



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE
HR-218, LE Officer Safety Act (LEOSA)
for Former Madison Police Officers



Eff. Date **03/31/2015**

Purpose

The purpose of this SOP is to set forth the procedures for **former Madison Police Officers** to obtain the LEOSA identification cards required to authorize them to carry a concealed firearm under certain conditions.

Procedure

ELIGIBILITY

1. *A qualified former law enforcement officer* is an individual who separated from service with MPD in good standing. Good Standing means that at the time of separation, the officer was not the subject of a disciplinary investigation and/or facing disciplinary action that could have resulted in his or her termination for misconduct or unfitness for duty. This includes reasons related to mental instability.
2. Before the separation of service the officer was authorized by law to engage in or supervise the prevention, detection, investigation, and prosecution of or the incarceration of any person for any violation of law and had statutory powers of arrest.
3. Before the separation of service the officer was regularly employed as a law enforcement officer with MPD for ten (10) years or more, or separated from service with MPD due to a service connected disability after successfully completing the probationary period.
4. The former officer is **NOT** prohibited by federal law from possessing a firearm.
5. A complete background check will be performed annually by MPD to check the legal ability of the former officer to possess a firearm and to determine the applicant's eligibility to participate in the weapons qualification test under this SOP. Grounds for failure of the background check include: any condition, circumstance, conviction or event which would make it unlawful for the applicant to possess a firearm; and/or any conduct that would prohibit an individual from employment as a police officer in the Madison Police Department. An applicant who fails the background check will not be permitted to continue in the process and the application will be denied.
6. Former MPD officers will be required to pass the WI DOJ Training & Standards prescribed qualification course while using the weapon they intend to carry.
7. The Chief of Police or designee will exercise the right to question, approve or deny any request for an identification card described in this procedure or the LEOSA.

APPLICATION PROCESS FOR LAW ENFORCEMENT OFFICER SAFETY ACT IDENTIFICATION CARD

1. Eligible former MPD officers may request a Law Enforcement Officer Safety Act identification card by written application to the Madison Chief of Police or designee either upon retirement or anytime thereafter.
2. A complete application form must be submitted. Failure to submit a complete application will result in denial of the LEOSA identification card. The MPD application shall include the following:
 - a. Acknowledgement that the LEOSA identification card **does not confer any law enforcement authority** and is strictly limited to the provisions of the Law Enforcement Officer Safety Act.
 - b. Acknowledgement that the retired officer has read and is familiar with the Law Enforcement Officer Safety Act of 2004 and that she/he meets the above listed eligibility criteria.
 - c. Acknowledgement that any authorization regarding concealed carry is strictly limited to the type of firearm on which the individual qualified.
 - d. A signed declaration that the former MPD officer is not prohibited from purchasing or possessing a firearm by either federal or state laws.

- e. A signed waiver and release of claims and agreement to indemnify, defend, and hold harmless the City of Madison, its agents, officers and employees from any and all liability arising from any and all claims, suits, and actions related to carrying a firearm as authorized by WI § 175.49 "Former Law Enforcement Officers Seeking to Carry Concealed Weapons."
 - f. With respect to any applicant who separated service on a "duty disability" under Sec. 40.65, Wis Stats., documentation that the retirement was not due in whole or in part to "reasons of mental instability" as that term is defined under the provisions of the Law Enforcement Officer Safety Act.
3. At the time of application submission the applicant shall submit a non-refundable fee that is set by MPD to cover administrative costs, the background check, the test session and supplies. The fees will be established by the Police Chief and adjusted as necessary.
 4. Final review of all eligibility requirements by the Chief of Police or his/her designee shall be completed prior to participating in the weapons qualification.

WEAPONS QUALIFICATION

1. MPD or its designee agency will periodically host a firearms qualification test for MPD retired/separated officers. MPD will provide approved range personnel, including DOJ certified firearms instructors and a Supervisor, to administer the firearms qualification test established pursuant to this SOP.
2. Only former MPD officers who have been determined to be eligible, have submitted a complete application, have passed the background check, and paid all fees will be scheduled for the weapons test.
3. Any of the instructors may terminate the test session in his/her discretion in the event that he/she considers that an applicant is not eligible to participate or for safety reasons.
4. Former MPD officers will be notified of the elements of the qualification course and the time and date of the next qualification session after the eligibility requirements have been met.
5. The former officer shall provide all ammunition required for the course of fire.
6. Upon arrival for firearms testing the former MPD officers shall be required to sign the following:
 - a. Release and waiver of liability and indemnification related to the use of any MPD designated weapons range used in the qualification process.
 - b. ~~The "Waiver and Release Form" shall be titled as such and provide: I am a retired/former MPD police officer who is eligible to attempt to qualify to carry a concealed firearm, pursuant to the Law Enforcement Officers Safety Act of 2004 (18 USC Sec. 926C). I recognize that MPD is not legally required to provide me with firearms instruction or a firearms qualification course. I understand that to do so, I will be required to fire my weapon under the direct supervision of MPD or Dane County or other MPD authorized entity instructors. I agree to indemnify, and hold harmless the City of Madison, its officers, agents and employees for any injury caused by my participation in this qualification test process. I further waive any claim for damages against the City of Madison, its officers, its agents and employees for injury suffered by me while participating in this qualification test process.~~
 - c. A completed release, waiver of liability, indemnification and assumption of risk form as required by the site owner.
 - d. ~~At the time of weapons qualification, the former MPD officer applicant must sign a declaration that; (1) s/he is not under the influence of alcohol or other intoxicating or hallucinatory drugs or substances; and (2) is not prohibited by federal law from receiving, possessing or carrying a firearm.~~
7. Successfully complete and pass the basic MPD firearms test to the standards as currently required for active duty officers.
8. Former officers who successfully complete the course will be given:
 - a. An information sheet informing the retired MPD officer that issuance of a LEOSA identification card does not confer any authority to act as a law enforcement officer or an agent of the City of Madison or the City of Madison Police Department.
 - b. An information sheet advising each applicant that s/he is solely responsible for becoming familiar with the LEOSA of 2004 (HR 218) and all local, state and federal laws relating to possession/use of firearms.

- c. A LEOSA identification card.
9. An applicant who fails the weapons test shall be given one more opportunity to successfully complete the test during the same qualification session.
 - a. An applicant who does not pass the second qualification attempt on the same day will not be afforded a third chance on that day, and may re-attempt on the next scheduled LEOSA qualification day.

LEOSA IDENTIFICATION CARD

1. MPD will issue to the applicant in person the department's approved LEOSA identification card upon the successful completion of the weapons course.
2. All LEOSA I.D. cards shall remain the property of MPD. The cardholder shall surrender his/her card to the Chief of Police or designee upon written notice setting forth the reasons for such surrender.
3. LEOSA I.D. cards shall expire twelve (12) months from the date of issuance.
4. All LEOSA I.D. cardholders must maintain a current address and telephone number with MPD and report any changes within 10 days after the change.
5. I.D. card renewals, reapplication after application denial, reapplication after failure to successfully complete the weapons test, and/or request to be qualified on another approved firearm shall follow the same procedure as for initial application.

RECORDS OF LEOSA PROCESS

The Lieutenant of Training, or their designee, will maintain all the records related to this SOP.

(Reviewed Only: 02/22/2016, 12/22/2016, 12/26/2017)