




## ARLINGTON COUNTY POLICE DEPARTMENT DIRECTIVE MANUAL

<b>Chapter: 5</b> Procedures	<b>Effective Date:</b> 12/7/2021	<b>Amends/Supersedes:</b> January 11, 2018 October 15, 2016 March 1, 2005	<b>By Authority of the Chief of Police</b>    Charles A. Penn
<b>Accreditation Standard(s):</b> N/A			

### 538.03 Retired Officer Credentials, Handgun Purchase, and LEOSA

#### I. Policy

It is the policy of the Arlington County Police Department to issue credentials, concealed carry permits, identification cards, and/or LEOSA identification cards to eligible retired or separated officers who honorably served the Arlington community. The department may also permit eligible retired officers to purchase their department-issued handgun. These privileges shall be granted in accordance with applicable state and federal law.

#### II. Code Requirements

- A. [Arlington County Code, Chapter 46 – Arlington County Employees' Supplemental Retirement System.](#)
- B. [Code of Virginia, § 18.2-308.016 – Retired law-enforcement officers; carrying a concealed handgun.](#)
- C. [Code of Virginia, § 59.1-148.3 – Purchase of handguns or other weapons of certain officers.](#)
- D. [Code of Virginia, § 9.1-1000 – Retired law-enforcement officers; photo identification cards.](#)
- E. [18 U.S. Code § 926C - Carrying of concealed firearms by qualified retired law enforcement officers.](#)

#### III. Definitions

- A. Retired Officer – An officer who has separated from the department in good standing and 1) will begin receiving retirement payments from the Arlington County Employees' Retirement System immediately upon separation, or 2) at the time of separation, meets the eligibility requirements for early retirement for police officers as set out in Chapter 46 of the Arlington County Code.
- B. Separated Officer – An officer who has separated from the department in good standing and does not meet the definition of a Retired Officer.
- C. Retired Law Enforcement Credentials – A department-issued badge and photographic identification card that identifies the holder as a retired Arlington County Police Officer.

- D. Law Enforcement Officers' Safety Act (LEOSA) - A federal law (18 U.S. Code § 926C) authorizing the concealed carry of firearms in the United States, with certain restrictions, by active duty law enforcement officers and qualified retired or separated law enforcement officers.

#### **IV. Procedures**

##### **A. Retired Law Enforcement Credentials**

Retired Officers with 15 or more years' service with the department or who are retiring due to a service-related disability shall be issued Retired Law Enforcement Credentials at the time of separation from the department.

The photographic identification card included with Retired Law Enforcement Credentials shall serve as "written proof of consultation with and favorable review of the need to carry a concealed handgun" as required by § 18.2-308.016 of the Code of Virginia.

##### **B. Retired Law Enforcement Officer Concealed Carry Card**

Retired Officers with 1) more than 10 but less than 15 years' service with the department or 2) less than 10 years' service with the department and who are 55 years of age or older at the time of separation shall be issued a photographic identification card which serves as "written proof of consultation with and favorable review of the need to carry a concealed handgun" as required by § 18.2-308.016 of the Code of Virginia.

##### **C. Retired Law Enforcement Officer Identification Card**

Retired Officers not eligible for Retired Law Enforcement Credentials or a Retired Law Enforcement Officer Concealed Carry Card shall be issued, upon request, a photographic identification card identifying them as a retired Arlington County Police Officer, as required by § 9.1-1000 of Code of Virginia.

A Retired Law Enforcement Officer Identification Card does not confer the ability to carry a concealed firearm.

##### **D. Purchase of Department-Issued Handgun**

Retired Officers with at least 5 years' service with the department may be allowed to purchase their department-issued handgun. For Retired Officers with 1) 10 or more years' service with the Department, or 2) who are 70 years of age or older at the time of separation, or 3) who are retiring due to a service-related disability, the purchase price shall be \$1.00. For Retired Officers with more than 5 but less than 10 years' service with the department and who are younger than 70 years of age at the time of separation, the purchase price shall be the fair market value of the handgun.

##### **E. LEOSA**

1. Qualified Retired and Separated Officers may be eligible for privileges under LEOSA. To qualify for LEOSA privileges, Retired or Separated Officers must:

- a. have separated in good standing from service as a law enforcement officer, including as a military police officer, with an aggregate of 10 or more years' service or, after completing any applicable probationary period, due to a service-related disability;
  - b. not have been disqualified for reasons related to mental health by a qualified medical professional;
  - c. not have entered into an agreement with the department acknowledging that the Retired or Separated officer is disqualified for reasons related to mental health;
  - d. not be prohibited by state or federal law from possessing a firearm.
2. In order to carry a concealed firearm under LEOSA, qualified Retired and Separated Officers must:
  - a. not be under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
  - b. carry a photographic identification card identifying them as a qualified Retired or Separated Officer and carry either:
    - i. a certification from the department indicating the Retired or Separated Officer has, within the past year, passed the department's active-duty firearms qualification course for a firearm of the same type as the concealed firearm; or
    - ii. a certification, issued by either the state in which the Retired or Separated Officer 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 Retired or Separated Officer has, within the past year, been tested or otherwise found to meet the standards established by the state or, if the state has not established such standards, the standards of any law enforcement agency in that state.
3. The department shall issue a photographic identification card meeting the requirements of LEOSA to any qualified Retired or Separated Officer. The LEOSA identification card shall be separate from and in addition to the identification cards detailed above and shall specifically state that the bearer is a LEOSA-qualified Retired or Separated Officer. If a qualified Retired or Separated Officer successfully completes firearms qualification with the department or provides proof of qualification elsewhere, the LEOSA identification card shall indicate the date of the most recent firearms qualification.
4. The department will provide the opportunity for qualified Retired and Separated Officers to pass the department's active-duty firearms qualification course. LEOSA qualification will take place at the discretion of the armory/range staff and when there is range availability.

5. LEOSA may carry additional requirements and restrictions. A Retired or Separated Officer carrying a concealed firearm under LEOSA is responsible for complying with all applicable regulations. LEOSA does not grant a Retired or Separated Officer powers of arrest or immunity from liability.

F. Requesting Retired or Separated Officer Privileges

The Courts, Licensing and Compliance Office detective is the coordinator for the privileges outlined in this directive. Officers must request these privileges by completing an [ACPD Retiree Credential/LEOSA/Handgun Purchase Form](#) and submitting it to the Courts, Licensing and Compliance Office. The form will be reviewed by:

1. the HRMS Commander for confirmation of departure type and years of service;
2. the OPR Commander for confirmation of good standing;
3. the Chief of Police for final approval and authorization.

The Courts, Licensing, and Compliance Office detective shall comply with all requirements under local, state, and federal law regarding the granting of privileges outlined in this directive.

Qualified Retired or Separated Officers requesting LEOSA privileges must complete a [LEOSA Application and Renewal to Carry a Concealed Firearm form](#). Each year that a Retired or Separated Officer qualifies for LEOSA, the officer must complete and submit a new form. An updated LEOSA card will be issued to any qualified Retired or Separated Officer.

Before approving any of the privileges outlined in this directive, the Chief of Police may consider information relevant to a Retired or Separated Officer's ability to safely and responsibly possess retired law enforcement identification or a firearm.

Any of the privileges outlined in this directive may be revoked upon showing that a Retired or Separated Officer is not able to safely and responsibly possess retired law enforcement identification or a firearm. The Chief of Police shall make the final determination regarding revocation.