

**Purpose**

It is the purpose of the Cecil County Sheriff's Office to establish guidelines for the implementation of the Law Enforcement Officers Safety Act of 2004 (LEOSA) for law enforcement deputies who have separated from the Cecil County Sheriff's Office.

**Policy**

It is the policy of the Cecil County Sheriff's Office to implement LEOSA for its qualified law enforcement deputies and provide a valid photographic identification card.

**LAW ENFORCEMENT OFFICERS' SAFETY ACT OF 2004 ("LEOSA"):**

On July 22, 2004, President Bush signed into law the Law Enforcement Officers' Safety Act of 2003, ("LEOSA"), also known by its bill number, H.R. 218. This Law is codified at Chapter 44 of Title 18 of the United States Code, at §926B and §926C. This law allows qualified active and certain retired law enforcement officers to carry concealed firearms nationwide. Additionally, the law establishes the criteria that those individuals must meet annually in order to qualify as an active or honorably separated law enforcement officer.

**Definitions:**

**Approved Firearms Training-** Firearms classroom instruction or range qualification training that has been approved by the Maryland Police and Correctional Training Commission (MPCTC).

**Certified Firearms Instructor-** Individual who meets the firearms instructor certification standards set forth in MPCTC regulations.

**LEOSA-** Law Enforcement Officers Safety Act of 2004 (known as "H.R. 218"); federal law generally exempting qualified current and retired law enforcement officers from State law restrictions on carrying concealed firearms.

**LEOSA Certification-** Recognition by either the department from which an officer retired or the State of Maryland that the retired officer meets LEOSA's qualification criteria *and* has met either: 1) the department's annual firearms training and qualification standards for active officers; or 2) the State's annual firearms training and qualification standards.

**Qualification-** Achieving a passing score during live fire utilizing the same target, ammunition, and course required of active law enforcement officers qualifying with firearms.

**Qualification Criteria-** Eligibility criteria of 18 U.S.C. §926C that retired officers must meet for LEOSA certification.

**Qualified Retired Law Enforcement Officer**- An officer who has retired and/or in good standing from service with a public law enforcement agency and meets the LEOSA eligibility criteria of 18 U.S.C. §926C.

### **Procedure**

- A. A retired law enforcement deputy, or a separated deputy in good standing who meets the aggregated requirements of LEOSA, may qualify for certification upon meeting the agency's standards to include annual firearms training.
- B. Applicants must meet the same mental and physical abilities of active sworn personnel of the Office.
- C. A "qualified retired law enforcement officer" is defined as an individual who:
  - has separated from service in good standing with a government agency as a law enforcement officer for an aggregate of ten (10) years or more or separated from such an agency due to a service-connected disability after completing any applicable probationary period of such service;
  - was authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or the incarceration of any person for any violation of law;
  - had statutory powers of arrest or apprehension under the Uniform Code of Military Justice;
  - is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
  - is not prohibited by Federal law from possessing a firearm.
- D. Firearms qualifications will meet the active duty course training standards set forth by the Maryland Police and Correctional Training Commission (MPCTC) and performed by an agency Firearms Instructor. The training course standard shall be consistent with:
  - 1) Classroom- Safety, Firearms Care, Marksmanship, Legal Issues
  - 2) Daylight course of fire (minimum 30 rounds)
  - 3) Reduced light course of fire (minimum 30 rounds)
  - 4) MPCTC approved targets
- E. LEOSA qualifications shall not be conducted for any person by an agency Firearms Instructor, unless approved in writing by the Sheriff.
- F. The retired/separated deputy will complete a notarized CCSO Form# SO-171, (Qualified Separated Law Enforcement Officer Application for Certification to Carry A Concealed Firearm) upon each initial and renewal application.

- G. A criminal history shall be performed prior to the final approval of any LEOSA certification to ensure eligibility with Chapter 44, Title 18, U.S.C., §926B and §926C.
- H. A retired/separated deputy will be issued a Cecil County Sheriff's Office Retired Identification Card and a LEOSA Certification Card indicating that they are eligible to carry a concealed firearm. The LEOSA certification card will expire 12 months after the date of issue.
- I. The identification card shall include; name of the qualified deputy and physical description, driver's license number and state, date of issue and expiration, identification card control number, firearm type (semi-automatic), and advise that the card must be carried while carrying the concealed firearm.
- J. LEOSA certification exempts the qualified cardholder from State laws prohibiting the carrying of concealed firearms.
- K. LEOSA certification **DOES NOT** grant any form of law enforcement authority, statutory or qualified immunity for actions, the right to possess a firearm in violation of federal law, and no exemption from State laws restricting the possession of concealed firearms on State, local, or private property.
- L. The Cecil County Sheriff holds the authority to deny an applicant.

### **Records**

- A. The agency Training Coordinator will be responsible for the retention of all records for LEOSA issued Identification Cards.