



**OFFICE OF THE DIRECTOR OF POLICE  
THE UNIVERSITY OF TEXAS SYSTEM  
POLICY AND PROCEDURE MANUAL**



Subject <b>FIREARMS, LESS-LETHAL WEAPONS AND AMMUNITION</b>			Policy Number <b>604</b>
Effective Date October 21, 2011	Revision Date February 10, 2020	Reevaluation Date Annually	Number of Pages 22
Reference Standards TPCA: 1.11, 1.12, 6.04, 6.05 CALEA: 1.2.2, 4.3.1, 4.3.2, 4.3.3, 4.3.4 IACLEA: 7.2.1, 7.2.2, 7.2.3, 7.2.4		Rescinds or Amends Policy Number  C-4	

**I. PURPOSE**

To ensure commissioned System Police officers are sufficiently trained in the care and use of firearms and less-lethal weapons.

**II. POLICY**

Officers of this agency will only carry a firearm and less lethal-weapon that has been approved by the Director of Police.

A firearm is any weapon defined in Section III B, C, or E and Section VI A of this policy.

A less-lethal weapon is any weapon defined in Section XVII, XIX or XX of this policy.

**III. CARRYING OF FIREARMS ON DUTY**

A. Officers on duty will carry only a firearm that has been approved by the Director of Police, whether department-issued or personally purchased. Officers shall be armed only with an authorized firearm and ammunition that is:

1. Registered with the agency; and
2. With which the officer has demonstrated proficiency and has attained a qualifying score during firearms training/qualification.

B. These handguns are limited to the following:

1. Glock models 22, 23 or 35 (.40 caliber) law enforcement model with 5.5 lb. disconnect. The Glock Modular Optics System (MOS) versions in these models are also authorized.

2. Glock models 17, 19, 34 or 45 (9 mm) law enforcement model with 5.5 lb. disconnect. The Glock Modular Optics System (MOS) versions in these models are also authorized.
3. Glock models 26, 43X, and 48 (9mm) and 27 (.40 caliber) law enforcement model with 5.5 lb. disconnect are authorized for officers assigned primarily to non-uniformed (plainclothes) assignments such as criminal investigations. The Glock models 26, 27, 43X, and 48 are not authorized for uniformed assignments as the primary handgun.
4. The carrying of revolvers as an on duty firearm is specifically prohibited and there is no grandfathering provision available.
5. Handguns may have night sights and/or flashlights attached to the weapon.
6. Duty Pistol Miniaturized Red Dot Systems (MRDS)
  - a. Officers who have successfully completed a TCOLE approved Duty Pistol Miniaturized Red Dot course are authorized to carry the MRDS. Officers must show proficiency with both the MRDS and backup iron sights on the UTSP Pistol Qualification courses prior to carrying the weapon.
  - b. Only the Glock Modular Optics System (MOS) factory pistols specifically designed to accept Pistol Mounted Optics are authorized for duty. Aftermarket milled slides are prohibited.
  - c. The following manufacturer/model Duty Pistol Miniaturized Red Dot Systems (MRDS) sighting systems are approved for duty:
    1. Aimpoint (ACRO P-1)
    2. Holosun (507C, 508T, & 509T)
    3. Leupold (Delta Point PRO)
    4. Trijicon RMR (Manual adjust LED models only)
  - d. Iron Sights:
    1. Duty Pistol Miniaturized Red Dot Systems (MRDS) weapons must be equipped with backup iron sights and be useable in the event of an optic or battery failure.
    2. Officers approved to carry a Duty Pistol Miniaturized Red Dot Systems (MRDS) must also demonstrate proficiency with use of their back-up iron sights during the required transitional training course and during the UTSP Pistol Qualification courses

C. Shoulder firearms, whether issued by the agency or personally owned, are limited to:

1. 12 gauge pump or semi-automatic Shotgun
2. 5.56 NATO/.223 or .308 semiautomatic Patrol Rifle
3. 5.56 NATO/.223 or .308 semiautomatic or bolt action Precision Rifle
4. The Patrol Rifle and/or shotgun may have a sling, optical sight, optic magnifier or scope not to exceed 5x, night sights, and/or flashlight attached.

5. Battery Assist Levers, Ambidextrous Safeties, and Extended Charging Handles have also been approved for rifles after being inspected for proper installation by institution armorer, firearms proficiency officer, or firearms instructor.
  6. All Patrol Rifles (state issued or personally owned) must have a commercially manufactured non-adjustable trigger with the product description of a trigger pull not less than 4 lbs. Any changes to this trigger are prohibited.
- D. No modifications or alterations other than those listed in III B and C may be made without written approval of the Director of Police.
  - E. Weapons capable of firing in other than conventional semi-auto capacity are not authorized unless an exception is expressly made by the Director of Police.
  - F. Officers hired prior to (the effective date of this policy) will be exempted from the requirements of III A-B above and will be allowed to continue carry of their current duty weapon. However, should an exempted officer opt to discontinue the carrying of their exempted weapon and choose to carry a different weapon, then the provisions of III A-B shall immediately apply.
  - G. All agency personnel authorized to carry lethal and less lethal weapons will be issued copies of the Use of Force policy and receive instructions on that policy before being authorized to carry a weapon. Policy issuance and instruction shall be documented.
  - H. All on duty officers of the University of Texas System Police shall be armed at all times when on duty regardless of assignment; "armed" shall be understood to mean having a primary authorized handgun immediately available for use; "on duty" shall be understood to mean at any time when the officer is officially discharging their duties; it is understood that under very limited circumstances an on duty officer may be required to briefly secure their handgun because of safety or legal requirements (e.g. during court testimony, during prisoner booking, in some mental health facilities, travel on commercial airlines).
  - I. Officers on duty but not in uniform may wear their handgun either concealed or in plain view. The UTSP shield shall be prominently displayed near the holstered weapon; it may be worn around the neck, hanging from a pocket or clipped to the belt. Furthermore, the officer's police identification/credentials shall be readily available.
  - J. Police Inspectors authorized to participate in the Transportation Security Administration/Federal Air Marshal Service flying while armed program shall have completed the appropriate training and shall conform to all required program and statutory requirements; participation shall only be as authorized by the Director of Police.

- K. All sworn officers performing field duties shall have assigned to them or immediately available to them a patrol rifle authorized elsewhere in this policy. This requirement may be satisfied by issuing all officers performing field duties an assigned patrol rifle; assigning patrol rifles to each patrol vehicle; assigning patrol rifles to officers on a rotational basis as they come on duty for their respective tour of duty. The use of personally owned patrol rifles meeting the requirements of this chapter will satisfy this obligation. This requirement extends to plainclothes officers performing field duties as well as supervisors performing field duties. Relying on designated rifle specialists (a number less than all field officers), having rifles available at the station or relying on a supervisor to deliver the rifle to an incident does not meet the requirements of this policy. The term 'immediately available' shall be defined as otherwise noted in this chapter. This requirement reflects our first defense against active shooter or armed intruder events.

#### **IV. CARRYING PERSONALLY OWNED WEAPONS**

- A. Before carrying a personally-owned firearm on duty, a police officer must have the firearm approved by the Institution Chief of Police utilizing the following procedure:
1. The officer must submit a completed agency Authorization Form and the firearm to the agency's Firearms Instructor/Proficiency Officer.
  2. The Firearms Instructor/Proficiency Officer will examine the firearm to determine if it is in proper working order, and verify the serial number described on the authorization form.
  3. The officer must demonstrate proficiency with the firearm by qualifying on a U. T. System Police Course of Fire.
  4. If approved by the Firearms Instructor/Proficiency Officer, the Authorization Form will be forwarded to the Institution Chief of Police for review and possible approval.
  5. If approved by the Institution Chief of Police, the Authorization Form will be sent to the Office of Director of Police.
  6. The firearm must conform to the provisions of III A, B and/or C above if carried as the primary weapon.

#### **V. PERSONALLY-OWNED EQUIPMENT**

- A. Officers may carry personally owned re-loading devices as approved by the Institution Chief of Police.
- B. Handgun grips and grip accessories used on duty will be either:
1. Factory or commercially manufactured material, or;
  2. Black composite material with a non-slip surface.

- C. Folding Knives – the carrying of personally owned folding knives on duty is permissible provided the knives/blades are of lawful length as defined by the Texas Penal Code.
- D. Fixed Blade Knives – the carrying of fixed blade knives of any length on duty is not permitted except as noted below in Section V. E. 5:
- E. Rationale and Explanation
  - 1. The primary purpose of the folding knife is to serve as a tool.
  - 2. For uniformed officers, the folding knife must be secured in a black basket weave case or black pouch on the duty belt with at least one level of retention (e.g. a snap or Velcro) or secured in a pants pocket with a conventional clasp attached to the knife for that purpose.
  - 3. Officers working on duty but not in uniform who choose to carry a folding knife must carry the knife so that it is concealed from view and is secure; this would include being secured in a pants pocket with a conventional clasp attached to the knife for that purpose.
  - 4. Fixed blade knives by their nature have been manufactured for the primary purpose of inflicting bodily harm and thus to serve as a lethal weapon; fixed blade knives are inherently dangerous because of the exposed blade; they are not a weapon on which we routinely train for use, retention or recovery/disarming ; they are intentionally not represented in our Use of Force array choice; and was a fixed blade knife to be carried by and then taken from an officer, it could be used quickly and without training by a suspect intent on doing serious bodily harm to himself, the officer or others.
  - 5. The exception to Sections V. D. and V. E. 4 above is as follows: Current members of the System Rapid Response Team (SRRT) in good standing may carry a fixed blade knife as a defensive weapon providing that the member has been trained through the Office of the Director of Police (ODOP) Academy and Training Division in close quarter combat with edged weapons, including employment and retention; the training course must be approved by both the SRRT commander and the Academy and Training Division Commander and instructed/overseen by a recognized subject matter expert in edged weapons; the training course must be successfully completed by the SRRT member; the substitution of a similar but alternative course of training not provided by ODOP must also be approved by the SRRT commander and the Academy and Training Division Commander before it is accepted as qualifying the SRRT member to carry a fixed blade knife.
  - 6. Should the requirements of Section V. E. 5 be met, the SRRT member shall carry the fixed blade knife only when on duty as/deployed for a SRRT mission; the knife shall be secured with at least one level of retention.

7. Only those fixed blade knives approved by the SRRT commander and the Academy and Training Division Commander may be carried by SRRT members.
8. Fixed blade knives with blunt tips may be carried by officers engaged in recognized marine law enforcement, boating safety and marine rescue/search/recovery/diving operations, provided the officers are certified in one or more of those functions.

## **VI. BACK-UP/SECONDARY FIREARMS**

A police officer may carry one additional firearm on-duty as a back-up or secondary weapon. All back-up firearms must meet agency standards, be registered by serial number with the Department, and the officer must demonstrate proficiency and attain a qualifying score during firearms training/qualification prior to use. Additionally, the weapon shall not be readily visible while in uniform and shall be secured.

The back-up/secondary firearms may be one of the following: .32 Auto, 380 Auto, 9mm, 38 Special, 357 Magnum, 357 Sig, 40 S&W, 44 Special, or 45 ACP caliber, double-action revolver or semi-automatic pistol.

## **VII. AMMUNITION**

Officers will carry only ammunition issued by this agency in their issued firearms. Approved ammunition will be jacketed hollow point or soft tipped ammunition that is approved as meeting the Sporting Arms and Ammunition Manufacturers Institute (SAAMI) standards. Approved shotgun ammunition will be 00 buckshot or 1 ounce slugs. Full metal jacket ammunition is not approved for use on-duty.

The approved ammunition will be manufactured by:

- A. Federal
- B. Winchester
- C. Remington
- D. Speer
- E. Hornady

## **VIII. HOLSTERS AND MAGAZINES**

- A. The approved uniform duty holster for carry will be the Safariland Model 6280 Level II Retention Duty Holster, the Safariland Model 6360 Level III Retention Duty Holster or the Blackhawk Serpa Level III Auto-lock Holster. Glock Modular Optics System (MOS) factory pistols equipped with the Duty Pistol Miniaturized Red Dot Systems (MRDS) may carry the Safariland Model 6362 RDS ALS SLS Level III Retention Duty Holsters and Safariland Model 6392 RDS Level II Retention Duty Holsters.

- B. The approved duty holster for non-uniform is a type that attaches to the belt and has at least one weapon retention device. A paddle holster that clips to a belt is also approved for non-uniform use. Safariland 7TS Series Holsters are authorized. Shoulder holsters are not permitted.
- C. Two additional fully loaded magazines will be carried while in uniform. One additional fully loaded magazine will be carried while on duty but not in uniform.
- D. For those officers wishing to carry both pistol and rifle magazines in tandem, the "Bladetech Combo Magazine Pouch", sometimes listed as Style #AMMX0026ARCMBOEAALHDL, is authorized. Officers who wish to carry a single rifle magazine, the Safariland Model 774 Rifle Magazine Pouch or Blade-Tech Signature AR Mag Pouch are authorized.
- E. System Rapid Response Team members and Canine Officers may wear thigh positioned Level II or III tactical holsters, to include the Safariland ALS®/SLS Low-Ride, Level III Retention Duty Holster and associated gear as required.

#### **IX. CARRYING FIREARMS OFF DUTY**

- A. The carrying of a handgun off-duty is encouraged but not mandatory. The practice is encouraged so that an officer is able to carry out their peace officer duties/obligations fully and safely while off duty.
- B. The handguns authorized to be carried off duty include:
  - 1. A departmentally issued handgun; or
  - 2. A personally owned handgun, which may be one of the following: .32 Auto, 380 Auto, 9mm, 38 Special, 357 Magnum, 357 Sig, 40 S&W, 44 Special, or 45 ACP caliber, double-action revolver or semi-automatic pistol.
- C. This policy does not apply to officers who are off duty and engaged in hunting or sporting activities, unless specifically made applicable to incidents occurring during these activities.
- D. Officers who carry a firearm off duty must, at all times, be aware of the statutes applicable to the use of firearms, their authority, and the jurisdiction in which they are located.
- E. Any departmentally issued handgun carried off duty, out of uniform, will be concealed.
- F. Officers are prohibited from carrying a firearm on or off duty while under the influence of alcoholic beverages and/or any chemical substance, prescription drug, or controlled substance that produces impairment.
- G. The ultimate determination of impairment will rest with the Chief of Police and/or the Director of Police in direct consultation with the UTSP Medical Director.

## **X. CARE OF FIREARMS**

Approved firearms carried on duty will be loaded, clean and in proper working order.

- A. Firearms will be inspected and cleaned periodically to insure proper functioning. Proper steps will be taken to ensure firearms are unloaded before any cleaning or inspection procedures are commenced;
- B. After firing, the firearm will be cleaned thoroughly with solvent and a brush. Powder residue will be cleaned from all surfaces;
- C. Care should be taken to remove excess solvents, lubricants or penetrates from the firearm and these liquids should not come into contact with ammunition;
- D. The exterior of the firearm shall be wiped clean with a cloth.
- E. Department issued firearms may be repaired only by a UT System Police authorized gunsmith or armorer. Personally owned firearms that are used in an official capacity may be repaired either by a UT System Police authorized gunsmith or armorer or an outside armorer approved by the Proficiency Officer.
- F. Weapons that fail to pass an inspection will not be returned to the officer. A copy of the inspection record will be forwarded to the Firearms Proficiency Officer along with any relevant information conceiving the failed inspection. The weapon will be returned to the armory until repairs are made. Officers will be issued another weapon, which has passed the applicable inspection before returning to duty.

## **XI. FIREARMS SECURITY AND SAFETY**

- A. When an officer's firearm is stored outside of their presence or view, it shall not be placed in an unlocked locker, desk or cabinet. Under no circumstances will a firearm be left unattended in a location accessible to unauthorized persons. Except in life-threatening circumstances, officers shall not give or loan their on-duty firearm to another person without approval of a supervisor.
- B. When it is necessary to relinquish control of the firearm to comply with appropriate regulations, the firearm will be safely handled. Officers shall not handle firearms in a careless or imprudent manner.

## **XII. FIREARMS PROFICIENCY OFFICER**

- A. Each UTSP institution shall appoint one Proficiency Officer at each campus who shall have specialized training and is knowledgeable in the operation and safe handling of various firearms and ammunition. The selection will be approved by the Office of Director of Police.

B. Duties of the Proficiency Officer include:

1. Register and inspect an officer's duty and personally owned firearms and less lethal issued weapons prior to their use in the performance of duty. Records of the inspection will be maintained.
2. Manage the agency's weapons proficiency training and qualification program.
3. Attend an annual training and qualification course as determined and sponsored by the Director of Police.
4. Determining the time allocation and method of instruction for officers who require additional training as a result of the failure to achieve the qualification score required by UTSP.
5. Submitting to the UTSP Rangemaster a comprehensive report on each officer who fails to achieve the UTSP required qualification score.

### **XIII. RANGEMASTER**

A. Each UTSP institution shall appoint a Rangemaster to coordinate firearms range operations and ensure the safety of all personnel using the range during firearms training or qualifications.

B. A Rangemaster is responsible for:

1. being present for all firearms activities on the firearms range.
2. all firearms activities that are conducted on behalf of the agency.
3. the safety of all individuals engaged in firearms activities.
4. ensuring safety is maintained by keeping all firearms' muzzles pointed downrange or if not possible, in a safe direction. This shall include handguns as well as any long gun.
5. complying with all policy and range requirements with respect to officers undergoing firearms training.
6. ordering and removing from the range any officer, instructor, or individual (civilian observer, intern, or PSO) whose conduct or activity constitutes a danger to individuals using the range; the range master shall immediately inform the institution Chief of Police of the action taken and the reason for it.
7. maintaining instructor-officer ratios as set specified by range rules.
8. ensuring that each officer is equipped with a billed cap and proper eye and hearing protection.
9. ensuring that a person currently certified in first aid or UTSP TCCC is present at the range.
10. ensuring that adequate first aid supplies are available at all times. First aid supplies should include those needed in the event of a range type injury such as cuts, abrasions, burns, or gunshot wounds.

11. ensuring that a communications link exists between the firing range and the local emergency services.
12. completing appropriate records for recording the scores achieved by each officer, the model and serial numbers of each firearm used by every officer, and other appropriate information.
13. ensuring that all weapons and ammunition used in firearms training are inspected and either are approved as mechanically operable and safe, or are disapproved and removed from the range.
14. ensuring faulty weapons and ammunition not approved are not used on the range.

#### **XIV. FIREARMS INSTRUCTORS**

- A. Each UTSP institution may appoint as many firearms instructors as necessary to ensure safe firearms training and qualifications.
- B. A firearms instructor is:
  1. responsible for the direct supervision of officers assigned to him/her by the Rangemaster.
  2. required to take immediate and appropriate action when, in the instructor's judgment, the conduct or activity of an officer constitutes a danger to themselves or to other individuals.
  3. required at all times while on the firing line to remain with the officers who are under their direct supervision (unless properly relieved).
  4. required to instruct officers in range safety and the appropriate handling and firing of the handgun, rifle, and/or shotgun.
  5. required to render all possible assistance to officers in helping them achieve the performance objectives set forth in UTSP policy.
  6. responsible for the recording of firearms scores attained by each officer under the direct supervision of the instructor, on a form prescribed by the UTSP range master.
  7. the firearms instructor is responsible for signing the score sheet for each officer who fails to achieve a qualifying score and for having the unqualified officer sign it as well.
  8. required to call to the immediate attention of the range master any firearm that appears to be faulty.
  9. required, when designated by the range master and approved by the Chief of Police, to act as range master in their temporary absence.

## **XV. RANGE SAFETY OFFICERS**

- A. Each UTSP institution may appoint range safety officers to ensure safety during firearms training and qualifications. Firearms instructors can be used as range safety officers.
- B. A range safety officer is:
  - 1. required to take immediate and appropriate action when, in the range safety officer's judgment, the conduct or activity of an officer constitutes a danger to themselves or to other individuals.
  - 2. required at all times while on the firing line to focus on the safety of the officers within his area of responsibility
  - 3. required to ensure that the range floor or surface is free of debris that could pose a safety risk to shooters.
  - 4. Required to assist the Rangemaster or firearms instructor as needed.

## **XVI. WEAPONS PROFICIENCY**

- A. Only employees demonstrating proficiency in the use of department authorized weapons (i.e., handgun, chemical spray, TASER, impact weapon, long gun, and shotgun) are permitted to carry or use such weapons. The proficiency course will be determined by the Director of Police.
- B. Demonstrating proficiency includes, but is not limited to, the following:
  - 1. Achieving a minimum qualifying score on a prescribed course.
  - 2. Attaining and demonstrating knowledge of the laws concerning the use of authorized weapons.
  - 3. Knowledge of departmental policy on the use of force, escalating force, and deadly force.
  - 4. Knowledge of safe handling and cleaning procedures for the use of these weapons.

## **XVII. FIREARMS QUALIFICATIONS**

- A. At least twice each year, all commissioned officers will be required to fire a minimum qualifying score as indicated on an approved course of fire with all firearms authorized to be carried in their official capacity. Approved courses are those established by the Director of Police. If qualifications are conducted in conjunction with firearms training or practice, the firearms qualifications shall occur prior to any training or practice. In the event a second attempt is needed as noted in XVII D, it may occur after the training due to the need for immediate remedial training.

1. Biannual firearms training and qualifications are scheduled as follows:
  - a. First half: January – June
  - b. Second half: July - December
2. All commissioned officers shall qualify twice annually with the M-4 patrol carbine or its equivalent, the make and model with which qualification is conducted being dependent on the patrol carbine issued/deployed/made available/or authorized for personal purchase by the institution police department.
3. Officer authorized to carry the Duty Pistol Miniaturized Red Dot Systems (MRDS) must qualify with the MRDS during the first biannual firearms qualification period and then qualify with the backup iron sights during the second biannual firearms qualification period.

B. Firearms Range Rules and Regulations.

1. All general safety rules will be followed at all times.
2. Upon arrival at the range, all firearms will be unloaded in a safe place and manner. The firearm will be loaded on the firing line at the direction of one of the Firearms Instructors/Proficiency Officers or will be loaded after cleaning the firearm at the range building, while observing range safety rules.
3. "Horseplay" will not be permitted on the range at any time.
4. Officers will fire their firearms only as directed by the Firearms Instructor/Proficiency Officer.
5. When on the firing line, un-holstered firearms will be pointed downrange at the target line at all times, unless otherwise directed by the Firearms Instructor.
6. All firing will be directed at the targets and target embankment.
7. The target area will be inspected prior to firing and objects that may cause ricochets will be removed.
8. There should be no talking on the firing line unless it is necessary to communicate with the Firearms Instructor, and then talking should be confined to business at hand.
9. Officers waiting to fire are required to remain at a designated safe area and are not to interfere with or distract the Firearms Instructor or shooters on the firing line.
10. On the firing line officers will:
  - a. Obey commands issued by the Firearms Instructor;
  - b. Never anticipate a command;
  - c. If there is a weapon malfunction and the officer is unable to clear the weapon as instructed, he will call out "misfire," raise one hand to notify the Firearms Instructor, and keep the weapon on target. Never fire a succeeding shot after a misfire until first checking the firearm to ensure it is safe and the barrel unobstructed;
  - d. Prior to firing, check the firearm for barrel obstruction or malfunction of action, observe the general safety rules; and

- e. Never move from the firing line until “all clear” is given by the Firearms Instructor and all firearms are made safe.
  11. Only approved firearms, ammunition, and equipment will be permitted on the firing range.
  12. All officers will assist in “policing” the range and leaving it in a clean and orderly fashion.
  13. Firearms Instructors are given the authority to direct all operations at the firing range.
  14. All scheduled firearms training and qualifications on the firing range will be accomplished under the direct supervision of a qualified Firearms Instructor.
- C. Written Test. A written test covering the Use of Force Policy, General Firearms Safety, and this written directive will be administered to all Police officers prior to or in conjunction with biannual firearms qualification. The minimum qualifying score for the written test is 80%. In the event an officer fails the written test, they will receive remedial training and the test will be retaken.
- D. Failure to Qualify
1. During the biannual firearms training session, any officer who fails to qualify will be given immediate remedial training by a certified Firearms Instructor and a second opportunity to qualify the same day. An officer that does not make a second attempt at qualification on the same date that they failed to qualify will be assigned non-armed duties.
  2. An officer failing to qualify during the second attempt will receive additional remedial training from a certified Firearms Instructor, and following a reasonable period of time, not to exceed seven days, the officer will be afforded a third opportunity to qualify. If the officer returns to duty before the third attempt to qualify, the officer will be assigned non-armed duties.
  3. An officer failing to qualify on the third attempt will be required to return, following a period of time of at least seven days, for additional remedial training and a fourth opportunity to qualify. (Any alternative scheduling must be approved by the Director of Police). An officer failing to qualify during the fourth attempt will be relieved of the right to carry a firearm as a duty weapon.
  4. In the event an officer fails to qualify, the Proficiency Officer will submit a report to the Chief of Police, with a copy to the Director of Police. This report will include the following:
    - a. A description of the remedial training;
    - b. The dates when remedial training was provided;
    - c. The scores fired; and
    - d. The training officer’s evaluation of the officer’s failure.

5. If, after reviewing the report, the Director of Police recommends additional training, the officer will be assigned non-armed duties until enrollment in a firearms training class which is approved by the Director of Police.
6. Any officer who fails to successfully complete a final remedial firearms training class and fire a qualifying score immediately following completion of the class will have his officer's commission revoked upon proper hearing of the facts, if it is determined such person can no longer meet peace officer licensing standards.
7. If, at any time, in the opinion of the Chief of Police or the Director of Police, an officer is incapable of qualifying or safely carrying an issued firearm due to physical or mental impairment, the Director of Police shall require the officer to be examined by a licensed physician or licensed psychologist of the Chief's or Director's choosing, and if after such examination an officer is deemed to be incapable of qualifying with or safely carrying a firearm, the officer will be released from duty and the officer's commission will be revoked by the Director of Police.

E. Reports

1. During each biannual qualification, a record will be made and placed in each officer's training file which shall include his score, date of qualification, and course of fire.
2. A report of the results of the firearms qualification shall be certified by the Proficiency Officer and submitted to the ODOP Rangemaster. The report should include the following:
  - a. Names and scores of the officers participating in the firearms qualifications;
  - b. Names of those requesting waiver and the reason for the waiver request;
  - c. Course of fire; and
  - d. The date of qualification
3. In the event an officer fails to qualify on the first, second, or third attempt, the Proficiency Officer will submit a report to the UTSP Rangemaster, with a copy to the Institution Chief of Police. This report will include the following:
  - a. A description of the remedial training;
  - b. The dates when remedial training was provided;
  - c. The scores fired; and
  - d. The training officer's evaluation of the officer's failure.
4. Firearms Qualification Reports will be received in the Office of the Director of Police as follows:
  - First half..... No later than July 15th
  - Second half..... No later than January 15<sup>th</sup>

F. Classification.

1. Officers will be classified based upon the average of their last two (2) firearms qualification scores. Classifications are as follows:

<b>Class</b>	<b>Average Score</b>
Master	97.0 to 100.0
Expert	93.0 to 96.9
Sharpshooter	86.0 to 92.9
Marksman	80.0 to 85.9

**XVIII. LESS-LETHAL DEVICE – CONDUCTED ENERGY WEAPONS (CEW)**

- A. Conducted energy weapons, the primary US manufacturer of which is TASER, International, are less-lethal devices that use electricity to achieve neuro-muscular incapacitation. While Tasers may be used in deadly force situations, Taser is not a substitute for deadly force. Deadly force alternatives should accompany Taser deployments in such circumstances.

Taser CEWs come in a variety of models. The M26 and X26 are single shot handgun style versions of the CEW. The X2 and X3 are double and triple shot handgun style versions of the CEW.

- B. Carrying Taser Conducted Energy Weapons

1. The Taser M26, X26, X2, or X3 may be issued to police officers upon their completion of an approved training and certification program. (Note: Taser no longer offers the M26, but they can be carried if still serviceable)
2. If issued an M26, X26, X2 or X3, the CEW and holster shall be worn on the duty belt by police officers while on duty and in uniform. Thigh holsters may also be used with the approval of the Chief of Police.
3. CEWs not issued by the Department are not authorized to be carried during normal duty status.
4. Effective January 1, 2014, all sworn officers routinely, regularly or consistently performing field duties/operations shall be trained and certified in the use of the Taser or an equivalent CEW and shall be issued such a weapon.
  - a. Issuance shall include personally assigned CEW/ECD weapons or making available to officers such weapons at staff change times.
  - b. At a minimum, sworn officers assigned to the patrol function, including supervisors, shall meet the requirements of this paragraph.

C. Use of the Taser CEW

1. CEWs may be used in situations where:
  - a. The use of such force is reasonable and necessary to achieve a legitimate law enforcement objective.
  - b. Lesser methods of force are thought to be unreasonable, unsafe or ineffective.
2. CEWs should be used as a tool of necessity, not as a tool of convenience. When in probe mode, CEWs may be used in response to an imminent threat of violence, not merely a potential threat of violence. CEWs may also be used on a fleeing subject who is wanted for, or has just committed a violent felony.
3. Mere passive resistance (refusal to comply with verbal commands, going limp, stiffing of limbs without struggling, or verbal arguments against being arrested) without evidence of a threat to the officer, another member of the public or the suspect does not justify the use of a CEW.
4. Officers should not use a CEW on Higher Risk Populations, unless the situation would justify higher levels of force; this particular requirement is promulgated out of an abundance of caution; there is no scientific evidence to suggest that Higher Risk Populations have been established clinically to be at greater risk during CEW deployment
5. Higher Risk Populations include: pregnant women, the infirm, the elderly, small children and low body-mass index persons.
6. Deployment of CEWs against subjects who have been contaminated with OC Spray, even sprays labeled as “non-flammable,” should be avoided as CEWs are capable of igniting vapors from the OC spray.
7. Drive stuns are equivalent to pain compliance techniques and will not produce the neuro-muscular incapacitation effects of a probe deployment.
8. Each cycle of the CEW may be viewed as a separate use of force that will need to be justified by specific factors from the incident.
9. If the CEW is deployed, officers should normally use the CEW for one standard cycle (five seconds), and then evaluate the situation to determine if subsequent cycles are necessary. Officers should consider that CEW exposure lasting longer than 15 seconds (whether due to multiple applications or continuous cycling) may increase the risk of death or serious injury. Therefore, the risk of CEW exposure beyond 15 seconds should be weighed against other force options.
10. If warranted, an officer may stop the standard 5 second cycle by turning the CEW off.
11. CEWs may be used to stop or subdue an animal that is aggressive toward any person.
12. CEWs shall be used in accordance with departmental training and procedures.

D. Procedures Following the Use of the Taser CEW:

1. After application of a CEW, the subject shall be treated and evaluated by appropriated medical personnel. CEW probes should be removed only by medical personnel. In jurisdictions where medical personnel first responders (Firefighters/EMS) by their policy are not authorized to remove probes, the Officers may remove CED probes from the body or clothing of a subject and medical attention should be provided to those who have been exposed to the CEW when:
  - a. The probes have penetrated a sensitive area such as the face, neck or groin.
  - b. The person complains of injury or medical issues.
  - c. The person shows signs of Arrest-Related Death Syndrome (Excited Delirium).
  - d. The officer does not wish to remove the probes for safety reasons.
2. The use of a CEW will be documented and reviewed by a supervisor.

E. Reporting

1. The deploying officer shall notify their supervisor as soon as practical after using the device, and the appropriate use-of-force report shall be completed. Data from the CEW, including any associated audio/video recordings if available, shall be downloaded following use and the file shall be considered a part of the use-of-force review.
2. Officers shall specifically document in their use-of-force report the facts and circumstances that reasonably required the use of the CEW in the following manner:
  - a. in the "drive-stun" mode,
  - b. subject energized more than three cycles,
  - c. subject energized for longer than 15 seconds,
  - d. more than one CEW being used against the subject,
  - e. used on an individual in a sensitive population group as defined in this policy.
  - f. The use of a CEW will be documented and reviewed by a supervisor, even in the event of an accidental discharge.

F. CEW Training

Under no circumstances will CEW training conducted under the authority of the Office of the Director of Police, at or under the authority of the UTSP Academy, or involving a Taser-certified UTSP serving as an instructor include the use of an CEW or Taser against a trainee, i.e. the application of conducted energy via Taser or a similar weapon in physical contact with a trainee is prohibited.

G. Auditing

All component agency CEWs will be subjected to periodic and random data downloading. The data obtained will be reconciled with existing use-of-force reports to ensure accountability between the cycles recorded, and those documented in such reports and occurring in pre-shift testing.

**XIX. LESS-LETHAL DEVICE - CHEMICAL SPRAY**

A. Oleoresin Capsicum (OC) is a pepper based spray intended to be a less-lethal means of controlling subjects. OC is an inflammatory agent, as well as an irritant, and is intended to be used as a low force means of obtaining control. The propellant and fumes of OC sprays, whether labeled non-flammable or not, are combustible under the right circumstances. Do not spray the product near an open flame or use an Electronic Control Device on a subject who has been sprayed with OC.

B. Carrying Oleoresin Capsicum (OC) Dispensers.

1. OC will be issued to police officers and public safety officers upon completion of an approved training and certification program.
2. The issued OC dispenser and holster for uniformed personnel shall be carried on the issued duty belt while the employee is on duty.
3. OC dispensers or other chemical agent sprays not issued by the Department are not authorized to be carried during normal duty status.
4. All sworn officers routinely, regularly or consistently performing field duties/operations shall be trained and certified in the use of OC and shall be issued such a weapon.
  - a. Issuance shall include personally assigned OC dispenser.
  - b. At a minimum, sworn officers assigned to the patrol function, including supervisors, shall meet the requirements of this paragraph.

C. Use of the Oleoresin Capsicum Dispenser.

1. Members of the Police Department shall not disperse OC unless the use of such force is reasonable and necessary to achieve a legitimate law enforcement objective. Officers may use OC to stop or subdue an animal that is aggressive toward any person.
2. The OC dispenser shall be used only in accordance with the manufacturer's instructions and department training procedures.

D. Procedures Following the Use of Oleoresin Capsicum.

1. As soon as the individual on whom OC spray has been used is subdued, to an extent that he can be controlled without injury to himself or others, decontamination/medical aid should be supplied.
2. The use of OC will be documented and reviewed by supervisor.

- E. Specifications. The department will only issue chemical agent/defensive spray products that contain oleoresin capsicum as the only active ingredient. This does not preclude the use of products containing marking dyes but does preclude the use of products containing tear gas such as CS (orthochlorobenzalmalonitrile) or CN (alphachloracetaphenone).

## **XX. EXPANDABLE BATON**

- A. The ASP brand expandable baton and the Peacekeeper baton are the less-lethal impact device authorized for use.
- B. Carrying the Expandable Baton.
  - 1. The Expandable Baton will be issued to police officers upon their completion of an approved training and certification program.
  - 2. The issued Baton and holster shall be worn on the duty belt by police officers while they are on duty.
  - 3. Impact devices not issued by the Department are not authorized to be carried during normal duty status.
  - 4. All sworn officers routinely, regularly or consistently performing field duties/operations shall be trained and certified in the use of the baton and shall be issued such a weapon.
    - a. Issuance shall include personally assigned batons.
    - b. At a minimum, sworn officers assigned to the patrol function, including supervisors, shall meet the requirements of this paragraph.
- C. Use of the Expandable Baton.
  - 1. The authorized impact device may be used only when the use of such force is reasonable and necessary to achieve a legitimate law enforcement objective. The impact device shall be used in accordance with department training and procedures.
  - 2. Head strikes are prohibited.
- D. Procedures Following the Use of the Expandable Baton
  - 1. Medical attention shall be provided for those who have been struck by an impact device.
  - 2. The use of the Expandable Baton will be documented and reviewed by a supervisor.

## **XXI. LESS-LETHAL WEAPONS-SPECIALTY IMPACT MUNITIONS**

- A. Less lethal munitions are extended range impact projectiles designed to safely incapacitate potentially dangerous person(s) from a distance that minimizes the danger to officers and citizens. The only use of less lethal munitions is to achieve a legitimate law enforcement objective when such force is both reasonable and necessary. Officers are not authorized to deploy less lethal munitions until completing an approved training and certification program
  
- B. Projectiles are fired or launched for the purpose of encouraging compliance and to overcome resistance with a reduced likelihood of causing death or serious bodily injury. The authorized less lethal munitions consist of products that can be deployed from a designated 40mm launcher or a designated 12-gauge shotgun. These munitions products include smoke, flexible baton, OC, marking and training rounds.
  - 1. Less lethal shotguns are 12-gauge shotguns exclusively designated for use with less lethal munitions products. These shotguns shall be specifically and clearly marked to distinguish them for less lethal use only. Examples of distinguishing markings could include painting the stock and forearm grip a bright color such as orange, yellow or green.
  - 2. Prior to firing less lethal rounds from either a 12-gauge shotgun or 40mm launcher, police personnel shall:
    - Visually and manually inspect the breech and magazine or cylinder of the weapon to ensure that all ammunition has been removed from the weapon; and
    - Load the less lethal munition into the weapon, visually inspecting each round prior to insertion, ensuring that the ammunition which is being loaded is the correct less lethal munitions; and
    - Whenever possible, a second officer shall observe and verify all stages of the unloading of the weapon and the loading of all less lethal munitions.Less lethal launchers or munitions not issued by the Department are not authorized to be carried during normal duty status.
  - 3. When deploying less lethal munitions, the preferred target areas are the arms, shoulders, thighs, knees, or shins of the subject. The operator should not intentionally target the head/neck, thorax, heart, groin, or spine of the subject.
  - 4. Procedures following the use of less lethal munitions:
    - a. Medical attention shall be provided for those who have been struck by the less lethal munitions. EMS will be called as soon as the related scene is safe and secure.
    - b. The use of the less lethal munition will be documented and reviewed by a supervisor as per this policy.

5. The acquisition, deployment or employment of less lethal munitions as a use of force alternative for institution police departments is optional and the adoption or implementation of such options shall be exclusively at the discretion of the institution Chief of Police.
6. The use of less lethal munitions by the University of Texas System Police Rapid Response Team (SRRT) shall be governed by the provisions of ODOP Policy 742 - System Rapid Response Team.

## **XXII. LESS-LETHAL WEAPONS TRAINING**

- A. The department shall conduct biennial documented proficiency demonstrations and training on authorized less lethal force weapons/tools. The training should be conducted by a certified instructor.
- B. Proficiency demonstrations with and use of force policy training on the Taser CEW and less lethal munition weapons should be conducted at least annually.
- C. A police officer or public safety officer who fails to demonstrate proficiency with a less lethal weapon may not resume their duties until acceptable proficiency has been demonstrated. A remedial training protocol will be crafted by an Instructor. The remedial training will take place that day. A record of that failure to demonstrate proficiency, the remedial training protocol and training results will be provided to the Director of Police.

## **XXIII. WEAPONS INSPECTIONS**

- A. All newly acquired weapons will be inspected and tested upon delivery to the agency.
- B. Inspection Criteria.
  1. Firearms will be checked for proper functioning to include test firing, proper cycling, magazine ejection and mechanical operation.
  2. ASP batons will be inspected for general appearance and mechanical functioning as noted in the Expandable Baton Weapon Inspection Record.
  3. O.C. Canisters will be inspected for intact safety seals, nozzle obstructions and appropriate weight as noted in the Oleoresin Capsicum Weapon Inspection Record. Intact seals are only required on delivery from the vendor/supplier. Officers may elect to break the seal, once the canister is issued.
  4. Electronic Control Devices will be checked for proper functioning to include test firing, removal and attachment of cartridges, proper functioning of safety devices and proper functioning of the software and CID.
  5. Less lethal weapons will be checked for proper functioning to include test firing, proper cycling, magazine ejection and mechanical operation.

6. Weapons not passing an initial inspection will be returned to the vendor and/or manufacturer for replacement or repair.

C. Inspection Records.

1. Inspections will be documented on the appropriate weapon inspection form.
2. Inspection records for departmentally and personally owned weapons/tools will be maintained by the training component.

D. Departmental Weapons.

1. All weapons will be inspected before issue to department personnel.
2. Annually, during firearms qualifications, a qualified instructor will complete an inspection for each firearm with which an officer qualifies and document such inspection on the appropriate weapon inspection record.
3. Annually, an ASP baton instructor will complete an inspection for each ASP baton issued and document such inspection on the appropriate weapon inspection record.
4. Annually, an O.C. instructor will complete an inspection for each O.C. canister issued and document such inspection on the appropriate weapon inspection record.
5. Weapons that fail to pass an inspection will not be returned to the officer. A copy of the inspection record will be forwarded to the Proficiency Officer responsible for the weapon along with any relevant information conceiving the failed inspection. The weapon will be returned to the armory until repairs are made. Officers will be issued another weapon, which has passed the applicable inspection before returning to duty.

E. Personally Owned Weapons.

1. All weapons will be inspected before authorization to carry.
2. Annually, or whenever an officer presents a firearm for qualification, the qualified weapons instructor will inspect the weapon.

- F. Officers who fail to comply with the required inspection, or who owns a weapon that fails to pass inspection, will have the authorization to carry immediately revoked. Authorization to carry may not be reinstated until the weapon passes inspection.



Michael J. Heidingsfield  
Director of Police

Changes /Amendments since last publication

Addition of language in Paragraph III. B. to authorize Glock MOS versions and Duty Pistol Miniaturized Red Dot Systems and to VIII.A. to update authorized holster systems to accommodate. February 10, 2020

Revision of language in XIII. to clarify the appointment of Firearms Proficiency Officer. February 10, 2020

Addition of language to XVII to specify conditions for qualifications in conjunction with firearms training. February 10, 2020

Addition of language to XVIII. to clarify procedures following, reporting and for auditing the use of CEWs. February 10, 2020

Revision of language in XVII A4 clarifying the progression of firearms qualifications, training, and practice. September 5, 2019

Addition of Paragraph XXI to add the option of less lethal munitions as another alternative to the use of deadly force and to enhance the array of less lethal solutions available in response to acts of violence and threatened violence against UTSP officers. The acquisition, deployment or employment of less lethal munitions is the prerogative of/and entirely at the discretion of the institution Chief of Police. In response to requests from several Chiefs of Police to explore this alternative, the UTSP Academy conducted extensive research on this program, including field trips to other law enforcement agencies within Texas and relied on extended pilot and trial experiences of several of our institution police departments with less lethal munitions. August 4, 2016

Revision to Paragraph XX to add the Peacekeeper Baton as a less-than lethal impact device authorized for use and throughout to remove exclusive reference to ASP baton. August 1, 2019

Addition of Paragraph V.E.8 to authorize fixed blade knife carry by certain officers. July 18, 2019

Revision of language in Section IX.E, modified after consultation with the UT System Office of General Counsel to ensure compliance with the 2016 statutory changes regarding the open carry of handguns by concealed handgun licensees. July 18, 2016

Revision of language in Section III B.3. to add requirement for 5.5 lb. disconnect, III C. to add .308, Patrol Rifle and 5.56 NATO/.223 or .308 semiautomatic Precision Rifle to the allowable shoulder firearms and to add Optic magnifier or scope not to exceed 5x to the allowable attachments. Addition of Paragraph III.C. 6 to specify trigger requirements for all patrol rifles. March 5, 2015

Revision of language in II referencing the sections where the intermediate weapons are defined. Sections were changed to reference XVIII, XIX, and XX due to the addition of three sections noted below. October 30, 2014

Addition of sections XIII, XIV, and XV identifying the positions and responsibilities of a Range Safety Officer, Firearms Instructor, and Rangemaster, respectively. October 30, 2014

Revision of language in XVII D. 1 to ensure that officers that fail to qualify on their first attempt have a second attempt the same day. October 30, 2014

Addition of language in XVII E. 3 requiring a report to the UTSP Rangemaster in the event an officer fails to qualify on their first attempt. October 30, 2014

Revision of language in Paragraph I to ensure officers are sufficiently trained. September 5, 2014

Addition of Paragraph III. B. 3. authorizing the use of Glock models 26 and 27 for officers assigned primarily to non-uniformed assignments. September 5, 2014

Addition of Paragraph VIII. D authorizing the use of a combination magazine pouch to carry both pistol and rifle magazines in tandem. June 12, 2014

Addition of Paragraph III C. 5, approving the use of Battery Assist Levers, Ambidextrous Safeties, and Extended Charging Handles. January 10, 2014

Revision of Paragraph VIII C. The word **additional** was added to indicate that the magazine in the pistol did not meet the intent of the policy. January 10, 2014

Addition of language to Paragraph XIV A. To clarify that all commissioned officers will qualify with all weapons that the institution utilizes including pistols, patrol rifles, and shotguns. January 10, 2014

Revision to Paragraph XIV C. Addition of phrase **prior to or in conjunction with** added to indicate that institutions could complete the 604 exam prior to going to the range. The use of PowerDMS and other electronic means is acceptable. January 10, 2014

Addition of Paragraph XV C. 10 to insure that the officers know that in an emergency or officer safety situation, the device could be stopped. January 10, 2014

Addition of Paragraph XVI B. 4 to insure officers carry all three intermediate weapons as each has its own specific benefit. January 10, 2014

Addition of Paragraph XVII B. 4 to insure officers carried all three intermediate weapons as each has its own specific benefit. January 10, 2014

Revision of Paragraph XIX C. 2 The contents of XIX C. 2 and 3 were combined with **departmentally and personally** owned weapons inspections records being maintained by the **training component** as opposed to the quartermaster component. January 10, 2014.

Addition of Paragraph XV, E. which prohibits the use of an CEW or Taser against a trainee. July 18, 2013.

Addition of Paragraph III. E. which forbids the use of weapons capable of firing in other than conventional semi-auto capacity unless otherwise approved by the Director of Police. July 9, 2013.

Addition of Paragraph V. C., D. & E which provides permission for the carrying of folding and fixed blade knives, under specified conditions. July 9, 2013.

Addition of Paragraphs XV. B. 4. a) & b) which requires the training, certifying and issuance of CEW/ECDs, July 9, 2013.

Revision to Paragraph IX, Carrying Firearms Off Duty, which clarifies the intent of the policy and addresses "impairment". July 9, 2013.

Revision to Paragraph VIII A. to authorize a paddle holster that clips to a belt for non-uniform use. May 16, 2013

Revision throughout to change term ECD to CEW to keep up with technology, May 16, 2013

Revision to Paragraph XV. B.1 to note that TASER no longer carries the M26, May 16, 2013

Addition of Paragraph XV.C.2. to clarify that CEWs should be used out of necessity not convenience and that use should be for imminent, not merely potential threats of violence and that use is allowed on fleeing subjects who are wanted for or have just committed a violent felony, May 16, 2013

Addition of Paragraph III J which mandates that all sworn officers performing field duties have a patrol rifle assigned or immediately available, April 1, 2013

Revision of Paragraph XIV to include all commissioned officers, January 16, 2013

Revision of Paragraph XV. B. 4, January 16, 2013

Addition of Paragraph XIV, A., 3 which requires all officers to qualify twice annually with the M-4 patrol carbine or its equivalent. January 3, 2013