



GOVERNMENT OF THE DISTRICT OF COLUMBIA OFFICE OF POLICE COMPLAINTS

Office of Police Complaints
Michael G. Tobin, Executive Director

POLICE COMPLAINTS BOARD
Paul Ashton, Chair
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Derrick Colbert

PCB POLICY REPORT #25-1: Duties of Firearm Licensees

Summary:

In an effort to keep the community safe from gun violence, Metropolitan Police Department (MPD) officers are charged with the difficult and often dangerous task of investigating and seizing illegal firearms in Washington, DC. Nonetheless, illegal firearms investigations and seizures must be balanced against the rights of community members who obtain lawful concealed carry pistol licenses and abide by the District's firearms laws and regulations while carrying concealed firearms.¹ Since the recovery of illegal firearms is a priority for MPD and the District community, it is imperative that MPD members understand the duties of firearm licensees under District law so that they can strike this balance and safely enforce the law. The Office of Police Complaints (OPC) cases involving complainants with valid concealed carry permits indicate that MPD officers may benefit from additional training on District law and their own written directives, which require licensees to inform officers of their armed status only during investigatory stops,² not during mere field contacts.³ There is also a misconception amongst officers that armed licensees are required to inform officers they are armed immediately upon an interaction. This misunderstanding has led officers to unlawfully seize firearms from licensees and charge them with pistol license violations despite them properly and lawfully carrying firearms. These wrongful seizures and criminal charges have contributed to adverse interactions with members of the public that negatively affect community trust and safety. OPC acknowledges that there is external pressure on MPD officers to seize illegal firearms in D.C. and that officer safety is paramount during any interaction. Nevertheless, MPD must ensure that its members have updated knowledge and information on duties of firearm licensees through adequate written guidance and training.⁴

¹ The Police Complaints Board (PCB) is issuing this report pursuant to D.C. Code § 5-1104(d), which authorizes the Board to recommend to the District of Columbia Mayor, Council, MPD Police Chief, and the Director of District of Columbia Housing Authority reforms that have the potential to improve the complaint process or reduce the incidence of police misconduct.

² See MPD General Order 902.01: Firearms Registration and Concealed Pistol Licenses, available [here](#).

³ For additional information about MPD's definition of stops and field contacts, see MPD General Order 304.10, Field Contacts, Stops, and Protective Pat Downs, at 2-4, available [here](#) ("Members may initiate a field contact with an individual in any place the member has a right to be . . . If a member has reasonable suspicion that an individual has committed, is committing, or is about to commit any crime, the member has the authority to stop the individual for the purpose of determining whether or not probable cause exists to arrest").

⁴ OPC issued a policy recommendation on lawful firearms in 2020 to encourage MPD to update written guidance and training to reflect current firearms registration laws and regulations in the District. That report is available [here](#).

Applicable Law and Directive:

The Second Amendment to the United States Constitution protects an individual’s right to keep and bear arms, which includes the lawful carrying of concealed pistols where permitted by law, requiring law enforcement officers to respect this right and not infringe upon it without legal justification. The Fourth Amendment also safeguards against unreasonable searches and seizures, meaning officers cannot stop or search individuals solely for lawfully carrying a concealed firearm without reasonable articulable suspicion that criminal activity is afoot. Moreover, the Code of the District of Columbia § 7–2509.04. Duties of licensees., states, “If a law enforcement officer initiates an *investigative stop* of a licensee carrying a concealed pistol pursuant to § 22-4506, the licensee, and any other licensee carrying a concealed pistol pursuant to § 22-4506 who is with the stopped licensee at the time of the investigative stop, shall: (1) Disclose to the officer that he or she is carrying a concealed pistol; (2) Present the license and registration certificate; (3) Identify the location of the concealed pistol; and (4) Comply with all lawful orders and directions from the officer, including allowing a pat down of his or her person and permitting the law enforcement officer to take possession of the pistol for so long as is necessary for the safety of the officer or the public. (e) The duties set forth in this section are in addition to any other requirements imposed by this unit or applicable law. (f) In addition to any other penalty provided by law, a person who violates this section shall be subject to revocation of his or her license.”⁵

MPD General Order 902.01: Firearms Registration and Concealed Pistol Licenses, correctly informs members that “during an *investigatory stop*, concealed pistol licensees holders are required to disclose that they are carrying a concealed pistol.”⁶ However, OPC cases have demonstrated that officers are seizing firearms and issuing pistol license violation charges after merely *making contact* with armed individuals after the individuals fail to *immediately* inform officers that they are carrying a concealed weapon. Officers involved in these interactions have instructed licensees that they have a duty to immediately inform officers that they are carrying a firearm; however, since these interactions are merely field contacts and not investigatory stops, the licensees actually have no duty under District law to inform the officers they are carrying firearms. Moreover, District law does not mandate immediate notification.

OPC Case Examples:

The OPC cases below demonstrate that officers have not received adequate training on the D.C. Code that firearm licensees must only disclose that they are carrying firearms during stops and that the law does not require immediate notification.⁷ One issue may be that officers are conflating field contacts with investigatory stops.⁸ Another issue may be that MPD officers are improperly trained to demand immediate notification despite the law not listing a specific time period. District law remains somewhat ambiguous as there is no explicit time period in which licensees must inform officers of their armed status. While OPC acknowledges it may be prudent

⁵ Code of the District of Columbia § 7–2509.04. (d) Duties of licensees., available at <https://code.dccouncil.gov/us/dc/council/code/sections/7-2509.04>.

⁶ Available at: https://go.mpdonline.com/GO/GO_902_01.pdf.

⁷ In September 2024, MPD delivered a Roll Call Training on Firearm and Concealed Pistol Licenses. The Roll Call Training cites to OPC’s policy recommendation on Lawful Firearms.

⁸ In September 2024, OPC issued a policy recommendation on Differentiating Field Contacts from Investigatory Stops. That report is available [here](#).

for the law to require immediate notification for officer safety, it currently does not. Thus, it is imperative that MPD ensures its members are meticulously familiar with District law as it is currently written.

Case Example #1:

In a complaint made to OPC in December 2023,⁹ the complainant alleged that he was unlawfully stopped by MPD officers. The complainant was standing outside of his apartment building cleaning out his car on the street. Multiple officers pulled up in patrol vehicles, and nine officers approached the complainant on foot. The subject officer asked the complainant if he had left his car on, and the complainant advised him that he had just come outside. The subject officer advised the complainant to be careful because of carjackings and robberies as he and four other officers looked inside the complainant's vehicle with flashlights. The complainant, who was holding a trash bag, told the subject officer that he was cleaning out his car. The subject officer stood there and watched him. The subject officer told the complainant that when they pulled up, he kept looking down and shutting his car doors and asked the complainant if he was concealing anything inside the vehicle. The complainant told him no, and said he did not consent to any searches. Shortly after, a witness officer gave a verbal code, and multiple officers approached and handcuffed the complainant. Another witness officer shined his flashlight on the complainant's gun, properly holstered on his waistband, and asked if he had a concealed carry permit. The complainant answered affirmatively. In response, the witness officer asked, "Okay, you know the law that you gotta tell us you have a concealed carry permit when we're talking to you?" The complainant responded, "Yeah but y'all pulled up for something else." The witness officer said, "That don't matter. You gotta tell us that you have a gun on you when we're making contact with you." Officers searched the complainant's documentation in the database system and confirmed his permit; yet, his firearm was taken from him, and he was charged with a Pistol License Violation for not immediately informing the officers he had a concealed weapon on him. During his interview, that same witness officer claimed the interaction with the complainant was a contact rather than a stop. Indeed, the police incident report also classified the interaction as a contact rather than a stop. However, if that was the case, then the officers should have known that the law did not require the complainant to disclose that he was carrying a concealed pistol, thus rendering the firearm seizure and pistol license violation erroneous.

As the complainant was being handcuffed, his brother came outside and was stopped from approaching the scene by two other witness officers. The brother asked why the complainant was handcuffed, and a witness officer replied, "So when someone has a concealed firearm, by the order of our department, by MPD, you have to let us know you have a gun on your person when we make contact with you." Another witness officer shined his flashlight on the brother's waistband and asked if he had a concealed carry permit, to which he responded, yes. He then showed the officers his documentation. As the brother was complaining about officers stopping his brother for no reason, the witness officer told him that the complainant did not say anything about his concealed weapon when officers "first came up." The complainant's brother argued that you only have to tell officers about your concealed weapon when you get stopped, and the two witness officers simultaneously replied, "No. Anytime the police make contact with you."

⁹ OPC Case 24-0198, available [here](#).

A Complaint Examiner determined that this interaction was an unlawful stop rather than a contact; however, as the officers in this case classified the interaction as a contact during their interviews with OPC, it shows that there is confusion among MPD members on the firearms registration laws and regulations, and how they should be enforcing them during field contacts versus stops.

Case Example #2:

In February 2024, the complainant filed a complaint with OPC for an unlawful arrest allegation. The complainant was initially stopped by officers while inside of his vehicle due to engaging in sexual solicitation. In the arrest report, the subject officer noted that at the time the complainant was stopped and placed under arrest, he was carrying his valid DC registered pistol and had a valid DC concealed carry permit. Body-worn camera (BWC) footage from the incident demonstrated that within thirty seconds of the officers approaching the complainant's vehicle, the complainant informed officers he was carrying a concealed weapon. The arrest report, however, erroneously claimed that the complainant failed to notify officers on the scene that he was in possession of a firearm, which, the report noted, was a mandatory requirement. Thus, the complainant was additionally charged with a Pistol License Violation.

As discussed, D.C. Code § 7-2509.04, Duties of licensees, states in part, "If a law enforcement officer initiates an *investigative stop* of a licensee carrying a concealed pistol pursuant to § 22-4506, the licensee, and any other licensee carrying a concealed pistol pursuant to § 22-4506 who is with the stopped licensee at the time of the investigative stop, shall: (1) Disclose to the officer that he or she is carrying a concealed pistol;..." The subject officer in this case told OPC his interpretation of "at the time of the stop" meant when the officer initiated the stop; however, the D.C. Code does not specify that a licensee must notify officers he is armed immediately, or even within a certain time frame once stopped. The law only mandates that licensees must disclose that they are armed if a law enforcement officer initiates an investigative stop, which the complainant in this case did. OPC did not refute that one subject officer felt the firearm in the complainant's bag about two seconds prior to the complainant announcing that he was armed. However, the BWC footage showed that the complainant notified three subject officers that he was armed within 30 seconds of the officers first approaching him and within approximately 15 seconds of him being stepped out of his vehicle and handcuffed. OPC found it concerning that the arrest report inaccurately reflected that the complainant never notified officers at all that he was armed, when he clearly did notify them within seconds of being stopped. The primary subject officer in this case was referred by OPC to receive policy training as he did not confirm the probable cause for the pistol license violation charge nor did he ensure that the report information was accurate and complete.¹⁰

When community members have followed the proper legal process to obtain a concealed weapons permit and are exercising their right to lawfully carry a firearm, it is crucial that MPD members refrain from unlawfully seizing firearms from licensees and charging them with a pistol license violation for not immediately informing officers that they are armed. OPC recognizes the importance of the duty to inform officers of being armed, as officer safety is paramount in every

¹⁰ OPC Case 24-0307.

interaction. However, this must be balanced with ensuring that armed licensees, during investigatory stops only, are given a reasonable amount of time to disclose their armed status.

Recommendations:

To help improve community relations and trust between MPD and community members, the PCB recommends that:¹¹

- 1. MPD should add additional guidance to General Order 902.01 on duties of firearms licensees. MPD should ensure the additional guidance thoroughly explicates D.C. law.**

District law mandates that if a law enforcement officer initiates an *investigative stop* of a licensee carrying a concealed pistol, the licensee shall disclose to the officer that he or she is carrying a concealed pistol. While General Order 902.01 notes this language, the PCB recommends MPD add written guidance to note that licensees do not have duty to inform officers they are armed during field contacts, nor do they have to inform them immediately.

- 2. MPD should provide training to all sworn officers on the updates to GO 902.01.**

The OPC cases listed above indicate that MPD does not provide adequate training to its officers regarding duties of firearm licensees. When MPD officers are unable to accurately make this distinction in the field, they run the risk of violating Second and Fourth Amendment rights by seizing properly registered firearms and exacerbating the relationship between law enforcement and the community. The PCB recommends that updated training should be provided for all MPD members to ensure they are familiar with the current firearms laws and regulations as well as General Order 902.01, so that the members can perform their duties in accordance with current law.

¹¹ OPC and the PCB provided a draft version of this recommendation to MPD for review and comment. MPD agreed in part with OPC's recommendations. In response to the draft, MPD issued a department-wide teletype reminder of the specific requirements of DC Code § 7-2509.04 emphasizing that the requirements apply to investigatory stops and not contacts. MPD is also working on refresher training for officers regarding concealed carry licenses.