

Firearms

305.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

For procedures related to Firearms, see the St. Mary's County Sheriff's Office LE Procedures Manual: [VAPEN SYSTEMS Weapon Locker - School Resource Officer Supplemental Rifle](#)

305.2 POLICY

The St. Mary's County Sheriff's Office will equip its members with firearms to address the risks posed to the public and office members by violent and sometimes well-armed persons. The Office will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

Members who are Law Enforcement Officer Safety Act (LEOSA) certified and are employed in a non-sworn civilian position within the Sheriff's Office, are authorized to carry a firearm on their person while on duty. The firearm must be concealed at all times and be the same firearm the member qualified with. The display or use of the firearm will be in accordance with LEOSA and the associated policy. Personnel electing to carry in this manner will be placed on the agency's Random Drug and Alcohol Screening list.

Any member in a non-sworn civilian position within the Sheriff's Office who is not LEOSA certified, is not authorized to carry any firearm on their person while on duty or in an agency issued vehicle regardless of their conceal carry status within the State of Maryland.

305.2.1 DEFINITIONS

- (a) Primary Handgun: Agency owned and issued handgun. The Deputy shall carry their primary firearm when in any uniformed assignment or authorized plain clothes assignment. The primary handgun shall also be carried during Extra Duty Secondary Employment.
- (b) Secondary Handgun: Personally owned handgun, other than the primary handgun, that is authorized by the Office to be carried on or off duty. The secondary handgun is subject to the regulations outlined below in 305.3.4 and in Procedure 306.2.
- (c) Off-Duty Handguns: Personally owned handguns for off duty use when not operating agency owned vehicles. Off duty handguns are subject to the regulations outlined below in 305.3.5 and in Procedure 306.4.

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305.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Primary firearms will be agency issued and thoroughly inspected by the Armorer. No firearm shall be carried by a member who has not qualified with that firearm at an authorized office range (COMAR 12.04.02.03).

All other weapons not provided by the Office including but not limited to edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by office policy, may not be carried by members in the performance of their official duties without the express written authorization of the Sheriff or designee. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

For procedures related to Authorized Firearms, Ammunition and Other Weapons, see the St. Mary's County Sheriff's Office LE Procedures Manual: [Carrying Identification and Firearms](#).

305.3.1 HANDGUNS

The authorized office-issued handguns for sworn officers are the Smith & Wesson M&P 9mm and the S&W M&P Sub-Compact 9mm. Currently, the S&W Full Size M&P9 2.0 is the primary handgun for ALL personnel unless job assignment requires the Sub-Compact, as authorized by the Sheriff or designee.

For procedures related to Handguns, see the St. Mary's County Sheriff's Office LE Procedures Manual: [On-duty Handguns](#).

305.3.2 SHOTGUNS

When not deployed, the shotgun shall be properly secured consistently with office training in the patrol vehicle.

305.3.3 PATROL RIFLES

The authorized office-issued patrol rifle is the AR-15 patterned rifle chambered in .223/ 5.56 mm.

Sworn personnel may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

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When not deployed, the patrol rifle shall be properly secured consistently with office training in the racks in the "cruiser ready" condition: bolt forward, chamber empty, safety on, dust cover closed, magazine loaded and locked in place. The rifles may be carried in the forward mounted rack. If no rack is available, the rifle may be carried in cruiser ready condition during the shift in the back compartment not accessible from the prisoner area, preferably in a rear lock box.

At the end of the shift, the deputy will ensure the rifle is stored in a secure location with a locking mechanism in place or within their residence adhering to Md. Criminal Law Code Ann. § 4-104.

For procedures related to Patrol Rifles, see the St. Mary's County Sheriff's Office LE Procedures Manual: [Rifles](#).

305.3.4 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry a personally owned secondary handgun are subject to the following restrictions:

- (a) Only accepted models will be: (Only **one** secondary handgun will be authorized)
 - 1. Smith & Wesson 9MM M&P Compact,
 - 2. Smith & Wesson 9MM M&P Sub-Compact, or
 - 3. Smith & Wesson 9MM M&P Shield.
- (b) Is bound to the same guidelines as office-issued handguns regarding qualification, inspections and modifications;
- (c) Must be in stock condition. No cosmetic or functional modifications allowed.
- (d) Must be black in color.
- (e) May be carried on-duty **IN ADDITION TO** their issued primary handgun, EXCEPT when equipped with an RDS (Red Dot Sight).
- (f) May be carried off-duty without issued primary handgun **WHEN OPERATING DEPARTMENTAL VEHICLES.**
- (g) Qualification will occur on the same date as the primary issued handgun, while on-duty, utilizing agency supplied ammunition.
- (h) The handgun shall always be carried concealed in a holster with a minimum of Level II retention and in such a manner as to prevent unintentional discharge or loss of physical control.
- (i) Prior to carrying the secondary handgun, members shall qualify with the holster and how intended to be carried under range supervision and thereafter shall qualify in accordance with the office qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (j) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Armorer, who will maintain a list of the information.

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305.3.5 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Sheriff but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty and **NOT UTILIZING DEPARTMENTAL VEHICLES**, based on their authority as peace officers, will be required to meet the following guidelines:

- (a) The purchase of the personally-owned firearm and ammunition shall be the responsibility of the member.
- (b) The firearm shall always be carried concealed and in such a manner as to prevent unintentional discharge or loss of physical control.
- (c) Prior to carrying any off-duty firearm, the member shall demonstrate to the Chief Firearms Instructor that he/she is proficient in handling and firing the firearm, and that it will be carried in a safe manner.
- (d) The member will successfully qualify with the firearm prior to it being carried.
- (e) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (f) Members shall only carry office-authorized ammunition.
- (g) When armed, deputies shall carry their badges and St. Mary's County Sheriff's Office identification cards.
- (h) Off-duty firearms qualifications will be scheduled by the CFI on separate days from the annual handgun qualifications.
- (i) Qualifications for off-duty handguns will not be performed while on-duty. Members may either request leave or flex their hours if approved by their supervisor. The member will be required to purchase the ammunition.

305.3.6 AMMUNITION

Members shall carry only office-issued ammunition in their primary and secondary firearms. Employees will regularly inspect ammunition for damage and serviceability. Replacements for unserviceable or depleted ammunition issued by the Office shall be dispensed by the Armorer or the Chief Firearms Instructor when needed, in accordance with established policy.

Members carrying personally-owned off-duty firearms are responsible for the purchase of their ammunition.

For procedures related to Ammunition, see the St. Mary's County Sheriff's Office LE Procedures Manual: [Ammunition](#).

305.3.7 FIREARMS CONVERSION

A deputy shall successfully complete firearms conversion requirements before being authorized to use or carry a different type of firearm than the deputy is currently authorized to use or carry (COMAR 12.04.02.09).

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305.4 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally-owned firearms are the responsibility of the individual member.

For procedures related to Equipment, see the St. Mary's County Sheriff's Office LE Procedures Manual: [Firearms Care and Maintenance](#).

305.4.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an issued firearm to a supervisor and the Armorer.

Firearms that are the property of the Office may only be repaired or modified by an agency certified armorer. The armorer will track any repairs or modifications to any agency firearm.

Any repairs or modifications to the member's personally-owned off-duty firearm shall be done at his/her expense by an armorer/gunsmith and must be reported to the Armorer.

305.4.2 HOLSTERS

Only office-approved holsters shall be used and worn by members. Holsters retention devices shall not be modified or removed. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

305.4.3 TACTICAL LIGHTS

Tactical lights may be installed on a firearm after they have been examined and approved by the Armorer. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

305.4.4 OPTICS

Optics for on-duty and secondary handguns will only be authorized based on current assignment. Optics for secondary handguns may be authorized only by the Sheriff or designee for off-duty carry only. They may only be installed on a firearm after they have been examined and approved by the Armorer. Any approved optical sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it. The firearm must have back-up iron sights.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

For procedures related to Optics, see the Saint Mary's County Sheriff's Office LE Procedures Manual: [Optical Enhancement Sighting Devices](#).

305.4.5 MAGAZINES

Only magazines that were made specifically for the approved firearms will be allowed. No modifications to the magazines will be permitted without the approval of the armorer.

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305.5 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Armorer or Firearms Instructors. Members shall not dry fire or practice quick draws except as instructed by the Armorer or other firearms training staff.
- (c) Members, with the exception of the agency Armorer or Chief Firearms Instructor, shall not clean, repair, load or unload a firearm anywhere in the Office.
- (d) Shotguns or rifles removed from vehicles, or the equipment storage room shall be loaded and unloaded at a weapons clearing box, or in the parking lot and outside of the vehicle, ensuring the weapon is pointed in a safe direction so that if a round were to discharge there would be minimal property damage and no danger to other persons. Weapons clearing should be done out of the public view whenever possible.
 - 1. Exception is when attending range training. Firearms will ONLY be loaded or unloaded on the range under the guidance of the Firearms Instructors, NOT in parking lots.
- (e) Members shall not place or store any firearm or other weapon on office premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee but shall place all firearms in a secure location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Office to be carried that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. Issued weapons shall be promptly presented to the Armorer for inspection and repair. Any issued firearm deemed in need of repair or service by the Armorer will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.
- (h) Members receiving a replacement or repaired weapon shall make arrangements with the Armorer or Chief Firearms Instructor to complete a familiarization day course of fire at the next available range date, or as soon as practical.

For procedures related to Safe Handling, Inspection and Storage, see the Saint Mary's County Sheriff's Office LE Procedures Manual: [Firearms Safety and Security](#).

305.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. The member shall ensure that the firearm is carried in the proper condition and loaded with approved

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ammunition. Inspection of the rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Any firearms stored in the appropriate equipment storage room will be unloaded.

305.5.2 STORAGE AT HOME

Members shall ensure that all firearms are secured in accordance with the Maryland Criminal Law Code Ann. § 4-104. Members shall not permit office-issued firearms to be handled by anyone not authorized by the Office to do so. Members should be aware that negligent storage of a firearm could result in administrative, criminal, and/or civil liability.

305.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed any amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment.

305.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training as scheduled. In addition to training, all members will qualify at least annually with their primary duty and secondary firearms. Members will qualify with off-duty firearms at least annually. Training and qualifications must be in the required range course, meeting minimum standards and requirements (COMAR 12.04.02.08; COMAR 12.04.02.05).

Deputies may not use or carry a firearm that has been surrendered or for which authority to carry or use has been withdrawn, except during supervised training to meet the annual firearms training and qualification requirements (COMAR 12.04.02.08(E)(3)).

At least annually, all members carrying a firearm will receive practical training designed to simulate field situations including low-light shooting and meet MPTSC regulations pertaining to qualifications and training.

For procedures related to Firearms Training and Qualifications, see the St. Mary's County Sheriff's Office LE Procedures Manual: [Firearms Training](#)

305.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, notification to the member's immediate supervisor shall be made prior to the end of the required training or qualification period. The notification shall be completed by either the lead Firearms Instructor conducting the training or the Training Coordinator.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.

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- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
 - 1. Unauthorized range make-up
 - 2. Failure to meet minimum standards or qualify after remedial training

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

305.6.2 ANNUAL FIREARMS NON-CERTIFICATION

If a deputy fails to successfully complete the annual firearms classroom instruction, training and qualification requirements for an authorized firearm within a calendar year, the Sheriff (COMAR 12.04.02.08(E)(1)):

- (a) Shall remove the firearm, or the authorization to use or carry the firearm if personally owned, from the deputy by January 1 of the next calendar year.
- (b) May not return or authorize the deputy to use or carry the firearm until the deputy successfully completes the appropriate firearms classroom instruction, training and qualification.

305.6.3 ANNUAL FIREARMS NON-QUALIFICATION

A deputy who fails an annual firearms qualification shall successfully complete the annual qualification within 30 consecutive calendar days of the initial attempt (COMAR 12.04.02.08(E)(2)).

If a deputy does not successfully meet the qualification requirements, the Sheriff shall immediately:

- Report on the deputy's failure to qualify to the Maryland Police Training and Standards Commission (MPTSC).
- Require the deputy to surrender all office firearms.
- Withdraw the deputy's authority to use or carry personally owned firearms.

305.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

- (a) If on-duty at the time of the incident, the member shall file a Firearms Discharge Report in Blue Team via the chain of command.

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- (b) If off-duty at the time of the incident, a Firearms Discharge Report in Blue Team via the chain of command shall be submitted no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.
- (c) If an Administrative Investigation was initiated as a result of the firearms discharge, the investigator may authorize the delay of the above Blue Team reporting until the member has time to seek representation and provides a recorded statement. In such cases, the member will start the Blue Team Report with the date/time /location information and keep the report open until they are instructed by the investigator to complete it.

305.7.1 DESTRUCTION OF ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, office members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, conducted energy device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

305.7.2 INJURED ANIMALS

When an animal is injured in a traffic accident, the member shall notify the appropriate local organization to give such injured animal medical care. (Md. Code TR § 20-106).

A member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical. When possible, supervisor approval shall be obtained prior to euthanizing the animal.

305.7.3 SHOTS SUMMONING AID

Generally, shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective and reasonably safe.

305.8 ARMORER DUTIES

The Armorer must maintain certification from the manufacturer for all weapons authorized for use by the department that he/she will be responsible for inspecting. The Armorer has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this office to verify proper operation. The Armorer has the authority to deem any office-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until it has been inspected and approved by the Armorer.

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All firearms will be inspected annually by the Armorer. The Armorer will keep accurate records of all approved firearms, repairs, maintenance, arsenal and weapons inventory or other records as directed by the Division Commander.

For procedures related to Armorer Duties, see the Saint Mary's County Sheriff's Office LE Procedures Manual: [Firearms Safety and Security](#) and [Armorer Procedures](#).

305.8.1 TRAINING COORDINATOR DUTIES

MPTSC requires the agency head to submit firearm qualification scores for each firearm the police officer is authorized to use or carry by January 31 of the calendar year immediately following firearms qualifications (COMAR 12.04.02.08 (D)). The Training Coordinator shall ensure this report is submitted to the MPTSC by January 31.

305.9 CHIEF FIREARMS INSTRUCTOR

The range will be under the exclusive control of the Chief Firearms Instructor. All members attending will follow the directions of the Chief Firearms Instructor. The Chief Firearms Instructor will maintain a roster of all members attending the range and will submit the roster to the Training Coordinator after each range date. Failure of any member to sign in and out with the Armorer or Chief Firearms Instructor may result in non-participation or non-qualification.

The range shall remain operational and accessible to Sheriff's Office members during hours established by the Sheriff's Office.

The Chief Firearms Instructor has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Chief Firearms Instructor shall complete and submit to the Training Coordinator documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Sheriff's Office, a list of each member who completes the training.

For procedures related to the Chief Firearms Instructor, see the St. Mary's County Sheriff's Office LE Procedures Manual: [Chief Firearms Instructor Procedures](#)

305.10 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to deputies who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- (a) Deputies wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Office based on the law and published TSA rules.
- (b) Deputies must carry their St. Mary's County Sheriff's Office identification card, bearing the deputy's name, a full-face photograph, identification number, the deputy's

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signature and the signature of the Sheriff or the official seal of the Office and must present this identification to airline officials when requested. The deputy should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).

- (c) The St. Mary's County Sheriff's Office must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the deputy's travel. If approved, TSA will send the St. Mary's County Sheriff's Office an NLETS message containing a unique alphanumeric identifier. The deputy must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Sheriff authorizing armed travel may also accompany the deputy. The letter should outline the deputy's need to fly armed, detail his/her itinerary, and include that the deputy has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Deputies must have completed the mandated TSA security training covering deputies flying while armed. The training shall be given by the office-appointed instructor.
- (f) It is the deputy's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any deputy flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The deputy must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Deputies should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Deputies shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

305.11 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time deputies of this office are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The deputy shall carry their St. Mary's County Sheriff's Office identification card whenever carrying such firearm.
- (b) The deputy may not be the subject of any current disciplinary action.
- (c) The deputy may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The deputy will remain subject to this and all other office policies (including qualifying and training).

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Deputies are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base, or park. Federal authority may not shield a deputy from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.