

## 1.3. A.13 Facility Staff-Use and Control of Firearms

### I Policy Index:



**Date Signed:** 08/08/2019  
**Distribution:** Public  
**Replaces Policy:** None  
**Supersedes Policy Dated:** 04/15/2019  
**Affected Units:** All Institutions  
**Effective Date:** 08/08/2019  
**Scheduled Revision Date:** March 2020  
**Revision Number:** 4  
**Office of Primary Responsibility:** DOC Administration

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### II Policy:

The purpose of this policy is to establish the rules, standards and procedures concerning the oversight, issuance, carrying, use, safety and maintenance of Department of Corrections (DOC) issued firearms. This policy applies to staff members assigned to a DOC facility who are authorized to carry DOC issued firearms during the performance of their assigned duties.

### III Definitions:

**Armorer:**

A DOC staff person trained in firearm armorer duties by an approved firearm manufacturer or firearm manufacturer representative who is authorized and approved by the Warden or designee to inspect, service, maintain and repair DOC firearms.

**Carry:**

Wearing or having in one's possession, a DOC issued and approved firearm and authorized ammunition.

**Concealed:**

Any firearm that is totally hidden from view. If any part of the firearm is capable of being seen, it is not concealed.

**Correctional Emergency Response Team (C.E.R.T.):**

Team of specifically trained staff members responsible for responding to emergency incidents are any institution housing adult offenders.

**Firearm:**

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

**Firearms Instructor:**

Any DOC staff member currently certified by an approved and nationally accredited/recognized training agency or who has successfully completed other similar training as approved by the Director of Prison Operations or designee, and is authorized to train other DOC staff members in the proper use and handling of firearms.

**Marksman/Observer Team (MOT):**

A specialized unit within the C.E.R.T. specifically organized and trained to provide information and cover for special teams and units in situations that may threaten the safety and security of the institution. MOT members will report to the Commander and Deputy Commander of the C.E.R.T. Team.

**Pistol:**

Any firearm with a barrel less than sixteen inches in length, designed to expel a projectile or projectiles by the action of an explosive.

**Safe Storage Area:**

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

**IV Procedures:**

**1. Authorization to Carry a DOC Issued Firearm:**

- A. Facility staff assigned to an armed post, armed transport/escort, DOC emergency response team, i.e. Marksman Observer Team, C.E.R.T, Special Investigations Unit (SIU), or other staff identified and authorized by the Warden, may be issued a DOC firearm. Staff must successfully complete the DOC approved firearms curriculum and subsequent training requirements prior to being eligible to carry a DOC issued firearm.
  - 1. Staff members are responsible for immediately notifying their supervisor of any physical, mental or pharmacological condition that may affect their ability to perform essential job functions, including the carrying of a DOC issued firearm. This includes but is not limited to, consumption of any legal mind-altering medication prescribed by a physician, psychologist or psychiatrist for medical or mental health purposes or existence of a pharmacological condition.
  - 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. Staff assigned to or hired for a position at a DOC facility that requires the staff member be eligible to carry a firearm during the performance of his/her duties, will be informed of the firearm qualification and proficiency requirements.
  - 1. Staff members authorized to carry a firearm are subject to random and regular NCIC III background checks.
    - a. Applicants selected for a position that requires the person be issued a DOC firearm must not be prohibited by law from possessing a firearm. Questions regarding the applicant’s criminal background should be forwarded to the Warden or designee for final determination prior to any conditional offer of employment or assignment being extended to the applicant/staff member.
    - b. The Warden or designee may terminate a staff member’s authorization to carry a DOC issued firearm at any time.

2. New hires and staff selected for assignment to a position that requires the staff member carry a DOC firearm must successfully pass the required firearm qualification, demonstrate proficiency with each type of firearm they are authorized to carry and successfully complete the required firearms training prior to carrying a DOC firearm. Specific requirements may include the following:
  - a. If a psychological test is required, this will be in the form of a psychological evaluation from a licensed psychologist or psychiatrist approved 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 person of any health condition (including a physical disability) that would, in the opinion of the physician, substantially impair the person's ability to carry, handle and use the firearm in a safe and acceptable manner.
  - c. The completion of the *Staff Arming* form (See [Attachment 1](#)), indicating the person:
    - 1) Has no medical, psychological or health condition, including a physical or mental disability, which may substantially impair the person's ability to responsibly carry the firearm or may interfere with the safe carrying, use of and control of the firearm.
    - 2) Is not impaired by alcohol or prescription drugs.
    - 3) Does not use narcotics.
    - 4) Acknowledges he/she is subject to random and/or targeted drug testing, 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.
3. If the person does not successfully pass all employment requirements for the job position, the conditional offer of employment or consideration for assignment shall be withdrawn and made void.
4. If the person has been assigned a position, the DOC may, without liability, withdraw its offer of employment or terminate the employment or assignment of the person without notice ,upon receipt of a disqualifying criminal record or demonstrated failure to meet the requirements of the position.

## 2. Firearms Training:

- A. Each facility shall designate one or more staff to serve as the facility firearms instructor. Firearms instructors will complete an approved and nationally accredited/recognized training agency, or similar training, as approved by the Director of Prison Operations or designee.
  1. The Director of Prison Operations or designee will:
    - a. Review and approve the method of firearm instruction, training curriculum, course objectives and certification standards/requirements adopted by and presented by the firearms instructors to ensure firearm training provided to staff is consistent with universally accepted and approved standards for the Corrections field and meets the specific needs and expectations of the department.
    - b. Review and approve the training, certification, re-certification (includes continuing education requirements, if applicable) and curriculum.
  2. The DOC will provide appropriate and approved firearms, ammunition and other necessary equipment, to include range time, for staff to access while training with firearms.

- B. Staff authorized to carry a DOC firearm are required to demonstrate proficiency with the firearm(s) at least annually. Staff are strongly encouraged to practice with similar type firearms and ammunitions on their own personal time to increase proficiency with the firearm(s). Training may be scheduled and conducted in conjunction with annual in-service training or separate from annual training.
1. Staff on an extended absence from duty, i.e. maternity leave, medical leave (FMLA) or military leave, may be required to complete refresher training upon return to duty, at the discretion of the Warden or designee. If it is determined the staff member must complete such training, this will be completed within six (6) months of return to full duty.
  2. All staff authorized to carry a DOC firearm will be required to demonstrate proficiency with the firearm(s), which may include when substantial changes in equipment associated with the drawing or firing of the firearm are implemented.
  3. If completed in advance, a staff member may request their attendance at firearms training be waived when a specific condition exists that may hinder the staff member from properly carrying or the safe handling of the firearm (e.g. documentation of an injury, medical condition, prescribed mind-altering medications). The staff member's authorization to carry a DOC issued firearm may be temporarily revoked until the required training has been completed, or the condition no longer affects the person's ability to handle the firearm. The period to complete the training shall not exceed six (6) months, unless an exception is granted by the Warden or designee.
- C. Proficiency with the firearm will be graded as pass or fail:
1. A minimum score of forty (38) hits out of fifty (50) with the 9mm pistol, a minimum score of 28 hits out of 35 with the .223 rifle, and a minimum score of 72 hits out of 90 using 2 ¾ inch 00 buckshot shot shells in the 12 ga. shotgun is required to certify with each specified firearm. Staff will utilize DOC issued ammunition during training with the firearm(s).
    - a. Practice ammo of the same general type/weight as duty ammo will be used to demonstrate proficiency.
  2. 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 the ability to handle the firearm in a safe manner.
    - a. Firearms instructors are strongly encouraged to permit staff to fire practice rounds directly prior to re-certification.
  3. A staff member may be authorized to carry and utilize more than one type of approved DOC issued firearm, provided qualification/certification and proficiency have been achieved/demonstrated with each firearm carried by the staff member.
  4. Staff assigned to an emergency response team, such as the Marksman Observer Team (MOT) or CERT, are subject to specific firearms qualification and certification requirements, as set forth by the Director of Prison Operations, Warden or designee.
- D. Firearm instructors, as part of the firearm training provided to DOC staff, will schedule regular firearm training utilizing DOC approved training curriculum and lesson plan objectives.
1. Objectives shall include:

- a. Demonstration of safe handling of the firearm, including safe storage practices.
- b. Demonstration of basic knowledge of the firearm, i.e. loading, unloading, clearing the chamber, maintaining the firearm in a duty-ready position, location of the firearm's safety, if so equipped.
- c. Demonstration of safe and proper control of the firearm and proficiency.
- d. Appropriate actions on the range, including maintaining a professional demeanor and safe handling of the firearm.
- e. Effective application of the use of force continuum (e.g. verbal commands, less lethal weapons (OC)) and knowledge of the policy (See DOC policy 1.3.A.3 [Use of Force - Institutions](#)).

### 3. Firearms Proficiency:

- A. If a staff member fails to successfully complete the firearms training (annual in-service or pre-service), including demonstrating proficiency with the firearm(s), the trainer and/or firearm instructor will notify the Warden or designee. The Warden may:
  1. Offer to make arrangements for the staff member to receive additional training to correct the deficiency; and
  2. Coordinate the re-scheduling of testing/firearm proficiency within thirty (30) days from the first failed attempt; or
  3. Terminate employment or assignment of the staff member; or
  4. Assign/reassign the staff member to a job position that does not require the staff member be issued a DOC firearm.
- B. A staff member approved by the Warden to re-test will be allowed up to three (3) attempts to pass within a thirty (30) day period.
  1. The second attempt will take place as soon as practical.
  2. If the staff member failed on his/her first attempt, he/she may be required by the Warden or firearms instructor to travel to a different DOC facility to receive instruction and remedial training from that facility's firearm instructor.
  3. If the second attempt is unsuccessful, the final attempt will take place at the staff person's "home" region.
    - a. Staff must satisfactorily pass on the third attempt.
- C. The firearm instructor will document the results of each staff member's attempt and note any reasons why the staff member was not successful, i.e. score, results, concerns. This information will be submitted to the Warden or designee.
- D. If the staff member does not demonstrate proficiency with the firearm(s) within thirty (30) days of his/her initial qualification/certification attempt, the conditional offer of employment or assignment to a position may be rescinded.

#### **4. Approved and Authorized Firearms:**

- A. Only those firearms and ammunition of the type and caliber approved by the DOC may be issued to staff to access during the performance of official duties or while acting in an official capacity.
  - 1. All staff members issued a DOC firearm and related firearms equipment (holster, ammo, magazines) while supervising inmates are required to carry DOC issued oleoresin capsicum aerosol spray (OC).
  - 2. Chemical agent/OC and use of less-lethal munitions training shall be required for all staff authorized and trained to carry a DOC issued firearm (See DOC Policy 1.3.A.3 [Use of Force - Institutions](#)).
- B. Possession of firearms by any person not specifically authorized by the Warden is prohibited within the secure area of any DOC institution. This includes DOC issued firearms. Staff are not permitted to carry personal firearms within the secure area of any DOC institution (See Executive Order # 2019-16).
- C. DOC firearms may not be repaired, modified or altered without prior written approval of the armorer, Warden or designee. Repairs, modifications or alterations will be completed by an authorized gunsmith, armorer or as authorized by the manufacturer.
  - 1. All factory safety devices installed on a DOC issued firearm will be kept intact, mechanically sound and functional. Any problems with the firearm's safety or proper operating condition will be reported immediately to the armorer for resolution. The firearm will not be issued to staff until approved by the armorer.
- D. Staff will carry their DOC issued ID card and/or badge at all times while carrying a DOC issued firearm, unless exempted by the Warden.
- E. DOC issued safety (ballistic) vests must be worn by staff issued a DOC firearm, this includes during practice/certification and while providing armed supervision of inmates.

#### **6. Maintenance/Management of DOC Firearms:**

- A. The Warden at each facility shall designate staff responsible for the management of firearms and related equipment.
  - 1. All firearms, magazines, holsters, vests, lock boxes and ammunition issued to staff, or used by staff, remain the property of the DOC and must be returned in good repair and working order at the end of the staff member's shift, or as instructed.
  - 2. The DOC is responsible for providing firearms, approved practice and duty ammunition, ear and eye protection, holsters, vests and lock boxes (as applicable) to staff issued a DOC firearm. Staff may utilize personal eye and ear protection that meets or exceeds the specifications of DOC issued equipment during certification or practice.
  - 3. The staff member receiving the firearm will sign for the firearm and is accountable for the firearm until it is returned to the armory or designated location.
  - 4. Staff responsible for the issuance, storage and inventory of DOC firearms will ensure each firearm is safely stored, which includes ensuring each firearm is unloaded and rendered safe

prior to issuance or placement in storage. Upon receipt of the firearm, staff will visually inspect the firearms for any unapproved modifications, damage and observe the overall condition of the firearm. Any concerns shall be reported to the issuing staff person, who shall determine whether to report the issue to the armorer.

5. All repairs made to the firearm by the armorer or a gunsmith must be recorded. Firearms deemed inoperable, unsafe, altered or modified in an unapproved fashion or without proper authorization, will be removed from service, with the reason for removal from service documented and recorded on the firearm's record. The firearm will not be issued to staff until determined safe and operable.
  6. Duty firearms sold or traded by the department will be documented and recorded, with a record of the disposition of the firearm. Qualifying staff will may be provided an opportunity to purchase decommissioned firearms.
- B. Each firearm (includes all magazines), will be cleaned within seventy-two (72) hours of discharging the firearm by designated staff. Prior to cleaning, the staff member will first ensure the firearm is unloaded. Staff will inspect the firearm, magazines for any damage, defects or other conditions that may render the firearm mechanically unsound or unsafe. All firearms and magazines will be properly cleaned anytime they are exposed to inclement weather, i.e. rain/snow/moisture.
1. An exception to the cleaning requirements shall apply if the firearm was discharged during a use of force incident, or the firearm is considered evidence, such as to complete ballistic testing. In this case, the firearm will not be cleaned until proper authorization is received.
  2. Staff responsible for cleaning and maintaining DOC firearms will only use DOC issued or approved cleaning kits/solvents to clean firearms and magazines. Staff performing the cleaning will be trained and knowledgeable in the proper methods of cleaning and maintaining the firearm.
- C. No staff member will un-holster a DOC issued pistol except for legitimate purposes, which shall be limited to training, practice, inspection, cleaning/repair, placement in secure storage, loading/unloading of the pistol or to accomplish a lawful objective.
1. In accordance with SDCL § [23-7-8.1](#), all firearms carried by an authorized staff member during the performance of their duties may be carried concealed or open carried/visible.
  2. When carried (in the physical control) of authorized staff during performance of assigned duties requiring staff to be armed, the firearm will be fully loaded, which is defined as having a live round in the chamber and a fully loaded magazine properly seated (AR and duty pistol).
  3. When carrying a DOC issued pistol, two (2) additional fully loaded magazines will be in the staff member's immediate possession.
  4. When carrying a DOC issued pistol, only a holster rated at least a threat level II will be used to secure the pistol.
  5. DOC issued firearms will be in the immediate physical control of authorized staff, or properly secured in an approved and appropriate storage location, i.e. armory, control room or lock box.

6. Anytime a staff member draws and/or points a DOC issued firearm at any body part of an inmate, or the firearm is drawn or pointed at an inmate as/after the staff member issues verbal instructions or commands seeking compliance or to maintain or restore discipline/order, the staff member shall notify their supervisor as soon as safely possible of the firearm draw and complete a *Use of Force Summary Report* by the end of their shift (See DOC policy 1.3.A.3 *Use of Force - Institutions*).
  - a. If, given the totality of circumstances known to the staff person at the time, no other means are or would be effective, staff may draw, point or discharge a firearm, so long as the staff member believes at the time, that such action is necessary and supports good-faith efforts to maintain or restore discipline/order, or the circumstances warrant such precaution, and the course of action selected supports or accomplishes a lawful objective (See DOC policy 1.3.A.3 *Use of Force - Institutions*). Examples of circumstances that may warrant such action include but are not limited to:
    - 1) The inmate is uncooperative and has taken action that raises reasonable possibility of flight/escape from secure custody by his/her actions; or
    - 2) The inmate is exhibiting physical resistance to a lawful order. Staff may use lethal force to overcome physical resistance and gain compliance of an inmate when there is reason to believe the inmate's physical resistance poses an immediate and direct threat to life or the safety of staff or others.
    - 3) The inmate is armed or suspected of possessing a weapon or other instrument that could be used as a weapon to cause significant harm or death, or to take hostages;
    - 4) The inmate has committed or is about to commit a violent, criminal offense, or whose actions are believed by staff at the time to be intended to cause death or serious physical injury to staff or others (includes words, gestures, movements of the inmate).
7. Except during firearms training or during practice/certification at a 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 by the end of the shift (ACA 4-4202).
  - a. Designated staff shall review the circumstances and facts associated with the discharge of the firearm, including applicable reports. Reviewing staff may offer recommended action/response.
    - 1) Review staff will include, but not limited to:
      - a) Director of Security;
      - b) Director of Prison Operations;
      - c) Warden or designee; and
      - d) DOC Attorney
  - b. In the case of an accidental or negligent discharge of a DOC firearm within a public place or in view of the public, staff shall promptly complete a *Report of Accident, Incident or Unsafe Condition* form and submit this to their supervisor. The form is located at:  
[http://boa.sd.gov/risk-management/docs/accident\\_incident\\_unsafe\\_condition\\_fill.pdf](http://boa.sd.gov/risk-management/docs/accident_incident_unsafe_condition_fill.pdf).
  - c. The form shall be submitted to the supervisor for review by designated review staff prior to being forwarded to Risk Management.
- D. If a DOC issued firearm is lost, stolen, damaged or suspected of not functioning in accordance with factory specifications, the staff member first discovering the issue will immediately document this in a report and provide this to the armorer or shift supervisor. Lost or stolen DOC firearms shall be immediately reported to local law enforcement and Risk Management.



1. If a DOC firearm is damaged or lost due to staff negligence, recklessness or misuse by the staff member; or the firearm must be repaired to correct an unauthorized alteration/modification made while the firearm was issued to the staff member, the staff member may be held responsible for the costs to repair or replace the firearm. Reminder, DOC issued firearms and all related equipment/accessories are state property.
- F. Each facility will designate safe storage areas where DOC firearms and related equipment/accessories will be stored when not issued to staff.
1. Facilities may maintain Institutional OMs that direct processes and procedures related to storage, issuance and tracking of DOC firearms and related equipment/accessories, consistent with this policy.
  2. Each facility will have safe storage areas located at designated locations outside the secure perimeter for staff and law enforcement to store firearms not permitted or authorized within the secure perimeter. Clearing stations shall be located outside areas where firearms are unloaded for storage.

## **7. Oversight by the Warden:**

- A. The Warden or designee may revoke or temporarily cancel/suspend a staff member's authorization to carry a DOC issued firearm if any of the following are found to exist:
1. A staff member's NCIC III background check indicates the following:
    - a. Conviction of a felony offense or crime punishable by imprisonment for a term exceeding one year; or any offense committed outside of the state which is 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 § [24-14-15.2](#)).
  2. Violation of any DOC policy or institutional OM relating to the use, issuance, possession, control or safe handling of a DOC issued firearm.
  3. A staff member is observed carrying, exhibiting or using a DOC issued firearm in an unsafe or careless manner, or misusing a DOC firearm.
    - a. It is the responsibility of the staff member issued the firearm to report/disclose immediately to their supervisor, any incidents or situations involving the unsafe, careless use or misuse of a DOC firearm or any incident/activity that may negatively affect the staff member's ability to legally possess a firearm.
    - b. Staff who observe or have knowledge of any such behavior by another staff member have an affirmative obligation to report (verbal and/or written) such behavior to their supervisor.

4. Any use of alcoholic beverages by staff while on duty or while carrying a DOC issued firearm.
  5. Presence of a medical, psychological or health condition, including a physical or mental disability, illness, incompetency or disease, which a court, board, commission or other lawful authority determines impairs or may impair the staff member's ability to carry a firearm.
  6. Any impairment from prescription or OTC drugs that renders or may render the staff member unfit to carry a DOC firearm.
  7. Unlawful use or addicted to, any controlled substance or use of illegal narcotics for any purpose within the past seven (7) years.
  8. The staff member is known to have used (smoked/ingested/consumed) marijuana within the past three (3) years.
  9. Failure to successfully qualify with the DOC firearm within the time permitted by the Warden; or failure to successfully complete any part of required firearm training.
  10. A certified counselor has determined the staff member's judgment is or may be in question.
    - a. If a staff member refuses to submit to an evaluation, counseling, testing or screening requested by the Warden or designee, authorization to carry a DOC firearm will be suspended.
  11. The staff member has been found in the previous ten years to be a "danger to others" or a "danger to self", as defined in SDCL § 27A-1-1, or is currently adjudged mentally incompetent.
  12. Formal commitment to a mental institution by a court, board, commission or other lawful authority for mental defectiveness, mental illness or drug use, or involuntary commitment for such (commitments for observation or voluntary commitment may be given consideration).
  13. The staff member is known to be an illegal alien, discharged from the military under dishonorable conditions or renounced his/her citizenship.
  14. Any other circumstance, either temporary or permanent, which leads the Warden or designee to believe arming a staff member with a firearm, may result in a danger to that staff member, staff, inmates or the public.
- B. Revocation of a staff member's authorization to carry a DOC issued firearm by the Warden or designee will be documented in the staff member's training and/or personnel file. Documentation will include the reason(s) for the revocation of authorization. The staff member will be notified of the revocation of authorization immediately.
- C. Staff with questions about whether they may be prohibited by law from possessing a firearm should contact the Bureau of Alcohol, Tobacco and Firearms (ATF) in Sioux Falls, SD at telephone (605)782-8200.
- D. Staff who believe they may not be eligible to carry a DOC firearm for any reason, must immediately report this information to their supervisor.

## **8. Restriction on Carrying a DOC Issued Firearm:**

- A. Staff will not carry DOC issued firearms under the following circumstances:
  - 1. While in a condition resulting from the use of alcohol or medications/drugs where the staff member's motor skills, reflexes or judgment could be adversely affected; or the use of substances renders the staff member incapable of safely performing their duties; or while mentally or emotionally instable.
  - 2. When a staff member's conduct may adversely affect his/her safety or the safety of others.
  - 3. While under disciplinary suspension or subject to investigation involving alleged misconduct.
  - 4. When prohibited by the armorer, firearm instructor, Warden or designee.
  - 5. During performance of job duties occurring outside the state of South Dakota, unless prior authorization is provided by the Warden or designee, consistent with firearms laws applicable to that state.
  - 6. When otherwise prohibited, such as when entering a government building where firearms are prohibited, i.e. a courthouse.
    - a. Under such circumstances, the firearm shall be placed in a safe, secure storage area.

## **9. Carrying DOC Issued Firearms while Off Duty:**

- A. Facility staff members eligible and authorized to carry a DOC issued pistol may be granted permission to carry the pistol off-duty, i.e. to and from work. Must be carried in a threat level three holster.
- B. Staff who carries a DOC issued pistol off-duty shall abide by all state and federal laws and applicable DOC policies and may not carry a DOC issued pistol if otherwise prohibited by law.
  - 1. The staff member must have their DOC issued ID/badge on their person when carrying a DOC issued pistol.
  - 2. Staff members are prohibited from consumption of alcoholic beverages when carrying a DOC issued pistol.
  - 3. Staff carrying a DOC issue pistol 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, using and storing the pistol.
  - 4. DOC issued pistols not carried by the staff member or in the immediate physical control of a DOC staff member, must be secured in safe storage to avoid theft, misuse or access by unauthorized individuals. Staff shall make safe storage of firearms a habit of first priority whenever they enter their residence.

## **10. Investigations:**

- A. Facility staff members shall cooperate fully and truthfully with any lawful investigation involving a DOC issued firearm.

- B. The DOC is committed to providing a safe workplace and environment for staff. The DOC will take appropriate action to investigate any incident that involves a violation of any of the standards and guidelines set forth by this policy.
- C. Any staff member engaging in conduct that violates the standards and guidelines set forth by this policy may be subject to disciplinary action, including and up to termination of employment.

## V Related Directives:

SDCL §§ [23-7-8.1](#), [24-14-15](#), [24-14-15.2](#), [24-14-30](#), [24-15-14](#), [27A-1-1](#) and [3-6F-1](#).

ARSD § [55:05:04:01](#) and [55:05:05:01](#).  
18 U.S.C. § 922(g)

DOC policy 1.3.A.3 – *Use of Force - Institutions*

## VI Revision Log:

**March 2016:** New Policy.

**November 2016:** **Added** “or when the firearm is no longer required as part of the staff member’s assigned duties” in Section 6 A. 1. **Revised** language in Section 6 C. 5. **Updated** to language in Section 6 D. and 6 D. 5. consistent with changes to DOC policy 1.5. G.5. **Added** 2. to Section 6 F. **Added** new Section 9 and 10.

**April 2018:** **Deleted** C. in Section 5. **Deleted** “issued by the DOC and equipped with a properly operating retention device will be used” and **Replaced** with “will be used to carry the pistol” in Section 6 C. 4. **Deleted** “or other person” and **Added** “to maintain or restore discipline” in Section 6 C. 6. **Added** “clearing stations shall be located outside areas where firearms are unloaded for storage” in Section 6 F. 2. **Added** “or discharge” and **Added** “the staff member believes such action is necessary and supports good faith efforts to maintain or restore discipline/order in Section 6 C. 6. a. **Added** “or have knowledge of” in Section 7 3. a. **Added** D. to Section 7. **Added** “consistent with firearm laws applicable to that state” in Section 8 A. 5.

**March 2019:** **Revised** definition of “CERT”. **Added** B. to Section 4. **Added** “Negligent discharge” to Section 6 C. 7. **Added** 1). to Section 7 a. and **Added** b. and c. **Added** “Risk Management” to Section 7 D.

**July 2019:** Staff are strongly encouraged to practice with similar type firearms and ammunitions on their own personal time to increase proficiency with the firearm(s) in Section 1 B. Added “weight” to Section 1 C. 1. a. Added a. to Section 1 C. 2. Added “and related firearms equipment” to Section 4 A. 1. Added B. to Section 4. Added “armorer” to Section 4. C. Added “or proper operating condition” to Section 4 C. 1. Added “during practice/certification and while providing armed supervision of inmates” in Section 4 E. Added “staff may utilize personal eye and ear protection that meets or exceeds the specifications of the DOC issued equipment during certification or practice” in Section 6 A. 2. Added “storage” and “issuance” and “Upon receipt of the firearm, staff will visually inspect the firearms for any unapproved modifications, damage and observe the overall condition of the firearm. Any concerns shall be reported to the issuing staff person, who shall determine whether to report the issue to the armorer” to Section 6 A. 4. Added “Qualifying staff may be provided an opportunity to purchase decommissioned firearms” in Section 6 A. 6. Added “and magazines” in Section 6 B. Added “If, given the totality of circumstances known to the staff person at the time, no other means are or would be effective” to Section 6 C. 6. a. Added 2). In Section 6 C. 6 a. Added “or take hostages” in Section 6 C. 6 a. Added “actions are believed by staff at the time to be intended to cause death or serious physical injury to staff or others (includes words, gestures, movements of the inmate)” in Section 6 C. 6 a. Added “within a public place or in view of the public” in Section 6 C. 7. b. Added “must be carried in a threat level three holster” in Section 9 A. Added “and may not carry a DOC issued pistol if otherwise prohibited by law” in Section 9 B.

*Mike Leidholt (original signature on file)*

Mike Leidholt, Secretary of Corrections

*08/08/2019*

Date

## Attachment 1: Facility Staff Authorization to Carry DOC Issued Firearms Form

The *Facility Staff Authorization to Carry DOC Issued Firearms Form* is located at:

<M:\DOC\DOC Policies\Agency\DOC Policies\Attachment Templates\Facility Staff Authorization to Carry DOC Firearms.doc>

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

|  |   |
|--|---|
| South Dakota Department of Corrections<br>Policy<br>Distribution: Public | Attachment: Facility Staff Authorization to<br>Carry DOC Firearms<br>Please refer to DOC policy<br>Facility Staff Use and Control of Firearms |
|--|---|

**Facility Staff Authorization to Carry DOC Firearms**

\_\_\_\_\_  
Last Name                      First Name                      Middle Initial

I acknowledge that each of the following statements are true:

\_\_\_\_\_  
Initials: I have no medical, psychological or health condition, including a physical or mental illness, incompetency or disease, which a court, board, commission or other lawful authority has determined impairs my ability to responsibly carry a firearm or safely use or handle a firearm.

\_\_\_\_\_  
Initials: I am not impaired by alcohol or drugs. I am not an unlawful user or, or addicted to, any controlled substance nor have I used illegal narcotics for any purpose in the past seven years.

\_\_\_\_\_  
Initials: I have not smoked/ingested/consumed marijuana within the past three years.

\_\_\_\_\_  
Initials: I have not in the previous ten years been found to be a danger to other or a danger to self, as defined in SDCL §27A-1-1 or adjudged mentally incompetent.

\_\_\_\_\_  
Initials: I have not at any time 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 involuntarily committed.

\_\_\_\_\_  
Initials: I am not an illegal alien, discharged from the military under dishonorable conditions or renounced my citizenship.

I understand it is my responsibility to report/disclose immediately to my supervisor, any incidents or situations involving the unsafe, careless use or misuse of a DOC firearm, or any incident/activity that may negatively affect my ability to legally possess a firearm. I understand if I observe any such behavior by a staff member that I have an affirmative obligation to report (verbal or written) such behavior or incident to my supervisor.

I understand I am responsible for immediately notifying my supervisor of any physical, mental or pharmacological health condition that may affect my ability to perform essential job functions. This includes taking a prescribed mind-altering medication prescribed by a physician, psychologist or psychiatrist for medical and/or mental health purposes or treatment.

\_\_\_\_\_  
Name- PRINT AND SIGN                      Date:

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