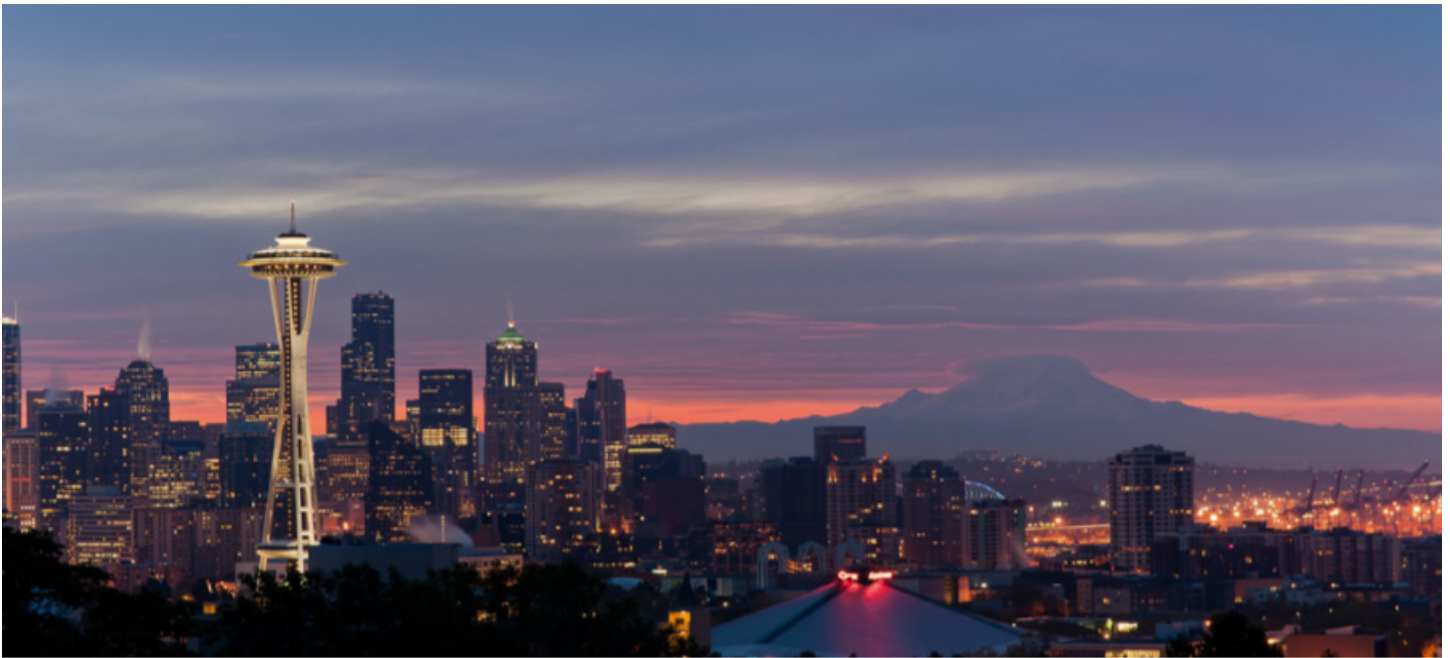




# Seattle Office of Inspector General



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## Audit of Secure Firearm Storage in Training Facilities

August 4, 2021

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## AUDIT SELECTION AND OBJECTIVE

On October 8, 2019, a Seattle Police Department (SPD) officer’s personal firearm was stolen from a SPD training facility while the officer was leading a training for a group of 14-to-21-year-old participants enrolled in the Seattle Police Law Enforcement Exploring Program (Explorers Program).

The two officers conducting the training searched the area but did not find the firearm, and reported it as stolen to SPD. The resulting investigation found that an 18-year-old program participant had taken it and later discarded it by throwing it off a bridge while driving. Investigators recovered the firearm from the roof of a building on October 11, 2019.

Chief Carmen Best informed the Office of Inspector General (OIG) of the incident on October 10, 2019, and requested an examination of SPD firearm storage practices. Based on the initial information provided to OIG, SPD reported taking several steps to immediately begin addressing issues related to firearm storage in the training facilities.

OIG engaged in initial fact finding and initiated an audit on January 9, 2020, which continued through December 4, 2020. Work on this audit was delayed by other projects requiring timely response by OIG.

## EXECUTIVE SUMMARY

This audit addresses two findings related to firearm storage in the SPD Annex I and Annex II training facilities. OIG finds that:

1. Firearm storage options in the Annex I and Annex II training facilities have physical vulnerabilities.
2. Firearm storage policies and procedures may not be consistently communicated or monitored to ensure they are being carried out.

As a result, there is a risk that a single successful breach of firearm storage in either facility could improperly allow unauthorized persons access to firearms, as happened in the October 2019 example. Firearms that are not stored securely may be subject to theft, and potentially used in crimes or to harm others.

SPD has requested that certain information be redacted from this report for security reasons. OIG has removed that information from the public report; the City Council and Mayor are provided an unredacted report. The redacted information consisted of photos depicting the interior of the training facilities and firearm storage.

## BACKGROUND

### SPD Training Facilities

SPD conducts training, support, and other functions out of several buildings in an office complex. One of these buildings is split into two sections, Annex I and Annex II. The annexes are used for training in defensive tactics and scenario-based exercises.

### Seattle Police Law Enforcement Exploring Program

The Explorers Program is an SPD-led initiative that uses the Annex I and Annex II training facilities. The program is designed to educate 14-to-21-year-old participants about police operations and involve them as volunteers at community events. The program conducts classroom sessions and scenario-based exercises to teach participants about a variety of topics, including patrol procedures, search and arrest procedures, defensive uses of weapons, crowd control procedures, and riot control procedures.

### Relevant SPD Bureaus

The Explorers Program is part of the Collaborative Policing Bureau, which also includes Public Affairs, Community Outreach, and Directed Outreach.<sup>1</sup>

The Education and Training Section (ETS) develops curricula and instructs officers that have graduated from the Basic Law Enforcement Academy (BLEA) both before and during the Field Training Officer program, as well as providing in-service training to SPD sworn employees. ETS is part of the Professional Standards Bureau, which also includes the Force Investigation Team, Force Review Board, and the Audit, Policy & Research Section (APRS).

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<sup>1</sup> The Assistant Chief of the Collaborative Policing Bureau at the time of the October 2019 incident is now the Interim Police Chief.

## FINDING ONE

### Firearm storage options in the Annex I and Annex II training facilities have physical vulnerabilities.

For safety reasons, officers need to store their firearms while engaging in certain training exercises. For example, removing access to firearms during simulation exercises reduces the risk of accidental injuries. In the October 2019 incident, an officer's personal firearm was stolen from one of these storage locations. OIG determined that the physical storage options for firearms have weaknesses in both annexes. Further, SPD has not taken action to remedy one of the security flaws. The risk remains that an unauthorized person may not be able to access firearms.

#### Annex I and Annex II Firearm Storage Options

In Annex I, firearms are stored in a metal cabinet that contains plastic bins with numbered trays. Officers place their firearms in the trays as they enter Annex I and undergo a safety check. The cabinet door is supposed to be secured with a padlock during the training and the key kept by the Safety Officer.

In Annex II, firearm storage consists of a storage room with an outer door that contains a bank of small individual lockers. The lockers are used for storing firearms and personal belongings. According to ETS command staff, the outer door is meant to be secured with a padlock during trainings.

#### SPD Temporary Firearm Storage Options Are Not Physically Secure

In 2018, the Seattle City Council passed Ordinance 125620 to establish requirements around the secure storage of firearms. These requirements are detailed in Seattle Municipal Code Chapter 10.79 and its supporting administrative rule and can be reviewed in more detail in Appendix A. At the time of the October 2019 incident, Chapter 10.79 was in effect. However, recent legal challenges to similar laws have put enforceability into question.

Notwithstanding the legal applicability of the Chapter, SPD wrote the administrative rule and based it on standard industry specifications. The rule cites research into the standards adopted by the State of California, the Department of Justice, the State of New York Codes, Rules, and Regulations; the Bureau of Alcohol, Tobacco, and Firearms; and guidance from the State of Texas Department of Public Safety, Regulatory Services Division. It is reasonable to conclude that the definitions of secure storage as outlined in this administrative rule provide useful guidance when considering whether a firearm storage option is secure.

The rule is detailed, but the most directly relevant criteria for this report is that the container should be a "safe, gun safe, gun case, gun cabinet, or lockbox" that is specifically designed to contain firearms. Additionally, the locked container should be "constructed with such quality of workmanship and material that it may not be easily pried open, removed, or otherwise defeated by the use of common tools."

Both Annex I and Annex II depend on a single padlock to secure all the firearms stored by officers. If the padlocks are inadvertently not used, left unlocked, or the keys are not secured, anyone accessing the Annex I storage cabinet or the Annex II storage room would be able to access every firearm inside. Even with a padlock in place, a determined person would not need much time or effort to gain entry; basic padlocks can be defeated by common tools.<sup>2</sup>

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*Firearm storage in each Annex relies on a single padlock to prevent access to all firearms inside.*

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In the case of Annex I, it is also reasonable to conclude that a cabinet designed to store office supplies does not create a substantial barrier to unauthorized access. Such a cabinet was not designed with the purpose of securing firearms, and consequently has structural weak points such as where the doors attach to the frame.

SPD sworn personnel are all authorized users of department-issued firearms, to the extent they have passed departmental certifications. This means that there is no inherent security concern if an officer can access another officer's assigned firearm. However, there is still a risk that the firearms stored in the training facility could be accessed by individuals who are not department-authorized users, such as non-sworn personnel or visitors. Additionally, officers have stored personal firearms in the facilities, as occurred during the October 19 incident. Authorization to use department-issued firearms does not extend to use of other individuals' personal firearms.

If the Annex I and Annex II firearm storage is not secure, there is a risk that an unauthorized person could access and remove firearms stored inside, and potentially use them to cause injury or death.

### SPD Did Not Take Additional Steps to Secure Annexes After the October 2019 Incident

Shortly after the October 2019 incident, the Assistant Chief of the Collaborative Policing Bureau purchased 20 padlocks for use in Annex II. The receipts indicated that the padlocks were sold in four-packs and were keyed alike, suggesting that each key may open four of the available locks.

When asked about the status of the locks on February 11, 2020, ETS command staff stated that the Section was considering logistical issues around using the locks, such as when to issue a key and lock to officers, where the keys should be stored during training, and what to do if an officer accidentally leaves the facility with a key.

When interviewed by OIG on February 12, 2020, the Assistant Chief of the Professional Standards Bureau stated that she had not been informed of the lock purchases and was not certain that they were the best solution. She stated that she had asked the Captain of ETS to research the cost of purchasing better storage options.

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<sup>2</sup> Online research revealed multiple videos on how to defeat common padlocks without the use of keys. For example, see <https://www.youtube.com/watch?v=s5jzHw3IXCQ&t=42s>.

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*SPD command staff purchased locks for Annex II after the original incident, but they were not put into use.*

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During an OIG observation of Annex I and Annex II on October 1, 2020, a member of ETS command staff stated that they were aware of the purchased locks but did not know what happened to the locks. They later confirmed that the purchased locks are not being used. When asked about what other storage options were considered and what the associated costs were, ETS command staff indicated little research had been done. They stated that the current weapon storage protocols are sound and provide safe firearm storage. ETS command staff asserted that the October 2019 incident was the first time a firearm had gone missing and asserted their belief the problem was that the existing protocols were not followed.

That explanation notwithstanding, OIG reaches this finding because the current storage protocols and options are not sufficient given the magnitude of the potential risk. The department's temporary firearm storage system has single, physically vulnerable points of failure. More robust controls are warranted for storage of deadly weapons.

### Audit Recommendations for Finding One

1. ETS should identify firearm storage options for Annex I and Annex II that reasonably secure firearms against unauthorized access. For example, storage options could include the use of gun vaults, electronic locks to prevent access by unauthorized personnel, or individual firearm storage lockers with keyed locks.
2. Once viable firearm storage options have been identified and selected, ETS should implement them for use during all trainings held in Annex I and Annex II.

## FINDING TWO

### Firearm storage policies and procedures may not be consistently communicated or monitored to ensure that they are followed during trainings.

Per SPD command staff, the thief in the October 2019 incident had the opportunity to steal the SPD officer's firearm because the officer did not follow the proper firearm storage procedures, including use of a lock or Safety Officer. However, OIG determined SPD did not have written procedures concerning firearm storage and lacked the ability to reliably monitor if safety procedures were being followed in practice. These weaknesses increase the risk of unauthorized individuals accessing firearms stored during use of the training facilities.

#### Inconsistent Communication of Firearm Storage Policies and Procedures

Organizations need clear policies and procedures in order to assign responsibilities, meet objectives, and mitigate known risks to the extent possible. Effective policies and procedures should be clearly communicated to staff through various means, including training, posted material, and reference documents.<sup>3</sup>

ETS did not have written procedures governing the secure storage of firearms or the role of Safety Officers prior to this audit.<sup>4</sup> ETS also does not appear to have a unit manual. When asked for a manual, the command staff stated that the process for writing and communicating procedures

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*ETS did not have a unit manual at the time of the audit.*

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could be "more formalized" in the future. Both a lead instructor and a former Lieutenant with the Section confirmed that they did not know of a unit manual. The lead instructor stated that having documented standard operating procedures for firearm safety protocols would be helpful. The former Lieutenant reported that there was an instructor handbook with expectations, duties, and teaching principles in 2016, but there was no unit manual.

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<sup>3</sup> The *Standards for Internal Controls in the Federal Government*, a set of standards published by the U.S. Government Accountability Office, provides an overall framework for establishing and maintaining an effective internal control system in public sector agencies. Having such a system helps ensure that agencies achieve objectives and mitigate risk.

Related guidance in the Standards includes implementing control activities through policies, documenting in policies the internal control responsibilities of the organization, and documenting in policies for each unit its responsibility for an operation process's objectives and related risks as well as control activity design, implementation, and operating effectiveness. Units should determine the necessary policies and document them in the appropriate level of detail to allow management to effectively monitor the control activity. Further, agencies should use quality information to support the internal controls system. This includes internally communicating the necessary quality information down and across reporting lines to enable personnel to perform key roles in achieving objectives, addressing risks, and supporting the internal control system.

<sup>4</sup> ETS command staff provided three policies and procedures documents to the audit team. The documents are included in this report as Appendices B-E. ETS command staff stated that the Eight-Point Safety Check document has been in use for years, but the Role of the Safety Officer During In-Service Training and the Weapon Storage Area Procedures documents were created for this audit to provide information to OIG about the procedures.

ETS command staff explained that instructors know the safety procedures from train-the-trainer courses, and the procedures will be included in the next adjunct instructor class. They indicated some policies and procedures documents are posted in the training areas and cards with the safety check steps are placed on tables in the search area during trainings. Both a member of the SWAT Unit command staff and a Canine Unit officer confirmed that officers in their units generally learn safety check procedures by participating in trainings as instructors. OIG observed on October 1, 2020 that the Eight-Point Safety Check instructions were posted in both Annex I and Annex II.

Although ETS command staff stated that policies and procedures related to firearm storage are communicated through train-the-trainer courses and by posting some documents in the training areas, these methods may not ensure that the information in them is consistently communicated. Documenting procedures in a permanent location, such as a unit manual, would provide a more reliable reference point for personnel.

If firearm storage policies and procedures are not clearly documented, maintained, and communicated internally, it is difficult for ETS to ensure that it is meeting its objectives and operating effectively while controlling related risks. For example, instructors may learn weapon storage procedures by attending train-the-trainer courses or participating in trainings, but that knowledge may fade over time, become inaccurate if the procedures are changed later, or be lost as instructors transfer to positions in other SPD units or law enforcement agencies.

OIG observed that current protocols may not be consistently followed, indicating that expectations may not be clearly communicated. During a February 2020 SPD training course, OIG was present when an instructor stopped the class to announce that someone had left the firearm storage cabinet unlocked and the door partially open. The instructor explained this was a serious safety issue and that instructors would be responsible if anything happened. A lead instructor later confirmed in an interview that similar incidents had happened before in Annex I.

### Inconsistent Monitoring of Activities in the Training Facilities

In addition to having written policies and procedures and communicating them to staff, organizations should monitor activities to make sure that they are being carried out as intended. If activities are not monitored, the day-to-day implementation of policies and procedures may deviate significantly.<sup>5</sup>

Command staff in the Professional Standards Bureau and its component unit ETS reported not being consistently aware of when other units used the Annex I and Annex II training facilities, or which units had access to the building. The Assistant Chief of the Professional Standards Bureau stated that she was not aware prior to the October 2019 incident that the Explorers Program was using the training facilities and would have preferred to be notified so ETS could have assigned a Safety Officer. ETS command staff indicated that they have since contacted the Captain of the Collaborative Policing Bureau about the need for a Safety Officer during scenario-based exercises, including those held by the Explorers Program.

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*Command staff in the Professional Standards Bureau reported not being consistently aware of when units used the training facilities.*

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<sup>5</sup> The *Standards for Internal Controls in the Federal Government* states that monitoring of the internal control system is essential in helping internal controls remain aligned with changing objectives, environment, laws, resources, and risks. Monitoring should be accompanied by evaluation to ensure the internal control system is operating as designed.



ETS command staff reported that other units use the Annex I and Annex II training facilities. They stated that ETS is supposed to be notified when units use the training facilities, but this does not always happen. There is a facilities calendar, but units other than ETS do not have calendar access.

During the audit, ETS established firearms storage policies and procedures to mitigate or prevent risks, such as training accidents or loss of firearms, and to achieve the objective of effectively training officers in required skills. However, inconsistent monitoring of activities in the training facilities may lead to the policies and procedures not being followed or not being aligned with the current firearm storage or training practices.

For example, the Weapon Storage Area Procedures document (see Appendix D) states that students should place weapons in lockers, secure them with provided locks, and retain the key during training. As discussed in Finding One, Annex I does not have individual lockers, so this procedure cannot be carried out. Annex II does have individual lockers, but the purchased padlocks are not being used. Officers could use personal locks to comply with secure storage procedures, but this is not noted in the document. ETS command staff stated that this copy of the Weapon Storage Area Procedures document was outdated and originated from a time when ETS was considering how to issue and use the purchased padlocks during trainings. They provided OIG with a copy on November 19, 2020, which has removed the language about individual locks (see Appendix E).

Increased coordination between ETS and the units and instructors using the training facilities would help ensure that ETS is aware of when the facilities are being used and that Safety Officers are present. This would increase the potential to make sure policies and procedures are being followed during trainings to effectively mitigate risks while achieving ETS training objectives.

### The SPD Manual Does Not Appear to Include General Requirements for Safe Firearm Handling and Storage.

OIG also attempted to determine if department policies included any requirements related to safe firearm handling and storage outside the context of training facilities. After reviewing SPD Manual sections related to firearms, OIG auditors were unable to identify any general requirements. There were two policies specific to firearm storage and handling when collected as evidence or when used as part of canine training.<sup>6</sup>

OIG confirmed that the OPA Director was unaware of any policy that explicitly addresses requirements for how officers should safely handle or store firearms.<sup>7</sup> Similarly, OIG personnel tasked with OPA oversight and investigations confirmed that they were not aware of any specific SPD Manual sections related to safe firearm handling and storage.<sup>8</sup> Without written guidance, officers may lack specific direction to keep themselves and others safe, especially in high pressure or hectic circumstances. Additionally, OPA may lack criteria to take disciplinary action in the case of negligent or reckless firearm handling and storage.

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*SPD does not have general requirements for safe firearm handling and storage.*

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<sup>6</sup> SPD Manual sections reviewed by OIG include: Section 7.030 – Firearms, Ammunition & Shell Casings; Section 7.140 – Firearm Training Aid and Investigative Use; Section 8.300 – POL 3 Use of Force – Firearms; Section 9.060 – Firearms; Section 9.065 – Firearms Training and Qualification; and Section 9.100 – Department Firearms Management.

<sup>7</sup> For example, a case involving rifles stolen from an SPD patrol car during protests was evaluated by OPA using the Patrol Rifle Manual; however, this manual provides no general guidance to officers not in the Patrol Rifle program or who need to store firearms outside a patrol car.

<sup>8</sup> This issue also arose during the [Wave 1 of 2020 protest analysis](#) completed by the Sentinel Event Review panel.

## Audit Recommendations for Finding Two

3. ETS should document and maintain policies and procedures related to firearm storage, such as in a unit manual.
4. ETS should communicate documented policies and procedures related to firearm storage and other training safety practices to the units and instructors that use the Annex I and Annex II training facilities.
5. ETS should coordinate with units and instructors using the Annex I and Annex II training facilities to ensure that ETS is aware of when the facilities are being used and that Safety Officers are present to verify that safety policies and procedures are being followed.
6. APRS should develop clear criteria on safe firearm handling and storage, including the temporary storage of firearms during training, in vehicles, and other circumstances when officers may not have their assigned firearms in their direct control while on duty.

## MATTER FOR CONSIDERATION

### Insufficient Documentation Exists About the Disposition of the October 2019 Incident.

Although the Chief of Police referred the October 2019 incident to OIG for systemic review, the incident was not formally screened with or referred to OPA despite the potential risk and the potential violation of policy or protocol.<sup>9</sup> Ensuring potential serious violations of policy or law are identified and correctly handled is critical to public trust.

While the point of this audit report is to highlight systemic vulnerabilities, SPD management may wish to review the results of any investigation conducted by the chain of command into the incident and what, if any, accountability steps were taken. There may be an opportunity to consider whether there are any gaps in the chain of command investigation and referral processes, and the supporting documentation.

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<sup>9</sup> OPA confirmed with OIG that no referral was made. The OPA Director stated that he checked email and the OPA screenings folder and did not see anything related to the October 2019 incident. He added that it was possible there was an informal discussion between him and a member of command staff, but he could not confirm that.

# AUDIT RECOMMENDATIONS

1. ETS should identify firearm storage options for Annex I and Annex II that reasonably secure firearms against unauthorized access. For example, storage options could include the use of gun vaults, electronic locks to prevent access by unauthorized personnel, or use of individual firearm storage lockers with keyed locks.

## Management Response

Concur       Do Not Concur

Estimated Date of Implementation: Q4 2021.

Proposed Implementation Plan: ETS will identify available firearm storage options to suit these facilities and the unique nature of their location and intended use. ETS understands this recommendation asks only for it to identify options, the purchasing and use of which will be contingent on budget availability.

2. Once viable firearm storage options have been identified and selected, ETS should implement them for use during all trainings held in Annex I and Annex II.

## Management Response

Concur       Do Not Concur

Estimated Date of Implementation: Unable to determine at this time.

Proposed Implementation Plan: Once provided the appropriate budget, the identified option will be purchased and implemented accordingly for its intended use.

3. ETS should document and maintain policies and procedures related to firearm storage, such as in a unit manual.

## Management Response

Concur       Do Not Concur

Estimated Date of Implementation: Q4 2021

Proposed Implementation Plan: ETS is currently developing training available to SPD officers via Sharedrive concerning unit standards, that will include a portion on firearm storage consistent with the recommendations made here.

**4. ETS should communicate documented policies and procedures related to firearm storage and other training safety practices to the units and instructors that use Annex I and Annex II training facilities.**

Management Response

Concur       Do Not Concur

Estimated Date of Implementation: Q4 2021

Proposed Implementation Plan: ETS will develop within the existing training mentioned above on unit standards, specific safety practices. This training will be available to SPD officers via Sharedrive. Policies and procedures regarding the physical changes in firearm storage will require the purchasing of a new system and cannot be developed or implemented until such system is purchased.

**5. ETS should coordinate with units and instructors using the Annex I and Annex II training facilities to ensure that ETS is aware of when the facilities are being used and that Safety Officers are present to verify that safety policies and procedures are being followed.**

Management Response

Concur       Do Not Concur

Estimated Date of Implementation: Q4 2021

Proposed Implementation Plan: ETS will begin evaluating the logistic and operational needs in setting forth a more distinct coordination and process to implement this recommendation. Such a resource will require cross bureau coordination and considerations including how these facilities are used, and what sort of notification system is needed to implement this recommendation.

**6. APRS should develop clear criteria on safe firearm handling and storage, including the temporary storage of firearms during training, in vehicles, and other circumstances when officers may not have their assigned firearms in their direct control while on duty.**

Management Response

Concur       Do Not Concur

Estimated Date of Implementation: Q4 2021

Proposed Implementation Plan: SPD agrees in principle, while recognizing operational complexities and the procedural posture of SMC 10.79. SPD has provided recent training on the storage of rifles in police vehicles.



July 29, 2021

Inspector General Lisa Judge  
Office of the Inspector General

Re: Secure Firearm Audit

Dear Inspector General Judge:

Thank you for providing the Seattle Police Department (“SPD”) an opportunity to review and respond to the Office of the Inspector General’s (“OIG”) secure firearm storage audit. While the Department’s formal responses to each of the OIG’s audit findings and recommendations are included within the form provided by the OIG for the same, I write separately to address the finer points of SPD’s responses to the OIG’s recommendations, and the OIG’s conclusions of law regarding RCW 9.41.360 and SMC 10.79.

On a fundamental level, SPD wholly agrees that the secure storage of firearms is essential to public safety, and as a law enforcement agency, SPD has implemented extensive security to gain access to its facilities where its sworn officers, who are required to carry their firearms while working, perform their duties. While the concerning nature of the incident which led to SPD requesting this audit is undisputed, it was an isolated incident. Recommendations concerning the discrete internal storage of such firearms within these secure facilities must be considered in the context of the security of the facility overall.

Notwithstanding whether or not this incident reflects a systemic concern, considering the unique confluence of events that led to its occurrence, SPD takes seriously the recommendations set forth, most of which first require the purchasing or constructing of new secure storage equipment. Recommendations concerning clearer coordination and training on safety protocols are objectively more feasible to implement. Recommendations that first require the purchasing of new storage apparatuses cannot be so easily implemented. City departments, including SPD, are facing budget limitations now and for the foreseeable future, making the implementation of these recommendations necessarily tethered to the City’s ability to provide available funds. Please understand that the stated estimated dates of implementation are not intended – nor can they be considered – realistic completion dates, but rather a timeline for an update as to progress.

Lastly, in light of security concerns with respect to the facilities reviewed by the OIG in this audit, SPD asks that photographs from the audit depicting the interior of the SPD facilities be redacted prior to this report being published online or disseminated outside of SPD.

Inspector General Judge – Secure Firearms Storage Audit  
June 4, 2021

I take seriously and appreciate the work of the OIG in this matter, and thank you and your team for your continued partnership in ensuring SPD is fulfilling our shared objective of understanding and meeting its obligations and commitments to the highest degree.

Sincerely,



Adrian Diaz  
Chief of Police

CC: Lesley Cordner, Assistant Chief, Professional Standards Bureau  
Rebecca Boatright, Executive Director of Legal Affairs

# OBJECTIVE, SCOPE, AND METHODOLOGY

## OBJECTIVE

Assess the effectiveness of SPD policies, procedures, and current practices for securing firearms at training facilities during training courses and exercises.

## SCOPE

The audit scope included events from October 2019, when the original incident occurred, through the current date. OIG excluded SPD policies and procedures for long-term storage of department firearms and firearms seized as evidence.

The audit team also did not conduct a review of the underlying investigation of the stolen firearm because SPD investigation procedures did not fall within the scope. However, OIG noted several potential issues with the investigation and conveyed them to a member of SPD command staff during the initial entrance meeting.

## METHODOLOGY

To answer the audit objective, the audit team:

- Reviewed Ordinance 125620 and SMC Chapter 10.79 to determine firearm storage requirements, penalties, and if there were any exceptions made for public safety agencies;
- Reviewed the administrative rule promulgated by SPD which defines the requirements for a locked container under Ordinance 125620 and SMC Chapter 10.79;
- Reviewed SPD Manual Section 5.001 – Standards and Duties to determine what obligations SPD employees have under SPD policy to follow City of Seattle laws;
- Consulted with the Seattle City Attorney's Office about Ordinance 125620, SMC Chapter 10.79, the administrative rule issued by SPD, and SPD Manual Section 5.001, and OIG interpretation of these items;
- Interviewed Collaborative Policing Bureau employees about the firearm storage used in Annex I and Annex II training facilities during Seattle Explorers Program exercises, including any changes since the October 2019 incident;
- Interviewed ETS command staff about the firearm storage used in the Annex I and Annex II training facilities as well as the policies and procedures used for securing firearms in the training facilities, including any changes since the October 2019 incident;
- Requested documents from Education and Training command staff detailing policies and procedures for securing firearms at training facilities;

- Reviewed three documents detailing policies and procedures for securing firearms at training facilities;
- Interviewed a lead instructor about firearm storage in the Annex building, policies and procedures related to firearm safety and storage, and whether incidents like the February 2020 one observed by OIG employees had happened before;
- Sent written questions to a former Lieutenant with ETS about the policies and procedures in place during their tenure with the Section, including whether there was a unit manual or similar documented policies and procedures;
- Conducted observation of the firearm storage in Annex I and Annex II training facilities and documented with photos;
- Interviewed a member of the SWAT Unit command staff to determine how the unit uses the Annex building for unit trainings, including scheduling of the space, use of the firearm storage, and how they learn about policies and procedures related to training safety and firearm storage;
- Interviewed an officer with the Canine Unit to determine how the unit uses the Annex building for unit trainings, including scheduling of the space, use of the firearm storage, and how they learn about policies and procedures related to training safety and firearm storage;
- Submitted written questions to ETS command staff to follow-up on interviews about policies and procedures for securing firearms in training facilities and the documents provided to OIG;
- Reviewed sections of the SPD Manual related to firearms to determine if there were any general policy requirements for safe firearm handling and storage;
- Sent written questions to OPA and OIG investigators to confirm that the SPD Manual does not include general policy requirements for safe firearm handling and storage; and,
- Reviewed a 2019 copy of the Patrol Rifle Program to determine what requirements, if any, that it contained for safe firearm handling and storage.

## AUDIT STANDARDS

OIG conducted this performance audit from January 9, 2020, through December 4, 2020, in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. OIG believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.



# APPENDIX A: SMC CHAPTER 10.79 AND ADMINISTRATIVE RULE CONCERNING SECURE STORAGE OF FIREARMS

## SMC Chapter 10.79

8/2/2021

Seattle, WA Municipal Code

### Chapter 10.79 - STORAGE OF FIREARMS

#### 10.79.010 - Definitions

For purposes of this Chapter 10.79, the following definitions apply:

- A. "At-risk person" means any person who has made statements or exhibited behavior that indicates to a reasonable person there is a likelihood that the person is at risk of attempting suicide or causing physical harm to oneself or others.
- B. "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder, including but not limited to any machine gun, pistol, rifle, short-barreled rifle, short-barreled shotgun, or shotgun as those terms are defined in RCW 9.41.010. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes.
- C. "Lawfully authorized user" means any person who:
  - 1. Is not in the unlawful possession of a firearm under RCW 9.41.040; and
  - 2. Is not prohibited from possessing a firearm under any other state or federal law; and
  - 3. Has the express permission of the owner to possess and use the firearm.
- D. "Locked container" includes any storage device approved of or meeting specifications established by the Chief of Police by rule promulgated in accordance with Chapter 3.02.
- E. "Minor" means a person under 18 years of age who is not authorized under RCW 9.41.042 to possess a firearm.
- F. "Prohibited person" means any person who is not a lawfully authorized user.

(Ord. 125620, § 1, 2018.)

#### 10.79.020 - Safe storage of firearms

It shall be a civil infraction for any person to store or keep any firearm in any premises unless such weapon is secured in a locked container, properly engaged so as to render such weapon inaccessible or unusable to any person other than the owner or other lawfully authorized user. Notwithstanding the foregoing, for purposes of this Section 10.79.020, such weapon shall be deemed lawfully stored or lawfully kept if carried by or under the control of the owner or other lawfully authorized user.

(Ord. 125620, § 1, 2018.)

#### 10.79.030 - Unauthorized access prevention

It shall be a civil infraction if any person knows or reasonably should know that a minor, an at-risk person, or a prohibited person is likely to gain access to a firearm belonging to or under the control of that person, and a minor, an at-risk person, or a prohibited person obtains the firearm.

(Ord. 125620, § 1, 2018.)

## 10.79.040 - Penalties

- A. A violation of Section 10.79.020 shall constitute a civil infraction subject to a civil fine or forfeiture not to exceed \$500. For good cause shown, the court may provide for the performance of community restitution, in lieu of the fine or forfeiture imposed under this subsection 10.79.040.A.
- B. A violation of Section 10.79.020 or 10.79.030 shall constitute a civil infraction subject to a civil fine or forfeiture in an amount up to \$1,000 if a prohibited person, an at-risk person, or a minor obtains a firearm as a result of the violation. For good cause shown, the court may provide for the performance of community restitution, in lieu of the fine or forfeiture imposed under this subsection 10.79.040.B.
- C. A violation of Section 10.79.020 or 10.79.030 shall constitute a civil infraction subject to a civil fine or forfeiture in an amount up to \$10,000 if a prohibited person, an at-risk person, or a minor obtains a firearm and uses it to injure or cause the death of oneself or others, or uses the firearm in connection with a crime. A separate civil fine or forfeiture may be issued for each instance that a person that is injured or killed as a result of a violation of Section 10.79.020 or 10.79.030.
- D. A violation of Section 10.79.020 or 10.79.030 shall be prima facie evidence of negligence per se in any civil proceeding if a prohibited person, an at-risk person, or a minor obtains a firearm, and causes personal injury to or the death of oneself or another, or uses the firearm in connection with a crime.
- E. Nothing in this Chapter 10.79 shall be construed to alter any requirements, including, but not limited to, any warrant requirements applicable under the Fourth Amendment to the United States Constitution or Article I, Section 7 of the Washington State Constitution.
- F. Sections 10.79.020 and 10.79.030 shall not apply to "antique firearms," as defined in RCW 9.41.010.

(Ord. 125620, § 1, 2018.)

## 10.79.050 - Notice of infraction—Issuance

- A. A peace officer has the authority to issue a notice of infraction:
  - 1. when an infraction under this Chapter 10.79 is committed in the officer's presence;
  - 2. if an officer has reasonable cause to believe that a person has committed an infraction under this Chapter 10.79.
- B. The City Attorney's Office may issue a notice of infraction upon receipt of a written statement of the officer that there is reasonable cause to believe that an infraction was committed.

(Ord. 125620, § 1, 2018.)

## 10.79.060 - Response to notice of infraction—Contesting determination—Hearing—Failure to appear

- A. Any person who receives a notice of infraction shall respond to such notice as provided in this section within fifteen days of the date the notice is personally served or, if the notice is served by mail, within 18 days of the date the notice is mailed.
- B. If the person determined to have committed the infraction does not contest the determination the person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, or by responding via the internet or phone to the Municipal Court of Seattle. A

check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response, if responding by mail, or if responding online or by phone, payment may be made using a credit card. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records.

- C. If the person determined to have committed the infraction wishes to contest the determination the person shall respond by completing the portion of the notice of infraction requesting a hearing and submitting it, either by mail or in person, to the Municipal Court of Seattle. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be sooner than seven days from the date of the notice, except by agreement.
- D. If the person determined to have committed the infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction, the person shall respond by completing the portion of the notice of infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the Municipal Court of Seattle. The court shall notify the person in writing of the time, place, and date of the hearing.
- E. In any hearing conducted pursuant to subsections C or D of this Section 10.79.060, the court may defer findings, or in a hearing to explain mitigating circumstances may defer entry of its order, for up to one (1) year and impose conditions upon the defendant the court deems appropriate. Upon deferring findings, the court may assess costs as the court deems appropriate for administrative processing. If at the end of the deferral period the defendant has met all conditions and has not been determined to have committed another infraction under this Chapter 10.79, the court may dismiss the infraction. A person may not receive more than one deferral within a seven-year period.
- F. If any person issued a notice of infraction:
  - 1. Fails to respond to the notice of infraction as provided in subsection B of this Section 10.79.060; or
  - 2. Fails to appear at a hearing requested pursuant to subsections C or D of this Section 10.79.060; the court shall enter an appropriate order assessing the monetary penalty prescribed for the infraction and any other penalty authorized by this Chapter 10.79.

(Ord. 125620, § 1, 2018.)

#### 10.79.070 - Hearing—Contesting determination that infraction committed—Appeal

- A. A hearing held for the purpose of contesting the determination that an infraction has been committed shall be without a jury.
- B. The court may consider the notice of infraction and any other written report made under oath submitted by the officer who issued the notice or whose written statement was the basis for the issuance of the notice in lieu of the officer's personal appearance at the hearing. The person named in the notice may subpoena witnesses, including the officer, and has the right to present evidence and examine witnesses present in court.
- C. The burden of proof is upon the City to establish the commission of the infraction by a preponderance of the evidence.
- D. After consideration of the evidence and argument, the court shall determine whether the infraction was

committed. Where it has not been established that the infraction was committed, an order dismissing the notice shall be entered in the court's records. Where it has been established that the infraction was committed an appropriate order shall be entered in the court's records.

- E. An appeal from the court's determination or order shall be to the Superior Court. The decision of the Superior Court is subject only to discretionary review pursuant to Rule 2.3 of the Rules of Appellate Procedure.

(Ord. 125620, § 1, 2018.)



City of Seattle

Seattle Police Department

FILED  
CITY OF SEATTLE

December 14, 2018

18 DEC 14 AM 10: 22

CITY CLERK

**ADMINISTRATIVE RULE CONCERNING THE SAFE STORAGE OF FIREARMS**

***Re: Specifications for Storage Devices Approved of or Meetings Requirements for the Safe Storage of Firearms Under Seattle Municipal Code Chapter 10.79.***

WHEREAS, Seattle Municipal Code Chapter 10.79 sets forth requirements for the safe storage of firearms in the City of Seattle; and

WHEREAS, SMC 10.79.010(D) directs the Chief of Police to establish by administrative rule specifications for storage devices approved as meeting the requirement of “locked container” as used in SMC Chapter 10.79; and

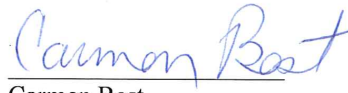
WHEREAS, the Seattle Police Department has researched standard industry specifications for the same, including standards adopted by the State of California, Department of Justice and the roster of firearm safety devices certified for sale in California (<https://oag.ca.gov/firearms/fscertlist/>); the State of New York Codes, Rules and Regulations; the Bureau of Alcohol, Tobacco, Firearms and Explosives; and guidance from the State of Texas Department of Public Safety, Regulatory Services Division; and

NOW, therefore, for purposes of SMC Chapter 10.79, a “locked container” means

- (1) A safe, gun safe, gun case, gun cabinet, or lock box that is
  - (a) designed to fully contain firearms and prevent removal of, and access to, the enclosed firearm;
  - (b) Is capable of repeated use;
  - (c) May be opened only by a numerical combination consisting of the entry of at least three variables entered in a specific sequence on a keypad, dial or tumbler device; key, magnetic key, or electronic key; or by biometric identification; and

*Re: Specifications for Storage Devices Approved of or Meetings Requirements for the Safe Storage of Firearms Under Seattle Municipal Code Chapter 10.79.*

- (d) Be constructed with such quality of workmanship and material that it may not be easily pried open, removed, or otherwise defeated by the use of common tools.



Carmen Best  
Chief of Police

# APPENDIX B: EIGHT-POINT SAFETY CHECK (PROVIDED BY SPD)

## Weapons Control

Conduct a safety check *using the eight-point method*.

1. **Secure:** Direct each arriving officer to secure all firearms, ammunition, knives, OC and Taser cartridges in the storage room, and to take a leg band.
2. **Prepare for search:** Ask them to remove their gun belts and to place all items from their pockets into a red bin. Turn pockets inside out.
3. Use **SEE-TOUCH-SAY**.
4. **Inspect bin:** Physically inspect the red bin and say “no live weapons or ammunition” as you check. Move the bin to the table behind you
5. **Inspect gun belt:** Physically inspect the gun belt twice. Touch holster, magazine holders, OC holder and remove and check Tasers. Say “no gun, magazines, no OC, no Taser cartridges” both times you physically inspect. Place the gun belt behind you.
6. **Inspect all bags:** look and touch, and say “no live weapons or ammunition” as you check each pocket.
7. **Inspect the person:** Test the metal detector wand to ensure it is working. Ask “Any live weapons or ammo, knives, or back up guns on your person.” Wand all pockets, shirt, beltline, and boots. Touch or remove any items that “hit” with wand, and say what it is.
8. **Verify:** Tell the searched officer good to go and don leg band. Check to ensure they have donned it.

Anyone leaving the secure area or entering the weapons storage area *must* remove their leg band and be rechecked before returning to the secure training environment.

A second check will be conducted before issuing students the training weapons. This is usually conducted on-line.

If a weapon or ammunition is discovered, or if *anyone* is observed inside the secure area who is not wearing a yellow leg band, *all training will immediately cease and we will call “Kings X”*. Training will not continue until the item is secured or the unmarked person has been checked.

## **APPENDIX C: ROLE OF SAFETY OFFICER DURING INSERVICE TRAINING (PROVIDED BY SPD)**

### **ROLE OF SAFETY OFFICER DURING INSERVICE TRAINING**

The safety officer has a very important role in the overall safety of all instructors, role players, and students during reality-based training. Everyone is responsible for safety, but the Safety Officer has several responsibilities to insure a safe training environment.

**The following list of tasks will be undertaken by the Safety Officer prior to, during and following training.**

1. Work with station leads to draw all necessary gear for the training exercise. Ensure only “training” props are used for each scenario.
2. Inspect all simunition rounds and supervise the loading of any magazines for the day if simunitions are being used.
3. Inspect the training site and ensure any physical hazards are removed from the area.
4. Over see and manage the entry point to ensure no one enters the venue without going through the eight-point safety check.
5. Inspect all training staff using the eight-point safety check and ensure someone inspects the Safety Officer.
6. Supervise the implementation of the eight-point safety check as students enter the facility.
7. After facility is secured, the Safety Officer will ensure that the weapons storage area is secured and locked.
8. The Safety Officer will conduct a safety brief prior to the beginning of any training. This will include identifying any EMTs, Location of the Trauma Kit and AED, and procedures for directing SFD to the facility. Establish an area to meet if the building needs to be evacuated.
9. Prior to issuing of simunition weapons, will order a secondary weapons check and observe to make sure everyone is checked.
10. At the conclusion of training, will ensure all simunition weapons are turned in and accounted for.
11. Ask the class if there are any injuries as a result of the training.
12. Will unlock the weapon storage area and supervise and ensure the proper procedure for retrieving weapons is followed.
13. Ensure any leg bands are removed prior to students leaving the facility.



## **APPENDIX D: WEAPON STORAGE AREA PROCEDURES (PROVIDED BY SPD)**

### **WEAPON STORAGE AREA PROCEDURES**

The weapon storage area will be for weapons only. Any personal items such as lunches or bags and back packs will be stored on shelves just as students walk into the annex.

Students will be directed to the weapon storage room and enter the room two at a time. The students will be monitored by a sworn member who will instruct the student to stand in front of the loading barrel and admin unload their firearm if stored in a gun belt holster. (Instructions for admin unload will be posted above the clearing barrel). If using an off duty holster the student does not need to admin unload their firearm and can simply place the weapon in a locker.

The student will place all weapons in a locker and lock the door using the provided locks. The student will keep the key and attached lanyard throughout the training day.

After all students are cleared through security, the Safety Officer will lock the door to the storage room and keep the key on their person throughout the training day.

If duty belts are needed for the training day, the student will perform the above procedure and take their weapon free duty belt from the storage area directly to the staff checking belts for any missed weapons. The student will then proceed to the eight-point safety check point.

Once clear of the safety check point, the student will don a leg band and collect their duty belt from the secured area.

At the end of training, the Safety Officer will unlock the storage room and ensure there is a staff member observing that only two enter the room at a time. The staff member will also ensure the key is left in the lock to the locker, and the weapon is secured on the student's person prior to leaving the storage area. The staff member will remind students to remove their leg band prior to leaving the facility.

## **APPENDIX E: WEAPON STORAGE AREA PROCEDURES (REVISED) (PROVIDED BY SPD)**

### **WEAPON STORAGE AREA PROCEDURES**

The weapon storage area will be for weapons only. Any personal items such as lunches or bags and back packs will be stored on shelves just as students walk into the annex.

Students will be directed to the weapon storage room and enter the room two at a time. The students will be monitored by a sworn member who will instruct the student to stand in front of the loading barrel and admin unload their firearm if stored in a gun belt holster. (Instructions for admin unload will be posted above the clearing barrel). If using an off duty holster the student does not need to admin unload their firearm and can simply place the weapon in a locker.

The student will place all weapons in a locker and exit the room and proceed through security for the eight-point safety check. After all students are cleared through security, the Safety Officer will lock the door to the storage room and keep the key on their person throughout the training day.

If duty belts are needed for the training day, the student will perform the above procedure and take their weapon free duty belt from the storage area directly to the staff checking belts for any missed weapons. The student will then proceed to the eight-point safety check point.

Once clear of the safety check point, the student will don a leg band and collect their duty belt from the secured area.

At the end of training, the Safety Officer will unlock the storage room and ensure there is a staff member observing that only two enter the room at a time. The staff member will also ensure the weapon is secured on the student's person prior to leaving the storage area. The staff member will remind students to remove their leg band prior to leaving the facility.

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# Seattle Office of Inspector General

The Office of Inspector General for Public Safety (OIG) was established in 2017 via Ordinance 125315 to help ensure the fairness and integrity of the police system in its delivery of law enforcement services. OIG provides independent auditing of the management, practices, and policies of the Seattle Police Department and the Office of Police Accountability. Additionally, OIG oversees ongoing fidelity to organizational reforms implemented pursuant to the goals of the 2012 Consent Decree and Memorandum of Understanding.

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