

10.2 Firearms Policy

No part of this General Order shall be construed as prohibiting or restricting deputies from engaging in firearms or shooting related hobbies or activities outside the Sheriff's Office. This Order applies only to weapons approved by the Sheriff for on or off duty use.

10.2.1 Firearms - General Information

Only those deputies authorized by the Sheriff may carry or use firearms for law enforcement purposes. Any deputy authorized to carry a firearm will meet the training guidelines set by the Maryland Police Correctional and Training Commissions (MPCTC) and/or the Sheriff prior to being authorized to carry the firearm. Only deputies who demonstrate proficiency in the use of approved firearms will be allowed to carry them. All officers will be issued a copy of, and be instructed in, the policies described in this General Order prior to being allowed to carry firearms.

All deputies authorized to carry firearms shall exercise the utmost care in the security of such weapons. When not in use, firearms must be kept in a secure place inaccessible to unauthorized persons. Maryland law provides criminal penalties for anyone convicted of leaving a loaded firearm in an unsecured place if the firearm is taken by a minor (see Annotated Code of Maryland, Criminal Law, Title 4. Weapon Crimes, § 4-104, child's access to firearms). Civil sanctions are also available against anyone who leaves a firearm where it is readily accessible to unauthorized persons if the weapon is used to inflict injury (intentional or accidental).

No deputy shall intentionally turn over any firearm to any person whom the deputy does not recognize as authorized to take the weapon. Authorized persons are:

- Armorer - for purpose of inspection or maintenance
- Firearms instructor - for purpose of training or inspection
- Superior officer - conducting weapons inspection
- Superior officer or Police investigator - conducting shooting investigation
- Employee of a secure facility for storage purposes while the deputy is inside the facility.

10.2.2 On-Duty Handguns

All deputies will be armed with their Office issued handguns while on duty, unless otherwise approved by the Sheriff or Chief Deputy. Such approvals will be made on a case-by-case basis. All handguns carried on duty shall be fully loaded.

10.2.3 Off-Duty/Back-Up Handguns

Deputies are permitted to carry one (1) back-up handgun in a concealed manner while on-duty. Deputies are also encouraged to carry an approved handgun off-duty, but are not required to do so unless operating a Sheriff's Office vehicle. Any deputy operating an Office vehicle must be armed with an approved handgun.

Any handgun carried for off-duty or back-up use must meet the following general requirements:

- loaded with Office approved ammunition;
- firearm make and model must be of reputable manufacture and history; and,
- approved in writing by the Training Administrator.

Additionally, the following specific requirements must be met:

- Semiautomatic - (1) double-action, at least on the first shot; (2) have a firing pin block, external safety, decocking lever, or constant double action; (3) slide locked open upon the last round fired; (4) caliber .380 ACP, 9mm, .40 S&W, .357 SIG, .45 GAP, or .45 ACP; and (5) the ability to grab the pistol from a flat surface and fire same without re-adjustment of grip or trigger finger.
- Revolver - (1) double action only; (2) possess a hammer block; (3) .38 to .45 caliber; and (4) employee must have completed a formal/certified revolver law enforcement training program.

Due to evolving technological advances and manufacturing preferences, it is impractical to publish a comprehensive and up-to-date list of acceptable firearms in this written directive. Consequently, any deputy interested in acquiring a

handgun for off-duty or back-up use is highly encouraged to consult with the Training Administrator prior to purchase.

Deputies carrying a firearm off-duty will also be armed with at least one (1) approved non-lethal weapon (e.g., baton or oleoresin capsicum). This requirement is intended to ensure that there are some means to bridge the use of force gap between empty hands and the firearm.

10.2.4 Holsters

Any holster for on-duty or off-duty carry must be approved by the Training Administrator. Approved holsters must have the following design characteristics:

- be designed for the gun being carried in it;
- have a covered trigger guard;
- have some sort of retention device; and
- fit securely on the deputy's person.

Uniform holsters will be the Office issue, unless otherwise approved by the Sheriff or Chief Deputy. Requests to use uniform holsters other than Office issue will be considered on a case-by-case basis.

10.2.5 Shotguns

Deputies are permitted to carry issued or personally owned shotguns. Personally owned shotguns must receive written approval of the Training Administrator prior to duty carry. Shotguns must be carried in the *car safe* condition as described in training.

Shotguns must be secured either in a shotgun case in the trunk of the Office vehicle or in a shotgun rack. As with all firearms, a deputy must annually qualify with the shotgun to receive/maintain authority to carry such a weapon on-duty.

10.2.6 Replacement Grips

With the permission of the Training Administrator and the Office's Armorer, deputies are allowed to have their grips replaced by the Office Armorer or factory-authorized gunsmith on issued firearms. Replacement grips must be designed for that firearm and must not in any way interfere with the weapon's normal operation. The Office will not incur any expense to replace grips.

Installation must be conducted by an Office Armorer or factory-authorized gunsmith.

Upon termination of service, Office replacement of the entire firearm, or a similar situation, deputies who have had non-factory grips installed on an issued firearm must either leave the parts on the gun permanently (essentially donating them to the Office) or have the original parts re-installed at the deputy's expense prior to the weapon being returned.

10.2.7 Ammunition

Deputies will load only approved ammunition in any firearm carried for on-duty or off-duty purposes. The Training Administrator will set the standards on ammunition loads.

Under no circumstances shall any deputy tamper with, change, or cause to have changed the physical or factory specified performance characteristics of any ammunition carried on-duty or off-duty.

10.2.8 Discharging of Firearms

Deputies may discharge firearms only under the following conditions:

- in self-defense or defense of another when deadly force would be justified;
- to destroy an animal that poses a significant threat to public safety, or as a humanitarian measure when an animal is seriously injured or suffering (NOTE: when dealing with a domesticated animal, if feasible, cursory efforts should first be taken to contact the owner prior to destruction);
- in formal firearms training;
- in recreational target practice, provided that the deputy complies with all local laws and ordinances, and with established safety rules; or,
- to summon assistance, and then only in extreme emergencies and only after all other means have been exhausted.

Warning shots are strictly prohibited. Firearms shall never be discharged from moving vehicles. Firearms should only be discharged at moving vehicles when deadly force is justified.

10.2.9 Investigation and Review of Discharge of Firearm

For the purpose of this section, the term communications unit shall mean the Sheriff's Office Communications Unit; or when the former is unavailable, the County Police Communications Unit.

Any discharge of firearms, intentional or accidental, should be investigated, with the exception of:

- firearms training or qualification;
- ballistic examination or testing; or
- destruction of an animal.

Any deputy who discharges a firearm (except as stated above) shall immediately notify the Communications Unit of the incident and location, and request any necessary medical aid. He/she is to secure the scene, and preserve and protect the firearm used and any ammunition. The deputy will submit the firearm to the first supervisor on the scene. The deputy is to prepare a detailed report as soon as is practical and make themselves available for official interviews, statements, and recall to duty. The deputy will not discuss the incident with anyone except supervisors and assigned investigators, Office legal advisors, and the deputy's union representatives and personal attorney.

The Communications Unit, upon notification of the incident, will notify the ranking supervisor and the immediate supervisor of the deputy involved. If the incident involves personal injury to anyone, the involved deputy's bureau commander will be notified.

The ranking supervisor on duty, upon notification of the incident, shall immediately respond to secure the scene, assist the deputy involved, and receive from the involved deputy any firearms and ammunition used in the incident. In cases where there is no injury, the items may be returned to the deputy. In cases with personal injury, the supervisor will retain the items and turn them over to the investigator assigned to the case. If the deputy is not placed on suspension, he/she shall be temporarily issued a replacement firearm from the Sheriff's armory at the earliest opportunity.

An outside law enforcement agency will be selected to coordinate an investigation involving any shooting incident by a member of this Office which results in personal injury or death.

10.2.10 Traumatic Incidents - Psychological Consultation Required

A "traumatic incident" is defined as a situation in which a person is seriously or fatally injured in the presence of or by a member of the Sheriff's Office.

Counseling will be required of, and provided to, employees who are involved in traumatic incidents. Deputies involved in traumatic incidents will be directed by their immediate supervisor to consult with a psychologist within 72 hours of the incident.

Deputies involved in traumatic incidents are guaranteed the highest level of confidentiality consistent with professional ethical standards. Any information imparted to the psychologist may not be transferred to anyone without written consent of the deputy, except when there is clear and immediate danger to the deputy or to others. The psychologist will provide to the Office a report as to the deputy's fitness for return to duty.

10.2.11 Qualifications

All deputies authorized by the Sheriff to carry firearms on-duty, to include handguns and shotguns, will be required to demonstrate proficiency by periodic firearms qualifications. Any deputy wishing to carry an off-duty or back-up handgun will be required to shoot one qualifying day score per calendar year with that gun. A deputy may only qualify with one off-duty or back-up weapon (e.g., one cannot qualify with 5 weapons, and alternate the carry of each). All deputies are required to have at least three magazines for any handgun with which they wish to qualify.

The Sheriff's Office will provide sufficient ammunition for each deputy to qualify with their issued handgun and shotgun, up to a maximum of three attempts to qualify with each weapon. Deputies wishing to qualify with personally owned firearms shall provide sufficient ammunition for the required qualifications at their own expense. Qualification with personally owned firearms will be done with approved service ammunition.

In accordance with guidelines set forth by the Code of Maryland Regulations (Title 12), the following procedures will be enforced during mandated qualifications sessions:

- Sworn personnel will be afforded two attempts to achieve a minimum qualifying score (70%) with a departmentally issued handgun on DAY and LOW LIGHT courses of fire, during a scheduled qualification. If an individual fails to achieve a minimum qualifying score after two attempts, he/she will be directed to return to the firearms range on the following business day for remediation and additional qualification opportunities.
- Immediately following a remediation session with a certified firearms instructor, the affected individual will be afforded two additional attempts to achieve a minimum qualifying score. If the individual fails to achieve a minimum qualifying score, he/she will be subject to administrative sanctions, to include: suspension of police powers and forfeiture of issued firearm, credentials and departmental vehicle.
- Any deputy who fails to achieve a qualifying score with the on-duty handgun shall immediately turn the handgun, all magazines, and all ammunition over to a sworn firearms instructor. The deputy will also turn over their Office ID card, issued badge, MPCTC certification card, and, if applicable, their issued departmental vehicle. The deputy is prohibited from exercising any police powers or law enforcement authority.
- Sworn personnel classified under administrative suspension will be enrolled in an intensive firearms remediation program. This formally outlined program will be facilitated through certified instructors, to include assistance from the firearms staff at the Maryland Police & Correctional Training Commissions. Individuals enrolled in this program must achieve a minimum qualifying score within 30 calendar days of the initial attempt.
- Failure to complete mandated qualifications within 30 calendar days will be reported to the Sheriff for review, at which time a decision will be made as to the Deputy's continued employment.

The above procedures became effective September 2012.