



POLICY & PROCEDURES

HOLMEN POLICE DEPARTMENT

SUBJECT: **RETIRED OFFICER IDENTIFICATION HR-218** NUMBER: 6.13

SCOPE: ALL DEPARTMENT PERSONEL

ISSUED: 03/01/2012

DISTRIBUTION: POLICY & PROCEDURE MANAUL

REVIEWED: 03/26/2017

Purpose/Policy

H.R. 218, the Law Enforcement Officers Safety Act (LEOSA), was enacted July 22, 2004 as Pub. L. 108-277, and is codified as 18 U.S. Code §926B and §926C. 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 (Pub. L. 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. The Act does not exempt current or retired officers from any state or local firearm owner registration laws. The purpose of this order is to set out the procedures by which retired Holmen Police Officers may obtain LEOSA identification cards as required by the statute. The Holmen Police Department will only issue LEOSA Identification cards to retired Holmen Police Officers.

Definitions

"In good standing" means, at the time of retirement, the officer after having reached years of service, age, and other criteria set by the Wisconsin Retirement System, is eligible to receive retirement benefits at the time of their separation, was an active duty officer who was not the subject of an internal affairs, administrative or criminal investigation, not under discipline or pending discipline that could have resulted in his or her termination for misconduct or unfitness for office, and whose separation was not part of a settlement agreement.

Mental Instability - means that the officer either was medically separated 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.

Law Enforcement Officer Safety Act (LEOSA) ID: means an identification card issued by the Holmen Police Department pursuant to the Law Enforcement Officers Safety Act of 2004, 18 USC Sec.926(d)(1) that contains the following: 1) a photo of the retired officer, 2) The type of firearm with which the retired officer qualified, 3) Qualification date, 4) Expiration date.

I. Procedures

- A. **Eligibility** - Retired law enforcement officers of the Holmen Police Department who apply for a LEOSA ID must:
- a. Have retired in good standing from service as a law enforcement officer for the Holmen Police Department, other than for reasons of mental instability.
 - b. Have an aggregate of at least fifteen years of service as an active law enforcement officer or retired from service after completing a probationary period, due to a service-connected disability, as determined by the Holmen Police Department.
 - c. Have a non-forfeitable right to benefits under the Holmen Police Department's retirement system (Wisconsin Retirement System).
 - d. Have successfully passed a Holmen Police Department background check indicating that he or she is not prohibited by Federal law from receiving or possessing a firearm.

- e. Not be under the influence of alcohol or drugs.
- f. Have, during the most recent twelve-month period, successfully passed an approved firearms training course that includes elements of Safety, Use and Care, Use of Force Decision-Making, Legal Update, Wisconsin State Statue 939.48 (Self-Defense laws), and Qualification to include sight picture, trigger control, and accuracy. A minimum score of 80% accuracy is required.
- g. Submit a completed Holmen Police Department "Application for LEOSA Identification Card" form and any other required documentation along with the established fee.
- h. Submit a certificate of successful course completion and firearms qualification from an approved firearms training facility as set forth by the Holmen Police Department. The certificate shall indicate the make, model, and serial number of the firearm qualified with along with the qualification score. All firearms must meet the same specifications as found in Holmen Police Department Policy & Procedure 1.5, 1.6—Firearms qualification certification is at the expense of the retired officer.
- i. Submit a completed and signed "Retired Law Enforcement Officer Identification Card Liability Waiver, Release and Indemnification agreement".

B. Background Check

- The Holmen Police Department will conduct a complete local, state and federal background check to ensure that the retired officer is legally able to continue to possess a firearm. The background investigation will also determine that requirements in I-A-a through i of this policy are met.

C. Records Database

- The office of the Chief of Police will maintain a database of retired officers which will indicate whether a retired officer was eligible to hold a LEOSA identification card under HR 218 and this policy at the time of retirement. The database should also include record of those retired officers that are currently holding LEOSA ID cards issued by the Holmen Police Department.

D. Issuance of ID

- The Holmen Police Department may issue LEOSA ID to retired officers who meet all requirements set as forth in this policy.
 - i. The Chief of Police has the final authority on the issuance/denial of all LEOSA ID.
 - ii. LEOSA ID cards are the property of the Holmen Police Department and shall be surrendered upon written or verbal notification from the Chief of Police/designee.
 - iii. All LEOSA ID cards expire after twelve (12) months from date of issuance.
 - iv. Renewal of LEOSA ID cards requires the same process as new cards.

E. Application Process

- Applications for the LEOSA ID card will originate in the Police Records Division. Personnel will verify that the person requesting the application is a retired Holmen Police Officer prior to giving an application. Retired officers currently living out of state will be mailed an informational packet containing resources including this policy and applications, and are required to provide a current digital format photograph as determined to be acceptable by the Records Division as well as all other required documentation.
 - i. Completed applications and any other required documentation will be accepted and processed by the Records Division.
 - ii. A non-refundable fee will be submitted with the completed application along with any required documentation as stated in I-A-a through i.
 - iii. The Records Division will take a digital photograph of the retired officer at the time the application is submitted.
 - iv. The Chief or Lieutenant will conduct the background check.

- v. If approved, the Records Division will produce a LEOSA ID card and make arrangements for delivery.
- vi. Sworn officers who are current Holmen Police Department employees who wish to have an LEOSA ID Card issued on their last day of employment must submit an application for LEOSA ID no more than 60-days and no less than 30-days prior to their retirement date. The training division will ensure that the officer completes the department's qualification course with the weapon that officer will register on the identification after receipt of application. Fees and background checks will be waived for current employees who provide application in compliance with this section. The LEOSA ID will be issued on the last date of employment.

III. Prohibitions

- The Law Enforcement Officers Safety Act and provided LEOSA ID Card does not authorize the retired officer to:
 - i. Carry a machine gun, silencer, or other destructive device.
 - ii. Act in the capacity of a law enforcement officer of the Holmen Police Department.
 - iii. 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.).
 - iv. 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.).

IV. Non- H.R. 218 LEOSA Retired ID Cards

- Officers who retire in good standing and do not wish to hold a H.R. 218 LEOSA ID card are eligible to receive a standard Holmen Police Department "RETIRED" identification card. This identification card will indicate that the identification card is not in compliance with H.R. 218 and conveys no privileges to carry concealed weapons.
 - i. Retired ID cards are the property of the Holmen Police Department and shall be surrendered upon written or verbal notification from the Chief of Police/designee.
 - ii. Standard "Retired" ID cards do not expire.
 - iii. Retired officers will be provided with an ID card at no expense.

Chief of Police
Shane Collins