

Firearms

311.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance, and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

311.2 POLICY

The Kitsap County Sheriff's Office will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

The Sheriff or designee shall designate a Chair of the Weapons Board. The Chair of the Weapons Board shall designate a Rangemaster. The Weapons Board shall consist of members appointed by the Sheriff or designee.

311.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Rangemaster or Department approved Firearms Instructor. No firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

All other weapons not provided by the Department, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's Division Chief.

311.3.1 HANDGUNS

Only Department issued or approved handguns and ammunition are authorized to be carried while on duty.

311.3.2 PATROL RIFLES

Only Department issued patrol rifles and ammunition are authorized to be carried while on duty.

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the member reasonably anticipates an armed encounter.

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- (b) When a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured in a manner specified in section 311.5.1 with the chamber empty, the bolt forward with the dust cover closed, the trigger cocked, and the selector switch in the safe position. A fully loaded magazine should be either inserted in the magazine well, or readily available for loading.

311.3.3 PERSONALLY OWNED DUTY FIREARMS

It is the intention of the Office that all members carry department handguns as their primary duty weapon while on duty. Members requesting to carry an authorized but personally owned duty firearm must receive written approval from the Sheriff or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order and on the department list of approved firearms.
- (b) The firearm shall be inspected by the Rangemaster or Department approved Firearms Instructor prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Weapons Board Chair who will maintain a list of the information.
- (e) If the personally owned firearm is seized for evidentiary purposes, the Office is not responsible for the replacement of the firearm and will provide a department owned firearm.

311.3.4 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry department or personally owned secondary handguns are subject to the following restrictions:

- (a) The handgun shall be in good working order.
- (b) Only one secondary handgun may be carried at a time.

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- (c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.
- (d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (e) The handgun shall be inspected by the Rangemaster or Department approved Firearms Instructor prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (f) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Sheriff or the authorized designee shall approve the type of ammunition.
- (g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Weapons Board Chair who will maintain a list of the information.
- (i) If the personally owned firearm is seized for evidentiary purposes, the Office is not responsible for the replacement of the firearm and will provide a department owned firearm.
- (j) In non-uniformed, administrative assignments where actual law enforcement is unlikely (i.e. personnel enroute to or from training, personnel assigned fulltime to an administrative function) the approved secondary handgun may be carried as the primary weapon in lieu of the department issued or approved handgun provided all above criteria are satisfied and maintained. Under no circumstances shall the secondary firearm be carried in lieu of the department issued/approved handgun while in uniform.

311.3.5 AUTHORIZED OFF-DUTY FIREARMS

The carrying of agency-issued firearms by members while off-duty is permitted by the Sheriff but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their authority as peace officer shall carry their Kitsap County Sheriff's Office commission cards under circumstances requiring possession of such identification. Members carrying an agency-issued firearm off-duty shall carry their commission card regardless of a separate concealed pistol license.

311.3.6 AMMUNITION

Members shall carry only office-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all office-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Office shall be dispensed by the Rangemaster when needed, in accordance with established policy.

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Members carrying personally owned authorized firearms of a caliber differing from office-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

311.4 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

311.4.1 REPAIRS, MODIFICATIONS AND ACCESSORIES

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or an Office approved armorer.

Firearms that are the property of the Department or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Weapons Board Chair.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Weapons Board Chair. The Weapons Board Chair shall maintain accurate records of all repairs of personally owned firearms.

311.4.2 HOLSTERS

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun. Holsters for personally owned firearms shall be purchased, maintained, and repaired at the member's expense and meet all required security and retention standards set by the department.

311.4.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on or off-duty after they have been examined and approved by the Rangemaster. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

311.4.4 OPTICS AND LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on or off-duty after they have been examined and approved by the Rangemaster. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

Laser sights are only authorized for SWAT members.

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311.5 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster or Department approved Firearms Instructor. Members shall not dry fire or practice quick draws except under Rangemaster or Department approved Firearms Instructor supervision.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded outside of the vehicle, using clearing barrels, when available.
- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Rangemaster or Department approved Firearms Instructor approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster or Department approved Firearms Instructor will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

311.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Rifles should be inspected periodically by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels. Rifles shall be stored in a locked gun mount if equipped. If not equipped with a locking gun mount, rifles shall be stored in a protective case and in a locked trunk in a sedan vehicle or mounted locked case in the cargo area of the Patrol Utility Vehicle.

311.5.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them

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inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil liability.

311.5.3 ALCOHOL AND DRUGS

The carrying of firearms off-duty is prohibited when consumption of alcohol by the member is anticipated. Firearms shall not be carried by any member, either on or off duty, who has consumed an amount of alcoholic beverage, taken any drugs or medication, or had taken any combination thereof that adversely affects the member's senses or judgment.

311.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who are authorized to carry a firearm while on duty are required to qualify annually with their duty firearms and department approved secondary firearms. In addition members shall successfully complete additional training as required by the Department.

Training and qualifications must be done on a department approved range and or other similar in type training facility approved by the Weapons Board Chair.

311.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, the Rangemaster shall submit a memorandum to the member's immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
 - 1. Unauthorized range make-up.
 - 2. Failure to meet minimum standards or qualify after remedial training.

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

311.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and

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Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Division Chief or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

311.7.1 DESTRUCTION OF ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, EMDT, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

311.7.2 INJURED ANIMALS

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

311.7.3 WARNING SHOTS

A deputy shall not use a firearm to fire a warning shot.

311.8 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster or his/her designee. All members attending will follow the directions of the Rangemaster or his/her designee. The Rangemaster will ensure the maintenance of a roster of all members attending the range and will submit the roster to the Training Officer after each range date. Failure of any deputy to sign in and out with the Rangemaster or his/her designee may result in non-participation or non-qualification.

The range shall remain operational and accessible to department members during hours established by the Department.

The Rangemaster has the responsibility of ensuring periodic inspections, at least once a year, of all duty weapons carried by deputies of this department to verify proper operation. The Rangemaster has the authority to deem any department-issued or personally owned firearm unfit for service.

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The member will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until inspected and approved by the Weapons Board Chair

The Rangemaster has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Rangemaster shall complete and submit to the Training Officer documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Rangemaster should provide accurate records of all training shoots and qualifications to the Training Officer.

311.9 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to members who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- (a) Members wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Members must carry their Kitsap County Sheriff's Office identification card, bearing the member's name, a full-face photograph, the member's signature and the signature of the Sheriff or the official seal of the Department and must present this identification to airline officials when requested. The member should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The Kitsap County Sheriff's Office must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the member's travel. If approved, TSA will send the Kitsap County Sheriff's Office an NLETS message containing a unique alphanumeric identifier. The member must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Sheriff authorizing armed travel may also accompany the member. The letter should outline the member's need to fly armed, detail his/her itinerary, and include that the member has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Members must have completed the mandated TSA security training covering members flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the member's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.

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- (g) Any member flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The member must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Members should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Members shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

311.10 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time members of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The member shall carry his/her Kitsap County Sheriff's Office identification card whenever carrying such firearm.
- (b) The member is not the subject of any current disciplinary action.
- (c) The carrying of firearms off-duty is prohibited when consumption of alcohol by the member is anticipated. Firearms shall not be carried by any member, either on or off duty, who has consumed an amount of alcoholic beverage, taken any drugs or medication, or had taken any combination thereof that would tend to adversely affect the member's senses or judgment.
- (d) The member will remain subject to this and all other department policies (including qualifying and training).

Members are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield a member from arrest and prosecution in such locally restricted areas.

Active permits from other states are subject to all requirements set forth in 18 USC § 926B.

Refer to the "Retiree Concealed Firearms" policy for additional information.