Section XIII - LEOSA Certification for Retired Officers

1. Purpose

1.1 The purpose of this policy is to establish guidelines for the implementation of the Law Enforcement Officers Safety Act of 2004 for officers who have retired from the MDTA Police. There is no requirement for the MDTA Police to conduct LEOSA training for, or issue LEOSA certification to its retirees.

2. Definitions

2.1 LEOSA - Law Enforcement Officers Safety Act of 2004; federal law generally exempting qualified current and retired law enforcement officers from State law restrictions on carrying concealed firearms.

2.2 LEOSA Certification - Recognition by either the department from which an officer retired, another department, or other authorized entity that the retired officer meets LEOSA's qualification criteria.

2.3 Qualification - Achieving a passing score of 76% or above during live fire using the same target, ammunition, and course required for active law enforcement officers qualifying with off duty firearms. Retirees who fail to qualify may resubmit for a new qualification date no less than 30 days from the date of failure.

2.4 Qualification Criteria - Eligibility criteria of 18 U.S.C. §926C(c) that retired officers must meet for LEOSA certification.

2.5 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). The retiree must not be prohibited by federal law from receiving a firearm, including, but not limited to, the following persons restricted from transporting or possessing a firearm under 18 U.S.C. §922(g):

- A person convicted, in any court, of a crime punishable by imprisonment for a term exceeding one year.
- A person unlawfully using, or addicted to, any controlled dangerous substance, as defined in section 102 of the Controlled Substance Act, 21 U.S.C. §802.
- A person who has been adjudicated as a mental defective or committed to a mental institution.
- A citizen of the United States who has renounced his or her citizenship.
- A person convicted in any court of a misdemeanor crime of domestic violence.

- A person subject to a court order that was issued after a hearing for which he or she received actual notice, at which he or she had the opportunity to participate, if that order restrains him or her from harassing, stalking, or threatening an intimate partner or the child of the intimate partner, or engaging in other conduct that would place either of them in reasonable fear of bodily injury, and includes a finding that the person represents a credible threat to the physical safety of the intimate partner or child, or explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner or child that would reasonably be expected to cause bodily injury.

2.6 Retirement in “Good Standing” - At the time of retirement, the officer was not under investigation, or subject to disciplinary actions for any violation of any criminal laws or the MDTA Police code of conduct. Any pending administrative charges and/or issues must be adjudicated or resolved prior to separation from the department.

3. Policy

3.1 The MDTA Police will provide qualified retired MDTA Police officers and current MDTA employees that have retired from other law enforcement agencies the opportunity to meet the annual firearms qualification training standards used for active duty officers.

3.1.1 The MDTA Police reserves the right not to issue LEOSA credentials as it deems appropriate. The Assistant Commander of the Training Unit, or designee, will oversee the LEOSA program:

- Application Process
- Background Check
- Range Qualification Retention of Certified files

3.1.2 Applications received from anyone who qualified for or received a disability retirement will be evaluated on a case by case basis.

3.1.3 The MDTA Police reserves the right to conduct a mental wellness check/investigation for the purpose of LEOSA credentialing.

3.2 All handguns used in the LEOSA qualification process must be lawfully owned by the applicant and must be made by a reputable manufacturer and approved by the agency Range Master.

3.3 Revolvers must be capable of firing double action and have a cylinder capable of holding at least five rounds. The barrel length will not be less than 2” and will not exceed 6”. The following revolvers are approved for use:

- .38 Special with .38 Cal. Ammunition
- .357 Magnums with 38 Cal. or .357 Cal. Ammunition

3.4 Semi-automatic pistols, if equipped with an external hammer, must be equipped with a de-cock lever which will allow the cocked hammer to be lowered without pulling the trigger. The first shot will be double action design and the caliber may not be less than .380 and no greater than .45.

3.5 Retirees will complete Form 143 annually and submit electronically. Form 143 is located on the MDTA Police website, in the LEOSA section. The completed form 143 must be electronically submitted to the Assistant Commander of the Training Unit annually no less than 30 days prior to the desired qualifying range date Available range dates will be posted on the MDTA Police LEOSA web page. Applicants shall electronically sign up no less than 30 days prior to the requested range date. Instructions can be found on the MDTA Police LEOSA web page. In the event of a severe weather event, the Range Master will provide an alternate qualifying range date. The Assistant Commander of the Training Unit will be responsible for requesting LEOSA Certification cards from the Security Unit. LEOSA cards will be provided to the LEOSA applicant upon successful qualification.

3.5.1 The Training Unit will maintain a file containing LEOSA Applications and associated documents for five years beginning on the date of certification.

3.6 Qualified retired MDTA Police Officers and current MDTA employees that have retired from other law enforcement agencies that meet the MDTA Police standards for annual firearms training and qualification will be issued a photographic LEOSA Certification Card indicating that they have met the annual firearms training and qualification standards. The card will include the name of the qualified retired officer, expiration date, firearm type(s), and advice that the card must be carried while carrying a concealed firearm. The LEOSA Certification Card is a stand-alone card separate from any other agency issued identification card(s).

3.6.1 Qualification is valid for one year. Retirees are responsible for scheduling their annual qualification date. The Training Unit does not send out renewal reminders.

3.7 The Range Master will 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.