

# Bowie City Police Department - General Orders



TITLE: LAW ENFORCEMENT OFFICERS SAFETY ACT	NUMBER: 219
EFFECTIVE DATE: 9/15/16	REVIEW DATE:
<input checked="" type="checkbox"/> NEW <input type="checkbox"/> AMENDS <input type="checkbox"/> RESCINDS	DATE:

AUTHORITY <b>Chief John K. Nesky</b>	ACCREDITATIONS STANDARDS	TOTAL PAGES 5
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## I. POLICY

It is the policy of the City of Bowie Police Department to comply with the Law Enforcement Officers Safety Act (LEOSA). This is to include a weapons qualification process for retired police officers from the Department and guidelines for Bowie officers contacting armed individuals carrying weapons under LEOSA.

## II. DEFINITIONS

- A. Good Standing – within this directive, this term means that at the time of retirement / separation, the retired/ separated police officer was not facing disciplinary action.
- B. Mental Instability – within this directive, this term means that the retired/ separated police 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. Retired/ Separated Police Officer – within this directive, this term refers to retired/ separated sworn police officers after ten (10) or more years of service.

## III. SCOPE

Pursuant to the Law Enforcement Act of 2004 (H.R. 218), qualified law enforcement officers and qualified retired/ separated law enforcement officers shall be permitted to carry concealed firearms on their person. The section shall not be construed to supersede or limit the laws of any State that permits persons or entities to prohibit or restrict the possession of concealed firearms on their property, installation, building, base, or park; or prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

## IV. PROGRAM ELIGIBILITY

Retired/ separated City of Bowie Police Officers must meet all of the following requirements to be eligible for this certification program, which includes the following:

- A. Retired/ separated in good standing from the Department as a police officer, other than for reasons of mental instability. The retired/ separated police officer must have had ten (10)

years or more of active service or retired/ separated with a service-connected disability as determined by the Department.

- B. The retired/ separated police officer must have a non-forfeitable right to benefits under the retirement plan of the Department.
- C. The retired/ separated police officer must not be under the influence of alcohol or any intoxicating or hallucinatory drug or substance, including prescription drug(s), which may impair his/her ability to qualify at the range and possess a firearm.
- D. The retired/ separated police officer must not be prohibited by federal law to possess a firearm.
- E. Annually, the retired/ separated police officer must meet the State's standards for the training and qualification to carry firearms under LEOSA.

## **V. APPLICATION PROCEDURES**

- A. All inquiries by retired/ separated police officers will be referred to a designated member in the Operations Division who will explain the requirements of the law and the City of Bowie Police Department's program.
- B. Availability dates to qualify at the range will be published periodically by the City of Bowie Police Department.
- C. The Personnel Section shall be responsible for verifying the status of a police officer upon retirement. If the status is undetermined or the retired/ separated police officer did not leave in good standing, then this information will be forwarded to the Captain for final disposition.
- D. Upon completion of the application material, an Operations Division member shall review it and also conduct the required background check to ensure the retired/ separated police officer has not incurred any active warrants, relevant court orders, and/or felony convictions since the time of retirement from the Department. These records will be maintained by Personnel.
- E. Qualifications will be conducted by a member of the Range Staff. The Training Section will maintain the retired/ separated police officer's certification record. The retiree shall be responsible for ensuring their LEOSA certification is current.

## **VI. CERTIFICATION PROCESS**

All retired/ separated City of Bowie Police Officers wishing to participate in this program must complete the following certification process annually:

- A. The retired/ separated police officer must complete all required application forms.
- B. Attend a three (3) hour training session that includes classroom instruction and a qualification course.
- C. In order to qualify for the certification program, retired/ separated police officers must complete a firearms course, including a written test, with a minimum score of seventy (75) percent.
- D. Retired/ separated police officers are required to provide their own, departmentally approved ammunition for each firearms qualification course. At least fifty (50) rounds of ammunition will be needed for qualification.

- E. Upon successful completion of classroom instruction and range qualification, the retired/ separated police officer's name will be forwarded to the Captain. The Captain will issue the appropriate credentials to the retired/ separated officer.
- F. In accordance with LEOSA, only police officers who have retired/ separated from the City of Bowie Police Department may be eligible for qualification. All others will be referred to their originating agency or the Maryland State Police for qualification.

## **VII. WEAPONS CRITERIA**

- A. Retired/ separated City of Bowie Police Officers will be allowed to qualify with up to two (2) approved weapons (one semiautomatic and/or one revolver handgun).
- B. Range instructors shall inspect all weapons prior to qualification.
- C. Repairs to the weapons will be the responsibility of the owner. The weapon must not be modified.
- D. During the qualification process, all firearms must be carried in a belt-attached hip holster specifically designed for the make and model of the weapon.
- E. For qualification, firearms must be loaded with approved ammunition, and in a safe condition.
- F. Weapons must be clean and properly maintained at all times.
- G. Weapons must be concealed from view when arriving and departing for qualification.
- H. Retired/ separated police officers reporting for qualification must be in possession of their photograph identification card indicating their status as a retired/ separated police officer.
- I. City of Bowie Police Range personnel will keep records of qualification scores and weapons used and will forward all information to the Training Sergeant.

## **VIII. QUALIFICATION**

During the most recent twelve (12) month period, each eligible retired/ separated police officer above must complete a firearms qualification course to ensure proper use and knowledge of the weapon. The qualification is managed by the following criteria:

- A. The retired/ separated police officer must qualify on one (1) firearms course with a minimum qualifying score of seventy (75) percent.
- B. The retired/ separated police officer will be given up to two (2) opportunities to qualify.
- C. If the retired/ separated police officer fails to qualify on the second attempt, the Departmental range master or his designee will:
  - 1. Notify the retired/ separated police officer of the failure.
  - 2. The range instructor will then retain the retired / separated member's certification card.

3. Document the retired/ separated police officer's name, the firearm type and the score received on each attempt;
  4. Recommend that the retired/ separated police officer seek additional or alternative remedial training;
- D. The retired/ separated police officer will be allowed to qualify with an approved semiautomatic or revolver handgun.
- E. Qualification dates will be posted for various dates throughout the year.

## **IX. EXTERNAL CONTACTS UNDER LEOSA**

City of Bowie Police Officers who come into contact with an off-duty or retired/ separated police officer carrying a weapon under LEOSA shall take the following actions:

- A. Identify the retired/ separated /off-duty police officer by means of a driver's license and/or a retired/ separated or current police officer identification card from the issuing police department.
- B. If the retiree/off-duty police officer is carrying a weapon under LEOSA, the City of Bowie officer shall request their LEOSA certification card or valid/active police credentials. If City of Bowie officers are unable to obtain valid credentials or the credentials received cannot be confirmed then the retiree/off-duty police officer's weapon shall be secured until verification is made with the agency who issued the credentials.
- C. City of Bowie Police Officers shall contact their supervisor or the on duty Commander if:
  1. The retiree/off-duty police officer does not have the required LEOSA identification card or valid/active police credentials and/or cannot be identified and is carrying a weapon;
  2. If the retiree/off-duty police officer is in possession of a weapon and is under the influence of alcohol and/or drugs;
  3. If the retiree/off-duty police officer is involved in any incident involving the display and/or use of their weapon.
- D. City of Bowie Police officers shall complete a written report for the incidents enumerated in Section XI, Paragraph C
- E. The on duty Supervisor or Commander shall utilize discretion in deciding whether the incident is to be handled administratively or if enforcement action is required.
- F. The on duty Supervisor or Commander shall notify the Chief's Office for any incident listed under Section XI, Paragraph C, which involves a retiree from the City of Bowie Police Department.
- G. Off-duty City of Bowie Police Officers and LEOSA certified retirees in another state, absent law to the contrary, have no law enforcement authority or power, other than to carry a firearm and shall adhere to the guidelines set forth in LEOSA. When City of Bowie Police Officers travel out-of-state, they shall adhere to the applicable laws of that jurisdiction.

- H. Off-duty City of Bowie Police Officers and LEOSA certified retirees carrying their firearm in another state shall adhere to the following guidelines when confronted by an on-duty law enforcement officer:
  - 1. Listen carefully and follow all instructions given by the officer;
  - 2. Identify yourself as an off-duty/ retired/ separated police officer;
  - 3. Show the law enforcement officer your Departmental Identification and/or LEOSA certification card and;
  - 4. Fully comply with the jurisdiction's process.
  
- I. City of Bowie Police Officers shall be responsible for familiarizing themselves with all provisions of the Law Enforcement Officers Safety Act.