

## Retired Officer Identification Card

### 211.1 VERSION

**Agency Content**

Review Date	Effective Date	Approving Authority
07/25/19	7/9/18	Eric D. English, Chief of Police

### 211.2 POLICY AND PURPOSE

**Federal** **MODIFIED**

It is the policy of the Harrisonburg Police Department to provide identification cards to qualified former or retired officers and to facilitate the lawful carrying of concealed weapons by those individuals following separation from service.

This policy provides guidelines for the issuance, denial, suspension or revocation of Harrisonburg Police Department identification cards to qualified former or retired law enforcement officers under Virginia Law (Va. Code § 9.1-1000, 18.2-308.016) and the Law Enforcement Officers' Safety Act (LEOSA) (18 USC § 926C).

### 211.3 ACCOUNTABILITY STATEMENT

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All employees are expected to fully comply with the guidelines and timelines set forth in this policy. Responsibility rests with the supervisor to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated. This directive is for internal use only, and does not enlarge an employee's civil 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. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

### 211.4 RETIRED OFFICER IDENTIFICATION CARD

**State** **MODIFIED**

The Chief of Police shall issue a retired officer identification card, upon request, to an officer who has retired from this department as a law enforcement officer (Va. Code § 9.1-1000).

The retired officer identification card shall include an endorsement to carry a concealed firearm if the retired officer has met the requirements of Va. Code § 18.2-308.016 and has completed [206-Application for Authorization to Carry A Concealed Handgun \(Retired\).pdf](#) on file with the Department.

In order to maintain a retired officer identification card with an endorsement to carry a concealed firearm within the Commonwealth of Virginia, a retired officer shall (Va. Code § 18.2-308.016):

- (a) Qualify annually with the authorized firearm at a course approved by this department at the retired officer's expense.
- (b) Remain subject to all applicable department policies and federal, state and local laws.

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- (c) Not engage in conduct that compromises public safety.

#### **211.5 LEOSA**

Federal MODIFIED

LEOSA is a pre-emptive Federal law which operates to supercede the concealed firearm carry laws of the 50 states.

An identification card for LEOSA purposes may be issued to any qualified former officer of this Department who (18 USC § 926C(c)):

- (a) Separated from service in good standing from this Department as an officer.
- (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 Department.
- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this Department where the officer acknowledges that he/she is not qualified to receive a firearms qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal or state law from receiving or possessing a firearm.

#### **211.5.1 AUTHORIZATION**

Federal MODIFIED

Any qualified former law enforcement officer, including a former officer of this department, 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 in a location prohibited by Virginia law or by a private person or entity on his/her property if such prohibition is permitted by Virginia law.

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#### 211.5.2 RESPONSIBILITIES UNDER LEOSA

Federal MODIFIED

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

- (a) Sign a waiver ( [206-Application for Authorization to Carry A Concealed Handgun \(Retired\).pdf](#) ) of liability of the Department 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 Department.
- (b) Remain subject to all applicable department policies and federal, state and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
- (d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

#### 211.5.3 LEOSA CARD FORMAT

Federal MODIFIED

The LEOSA identification card should identify the former officer as having been employed as an officer and should have the officer's firearms qualification date.

If the Harrisonburg Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active-duty standards for qualification to carry a firearm.

#### 211.5.4 DISCLAIMER OF LIABILITY

Agency Content

Each person carrying a firearm under LEOSA does so after personally determining such person's eligibility under LEOSA. LEOSA is **not** a government-issued license or permit. Any person claiming the LEOSA exemption has the burden to prove that he or she qualifies for the exemption. Any person carrying a firearm under LEOSA is strongly advised to be familiar with LEOSA and, if desired, seek legal advice before carrying a firearm under LEOSA.

#### 211.5.5 REPORTING REQUIREMENTS

Best Practice MODIFIED

A former officer with a card issued under this policy shall immediately notify the Administrative Bureau Commander of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order.

#### 211.6 DENIAL, SUSPENSION OR REVOCATION

Best Practice MODIFIED

A retired officer identification card may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended or

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revoked, the former officer may request a review by the Chief of Police. The decision of the Chief of Police is final.

### **211.7 FIREARM QUALIFICATIONS**

State **MODIFIED**

The Lead Firearms Instructor will provide former officers from this department an opportunity to qualify. The Lead Firearms Instructor will maintain a written record of the date of qualifications.