Firearms

302.1 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.

302.2 DEFINITIONS

Duty Weapons - these weapons are owned and issued by the department primarily for use on-duty, however officers may carry them off-duty in conjunction with their commission card.

Secondary Weapons - these weapons may be purchased and owned by the individual officer, having been inspected and authorized by the department for discreet carry. The department may issue a secondary handgun to officers for on-duty open carry or concealed carry, dependent on the member's assignment, with the approval of the Chief of Police and/or his/her designee. These weapons can be carried by the officer off-duty in a concealed manner under the authority of his/her police commission.

Off-duty Weapons - these weapons are personally owned by the officer and are only carried in an off-duty status. These weapons have not been inspected or approved by the department for on-duty carry.

302.3 POLICY

The Marysville Police Department 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.

302.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Officers shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Firearms Sergeant or his/her designee. No firearm shall be carried on-duty by a member who has not qualified with that firearm.

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

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302.3.1 HANDGUNS

The authorized department-issued handgun is the Sig Sauer P365 Fuse RDS 9mm.

The authorized department-issued secondary handgun is the Sig Sauer P365 Xmacro TacOps RDS 9mm.

302.3.2 SHOTGUNS

The Marysville Police Department does not issue shotguns for duty use. Shotguns can be used by qualified officers with supervisor approval.

302.3.3 RIFLES

The authorized department-issued patrol rifle is the Colt AR-15 .223.

Officers may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed.

When not deployed, the rifle should be properly secured in a locking weapons rack in the patrol vehicle. The condition of the rifle shall be such that the chamber is empty, the bolt forward with dust cover closed, the selector lever in the "safe" position, and a magazine loaded with department-issued duty rifle ammunition is inserted into the magazine well. This condition shall hereafter be referred to as the "cruiser-carry" condition.

302.3.4 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Chief of Police 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.

(b) The firearm shall be inspected by the Firearms Sergeant or his/her designee prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(c) Prior to carrying the firearm, officers shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Officers must demonstrate proficiency and safe handling, and that the firearm functions properly.

(d) Officers shall provide notice of the make, model, serial number, any modifications and caliber of the firearm to the Firearms Sergeant or his/her designee, who will maintain a list of the information.

Officers understand the risk that personally owned firearms may be taken as evidence items during an investigation and no compensation may be made to the employee for this action.

302.3.5 AUTHORIZED SECONDARY HANDGUN

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

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(a) The handgun shall be in good working order and approved by the Firearms Sergeant or his/her designee.

(b) The purchase of the handgun and ammunition shall be the responsibility of the officer unless the handgun and ammunition are provided by the Department.

(c) A secondary handgun issued by the department may be open or discreet carried on-duty.

(d) A personally owned secondary handgun may be carried concealed and in such a manner as to prevent unintentional cocking, discharge or loss of physical control. The personally owned handgun may also be open carried on-duty with supervisor approval.

(e) The handgun shall be inspected by the Firearms Sergeant or his/her designee 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 shall successfully qualify with personally owned handguns on the backup weapon course. Members shall successfully qualify with department issued secondary weapons on the full size duty handgun course. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.

(h) Officers shall provide the make, model, serial number, modifications and caliber of a secondary handgun to the Firearms Sergeant or his/her designee, who will maintain a list of the information. Any modifications thereafter shall be disclosed to Firearms Sergeant or his/her designee.

(i) Officers shall be limited to no more than two (2) personally owned secondary handguns.

302.3.6 OFF-DUTY FIREARMS

The carrying of firearms by officers 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) The purchase of the personally owned firearm and ammunition 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) When armed, officers shall carry their badges and Marysville Police Department identification cards under circumstances requiring possession of such identification.

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Officers may choose to carry firearms under a concealed weapons permit and not based on their authority as a peace officer. The previous department guidelines do not pertain to those department members who choose to carry a firearm under a concealed weapons permit.

302.3.7 AMMUNITION

Officers shall carry only department-authorized ammunition in department issued firearms. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms annually. Officers carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Firearms Sergeant or his/her designee when needed, in accordance with established policy.

Officers carrying personally owned authorized firearms are responsible for obtaining their own ammunition.

302.5 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.

302.5.1 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 Sergeant or his/her designee.

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 Sergeant or his/her designee.

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

302.5.2 HOLSTERS

Only department-approved holsters shall be used and worn by officers. Officers shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun. Holsters shall not be modified or altered without the approval of the Firearms Sergeant or his/her designee.

302.5.3 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 Sergeant or his/her designee.

302.5.4 OPTICS OR LASER SIGHTS

Only department approved optics or laser sights may be installed on department issued firearms- or off-duty firearms after they have been examined and approved by the Firearms Sergeant or his/

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her designee. 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.

Department approved optics may be mounted on duty pistols where no permanent alteration of the firearm occurs. (e.g. only requiring the removal of the sight mounting plate.)

The purchase of a department approved optic is the responsibility of the officer. The officer shall be responsible to ensure the sight is an approved optic, as determined by the Chief and/or his or her designee. The cost of the holster and a set of back-up iron sights, tall enough to be co-witnessed with the red dot, will also be at the expense of the officer. Officers must attend the department's approved user course and pass the qualification before being authorized to carry the optic on their duty pistol. All firearms are subject to potential evidence collection if the officer is involved in a deadly force event. In this event, the cost of replacing any of the optic related equipment on the firearm will still be the officer's responsibility.

302.6 SAFE HANDLING, INSPECTION AND STORAGE

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

(a) The Four Golden Rules of Firearm Safety:

1. All guns are always loaded.
2. Never put your finger on the trigger until you are on target and have made the decision to fire.
3. Never point your gun at anything you are not willing to destroy.
4. Be sure of your target and what is beyond.

(b) Officers 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.

(c) Any firearm deemed in need of repair or service by the Firearms Sergeant or his/her designee 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.

See attachment for Safety Protocol for Live Fire Training:

See attachment: Firearms Safety Protocol.pdf

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302.6.1 INSPECTION AND STORAGE

Firearms shall be inspected regularly and upon access or possession by another person. The officer shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition.

302.6.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are 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.

302.6.3 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.

302.7 FIREARMS TRAINING AND QUALIFICATIONS

All commissioned officers and custody officers who carry a firearm while on-duty shall successfully complete department approved firearms training. Officers must qualify at least annually with their duty firearms and must also qualify with any department authorized off-duty or secondary firearms they carry.

All members who carry a firearm will receive practical training designed to simulate field conditions and real-world decision-making. All firearms instruction, training, and qualifications shall be conducted by a certified firearms instructor.

A Firearms Sergeant or their designee shall document all firearms training and qualification results for each officer. These records shall be forwarded to and maintained by the Training Unit.

302.7.1 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, that member shall submit a memorandum to his/her 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.

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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.

302.7.2 FAILURE DURING ANNUAL QUALIFICATION

Members who fail to meet minimum standards or fail to qualify after two attempts during the annual handgun or rifle qualification will be assigned remedial training and will be subject to the following requirements:

(a) Additional Range Sessions:

Additional range assignment may be scheduled to assist the member in demonstrating consistent firearm proficiency.

(b) Credit for Qualification:

Members will receive qualification credit once they obtain a passing score following remedial training.

(c) No Credit Will Be Given for:

1. Unauthorized or unscheduled range make-ups.

2. Failure to meet minimum standards after remedial training.

(d) Remedial Training and Retesting:

Members who fail to qualify shall complete remedial firearms training and successfully complete a mandatory retest within 90 calendar days of the original qualification failure.

A Firearms Sergeant or their designee will promptly notify the member's chain of command of the failed qualification.

302.7.3 CONTINUED FAILURE TO QUALIFY

Members who continue to fail to meet minimum firearms standards:

(a) Will result in the immediate notification to the member's supervisor, the Unit Commander, and the Chief of Police.

(b) Will be temporarily reassigned to administrative duties that do not require carrying a firearm until qualification standards are met.

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(c) May be subject to administrative or disciplinary action in accordance with the Department's disciplinary policy.

302.8 FIREARM DISCHARGE

Whenever an officer, either on-duty or off-duty, negligently discharges a firearm authorized for department use, he/she shall immediately notify their supervisor and submit an incident report fully explaining the circumstances. If injury or damage has occurred, or is alleged to have occurred, the incident shall be fully investigated and reported.

If a firearm was discharged as a response of force, the involved member shall adhere to the additional reporting requirements set forth in the Response to Resistance and Aggression Policy. 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.

302.8.1 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, 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.

302.8.2 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. Notification will be made through the chain of command to the Chief of Police.

302.8.3 WARNING SHOTS

An officer shall not use a firearm to fire a warning shot.

302.9 FIREARMS SERGEANT DUTIES

The range will be under the exclusive control of the Firearms Sergeant or his/her designee. All members attending will follow the directions of the Firearms Sergeant or his/her designee. The Firearms Sergeant or his/her designee will maintain a roster of all members attending the range and will submit the roster to the Office of Professional Standards after each range date. Failure of any officer to sign in and out with the Firearms Sergeant may result in non-participation or non-qualification.

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

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The Firearms Sergeant or his/her designee 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 Sergeant or his/her designee 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 Sergeant or his/her designee.

The Firearms Sergeant or his/her designee 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 Firearms Sergeant or his/her designee shall complete and submit to the Office of Professional Standards 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 Sergeant or his/her designee should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Office of Professional Standards.

302.9.1 INVENTORY OF FIREARMS

The Firearms Sergeant or his/her designee shall conduct an annual inventory of all department-owned firearms and submit a report for acknowledgement by the Chief of Police.

302.10 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 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 Marysville Police Department identification card, bearing the officer's name, a full-face photograph, identification number 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 Marysville Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Marysville 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

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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.

302.11 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 Marysville 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.

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Attachments

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Firearms Safety Protocol.pdf

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FIREARM SAFETY PROTOCOL
LIVE FIRE TRAINING

A. RANGE MASTER AND FIREARM INSTRUCTORS

- A Range Master will be at every firearms training event and shall possess a Firearms Instructor certification through the Washington State Criminal Justice Training Commission.

- The Range Master shall be in charge of all personnel at and around the training event. Their authority on safety and safety related issues will be absolute, regardless of rank or position.

- The Range Master will assign the Training Safety Officer (TSO).

- Firearms Instructors will have authority on safety and safety related issues, regardless of rank or position. The only person who will have authority over the Firearms Instructors will be the Range Master.

- A minimum of two Firearms Instructors will be present for any range training involving 4 or more students shooting at the same time.

- All Firearms Instructors will wear clothing that identifies them as Instructors while on the range.

B. SAFETY EQUIPMENT

- A First Aid/Trauma kit will be at every firearms training event. Everyone involved in the training will know the location of the First Aid kit and have access to it.

- Hearing and eye protection will be provided and expected to be utilized by all participants.

C. SAFETY BRIEFING

- A detailed “Safety Briefing” will be conducted at every firearms training. To distinguish and emphasize the importance of safety during the training, the Safety Briefing will be separate from any other briefing, planning, or discussion.

- During the briefing all personnel involved in the training, regardless of their role, will be present.

- Firearms Instructors will be identified and introduced.

- The Four Golden Rules for Firearm Safety will be presented:

1. All Guns are always loaded.
2. Never put your finger on the trigger until you are on target and have made the decision to fire.
3. Never point your gun at anything you are not willing to destroy.
4. Be sure of your target and what is beyond.

- Range commands or sounds that mean cease fire:
    1. “Cease Fire”
    2. “King’s X”
    3. Whistle

- Everyone is a Safety Officer and can call a cease fire. Any safety concern must be reported to a Firearms Instructor immediately.

- All personnel will know where the First Aid/Trauma kit is located.

- Two participants will be assigned to contact emergency responders in the event of a major injury.

- The following Range Rules will apply:
    1. Weapons can only be loaded or unloaded using range backstop or clearing trap.
    2. Must wear appropriate range clothing.
    3. Must wear approved hearing and eye protection.
    4. Must wear ballistic vest.
    5. Clean firearms where permitted.
    6. Any rules specific to the facility being used.

- Environmental exposure concerns associated with firearms will be addressed including:
    1. Clothing
    2. Weapons cleaning
    3. Personal hygiene
    4. Consumption of food and drink

- Security concerns for specific facility addressed. At least one Instructor will remain armed with a loaded weapon when utilizing a facility accessible to the public.

- The day’s expectations and plans will be provided to all personnel.

- Time will be given for personnel to ask questions or address concerns.

D. EMERGENCEY EVENT

- If an emergency event occurs or is perceived to have occurred the following will occur:
    1. A cease fire will be called immediately and all training will stop.
    2. All Firearms Instructors will be notified.
    3. Severity of any injuries will be immediately assessed.

- If any significant injuries are determined the following will be done:
    1. First aid will be applied.
    2. Emergency responders will be called to the scene.
    3. The Ranger Master or their designee will notify an Administrator of the rank of Commander or higher.

- If injuries are determined to be minor the following will be done:
    1. First aid will be applied
    2. The Range Master will determine if an Administrator will be immediately notified or if the incident can be reported later.

- In the event of an unintentional discharge or the appearance of any negligent act by any personnel, the following will occur:
    1. The Range Master or their designee will notify an Administrator of the rank of Commander or higher.
    2. The Range Master will determine if the individual will be allowed to continue training that day.
    3. The Range Master will prepare a report to be turned into the appropriate chain of command.

- The Range Master will be responsible for assessing the cause of the incident, assessing if training or training conditions need to be altered, and making the decision of continuing training or to cease training for the day.

E. TRAINING DEBRIEF

- At the conclusion of each live fire training there will be a training debrief that includes the following:
    1. An opportunity for all participants to provide feedback and concerns to the instructors and other participants.
    2. An opportunity for all instructors to discuss the days training and encourage the participants to continue their individual training and skill development.