



FROSTBURG CITY POLICE DEPARTMENT

37 BROADWAY, FROSTBURG, MD 21532 ◦ 301-689-3000 (P) 301-687-0642 (F)

Firearms Policy

I. Purpose:

The purpose of this policy is to provide directives on the proper carry, storage, cleaning, care, display, use, and discharge of firearms.

II. Definitions:

- A. **“Administrative Officer”** means an officer holding the rank of Lieutenant or above, the Chief of Police, or the Commissioner of Public Safety.
- B. **“Department”** means the Police Department of the City of Frostburg.
- C. **“Firearms Instructor”** means an individual designated by the Department and certified by the Maryland Police & Correctional Training Commissions as a police Firearms Instructor.
- D. **“Officer”** means a police officer of the Police Department of the City of Frostburg.

III. Policy:

- A. It is the policy of the Department that Officers comply with all applicable laws regarding firearms as well as the requirements detailed in the procedures below.

IV. Procedures:

- A. **On-Duty Carry.** All on-duty Officers of the Department:
 - 1. Shall carry a Department-issued or authorized handgun;
 - a. The Department-issued duty weapon shall be carried unless an express exception is granted by an Administrative Officer with the concurrence of a Firearms Instructor;
 - 2. Shall meet all training requirements and maintain certification to lawfully carry the firearm before carrying any required or otherwise authorized firearm;
 - 3. Shall carry any approved handgun in a Department-issued or approved holster;



FROSTBURG CITY POLICE DEPARTMENT

37 BROADWAY, FROSTBURG, MD 21532 • 301-689-3000 (P) 301-687-0642 (F)

4. Shall carry a total of three handgun magazines for the handgun carried at the time (one in the handgun and two in a double magazine pouch) unless otherwise permitted by an Administrative Officer; and
5. May carry a Department-issued shotgun or patrol rifle, provided the Officer has satisfied the pertinent training and qualification requirements.

B. Off-Duty Carry. Officers of the Department:

1. May carry a Department issued or approved firearm while off-duty in accordance with the provisions of Maryland state law, the Law Enforcement Officers Safety Act (“LEOSA”), 18 USC § 926(c), and other pertinent law;
2. A firearm carried under III.B.1. above shall be carried concealed, unless law enforcement duty necessitates its display, and the Officer shall possess a valid driver’s license, their Department photo identification card, their Maryland Police Training and Standards Commission police officer certification card, and their badge;
3. It is the responsibility of the Officer carrying a firearm outside of their state or jurisdiction to comply with all applicable laws. Officers may confer with a supervisor or request legal review through an Administrative Officer for travel within the scope of employment.
4. Officers are cautioned that:
 - a. LEOSA does not
 - i. Supersede the ability of individual entities to ban firearms on their premises;
 - ii. Permit an Officer to carry a firearm in violation of federal law, on federal property, at airports, at other restricted areas, or school zones;
 - iii. Permit an Officer to carry certain ammunition types or magazines with a certain capacity in violation of law; or
 - iv. Permit an Officer to carry a firearm for secondary or other employment purposes.
 - b. The ability of an Officer to lawfully carry a firearm outside of their jurisdiction does not confer any enforcement authority outside or inside the State of



FROSTBURG CITY POLICE DEPARTMENT

37 BROADWAY, FROSTBURG, MD 21532 • 301-689-3000 (P) 301-687-0642 (F)

Maryland. Maryland law provides for some limited authority for a sworn police officer to take action within the State of Maryland but outside the officer's jurisdiction. *See, e.g., Md. Code Ann., Crim. Proc. §2-102.* It is recommended that off-duty officers and those outside their sworn jurisdiction notify local authorities of any matter requiring law enforcement intervention and serve as professional witnesses.

5. Any time an Officer is inside a Department vehicle, the Officer shall carry a firearm, credentials, and badge, whether on-duty or off-duty.

C. General Firearm Procedures.

1. Under no circumstances will an Officer wear, carry, or display a firearm in an obvious or flagrant manner or in any manner that would invite reasonable unfavorable public comment.
2. Officers are prohibited from carrying any firearm when the Officer is intoxicated, under the influence of alcohol, or under the influence of any intoxicating or hallucinatory substance. If an Officer is prescribed medication that would impair his or her ability to safely or lawfully carry a firearm, the Officer shall notify his or her supervisor immediately.
3. An Officer shall, in accordance with their training, safely clean Department firearms issued or assigned to the Officer at least once each month, once promptly after each time the firearms is discharged, and anytime the firearm is submerged in water or exposed to inclement weather conditions, such as rain.
4. Officers shall at all times store all firearms in a safe and secure manner, out of reach of the public and of unauthorized persons.

D. Permitted Firearms Use. Firearms are permitted to be discharged by Officers in the course of duty as follows:

1. As permitted by the Department's *Use of Force* Policy;
2. To kill a dangerous animal that is jeopardizing the safety of the public;
 - a. The use of Oleoresin Capsicum Spray ("OC Spray") or a Taser ("ECW") rather than a firearm is encouraged when this is likely to be effective, though this policy recognizes that dangerous animals can kill or seriously injure a person quickly, often leaving an officer with only a split second to decide how to best protect life and safety;



FROSTBURG CITY POLICE DEPARTMENT

37 BROADWAY, FROSTBURG, MD 21532 • 301-689-3000 (P) 301-687-0642 (F)

3. To relieve the suffering of an injured animal under the following circumstances:
 - a. **Domestic Animals.** When the officer has the consent of the owner or upon request of a veterinarian.
 - i. **Unable to Contact Owner.** After a reasonable and good faith attempt to reach the owner has failed, an Officer may use discretion to decide whether to relieve the suffering of the animal.
 - ii. **Rabid Animals.** An Officer should first notify Allegany County Animal Control or Department of Natural Resources when dealing with a possible rabid animal.
 - b. **Wild Animals.** When the animal is injured or disabled and suffering.
 - i. If a wild animal is killed on or along a public roadway or access area, the Officer should notify the appropriate roadway maintenance team to remove it (*e.g.*, City Street Department, Maryland State Highway Office) or leave instructions at the front desk to do so during regular working hours.
 4. To give an alarm or call for assistance when no other reasonable means is available;
 5. When conducting authorized practice at the firearms range.
- E. Prohibited Firearms Use.** Officers are prohibited from discharging a firearm:
1. At or from a moving vehicle;
 2. As a warning shot;
 3. In violation of the *Use of Force* Policy;
 4. In a reckless, negligent, careless, or unreasonable manner under the circumstances.
- F. Reporting.** Any discharge of a firearm outside of approved firearms range activity shall be immediately reported to a supervisor and described in a written report by the Officer.



FROSTBURG CITY POLICE DEPARTMENT

37 BROADWAY, FROSTBURG, MD 21532 • 301-689-3000 (P) 301-687-0642 (F)

V. Additional Operational Procedures

- A. Reporting.** An Officer who discharges a firearm outside of authorized firearms range activity or who points a firearm at another person shall:
1. Promptly notify the supervisor on-duty, and;
 2. Complete a detailed written report in the Police Reporting System describing the facts and circumstances of the incident no later than the completion of the Officer's shift or duty assignment. In the event of an off-duty incident, the supervisor shall be notified immediately and the report completed no later than the conclusion of the Officer's next shift or duty assignment.
 3. This reporting requirement includes reporting any type of discharge on-duty or off-duty, including an accidental discharge, at any location with a Department issued firearm or a firearm the Department has authorized the Officer to carry.
 4. Any discharge of a firearm is subject to administrative review to determine whether such action was in conformance with Department policy.
- B. Cleaning and Care.** Officers shall safely clean any Department issued or authorized firearm at least once each month and promptly after each time the firearm is discharged, submerged in water, or exposed to inclement weather. All Officers are provided with firearms training before being authorized to carry a firearm and annually. This training includes instruction on safely and properly cleaning a firearm. Officers shall safely ensure that the firearm is unloaded and safe before cleaning.
- C. Malfunctioning Firearms.** Officers shall report any malfunctioning or unsafe firearm promptly to a Firearms Instructor. The Firearms Instructor shall take possession of the weapon if it is owned by the Department and issue a replacement following any required qualification or training. If the weapon is a Department authorized weapon, the Firearms Instructor shall revoke the Officer's authority to carry the firearm, and the Officer shall not carry it until it is properly repaired and safe and any necessary training or qualification completed. No Officer shall attempt to make any unauthorized repair or modification to a Department issued firearm.
- D. Storage.** No Officer shall store a firearm in an unsafe manner, in a way it can be accessed by an unauthorized person, or in any unsecure manner.
1. When on-duty, Officers shall carry their handguns in a Department issued or approved holster, or, when it is inappropriate to carry a firearm, such as in a prisoner processing or detention facility, in a secure lockbox or mount at the police station or



FROSTBURG CITY POLICE DEPARTMENT

37 BROADWAY, FROSTBURG, MD 21532 • 301-689-3000 (P) 301-687-0642 (F)

another police facility or in a police vehicle, so long as the firearm cannot be accessed by an unauthorized person.

a. Shotguns and Patrol Rifles. Shotguns and Patrol Rifles carried on duty shall be secured in a proper mount or, in a sedan type vehicle, in a case securely in the trunk. Pump Action Shotguns and Patrol Rifles should be stored in a vehicle in “Car Carry Condition” meaning the chamber is empty, the weapon SAFELY decocked, and the magazine full.

2. For off-duty storage, an Officer may make arrangements with a Firearms Instructor to safely store Department firearms in a secure location at the police station. If an Officer stores Department issued or approved firearms at home, the firearms shall be safely unloaded, stored in a locked, secure container, and stored separately from ammunition. Firearms shall be secured in a way that prohibits access to them by a minor or unauthorized person.

E. Shotgun and Patrol Rifle Training. Officers who qualify and are authorized may carry a shotgun or patrol rifle while on-duty. Officers shall carry only firearms they are approved to carry by a Firearms Instructor after appropriate qualification and training. Officers should be especially cautious about the display of a patrol rifle or shotgun, which may alarm the public and draw unfavorable comment, and they shall only do so when the circumstances of an incident reasonably warrant it.

F. Ammunition. Officers shall utilize only ammunition issued or approved by the Department in any firearm carried on duty.

G. Off-Duty Firearms. An Officer must qualify annually with any firearm the Officer wishes to carry off-duty, provided the Firearms Instructors can accommodate scheduling and provide appropriate training. Officers must meet the following requirements to gain authorization to carry a firearm:

1. All off-duty handguns must properly function;
2. All off-duty firearms shall be carried in a safe and secure holster or carrier; and
3. All off-duty firearms shall be used with ammunition issued or approved by the Department.

4. Restrictions:

a. Semi-Automatic Pistols. Must be at least .380 in caliber and incorporate the locking breach design.



FROSTBURG CITY POLICE DEPARTMENT

37 BROADWAY, FROSTBURG, MD 21532 • 301-689-3000 (P) 301-687-0642 (F)

b. Revolvers. Must be at least .38 special, capable of double action fire, and have a cylinder capacity of at least five rounds.

H. Extradition and Out of Jurisdiction Activity. Officers assigned to an activity outside of Maryland, such as extradition or follow-up investigations, should be familiar with the laws of the state they plan to enter. Officers may request supervisory guidance or may, through an Administrative Officer, request legal review for firearms matters within the scope of employment.