



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

002 - LAW ENFORCEMENT OFFICER SAFETY ACT CERTIFICATION POLICY

GENERAL ORDER: 2018-23
ISSUED: May 29, 2018

EFFECTIVE: May 29, 2018

REVIEWED/APPROVED BY:
Director Regina Howard
DATE: May 16, 2018

ACTION: Amends General Order 2013-22 (November 8, 2013)

WILEAG STANDARD(S): NONE

002.00 PURPOSE

The United States Congress has enacted legislation (hereinafter referred to as the "Law Enforcement Officer Safety Act" or "LEOSA") authorizing qualified former law enforcement officers to carry a concealed firearm under certain conditions. The purpose of this policy is to set out the procedures by which retired / separated sworn employees of the Milwaukee Police Department may apply for participation in an MPD LEOSA firearms qualification course and/or receipt of an MPD-issued LEOSA certification card.

002.05 DEFINITIONS

Notwithstanding other definitions presented in other Milwaukee Police Department standard operating procedures and / or Code of Conduct, the definitions listed below are intended to be limited to this policy.

A. QUALIFIED ACTIVE LAW ENFORCEMENT OFFICER

Is an employee of a government agency who:

1. is authorized by law to engage in or supervise others who engage in the prevention, detection, investigation, prosecution, or incarceration of any person for any violation of law;
2. has statutory powers of arrest;
3. is authorized by the agency to carry a firearm;
4. is not the subject of any disciplinary action by the agency, which could result in suspension or loss of police powers;
5. meets the standards established by the state, which require the employee to regularly qualify in the use of a firearm;
6. is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
7. is not prohibited under federal law from possessing a firearm.

B. QUALIFIED FORMER LAW ENFORCEMENT OFFICER (QFLEO)

Is a former, qualified, active law enforcement officer who:

1. is retired or separated from the Milwaukee Police Department in good standing as a qualified, active law enforcement officer for an aggregate of ten (10) years or more, or separated due to a service-connected disability, as determined by the MPD, after completing any applicable probationary period;
2. is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
3. is not prohibited under federal law from possessing a firearm.

C. Furthermore, such former, qualified, active law enforcement officer, at the time of his/her separation, must have been an active duty employee:

1. who was not the subject of an internal, administrative or criminal investigation, which could have resulted in suspension or loss of police powers, at the time of separation;
2. who was not under discipline or pending discipline, which involved suspension or loss of police powers, at the time of separation;
3. and a qualified medical professional employed by the applicant's former agency has not found that the former officer was unqualified to be a law enforcement officer for reasons related to the former officer's mental health; and
4. who has not entered into an agreement with his/her former law enforcement agency in which the former officer acknowledged that he/she is not qualified to be a law enforcement officer for reasons related to his/her mental health, and in which he/she declines photographic identification for that reason.

002.10 DETERMINATION OF APPLICANT ELIGIBILITY

- A. A Qualified Former Law Enforcement Officer (QFLEO) may request a Law Enforcement Officer Safety Act (LEOSA) certification card upon retirement, separation or anytime thereafter. The MPD Human Resources Division (HR) will determine eligibility pursuant to the above definitions.
- B. HR staff must determine that the applicant QFLEO is not prohibited under federal law from possessing a firearm, as indicated by a search of the Transaction Information for Management Enforcement (TIME) System and the National Crime Information Center (NCIC).
- C. A QFLEO who has been retired / separated for one year or longer must successfully complete the equivalent of the State of Wisconsin, Department of Justice Handgun Qualification Standard-Minimum Certification Standard for Wisconsin Law Enforcement Officers and Former Officers course, which includes the MPD LEOSA

firearms qualification course, to receive a LEOSA certification card. The State of Wisconsin qualification standard course must be conducted by a certified State of Wisconsin, Department of Justice, Training and Standards Bureau firearms instructor.

Note: The MPD Rangemaster shall determine if a firearms qualification course provided by an out-of-state agency is equivalent to a State of Wisconsin qualification standard course. Therefore, the MPD Rangemaster must be consulted whenever an applicant for a LEOSA certification card attempts to meet the qualification requirement with an out-of-state qualification course.

- D. A QFLEO who requests a LEOSA certification card within one year of retirement or separation is not required to complete a firearms qualification course during that year, if the QFLEO intends to use the same handgun that was approved by the Firearms Section of the Milwaukee Police Department for off-duty carry, while the QFLEO was an active employee of the Milwaukee Police Department. If the QFLEO intends to carry a firearm that had not previously been inspected, approved and / or trained by the MPD Firearms Section, the QFLEO must successfully complete a firearms qualification course using that gun.
- E. This policy does not permit QFLEO's who are employed in a civilian capacity by the Milwaukee Police Department to carry a firearm while on-duty.

002.15 LEOSA CERTIFICATION CARD PROCEDURES

A. QFLEO RESPONSIBILITIES

1. Complete the MPD LEOSA Certification Card and / or Qualification Course Application Form.
2. Read and sign the applicable MPD LEOSA Release, Waiver of Liability, and Assumption of Risk Agreement.
3. If applying for the MPD qualification course and a LEOSA certification card, pay a non-refundable fee of \$85 to the Milwaukee Police Department – Regional Training Center, to cover the costs associated with the firearms qualification course and processing the certification card.
4. If applying only for a LEOSA certification card, pay a non-refundable fee of \$25 to the Milwaukee Police Department – Regional Training Center, to cover only the costs of processing the certification card.
5. If the QFLEO has been retired / separated for one year or longer, he / she must successfully complete the above-described firearms qualification course, and provide a copy of a completed Law Enforcement Officer Safety Act (LEOSA) qualification certificate at the time he or she submits the application form, if the course was not hosted by the MPD.

Note: The Milwaukee Police Department – Regional Training Center will

periodically host a LEOSA firearms qualification course for QFLEO's. No practice or remediation sessions will be conducted by the MPD. QFLEO's who fail the MPD LEOSA firearms qualification course may apply for a future MPD LEOSA qualification course at an additional cost.

6. Regarding firearms and ammunition used in the context of the MPD LEOSA qualification course:

a. handguns are subject to inspection and approval by members of the MPD firearms range staff;

Note: No QFLEO may be certified to carry a machine gun, a firearm silencer, or a destructive device.

b. handguns must be suitable for law enforcement usage, including both semi-automatic pistols and revolvers, and they are limited to calibers between .38 special (or .380 ACP) to .45, with a 6-inch barrel or less;

c. ammunition must be suitable for law enforcement usage and cannot be armor piercing;

d. participants must furnish 100 rounds of approved factory specified ammunition, at least one extra speed loader or magazine, and an appropriate belt holster; and

e. MPD LEOSA certification course participants are limited to using one specific type of weapon (e.g., Glock .40 caliber), which should be the participant's usual carry weapon.

7. A QFLEO must apply for certification each year; and certification is only valid for a period of one (1) year following the date on which certification was granted. So that certification does not lapse, it is strongly recommended that within thirty (30) days prior to the certification expiration date, the QFLEO should:

a. successfully complete the firearms qualification course; and

b. submit a completed application form.

Note: Re-certification procedures shall be the same as those for initial certification.

B. MILWAUKEE POLICE DEPARTMENT REPRESENTATIVES' RESPONSIBILITIES

1. Review the Release, Waiver, and Assumption of Risk Agreement with the QFLEO.

2. Clearly inform the QFLEO that the issuance of a LEOSA certification card does not confer any authority to act as a law enforcement officer or an agent of the City of Milwaukee or the Milwaukee Police Department.

3. Provide each applicant with a copy of the Law Enforcement Officer Safety Act of 2004 (HR 218), any related updates or revisions, and relevant Wisconsin state statute sections related to carrying a concealed weapon, self-defense and use of force by civilians.
4. Provide state certified Milwaukee Police Department approved firearms instructors to periodically administer the MPD firearms qualification course.

Note: The Milwaukee Police Department will not provide instruction regarding, or interpretation of, either the Law Enforcement Officer Safety Act or relevant state statutes.

002.20 CERTIFICATION CARD CONTENTS

The Milwaukee Police Department will certify compliance with the Law Enforcement Officer Safety Act on the identification card, as defined by U.S.C. Title 18, Chapter 44, Section 926C(d)(1) and Wis. Stat. § 175.49(4). This card must be carried whenever the QFLEO is carrying a concealed firearm. At a minimum, the card must contain the following information on one side:

- The full name, date of birth, and address of the current permanent residence of the person who holds the certification card;
- A photograph of the certification card holder, and his/her physical description, which includes the card holder's sex, height, and eye color;
- A statement confirming that the card holder is a former law enforcement officer;
- A statement confirming that the card was issued in the State of Wisconsin;
- A statement noting that the certification card does not confer any law enforcement authority upon the certification card holder, and that the certification card holder is not a sworn employee or agent of the City of Milwaukee Police Department;
- A description of the type of firearm the QFLEO is certified to carry;
- A statement confirming that the QFLEO is qualified to carry the described firearm, because he/she successfully completed a state approved firearms qualification course, or its equivalent, and providing the date of completion of same; and
- The expiration date of the certification, which is 12 months later than the date of completion of an acceptable firearms qualification course.

002.25 DISCLAIMERS

- A. Neither the City of Milwaukee nor the Milwaukee Police Department shall assume any liability regarding any false information provided by the QFLEO.

- B. Neither the City of Milwaukee nor the Milwaukee Police Department shall assume any liability, or provide legal representation or indemnification to a QFLEO, for any act arising from his / her use of a firearm.



ALFONSO MORALES
CHIEF OF POLICE

AM:mfk