

	DELMAR POLICE DEPARTMENT	
	Policy 6.6 Law Enforcement Officers Safety Act of 2004	
	Effective Date: 01/01/15	Replaces: N/A
	Approved: <u>Ivan Barkley</u> Chief of Police	
	Reference: N/A	

I. POLICY

On July 22, 2004 President George Bush signed the Law Enforcement Officers Safety Act of 2004, Public Law No. 108-277. The Act permits both qualified active and qualified retired law enforcement officers to carry a concealed firearm in any U.S. State of political subdivision without a permit or license. It further exempts qualified active and retired law enforcement officers from State and local laws prohibiting the carrying of concealed firearms. The Act is codified in Chapter 44 of Title 18 of the United States' Code, §926 B and C.

II. PURPOSE

The purpose of this policy is to provide direction and assistance to qualified active and retired police personnel with compliance of this new law.

III. PROCEDURES

- A. Qualified Active Delmar Police Officers: All active Delmar Police Officers will abide by Policy 6.2 with regards to this law. The carrying of any department issued handgun and/or personally owned handgun outside the State of Maryland or Delaware must be in compliance with the Policy, which states:
1. Officers are encouraged to carry a firearm while off duty but are not required to do so unless they are in uniform or operating a Police Department vehicle.
 2. No officer may wear, carry or use a firearm while his or her ability to use the firearm is impaired for any reason.
 3. Unless the officer is in uniform, all firearms carried while off duty must be concealed from public view when not in use.
 4. Firearms will be carried in a properly fitting holster designed to carry that particular firearm. Only fanny packs designed to hold firearms securely are authorized.

5. If a firearm is carried in a purse, the purse must be specifically designed to hold a handgun utilizing a dedicated pouch; OR if a standard purse is being used, the firearm must be secured in a properly fitting holster to prevent loss or accidental discharges.

Officers that are planning to travel with a firearm out of State need to be aware of that State's local laws regarding any restrictions to firearms wear, carry and ammunition.

B. Qualified Retired Delmar Police Officers

1. The Department will provide retired Delmar Police Officers the opportunity to qualify with a Department approved weapon (see DPD Policy 6.2, Section VIII for a list of Department approved weapons). Qualified retired officers will be required to successfully complete the Maryland Police & Correctional Training Commission (MPCTC) and or a Delaware Council on Police Training (COPT) approved course for active law enforcement officers along with any MPCTC or COPT required classroom instruction.
2. This instruction will include but is not limited to topics such as firearm care and cleaning, shooting fundamentals, and response to resistance. Department firearm instructor(s) will advise those retirees wishing to qualify of the times and dates available to them. Pursuant to successful qualification, the Administrative Commander will issue a certification card that must be carried along with the retired officer's identification card. The certification card will indicate the retired officer's score, weapon type, and date of expiration.
3. This course of fire and classroom instruction will be provided to retired Delmar Police officers at no cost to them. All approved weapons and ammunition must be supplied by the retired officer at their own expense.
4. In furtherance of this law, the Department will provide retired officers with a new identification card indicating the individual is a retired Delmar Police Officer. Retired officers will need to make arraignments with the Administrative Commander in order to obtain this identification card. This service too will be provided free of charge.
5. Retired officers must review, sign Form 6.6-A of this of this policy, and return it to the Administrative Commander 30 days prior to qualifying with an approved weapon. A background check will be completed to ensure the retiree is permitted to carry a firearm under Maryland and Delaware State laws. In addition, those retirees residing in the State of Delaware must complete the following documents:

- a. State of Delaware, Retired/Separated Law Enforcement Officer Application for Carrying a Concealed Deadly Weapon in accordance with the Law Enforcement Officers' Safety Act of 2004 ["H.R. 218"] (see Delaware HR 218 State Guidelines)
 - b. State of Delaware, Retired Police Officer Concealed Weapons Qualification Notification, Law Enforcement Officers' Safety Act of 2004 ["H.R. 218"] (see Delaware HR 218 State Guidelines)
6. Retired officers will be permitted to qualify with one weapon per year. Retired officers must report to the firearms range with at least 50 (fifty) rounds of approved ammunition and one additional magazine.

ATTACHMENTS:

Delmar Police Department, Application for Firearms Qualification (Retired Officers)

Link: <..\Policy Forms\Form 6.6-A Retired Officers Application for Firearms Qualification.rtf>

STATE OF DELAWARE, DEPARTMENT OF JUSTICE, Law Enforcement Officers' Safety Act of 2004, HR 218, 18 U.S.C. § 926, State Guidelines, November 1, 2014

Link: <P:\POLICY & PROCEDURES\Policy Forms\Delaware HR 218 State Guidelines.pdf>