



HARFORD COUNTY SHERIFF'S OFFICE ADMINISTRATIVE POLICY

Jeffrey R. Gahler,
Sheriff

Purchase of HCSO Issued Handguns

Distribution:	All Employees	Index:	PER 1007
Responsible Unit:	Rangemaster	Rescinds:	PER 1007 dated 7/19/19
DLI Program:		MD Code:	Public Safety § 3-501

Issued	02/01/20	Revised:	01/27/20	Reviewed:	01/27/20	Next Review:	02/01/21
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1. Purpose

To establish a procedure by which retiring sworn law enforcement deputies may purchase their Harford County Sheriff's Office (HCSO) issued handgun.

2. Policy

The HCSO will allow sworn law enforcement deputies who retire in good standing to purchase their HCSO issued primary duty handgun by following the procedure described in this policy. The handgun can be purchased only if not required to be retained due to budgetary or availability concerns. The Agency may elect to dispose of any handgun owned by the Agency pursuant to law.

3. Definitions

DEPUTY: in this policy, deputy means a law enforcement officer who has submitted his written application for retirement to the State Pension System, or a law enforcement retired deputy who has retired within the previous 30 days.

DISPOSE: to transfer control by sale or to destroy the weapon in a controlled manner.

GOOD STANDING: in this policy, good standing means, at the time of retirement, the deputy did not have an open disposition related to an internal or administrative investigation or an unadjudicated administrative or criminal charge against him; was without an action initiated to remove, or proposal to remove, him from the Agency; was not the subject of a pending psychological fitness for duty evaluation; and has not been found to be unfit for duty based on psychological reasons.

HANDGUN: in this policy, handgun means the deputy's HCSO-issued duty handgun.

LAW ENFORCEMENT OFFICER: means a deputy who in an official capacity was certified by the Maryland Police and Correctional Training Commissions (MPCTC) as a police officer, had statutory powers of arrest in the State, and completed an applicable probationary period.

REPLACEMENT VALUE: equal to the price it takes to replace or repair damaged property with new or restored property of similar quality and may or may not be the "market value" of the original item.

4. References

MD. CODE ANN., PUB. SAFETY § 3-501

5. Procedures

A. Authority

1. Maryland law allows a law enforcement officer to whom a handgun was assigned to purchase the firearm when a law enforcement Agency seeks to dispose of the Agency owned firearm.
2. The HCSO may seek to dispose of a firearm assigned to a retiring member and participate in a secondary transfer with the retiring/retired member if the member is not prohibited by law from possessing a firearm on the date of retirement and retires in good standing.
3. The HCSO may also seek to dispose of a firearm assigned to a specific member if that weapon is to be replaced and is not required to be retained due to budgetary or availability concerns.

B. Initial Requirements

1. In order to be eligible to purchase his issued handgun, a retiree must:
 - a. Be in good standing at the time of retirement;
 - b. Not have been officially found by a qualified medical professional contracted by the Agency to be unqualified for reasons relating to mental health;
 - c. Not have entered into an agreement with the HCSO from which the individual is separating from service and in which that individual acknowledges that he is not qualified under this section for reasons relating to mental health;
 - d. Not be suffering from a mental disorder and must not be a danger to himself or another as determined by the HCSO contracted medical professional; and
 - e. Be separated from service with the HCSO, after completing any applicable probationary period of such service, due to service-connected disability, as determined by the HCSO.
2. Sales of handguns to retired deputies residing in Maryland are considered secondary sales and are subject to background checks and the mandatory seven (7) day waiting period if transferred to a Maryland resident.
3. Retired deputies who meet the criteria in 5.B.1. may purchase one HCSO issued handgun that had been assigned to him during his tenure with the HCSO.
4. Deputies still employed with the HCSO may, at the discretion of the Sheriff, purchase one HCSO issued handgun that had been assigned to him during his tenure with the HCSO, as long as the Agency determines that specific weapon no longer has practical value for the Agency for duty use or for training purposes.
5. Maryland residents may apply to purchase the handgun using the Maryland State Police Application and Affidavit to Purchase a Regulated Firearm, up to twenty (20) days after retirement and will be subject to the availability of the deputy's handgun as determined by the Sheriff.

6. Deputies residing outside of Maryland may participate in this program for up to twenty (20) days after retirement and will be subject to the availability of the deputy's handgun as determined by the Sheriff.
7. All costs associated with the transfer of the handgun must be borne by the deputy.
8. Price to be determined at the time of purchase by the Sheriff or his designee.

C. Procedures Prior to Sheriff's Approval

1. Deputy's Responsibilities

- a. Notify the Rangemaster in writing via Memorandum (SO-212) at the time he submits a written application for retirement to the Board of Trustees for the State Retirement Agency; and
- b. Submit a written request via Memorandum (SO-212) to his commander that includes his:
 - i. Name;
 - ii. Identification number;
 - iii. Assignment;
 - iv. Date of retirement;
 - v. Home address and phone number; and
 - vi. Make, model, and serial number of the handgun sought.

2. Rangemaster's Responsibilities

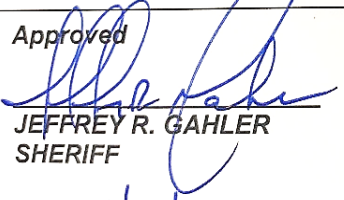
- a. Determine availability of the handgun.
- b. Determine the current replacement value of the handgun using the current market value of the same or similar item.
- c. Determine if the handgun is of a type that must be retained for sufficient inventory to be available for active duty members of the HCSO.
- d. Other than the initial notification contained in 5.C.1., the Rangemaster will not meet with or conduct business with retiring/retired deputies related to the sale of handguns until the Rangemaster has received written approval for the disposal/transfer from the Sheriff.

3. Commander's Responsibilities

- a. Review written requests submitted by deputies.
- b. Contact the Office of Professional Standards (OPS) to determine if a deputy is retiring in good standing.

- c. Contact the HCSO Human Resources Director (HRD) to determine the nature of the separation.
 - d. Contact the HCSO Rangemaster to determine if the handgun can be transferred.
 - e. Return disapproved requests to the deputy with a written reason for the disapproval.
 - f. Forward the approved written request, via Memorandum (SO-212) through official channels and include an endorsement stating:
 - i. That the request is approved;
 - ii. That the deputy is retiring in good standing;
 - iii. That the deputy is not prohibited by law from possessing a firearm; and
 - iv. That the nature of the separation from the HCSO is not for a mental disorder or psychological reasons.
4. Sheriff's Responsibilities
- a. Review each deputy's request, endorsements, and the circumstances of the retirement.
 - b. Issue a final decision on whether to approve the request to purchase the handgun.
5. Requests Approved by the Sheriff
- a. Initial Notifications
 - i. Requests will be forwarded directly to the Rangemaster and will include the deputy's original written request and all endorsements, including the Sheriff's approval.
 - ii. The Rangemaster will notify the deputy's commander that the Sheriff has approved the request.
 - iii. Commanders will inform the deputy that his request was approved by the Sheriff and advise him that he may continue the process to purchase his handgun directly with the Rangemaster.
 - iv. Copies of disapproved and approved requests will be filed in the deputy's personnel file upon completion of review or transaction.
 - b. Rangemaster's Responsibility After Approval
 - i. Confirm the identity of the deputy and that the deputy still wishes to purchase the handgun.
 - ii. Ensure that the handgun to be purchased is the same as the one that had been or is currently issued to the deputy.

- iii. Obtain a check or money order for the replacement value of the handgun.
 - a) Ensure the check or money order is payable to “Harford County”.
 - b) Note on the check the serial number of the handgun purchased.
 - c) Send a copy of the check to the Training Academy for entry into the **Law Enforcement Records Management System**.
 - d) Send the original of the check to the Budget Director stapled to the HCSO Routing Slip (SO-179).
 - iv. Contact **a** Federal Firearms License (FFL) dealer and provide the requested handgun to the FFL after the date of retirement.
 - v. Inform the deputy making the purchase to contact the FFL and complete the purchase and necessary paperwork with the FFL.
 - vi. Inform the deputy that all costs associated with the transfer are the responsibility of the retired member.
 - vii. Inform the deputy he has thirty (30) days after the separation date or notification, whichever comes later, to complete the transaction or the firearm will be returned to the HCSO and the opportunity for purchase will be considered closed.
6. Requests Denied by the Sheriff
- a. Will be returned to the deputy, through official channels, with an explanation of why the request was denied.
 - b. The deputy’s commander will notify the Rangemaster that the request was denied.
 - c. The final decision whether to approve or disapprove the purchase of a handgun by a retiree rests solely with the Sheriff.
 - d. No appeals to the Sheriff’s decision will be accepted.
 - e. Paperwork relating to the request will be filed in the member’s personnel file.

Approved

JEFFREY R. GAHLER
SHERIFF
DATE 1/27/2020