

# UW Whitewater Police



## Dealing with Contacts Involving Persons with Weapons

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### I. Purpose

The purpose of this General Order is to provide officers with guidance in dealing with Concealed Carry Weapons (CCW), Open Carry Weapons and other weapon issues that may arise during their shifts.

### II. Policy

It is the policy of UW-Whitewater Police Department (UWWPD) to handle all calls for service with weapons in as safe a manner as possible. Officers will also be expected to uphold current state and federal laws in dealing with CCW Permit Holders and Open Carry Laws. Since these laws and policies are evolving, nothing in this procedure will override state or federal law on this issue.

### III. Procedure

#### A. Call for a Person Armed with a Weapon that is Threatening Other People:

1. Any calls for service where it is reported a person is discharging, displaying or threatening people with a weapon will be handled as a high priority call.
2. All personnel not engaged in an emergency call for service will respond to the scene. Officers will request a clear radio frequency and mutual aid if needed.

#### B. Call for a Person with a Concealed Weapon or Open Carry Weapon, but is not Threatening Anyone:

1. Whenever possible, at least two officers will respond to this call for service and it will be treated as a priority call.
2. Officers will speak with the complainant and witnesses to see if the person with the weapon threatened anyone or made any threatening comments. Information should also be gathered where the person was seen with the weapon and how the witness/complainant knew the person was armed.
3. The officer will then make contact with the person utilizing contact and cover officer positions as trained.

# UW Whitewater Police

4. The officers will explain the reason for the contact and control the person's movements as trained. The officer will then determine if the person is armed and if they are a CCW Permit Holder. The method of this will be determined by the nature of the contact and the information the officer has at the time of the call.
5. If the person is determined to be armed, but not a CCW Permit Holder, the person may be arrested for violation of WI State Statutes Concealed Carry Weapon Violation or UWS Chapter 18 depending on the circumstances. This does not apply to open carry situations when the person is on public property.
6. If the person is a CCW Permit Holder, the officer will then determine if the person was in an area that a weapon is prohibited and also if the person had knowledge they were in an area that is prohibited to have a weapon. The officer will then have to decide if a state law violation occurred, UWS violation occurred, violation of Employees Workplace Rules or if the person should be educated and released.

C. Traffic Stop Involving a Person with a CCW Permit Holder:

1. Under current WI State Law CCW Permit Holders are not required to inform police officers they are CCW Permit Holders. Because of this, officers should ask if a person is a CCW Permit Holder just as they ask for a person's insurance information.
2. If a person informs the officer they are a CCW Permit Holder, the officer should attempt to verify this information and where the weapon is located for officer safety reasons. However, the officer should be aware that the CCW Permit Holder may not have to provide the above information depending on the circumstances.
3. The officer should handle the vehicle contact just as they would for any other vehicle contact. They may need to make other officer safety decisions such as keeping the driver's hands in plain view and also asking for a backup officer.

D. Weapon Seen in the Open in a Car:

1. Under WI State Law, a weapon is allowed to be carried in a car in plain view as long as it is in plain view and not accessible to the driver, even if the person is not a CCW Permit Holder.
2. If called for a weapon seen in a car the officer will need to determine the nature of the complaint. A weapon seen in a car may not be in violation of WI State Law, but may be violating the rules of UW-Whitewater that the weapon be stored out of sight and in a case. Officers will need to determine what type of violation has occurred before making any enforcement decision.

E. Taking Temporary Custody of a Weapon:

1. Officers may take a weapon into their possession if they feel it is necessary for officer safety reasons. Just because a person is a CCW Permit Holders is not a justified reason in itself. The officer will need to justify their reasoning, such as investigating a domestic abuse incident or when the person may need to be taken into physical custody.
2. If a weapon is removed from a person, the officer should document in their report the reason why the weapon was taken from the person.

## **UW Whitewater Police**

3. If the person is going to be released, the officer should return the weapon to the person at the end of the contact.
4. Officers should not get in a habit of clearing weapons in public, unless necessary for the contact, because of the possibility of accidental discharge of the weapon.