


## Retiree Concealed Firearms

### 207.1 POLICY HEADER

<b>Original Effective Date:</b>	<b>Revised Date:</b>
September 1, 2021	January 4, 2023
<p>Authorization:</p>  <p>Jason Haberman Chief of Police</p>	

### 207.2 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Mt. Lebanon Police Department identification cards to qualified former or retired law enforcement officers under the Law Enforcement Officers' Safety Act (LEOSA) and Pennsylvania law (18 USC § 926C; 53 P.S. § 753.3 et seq.).

### 207.3 POLICY

It is the policy of the Mt. Lebanon Police Department to provide identification cards to qualified former or retired officers to facilitate the lawful carrying of concealed weapons by those individuals.

### 207.4 LEOSA

The Chief of Police shall issue an identification card for LEOSA purposes to any qualified former officer of this department who (18 USC § 926C(c); 53 P.S. § 753.4; 37 Pa. Code § 221.23):

- (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 law from receiving or possessing a firearm.

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#### 207.4.1 AUTHORIZATION

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 prohibited by federal law from receiving a firearm.
- (d) Not in a location prohibited by Pennsylvania law or by a private person or entity on his/her property if such prohibition is permitted by Pennsylvania law.

#### 207.5 IDENTIFICATION CARD FORMAT

Identification cards shall contain (53 P.S. § 753.4):

- (a) A photograph of the retiree.
- (b) The name, address, date of birth, race, sex, height, weight, hair color, eye color and signature of the retiree.
- (c) The signature of the officer issuing the identification card.
- (d) The name, telephone number and address of the Mt. Lebanon Police Department.
- (e) Any other information designated by the Pennsylvania Municipal Police Officers Education and Training Commission (MPOETC) (37 Pa. Code § 221.22).

#### 207.5.1 FEE

The Chief of Police may charge a reasonable fee, not to exceed \$15, for each identification card or replacement identification card (53 P.S. § 753.4; 37 Pa. Code § 221.24).

#### 207.6 FORMER OFFICER RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the Watch Commander of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Arrests, Convictions and Court Orders Policy.

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#### 207.6.1 RESPONSIBILITIES UNDER LEOSA

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

- (a) Sign a [waiver 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 as described on the LEOSA waiver, 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.

#### **207.7 DENIAL, SUSPENSION OR REVOCATION**

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

#### **207.8 FIREARM QUALIFICATIONS**

The Rangemaster will provide former officers from this department an opportunity to qualify in compliance with MPOETC standards. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Rangemaster will maintain a record of the qualifications and weapons used (53 P.S. § 753.5; 37 Pa. Code § 221.31; 37 Pa. Code § 221.32; 37 Pa. Code § 221.33).

##### 207.8.1 QUALIFICATION DOCUMENTATION

The Rangemaster shall use qualification cards prescribed by the MPOETC. A qualification card shall not be issued without a confirmation number provided by the Pennsylvania State Police after a criminal history record, juvenile delinquency record and mental health check of the retiree (53 P.S. § 753.5).

##### 207.8.2 MANDATORY SURRENDER OF QUALIFICATION CARD

A retiree who becomes legally ineligible to receive, possess, use, manufacture, control, sell or transfer a firearm shall surrender his/her qualification card within five days to the Mt. Lebanon Police Department (53 P.S. § 753.6).

A qualification card shall be deemed timely mailed if it is sent by certified mail and postmarked within the five-day period to the mailing address for the Mt. Lebanon Police Department that is on the retiree's LEOSA identification card.

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Within 10 days of the surrender of a qualification card, the Chief of Police shall notify the Pennsylvania State Police by electronic mail or facsimile of the identity of the officer who has surrendered the qualification card.