



Ocean City Police Department

General Order

Subject: Law Enforcement Officer's Safety Act of 2004		No. G.O. 500 R-1	
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I. Purpose:

This Policy shall establish procedures and requirements for certifying /authorizing qualified retired police officers to carry firearms as set forth under the Law Enforcement Officers Safety Act (LEOSA) of 2004.

II. Definitions:

- A. **Retired in good standing:** At the time of retirement, the officer was not facing disciplinary action that could have resulted in his/her termination for misconduct or unfitness for office.

- B. **Mental instability:** At the time of retirement, the officer either was medically separated from service 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.

III. Policy:

H.R. 218, the Law Enforcement Officers Safety Act (LEOSA), was enacted July 22, 2004 as Public Law 108-277, and was codified as 18 U.S. Code §926 B and §926 C. The Act permits the nationwide carrying of concealed handguns by qualified current and retired law enforcement officers and amends the Gun Control Act of 1968 (Public Law 90-618, 82 Stat. 1213) 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 Department to provide the firearms certification requirements to qualified retired police officers as defined within this Policy.

IV. Eligibility Requirements:

- A. Retired member of the Ocean City Police Department:
 - 1. The officer must have "retired in good standing" from the Ocean City Police Department as a law enforcement officer, other than for reasons of "mental instability".
 - 2. The officer, prior to retirement, must have been 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 statutory powers of arrest.
 - 3. The retired officer also must meet the following standards:
 - a. Have had fifteen (15) years or more of active service or retired with a service connected disability. A person retiring as a result of a service connected disability must have completed his/her probationary period.

- b. Have a non-forfeitable right to benefits under the Town of Ocean City Public Safety Pension System.
 - c. Have met the State's standards for training and qualification for active law enforcement officers to carry firearms within the last twelve (12) months.
 - d. Have successfully passed an annual background check conducted by the Ocean City Police Department Training Section indicating that he/she is not prohibited by Federal law from receiving or possessing a firearm.
 - e. Not be under the influence of alcohol or drugs.
 4. The Chief of Police reserves the right to request a medical certification from the retired officer's physician attesting to the retired officer's ability to carry a firearm prior to certifying him/her under the Act.
 5. The Chief of Police may require the retired officer to pay for any expense incurred by the agency to provide training or qualification opportunities.
- B. Retired law enforcement officers that are non-members of the Ocean City Police Department and currently employed by the Town of Ocean City.
 1. The officer must have "retired in good standing" from a law enforcement agency as a law enforcement officer, other than for reasons of "mental instability".
 2. The retired officer must possess a police identification card verifying their law enforcement officer status at the time their retirement and a valid Maryland driver's license verifying their residency in the State of Maryland.
 3. The retired officer is responsible for making application with the Maryland Department of State Police for certification to carry a concealed firearm. The Ocean City Police Department's Firearms Training Unit will only provide documentation of training and firearms re-qualification for retired police officers in Maryland as regulated by the Maryland Police Training Commission under COMAR Title 12, Subtitle 04, Chapter 02, Section .11.
 4. The Chief of Police may require the retired officer to pay a reasonable fee to cover the cost of administering the training and re-qualification opportunity.

V. Certification Procedures

- A. Retired officers from the Ocean City Police Department
1. Qualification of retired officers shall be conducted during annual departmental firearms qualification. If time does not permit such scheduling, then the retired officer must schedule a range date and time acceptable to the Ocean City Police Department's Training Section and Firearms Training Unit; and may be required to pay the cost of such scheduling and range use.
 2. All retired officers from the Ocean City Police Department will be provided a list by the Training Section of dates and times that departmental qualifications will be held annually. A retired officer wishing to participate in the re-qualifications required to carry a firearm under L.E.O.S.A. is responsible for contacting the Training Section for scheduling purposes and the completion of a Qualified Retired Law Enforcement Officer Application for Certification to Carry a Concealed Firearm Form (OCPD Form TS/FTU 200).
 3. The Training Section shall review the OCPD Form TS/FTU 200 submitted by a retired officer and require a criminal record/wanted check on the retired officer, at his/her expense, to ensure his/her continued eligibility. The Training Section shall send a Background Certification Form (OCPD Form TS/FTU 201) to the retired officer stating that he/she is or is not eligible for participation in the program. If the retired officer is eligible to participate, the Training Section shall provide the retired officer with the following forms prior to the scheduled training date:
 - a. L.E.O.S.A. Guideline Form (OCPD Form TS/FTU 202)
 - b. O.C.P.D. Documentation of Police Officer Annual Firearms Training and Firearm Re-qualification for Retired Police Officers in Maryland Form (OCPD Form TS/FTU 203)
 - c. M.P.C.T.C. approved course of fire (OCPD Forms TS/FTU 204A & 204B)
 4. An approved retired officer shall report to the range on a scheduled range date and present the completed OCPD Form TS/FTU 201 to the Department firearms instructor assigned to the range. The retired officer shall also provide the Department firearms instructor with OCPD Form TS/FTU 203 which shall be completed by the instructor at the completion of the training and re-qualification.

5. The retired officer shall complete a Worcester County Range Waiver prior to beginning the training. Qualified retired officers will also be required to sign a waiver of liability of the Ocean City Police Department for all acts taken related to carrying a concealed firearm, acknowledging their personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by the Act and not as an employee or former employee of the Ocean City Police Department or as a current law enforcement officer (unless currently employed as a law enforcement officer of another agency). Such disclaimer shall also release the Ocean City Police Department from any claim or action of law resulting from any injury or accident during the described firearms qualification activities. (OCPD Form TS/FTU 205)
6. The retired officer must attend a minimum two (2) hour classroom instruction at the range prior to beginning the qualification course. The classroom instruction shall include the following training modules:
 - a. Firearm safety while training, at home, storage and transporting in a vehicle or on a person.
 - b. Firearm care, cleaning and maintenance.
 - c. Marksmanship fundamentals.
 - d. Legal issues "You are not a Police Officer".
7. The retired officer may qualify with a weapon that is approved for on-duty or off-duty use by active members. Retired officer may receive certification for an approved revolver and/or semi-automatic.
8. The retired officer must provide the following equipment when reporting to the range for certification.
 - a. Personally owned handgun (revolver and/or semi-automatic) capable of being loaded with five (5) or more rounds that passes inspection by the firearms instructor. A semi-automatic must include a minimum of two (2) magazines. A minimum of one (1) speed-loader is recommended for revolvers but not required.
 - b. Two hundred (200) rounds of ammunition/weapon suitable for the firearm that meets the ammunition standards set forth by the Department's Firearms Training Unit (100 rounds for practice and 100 rounds for the courses of fire/weapon).
 - c. A belt holster that allows the firearm to be drawn from the strong side. (Due to safety reasons, cross draws, waist bags, ankle holsters and the use of pants pockets will not be allowed).

- d. Firearm cleaning supplies.
 - e. Clothing suitable for firearms training, a belt that will secure a holster to trousers, and a hat with a brim.
 - f. Flashlight for reduced light fire.
9. A retired officer must qualify with a minimum score of 70 % on approved M.P.C.T.C. courses of fire to achieve a certification by the firearms instructor.
10. Upon successful completion of the classroom training and courses of fire, the firearms instructor shall complete and forward a completed O.C.P.D. Form TS/FTU 203 to the Training Section. The firearms instructor shall also submit to the Training Section the Worcester County Range Waiver and the OCPD Form TS/FTU 205 completed by the retired officer.
11. Upon receipt of a completed OCPD Form TS/FTU 203 and all required waivers, the Training Section shall initiate the production of a retired police officer identification card with the retiree's firearms certification included on the back of the identification card. The Training Section will issue the completed card to the retiree.
12. Records of all retired officers' firearms qualification will be maintained by the Training Section for a period of three (3) years. The records shall include the following completed form information:
- a. OCPD Form TS/FTU 200
 - b. OCPD Form TS/FTU 201
 - c. OCPD Form TS/FTU 203
 - d. OCPD Form TS/FTU 205
13. Information regarding currently retired officers who have met their yearly L.E.O.S.A. obligation will be maintained in a data base for inquiry access.
- B. Retired law enforcement officers that are non-members of the Ocean City Police Department residing in the State of Maryland
1. Retired law enforcement officers under this paragraph may contact the Ocean City Police Department Training Section to arrange training and re-qualification under L.E.O.S.A. The retired law enforcement officer must provide the Training Section with:
- a. An original police identification card listing them as a retiree.
 - b. A valid Maryland driver's license.

- c. A check or money order made payable to the Town of Ocean City in the amount designated by the Chief of Police to cover the cost of the training.

A copy of the identification card and driver's license will be maintained by the Training Section for record keeping purposes.

- 2. The Training Section will coordinate a training date with the Firearms Training Unit and will provide the retiree:
 - a. Notification of Training Form (OCPD Form TS/FTU 206)
 - b. L.E.O.S.A. Guideline Form (OCPD Form TS/FTU 202)
 - c. M.P.C.T.C. Documentation of Police Officer Annual Firearms Training and Firearm Re-qualification for Retired Police Officers in Maryland Form
 - d. State of Maryland Qualified Retired Law Enforcement Officer Application for Certification to Carry a Concealed Firearm
 - e. M.P.C.T.C. approved courses of fire (OCPD Form TS/FTU 204A and 204B)
- 3. An approved retired officer shall report to the range on a scheduled range date and present items a, b, and c from Section V, B, 2 to the Department firearms instructor assigned to the range. The retired officer shall complete a Worcester County Range Waiver prior to beginning the training. Qualified retired officers will also be required to sign a waiver of liability of the Ocean City Police Department for all acts taken related to carrying a concealed firearm, acknowledging their personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by the Act and not as an employee or former employee of the Ocean City Police Department or as a current law enforcement officer (unless currently employed as a law enforcement officer of another agency). Such disclaimer shall also release the Ocean City Police Department from any claim or action at law resulting from any injury or accident during the described firearms qualification activities. (OCPD Form TS/FTU 205)
- 4. The retired officer also must attend a minimum two (2) hour classroom instruction at the range prior to beginning the qualification course. The classroom instruction shall include the following modules:
 - 1. Firearm safety while training, at home, storage and transporting in a vehicle or on a person.
 - 2. Firearm care, cleaning and maintenance.

3. Marksmanship fundamentals.
4. Legal issues "You are not a Police Officer".
5. A retired officer must provide the following equipment when reporting to the range for certification.
 - a. Personally owned handgun (revolver and/or semi-automatic) capable of being loaded with five (5) or more rounds that passes inspection by the firearms instructor. A semi-automatic must include a minimum of two (2) magazines. A minimum of one (1) speed-loader is recommended for revolvers but not required.
 - b. Two hundred (200) rounds of ammunition/weapon suitable for the firearm that meets the ammunition standards set forth by the Department's Firearms Training Unit (100 rounds for practice and 100 rounds for the course of fire/weapon).
 - c. A belt holster that allows the firearm to be drawn from the strong side. (Due to safety reasons, cross draws, waist bags, ankle holsters and the use of pants pockets will not be allowed).
 - d. Firearm cleaning supplies.
 - e. Clothing suitable for firearms training, a belt that will secure a holster to trousers, and a hat with a brim.
 - f. Flashlight for reduced light fire.
6. A retired officer must qualify with a minimum score of 70 % on approved M.P.C.T.C. courses of fire to achieve a certification by the firearms instructor.
7. Upon successful completion of the classroom training and courses of fire, the firearms instructor shall complete the M.P.C.T.C. Documentation of Police Officer Annual Firearms Training and Firearm Re-qualification for Retired Police Officers in Maryland Form in duplicate, returning one copy to the retiree and submitting the second copy to the Training Section. The firearms instructor shall advise the retiree that he/she must submit the M.P.C.T.C. Documentation of Police Officer Annual Firearms Training and Firearm Re-qualification for Retired Police Officers in Maryland Form along with the State of Maryland Qualified Retired Law Enforcement Officer Application for Certification to Carry a Concealed Firearm to the Maryland Department of State Police.

8. A record of all retired officers in this category participating in firearms training and re-qualification will be maintained by the Training Section for a period of three (3) years. The records shall include the following information:
 - a. Qualified retired officer's name
 - b. A copy of the retired officer's police identification card
 - c. A copy of the retired officer's valid Maryland driver's license
 - d. A copy of the completed M.P.C.T.C. Documentation of Police Officer Annual Firearms Training and Firearm Re-qualification for Retired Police Officers in Maryland Form which includes:
 1. Qualification date
 2. Qualification courses of fire approval numbers
 3. Qualification Scores
 4. Type, make, and model of firearm

VI. Failure to Qualify & Remedial Training

- A. Any qualified retired officer who fails to qualify will be given the option of basic remedial training and given a total of two (2) additional attempts as soon as practicable after the failed attempt.
- B. If the qualified retired officer fails to qualify by the conclusion of the third attempt, the firearms instructor will:
 1. Notify the retired officer of the failure.
 2. Complete a memorandum to the Training Section outlining the retiree's name, the course of fire, the firearm type, the score received on each attempt, and any remediation given.
 3. Recommend that the retired officer seek additional or alternative remedial training.
 4. Advise the retired officer to contact the Training Section to arrange additional remedial training.

- C. A qualified retired officer will be given a reasonable number of attempts, but not less than three (3), to qualify during the scheduled retiree re-qualification dates, subject to range availability and the Firearms Training Unit's time constraints. Any number beyond three (3) attempts will be the decision of the Firearms Training Unit and the Training Section. The retired officer may appeal a decision made by the Firearms Training Unit and Training Section to the Chief of Police whose decision is final.
- D. Should the retired officer fail to qualify, he/she will be allowed to attempt to qualify at the next scheduled retiree re-qualification shoot or at a date scheduled by the Training Section.
- E. Upon the third or final failure, the firearms instructor, with the assistance of the Training Section supervisor, will submit a detailed memorandum to the Chief of Police explaining the circumstance surrounding the retired officer's inability to attain a qualifying score.

VII. Restrictions

- A. The firearms instructor's determination will be final as to all issues of safety and equipment. Any weapon, holster, ammunition, or related equipment found unsafe for re-qualification and carry will be prohibited on the range and noted in a memorandum that will be maintained by the Training Section. The retired officer will be notified and required to sign a statement acknowledging the unsafe condition of the equipment and the reason for such removal and prohibition.
- B. The Law Enforcement Officers Safety Act of 2004 does not authorize the retired officer to:
 - 1. Carry a machine gun, silencer, or other destructive device.
 - 2. Act in the capacity of a law enforcement officer of the Ocean City Police Department.
 - 3. 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.).
 - 4. 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.).

VIII. Identification Cards

A. Type I - Federal LEOSA certification identification cards

In the case of a retired officer who has met all of the conditions in Section IV, A of this policy, the Ocean City Police Department issued photographic certification card will indicate the date of the last qualification.

1. The date on the card must be less than one (1) year from the time of possession.
2. The card shall be replaced with the renewal qualification date.

B. Type 2--Identification cards without Federal LEOSA certification

In the case of a retired officer who has failed to pass this State's standards for training and re-qualification for active law enforcement officers to carry firearms, the identification card will clearly state that the person has **NOT** qualified to carry a concealed weapon as a qualified retired law enforcement officer.

C. The Ocean City Police Department will not issue any identification cards with Federal L.E.O.S.A. certification to a retired officer who is a non-member of the Ocean City Police Department. This application must be made through the Maryland Department of State Police.

IX. Liability Waiver and Release

A. O.C.P.D. L.E.O.S.A. Waiver and Release Form

1. I am a retired police officer who is eligible to attempt to qualify to carry a concealed firearm, pursuant to the Law Enforcement Officers Safety Act of 2004 (18 U.S. Code §926C).
2. I recognize that the Ocean City Police Department is not legally required to provide me with firearms instruction or a firearms qualification course.
3. I understand that to do so, I will be required to fire my weapon under the direct supervision of an Ocean City Police Department Firearms Instructor.
4. I agree to indemnify and hold harmless the Town of Ocean City and the Ocean City Police Department, or its agents and employees, for any injury caused by my participation in this qualification process.
5. I further waive any claim for damages against the Town of Ocean City and the Ocean City Police Department, or its agents and employees, for any injury suffered by me while participating in this qualification process.

6. Further, I hereby specifically agree to indemnify and hold harmless the Town of Ocean City and the Ocean City Police Department and/or its officers and employees, from any and all liability resulting from my carrying and/or use of any weapon allowed under the Law Enforcement Officers Safety Act of 2004, including, but not limited to, civil litigation.

B. Endorsements

1. Name of retired officer and signature
2. Name of witness and signature
3. Name of firearms instructor/Training Section supervisor and Signature
4. Corresponding dates of signatures

X. Qualifying Checks

- A. Before issuing or renewing an Ocean City Police Department retiree photo identification card, the Training Section shall review the retired officer's firearms qualification record and updated his/her criminal history record.
- B. A list of all retired officers shall be maintained by the Training Section. It is the responsibility of the Training Section to furnish a roster to the Chief of Police, whenever it is updated.

XI. Forms:

- A. OCPD Form TS/FTU 200: Qualified Retired Law Enforcement Officer Application for Certification to Carry a Concealed Firearm Form
- B. OCPD Form TS/FTU 201: Background Certification Form
- C. OCPD Form TS/FTU 202: L.E.O.S.A. Guideline Form
- D. OCPD Form TS/FTU 203: O.C.P.D. Documentation of Police Officer Annual Firearms Training and Firearm Re-qualification for Retired Police Officers Form
- E. OCPD Form TS/FTU 204A: M.P.C.T.C. Approved Course of Fire – Daylight
- F. OCPD Form TS/FTU 204B: M.P.C.T.C. Approved Course of Fire – Reduced Light
- G. OCPD Form TS/FTU 205: O.C.P.D. L.E.O.S.A. Waiver and Release Form

- H. OCPD Form TS/FTU 206: Notification of Training Form
- I. M.P.C.T.C. Documentation of Police Officer Annual Firearms Training and Firearm Re-qualification for Retired Police Officers in Maryland Form
- J. State of Maryland Qualified Retired Law Enforcement Officer Application for Certification to Carry a Concealed Firearm
- K. Worcester County Firearms Range Use Waiver Form