

# TAKOMA PARK POLICE DEPARTMENT - GENERAL ORDERS



TITLE: <b>FIREARMS SEARCH REPORT</b>		NUMBER: <b>620</b>
EFFECTIVE DATE: <b>November 30, 2011</b>	REVIEW DATE: November 30, 2021	
New    X Amends    Rescinds	Dated March 23, 2002	
AUTHORITY: <b>Chief Ronald A. Ricucci</b>		TOTAL PAGES: <b>2</b>

**01 Purpose:** To establish policy and procedures relative to a limited search of a person for a handgun in accordance with Maryland Code, Criminal Law Article, §4-206.

**02 Policy:** A form MSP-97, Stop and Frisk Report (formerly entitled Firearms Report), must be filled out by an officer who conducts a limited “pat down” search of a person for a handgun pursuant to Maryland Criminal Law § 4-206.

### **03 Definitions:**

- A. “Handgun” means a pistol, revolver, or other firearm capable of being concealed on the person.
- B. “Handgun” includes a short-barreled shotgun and a short-barreled rifle.
- C. “Handgun” does not include a shotgun, rifle, or antique firearm (i.e., a firearm with a matchlock, flintlock, percussion cap, or similar ignition system, manufactured before 1899; or a replica of such a firearm).

### **04 Procedures:**

- A. The MSP-97 form will be completed whenever a limited search for a handgun is performed on a person, regardless of the outcome of the search.
- B. The MSP- 97 form must be completed within 24 hours of the search.
- C. The form is not required for any handgun searches and/or seizures which result from police actions other than limited search for a handgun situations specifically established in Maryland Criminal Law Article § 4-206, i.e., “A law enforcement officer may make an inquiry and conduct a limited search of a person ... if the officer, in light of the officer’s observations, information, and experience, reasonably believes that:
  1. the person may be illegally wearing, carrying, or transporting a handgun;
  2. because the person possesses a handgun, the person is or presently may be dangerous to the officer or others;

- 3.** under the circumstances, it is impracticable to obtain a search warrant; and
  - 4.** to protect the officer or others, swift measures are necessary to discover whether the person is wearing, carrying, or transporting a handgun.”
- D.** The form will be completed, signed by a supervisor and submitted to the Administrative Services Division. If a police report is written, the officer will note in that report that a limited search for a handgun was conducted and the MSP-97 was completed.
- E.** The Administrative Services Division will forward a copy of the MSP-97 to the Maryland State Police, Fax Number 410-653-5441, while maintaining the original on file.
- F.** If a firearm is recovered, the Maryland State Police will trace it to its last known owner. They will also verify any and all applicable handgun permits. Once this search is completed, MSP will send its findings to the originating officer.