

Metropolitan Police Academy



9.3 Weapon Offenses

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Introduction

As a police officer, you will inevitably find yourself on a scene with a dangerous weapon, or a scene where you must safely secure and take a dangerous weapon into the custody of the Department. In order to handle the scene safely and construct a narrative following an investigation and possible arrest, you must have a thorough understanding of the terms related to weapons offenses, the law that governs dangerous weapons, and the ways in which you can develop the standards of proof necessary to ensure illegal weapons are not in the hands of those not authorized to carry or possess them.

This lesson will teach you key terms related to weapons offenses, how to classify the elements of common weapons offenses, who is legally allowed to carry firearms within the District of Columbia, the elements of License to Carry Pistol violations, and how to conduct weapons offense investigations.

9.3.1 Define key terms associated with weapons offenses (DC Code §§ 7-2501.01, 7-2506.01, 22-4515a, 23-1331)

In order to effectively do your job as a police officer, you must have an understanding of how the law defines certain terms for specific purposes. Understanding the legal definitions that apply will help you to identify, classify, and describe weapons offenses that you may witness or investigate as a patrol officer.

A **weapon** is any object that can be used in an offensive manner capable of inflicting injury. A **dangerous weapon** is any object or device that is designed to be used, is actually used, or is threatened to be used in manner likely to produce death or serious bodily injury, or transportation of any firearm, ammunition, or destructive device.”

Firearm - Subject to certain exemptions, a firearm is defined as:

- “any weapon, regardless of operability, which will, or is designed or redesigned, made or remade, readily converted, restored, or repaired, or is intended to, expel a projectile or projectiles by the action of an explosive;
- the frame or receiver of an above-described weapon; or
- any firearm muffler or silencer.”

The following are **exempt from the definition of firearm**:

- “Antique firearms [see below definition];
- Destructive devices [see below definition];
- Any device used exclusively for line throwing, signaling, or safety, and required or recommended by the Coast Guard or Interstate Commerce Commission;

- Any device used exclusively for firing explosive rivets, stud cartridges, or similar industrial ammunition and incapable for use as a weapon; or
- A stun gun.”

Ammunition “means cartridge cases, shells, projectiles (including shot), primers, bullets (including restricted pistol bullets), propellant powder, or other devices or materials designed, redesigned, or intended for use in a firearm or destructive device.”

Large capacity ammunition feeding device “means a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition.” This term “shall not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.”

Antique firearm means (A) any firearm (including those with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898;” and (B) any replica of any firearm described in (A) so long as the replica does not use rim-fire or conventional center-fire fixed ammunition, or it uses ammunition that is no longer manufactured or commercially available in the United States.

Destructive device means:

- “An explosive, incendiary, or poison gas bomb, grenade, rocket, missile, mine, or similar device;
- Any device by whatever name known which will expel a projectile through a smooth bore barrel by the action of an explosive or another propellant, or one that is designed or can be readily converted to do so, with the exception of a shotgun;
- “Any device containing tear gas or a chemically similar lacrimator or sternutator by whatever name known;”
- “Any combination of parts designed or intended for use in converting any device into a destructive device, or from which a destructive device may be readily assembled” except for:
 - “Any pneumatic [pressurized air or gas], spring, or BB gun which expels a single projectile not exceeding .18 inch in diameter;
 - Any device that is neither designed nor redesigned for use as a weapon; and
 - Any device originally a weapon which has been redesigned for use as a signaling, line throwing, or safety device; or
 - Any device which the MPD Chief finds is not likely to be used as a weapon.”

Ghost gun means a firearm that, after the removal of all parts other than a receiver, “is not as detectable as the Security Exemplar by walk-through metal detectors calibrated and operated to detect the Security Exemplar;” or any major component of a firearm that, when subjected to inspection by the types of detection devices commonly used at secure federal government buildings and airports, does not generate an image that accurately depicts the shape of the component. The term “ghost gun” includes an unfinished frame or receiver and any firearm that lacks a unique serial number engraved by a licensed manufacturer.

Machine gun “means any firearm which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger.” The term “machine gun” also includes the frame or receiver of any such firearm, any part or combination of parts designed and intended to convert a firearm into a machine gun (e.g., a Glock switch or giggle switch),

“and any combination of parts from which a machine gun can be assembled if such parts are in possession and control of a person.”

Pistol “means any firearm originally designed to be fired by use of a single hand or with a barrel less than 12 inches in length.”

Rifle “means a grooved bore firearm using a fixed metallic cartridge with a single projectile and designed or redesigned, made or remade, and intended to be fired from the shoulder.”

Sawed-off shotgun “means a shotgun having a barrel of less than 18 inches in length; or a firearm made from a shotgun if such a firearm as modified has an overall length of less than 26 inches or any barrel of less than 18 inches in length.”

Shotgun “means a smooth bore firearm using a fixed shotgun shell with either a number of ball shot or a single projectile, and designed or redesigned, made or remade, and intended to be fired from the shoulder.”

Short barreled rifle “means a rifle having a barrel less than 16 inches in length, or a firearm made from a rifle if such a firearm as modified has an overall length of less than 26 inches or any barrel of less than 16 inches.”

Molotov cocktail “means (1) a breakable container containing flammable liquid and having a wick or similar device capable of being ignited; or (2) any other device designed to explode or produce uncontained combustion upon impact;” except for devices that are lawfully and commercially manufactured for lawful purposes such as illumination or construction work.

Crime of violence means:

- Aggravated assault
- An act of terrorism
- Arson
- Felony assault on a police officer
- Assault with a dangerous weapon
- Assault with intent to kill
- Assault with intent to commit first degree sexual abuse
- Assault with intent to commit second degree sexual abuse
- Assault with intent to commit child sexual abuse
- Assault with significant bodily injury
- Assault with intent to commit any other offense
- Burglary
- Carjacking
- Armed carjacking
- Child sexual abuse
- Cruelty to children in the first degree
- Extortion or blackmail accompanied by threats of violence
- Gang recruitment, participation, or retention by the use or threatened use of force, coercion, or intimidation
- Kidnapping

- Malicious disfigurement
- Manslaughter
- Manufacture or possession of a weapon of mass destruction
- Mayhem
- Murder
- Robbery
- Sexual abuse in the first, second, or third degrees
- Use, dissemination, or detonation of a weapon of mass destruction
- An attempt, solicitation, or conspiracy to commit any of the foregoing offenses.

9.3.2 Understand elements of weapons offenses commonly encountered by patrol officers

Firearms and Destructive Devices – Registration Requirements (§ 7-2502.01)

“(a) Except as otherwise provided in this unit, no person or organization in the District of Columbia (“District”) shall receive, possess, control, transfer, offer for sale, sell, give, or deliver any destructive device, and no person or organization in the District shall possess or control any firearm, unless the person or organization holds a valid registration certificate for the firearm. A registration certificate may be issued:

(1) To an organization if:

(A) The organization employs at least 1 commissioned special police officer or employee licensed to carry a firearm whom the organization arms during the employee’s duty hours; and

(B) The registration is issued in the name of the organization and in the name of the president or chief executive officer of the organization;

(2) In the discretion of the Chief of Police, to a police officer who has retired from the Metropolitan Police Department;

(3) In the discretion of the Chief of Police, to the Fire Marshal and any member of the Fire and Arson Investigation Unit of the Fire Prevention Bureau of the Fire Department of the District of Columbia, who is designated in writing by the Fire Chief, for the purpose of enforcing the arson and fire safety laws of the District of Columbia;

(4) To a firearms instructor, or to an organization that employs a firearms instructor, for the purpose of conducting firearms training; or

(5) To a person who complies with, and meets the requirements of, this unit.

(b) Subsection (a) of this section shall not apply to:

(1) Any law enforcement officer or agent of the District or the United States, or any law enforcement officer or agent of the government of any state or subdivision thereof, or any member of the armed forces of the United States, the National Guard or organized reserves, when such officer, agent, or member is authorized to possess such a firearm or device while on duty in the performance of official authorized functions;

(2) Any person holding a dealer's license; provided, that the firearm or destructive device is:

(A) Acquired by such person in the normal conduct of business;

(B) Kept at the place described in the dealer's license; and

(C) Not kept for such person's private use or protection, or for the protection of his business;

(3) With respect to firearms, any nonresident of the District participating in any lawful recreational firearm-related activity in the District, or on his way to or from such activity in another jurisdiction; provided, that such person, whenever in possession of a firearm, shall upon demand of any member of the Metropolitan Police Department, or other bona fide law enforcement officer, exhibit proof that he is on his way to or from such activity, and that his possession or control of such firearm is lawful in the jurisdiction in which he resides; provided further, that such weapon shall be transported in accordance with § 22-4504.02;

(4) Any person who temporarily possesses a firearm registered to another person while in the home or place of business of the registrant; provided, that the person is not otherwise prohibited from possessing firearms and the person reasonably believes that possession of the firearm is necessary to prevent imminent death or great bodily harm to himself or herself; or

(5) Any person who temporarily possesses a firearm while participating in a firearms training and safety class conducted by a firearms instructor.

(c) For the purposes of subsection (b)(3) of this section, the term "recreational firearm-related activity" includes a firearms training and safety class."

Registration of Certain Firearms Prohibited (§ 7-2502.02)

"(a) A registration certificate shall not be issued for a:

(1) Sawed-off shotgun;

(2) Machine gun;

(3) Short-barreled rifle;

(4) Pistol not validly registered to the current registrant in the District prior to September 24, 1976, except that the prohibition on registering a pistol shall not apply to:

(A) Any organization that employs at least one commissioned special police officer or other employee licensed to carry a firearm and that arms the employee with a firearm during the employee's duty hours;

(B) A police officer who has retired from the Metropolitan Police Department;

(C) Any person who seeks to register a pistol:

(i) For use in self-defense within that person's home or place of business; or

(ii) As part of the application process for a license to carry a concealed pistol pursuant to § 7-2509.02; or

(D) A firearms instructor, or an organization that employs a firearms instructor, for the purpose of conducting firearms training.

(5) An unsafe firearm prohibited under § 7-2505.04;

(6) An assault weapon;

(7) A .50 BMG rifle; or

(8) Ghost gun.

(b) Repealed.

(c)(1) Notwithstanding subsection (a)(5) of this section, a registration certificate may be issued for a self-manufactured firearm that is not prohibited under subsection (a)(1) through (4) or (6) through (8) if:

(A) The applicant meets the requirements of § 7-2502.03; and

(B) A unique serial number is engraved or cast on, or otherwise permanently affixed to, the firearm in a manner that meets or exceeds the requirements imposed on licensed importers and licensed manufacturers of firearms pursuant to subsection (i) of Section 923 of Title 18 of the United States Code and regulations issued pursuant thereto; provided, that a serial number or mark of identification exceeds these requirements if the engraving, casting, or stamping (impressing) of the serial number exceeds the required minimum depth or exceeds the minimum print size of that provision.

(2)(A) An applicant who meets the requirements of § 7-2502.03 may register a self-manufactured firearm that does not bear a serial number as described in paragraph (1)(B) of this subsection, if, prior to finishing the frame or receiver, the applicant has caused a unique serial number to be engraved, casted, stamped (impressed), or placed on the frame or receiver, as set forth in subparagraphs (B) and (C) of this paragraph.

(B) The serial number shall consist of the first and last name of the self-manufacturer, followed by the designation "DC" and then a set of 2 to 5 numbers.

(C) The set of numbers described in subparagraph (B) of this paragraph shall not duplicate any serial number placed by the self-manufacturer on any other firearm. The applicant shall, before engraving, casting, stamping (impressing), or placing a serial number on the frame or receiver, confirm with the Metropolitan Police Department that the proposed serial number has not already been registered to another firearm.”

Persons Permitted to Possess Ammunition (§ 7-2506.01)

(a) No person shall possess ammunition in the District of Columbia unless:

- (1)** He is a licensed dealer pursuant to subchapter IV of this unit;
- (2)** He is an officer, agent, or employee of the District of Columbia or the United States of America, on duty and acting within the scope of his duties when possessing such ammunition;
- (3)** He is the holder of a valid registration certificate for a firearm pursuant to subchapter II of this chapter; except, that no such person shall possess one or more restricted pistol bullets;
- (4)** He holds an ammunition collector’s certificate on September 24, 1976; or
- (5)** He temporarily possesses ammunition while participating in a firearms training and safety class conducted by a firearms instructor.

(b) No person in the District shall possess, sell, or transfer any large capacity ammunition feeding device regardless of whether the device is attached to a firearm. For the purposes of this subsection, the term “large capacity ammunition feeding device” means a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition. The term “large capacity ammunition feeding device” shall not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.”

Responsibilities Regarding Storage of Firearms (§ 7-2507.02)

“(a) It shall be the policy of the District of Columbia that each registrant should keep any firearm in his or her possession unloaded and either disassembled or secured by a trigger lock, gun safe, locked box, or other secure device.

(b) No person shall store or keep any firearm on any premises under his control if he knows or reasonably should know that a minor is likely to gain access to the firearm without the permission of the parent or guardian of the minor unless such person:

- (1)** Keeps the firearm in a securely locked box, secured container, or in a location which a reasonable person would believe to be secure; or
- (2)** Carries the firearm on his person or within such close proximity that he can readily retrieve and use it as if he carried it on his person.

(c)(1) A person who violates subsection (b) of this section is guilty of criminally negligent storage of a firearm and, except as provided in paragraph (2) of this subsection, shall be fined not more than \$1,000, imprisoned not more than 180 days, or both.

(2) A person who violates subsection (b) of this section and the minor causes injury or death to himself or another shall be fined not more than \$5,000, imprisoned not more than 5 years, or both.

(3) The provisions of paragraphs (1) and (2) of this subsection shall not apply if the minor obtains the firearm as a result of an unlawful entry or burglary to any premises by any person.

(c-1) The provisions of § 7-2507.06 shall not apply to this section.

(d) For the purposes of this section, the term “minor” shall mean a person under the age of 18 years.”

When a person is arrested for this violation of the law and a minor is able to obtain possession of a firearm or could potentially obtain possession of a firearm in a situation in which a reasonable person would have realized that such a thing was possible, then the charge would be **misdemeanor Criminally Negligent Storage of a Firearm**. The misdemeanor offense carries a sentence of up to 180 days in jail.

If someone fails to properly secure and store a firearm and a minor is able to gain access to the firearm and because of the firearm being in his or her possession the minor injures him or herself or another person or causes death to him- or herself or another person, then the appropriate charge would be **felony Criminally Negligent Storage of a Firearm**. The felony offense carries a sentence of not more than five (5) years in prison.

The law makes an exception with regard to storage of firearms for those who do not have minors within the home and yet the firearm is later found to be in the possession of a minor when that minor gained access to the weapon during the commission of either the crime Unlawful Entry or Burglary.

Within the District of Columbia, there are also laws that state that minors cannot be in possession of firearms or other dangerous weapons on public space.

Unlawful Possession of Firearm (§ 22-4503)

“(a) No person shall own or keep a firearm, or have a firearm in his or her possession or under his or her control, within the District of Columbia, if the person:

(1) Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

(2) Is not licensed under § 22-4510 to sell weapons, and the person has been convicted of violating this chapter;

(3) Is a fugitive from justice;

(4) Is addicted to any controlled substance, as defined in § 48-901.02(4);

(5) Is subject to a court order that:

(A)(i) Was issued after a hearing of which the person received actual notice, and at which the person had an opportunity to participate; or

(ii) Remained in effect after the person failed to appear for a hearing of which the person received actual notice;

(B) Restrains the person from assaulting, harassing, stalking, or threatening the petitioner or any other person named in the order; and

(C) Requires the person to relinquish possession of any firearms;

(6) Has been convicted within the past 5 years of an intrafamily offense, as defined in D.C. Official Code § 16-1001(8), punishable as a misdemeanor, or any similar provision in the law of another jurisdiction.

(b)(1) A person who violates subsection (a)(1) of this section shall be sentenced to imprisonment for not more than 10 years and shall be sentenced to imprisonment for a mandatory-minimum term of 1 year, unless she or he has a prior conviction for a crime of violence other than conspiracy, in which case she or he shall be sentenced to imprisonment for not more than 15 years and shall be sentenced to a mandatory-minimum term of 3 years.

(2) A person sentenced to a mandatory-minimum term of imprisonment under paragraph (1) of this subsection shall not be released from prison or granted probation or suspension of sentence prior to serving the mandatory-minimum sentence.

(3) In addition to any other penalty provided under this subsection, a person may be fined an amount not more than the amount set forth in § 22-3571.01.

(c) A person who violates subsection (a)(2) through (a)(6) of this section shall be sentenced to not less than 2 years nor more than 10 years, fined not more than the amount set forth in § 22-3571.01, or both.

(d) For the purposes of this section, the term:

(1) “Crime of violence” shall have the same meaning as provided in § 23-1331(4), or a crime under the laws of any other jurisdiction that involved conduct that would constitute a crime of violence if committed in the District of Columbia, or conduct that is substantially similar to that prosecuted as a crime of violence under the District of Columbia Official Code.

(2) “Fugitive from justice” means a person who has:

(A) Fled to avoid prosecution for a crime or to avoid giving testimony in a criminal proceeding; or

(B) Escaped from a federal, state, or local prison, jail, halfway house, or detention facility or from the custody of a law enforcement officer.”

Carrying Concealed Weapons; Possession of Weapons During Commission of Crime of Violence (§ 22-4504)

“(a) No person shall carry within the District of Columbia either openly or concealed on or about their person, a pistol, without a license issued pursuant to District of Columbia law, or any deadly or dangerous weapon. Whoever violates this section shall be punished as provided in § 22-4515, except that:

(1) A person who violates this section by carrying a pistol, without a license issued pursuant to District of Columbia law, or any deadly or dangerous weapon, in a place other than the person’s dwelling place, place of business, or on other land possessed by the person, shall be fined not more than the amount set forth in § 22-3571.01 or imprisoned for not more than 5 years, or both; or

(2) If the violation of this section occurs after a person has been convicted in the District of Columbia of a violation of this section or of a felony, either in the District of Columbia or another jurisdiction, the person shall be fined not more than the amount set forth in § 22-3571.01 or imprisoned for not more than 10 years, or both.

(a-1) Except as otherwise permitted by law, no person shall carry within the District of Columbia a rifle or shotgun. A person who violates this subsection shall be subject to the criminal penalties set forth in subsection (a)(1) and (2) of this section.

(b) No person shall within the District of Columbia possess a pistol, machine gun, shotgun, rifle, or any other firearm or imitation firearm while committing a crime of violence or dangerous crime as defined in § 22-4501. Upon conviction of a violation of this subsection, the person may be sentenced to imprisonment for a term not to exceed 15 years and shall be sentenced to imprisonment for a mandatory-minimum term of not less than 5 years and shall not be released on parole, or granted probation or suspension of sentence, prior to serving the mandatory-minimum sentence.

(c) In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in § 22-3571.01.”

Elements: Carrying a Pistol Without a License

1. The accused carried a pistol on or about his/her person;
2. S/he did so voluntarily and on purpose, and not by mistake or accident;
3. S/he did not have a license to carry a pistol [.] [; and]
4. S/he carried the pistol in a place other than his/her own dwelling or place of business, or other land or premises possessed by him/her.

Elements: Carrying a Dangerous Weapon (CDW)

As noted above, a dangerous weapon is any object likely to produce death or great bodily injury by the use made of it. Some objects may be used as tools or for other useful purposes. The law does not prohibit carrying those objects for those purposes. Nonetheless, objects that can be used as tools or for other useful purposes can produce death or great bodily harm. Therefore, when arresting someone for Carrying a Dangerous Weapon, you must be able to articulate how the object in his or her possession could be considered dangerous. The probable cause for this arrest is based upon your being able to articulate how the object at that specific time and place and under the given circumstances meets the legal definition of a dangerous or deadly weapon.

For example, you see several bat-wielding teenagers in a fight. One of the teenagers punches another teenager in the face while holding onto a bat. The manner in which the bat was being used during the fight demonstrates the intention to use the bat as a weapon. As such, the teenager who threw the punch could be charged with CDW as well as Simple Assault. The reason is because the baseball bat, while designed to be used in a non-violent fashion, was at that time and under the particular circumstances able to be used as a dangerous weapon.

Carrying on or about His or Her Person

A person carries a pistol or dangerous weapon on or about his/her person if it was actually on his/her person. A person can also be found to be carrying a pistol or dangerous weapon if it is conveniently accessible to him/her and within his/her reach; and he/she has the ability and intent to exercise dominion and control over the pistol or dangerous weapon. Mere presence near a pistol or dangerous weapon, or mere knowledge of its location, is not enough to show that the accused is carrying it on or about his/her person.

In summary, the penalty for weapons possession varies based on certain factors, such as:

- CPWL/CDW on the person's own property (residential or business) is a misdemeanor punishable by up to one (1) year in jail.
- CPWL/CDW outside the person's residence or business and possession involving a rifle or shotgun is a felony punishable by up to five (5) years in prison.
- If the person is a convicted felon, CPWL/CDW is a felony punishable by up to ten (10) years in prison.

Lawful transportation of firearms (§ 22-4504.02)

“(a) Any person who is not otherwise prohibited by the law from transporting, shipping, or receiving a firearm shall be permitted to transport a firearm for any lawful purpose from any place where he may lawfully possess and carry the firearm to any other place where he may lawfully possess and carry the firearm if the firearm is transported in accordance with this section.

(b)(1) If the transportation of the firearm is by a vehicle, the firearm shall be unloaded, and neither the firearm nor any ammunition being transported shall be readily accessible or directly accessible from the passenger compartment of the transporting vehicle.

(2) If the transporting vehicle does not have a compartment separate from the driver's compartment, the firearm or ammunition shall be contained in a locked container other than the glove compartment or console, and the firearm shall be unloaded.

(c) If the transportation of the firearm is in a manner other than in a vehicle, the firearm shall be:

(1) Unloaded;

(2) Inside a locked container; and

(3) Separate from any ammunition."

Possession of Certain Dangerous Weapons Prohibited; Exceptions (§ 22-4514)

"(a) No person shall within the District of Columbia possess any machine gun, sawed-off shotgun, bump stock, ghost gun, knuckles, or any instrument or weapon of the kind commonly known as a blackjack, slungshot, sand club, sandbag, switchblade knife, nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms; provided, however, that machine guns, or sawed-off shotgun, bump stock, ghost gun, knuckles, and blackjacks may be possessed by the members of the Army, Navy, Air Force, or Marine Corps of the United States, the National Guard, or Organized Reserves when on duty, the Post Office Department or its employees when on duty, marshals, sheriffs, prison or jail wardens, or their deputies, policemen, or other duly-appointed law enforcement officers, including any designated civilian employee of the Metropolitan Police Department, or officers or employees of the United States duly authorized to carry such weapons, banking institutions, public carriers who are engaged in the business of transporting mail, money, securities, or other valuables, wholesale dealers and retail dealers licensed under § 22-4510.

(b) No person shall within the District of Columbia possess, with intent to use unlawfully against another, an imitation pistol, or a dagger, dirk, razor, stiletto, or knife with a blade longer than 3 inches, or other dangerous weapon.

(c) Whoever violates this section shall be punished as provided in § 22-4515 unless the violation occurs after such person has been convicted in the District of Columbia of a violation of this section, or of a felony, either in the District of Columbia or in another jurisdiction, in which case such person shall be imprisoned for not more than 10 years.

(d) In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in § 22-3571.01."

Subsection (a) of this law is also referred to as **PPW(a)**. PPW(a) is also the phrasing you will most likely hear voiced over the radio when an officer is obtaining a report number for this offense. The listed items that are absolutely not allowed to be in the possession of anyone within the District of Columbia are illegal because they exist only to cause death or injury to another person. There is no legitimate reason for the average person to possess any of the listed dangerous weapons.

Elements of PPW(a):

1. The accused possessed a machine gun, sawed-off shotgun, blackjack, slingshot, sand club, sandbag, switch-blade knife, knuckles, instrument, attachment, or appliance for silencing or muffling the noise of firing of a firearm, bump stock, or ghost gun; and
2. He did so voluntarily and on purpose, and not by mistake or accident.

The probable cause for arrest for PPW(a) is simply that the person, unless he or she is one of the listed exempted individuals, purposely had any of the prohibited weapons in his or her possession. You do *not* have to prove that the person intended to use the weapon against another person. If he or she is carrying the weapon, or it is conveniently accessible to him/her and within his/her reach, such as a switchblade sitting on the passenger seat of a vehicle next to the driver of the vehicle, then he/she can be placed under arrest for PPW(a).

Actual possession means just that—the suspect actually has possession of a prohibited weapon because it is in his or her hand or on his or her body.

Constructive possession means that the person is capable of exercising control or dominion over the property, such as by reaching out to grab it from a nearby location. Constructive possession also applies to an individual who has the unlawful weapon secured in a locked safe within his or her home. In other words, a person does not have to carry the weapon on his or her person in order to be charged with possession. You need only be able to articulate how he or she could exercise immediate control over the weapon (the weapon on the seat example) or how they exercise dominion over the prohibited weapon (the weapon in the locked safe in his or her residence example).

Subsection (b) of the Possession of Certain Dangerous Weapons statute is referred to as **PPW(b)**. This offense makes it unlawful for any person, *without exception*, to possess with intent to use unlawfully against another person one of the weapons listed there.

Elements of PPW(b):

1. The accused possessed an imitation pistol, dagger, dirk, razor, stiletto, knife with a blade longer than three (3) inches, or other dangerous weapon; and
2. At the time he possessed the imitation pistol, dagger, dirk, razor, stiletto, knife, or other dangerous weapon, he *intended* to use it unlawfully against another.

As noted above, a dangerous weapon is any object likely to produce death or great bodily injury due to use made of it. Since some objects may be used as tools or for other useful purposes, the law does not prohibit possession of those objects for those specific purposes. In deciding whether the possessed object was a dangerous weapon, you must consider all the circumstances surrounding its possession and use. You may consider, among other things, the design or construction of the object, the accused's conduct at the time, and the time and place he or she is in possession of the object.

Unlike PPW(a), which makes mere possession of any of the listed prohibited items against the law, with PPW(b) possession is not enough to establish probable cause and warrant an arrest. PPW(b) requires that the individual not only have one of the weapons specified within the statute in his or her possession, but also that he or she have *the intent to use* the weapon unlawfully against another individual at the time. A violation of PPW(a) or PPW(b) is a misdemeanor punishable by up to one (1) in jail.

A violation of PPW(a) or PPW(b) by a convicted felon is a felony punishable by up to ten (10) years in prison.

Manufacture, Transfer, Use, possession, or Transportation of Molotov Cocktails or Other Explosives for Unlawful Purposes (§ 22–4515a)

“(a) No person shall within the District of Columbia manufacture, transfer, use, possess, or transport a molotov cocktail. As used in this subsection, the term “molotov cocktail” means: (1) a breakable container containing flammable liquid and having a wick or a similar device capable of being ignited; or (2) any other device designed to explode or produce uncontained combustion upon impact; but such term does not include a device lawfully and commercially manufactured primarily for the purpose of illumination, construction work, or other lawful purpose.

“(b) No person shall manufacture, transfer, use, possess, or transport any device, instrument, or object designed to explode or produce uncontained combustion, with the intent that the same may be used unlawfully against any person or property.”

Manufacture, Transfer, Use, possession, or Transportation of Molotov Cocktails or Other Explosives for Unlawful Purposes is a felony punishable by one (1) to five (5) years in prison for a first offense.

Discharge of Weapons (DCMR Title 24, Chapter 23, § 2300)

This provision of the DC Municipal Regulations states that, “No gun, air gun, rifle, air rifle, pistol, revolver, or other firearm, cannon, or torpedo shall be discharged or set off in the District without a special written permit from the Chief of Police.”

When placing someone under arrest for this offense, the charge is **Unlawful Discharge of a Firearm**. If the person discharged a BB gun, then it would still be **Unlawful Discharge of a Firearm** (§ 22–4503.01).

If you were to come across a *juvenile* in possession of a firearm who actually discharged the firearm, then you should place him or her under arrest for both the underage possession and discharge offenses as the juvenile has broken the law in more than one manner.

Possession of Weapons (DCMR Title 24, Chapter 23, § 2301)

- **Subsection 2301.1**

“No person under the age of eighteen (18) years shall carry or have in his or her possession upon any street, avenue, road, alley, park, or other public space in the District, any gun, pistol, rifle, bean shooter, sling, projectile, dart, or other dangerous weapon of any character.”

If you must arrest a juvenile for this offense, you would charge him or her with **Underage Possession of a Firearm and CPWL because the juvenile is underage and therefore cannot have a weapons license**.

- **Subsection 2301.3**
“It shall not be lawful for any person to carry or have in his or her possession outside any building in the district an air rifle, air gun, air pistol, B-B gun, spring gun, blowgun, bowgun, or any similar type of gun.”
- **Subsection 2301.4**
“Nothing in this section shall be construed as prohibiting the transportation of an air rifle, air gun, air pistol, B-B gun, spring, gun, blowgun, or bowgun, unloaded and securely wrapped, by a person who is eighteen (18) or more years of age.”
- **Subsection 2301.5**
“Nothing in this section shall be construed as prohibiting the use of an air rifle, air gun, air pistol, B-B gun, spring gun, blowgun, bowgun, or any similar type gun, where the use of the gun is supervised by a person eighteen (18) or more years of age in connection with the following:
 - a) A theatrical performance or athletic contest;
 - b) A licensed shooting gallery; or
 - c) Use at other locations where the use of the guns is authorized by the Chief of Police.”

If you arrest a person for possessing a BB gun, then the charge would be **Unlawful Possession of a BB Gun**.

Persons Permitted to Possess Ammunition (§ 7-2506.01)

Just as firearms and their counterparts are highly regulated by the law within Washington, DC, ammunition is also subject to regulatory laws that restrict who may possess ammunition. No one shall possess ammunition in the District of Columbia unless:

- (1) He is a licensed dealer pursuant to subchapter IV of this unit;
- (2) He is an officer, agent, or employee of the District of Columbia or the United States of America, on duty and acting within the scope of his duties when possessing such ammunition;
- (3) He is the holder of the valid registration certificate for a firearm pursuant to subchapter II of this chapter; except, that no such person shall possess one or more restricted pistol bullets; or
- (4) He holds an ammunition collector's certificate on September 24, 1976; or
- (5) He temporarily possesses ammunition while participating in a firearms training and safety class conducted by a firearms instructor.

There are times when you may find ammunition on a person or within his or her vehicle but not find a weapon. This could be ammunition that you discover upon conducting a search incident to arrest or perhaps you see it within plain view in a vehicle or discover it upon a vehicle search.

9.3.3 Understand various Supreme Court cases regarding weapon offenses

Florida v. J.L., 529 U.S. 266 (2000)

Any information received from a third party *must* be corroborated and assessed for veracity. This can include a caller with no known location or call back information, an anonymous tip. If possible, you must also determine how reliable the information from the third party has been on prior occasions and how the individual came to learn of the breach of the law. All of these factors are taken into consideration when viewing the totality of circumstances, and they will enable you to make the best and most informed decision to effect an arrest. On the other hand, you cannot begin an investigatory stop based on information from a person who is known to lack integrity and frequently lie.

The Supreme Court Case *Florida v JL* highlights the necessity of accurately assessing information from a third party *prior* to taking police action and conducting an investigatory stop.

In 1995, the Miami Dade Police Department received an anonymous tip that a black male wearing plaid clothing and standing a bus stop, for which an exact location was provided, was in possession of a firearm. Officers from the department were dispatched to the scene where three black males were present, one of whom was wearing plaid as the caller described. Based on no other information other than that provided by the anonymous caller, the officers stopped and detained the black male in the plaid shirt. Officers conducted a frisk of his person and located a firearm which he had in his possession illegally as it was not licensed, and he was under the age of eighteen (18).

The Supreme Court ruled that the stop and frisk of the male wearing plaid was unlawful and any contraband uncovered was fruit of the poisonous tree and inadmissible in court as it had been obtained unlawfully. The Court further ruled that:

An accurate description of a subject's readily observable location and appearance is of course reliable in this limited sense: It will help the police correctly identify the person whom the tipster means to accuse. Such a tip, however, does not show that the tipster has knowledge of concealed criminal activity. The reasonable suspicion here at issue requires that a tip be reliable in its assertion of illegality, not just in its tendency to identify a determinate person.

United States v Arvizu, 534 US 266 (2002)

This case articulates how an officer's knowledge of an area, crime trends, and the demeanor of the people who live in that area can assist in the development of reasonable suspicion.

In January of 1998 Border Patrol Agent Clinton Stoddard was on duty at a Border Patrol checkpoint. As he sat at the checkpoint, a sensor placed in one of the multitudes of less traveled roads, roads favored by drug traffickers, was triggered. Knowing that the road is not generally travelled and having knowledge of those who generally use the road when they do, Agent Stoddard decided to investigate.

When he arrived in the area, he noticed a minivan being driven by a male, later discovered to be Ralph Arvizu, with several children in the backseat. In a town in which people tend to be open and friendly with one another, the man pointedly ignored Agent Stoddard and rapidly decelerated. Agent Stoddard drove alongside the van and the children inside waved at Agent Stoddard in a manner that made him question

whether they had been coached to do so. This occurred as the driver made a turn at the last possible moment on the final turn on the straight road in an attempt to avoid the coming checkpoint.

Agent Stoddard then conducted a stop of the van and a search uncovered more than 100 pounds of marijuana. Arvizu was placed under arrest for possession of marijuana with intent to distribute. Arvizu challenged his arrest, arguing that the stop was unconstitutional as he had not violated any law that should have led to his being pulled over.

The Supreme Court disagreed and ruled that:

Having considered the totality of the circumstances and given due weight to the factual inferences drawn by the law enforcement officer and District Court Judge, we hold that Stoddard had reasonable suspicion to believe that respondent was engaged in illegal activity. It was reasonable for Stoddard to infer from his observations, his registration check, and his experience as a border patrol agent that respondent had set out from Douglas along a little-traveled route used by smugglers to avoid the 191 checkpoint. Stoddard's knowledge further supported a commonsense inference that respondent intended to pass through the area at a time when officers would be leaving their backroads patrols to change shifts. The likelihood that respondent and his family were on a picnic outing was diminished by the fact that the minivan had turned away from the known recreational areas accessible to the east on Rucker Canyon Road. Corroborating this inference was the fact that recreational areas farther to the north would have been easier to reach by taking 191, as opposed to the 40-to-50-mile trip on unpaved and primitive roads. The children's elevated knees suggested the existence of concealed cargo in the passenger compartment. Finally, for the reasons we have given, Stoddard's assessment of respondent's reactions upon seeing him and the children's mechanical-like waving, which continued for a full four to five minutes, were entitled to some weight.

9.3.4 Describe basic patrol weapons offenses investigations

Officer Safety Considerations

The profession you have chosen is inherently dangerous, and while it is necessary that you treat all people within the District of Columbia with dignity and respect, you must also take safety precautions to ensure that no harm comes to you or any other member of the public. You should approach all situations and persons as if they are potentially dangerous. This does not mean that you should no longer be courteous and understanding, but you must remain cognizant of your surroundings at all times.

While exigent circumstances can at times cause you to act immediately, prior to having all the resources at your disposal that you would like such as additional back-up, outside of those extreme circumstances, you should not approach an individual on your own whom you believe may be armed. Tactically, it is safer and smarter to keep an individual within your sight until additional units arrive, provided he or she is doing nothing that is causing harm to him- or herself or another person at the time. Remember that there is safety in numbers, and you lose nothing by calling and waiting for backup.

Reasonable Suspicion and Protective Pat Downs

An officer must have reasonable articulable suspicion to believe a person has engaged in, is engaging in, or is about to engage in criminal activity as well as reasonable articulable suspicion to believe the person is armed and potentially dangerous in order to perform a protective pat down. Remember that a protective pat down is not a *search*; it is only a pat down of a person's outside clothing (Lesson 4.1 Criminal Law).

When speaking with an individual, always be mindful of his or her hands and where he or she places them. Understand that weapons can be concealed within a person's pockets or under other layers of clothes or objects. Constantly scan your surroundings and be sure to watch also for those with whom you are not directly involved in an investigatory manner: danger will not always present itself from the person who is directly in front of you.

If you are back-up for another officer, then you are the cover officer, and the other officer is counting on you to help maintain his or her safety. Constantly scan for potential danger from either the person with whom the officer is in contact or any other member of the community (Lesson 2.4 Preliminary Patrol Investigations).

Reminder: Prior to conducting a stop, or a stop and protective pat down of a person, you must have *reasonable articulable suspicion* that will enable you to do so. This can be developed utilizing your own knowledge that is based upon your training and experience throughout your years on the department. This can also be developed through corroborating information obtained from a reliable third party or from the characteristics, actions, and demeanor of the stopped person. Although reasonable suspicion is not capable of precise definition, it is more than a hunch or mere speculation but less than the probable cause necessary to arrest. Members shall consider the totality of the circumstances when developing reasonable suspicion.

The skills that you will develop as you gain patrol experience as well as the training you have received will assist you in investigating persons who may be concealing a firearm or other weapon. Actions taken by a suspect that give rise to reasonable inference that the suspect is trying to conceal a firearm from the police may give rise to reasonable articulable suspicion that the suspect is engaged in criminal activity (e.g., unlawful possession of a firearm) and is armed and potentially dangerous. Such actions might include "blading" of the body, or other evasive physical maneuvers or gestures. It is important to remember, however, that such "blading" rarely appears in BWC footage. Similarly, a suspect's use of their hands to conceal a weapon rarely is noticeable in BWC footage, and thus a reviewing judge may conclude that the activity was too equivocal to give rise, by itself, to reasonable articulable suspicion. These factors make it imperative that officers be able to clearly articulate what specific actions a subject engaged in or displayed that led to the reasonable suspicion that they were engaged in criminal activity and were armed with a weapon. Take time to review lesson 4.1 – Criminal Law and GO-OPS-304.10 (Field Contacts, Stops, and Protective Pat Downs) for factors that may be considered for determining if reasonable suspicion exists.

Recovering Firearms

Officers should treat all firearms as potentially operable when encountered, even if there are damage or defects visible to the firearm (i.e., rust, missing parts). The presence of damage or decay to a weapon does not change the ability for an individual to be charged with a firearms violation in accordance with the Inoperable Pistol Amendment Act of 2008

NOTE: Always follow up with the narrative description of with how many rounds of ammunition are in the magazine(s) as well as the chamber of the recovered firearm.

Whenever you come into possession of a firearm, regardless of however this possession occurs, notify and request DFS to respond to your location. Firearm recoveries and processing fall under DFS purview and not that of district crime scene as districts are not properly equipped to process the firearm.

All firearms that you recover will be processed according to **GO 601.01 Handling and Disposition of Property (3.4 Property)**.

In order to preserve a crime scene when you locate a firearm in a vehicle, dwelling, or public area, do not touch the firearm as you will destroy evidence (Lesson 3.3 Crime Scene). You need only secure the firearm. Securing the firearm can be as simple as standing above it until DFS can arrive on scene. If, however, exigent circumstances arise and you must immediately move or secure the firearm, then do so and document when and why you moved the firearm.

Here is an example of when it would prove wise to physically secure a firearm:

When you are in pursuit of an individual going into a crowded area with people only to see the person toss the firearm and continue running, and you do not know where the person has gone. For your safety and the safety of those in the area, it would be prudent to take the firearm into your possession right then. You would need to articulate why you had to do so in your report.

The DFS technician will unload the weapon when practicable so, for example, the firearm can be fingerprinted. Weapons that cannot be unloaded shall be taken to the Firearms Examination Section to conduct further inspection of the weapon. Whenever possible, firearms should be photographed by CSSO before being moved from the location they were found.

Accurate firearms statistics enable the Metropolitan Police Department to identify patterns and trends that better inform decision-making and enable response to public information requests. Reliable data entry is critical to ensuring the accuracy of firearms-related statistics. Accordingly, members *must* enter *all* firearms properly into RMS.

Members shall enter each firearm in RMS individually, under the correct charge, with the correct property type, and assigned the correct status. Members shall use the “Property and Items (+ ITEM)” subsection of the associated incident or offense card in RMS to enter firearms.

- Entering several firearms as one item of property is not sufficient.
- Using the “Quantity” field to enter the number of firearms rather than entering each individual firearm as a separate property item is not sufficient.
- Including the firearm in only the narrative section of the report is not sufficient. The narrative is an important part of the report for other purposes (e.g., adjudication and record-keeping), but it cannot be used in conducting statistical analysis.

When processing a firearm, members are reminded to:

- Open the “Property and Items (+ ITEM)” subsection in the associated incident or offense card (Attachment A).
- Click on + Add/Edit Property.

- Select “Firearm” (Attachment A).
- Complete the “Add Item – Firearm” tab, with special attention to the “Property Status” field (Attachment A).
- In the “Property Status” field, choose the appropriate status for the firearm from the dropdown menu.
- Firearms entered as “Recovered” or “Seized” require completion of the “Reason for Police Custody” field.
- Complete the remaining fields in the “Property Status” section.
- If Recovered or Seized (complete the “Recovery Information Section”).
- After completing the entry click the SAVE CHANGES button on the Property Card.
- Repeat these steps for each and every firearm associated with the report.

9.3.5 Outline which individuals are legally authorized to carry firearms within Washington, DC

When you are sworn in and become a police officer, you are authorized by Congress and the federal government to carry a concealed firearm pursuant to legal guidelines. Retired law enforcement officers who have served for ten (10) or more years and who separated from their department in good standing are also allowed to carry concealed firearms. Such concealed carry is permitted by the Law Enforcement Officer’s Safety Act of 2004. This federal statute, however, does not supersede the laws of any state or private institution with regards to who may carry a concealed firearm *within the state or on the private property of the involved party*. It also does not allow you to carry a concealed machine gun, destructive device, or any form of silencer or muffler for a firearm. Some states require that a law enforcement officer register and qualify with the firearm in order to carry it as a concealed firearm.

Whenever you carry your firearm, you also must at all times carry your law enforcement identification on your person. In other words, you cannot carry your weapon without also carrying your police identification. Nor can you ever carry your firearm while you are under the influence of alcohol.

If you ever find yourself in contact with an individual who purports to be a law enforcement officer after you discover they have a firearm, he or she must be able to prove this status by displaying police identification. Regardless of whom a person *states* they are, you must take all reasonable steps to attempt to verify and corroborate the information the individual provides. Remember to remain aware of your personal safety, the safety of your partner and any other officers on scene, as well as the community members who live within the District of Columbia.

Someone stating that they are a law enforcement officer does not automatically make the statement true, nor does it mean that you are safe based upon those words alone. If you are unable to verify what someone tells you, you are required by law to take the appropriate police action regarding that individual.

9.3.6 Classify the elements of License to Carry a Pistol violation

Issue of a License to Carry a Pistol (§ 22-4506)

This act enables the Chief of Police of the Metropolitan Police Department to provide an individual a license to carry a concealed pistol within the District of Columbia for a period of two (2) years to:

- someone who lives or has a business within Washington, DC or
- a person who lives in or has a business in another jurisdiction where they have a license to carry a pistol concealed upon their person

The person must reapply for a new license upon the conclusion of the two-year period. If you come into contact with a person carrying a registered concealed pistol who presents an expired license, place the person under arrest for **Carrying Pistol Without License (CPWL) - §22-4504**.

An individual who has been granted permission to carry a concealed pistol on their person is still subject to the laws laid forth in DC Code and you must take the appropriate police action when they have violated the law and the License to Carry a Pistol Emergency Amendment Act of 2014.

The license given and approved by the Chief of Police grants an individual the right to carry a pistol that is concealed. It does *not* allow them to openly carry the pistol or to carry it in any manner in which the pistol is not concealed.

Carrying a Licensed Pistol While Impaired (§ 7-2509.06)

While the License to Carry a Pistol Emergency Amendment Act of 2014 allows people within Washington, DC to carry concealed pistols with a license approved by the Chief of Police, there are limitations on when and how a person may carry the firearm. As a police officer, it will be your responsibility to ensure that individuals who are permitted to carry a concealed firearm within the city limits do so in a manner that is congruent with the law. Just as driving a motor vehicle has limitations placed upon the operator, such as it being unlawful to operate while intoxicated or under the influence, the same holds true for firearms.

Within the District of Columbia, it is against the law to carry a firearm while impaired.

- If you have reasonable suspicion to believe that a person carrying a firearm has consumed alcohol, drugs, or any combination thereof to the degree that it affects his or her behavior in a noticeable way, you must conduct an investigation to determine the person's sobriety or impairment.
- When you begin your preliminary investigation, if he or she refuses to submit to a field sobriety, intoximeter, or urine test to determine whether he or she is impaired, then it is grounds for immediate revocation and seizure of the license and firearm.
- If, following your investigation, it is determined that the person is in fact impaired in any way by alcohol, drugs, or a combination of the two, then you must then place the person under arrest for **Carrying a Licensed Pistol while Impaired**.

As a police officer, the Department requires that you conceal and carry your firearm when you are off-duty within the bounds of the District of Columbia. Executive Order 21-032 states that:

Off-duty sworn members are required to be armed at all times while in the District with the exception of situations where carrying a weapon may prove unnecessary or imprudent (e.g., religious services, events where armed security is present, engaging in athletic activities, or any other instance when the member prefers not to be armed while off duty). Off-duty sworn members shall not carry their service firearm or authorized off-duty firearm, when consuming, planning to consume, or likely to consume an alcoholic beverage. Also, when attending any public or private event, function, religious gathering or business or entertainment establishment, where the weapon is required to be removed from their person to store outside of their direct control.

This means that if you were to drink while carrying your firearm, you will be in violation of departmental policy and the law. There is no exemption made for carrying a licensed pistol while impaired for police officers.

Carrying a Licensed Pistol while Impaired is a misdemeanor offense punishable by up to 180 days in jail.

Prohibitions on Carrying Licensed Pistols (7-2509.07)

The Act also places restrictions on where an individual who has been granted a license to carry a concealed pistol may carry the firearm. The DC Code provides in part that:

“(a) No person holding a license shall carry a pistol in the following locations or under the following circumstances:

- (1)** A building or office occupied by the District of Columbia, its agencies, or instrumentalities;
- (2)** The building and grounds, including any adjacent parking lot, of a childcare facility, preschool, public or private elementary or secondary school; or a public or private college or university;
- (3)** A hospital, or an office where medical or mental health services are the primary services provided;
- (4)** A penal institution, secure juvenile residential facility, or halfway house;
- (5)** A polling place while voting is occurring;
- (6)** A public transportation vehicle, including the Metrorail transit system and its stations;
- (7)** Any premises, or portion thereof, where alcohol is served, or sold and consumed on the premises, pursuant to a license issued under Title 25; provided, that this prohibition shall not apply to premises operating under a temporary license issued pursuant to § 25-115, a C/R, D/R, C/H, D/H or caterer license issued pursuant to § 25-113, or premises with small-sample tasting permits issued pursuant to § 25-118, unless otherwise prohibited pursuant to subsection (b)(3) of this section;

(8) A stadium or arena;”

When you encounter an individual carrying a concealed firearm in any of the listed locations, the probable cause for an arrest is being armed in a prohibited location.

In addition, no person holding a license shall carry a pistol in:

(9) A gathering or special event open to the public; provided, that no licensee shall be criminally prosecuted unless:

(A) The organizer or the District has provided notice prohibiting the carrying of pistols in advance of the gathering or special event and by posted signage at the gathering or special event; or

(B) The licensee has been ordered by a law enforcement officer to leave the area of the gathering or special event and the licensee has not complied with the order;

(10) The public memorials on the National Mall and along the Tidal Basin, and any area where firearms are prohibited under federal law or by a federal agency or entity, including U.S. Capitol buildings and grounds;

(11) The White House Complex and its grounds up to and including to the curb of the adjacent sidewalks touching the roadways of the area bounded by Constitution Avenue, N.W., 15th Street, N.W., H Street, N.W., and 17th Street, N.W.;

(12) The U.S. Naval Observatory and its fence line, including the area from the perimeter of its fence up to and including to the curb of the adjacent sidewalks touching the roadway of Observatory Circle, from Calvert Street, N.W., to Massachusetts Avenue, N.W., and around Observatory Circle to the far corner of Observatory Lane;

The DC Code also provides that:

(13)(A) When a dignitary or high-ranking official of the United States or a state, local, or foreign government is moving under the protection of the MPD, the U.S. Secret Service, the U.S. Capitol Police, or other law enforcement agency assisting or working in concert with MPD, within an area designated by the Chief, the Chief of the U.S. Secret Service, or the Chief of the U.S. Capitol Police, or a designee of any of the foregoing, that does not include any point at a distance greater than 1,000 feet from the moving dignitary or high-ranking official; provided, that no licensee shall be criminally prosecuted unless:

(i) The law enforcement agency provides notice of the designated area by the presence of signs, law enforcement vehicles or officers acting as a perimeter, or other means to make the designated area of protection obvious;

(ii) The District or federal government has provided notice prohibiting the carrying of pistols along a designated route or in a designated area in advance of the event, if possible, and by posted signage along a route or in a designated area; or

(iii) The licensee has been ordered by a law enforcement officer to leave the designated area and the licensee has not complied with the order.”

15) Any prohibited location or circumstance that the Chief determines by rule; provided, that for spontaneous circumstances, no criminal penalty shall apply unless the licensee has notice of the prohibition and has failed to comply.

There are other areas in which a firearm is not permitted to be carried:

“(b)(1) The carrying of a concealed pistol on private residential property shall be presumed to be prohibited unless otherwise authorized by the property owner or person in control of the premises and communicated personally to the licensee in advance of entry onto the residential property.

(2) The carrying of a concealed pistol in a church, synagogue, mosque, or other place where people regularly assemble for religious worship shall be presumed to be prohibited unless the property is posted with conspicuous signage allowing the carrying of a concealed pistol, or the owner or authorized agent communicates such allowance personally to the licensee in advance of entry onto the property; provided, that such places may not authorize the carrying of a concealed pistol where services are conducted in locations listed in subsection (a) of this section.

(3) The carrying of a concealed pistol on private property that is not a residence shall be presumed to be permitted unless the property is posted with conspicuous signage prohibiting the carrying of a concealed pistol, or the owner or authorized agent communicates such prohibition personally to the licensee.”

When you place an individual under arrest for carrying his or her firearm in a prohibited location, the charge is **Carrying a Pistol in a Prohibited Location**.

A person who carries a firearm that is licensed, concealed, loaded or unloaded, on or about their person or in a vehicle, he or she must be able to do so in a way that conceals the firearm entirely from view of the public. Per DCMR 24 § 2344.2, the person is to holster the firearm when carrying it on his or her person securely to prevent, lost, theft, or accidentally discharge.

Failure of a Licensee to Carry Documentation

The License to Carry Pistol Emergency Act of 2014 states that any person who carries a concealed and licensed pistol within the District of Columbia must keep on their person at all times the license to carry the concealed firearm as well as the registration certificate for the firearm. Failure to have both of these items on their person while he or she is in the District of Columbia is against the law (§ 7–2509.04. Duties of licensees).

Failure of a Carry Licensee to Comply with Duties During an Investigative Stop

Based upon the Act, when you come into contact with an individual carrying a concealed firearm during the course of an investigative stop, he or she is to immediately inform you of the fact that he or she is carrying a concealed firearm, present the license and registration certificate to you, and inform you of where the firearm is located.

The person is to comply with any and all lawful orders that you may give them, including your performing a protective pat down of their person and taking the firearm into your possession for the duration of the stop for purposes of officer safety and the safety of the public (§ 7–2509.04. Duties of licensees).

License to Carry: Ammunition Violation

While the Act enables individuals within Washington, DC to carry concealed pistols on their person with the approval of the Chief of Police, they must still follow all of the laws set forth within DC Code and are subject to arrest if they do not adhere to the law. Based upon the Act, a person can only carry enough ammunition to fully load the pistol *once* and *cannot* carry more than ten (10) rounds of ammunition. If an individual has more than ten (10) rounds on their person, he or she can be placed under arrest for **Unregistered Ammunition** (§7–2506.01. Persons permitted to possess ammunition).

9.3.7 Complete an Event Report and Arrest/Prosecution Report for the offenses encountered in this instructional unit

Fill out online forms.

Summary

You have learned in this lesson how to define the key terms associated with weapons offenses which will allow you to accurately describe a weapon that comes into your possession. You also now have a greater grasp on how to classify the most common weapons offenses encountered by patrol officers, the basic patrol offense investigations, and who is legally authorized to carry a firearm within the District of Columbia. Knowing the elements of the crimes and also having a thorough understanding of the Supreme Court cases discussed within the lesson, *Florida v JL* and *United States v Arvizu*, will allow you to build your evidence and proof so any arrest you make for a firearm can be adequately articulated.

Addendum

CIR-22-01 Ghost Guns Clarification Temporary Amendment Act of 2021

February 16th, 2022 – expires February 15th, 2024

Ghost guns – both a firearm and dangerous weapon that are undetectable and untraceable, have missing serial numbers, and are able to be manufactured using 3-D printers or other cutting-edge technology. Once the grips, stocks and magazines are removed it is not detectable when walking through metal detectors. Ghost guns lack unique serial numbers and included certain enumerated exceptions.

Penalties – all other penalties for possession or use of a firearm or dangerous weapon apply.

- Unregistered firearm – punishable by one (1) year imprisonment, a \$2,500 fine, or both
- Illegal sale, transfer, disposal – punishable by one (1) year imprisonment, a \$2,500 fine, or both

REFERENCES

H.R. 218	Law Enforcement Officers Safety Act of 2004	07/22/2004
GO 601.01	Recording, Handling and Disposition of Property	04/30/1992
EO 18-002	Entering Firearms in RMS	01/16/2018

EO 21-032	Off-Duty Service Firearms and Police Action	12/30/2021
	Merriam Webster's Dictionary	August 2015
DCMR Chapter: 24-23	Guns and other Weapons	
DC Code 22-4501	Weapons and Possession of Weapons	
DC Law 17-388	Inoperable Pistol Amendment Act of 2008	2008