

	<p>BRIDGEPORT POLICE DEPARTMENT</p> <p>POLICY AND PROCEDURE GENERAL ORDER</p>	Distribution	General Order Number
		ALL PERSONNEL	1.08
		Original Issue Date	Reissue/Effective Date
		10/17/17	3/8/19
<p>Order Title</p> <p>Law Enforcement Officers Safety Act (LEOSA)</p>		Accreditation Standard:	Section
		POSTC: N/A	1
		<p>Section Title</p> <p>DEPARTMENT ROLE AND AUTHORITY</p>	
<p>Rescinds:</p> <p>2.2</p>		<p>Armando J. Perez, Chief of Police</p>	

This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting

I. PURPOSE

The purpose of this policy is to establish procedures and guidelines for the implementation of H.R. 218, the Law Enforcement Officers’ Safety Act of 2004 (LEOSA) and S. 1132, the “Law Enforcement Officers’ Safety Act Improvements Act,” for qualified active and retired members of the Bridgeport Police Department to carry a concealed firearm.

II. POLICY

It is the policy of the Bridgeport Police Department (“the Department”) to hold annual firearms qualifications for active and retired members in good standing who wish to carry a concealed firearm on their person while traveling from State to State. Upon successful completion of annual firearms qualifications, the Bridgeport Police Firearms Unit will issue qualified retired members official documentation certifying that they have met the active duty law enforcement standards for qualification for a firearm within the most recent twelve month period.

III. DEFINITIONS

Firearm: The exemption provided under this Federal law applies to the carrying of concealed firearms only. The definition of “firearm” in this statute specifically excludes machine guns, silencers, explosives, or other destructive devices as these terms are defined in Federal law. However, recent amendments to the Federal law extend the exemption to allow the carrying of ammunition, “not expressly prohibited by Federal law or subject to the provisions of the National Firearms Act.” This means that qualified active and retired law enforcement officers may carry ammunition in states which may have prohibited the possession of certain ammunition by persons not actively serving in law enforcement within that State.

Law Enforcement Officers Safety Act of 2004 (“LEOSA” - HR 218): HR 218, LEOSA, was enacted July 22, 2004 as Pub. L. 108-277, codified as 18 US Code § 926B and § 926C. 1) The Act permits the nationwide carrying of concealed handguns by qualified current and retired law enforcement officers and amends the Gun Control Act of 1968 (Pub. L. 90-618, 82 Stat. 1213) to exempt qualified current and retired law enforcement officers from state and local laws prohibiting the carry of concealed firearms; 2) The Act does not exempt current or retired officers from any state or local firearm owner registration laws; and 3) It is the policy of BPD to comply with the Act under the following conditions and provisions of this chapter [and subject to any applicable bargaining agreements].

LEOSA Certification: Recognition by the Bridgeport Police Department or the Connecticut Police Officer Standards and Training Council (POSTC) that the retired officer meets LEOSA’s qualification criteria and has met either: (1) the Department’s annual firearms qualification standards for active officers; or (2) POSTC’s annual firearms qualification standards for active officers.

Qualified Active Law Enforcement Officer: Current BPD law enforcement officers with the Department, who:

1. is 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 has statutory powers of arrest;
2. is authorized by the agency to carry a concealed firearm;
3. is not the subject of any Department administrative or disciplinary action by the agency, which could result in suspension or loss of police powers;
4. meets the standards established by the agency which require the employee to regularly qualify and train in the use of a firearm;
5. is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
6. is not prohibited by State or Federal law from carrying or receiving a firearm.

Qualified Retired Law Enforcement Officer: A retired BPD officer, who:

1. has separated from service in good standing as a BPD law enforcement officer, other than for reasons of mental instability; and
2. 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
3. had statutory powers of arrest; and
4. had an aggregate of fifteen (15) years or more years of service as an active law enforcement officer, or separated from such an agency due to a service-connected disability after completing any applicable probationary period of such service; and
5. during the past 12 months, successfully completed the Department and POSTC’s standards for training and qualification for active law enforcement officers to carry firearms; and
6. is not under the influence of alcohol or another intoxicating or hallucinatory drug or

substance; and

7. has a non-forfeitable right to benefits under the collective bargaining system; and
8. has successfully passed an annual Department background check indicating that the officer is not prohibited by Federal law from receiving or possessing a firearm.

Retired in Good Standing: The term “in good standing” means, at the time of retirement, the officer was not facing disciplinary action that could have resulted in his termination for misconduct or unfitness for office. Interpretive guidance will be provided on a case by case basis by the City Attorney’s Office for BPD.

Mental Instability: The term “mental instability” means that the officer either was medically separated for mental instability or, at the time of a years-of-service or disability retirement, officer was facing removal for reasons of mental instability. Interpretive guidance will be provided on a case by case basis by the City Attorney’s Office for BPD.

IV. PROCEDURES

A. LEOSA ID cards

1. Type 1 - Federal LEOSA certification ID cards
 - a. In the case of retired officers who have met all of the conditions as defined in Section III above, the BPD issued photographic certification card will indicate the date of the last qualification.
 - 1) The date on the card must be less than one year from the time of possession.
 - 2) The card shall be replaced with the renewal qualification date.
2. Type 2 – ID cards without Federal LEOSA certification
 - a. In the case of retired officers who have failed to pass this state's standards for training and qualification for active law enforcement officers to carry firearms, the ID card will clearly state that the person has NOT qualified to carry a concealed weapon as a qualified retired law enforcement officer.

NOTE: Because of different qualification standards, such persons might lawfully possess a citizen's Concealed Weapon permit which is valid in the state that issues the permit and in states that have reciprocal agreements.
 - b. In the case of non-residents who request an ID card to be mailed to them, the card will clearly state that the individual also must possess

an additional card or appropriate document that indicates that he has met the standards for training and qualification for active law enforcement officers to carry firearms in the retired officer's primary state of residence, to qualify for the Federal LEOSA concealed firearms exemption.

- c. Type 2 ID cards will indicate which option applies (2.a or 2.b above).

B. Restrictions

1. Prior to participating in annual firearms qualifications, retired members of the Bridgeport Police Department will sign a statement asserting that they realize that they no longer have police powers, and that the City of Bridgeport assumes no liability for any actions they take as an individual. Furthermore, the statement will also contain a declaration by the retiree that he/she still meets the requirements as specified in the “qualified retired law enforcement” definition.
2. The Rangemaster or designee's determination will be final as to all issues of safety and equipment. Any weapon, holster, ammunition or related equipment found unsafe for qualification and carry will be prohibited on the range and noted in writing and of record. The retired officer will be notified and required to sign a statement acknowledging the unsafe condition of the equipment and the reason for such removal and prohibition. The Rangemaster has the authority to reject any retired officer who is unfit to participate in the qualification process.

C. Liability Waiver and Release

1. Retired members of the Bridgeport Police Department will sign a “LEOSA Liability Waiver and Release” form. (click here <https://powerdms.com/link/IDS/document/?id=153489> to view form)

D. Qualifying Checks of Current and Retired Officers

1. Before issuing or renewing BPD LEOSA photo ID cards, the Firearms Permits Unit shall review the officer's or retired officer's firearms qualification record with the Firearms Training Unit and conduct an updated criminal history record.

E. Verification of LEOSA Status of Active and Retired Officers in Field Situations

1. Current and retired officers of BPD.

- a. A list of all current and retired officers shall be kept in the CAD and Training Divisions. It is the responsibility of the Firearms Training Unit to promptly furnish a roster whenever it is updated.
 - b. The list will contain the status (Qualified or Not Qualified) to possess firearms. (This determination may be ascertained due to a failure or successful firearm qualification, or a criminal arrest history preventing the current or retired officer from the possession of firearms.)
2. Current and retired officers of other agencies.
- a. Requests for verification of the credential of active and retired law enforcement officers shall be directed to the CAD divisions shift supervisor.
 - b. The CAD supervisor, upon the request of the sworn Department member, shall attempt to ascertain the validity of the credentials of a retired member of other CT agencies or out of state retired law enforcement officers that are encountered in the possession of a firearm.
 - c. The requesting officer shall provide CAD with all identifying information noted on the current/retired officer's identification for verification by that agency.
 - d. Any retired or active Law Enforcement Officer may carry in addition to those firearms that may be listed on their LEOSA ID cards, other firearms acceptable under state laws and covered by the possession of a valid concealed carry or pistol permit.