

Retiree Concealed Firearms

207.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of St. Mary's County Sheriff's Office identification cards under the Law Enforcement Officers' Safety Act (LEOSA) (18 USC § 926C).

207.2 POLICY

It is the policy of the St. Mary's County Sheriff's Office to provide LEOSA identification cards to qualified former or retired St. Mary's County Sheriff's Office deputies or those retirees from other agencies who are currently employed by the SMCSO.

207.3 LAW ENFORCEMENT OFFICERS SAFETY ACT (LEOSA)

The Sheriff may issue an identification card for LEOSA purposes to a qualified former deputy of this office or those retirees from other agencies who are currently employed by the SMCSO. (18 USC § 926C(c)):

- (a) Separated from service in good standing documented on agency letterhead and possesses a photo identification card the SMCSO or his/her respective agency.
- (b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this office, and provides written documentation of such on agency letterhead.
- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this office where the deputy acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.
- (f) It is the policy of the SMCSO that prior to issuing LEOSA certification to qualified personnel, it will be established that those qualified personnel meet LEOSA's qualification criteria by conducting an investigation. The investigation will be conducted by the Special Operations Division (SOD). The investigation will be initiated when the applicant submits the Application for Firearms Qualification (SMCSO Form #394).
 - 1. It shall include a criminal history - Meters Master Query, MVA/Driver's License Query, Protective Order Query, Wanted Persons Query, MD Judiciary Case Search, and In-House Database check on the applicant for any information that may exclude the applicant from possessing a firearm.
 - 2. Upon completion of the investigation, the investigative file will be forwarded to an SOD supervisor for review and signature verification.

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3. If approved, SOD will make arrangements for the qualifications and will notify the applicant of the date and time.
4. If disapproved, the applicant will be contacted via mail and provided with an explanation as to the reason the application was denied.
5. Upon successfully passing a firearms qualification course, the firearms instructor will ensure the score sheet (SMCSO Form #351) is forwarded to the SOD Sr. Administrative Coordinator.
6. The completed packet will then be forwarded to the Assistant Sheriff for review and signature verification. If approved, the file will be forwarded back to SOD, and arrangements will be made to have the applicant's LEOSA card completed by the Personnel Section.
7. The completed file will be maintained within SOD.

207.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should indicate the name, date of birth, type of weapon, date the former deputy qualified with the type of firearm they wish to carry, and the expiration date.

207.3.2 AUTHORIZATION

Any qualified former law enforcement officer may carry a concealed firearm under 18 USC § 926C when he/she is:

- (a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
 1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active-duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.
 2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
- (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
- (c) Not prohibited by federal law from receiving a firearm.
- (d) Not in a location prohibited by Maryland law or by a private person or entity on his/her property if such prohibition is permitted by Maryland law.

207.4 MARYLAND RETIRED LAW ENFORCEMENT OFFICER IDENTIFICATION CARD

The Sheriff shall provide a retiring deputy with an identification card within 45 days after the officer's retirement if the deputy (Md. Code PS § 3-513):

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- (a) Retired in good standing for reasons other than mental instability.
- (b) Before retirement, was certified by the Maryland Police Training and Standards Commission (MPTSC), had statutory powers of arrest in Maryland and completed an applicable probationary period.

Upon request, any deputy who retired prior to Oct. 1, 2015, shall be issued an identification card if the criteria set forth above are satisfied.

207.4.1 MARYLAND RETIRED LAW ENFORCEMENT OFFICER IDENTIFICATION CARD FORMAT

A Maryland retired law enforcement officer identification card shall be in the form approved by the MPTSC and include the information specified in Md. Code PS § 3-513.

The Sheriff's Office Retirement identification cards under this Maryland Code PS § 3-513, do not expire. At the bottom of the card in the expiration block, it will read "this card does not expire."

207.5 FORMER DEPUTY RESPONSIBILITIES

A former deputy with a LEOSA card issued under this policy shall immediately notify the Shift Supervisor of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Arrests, Convictions and Court Orders Policy.

The retiree is responsible for obtaining the proper handgun training and qualification for active law enforcement officers. The retiree may also obtain handgun certification and a LEOSA certification card from the MPTSC.

207.5.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former LEO shall:

- (a) At least thirty (30) days prior to the desired firearms qualification date, sign a waiver of liability (SMCSO Form # 394) for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Office.
- (b) Provide a letter from the respective agency of the former LEO stating they are in Good Standing. This letter is not required for retired SMCSO deputies.
- (c) Provide written documentation showing he/she has a minimum of ten (10) aggregate years of law enforcement experience as defined in 18 USC § 926C(c), not required for retired SMCSO deputies.
- (d) Remain subject to all applicable Office policies and federal, state and local laws.
- (e) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm and pass an annual firearms qualification course administered by a certified firearms instructor.
- (f) Successfully pass an annual criminal history background check (current SMCSO employee or SMCSO retirees only) indicating that he/she is not prohibited by law from receiving or possessing a firearm.

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207.6 DENIAL, SUSPENSION OR REVOCATION

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Office. In the event that an identification card is denied, suspended or revoked, the former deputy may request a review by the Sheriff. The decision of the Sheriff is final.

207.7 FIREARM QUALIFICATIONS

The Training Coordinator or firearms training staff may provide former law enforcement officers eligible under this policy an opportunity to qualify. Ammunition will be provided by the member wishing to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Training Coordinator or firearms training staff will maintain a record of the qualifications and weapons used.