



OSHKOSH POLICE DEPARTMENT POLICY AND PROCEDURE



TITLE: FIREARMS	POLICY SERIES: 121
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Chief of Police: Dean Smith (signature on file)	Date Signed: January 9, 2025

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CALEA Standard: 1.2.2, 4.3.1, 4.3.2, 4.3.3, 4.3.5
WILEAG Standard: 12.1.3, 12.2.5
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121.01 PURPOSE AND GENERAL POLICY

Sections 165.85 and 165.86 of the Wisconsin State Statutes establish a Law Enforcement Standards Board that has the power to establish minimum training standards in regard to all training for qualification of police officers.

This policy is intended to set standards of performance and to establish guidelines for the issuance, training and use of firearms. Each officer is obligated to maintain the prescribed level of proficiency with any firearm issued for duty use. Any officer who chooses to carry one of the other authorized firearms off-duty must also demonstrate proficiency with that firearm.

Nothing in this policy is intended to interfere with an employee's right to use firearms for hunting or other legitimate purposes that are the customary rights of every citizen.

121.02 AUTHORIZED DUTY HANDGUN

- A. The department issued service handgun for on-duty use will be the 9mm Smith & Wesson M&P9 M2.0. No other service handgun will be used unless authorized by the Chief of Police.
- B. All department-owned handguns shall be inspected by an authorized handgun armorer before being issued for on-duty use.
- C. The department issued tactical light is the Streamlight TLR-1 HL.
- D. No alterations or modifications, other than department approved optics or grips (Appendix E), will be allowed on any handgun unless authorized by the Chief of Police. Any alterations, modifications or required servicing of a duty handgun will be done by an authorized handgun armorer.
 - 1. Alterations will be recorded by the armorer in the maintenance log associated with the duty handgun. If an Officer is required to return an issued duty handgun, that Officer is responsible for returning the duty handgun with the equipment originally issued.
 - 2. The purchase of all optional modification items will be the responsibility of the Officer.
 - 3. Officers who choose to purchase optional modification items acknowledge their issued duty handgun may be seized as evidence during a criminal or internal affairs investigation. These items may

not be returned to the Officer, and the Oshkosh Police Department will not reimburse the Officer for personally purchased items retained as part of the investigation.

- E. Officers choosing to mount optics on their duty handgun shall follow the guidelines authorized below:
1. The Department issued optic is the Holosun 508t Pistol Series Titanium Miniature optic. These optics will be issued to requesting Officers as they become available, and shall be mounted by an authorized handgun armorer.
 2. Officers may still choose to purchase and mount an optic on their issued optic ready handgun. The optic shall be mounted by an authorized handgun armorer.
 3. If an Officer chooses to utilize an optic, the handgun shall be equipped with a set of iron sights that are still visible with the optic mounted.
 4. Training Requirements:
 - a. Officers shall complete a handgun optics training course, approved by the Professional Development Sergeant, prior to using an optic equipped handgun on duty. This training will include completion of the LESB handgun qualification standard using both the optic and the back-up sights. Optics training will be conducted by a certified optics instructor.
 - b. Officers carrying optic equipped handguns shall complete an annual qualification utilizing the optic and back-up sights.
- F. The Department will not replace equipment related to issued duty handgun alterations or modification in accordance with Policy 118 – Malfunctioning or Lost Equipment, related to personal equipment.
- G. Any duty issued handgun that cannot be immediately repaired by the armorer shall be removed from duty use and replaced by one of the handguns the department has in reserve. The repaired handgun will be returned to the officer it was issued to. An armorer will inspect any handgun before it is stored in reserve status.

- H. On duty officers shall carry only one handgun. This handgun will be issued by the Department. The Chief of Police, or his designee, retains the right to authorize other firearms for special duty.
- I. Officers operating a squad shall carry their duty issued handgun.
- J. All department-owned handguns shall be inspected annually by an authorized handgun armorer.

121.03 DEPARTMENT ISSUED RIFLE

- A. The department issued rifles are the Colt AR 15, Colt M4 or BushMaster XM 15. Those officers issued a rifle will be trained in the proper use and limitations of the rifle. Rifles will be issued on a one-to-one basis.
- B. Officers issued a patrol rifle will be required to qualify on an annual basis at a minimum to ensure proficiency with the weapon. A minimum score of 80% on the department rifle qualification course will be required for successful qualification.
- C. All rifles are to be stored in either a mounted rifle rack or their respective cases locked in the trunk of the vehicle until such times as they are deployed per policy.
- D. All one-to-one issued rifles will be stored in the provided case and in a “squad ready” status. “Squad Ready” consists of the fire selector switch on “safe,” chamber empty, bolt forward, and a loaded magazine in the magazine well.
- E. Patrol rifles are to be deployed when an officer is responding to an incident where it is believed that an offender has committed a violent felony (crimes against person such as armed robbery, substantial battery or homicide) and is armed with a deadly weapon.
- F. Patrol rifles may also be deployed in other incidents where the officer has information that the offender is armed with a deadly weapon and poses a threat to the responding officer or other citizens, or officers would reasonably anticipate potential threats to be outside the range of a handgun. The officer should be prepared to articulate why the rifle was deployed.
- G. Officers deploying a patrol rifle shall ensure that the fire selector is kept on safe until the officer has identified a target and is prepared to fire.

- H. Patrol rifles shall not be used as a primary entry weapon during the execution of a search warrant or entry into any structure unless exigent circumstances exist (Active Shooter, Officer Down or Citizen Rescue).
- I. Section H of this policy applies to officers who are not operating in the capacity of the SWAT Team or the US Marshal's Task Force, when apprehending violent offenders. When acting in the capacity of the SWAT Team, SWAT operators are to follow Policy 141 – Special Weapons and Tactics Team.
- J. It shall be the responsibility of the assigned officer to ensure that the weapons are kept cleaned and properly lubricated.
- K. All department-owned rifles shall be inspected by an authorized rifle armorer before being issued for on-duty use.
- L. No alterations or modifications other than department approved tactical lights, optics, handguards, or grips (Appendix E) will be allowed on any patrol rifle unless authorized by the Chief of Police. Any alterations, modifications or required servicing of a duty rifle will be done by an authorized rifle armorer.
 - 1. Alterations will be recorded by the armorer in the maintenance log associated with the duty rifle. If an officer is required to return the issued duty rifle, the officer is responsible for returning the duty rifle with the equipment originally issued.
 - 2. The purchase of all optional modification items will be the responsibility of the Officer.
 - 3. Officers who choose to purchase optional modification items acknowledge their issued duty rifle may be seized as evidence during a criminal or internal affairs investigation. These items may not be returned to the Officer and the Oshkosh Police Department will not reimburse the Officer for personally purchased items retained as part of the investigation.
- M. Officers choosing to mount optics on their rifle shall follow the guidelines authorized below:
 - 1. Officers may choose to purchase and mount an optic on their issued rifle. The optic shall be mounted by an authorized rifle armorer.

2. If an Officer chooses to utilize an optic, the rifle shall be equipped with a set of iron sights that are still visible with the optic mounted.
3. Training Requirements:
 - a. Officers shall complete a rifle optics training course, approved by the Professional Development Sergeant, prior to using an optic equipped rifle on duty. This training will include completion of the department qualification standard using both the optic and the back-up sights. Optics training will be conducted by a certified optics instructor.
 - b. Officers using optic equipped rifles shall complete an annual qualification utilizing the optic and back-up sights.

N. The Department will not replace equipment related to rifle alterations or modification in accordance with Policy 118 – Malfunctioning or Lost Equipment, related to personal equipment.

O. All department-owned rifles shall be inspected annually by an authorized rifle armorer.

121.04 DEPARTMENT ISSUED SHOTGUNS

- A. The Department authorized shotgun for the Honor Guard is the Remington 870 Marine Magnum 12-gauge shotgun referenced in Policy 164 - Honor Guard.
- B. The 410 shotgun is issued to the Patrol Division supervisors to dispatch wounded animals.

121.05 OFF-DUTY FIREARMS

- A. Officers are authorized to carry their duty issued handgun and ammunition off duty upon successful completion of the Law Enforcement Standards Board qualification course. If an officer wishes to carry a personal handgun and personal ammunition while off-duty they must first make written application to the Chief of Police. This process is initiated by completing the form in Appendix C 121 and submitting it to the Chief of Police. The Chief of Police may rescind that authorization at any time with cause and will give the officer a reasonable and articulate justification in writing if the authorization is rescinded.

B. Officers who chose to obtain a CCW permit and carry a firearm under that permit will not be allowed to carry a department issued firearm or department issued ammunition.

C. Officers may go armed with an approved firearm when off-duty, EXCEPT:

1. When the officer has consumed alcoholic beverages.
2. Within 24 hours of taking prescription or non-prescription drugs where cautions express users should not drive or operate heavy machinery. See Rules of Conduct 215.00(A).
3. Newly hired officers on Probationary status.
4. While under the influence of any amount of illicit drug(s).
5. When working for another employer, unless authorized by the Chief of Police, and subject to the other provisions herein.
6. When the Chief of Police has rescinded the authorization.

D. Officers going armed off-duty must:

1. Have a written request (Appendix C) approved by the Chief of Police when carrying a personally owned firearm.
2. Only carry a department authorized handgun and ammunition or an approved personally owned handgun and ammunition.
3. Carry their handgun concealed, absent special circumstances, in a dependable carrying device. Officers are responsible for purchasing their own off-duty holster, carrying device, ammo carrier and badge ID holder.
4. Have their department issued or approved badge and ID with them for proper identification. Rules of Conduct 270.09 and Policy 101 related to Identification as a Police Officer.
5. First complete the Department authorized training program on Off-Duty Firearms. The training must include circumstances that are appropriate for officers to take action and place themselves in police officer status while off-duty, proper carrying methods and

safe firearm storage at home and at work. Rules of Conduct 214.27, Right of Off-Duty Officers to Place Themselves in Peace Officer Status, provides guidelines in this area.

6. Carry the off-duty firearm on their person. However, under certain circumstances, officers may secure their firearm in a safe manner in their vehicle, and according to Wis. §948.55, which refers to restricting child access to a firearm.
7. Be qualified with both the duty firearm and off-duty firearm as outlined in section 121.07. This qualification process will only be done using ammunition authorized by the Department.
8. If carrying a personally owned firearm officers shall qualify with that firearm annually.
9. Report any off-duty discharge, pointing of firearm or conflict where the firearm is the subject of attention to the Chief of Police or member of the command staff immediately following the incident. The Officer shall document the incident in BlueTeam in accordance with Policy 201 – Reporting Use of Force Incidents.

121.06 AMMUNITION

A. Handgun Ammunition

1. Authorized on-duty handgun ammunition will be:
 - a. Speer Gold Dot hollow-point 147 grain 9mm round;
 - b. Federal hollow-point 147 grain HST 9mm round
2. Authorized off-duty Ammunition will be one of the following:
 - a. 9mm: 115 grain – 147 grain
 - b. .380: 80 grain – 102 grain
 - c. .40 cal: 155 grain – 180 grain
 - d. .45 cal: 185 grain – 230 grain
 - e. 357 sig: 125 grain as issued by the department
3. Any caliber that is not listed above should be evaluated independently.

4. All off-duty carry ammunition must be factory manufactured. No reloaded or altered ammunition may be used. In addition, any ammunition used for off-duty carry must be hollow-point. No full metal jacket ammunition may be used.

B. Rifle Ammunition

1. The standard issued rifle ammunition is the 62 grain jacketed soft point bullet. While on duty Officers shall only carry on their person, or in the squad issued to them for that Shift, Department-issued ammunition specifically designed for their Department issued rifle. Only Department issued magazines shall be used with Department issued rifles.

C. Shotgun Ammunition

1. The Honor Guard Team is authorized to use Winchester Super X Blank Popper Loads.
2. Patrol Division supervisors have .410 shotgun shells available to them.

D. Sniper Ammunition

1. The standard issued sniper rifle ammunition is the Federal .308 Winchester 168 Grain Sierra MatchKing Hollow Point round.

E. All Department-issued ammunition shall be replaced annually.

F. Uniformed officers assigned to patrol shall carry at least two full extra handgun magazines while on duty. Officers wishing to carry more than two magazines must receive authorization from the Chief of Police or his/her designee.

G. Plainclothes officers, except the Chief of Police and Command Staff, and those uniformed officers not assigned to patrol, shall carry at least one full extra magazine on their person when leaving the Safety Building.

H. Extra ammunition shall only be carried in a magazine designed for the issued firearm. The Chief of Police must approve, in writing, any other method of carrying extra ammunition.

I. Less Lethal (Impact) Ammunition

1. The following are the approved launchable impact munitions authorized by our department:
 - a. Used by SWAT:
 - i. CTS 4556OC 40mm Frangible Baton Round
 - ii. CTS 4557HV 40mm Foam Baton Round
 - iii. CTS 4557 40mm Foam Round
 - b. Used by Patrol:
 - i. CTS 4557 40mm Foam Round

121.07 PERFORMANCE STANDARDS

- A. All sworn personnel of the Oshkosh Police Department shall demonstrate proficiency with any firearm issued or available to them for their on-duty or off-duty use before being allowed to carry such firearms. Performance testing shall be competency-based, using the Firearms Skill Evaluation Forms (Appendix A and Appendix B).
 1. Testing with the duty handgun shall be done at least annually and be administered by a certified handgun instructor.
 2. Testing with the duty rifle shall be done at least annually and be administered by a certified rifle instructor.
- B. All uniformed officers must wear the issued equipment required for duty use when performance testing. Other personnel must wear the holster normally worn for on-duty use, and must reload by means consistent with their method of carrying extra ammunition while on duty. In addition, officers who request to carry off-duty must show proficiency during training while using the primary holster used for off-duty use. This training will be in addition to any proficiency training required for duty use.
- C. Officers that fail the performance testing as documented on the Firearms Skill Evaluation form will be required to complete additional training or practice before resuming official duties until proficiency is demonstrated. The officer's Bureau Captain will conduct a review if any officer's proficiency remains unacceptable after reasonable attempts at retraining, and shall forward their

findings to the Chief of Police. A certified firearm instructor from an educational institution, such as a technical college, must assess any officer's proficiency before any disciplinary action is taken.

- D. The officer shall be assigned to administrative duty and not be allowed to carry a firearm until the review process and the proficiency assessment have been completed. The officer is subject to disciplinary action, including dismissal from the department, if their proficiency remains unacceptable.
- E. All training and performance testing will be done using authorized firearms and ammunition.
- F. All officers and instructors shall wear Department issued or approved soft body armor while engaged in live-fire firearms testing or training. Eye and ear protection is required while engaged in live-fire firearms testing or training.

121.08 FIREARMS TRAINING

- A. All officers may be allowed 50 rounds of practice ammunition for their Department issued handgun per calendar month. Use of training ammunition is not cumulative and any ammunition not used during the month is forfeited. Officers will be allowed to fire their practice ammunition on duty when staffing allows and a LESB certified firearms instructor shall be present at all times. Practice ammunition must be used in a manner consistent with the Oshkosh Police Department's firearms training program. Use of training ammunition may be suspended by the Chief of Police or designee at any time.
- B. Upon completion of the training, all firearms and less lethal delivery systems used during training will be cleaned at the Department and on duty time. An exception to this is when an officer is attending Department sponsored firearms training or training authorized by the Department and the facilities to do the cleaning are provided at the training location.

121.09 FIREARMS STORAGE

- A. Officers must keep firearms safely secured when not in use. Lockers with firearms stored inside shall be locked at all times. Wis. §948.55 provides penalties for any person who fails to store firearms to prevent dangerous or unlawful use of the gun by a child under the age of 14. All department owned firearms not issued for use shall be stored in the Professional Standards Division vault, or in locked storage in the firearms range.

121.10 LESS LETHAL AND GAS DELIVERY SYSTEMS

- A. The Department authorized launchers for the specific use in the delivery of less lethal (impact) munitions and gas munitions include:
 - 1. Less Lethal Impact Launchers:
 - a. Sage Deuce 40mm multiple launcher
 - b. Penn Arms Model 40mm
 - 2. Gas Launchers
 - a. Def-Tec 37mm Smooth Bore Gas Pistol
 - b. Def-Tec 37mm Smooth Bore Gas Launcher
 - c. Penn Arms 37mm L-6 Smooth Bore Gas Launcher
 - d. Smith & Wesson 37mm Gas Launcher
- B. Officers that are authorized to deploy less lethal munitions and gas munitions will be properly trained in the limitations and proper use of these systems and the munitions involved.

121.11 ALTERNATE FIREARMS FOR SWAT OFFICERS

- A. Officers assigned to the SWAT Team shall be allowed to carry while on-duty their one-to-one issued Colt M-4 burst or Colt AR 15 semi-automatic rifle. These firearms will be secured in an approved gun case.
- B. Procedures have been established for inspection and method of carry for all firearms used by SWAT officers. These procedures are covered in the mandatory training program. Standards of proficiency will be required for any member using any alternate firearm.

121.12 FIREARMS RANGE

- A. The Oshkosh Police Department Range shall be used by sworn officers for the purpose of firearms training. The use of the range by non-sworn staff or any other person must be approved by the Chief of Police.
- B. The range may be used for other activities such as Defense and Arrest Tactics (DAAT) and/or other training upon approval of the Professional Development Sergeant.

- C. Officers using the range shall review the range safety guidelines in Appendix D prior to utilizing the range. The range guidelines shall also be posted in the range.
- D. During the use of the range for firearms training, a LESB certified firearms instructor shall be present at all times while weapons are being fired. The instructors shall be trained in Tactical Emergency Casualty Care and have access to medical equipment.
- E. Officers are allowed to use issued department firearms and authorized off duty carry firearms. The use of patrol rifles on the Oshkosh Police Department indoor range is only permitted once the rifle has been converted to fire .22 caliber long rifle cartridges.
- F. Any ammunition fired on the Oshkosh Police Department indoor range shall be lead-free. Officers shall utilize targets provided by the department unless authorized by the Professional Development Sergeant .
- G. All persons discharging firearms will wear the following personal protective equipment;
 - 1. Department issued ballistic vest
 - 2. ANSI rated eye protection
 - 3. Commercial grade hearing protection
- H. The unassigned weapons and ammunition shall be kept in a secure location within the OPD Range and maintained by the Professional Development Sergeant who will make training ammunition available to the officers by placing in a secured locker accessible by Department supervisors.
- I. Officers training on any firearms range outside the Department shall follow applicable Department range guidelines and any rules and regulations of the range being used.