

UW Whitewater Police



Weapons and Ammunition

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I. Purpose

The purpose of this policy is to provide officers guidance on approved weapons and ammunition for on and off-duty, as well as proficiency training requirements.

II. Definitions

Concealed: To keep an item from being seen, found, observed, or discovered by another individual.

Defense And Arrest Tactics (DAAT): A system of verbalization skills coupled with physical alternatives.

Deadly Force [Wis Stat. 175.44(2)(c)]: A law enforcement officer may use deadly force only as a last resort when the law enforcement officer reasonably believes that all other options have been exhausted or would be ineffective. A law enforcement officer may use deadly force only to stop behavior that has caused or imminently threatens to cause death or great bodily harm to the law enforcement officer or another person. If both practicable and feasible, a law enforcement officer shall give a verbal warning before using deadly force.

Force: Any physical strike, instrumental contact with a person, or any significant physical contact that restricts movement of a person. The term includes, but is not limited to, the use of: firearms, electronic control device, oleoresin capsicum, taking of a person to the ground, or the deployment of a canine. The term does not include escorting or handcuffing a person with no or minimal resistance.

Use of Force: When using force, a law enforcement officer is required to act in good faith to achieve a legitimate law enforcement objective. A law enforcement officer is authorized to use force that is objectively reasonable based on the totality of the circumstances, including:

1. The severity of the alleged crime at issue.
2. Whether the suspect poses an imminent threat to the safety of law enforcement officers or others.
3. Whether the suspect is actively resisting or attempting to evade arrest by flight. [Wis. Stat. 175.44(2)(b)]

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III. Policy

It is the policy of the UW-Whitewater Police Department (UWWPD) that personnel will follow the procedures outlined in this policy and utilize only authorized weapons and ammunition. Additionally, personnel must follow training as outlined by Wisconsin Department of Justice Training and Standards Bureau and department policies.

IV. Procedure

A. Department Issued Authorized Weapons

1. All officers are issued semi-automatic duty weapons and ammunition supplied by the department. Only weapons and ammunition authorized by the agency may be used by agency personnel. See Attachment A, identifying the current list of authorized weapons, ammunition, and optics. Officers are authorized to install approved optics on their duty weapons. Officers must qualify with their duty weapons with the approved optics installed prior to carrying it on duty.
2. Other weapons (Electronic Control Devices [Taser], baton, OC spray) are issued to officers upon hire and are documented on the UWWPD Issued Equipment Checklist. These weapons are inspected regularly by the officer they are issued to. A supervisor will be notified if the weapon is not in working order. The supervisor will issue a replacement weapon to the officer.

B. Personally Owned Authorized Weapons

1. After probation, an officer may opt to continue use of the department-issued duty weapon or may purchase and carry their own weapon only if it meets the following requirements:
 - a. The handgun will be chambered in 9mm and will have a barrel length of no less than 3".
 - b. Officers are required to have at least 40 rounds of ammunition while on duty with a minimum of three magazines.
 - c. The minimum trigger pull weight will be no less than 3 ½ pounds.
 - d. If the handgun is single action only, it will be carried with a manual safety engaged. The manual safety will not be disengaged unless the officer feels the use of deadly force is justified.
 - e. If the handgun is double action, the handgun will be holstered with the hammer in the de-cocked position.
 - f. There must be a mechanical safety or feature to prevent the handgun from discharging if dropped.
 - g. Duty ammunition will be issued and will be the only ammunition carried while on duty.

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2. Personally owned handguns must be reviewed, inspected, and approved by the lead firearms instructor and department armorer prior to authorization to carry.
3. Training staff are not responsible to know the safety function and operation of an officers personally owned handgun. This responsibility is solely on the officer choosing to utilize a personally owned duty handgun.
4. Officers choosing to carry a personally owned handgun must turn in the department-issued handgun and holster.
5. Officers must qualify with any approved personally owned handgun prior to authorization and during yearly qualification, meeting all standards as they would with a department issued firearm.
6. Officers are responsible for purchasing and maintaining all duty equipment required to utilize their personally owned handgun including: magazine pouches, magazines, and holster. The holsters recommended for duty use are the Safariland 6360 or 7360 and Alien Gear Rapid Force level 2 or 3. Other holsters may be approved by the lead firearms instructor, but they must be at minimum retention level 2.
7. The department will not pay for repairs if the personally owned weapon is damaged on or off duty.
8. The firearms instructors and armorer are not be responsible for maintaining the firearm.
9. If the weapon is deemed unfit for service due to damage, breakage, or seized for evidence the department will issue a department owned firearm with accompanying equipment.

C. Authorized Weapons and Ammunition (4.3.1)

1. A qualified firearms instructor or armorer shall maintain a record of each firearm approved for official use and shall inspect all firearms approved for use before they are issued to a police officer. Less lethal shotguns are included with firearms for record keeping, approval and inspections. The procedures listed above shall also apply to the less lethal shotguns.
2. A qualified Defense and Arrest Tactics Instructor (DAAT) shall maintain a record of each less lethal weapon to include electronic control devices, batons and OC Sprays approved for use before they are issued to a police officer. A supervisory officer or DAAT Instructor shall remove a less lethal weapon from duty use if they have reason to believe it may be unsafe. They shall then replace the suspect weapon(s) immediately and be responsible for directing further inspection or repair.
3. Annual inspection of all department issued or personally owned firearms will be completed during the annual qualification. The inspection will be completed by a department armorer to ensure the firearm is functioning properly and all safety features are present. If at any time a supervisory officer, armorer, or firearms instructor has reason to believe a weapon may be unsafe, they shall remove the

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weapon from duty use and shall replace the suspect weapon immediately and be responsible for directing further inspection or repair.

4. Police officers must be armed with all permanently issued duty weapons when in uniform. Police officers may, but are not required to, carry a firearm while off-duty. When an officer elects to carry a firearm off-duty it shall be carried concealed, so as not to raise suspicion and fear of the public, and the officer must carry their badge and identification card. Any personally carried ammunition must be commercially available and manufactured ammunition that is approved by a firearms instructor. See Attachment A for authorized off-duty weapons and ammunition.
 - a. Officers shall not carry a firearm if/when they have been consuming alcohol. If an officer is assigned to an authorized, specialized, undercover unit or detail where the non-consumption of alcohol would place him/her or the investigation in jeopardy, a firearm may be carried as long as the officer remains under the legally impaired limit of a blood alcohol content of 0.08.
 - b. Officers must report to their immediate supervisor any use of prescription or other medication that they reasonably believe would impair their ability or judgment to use a firearm. This includes but is not limited to medication which may induce drowsiness and/or suggests not driving.
 - c. Removal of firearms from their holster or other carrying devices for other than authorized purposes, such as tactical use, training and qualification, inspection, or cleaning and maintenance is prohibited.
3. Police officers assigned to plain-clothes assignments will carry a concealed firearm, their badge, restraints, and identification card while on duty, with the exception of training. Those individuals attending training may elect to wear a firearm but will not be required unless necessary for the course of instruction.
4. The department shall allow officers to carry a personally owned knife while on duty, but it shall only be carried if approved by a supervisor and noted on the officer's "Patrol Equipment Inventory." While the knife is not intended to be a defensive weapon, it may be used in those situations where the officer is authorized to use deadly force, and when no other alternative is readily available.
5. An officer may, but is not required to, carry a backup firearm on duty. This firearm must be approved by a supervisor and a firearms instructor. The officer must carry this firearm in a secure manner and will be provided with duty ammunition if chambered in 9mm. The officer will need to qualify with a firearms instructor using a certified off duty qualification course before it can be carried on duty.
6. Weapon Storage: All weapons must be securely stored.
 - a. Inside the department: All officers are issued storage lockers and/or secure firearm safes in their office or substation. When not on their person, weapons shall be secured in one of these locations. Weapons that are not assigned to a specific person are to be secured in designated storage lockers.

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- b. Inside marked department vehicles: All marked department vehicles have gun locks or storage containers for firearms, and weapons shall be secured in those if not worn on the employee's person.
- c. Officers that take their duty weapons home shall secure them as defined and required by state law. All officers who have a department issued pistol are provided with safety locks. The agency leaves the decision up to individual officers on how they wish to properly store weapons in their homes.

B. Use of Force Policy Training

- 1. Sworn employees authorized to carry firearms, electronic controlled weapons, and less-than-lethal weapons must be given access to, and be instructed in, the policies and trainings described below before being authorized to carry a weapon.
- 2. The issuance and training shall be documented.

C. Weapon Proficiency (4.3.2, 4.3.4)

Personnel will receive all use of force policies and related instruction before being given authorization to carry a weapon. This includes state level training and the UWSPD's own Use of Force Policies. Only sworn employees demonstrating proficiency in the use of agency authorized weapons will be approved to carry such weapons. Non-sworn members of the UWSPD are not authorized to carry lethal or less-lethal weapons. Each sworn employee must successfully complete the following requirements, which shall be properly documented, before being authorized to carry any weapon:

- 1. Complete the weapons portion of a basic law enforcement academy curriculum approved for certification by the State of Wisconsin for that weapon; AND
- 2. Receive and be instructed in the Department's policies regarding the use of force; AND
- 3. Qualify and demonstrate proficiency with all authorized weapons. Qualification is accomplished through a pass/fail system that incorporates grip, stance, verbalization and number of rounds on the target. The firearms instructor makes the pass/fail determination. Proficiency for baton, oleoresin capsicum, or other weapons is completed with a trained instructor that will observe the officers use of each weapon.

D. Annual Proficiency Training (4.3.3)

- 1. Sworn employees, on an annual basis, will receive in-service training and be required to demonstrate proficiency on:
 - a. The Department's use of force policy; AND
 - b. Integrating Communication, Assessment and Tactics (ICAT); AND
 - c. All approved firearms and Tasers (ECW).
- 2. Sworn employees, on an annual basis, will receive in-service training and be required to demonstrate proficiency on:
 - a. The State of Wisconsin's DAAT system principles; AND
 - b. All less-lethal weapons.

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3. Proficiency training shall be monitored by a certified weapons or tactics instructor and shall be properly documented. Sworn employees unable to demonstrate proficiency during annual weapons in-service training shall be required to successfully complete a remedial training session structured and documented by a certified instructor prior to resuming official duties.
4. Demonstrated proficiency includes:
 - a. Achieving minimum qualifying scores on a prescribed course;
 - b. Attaining and demonstrating a knowledge of the laws concerning the use of authorized weapons and knowledge of agency policy(s) on the use of force, escalating force, and deadly force; and,
Being familiar with recognized safe-handling procedures for the use of these weapons.
5. Any sworn employee that does not meet proficiently will be given the opportunity to bring their level of expertise to the level needed to show proficiency. Below are the steps that will be taken:
 - a. The sworn employee will be given one on one remedial training with an authorized instructor immediately after an issue is detected to attempt to make them proficient.
 - b. If they still can't show proficiency, then training will be rescheduled with an authorized instructor that is different than the initial one on one instructor either from within the department or from an outside agency.
 - c. If they still can't show proficiency, the person may be sent through available trainings or additional police academy instruction if the Chief of Police believes this may bring the employee to the level of proficiency required.
6. If all other options are exhausted and still unable to perform essential job duties they will be referred to Human Resources discipline process.

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Attachment A

List of Approved Weapons and Ammunition