

Firearms and Dangerous Weapons

Facilitator Guide

Session Overview

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| Intro & Learning Objectives | 05m |
| Discussion – Avoiding Confusion | 05m |
| Discussion – Definitions | 05m |
| GROUP EXERCISE – Firearms/Weapons Presentations | 1hr20m |
| Break | 10m |
| Discussion – Exceptions | 10m |
| Lecture & Scenarios – CPL | 30m |
| Break | 10m |
| GROUP EXERCISE – Firearms & Weapons Worksheet | 40m |
| Review Worksheet | 20m |
| DEMO – Weapons Show & Tell | 25m |
| End of Session / Break | 10m |

Total Session Time: 4 hours

Main Topics of Session:

- *Types of Weapons*
- *RCW's*
 - *Unlawful Possession of Firearms*
 - *Possession of Unlawful Firearms*
 - *Aiming or Discharging Firearms or Dangerous Weapons*
 - *[Carrying] Dangerous Weapons*
 - *[Brandishing] Weapons Capable of Producing Bodily Harm*
 - *Possessing Dangerous Weapons on School Facilities*
 - *[Carrying a Weapon in] Places Where a Weapon is Prohibited*
 - *Concealed Pistol License (CPL)*
 - *Exceptions*

Facilitators Needed: 1 (CL)

Location: Classroom

Materials Needed:

- *PowerPoint – Firearms & Dangerous Weapons*
- *PowerPoint – Concealed Pistol License*
- *FG Supp - ANSWER KEY -Firearms & Weapons Worksheet*
- *HANDOUT[p] - Firearms & Weapons Worksheet*
- ***Real Weapons for Live Demo***

Students Should Already Have:

[THUMB DRIVE]

- *Book - Criminal Law Student Resource Guide*
- *HANDOUT – Concealed Pistol License Diagram*



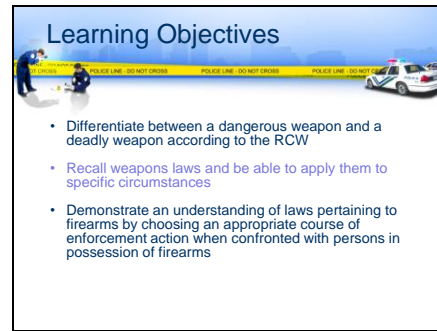
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#1



#2



SAY TO CLASS

Peace officers frequently encounter persons with; or circumstances where, weapons are a factor. In upcoming sessions you will research a variety of crimes where a key element in the offense was the “intent to cause bodily harm” and/or “assault another” by means of a weapon or other instruments. A knowledge of the law as it applies to weapons and weapons-related offenses, therefore is important. In this session, you will learn about laws pertaining to prohibited weapons and crimes involving the possession of firearms.

Weapons are defined as any object, article, or device designed to inflict bodily injury or death upon another living being. Types of weapons may range from chemical agents to cutting, piercing, striking, and shooting devices, both mechanical and explosive. Over the years, Government has enacted laws regulating the manufacture, sale, possession, and use of weapons. Police and other public agencies are required to interpret and enforce those laws.

Firearms are a class of weapons that require specific knowledge. They have the capacity to inflict severe, multiple wounds from great distances. Laws have been enacted to regulate the place and manner in which firearms may be carried, and who may carry them, and rules have been set in place regarding the registration process. By knowing these laws and rules, officers and deputies can work to reduce illegal possession of firearms and the devastating effect their use has on the community. Those in public safety must also be mindful that weapons laws apply to those charged with enforcing them, and that off-duty peace officers must follow the laws as well.

- Lots of crimes regarding weapons
- Must know them all as well as the exceptions
- Laws regulate possession, manufacture, and sales

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SAY TO CLASS

The weapons laws can be very confusing because there are so many of them. They all seem to overlap and some even appear to contradict each other.

It can be helpful to imagine that each law is like a person who is in charge of one particular rule (or set of rules). In order to be legal, each law (person at the table) must agree that it is OK. If even one of the laws raises an objection, then the act is illegal. In order to be legal/OK, every single person at the table must consider it and "not care."

EXAMPLE:

Is it ok to carry a baseball bat down the street? Let's go around the table and ask all the laws what they think...

CPL, do you care?

"Nope. It's not a pistol, so I could care less."

Possession of Unlawful Firearms, do you care?

"No. I only worry about machine guns and sawed-off weaponry."

Weapons on School Facilities, what do you say?

"It's not on school grounds, so it's not really my thing."

Carrying Dangerous Weapons, How about you?

"Is he trying to conceal it?"

No.

"Then I'm fine with it."

Brandishing, do you care?

"As long as he's not threatening anyone with it, or freaking people out, then it's OK with me."

And on and on until every single weapon law has had a chance...

- So many weapons laws can be confusing
- Round table analogy
- If every law has had a chance, and it's not illegal - it must be legal.

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Definitions



- Firearm
- Shotgun
- Pistol
- Short-Barreled Shotgun
- Rifle
- Machine Gun
- Short-Barreled Rifle
- Loaded



SAY TO CLASS

Just as with other sections of law in the RCWs, you must know the definitions to apply the laws properly. Let's look at the key definitions for this section.

Find the page in your Criminal Law Student Resource Guide (Page 38 in the version dated 02/2014).

- Find the page in your Crim Law book



NOTE TO FACILITATOR

Lead a 5 Minute discussion on the definitions listed.



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Group Exercise

• **Research 30 minutes / Present 10 minutes**

Group 1: Unlawful Possession of Firearms 1 & 2 Degree
(RCW 9.41.040)

Group 2: Possession of Unlawful Firearms
(RCW 9.41.190)
Aiming or Discharging Firearms or Dangerous Weapons
(RCW 9.41.230)

Group 3: [Carrying] Dangerous Weapons
(RCW 9.41.250)

Group 4: [Brandishing] Weapons Capable of Producing Bodily Harm
(RCW 9.41.270)

Group 5: Possessing Dangerous Weapons on School Facilities
(RCW 9.41.280)
[Carrying a Weapon in] Places Where a Weapon is Prohibited
(RCW 9.41.300)



GROUP EXERCISE - Firearms/Weapons Presentations

Time: 80 min (30 work / 50 presentations & clarification)

Materials:

- Criminal Law Student Resource Guide (thumbdrive)
- RCW's (Large books and pocket press)

Instructions: Break into your squads. You will have 30 minutes to research and prepare a 5 to 10-minute presentation on your topic from the following list.

The presentation must include a role-play or other similar scenario to be used as the basis for the learning points in your presentation. You also need to present on the specific Revised Code of Washington related to your topic.

- Group #1:** Unlawful Possession of Firearms 1 & 2 Degree
(RCW 9.41.040)
- Group #2:** Possession of Unlawful Firearms
(RCW 9.41.190)
Aiming or Discharging Firearms or Dangerous Weapons
(RCW 9.41.230)
- Group #3:** [Carrying] Dangerous Weapons
(RCW 9.41.250)
- Group #4:** [Brandishing] Weapons Capable of Producing Bodily Harm
(RCW 9.41.270)
- Group #5:** Possessing Dangerous Weapons on School Facilities
(RCW 9.41.280)
[Carrying a Weapon in] Places Where a Weapon is Prohibited
(RCW 9.41.300)



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NOTE TO FACILITATOR

Make sure the following key points are covered during the group exercise presentations:

Unlawful Possession of Firearms 1 & 2 Degree

- A felon in possession of a firearms is illegal for sure, either first or second degree. You don't need to memorize which felony triggers which degree. Simply knowing that it is illegal is enough. You can make the arrest and sort out the exact degree later.
- Involuntary commitment triggers this law - not voluntary commitment.
- This is the crime to use when a child (under age 18) has a firearm and is not covered under one of the many exceptions.

Possession of Unlawful Firearms

- Don't confuse it with Unlawful Possession of Firearms!
- The actual weapons and also the parts to create them are illegal.

Aiming or Discharging Firearms or Dangerous Weapons

- This is the law to use when no other law will work. It's your last option to try. Check Assault and all the other firearms laws first.
- This law is more about carelessness. If there is any malicious intent of furtive behavior, it's probably a different crime you should be considering.
- Notice that this RCW mentions "air guns" as different from "firearms." This is more proof that air-powered BB and pellet guns are not "firearms" by definition. However, for certain laws, they are dangerous/deadly weapons.

[Carrying] Dangerous Weapons

- This law is divided in to three sections:
 - Always illegal
 - Illegal only when furtively carried
 - Use of silencer
- Always illegal section applies to everyone (recently added LE exception for spring-blade knives)
- Furtive section depends on the story - how is the person carrying/concealing the item, and under what circumstances?
- Civilians may have silencers, but not use them. It also does not specify the kind of silencer (could be homemade or improvised).



[Brandishing] Weapons Capable of Producing Bodily Harm

- This law is all about what the person is doing. It has very little to do with what the weapon is. In fact, there is no need to memorize the list of weapons, because the last item listed is "any other weapon."
- This law makes an act with a weapon illegal because someone else gets "freaked out" by it, or because it warrants alarm for others.

Possessing Dangerous Weapons on School Facilities

- The items from the "furtively carried" list are now automatically illegal on school grounds no matter how they're carried.

[Carrying a Weapon in] Places Where a Weapon is Prohibited

- Notice this law does not just refer to firearms. It says "weapons." This would include knives and other weapons.



BREAK



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Exceptions!



- **Children – Permissible Firearm Possession**
(RCW 9.41.042)
- **Possession of Pistol by Person 18-21**
(RCW 9.41.240)
- **Possessing Dangerous Weapons on School Facilities**
(RCW 9.41.280)
- **[Carrying a Weapon in] Places Where a Weapon is Prohibited**
(RCW 9.41.300)



NOTE TO FACILITATOR

Lead a **10-minute** discussion to make sure the recruits understand all the exceptions to the various weapons laws.



STUDY

STUDY MATERIAL - HANDOUT – Concealed Pistol License Diagram

Instructions: This handout is in your Module Material Book. You will need it for the following scenarios.



NOTE TO FACILITATOR

Lead a **30-minute** lecture on CPL law using the other PowerPoint presentation:
PowerPoint - Concealed Pistol License



BREAK



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STUDY

STUDY MATERIAL - HANDOUT[p] - Firearms & Weapons Worksheet

Instructions: Work together with your squad to complete this worksheet in the next 40 minutes.



NOTE TO FACILITATOR

Spend 20 minutes reviewing the worksheet with the class. Have the students refer to the Criminal Law Student Resource Guide book.



NOTE TO FACILITATOR

Provide a 25-minute weapons demo (show the various illegal weapons from the BLEA collection and explain each one).



END OF SESSION

