
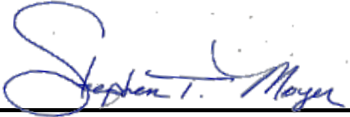



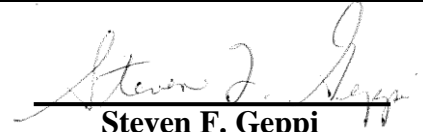
# Executive Directive



<b>Title:</b> <b>Department Firearms —</b> <b>Transporting Off-Duty</b>	<b>Executive Directive Number:</b> <b>OIS.110.0014</b>
<b>Related MD Statute/Regulations:</b> Correctional Services Article, §2-103; and Criminal Law Article, 4-203, Annotated Code of Maryland; COMAR 12.04.02.01 - .10 ; and 12.10.04.01 - .18	<b>Supersedes:</b> N/A
<b>Related ACA Standards:</b> 4-ALDF-2B-04-08; 4-ALDF-7B-14; 4-4091; 4-4201;4-4204; 4-4205	<b>Responsible Authority:</b>  <b>Chair — Use of Force Steering Committee</b>
<b>Related MCCS Standards:</b> .01E and .01F	<b>Effective Date:</b> <b>October 05, 2016</b> <b>Number of Pages: 4</b>

  
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## **.01 Purpose.**

This directive establishes the authority for specifically designated correctional officers to transport Department of Public Safety and Correctional Services (Department) issued firearms between the correctional officer's work assignment and place of residence.

## **.02 Scope.**

This directive applies to Department correctional officers.

## **.03 Policy.**

- A. Except under provisions established under this directive a correctional officer may not transport a Department issued firearm between the correctional officer's Department work assignment and place of residence.
- B. A correctional officer authorized to transport a Department firearm between a Department work assignment and place of residence shall comply with federal and State statutes and regulations and Department policy and procedures related to carrying and use of a Department firearm.
- C. A correctional officer shall comply with federal and State statutes and regulations and Department policy and procedures governing safety and storage of a Department firearm at the correctional officer's place of residence.

## **.04 Definitions.**

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

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### **B. Terms Defined.**

- (1) "Employee" has the meaning established for mandated employee under COMAR 12.10.01.01.
- (2) 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.
- (3) "Mandated position" has the meaning established under COMAR 12.10.01.01 and includes a correctional position regardless of rank.
- (4) "May not" means absolute prohibition, not a term of discretion.
- (5) "Work assignment" means a location to which an employee is designated to report in order to perform Department employment duties and responsibilities.

### **.05 Responsibility.**

- A. In order to facilitate correctional officer duties related to an Office of Investigative Services operation that may require a correctional officer to be armed with a Department firearm and report to a Department location that is not the correctional officer's regular work assignment, the Secretary's Director (Director) of Investigative Services, with the approval of the Deputy Secretary for Operations and the Secretary, may authorize a correctional officer to transport a Department firearm between the correctional officer's regular and alternate work assignment and place of residence.
- B. Except for provisions under §.05C of this directive, to be authorized to transport a Department firearm between a correctional officer's regular or alternate work assignment and place of residence, the Director shall ensure that the correctional officer is:
  - (1) A permanent Department correctional officer in a mandated position;
  - (2) Currently certified in the mandated position in accordance with requirements of the Correctional Training Commission (Commission);
  - (3) In compliance with Commission entry-level and in-service training requirements for the mandated position;
  - (4) Currently certified in accordance with Commission firearms training and qualification requirements for the Department firearm that the correctional officer is authorized to use or carry; and
  - (5) Assigned (permanent or temporary) to a unit under the Office of Investigative Service.

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- C. A correctional officer may not be authorized to transport a Department firearm between the correctional officer's regular and alternate work assignment and place of residence if the correctional officer:
  - (1) Is under investigation related to internal administrative disciplinary action or a criminal violation;
  - (2) Has a previous finding of guilt related to internal administrative discipline or criminal conviction involving unnecessary use of force;
  - (3) Has been served with and currently under a protective or restraining order; or
  - (4) Uses public transportation to commute to the correctional officer's regular or alternate work assignment.
- D. The Director may withdraw authorization granted under this directive for any reason the Director deems appropriate.
- E. All documentation concerning authorization and termination of authorization to transport a Department firearm between the correctional officer's regular and alternate work assignment and place of residence shall be filed in the affected correctional officer's personnel file.
- F. A Department correctional officer authorized to transport a Department firearm between the correctional officer's regular and alternate work assignment and place of residence:
  - (1) Shall:
    - (a) Only carry and use the Department firearm to perform assigned Department duties;
    - (b) Successfully complete initial and in-service firearms training and certification requirements established by the Correctional Training Commission for the Department firearm for which the correctional officer is authorized to carry or use;
    - (c) Comply with the Department's Use of Force policy;
    - (d) Transport the firearm, unloaded in a Department-issued lock box that is:
      - (i) Secured to the vehicle, bolted or tethered by a secure cable or chain; and
      - (ii) Concealed so not to be seen by individuals in or observing the interior of the vehicle;
    - (e) At the correctional officer's place of residence, store the unloaded firearm and ammunition in a manner consistent with federal and State statute to prevent access to the firearm by others who are not authorized to access the firearm;
    - (f) When required, submit the firearm to the appropriate supervisor or armorer for inspection, maintenance and inventory; and

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- (g) If the correctional officer's regular or alternate work assignment, does not require the correctional officer to carry the firearm as part of the assigned duty, store the firearm as required under §.05F(1)(d) of this directive.

### **(2) May NOT:**

- (a) Wear or display the firearm during the correctional officer's commute between the correctional officer's regular or alternate work assignment and place of residence;
- (b) Leave or store the firearm in the correctional officer's vehicle overnight; and
- (c) Except when in an on-call status, transport the firearm in a vehicle when the correctional officer is on approved leave or at other times that the correctional officer is not traveling between the correctional officer's regular or alternate work assignment and place of residence.

### **G. The provisions established by this directive:**

#### **(1) Do NOT:**

- (a) Exempt a correctional officer from compliance with federal and State statutes or regulations, other Department policy and procedures, and Correctional Training Commission standards for training and certification related to the possession or use of a firearm.
  - (b) Expand current or create new law enforcement authority for correctional officers.
- (2) Intends to facilitate a direct response by designated correctional officers currently certified to use or carry a Department firearm to Department locations that are not the correctional officer's regular work assignment at which the correctional officer's authorized firearm would not be available.

## **.06 Attachments/Links.**

There are no attachments or links to this directive.

## **.07 History.**

This directive supersedes provisions of any prior existing Department or unit communication with which it may be in conflict.

## **.08 Correctional Facility Distribution Code.**

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