POLICY & PROCEDURE

STURGEON BAY POLICE DEPARTMENT

SUBJECT: **FIREARMS & AMMUNITION**

SCOPE: All Department Personnel
DISTRIBUTION: Policy & Procedure Manual

REFERENCE: WI State Statutes: 165.85(3)(d), 941.23

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INDEX AS: Ammunition
Firearms
Firearms Proficiency

PURPOSE: The purpose of this Policy & Procedure is to establish a policy regarding firearms proficiency and possession by sworn officers of the Sturgeon Bay Police Department, both on and off duty.

This Policy & Procedure consists of the following numbered sections:

I. POLICY

II. DEFINITIONS

III. GENERAL PROVISIONS

IV. OFF-DUTY FIREARMS

V. FIREARMS QUALIFICATIONS

VI. FIREARMS MODIFICATIONS

VII. SHOTGUNS AND RIFLES

VIII. FIREARMS SAFETY

I. POLICY

A. It is the policy of the Sturgeon Bay Police Department that all sworn officers are qualified in the safe and proficient use of Department authorized and issued firearms and ammunition.

All officers shall be required to qualify with a Department Firearms Instructor prior to being authorized to carry such firearms and shall be required to maintain their qualification in order to ensure continual safe and proficient firearms use per WI State Statute 165.85(3)(d).

II. DEFINITIONS

A. AUTHORIZED FIREARM: Any make, model, or caliber of firearm that meets this agency's designated requirements and specifications, and has been formally approved by Department Firearms Instructors and the Chief of Police for general or individual use by sworn law enforcement personnel. This includes primary service firearms, alternate service firearms, backup firearms, shotguns, and rifles used for law enforcement purposes.

B. BACK-UP FIREARM: Any authorized firearm other than the primary service firearm that is carried in an authorized concealed manner.

C. FIREARMS QUALIFICATION: Periodic testing required of officers to determine their competency to carry authorized firearms.

D. OFF DUTY: Anytime an officer is not performing regular law enforcement duties on a scheduled tour of duty for the City of Sturgeon Bay.

E. ON DUTY: Anytime an officer is performing law enforcement duties on a scheduled or call-in tour of duty for the City of Sturgeon Bay.

F. PRIMARY SERVICE FIREARM: The primary service firearm of the Sturgeon Bay Police Department will be the Department issued Glock Model 22, .40 caliber semi-automatic for uniformed officers. Plain clothes officers may choose to carry the Department issued Glock Model 23, .40 caliber semi-automatic firearm.

III. GENERAL PROVISIONS

A. Any firearm carried by officers when on or off duty, with the exception of firearms used for recreational purposes, must be a Department authorized firearm.

B At the time a firearm is issued to an officer, Department Firearms Instructors will inspect each firearm for malfunctions and modifications. After this inspection, each firearm will either be approved or not-approved.

1. If a Department Firearms Instructor does not approve a firearm, the firearm shall be removed from service and repairs made until an instructor approves the firearm.

2. The Department will issue an officer a Department-owned firearm as a replacement for the firearm that was removed from service.

3. All firearms inspected by a Department Firearms Instructor(s), whether approved or not-approved, shall be documented and noted in each officer's firearms record.

C. Only ammunition that has been approved by the Department on a general or individual basis may be used in Department authorized firearms.

1. The approved ammunition for the primary service firearm is the Federal HST .40 cal. 180 grain jacked hollow point.

2. Officers issued Department purchased firearm shall be issued three (3) high capacity magazines; one (1) for the firearm and two (2) to be carried in the Department-issued double magazine pouch.

3. Uniformed officers must carry two (2) fully loaded magazines in Department issued holders on their gun belt or vest carrier.

D. Only sworn officers who have successfully passed firearms qualification and have demonstrated an understanding of the Department's Policy & Procedures and State Laws pertaining to the use of force are authorized to carry a firearm.

E. The primary service firearm shall be carried in accordance with uniform and related requirements and as otherwise specified by this policy.

F. A record of each firearm authorized for use by the Department for each officer shall be kept by the lead firearms instructor. The record will include the name of the officer the firearm was issued to, and any repairs made to it. Each record shall also include the firearm's type, description, manufacturer, model, and serial number.

B. Officers shall be issued 50 rounds of fresh duty ammunition for their primary service firearm. Replacements for defective or depleted ammunition shall be dispensed by a Department Firearms Instructor when needed.

C. Generally, officers may carry only one primary service firearm, however, officers on special assignment and other officers with an articulable need may request authorization to carry alternate primary service firearms, backup firearms, and/or alternate ammunition on an on-going or periodic basis. This authorization must be approved in writing by the Chief of Police.

D. All Sturgeon Bay Police Department Firearms Instructor(s) shall be WI Law Enforcement Standards Board (LESB) certified to instruct OR a LESB certified instructor must monitor any training in LESB Unified Tactics topics.

IV. OFF-DUTY FIREARMS

A. Officers may, but are not required to carry an authorized firearm while off duty according to WI State Statute 941.23 governing peace officers carrying concealed firearms; also refer to Policy & Procedures 1.07: Jurisdiction and 1.20: Off Duty Conduct.

B. However, officers must be armed when in uniform and/or operating a marked law enforcement vehicle whether on or off duty.

C. Back-up and off-duty firearms shall be carried concealed when the officer is in plain clothes or in uniform unless:

1. The officer is in the workplace, and the officer's badge is prominently displayed next to the firearm;

2. The officer is engaged in law enforcement actions that may reasonably require quick access to the firearm, and the officer's badge is prominently displayed near the firearm; or

3. The officer is engaged in activities where it would be permissible for a citizen to carry an exposed firearm, such as in hunting or target practice, or exercising their right as any other citizen for those purposes.

D. Officers opting to carry off-duty firearms must meet the following conditions:

1. The off-duty firearm must be one of the following calibers:

a) .380, .38, .357, 9mm, .40, .45, .44

2. The firearm must be a recognized and reputable brand and may not be modified in any way from original manufacture unless authorized in writing by a Department Firearms Instructor.

3. The ammunition carried in the off duty firearm must be jacketed hollow point produced by a reputable manufacture: unless authorized in writing by a Department Firearms Instructor. The off duty firearm must be registered in writing with the Chief of Police.

E. When armed, whether on or off duty, officers shall carry their badge and Department identification.

V. FIREARMS QUALIFICATIONS

A. All officers authorized to carry firearms shall be required to qualify with the primary service firearm on a semi-annual basis. Where a course of fire or curriculum is established by the State of Wisconsin, officers must satisfy these requirements.

B. At the time of each semi-annual qualification, Department Firearms Instructors will inspect each firearm for malfunctions and modifications. After these inspections, each firearm will either be approved or not-approved.

1. If a Department firearms instructor does not approve a firearm, the firearm shall be removed from service and repairs made until the Firearms Instructor approves the firearm.

2. The Department will issue an officer a Department-owned firearm as a replacement for the firearm that was removed from service.

3. All firearms inspections by Department Firearms Instructors, whether approved or not-approved shall be documented and noted in each officer's firearms record.

C. All officers who carry authorized shotguns and .223 rifles shall be required to qualify on a semi-annual basis.

D. All officers who wish to carry an alternate firearm or off duty firearm must qualify at least once a year.

E. All officers shall be graded on a pass/fail basis for purposes of firearms qualification.

F. On at least an annual basis, all officers authorized to carry firearms shall receive and shall be required to demonstrate their understanding of the law and Department Policy & Procedures relating to the use of force.

G. Officers shall be allowed no more than three attempts to qualify on any given day using each authorized firearm. Officers who fail to qualify with an authorized firearm on the first day shall be subject to the following requirements:

1. The Chief of Police shall be notified and shall promptly arrange with a Department Firearms Instructor for a period of formal remedial firearms training not to exceed one week in duration. Such training does not preclude an officer from engaging in any additional informal practice or training sessions that the officer may deem necessary.

2. The officer shall be given additional attempts to re-qualify within a reasonable period of time. A written report shall be forwarded to the Chief of Police regarding any officer who fails to re-qualify within a reasonable period of time. The report shall include the Department Firearms Instructor's recommendations for corrective action.

3. Primary Service Firearm – Failure to Qualify: Any officer who fails to qualify with the primary service firearm within a reasonable time period and following remedial training or other corrective action(s) shall be relieved of duty pending the outcome of an administrative hearing and/or fitness-for-duty evaluation as determined by the Chief of Police.

H. Backup Firearms-Failure to Qualify: Any officer who fails to qualify with any back-up firearm shall be given opportunities within a reasonable time period to re-qualify with that firearm.

Failure of the officer to re-qualify thereafter will disqualify the officer from carrying the firearm in question until such time as the officer may re-qualify. However, the officer may remain on regular duty assignment if qualified to carry the primary service firearm.

I. Officers must qualify with their primary service firearm and additional firearms (as appropriate) following return-to-duty after a leave of absence of more than 180 days.

E. Officers assigned to special tactical units, such as the Door County Special Weapons And Tactics (SWAT), are required to qualify using additional proficiency standards established by their unit commander and/or firearms instructor. Officers assigned to or serving with such units shall be guided by and subject to firearms training and qualification standards promulgated by their unit commander.

VI. FIREARMS MODIFICATIONS

A. Modifications to any agency-authorized firearm require the written approval of a Department Firearms Instructor which is filed with the Chief of Police. This includes, but is not limited to, modifications involving grips, spring kits, sights, or finishes.

B. Defective, unsafe, or unauthorized firearms shall be reported to a Department Firearms Instructor. If a Department Firearms Instructor is not available, the shift supervisor will be advised of the problem, and the firearm will be replaced if it is determined to be unsafe.

C. Repairs or alterations to Department authorized firearms may only be made by an armorer employed or authorized by the Sturgeon Bay Police Department.

D. Authorized firearms shall be maintained in a clean and safe operational condition and shall be inspected at every Department-wide qualification or upon the request of a Supervisor or Department Firearms Instructor.

VII. SHOTGUNS AND RIFLES

A. Officers assigned to patrol operations are permitted to carry agency issued shotguns and rifles while on duty if they have successfully passed the shotgun and rifle qualification course.

B. Department authorized shotguns and rifles shall be carried in a secure rack or in a gun case in the vehicle in the following manner:

1. Shotgun magazines loaded to full capacity with three 00 buck rounds being the first rounds to be chambered into the gun followed by slugs. Officers may change the order of ammunition at the scene of a call if time allows depending on the circumstances.

2. .223 rifle magazines will be loaded to full or near full capacity. .223 ammunition will be approved by firearms instructor or the Chief of Police.

3. No ammunition will be in the chamber of any shotgun or rifle while it is in the secure gun rack or gun case.

4. All shotguns and rifles will have their safeties in the “on” position while they are in the secure gun rack or gun case.

C. Officers may only carry and use ammunition authorized by the Sturgeon Bay Police Department unless approval is granted by the Chief of Police and the officer qualifies with the ammunition.

D. Officers assigned to the Door County Special Weapons And Tactics will only carry the firearms approved by that Unit Commander.

VIII. FIREARMS SAFETY

A. Officers, when they are legally impaired or have a blood-alcohol content of .08 percent or greater shall not carry a firearm on or off duty.

B. Only holsters approved and issued by the Department will be used for carrying the primary service firearm while on duty. No alterations or modifications may be done to the approved holster without the approval of a Department Firearms Instructor. Holsters for other firearms must also meet the approval of a Department Firearms Instructor.

C. Officers shall report to their immediate supervisor any use of prescription drugs or other medication that they reasonably believe would impair their ability or judgment to use a firearm.

D. Officers shall not store or leave a loaded firearm in any place within the reach or easy access of a minor.

E. All authorized firearms shall be carried in a safe and secure manner as authorized by the Sturgeon Bay Police Department.

F. 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. Any careless, flippant, or casual use or display of a firearm will constitute grounds for discipline.

Clinton Henry
Chief of Police

This Policy & Procedure cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

Initial 06/23/2020