

**DIRECTIVE NUMBER 400-02-13**

**DATE:** July 1, 2013

**TO:** Department of Labor Special Investigators

**FROM:** Lana Gordon, Secretary of Labor

**SUBJECT:** Firearms Authorization, Training and Use by Agency Special Investigator

**I. Purpose**

This policy is to provide guidance for and to define the parameters of firearms use by KDOL special investigators.

**II. Policy Statement**

No KDOL special investigators may carry firearms while performing their official duties without having first successfully completed the training course prescribed for law enforcement officers under the Kansas law enforcement training act, K.S.A. 74-5601 et seq., and amendments thereto.

**III. Scope**

This policy applies to all KDOL special investigators.

**IV. Definitions**

Alcohol concentration: Means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath.

Authorized Firearm: Any KDOL issued or approved firearm intended for official law enforcement use.

Primary Handgun: A handgun authorized by KDOL to serve as the Special Investigator's primary duty weapon.

Secondary Handgun: Any handgun, other than the primary duty handgun, that is authorized by KDOL for official law enforcement use.

Shoulder Weapon: Any KDOL issued or approved rifle or shotgun intended for official law enforcement use.

Specialty Weapon: Any KDOL owned weapon that is approved for official law enforcement use by agents who have received specialized training in their deployment.

Firearms Training: Regularly scheduled, officially sanctioned training with agency authorized weapons designed to increase agent safety and proficiency in firearms use.

Firearms Qualification Required: KS-CPOST requires that a full-time and part-time police officers and law enforcement officers as defined by KSA 74-5602(f), and amendments thereto, must qualify at least once annually on the KS-CPOST statewide firearms qualification course of fire. There is no established or set time during the training year when the required annual firearms qualification must occur; however Special Investigators must complete the KS-CPOST qualification process with their duty weapon on or before the last day of each training year.

KDOL special investigator: For the purpose of this policy the term KDOL special investigator shall include a special investigator designated by the Secretary as a law enforcement officer pursuant to K.S.A. 75-5702 and K.S.A. 74-5602.

Secretary: For the purpose of this policy the term Secretary means the Secretary of Labor.

## **PROCEDURE**

### **I. General Provisions**

- A. Any firearm carried by a KDOL special investigator, carried in a state owned vehicle or intended for use for official law enforcement purposes must be authorized by the KDOL Chief Attorney and is subject to the provisions of this procedure.
- B. KDOL special investigators may request authorization for a personally owned weapon through their supervisor. Approval will be determined by the KDOL Chief Attorney.
- C. All KDOL issued or authorized firearms shall be registered with the KDOL Chief Attorney by make, model, and serial number.
- D. KDOL special investigators may not carry firearms while performing their official duties without having first successfully completed the training course prescribed for law enforcement officers under the Kansas law enforcement training act, K.S.A. 74-5601 et seq., and amendments thereto.
- E. When armed with a KDOL authorized firearm, KDOL special investigators shall also have available their handcuffs, badge and official credentials.

### **II. FIREARMS QUALIFICATION/CERTIFICATION**

- A. All KDOL special investigators authorized to carry firearms shall be required to qualify with each authorized firearm.
- B. Should a KDOL special investigator fail to qualify on a specific course, and the failure is attributable to a temporary physical condition, the KDOL Chief Attorney may authorize any Range Master to make reasonable modifications to the course of fire to allow the KDOL special investigator to participate, and shall note the same on the official training records.
- C. KDOL special investigators who are unable to qualify with either their primary or secondary handgun shall be required to attend remedial training and qualification. Failure to qualify after remedial training with the primary handgun may result in disciplinary action.
- D. A KDOL special investigator may request authorization to be issued a secondary handgun with the concurrence of their supervisor and in accordance with this policy. The secondary handgun will be authorized only after the KDOL special investigator completes a basic instruction and qualification course.
- E. Only holsters specifically made for an approved handgun are authorized for official use.
- F. KDOL special investigators are required to attend additional firearms training throughout the year as scheduled. KDOL special investigators will not be exempt from firearms training sessions except in the event of illness, injury, court or other circumstances approved by their supervisor.

- G. It is the KDOL special investigator's responsibility to attend a sufficient number of training sessions to maintain certification.

### **III. FIREARMS MAINTENANCE**

- A. Authorized firearms shall be maintained in a clean and safe operating condition by the KDOL special investigator issued the firearm.
- B. Defective, unsafe, or unauthorized firearms shall be immediately reported to an agency supervisor who shall arrange for their immediate removal from service and replacement and/or repair.
- C. Repairs or alterations to agency-authorized firearms may only be made by an armorer and must be authorized by the KDOL Chief Attorney.
- D. Any modification to any agency-authorized firearm shall require the approval of the KDOL Chief Attorney. Modifications include but are not limited to alterations involving grips, spring kits, sights, or finishes.

### **IV. FIREARMS SAFETY**

- A. KDOL special investigators shall not carry a firearm on or off duty when they are under the influence of alcohol or an illegally used controlled substance, to such a degree as to render such officer incapable of safely operating a handgun.

(1) If the alcohol concentration is less than .08, that fact may be considered with other competent evidence to determine if the officer was under the influence of alcohol, or both alcohol and drugs as it applies in subsection (A).

(2) If the alcohol concentration is .08 or more, it shall be prima facie evidence that the officer was under the influence of alcohol as it applies in subsection (A).

(3) If there was present in the officer's bodily substance any narcotic, hypnotic, somnifacient, stimulating or other drug which has the capacity to render the officer incapacitated, that fact may be considered to determine if the officer was under the influence of drugs, or both alcohol and drugs as it applies in subsection (A).

- B. KDOL special investigators shall report to their immediate supervisor any use of prescription drugs or other medication that they reasonably expect could impair their ability or judgment to use a firearm.
- C. KDOL special investigators are responsible for the safe use and secure storage of any KDOL authorized firearm. KDOL special investigators shall not store or leave unattended, a firearm in any location affording easy access by any minor or unauthorized person.
- D. Removal of a weapon from the holster or other carrying devise(s) for other than authorized purposes is prohibited. Authorized purposes include activities such as, but not limited to tactical use, training and qualification, inspection, or cleaning and maintenance. Any careless or casual use or display of a firearm will constitute grounds for discipline.

**V. FIREARMS ON COMMERCIAL AIRCRAFT**

- A. When a KDOL special investigator has need to carry a firearm aboard a commercial airliner for a recognized law enforcement purpose, the KDOL special investigator shall prepare a draft letter on agency letterhead addressed to the carrier that details the need to be armed. The draft letter shall be submitted to the KDOL Chief Attorney for approval and signature.
- B. KDOL special investigators shall present the authorization letter to the airline ticket agent together with their official badge and credentials. KDOL special investigators should plan on arriving to the airport with sufficient time prior to departure to avoid unnecessary delays.
- C. KDOL special investigators shall declare possession of the firearm and request the necessary security and airline personnel be notified.
- D. KDOL special investigators may request to be notified of any other persons who are traveling armed aboard the aircraft.
- E. KDOL special investigators are governed by regulations of the Federal Aviation Administration (FAA) regarding possession of firearms on commercial airlines, however, airline personnel have the final authority and may require that an agent surrender a weapon before boarding or while on a commercial airline.

*Signature on file*

Lana Gordon, Secretary of Labor

Rescissions: None	Expiration Date: Continuous
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