

	GAITHERSBURG POLICE DEPARTMENT		
	Law Enforcement Officers' Safety Act (LEOSA)		
	GENERAL ORDER	214.1	
	Effective Date	11/08/2013	
Authorized by:		Mark P. Sroka CHIEF OF POLICE	SIGNATURE
			DATE

I. PURPOSE

To establish provisions, pursuant to HR 218, the Law Enforcement Officers' Safety Act of 2004 (LEOSA), enabling qualified Gaithersburg Police Department separated/retired law enforcement officers to be eligible for issuance of LEOSA certification.

II. POLICY

The Gaithersburg Police Department will participate in LEOSA, as set forth in this directive.

III. DEFINITIONS

A. Good Standing

Within the context of this directive, the term "good standing" refers to a former sworn law enforcement officer who, at the time of separation or retirement from service with the Gaithersburg Police Department, did not separate or retire as a result of disciplinary action or prior to, or in lieu of, administrative charges as determined by the Chief of Police.

B. Separated from Service

Within the context of this directive, the term "separated from service" refers to a former sworn law enforcement officer, who held powers of arrest and the requirement of carrying a firearm, and separated from the Gaithersburg Police Department with an aggregate of ten (10) or more years of sworn service and was issued a "separated" police officer identification card by the Chief of Police.

C. Service-Connected Disability

Within the context of this directive, the term "service-connected disability" refers to a former Gaithersburg Police Department sworn law enforcement officer who suffered a service-connected disability, as determined by the Chief of Police. An officer leaving City service as the result of a service-connected disability must have completed his or her probationary period to be considered eligible for this status.

D. Retired

Within the context of this directive, the term “retired” refers to a former Gaithersburg Police Department sworn law enforcement officer who has met the standards within the City of Gaithersburg’s Personnel Rules and Regulations for retirement and was issued a “retired” police officer identification card by the Chief of Police

IV. PROCEDURE

A. Scope of Legislation

1. Pursuant to HR 218, the Law Enforcement Officers’ Safety Act of 2004 (LEOSA), qualified law enforcement officers and qualified separated/retired law enforcement officers shall be permitted to carry concealed firearms on their person.
2. LEOSA, first enacted July 22, 2004 as Pub. L. 108-277, 118 Stat. 865 (204) and subsequently modified and signed into law on October 12, 2010, codified as 18 U.S. Code §926B and §926C, permits the nationwide carrying of concealed handguns by qualified current and retired law enforcement officers. The Act amends the Gun Control Act of 1968 (Pub. L. 90-618, 82 Stat. 1213) and exempts qualified current and separated law enforcement officers from state and local laws prohibiting the carry of concealed firearms. Federal statute mandates certain conditions and provisions for a separated individual to be eligible for the issuance of LEOSA certification by a law enforcement agency. Federal law defines a qualified separated law enforcement officer as an individual who:
 - a) Separated in good standing from service with a public agency as a law enforcement officer;
 - b) Before such separation, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;
 - 1) Before such separation, served as a law enforcement officer for an aggregate of 10 years or more; or
 - 2) Separated from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

- c) During the most recent 12-month period, has met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers, as determined by the individual's former agency, or standards established for active law enforcement officers by the State in which the individual resides; and
 - d) Has not been officially found, by a qualified medical professional employed by the agency, to be unqualified for reasons relating to mental health and as a result of this finding will not be issued the photographic identification as described; or
 - e) Has not entered into an agreement with the agency from which that individual is separating from service in which that individual acknowledges he or she is not qualified for reasons relating to mental health and for those reasons will not receive or accept the photographic identification as described.
 - f) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
 - g) Is not prohibited by State or Federal law from receiving a firearm.
3. In addition to the aforementioned qualifications, 18 U.S. Code §926B and §926C requires that applicants possess photographic identification issued by the governmental agency from which the individual retired/separated from service as a law enforcement officer.

B. Application Process

1. All inquiries regarding the LEOSA program will be forwarded to the Training Coordinator.
2. Completed applications will be forwarded to the Chief of Police or his/her designee, who will verify the status of the officer and determine initial eligibility for the program.
3. In addition, the LEOSA applicant must sign and submit the LEOSA Liability Waiver form.
4. After initial approval by the Chief, the background check will be completed by a member of the Investigative Section, to ensure the

LEOSA applicant has no active warrants, relevant court orders and/or felony convictions since retiring or separating from the Department.

5. After final approval by the Chief of Police, range dates will be provided to the LEOSA applicant by the Senior Firearms Instructor or designee.
6. Qualifications will be conducted by a member of the Firearms Tactics Training Unit. The record will be maintained by the Department's Training Coordinator and the LEOSA Coordinator of the Firearms Staff.

C. Certification Process

1. Once approved by the Chief of Police, the LEOSA applicant will be notified of the qualification date. Because of standards for qualification in firearms training, as established by the State, the LEOSA applicant must on an annual basis, qualify with the same type of firearm (pistol/revolver) he or she will carry, according to current Department qualification standards.
2. The LEOSA applicant must provide his or her own ammunition - at least 200 rounds.
3. The LEOSA applicant must attend a classroom portion of training and pass a written test with a minimal score of 80%.
4. The LEOSA applicant must qualify on two (2) firearms courses (daylight and reduced light) with each weapon, with a minimum qualifying score of eighty-five (85) percent. The course of fire will be the Department approved qualification course. The LEOSA applicant will be given up to two (2) opportunities to qualify, per qualification course.
5. Only Gaithersburg Police Department officers separated from the Department after July 10, 2010, and approved by the Chief of Police, will be allowed to participate in the qualification and testing portion of this process. Officers separated from other jurisdictions residing in the City of Gaithersburg will be referred to their originating agency or the Maryland Police and Correctional Training Commission.
6. If the LEOSA applicant fails to qualify on the second attempt, the Senior Firearms instructor or his designee will:

- a) Notify the LEOSA applicant of the failure;
 - b) Notify the Training Coordinator and return the LEOSA card, if completed, to the Chief of Police;
 - c) Document the LEOSA applicant's name, the firearm type and the score received on each attempt; and
 - d) Recommend that he/she seek additional or alternative remedial training.
7. Upon successful completion of training and qualification, the LEOSA certification card will be issued by the Department as soon as practical.

D. Weapons Criteria

1. LEOSA applicants will be allowed to qualify with two (2) approved handguns, semi-auto or revolver.
2. Repairs to the weapon(s) will be the responsibility of the owner and the weapon must not be modified.
3. During qualification, all firearms must be carried in a belt-attached hip holster, specifically designed for the make and model of the weapon.
4. For qualification, firearms must be loaded with appropriate ammunition and in a safe condition.
5. Weapons must be clean and properly maintained at all times.
6. Weapons must be concealed from view when arriving and departing for qualification.
7. The Training Coordinator, along with the LEOSA Coordinator, will keep records of qualification.
8. LEOSA applicants reporting to the range for qualification must be in possession of a Gaithersburg Police Department retired or separated officer photo identification.