


<b>STRATFORD POLICE DEPARTMENT</b>  	Type of Directive: <b>Policy and Procedure</b>	Updated: <b>05/16/2022</b>
	Title: <b>Law Enforcement Officers Safety Act (LEOSA)</b>	No. <b>6.5</b>
	Issuing Authority: <b>Chief Joseph McNeil</b>	Issued: <b>10-10-2018</b>
	Reference:	

### **PURPOSE:**

The purpose of this policy is to define the standards that must be met for officers, active or retired to carry firearms interstate as provided under the Law Enforcement Officers Safety Act.

### **POLICY:**

It is the policy of the Stratford Police Department to comply with the Law Enforcement Officers Safety Act (LEOSA). The LEOSA act as defined by the United States is attached below.

### **PROCEDURE:**

All officers wishing to carry firearms interstate must comply with the act as defined.

A. H.R. 218, the Law Enforcement Officers Safety Act (LEOSA), was enacted July 22, 2004 as Pub. L. 108-277, and is codified as 18 U.S. Code §926B and §926C. In 2010 it was amended to include additional federal officers and to reduce the period of aggregate service required of former officers.

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. It does not exempt current or retired officers from any state or local firearm owner registration laws.

3. It is the policy of the Stratford Police Department to comply with the Act.

A. Current law enforcement officers with the Stratford Police Department must:

1. Possess statutory powers of arrest and be authorized by the Stratford Police Department to carry a concealed firearm.

2. Successfully have completed the Stratford Police Department designated firearms qualification course.

3. Not be under the influence of alcohol or drugs.

4. Not be prohibited by Federal or state law from possessing a firearm.
5. Not be subject to Stratford Police Department disciplinary action preventing the officer from carrying a firearm per existing policy.
6. Not wear a concealed Stratford Police Department owned firearm except as provided by Stratford Police Department firearms regulations.
  - a. Although the Stratford Police Department firearms regulations may not restrict a current law enforcement officer's right under the Federal LEOSA to carry a concealed, personally-owned off-duty firearm, as a condition of continued employment:
    - i. All current officers must register his or her personally owned on-duty and off-duty firearm(s) that they intend to carry with their badge with the Certified POSTC Range Officer.
    - ii. All such weapons shall pass a safety inspection by the Certified POSTC Range Officer.
    - iii. Officers must pass the state's firearms qualification test using each approved firearm.

**B. Required identification**

1. The officer must have his or her Stratford Police Department photo identification card and badge.

**C. Qualified retired law enforcement officers of the Stratford Police Department must:**

1. Have retired in good standing from service as a law enforcement officer for the Stratford Police Department other than for reasons of mental instability.
  - a. The term "in good standing" means, at the time of retirement, the officer was not facing disciplinary action that could have resulted in his or her termination for misconduct or unfitness for office.
  - b. 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, the officer was facing removal for reasons of mental instability.
  - c. Interpretative guidance will be provided, on a case-by-case basis, by the Town attorney of the Town of Stratford.
2. Have an aggregate of at least ten years of service as an active law enforcement officer or have retired from service after completing a probationary period, due to a service-connected disability, as determined by Stratford Police Department.
3. Have separated from active service or retired.
4. Have successfully passed an annual Stratford Police Department background check indicating that he or she is not prohibited by Federal law from receiving or possessing a firearm.
5. Not be under the influence of alcohol or drugs.

6. Have, during the most recent twelve-month period, successfully passed the standards for training and qualification for active law enforcement officers to carry firearms in their primary state of residence.

D. On request, qualified retired law enforcement officers of the Stratford Police Department who do not reside in this state, and who have not successfully passed this state's standards for training and qualification for active law enforcement officers to carry firearms, will be sent a retirement identification card by mail, that indicates that the retired officer:

1. Is a nonresident of this state and has met all of the conditions in Part II-C, sections 1 through 5.
2. Must meet the standards for training and qualification for active officers in the retired officer's primary state of residence.
3. Must submit, in acceptable size and format, [two recent facial color photographs or a digital image].

E. Retired officer identification cards

1. Type 1 – Federal LEOSA certification identification cards

a. In the case of retired officers who have met all of the conditions in Part II-C, sections 1 through 6, after completing a Stratford Police Department LEOSA application, the Stratford Police Department will issue a photographic identification card which will indicate the retired officer meets LEOSA certification standards and the date of the last qualification.

- i. The date on the card must be less than one year from the time of possession.
- ii. The card shall be replaced with the renewal qualification date.

2. Type 2 – Identification 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 identification card will clearly state that the person has NOT qualified to carry a concealed weapon as a qualified retired law enforcement officer.

i. Note: Because of different qualification standards, such persons might lawfully possess a citizen's Concealed Weapons permit, which is valid in the state that issues the permit, and in states that have reciprocal recognition agreements.

b. In the case of nonresidents who request an identification 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 or she 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 identification cards will indicate which option applies (a or b).

F. Qualification for the Stratford Police Department current officers

1. Current officers will comply with the Act by successfully completing the Stratford Police Department firearms qualification course during the scheduled firearms training program.
2. The minimum qualifying score is [70] percent.

G. Qualification for the Stratford Police Department qualified retired officers

1. The Stratford Police Department Training Lieutenant or designee will schedule qualification dates for qualified Stratford Police Department retirees.
2. Qualified retired officers will be allowed to qualify on more than one concealable firearm, as time and scheduling permits. Such number shall be the decision of the Certified POSTC Range Officer or designee.

Retired officers:

- a. Must bring their own handgun(s), either a revolver or a semi-automatic capable of being loaded with 5 or more rounds.
- b. Must bring [60] rounds of factory issued ammunition for each weapon for qualification.
- c. Must bring their personal firearms cleaning supplies.
- d. Must have a safe and secure holster.
- e. All handguns and holsters must pass inspection by the Certified POSTC Range Officer.

3. The minimum qualifying score is [70] percent.

4. The Stratford Police Department Training Lieutenant or designee shall keep a database of qualified retired officers, qualification dates, qualification course of fire, qualification score, and the type and serial number of the firearms used to qualify.

6. Qualified retired officers will be required to sign a waiver of liability of the Stratford Police Department for all acts taken related to carrying a concealed firearm, acknowledging their personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by the Act and not as an employee or former employee of the Stratford Police Department or as a current law enforcement officer (unless currently employed as a law enforcement officer of another agency). Such disclaimer shall also release the Stratford Police Department from any claim or action at law resulting from any injury or accident during the described firearms qualification activities.

H. Failure to qualify and remedial training.

1. Any qualified retired officer who fails to qualify will be given the option of basic remedial training and given one additional attempt as soon as practicable after the failed attempt.
2. If the qualified retired officer fails to qualify on the second attempt, the Certified POSTC Range Officer or designee will:

- a. Notify the retired officer of the failure.
  - b. Complete a memo outlining the retiree's name, the course of fire, the firearm type, and the score received on each attempt, and any remediation given.
  - c. Recommend that the retired officer seek additional or alternative remedial training.
  - d. Advise the retired officer to contact the Training Lieutenant or designee to arrange an additional attempt at qualification.
3. Qualified retired officers will be given a reasonable number of attempts, but not less than three at qualifying during the scheduled retiree qualification dates, subject to range availability and the Certified POSTC Range Officer or designee's time constraints. Any number beyond three attempts will be the decision of the Certified POSTC Range Officer appealable only to the Chief of Police whose decision is final.
- a. Should the retired officer fail to qualify, he or she will be allowed to attempt to qualify at the next scheduled retiree qualification shoot or at a date scheduled by the Certified POSTC Range Officer or Designee.
  - b. Upon the third or final failure, the Certified POSTC Range Officer or designee will submit a memo to the Chief of Police outlining the failures.

#### I. Restrictions

- 1. The Certified POSTC Range Officer 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.
- 2. The Law Enforcement Officers Act does not authorize the retired officer to:
  - a. Carry a machine gun, silencer, or other destructive device.
  - b. Act in the capacity of a law enforcement officer of the Stratford Police Department.
  - c. Carry a firearm on any government property, installation, facility, building, base or park with laws or regulations prohibiting or restricting the carrying of firearms (such as airport boarding areas, courthouses, etc.).
  - d. Carry a firearm on any other public or privately owned property, facility, building or area, where the carrying of firearms is prohibited or restricted (such as private schools, commercial aircraft, etc.).

#### III. Content of liability waiver and release by a qualified retired officer

- A. The "Waiver and Release Form" shall be read, completed, and signed by the retired officer prior to any firearms qualifications activities.

#### IV. Qualifying checks of current and retired officers

A. Before issuing or renewing Stratford Police Department's photo identification cards, the Training Division shall review the officer's or retired officer's firearms qualification record and updated criminal history record.

B. The retired officer will complete a Stratford Police Department LEOSA application self-attesting he/she meets LEOSA standards.