

**PORTSMOUTH, NH POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE****P-239****OFFICER'S RIGHT TO CARRY****EFFECTIVE DATE: 04-06-10****REMARKS:****REVISIONS: 09-01-10; 02-16-17****I. PURPOSE**

The purpose of this policy is to establish rules governing the carry of approved firearms during interstate traveling in compliance with H.R. 218, the "Law Enforcement Officer' Safety Act."

II. POLICY

It is the policy of the Portsmouth Police Department to allow qualified Portsmouth Police Officers, and those officers who have retired from the Portsmouth Police Department under honorable conditions, to carry concealed firearms interstate and intrastate under the color of law; with certain restrictions as described herein.

III. PROCEDURE

- A. Certified police officers employed by the Portsmouth Police Department who have qualified with department issued and/or approved firearms in accordance with Police Standards & Training Council (PSTC) Pol. 404.03 and this policy, shall be permitted to carry their department issued and/or approved pistol(s) interstate and intrastate in compliance with H.R. 218 and all applicable sections of this policy.
- B. Former police officers who have retired from the Portsmouth Police Department under honorable conditions, and at the discretion of the Chief of Police, shall be permitted to carry their approved pistol(s) interstate and intrastate in compliance with H.R. 218 and all applicable sections of this policy, after the following annual criteria has been met:
 - 1. The retired officer must make an appointment with the Portsmouth Police Department's Training Officer to attend the PSTC approved Response to Resistance classroom training session at his/her own expense.
 - 2. The retired officer must make an appointment with the Portsmouth Police Department's Training Officer to have the weapon they intend

to carry under this policy inspected by a department armorer. The armorer will complete the *Portsmouth Police Department HR-218 Officers Right to Carry Authorization Form* (attached) and forward the form to the Portsmouth Police Training Officer.

3. The retired officer must contact the Portsmouth Police Department's Training Officer to make an appointment to qualify on the department's approved qualification course with a certified firearms instructor. Prior to the commencement of the qualification, the firearms instructor will complete their portion of the Portsmouth Police Department HR-218 Officers Right to Carry Authorization Form, and the retired officer shall review the Firearms Range policy (SOP P-235) and sign the Firearms Range Waiver Form.
4. Approved weapons shall only include a Revolver or Semi-Automatic handgun with .357, .38, .380, 9mm, .40, or .45.
 - a. The Portsmouth Police Department will be responsible for maintaining a PSTC approved course of fire for the purposes of this policy.
 - b. The retired officer must complete the firearms qualification course twice consecutively with a score of 75% or higher.
 - c. The retired officer is expected to come prepared to qualify and not use this opportunity as their firearms practice. If after five (5) relays the retired officer has not been able to pass the qualification course twice consecutively, the session will terminate and they may reschedule another attempt after 90 calendar days have elapsed.
5. Failure to meet annual training and qualifications requirements shall cause authorization for interstate and intrastate carry to be withdrawn immediately, with or without notice.
6. Upon completion of the above steps, the "PSTC Report of Firearms Training and Qualification, HR 218" form will be filled out by the Firearms Instructor and signed by both the instructor and the retiree. The completed form will be forwarded to PSTC, and if approved, the retiree will receive a letter from PSTC identifying them as approved to carry through this program. Retirees need to be aware that when they carry under this program, said PSTC letter and their department ID must be in their possession at all times.
7. The retired officer may only carry weapons that have been approved for carry in accordance with applicable department policies. Failure to maintain department approved weapons in accordance with

department policies, or carrying a weapon that has not been approved for carry by the Portsmouth Police Department, shall cause their authorization for interstate and intrastate carry rights to be withdrawn immediately, with or without notice.

8. The retired officer must carry a Portsmouth Police Department identification that identifies them as such, at all times when carrying a department approved firearm under this policy.
9. Failure to carry the department issued identification when carrying a firearm shall cause authorization for interstate and intrastate carry to be withdrawn immediately, with or without notice. Additionally, the retired police officer shall surrender their department issued identification at the request of any ranking or acting supervisory officer, with or without cause.
10. Officers and retired officers are reminded that private businesses have the right to prohibit the possession of the concealed firearm on their property; and furthermore States can restrict the possession of a concealed weapon on certain property such as parks, schools, or certain buildings.
11. The Chief of Police may withdraw authorization for interstate and intrastate carry by a retired police officer at his or her discretion, with or without notice.

David J. Mara, Chief of Police

DJM/dps

PORTSMOUTH POLICE DEPARTMENT

HR-218 "OFFICER'S RIGHT TO CARRY" AUTHORIZATION FORM

REGISTRATION SECTION

Retired Officer: _____ Date: _____

☐ Semi-Auto ☐ Revolver Manufacturer: _____

Model: _____ Serial#: _____

☐ Blued ☐ Stainless ☐ Nickel ☐ Other Capacity: _____

Caliber: _____

Modern Firearms Only: Weapons are restricted to modern firearms manufactured by reputable firearm manufacturers.

Safety Features: The weapon must be equipped with modern safety features.

I, (signature) _____ am requesting authorization from the office of the Chief of Police to use the above firearm as part of the HR-218, *Officers Right to Carry* bill.

PPD Firearms Armorer to perform a Function Test of this weapon

ARMORER FUNCTION TEST SECTION

Verify Weapon Info ☐ Correct ☐ Incorrect

PASS FAIL FUNCTION

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Slide Function (if applicable) |
| <input type="checkbox"/> | <input type="checkbox"/> | Magazine Release / Cylinder Release |
| <input type="checkbox"/> | <input type="checkbox"/> | Extractor Function |
| <input type="checkbox"/> | <input type="checkbox"/> | Safety Block and/or External Safety |
| <input type="checkbox"/> | <input type="checkbox"/> | Trigger Function |
| <input type="checkbox"/> | <input type="checkbox"/> | Firing Pin |
| <input type="checkbox"/> | <input type="checkbox"/> | Hammer Pull Test |
| <input type="checkbox"/> | <input type="checkbox"/> | Dry Fire Test |
| <input type="checkbox"/> | <input type="checkbox"/> | Cylinder Rotation and Line Up |
| <input type="checkbox"/> | <input type="checkbox"/> | Visual Observation, stress cracks, grips, pitting |
| <input type="checkbox"/> | <input type="checkbox"/> | Condition of sights |
| <input type="checkbox"/> | <input type="checkbox"/> | Condition of barrel |

Armorer Signature: _____

Armorer Name (Print) _____ Date: _____

Final Determination The final approval for any weapon lies with the Chief of Police.

*****PPD Firearms Instructor to qualify retired officer with this weapon*******FIREARM INSTRUCTOR**

Date: _____ Instructor (print): _____

Course Fired: _____

Verify Weapon Info: ☐ Correct ☐ Incorrect

Ammunition Used Brand: _____

Type: ☐ JHP ☐ HP ☐ RN ☐ SWC ☐ SP☐ Other _____

Ammunition: Ammunition must be new factory ammunition, not reloaded ammunition. Ammunition will be either a semi jacketed hollow point or semi wad cutter type, no exploding projectiles, shot-shells, armor piercing or other extreme types of ammunition will be allowed for either the proficiency test or for back-up / off duty carry.

Holster Type: _____ **Holster Condition:** _____

I _____ (firearm instructor signature) have conducted the qualification on today's date and have found officer _____ ☐ to be proficient ☐ to not be proficient with the above described weapon.

Submit Form to Personnel & Training Division along with the other related HR-218 paperwork

**PORTSMOUTH POLICE DEPARTMENT
AUTHORIZATION TO CARRY PER H.R. 218 (LEOSA)**

Date Effective:_____ Review Date:_____

NOTE: It is the retired officer's responsibility to re-qualify with his/her firearm(s) at or before the Review Date listed above.

Retired Officer _____

In accordance with POL. 404.03 (I), you are authorized to carry the below described firearm;

[] H.R. 218 – Law Enforcement Officers Safety Act (LEOSA)

The carrying of personal weapons as a retired law enforcement officer is a voluntary act. The department is liable for any actions officers may take under color of law whether on or off duty, and therefore need to exercise control of personal weapons which may be used for that purpose. When carrying a personal weapon, as a retired law enforcement officer, your responsibilities have changed from your role as a law enforcement officer. Unlike an active law enforcement officer acting within legal and lawful authority, as a private person you may be required to retreat from a force situation rather than to engage. Failing to retreat when it could be done in complete safety could make a force response that is facially appropriate unjustified.

Each individual must bear the responsibility for deciding those times when it might be considered inadvisable to carry off-duty firearms; participating in sports events, when consuming alcoholic beverages, etc. You are responsible to regulate the use of deadly force and abide by all provisions set forth in HR 218 (LEOSA).

It shall be your responsibility to maintain your personal weapon.

Ammunition carried in all authorized firearms will be the same ammunition that was used during the last proficiency test performed by the Council Certified Firearms Instructor, under HR 218 (LEOSA).

Weapons carried under HR 218, should be in holsters that provide security for the firearm in the event the retiree has to run, becomes involved in a physical altercation, or is subject to a disarming attempt.

[] Semi-Auto [] Revolver Manufacturer:_____
Model:_____ Serial#: _____
[] Blued [] Stainless [] Nickel [] Other Capacity:_____
Caliber:_____

OIC of Operations Support Division

David Mara
Chief of Police

cc: Operations Support Division, Requesting Officer