

# **COVINGTON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE**

**Subject: CARRY OF FIREARMS (RETIRED AND OFF DUTY)**

**Date of Issue: 11-03-2015**

**Number of Pages: 4**

**Policy No. A260**

**Review Date:**

**Distribution: ALL SWORN**

**Revision Date:**

## **I. Purpose**

To establish a procedure that complies with the Law Enforcement Officers Safety Act (LEOSA) enacted July 22, 2004 and codified as 18 U.S. Code §926B and §926C permitting the nationwide carrying of concealed handguns by qualified current and retired law enforcement officers.

## **II. Statement of Policy**

It shall be the policy of the Covington Police Department to comply with the Law Enforcement Officers Safety Act. Officers of the Covington Police Department and retirees of the Covington Police Department must comply with these regulations to be legal in the concealed carry of handguns nationwide.

## **III. Procedure**

A. A. Qualified retired law enforcement officers of this department must:

1. Have retired in good standing from service as a law enforcement officer, other than for reasons of mental instability.
  - a. The term "in good standing" means, at the time of retirement, the officer was not facing disciplinary action that could have resulted in his or her termination for misconduct or unfitness for office.
  - b. The term "mental instability" means that the officer 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.
  - c. Interpretative guidance will be provided, on a case-by-case basis, by the City Attorney.
2. Have an aggregate of at least ten (10) years of service as an active law enforcement officer or have retired from service after completing a probationary period, due to a service-connected disability, as determined by the City of Covington.

3. Have separated from active service or retired.
4. Be eligible for possible re-hire.
5. Have successfully passed an annual background check by CPD indicating that he or she is not prohibited by Federal law from receiving or possessing a firearm.
6. Not under the influence of alcohol or drugs.
7. Have, during the most recent twelve-month period, successfully passed the standards for training and qualification for active law enforcement officers to carry firearms in the State of Georgia, or their current state of residence.
8. Carry a current Annual Firearms Qualification Certificate for Retired Officers issued by Georgia Peace Officers Standards and Training Council.

B. Qualification for qualified retired officers.

1. The Rangemaster or designee will schedule at least (two) periods each year for retired officers to qualify. Range times for the retiree qualifications will be announced on the CPD website.
  - a. These qualification dates may coincide with current officer qualification dates, if time permits.
  - b. If time does not permit such scheduling, then the retired officer must schedule a range date and time acceptable to the Rangemaster or designee.
2. Qualified retired officers will be allowed to qualify on more than one concealable firearm, as time and scheduling permits. Such number shall be the decision of the Rangemaster or designee. Retired officers:
  - a. Must bring their own handgun(s), either a revolver or a semi-automatic capable of being loaded with 5 or more rounds.
  - b. Must bring 50 rounds of factory issued ammunition for each of the weapons for which qualification will be attempted.
  - c. Must have a safe and a secure holster.
  - d. All handguns and holsters must pass inspection by the Rangemaster or designee.
3. The minimum qualifying score is 80 percent.
4. The Rangemaster or designee shall keep a record of qualified retired officers, qualification dates, qualification course of fire, qualification score, and the type and serial number of the firearms used to qualify.

5. Qualified retire officers will be required to sign a waiver of liability of the Covington Police Department for all acts taken related to carrying a concealed firearm, acknowledging their personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by the Act and not as an employee or former employee of the Covington Police Department or as a current law enforcement officer (unless currently employed as a law enforcement officer of another agency). Such disclaimer shall also release the Covington Police Department from any claim or action at law resulting from any injury or accident during the described firearms qualification activities.

C. Failure to qualify and remedial training

1. Any retired officer who fails to qualify will be given the option of basic remedial training and given one additional attempt as soon as practicable after the failed attempt.
2. If the qualified retired officer fails to qualify on the second attempt, the Rangemaster or designee will:
  - a. Notify the retired officer of the failure.
  - b. Complete a report outlining the retiree's name, the course of fire, the firearm type, the score received, and any remediation given.
  - c. Recommend that the retired officer seek additional or alternative remedial training.
  - d. Advise the retired officer to arrange an additional attempt at qualification.
3. Qualified retired officers will be given a reasonable number of attempts, but not less than three, at qualifying during the scheduled retiree qualification dates, subject to range availability and the Rangemaster or designee's time constraints. Any number beyond three attempts will be the decision of the Rangemaster appealable only to the Chief of Police whose decision is final.
  - a. Should the retired officer fail to qualify, he or she will be allowed to attempt at the next scheduled retiree qualification shoot or at a date scheduled by the Rangemaster or designee.
  - b. Upon the third or final failure, the Rangemaster or designee will submit a memo to the Chief of Police outlining the failures.
  - c. After the final failure, the retiree's CPD Retired Identification Card allowing the retiree to carry a firearm under The Law Enforcement Officers Act will not be renewed.

D. Restrictions

1. The Rangemaster or designee's determination will be final as to all issues of safety and equipment. Any weapon, holster, ammunition, or

related equipment found unsafe for qualification and carry will be prohibited on the range and noted in writing and of record. The retired officer will be notified and required to sign a statement acknowledging the unsafe condition of the equipment and the reason for such removal and prohibition.

2. The Law Enforcement Officers Act does not authorize the retired officer to:
  - a. Carry a machine gun, silencer or other destructive device.
  - b. Act in the capacity of a law enforcement officer of the Covington Police Department.

E. Off Duty Officers

1. If an off duty officers carries a weapon, under color of law, he/she must carry a weapon that has been approved for use by the department, one they have qualified with, have ammunition approved by or issued by the department and must have their police ID with them.
2. Off duty officers must comply with all applicable departmental policies as well as the requirements of the LEOSA, as amended, when carrying a weapon off duty.

***This SOP supersedes any SOP previously issued.***

BY ORDER OF THE CHIEF OF POLICE:

*Stacey L. Cotton*  
Stacey L. Cotton  
Chief of Police