

<p style="text-align: center;">POLICY OF STATE OF DELAWARE DEPARTMENT OF CORRECTION</p>	<p style="text-align: center;">POLICY NUMBER 8.45</p>	<p style="text-align: center;">PAGE NUMBER 1 of 4</p>
	<p>RELATED ACA STANDARDS: 4-4204, 4-4205; 4-APPFS-3A-22,4-APPFS-3B-01, 4-APPFS-3B-02,4-APPFS-3B-02</p>	
<p>CHAPTER: 8 ADMINISTRATION</p>	<p>SUBJECT: USE OF FIREARMS AND/OR LESS THAN LETHAL WEAPONS</p>	
<p>APPROVED BY THE COMMISSIONER AND EFFECTIVE THIS DATE:</p>		
<p>APPROVED FOR PUBLIC RELEASE</p>		

 7/21/2016

I. AUTHORITY: 11 *Del. C.* §4321, 6565; 29 *Del. C.* §8903

II. PURPOSE: To establish training, qualification, operating and security standards for the use of firearms and less lethal weapons by Department of Correction staff.

III. APPLICABILITY: All sworn Department of Correction (DOC) employees.

IV: DEFINITIONS:

Firearm Qualification Card: Green card certifying that an employee is authorized to carry a DOC firearm.

Director: Refers to Director of Probation and Parole only.

Less Lethal Weapons: Weapons or any devices that are intended to be less likely to kill a living target than are traditional weapons. Such weapons are also termed as non-lethal weapons, less-than-lethal weapons, non-deadly weapons, compliance weapons or pain-inducing weapons. Non-lethal weapons may be used in circumstances where conventional weapons are restricted or lethal force is prohibited or undesirable.

Special Operations Group (SOG): Unit providing technical and tactical support across the Department. This unit includes CERT, the Central Intelligence Group (CIG), Inspections and Transportation.

Range Master: Employee who has met all Department requirements for operating a safe and secure firearms training range.

V: POLICY:

It is the policy of the Department to require authorized employees, identified by Delaware Code as eligible to carry a firearm, to successfully complete a Department certification course prior to being issued a firearm. Regular re-certification must be successfully completed by each employee eligible for a firearm on the schedule approved by the Commissioner. The re-certification schedule must comply with Department of Correction or Council on Police

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Training requirements and consider the position, classification and duties of the employees. No employee is to be issued or permitted to retain an issued firearm after their certification has expired or in the event they do not have a valid Firearm Qualification Card. Only authorized Department firearms and accessories will be issued to and used by Department employees. No firearms shall be purchased without authorization of the Commissioner. This policy applies to Department of Correction issued firearms only and does not apply to an employee's ownership or use of personal firearms in the community.

VI. PROCEDURES

A. The Office of the Commissioner shall authorize the establishment of procedures:

1. Selection of firearms and accessory equipment
2. Purchase of firearms and accessory equipment
3. Initial and proficiency training requirements
4. Storage and Inventory control of weapons and ammunition
5. Authorization for issuance of weapons and ammunition
6. Equipment inspections
7. Firearm and non-lethal weapon use accountability
8. Loading and unloading of firearms

These procedures shall be developed in conjunction with the Employee Development Center (EDC) and in compliance with the above related American Correctional Association (ACA) standards. The procedures shall stress safety and control of firearms/equipment and provide guidance for their use.

B. The identification of employees and positions, either authorized by Delaware Code or having an operational need to be issued a firearm or less lethal weapon, shall be the direct responsibility of the respective Warden or Director. Each Bureau Chief shall be responsible for approving the employees and positions identified by the Warden or Director. Employees who are issued a take home weapon may be required to undergo a psychological evaluation and complete the community weapons program.

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- C. The Warden/Director shall be responsible for the availability, control, use and maintenance of all firearms and less lethal weapons and accessory equipment assigned to their facility/section. They shall establish facility/section procedures for operational use of firearms and accessory equipment that are in complete compliance with Department policy
- D. The Warden/Director shall be responsible to ensure that all firearms and less lethal weapons at use within their facility/section are assigned in accordance with safe practices for weapon's retention and accountability.
- E. The EDC will provide the necessary training as required by Department of Correction or Council on Police Training. This training will include basic training where participants must achieve the qualification standard, on-going training to accommodate re-qualification requirements, and specialized training as authorized by the Commissioner.
- F. The EDC will issue a Firearm Qualification Card to all employees who successfully complete firearm qualification. The card will list the type of firearm the employee is qualified to operate, the certification date and the signature of the certifying Range Master.
- G. Employee behavior or performance which jeopardizes the training environment may be cause for immediate termination of the employee's participation in the training at the discretion of the Range Master or less lethal instructor. Employee behavior or performance during training which reflects negatively on the employee's competence must be documented and forwarded to the employee's Warden/Section Manager for action as appropriate. Any negative behavior or unsafe action during any weapons training may be cause for disciplinary action as determined by the Bureau Chief.
- H. A Warden and/or Director may suspend an employee's Firearm Qualification Card and authorization to have a firearm or less lethal weapon during any investigation of an alleged violation of the firearm procedures or at any time when there is reason to believe the employee is not able to handle a firearm or less lethal weapon safely. The appropriate Bureau Chief shall determine when authorization to have a firearm or less lethal weapon is restored to the employee. In the event an employee's firearms authorization is suspended, the EDC is to be notified immediately with follow-up in writing.

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- I. The Special Operations Group will have responsibility for the testing and evaluation of new equipment and emerging technology, which may be utilized as non-lethal force equipment. The Bureau Chiefs of Prisons and Community Corrections, with approval of the Commissioner, will develop a list of non-deadly force weapons. Once authorized, the SOG Warden will maintain and distribute that list to the institutions. The institutions shall provide a quarterly inventory of non-deadly force equipment to the CERT Commander.