

ANSWER KEY-Firearms & Weapons Worksheet

1. While on patrol, you are dispatched to back another unit on a strong arm robbery call. The primary unit has arrived and gives a suspect description. A few blocks from the scene you observe a subject matching the description given by the primary officer. You contact the subject and detain him. You frisk and identify the subject. During the frisk, you locate an unloaded Lorcin Arms .25 semi automatic pistol in his waistband. You stand by to do a show up with the victim. The primary officer brings the victim to the scene, and victim states that he isn't the suspect who stole her purse. You get the information back for the subject you stopped, and learn that he has several misdemeanor theft and car prowling convictions, and is out on bail for a Burglary charge. He is no longer a suspect in the robbery call. What are your options?

You have a good reason to stop the suspect under this scenario, and based on the fact that it is a crime of violence, should have an easy time of justifying the frisk and finding the weapon. But what can you arrest for if anything? He is no longer a suspect in the Robbery. But, since he is out on bail for Burglary, he can be arrested for Unlawful Possession of a Firearm 2nd Degree. Even though the specific Burglary offense is not listed in the scenario, Burglary 2nd degree and Residential Burglary are both listed, as are all Class A felonies, which would include Burglary 1st degree.

2. You and your partner are dispatched to a loud disturbance at an apartment complex. The complainant indicates that he can hear lots of screaming and yelling coming from the apartment next door, and believes that the female resident at the location is being assaulted. You and your partner arrive and go to the apartment. You stand outside and listen. You also hear the sounds of a loud, verbal disturbance, and a female voice screaming. You make exigent entry and contact both parties inside the apartment. They are identified as a 17 year old male, and an 18 year old female. Since you are uncertain as to what is going on upon making entry, both subjects are frisked. The female is armed with a Jennings Arms .380 semi-automatic, which was concealed in her waist band, and the male is armed with a Taurus .38 revolver, which was in his coat pocket. You determine during your investigation that the two are in a significant dating relationship, and have been living together in this apartment for the last three months. No assault has occurred, the disturbance was verbal only. Neither subject has any criminal history. What, if any, crimes can the two be arrested for?

The 17 year old male can be arrested for Unlawful Possession of Firearms 2nd degree, since he does not meet any of the exceptions for "Children – Permissible Firearms Possession." The female, since she is 18 years of age, and is in her place of abode, is legal to carry the firearm based on the "Possession of Pistol by Person 18-21." (The three allowable exceptions being place of abode, fixed place of business, and real property under the person's control.)

3. You are on patrol doing traffic emphasis when you observe a car in front of you with tabs that expired three months ago. You run the plate over radio and DOL confirms that the license

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plates are expired. You initiate a traffic stop, and after making contact with the driver, ask him for his license, registration and proof of insurance. The driver hands you his license and tells you that the registration and insurance card are in his glove compartment. You look at the license and see that he is 35 years of age. He reaches inside the glove box and finds the two items, but as he does this, you notice a silver, semi-automatic handgun in the glove compartment. You instruct the driver to step out of the vehicle; you call for another unit, handcuff the driver, and remove the handgun from the glove compartment. The handgun does not have a round in the chamber, but there is a loaded magazine seated in the gun. The driver tells you that he does not have a CPL, that he is a contractor and carries it in his car because he frequently works in the "wrong part of town." He states that it's legal for him to carry the gun in his car because, as a contractor, the vehicle is his "fixed place of business." What are your options? Has a crime been committed?

The crime that has been committed here is a Misdemeanor CPL violation under RCW 9.41.050. With a loaded magazine in the gun, it is considered "loaded" even if no round is in the chamber. The driver, although using his vehicle as a business, cannot use the "fixed place of business" exception here. The RCW specifies "fixed place of business," and thus, a vehicle does not qualify, which then requires the driver to have a valid CPL.



4. You are dispatched to a disturbance call between two neighbors. You make contact with the complainant, who states that he was in an argument with his next door neighbor over a property line dispute. The neighbor details the issues of the dispute and wants you to resolve the issue, which has been going on for a couple of years now. You go over to the other neighbor's house and make contact with him in his garage. He asks you to step into the garage to discuss the dispute. As you are talking to him, you see a shotgun on the workbench in the garage. You look at the shotgun, and the barrel does not appear to be a legal length. You ask the subject to step away from the workbench, and you take control of the shotgun. You ask the subject who the shotgun belongs to, and he tells you that it is his. You inform him that you will need to check the legality of the weapon. You go back to your car and get your tape measure out of the trunk. You measure the weapon, which has an overall length of 29 3/4". You measure the barrel of the weapon, which measures 17". Is this a legal weapon? If not, what charges would the subject face? If it is a crime, can we legally confiscate the weapon? If so, under what grounds can it be seized?

This is not a legal weapon per RCW 9.41.190. That chapter defines a short barreled shotgun as having an overall length of less than 26", or a barrel length of less than 18". The shotgun is in "plain view," as you are in an area not open to the public, but were invited in. Subject should be arrested for Possession of Unlawful Firearm, a Class C felony. No warrant is needed, as we have PC to make the arrest for a felony crime.

5. It is the 4th of July, and you are dispatched to a fireworks/noise complaint. You arrive on scene and make contact with the complainant. She states that the people who live next door have

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been shooting off loud firecrackers that are scaring her dog. She wants you to go next door and talk with them. You head next door and knock on the door. The owner comes to the door and invites you to come in. The neighbor states that it isn't his party that is making all the noise, but the neighbor behind him. He shows you to the back yard where his party is going on. You look around and don't see any signs of fireworks, just a barbecue and people enjoying their extra day off. While talking with the people in the backyard, you hear what sounds like fireworks coming from the adjoining neighbor's yard. But to you, the sound is a distinctive one, and you instruct everyone to go inside the house, and call for additional units. You walk to the back fence, which is about five feet tall, and look into the neighbor's yard. In the yard, you observe three subjects, all armed with semi-automatic handguns, and they are firing rounds into the air. Who can be charged, and with what?

The three could all be charged with Aiming or Discharging Firearms, Dangerous Weapons (RCW 9.41.230), and also, depending on your articulation, Reckless Endangerment (RCW 9A.36.050). The discharge of the firearm is very basic. The statute reads "willfully discharges any firearm, air gun, or other weapon, or throws any deadly missile in a public place or in any place where a person may be endangered nearby." The Reckless Endangerment comes in where a person "recklessly engages in conduct which creates a substantial risk of death or serious physical injury to another." Those rounds have to come back down somewhere, and in doing so, create that risk, since it is being done in an obviously populated area.

6. You are dispatched to a possible car prowling in progress and are given a description of the two suspects. As you arrive in the area, you observe two people who match the descriptions of the suspects. They are walking quickly through the parking lot and quicken their pace when they see you. You drive your patrol car to where they are headed and cut them off. You stop them and have them place their hands on the patrol car. Another unit arrives, and you frisk the first subject while your squad mate covers you. You observe one of the subjects as he drops something onto the ground and tries to push it under the patrol car. You have your partner move the subject away from the car, and you recover a sock from under your patrol car. The end of the sock is weighted, and appears to be full of quarters. It has been knotted just above the weights to keep them in the end of the sock. You handcuff the first subject and place him in the back of your patrol car. Your partner frisks the other subject, and feels a hard object in the upper portion of the subject's right boot. Your partner removes the item, which turns out to be a dagger that was concealed in his boot. Identify the crime(s) committed by the two subjects.

Both subjects can be arrested for [Carrying] Dangerous Weapons. The first subject is carrying an improvised *slung shot*, a weapon that is classified as always illegal under RCW 9.41.250. The second subject can also be arrested for the same crime, but under the "furtive carry" portion of the RCW. By concealing the dagger in his boot, the subject is being "sneaky or malicious" by carrying the knife in this fashion. It isn't a manner upon which a normal person

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carries a knife. The carrying of the dagger in and of itself does not constitute a violation of this law, but the way that it is carried does.

7. Your dispatch center has received several calls of a “baseball bat wielding” subject walking down the street. You are in the area and receive a description of the subject and respond to the location where the subject was last seen. You conduct an area search but don’t locate the subject. You are about to clear the call when a passerby flags you down and tells you he saw the subject walking northbound a couple of blocks from your location. You head into the area and observe the subject walking up the sidewalk. He is holding the bat in his right and slapping it emphatically into his left hand. As people walking on the sidewalk approach the subject, they move around the subject to avoid walking right past him. The subject has a torn shirt, dirty jeans, his hair is messed up, and it is obvious to you that he has recently been in some kind of physical altercation. As you approach him, he has a “crazed” look in his eye. He has not directly threatened or assaulted anyone with the baseball bat, but it is clear by his actions that people are not comfortable around him or walking by him. Has the subject committed any crimes?

The subject can be arrested for [Brandishing] Weapons Apparently Capable of Producing Bodily Harm (RCW 9.41.270). The RCW has specific wording that makes the subjects behavior illegal. The keys are “carry, exhibit, draw or display in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other people.” By not wanting to walk by the subject, based on the manner upon which he was carrying the bat, his appearance, and his “crazed” look, it satisfies that portion of the RCW.

8. You are on patrol when you drive by the local high school. There are a group of kids in the parking lot messing around. When they see you, they start walking towards the front door of the school. One of the kids starts quickly putting things into his gym bag. As he is walking across the parking lot with the group, you see a pair of nun-chu-ka’s in the outside mesh pocket of his gym bag. You contact the subject and he seems very nervous and eager to get away from you. As you question him some more, you also see a couple of throwing stars in the gym bag pocket. You ask the subject about the martial arts weapons in his bag. He states that he is participating in a school sponsored martial arts demonstration. You make contact with the Assistant Principal in the office, who states that there is no such demonstration occurring in the gym. Can the subject you stopped be arrested for anything? What if the Assistant Principal confirms that there is a martial arts demonstration going on at the school, and the person you stopped is with the martial arts group?

The subject can be arrested for Possessing Dangerous Weapons on School Facilities (RCW 9.41.280). Nun-chu-ka sticks and throwing stars are two of the weapons specifically listed under this RCW as being unlawful to carry on school grounds. His attempt to meet one of the exceptions was a lie. The exception of it being for a legitimate demonstration allows for the person to have the weapon on him at the school, for purposes of the demonstration only.

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9. You get dispatched to a local tavern regarding a man with a gun call. You arrive on scene and make contact with the doorman, who describes a subject that came into the bar a little earlier in the evening. He describes the subject to you and states that when he went in to use the bathroom a few minutes earlier, the subject was in the bathroom washing his hands, and the doorman observed a holstered handgun on the subject. He called 911 minutes later. The doorman points out the subject in the bar. You walk over and make contact with the subject and take him outside to question him. The subject states that he has a valid CPL, and presents his ID and his CPL. What, if any, crime has been committed? Would it be any different if the subject was an off-duty police officer?

Despite the fact the subject is in possession of a valid CPL, it is still illegal for him to carry a firearm into a liquor establishment – that portion of an establishment classified by the state liquor control board as off-limits to person under 21 years of age. The violation is [Carrying a Weapon in] Places Where a Weapon is Prohibited (RCW 9.41.300). If the subject is an off-duty police officer, no violation has occurred. Law Enforcement officers are exempt.