DEPARTMENT OF CORRECTIONS

Policy Number: 107.010
Title: Weapons – Office of Special Investigations
Effective Date: 5/21/19

PURPOSE: To provide procedures for the type and use of both department and personal-duty weapons and departmental ammunition; and to mandate and regulate firearms training.

APPLICABILITY: All licensed peace officers assigned to the fugitive apprehension unit of the department of corrections (DOC) office of special investigations (OSI)

DEFINITIONS:
Demonstrated proficiency – competency with weapons proven by achieving a passing score on a prescribed firearms course, attaining and exhibiting a knowledge of the laws regarding the use of firearms, and exhibiting competency with the recognized, safe-handling procedures applicable to the weapons.

Handgun – a small gun (such as a revolver or a pistol) designed to be held and shot with one hand.

Long weapons – rifles, shotguns, and carbines.

Off-duty weapon – A weapon carried by a fugitive apprehension unit member (FAUM) during hours not scheduled or required for work. This may be a weapon carried by a FAUM on duty for purposes of a secondary weapon when authorized by the OSI Director.

Primary handgun – a semi-automatic handgun which is issued to a FAUM by the OSI Director for use as a primary weapon.

Secondary handgun – a handgun which a FAUM may carry optionally during work hours in case the primary handgun malfunctions or is taken away by force from the FAUM.

Submachine Gun – A lightweight automatic gun that shoots pistol ammunition, is usually fired from the shoulder or hip, and often has the capacity to shoot single rounds.

PROCEDURES:
A. Firearms guidelines
  1. Primary-duty handguns
    a) All fugitive apprehension unit members (FAUMs), while on duty, must carry a department-approved handgun in which they are qualified.
      (1) The office of special investigations (OSI) director must issue this primary-duty handgun.
      (2) OSI does not authorize FAUMs to purchase their primary-duty weapons with personal assets as of July 15, 2015.
      (3) If a FAUM was hired prior to July 15, 2015, the FAUM may continue to carry a personal weapon if the OSI director had previously given authorization to carry a primary-duty weapon purchased with personal assets.

(4) If, after July 15, 2015, a FAUM wishes to change the brand or caliber of a primary-duty weapon purchased with personal assets, the OSI director must not grant this request.
(5) If a FAUM who was hired prior to July 15, 2015, had purchased the FAUM's primary-duty weapon with personal assets, the FAUM may request that OSI purchase one primary-duty weapon from the approved weapons list upon authorization from the OSI director.
(6) Once the FAUM receives a newly-purchased weapon from the department of corrections (DOC), that weapon must become the primary-duty weapon upon receipt.
(7) Only one primary-duty handgun must be qualified each year by the FAUM and authorized for carrying purposes.

b) The FAUM must carry the handgun in a security or retention-type holster.

c) Plainclothes FAUMs must carry their authorized handguns in a manner that must not attract attention or be open to public view.

d) FAUMs must carry DOC-issued police identification cards and DOC-issued badges to signify the FAUMs are law enforcement officers working for the Minnesota DOC while the FAUMs carry DOC-issued handguns.

e) OSI approved the following gun manufacturer options for FAUMs to select from:
(1) Sig Sauer;
(2) Glock;
(3) Smith and Wesson; and
(4) Colt.

f) OSI approved the following three different caliber options for FAUMs to select from for the above listed weapon brands:
(1) .45 caliber;
(2) .40 caliber; and
(3) 9 mm caliber

2. Secondary-duty handgun – optional
a) OSI leaves the decision to carry a secondary handgun while on duty to the personal preference of each FAUM.

b) A secondary handgun is not provided by the DOC.

c) The option is for a FAUM to purchase a secondary handgun at individual expense.

d) The secondary handgun must match the gun manufacturer and caliber list approved by OSI and listed in Section A.1.e) and f), above. A FAUM may make a written request to the OSI director for permission to carry a secondary firearm not listed in the manufacturer list. The OSI director can then approve this outside manufacturer and must save a letter of approval in the FAUM's supervisory file.

e) The handgun must be carried in a security or retention-type holster.

f) Only one secondary-duty handgun must be qualified each year by the FAUM and authorized for carrying purposes.

g) Plainclothes FAUMs must carry their authorized secondary handgun in a manner that must not attract attention or be open to public view.

3. Off-duty carrying of firearms and ammunition

a) The decision to carry a handgun while off duty is left to the personal preference of each FAUM.

b) DOC prohibits any FAUM from carrying a handgun or ammunition off duty while using or under the influence of alcohol or drugs. FAUMs must follow all state statutes and Peace Officer Standards and Training (POST) standards.

c) If a FAUM chooses to carry a firearm while off duty, the FAUM is responsible to know and understand all local, state, and federal rules, guidelines, policies, and ordinances that apply to carrying a firearm in the FAUM's location.

d) If a FAUM chooses to carry a firearm while off-duty, the FAUM must also carry the FAUM's DOC-issued police identification card and DOC-issued badge to signify the FAUM is a law enforcement officer employed by the DOC.

e) FAUMs may carry their qualified secondary weapon as an off-duty weapon.

f) A FAUM who wishes to carry a weapon not issued for primary use while off duty must have passed the firearm qualification for the FAUM's primary weapon on an annual basis or have passed a standard qualification on an annual basis as set up by an OSI firearms instructor with the Minnesota DOC if the officer is retired.

g) Retired Minnesota DOC OSI peace officers must attend a standard off-duty firearms exercise annually in order to carry a firearm while using their MN DOC retired badges and retired department identifications. They must also maintain a passing score of 80% during the off-duty shoot exercise.

(1) Retired Minnesota DOC OSI peace officers who pass the Minnesota DOC OSI qualification are issued new retired department identifications indicating they met standards and the identifications expire one year from issuance.

(2) Retired Minnesota DOC OSI peace officers may follow federal guidelines outside the Minnesota DOC OSI if they choose. If they do so, however, their Minnesota DOC retired department identifications are deemed invalid.

4. Carrying of non-issued, personal firearms

FAUMs who choose to carry a non-DOC issued firearm (while on duty) must receive written approval from the director of OSI and:

a) Sign a waiver and consent form authorizing and consenting to the inspection of the personal firearm upon request by agency supervisors, firearms instructors, or armorers;

b) Have the personal firearm checked by the OSI firearms instructor to ensure the firearm is operationally safe;

c) Record all pertinent data on the Personal Firearm form (attached) with the OSI firearms instructor; approved Personal Firearm forms must be retained by the OSI deputy director – fugitive unit;

d) Provide written notification to the OSI firearms instructor concerning any changes to personal firearms (e.g., sold, traded, or stolen); approved changes to personal firearms must be retained by the OSI deputy director – fugitive unit; and

e) Demonstrate proficiency with the personal firearm on a prescribed firearms training course as required.

5. Long/submachine weapons when not in the physical possession of a FAUM:

a) Long/submachine weapons must be kept in a locked and secured weapon mount style device in a vehicle equipped with a security alarm.

b) If the vehicle does not have a weapon security mounting device, the long weapon must be kept in a locked storage box that is secured to the security alarmed vehicle.

c) FAUMs must not consider security weapon vehicle mounts or locked storage boxes as weapons storage safes. These mounts and boxed can be defeated and, therefore, must not be used for long-term storage.

6. Failure to qualify:

a) FAUMs must obtain the minimum passing score (80%) on any given department-approved course of fire for all weapons (primary, secondary, long, submachine, off-duty) assigned to or authorized for the FAUM.

b) The firearms instructor must notify (verbally and in writing) FAUMs who do not obtain a passing score on a required course of fire that they have failed to qualify.

c) The firearms instructor must also notify the OSI director, OSI assistant director, and OSI deputy director – fugitive unit that a FAUM has failed to qualify.

d) The FAUM must be directed to return to the range at a given date and time for remedial training or firing of the course.

e) The OSI deputy director – fugitive unit must immediately reassign the FAUM to a non-enforcement position until the FAUM returns to the range and passes the course of fire.

f) The FAUM is also prohibited from carrying firearms on or off duty until satisfactory completion of the course.

g) Failure of the FAUM to qualify after remedial training may be cause for disciplinary action up to and including dismissal.

7. Ammunition:

a) OSI must furnish the necessary ammunition for all authorized firearms issued to the FAUM for training purposes.

b) Duty rounds issued to a FAUM for the FAUM's primary handgun, long gun, or submachine gun must be approved by the director of OSI.

c) Attempts at altering, or alteration of, the furnished ammunition is prohibited.

d) Fresh ammunition must be furnished on a yearly basis after the FAUM completes weapon qualifications.

e) If a FAUM chooses to carry a secondary weapon, it is the responsibility of the FAUM to bring ammunition to use for training purposes with this weapon.

f) If a FAUM chooses to carry a secondary weapon on duty, the DOC provides duty rounds for the FAUM after the FAUM has qualified with this weapon during the yearly qualification.

g) The DOC provides no ammunition for off-duty weapons at any time.

8. Security control of weapons:

a) All issued firearms must be secured in the firearm storage container or locker or with a firearm lock, when a firearm is not being used.

b) FAUM vehicles being serviced must have all weapons removed by the FAUM and stored in a secured location until the vehicle has been repaired.

c) Securement of weapons at a jail or correctional facility
FAUMs entering any jail or correctional facility must follow all the rules of the controlling agency as to the securement of weapons.

B. <u>Firearms training (primary handgun, secondary handgun, long gun, submachine gun)</u>

1. Agency firearms training philosophy
The firearms training philosophy of OSI is steadfastly grounded in officer survival and safety. This philosophy is further underscored by FAUM training activities that strongly reinforce procedures that emphasize avoiding serious injury and stopping the use of, or threatened use of, death or great bodily harm. The philosophy of FAUM survival is based on the premise that survival is an equilateral triangle consisting of the following:

a) Tactics: proactive and reactive;

b) Shooting skills: a combination of speed, power and accuracy; and

c) Preparation: through physical and mental conditioning.

2. Structure and requirements

a) Training courses
Due to the dynamics of potential armed encounters, a variety of training courses must be utilized. The training curriculum is approved by the POST Board. Training courses must encompass at least:

(1) Classroom instruction that addresses deadly force and civil liabilities;
(2) Judgmental (decision) shooting;
(3) Shooting in diminished lighting conditions and flashlight techniques;

(4) Cold weather equipment shooting;
(5) Care, maintenance, and safety of duty-authorized firearms;
(6) Post-shooting syndrome;
(7) Officer survival; and
(8) Weapons retention.

b) Firearms training
All OSI firearms training is competency based (pass/fail); a minimum score of 80% is required for passing. Firearms instruction must consist of the following steps:
(1) Preparation, which includes:
(a) Loading;
(b) Grip;
(c) Stance and using cover and movement;
(d) Scene assessment and target acquisition;
(e) Sighting at appropriate distances and techniques; and
(f) Breathing control;
(2) Delivery, which includes:
(a) Awareness of multiple adversaries;
(b) Trigger control/finger position;
(c) Anticipation and lack of anticipation of the discharge of the firearm;
(d) Awareness of cover and use of cover; and
(e) Breathing control; and
(3) Firearms safety rules, which include:
(a) Treating firearms as if they are loaded at all times;
(b) Never letting the muzzle cover anything you are not willing to accept the responsibility for destroying;
(c) Keeping the finger off the trigger until target acquisition is gained;
(d) Verifying the target and beyond;
(e) That warning shots are not authorized and should never be used; and
(f) That weapons may not be modified.

c) Weapons inspection
At least once per year an OSI firearms instructor must inspect the FAUM's weapon to ensure it is functioning properly. If any problems occur with the investigator's weapon, the investigator must immediately bring the weapon to the OSI firearms instructor. An investigator should ideally clean his/her weapon every two weeks (no less than once a month) and every time it has been fired.

3. All firearms training must be recorded and retained in the agency-approved electronic training management system.

INTERNAL CONTROLS:

A. All training records are retained in the agency-approved electronic training management system.

B. Approved Personal Firearm forms are retained by the OSI deputy director – fugitive unit.

ACA STANDARDS: 2-CO-3A-01

REFERENCES: Minn. Stat. §§ 624.714; 609.06; 609.065; 609.066

REPLACES: Policy 107.010, "Weapons," 5/1/18
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Personal Firearm form (107.010A)

APPROVALS:
Deputy Commissioner, Community Services
Deputy Commissioner, Facility Services
Assistant Commissioner, Operations Support
Assistant Commissioner, Facility Services