

GENERAL: 1272 09/22/10 12:53:20

TO : ALL COMMANDING OFFICERS / DEPARTMENT HEADS  
SUBJECT : FIREARM OPEN CARRY LAW IN PHILADELPHIA

1. DIRECTIVE 137, ENTITLED "FIREARMS" IS BEING UPDATED CONCERNING THE PENNSYLVANIA OPEN CARRY LAWS REGARDING THE CITY OF PHILADELPHIA. THIS TELETYPE REFLECTS THE NEW POLICY AS IT WILL APPEAR IN THE DIRECTIVE.

2. ALL OFFICERS SHOULD BE AWARE THAT PENNSYLVANIA IS CONSIDERED AN "OPEN CARRY STATE" WITH THE EXCEPTION OF PHILADELPHIA. IT IS IMPORTANT TO DEFINE A FEW TERMS USED, WHICH ARE AS FOLLOWS:

"OPEN CARRY" REFERS TO THE ACT OF OPENLY AND VISIBLY CARRYING A FIREARM ON ONE'S PERSON.

"OPEN CARRY STATE" REFERS TO A STATE THAT ALLOWS PEOPLE TO OPENLY AND VISIBLY CARRY A FIREARM ON ONE'S PERSON WITHOUT A SPECIAL LICENSE OR PERMIT.

"CONCEALED CARRY FIREARMS LICENSE" REFERS TO A SPECIFIC LICENSE ISSUED TO AN INDIVIDUAL AUTHORIZING THE PERSON TO CARRY A FIREARM CONCEALED ON HIS OR HER PERSON OR VEHICLE.

3. IN PHILADELPHIA, UNLIKE ANY OTHER PART OF THE STATE, FOR ANY PERSON TO LAWFULLY, OPENLY AND VISIBLY CARRY A FIREARM, THAT PERSON MUST HAVE A CONCEALED CARRY FIREARMS LICENSE. SO, IN PHILADELPHIA, IF A PERSON HAS A VALID CONCEALED CARRY FIREARMS LICENSE, HE OR SHE CAN LEGALLY CARRY A FIREARM EITHER OPEN AND VISIBLE OR CONCEALED.

4. AN OFFICER ENCOUNTERING A PERSON CARRYING A FIREARM OPENLY IN PHILADELPHIA SHOULD FOR THE SAFTEY OF PUBLIC INVESTIGATE AS A POSSIBLE VUFA VIOLATION.

A. SINCE A SEPARATE LICENSE IS REQUIRED IN PHILADELPHIA AND IT IS IMPOSSIBLE FOR ANY OFFICER TO KNOW WHO DOES AND DOES NOT HAVE A VALID CONCEALED CARRY LICENSE, IT IS ENTIRELY REASONALBE FOR OFFICERS TO TEMPORARILY DETAIN AND INVESTIGATE ANY INDIVIDUAL CARRYING A FIREARM EXPOSED TO DETERMINE IF THE PERSON IS OPERATING WITH THE LAW.

B. IMMEDIATELY SEIZE ANY FIREARMS FOR OFFICER SAFETY DURING THE STOP AND UNLOAD THE FIREARMS IF POSSIBLE, BUT ONLY IF IT CAN BE DONE SAFELY.

C. A 75-48A MUST BE COMPLETED AND THE BASIS FOR THE STOP WOULD BE A "POSSIBLE VUFA VIOLATION"

D. ONCE THE OFFICER RECEIVES CONFIRMATION THAT THE CONCEALED CARRY LICENSE IS VALID, AND THERE ARE NO OTHER OFFENSE OR VIOLATIONS BEING INVESTIGATED, OFFICERS SHOULD RETURN THE FIREARM AND AMMUNITION BACK TO THE INDIVIDUAL AT THE END OF THE STOP.

E. HOWEVER, IF THE INDIVIDUAL CANNOT PRODUCE A VALID CONCEALED CARRY LICENSE OR THE LICENSE IS NOT VALID (I.E. EXPIRED OR REVOKED), PROBABLE CAUSE THEN EXISTS TO ARREST THE INDIVIDUAL FOR THE VUFAVIOLATION AND TRANSPORT THE INDIVIDUAL TO THE DIVISIONAL DETECTIVES FOR PROCESSING. THE FIREARM AND AMMUNITION SHOULD BE PLACED ON A PROPERTY RECEIPT (75-3) AND MARKED AS "EVIDENCE". A 75-48A FOR THE INITIAL STOP MUST BE PREPARED ALONG WITH A 75-48 FOR THE VUFA ARREST.