



Arkansas Community Correction

Two Union National Plaza Building
105 West Capitol, 3rd Floor
Little Rock, AR 72201-5731
501-682-9510 (office) 501-682-9513 (fax)

ADMINISTRATIVE DIRECTIVE: 18-29 Weapons and Security Equipment

TO: Arkansas Community Correction Employees

FROM: Kevin Murphy, Director

SUPERSEDES: AD 17-35

APPROVED: _____ Signature on File

EFFECTIVE: December 31, 2018

I. APPLICABILITY. This policy applies to Arkansas Community Correction (ACC) employees.

II. POLICY. ACC policy is to prepare certain employees to function effectively across a force continuum by providing training and authorizing an assortment of security equipment and firearms as provided by this policy. (4-APPFS-3A-22M, 4-APPFS-3B-01M, 4-APPFS-3B-02M)

III. GUIDANCE.

A. Weapons and Security Equipment in General. ACC employees may only be issued weapons and security equipment when they meet the requirements in this policy. Weapons and security equipment must only be issued and carried by staff as described on the Weapons & Security Equipment Authorization Listing (Attachment 1). Any modification to the list requires written approval of the Director.

Parole/Probation Managers, Center Supervisors, and the Special Response Team (SRT) Commander must ensure weapons and security equipment are issued pursuant to policy.

Initial issue of firearms and security equipment may take place prior to training when the issuing authority ensures the new employee understands the requirements described on the form entitled "Temporary Receipt of Firearm and Security Equipment for Practice Only."

B. Authorization to Carry Firearm on Duty. To be authorized to carry a firearm on duty, an ACC employee must:

1. Be in a position listed on the Weapons and Security Equipment Authorization Listing or designated by the Director, and
2. Law Enforcement Officers must meet applicable CLEST requirements and ACC requirements which include a medical/physical evaluation, psychological examination and substance abuse testing.

3. Successfully complete applicable “New Employee Training Requirements” as described in the Employee Training and Certification administrative directive.
4. Be current with applicable refresher training requirements as described in the Employee Training and Certification administrative directive.
5. Comply with other applicable requirements in this policy. (4-APPFS-3A-04)
6. Be free of a felony conviction.
7. Be free of a misdemeanor conviction of domestic violence.
8. For state-issued firearms, be issued a state-issued firearm on the form entitled “Receipt and Authorization to Carry Weapons and Security Equipment.” Community Correction Centers may use an alternative form for temporary issue.

C. Carrying ACC Issued Weapons and Security Equipment.

1. An employee must be authorized to carry and must meet the training requirements as a prerequisite to carrying weapons and security equipment.
2. Employees who are in positions authorized to carry a firearm. These employees, when they meet the above requirements in the paragraph entitled “Authorization to Carry a Firearm on Duty,” may carry ACC-issued weapons, ammunition, security equipment and a chemical agent during all hours in which they are actively pursuing the obligations and duties of the position for which they are employed, otherwise there is no authority to carry or use agency-issued weapons or security equipment; with the following exception. As an exception, Parole and Probation Officers employed by ACC who are authorized to carry a firearm while on duty may choose to carry their state-issued or approved personal firearm while off duty pursuant to Arkansas Code section 16-93-103. The law does NOT allow officers to carry a state-issued firearm while actively working at employment for another organization.
3. Residential Center Employees. Security staff who have received the required training may be authorized by the Senior Residential Supervisor, Assistant Center Supervisor, Center Supervisor or above to carry security/control equipment within the following parameters:
 - a. Security staff at the rank of Sergeant or above may be authorized to carry a chemical agent for on-site supervision.
 - b. Security staff who are trained may be authorized to carry a firearm and chemical agent while transporting offenders and when supervising off-site community work crews.
 - c. Security staff on the Emergency Response Team may be issued stun shields, riot helmets, batons and other security equipment for a particular incident only with the approval of the Senior Residential Supervisor, Assistant Center Supervisor, Center Supervisor or above.

4. Additional Carrying Requirements.

- a. When carrying a firearm on duty, uniformed personnel must also carry an ACC-issued chemical agent. As an exception, SRT must carry a chemical agent or Taser. Uniformed personnel consist of ACC Special Response Team officers; Parole/Probation Officers, residential food service staff, security officers, and residential supervisors.
- b. When carrying a firearm on duty, an employee must carry his or her law enforcement badge and when a carried firearm is visible, the badge must also be visible.
- c. When carrying a firearm on duty, an employee must carry his or her ACC photo identification card.
- d. Firearms must be in an approved holster.
- e. When in uniform, carried chemical agent and Tasers must be in a carrier or belt case.
- f. An employee must not carry a firearm while under the influence of any medications or other substances that impair his or her ability to perform the duties of the job.
- g. An employee must not carry a firearm when precluded from doing so by the supervisor, in accordance with the provisions of this policy or by law.
- h. Firearms must be maintained and used in a manner to prevent accidental discharges.

D. Carrying a Backup Personal Firearm While on Duty.

1. A “personal firearm” refers to a firearm owned by an ACC employee. To carry a personal firearm while on duty, both the employee and firearm must meet the requirements in this policy.
2. The caliber of the personal firearm must be between .380 caliber and .45 caliber.
3. A Law Enforcement Officer (LEO) may carry an approved personal firearm as a backup weapon while on duty provided that the officer:
 - a. furnishes his/her own personal firearm and conceals it while carrying it on duty.
 - b. uses his/her personal funds for all expenses related to the personal firearm to include all ammunition used for practice, qualification and carry, purchasing a holster and maintenance. The ammunition must be approved by ACC.
 - c. ensures the backup firearm is secured in an approved holster when worn on duty and secured when not worn. The holster must be approved by an ACC certified firearms instructor and documented on the form “Backup Weapon Inspection and Qualification”.
 - d. qualifies on the personal firearm through an ACC certified firearms instructor prior to carrying it and requalifies as required by agency policy.
 - e. keeps the handgun properly maintained, repaired and in good working order at his/her own expense.

E. First Aid/Emergency Medical Services. First aid or emergency medical services must be promptly provided following the injury and/or contamination of an individual by a firearm, chemical agent or security equipment. (4-ACRS-2B-02[P]).

F. Responsibility to Inform of Physical or Emotional Impairment and Suspending Authorization.

Employees who are authorized to carry a firearm and/or less than-lethal weapons must notify their immediate supervisor of any physical, psychological or pharmacological conditions causing physical or emotional impairment that could affect their ability to perform the essential functions of their duties or carry/use a firearm or less-than-lethal weapon safely.

Impairment is considered to be a condition that can affect judgment, reaction time, or motor skills, as it may affect the ability to act or handle a firearm or less-than-lethal weapon safely and proficiently.

Supervisors must consider the circumstances and when warranted must suspend authorization to carry a firearm and less-than-lethal weapon. Supervisors must protect such medical information pursuant to law and policy.

Authorization will be reinstated upon the cessation of the medication effects, or with the physician's ruling that the physical/psychological condition and/or medication's potential effects would not interfere with handling a firearm or less-than-lethal weapon, driving a motor vehicle safely, or safely performing other essential functions. (4-APPFS-3B-05)

G. LEO Personnel Actions. The Parole/Probation Deputy Director and Residential Services Deputy Director must ensure proper notification to the Commission on Law Enforcement Standards and Training of all LEO personnel actions, pursuant to the CLEST Manual.

Notifications of personnel actions going to CLEST must be routed through the Human Resources Section or Central Training Section, as appropriate.

Initial training on chemical agents will require contamination while being video-recorded. If a person has a medical concern the employee may be excused and the instructor must promptly notify the person's immediate supervisor, the Central Training Section Manager and the Central Office Human Resources Manager so a determination may be made on the medical excuse and whether the employee can perform the essential functions of the job.

H. Security and Control of Weapons and Equipment

1. Parole/Probation Managers, Center Supervisors and the SRT Commander are primarily responsible for weapons accountability and security.
2. Employees are responsible for the weapons and security equipment issued to them.
3. Managers and Supervisors may designate a firearms-certified Weapons Control Officer to manage weapons and security equipment to include coordinating with the Local Physical Asset Control Officer to ensure compliance with the Equipment Inventory, Transfer and Disposition policy.

4. All weapons and security equipment must be stored in designated areas that are locked; inaccessible to offenders and other unauthorized persons; protected from the weather; and secured from loss or theft.
5. When not being worn, authorized firearms, ammunition and other security equipment must be secured.
6. Firearms must be loaded and unloaded in a designated safe area approved by the Area Manager, Center Supervisor or Firearms Instructor. Each safe area must have at least a 5-gallon barrel of sand. Firearms must be pointed at the sand barrel if the firearm is being unloaded or the trigger is pulled prior to cleaning or removing the slide.
7. At residential centers, firearms must not be worn except in an emergency or when carried by an authorized employee before departure and upon return. Firearms must be properly secured in a control center or armory. Visiting law enforcement officers must secure their weapons in their vehicle or in the control center or armory prior to entering the facility. (4-ACRS-2A-10)
8. The process for signing firearms and security equipment in and out must include the employee's name and weapon serial number (when there is one). Form 1, "Authorization and Receipt for Weapon and Security Equipment," or a bound book with pre-numbered pages must be used for this purpose and kept for a minimum of 3 years after the final entry. Annotations may be made to indicate transfer of active records from one permanent log book that has been filled to a new one.
9. Area Managers must ensure their firearms instructors have an approved process in place for keeping up with ammunition received and issued.
10. This paragraph does NOT apply to Center operations. An employee may leave an authorized weapon in an office overnight only if it is in a secured area approved by the Area Manager or firearms instructor. Law enforcement officers are encouraged to take their firearm home, and when doing so the firearm must be kept secure.
11. Each Center Supervisor must develop and provide written supplemental guidance, to include at minimum:
 - a. Procedures for issuing weapons and security equipment, emergency response teams, transportation teams and individuals.
 - b. Key control
 - c. Access control
 - d. Inventories
 - e. Safety and security procedures.

I. Chemical Agent Specifications. Chemical agents must be non-flammable and meet EPA standards.

J. Dogs and Handlers. Dogs and handlers from the Arkansas Department of Correction or a local law enforcement agency may be used for contraband detection and tracking purposes by the SRT and, when approved by the Center Supervisor or Assistant Center Supervisor, at ACC residential centers.

K. Retired ACC Law Enforcement Officers

ID Badges. LEOs retiring from ACC and state government service may request a “Retired Law Enforcement Officer” identification card. The request will be handled by the Human Resources Section.

Duty Weapon. ACC certified law enforcement officers who were issued a firearm and retire from the agency in good standing, with no disciplinary action, can submit a request to the appropriate Deputy Director to be awarded their duty weapon using the "Retired Law Enforcement Officer Award of Firearm Form." The officers must have been with ACC for at least 10 years as a certified officer. Exceptions may be made by the Director for those who have prior law enforcement service.

Administrative Services is responsible for processing necessary paperwork to remove the firearm from agency inventory.

L. Wearing Protective Vests.

Protective vests will be worn when making home visits, serving warrants (unless serving a warrant in the office or at a jail), transporting offenders, firing weapons on the range, accompanying law enforcement on investigations or operations, when assisting in apprehending an escapee, and at the LEO's discretion. SRT members may use their discretion on when to use their tactical or protective vests.

M. Incidents Involving Weapons or Security Equipment. Incidents involving weapons or other security equipment will be managed and reported in accordance with the Administrative Directives on “Reporting and Investigating Incidents, Hazards and Maltreatment,” “Use of Force,” and “Drug-Free Workplace.”

N. Confiscation, Surrender, Loss, Damage, and Disposition of Firearms or Security Equipment.

1. **Surrender of Firearms.** An employee who voluntarily or involuntarily leaves ACC employment must immediately surrender his/her assigned weapon and equipment to his/her supervisor, with one exception. The Director may, with the recommendation from the employee's supervisor, award a Parole/Probation Officer his/her weapon upon retirement pursuant to state law.
2. **Lost or Stolen ACC Weapons.** If any issued weapon or security equipment is lost or stolen and it is determined by the appropriate supervisor, administrator or Center Supervisor that such loss was caused by carelessness or negligence, the employee must reimburse the ACC within 30 days for replacement cost, unless an alternative payment schedule is approved. The circumstances surrounding the loss or theft may result in disciplinary action, up to and including employment termination. Refer to the policy on Reporting and Investigating Incidents, Hazards and Maltreatment for reporting stolen or lost weapons.
3. **Damaged Firearm.** A damaged or faulty ACC firearm must be reported to the immediate supervisor, the firearms instructor if detected during training or firearms qualification, and the Weapons Control Officer as soon as detected. Firearms in need of repair must be referred to a certified armorer or gunsmith through regular purchasing procedures.

4. Disposition of ACC Firearms. Following the appropriate Deputy Director's written approval, a firearm for which ACC has no use must be disposed of through the Administrative Services Division's Purchasing Unit, according to state regulations governing property disposal.
5. Processing Confiscated Firearms. Process confiscated firearms as described on the form entitled "Confiscated Firearms Processing."
6. Damaged/Used Chemical Agent Turn-In and Disposal. Damaged or used chemical agents will be turned in to the supervisor or Weapons Control Officer for proper disposal and adjustments to supply/inventory records.

O. Decision to Suspend or Revoke Firearm Privileges. (4-APPFS-3B-04)

1. A supervisor must act to suspend or revoke authorization to carry a weapon when reasonable cause exists. When the authority to carry a firearm has been suspended or revoked, the employee is also restricted from performing duties that might require the use of a firearm. The Manager or Supervisor must complete the appropriate section of the Authorization and Receipt for Weapons & Security Equipment Form and forward it to the Parole/Probation Assistant Director or Deputy Director of Residential Services, as appropriate. When a supervisor suspends or revokes the authorization to carry a firearm or less-than-lethal weapon and the weapon belongs to the agency, it must be seized and secured.
2. When an employee's authorization to carry an ACC-issued firearm is revoked or suspended, the employee must not carry a backup firearm while on duty.
3. Some of the factors that may be considered in deciding to suspend or revoke the carrying and use of a firearm are as follows:
 - a. job performance
 - b. participation in a substance abuse or psychiatric treatment program
 - c. carelessness, horseplay, negligence, misuse, or other inappropriate conduct in the handling of weapons and equipment
 - d. incident(s) involving the discharge of a weapon
 - e. action is determined to be in the best interest of public safety and efficient operation of the ACC
 - f. employee use of medications or other substances that cause physical or mental impairment
 - g. when warranted, pending completion of an investigation, and
 - h. failure to qualify or requalify.

P. Firearm Safety, Maintenance, and Inspection.

1. All unassigned firearms and security equipment must be inspected and maintained at least annually by a LEO or other authorized staff member designated by the supervisor. At the direction of a supervisor, an issued weapon is subject to inspection at any time by certified firearms instructors.
2. Only certified armorers will make or cause to be made modifications or repairs to ACC firearms. Any modification or substantial repair must be documented in writing. Reports must be filed and provided to appropriate supervisor.

3. Each authorized employee is responsible for cleaning, maintaining, and inspecting his/her issued security equipment and authorized firearms. In addition, before placing a personally-owned backup firearm in use, the employee must have a qualified firearms instructor complete the form "Backup Weapon Inspection and Qualification."
4. Each authorized employee is responsible for reporting in writing any unresolved deficiencies in firearms and security equipment when there is a potential or actual problem that may or does cause the firearm or security equipment to be unsafe or unreliable. Firearms and security equipment found to be unsafe or inoperable must be promptly removed from service and tagged to indicate the problem. The report should be made on the form entitled "Incident or Hazard Report/Witness Statement – for Staff Use." Reports must be filed and provided to the appropriate supervisor.
5. A firearm that has been fired in connection with an incident may not be cleaned without a release from the Internal Affairs Administrator and approval of the appropriate Deputy Director.
6. Employees must adhere to standard safety instructions provided by ACC training processes. Weapons will at all times be maintained and used in a manner that precludes accidental discharges. Irresponsible acts such as horseplay or practical jokes involving a weapon are prohibited.

Q. Handcuffs. Handcuffs must be black and/or silver.

IV. REFERENCES. Arkansas Code sections 5-2-605 and following, 5-64-501, 5-73-103 through 105, 12-27-132, 12-29-115 and 16-93-103.

V. ATTACHMENT AND FORMS.

Attachment 1 Weapons and Security Equipment Authorization Listing

- AD 18-29 Form 1 Temporary Receipt of Firearm and Security Equipment for Practice Only
- AD 18-29 Form 2 Receipt for and Authorization to Carry Weapons & Security Equipment
- AD 18-29 Form 3 Backup Weapon Inspection and Qualification
- AD 18-29 Form 4 Confiscated Firearms Processing
- AD 18-29 Form 5 Retired Law Enforcement Officer Award of Firearm

**WEAPONS & SECURITY
EQUIPMENT AUTHORIZATION LISTING**

	Parole/Probation Services		SRT	Residential Services	Others
	Deputy Director, Assistant Director, Manager, Assistant Manager, Agent, Supervision Officers	Career Planning and Placement Specialist	Special Response Team (SRT)		Director, Chief Deputy Director, Deputy Directors, Internal Affairs Administrator, and others as designated by the Director
Ballistic Shield	—	—	X	—	—
Batons	—	—	—	ERT	X
Riot Helmets	—	—	—	ERT	—
Helmet, ballistic	—	—	X	—	—
ACC-issued, or approved Handgun & Ammunition	X	—	X See Note 5	As Designated See Note 4	X
ACC-issued or approved Holster, cartridge, case & clip See Note 1	X	—	X	As Designated See Note 4	X
Personal Handgun (see details in this policy) and See Note 1	X	—	X	—	X
Chemical Agent & carrier	X	X	X	As Designated See note 4	X
Stun Shields	—	—	—	ERT	—
Taser/Electronic Restraint Devices	—	—	X	As Designated See note 4	X
Semi-automatic rifle	—	—	X	—	X
Shotgun with Orange on the Stock	—	—	X See Note 2	ERT	—
Shotgun without orange	—	—	X See Note 2	As Designated See note 4	—
Secure Office Containers	X	—	X	X	X
Leg Irons & Belly Chains (pool)	X	—	X See Note 3	X	X
Handcuff & case (black and/or silver)	X	—	X	X	X
Flex cuffs (pool)	X	—	X	X	X
Protective vests	X	—	X	As Designated See Note 4	X
Video Camera	—	—	—	X	—

ERT = Emergency Response Team

Pool= Equipment is available in the office for sharing

SRT = Special Response Team

Note 1. Law Enforcement Officers may purchase their own holster, which must be approved pursuant to this policy.

Note 2. Only “less-than-lethal” ammunition is authorized for ACC-issued shotguns with orange stocks. Other shotguns may use buck shot or slugs.

Note 3. Leg irons, belly chains, and flex cuffs may be issued to individual SRT members instead of using a pool.

Note 4. “As Designated” pursuant to paragraph III. C. 3.

Note 5. The SRT Commander may issue a backup firearm to SRT members.

**Arkansas Community Correction
CONFISCATED FIREARMS PROCESSING**

Instructions. Process confiscated firearms as described on this form.

Reference Information (such as incident report number; firearm description):

Name of Person Processing this: _____

- record the confiscated firearm on the form entitled "Evidence or Confiscated Property/Contraband," tag the firearm when appropriate;

- check ACIC
Reported lost or stolen? Yes OR No
 - Law enforcement agency with an active case? Yes OR No
 - If yes, agency contact info: _____inform the agency; but firearm must go to the Arkansas Crime Lab
 - Does offender who had firearm have pending case Yes OR No
 - If yes, agency contact info: _____ If appropriate, inform the agency and/or prosecutor; but firearm must go to the Arkansas Crime Lab

- check eOMIS offender who had firearm, any pending charges or other information of concern?:
 Yes OR No. Use this information as appropriate when contacting law enforcement or a prosecutor and on the Crime Lab "Evidence Submission Form."

- If the firearm was used in the commission of a crime OR if it was taken from a parolee or probationer who has a felony conviction:
 - complete the Arkansas Crime Lab "Evidence Submission Form" and
 - deliver the firearm to the Arkansas Crime Laboratory within 30 days for ballistics testing and
 - have the Crime Lab sign for the transfer on our "Evidence or Confiscated Property/Contraband" form;

- after testing by the Arkansas Crime Lab, firearms are returned to ACC, typically they are returned to the ACC Internal Affairs Investigator; upon return:
 - if there is a case pending adjudication ACC may transfer the firearm to the law enforcement agency managing evidence for the case if they will accept it; otherwise, ACC must maintain and store evidence until released by a court of competent jurisdiction or the prosecuting attorney;
 - if no case pending, when ACC regains possession of the firearm, ACC must immediately notify the owner, unless the owner is prohibited by law from possessing the firearm, that the owner may regain possession of the firearm when no longer held as evidence;

- after the above efforts, if the confiscated firearm is not considered to be of any evidentiary value, ask the appropriate Deputy Director to approve in writing destruction of the firearm and upon receiving permission, use the form entitled "Evidence or Confiscated Property/Contraband Disposition" to document destruction.

(Arkansas Code sections 12-12-311 and 12-12-324 address some aspects of this topic)

Arkansas Community Correction
RETIRED LAW ENFORCEMENT OFFICER AWARD OF FIREARM

Instructions. ACC certified law enforcement officers (LEOs) who were issued a firearm and retire from the agency in good standing, with no disciplinary action, can submit a request to the appropriate Deputy Director to be awarded their duty weapon using this form. The officer must have been with ACC for at least 10 years as a certified officer. Exceptions may be made by the Director for those who have prior law enforcement service.

Pursuant to Arkansas Code section 12-27-132, in observance of retirement, request is made to award the duty weapon described below and remove the weapon from ACC inventory:

Recipient:

Date of Retirement: _____

Weapon Description: _____

Serial Number: _____

Asset number: _____

Requestor Name: _____

Signature: _____

Deputy Director certifies:

The officer meets the criteria to include 10 years with ACC as a certified law enforcement officer OR

The officer meets the criteria to include _____ years _____ months with ACC as a certified LEO and _____ years _____ months With (agency): _____ as a certified LEO.

Deputy Director Name: _____ Signature (approval): _____

Director's approval when an exception is made for a LEO with prior law enforcement service.

Director Name: _____ Signature: _____

Award. The weapon described above was awarded to the retiring officer on (date): _____

Printed Name (Assistant P/P Area Manager, or Above) _____ Signature: _____

Send this completed form to: ACC Central Office / Administrative Services / Asset Manager

Inventory Adjustment.

The duty weapon described above has been removed from inventory on (date): _____

Printed Asset Mgr Name: _____ Signature: _____