Retiree Concealed Firearms

207.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Elkton Police Department identification cards under the Law Enforcement Officers' Safety Act (LEOSA) (18 USC § 926C).

207.2 POLICY

It is the policy of the Elkton Police Department to provide identification cards to qualified former or retired officers as provided in this policy.

207.3 LEOSA

The Chief of Police may issue an identification card for LEOSA purposes to any qualified former officer of this department who (18 USC § 926C(c)):

(a) Separated from service in good standing from this department as an officer.

(b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.

(c) Has not been disqualified for reasons related to mental health.

(d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.

(e) Is not prohibited by federal law from receiving or possessing a firearm.

207.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former officer and identify him/her as having been employed as an officer.

If the Elkton Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active duty standards for qualification to carry a firearm.

207.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm under 18 USC § 926C when he/she is:

(a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:

1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement

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agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

(b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) Not prohibited by federal law from receiving a firearm.

(d) Not in a location prohibited by Maryland law or by a private person or entity on his/her property if such prohibition is permitted by Maryland law.

207.4 MARYLAND RETIRED LAW ENFORCEMENT OFFICER IDENTIFICATION CARD

The Chief of Police shall provide a retiring officer with an identification card within 45 days after the officer's retirement if the officer (Md. Code PS § 3-513):

(a) Retired in good standing for reasons other than mental instability.

(b) Before retirement, was certified by the Maryland Police Training and Standards Commission (MPTSC), had statutory powers of arrest in Maryland and completed an applicable probationary period.

(c) Pays a fee set by the Elkton Police Department (not to exceed $20).

Upon request, any officer who retired prior to Oct. 1, 2015, shall be issued an identification card if the criteria set forth above are satisfied.

207.4.1 MARYLAND RETIRED LAW ENFORCEMENT OFFICER IDENTIFICATION CARD FORMAT

A Maryland retired law enforcement officer identification card shall be in the form approved by the MPTSC and include the information specified in Md. Code PS § 3-513.

207.5 FORMER OFFICER RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the Duty Officer of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Arrests, Convictions and Court Orders Policy.

The retiree is responsible for obtaining the proper handgun training and qualification for active law enforcement officers. The retiree may obtain handgun certification and a LEOSA certification card from the MPTSC.

207.5.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former officer shall:

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(a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.

(b) Remain subject to all applicable Department policies and federal, state and local laws.

(c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

(d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

207.6 DENIAL, SUSPENSION OR REVOCATION

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended or revoked, the former officer may request a review by the Chief of Police. The decision of the Chief of Police is final.

207.7 FIREARM QUALIFICATIONS

The Firearms Instructor may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Firearms Instructor will maintain a record of the qualifications and weapons used.

207.8 LEOSA APPLICATION AND QUALIFICATION

The following form will be used for LEOSA initial applications and renewals

LEOSA Application

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Attachments

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EPD LEOSA.pdf

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Elkton Police Department

LEOSA Application and Qualification

Date of Application:

Application for:

☐ Initial Application

☐ LEOSA Renewal

Requesting Qualified Officer

Name (Last, First, Middle)	Driver's License # / State	Date of Retirement:

Home Address: (Number, Street, City, State, Zip Code)

Home Phone #:	Cell Phone #:	E-mail Address:	Current LEOSA Expiration Date:

Sex:	Race:	Height:	Weight:	Eye Color:	Hair Color:	Date of Birth:

Purpose of Form

Completion of the petition / qualification process for a "LEOSA Approved" endorsement allows a qualified retired officer to carry a concealed firearm. Qualified retired officers may be authorized to carry a concealed firearm in all states subject to the conditions specified in Title 10 of the United States Code 926B and 926C otherwise known as the Law Enforcement Officers Safety Act (LEOSA /HR 218).

Wavier and Release

(Read and Initial next to the following declarations and sign below)

(Initial)

I am not prohibited by any state or federal law from receiving or possessing a firearm.

I am a retired full-time officer of the Elkton Police Department, and I was authorized to carry a concealed firearm during the course and scope of my employment with the Elkton Police Department.

I recognize the Elkton Police Department is not legally required to provide me with handgun instruction or a firearms qualification course.

I understand I will be required to show proficiency in the safe handling and firing of my weapon under the direct supervision of a Department Approved Firearms Instructor as defined by the following page.

I understand in order to maintain a "LEOSA Approved" endorsement on my retired identification card, I must:

- ☐ Qualify annually at any agency offering LEOSA firearms qualifications.
- ☐ Remain subject and compliant with all federal, state and local laws.
- ☐ Carry a firearm that is in safe working condition

I understand when carrying a concealed firearm, I must be in possession of "LEOSA Approved" photographic Identification Card, issued by the Elkton Police Department that identifies me as a retired Police Officer.

I will not be under the influence of alcohol or other intoxicating or hallucinatory drug or substance, while carrying a firearm, and I am not a habitual abuser of the same.

I agree to indemnify and hold harmless the Town of Elkton and The Elkton Police Department, or it's agents and employees, for any injury suffered by me or caused by my participation in qualification.

I agree to indemnify and hold harmless the Town of Elkton and The Elkton Police Department, or it's agents and employees, for any and all liability resulting in my carrying and/or use of any firearm.

Applicant Name (Print):	Applicant Signature:	Date:

Retired Officer LEOSA Endorsement Qualification Procedure

In order to fulfill the requirements of the qualification process for a "LEOSA Approved" endorsement, the requesting retiree shall submit to the Chief of Police:

1) A completed and signed Elkton Police Department LEOSA Application and Qualification Form.
2) The LEOSA Application and Qualification form should document the following:
   a) The firearm to be carried is in good condition and can be carried safely by the retiree.
   b) The retiree has demonstrated proficiency in the safe handling of the firearm.
   c) The retiree has passed the Qualification Course as required.

Department Approved Firearms Instructor Defined

As used in this section, a "Department Approved Firearms Instructor" must meet the following criteria:

A person currently employed by the Elkton Police Department as a Firearms Instructor who has completed a Firearms Instructor Course certified by the Maryland Police and Correctional Training Commission.

Certification by Department Approved Firearms Instructor

Name (Last, First, M.)	ID Number

Location of Qualification	Date of Qualification	☐ Pass ☐ Fail	Signature (Department Approved Firearms Instructor)

Approval of LEOSA Endorsement

☐ LEOSA Approved ☐ Denied/Reason	Date of Issuance:	Date of Expiration:

The applicant is a qualified retired law enforcement officer, has met qualification requirements, and is certified to carry a concealed firearm pursuant to State Law and the Elkton Police Department Policy & Procedures

Chief of Police or Designee (Print):	Signature:	Date:

The requesting officer must complete the "Requesting Retired Employee" section, read and sign the "Waiver and Release" before proceeding with the qualification. The requesting retired officer must then successfully complete the qualification course and submit the **LEOSA Application and Qualification** Form prior to certification. The Agency will complete the "Approval of LEOSA Endorsement" section only upon verification of eligibility and qualification.