

Firearms

309.1 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.

309.1.1 AUTHORIZATION TO CARRY FIREARMS

All licensed personnel shall successfully complete office training regarding the use of force, deadly force, and the use of firearms before being issued a firearm or being authorized to carry a firearm in the course of their duties (Minn. Stat. § 626.8452, Subd. 3; Minn. Stat. § 626.8463).

309.2 POLICY

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

309.2.1 SAFETY CONSIDERATIONS

- (a) Deputies shall not unnecessarily display or handle any firearm.
- (b) Deputies shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Deputies shall not dry fire or practice quick draws except under Rangemaster supervision.
- (c) Deputies shall not clean, repair, load or unload a firearm anywhere in the Office, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded outside buildings and vehicles.
- (e) Deputies shall not place or store any firearm or other weapon on Office 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 a prisoner, but shall place all firearms in a secured location. It shall be the responsibility of the releasing deputy to make sure that persons from outside agencies do not enter the jail section with any firearm.
- (f) Deputies shall not use any automatic weapon, heavy caliber rifle, gas or other type of chemical weapons from the armory, except with approval of a supervisor or when an emergency or exigency reasonably requires immediate use of the weapon.

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- (g) Any weapon authorized by the Office to be carried on- or off-duty, that is found by the deputy to be malfunctioning or needing service, shall not be carried. It shall be promptly presented to the Office Rangemaster for inspection. Any weapon determined to be in need of service or repair during an inspection by the Office Rangemaster will be immediately removed from service. If the weapon is the deputy's primary duty weapon, a replacement weapon will be issued to the deputy until the duty weapon is serviceable.

309.2.2 STORAGE OF FIREARMS AT HOME

Deputies shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control in a manner that will keep the weapon inaccessible to children and irresponsible adults (Minn. Stat. § 609.666 and Minn. Stat. § 609.378 Subd. 1 (c)).

309.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Office and have been thoroughly inspected by the Rangemaster. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized office range.

All other weapons not provided by the Office, 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 office policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's Division Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

309.3.1 DUTY FIREARMS

- (a) The authorized office-issued handgun is:
 - 1. Make: Glock
 - 2. Model: 17, 19
 - 3. Caliber: 9mm
- (b) Only issued or approved shotguns and rifles are authorized for on-duty use.
- (c) The following additional handguns are approved for on-duty use and will be issued by the Office.:
 - 1. Make: Glock
 - 2. Model: 26
 - 3. Caliber: 9mm
- (d) Detectives assigned to the Investigation Division, may request approval from the Sheriff or designee, to carry:

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1. Make: Glock
2. Model: 26
3. Caliber: 9mm
 - (a) If approved, the handgun maybe be purchased for on-duty use at the expense of the deputy requesting to carry the handgun.
- (e) 67 Day Temporary Deputies assigned to the Jail Division, Transport Unit or the Patrol Division, Water Parks and Trails Unit are authorized to carry a standard issue Glock 17, 9mm issued for use during their assigned shift. They are also approved to purchase the following for use on-duty at the deputies own expense:
 - (a) Make: Glock
 - (b) Model: 17 or 19
 - (c) Caliber: 9mm

309.3.2 AUTHORIZED SECONDARY WEAPONS

Deputies desiring to carry a secondary weapon are subject to the following restrictions:

- (a) The weapon shall be of good quality and workmanship (e.g., Glock, Colt, Smith and Wesson, Browning, Sig-Sauer).
- (b) Only one secondary firearm may be carried at a time.
- (c) The purchase of the firearm and ammunition shall be the responsibility of the deputy.
- (d) The firearm shall be carried out of sight at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control while on duty.
- (e) The firearm shall be subject to inspection whenever deemed necessary.
- (f) Ammunition shall be the same as Office issue. If the caliber of the weapon is other than Office issue, the Sheriff or designee shall approve the ammunition.
- (g) Personnel shall qualify with the secondary weapon under range supervision. Deputies must demonstrate proficiency, safe handling and serviceability of the weapon.
- (h) Personnel shall provide written notice of the make, model, color, serial number and caliber of a second weapon to the Rangemaster.

309.3.3 AUTHORIZED OFF-DUTY WEAPONS

The carrying of firearms by licensed deputies while off-duty is permitted by the Sheriff, but may be rescinded should circumstances dictate (e.g., administrative leave). Licensed deputies who choose to carry a firearm while off-duty, based upon their authority as a peace officer, will be required to meet the following guidelines:

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- (a) The weapon shall be of good quality and workmanship (e.g., Glock, Colt, Smith & Wesson, Browning, Sig-Sauer).
- (b) The purchase of the weapon and ammunition shall be the responsibility of the deputy.
- (c) The weapon shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (d) It will be the responsibility of the deputy to submit the weapon to the Rangemaster for inspection prior to being carried off-duty. The Rangemaster shall ensure that the deputy is proficient in handling and firing the weapon and that it will be carried in a safe manner. The weapon shall be subject to periodic inspection by the Rangemaster. The deputy will successfully qualify with the weapon prior to it being carried and annually thereafter. The range qualification dates will be specified by the Rangemaster.
- (e) A complete description of the weapon shall be contained on the qualification record approved by the Rangemaster.
- (f) If any member desires to use more than one weapon while off-duty, they may do so, as long as the deputy meets all the requirements set forth in this policy for each weapon used.
- (g) Deputies shall only carry office-authorized ammunition.
- (h) When armed, whether on- or off-duty, deputies shall carry their badge and Office identification. When not in uniform, the badge shall be carried in close proximity to the firearm, unless otherwise approved by a Sergeant or higher ranking supervisor.

TEMPORARY/SEASONAL (67 DAY) DEPUTIES:

[A temporary/seasonal \(67 day\) deputy is not authorized to carry a firearm while off-duty unless he/she possesses a valid permit to carry \(MN Statute 624.714\).](#)

309.3.4 AMMUNITION

Deputies shall carry only Office-authorized ammunition. Deputies shall be issued fresh duty ammunition in the specified quantity for all Office-issued firearms during the deputy's first scheduled qualification each year. Deputies 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. Replacements for unserviceable or depleted ammunition issued by the Office shall be dispensed by the Rangemaster when needed in accordance with established procedure.

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309.3.5 ALCOHOL AND DRUGS

Weapons shall not be carried by any deputy who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the deputy's senses or judgment.

309.4 DUTY FIREARMS PROFICIENCY

All licensed personnel shall successfully complete Office training regarding the use of force, deadly force and the use of firearms before being issued a firearm or being authorized to carry a firearm in the course of their duties (Minn. Stat. § [626.8452](#) and Minn. Stat. § [626.8463](#)).

A deputy failing to demonstrate a minimum level of proficiency with any duty firearm they are authorized to use may not carry or use the duty firearm until they participate in the remedial duty firearm course provided by the Office.

All licensed personnel shall participate in annual Office training regarding the use of force, deadly force and the use of firearms (Minn. Stat. § [626.8452](#) Subd. 3).

309.4.1 NON-QUALIFICATION

Members who fail to demonstrate duty firearms proficiency as required by law, or who fail to qualify during their assigned training will be given a second opportunity to qualify within the following two week period. If they fail to qualify they will be relieved from field assignment and appropriate disciplinary action may follow.

309.5 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. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Office, 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 office 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.

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- (g) Any firearm authorized by the Office 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 Office or a Rangemaster approved by the Office for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster 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.

309.5.1 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 inaccessible to children and others who should not have access. Members shall not permit office-issued firearms to be handled by anyone not authorized by the Office to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Minn. Stat. § 609.666; Minn. Stat. § 609.378).

309.5.2 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. Office-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.

309.5.3 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.

309.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training quarterly with their duty firearms. In addition to quarterly training, all members will qualify at least annually with their duty firearms (Minn. Stat. § 626.8452). Deputies will also receive training on this policy, including the learning objectives as provided by POST, at least annually (Minn. Stat. § 626.8452, Subd. 3).

Members will qualify with off-duty and secondary firearms annually.

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.

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309.6.1 INJURED ANIMALS

A deputy may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical. In extenuation circumstances or a domesticated animal is involved, a supervisor should be consulted prior to euthanizing.

309.6.2 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
 - 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.

309.7 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 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 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.

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309.7.1 REPORTING FIREARMS DISCHARGE

The Sheriff shall notify the Commissioner of Public Safety within 30 days of an on-duty firearm discharge, except when the discharge is in the course of training or destruction of animals (described in this policy). The notification shall contain information concerning the reason for and circumstances surrounding the discharge (Minn. Stat. § 626.553).

309.8 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Program Coordinator after each range date. Failure of any member to sign in and out with the Rangemaster may result in non-participation or non-qualification.

The range shall remain operational and accessible to office members during hours established by the Office.

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this office to verify proper operation. The Rangemaster has the authority to deem any office-issued or privately 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 Rangemaster.

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 Program Coordinator documentation of the 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 Office, a list of each member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Program Coordinator.

309.8.1 FIREARMS INSTRUCTOR PROFICIENCY

Each firearms instructor shall meet the proficiency requirements in Minn. Stat. § 624.714 Subd. 2 a.

309.9 MAINTENANCE AND REPAIR

Personal and Office-owned duty firearms shall be inspected annually to determine the safety and functioning of the weapon.

Firearms carried on-duty shall be maintained in a clean, serviceable condition. Since the use of personally owned weapons is at the option of the individual deputy, that deputy will be responsible for the furnishing, maintenance and repair of such weapon.

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309.9.1 REPAIR OR MODIFICATIONS OF DUTY WEAPONS

The Rangemaster shall be the only person authorized to repair or modify any Office-owned weapon for which the Rangemaster is certified as an armorer.

All repairs and/or modifications of Office-issued weapons not performed by the Rangemaster must be authorized in advance by the Rangemaster and accomplished by a Office-approved gunsmith who is certified to repair such firearm.

Any repairs or modifications to the deputy's personally owned weapon shall be done at his/her expense and must be approved by the Rangemaster.

309.10 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 personnel who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- (a) Deputies 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 Office based on the law and published TSA rules.
- (b) Deputies must carry their Washington County Sheriff's Office identification card, bearing the deputy's name, a full-face photograph, identification number, the deputy's signature, and the signature of the Sheriff or the official seal of the Office and must present this identification to airline officials when requested. The deputy should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).
- (c) The Washington County Sheriff's Office must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the deputy's travel. If approved, TSA will send the Washington County Sheriff's Office an NLETS message containing a unique alphanumeric identifier. The deputy 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 deputy. The letter should outline the deputy's need to fly armed, detail the itinerary, and include that the deputy has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Deputies must have completed the mandated TSA security training covering deputies flying while armed. The training shall be given by the office-appointed instructor.
- (f) It is the deputy's responsibility to notify the air carrier in advance of the intended armed travel. This notification can be accomplished by early check-in at the carrier's check-in counter.
- (g) Any deputy flying while armed should discreetly contact the flight crew prior to take-off and notify them of the deputy's assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The deputy must keep the firearm concealed on the deputy's person at all times.

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Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

- (i) Deputies should 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) Deputies shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

309.11 CARRYING FIREARMS OUT OF STATE

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

- (a) The deputy shall carry the deputy's Washington County Sheriff's Office identification card whenever carrying such weapon.
- (b) The deputy is not the subject of any current disciplinary action.
- (c) The deputy may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The deputy will remain subject to this and all other office policies (including qualifying and training).

Deputies 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 deputy from arrest and prosecution in such locally restricted areas.

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