



FIREARMS – SAFETY AND CARE

Directive: 8 – 101.3

Date of Issue: March 2016 Amends/Cancel: 8-100 & 8-101, May 2015

I. PURPOSE

The purpose of this Directive is to implement the Maryland Capitol Police (MCP) policies related to the care, handling, and storage.

II. POLICY

It is the policy of the MCP that all sworn police officers authorized to carry a firearm will do so in a safe manner consistent with Federal and State laws. In addition, MCP will set standards for the care handling, and storage.

III. DEFINITIONS

- A. Federal Law Enforcement Officers Safety Act (LEOSA), 18 USC § 926B - a United States federal law that allows "qualified law enforcement officers" to carry a concealed firearm in any jurisdiction in the United States. The law also requires that the individual must carry photographic identification issued by the governmental agency for which the individual is employed that identifies the employee as a police officer or law enforcement officer.
- B. Maryland Tort Claims Act - Provides State personnel, as defined in § 12-101 of the State Government Article, immunity from suit in courts of the State and from liability certain acts that are within the scope of their duties and is made without malice or gross negligence.

IV. PROCEDURES

A. SECURITY

1. The safe handling and protection of the service weapon is the prime responsibility of every police officer whether on-duty or off-duty.
2. Police officers are responsible for ensuring that issued firearms and approved off-duty handguns are not stolen, misplaced or misused.
3. Firearms will be kept out of reach of the public at all times and will never be left unattended or unsecured.

4. Md. CRIMINAL LAW Code Ann. § 4-104 clearly defines the person's personal responsibility and legal accountability for creating conditions that may result in injury or death from the careless or negligent use, handling or storage of handguns. Maryland criminal law states that "a person may not store or leave a loaded firearm in a location where the person knew or should have known that an unsupervised child would gain access to the firearm".
5. Only police officers and those civilians authorized by the Chief of Police or his designee may use, clean or otherwise handle department firearms.
6. Police officers should relinquish their issued duty weapon for monthly and yearly inspections only to a supervisor or range instructor. The officer will ensure the weapon is completely unloaded prior to relinquishing the firearm. The slide of a semi-automatic handgun will be in the locked back position with the magazine removed. The shotgun should be unloaded and action should be open prior to handing the weapon to another person.

B. SAFETY

Police officer must never:

1. Point or aim a weapon during practice in a direction where an accidental discharge could cause damage or harm;
2. Engage in conversation with another person while handling a weapon – distraction compromises safety;
3. Unnecessarily handle the weapon in the presence of another person or display the weapon for the purpose of intimidation;
4. Load a weapon with the officer facing a direction where they are pointing the weapon at other people;
5. Hand a loaded weapon to another person, unless it is necessary in a life threatening situation or as required by departmental directive;
6. Assume a weapon is unloaded – always check the weapon yourself;
7. Place a finger inside the trigger guard unless the intent is to fire.

C. STORAGE

1. All firearms should be unloaded in a safe manner and made safe before storage in the officer's home or in a MCP facility. Ammunition should be stored separately from the weapon.
2. Whenever possible, police officers will properly secure firearms in a locked storage container whenever not on their person.
3. When stored in a motor vehicle, firearms must be secured in a locked trunk or in a locked storage compartment if the vehicle does not have a trunk. Firearms will not be stored overnight or for long periods of time in a vehicle.

4. All police officers have been issued a gunlock and are encouraged to use them.

D. TRANSPORTING FIREARMS

1. Departmentally issued firearms will not be carried or transported outside the State of Maryland except:
 - a. when an officer is on official business and with the approval of the Chief of Police or his designee;
 - b. when a police officer, who lives out of the state of Maryland, is commuting to and from his residence and duty assignment.
2. LEOSA governs the carrying of firearms by law enforcement officers outside the State of Maryland.
3. Police officers must understand that the authority to use a firearm, and any liability which may arise from such use, are governed by the laws of the other state and that the qualified immunity from civil liability that is applicable to MCP police officers under the Maryland Tort Claims Act does not apply to actions taken outside of Maryland.
4. Police officers must also be aware that LEOSA does not supersede:
 - a. Federal laws or regulations governing the carrying of firearms onto aircraft, federal buildings, federal property and national parks;
 - b. Federal prohibitions on carrying a firearm within 1,000 feet of elementary or secondary schools;
 - c. State laws that prohibit the carrying of firearms onto state and/or local property, or other areas; and
 - d. State laws that allow private entities to prohibit firearms on their private property.
5. When officers are required to carry a handgun on a commercial aircraft, they will follow the procedures consistent with Federal Aviation Administration guidelines. Officers will also comply with applicable airline regulations regarding weapons on aircraft. Airline regulations can and will vary from carrier to carrier, officers will contact the carrier to make sure they are in compliance with that carrier's policies and regulations.

E. REPAIRS AND MAINTENANCE

1. Police officers will regularly inspect and maintain their firearms, extra magazines, ammunition, and leather gear to prevent accumulation of dirt, the formation of rust or corrosion and excessive wear.
2. Firearms will be cleaned at least once a month, immediately after having been subjected to inclement weather or other contaminants and after being fired.

3. Prior to cleaning, all weapons will be checked to assure they are unloaded and safe.
4. Police officers will not make any repairs or modifications to departmental firearms. Only a department armorer or other individual authorized by the Chief of Police or his designee will repair or modify departmental firearms. Whenever possible the officer to whom the firearm is issued will transport the weapon to the armorer or other authorized person.
5. If a firearm is found to be defective, the weapon will be removed from service until it is repaired and certified by a department armorer. The armorer will generate and maintain documentation of all firearms that are received for repair, all repairs made and all weapons re-issued for use. In the event a defective weapon is temporarily replaced, the Special Services Division will be notified and provided a copy of the appropriate documentation.