
	ITHACA POLICE DEPARTMENT POLICY AND PROCEDURE GENERAL ORDER	Distribution ALL PERSONNEL	General Order Number 1.08
		Original Issue Date 05/18/2020	Reissue/Effective Date 05/18/2020
Order Title: H.R. 218	Accreditation Standard: NY 20.5; 32.3; 33.1	Section 1	
	Section Title DEPARTMENT ROLE AND AUTHORITY		
Rescinds:	 Dennis Naylor, Chief of Police		

This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting

I. PURPOSE

The purpose of this policy is to establish procedures and guidelines for the implementation of H.R. 218, the Law Enforcement Officers’ Safety Act of 2004 (LEOSA) and S. 1132, the “Law Enforcement Officers’ Safety Act Improvements Act,” for qualified active and retired members of the Ithaca Police Department to carry a concealed firearm.

II. POLICY

It is the policy of the Ithaca Police Department (“the Department”) to hold annual firearms qualifications for active and retired members in good standing who wish to carry a concealed firearm on their person while traveling from State to State. Upon successful completion of annual firearms qualifications, the Ithaca Police Training Coordinator will issue qualified retired members official documentation certifying that they have met the active-duty law enforcement standards for qualification for a firearm within the most recent twelve-month period.

III. DEFINITIONS

Firearm: The exemption provided under this Federal law applies to the carrying of concealed firearms only. The definition of “firearm” in this statute specifically excludes machine guns, silencers, explosives, or other destructive devices as these terms are defined in Federal law. However, recent amendments to the Federal law extend the exemption to allow the carrying of ammunition, “not expressly prohibited by Federal law or subject to the provisions of the National Firearms Act.” This means that qualified active and retired law enforcement officers may carry ammunition in states which may have prohibited the possession of certain ammunition by persons not actively serving in law enforcement within that State.

LEOSA Certification: Recognition by the Ithaca Police Department that the retired officer meets LEOSA's qualification criteria and has met the Department's annual firearms qualification standards for active officers.

Qualified Active Law Enforcement Officer: Means an employee of a governmental agency, to include the Amtrak Police Department, the Federal Reserve Police Department, and any law enforcement or police officer of the Executive Branch of the Federal Government, 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 which could result in suspension or loss of police powers;
4. meets the standards established by the agency which require the employee to regularly qualify and train 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 State or Federal law from carrying or receiving a firearm.

Qualified Retired Law Enforcement Officer: An individual who:

1. has separated from service in good standing from a government agency as a law enforcement officer for reasons other than mental instability; and
2. 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
3. had statutory powers of arrest; and
4. has separated from service in good standing with a government agency as a law enforcement officer for an aggregate of ten (10) years or more, or separated from such an agency due to a service-connected disability after completing any applicable probationary period of such service; and
5. during the past 12 months has met, at his/her own expense, the Department standards for qualification for active law enforcement officers to carry firearms; and
6. is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
7. is not prohibited by State or Federal law from carrying or receiving a firearm.

Retired in Good Standing: An individual who the Chief of Police has determined retired after a professional and ethical career of service.

IV. PROCEDURES

A. Authorization of Active Officers to Carry a Concealed Firearm

1. Current members of the Ithaca Police Department, who have qualified with their Department firearm during annual firearms qualifications, and who carry

the required photographic identification, may also carry a concealed firearm, provided they follow the laws of the States 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. For purposes of this section, the required photographic identification is the Department Identification Card issued to active members.

B. Authorization of Retired Officers to Carry a Concealed Firearm

1. Qualified retired members of the Ithaca Police Department who wish to carry a concealed firearm similar to those carried by active duty members must possess the required photographic identification card issued by this agency and follow the laws of the States that (a) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or (b) prohibit or restrict the possession of firearms on any state or local government property, installation, building, base, or park. Qualified retired Ithaca police officers must also carry a certification document issued by the Ithaca Police Firearms Unit which confirms that they have met all the agency's active duty law enforcement standards for qualification for a firearm within the most recent twelve-month period.
2. Qualified, retired law enforcement officers from other States, now residing in New York, who wish to carry a concealed firearm similar to those carried by our active duty members must: (1) possess the required photographic identification issued by the agency from which they retired indicating that they have been tested within the most recent twelve month period and found to meet the standards established by their agency for qualification for active duty law enforcement officers to carry a firearm; or (2)(a) possess a photographic identification issued by the agency from which they retired from service as a law enforcement officer and (b) a certification issued by a New York law enforcement agency indicating that they have been tested within the most recent twelve month period or otherwise found by the agency to meet the standards established by the New York State Division of Criminal Justice Services for qualification for active New York law enforcement officers to carry a firearm of the same type as the concealed firearm.

C. Restrictions and Waiver

1. Prior to participating in annual firearms qualifications, retired members of the Ithaca Police Department will sign a statement asserting that they realize that they no longer have police powers, and that the City of Ithaca assumes no liability for any actions they take as an individual. Furthermore, the statement will also contain a declaration by the retiree that he/she still meets the requirements as specified in the "qualified retired law enforcement" definition.

2. Retired members of the Ithaca Police Department will also sign a “Waiver of Liability” statement indicating that the retiree releases the City of Ithaca and the Ithaca Police Department from any and all liability for damages or injuries sustained while participating in firearms qualification exercises designed to meet the standards required under the LEOSA.

D. Annual Firearms Qualifications

1. Active Ithaca police officers, and qualified retired law enforcement officers, must participate in the Department’s annual firearms training and “pass” an approved qualification course with each type of firearm they wish to carry as a concealed weapon under LEOSA.
2. Active members of the Ithaca Police Department, and qualified retired law enforcement officers, must also demonstrate their knowledge of and proficiency with each firearm they successfully qualify with.
3. Aside from basic personal protection equipment, all personnel seeking to qualify under LEOSA are responsible for supplying the necessary ammunition and equipment needed to qualify with each firearm they wish to carry in a concealed manner.

E. Certification Document

1. Upon successful completion of annual firearm qualifications, qualified retired law enforcement officers will receive a certification document from the Ithaca Police Training Coordinator certifying that they have met the active duty law enforcement standards for qualification of a firearm. The certification document will be valid for one year from the date of qualification. Retirees must requalify prior to the expiration date of the certification document to carry a concealed firearm and maintain compliance with the law and this policy.
2. The Ithaca Police Department Training Coordinator will maintain a file on each retiree who qualifies with a firearm, to include the make, model, serial number, and caliber of the firearm, as well as the passing score and date of qualification.
3. The Chief of Police will notify the Ithaca Police Benevolent Association of upcoming firearms training and qualifications so that qualified retired members who wish to participate may qualify to carry a concealed firearm.