



OFFICE OF THE COUNTY SHERIFF

Montgomery County, Maryland

Darren M. Popkin, Sheriff



GENERAL ORDERS/PERSONNEL PROCEDURES

<u>Subject:</u>	<u>Number:</u>	<u>Effective Date:</u>
Law Enforcement Officer's Safety Act (LEOSA)	2.30	04/05/13

Purpose: The Law Enforcement Officers' Safety Act (LEOSA) of 2004 authorizes the concealed carry of firearms by active duty and retired law enforcement officers throughout the United States. This directive establishes guidelines for the implementation and administration of the Montgomery County Sheriff's Office LEOSA program.

Contents:

- I. Current Sworn Deputies
- II. Retired Deputies
- III. Restrictions
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I. Current Sworn Deputies

- A. All current sworn deputies of the Montgomery County Sheriff's Office may carry their authorized duty or off-duty weapon nationwide if the deputy:
 - (1) Is authorized by the Sheriff's Office to carry a firearm.
 - (2) Is not the subject of any disciplinary action that could result in their suspension or loss of police powers.
 - (3) Successfully maintains their Maryland Police and Correctional Training Commission (MPCTC) certification and meets all Sheriff's Office requirements to regularly qualify in the use of their firearm.
- B. Deputies must possess their Montgomery County Sheriff's Office issued photographic identification card and current MPCTC card.

II. Retired Deputies

- A. A retired deputy of the Montgomery County Sheriff's Office may carry a concealed firearm nationwide if the retired deputy meets the following criteria:

- (1) Retired in good standing for reasons other than mental instability.
 - (a) The term in good standing means, at the time of retirement, the deputy was not facing disciplinary action that could have resulted in their termination for misconduct or unfitness for duty.
 - (b) The term mental instability means that the deputy was medically separated for mental instability or, at the time of disability retirement, the deputy was facing removal for reasons of mental instability.
 - (2) Must have been regularly employed as a deputy for an aggregate of at least ten (10) years or was medically retired for a service connected disability after having completed probation.
 - (3) Must have a non-forfeitable right to benefits under the Montgomery County Government's retirement system.
 - (4) Must successfully pass an annual background check indicating they are not prohibited by Federal law from receiving or possessing a firearm.
 - (5) Must have met the State's standards for training and qualification within the previous twelve months.
- B. Retired deputies who are LEOSA certified by the Montgomery County Sheriff's Office are required to carry the following identification when carrying concealed:
- (1) A retired Montgomery County Sheriff's Office photographic identification card; and
 - (2) A retired LEOSA certification card indicating the individual, within the year, has met the Montgomery County Sheriff's Office qualification standards that are required of active deputies to carry a firearm of the same type as the concealed firearm.

III. Restrictions

- A. LEOSA does not convey out-of-state law enforcement authority to current deputy sheriff's; the rules and regulations established by the Montgomery County Sheriff's Office must still be followed.
- B. LEOSA does not convey any law enforcement authority to retired deputies.
- C. LEOSA does not supersede the laws of any state that permits private parties from banning or restricting the possession of concealed firearms on their premises. LEOSA does not supersede the laws of any state that prohibit the possession of a firearm on governmental property, installations, bases, buildings, or parks.

- D. LEOSA does not provide authority for a person to carry a concealed firearm while under the influence of alcohol or any other intoxicating or hallucinating substance.
- E. LEOSA does not allow any person to carry a concealed firearm if that person is prohibited by Federal law from carrying a firearm.
- F. LEOSA does not authorize deputies or retirees to carry:
 - (1) Machine guns as defined in section 5845 of the National Firearms Act.
 - (2) Firearm silencers as defined in section of 921 of Title 18 of the United States Code.
 - (3) A destructive device as defined in section 921 of Title 18 of the United States Code.

IV. Responsibilities

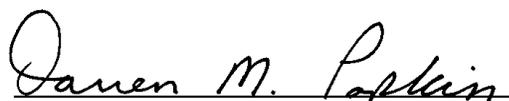
The Training Section Lieutenant oversees the LEOSA program for retired Montgomery County Sheriff's deputies. The Training Section Lieutenant must:

- A. Confirm with the Assistant Sheriff of Administration that the retired deputy requesting LEOSA certification meets the requirements listed in Section II of this directive.
- B. Provide the General Release Agreement form for LEOSA Firearms Qualification to the retired deputy for their signature.
- C. Obtain the firearm make and model from the applicant and provide a list of approved ammunition.
- D. Inform the retired deputy that they must provide one hundred fifty (150) rounds of their own ammunition; enough for three (3) qualification rounds.
- E. Be the liaison between the Montgomery County Sheriff's Office and the Montgomery County Police Firearms Training staff to establish qualification procedures.
- F. After successful completion of the LEOSA qualification, provide the necessary information to the Courthouse Security Section so that a LEOSA photographic identification card can be created.
- G. Notify the retired deputy that their LEOSA identification card is ready and is available for pick up or to be mailed.
- H. Maintain a LEOSA file on each retired deputy including a copy of the issued LEOSA card, the completed LEOSA Qualification General Release Agreement (MCSO26), and the LEOSA Retiree Registration Form (MCSO27).

V. Montgomery County Police Firearms Training Facility

- A. All qualifications will be completed at the designated Montgomery County Police Firearms Training Facility. Retired deputies must wear body armor during qualification. This body armor may be provided by the Montgomery County Sheriff's Office.
- B. Retired deputies applying for LEOSA will be given a maximum of three attempts per session to successfully qualify.
- C. A firearms range instructor has the authority to cancel or remove any retired deputy from LEOSA qualifications if
- (1) The retired deputy provides the wrong or unsafe firearm or ammunition.
 - (2) The retired deputy shows signs of being under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
 - (3) The retired deputy appears physically or mentally unsafe or unable to successfully complete the qualification course.
- D. If a retired deputy is unable to qualify or if a firearms range instructor does not allow the retired deputy to qualify; the senior Sheriff's Office firearms range instructor must complete an Incident Report (MCSO9) in accordance with General Operational Procedures 3.11, Incident Report Writing.

AUTHORITY:


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04/05/2013