



MARYLAND CAPITOL POLICE OPERATIONS DIRECTIVE



Firearms Use

Distribution:	All Sworn Employees	Index:	OPS 08.02
Responsible Unit:	Support Services Division	Rescinds:	8-101
Issued:	July 2, 2019	Revised:	March 28, 2023

.01 Purpose

To delineate the MCP policy on the use of firearms by authorized police employees.

.02 Policy

Police employees authorized to utilize firearms will do so in accordance with applicable Federal and State laws, and this directive.

.03 Definitions

FEDERAL LAW ENFORCEMENT OFFICERS SAFETY ACT (LEOSA): 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.

MARYLAND TORT CLAIMS ACT: Provides State personnel, as defined in 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.

PRIMARY FIREARM: The firearm issued to an officer by the agency to carry while on duty. The current primary firearm is the Glock, Model 17, 9mm, semi- automatic handgun.

.04 Authority

[18 U.S.C. § 926\(B\).](#)

[MD. CODE ANN., PUB. SAFETY § 3-208.](#)

[MD CODE ANN. STATE FIN. & PROC. § 4-204.](#)

[MD CODE ANN. FAMILY LAW § 4-505 - §4-506.](#)

.05 Procedures

A. General Procedures

1. Police officers will only carry their MCP issued primary firearm while on-duty.
2. Police officers being interrogated during the course of an internal investigation will secure all firearms prior to being interrogated.
3. 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 agency policy.
4. 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 - A firearm may be utilized when the conditions permitting the use of deadly force are present as outlined in [OPS 08.01](#).
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. The incident will also be entered into [BlueTeam](#) as a show of force as outlined in [OPS 08.01](#).
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 their firearm to prevent damage, loss, or an accidental discharge.
 - 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 firearm 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 their firearm drawn.
 - d. When possible, officers should not handcuff or frisk a suspect who has resisted or fled until additional officers have arrived to assist. Prior to frisking or handcuffing the suspect, the officer should have their firearm holstered.
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 or 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;

OPS 08.02
Firearms Use

- (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. 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.
2. 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.
3. 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.
4. 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.
5. Use of a firearm is prohibited in any manner contrary to the use of force policy as outlined in [OPS 08.01](#).

D. Conditions Affecting an 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 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 and Using a Firearm Outside of Maryland While On-Duty

1. Agency-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. Information regarding pursuits that cross state or federal jurisdictional boundaries may be found in [OPS 16.05](#).
3. The authority to carry a firearm while on-duty outside of Maryland is governed by federal laws and the laws of the other state.
4. The authority to use a firearm, and any liability which may arise from such use, are governed by the laws of the other state.
5. The qualified immunity from civil liability that is applicable to officers and the MCP under the Maryland Tort Claims Act does not apply to actions taken outside of Maryland

OPS 08.02
Firearms Use

6. While on official duty outside Maryland, officers will only carry or use their MCP-issued primary weapon.
7. An officer intending to carry a firearm outside of Maryland on an assigned extradition or other official duty must know and abide by the relevant law of the states in which he expects to travel.
8. 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 vary from carrier to carrier, officers will contact the carrier to make sure they are in compliance with that carrier's policies and regulations.
8. An officer preparing for on-duty travel outside of Maryland will contact MCP Training Unit for information regarding current laws governing such action for the jurisdiction(s) to which the officer will be traveling.

F. Carrying a Firearm Off-Duty

1. While in Maryland
 - a. Police officers wearing, carrying or transporting their MCP issued primary firearm or other department approved firearm while off-duty in Maryland will have their MCP identification, badge and MPTSC card in their possession.
 - b. Officers engaged in approved secondary employment may carry their primary firearm while working.
 - c. Police officers 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 during annual firearms training, the best practice is to not mix firearms with alcohol or prescription drugs.
2. While outside of Maryland
 - a. LEOSA governs the carrying of firearms by law enforcement officers outside the State of Maryland.
 - b. Police officers must 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.

G. 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, MPTSC card, agency-issued firearms, magazines, and issued weapon-carrying case to a supervisor.
2. After a supervisor receives the equipment from the officer, they will immediately notify the employee's commander and the Range Master so the weapon can be placed into regular inventory for safekeeping until the officer returns to duty.

H. Protective Orders Issued Against Police Employees

OPS 08.02
Firearms Use

1. Certain provisions of the Violent Crime Control and Law Enforcement Act of 1994 prohibit 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 agency is not in violation, any police officer who is the subject of a domestic violence related protective order is required to notify his Commander immediately upon the issuance or as soon as the officer becomes aware of the issuance of such an order.
4. The employee's Commander will:
 - a. immediately suspend the officer's police powers;
 - b. take possession of the following items from the officer:
 - (1) Agency issued firearms;
 - (2) Magazines with all ammunition;
 - (3) Issued badges;
 - (4) MCP identification card;
 - (5) MPTSC officer certification card;
 - (6) Assigned vehicle, if applicable.
 - c. notify the Chief of Police or his designee.
5. If, under [MD CODE ANN. FAMILY LAW § 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 their Commander or other competent law enforcement authority.

Approved:



Colonel Michael S. Wilson
Chief of Police 03/28/2023