

212. LAW ENFORCEMENT OFFICER SAFETY ACT (L.E.O.S.A.) PERMIT TO CARRY CONCEALED HANDGUNS



**RICHFIELD
POLICE
DEPARTMENT
POLICY**

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Authority: Chief Jay Henthorne

NOTE: This policy is for internal use only and does not enlarge an employee's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

I. PURPOSE

This Policy is intended to provide retired Richfield Police officers and current police officers the opportunity to meet the minimum standards to carry a concealed weapon under the *Law Enforcement Officers Safety Act (L.E.O.S.A.)*.

II. POLICY

H.R. 218, *the Law Enforcement Officers Safety Act (LEOSA)*, was amended January 2, 2013. This Act permits the nationwide carrying of concealed handguns by qualified current and retired law enforcement officers and amends the Gun Control Act of 1968 to exempt qualified current and retired law enforcement officers from state and local laws prohibiting the carry of concealed firearms.

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

It is the policy of the Richfield Police Department to comply with the Act, under the following conditions and provisions.

III. DEFINITION

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.

MENTAL HEALTH: means that the officer either was medically separated for mental health reasons or, at the time of a years-of-service or disability retirement, the officer was facing removal for reasons related to mental health.

DISCIPLINARY ACTION: means suspension from duty.

IV. PROCEDURE

Carrying of concealed firearms by qualified law enforcement officers

A qualified law enforcement officer is an employee of a governmental agency who:

- 1) Is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest.
- 2) Is authorized by the agency to carry a firearm.
- 3) Is not the subject of any disciplinary action by the agency which could result in suspension or loss of police powers.
- 4) Meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm.

- 5) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
- 6) Is not prohibited by Federal law from receiving a firearm.

Qualified Current Officer Identification Cards

The identification required for a current law enforcement officer is the photographic identification card issued by the Richfield Police Department that identifies the employee as a police officer the identification cards are the property of the Richfield Police Department.

Carrying of concealed firearms by qualified retired law enforcement officers

A qualified retired law enforcement officer:

- 1) Must have retired in good standing from service as a law enforcement officer for the Richfield Police Department;
- 2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;
- 3) Must have retired from service after completing a probationary period, due to a service-connected disability, as determined by the City of Richfield;
- 4) Before such retirement, was regularly employed as a law enforcement officer for an aggregate of 10 years or more;
- 5) Has a non-forfeitable right to benefits under the retirement plan of the agency;
- 6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance;
- 7) Is not prohibited by Federal law from receiving or possessing a firearm;
- 8) During the most recent twelve-month period, has met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers, as determined by the Richfield Police Department, the State in which the individual resides or, if the State has not established such standards, either a law enforcement agency within the State in which the individual resides or the standards used by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State.
- 9) Has not been officially found by a qualified medical professional employed by the Richfield Police Department to be unqualified for reasons relating to mental health and as a result of this finding will not be issued the photographic identification card or has not entered into an agreement with Richfield Police Department in which that individual acknowledges he or she is not qualified under this section for reasons relating to mental health and for those reasons will not receive or accept the photographic identification card.

Retired Officer Identification Cards

Qualified Retired Law Enforcement Officers from the Richfield Police Department who have met all of the conditions set forth in this Policy will be issued a photographic identification card that identifies the retired officer as having been employed as a police officer and indicates that the individual has been tested and meets the active duty standards for qualification in firearms training as established by the Richfield Police Department.

The photographic identification card will indicate the expiration date of the card. That date will be one calendar year after the weapon qualification; OR

The photographic identification card mentioned above **and** a certification issued by the State in which the individual resides or by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State that indicates that the individual has been tested or otherwise found by the State or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State to have met:

- The active duty standards for qualification in firearms training as established by the State; OR
- If the State has not established such standards, standards set by **any** law enforcement agency within that State.

The identification cards are the property of the Richfield Police Department.

Weapons Qualification for Retired Officers

The Richfield Police Department Rangemaster or designee will schedule range date(s) for retirees to qualify. The date(s) will be during business hours (Monday – Friday).

Qualified Retired Officers will be allowed to qualify with more than one concealable firearm, as time and scheduling permits. Such number shall be the decision of the Rangemaster or designee.

Retired officers:

- 1) Must bring their own handgun(s), either a revolver or a semi-automatic capable of being loaded with 5 or more rounds.
- 2) Must bring [50] rounds of factory issued ammunition for the weapon for qualification.
- 3) Must have a safe and secure holster.
- 4) Complete the course of fire with a minimum qualifying score of 70 percent.
- 5) Complete the L.E.O.S.A. Weapons Qualification Packet.

The Richfield Police Department Rangemaster or designee shall keep a database of Qualified Retired Officers. The database will contain the following information:

- Richfield Police Policy #212: Law Enforcement Officer Safety Act Permit to Carry Concealed Handguns
- Qualification date(s)
- Qualification course of fire
- Qualification score(s)
- Weapon identification (Make, Model, Serial number and Caliber)
- Waiver and Release Form

Qualified retired officers will be required to sign a waiver of liability of the Richfield Police Department for all acts taken related to carrying a concealed firearm. The Waiver will acknowledge their personal responsibility as a private person for all acts taken when carrying a concealed firearm. Such disclaimer shall also release the Richfield Police Department from any claim or action of law resulting from any injury or accident during the described firearms qualification activities.

Failure to Qualify and Remedial Training

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.

If the qualified retired officer fails to qualify on the second attempt, the Rangemaster or designee will:

- 1) Notify the retired officer of the failure.
- 2) Complete a [memo or report form] outlining the retiree's name, the course of fire, the firearm type, the score received on each attempt, and any remedial help given.
- 3) Recommend that the retired officer seek additional or alternative remedial training.
- 4) Advise the retired officer to contact the Rangemaster or designee to arrange an additional attempt at qualification.

Qualified retired officers will be given a reasonable number of attempts, at qualifying, subject to range availability and the Rangemaster or designee's time constraints. Any number beyond three attempts will be the decision of the Rangemaster appealable only to the Police Chief whose decision is final.

Upon the third or final failure, the Rangemaster or designee will submit a memo to the Police Chief outlining the failures.

Restrictions

The *Law Enforcement Officer Safety Act* does not authorize the retired officer to:

- 1) Act in the capacity of a law enforcement officer of the Richfield Police Department.
- 2) 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.).

- 3) 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.).

By Order Of:


Chief of Police



Qualified Retired Law Enforcement Officer L.E.O.S.A. Weapons Qualification Packet

SECTION A

Separated Law Enforcement Officer's Full Name (please print):		
Street Address:		
City:	State:	Zip Code:
Birth Date:	Telephone Number: ()	
E-Mail:	POST License Number (if applicable):	
<p>I certify:</p> <ul style="list-style-type: none"> ➤ I am a current resident of the State of Minnesota (Minnesota residency is required). ➤ I served as a law enforcement officer for an aggregate of ten years or more and separated from service in good standing from the following law enforcement agency: Agency: _____ Date of Separation: _____ ➤ My peace officer license or certificate has not been revoked or surrendered. ➤ I am not barred from carrying a firearm for reasons of physical or mental health. ➤ I am not prohibited from possessing a firearm under any federal law. ➤ I understand my responsibilities under the Law Enforcement Officers Safety Act Improvements Act of 2010 and meet the criteria for a "qualified separated law enforcement officer." 		
_____ Separated Law Enforcement Officer's Signature		_____ Date

SECTION B

Weapon Make: <ul style="list-style-type: none"> • Weapon #1: • Weapon #2:
Weapon Model: <ul style="list-style-type: none"> • Weapon #1: • Weapon #2:
Weapon Serial Number: <ul style="list-style-type: none"> • Weapon #1: • Weapon #2:
Weapon Caliber: <ul style="list-style-type: none"> • Weapon #1: • Weapon #2:

LEOSA Retired Law Enforcement Officers Firearms Qualification Course

Instructions:

Unless otherwise directed the officer will begin each position of fire with his/her handgun holstered and properly secured.

Scoring of the course is based on the provided silhouette style target. One (1) point for each "hit" within the shaded area of the silhouette. The officer must score a 70% (35 "hits") or higher on this shooting qualification course.

I. Qualification Course:

A. 3-yard line

3 rounds fired in 3 seconds, repeat 3 times, two-handed grip
(9 rounds total)

B. 5-yard line

5 rounds, two-handed grip
5 rounds, strong hand, one-handed grip
4 rounds, weak hand, two-handed grip
(14 rounds total)

C. 7-yard line

8 live rounds and at least 3 orange dummy rounds, load and fire, clearing malfunctions as they occur two-handed grip
4 rounds, two-handed grip
4 rounds, two-handed grip
3 rounds, two-handed grip
(19 rounds total)

D. 15-yard line

4 rounds shooting around or over a barricade, two-handed grip
4 rounds shooting around or over a barricade from a different angle, two-handed grip
(8 rounds total)

II. Demonstrate and/or explain the safe handling of firearms including

- Safely and correctly loading and unloading firearm
- Safely and correctly holstering and drawing firearm
- Safely and correctly clearing malfunctions
- Safely and correctly maintaining firearms
- Handling and storing of firearms in compliance with Minnesota Statute 609.666

III. Explain the circumstances that justify the use of deadly force.

IV. Identify situations and considerations involved in determining whether the use of a firearm is appropriate, including:

- Physical environment
- Number of threatening persons involved
- Other weapons present
- Presence of bystanders, hostages or other innocent persons
- Presence of police officers or others who may provide assistance
- Personal proficiency with the firearm
- Potential for ricochet and projectile penetration

V. Describe the effective and safe range for the weapon to be carried.

VI. Demonstrate and /or explain the ability to deal with special problems associated with the use of firearms in low light and in adverse weather, such as:

- Muzzle flash
- Target identification
- Target accuracy
- Firearms malfunction
- Firearms control
- Use of gloves
- Reduced mobility in drawing and firing a firearm due to heavy clothing
- Limitation of access to a firearm due to heavy outer clothing
- Impact of cold weather in reducing motor function of extremities

I hereby certify that this basic handgun proficiency course was administered to the officer and that the officer's point total represented a passing score.

Retired Officer's Name (Print)

Signature

Date

Name of Range Master (Print)

Signature of Range Master

Date