



GENERAL ORDER

Loudoun County Sheriff's Office

Chapter: Operations	Section: 404.5
Subject: Firearms	Topic: Negligent Discharge of a Firearm
Accreditation: ADM: 05.01, 05.02, 05.04, 06.01	Revised:
Enacted: 07/30/2015	Reaffirmed:
Last Review: 07/24/2015	Review: 07/30/2016

I. PURPOSE

The purpose of this General Order is to establish policy and procedures governing the handling of negligent discharges of firearms by members of the Loudoun County Sheriff's Office.

II. POLICY:

Any deputy who has a negligent discharge on or off duty is responsible for notifying the on duty Field Operations supervisor as soon as possible after the incident occurs.

III. DEFINITIONS:

A. Negligent discharge of a firearm: When a person handles a firearm in such a manner that causes the firearm to discharge at a time not intended by the user.

IV. PROCEDUR

A. On Duty Occurrence

1. Any negligent discharge of a firearm while on duty, which does not result in the death or injury of any person, shall be investigated by the deputy's supervisor.
2. Any negligent discharge that does not result in death or injury and occurs at the agency's firing range during a mandated qualification date, NVCJTA training, remedial training date, or pre-academy/new hire firearms training, will be investigated by the Firearms Training Unit supervisor.
3. If the negligent discharge occurs at the agency's firing range during a scheduled SWAT, CDU or TEU training, the senior instructor and/or specialty unit supervisor shall investigate the negligent discharge. The Firearms Training Unit supervisor shall be notified of all negligent discharges that occur during any training conducted by LCSO instructors or on LCSO property.
4. If the negligent discharge occurred within the down range portion of the training it will be dealt with as training issue by the Firearms Training Unit supervisor and/or firearms instructor that witnessed the negligent discharge. If the discharge occurred in a weapon safe area the Firearms Training Unit supervisor shall

conduct a formal investigation and the Training Section supervisor shall be notified. The Training Section supervisor shall notify the Administration and Technical Services Division Commander or his/her designee.

5. Any negligent discharge while on duty that results in death or any bodily injury shall be investigated by the Internal Affairs Unit in conjunction with the Criminal Investigations Division.
6. Notifications to the appropriate command staff shall be made as soon as possible by the on duty supervisor.

B. Off Duty Occurrence

1. Any negligent discharge that occurs while the deputy is off duty and inside the County of Loudoun with no death or bodily injury shall be investigated by the on duty Field Operations supervisor or the appropriate command of the deputy involved if they are assigned to the Operational Support Division or Criminal Investigations Division, and if the incident occurs during normal operating hours.
2. Any negligent discharge that occurs while the deputy is off duty but inside the County of Loudoun where death or personal injury occurs shall be investigated by the Internal Affairs Unit in conjunction with the Criminal Investigations Division.
3. Any negligent discharge while off duty that occurs with a deputy's issued weapon outside of the County of Loudoun with no death or personal injury shall be investigated by the on duty Field Operations supervisor or the appropriate command of the deputy involved if they are assigned to the Operational Support Division or Criminal Investigations Division, and if the incident occurs during normal operating hours.
4. Any negligent discharge that occurs outside of the County of Loudoun with any non-issued or personal weapon, regardless of death, injury or property damage, shall be investigated by the local jurisdiction where the incident occurred. It shall be the responsibility of the deputy involved to notify his/her immediate supervisor as soon as possible of the incident.

- C.** When called for by policy, the supervisor shall investigate the incident using the Internal Affairs Investigative memorandum format. The memorandum should be forwarded to the Sheriff via the chain of command. Included in the memorandum shall be statements from any witnesses and/or other range instructors, causation factors, a conclusion as to the reason for the discharge, and any General Order or procedural violations.

- D. Photograph(s) shall be taken of any damage resulting from the discharge.
- E. Prior to the end of his/her tour of duty, the deputy causing the negligent discharge shall write an IBR report detailing the circumstances surrounding the discharge. A copy of the IBR report and all photographs shall be attached to the memorandum.
- F. A copy of all memos and reports shall also be forwarded to the Internal Affairs supervisor.