


|  |  |                |
|--|--|----------------|
|  <p style="text-align: center;"><b>KENTUCKY<br/>CORRECTIONS</b><br/>Policies and Procedures</p>   | Policy Number  | Total Pages    |
|  | 4.3  | 6              |
|  | Date Filed   | Effective Date |
|  | *  | August 7, 2023 |
|  | Supersedes Effective Date<br>April 28, 2014  |                |
| Authority/References<br>ACA Standard 5-ACI-1D-20,5-ACI-1D-21<br>P&P ACA 4-APPFS-3A-22M, 4-APPFS-3A-23, 4-APPFS-3B-01M, 4-APPFS-3B-02M, 4-APPFS-3B-03M, 4-APPFS-3B-06<br>ACA 2-CO-3A-01<br>KRS 237.060<br>CPP 9.7, 27-08-01 | Subject<br><br><p style="text-align: center;"><b>FIREARMS, CHEMICAL AGENTS, LESS LETHAL WEAPONS AND MUNITIONS TRAINING</b></p> |                |

## I. DEFINITIONS

“Annually” in the standard and for this policy refers specifically to a rolling thirteen (13) month period that begins when training is conducted.

“Calendar year” means the time frame between January 1 and December 31.

“Chemical agents” means non-lethal gases; Chlorobenzalmalononitrile (CS) gas, Oleoresin Capsicum (OC) gas, spray, and pepper ball delivery methods. Hexachloroethane (HC) smoke and similar chemicals used to control individuals or crowds. Chloroacetophenone; Hydrogen Cyanide (CN) (chemical mace) is not authorized for use within the Department of Corrections and shall not be used for training.

“Distraction device” means any commercially produced non-lethal device designed to disorient or distract a person by detonation. This includes “flash bang” type grenades.

“Electric disabler” means a less lethal device that functions by applying electrical impulses to the receiver causing involuntary muscle contractions and temporary immobilization.

"Firearms" is defined in KRS 237.060.

“Firearms, Chemical Agent, Electric Disabler, and Distraction Device Qualified Instructor” means one who holds current licensure or certification in the specialized topic area(s), specialist consultant, and a person having satisfactorily completed manufacturer, vendor or departmental equivalent course on firearms, chemical agents, electric disablers, or distraction devices.

“Less lethal weapon” means a commercially produced weapon, electronic control device or munitions authorized by the Commissioner of the Department of Corrections for use by Departmental personnel in their official duties. A less lethal weapon is designed to inflict

| Policy Number | Effective Date | Page |
|---------------|----------------|------|
| 4.3           | August 7, 2023 | 2    |

pain or pressure or electrical current or neural muscular incapacitation at a level that can reasonably be expected not to be lethal.

## II. POLICY and PROCEDURE

A. It is the policy of the Department of Corrections that an employee's first line supervisor is responsible to ensure that subordinate employees are scheduled and successfully complete the initial, annual and specialized training necessary for the employee to perform assigned duties within the Department. Additionally it is the first line supervisor's responsibility to ensure that any necessary training requirements shall be included within the subordinate's performance evaluations and that the subordinate's training records are correct and complete.

B. Before using a firearm for duty, a Corrections employee shall successfully complete a course of instruction provided by the Division of Corrections Training (DCT) in the safety, care and constraints involved in the use of firearms if his duties:

1. Include use of a firearm; or
2. May require him to authorize the use of a firearm by another.

Prior to carrying a firearm, an employee taking the course of firearm instruction shall demonstrate proficiency by attaining a standard of seventy (70) percent on the firearms instruction written test and achieving a qualifying score on a DCT approved course of fire on the firing range. The employee shall demonstrate this proficiency on an annual basis determined by a qualified firearms instructor trained and certified by the DCT.

C. Before using a chemical agent for duty, a Corrections employee shall successfully complete a course of instruction provided or approved by the Division of Corrections Training in the:

1. Proper use of a chemical agent, and
2. Approved decontamination treatment of an individual who has been exposed to a chemical agent.

D. Before using an Electric Disabler for duty, a Corrections employee shall successfully complete a course of instruction provided or approved by the Division of Corrections Training (DCT) in the safety, care and constraints involved in the use of Electric Disabler if his duties:

1. Include use of an Electric Disabler weapons or munitions; or

| Policy Number | Effective Date | Page |
|---------------|----------------|------|
| 4.3           | August 7, 2023 | 3    |

2. May require him to authorize the use of an Electric Disabler weapon or munitions by another.

Prior to carrying a less lethal weapon or munitions for duty, an employee taking the course of less lethal weapon or munitions instruction shall demonstrate proficiency by attaining a standard of seventy (70) percent on the less lethal instruction written test. For Less Lethal Weapons that fire a projectile, the employee shall also demonstrate proficiency by achieving a qualifying score on a DCT approved course of fire on an annual basis by a Less Lethal Weapon instructor trained or qualified by the DCT.

- E. Before using a Distraction Device for duty, a Corrections employee shall successfully complete a course of instruction provided or approved by the Division of Corrections Training (DCT) in the safety, care and constraints involved in the use of Distraction Devices if his duties:

1. Include use of an Distraction Devices weapons or munitions; or
2. May require him to authorize the use of a Distraction Device weapon or munitions by another.

Prior to carrying a less lethal weapon or munitions for duty, an employee taking the course of less lethal weapon or munitions instruction shall demonstrate proficiency by attaining a standard of seventy (70) percent on the less lethal instruction written test. For Less Lethal Weapons that fire a projectile, the employee shall also demonstrate proficiency by achieving a qualifying score on a DCT approved course of fire on an annual basis by a Less Lethal Weapon instructor trained or qualified by the DCT.

- F. Pre-Service Training and Qualification

1. Training for a new employee shall be provided prior to assignment to a tower, armed patrol, escape post, prisoner apprehension, prisoner transportation and any other post that a firearm may be available for use. This training shall include at a minimum:

- a. Instruction in loading, unloading, mechanical functions, care and safety of any firearm that may be issued to an employee. Firearms training shall be limited to the following:

- (1) 12 gauge shotgun.
- (2) .223 caliber semi-automatic, rifle or carbine.

| Policy Number | Effective Date | Page |
|---------------|----------------|------|
| 4.3           | August 7, 2023 | 4    |

- (3) .40 caliber semi-automatic pistol.
  - (4) 37mm and 40mm Grenade Launchers.
  - (5) Any other weapon authorized by CPP 9.7 for institutional staff probation and parole officers or Internal Affairs. Staff authorized to use these weapons shall successfully complete training provided or approved by the Division of Corrections Training prior to authorization to carry a firearm or other weapon authorized by CPP 9.7.
- b. A description of conditions under which firearms may be used as authorized by statute and Corrections policy is contained in CPP 9.1, “Use of Force” and reference may also be made to KRS 503.050, 503.070, 503.090, and 503.100.
  - c. Qualifications firing of appropriate firearms on the firing range shall be by a qualified firearms instructor trained and certified by the DCT.
  - d. Probation and Parole personnel shall qualify with the Glock Model 19 Gen 5, 9mm semi-automatic pistol issued by the department and with his privately owned Glock Model 19 Gen 5 or G26 or G43X, 9mm semi-automatic pistol if used as a backup weapon.
- 2. A new employee shall demonstrate his proficiency in the appropriate use of firearms by achieving a qualifying score on a DCT approved course of fire as well as achieve a minimum seventy (70) percent score on a written examination related to use of force policy and care and safety of the firearm. A new employee who meets these standards shall be issued a card by the Division of Corrections Training attesting to his proficiency and valid through the thirteenth (13) month following his annual firearms training. An employee shall not be authorized to carry a firearm for duty if he does not possess a valid qualification card.
  - 3. A new employee shall be given three (3) attempts to meet the minimum proficiency standard.
  - 4. A new entry level correctional officer or a probationary status Probation and Parole officer may be terminated if he fails to meet the minimum qualification requirements of this section.
- F. Annual Requalification or Retraining

| Policy Number | Effective Date | Page |
|---------------|----------------|------|
| 4.3           | August 7, 2023 | 5    |

Annually, an employee referred to in Section II shall demonstrate continued proficiency by achieving a qualifying score on a DCT approved course of fire under the supervision of the Division of Corrections Training or by an instructor trained and certified by the DCT. Each employee shall also score a minimum of 70% on a written examination related to use of force policy and care and safety of appropriate firearms. Upon successful requalification the employee shall be issued a new qualification card valid through the thirteenth (13) month after his annual firearms training. Any employee who fails to requalify shall be removed from any assignment requiring use of firearms until he may be requalified. If an employee receives the retraining and still fails to meet the qualifying standards, personnel action may be initiated. An employee shall be given three (3) attempts to meet the minimum proficiency standard.

G. Training in the Use of Chemical Agents

Initial and annual chemical agent training shall be required for any employee authorized to use chemical agents in the performance of his duty. Any person authorized to use chemical agents shall receive training from a qualified chemical agent instructor provided or approved by the Division of Corrections Training to include:

1. An initial minimal exposure to the agent and specific instructions regarding use of the product as specified by the manufacturer.
2. Precautions to be followed as specified by the manufacturer.
3. Instructions that a chemical agent shall not be used except by the permission of the Warden, Acting Warden, or designee within the adult correctional institution. Probation and Parole officers shall comply with Corrections Policy and Procedure 27-08-01.
4. A description of the various agents available, and recommended uses or any restrictions for each.
5. Type of post exposure decontamination medical care required for each chemical agent.
6. Report procedures required.

H. Training in the Use of Less Lethal Weapons and Munitions

Initial and annual Less Lethal Weapon and Munitions training shall be required for any employee authorized to use Less Lethal Weapons and Munitions in the performance of his duty. Any person authorized to use Less Lethal Weapons or

| Policy Number | Effective Date | Page |
|---------------|----------------|------|
| 4.3           | August 7, 2023 | 6    |

Munitions shall receive training from a qualified Less Lethal Weapons or Munitions Instructor provided or approved by the Division of Corrections Training to include:

1. Specific instructions regarding use of the product as specified by the manufacturer.
2. Precautions to be followed as specified by the manufacturer.
3. Instructions that a Less Lethal Weapon or Munitions shall not be issued for use within adult correctional institutions without the permission of the Warden, Acting Warden, or designee within the adult correctional institution. Probation and Parole officers refer to Corrections Policy and Procedure 27-08-01 concerning the use of Less Lethal Weapons or Munitions.
4. A description of the various less lethal weapons and munitions approved by the Department and recommended uses or restrictions for each.
5. Type of post use medical care required for each less lethal weapon or munitions.
6. Report procedures required.