



## Policy 409

Subject	
<b>FIREARMS REGULATIONS</b>	
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*By Order of the Police Commissioner*

### POLICY

1. **Safety.** The purpose of this policy is to establish the procedures for the safe handling, storage, proper care, deployment, and carrying of firearms by members of the Baltimore Police Department (BPD).
2. **Certification.** Only those members who are qualified through the Maryland Police and Correctional Training Commissions (MPCTC) and are authorized by the BPD to carry firearms shall possess or use BPD-issued or approved firearms.
3. **Authorization.** A member shall not utilize a firearm in the performance of their duty unless that member's MPCTC certification is current, BPD authorization for that weapon is current, and the member's law enforcement powers are not suspended.

### GENERAL

1. When on-duty, members shall be suitably armed at all times.
2. When off-duty, members are authorized to carry an Issued Firearm while located within the State of Maryland. Off-duty members may also carry their Approved Handgun with Issued Ammunition within and outside the State of Maryland. There is no requirement to be armed when off-duty.
3. Failure to conform to the provisions of this Policy shall result in administrative disciplinary measures, and, if circumstances warrant, may be the basis for individual criminal liability or personal civil liability.

### DEFINITIONS

**Approved Handgun** — A personally owned handgun that has been formally approved by the Armory Unit and the Director of the Professional Development and Training Academy (PDTA) for individual use by the member who owns it (See Appendix B).

**Issued Firearm** — Any make, model, or caliber of firearm, including chemical delivery devices, owned by BPD that has been issued to an individual member or that is for general utilization by a designated group of properly certified and qualified members.

**Issued Ammunition** — Any munition issued by the BPD to its members (e.g., lethal and less-lethal ammunition for a firearm, etc.).

**REQUIRED ACTIONS FOR MEMBERS**

1. Properly maintain Issued Firearms, Issued Ammunition, and Approved Handguns, and safeguard them to ensure they are not misplaced, misused, or stolen.
2. Ensure all Issued Firearms, Issued Ammunition, and Approved Handguns are stored in such a manner as to be inaccessible to any individual or member not qualified and/or authorized to access the firearm or ammunition.

**NOTE:** Storing firearms anywhere in a motor vehicle is presumptively insecure and prohibited unless locked in a departmental-approved secured gun locker.

3. Comply with all BPD rules and regulations pertaining to firearms and ammunition, as well as all appropriate federal, state, and local laws relating to firearms and ammunition.

**NOTE:** Under no circumstances shall a member take the slack out of the trigger of a firearm while frisking a suspect, effecting an arrest, or while in close proximity to other persons. The trigger finger should be off the trigger and at "touch point" until the member is prepared to justifiably discharge the weapon.

4. Ensure any firearm carried when working in a plain-clothes capacity or while off-duty is concealed from public view in a secure holster or secure container designed for that specific weapon.

**EXCEPTION:** When exigent circumstances exist, the firearm may be carried openly when working in a plain-clothes capacity.

5. Do not transport Issued Firearms out of the State of Maryland unless on official business and with prior approval of your Commanding Officer. A member can transport an Approved Handgun with Issued Ammunition out-of-state without prior approval.

**EXCEPTION:** Members who reside outside Maryland may transport Issued Firearms with Issued Ammunition to and from their residence with prior approval of their Commanding Officer.

6. When responding to the Internal Affairs Section (IAS):
  - 6.1. Secure all weapons in the lock box when directed by IAS staff.
  - 6.2. Follow administrative unloading procedures.
  - 6.3. Maintain possession of the lock box key until exiting the IAS facility or until IAS staff takes possession of the lock box key and directs the member to leave without their weapon.
7. When practicing with an Issued Firearm while off-duty, utilize only high quality, professionally manufactured ammunition. At the end of each practice session, unload any ammunition that is not Issued Ammunition and restore the Issued Ammunition when leaving the practice facility.
  - 7.1. Carry only Issued Ammunition when on-duty or off-duty, except when utilized in a practice session as specified above.

8. Do not attempt to repair or modify any Issued Firearm or Approved Handgun. In the event an Issued Firearm or Approved Handgun needs repair or modification, take the firearm to the Armory Unit for examination/modification/repair.

**NOTE:** At no time shall any repair be done by an outside source, unless authorized in writing by the Armory Unit.

9. After the discharge of any Issued Firearm or Approved Handgun, immediately notify a supervisor and complete the required actions and reporting as mandated in Policy 1115, *Use of Force* and Policy 710, *Serious Use of Force and In-Custody Death Response*.
10. When appearing in any court as a defendant, plaintiff, or juror, members shall:
  - 10.1. Not carry any firearms into the courtroom or jury room.
  - 10.2. Immediately secure weapons with court liaison personnel or appropriate court personnel before entering the courtroom or jury room.

#### **REQUIRED ACTIONS FOR SUPERVISORS**

1. Conduct weekly inspections of the Issued Firearm(s) and all Issued Ammunition assigned to members under your supervision.
2. Retain documentation of the inspection.

#### **APPENDICES**

- A. Qualifying With and Carrying BPD Owned Firearms
- B. Qualifying With and Carrying Approved Off-Duty Personal Handguns

#### **ASSOCIATED POLICIES**

Policy 304, *Suspension Procedures*  
Policy 710, *Serious Use of Force and In-Custody Death Response*  
Policy 1115, *Use of Force*

#### **RESCISSION**

Remove and destroy/recycle General Order D-9, *Firearms Regulations*, dated 23 August 2009.

#### **COMMUNICATION OF POLICY**

This policy is effective on the date listed herein. Commanders are responsible for informing their subordinates of this policy and ensuring compliance.

**APPENDIX A****Qualifying With and Carrying BPD Owned Firearms — Issued Firearms****Member**

1. Qualify with the BPD issued handgun once every calendar year, in keeping with schedules prepared by the Professional Development and Training Academy (PDTA).
2. Qualify with additional BPD firearms, (e.g., shotgun, patrol rifle, etc.) as directed, in keeping with schedules prepared by PDTA.
3. Upon failure to qualify with a BPD issued handgun:
  - 3.1. Sign the Suspension of Police Powers for Administrative and/or Medical Reasons, Form 153.
  - 3.2. Relinquish the below listed property to the Range Master or their designee in keeping with Policy 304, *Suspension Procedures*:
    - 3.2.1. Firearm(s), ammunition, magazines, accessories (e.g., weapon-mounted flashlights), etc.
    - 3.2.2. Badge.
    - 3.2.3. BPD identification card(s).
    - 3.2.4. MPCTC Certification Card.
  - 3.3. Report as directed to your parent command and deliver a copy of the Suspension of Police Powers for Administrative and/or Medical Reasons to your Commanding Officer.

**NOTE:** “Suspension of Police Powers” does not equate to “Suspension from Duty.” When police powers are suspended for firearms qualification failure, members are not entitled to the suspension hearing or other provisions of the Law Enforcement Officers’ Bill of Rights.

4. When qualifying with certain shoulder fired weapons, such as those provided to BPD marksman, utilize the individual firearm assigned to you for your exclusive use.
5. When qualifying with BPD firearms that are not assigned or designated for your exclusive use, (e.g., shotguns, semi-automatic rifle, chemical delivery systems, etc.) utilize a weapon of the same make, model, caliber, barrel length and stock as the weapons to which you will have access in the event that you qualify.
6. When assigned to a vehicle equipped with a shotgun, less-lethal shotgun, or rifle, be responsible for the proper care and security of those firearms during your tour of duty.
7. Use only less-lethal shotgun ammunition issued by the BPD with the less-lethal shotgun.
8. Do not store less-lethal equipment boxes and lethal shotgun boxes in the same vehicle.

**EXCEPTION:** Designated vehicles assigned to the Special Operations Section may be used to store less-lethal equipment boxes and lethal shotgun boxes together.

### **Commanding Officer**

1. Ensure that all sworn members under your Command complete all firearms proficiency qualifications once every calendar year.
2. Ensure that a member of your Command completes proficiency qualification with a newly Issued Firearm prior to being assigned duties which would require use of that firearm.
3. Upon notification that a member of your command has failed to qualify with a issued handgun:
  - 3.1. Adhere to procedures outlined in Policy 304, *Suspension Procedures*.
  - 3.2. Assign that member to administrative duties.
  - 3.3. Upon recommendation of the Firearms Training staff, schedule the member for remedial firearms training prior to a second qualification attempt.
  - 3.4. The MPCTC mandates through the Code of Maryland Regulations that a Police Officer who fails annual qualification must successfully complete qualification within 30 consecutive calendar days of the initial attempt and within the same calendar year as the initial attempt.
  - 3.5. Upon receipt of a report from the Director, PDTA, advising that a member under your command has failed to successfully complete the firearms proficiency qualification after 30 days, report the member for administrative action to the Chief, Management Services Division (MSD), via official channels. The Police Commissioner is required to report this failure to the MPCTC.
4. Ensure all Firearms Qualification Forms and any related administrative reports are filed in the member's personnel jacket.

### **Range Master/Designee**

1. Ensure that successful qualifications are properly documented when members successfully qualify with BPD Issued Firearms.
2. Ensure that when a member fails to qualify with a BPD issued handgun:
  - 2.1. If appropriate, have the member's weapon inspected by the Armory Unit or appropriate range personnel for proper sighting and mechanical functioning.
  - 2.2. Immediately notify the member of their failure to qualify and that their police powers are suspended. Follow procedures outlined in Policy 304, *Suspension Procedures*.
  - 2.3. Immediately notify the member's Commanding Officer that the member has failed to qualify and the member's police powers have been suspended.

- 2.4. Have the member read and sign a Suspension of Police Powers for Administrative and/or Medical Reasons, Form 153.
- 2.5. Sign the Suspension of Police Powers for Administrative and/or Medical Reasons, Form 153.
- 2.6. Maintain the original copy of the Suspension of Police Powers for Administrative and/or Medical Reasons form with the member's BPD issued handgun and other equipment, and provide copies to the affected member, the affected member's Commanding Officer, and the Director, PDTA.
- 2.7. Take possession from the member and store the following items:
  - 2.7.1. Firearm(s), ammunition, magazines, accessories (e.g., weapon-mounted flashlights), etc.
  - 2.7.2. Badge.
  - 2.7.3. BPD identification card(s).
  - 2.7.4. MPCTC Certification Card.
3. Ensure that the member is directed to immediately report to their assignment.
4. When a member is currently qualified with their BPD issued handgun, but then fails the test to requalify for an additional firearm (i.e. rifle, chemical delivery device, etc.), immediately revoke authorization to carry or use the additional weapon and take possession, if the member has the additional weapon personally assigned to them.
5. Ensure that additional firearms skills training for the failed member is provided, when appropriate.
6. Ensure that the member is scheduled for subsequent qualification attempts.
7. Provide the appropriate firearm for the member's subsequent qualification attempts.
8. Ensure that the member's re-qualification(s) is conducted and certified.
9. In the event a member fails after 30 days:
  - 9.1. Immediately notify the member's Commanding Officer.
  - 9.2. Forward an Administrative Report, Form 95, to the Director, PDTA, detailing attempts to retrain and qualify the member.
10. After the member's successful qualification within 30 days:
  - 10.1. Notify the member's Commanding Officer that the member has qualified.
  - 10.2. Return Issued Firearms and any other surrendered equipment to the member.

- 10.3. If this is a BPD issued handgun qualification, complete and have the member sign a Restoration of Police Powers, Form 213.
- 10.4. Provide copies of the completed Form 213 to the affected member and the Director, PDTA.

**Director, Professional Development and Training Academy (PDTA)**

1. Ensure that each member of the BPD is afforded an opportunity for firearms qualifications every calendar year.
2. Ensure each member's firearm qualification is certified by a MPCTC Certified Firearms Instructor, and is properly documented.
3. Ensure that when a member fires a weapon for qualification, and that weapon is not individually assigned or designated, such as departmental shotguns, automatic and semi-automatic shoulder firearms, and chemical delivery system weapons, the make, model, caliber, barrel length, and stock are recorded and maintained with the qualification score.
4. Forward completed qualification documentation and any accompanying administrative reports to the qualifying member's Commanding Officer.
5. Forward copies of completed qualification documentation to the Chief, MSD.
6. Upon receipt of an administrative report and a Suspension of Police Powers for Administrative and/or Medical Reasons form from the Range Master advising that a member has failed to qualify after 30 days, forward copies to the member's Commanding Officer, via official channels, and to the Chief, MSD.

**Armory Unit / Firearms Training Unit Armorer**

1. Evaluate and repair as needed all Issued Firearms or Approved Handguns.

**NOTE:** The Armory Unit shall maintain control over, and have authority to issue, exchange, loan, repair, or remove from service, all Issued Firearms. A loan of a firearm to a member should only be the same make, model, caliber, and type as a firearm for which the member is BPD qualified and MPCTC certified.

**Chief, Management Services Division (MSD)**

Forward correspondence from the affected member's Commanding Officer and the Director, PDTA concerning the failure of a member to qualify as required by this policy, along with your recommendations, to the Police Commissioner for final approval.

**APPENDIX B****Qualifying With and Carrying Approved Off-Duty Personal Handguns****Member**

1. After qualifying with and being issued a semi-automatic handgun as a service weapon, a member may apply to qualify with and carry off-duty or on-duty one or two personally owned semi-automatic handguns that meets departmental standards and specifications from the list below. None of the below listed weapons can be either Ported or Compensated.

## Category "A" Personal Handguns

- 1.1. Glock Model 22, .40 caliber semi-automatic handgun.
- 1.2. Glock Model 23, .40 caliber semi-automatic handgun.
- 1.3. Glock Model 27, .40 caliber semi-automatic handgun.

## Category "B" Personal Handguns

- 1.4. Glock Model 19, 9mm semi-automatic handgun.
- 1.5. Glock Model 26, 9mm semi-automatic handgun.
- 1.6. Glock Model 43, 9mm semi-automatic handgun.
- 1.7. Glock Model 42, .380 caliber handgun.

**NOTE:** Members approved to carry personally owned 9mm or .380 caliber handguns (Category "B" Personal Handguns) off-duty are not permitted to carry these handguns while on-duty.

**NOTE:** Only one Issued Firearm (handgun) or Approved Handgun may be carried at the same time while on-duty or off-duty.

2. Only those members departmentally trained with a .38 caliber revolver, who have successfully qualified with that revolver, may apply to carry while off-duty one personally owned .38 caliber revolver with a barrel length of not less than 2" or more than 4" that meets departmental standards and specifications, made by:
  - 2.1. Charter Arms.
  - 2.2. Colt.
  - 2.3. Ruger.
  - 2.4. Smith & Wesson.

**NOTE:** Members approved to carry a personally owned revolver off-duty will not be permitted to carry that weapon while on-duty.

3. Members may submit up to two personally owned handguns per calendar year for approval to be carried as an Approved Handgun for off-duty or on-duty use.
  - 3.1. Only one "Category A" handgun may be registered per calendar year.
  - 3.2. "Category B" handguns are for off-duty use only.
4. Police Officer Trainees may not be approved to carry a personal handgun.
5. If in a plain-clothes assignment and issued a semi-automatic handgun, members may carry a personal Glock Model 22, Model 23 or Model 27 while on-duty, in lieu of the departmental issued semi-automatic handgun, provided:
  - 5.1. The handgun has been approved by the Armory Unit in accordance with this policy.
  - 5.2. The member has qualified with that weapon.
  - 5.3. The member has obtained prior written authorization from their Commanding Officer.
  - 5.4. The member utilizes only Issued Ammunition in the weapon.
6. Prior to qualifying with and carrying a handgun off-duty:
  - 6.1. Complete Section 1 of an Application for Authorization to Carry an Off-duty Personal Handgun, Form 133.
  - 6.2. Submit the Application for Authorization to Carry an Off-duty Personal Handgun to the Armory Unit.
  - 6.3. Submit the weapon to the Armory Unit for inspection.
  - 6.4. Receive written approval of Authorization to Carry an Off-duty Personal Handgun.
7. Qualify with the desired off-duty handgun once every calendar year.
8. When relinquishing ownership of an Approved Handgun, submit an Administrative Report (Form 95) to your Commanding Officer.

### **Commanding Officer**

Ensure that documentation of all off-duty certifications (i.e. Approved Handguns) is maintained and renewed every calendar year for members under your command.

1. Upon notification that a member has relinquished ownership of an Approved Handgun, forward this information to the Director, PDTA.
2. File all applications and firearms certification and approval documentation in the member's personnel jacket.

**Armory Unit**

1. When examining a handgun for approval as an off-duty firearm:
  - 1.1. Ensure the handgun is in good working order.
  - 1.2. Initiate a National Crime Information Center (NCIC) check, and record the results of that check.
  - 1.3. Certify the weapon as inspected and passed or failed inspection in Section 2 of the Application for Authorization to Carry an Off-duty Personal Handgun form.
2. Record the handgun's make, model, caliber, serial number and date of inspection, as well as the member's name, rank and assignment, in a log to be maintained at the Armory Unit.
3. Forward the Application for Authorization to Carry an Off-duty Personal Handgun form to the Director, PDTA.
4. Evaluate and repair, as needed, all currently Approved Handguns.

**Director, Professional Development and Training Academy (PDTA)**

1. Ensure that each sworn member of the BPD is afforded an opportunity for firearms qualification every calendar year.
2. When a member who has applied for approval to carry an off-duty handgun qualifies with that handgun at the Range:
  - 2.1. Certify the qualification on a Firearms Qualification, Form 134.
  - 2.2. Record the certification of qualification in Section 3 of the Application for Authorization to Carry an Off-duty Personal Handgun form.
  - 2.3. Forward a copy of the completed Application for Authorization to Carry an Off-duty Personal Handgun form to the qualified member's Commanding Officer.
3. When a member fails to qualify to carry an off-duty personal handgun:
  - 3.1. Ensure that the Range Supervisor immediately revokes any existing approval that member possesses to carry that off-duty handgun.
  - 3.2. Forward written notification of the revocation of existing approval or denial of new approval to the member's Commanding Officer.