

1.5.G.5 Parole Services-Use and Control of Weapons

I Policy Index:



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Office of Primary Responsibility: Director of Parole Services and DOC Administration

II Policy:

Parole services staff who are required to carry approved weapons while on duty must demonstrate safe and proficient use of these weapons. This policy does not negate eligibility to carry personal firearms in accordance with state and federal law.

III Definitions:

Agency Approved/Authorized:

The words “agency approved” or “authorized” will be used to indicate items or practices specifically approved and authorized by DOC policy.

Armorer:

The trained, certified specialist authorized to inspect and repair specified makes and models of duty firearms.

Duty Firearm/Duty Pistol:

A pistol of the make, model and caliber approved by the department, purchased by the department and issued to a staff member.

Firearm:

Any weapon from which a projectile or projectiles may be discharged by gunpowder.

Firearms Instructor:

Any parole services staff member who is currently certified by an approved and nationally accredited/recognized training agency approved by the DOC, or staff member who has successfully completed other similar training approved by the Director of Parole Services or designee. Firearms instructors shall train parole services staff members in the use of duty firearms to carry out assigned job duties.

Parole Services Staff:

Employees of the Department of Corrections (DOC) responsible for the supervision of offenders, pursuant to SDCL § 24-15-14.

Safe Storage Area:

A lock box, safe or specifically designed container located in a law enforcement facility, office, vehicle or home of an authorized staff member that provides a locking mechanism such that firearms may be safely stored and accessed only by the staff member.

Weapon:

Any firearm, chemical agent or impact instrument approved by the Executive Director of Parole, to be carried or accessible to parole services staff while carrying out assigned job duties.

IV Procedures:

1. Parole Services Staff Condition of Employment:

- A. All parole services staff designated by the Executive Director are required to carry a DOC-issued firearm while on duty, unless otherwise exempted or prohibited by DOC policy, state or federal law or the Executive Director.
 - 1. Parole services staff are responsible for immediately notifying their regional supervisor or the Executive Director of any physical, mental or pharmacological condition that may affect their ability to perform essential job functions. This includes consuming any mind-altering medication prescribed by a physician, psychologist, or psychiatrist for medical/or mental health purposes or treatment.
 - 2. The term “pharmacological condition” means the use of any prescription or non-prescription medication or item that may impair performance of essential functions.
- B. Prior to offering a parole agent or parole agent supervisor candidate a conditional offer of employment, the candidate will be informed of the DOC’s firearm qualification, proficiency and certification requirements, as applicable. Any person whose employment is subject to the requirements of this section shall enter into employment with the department on a temporary basis, pending receipt of the results of a background check, medical evaluation, drug test, demonstration of firearms proficiency, etc.
 - 1. All candidates considered or selected for a parole agent or parole supervisor position are subject to a background check. The background check will include a NCIC criminal background check and may include contacting community and local law enforcement references. The results of the background check are subject to approval by the Executive Director.
 - 2. Candidates considered for an employment position requiring the carrying of a duty-issued firearm must be eligible to legally carry/possess a firearm under federal and state law.
 - 3. Candidates receiving a conditional offer of employment must successfully pass the required firearm qualification test, including demonstrating proficiency with the firearm and complete all training. Medical, psychological, drug, and polygraph testing may be ordered.
 - a. If a psychological test is required, this will be in the form of a psychological evaluation administered by a licensed psychologist. The psychiatrist will be selected by the DOC.
 - b. If a medical evaluation is required, this will be completed by a licensed physician approved by the DOC. The results of the evaluation must clear the candidate of any health conditions (including a physical disability) that would, in the opinion of the

physician, substantially impair the candidate's ability to carry, handle and use a duty firearm in a safe and acceptable manner.

- c. Candidates are required to complete the Parole Services Staff Arming form (See [Attachment 1](#)). This includes the following:
 - 1) Has no medical, psychological, or health condition, including a physical or mental disability, which substantially impairs the candidate's ability to responsibly carry a duty firearm or interferes with the safe use of or handling of a duty firearm.
 - 2) Is not impaired by alcohol or prescription drugs.
 - 3) Does not use narcotics.
 - 4) Acknowledges that drug testing will be conducted in accordance with ARSD § [55:05:04:01](#), ARSD § [55:05:05:01](#) and SDCL § [3-6F-1](#)).
 - 5) Agrees to abide by all DOC policies and Parole Services OMs.
 - d. Any additional lawful requirements or conditions imposed by the Executive Director.
4. If a candidate with a conditional offer of employment does not successfully pass any pre-employment requirement set forth by the DOC or imposed by the Executive Director, the conditional offer of employment may be rescinded. If a candidate refuses to submit to any required testing or refuses to complete any requirement without good cause, the conditional offer of employment will be rescinded.
 5. If the candidate has entered into employment with the DOC, the DOC may, without liability, withdraw its offer of employment or terminate employment without notice upon receipt of a disqualifying record or results.

2. Firearm Training:

- A. One senior parole agent will be designated to serve as the region's firearm instructor. Instructors will be certified by a DOC approved, nationally accredited/recognized training agency, or have successfully completed similar such training, as approved by the Executive Director.
 1. The training will cover at a minimum, the use, handling and safe storage of duty firearms.
 - a. The Executive Director will regularly review and approve the method of firearm instruction, training curriculum, course objectives and requirements to determine successful passage by staff and ensure consistency with universally accepted/adopted curriculum standards, proficiency and department requirements.
 - b. The Executive Director will regularly review and approve the minimum requirements of firearm training and proficiency for parole staff required to carry duty firearms to ensure consistency with universally accepted standards.
 2. The DOC will provide appropriate and approved ammunition, firearms and firearm related equipment/safety equipment, to designated parole staff for job duty, training, practice and demonstration of proficiency.
- B. Parole services staff required to carry a duty firearm shall successfully demonstrate proficiency with a DOC issued firearm loaded with approved ammunition at least annually.
 1. Staff on an extended absence from duty, i.e., maternity leave, medical leave, military leave, FMLA, etc., may be required to demonstrate proficiency with the duty firearm upon return to

duty, at the discretion of the Regional Supervisor, Executive Director or the firearms instructor.

2. Staff may be required to successfully demonstrate proficiency with the duty firearm when substantial changes in equipment associated with the drawing and/or firing of the duty firearm are implemented and required.
- C. Firearm proficiency shall include firing the approved firearm at a specified target This shall be graded as "pass" or "fail".
1. A minimum score of thirty-eight (38) out of fifty (50) hits within the required target at the specified distance, stance, etc. with the required firearm and ammunition.
 - a. If there is a shortage of approved/authorized duty ammunition, practice ammunition of the same general type (weight and jacket) may be used as a substitution for duty ammunition, with prior approval from the Executive Director.
 2. Proficiency with the firearm is defined as the ability to use the approved/authorized duty firearm to successfully shoot the approved course of fire, as directed by a certified firearms instructor. Demonstration of proficiency shall require the staff member to receive a passing score (38/50 hits), successful demonstration of the proper firearm grip, stance, sight alignment and handling of the firearm in a safe manner.
- D. Firearms instructors will schedule regular firearms training. Training will include subjects such as: judgment shooting, low light firing, seasonal (cold weather) firing (See Parole Services OM 7.1.D.1 [Training and Staff Development](#)), review of the DOC policy 1.5.G.3 [Use of Force-Parole Services Staff](#) and review of legislation and/or court decisions related to use of force.

3. Candidate Demonstration of Firearm Proficiency:

- A. If a candidate does not successfully demonstrate proficiency with the duty firearm, the trainer and/or firearm instructor will notify the appropriate regional supervisor and Director of Field Services. The regional supervisor may:
1. Make arrangements for the candidate to receive additional training to correct the deficiency; and
 2. Coordinate the re-scheduling of the candidate for firearm qualification/certification within thirty (30) days from the first failed attempt; or
 3. Terminate the conditional offer of employment to the candidate.
- B. A candidate approved by the regional supervisor to re-test will be allowed to four (4) opportunities within a thirty (30) day period to demonstrate proficiency.
1. The second qualification attempt will take place as soon as practical and within the same region.
 2. If the candidate fails on the second attempt, he/she may be required to travel to another region to receive instruction and remedial training from the firearms instructor. The candidate may complete an attempt while in the region while under the guidance of that region's assigned firearm instructor.

- C. The firearm instructor will document the performance of each candidate's attempt at duty firearm proficiency and if unsuccessful, note any reasons the candidate was unsuccessful. This information will be submitted to the Executive Director and applicable regional supervisor.
- D. If the candidate does not demonstrate proficiency with the duty firearm within thirty (30) days of his/her initial attempt, the conditional offer of employment may be rescinded.

4. Staff Demonstration of Firearm Proficiency:

- A. If a parole services staff member fails to successfully demonstrate proficiency, the firearm instructor will notify the staff member's regional supervisor and Director of Field Services, who will:
 - 1. Notify the Executive Director. The Director may suspend the staff member's authorization to carry a duty firearm, except for the purpose of practicing, training and demonstrating proficiency with the duty firearm, if safe to do so.
 - 2. Make arrangements for the parole services staff member to receive training to correct the deficiency.
 - 3. Coordinate the re-scheduling of the parole services staff member for firearm proficiency testing.
- B. A parole services staff member may attempt to successfully demonstrate proficiency a maximum of four (4) times within the thirty (30) day period.
 - 1. The second qualification attempt will take place as soon as practical and within the same region.
 - 2. If the parole services staff member fails on the second attempt, he/she may be required to travel to one of the remaining regions of the state to receive instruction and remedial training from the region's firearm instructor.
 - 3. The parole services staff member must demonstrate proficiency within thirty (30) days of his/her initial qualification attempt.
- C. Parole services staff scheduled to return to duty after an extended leave of absence may be required to complete refresher training or demonstrate proficiency before carrying a duty firearm, except for the purpose of practicing, training and certifying with the firearm.
- D. The firearm instructor will document each staff member's attempt at demonstrating proficiency and note any reasons why the staff member was not successful. This information will be submitted to the Executive Director and applicable regional supervisor.

5. Approved and Authorized Weapons:

- A. Only those firearms and ammunition of the type and caliber issued and approved by the DOC may be used by designated parole staff during the performance of official duties or while acting in an official capacity.
 - 1. Parole staff required to carry a duty firearm will carry a Glock Model 23 semi-automatic pistol in .40 caliber and two magazines fully loaded with DOC issued .40 caliber ammunition.

2. Parole staff required to carry a duty firearm must also carry department-issued oleoresin capsicum aerosol spray (OC).
 3. Parole staff required to carry oleoresin capsicum aerosol spray (OC) will only carry department-issued OC (See DOC policy 1.5.G.3 [Use of Force-Parole Services](#)). OC may be carried concealed or openly in a manner that is visible to the public. Chemical agent training shall be required for any staff member authorized and required to carry OC during the performance of their duties (See Parole OM 7.1.D.1 [Training and Staff Development](#)).
 4. Staff required to carry a duty firearm shall carry the firearm during the performance of any official duties that includes contact with offenders, or when anticipating contact with an offender, unless exempted by the Executive Director.
 5. Parole services staff will obtain prior written approval from the Executive Director before carrying their duty firearm outside of the state of South Dakota.
- B. Duty firearms may not be repaired, modified, or altered without prior written approval of the Executive Director and Armorer.
1. All safety devices on the duty firearm must be kept intact, mechanically sound and functional. Any problems with the firearm's safety features must be reported immediately to the armorer for resolution. The firearm will not be re-issued until approved by the Armorer.
- C. Parole services staff must carry their department-issued ID card and/or badge at all times while carrying a duty firearm on their person.
- D. Approved safety (ballistic) vests will be worn by parole services staff when having contact with offenders outside of the staff member's office. Staff is not required to wear safety vests while performing administrative duties (i.e. court, staff meetings, and Board hearings). Staff will use discretion in determining when and if to wear a safety vest at times other than required by policy (See Parole Services OM 7.3.B.2 [Parole Safety and Equipment](#)).

6. Maintenance and Management of Duty Firearms:

- A. Regional firearms instructors will serve as the region's armorer and shall be responsible for the general management of duty firearms, ammunition and related firearms equipment.
1. All duty firearms, magazines, holsters, handgun lock boxes and ammunition (including expended cartridge cases), issued to parole services staff by the DOC, remain the property of the DOC and must be turned into the armorer in good repair and working order upon demand, or if the staff member is terminated, resigns or is suspended. Staff on extended leave may be required to turn in duty weapons and other security equipment at the direction of the Director or his/her designee.
 2. The armorer is responsible for providing approved practice and duty ammunition, ear and eye protection, holsters and handgun lock boxes to staff.
 3. The armorer will record each duty firearm by make, model, serial number and caliber on an up-to-date record that includes each staff member's name that is issued a duty firearm and date the duty firearm was issued to the staff member, or returned to the armorer.

4. The armorer will be prepared to provide the regional supervisor with up-to-date copies of the firearm record for all duty firearms issued to parole services staff members under his/her supervision upon demand or when significant changes occur.
5. Parole services staff must submit their duty firearm to the armorer for safety inspection at least annually. The armorer will ensure the firearm is mechanically sound, has not sustained any unapproved modifications or repairs, is in good repair and has received proper maintenance. Firearms deemed inoperable, unsafe or altered or modified without proper authorization by the armorer, will be removed from service with the information documented and recorded within the firearms record. Duty firearms that are sold/traded by the department will be documented and recorded. The armorer will document all firearms inspections.
 - a. Refusal on the part of a parole services staff member to promptly submit his/her duty firearm for inspection may result in immediate and automatic suspension of the staff member's authorization to carry a duty firearm.
- B. Parole services staff issued a duty firearm must clean the firearm and magazines within seventy-two (72) hours of discharging the firearm. During the cleaning process, staff will first ensure the firearm is unloaded. Staff will inspect the duty firearm and magazines for any damage, defects or conditions that may render the firearm or magazines mechanically unsound or unsafe at least monthly. Any defects or needed repairs noted will be immediately reported to the armorer.
 1. Duty firearms and magazines will be cleaned when exposed to inclement weather, i.e. rain/moisture.
 2. Each staff member shall be responsible for the care and cleaning of duty issued firearms and magazines, keeping the firearm and magazine clean, properly lubricated, free from harmful elements and in serviceable condition.
 3. If a duty firearm is discharged during a use of force or other lawful objective and the firearm is needed for evidence, ballistic testing, or inspection, staff will not clean the firearm until directed by the proper authority.
 4. Staff will use only department-issued cleaning kits/solvents to clean their duty firearm. Department-issued cleaning kits shall not be used to clean personal firearms.
- C. Parole services staff will not un-holster the duty firearm except for legitimate purposes; e.g. training, practice, inspection, cleaning/repair, placement in secure storage, loading/unloading or a lawful objective.
 1. When carried by the staff member while on duty, the duty firearm will be fully loaded with a live round in the chamber and a fully loaded magazine in the firearm.
 2. Two (2) additional fully loaded magazines loaded with DOC issued ammunition appropriate for the firearm will be at the staff member's immediate disposal when carrying a duty issued firearm.
 3. Only department-issued holsters equipped with a properly operating retention device (threat level II rating) will be used to carry a duty firearm.
 4. In accordance with SDCL § [23-7-8.1](#), all duty firearms carried by an authorized parole agent in their official capacity may be carried concealed or open-carried/visible. If the duty firearm

is worn plainly visible to the public, the staff member's badge will also be visible. If the firearm is worn concealed, the staff member's badge may be concealed.

- D. Except during firearms training or practice at the range, whenever a staff member discharges a firearm, either through accidental discharge, negligent discharge or intentional discharge, the staff member shall notify his/her supervisor as soon as possible and complete an Informational Report.
 - 1. In the case of an accidental or negligent discharge of a DOC firearm, staff shall complete a Report of Accident, Incident or Unsafe Condition and submit this to their supervisor. The form is located at:
http://boa.sd.gov/risk-management/docs/accident_incident_unsafe_condition_fill.pdf.
 - 2. The form shall be submitted to the supervisor for review prior to being forwarded to Risk Management.
- E. Parole services staff issued a duty firearm will be provided a lock box(s) for the safe storage of the duty firearm.
 - 1. The lock box may be kept in the designated parole services staff member's residence, office, vehicle or other approved location.
 - 2. To prevent theft, misuse or access by unauthorized persons of a duty firearm, all duty firearms not carried by or otherwise in the immediate physical control of the staff member, will be secured in a safe storage area.
- F. If a duty firearm is lost, stolen, damaged or is not functioning in accordance with factory specifications, the parole services staff member issued the firearm will immediately report the issue to the armorer, the regional supervisor, Director of Field Services and Executive Director. Lost or stolen duty firearms shall be immediately reported to local law enforcement and Risk Management. A replacement duty firearm will be issued to the staff member by the armorer. Staff shall not permit any unauthorized person to borrow or use their assigned duty firearm.
 - 1. If a duty firearm is damaged or lost through a parole services staff member's willful and wanton negligence, recklessness, misuse; or the firearm must be repaired to correct an unauthorized alteration/modification, the staff member may be held responsible for the costs of repair or replacement of the duty firearm. DOC issued duty firearms and firearms related equipment/accessories issued to staff by the DOC remain state owned property.

7. Oversight by the Executive Director:

- A. The Executive Director may deny, rescind, or temporarily suspend authorization for a designated parole services staff member to carry a duty firearm if the staff member no longer meets one or more of the qualifying criteria (depending on the nature of the disqualification) and may pursue further disciplinary action, if applicable, for any of the following reasons:
 - 1. A NCIC III background check (conducted a minimum of every five (5) years from the date of employment) indicates any of the following:
 - a. The conviction of a felony offense or crime punishable by imprisonment for a term exceeding one year, or conviction of any offense committed outside of the state which would result in a felony if committed in South Dakota.
 - b. A plea of guilty or nolo contendere to a felony offense.

- c. Arrest for any offense involving dishonesty, unlawful sexual conduct, physical violence, use of physical force, or the use, attempted use or threatened use of a firearm while committing such an offense.
 - d. A conviction involving a misdemeanor crime of domestic violence (See U.S.C. 922(g) (9) and SDCL § [24-14-15.5](#)).
 - e. A violation of any state statute which prohibits the legal possession of a firearm in the state of South Dakota.
 2. Violation of any standards or guidelines regarding firearms set forth and required by DOC policy or Parole Services OMs.
 3. Carrying, exhibiting, possessing or using a duty firearm in an unsafe or careless manner; or misusing a duty firearm.
 - a. It is the responsibility of each parole services staff member issued a duty firearm to immediately report to the regional supervisor, any incidents or situations involving the unsafe, careless use or misuse of a duty firearm or any incident that may negatively affect a staff member's ability to legally possess a firearm.
 4. Any use of alcoholic beverages while on duty or while carrying a duty firearm, or excessive use of alcoholic beverages off-duty that adversely affects the ability of the staff member to adequately and safely perform the duties of their job (See DOC policy 1.1.C.1 [Code of Ethics](#)).
 5. A medical, psychological or health condition, including a physical or mental disability, illness, incompetency or disease which a court, board or commission or other lawful authority has determined impairs the staff member's ability to carry a duty firearm.
 6. Any impairment from prescription or OTC drugs that renders the designated parole services staff member unfit to carry a duty firearm. This includes all drugs that suggest consumption of the drug may impair a person's ability to operate vehicles or machinery.
 7. The parole services staff member is an unlawful user of, or addicted to, any controlled substance; or use of illegal narcotics for any purpose within the past seven (7) years.
 8. The parole services staff member used (smoked/ingested/consumed) marijuana within the past three (3) years.
 9. The parole services staff member failed to successfully qualify with the duty firearm within the time permitted by the Executive Director, or failed to successfully complete any part of the required firearms training.
 10. A certified counselor determines the parole services staff member's judgment is, or may be in question.
 11. A parole services staff member refuses to submit to an evaluation, counseling, testing, or screening required by the Executive Director or his/her designee.
 12. The parole services staff member has been found to be a "danger to others" or a "danger to self", as defined in SDCL § [27A-1-1](#); or is currently adjudged mentally incompetent.

13. The parole services staff member at any time has been formally committed to a mental institution by a court, board, commission or other lawful authority for mental defectiveness, mental illness, or drug use, or has been involuntarily committed (may not include commitments for observation or voluntary admission).
 14. The staff member is found to be an illegal alien, discharged from the military under dishonorable conditions, or has renounced his/her citizenship.
 15. Any other circumstance, either temporary or permanent, which leads the Executive Director to believe that arming a parole services staff member with a duty firearm, may result in a danger to the parole services staff member, other staff, offenders, or the general public.
- B. The decision of the Executive Director to deny, revoke or suspend a designated parole services staff member's authorization to carry a duty firearm will be in writing to the staff member and a copy shall be placed in the staff member's training and/or personnel file. Personally identifiable information pertaining to a parole service staff member will be handled in a confidential and responsible manner, in accordance with law and personal standards/requirements.
- C. If authorization to carry a duty firearm is rescinded, the Executive Director may require the staff member to immediately surrender his/her duty firearm, ammunition, magazines, holster, and lock box to the armorer.
- D. Staff with questions about whether they may be prohibited by law from possessing a firearm is responsible for contacting the Bureau of Alcohol, Tobacco and Firearms (ATF) in Sioux Falls, SD at telephone (605)782-8200.

8. Restriction on Carrying a Duty Firearm:

- A. Parole services staff will not carry duty firearms under the following circumstances:
1. While in a condition resulting from the use of alcohol or medications/drugs where the parole services staff member's motor skills, reflexes or judgment could be adversely affected, or the use of such substances renders the staff member incapable of safely performing their duties, or while displaying evidence of mental or emotional instability.
 2. When there is reasonable evidence to support the staff member's conduct may adversely affect the staff member's safety or the safety of others.
 3. While under disciplinary suspension or investigation involving the carrying or use of a duty firearm.
 4. While on any period of unpaid absence from employment with the DOC.
 5. When so instructed by the armorer/firearm instructor or the Executive Director.
 6. Outside the state of South Dakota, unless prior written permission is granted by the Executive Director.
 7. When prohibited by policy, law or so ordered by an individual with such authority (judge in a courtroom).
 - a. Under such circumstances, the duty firearm may be temporarily secured within the locked trunk of a vehicle, lock box, or other secure location.

- b. As much as possible, parole services staff will take care to remove and secure the firearm without being observed by the public.
- c. If the trunk of the vehicle is accessible from the passenger area of the vehicle, all doors and windows must be secured when storing the duty firearm in the trunk.

9. Off Duty Carry of a Duty Firearm:

- A. Parole services staff members authorized to carry a duty issued firearm while on duty may carry the same firearm when off duty.
- B. Staff who chooses to carry their duty firearm off duty shall abide by all state and federal laws and applicable DOC policies.
 - 1. The staff member shall carry the duty firearm in a department-issued holster or any holster that is rated threat level II or higher.
 - 2. The staff member will have their DOC issued ID and badge on their person when carrying the duty firearm.
 - 3. Staff members who are not authorized or approved to carry a duty firearm on duty may not carry a duty firearm off duty.
 - a. Such restriction shall not affect the staff member's ability to carry a personal firearm, provided the staff member is not prohibited from possessing a firearm by state or federal law.
 - 4. Staff members are prohibited from all consumption of alcoholic beverages when carrying a duty firearm.
 - 5. Staff carrying personal or duty firearms off duty shall always be aware of the legal and moral limitations governing the use of firearms. Good judgement and accepted safety practices shall be exercised at all times while handling and using any firearm.

10. Investigations:

- A. Staff members shall cooperate fully and truthfully with any lawful investigation involving their use or possession of a firearm.
- B. The DOC is committed to providing a safe workplace and environment for its staff. The DOC will take appropriate action to investigate any incident that involves a violation of any of the standards and guidelines set forth in DOC policy.
- C. Any staff member that engages in conduct that violates the standards and guidelines set forth in DOC policy may be subject to disciplinary action, including and up to termination of employment.

V Related Directives:

SDCL §§ [23-7-8.1](#), [24-15-14](#), [27A-1-1](#) and [3-6F-1](#).
ARSD § [55:05:04:01](#) and [55:05:05:01](#).

DOC policy 1.1.C.1 – [Code of Ethics](#)

DOC policy 1.5.G.3 – *Use of Force – Parole Services Staff*
Parole Services OM 7.1.D.1 -- *Training and Staff Development*
Parole Services OM 7.3.B.2 -- *Parole Safety and Equipment*

VI Revision Log:

September 2005: New policy.

April 2007: **Clarified** the requirements for initial firearms qualification and retesting. **Added** language regarding the use of a duty firearm for personal recreation activities. **Added** procedures for those approved candidates or staff who does not pass the qualification test. **Clarified** that a pharmacological condition relates to “essential” job functions. **Separated** information on initial certification for approved candidates and recertification for existing staff into different sections. **Clarified** exceptions for carrying the duty firearm and other DOC-issued equipment.

August 2008: **Revised** policy and attachment in accordance with DOC policy 1.1.A.2. **Replaced** “parole services” with “agents or parole agent supervisor” in ss (B of Parole Services Staff Condition of Employment). **Replaced** “Recertification” with “Requalification” in title of Requalification Training on Use and Control of Weapons, **deleted** “recertification” throughout section and **replaced** “qualification” with “requalification” in ss (B1 and B2) of section. **Deleted** statement regarding determination made by the firearms instructor in ss (C of Maintenance/Management of Weapons). **Deleted** “prescribed” in reference to medications in ss (A2 of Restriction on Carrying a Duty Firearm) and in Attachment 1. **Clarified** DOC policy 1.5.G.3 throughout policy. **Replaced** “operational memorandum” with OM throughout policy when appropriate. **Added** new ss (D2 of Approved/Authorized Weapons for Parole Services Staff) and reformatted following bullet to number 3. **Added** DOC policy in section V.

March 2009: **Replaced** titles of positions as appropriate throughout policy. **Replaced** “can” to “will” when referencing rescinding employment in ss (B3 of Parole Services Staff Condition of Employment). **Revised** ss (A) to read Senior Parole Agent in each region vs. designated parole agent, **revised** ss (A1a) to clarify that the ED must approve the training program, **added** that the ED must approve the qualifications in ss (A2b), **replaced** 40 with 38 out of 50 for a score in ss (B1) and **added** statement regarding part of their Firearm Training Program in ss (C) all within General Training Criteria on Use and Control of Weapons. **Added** Director of Field Services in ss (A) and **revised** formatting of former ss (B5) to ss (B4a) all within Approved Candidate Training on Use and Control of Weapons. **Added** Director of Field Services in ss (A) **replaced** “may” with “shall” as it relates to traveling for requalification in ss (B2) and **revised** formatting of former ss (B3) to ss (B2b1) within Requalification Training on Use and Control of Weapons. **Added** statement regarding Senior Parole Agent within ss (A) and **replaced** regional supervisor with Director of Field Services in ss (F) both within Maintenance/Management of Weapons. **Revised** formatting of former ss (A1c and A1d) to ss (A1b1 and A1b2) and **added** Director of Field Services to ss (B) both within Restriction on Carrying a Duty Firearm.

March 2010: **Revised** formatting of Section I. **Deleted** former ss (A1 and B4 of Parole Services Staff Condition of Employment) regarding parole agents required to obtain a concealed weapons permit. **Added** hyperlinks. **Replaced** reference to NRA to nationally accredited training agency within ss (A), **deleted** chemical agents in ss (A1) both within General Training Criteria on Use and Control of Weapons). **Revised** ss (D2 of Approved/Authorized Weapons for Parole Services Staff) to state prior approval from the ED are required to carry a firearm out of state. **Deleted** former ss (A1 of Oversight by the Executive Director) regarding the denial or revocation of a concealed pistol permit. **Deleted** former ss (A8 of Restriction on Carrying a Duty Firearm) regarding entering an establishment where primary function is the sale of alcohol. **Deleted** reference of SDCL 23-7-8.1 in Section V.

March 2011: No changes.

April 2012: **Deleted** “Non-Public” and **Replaced** with “Public”.

April 2013: **Added** “or possession” and **Added** “during the performance of their official duties or while acting” in Section 5 C.

March 2014: **Added** “a conditional offer of employment, the candidate” to Section 1 B. **Added** “being considered” to Section 1 B. 1. **Added** 2. to Section 1 B. **Deleted** b. reference to criminal history background check in Section 1 B. 3. **Added** “or results received from” and **Added** “(has a confirmed positive result)” and **Added** “are determined to be unacceptable/disqualifying, the conditional offer of employment” and **Added** “If a candidate refuses to submit to a drug screening test, the conditional offer of employment is void” in Section 1 B. 4. **Added** “to ensure consistency with universally accepted/adopted curriculum standards” in Section 2 A. 1. a. **Added** “to ensure consistency with universally accepted requirements” in Section 2 A. 1. b. **Deleted** “required to attend initial training to become” and **Added** “successfully completed” in Section 2 A. **Added** “appropriate” to Section 2 A. 2. **Added** B. and 1.-2. to Section 2. **Added** a. to Section 2 C. 1. **Deleted** “parole services staff” and **Replaced** with “employee” in Section 2 C. 2. **Added** D. to Section 3. **Added** new 1. to Section 4 A. **Deleted** “weapon” and **Replaced** with “firearm” in Section 5 A. **Added** “and must carry department issued OC” in Section 5 A. 1. **Added** “department issued” to Section 5 B. **Added** “during performance of official duties of while acting in their official capacity and must carry a duty firearm when” in Section 5 D. 1. **Deleted** “as mandated by the applicable Parole OM” and **Replaced** with “when carrying a duty firearm during the performance of any/all official duties or while acting in their official capacity” in Section 5 E. **Deleted** “for training” and **Added** “magazines, holster, handgun lock box” and **Added** “and must be turned into the armorer in good repair and working order upon demand or termination of employment” in Section 6 A. 1. **Added** “and the date the duty firearm was issued or returned to the armorer” in Section 6 A. 3. **Added** “up to date” in Section 6 A. 4. **Added** “and ensure the firearm is mechanically sound, has not sustained any unapproved modifications or repairs and is in good repair” and **Added** “up to date record and **Added** “any time a duty firearm is inspected” in Section 6 A. 5. **Added** a. to Section 6 A. 5. **Added** “Duty firearms and magazines will be cleaned and inspected for any damage, defects or other conditions that may render the firearm mechanically unsound at least monthly. Any defects or needed repairs noted will be immediately reported to the armorer” in Section 6 B. **Added** “solvents” in Section 6 B. 2. **Added** “magazines, holsters and handgun lock box” and **Deleted** “recreational use” and **Replaced** with “personal use” in Section 6 C. **Deleted** “cannot display their duty firearm” and **Replaced** with “will not unholster the duty firearm while on duty” and **Added** “self-defense, clearing/repair” to Section 6 D. **Deleted** “one” and **Replaced** with “two” in Section 6 D. 2. **Added** “properly operating” in Section 6 D. 3. **Deleted** “Under no circumstances” and **Added** “will be carried by the staff member in the department issued holster or secured in the locking gun safe and will not be” in Section 6 E. 2. **Added** “damaged or otherwise not functioning in accordance with factory specifications and **Added** “immediately” and **Added** “Lost or stolen duty firearms shall be reported to local law enforcement” in Section 6 F. **Added** 1. to Section 6 F. **Added** “if the staff member no longer meets one of more of the qualifying criteria, depending on the nature of the disqualification” in Section 7 A. **Added** “(conducted a minimum of every 5 years from the date of employment” in Section 7 A. 1. **Added** b. to Section 7 A. 1. **Deleted** “or ordinance governing the use of” and **Replaced** with “state statute which prohibits the legal” in Section 7 A. 1. d. **Added** “known history of violence” to Section 7 A. 1. c. **Added** e. to Section 7 A. 1. **Added** “or while carrying a duty firearm” in Section 7 A. 4. 6. **Added** 11 and 12 in Section 7 A. **Added** C. to Section 7 **Added** a. to Section 7 A. 3. **Added** a. to Section 7 A. 11. **Added** “(A copy of the written permission will include an effective date and a review date and shall be placed in the staff member’s personnel file)” to Section 8 A. 1. **Added** 9. to Section 8. A **Added** Section 9. “Violation”.

March 2015: **Added** “that would in the opinion of the physician” in Section 1 b. 3. b. **Deleted** “prior to being issued a duty firearm that is not the same general type (different make or caliber) or” in Section 2 B. 2. **Added** “written” to Section 5 A. 4. **Deleted** “official” in Section 6 D. **Added** “report the incident to” and **Added** “regional supervisor” and **Deleted** “and complete a Field Services Incident Report” in Section 6 F. **Added** “and shall be subject to all applicable state and federal firearms laws” in Section 8 A. 1. b.

March 2016: **Added** “This policy does not negate eligibility to carry personal firearms while off duty in accordance with state and federal law” to policy statement. **Added** definition of “Firearm” and “Firearms Instructor”. **Added** “This includes taking a prescribed mind-altering medication prescribed by a physician, psychologist, or psychiatrist for medical/or mental health purposes or treatment” in

Section 1 A. 1. **Added** "Any person whose employment is subject to the requirements of this section may enter into employment on a temporary basis pending receipt of the results of the background check, medical evaluation, drug test, etc," in Section 1 B. **Added** "the DOC may, without liability, withdraw its offer of employment or terminate the temporary employment without notice upon receipt of a disqualifying record or results" in Section 1 B. 5. **Added** "Proficiency is defined as the ability to use the approved/authorized firearm to shoot the approved course of fire as directed by a certified firearms instructor, to receive a passing score, to successfully demonstrate the proper firearm grip, stance, sight alignment and to handle the firearm in a safe manner" in Section 2 C. 2. **Deleted** "both remaining" and **Replaced** with "other" and **Added** "the other firearm instructors. The candidate may complete a qualification attempt while in another region under the guidance of that region's assigned firearms instructor" in Section 3 B 2. **Deleted** 3. and 4 and 4. a. in Section 3 B. **Deleted** b. in Section 4 B. 2. **Added** "during the performance of their official duties or while acting in an official capacity" in Section 5 C. 2. **Added** "Firearms deemed inoperable, unsafe, or those that are sold/traded, will be documented and recorded" in Section 6 A. 5. **Added** "staff will first ensure the firearm is unloaded" and **Added** "or unsafe" in Section 6 B. **Added** 4. in Section 6 D. **Added** "Staff will not leave a duty firearm in any unlocked vehicle. Duty weapons stored in a vehicle will not be visible to the public and will be kept in secured in a lock box or locked vehicle when not carried by the staff member" in Section 6 D. 2. **Added** Staff shall not permit any person, other than authorized DOC staff to borrow or use their assigned duty firearm" in Section 6 E. **Added** "A replacement duty firearm will be issued to the staff member by the armorer" in Section 6 F. **Added** "Reminder, DOC issued duty firearms and firearms related equipment/accessories issued to staff by the DOC are state property" in Section 6 F. 1. **Added** "control or safe handling" in Section 7 A. 2. **Added** "illness, incompetency or disease, which a court, board or commission or other lawful authority has determined" in Section 7 A. 5. **Added** "is an unlawful user of, or addicted to, any controlled substance or has" in Section 7 A. 7. **Added** 13. and 14. to Section 7 A. **Added** "The staff member will be notified of the revocation of authorization immediately" to Section 7 B. **Added** D. to Section 7. **Deleted** 1. a. and b. in Section 8 A. **Added** "or the use of such substances renders the staff member incapable of safely performing their duties" in Section 8 A. 1. **Deleted** "entrance into a prohibited building or property (a correctional jail/prison)" and **Replaced** with "present on property at which weapon possession is prohibited (correctional facility)" in Section 8 A. 7. **Added** Section 9. **Revised** Section 10. **March 2017:** **Added** definition of "Safe Storage". **Added** "and safe storage" in Section 2 A. 1. **Revised** language in Section 6 D. 2. **May 2018:** **Deleted** "while off duty" in the policy statement. **Added** "state or federal law" in Section 1. A. **Added** "for parole staff required to carry duty firearms" in Section 2 A. 1. b. **Deleted** C. "Any weapon not specifically authorized for staff use during duty by DOC policy or the proper approving authority, shall be considered a prohibited weapon and banned for use or possession by parole services staff during the performance of their official duties, or while acting in an official capacity" in Section 5. **Deleted** "Parole services staff may not carry a back-up firearm." in Section 5. **Added** "by the staff member while on duty" in Section 6 C. 1. **Added** D. to Section 6.

Denny Kaemingk (original signature on file)

Denny Kaemingk, Secretary of Corrections

07/30/2018

Date

Attachment 1: Parole Services Staff Arming Form

The **Parole Services Staff Arming Form** is located on the state’s WAN.

A copy may be printed using **Microsoft Word 97** as follows:

1. Click [here](#) to access the **Parole Services Staff Arming Form** by:
 - a. Placing mouse on the word “here” above
 - b. Press and hold the “Ctrl” key on the keyboard
 - c. Click the left button of mouse.

- 2.. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Parole Services Staff Arming Form**.

The gray areas indicate the information that is to be entered.

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|--|---|--|----------------|
| South Dakota Department of Corrections Policy Distribution: Non-Public | | Attachment: Parole Services Staff Arming Form Please refer to DOC policy 1.5.G.5 Use and Control of Weapons by Parole Services Staff | |
| PAROLE SERVICES STAFF ARMING FORM | | | |
| Last Name | | First Name | Middle Initial |
| Street Address/P.O. Box | | | |
| City | | State | Zip Code |
| I acknowledge that each of the following statements are true: | | | |
| Initials: | I have no medical, psychological or health condition, including a physical or mental disability, which substantially impairs my ability to responsibly carry a duty firearm or which interferes with the safe use of or handling of a duty firearm. | | |
| Initials: | I am not impaired by alcohol or prescription drugs. | | |
| Initials: | I do not use narcotics. | | |
| Initials: | I acknowledge that drug testing will be conducted in accordance with ARSD § 55-05-04-01. | | |
| Initials: | I agree to abide by all DOC policies and/or Parole Services OMs regarding duty firearms. | | |
| Initials: | The following additional requirements or conditions imposed by the Executive Director: | | |
| Initials: | | | |
| Initials: | | | |
| Initials: | | | |
| Signature: | | Date: | |
| | | | |
| | | | |
| Revised: 8/28/08 | | Page 1 of 1 | |