

LEOSA CERTIFICATION FOR RETIRED OFFICERS

I. Purpose:

The purpose of this policy is to establish guidelines for the implementation of the Law Enforcement Officers Safety Act of 2004 (LEOSA) for officers who have retired from _____.

II. Policy:

- A. It is the policy of _____ to implement LEOSA for its qualified retired officers.
- B. It is the policy of _____ to provide retired officers with a photographic identification card.
- C. It is the policy of _____ that, prior to issuing LEOSA certification to its retired officers, it will establish that those retired officers meet LEOSA's qualification criteria by either accepting the retired officers' self-attestation that they meet the qualification criteria or by conducting an investigation.
- D. It is the policy of _____ to provide its qualified retired officers the opportunity to meet this department's standards for annual firearms training and qualification for active duty officers.
- E. For qualified retired officers who meet this department's standards for annual firearms training and qualification, it is the policy of _____ to issue them photographic identification indicating that they have met this department's annual firearms training and qualification standards. The card will include: name of qualified retired officer; expiration date; firearm type(s); and advice that the card must be carried while carrying the concealed firearm.
- F. It is the policy of _____ to advise all qualified retired officers that, while LEOSA certification exempts them from State laws prohibiting the carrying of concealed firearms, LEOSA certification gives them absolutely no law enforcement authority, no statutory or qualified immunity for their actions, no 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.

III. Definitions:

- A. **Approved firearms training.** Firearms classroom instruction or range qualification training that has been approved by the Maryland Police Training Commission (MPTC).
- B. **Certified firearms instructor.** Individual who meets the firearms instructor certification standards set forth in MPTC regulations.
- C. **LEOSA.** Law Enforcement Officers Safety Act of 2004 (formerly known as “H.R. 218”); federal law generally exempting qualified current and retired law enforcement officers from State law restrictions on carrying concealed firearms.
- D. **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.
- E. **Qualification.** Achieving a passing score during live fire utilizing the same target, ammunition, and course required of active law enforcement officers qualifying with off-duty firearms.
- F. **Qualification criteria.** Eligibility criteria of 18 U.S.C. §926C(c) that retired officers must meet for LEOSA certification.
- G. **Qualified retired law enforcement officer.** An officer who has retired in good standing from service with a public law enforcement agency and meets the LEOSA eligibility criteria of 18 U.S.C. §926C(c).

IV. Guiding Principles:

- A. Law enforcement agencies are not required to conduct LEOSA training for, or issue LEOSA certification to, their retirees.
- B. Retired law enforcement officers may obtain LEOSA certification issued *either* by the department from which they retired *or* – if they reside in Maryland - by the State of Maryland. Departments may issue LEOSA certification *only* to their own retirees. The Department of State Police is the sole State entity authorized to issue LEOSA certification by the State of Maryland.

- C. Retired law enforcement officers may obtain LEOSA training from any department or entity, so long as the training meets the MPTC's standards for approved firearms training and is conducted by MPTC certified firearms instructor(s).
 - D. Departments may provide LEOSA training to any department's retired officers. Departments may conduct LEOSA training even if they choose not to issue LEOSA certification.
 - E. In order to maximize safety both on the firearms range and in public, firearms instructors should perform a safety check on all firearms before they are used on the range.
 - F. Firearms instructors should restrict firearms holster types used during training and qualification, to those that can be safely used on the range.
 - G. Because retirees may not have handled a firearm for several years, firearms instructors may provide skills refresher training and additional firearm handling training before conducting live fire.
 - H. Firearms training for retirees should be conducted separately from active duty officers to avoid giving retirees the impression that they have the same authority as active duty officers.
 - I. Firearms training for retirees should include instruction on their lack of law enforcement authority and their personal liability for using force; both differ greatly from the authority and liability of active officers.
 - J. Training for active duty officers must include the department's policy regarding wearing, carrying, and transporting an agency-issued firearm or authorized off-duty firearm while out of jurisdiction. Training should focus on how to respond if challenged by law enforcement from another jurisdiction.
- V. Relevant Law:
- A. Law Enforcement Officers Safety Act of 2004 ("LEOSA"), 18 U.S.C., § 926.
 - B. Police Training Commission Firearms Training and Instructor Certification Regulations, COMAR 12.04.02.01 – 12.04.02.21.