



RECOVERED FIREARMS

INDEX CODE: 1201.2
EFFECTIVE DATE: 06-06-22

Contents:

- I. Purpose
- II. Definitions
- III. Handling of Firearms
- IV. Recovering Officer Responsibilities
- V. Firearm Surrenders/Seizures/Transfers related to a Disqualifying Domestically Related Crime Conviction/PBJ (Title 6-234 of the Criminal Procedure Article; Protective Orders (Title 4-505 – 506 of the Family Law Article); Extreme Risk Protective Orders (Title 5-601 – 610 of the Public Safety Article); and firearm seizures at domestic violence scenes (Title 4-511 of the Family Law Article).
- VI. Property Management Responsibilities
- VII. Firearm Examination/National Integrated Ballistic Information Network (NIBIN)
- VIII. Handgun Forfeiture
- IX. Proponent Unit
- X. Cancellation

I. PURPOSE

This directive establishes special guidelines concerning the handling, processing and release of recovered firearms. These guidelines are in addition to the property procedures established in Index Codes 1201, 1201.1 and 1201.3, as well as specific firearms seizure guidelines under Index Code 1603.4.

II. DEFINITIONS

A. Handgun

Any pistol, revolver, short-barreled shotgun or short-barreled rifle capable of being concealed on a person. (Note: Starter pistols, BB/Pellet guns, matchlock, flintlock, percussion cap firearms and any firearm manufactured in or before 1898 are not considered handguns).

B. Shotgun

A weapon that is designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore one or more projectiles for each pull of the trigger.

C. Short Barreled Shotgun

A shotgun having one or more barrels less than eighteen (18) inches in length and any firearm made from a rifle (whether by alteration, modification or otherwise) if such a firearm, as modified, has an overall length of less than twenty-six (26) inches.

D. Rifle

A weapon that is designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

E. Short Barreled Rifle

A rifle having one or more barrels less than sixteen (16) inches in length and any firearm made from a rifle (whether by alteration, modification, or otherwise) if such firearm, as modified, has an overall length of less than twenty-six (26) inches.

F. Firearm

For the purposes of this Index Code, a “firearm” is a handgun, rifle, shotgun, short barreled shotgun, and short barreled rifle; and antique, black-powder, curio, or relic pistols and long guns even though such weapons may not meet the legal definition of a firearm.

G. Regulated Firearm

A “regulated firearm” is a handgun (as described above) or a firearm that is a specified assault weapon or their copies, regardless of which company produced or manufactured that assault weapon (see appendix A for a list of assault weapons).

H. Disqualifying Crime (Public Safety Article Title 5-101)

A crime of violence (abduction, arson in the first degree, assault in the first or second degree, burglary in the first, second or third degree, carjacking and armed carjacking, escape in the first degree, kidnapping, voluntary manslaughter, maiming as previously proscribed under former Article 27-386, mayhem as previously proscribed under former Article 27-384, murder in the first or second degree, rape in the first or second degree, robbery, robbery with a dangerous weapon, sexual offense in the first, second or third degree, home invasion under Title 6-202(b) of the Criminal Law Article, and attempt to commit any of these offenses, or assault with intent to commit any of these crimes); A violation classified as a felony in the State; or A violation classified as a misdemeanor in the State that carries a statutory penalty of more than 2 years.

I. Convicted of Disqualifying Crime (Public Safety Article Title 5-101)

A case in which a person is convicted, or receives probation before judgement for a crime of violence; and a case in which a person is convicted or received probation before judgement for a domestically related crime (as defined in the Criminal Procedure Article Title 6-233). A disqualifying crime does not include a case in which the person received probation before judgement for assault in the second degree, unless the crime was domestically related as defined in Title 6-233 of the Criminal Procedure Article; or if the case was expunged under Title 10 Subtitle 1 of the Criminal Procedure Article.

J. Domestically Related Crime (Criminal Procedure Article Title 6-233)

A crime committed by a defendant against a victim who is eligible for relief, as defined in Title 4-501 of the Family Law Article (a current or former spouse of the respondent; a cohabitant of the respondent; a person related to the respondent by blood, marriage or adoption; a parent, stepparent, child or stepchild of the respondent or the person eligible for relief who resides or resided with the person eligible for relief for at least 90 days within 1 year of the commission of the crime; a vulnerable adult; an individual who has a child in common with the respondent; or an individual who has had a sexual relationship with the defendant within 12 months before the commission of the crime).

III. HANDLING OF FIREARMS

Officers will exercise the utmost care and caution in the handling and preservation of recovered firearms. All personnel recovering and/or handling firearms involved in or possibly involved in a crime should wear clean disposable gloves and take measures to protect any latent/forensic evidence (fingerprints, DNA, etc.) that may be on the firearm or on any parts of the firearm, such as magazines, etc. The same consideration should be made when handling associated ammunition.

It is the responsibility of the officer recovering a firearm to unload and render the firearm safe prior to placing the firearm in any storage facility or in Property Management. If an officer recovers a firearm, which he/she is not familiar with, it is the responsibility of that officer to seek assistance from an officer with the knowledge to disarm the firearm properly.

IV. RECOVERING OFFICER RESPONSIBILITIES

A. Firearm Ownership Determination

UNDER NO CIRCUMSTANCES WILL ANY OF THESE WEAPONS BE RETURNED DIRECTLY TO THE OWNER OR ANY OTHER INDIVIDUAL.

The recovering officer will conduct an immediate investigation to determine the ownership of the recovered firearm. The recovering officer will check the firearm's serial number through NCIC via tele-type and the Maryland Gun Center. It will not be assumed that the person the firearm was recovered from is the legal owner of the firearm. It is the responsibility of the seizing officer to notify Property Management of the lawful owner of a firearm. If ownership is established after the Offense/Incident Report has been submitted and has already been approved by a supervisor, the recovering officer will document the ownership information on a Supplement Report in the records management system. The officer will add the firearm on the "Property Card" of the Supplement Report by selecting the firearm from the property previously entered. The officer will edit the firearm item on the "Property Side Panel" to add the owner information. If the Offense/Incident Report is still in Draft or Pending Supervisor Review status, the officer can edit the owner information on the "Property Card" on the Offense/Incident Report and resubmit the report for Supervisor Review.

B. Packaging of Firearms

Firearms will be packaged according to guidelines set forth in Index Code 1201, Section IV including affixing the label produced from the records management system to the exterior of the packaging container. Firearms and ammunition will be packaged separately. Personnel should not clean or place anything in the barrel, chamber, cylinder, trigger/trigger guard, hammer or magazine well of a firearm, such as zip-ties or similar items; or place anything on the firearm, such as tape. Personnel should not disassemble a firearm to render the firearm "safe" as this could negatively impact the ability of forensic evidence to be collected from the firearm.

1. All Firearms (handguns, rifles and shotguns) recovered as evidence requiring forensic laboratory processing (i.e. Fingerprints or DNA); and firearms contaminated with blood or other bio-hazardous material will be packaged in an appropriate cardboard box. The "Biohazard – Yes" attribute will be selected on the Property Side Panel in the records management system.
2. All Firearms (handguns, rifles and shotguns) recovered as a result of a Protective Order or Extreme Risk Protective Order will be packaged in an appropriate cardboard box or owner supplied gun case.
3. All handguns recovered as evidence (regardless if forensic laboratory processing is needed) will be packaged in an appropriate cardboard box.
4. All other handguns recovered for safekeeping, etc. will be packaged in either an appropriate cardboard box or gun case.
5. All other rifles and shotguns may be submitted to Property Management as is with the evidence/property label affixed directly to the rifle or shotgun.
6. A copy of any court order, and appropriate receipt (PD 1201.2A PD 1201.2B, will also accompany all firearms surrendered or transferred as a result of a Protective Order; an Extreme Risk Protective Order; or related to a Domestically Related Crime Conviction.

C. Storage Procedures

Firearms will be placed in designated lockers within the building at District Stations. If this is not practical due to space, firearms will be transported to another District station or arrangements will be made with Property Management personnel to transport directly to Property Management. No firearms can be stored in bulk temporary storage locations.

D. Required Reports

Whenever a firearm is recovered by a law enforcement officer for any reason, the officer will complete an Offense/Incident Report (or a Supplement Report if the Offense/Incident Report related to the offense/incident has previously been submitted), including describing the firearm by make, model, serial number, caliber, and any other identifying characteristics on the Property Card side panel of the report. The name and address of the owner will be included in addition to the person the firearm was in possession of when recovered, if different from the owner. The Offense/Incident Report must be submitted to the records management system prior to the end of the officer's shift.

All handguns recovered as pursuant to a violation of CR 4-203 of the Annotated Code of Maryland (unlawful wearing, carrying, transportation or use of a handgun) are subject to forfeiture to the State of Maryland and the following guidelines will be followed:

1. The Property Status of "Handgun Forfeiture (CP-13-201)" will be added to the Property Card side panel for handguns seized pursuant to Section CP 13-201, even if the possessor of the handgun is not charged with violating CR 4-203 (Wearing/Carrying/Transporting Handgun). When a handgun is being held for violations of CR 4-203, it is the responsibility of the arresting officer to notify Property Management of when and how the charges have been adjudicated.
2. If it is determined that the handgun was reported stolen prior to its recovery or seizure by the Police Department, the appropriate Property Status(es) will be added to the Property Card side panel in addition to "Firearm Forfeiture (CP-13-201)" ("Stolen," "Recovered Stolen," etc.). The owner will be advised to apply to Property Management for return of the handgun.

V. FIREARM SURRENDERS/SEIZURES/TRANSFERS RELATED TO A DISQUALIFYING DOMESTICALLY RELATED CRIME CONVICTION/PBJ (TITLE 6-234 OF THE CRIMINAL PROCEDURE ARTICLE; PROTECTIVE ORDERS (TITLE 4-505 – 506 OF THE FAMILY LAW ARTICLE); EXTREME RISK PROTECTIVE ORDERS (TITLE 5-601 -610 OF THE PUBLIC SAFETY ARTICLE); AND FIREARM SEIZURES AT DOMESTIC VIOLENCE SCENES (TITLE 4-511 OF THE FAMILY LAW ARTICLE).

A. Disqualifying Domestically Related Crime Conviction/PBJ Transfer Orders (Title 6-234 of the Criminal Procedure Article)

1. When a defendant is convicted or pleads guilty to a disqualifying crime that the court determines to be a domestically related crime, the court shall inform the defendant, both verbally and in a written notice to be signed by the defendant, that the defendant is: Prohibited from possessing a regulated firearm under Section 5-133 of the Public Safety Article; Prohibited from possessing a rifle or shotgun under Section 5-205 of the Public Safety Article; and Ordered to transfer all regulated firearms, rifles, and shotguns owned by the defendant or in the defendant's possession to a State or local law enforcement officer or to a federally licensed firearms dealer.

The Court shall order the defendant to transfer all regulated firearms, rifles, and shotguns owned by the defendant or in the defendant's possession. This transfer shall be made within two (2) business days after the conviction to a State or local law enforcement officer or to a federally licensed firearms dealer. A person ordered to surrender a regulated firearm, rifle, or shotgun under this section may designate a representative to transfer the firearm for them.

2. Procedure for Accepting Firearm Transfers

Any officer accepting firearm transfers from a defendant or defendant's representative related to Title 6-234 of the Criminal Procedure Article must do the following in addition to the other procedures related to firearms within this Index Code:

- a. Verify identity of the defendant or defendant's representative.
- b. Complete a Firearms Transfer Receipt (PD 1201.2B), including obtaining the signature of the defendant or defendant's representative. Additional forms can be used if there are more than 12 firearms being transferred. The defendant's or defendant's representative's signature must be on all pages.

- c. Make a copy of the “Order to Surrender Firearm for Domestically Related Offense under Criminal Procedure 6-234” provided by the defendant or defendant’s representative.
- d. Fax a copy of the completed Firearm Transfer Receipt (PD 1201.2B) and a copy of the “Order to Surrender Firearm for Domestically Related Offense under Criminal Procedure 6-234” to the Sheriff’s Office (410-222-1231).
- e. Submit a PDF copy of the completed Firearm Transfer Receipt (PD 1201.2B) and a copy of the “Order to Surrender Firearm for Domestically Related Offense under Criminal Procedure 6-234” as an attachment to the Offense/Incident Report (Incident Type, “Court Order (Service of)).
- f. Provide the defendant/defendant’s representative with a copy of the Firearms Transfer Receipt.
- g. Submit the original copy of the Firearm Transfer Receipt (PD 1201.2B) and the original copy of the “Order to Surrender Firearm for Domestically Related Offense under Criminal Procedure 6-234” with the firearm(s).

3. Defendants/Defendant’s Representatives Transporting Firearms

Title 5-133(f) and 5-205(c) of the Public Safety Article allows the defendant or the defendant’s representative to transport his/her firearm(s) that he/she owns or possesses, to a police station or federally licensed firearms dealer, without the threat of being charged with possession of a firearm by a prohibited person.

- a. The defendant/defendant’s representative must be carrying the court order requiring the surrender of the firearm(s).
- b. The firearm(s) must be unloaded.
- c. If transporting the firearm(s) to a police district station, the defendant/defendant’s representative must notify the district station that the firearm is being transported in accordance with the order.
- d. The defendant/defendant’s representative must transport the firearm directly to the police district station or federally licensed firearms dealer.
- e. If transporting the firearm(s) to a police district station, the defendant/defendant’s representative must leave the firearm(s) in their vehicle upon arrival at the police district station and will not bring the firearm(s) into the district without police assistance.
- f. Any officer receiving a call that a defendant/defendant’s representative will be transporting firearms to a police district station, will notify the defendant/defendant’s representative of the above requirements, and make note of it in the district Firearms Surrender/Transfer Notification Log (PD 1201.2C).

B. Protective Orders (Title 4-505 – 506 of the Family Law Article); Extreme Risk Protective Orders (Title 5- 601 – 610 of the Public Safety Article); and Firearm Seizures from Domestic Violence Scenes (Title 4- 511 of the Family Law Article).

1. Procedure for Seized and Surrendered Firearms and/or Ammunition

Any officer seizing firearms and/or ammunition or receiving surrendered firearms and/or ammunition related to any of these laws must do the following in addition to the other procedures related to firearms within this Index Code:

- a. Verify identity of the respondent/defendant.
- b. Complete a Firearms/Ammunition Receipt (PD 1201.2A), including obtaining the signature of the respondent/defendant. Additional forms can be used if there are more than 15 firearms being transferred. The respondent’s/defendant’s signature must be on all pages.
- c. If the seizure/surrender is related to a Protective Order or Extreme Risk Protective Order, make a copy of the Order.
- d. Submit a PDF copy of the completed Firearms/Ammunition Receipt (PD 1201.2A) and a copy of the Protective Order or Extreme Risk Protective Order (if applicable) as an attachment to the Offense/Incident Report (Incident Type, “Court Order (Service of)).
- e. Provide the respondent/defendant with a copy of the Firearms/Ammunition Receipt (PD 1201.2A).
- f. Submit the original copy of the Firearms/Ammunition Receipt (PD 1201.2A) and the original copy of the Protective Order or Extreme Risk Protective Order (if applicable) with the firearm(s).

2. Respondents of Protective Orders and Extreme Risk Protective Orders Transporting Firearms

Title 5-133(e) and 5-205(c) of the Public Safety Article allows respondents of Civil Protective Orders to transport his/her firearm(s) that he/she owns or possesses to a police station for the purpose of surrendering said firearms in compliance with the Civil Protective Order, without the threat of being charged with possession of a firearm by a prohibited person.

- a. The respondent must be carrying the Civil Protective Order requiring the surrender of the firearm(s).
- b. The firearm(s) must be unloaded.
- c. If transporting the firearm(s) to a police district station, the respondent must notify the district station that the firearm is being transported in accordance with the Civil Protective Order.
- d. The respondent must transport the firearm directly to the police district station.
- e. The respondent must leave the firearm(s) in their vehicle upon arrival at the police district station and will not bring the firearm(s) into the district without police assistance.
- f. Any officer receiving a call that a respondent will be transporting firearms to a police district station, will notify the respondent of the above requirements, and make note of it in the district Firearms Surrender/Transfer Notification Log (PD 1201.2C).

VI. PROPERTY MANAGEMENT RESPONSIBILITIES

A. Handguns

Property Management personnel, upon receipt of the handgun, will run an ATF e-trace of the firearm, unless the firearm is being directly submitted for examination to the AAPD Firearms Examiner. In this case, the AAPD Firearms Examiner will conduct the ATF e-Trace. A copy of the results of the ATF e-trace performed by a Property Management Firearms Investigator will be maintained in the Property Management Firearms File.

The Property Management Firearms Investigator will examine all handguns to confirm that they meet the definition of a handgun, as defined in CR 4-201c of the Annotated Code of Maryland.

B. Rifles and Shotguns

A Property Management Firearms Investigator, upon receipt of the rifle or shotgun, will run an ATF e-trace of the firearm, unless the firearm is being directly submitted for examination to the AAPD Firearms Examiner. In this case, the AAPD Firearms Examiner will conduct the ATF e-trace. A copy of the results of the ATF e-trace performed by a Property Management Firearms Investigator will be maintained in the Property Management Firearms File.

A Property Management Firearms Investigator will conduct examinations of all rifles and shotguns to confirm that they meet the definition of a rifle or shotgun, as stated in Article CR 4-201e and CR 4-201h of the Annotated Code of Maryland.

C. Release of Firearm

Only the property Management Section may release firearms once authority to release is obtained from the recovering officer. Firearms may be held only as permitted under the terms of Index Code 1201.3. If the firearm is not needed for evidentiary purposes or for any reason permitted under Index Code 1201.3, the recovering officer must notify the Property Management Section so that it may be released. If the recovering officer has a reason to believe that the owner may not legally possess a firearm as provided below, he/she should notify Property Management of the information available, but must indicate that the firearm may be released. The commander of the Property Management Section will review all cases involving recovered firearms and will make the determination as to whether they will be returned to the owner.

Federal Law 18 U.S.C. 922(g)

Under the authority of United States, 18 U.S.C. 922(g), a person is not legally entitled to receive, possess, ship, or transport any firearm if any of the following apply:

1. If he/she has ever been convicted of a crime (felony or misdemeanor) that carries a possible penalty of more than one year incarceration (even if he/she was not sentenced to incarceration).
2. If he/she is a fugitive from justice.

3. If he/she is an unlawful abuser of, or addicted to, any controlled dangerous substance.
4. If he/she has been adjudicated as mentally defective, or has been committed to any mental institution.
5. If he/she is an alien illegally or unlawfully in the United States.
6. If he/she has a dishonorable discharge from any of the armed services.
7. If he/she has renounced United States citizenship.
8. If he/she is subject to a court order that restrains the person harassing, stalking, or threatening an intimate partner or child of such intimate partner.
9. If he/she is less than 18 years of age, to receive, possess, ship, or transport any rifle or shotgun or is less than 21 years of age to receive, possess, ship, or transport any handgun.
10. If he/she has been convicted of a crime of domestic violence as defined in United States, 18 U.S.C. and Index Code 1604.

Maryland State Law PS 5-133

Under the authority of Maryland State Law Public Safety 5-133, no person may possess a regulated firearm (all handguns and selected long arms as specified in Maryland Law Public Safety 5-101(See Appendix A) if any of the following apply:

1. If he/she has been convicted of a crime of violence (as defined in Title 5-101 of the Public Safety Article).*
2. If he/she has been convicted of a felony.*
3. If he/she has ever been convicted of a misdemeanor that carries a possible penalty of more than two years incarceration (even if he/she was not sentenced to incarceration).*
4. If he/she has ever been convicted of a Common Law offense and received a term of incarceration in excess of two years.*
5. If he/she is a fugitive from justice.
6. If he/she is a habitual drunkard. If they have been convicted three or more times for driving intoxicated or impaired if one of the convictions occurred within one year.
7. If he/she is an addict or habitual user of any controlled dangerous substance. If they have been convicted two or more times for any controlled dangerous substance violation if one of the convictions occurred within five years.
8. If he/she has a history of violent behavior against himself or others and suffers from a mental disorder as defined in 10-101 (f)(2) of the Health-General Article.
9. If he/she has been found incompetent to stand trial under 3-106 of the Criminal Procedure Article.
10. If he/she has been found no criminally responsible under 3-110 of the Criminal Procedure Article.
11. If he/she has been voluntarily admitted for more than 30 consecutive days to a facility as defined in 10-10 of the Health-General Article
12. If he/she has been involuntarily committed to a facility as defined in 10-101 of the Health-General Article.
13. If he/she is under the protection of a guardian appointed by a court order under 13-201 (c) or 13-705 of the Estates and Trusts Article, except for cases which the appointment of a guardian is solely a result of a physical disability.
14. If there is a current non-ex parte civil protection order entered against the person under 4-506 of the Family Law Article or an order for protection under 4-508.1 of the Family Law Article. These orders can also be issued by a court of another state or a Native American tribe. This does not apply to a respondent transporting a regulated firearm if the respondent is carrying a civil protective order requiring the surrender of the regulated firearm and the regulated firearm is unloaded, the respondent has notified the police that the regulated firearm is being transported in accordance with the civil protection order and the respondent transports the regulated firearm directly to the police station.
15. If he/she is under the age of 30 years at the time of possession, has been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult.

* Convicted of this disqualifying crime includes a case in which a person received probation before judgment for a crime of violence and a case in which a person received probation before judgment in a domestically related crime as defined in 6-233 of the Criminal Procedure Article. Convicted of disqualifying crime does not include a case in which a person received a probation before judgment for assault in the second degree or that was expunged under Title 10, Subtitle 1 of the Criminal Procedure Article.

Maryland State Law PS 5-205

Under the authority of Maryland State Law Public Safety 5-205, no person may possess a rifle or shotgun if any of the following apply:

1. If he/she has been convicted of a crime of violence (as defined in Title 5-101 of the Public Safety Article).*
2. If he/she has been convicted of a felony.*
3. If he/she has ever been convicted of a misdemeanor that carries a possible penalty of more than two years incarceration (even if he/she was not sentenced to incarceration).*
4. If he/she has ever been convicted of a Common Law offense and received a term of incarceration in excess of two years. *
5. If he/she is a fugitive from justice.
6. If he/she is a habitual drunkard. If they have been convicted three or more times for driving intoxicated or impaired if one of the convictions occurred within one year.
7. If he/she is an addict or habitual user of any controlled dangerous substance. If they have been convicted two or more times for any controlled dangerous substance violation if one of the convictions occurred within five years.
8. If he/she has a history of violent behavior against himself or others and suffers from a mental disorder as defined in 10-101 (f)(2) of the Health-General Article.
9. If he/she has been found incompetent to stand trial under 3-106 of the Criminal Procedure Article.
10. If he/she has been found no criminally responsible under 3-110 of the Criminal Procedure Article.
11. If he/she has been voluntarily admitted for more than 30 consecutive days to a facility as defined in 10-10 of the Health-General Article
12. If he/she has been involuntarily committed to a facility as defined in 10-101 of the Health-General Article.
13. If he/she is under the protection of a guardian appointed by a court order under 13-201 (c) or 13-705 of the Estates and Trusts Article, except for cases which the appointment of a guardian is solely a result of a physical disability.
14. If there is a current non-ex parte civil protection order entered against the person under 4-506 of the Family Law Article or an order for protection under 4-508.1 of the Family Law Article. These orders can also be issued by a court of another state or a Native American tribe. This does not apply to a respondent transporting a rifle or shotgun if the respondent is carrying a civil protective order requiring the surrender of the rifle or shotgun and the rifle or shotgun is unloaded, the respondent has notified the police that the rifle or shotgun is being transported in accordance with the civil protection order and the respondent transports the rifle or shotgun directly to the police station.
15. If he/she is under the age of 30 years at the time of possession, has been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult.

* Convicted of a disqualifying crime includes a case in which a person received probation before judgment for a crime of violence and a case in which a person received probation before judgment in a domestically related crime as defined in 6-233 of the Criminal Procedure Article. Convicted of disqualifying crime does not include a case in which a person received a probation before judgment for assault in the second degree or that was expunged under Title 10, Subtitle 1 of the Criminal Procedure Article.

Maryland State Law FL 4-511

Under Family Law Article 4-511, when an officer seizes a firearm in a domestic violence or family violence incident (see index codes 1604 and 1605), the owner may not resume possession of the firearm until the conclusion of the proceeding on the alleged act of domestic violence.

VII. FIREARMS EXAMINATION/NATIONAL INTEGRATED BALLISTIC INFORMATION NETWORK (NIBIN)

A. Through a Memorandum of Understanding (MOU) with the Prince Georges County Police Department Forensic Sciences Division, the Anne Arundel County Police Department (AAPD) Firearms Examiner will perform all firearms examinations and National Integrated Ballistic Information Network (NIBIN) entries at the Prince Georges County Police Department Firearms Examination Unit (PGPD-FEU).

B. The following types of firearms that were used in a crime (including CR 4-203), suspected of being used in a crime or recovered under suspicious circumstances (i.e. found on the side of road, secreted in a public area, seized related to a CDS violation, etc.) will be test fired for the purposes of collecting casings and shells to be entered into NIBIN following NIBIN submission guidelines and policies: Semi- automatic handguns; “AR” and “AK” style rifles; rifles chambered for handgun rounds; and 12 gauge shotguns. Note: Firearms without a nexus to a criminal investigation and firearms seized or turned-in pursuant to protective orders will not be test fired for the purposes of NIBIN entry.

C. Semi-automatic Handgun casings; “AR” and “AK” style rifle casings; and 12 gauge shotgun shells recovered from contact and non-contact shootings, vandalisms, etc. will also be submitted for entry into NIBIN following NIBIN submission guidelines and policies.

D. If a firearm suspected to have been used in a crime is recovered; and there are fired projectiles and/or casings/shotgun shells suspected of being fired from the firearm also in evidence, the investigator will consult with an Evidence Collection & Identification Unit Evidence Coordinator and a Property Management Firearms Investigator. In these cases, the test firing and all examinations will most likely be performed at the PGPD-FEU by the AAPD Firearms Examiner.

E. In cooperation with the PGPD-FEU, trained Firearms Investigators of the Anne Arundel County Police Property Management Firearms Section will utilize the Savage Range Forensic Buddy Bullet Recovery System to obtain fired casings/shells for entry of the ammunition components into the National Integrated Ballistics Identification Network (NIBIN). The casings/shotgun shells and recovered projectiles (if applicable) will be entered into the evidence tracking system and packaged together in a security sealed evidence envelope that displays the appropriate barcode label and standard evidence recovery information.

6. Property Management Firearms Investigators and Evidence Collection & Identification Section Evidence Coordinators will coordinate the delivery and pick-up of test fires, firearms and related evidence to and from the PGPD-FEU.

7. Upon completion of examinations conducted by the AAPD Firearms Examiner at the PGPD-FEU, the test fires, firearms and related evidence will be returned to the Property Management Section accompanied by the written results of the examinations performed. The Firearms Examination Reports will be sent to the Evidence Coordinators, and to the Firearms Investigators within Property Management. The Evidence Collection Unit will be responsible for adding the Firearms Examination Reports to the records management system as an attachment related to the assigned report numbers in the records management system. In the event of a firearm evidence match, Property Management will place a hold on the case evidence and notify the investigating officer.

VIII. HANDGUN FORFEITURE

If a handgun is seized pursuant to CR 4-203 (unlawful wearing, carrying or transportation of a handgun), the Property Management Section Commander will determine whether the owner could or should have known the handgun was worn, carried or transported in violation of Maryland law. The review will be governed by the provisions set forth in Maryland Law CP 13-204 and the Property Management Section SOP's. Handguns that are reported stolen prior to their seizure by the police department may be returned to the owner following an appropriate inquiry and finding by the Property Management Commander. If the Property Management Section Commander determines a handgun is worn, carried or transported in violation of CR 4-203, he/she may order the handgun forfeited and destroyed upon the final approval of the Chief of Police or his/her designee.

IX. PROPONENT UNIT: Property Management Section & Evidence Collection & Identification Section.

X. CANCELLATION: This directive cancels Index Code 1201.2, dated **03-04-22**.