

## **312 FIREARMS**

### **312.1 PURPOSE AND SCOPE**

**1**. 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 Force Response or Officer-Involved Shootings and Deaths policies.

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

### **312.2 POLICY**

The Mountlake Terrace Police Department will equip its members with firearms and ammunition to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms and ammunition are appropriate and in good working order and that relevant training is provided as resources allow.

### **312.3 AUTHORIZED FIREARMS, AMMUNITION, AND OTHER WEAPONS**

A firearm is a weapon with lethal ammunition carried by an officer that meets the firearm specifications of the Department or that has been authorized as a specialty firearm by the Chief of Police or the authorized designee (Washington State Office of the Attorney General Model Use of Force Policy). Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Firearms Coordinator.

All other weapons not provided by the Department may not be carried by members in the performance of their official duties without the express written authorization of the member's Division Commander including but not limited to:

- a. Edged weapons.
- b. Chemical or electronic weapons.
- c. Impact weapons.
- d. Any weapon prohibited, or restricted by law, or that is not covered elsewhere by department policy.

This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

#### **312.3.1 HANDGUNS**

The authorized department issued handgun is the Glock.

1. Weapon Specifications - Department Issued (Glock)
  - a. Model 17 / Full size 9mm / 4.5" barrel
  - b. Model 19 / Compact 9mm / 4" barrel
  - c. Model 21/21SF / Full size .45 / 4.6" barrel
  - d. Model 34 / Tactical 9mm / 5.3" barrel
2. Approved privately owned semi-automatic handguns for secondary or off-duty use.
  - a. Berreta
  - b. FN/Browning
  - c. Glock
  - d. Heckler and Koch
  - e. Kimber
  - f. Para Ordnance
  - g. Sig Sauer
  - h. Smith & Wesson
  - i. Springfield Armory
  - j. Staccato
3. Revolvers
  - a. Ruger or Smith & Wesson
    1. Revolvers are limited to secondary or off-duty use only.
    2. No single-action-only revolvers are authorized)
    3. Approved Calibers
      1. .380 (issued ammo =.380 caliber)
      2. .38 special (issued ammo =.38+P)
      3. .357 magnum (issued ammo =.38+P)
      4. .357 Sig (issued ammo =.357 caliber)
      5. 9mm parabellum (issued ammo = 9mm luger)
      6. .40 S&W (issued ammo =.40 caliber)
      7. .45 ACP (issued ammo =.45 caliber)
      8. .45 GAP (issued ammo =.45 caliber)
4. Additional Specifications:
  - a. Cartridge Capacity
    1. Primary handgun - minimum of seven rounds fully loaded
    2. Second handgun/Off-duty - minimum of five rounds fully loaded
  - b. Semi-automatic handguns must have:
    1. Firing pin block or
    2. Another "drop safe" device designed in the weapon by the factory
    3. Trigger pull should be 5 pounds or greater, except that pistols with an external manual safety may be 4 pounds or greater. Any exceptions must be pre-approved by the Firearms Coordinator.
    4. Barrel length
      1. Primary handgun - 3.4 inches to 5.6 inches
      2. Secondary/Off-duty handgun - 2 inches to 5.6 inches
  - c. Must be equipped with luminous sights (applies to primary sidearm only).
  - d. Finish must be black in color or stainless steel (may be enhanced with special finish)
  - e. Grips must be black for primary handgun

- f. Any variation and/or modification to the weapon must be done by a factory-certified armorer or gunsmith and must be pre-approved by a Police Department Firearms Training Team member.
- g. Police officers may carry as alternate to issued handgun with prior approval only and in compliance with policy.

### 312.3.2 SHOTGUNS

Members shall only use shotguns that are issued or approved by the Department and have been thoroughly inspected by the Firearms Coordinator. No shotgun shall be deployed by a member who has not qualified with it at an authorized department range.

When not deployed, the shotgun shall be properly secured in a locking weapons rack in the patrol vehicle with the magazine loaded, the action closed on an empty chamber.

### 312.3.3 LOSS OR THEFT OF FIREARM

Employees shall immediately report the loss or theft of any department or personally owned firearm to the Chief of Police via the Chain of Command. The report will be in writing and will detail all the facts concerning the incident.

### 312.3.4 PATROL RIFLES

**1**. In order to more effectively and accurately address increasing fire power and body armor utilized by criminal suspects, the Mountlake Terrace Police Department makes patrol rifles available to qualified patrol officers as an additional tactical resource.

A patrol rifle is an authorized weapon owned by the department and is made available to properly trained and qualified officers as a supplemental resource to their duty handgun and/or shotgun. No personal rifles may be carried for patrol use unless approved by the firearms coordinator and department armorer. Patrol rifles shall be semi-automatic .223 caliber and Colt M-4, M-16, or AR-15 variations unless approved by the Chief of Police or designee. Commissioned staff who are active SWAT operators and have been issued, trained and qualified with a select fire rifle may carry the rifle for patrol. Only weapons and ammunition meeting agency specifications, approved by the Chief of Police and issued by the department may be used by officers.

Maintenance of patrol rifles shall fall on the firearms coordinator. Officers issued a patrol rifle may be required to field strip and clean their assigned rifle as needed. Officers are required to promptly report any damage or malfunction of their rifle to the firearms coordinator. Any rifle found to be unserviceable shall be removed from service. The rifle will be labeled out of service and details of the condition will be included on the label. Each rifle is subject to inspection at any time by a supervisor or firearms coordinator. No modifications shall be made to any patrol rifle without prior written authorization from the firearms coordinator.

No rifle shall be carried or utilized by a member who has not qualified with it at an authorized department range. Training shall consist of an initial patrol rifle user course and qualification with a

certified firearms instructor. Officers shall thereafter be required to successfully complete annual training and qualification conducted by a certified firearms instructor. Any officer who fails to qualify or successfully complete department training sessions within a calendar year will no longer be authorized to carry the patrol rifle until such time as they have successfully passed qualification.

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.
- 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.

Discharge of the patrol rifle shall be governed by the deadly force policy (300).

When not deployed, the patrol rifle shall be properly secured in a locking weapons rack in the patrol vehicle, or in a locked trunk or rear storage area with the chamber empty, magazine loaded and inserted into the magazine well, the bolt forward, and the selector lever in the safe position.

When not in use or at the end of the assigned officer's shift, patrol rifles will be stored in a rifle bag, inside the officer's assigned locker which is secured with a locking mechanism unless taken home. Patrol rifles not stored in assigned lockers shall be governed by policy (312.5.2).

### 312.3.5 PERSONALLY OWNED DUTY FIREARMS

Members who carried previously approved and personally owned firearms for duty use prior to January 1, 2020 may continue to carry the same firearm(s).

### 312.3.6 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 and on the department list of approved firearms.
- b. Only one secondary handgun may be carried at a time.
- 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 Firearms Coordinator 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 Chief of Police or the authorized designee shall approve the 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 Firearms Coordinator, who will maintain a list of the information.

### 312.3.7 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Chief of Police 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 officers, will be required to meet the following guidelines:

- a. A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.
  - 1. The purchase of the personally owned firearm shall be the responsibility of the member.
- b. The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- c. It will be the responsibility of the member to submit the firearm to the Firearms Coordinator for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Firearms Coordinator.
- d. Prior to carrying any off-duty firearm, the member shall demonstrate to the Firearms Coordinator that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- e. The member will successfully qualify with the firearm prior to it being carried.
- f. Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Firearms Coordinator, who will maintain a list of the information.
- g. If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- h. Members shall only carry department-authorized ammunition.
- i. When armed, officers shall carry their badges and Mountlake Terrace Police Department identification cards under circumstances requiring possession of such identification.

### 312.3.8 AMMUNITION

1. Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Members carrying personally owned authorized firearms of a caliber differing

from department-issued firearms shall be issued fresh ammunition in the specified quantity. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Firearms Coordinator when needed, in accordance with established policy.

## **312.4 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.

### **312.4.1 REPAIRS OR MODIFICATIONS**

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Firearms Coordinator.

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 Firearms Coordinator.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Firearms Coordinator.

### **312.4.2 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 may not be modified and all retention devices must be utilized as intended by the manufacturer.

### **312.4.3 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 Firearms Coordinator. 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.

### **312.4.4 OPTICS OR 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 Firearms Coordinator. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Firearms equipped with an optic must also be equipped with iron sights. 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.

Approved optic brands:

1. Trijicon
2. Aimpoint
3. EOTech
4. Leupold
5. Holosun

Personally owned optics approved for duty by the Firearms Coordinator prior to January 1, 2020 may continue to be utilized for field use.

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.

### **312.5 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 Firearms Coordinator. Members shall not dry fire or practice quick draws except as instructed by the Firearms Coordinator or other firearms training staff.
- 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 in the parking lot and outside of the vehicle, using clearing barrels.
- 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 Firearms Coordinator approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Firearms Coordinator 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.

#### **312.5.1 INSPECTION AND STORAGE**

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift 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.

Personally owned firearms may be safely stored in lockers at the end of the shift. Department-owned firearms shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

### 312.5.2 STORAGE AT HOME

**I**. 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 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.

### 312.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment.

## 312.6 FIREARMS TRAINING AND QUALIFICATIONS

**I**. All members who carry a firearm while on-duty are required to successfully complete department training with their duty firearms, including handguns, rifles and/or shotguns. In addition, all members will qualify at least annually with their duty firearms, including handguns, rifles, shotguns and off-duty/secondary firearms. Training and qualifications must be on an approved range course.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

Firearms training and qualification standards are determined by the department firearms coordinator and approved by the Chief of Police or designee.

### 312.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member is unable to attend firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, he/she shall submit a memorandum to their immediate supervisor prior to the end of the required training/qualification period.

Members who fail to meet minimum standards for firearms training or fail to qualify after three attempts shall be provided remedial training and may be subject to the following requirements:

- a. Additional range training may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- b. Additional individual instruction with a certified firearms instructor to practice weapon manipulation and dry fire skills.

Members who are unable to qualify shall re-qualify as soon as practicable. This shall not exceed 30 calendar days from the original range date. Members who are still unable to qualify after remedial training and an additional three attempts will be removed from a field assignment and may be subject to disciplinary action.

The same standard applies to duty rifles and/or shotguns. Members will successfully complete rifle/shotgun firearms training and qualify with at least one of these options annually. Members shall successfully qualify with the patrol rifle and/or shotgun prior to assignment to solo patrol status.

### **312.7 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 Deaths Policy. If a firearm was discharged as a force response, the involved member shall adhere to the additional reporting requirements set forth in the Force Response 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 Commander 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.

#### **312.7.1 DESTRUCTION OF ANIMALS**

**1.** 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, conducted energy device, 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, becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

### 312.7.2 INJURED ANIMALS

1.1. 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.

### 312.7.3 WARNING SHOTS

An officer shall not use a firearm to fire a warning shot (Washington State Office of the Attorney General Model Use of Force Policy).

## **312.8 FIREARMS COORDINATOR DUTIES**

The range will be under the exclusive control of the Firearms Coordinator. All members attending will follow the directions of the Firearms Coordinator. The Firearms Coordinator will maintain a roster of all members attending the range and will submit the roster to the Special Services Sergeant after each range date. Failure of any officer to sign in and out with the Firearms Coordinator 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 Firearms Coordinator has the responsibility of making periodic inspections, at least once a year, of all duty weapons carried by officers of this department to verify proper operation. The Firearms Coordinator has the authority to deem any department-issued or personally owned firearm unfit for service. 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 Firearms Coordinator.

The Firearms Coordinator has the responsibility for ensuring each member meets the minimum requirements during training shoots and demonstrates proficiency in the maintenance and safety of all firearms the member is authorized to carry.

The Firearms Coordinator shall complete and submit to the Special Services Sergeant 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 Firearms Coordinator should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Professional Standards Officer.

### 312.8.1 INVENTORY OF FIREARMS

The Firearms Coordinator shall conduct an annual inventory of all department-owned firearms and submit a report for acknowledgement by the Chief of Police.

## **312.9 FLYING WHILE ARMED**

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

- a. Officers 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. Officers must carry their Mountlake Terrace Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- c. The Mountlake Terrace Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Mountlake Terrace Police Department an NLETS message containing a unique alphanumeric identifier. The officer 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 Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- e. Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- f. It is the officer'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.
- g. Any officer 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 officer 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. Officers 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. Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

### **312.10 CARRYING FIREARMS OUT OF STATE**

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

- a. The officer shall carry his/her Mountlake Terrace Police Department identification card whenever carrying such firearm.
- b. The officer is not the subject of any current disciplinary action.

- c. The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- d. The officer will remain subject to this and all other department policies (including qualifying and training).

Officers 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 an officer 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.