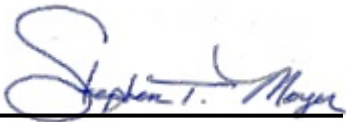


Secretary's Directive



Title: Carrying or Displaying Personally-Owned Firearms	Secretary's Directive Number: DPSCS.050.0047 Revised
Related MD Statute/Regulations: Correctional Services Article, §2-103, Annotated Code of Maryland	Supersedes: DPSCS.050.0047 dated 05/06/15 and DOC.050.0039 (formerly DCD 50-39) dated 09/15/06
Related ACA Standards: 4-ALDF-2B-04; 4-4204	Responsible Authority:  Chair — Use of Force Steering Committee
Related MCCS Standards: N/A	Effective Date: June 30, 2017 Number of Pages: 5



Stephen T. Moyer
Secretary

.01 Purpose.

This directive revises current policy for the Department of Public Safety and Correctional Services (Department) for carrying or displaying a personally-owned firearm when commuting to and from an employee's work assignment and during hours of work.

.02 Scope.

This directive applies to all Department employees.

.03 Policy.

- A. Except under provisions of §.05D of this directive, an employee may not possess or carry a personally-owned firearm during hours of work.
- B. An employee may not display a personally-owned firearm while wearing a Department uniform or other item that identifies the individual as a Department employee, such as a badge, identification card, or other non-uniform clothing displaying the Department or unit name or emblem.
- C. An employee may not display or use a personally-owned firearm in a manner that could reasonably be interpreted as being related to official Department duties or responsibilities.
- D. An employee shall comply with federal and State statutes and regulations governing the purchase, ownership, possession, carrying, and use of a personally-owned firearm.

.04 Definitions.

- A. In this directive, the following terms have the meanings indicated.
- B. Terms Defined.

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- (1) Employee.
 - (a) "Employee" means an individual assigned to or employed by the Department in a full-time, part-time, temporary, or contractual position.
 - (b) "Employee" includes:
 - (i) A special appointee;
 - (ii) A volunteer; or
 - (iii) An intern.
- (2) "Facility" means a structure or space used, owned, or leased by the Department to conduct Department administrative or operational activities.
- (3) Firearm.
 - (a) "Firearm" means:
 - (i) A weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive; or
 - (ii) The frame or receiver of such a weapon.
 - (b) "Firearm" includes a starter gun.
- (4) "Hours of work" means time spent performing Department responsibilities for which an employee receives compensation from the Department.
- (5) "May not" means absolute prohibition, not a term of permission.
- (6) "Personally-owned firearm" means a firearm that is not Department property.

.05 Responsibility.

A. The Department is not obligated to provide:

- (1) Secure lockers for an employee to secure a personally-owned firearm during the employee's hours of work; or
- (2) Trigger locks or storage lockers required under §.05C(2)(b) of this directive to secure a personally-owned firearm in the employee's personal vehicle.

B. At a correctional facility that has gun lockers and a loading and unloading station available, an employee legally possessing a personally-owned firearm may be permitted to store that personally-owned firearm in the gun locker according to the following procedures:

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- (1) The employee shall unload the personally-owned firearm at the designated loading and unloading station;
- (2) If the personally-owned firearm is:
 - (a) A revolver, the cylinder shall remain open; or
 - (b) Equipped with a slide action, the slide shall be locked open; and
- (3) The employee shall surrender the unloaded personally-owned firearm, ammunition, and permit authorizing the employee to carry the personally-owned firearm for placement in the gun locker.
- (4) Personally-owned firearms that cannot be rendered safe by opening the cylinder or locking the action open shall not be stored in a Department facility.
- (5) Upon receipt of a personally-owned firearm under §.05B(3) of this directive, the post officer shall:
 - (a) Secure the personally-owned firearm, ammunition, and permit in a secure gun locker;
 - (b) Enter the placement in the appropriate log;
 - (c) Provide the key to the gun locker to the employee to maintain until the employee leaves the facility; and
 - (d) When the employee presents the key to retrieve the employee's personally-owned firearm, ammunition, and permit, record the return in the appropriate log.
- (6) If the employee intends to load the personally-owned firearm, the employee shall use the designated loading and unloading area.

C. If a facility, such as an administrative office:

- (1) Has gun lockers available, the employee legally possessing a personally-owned firearm may be permitted to secure the firearm in a gun locker according to the following:
 - (a) Placing the loaded firearm in the gun locker;
 - (b) Securing the gun locker; and
 - (c) Retaining the locker key until the firearm is to be removed.
- (2) Does not have gun lockers available, an employee legally possessing a personally-owned firearm may store the personally-owned firearm in the locked trunk or other locking compartment within the employee's locked personal vehicle only if the personally-owned firearm is stored in the locked compartment secured:
 - (a) Using a functional trigger lock to prevent discharging the firearm; or

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(b) In a locker in the locked compartment that is specifically designed to store a firearm.

D. The Secretary may authorize an employee to possess or carry a personally-owned firearm during work hours.

(1) Authorization under this section:

(a) Shall be based on information that the Secretary determines justifies authorization.

(b) Requires the employee to be authorized to possess and carry a firearm in accordance with federal and State law.

(c) Terminates:

(i) At the discretion of the Secretary when the Secretary, or a designee, informs the employee that the employee may not possess or carry a personally-owned firearm during work hours; or

(ii) Immediately when the employee's authorization in accordance with federal or State law to possess or carry a personally-owned firearm terminates for any reason.

(2) Termination of authorization under §.05D(1)(c)(ii) of this directive requires the employee to:

(a) Immediately cease possessing or carrying the personally-owned firearm during work hours; and

(b) Notify the Secretary, in writing, of the termination.

(3) All documentation concerning authorization to possess or carry a personally-owned firearm during work hours shall be filed in the affected employee's Department personnel file.

E. A Department employee requested to provide information concerning another employee's handgun permit application:

(1) Is not authorized to make a recommendation concerning another employee's acquisition of a permit to carry a personally-owned firearm.

(2) Is permitted to only confirm the handgun applicant's employment status with the Department.

F. A Department employee performing security responsibilities who is authorized to carry and use a firearm shall:

(1) Carry and use a Department issued firearm to perform assigned security functions;

(2) Successfully complete initial and in-service firearms training and certification requirements established by the Correctional Training Commission for the Department issued firearm; and

(3) Comply with the Department's Use of Force policy.

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.06 Attachments/Links.

There are no attachments or links to this directive.

.07 History.

- A. This directive replaces DPSCS.050.0047 dated May 6, 2015 and updates provisions for possessing or carrying personally-owned firearms during work hours.
- B. This directive supersedes provisions of any prior existing Department or unit communication with which it may be in conflict.

.08 Operations Distribution

- A
- B
- S Employees certified as police officers by the Maryland Police Training Commission and Armed Security Employees