive or combative; attempting to assault security personnel or another person, verbally or physically displays an intention to assault security personnel or another person	<ul style="list-style-type: none"> <li>○ Use of devices and/or techniques to secure compliance and ultimately gain control of the situation</li> <li>○ Use of personal body weapons in self-defense and to gain an advantage over the subject</li> </ul>
<b>Life-Threatening</b>	Any action likely to result in serious bodily injury or death of others	<ul style="list-style-type: none"> <li>○ Utilizing firearms or any other available weapon or action in defense of self and others to stop the threat</li> </ul>

Individuals must consider the *totality of the circumstances* when selecting a force option. It is not the intent of this chart to imply that security personnel's force options are limited based on any single factor. Security personnel must use the force option(s) appropriate for the situation as conditions may change rapidly. Individuals must continually reevaluate the subject's actions and the practical considerations involved in the situation and must be prepared to transition as needed to the appropriate force options (de-escalate or

escalate), so as to always remain within the bounds of conduct which is objectively reasonable under the circumstances.

## Key Considerations

Practical considerations are a key factor in a security agent's choice of force options.

Some of the factors to consider are:

- **Distance:** Would a force option be effective at the distance involved?
- **Number of subjects:** Can the force option effectively be used to engage multiple subjects or only a single subject?
- **Subject's mental state or state of intoxication:** Which force options would be effective regarding a subject's apparent mental illness or state of intoxication, possibly resulting in increased pain tolerance, accelerated strength, or inability to communicate with the subject?
- **Subject's physical strength and skill:** Does security personnel have the physical strength and skill to effectively use a force option, compared to the subject's apparent physical strength and skill?
- **Affecting or endangering other people:** What potential effect does a force option have on other security personnel or bystanders at the scene?
- **Time:** Does the guard have time to effectively use a force option?

Security personnel should recognize that making transitions between force options can be difficult during stressful and rapidly changing conditions. It is useful for security personnel to practice making such transitions during training. Be prepared to transition to another force option if the one being used appears to be ineffective in controlling the subject or situation.

Private security professionals may use that force reasonably believed to be necessary to:

- Defend themselves or another person;
- Protect their employer's property; or
- Make a citizen's arrest or prevent an escape after making a citizen's arrest.

Reasonable force is that degree of force that is:

- not excessive; and
- appropriate in protecting oneself or one's property.

If a suspect submits willingly, no force is necessary. If a suspect does resist arrest, remember that the only force allowed is that which is reasonable and necessary to overcome the resistance.

## Real-Life Scenarios

**Example:** You receive a call to respond to a closed business regarding a suspicious subject seen loitering behind the business. Upon arrival, you see a male subject pacing back and forth by the rear of the building. When you approach the subject, he is mumbling



incoherently and does not respond to your questions. As you try and engage the subject, he suddenly starts shouting and pushes you away. It is obvious that the subject is either having a mental health issue or is on drugs or alcohol. You maintain a safe distance and request assistance from law enforcement.

Example: While engaging a trespasser on your client's property the subject pulls an object out of their pocket that looks like it could be a knife or a tool of some sort. You are approximately 20 feet away and can't identify the object. What force option would seem appropriate at this stage? What force option is appropriate if the subject begins to move in your general direction?

## **Section 6: De-escalation and Interpersonal Communication Training**

### **(1) Common Misconceptions and Benefits of De-Escalation**

Security personnel must understand how the principles of de-escalation can enhance contacts with the public and result in improved decision-making, reduction in situational intensity, and opportunities for outcomes with greater voluntary compliance.

De-escalation is the process of using strategies and techniques intended to decrease the intensity of the situation.

Common misconceptions of de-escalation include, but are not limited to:

- If security personnel use force, that means they failed to de-escalate.
- Security personnel are losing control at the scene.
- Security personnel are letting their guard down.
- De-escalation is too difficult to apply in rapidly changing situations.

Benefits of the practice of de-escalation include, but are not limited to:

- Positive impact on public trust and professional image
- Reduced danger to security personnel and the public
- Positive impact on individual wellness

### **(2) Four Concepts of De-Escalation**

Security personnel should attempt to recognize the public's physical and psychological reactions to situations, as well as their own physical and psychological reactions to situations. Tactics and techniques may assist in decreasing the situational intensity of a situation and gain voluntary compliance.

- a. **Self-control** – understanding of physical and psychological reactions of the public and security personnel may assist in maintaining self-control.
- b. **Effective communication** – clear commands and questions, good observation and listening skills, and appropriate terminology will enhance the likelihood of success.

*Interpersonal Communication Training:*

Effective communication is a basic element of the use of force. A major goal of communication is to gain voluntary compliance without resorting to physical force. The use of de-escalation communication can aid in diffusing a potentially volatile incident and avoid the need to use force against an individual.

When feasible, security personnel should approach a situation with the intent to de-escalate and consider the value of establishing time and distance in a confrontation where a use of force may be inherent. Strategic communication is the use of verbal and non-verbal techniques to aid in controlling a situation and enhancing personal and community safety.

Security personnel should communicate and endeavor to persuade, advise, and provide clear instructions and warnings when safe and feasible to do so. Consider the use of non-verbal methods to communicate when verbal directions may not be appropriate. This may include situations involving language barriers, or when people are unable to hear or understand verbal commands.

Some of the benefits of strategic communication may be, but are not limited to:

- De-escalation
- Maintaining personal and community safety
- Gaining voluntary compliance
- Building rapport
- Decreasing citizen complaints

**Remember** – there are two ways to communicate a message:

<b>Professional</b>	<b>Unprofessional</b>
<ul style="list-style-type: none"><li>○ Be flexible enough to look beyond your perspective and be empathetic</li><li>○ Always use your language as if you had an audience</li></ul>	<ul style="list-style-type: none"><li>○ The unprofessional use of language designed to escalate the situation</li><li>○ Not knowing your audience</li><li>○ Antagonistic/sarcastic reactions</li></ul>

Security personnel may need to deal with persons who are angry or upset or verbally lash out. Instead of responding in kind, individuals should deflect or redirect the conversation in a more positive direction.

This can be done with the use of **verbal deflectors**. The key to using verbal deflectors is to deflect the comment, then to immediately add “but” or “however.”

Some examples of verbal deflectors are:

- “Appreciate that, but...”
- “I understand that, but...”
- “I got that, however...”
- “Maybe so, but...”

- “I hear that, however...”

Verbal deflectors allow security personnel to focus on the issue and not the attitude. The phrase also acknowledges the other person’s concerns.

- c. **Scene assessment and management** – when possible, provides security personnel with an accurate picture of what is occurring and assists in the management of force options.
- d. **Force options** – reasonable use of force techniques may reduce the situational intensity for the safety of all parties.

Voluntary compliance requires clearly communicated instructions using de-escalation techniques. There can be many public safety issues when attempting to use de-escalation techniques. Remember the importance of voice, neutrality, trustworthiness, and respect.

### **Real-Life Scenarios**

Although rapidly evolving and/or violent incidents may not allow individuals to “slow things down,” using the time when safe and practical to do so may aid in reducing the intensity of the situation. Although there are situations where guards cannot delay in acting, many can be handled safely and effectively by allowing more time to transpire.

These strategies and techniques to de-escalate a situation may affect security guard safety, situational awareness, and tactical repositioning:

**Creating distance** may calm an irate individual and help reduce the person’s intensity. But if doing so poses a loss of situational control, or personal or public safety are further jeopardized, then adding distance may be counterproductive to achieving a positive outcome.

**Situational awareness** is a critical consideration in de-escalation. Recognizing what may be an immediate threat, seeing people or items causing agitation to a violent suspect, or understanding how some stimuli are altering behavior can aid security personnel in responding well to an incident.

**Tactical repositioning** is often utilized for security personnel safety and it can also be considered as a de-escalation technique. An employee being less, or more, visible can affect the actions of others. The vantage points from which security personnel observe must provide for personal safety. Different positions may also direct someone’s attention elsewhere, draw them away from threats, and/or help de-escalate a situation.

**Gaining useful information** prior to arriving at an incident and continuing to update it during the interaction may assist security personnel with a better understanding, while possibly providing additional solutions not recognized without the information.

**Example:**

- Knowing a despondent person's child recently died would be helpful to an individual trying to assist them.
- Information on past security or law enforcement contacts with the individual.
- Gathering information on medications or medical issues of the individual.
- Contacting a family member
- Assess whether the action has the desired effect.
- If the action has the desired effect, is there anything more that can be done?
- Review what lessons can be learned following the conclusion of contacting family members for additional information on the individual.

When documenting incidents where de-escalation techniques are utilized, security personnel should include specific words spoken and suspect actions taken and not taken. The documentation should provide a clear understanding of what the security guard was facing, the actions taken, the observations made, and other important facts related to the actions of all individuals on the scene.

**Using communication/verbal deflection to de-escalate**

**Example:** A security guard is working on the premises of a local homeowner's association (HOA) when an individual at the main gate is demanding to be let into the community but does not have the proper access information. The individual attempts to reason with the security officer, claiming "I know you recognize me, my dad lives in unit 30." The security officer declines, and the individual grows agitated. The officer deflects the individual's remarks and avoids escalation by explaining to the individual that guests are not permitted without the proper access information and that as the security officer, there is a responsibility to enforce the rules and unfortunately that means not allowing access without the proper access information.

**Using distance/tactical repositioning/time to de-escalate**

**Example:** While patrolling a busy parking lot, a security guard encounters an impaired individual who appears to be suffering from a mental health crisis. Before the guard can make contact with the individual, the subject sees the guard and begins screaming and wielding a large stick. The guard retreats to a safe distance placing themselves between the subject and the patrons who are walking through the parking lot. The guard maintains a visual on the subject from a safe distance and calls police.

## Section 7: Implicit and Explicit Bias and Cultural Competency

Cultural competency is a continuous learning process that includes addressing and understanding implicit and explicit bias. Cultural competency is a set of demonstrable characteristics and skills, that enable and improve security personnel's ability to understand, communicate, and effectively interact with people across cultures, in addition to improving job efficiency and performance.

Cultural competence improves interactions with people of various cultures and can enhance community trust, improve safety, and reduce confrontation. Security personnel need to recognize and respect the complexities of cultural diversity to develop the skills necessary for identifying and responding to California's changing communities.

### (1) Definitions

<b>Implicit Bias</b>	Unconscious thoughts and feelings about people that may influence actions.
<b>Explicit Bias</b>	Conscious thoughts and feelings that influence perceptions, decisions, and actions.
<b>Cultural Competency</b>	<u>An awareness of cultural differences and the ability to provide security services in a manner that acknowledges such differences.</u> The ability to understand, appreciate, and interact with persons from cultures and/or belief systems other than one's own. An ability to recover from inevitable cultural collisions, inclusive decision-making, cross-cultural communications skills, inclusive beliefs and values, awareness of personal biases and stereotypes, and emotional intelligence.

The components of bias include:

- stereotypes (cognitive)
- prejudice (affective)
- discrimination (behavioral)

*Implicit bias* is a preference (positive or negative) for a social category that operates outside of awareness. We can think of implicit bias as a lens through which we view the world.

- Implicit biases are common
- People are often unaware of their implicit biases
- Implicit biases predict behavior
- People differ in levels of implicit bias

Personal awareness and introspection are prime strategies towards reducing implicit bias in decision-making.

### *Perceptions and Stereotypes:*

Individuals are not born with set opinions or perceptions. Instead, they develop these based on many different sources and influences throughout their lifetimes. Recognizing these sources and influences can help an individual differentiate between rational and irrational opinions or perceptions of individuals with differing cultural backgrounds.

All individuals develop perceptions, feelings, biases, and thoughts regarding their culture and the culture of others. These perceptions are neither right nor wrong. A common belief is, *one's perception is one's reality*.

A **stereotype** is a preconceived or oversimplified generalization involving negative or positive beliefs about another group. When an individual is stereotyped, that person is perceived as having specific behavioral traits and abilities.

Stereotypes can be based on a number of factors including, but not limited to:

- nationality
- ethnicity
- race
- gender
- sexual orientation and gender identity
- socioeconomic status
- age
- physical ability

Stereotyping can mean not only *ascribing differences* to other groups but can also result in *making a judgment* (positive or negative) based on those perceived differences.

Security personnel must be aware of their own biases and stereotypes regarding the communities and individuals they serve. Relying on biases can potentially lead to:

- developing a lower level of tolerance to individual behavior
- forming conclusions before getting to a scene
- decreasing an individual's objectivity concerning the facts of a case
- potential development of unsafe situations (escalation of non-hostile situations)
- negative expectations becoming self-fulfilling prophecies
- inappropriate security personnel behavior

### *Prejudice and Discrimination:*

Any preconceived notions, whether positive or negative, about a cultural or ethnic group formed before the facts are known can lead to acts of discrimination.

Prejudice is a prejudgment or point of view about a person or group of individuals that is usually formed before the facts are known.

Prejudice is a:

- process, not a static attitude
- *learned* attitude
- way of thinking about others that may be based on:
  - misconceptions
  - misunderstandings
  - inflexible generalizations

One of the deepest and therefore most dangerous forms of prejudice is subconscious prejudice. Individuals may have been conditioned by such beliefs to the point that their prejudice causes them to act out in a hostile and potentially dangerous way.

**Discrimination** is an *action or behavior* that is prompted or based on prejudiced thought. It includes differential treatment based on an unsubstantiated or unfair categorization.

Because a *prejudice is a thought*, it is private and is not a violation of the law.

A prejudicial thought that is acted upon, consciously or unconsciously, may lead to discrimination. Behaviors or acts of discrimination can be unlawful.

*Strategies for Effective Communication within a Diverse Community:*

Security personnel must demonstrate active listening and excellent decision-making skills. It is each individual's responsibility to treat everyone with respect and integrity no matter what their race, creed, or religion. It is not enough to accept differences; we must understand differences are to be valued and celebrated for the rich contributions they provide to our society.

**Culture** is a broadly used term that refers to a complex group of shared characteristics including beliefs, values, ways of thinking, behaviors, customs, or traditions. Culture is *learned* and can be passed from one generation to the next. Culture can be interpreted broadly, encompassing large groups of people from specific geographic or regional areas (e.g. Californians, New Yorkers, Midwesterners, etc.) or national origins (e.g. Mexicans, Germans, Japanese, Italians, etc.).

**NOTE:** Even though a person identifies with a cultural or ethnic group, no one person represents the views or behaviors of an entire group. This is because everyone is a member of many groups based on many different factors (e.g. gender, religion, occupation, sexual orientation and gender identity, etc.)

Identifying with a cultural or ethnic group can elicit strong feelings of pride, shared beliefs, values, or history. It can provide individuals with "roots" that help maintain a personal identity within a diverse or quickly changing community or environment.

**Cultural diversity** is defined as the existence of variations of different characteristics in a group of people including race, color, ethnicity, age, disability, gender, gender identity or expression, nationality, religion, socioeconomic status, and sexual orientation.

Varying dimensions of diversity exist among members of the same cultural group. These variations can include, but are not limited to:

- generational differences (i.e. first, second, third generation)
- economic differences
- differing levels of education
- varying religious beliefs
- work experience and backgrounds
- age differences
- physical or developmental disabilities of members within the community

In addition, a primary goal of security personnel in their duty to “observe and report” is to obtain complete and accurate information in a safe manner. Security personnel’s conduct and actions when first making contact with an individual with a different cultural background, can serve to either enhance or hinder this process.

Developing appropriate contact and communication skills can:

- improve the quality of the information gathered from the individual
- enhance cooperation of the individual and other members of the community
- increase security personnel confidence and professionalism
- demonstrate a caring attitude
- enhance safety

### **Inappropriate Verbal Communication**

Certain forms of communication can contribute to a negative response from a cross-cultural community and must be avoided.

The following table identifies a number of these:

<b>Use of...</b>	<b>by security personnel can...</b>
profanity	<ul style="list-style-type: none"> <li>○ have a negative effect on the professional image of the guard.</li> </ul>
derogatory or offensive terminology	<ul style="list-style-type: none"> <li>○ detract from professional effectiveness.</li> <li>○ make individuals reluctant to cooperate.</li> <li>○ demonstrate a lack of cultural, racial, or ethnic awareness.</li> <li>○ indicate a lack of sensitivity for the feelings of others.</li> </ul>
legal or technical jargon	<ul style="list-style-type: none"> <li>○ cause confusion and mistrust.</li> <li>○ be demeaning to the individual.</li> </ul>



When attempting to communicate with an individual who speaks little English or for whom English is a second language, security personnel should:

- be patient
- speak slowly and clearly
- speak at a normal volume (Speaking louder will not help comprehension.)
- face the person they are addressing (even when using a translator)
- use short, simple sentences
- pause frequently
- allow enough time for the person to formulate responses
- repeat statements or questions in different ways, if necessary
- use gestures, actions, or written text to aid understanding
- provide feedback and encouragement
- summarize what the individual is saying to check comprehension

*Active Listening:*

Communication involves not only speaking but also listening. In times of stress and when interacting with an individual with limited skills in the English language, taking the time and effort to actively listen is even more critical.

**Active listening** involves deliberate and conscious concentration on the part of the listener on:

- what is being said
- how it is being said
- why it is being said

**NOTE:** Active listening on the part of security personnel also aids in ensuring safety, as it requires them to become more aware of the individual with whom they are interacting. The following table identifies the four primary steps of active listening.

<b>Step</b>	<b>Action</b>
<b>1</b>	○ Remain open-minded, unbiased, and ethical
<b>2</b>	○ <i>Listen</i> carefully to the context of the message ○ Ask the individual to slow down or repeat the message if necessary
<b>3</b>	○ Interpret the message by considering how and why it was said. ○ The meaning may not be only in the words that were said but in the nonverbal communication
<b>4</b>	○ Act appropriately

## Nonverbal Communication:

In a situation involving cross-cultural communication, nonverbal communication can constitute an even greater role than it does with individuals with the same cultural background. It is also an area where variations in meaning can be the greatest.

The following table identifies factors for consideration regarding one's own and another individual's nonverbal messages, which may also compromise safety.

<b>Element</b>	<b>Consideration</b>	<b>Example</b>
Gestures	<ul style="list-style-type: none"><li>○ Many common gestures could be offensive to individuals from other cultural backgrounds.</li></ul>	<ul style="list-style-type: none"><li>○ Signaling a person to "come here" using a hand signal with the back of the hand up can be insulting to some Asian and Latin Americans.</li></ul>
Facial expressions	<ul style="list-style-type: none"><li>○ Facial expressions may have very different meanings depending on the cultural background of the individual.</li></ul>	<ul style="list-style-type: none"><li>○ In some cultures, individuals respond to loss of face or shame by smiling.</li></ul>
Body positioning	<ul style="list-style-type: none"><li>○ The amount of space or "comfort zone" between individuals can vary depending on acceptable practices of different cultural groups.</li><li>○ Security personnel should be aware of their body language.</li></ul>	<ul style="list-style-type: none"><li>○ Individuals from a Middle Eastern culture may attempt to move closer when speaking with security personnel.</li><li>○ Crossing your arms or looking at your watch could imply you don't care.</li></ul>
Eye contact	<ul style="list-style-type: none"><li>○ It may be disrespectful in some cultures to maintain direct eye contact with an authority figure.</li></ul>	<ul style="list-style-type: none"><li>○ In certain Asian cultures, children are taught to look down when being spoken to by an adult.</li></ul>

**NOTE:** Although the examples given in the above table all pertain to cultural groupings based on ethnicity, security personnel should be aware that nonverbal communication can vary based on numerous other factors (e.g. religion, gender, developmental disabilities such as autism, etc).

### *General Guidelines:*

Security personnel must recognize one of the most reliable strategies for successful contacts with individuals from differing cultural, racial, or ethnic backgrounds is to treat all individuals and groups with dignity and respect.

Effective contacts with members of differing cultural groups cannot be reduced to a “recipe-style” approach. Security guards should remain ethical and apply professional behaviors consistently with all members of the community. Generalizations can be proven erroneous and therefore counterproductive.

### **Real-Life Scenarios**

The impact of implicit (unconscious) bias – re: gender, age, ethnicity, etc.

Example: A few teenage boys are at a shopping mall and seem to be causing a disturbance (making loud remarks and running in the mall). A security officer believes he saw one of the boys place an item in his pocket without paying and has been agitated by the boys and their disturbance and thus takes the boy away from his group for questioning and finds that he did not take anything. The boy’s mother found out about the incident when he returned home and wants to take legal action against the security company. The security guard must be aware of any implicit bias that may impact the security guard or their company.

## **Section 8: Skills Including De-Escalation Techniques to Interact with People with Disabilities or Behavioral Health Issues**

The Americans with Disabilities Act (ADA) was enacted to ensure people with disabilities are provided equal opportunity and access to services. Learning the behavior signs and indicators of various special conditions can assist security personnel in identifying the proper intervention to bring the situation to a quick and safe conclusion.

Although it is not the role of or within the capability of security personnel to attempt to diagnose a person’s disability or medical condition, security personnel need to recognize cues and other indicators to make appropriate decisions regarding intervention strategies. In order to reduce stigma, security personnel should avoid prejudging the contact and remain aware of an underlying disability. It is the responsibility of all security personnel to treat everyone with respect and integrity no matter what their disability, race, creed, gender identity, or religion.

To the extent possible, security personnel should observe the behavior exhibited by the person in an effort to determine *what is happening* and *what might be prompting the observed behavior*.

A disability is a functional limitation. People with disabilities are capable of committing crimes. They are not relieved from their obligation to obey the law. Although the individual may have a disability, that individual may still be capable of injuring security personnel or the public.

## Strategies for Identifying and Effectively Communicating and De-escalating a Situation with an Individual with a Disability or Behavioral Health Issues

“Disability” means a mental or physical disability and has the meanings set forth in Sections 12926 and 12926.1 of the Government Code. Additionally, a mental disability can be any condition of the mind that has a long-term effect on a person’s normal day-to-day activity.

**Intellectual/developmental disabilities** originate before adulthood and continue throughout the person’s lifetime (this is *not* the same as mental illness). Some examples include, but are not limited to, autism spectrum disorder, cerebral palsy, attention-deficit/hyperactivity disorder (ADHD), Tourette’s syndrome, and Down syndrome.

A person’s ability to communicate, comprehend, move about, and generally interact within the community depends on the nature and severity of the disability. Depending on that individual’s specific abilities and needs, standard procedures may have to be adjusted when security personnel interact with people with developmental disabilities.

The behavior of a person with a developmental disability can be misinterpreted by the reporting party and by responding individuals. If possible, security personnel should take time to observe the behaviors exhibited by the person in an effort to determine possible reasons for the person’s behavior.

**Example:** A person with cerebral palsy may have slow and/or slurred speech, move with jerky motions, or have an erratic gait. At first observation, it might be falsely assumed that the person is under the influence of alcohol or drugs.

The course of action during a field contact with a person affected by intellectual disability will depend on that individual’s mental capacity. The following table identifies numerous guidelines:

<b>Process</b>	<b>Guidelines</b>
<b>Initial Contact</b>	<ul style="list-style-type: none"><li>○ Approach in a calm and respectful manner</li><li>○ Be patient</li><li>○ Use simple language and ask short open-ended questions</li><li>○ Speak slowly and clearly in a normal tone of voice</li><li>○ Do not exaggerate inflections or speak louder than normal</li><li>○ Proceed slowly; allow the individual to set the pace</li><li>○ Give praise and encouragement</li></ul>
<b>Instructions or Commands</b>	<ul style="list-style-type: none"><li>○ Give specific instructions</li><li>○ Verify the individual understands by repeating back information</li><li>○ Refrain from giving more than one command at a time</li></ul>

<b>Evaluation</b>	<p>Recognize cues that could identify possible causes for a behavior:</p> <ul style="list-style-type: none"> <li>○ Is the person exhibiting behaviors characteristic of a physical or developmental disability?</li> <li>○ Is the person exhibiting behaviors characteristic of a mental illness?</li> <li>○ Is the person under the apparent influence of alcohol or drugs?</li> <li>○ If under the apparent influence of drugs, is it the result of illegal abuse or a reaction to prescribed medications?</li> </ul>
<b>Assessment</b>	<p>Do not automatically assume or dismiss criminal activity and safety concerns based on the individual's behavior.</p> <p>Look for:</p> <ul style="list-style-type: none"> <li>○ subtle behavioral cues of impairments (e.g., slow thought process, difficulty speaking, confusion, not responding to questions, etc.)</li> </ul>
<b>Questioning</b>	<ul style="list-style-type: none"> <li>○ Allow plenty of time for the individual to respond</li> <li>○ If the individual does not understand, rephrase the questions using simpler terms</li> <li>○ Ask for simple and clear descriptions (e.g., colors, clothing, etc.)</li> <li>○ Ask open-ended questions</li> <li>○ Avoid questions regarding time or complex sequences</li> <li>○ Avoid questions that deal with abstract ideas (e.g., "Why do you think he did that?")</li> <li>○ Avoid questions that tell the person the answer that is expected (e.g., "You saw him take the purse, didn't you?")</li> </ul> <p><b>NOTE:</b> Security personnel should be aware that the individual may attempt to answer questions in a way that would please the questioner rather than to communicate factual information.</p>
<b>Information Gathering</b>	<p>Gather additional information regarding the person's condition from:</p> <ul style="list-style-type: none"> <li>○ bystanders who may have observed the person's behavior over a span of time</li> <li>○ family members or acquaintances</li> <li>○ other forms of information that a person may carry (e.g., special ID cards in wallets, etc.)</li> </ul>

*Physical Disabilities and Strategies:*

In order to make appropriate decisions and serve those with physical disabilities, security personnel must be able to recognize indicators of people with physical disabilities.

Limitations can include but not be limited to:

- deaf or hard of hearing
- visual impairment
- neurologically based disorders (e.g., dementia, brain or spinal cord injury, etc.)
- other physical impairments (e.g., amputation, injury, etc.)

The success of contact with a person who is affected by a disability is often determined by the security personnel's conduct during the first moments of an encounter.

Gather additional information regarding the person's condition from:

- bystanders who may have observed the person's behavior over a span of time
- family members or acquaintances
- medical alert bracelets or necklaces
- other forms of medical alert information that person may carry

### Mobility Equipment and Devices

When making any contact with a person using a mobility aid, security personnel must always be aware of their personal safety and the safety of others. It is important to remember that even though the person may be disabled, that person may be capable of injuring others.

Security personnel should consider any piece of mobility equipment as an extension of the person. Such devices should be searched at the same time the person is being searched. These devices may be used to conceal/smuggle contraband and weapons.

Security personnel should also consider devices that can extend the reach of the individual and take these devices into consideration when establishing a safety zone (e.g., canes, crutches, etc.).

People with physical disabilities may use several types of aids for mobility. These aids can include canes, crutches, walkers, braces, prostheses, motorized scooters, manual or motorized wheelchairs, service dogs, and personal attendants. People with severe spinal cord injuries may also use mobile respiratory devices or other equipment necessary for bodily support.

### Blindness or Visual Impairments and Strategies

**Visual impairments** include all conditions limiting sight. Approximately 80 percent of all individuals who are **legally blind** have some usable vision. Legally blind is defined as visual acuity of 20/200 or less in the better-seeing eye with best conventional correction or having a visual field (the total area an individual can see without moving the eyes from side to side) of 20 degrees or less (also called tunnel vision) in the better-seeing eye. The degree to which a person's mobility is affected depends on that person's visual impairment.

There are several guidelines for officers when interacting with a person who is visually impaired. These include, but are not limited to, the following:

Actions	Additional Information
<b>Communication</b>	<ul style="list-style-type: none"> <li>○ Talk directly to the person, not through an intermediary</li> <li>○ Speak clearly in a normal voice and volume</li> <li>○ Give detailed descriptions</li> <li>○ Attempt to describe visual scenes vividly</li> <li>○ Advise the person first before leaving the room or area</li> <li>○ End any conversation in such a manner that the person knows the other person is leaving</li> </ul>
<b>Assessment</b>	<ul style="list-style-type: none"> <li>○ Do not immediately assume criminal activity based on the individual's behaviors</li> <li>○ Look for: assistance devices (e.g., cane, hearing aid, service dog, etc.), obvious behavioral cues of impairments (e.g., tremors, hand signals, difficulty speaking, unsteady gait, etc.)               <ul style="list-style-type: none"> <li>○ subtle behavioral cues of impairments (e.g., slow thought process, confusion, not responding to questions, etc.)</li> </ul> </li> </ul>

Service animals provide assistance with routine tasks. By law, a service animal must be allowed to accompany the individual anywhere the individual goes (with the exception of some animal parks and zoos). Some service animals are protective of their owners. Security guards should convey any actions to the animal's owner first so the owner can caution or calm the animal if necessary. Care should be taken not to separate the animal from its owner.

### **Deaf or Hard of Hearing and Strategies**

The term **deaf or hard of hearing** means a substantial or complete loss of hearing. The ability to rapidly identify and properly treat people who are deaf or hard of hearing will enhance guards' abilities to accomplish their duties in a professional manner.

People who are deaf or hard of hearing often are concerned or even fearful about contact with uniformed officials. They may be concerned that they will be misunderstood by and perhaps be:

- arrested or shot for not responding to commands
- mistaken for being under the influence of alcohol or drugs
- perceived as uncooperative or disrespectful
- appear to be anxious or confused because of an inability to communicate

Security personnel must be aware of the fact that if a person does not answer a question or obey a command or instruction, they may not be refusing to cooperate. If the person is deaf or hard of hearing, they may not hear the guard or even been aware of the guard's presence.

People who are deaf or hard of hearing may use a number of different means of communicating. Some may use speech while others use a combination of speech and sign language. Some deaf or hard-of-hearing people may have learned to speak through unconventional methods. Their speech may sound unclear or unintelligible at first. Security personnel should not confuse their speech as a symptom of intoxication.

The most commonly used form of communicating with a person who is deaf or hard of hearing is through writing. The following list suggests a number of ways security guards can use this method to their advantage:

- Offer the person paper and pencil rather than waiting for the person to retrieve their own. This shows that the guard understands, and also precludes the person from reaching into unseen areas.
- Use simple and concise language and brief sentences to inform the person of the reason for being stopped, questioned, detained, or arrested.
- Be patient and allow for adequate time for the person to respond and ask questions in writing.
- Recognize that the individual's statements may not be written in a standard grammatical format.

Security personnel should **not** automatically assume that a person who is deaf or hard of hearing can read lips. Even a skilled lip reader may understand a minimal amount of spoken language.

When communicating with a person who is skilled in reading lips, officers should:

- look directly at the person when speaking
- speak slowly and clearly
- speak in a normal tone and volume

**NOTE:** Shouting, exaggerating, or over-emphasizing words will distort a person's lips and make lip reading more difficult.

Security personnel may be able to recognize a person is deaf or hard of hearing by noticing the person is wearing one or more hearing aids. Even if the person is wearing a hearing aid, that person may still have difficulty understanding spoken words. Security personnel should speak slowly and distinctly and face the person when speaking.

The following table identifies additional recommendations that security personnel can use when communicating with a person who is deaf or hard of hearing.

Recommendations	Additional Information
<b>Get the Person's Attention</b>	<ul style="list-style-type: none"> <li>○ Gain the person's attention before speaking</li> <li>○ Since a deaf or hard of hearing person may not hear calls for attention, tap the person lightly on the shoulder or use other signals to gain the person's attention</li> </ul>



<b>Maintain Eye Contact</b>	<ul style="list-style-type: none"> <li>○ Maintaining eye contact conveys that the individual's attention is on the person and enhances the feeling of direct communication</li> </ul>
<b>Use Nonverbal Methods</b>	<ul style="list-style-type: none"> <li>○ All conventional means of face-to-face communication involve nonverbal cues and messages</li> <li>○ Additional use of body language, facial expressions, and gestures can aid other means of communicating</li> </ul>
<b>Use Clear and Concise Words</b>	<ul style="list-style-type: none"> <li>○ Keep sentences short</li> <li>○ If the individual does not understand, rephrase the thought rather than repeating the same words</li> </ul>

People who are deaf or hard of hearing may be no less dangerous than other individuals to the safety of guards or others. Security personnel should not jeopardize their safety or the safety of others by adopting an overly sympathetic attitude.

#### Behavioral/Mental Health Considerations

Security personnel routinely encounter persons with mental illness in a variety of settings. How security guards respond to persons living with a mental disorder can have tremendous impact on how these encounters will be resolved. The basic philosophy of any security personnel should be to respond in a manner that is humane, compassionate, and supportive.

Mental illnesses are a medical condition that affects a person's thinking, feeling, mood, ability to relate to others, and disrupts daily functioning. Mental illness is defined as any mental health disorder as identified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders as a syndrome characterized by clinically significant disturbance in an individual's cognition, emotion regulation, or behavior that reflects a dysfunction in the psychological, biological, or development processes underlying mental functioning. Persons managing a mental illness can have a substantially diminished capacity for coping with the ordinary demands of life. The causes and impacts of mental illness vary and are not bound by race, gender, or socioeconomic status.

#### Recognizing Behaviors Associated with Behavioral Issue/Mental Illness

Security personnel should not attempt to diagnose mental illness. Security personnel must be able to recognize general indicators of mental illness so that appropriate actions can be taken.

Indicators to consider when determining whether a behavior is related to mental illness include, but are not limited to:

- Irrational fear: extreme fright over something that a reasonable person would consider of little or no threat
- Extreme expression of emotion out of context for the situation
- Reckless behavior (e.g., walking on the freeway)
- Acting out with inappropriate or aggressive behavior
- A reduced capacity to take care of basic needs (e.g., stops bathing or eating, sleeps very little or more than normal, failure to find adequate shelter, etc.)
- Inability to make logical thought connections or to concentrate
- Rapid flow of unrelated thoughts
- Strange and erratic behaviors
- Speech that is unclear or does not communicate an idea (e.g., talking in rhymes, repetition of words or phrases, speech that is rapid or non-stop)
- Failure to or slow to respond to simple questions or commands (e.g., blank stare)
- Memory loss related to common facts (e.g., name, awareness of time, identity of others)
- Experiencing hallucinations: a false perception experienced through any of the five senses (e.g., hearing voices, feeling one's skin crawl, smelling strange odors, seeing visions, etc.). When hallucinating, individuals may be so overwhelmed that they have little or no awareness of their surroundings.
- Experiencing delusions: a persistent false belief or thoughts and actions that are not based on reality (e.g., delusions of grandeur, self-importance, being persecuted or conspired against, etc.)

**NOTE:** Security personnel may come into contact with people affected by **schizophrenia** because certain medications taken by individuals who are affected by schizophrenia may cause agitation that can lead to a buildup of tension, anxiety, or panic. This may lead to potentially dangerous situations. When frightened, a person with this disorder may act out with even more bizarre or paranoid behavior.

**NOTE:** Security personnel should be aware that substance abuse (drugs and/or alcohol) can also cause delusions, hallucinations, and violent mood swings in an individual. Likewise, mentally disabled persons may use drugs or alcohol to mitigate their symptoms.

Security personnel must make difficult judgments and decisions about the behaviors and intent of any individual they think may be affected by a mental illness. This requires special considerations to avoid unnecessary violence or civil liability.

People affected by mental illness can be unpredictable and sometimes violent. Security personnel should never compromise or jeopardize their own safety or the safety of others when dealing with individuals who display symptoms of a mental illness. Not all people with mental illness are dangerous, while some may represent danger only under certain circumstances or conditions. Some may be capable of going very quickly from a state of calm to being extremely agitated.

## **Real-Life Scenarios**

Interacting with a person with a suspected disability or mental illness:

**Example:** A homeless individual with a suspected mental illness has been roaming around an area a security guard is tasked with monitoring. The security guard takes all precautions to deescalate and mitigate client property damage, maintain client employee safety and warns local law enforcement for any trespass issues the security guard may have with the individual.

## **Section 9: Use of Force Scenario Training**

### **(1) Factors that can Affect an Individual's Response when Threatened with Danger**

**Self-control** is maintaining composure to make sound judgements and decisions. Self-control is one of a security personnel's greatest assets in dealing with a person or a situation. Self-control reflects one's confidence in their skills and abilities which can be improved through training, practice, and experience; thereby enhancing decision-making and reaction time. Professional demeanor can have a positive influence on calming a subject, making it easier to take the safely utilize use of force. Nonprofessional demeanor and offensive language can easily lead to increased conflict, encouraging dangerous behavior by the subject and resulting in poor behavior on the part of the security personnel.

Two major emotional factors that security personnel need to focus on to maintain self-control are:

- **fear**, an emotional response to a perceived threat
- **anger**, a feeling of displeasure from perceived opposition

It is important to understand fear and anger since both can affect security personnel's reactions during a dangerous situation.

- **Uncontrolled fear and anger** tend to decrease the security personnel's ability to make sound judgments and decisions.
- **Uncontrolled fear and anger** tend to increase hesitation, verbal abuse and unreasonable force.

Fear alone does not justify the use of force or deadly force. Imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that from appearances, must be instantly confronted and addressed.

The decision of whether or not to use force or deadly force may be influenced by, but not limited to, the security personnel's:

- training and experience
- Judgment
- mental alertness
- existing facts and circumstances
- understanding of state law, case law, and agency policy

The use of force by security personnel is not one of hostility but rather one designed to defend and protect persons and property from an escalation of violence. Proper training and practice are keys to dealing effectively with dangerous situations. They help develop confidence, promote a trained response, and enhance mental alertness and concentration as well as develop emotional control.

**(2) Factors to Consider Before Using Force**

Whenever possible, security personnel should attempt to obtain voluntary compliance without resorting to physical force. Some communication techniques and skills for obtaining voluntary compliance that can be utilized are ask, set context, present options, and act. The tenets of Procedural Justice, including voice, neutrality, respect, and trustworthiness, add to effective communication, may lead to greater police legitimacy, and may deescalate a situation.

There are a number of factors that can affect which force option is selected. The following chart identifies, but is not limited to, some of the most critical factors:

<b>Factor</b>	<b>Considerations</b>
Public and security personnel safety	<ul style="list-style-type: none"> <li>○ Immediate action required for self-defense or defense of others</li> </ul>
Presence of a weapon and type of weapon	<ul style="list-style-type: none"> <li>○ Other Weapons</li> <li>○ Firearms</li> </ul>
Characteristics of the subject as compared to the characteristics of the officer	<ul style="list-style-type: none"> <li>○ Size</li> <li>○ Age</li> <li>○ Knowledge of Capabilities</li> <li>○ History</li> </ul>
Availability of assistance	<ul style="list-style-type: none"> <li>○ Additional security personnel</li> <li>○ Distance of additional security personnel</li> </ul>
Nature and condition of the location and surroundings	<ul style="list-style-type: none"> <li>○ Danger to bystanders</li> <li>○ Availability of weapons</li> <li>○ Environmental conditions</li> </ul>

Security personnel must consider the totality of the circumstances when selecting a force option. It is not the intent of this chart to imply that an officer's force options are limited based on any single factor. A key principle in maintaining public trust and respect is ensuring that any use of force is reasonable. Security personnel must be aware of and comply with their specific agency policies regarding appropriate force options.

### **(3) Real-Life Scenario**

Example: A security officer is working at the front door of a jewelry store when he sees an individual walking back and forth staring at the store with his hands in his pockets. The security officer sees the man pull out what looks to be a black item from his pocket but cannot get a confirmed visual. The officer remains calm and stays alert until he can get a confirmation of a deadly weapon in the man's pocket. The security officer considers all factors before making determination as the man attempts to remove the item out of his pocket while walking towards the jewelry store. The officer is aware of their surroundings and notices the man gravitate towards the pawn shop next door. The man pulls a black vintage cellular phone from his pocket and proceeds to walk into the pawn shop. No use of force or deadly force is necessary.

## **IV. Mental Health and Policing of the Public, Including Bias and Stigma**

### **(1) Categories of Mental Illness**

How security personnel respond to persons living with a mental disorder can have tremendous impact on how these encounters will be resolved. The basic philosophy of any security officer should be to respond in a manner that is humane, compassionate, and supportive.

"Mental illness" is defined as any mental health disorder as identified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders as a syndrome characterized by clinically significant disturbance in an individual's cognition, emotion regulation, or behavior that reflects a dysfunction in the psychological, biological, or development processes underlying mental functioning. Mental illnesses are a medical condition that affect a person's thinking, feeling, mood, ability to relate to others, and disrupts daily functioning. Persons managing a mental illness can have a substantially diminished capacity for coping with the ordinary demands of life. Mental illnesses can affect people of any age, race, religion, income, or background.

<b>Type of Mental Illnesses</b>	
<b>Mental Disorder</b>	<ul style="list-style-type: none"> <li>○ Mental disorder is not defined by law, and officers are not required to make a medical diagnosis of a mental disorder.</li> <li>○ A mental disorder: <ul style="list-style-type: none"> <li>○ is primarily a brain disorder</li> <li>○ creates problems with feeling, thinking, and perception</li> <li>○ affects a person's behavior by causing bizarre and/or inappropriate behavior</li> <li>○ can be short term (acute) or long term (chronic)</li> <li>○ can occur at any time during a person's life</li> </ul> </li> </ul>
<b>Thought Disorder</b>	<ul style="list-style-type: none"> <li>○ A thought disorder is a condition where the person's thought process is disrupted causing that person to experience delusions, hallucinations, and/or irrational fears, or they may exhibit unusual behaviors.</li> </ul>
<b>Mood Disorder</b>	<ul style="list-style-type: none"> <li>○ A mood disorder, also referred to as an affective disorder, is a condition where the person experiences periodic disturbances in mood, concentration, sleep, activity, appetite, or social behavior. Mood disorders can be marked by periods of extreme sadness (depression) or excitement (mania).</li> <li>○ Mood disorders tend to be episodic. Between episodes the individual may have no remarkable symptoms or difficulties. <ul style="list-style-type: none"> <li>○ <b>Most common disorder:</b> Clinical depression</li> </ul> </li> </ul>

Specific types of mental illness include: bipolar disorder, schizophrenia, postpartum depression, postpartum psychosis, psychosis, posttraumatic stress disorder (PTSD) and personality disorder.

## **(2) Biases and Stigmas Surrounding Mental Illness**

Security personnel must be trained in how to recognize people with mental health issues and deal with them in a safe and humane manner. Many agencies already provide some form of crisis intervention training as a key element of de-escalation, but crisis intervention policies and training must be merged with a new focus on tactics officers can use to de-escalate situations.

Security personnel should not attempt to diagnose mental illness. A mental illness is often difficult for even the trained professional to define in a given individual. Security personnel must be able to recognize general indicators of mental illness so that appropriate actions can be taken.

Not all people with mental illness are dangerous, while some may represent danger only under certain circumstances or conditions. Some may be capable of going very quickly from a state of calm to being extremely agitated.

### **(3) Real-Life Scenario**

**Example:** A security guard was performing a routine walk around a laundromat when the guard saw a man with a knife. The guard recognized that the man was experiencing a mental health crisis, possibly exacerbated by the consumption of drugs. The guard called the proper authorities who came and talked to the man, calmed him down, and took him into custody, without jeopardizing their safety, his safety, or that of the public.

## **V. Active Shooter Situations**

### **(1) Recognizing an Active Shooter Situation**

An active shooter is an individual actively engaged in killing or attempting to kill people in a confined and populated area; in most cases, active shooters use firearms, and in some cases, there is no pattern or method to their selection of victims.

Active shooter situations are unpredictable and evolve quickly. Typically, the immediate deployment of law enforcement is required to stop the shooting and mitigate harm to victims. Because active shooter situations are often over within 10 to 15 minutes, before law enforcement arrives on the scene, individuals must be prepared both mentally and physically to deal with an active shooter situation.

### **(2) Roles and Responsibilities of Security Personnel**

Law enforcement, fire, emergency response personnel and other first responders have detailed plans for responding to and recovering from such incidents. Businesses can blend into this response and aid in recovery by having resources available such as building plans, location of employees, utility access, and control over cameras, locks and alarms.

When an active shooter incident occurs, civilians will look to authority figures for guidance. They will not make a distinction between law enforcement officers or other uniformed personnel who are employees. All employees should receive basic training in civilian techniques for responding to active shooter events using the **Run. Hide. Fight.** model. When applicable, employees should know how to lead or direct the public to the nearest evacuation routes (run) and identified secure areas (hide/barricade).

Quickly determine the most reasonable way to protect your own life. Remember that members of the public are likely to follow the lead of a uniformed guard during an active shooter situation, but you are not responsible for ensuring their compliance.

## **VI. Run, Hide, Fight**

### **(1) Run**

If there is an accessible escape path, attempt to evacuate the premises. Be sure to:

- Have an escape route and plan in mind.
- Evacuate regardless of whether others agree to follow.
- Leave your belongings behind.
- Help others escape, if possible.
- Prevent individuals from entering an area where the active shooter may be.
- Keep your hands visible.
- Follow the instructions of any police officers.
- Do not attempt to move wounded people.
- Call 911 when you are safe.

### **(2) Hide**

If evacuation is not possible, find a place to hide where the active shooter is less likely to find you.

Your hiding place should:

- Be out of the active shooter's view.
- Provide protection if shots are fired in your direction (i.e., a room with a closed and locked door).
- Not trap you or restrict your options for movement.

To prevent an active shooter from entering your hiding place:

- Lock the door.
- Blockade the door with heavy furniture.

If the active shooter is nearby:

- Lock the door.
- Silence your cell phone and/or other personal devices.
- Turn off any source of noise (i.e., radios, televisions).
- Hide behind large items (i.e., cabinets, desks).
- Remain quiet.

If evacuation and hiding out are not possible:

- Remain calm.
- Dial 911, if possible, to alert police to the active shooter's location.
- If you cannot speak, leave the line open and allow the dispatcher to listen.



### **(3) Fight**

As a last resort, and only when your life is in imminent danger, attempt to disrupt and/or incapacitate the active shooter by:

- Acting as aggressively as possible against them.
- Throwing items and improvising weapons.
- Yelling.
- Committing to your actions.

### **How to Respond When Law Enforcement Arrives**

Law enforcement's purpose is to stop the active shooter as soon as possible. Officers will proceed directly to the area in which the last shots were heard.

- Officers usually arrive in teams of four (4), however initially it could be a lone officer.
- Officers may wear regular patrol uniforms or external bulletproof vests, Kevlar helmets, and other tactical equipment.
- Officers may be armed with rifles, shotguns, handguns.
- Officers may use pepper spray or tear gas to control the situation.
- Officers may shout commands and may push individuals to the ground for their safety.

How to react when law enforcement arrives:

- Remain calm, and follow officers' instructions.
- Put down any items in your hands (i.e., bags, jackets).
- Immediately raise hands and spread fingers.
- Keep hands visible at all times.
- Avoid making quick movements toward officers such as holding on to them for safety.
- Avoid pointing, screaming and/or yelling.
- Do not stop to ask officers for help or direction when evacuating, just proceed in the direction from which officers are entering the premises.

Information to provide to law enforcement or 911 operator:

- Location of the active shooter
- Number of shooters, if more than one
- Physical description of shooter(s)
- Number and type of weapons held by the shooter(s)
- Number of potential victims at the location

The first officers to arrive at the scene will not stop to help injured persons. Expect rescue teams comprised of additional officers and emergency medical personnel to follow the initial officers. These rescue teams will treat and remove any injured persons.

They may also call upon able-bodied individuals to assist in removing the wounded from the premises.

Once you have reached a safe location or an assembly point, you will likely be held in that area by law enforcement until the situation is under control, and all witnesses have been identified and questioned. Do not leave until law enforcement authorities have instructed you to do so.

### **Real-Life Scenario**

**Example:** A security officer is trained so that if they see something, they say something and report it immediately to law enforcement. If the security officer is armed, the officer should make an attempt to neutralize the active shooter if possible.

## **VII. EXAMINATION**

Upon completion of classroom instruction for the Initial Firearm Training, the instructor is to administer the written examination. The student must pass the written examination by a score of 85 percent or greater.

Applicants with a current firearms permit who are completing any of the first three semi-annual range qualifications are required to complete the two-hour refresher courses, but are not required to take the written exam.

Applicants with a current firearms permit who are completing their fourth semiannual range qualification for the purpose of renewing a firearms permit must complete a two-hour refresher course and pass the written examination.

A score of 45 out of 52 possible questions, or 86 percent, is required to pass the written examination (the questions regarding the nomenclature count as one question each).

**NOTE:** If a student fails to pass the written examination, they must repeat the entire classroom instruction before retaking the written examination. (BPC Section 7585.6(c))

## **VIII. Range Preparation**

Before allowing students onto the range, cover the following points:

### **(1) Range Location**

If necessary, inform students of the directions to the shooting range. Also, explain proper procedure for transporting firearms to the range. (Refer to "Transporting the Weapon to the Range," (Section III (D)(4).)

**(2) Equipment Needed**

Explain what equipment will be provided by the training facility and what equipment the student must have.

**(3) Course of Fire**

Explain the course of fire in detail

Timing on the clock will begin at the instructor's command. Firing will begin from either the ready position or after the weapon is drawn from the holster.

**(4) Targets, Scoring Explanation (CCR Section 635.1)**

Targets are to be scored as described in section VII RANGE TRAINING (6)a

**(5) Range Commands (Explanation)**

Review range commands. Remind students that the instructor and/or range master has the last word. Only they can decide who enters the firing range. If either the instructor or range master feels, for any reason, that a student presents a hazard, that student must leave the range upon their request.

**(6) Use of Deadly Force**

Familiarize and instruct the student on the meaning of deadly force, the standards for using deadly force, the applicable laws relating to the use of deadly force, and the consequences of not properly using deadly force or violating the standards and requirements for use of a weapon.

**IX. RANGE TRAINING**

This section should be covered at the range site immediately before actual firing.

**(1) Instruction**

Registration: Students must possess the following before going onto the range:

- a. A valid and current license/registration or proof of application.
- b. Photo and/or signature identification.
- c. Proof of citizenship or permanent immigration status.
- d. Evidence of successful completion of the classroom portion of the firearm training course as required.
- e. A firearm and holster acceptable to the instructor or range master. Unacceptable weapons will not be allowed on the range.

## Range Procedures and Discipline

### **Firearm Handling, Sights and Positions**

- a. Grip.
- b. Loading.
- c. Draw.
- d. Sights.
- e. Standing position.
- f. Kneeling Positions.
- g. Sitting Positions.
- h. Single action shooting.
- i. Double action shooting.
- j. Dry firing.
- k. Skip loading.
- l. Targets: Silhouette Targets.
- m. Firing distances: 15 yards, 7 yards, 5 yards and 3 yards.

### **Course of Fire**

- a. Explain the qualification course of fire.
- b. Explain the sequence of firing.
- c. Explain and discuss the two positions that will be used: (1) Standing and (2) kneeling.

Allow students to practice these positions to determine which is most suited to their individual abilities.

### **Qualification Course Conditions**

- a. All double action shooting with revolver.
- b. One and two-handed shooting may be used. However, two-handed shooting is recommended.

### **Target Scoring**

- a. Silhouette targets shall be used. A 5-point score shall be granted for each round discharged inside of the seven (7) ring (center mass) as specified in Section 635.1.
- b. All shots count, even if the firearm accidentally discharges.
- c. A shot hole, the leading edge of which comes in contact with the outside of the scoring area, will be scored as 5 points.
- d. Rounds discharged outside of the seven (7) rings shall not be scored.

## **Late Shots**

- a. When a shot is fired after the allotted time, it will be scored as a zero (“0”).  
Late shots may be authorized by the range master or instructor if, in their judgement, a malfunction of the firearm was responsible.
- b. The range master or instructor will be advised of unfired ammunition.  
(NOTE: If a student fails to qualify, range instruction may continue. However, to receive a firearm permit, the student must successfully qualify within 30 days of passing the classroom instruction. (BPC Section 7585.6(b))

## **(2) Drawing and Holstering Practice (Range or Classroom)**

Using an empty firearm, students will, on command, grasp the firearm and draw in a safe prescribed manner. Then, on command, the students will re-holster the firearm. Repeat this exercise several times until students: (1) are handling the firearm safely; (2) know the safety observations noted by the instructor; and (3) are not putting the trigger finger inside the trigger guard until the firearm is pointed safely down range.

## **(3) Dry Firing (Range or Classroom)**

Using an empty firearm, students will, on command, fire several times to become accustomed to the pull of the trigger.

## **(4) Loading and Reloading Procedures**

- a. Students should have the necessary number of cartridges to complete the course of fire (50 for actual range qualification and additional 50 rounds for range practice).  
Students must qualify with the type (revolver or semi-automatic) and caliber weapon that they will carry on duty. Students may qualify with more than one weapon (type or caliber); however, the 50-round qualifying course must be shot with each additional weapon.
- b. During training and qualification, students should load the firearm in the same manner they would while on duty and consistent with their equipment. For example, students carrying speed loaders on duty should load using the speed loaders during range training.
- c. Students who do not possess duty equipment that properly holds extra ammunition must carry extra ammunition in a pocket or suitable container.

## X. RANGE QUALIFICATION

Objective: Individual shall pass a range qualification based on his or her demonstrated use of a weapon.

<b>Range Qualification</b>
<b>Objective:</b> Applicant shall pass firearms qualification based on their demonstrated use of weapon.

- (1) Stance: Permit holders shall use one of the following stances during their course of fire training:

<b>Stance</b>	<b>Characteristics</b>
Isosceles	<ul style="list-style-type: none"> <li>○ The shooter is facing the target.</li> <li>○ Shoulders are squared and both arms are forward and straight.</li> <li>○ Shoulders and arms form an isosceles triangle.</li> </ul>
Weaver	<ul style="list-style-type: none"> <li>○ The shooter stands in a position of interview at a 45-degree angle to the silhouette target with the support hand forward, wedged toward the target.</li> <li>○ The shooting arm elbow is slightly bent.</li> </ul>
Modified Weaver	<ul style="list-style-type: none"> <li>○ The shooter stands in a position of interview at a 45-degree angle to the silhouette target with the support hand forward, wedged toward the target.</li> <li>○ Primary arm is locked at the elbow.</li> </ul>
One-hand	<ul style="list-style-type: none"> <li>○ The shooter holds the handgun with one hand.</li> </ul>

- (2) An applicant may participate in a practice course prior to the range qualification. The number of rounds discharged in a practice course is up to instructor and applicant discretion. After completing a practice course, if applicable, each individual shall discharge 50 rounds for scoring purposes, using one silhouette target as specified in section 635.1, and according to one of the applicable schedules below:

- a. Revolver Handgun Course of Fire (for applicants using a revolver handgun to qualify for their permit)

Stage 1	15 yards	6 rounds in 30 seconds *6 standing position
Stage 2	7 yards	14 rounds in 45 seconds (includes 2 reloads) (load 6, reload 6 and reload 2) *6 standing position *8 kneeling position
Stage 3	7 yards	6 rounds in 10 seconds (any position)
Stage 4	7 yards	12 rounds in 25 seconds (includes reload) (load 6 and reload 6) *6 rounds with dominant hand, 6 rounds with non-dominant hand (reload and switch hands)

Stage 5	5 yards	6 rounds *3 rounds in 4 seconds (2 stages)
Stage 6	3 yards	6 rounds *2 rounds in 3 seconds (3 stages)

b. Semi-Automatic Handgun Course of Fire (for applicants using a semi-automatic handgun to qualify for their permit)

Stage 1	15 yards	5 rounds in 30 seconds
Stage 2	10 yards	20 rounds in 30 seconds (includes one reload)
Stage 3	7 yards	10 rounds in 20 seconds *5 rounds with dominant hand *5 rounds with non-dominant hand
Stage 4	5 yards	10 rounds in 30 seconds *5 rounds standing *5 rounds kneeling
Stage 5	3 yards	5 rounds in 8 seconds

(3) Scoring. For the purposes of this section, the following scoring requirements shall be met:

- a. Silhouette targets shall be used. A 5-point score shall be granted for each round discharged inside of the seven (7) ring (center mass) as specified in Section 635.1.
- b. Each individual shall qualify with an 80% score (200 out of 250 points) on the scoring segment.
- c. Each individual shall be informed whether their score passes or fails.

(4) A Bureau-approved Firearms Training Instructor conducting the range qualification must certify under penalty of perjury that an initial firearms permit applicant completed the required range qualification using live ammunition and provide a signed copy of the qualification documentation to the applicant.

## **XI. REQUALIFICATION**

Firearm permits expire two years from the date of issuance. Thereafter, in order to possess a valid firearm permit, the permit must be renewed. Students wishing to renew a firearm permit must file an application for renewal at least 60 days before the date of expiration.

Firearm permits may be renewed under the following conditions:

- o The licensee or registrant has filed a completed application for renewal, signed and dated under penalty of perjury, certifying that information on the application is true and correct.

- The licensee or registrant has successfully passed the written examination contained in the Firearm Training Manual issued by the Department of Consumer Affairs and taught at a bureau-certified facility. The passing score is 85 percent or at least 44 correct answers out of 52 questions.
- The licensee or registrant has completed all required range requalification within the required time frames and has requalified on the range using the same firing sequence prescribed for the initial student, using targets that meet the requirements as specified in CCR Section 635.1. Targets will be scored at 5 points for a hit and 0 points for a miss.

Maximum Score	250 (50 rounds)
Passing Score	200 (80%)

- The licensee or registrant has submitted all required fees and proof of completing the required requalification to the bureau.

## **XII. EMERGENCY PROCEDURES**

In the event anyone is injured during or as a result of a shooting incident, you as a guard on duty are expected to contact emergency medical personnel and local law enforcement immediately. What emergency medical assistance you provide to the injured person(s), if any, is dependent upon what directions and training you have received from your employer.

Since you may be carrying and using a firearm on the job, you are responsible to be prepared to act appropriately before, during and after a shooting. This includes being familiar with the emergency policies and procedures that your employer expects you to follow. If you have any questions, discuss the matter with your supervisor.

## **XIII. BSIS INFORMATION ON PEACE OFFICER EXEMPTIONS**

### **Security Guard Registration**

#### **Exemption from Fingerprint Requirement:**

Who is Eligible: Currently employed, full time peace officers, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code and level I or II reserve officers, holding peace officer status as defined in paragraphs (1) and (2) of subdivision (a) of section 832.6 of the Penal Code are exempt from the fingerprint requirement when applying for a Security Guard Registration. Only those peace officers who meet the specific exemption(s) requirement may begin working after submitting the Security Guard Registration application and the appropriate fees to BSIS. The application must be accompanied by proof of peace officer status.

Proof for Exemption: A photocopy of the front and back of a peace officer identification card is sufficient to demonstrate eligibility for this exemption [Business and Professions Code (BPC) Section 7583.9].



### **Exemption from BSIS Power to Arrest Training:**

Who is Eligible: A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, who has successfully completed a course of study in the exercise of the power to arrest approved by POST is exempt from completing the Bureau-related power to arrest training [BPC Section 7583.6(g)].

Proof for Exemption: The following documentation is acceptable to demonstrate eligibility and prior training: a photocopy of the front and back of the peace officer's identification card to demonstrate peace officer status and a letter from the officer's current Commanding Officer attesting to the officer's completion of power to arrest training, a copy of the officer's Basic or Specialized Basic POST course completion certificate or a copy of the officer's POST profile detailing completion of Basic or Specialized Basic training which includes power to arrest training.

### **Firearms Permit (Security Guard & Other Private Security License Types)**

Exemption from Fingerprint Requirement: None

#### Exemption from Completion of BSIS Firearms Training Course

Who is Eligible: A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, is exempt from completing the BSIS Firearms Training Course if they have successfully completed a course of study in the use of firearms [BPC Section 7583.22].

**NOTE:** Issuance of a firearms permit is contingent upon the applicant being approved for or already holding a qualifying license (i.e., security guard registration, private patrol operator license, or qualified manager associated with a license.)

Proof for Exemption: The following documentation is acceptable to demonstrate eligibility and prior training: a photocopy of the front and back of the peace officer's identification card to demonstrate peace officer status and a letter from the officer's current Commanding Officer attesting to the officer's completion of firearms training, a copy of the officer's Basic or Specialized Basic POST course completion certificate, or a copy of the officer's POST profile detailing completion of Basic or Specialized Basic training in the use of firearms.

#### Exemption from BSIS Range Requalification for Renewal of Firearms Permit

Who is Eligible: A duly appointed peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, who is authorized to carry a firearm in the course of their law enforcement duties and has successfully completed requalification training with their law enforcement agency is exempt from the BSIS firearm range requalification requirements [BPC Section 7583.32].

Proof for Exemption: The following documentation is acceptable to demonstrate eligibility and prior training: a photocopy of the front and back of the peace officer's identification card to demonstrate peace officer status and a firearms requalification training completion document signed by the agency's Range Master, a copy of the officer's POST profile detailing the requalification(s), or a letter signed by the officer's commanding officer or agency's Range Master, on the law enforcement agency's letterhead, attesting to the officer's successful completion of firearms requalification training.

## **Firearms Permit (Private Investigator (PI) or PI Licensee Qualified Manager)**

Exemption from Fingerprint Requirement: None

Exemption from BSIS Power to Arrest Training

Who is Eligible: A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, who has successfully completed a course of study in the exercise of the power to arrest approved by POST is exempt from completing the Bureau-related power to arrest training [BPC Sections 7542 and 7583.6(g)].

Proof for Exemption: The following documentation is acceptable to demonstrate eligibility and prior training: a photocopy of the front and back of the peace officer's identification card to demonstrate peace officer status and a letter from the officer's current Commanding Officer attesting to the officer's completion of power to arrest training, a copy of the officer's Basic or Specialized Basic POST course completion certificate or a copy of the officer's POST profile detailing completion of Basic or Specialized Basic training which includes power to arrest training. [BPC Section 7542].

Exemption from BSIS Firearms Training Course:

Who is Eligible: A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code is exempt from completing the BSIS Firearms Training Course if they have successfully completed a course of study in the use of firearms [BPC Sections 7542 and 7583.22]. NOTE: Issuance of a firearms permit is contingent upon the applicant being approved for or already holding a qualifying license (i.e., private investigator license or qualified manager associated with a license.)

Proof for Exemption: The following documentation is acceptable to demonstrate eligibility and prior training: a photocopy of the front and back of the peace officer's identification card to demonstrate peace officer status and the following as proof of having completed a firearms training course: a letter from the officer's current Commanding Officer attesting to the officer's completion of firearms training, a copy of the officer's Basic or Specialized Basic POST course completion certificate or a copy of the officer's POST profile detailing completion of Basic or Specialized Basic training.

### Exemption from BSIS Range Requalification for Renewal of Firearms Permit:

Who is Eligible: A duly appointed peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code who carries a firearm in the course of his/her law enforcement duties and has successfully completed requalification training from the BSIS firearm range requalification requirements [BPC Sections 7542 and 7583.32].

Proof for Exemption: The following documentation is acceptable to demonstrate eligibility for this exemption: a photocopy of the front and back of the peace officer's identification card to demonstrate peace officer status and the following as proof of having completed firearms range requalification: a firearms requalification training completion document signed by the agency's Range Master, a copy of the officer's POST profile detailing the requalification(s), or a letter signed by the officer's commanding officer or agency's Range Master, on the law enforcement agency's letterhead, attesting to the officer's successful completion of firearms requalification training.

### **Alarm Company Operator Licensee, Qualified Manager or Registrant**

Exemption from Fingerprint Requirement: None

Exemption from BSIS Power to Arrest Training:

None. The Alarm Company Act requires every employee of a licensee who performs the functions of an alarm agent who responds to alarm systems to complete a course in the exercise of the powers to arrest [BPC Section 7598.1].

### **Firearms Permit (Alarm Company Operator Licensee, Qualified Manager or Registrant)**

Exemption from Fingerprint Requirement: None

Exemption from BSIS Power to Arrest Training:

None. The Alarm Company Act requires that every person licensed, registered, or designated under the act, who in the course of his or her employment carries a firearm, shall complete a course in the exercise of the powers to arrest [BPC Section 7596].

Exemption from BSIS Firearms Training Course:

None. The Alarm Company Act requires that every person licensed, registered, or designated under the act, who in the course of his or her employment carries a firearm, shall complete a course of training in the carrying and use of firearms [BPC Section 7596].

Exemption from Range Requalification for Renewal of Firearms Permit: None

## **Security Guards and Bodyguards**

Pursuant to the BPC, security guards and bodyguards are the same and are covered by the same laws. A bodyguard is a security guard. Peace officers frequently state that since they are working in civilian clothes with a concealed weapon as bodyguards for VIPs or celebrities, they are not security guards. This is incorrect. A security guard who works in civilian clothes with a concealed weapon must possess a security guard registration and exposed firearms permit, and either possess a Concealed Weapons Permit (CCW), or be an active duty or honorably retired peace officer authorized to carry a concealed weapon.

## **Exposed Firearm Permit and Concealed Permit (CCWs)**

The Business and Professions Code authorizes BSIS to issue Exposed ONLY Firearms Permits. The Penal Code authorizes local law enforcement agencies to issue CCWs. BSIS is not authorized to issue CCWs.

### **IMPORTANT NOTICE:**

Active-duty peace officers should exercise caution when identifying themselves as peace officers while working off-duty as bodyguards or security officers. This is a very complex issue involving the interplay of Penal Code Section 70, case law, and the BPC.

The general rule that a peace officer is a peace officer 24 hours a day, on- or off-duty, may NOT apply when a peace officer is working off-duty out of uniform. You are advised to seek legal advice and follow the directions of your local law enforcement agency. You are also advised to familiarize yourself with *Melendez v. City of Los Angeles* (1998) 63 Cal. App. 4th 1; 73 Cal. Rptr. 2d 469.

## **Contract and Employee**

The Business and Professions Code specifies who may engage in an enforceable contract to provide a service and who must work as an "employee."

Generally, a contractor is not on payroll, is paid without deductions, and receives an IRS form 1099 for tax purposes. A contractor has a contract to provide a service.

An "employee" is a person who has an employer-employee relationship with the employer. Generally, this means that the person is on a payroll, and all appropriate payroll deductions are taken, including federal and state taxes, and the employee receives an IRS W-2 for tax purposes.

If you are unclear about the differences and how you may be affected, please seek legal advice, or discuss the matter with your agency.