

	<b>STANDARD OPERATING PROCEDURE</b> <small>State Form 39870 (R/S-06)</small>	Reference Number <b>CVE-010</b>
	Subject <b>Scale Facilities – Assignment and Storage of On-Site Firearms</b>	
	Special Instructions Replaces CVE-010 dated January 24, 2017	Effective Date <b>August 13, 2024</b>

## **I. PURPOSE**

Establish guidelines for the training, securement and use of firearms assigned to and stored on-site at Department scale facilities. These firearms shall be maintained as outlined in this procedure and the Department’s In-Service Firearms Training Program.

## **II. POLICY**

The Department shall issue assigned firearms to be secured on-site at scale facilities for use by law enforcement and other designated Department employees. Authorized non-law enforcement personnel with access to these weapons shall be properly trained and only utilize these weapons for defensive purposes in accordance with Indiana Code 35-41-3-2.

## **III. DEFINITION**

**A. AUTHORIZED (Non Law Enforcement) PERSONNEL** – Unarmed civilian motor carrier inspectors (MCI) (with limited statutory enforcement authority) who successfully complete all required training for the use of the on-site firearms. Personnel who do not successfully complete the required training shall not be authorized access to the on-site firearms.

**B. ON-SITE FIREARM** – A Department issued model 870 Remington 12 gauge shotgun - The Department may issue other models and styles based on specific need, special requirements or availability.

**C. FIREARMS STORAGE LOCKER** – The authorized location for securing scale facility on-site firearms.

## **IV. PROCEDURE**

A. Authorized MCI Firearms Training

1. Shall consist of blocks of instruction covering the following areas:

a. Familiarization and successful operation of the weapon, which shall not include a qualification course.

b. Statutes and Standard Operating Procedures covering Use of Force

2. All new or previously untrained MCIs shall receive training as outlined in the Department Firearms Training Manual.

3. After the initial training, all MCI personnel shall participate in and successfully complete the annual shotgun familiarization refresh course in order to access the on-site firearms, unless specifically exempted by the Superintendent.
4. The Department shall conduct firearms in-service training as specified. All personnel are required to participate in and complete the firearms training program.
5. All on-site firearms shall be secured in the authorized firearms storage locker when not in use. On-site firearms shall not be left unsecured at the facility at any time.

#### B. Storage of On-Site Firearms

1. The on-site firearms shall be routinely stored in the firearms storage locker at the Department scale facility.
2. The firearms storage locker shall be inspected for tampering or defects by authorized MCI's:
  - a. At the beginning and end of each assigned shift, and
  - b. Anytime the scale facility is left unattended for a period of time longer than is needed to conduct normal on-site commercial vehicle inspections.
3. All on-site firearms shall be inventoried at the beginning and end of each shift. If it is determined that an on-site firearm is missing, the appropriate chain of command (up to and including the Commander of the Commercial Vehicle Enforcement Division) shall be immediately notified as well as the district where the scale facility is located.
4. CVED Field Enforcement Supervisors shall periodically check the secured weapons, or ensure that they are checked.

#### C. Use of On-Site Firearms

1. Use of the onsite firearms by MCIs shall be limited to defensive purposes in accordance with Indiana Code 35-41-3-2.
2. Indiana Code (IC) 35-41-3-2: A person is justified in using reasonable force against any other person to protect the person or a third person from what the person reasonably believes to be the imminent use of unlawful force. However, a person:
  - 1) Is justified in using deadly force; and
  - 2) Does not have a duty to retreat;

If the person reasonably believes that that force is necessary to prevent serious bodily injury to the person or a third person or the commission of a forcible felony. No person in this state shall be placed in legal jeopardy of any kind whatsoever for protecting the person or a third person by reasonable means necessary.

F. Department firearms shall not be altered, modified or repaired by any person other than the manufacturer, a Department armorer or an armorer authorized by the Department.

G. This procedure is to be used in conjunction with all relevant Department regulations, rules, policies and procedures.