



## **FAIRFIELD POLICE DEPARTMENT**

### ***LAW ENFORCEMENT SAFETY ACT of 2004***

### ***TITLE 18 USC 926(C) (a)***

## **RETIRED OFFICER APPLICATION AND INFORMATION PACKET**

#### Contents:

1. Instructions
2. Application
3. Medical Information Release Form (Town of Fairfield)
4. Liability Waiver & Release Form
5. Application Checklist
6. Copy of Title 18 USC 926(C)(a)
7. Copy of Fairfield Police Department Policy 3.22
  - a. Concealed Handgun Policy for Current and Retired Officers

## **INSTRUCTIONS**

Any Fairfield Police Officer Retiree applying to carry a concealed weapon under authorization of the Law Enforcement Safety Act of 2004 (Title 18 USC 926(C)(a)) will be required to complete the following procedure, as well as abide by all applicable sections of Title 18 USC 926(C)(a), State laws and applicable Fairfield Police Policies.

### **Procedure**

Retired officers who wish to receive documentation to meet the requirements of Title 18 USC 926(C)(a) must follow the following procedure:

1. Review all requirements of Title 18 USC 926(C)(a) and Fairfield Police policy to ensure the applicant is eligible to carry a concealed weapon under the terms of the law and Fairfield Police Department policy.

Complete, sign and have notarized the Retiree Concealed Handgun Application, Town of Fairfield Individual Authorization for Use and/or Disclosure of Protected Health Information and Fairfield Police Waiver and Release form.

2. Bring the application and the medical information release to Fairfield Human Resources Department who will verify the applicant meets the requirements set forth in H.R. 218.
3. Bring the completed application, Fairfield Police Waiver and Release form and a check (\$25.00 payable to the Commissioner of Public Safety) to the Fairfield Police Administrative Unit:
  - a. Be fingerprinted and have a background check performed
  - b. Schedule a firearms training and qualification session.
4. Successfully complete the firearms qualification.
  - a. Sign a Release and Indemnification form.
  - b. Bring the following to the qualification:
    - Handgun
    - 180 rounds of factory issued lead-free ammunition
    - A safe and secure holster
  - c. The Fairfield Police Firearms Instructor makes the final determination if the applicant passes the qualification.

Once the above steps have been successfully completed the applicant will be issued an ID card valid for 1 year from date of issuance. If at any time after issuance the retiree becomes ineligible to carry a firearm as defined in the law, he/she shall return the identification card to the Fairfield Police Department Support Services Bureau. *Applicants for renewal shall complete the above procedure, except step #3.*





**TOWN OF FAIRFIELD**  
**INDIVIDUAL AUTHORIZATION**  
**FOR USE AND/OR DISCLOSURE OF PROTECTED HEALTH INFORMATION**

Name: \_\_\_\_\_

Department: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

I hereby authorize the use and/or disclosure of my individually identifiable health information as described below. I understand that this authorization is voluntary. I also understand that if the person or organization authorized to receive the information is not a health plan or health care provider, the release d information may be re-disclosed and may no longer be protected by the federal privacy regulations.

1. Person(s) or organizations authorized to disclose the health information: Town of Fairfield Human Resources Department
2. Person(s) or organization authorized to receive the health information: Town of Fairfield Police Department and its authorized representatives
3. Description of health information that may be used/disclosed: Any information necessary to determine my eligibility to carry a concealed firearm as described in Title 18 USC 966(c) and Fairfield Police Policy.
4. Purpose for which health information will be disclosed: To determine eligibility to carry a concealed firearm as described in Title 18 USC 966(c) and Fairfield Police Policy.
5. I understand that the person or organization that I am authorizing to use/disclose the information may receive compensation in exchange for using or disclosing the health information described above.
6. I understand that I may refuse to sign this authorization and that my refusal to sign will not affect my ability to enroll ina a health plan, obtain health care treatment or payment or my eligibility for benefits.
7. I understand that I may revoke this authorization at any time providing written notice to the Town of Fairfield Department of Human Resources. I understand that my revocation will not affect any actions already taken in reliance on this authorization.
8. I understand I may inspect or copy any information to be used or disclosed under this authorization.
9. Unless otherwise revoked in writing this authorization will expire 1 year from the date signed below.

\_\_\_\_\_  
**Signature of Individual (or Legal Representative)**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**(Print) Individual's Name**

\_\_\_\_\_  
**(Print) Name of Legal Representative (if applicable)**

\_\_\_\_\_  
**Relationship to Individual**

**Note: HIPAA "covered entities" (e.g., health plans) must provide a copy of the signed authorization to the individual.**

Revised 04/2011





**Fairfield Police Department**

**Retiree Concealed Handgun Application Check List**  
Form FPD-HR218-a

**This area to be completed by Human Resources Department:**

- Applicant retired in good standing from service – other than for reasons of mental instability
- Retiree had statutory powers of arrest during employment
- Prior to retirement, applicant was regularly employed as a law enforcement officer for an aggregate of 15 years of more; or retired from service after completing any applicable probationary period of such service, due to a service-connected disability
- Has a non-forfeitable right to benefits under the retirement plan of the agency

**Printed Name of Human Resources Official:** \_\_\_\_\_

**Signature of Human Resources Official:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**This area to be completed by Fairfield Police Firearms Instructor:**

The above retired officer has successfully completed firearms qualification as outlined in Fairfield Police policy covering 18 U.S.C. §926c: Law Enforcement Officer Safety Act.

**Date Completed:** \_\_\_\_\_

**Weapon Used: Make:** \_\_\_\_\_ **Model:** \_\_\_\_\_ **Caliber:** \_\_\_\_\_ **Serial #:** \_\_\_\_\_

**Firearms Instructor Printed Name:** \_\_\_\_\_ **Badge #:** \_\_\_\_\_

**Firearms Instructor Signature:** \_\_\_\_\_

**For police administration purposes only**

- Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance
- Is not prohibited by Federal law from receiving a firearm
- Possesses a valid State of Connecticut Pistol Permit
- During the most recent 12-month period, has met, at the expense of the individual, the State's standards for training and qualification for active law enforcement officers to carry firearms;

**Police Department Official, Printed Name:** \_\_\_\_\_

**Signature of Police Department Official:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## 18 USC 926C

### SECTION 1. SHORT TITLE.

This Act may be cited as the `Law Enforcement Officers Safety Act of 2004'.

### SEC. 2. EXEMPTION OF QUALIFIED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.

(a) In General- Chapter 44 of title 18, United States Code, is amended by inserting after section 926A the following:

#### Sec. 926B. Carrying of concealed firearms by qualified law enforcement officers

(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

(b) This section shall not be construed to supersede or limit the laws of any State that--

- (1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or
- (2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

(c) As used in this section, the term `qualified law enforcement officer' means an employee of a governmental agency who--

- (1) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest;
- (2) is authorized by the agency to carry a firearm;
- (3) is not the subject of any disciplinary action by the agency;
- (4) meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm;
- (5) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- (6) is not prohibited by Federal law from receiving a firearm.

(d) The identification required by this subsection is the photographic identification issued by the governmental agency for which the individual is employed as a law enforcement officer.

(e) As used in this section, the term `firearm' does not include--

- (1) any machinegun (as defined in section 5845 of the National Firearms Act);
- (2) any firearm silencer (as defined in section 921 of this title); and
- (3) any destructive device (as defined in section 921 of this title).'

### SEC. 3. EXEMPTION OF QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.

(a) In General- Chapter 44 of title 18, United States Code, is further amended by inserting after section 926B the following:

#### Sec. 926C. Carrying of concealed firearms by qualified retired law enforcement officers

Revised 04/2011

(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified retired law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

(b) This section shall not be construed to supersede or limit the laws of any State that--

(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

**(c) As used in this section, the term `qualified retired law enforcement officer' means an individual who--**

**(1) retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability;**

**(2) before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;**

**(3)(A) before such retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more; or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;**

**(4) has a non-forfeitable right to benefits under the retirement plan of the agency;**

**(5) during the most recent 12-month period, has met, at the expense of the individual, the State's standards for training and qualification for active law enforcement officers to carry firearms;**

**(6) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and**

**(7) is not prohibited by Federal law from receiving a firearm.**

(d) The identification required by this subsection is--

(1) a photographic identification issued by the agency from which the individual retired from service as a law enforcement officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; or

(2)(A) a photographic identification issued by the agency from which the individual retired from service as a law enforcement officer; and (B) a certification issued by the State in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State to meet the standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.

(e) As used in this section, the term `firearm' does not include--

(1) any machinegun (as defined in section 5845 of the National Firearms Act);

(2) any firearm silencer (as defined in section 921 of this title); and

(3) a destructive device (as defined in section 921 of this title).'

## FAIRFIELD POLICE DEPARTMENT POLICY

### 3.22: Concealed Handgun Policy for Current and Retired Officers

12/21/2009

#### 3.22.1 Policy

- A. 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.
  - 1. 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.
  - 2. It does not exempt current or retired officers from any state or local firearm owner registration laws.
  - 3. It is the policy of the Fairfield Police Department to comply with the Act, under the following conditions and provisions.

#### 3.22.2 Procedure

- A. Current law enforcement officers with the Fairfield Police Department must:
  - 1. Possess statutory powers of arrest and be authorized by the Fairfield Police Department to carry a concealed firearm.
  - 2. Successfully have completed the Fairfield Police Department designated firearms qualification course.
  - 3. Not be under the influence of alcohol or drugs.
  - 4. Not be prohibited by Federal or state law from possessing a firearm.
  - 5. Not be subject to Fairfield Police Department disciplinary action preventing the officer from carrying a firearm per existing policy.
  - 6. Follow all Fairfield Police Department Policies regarding firearms and use of force.
  - 7. Successfully complete the Fairfield Police firearms qualification course during the scheduled firearms training program. This qualification course shall comply with the standards set by the Connecticut Police Officer Standards and Training Council.
    - i. The minimum qualifying score is 80 percent.
  - 8. Abide by all sections of LEOSA when carrying a firearm outside the State of Connecticut.
- B. Required identification
  - 1. The officer must have his or her Fairfield Police Department photo identification card and official badge.
- C. Qualified retired law enforcement officers of the Fairfield Police Department must:
  - 1. Have retired in good standing from service as a law enforcement officer for the Fairfield Police Department, 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 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.
  - c. Interpretative guidance will be provided, on a case-by-case basis, by an attorney designated by the Town of Fairfield.
2. Have an aggregate of at least fifteen 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 Fairfield Police Department.
  3. Have a non-forfeitable right to benefits under the Fairfield Police retirement system.
  4. Have successfully passed an annual Fairfield Police background check indicating that he or she is not prohibited by Federal law from receiving or possessing a firearm.
  5. Not be under the influence of alcohol or drugs.
  6. 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 their primary state of residence.
  7. Abide by all sections of LEOSA when carrying a firearm outside the State of Connecticut.
- D. On request, qualified retired law enforcement officers of the Fairfield Police Department who do not reside in this state, and who have not successfully passed this state’s standards for training and qualification for active law enforcement officers to carry firearms, will be sent a retirement identification card by mail, that indicates that the retired officer:
1. Is a nonresident of this state and has met all of the conditions in Part II-C, sections 1 through 5.
  2. Must meet the standards for training and qualification for active officers in the retired officer’s primary state of residence.
  3. Retired officer must submit, in acceptable size and format, two recent facial color photographs or a digital image.
- E. Retired officer identification cards
1. Federal LEOSA certification identification cards
    - a. In the case of retired officers who have met all of the conditions in Part II-C, sections 1 through 6, the Fairfield Police Department issued photographic certification card will indicate the date of the last LEOSA qualification.
      - i. The date on the card must be less than one year from the time of possession.
      - ii. The card shall be replaced with the renewal qualification date.
- F. Firearm qualification for the Fairfield Police qualified retired officers
1. The Commander of the Support Services Bureau 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 agency website.

2. Qualified retired officers will be allowed to qualify as time and scheduling permits.  
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 180 rounds of factory issued lead-free ammunition for the weapon for qualification.
  - c. Must bring their own cleaning supplies.
  - d. Must have a safe and secure holster.
  - e. All handguns and holsters must pass inspection by Range-master.
3. The minimum qualifying score is 80 percent
4. The Fairfield Police Support Services Bureau shall keep a database 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 retired officers will be required to sign a waiver of liability with the Fairfield 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 Fairfield Police or as a current law enforcement officer. Such disclaimer shall also release the Fairfield Police Department from any claim or action at law resulting from any injury or accident during the described firearms qualification activities.

#### G. Failure to qualify and remedial training.

1. Any qualified 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 memorandum outlining the retiree's name, the course of fire, the firearm type, the score received on each attempt, and any remediation given.
  - c. Recommend that the retired officer seek additional or alternative remedial training if appropriate.
  - d. Consideration for any future qualification attempt should be outlined within the Range master's memorandum – specifically outlining any problems observed in attempts to qualify and remedial training.
3. No retired officer who fails two attempts to qualify will be afforded further attempts to qualify unless there is a high probability for remedial success as determined by the Department Training Officer.

#### H. Restrictions

1. The Range master 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.

## I. Procedure

Retired officers who wish to receive documentation to meet the requirements of Title 18 USC 926(C)(a) must follow the following procedure:

5. Review all requirements of Title 18 USC 926(C)(a) and Fairfield Police policy 3.22 to ensure the applicant is eligible to carry a concealed weapon under the terms of the law and Fairfield Police Department policy.
6. Complete and sign the Retiree Concealed Handgun Application and Fairfield Police Waiver and Release form.
7. Bring the application to Fairfield Human Resources department who will verify the applicant meets the requirements set forth in H.R. 218.
  - a. Must complete Town of Fairfield authorization for disclosure of protected health information
  - i. Bring the completed application, Fairfield Police Waiver and Release form and a check (\$25.00 payable to the Commissioner of Public Safety) to the Fairfield Police Support Services Bureau:
    - b. Be fingerprinted and have a background check performed
    - c. Schedule a firearms training and qualification session.
8. Successfully complete the firearms qualification.
  - a. Sign a Release and Indemnification form.
  - b. Bring the following to the qualification:
    - Handgun
    - 180 rounds of factory issued lead-free ammunition
    - A safe and secure holster
  - c. The Fairfield Police Firearms Instructor makes the final determination if the applicant passes the qualification.

Once the above steps have been successfully completed the applicant will be issued an ID card valid for 1 year from date of issuance. If at any time after issuance the retiree becomes ineligible to carry a firearm as defined in the law, he/she shall return the identification card to the Fairfield Police Department Support Services Bureau. *Applicants for renewal shall complete the above procedure, except step #3.*

### **3.22.3 Qualifying checks of current and retired officers**

- A. Before issuing or renewing Fairfield Police Department photo identification cards, the Support Services Bureau shall review the officer's or retired officer's firearms qualification record and updated criminal history record.

### **3.22.4 Verification of LEOSA status of active and retired officers in field situations**

- A. Current and retired officers of the Fairfield Police Department
  1. A list of all current and retired officers shall be kept in Communications, and the office of the Shift Commander. It is the responsibility of the Support Services Bureau to promptly furnish a roster, whenever it is updated.
- B. Current and retired officers of other agencies
  1. Requests for verification of the credentials of active and retired law enforcement shall be directed to the Commander of the Support Services Bureau.