



FIREARMS USE

Directive: 8 – 101

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) policy on the use of firearms by authorized police employees.

II. POLICY

It is the policy of the MCP that police employees authorized to utilize firearms will do so in accordance with applicable Federal and State laws, and this directive.

III. DEFINITIONS

- A. Department Armorer – An Officer who is trained by the factory to work on departmental firearms.
- B. Range Instructor – Officer who has been certified by MPTC to teach firearms.
- C. Range Master – A Police Officer designated by the Chief of Police to oversee the firearms program for the Department. The range master has overall authority and supervision of range activities and firearms safety.

IV. PROCEDURES

A. GENERAL PROCEDURES

1. Police officers will comply with all MCP rules, regulations and directives, as well as all federal, state and local laws pertaining to firearms.
2. Police officers will only carry their MCP issued handgun while on-duty.
3. All police employees of the MCP should use prudence and good judgment in the off duty wearing of firearms at any activity where the employee will be consuming alcoholic beverages. To be consistent with guidance given at annual firearms training best practice is to not mix firearms with alcohol or prescription drugs.

4. Police officers being interrogated during the course of an internal investigation will secure their service weapons or any off-duty weapon prior to being interrogated.
5. A police employee must reasonably anticipate a situation justifying the use of a weapon before removing it from its holster or otherwise displaying it. The use or display of weapons in circumstances other than those described in this section is contrary to Department policy.
6. All firearms, agency issued or personally owned off-duty, must remain concealed from public view and not openly visible to public scrutiny, unless the officer is on duty with their badge in plain view and wearing proper business or business casual attire.

B. AUTHORIZED USE

1. Deadly Force Authorized - A firearm may be utilized when the conditions permitting the use of deadly force are present as outlined in Directive 8-100, B.
2. Covering a Suspect - Covering a suspect with a weapon is permitted when the Officer reasonably believes that a person poses a significant, potential threat, with the following conditions:
 - a. The trigger finger should be off the trigger and outside the trigger guard until the Officer is prepared to justifiably fire the weapon.
 - b. Anytime an officer draws his firearm to cover a suspect he should complete an Incident Report detailing the circumstances.
3. Foot Pursuit with a Weapon
 - a. While it is permitted to chase a suspect with the weapon in hand, it is recommended that for a foot pursuit the officer holster the weapon to prevent damage, loss or an accidental discharge of the weapon.
 - b. Police Officers may chase a suspect on foot with a firearm in hand under the following circumstances:
 - (1) The Officer reasonably believes the suspect poses a significant potential threat of grave or life threatening injury.
 - (2) The weapon must be pointed in a safe direction.
 - (3) The trigger finger must be off the trigger and outside the trigger guard.
 - c. When engaged in a foot pursuit officers should not close in on, tackle, or wrestle with a suspect with a drawn weapon.
 - e. Officers should not handcuff or frisk a suspect who has resisted or fled until additional officers have arrived to assist and the officer conducting the frisk or handcuffing the

suspect has holstered the service weapon. Additionally, the suspect should be in a kneeling position when the frisking and handcuffing procedure is conducted.

4. Dangerous/Sick/Injured Animals

- a. Officers are authorized to discharge a firearm to destroy a dangerous animal that poses a threat to the officer or others. A dangerous animal may only be shot if the animal is unconfined and presents an immediate threat/danger.
- b. Officers may discharge a firearm to destroy a wild animal that is sick or injured and humanity requires its relief from further suffering. Shooting an injured animal should be done as a last resort and when animal control authorities cannot respond in a reasonable time.
- c. Officers may discharge a firearm to destroy a domesticated animal to relieve its' suffering if the officer has:
 - (1) consent of the owner;
 - (2) been requested to do so by a veterinarian; or
 - (3) made a reasonable attempt to locate the owner and a veterinarian is not readily available.
- d. Officers discharging a firearm to destroy an animal must:
 - (1) be aware of where the round might travel if passing through or missing the target;
 - (2) be aware of the potential for ricochets off hard surfaces;
 - (3) ensure there is no threat that the round might strike bystanders; and
 - (4) complete an Incident Report detailing the circumstances.

C. PROHIBITED USE

1. A police employee of the Department shall not discharge a firearm:
 - a. as a warning;
 - b. in any felony case which does not meet the conditions set forth in Directive 8-100, B, 2;
 - c. in any attempt to apprehend a misdemeanor;
 - d. at or from a moving vehicle except:
 - (1) as a measure of self-defense or defense of another when the suspect is using potentially deadly force other than the vehicle.

- (2) when all conditions regarding a fleeing felon as set forth in Directive 8-100, B, 2 are present.
 - (3) when a vehicle is driven in a manner deliberately intended to kill or severely injure a police employee or citizen who is on foot.
2. Under no circumstances will employees of the MCP display a weapon in a flagrant manner or in any manner which is unsafe or would invite unfavorable comment from the public.
 3. Any police officer appearing as a defendant in a criminal trial, or juror in any court, will not wear the uniform, or any part of the uniform, or carry any firearm into the courtroom or jury room.
 4. Any police officer appearing in court as a plaintiff or defendant in a civil trial will not wear the uniform, or any part of the uniform, or carry any firearm into the courtroom, except when the court action is a result of the officer's official duties.
 5. Officers will not use the service weapon as an impact tool or contact weapon unless, due the dire urgency of the situation, there is no other option available.
 6. Use of a firearm is prohibited in any manner contrary to the use of force policy as outlined in Directive 8-100.

D. CONDITIONS AFFECTING THE OFFICER'S ABILITY TO USE A FIREARM

1. In the event any police officer sustains any injury, suffers from any illness or other disabling condition that may affect, to any degree, the officer's ability to carry, wear, retain and/or maintain control of any agency issued weapon, including the firearm, or to accurately discharge the firearm, the officer will immediately notify his or her immediate supervisor.
2. The supervisor will contact the MCP range master or his designee.
3. The supervisor or range instructor will have the authority to relieve the officer of the firearm if officer safety concerns justify such action.
4. An officer who is returning to duty from an injury or illness that could affect the officer's ability to carry, wear, retain and/or maintain control of any issued firearm or to accurately discharge the firearm will be taken to the range and evaluated by a range instructor before being returned to full duty status, even if said officer has a medical release.

E. CARRYING A FIREARM OFF-DUTY

1. Police officers wearing, carrying or transporting their MCP issued handgun or other department approved handguns while off-duty in Maryland will have their MCP identification, badge and MPCTC card in their possession.
2. Officers engaged in approved secondary employment may use their department issued firearm.

F. OFFICERS ON LEAVE

1. Police officers who are on any type of approved leave for more than 30 consecutive calendar days must turn in their police identification card, 2 issued badges, MPCTC card, agency issued weapons, 3 magazines, and issued weapon carrying case to a supervisor.
2. After a supervisor has received the equipment from the officer they will immediately notify the detachment commander and the range master so the weapon can be placed into regular inventory for safe keeping, until the officer returns to duty.

G. PROTECTIVE ORDERS ISSUED AGAINST POLICE OFFICERS

1. Certain provisions of the Violent Crime Control and Law Enforcement Act of 1994 prohibits the sale, possession, receipt and transportation of firearms and ammunition by persons who are the subject of restraining orders relating to the prevention of domestic violence.
2. In Maryland, such restraining orders may take the form of protective orders issued by the district court or circuit court. The law makes certain exemptions for law enforcement officers, depending on their employment status and other conditions.
3. In order to ensure the officer or the Department is not in violation, any police officer who is the subject of a domestic violence related protective order is required to notify his Detachment Commander immediately upon the issuance or as soon as the officer becomes aware of the issuance of such an order.
4. The Detachment Commander will:
 - a. immediately suspend the officer's police powers;
 - b. take possession of the following items from the officer:
 - (1) Department issued firearms;
 - (2) 3 magazines with all ammunition;
 - (3) issued badges;
 - (4) MCP identification card;
 - (5) MPCTC officer certification card;
 - (6) assigned vehicle, if applicable.
 - c. notify the Chief of Police or his designee.
5. If, under Maryland Family Law Code Ann. § 4-505 and 4-506, a temporary or final protective order requires the police officer as the respondent to surrender any firearm in the

respondent's possession, the officer will also turn over all firearms in their possession to the Detachment Commander or other competent law enforcement authority.