



*Massachusetts Law Enforcement
Firearms Instructors' & Armorers' Association*

**Concealed Carry by Retired Law Enforcement Officers
under the
Law Enforcement Officers Safety Act**

18 USC 44 §926C

515 CMR 6.00

501 CMR 13.00

COURSE STUDY GUIDE

Massachusetts State Police
Approved September 2008 #LEO-002
February 2018 Revision

Introduction

Thank you for your interest in the Mass. Law Enforcement Firearms Instructors & Armorers Association LEOSA program. This program is approved by the Colonel of the State Police and has been assigned course number LEO-002. In order to present the most updated material in a timely and consistent manner we have decided to make use of the Internet and put this material on our website for your reference.

In accordance with the applicable CMR, the LEOSA course must be a minimum of 4 hours in length and include a live fire proficiency test of at least 50 rounds with a minimum passing score of 80%. This study guide will provide you with the material that would normally be presented in a classroom format but without the need to travel long distances to attend. You will be required to attend the range session as scheduled with your instructor to receive you LEOSA Training & Qualification Card.

If you have any questions on the study guide material, you may contact your instructor at the email address listed by them below.

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Background

On July 22, 2004 President George W. Bush signed into law H.R. 218 as 18 U.S.C. 44 §§ 926B & C. The Law Enforcement Officers Safety Act (LEOSA) was intended to afford qualified active (QLEO) and qualified retired law enforcement officers (QRLEO) the privilege of carrying a concealed firearm in all 50 states, the District of Columbia, the Commonwealth of Puerto Rico, and all other U.S. possessions (except the Canal Zone) notwithstanding any other provision of the law of any state or political subdivision thereof.

For your benefit and reference, the federal and state versions of LEOSA can be found below:

Law Enforcement Officers Safety Act as Amended by the National Defense Authorization Act of 2013 (Jan 2, 2013)

§ 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 or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice);

(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 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 that identifies the employee as a police officer or law enforcement officer of the agency.

(e) As used in this section, the term "firearm"--

(1) except as provided in this subsection, has the same meaning as in section 921 of this title*;

(2) includes ammunition not expressly prohibited by Federal law or subject to the provisions of the National Firearms Act; and

(3) does not include--

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

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

(C) any destructive device (as defined in section 921 of this title).

(f) For the purposes of this section, a law enforcement officer of the Amtrak Police Department, a law enforcement officer of the Federal Reserve, or a law enforcement or police officer of the executive branch of the Federal Government qualifies as an employee of a governmental agency who 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 or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)."

§ 926C. CARRYING OF CONCEALED FIREARMS BY QUALIFIED RETIRED 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 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) separated from service in good standing from service with a public agency as a law enforcement officer;

(2) before such separation, 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 or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice);

(3)(A) before such separation, served as a law enforcement officer for an aggregate of 10 years or more; or

(B) separated 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) during the most recent 12-month period, has met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers, as determined by the former agency of the individual, the State in which the individual resides or, if the State has not established such standards, either a law enforcement agency within the State in which the individual resides or the standards used by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State;

(5)(A) has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental health and as a result of this finding will not be issued the photographic identification as described in subsection (d)(1); or

(B) has not entered into an agreement with the agency from which the individual is separating from service in which that individual acknowledges he or she is not qualified under this section for reasons relating to mental health and for those reasons will not receive or accept the photographic identification as described in subsection (d)(1);

(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 separated from service as a law enforcement officer that identifies the person as having been employed as a police officer or law enforcement officer and 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 active duty standards for qualification in firearms training as established by the agency 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 separated from service as a law enforcement officer that indicates the person as having been employed as a police officer or law enforcement officer; and

(B) a certification issued by the State in which the individual resides or by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State that indicates that the individual has, not less than 1 year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State to have met--

(I) the active duty standards for qualification in firearms training, as established by the State, to carry a firearm of the same type as the concealed firearm; or

(II) if the State has not established such standards, standards set by any law enforcement agency within that State to carry a firearm of the same type as the concealed firearm.

(e) As used in this section--

(1) the term "firearm"--

(A) except as provided in this paragraph, has the same meaning as in section 921 of this title*;

(B) includes ammunition not expressly prohibited by Federal law or subject to the provisions of the National Firearms Act; and

(C) does not include--

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

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

(iii) any destructive device (as defined in section 921 of this title); and

(2) the term 'service with a public agency as a law enforcement officer' includes service as a law enforcement officer of the Amtrak Police Department, service as a law enforcement officer of the Federal Reserve, or service as a law enforcement or police officer of the executive branch of the Federal Government.

*** The definition of FIREARM under 18 USC 921(a)(3)**

(3) The term "firearm" means

(A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive;

(B) the frame or receiver of any such weapon;

(C) any firearm muffler or firearm silencer; or

(D) any destructive device.

Such term does not include an antique firearm.

*****END OF FEDERAL VERSION OF LEOSA*****

CODE OF MASSACHUSETTS REGULATIONS

TITLE 515: DEPARTMENT OF STATE POLICE

CHAPTER 6.00: LAW ENFORCEMENT OFFICERS SAFETY ACT TRAINING AND QUALIFICATION STANDARDS AND INSTRUCTOR CERTIFICATION

515 CMR 6.01

6.01: Purpose

The purpose of 515 CMR 6.00 et seq. is to provide rules and regulations governing the certification of qualified retired law enforcement officers, instructors, and course curricula for the purpose of complying with the Law Enforcement Officers Safety Act of 2004.

515 CMR 6.02

6.02: Definitions

As used in 515 CMR 6.00:

Colonel. The Colonel of the Massachusetts Department of State Police or his or her designee.

LEOSA. Law Enforcement Officers Safety Act of 2004 as codified in Chapter 44 of Title 18, of the United States Code.

LEOSA Card. The Law Enforcement Officers Safety Act Training and Qualification Card, which shall serve as proof of training certification issued pursuant to 515 CMR 6.00.

LEOSA Instructor. A firearms instructor certified by the Colonel to issue a LEOSA Card to a qualified retired law enforcement officer.

LTC. License to Carry Firearms, as set forth in M.G.L. c. 140, § 131.

MPTC. Municipal Police Training Committee.

NRA. National Rifle Association.

Qualified Retired Law Enforcement Officer. An individual who:

- (a) retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability;
- (b) 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;
- (c) 1. before such retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more; or
2. 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;
- (d) has a nonforfeitable right to benefits under the retirement plan of the agency;
- (e) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and;
- (f) is not prohibited by Federal law from receiving a firearm.

Student: A qualified retired law enforcement officer taking a LEOSA course.

Valid Retired Law Enforcement Officer Identification Card: A card issued pursuant to 501 CMR 13.00 *et seq.*

515 CMR 6.03

6.03: LEOSA Instructor Certification

(1) Requirements. For certification as a LEOSA Instructor, a person shall provide documentation of:

(a) A valid LTC; and

(b) Current status as at least one of the following:

1. a Law Enforcement Firearms or Personal Protection Instructor from the NRA or other nationally recognized organization that teaches personal protection, practical handgun skills and the proper use of force with a firearm, or a firearms instructor certified by such organization;

2. a federal, state or municipal law enforcement firearms instructor;

3. a United States military firearms instructor;

4. a firearms instructor of the MPTC, or a firearms instructor certified by the MPTC;

5. a firearms instructor of a firearms manufacturer or its academy, or a firearms instructor certified by such academy; or

6. any other person, in the discretion of the Colonel, competent to give instruction in a LEOSA course which may include any person who operates a firearms training program as described in 515 CMR 6.04.

(2) Basic Firearms Safety Instructors. Certification as a Basic Firearms Safety Instructor in accordance with 515 CMR 3.00 is separate and distinct from LEOSA Instructor certification. Basic Firearms Safety Instructor certification does not guarantee LEOSA Instructor certification nor is it a prerequisite for such certification.

(3) Application. An application for certification as a LEOSA Instructor can be obtained by writing to the Department of State Police, Licensing Unit, 470 Worcester Road, Framingham, MA 01702 or by visiting www.mass.gov/msp. Upon completing the application and submitting the application fee, as set forth in the application, and required documentation, the package can be mailed or delivered to the same address. The Colonel may require additional verifying or other information, such as suitability information, as deemed necessary before issuing certification. Certification or non-approval will be mailed to the applicant.

(4) Instructor Certification. Certification as a LEOSA Instructor shall be valid for a period of ten years, unless sooner revoked for failing to meet the licensing standards for a LTC. LEOSA Instructor standards, or because of unsuitability, in the discretion of the Colonel. Each LEOSA Instructor's Certificate shall be on a form prescribed by the Colonel and shall be designated a unique number.

(5) Certified Instructor Obligation. The LEOSA Instructor shall:

- (a) Require students to complete an application prescribed by the Colonel to be completed upon certification. The application, signed and dated by the student, shall be maintained by the instructor for a period of one year. A copy of the application may also be given to the student.
- (b) Ensure before or on the course date that the student has in his or her possession, a valid retired law enforcement officer identification card issued by the law enforcement agency from which the student retired, pursuant to 501 CMR 13.00, and indicates at a minimum that the officer is an otherwise qualified retired law enforcement officer.
- (c) Ensure before or on the course date that the student has in his or her possession, a valid license to carry issued pursuant to M.G.L. c. 140, § 131.
- (d) Forward information regarding students who successfully complete the instructor's LEOSA course on a separate form prescribed by the Colonel to the Department of State Police, Licensing Unit, 470 Worcester Road, Framingham, MA 01702.
- (e) Forward information regarding students who do not successfully complete the training and qualification course to the Colonel and the law enforcement agency from which the student obtained his or her valid retired law enforcement officer identification card.
- (f) Issue the LEOSA Card, on a form prescribed and authorized by the Colonel, to the student upon successful completion of the training and qualification course.
- (g) Forward a copy of each student's LEOSA Card to the law enforcement agency from which the student is retired.

515 CMR 6.04

6.04: LEOSA Firearms Course Curriculum Approval Certification

(1) LEOSA Firearms Course Curriculum Criteria. A curriculum for a LEOSA course shall include but not be limited to the following:

- (a) A LEOSA course shall use pistols and/or revolvers of the kind commonly carried concealed by law enforcement officers as the primary subject matter of the curriculum.
- (b) All qualification courses fired by the student shall be conducted using a firearm of the type, whether semi-automatic or revolver, to be carried by the qualified retired law enforcement officer under the authority of the LEOSA.

(2) LEOSA Approved Firearms Courses. Courses will be approved on an individual basis at the discretion of the Colonel. A list of approved courses will be available on the website of the Department of State Police and by request. All such courses shall include a minimum of the following:

- (a) Not less than four hours of training which shall include: a review of safe handling and the proper use of firearms and legal responsibility of improper or negligent use; a review of Massachusetts law pertaining to carrying a firearm; a review of the conditions and limitations of the Law Enforcement Officers Safety Act of 2004; and a firearms proficiency test.
- (b) The firearms proficiency test shall be conducted using the type of firearm to be carried by the qualified retired law enforcement officer upon LEOSA certification. The proficiency test shall meet or exceed the following criteria:

1. The course of fire must be considered a generally accepted police qualification course consisting of at least 50 rounds of duty-type ammunition on a variable distance, multi-position course.
2. A minimum of 10% of the rounds must be fired at a distance of ten yards or greater.

3. The course shall include stages fired at different distances to determine overall proficiency; including, but not limited to marksmanship, safety, and weapon operating procedures.

4. Minimum firing stages include ten, and five yards. No stages shall be fired closer than three yards and at least one stage shall be fired at ten yards or greater distance.

5. Target requirements: MPTC or other law enforcement training and qualification "Q" target or similar law enforcement qualification target.

6. Minimum passing score of 40 hits or 80%.

(3) Issuance of LEOSA Course Curriculum Approval Certification. For courses not listed on the website of the Department of State Police, a LEOSA course curriculum approval application can be obtained by writing to the Department of State Police, Licensing Unit, 470 Worcester Road, Framingham, MA 01702. The application can be mailed or delivered to the same address. A letter approving the course or denying approval will be mailed to the applicant.

(4) LEOSA Firearms Training and Qualification Card. Certificates of completion in the form of a wallet sized card or a card capable of being folded into a wallet size shall be provided by the certified LEOSA instructor to the student upon successful completion of a LEOSA approved firearms course pursuant to 515 CMR 6.04. All such cards shall be in a form prescribed and authorized by the Colonel and shall contain the following information:

(a) The fact the course was approved in accordance with 515 CMR 6.04;

(b) That the card is evidence that the person named on the card has completed the required training in accordance with 515 CMR 6.04 and 18 U.S.C. § 926C;

(c) That the card is valid for 12 months from the date on which the course was completed with prominent display of the date of expiration;

(d) Prominent display that the certificate is only valid for purposes of 18 U.S.C. § 926C when presented with a valid retired law enforcement officer identification card.

(e) Name and date of birth of the student;

(f) Name of the law enforcement agency from which the student retired;

(g) Date of course completion;

(h) Certified LEOSA instructor's typed or printed name, signature, and LEOSA Instructor Certification number.

515 CMR 6.05

6.05: Severability Clause

If any article, section, subsection, sentence, clause or phrase of 515 CMR 6.00 is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Colonel of the Massachusetts State Police or otherwise inoperative, such decision shall not affect the validity of any other article, section, subsection, sentence, clause or phrase or 515 CMR 6.00.

****END OF THE MASS. LEOSA VERSION****

Confusing Issues

The differences for retired or former officers found between the version passed and amended by Congress and the version promulgated in Massachusetts should be reviewed as it may affect your ability to meet the requirements to qualify for a LEOSA document. Let's first take a look at the biggest differences which apply to defining a "Qualified Retired Law Enforcement Officer".

Federal law stipulates you must have:

- "separated from service in good standing from service with a public agency as a law enforcement officer;" AND
- before such separation, 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 or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice); AND
- before such separation, served as a law enforcement officer for an aggregate of 10 years or more; or separated 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.

The wording in the Mass. CMR was very close to the original version of LEOSA however it was never updated to keep pace with the 2010 and 2013 amendments made to the federal law. The Mass. CMR requires the individual to have:

- **RETIRED** in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability;
- 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;
- **has a non-forfeitable right to benefits under the retirement plan of the agency;**

The obvious issues here are the difference between "separated in good standing" after 10 years as opposed to "retired with non-forfeitable rights to benefits" with at least 15 years. Whether by neglect or deliberate oversight, our state has muddied the waters. While the federal amendment removing the "retirement" requirement may have been well meaning, the lack of supporting language requiring the issuance of photographic ID cards to these individuals makes it meaningless. More on ID card issues later.

Another issue applies to campus police officers working for a private college or university. Since they are not employed by a "governmental" or "public agency", they cannot meet the requirements for LEOSA either as an active or retired law enforcement officer. It is not right but that's the way the law is written.

LEOSA applies to most other active and retired Law Enforcement Officers with no regard as to full time, part time, reserve or auxiliary/volunteer status. It also applies to military and DOD police and law enforcement officers who have/had statutory power of arrest. Amendments to the laws have included active law enforcement officers of the Amtrak Police Department, Federal Reserve, and executive branch of the Federal Government, even if they lack statutory powers of arrest. But because of a failure to remain consistent with the language used in both parts of the statute, those without arrest authority or did not work for a government agency are usually unable to qualify upon separation.

An argument frequently raised by agencies hostile to LEOSA is that an individual must possess both law enforcement authority and agency authorization to carry a firearm while off duty in order to qualify for LEOSA. In one of the few cases to examine this issue, *People v. Booth*, 862 N.Y.S. 2d 767, (NY. Co. Ct. 2008), the defendant, a Coast Guard reservist, was charged with the crime of Criminal Possession of a Weapon in the Second Degree after a loaded handgun was found in a compartment underneath the seat of the vehicle in which he was traveling. Even though Booth was off duty at the time of his arrest and did not possess agency authority to carry while off duty, the Court found that Booth's duties in the Coast Guard, which were defined "as the prevention, detection, [and] investigation of violations of the law" as well as his "authority and duty to arrest violators" and qualification to carry a firearm, despite its time and place restrictions, qualified him for LEOSA and exempted him from prosecution under New York State Law.

Failing to recognize LEOSA's preemptive authority over state law has been embarrassing to some state entities. In *People of the State of California v. Jose Diaz*, (Cal. Sup. Ct. 2007), a Coast Guard boarding officer was arrested under California Code § 12031(A)(1) for carrying a loaded firearm in his vehicle while in a public place. At the time of his arrest, Diaz was traveling with a cased firearm and loaded magazine in the back seat of his automobile. The charge was dismissed on oral motion by the prosecutor after it became evident to the City that LEOSA preempted Diaz's prosecution. Diaz sued for a violation of his civil rights and won an out of court settlement of \$43,500 and a change in training policy.

Photographic ID Issues

As members of the Coast Guard, both Booth and Diaz qualified for LEOSA prior to the 2013 amendment to the statute. With the new language, however, they likely would not.

On Jan. 2, 2013, LEOSA was amended to specifically allow for active and "retired" (as defined by LEOSA) military and DOD police and law enforcement officers with UCMJ (Uniform Code of Military Justice) apprehension authority to qualify for the statute. Also included in the amendment was language mandating that all QLEOs now carry a photographic identification card that "identifies the employee as a police or law enforcement officer of the agency," and

that QRLEOs carry a photographic ID "that identifies the person as having been employed as a police or law enforcement officer."

Because several federal agencies have not updated their policies on ID's, many federal law enforcement retirees cannot qualify, and those that previously did, may not be able to in the future as they cannot obtain the requisite photographic identification card. A standard CAC or blue retiree card will not work for LEOSA purposes. Another major failure of LEOSA is the lack of wording requiring an agency (or governing body) to issue a photographic ID or the individuals explicit right to obtain one. While this has been an issue in several states, here in Massachusetts 501 CMR 13.04 clearly states "The chief law enforcement officer for a law enforcement agency SHALL (emphasis added) issue an identification card to a qualified retired law enforcement officer, as defined in 501 CMR 13.03." The only issue that has been noted is the reluctance of some chiefs to issue a retired ID to reserve or special officers. Ironically these officers are collecting their retirement under a 457b Deferred Compensation plan which the IRS has determined is a "retirement" payment. Officers who left the department with 10+ years of honorable service but without a retirement are probably going to have a difficult time getting a ID card here in Massachusetts. The only case law at the time of this writing which applies to the failure of a Chief to issue an ID card is **Frawley v. Police Commissioner of Cambridge (473 Mass. 716, 46 NE 3d 504 - Mass: Supreme Judicial Court, 2016)**.

Your Legal Obligation Under LEOSA

Retirees carrying under the authority of the Law Enforcement Officers Safety Act (LEOSA) should bear in mind they have done their time and there is NO expectation that they should throw themselves into the fray. However, in the event they find themselves in the vicinity of a crime in progress, OBSERVE, EXIT, and REPORT if possible. None of us want to be reminded that we are not 25 years old anymore and that tactically and perhaps physically, we are not in a supremely wonderful position to effectively interdict a crime in progress. We probably have limited ammunition, no vest, no long gun, no radio, no authority, and no back up coming to assist us. More importantly, we no longer enjoy a civil umbrella of protection as we did when we were on the job. If we take action with complete justification, we will be on our own for whatever civil litigation might follow which is likely to cost hundreds of thousands of dollars even if successful.

With all that being said, there will be times that a retired officer will view conditions so desperate they will find themselves compelled to engage. Your use of deadly force must meet the legal criteria of your locale. As a rule of thumb – **a retiree should be discouraged from engaging with deadly force unless it is as a last resort to protect their own life, the lives of their family and/or loved ones, or others from someone who is presenting an imminent threat of inflicting death or serious bodily injury.**

For years you have looked at the use of force from the perspective of a law enforcement officer. Now that you are retired, your use of deadly force will be judged under the standards established in the landmark case of *Commonwealth v. Klein* (372 Mass. 823 (1977)). Fortunately not much will change.

First, the court defined the use of deadly force as, “force intended or likely to cause death or great bodily harm. This tracks with our long-standing definition of a “dangerous weapon,” viz.: an instrument that is likely to produce death or serious bodily injury.” The court next looked at when deadly force could be justified. Here they determined “in order to create a right to defend oneself with a dangerous weapon likely to cause serious injury or death, it must appear that the person using the weapon had a reasonable apprehension of great bodily harm and a reasonable belief that no other means would suffice to prevent such harm.” Finally the court looked to the Model Code of Penal Justice § 3.07 which is substantially identical to Section 120.7 of the Model Code of Pre-Arrest Procedure (1975) which is the standard for law enforcement as determined by *Julian v. Randazzo* (380 Mass. 391 (1980)). It says:

The use of force is not justifiable under this Section unless:

"The use of *deadly force* is not justifiable under this Section unless:

- (i) the arrest is for a felony; AND
- (ii) the person effecting the arrest is authorized to act as a peace officer or is assisting a person whom he believes to be authorized to act as a peace officer; AND
- (iii) the actor believes that the force employed creates no substantial risk of injury to innocent persons; AND
- (iv) the individual believes that:
 - (1) the crime for which the arrest is made involved conduct including the use or threatened use of deadly force; OR
 - (2) there is a substantial risk that the person to be arrested will cause death or serious bodily harm if his apprehension is delayed."

Most importantly the court noted “in the interest of curbing the promiscuous use of firearms, and the unnecessary and dangerous use of deadly force in the community, we have now set limits applicable to arrests by private persons.”

Range Safety

Safety is paramount – your weapon(s) and equipment will be inspected;

Any weapons, ammo and holsters which may create safety concerns will be addressed prior to loading of magazines and weapons.

Holsters shall be concealment holsters - not be your old duty holster.

Dress to conceal the weapon which enhances the tactical edge and introduces realism into this training.

Proper shot placement (upper respiratory, central nervous system hits as well as head shots)

will be emphasized.

The course of fire utilizes realistic distances and movement, reloading and use of cover.

For additional Safety Rules and the course of fire, see the document in the back of this study guide.

Proficiency

Your ability to carry nationwide hinges on your meeting the same standard as an active officer of your former agency. As such, retirees must achieve the identified minimum score (80%) and demonstrate the ability to handle the firearm in a safe manner. It is strongly suggest that you practice prior to attending the live fire range session. You will be evaluated on your safe gun handling skills (safely draw, handle & return the weapon to the holster) as well as your numerical score. Under the state's qualification standards, you are allowed only 3 attempts to qualify. If you fail to meet the qualification standard in those 3 attempts, you will be required to return on another day to try again. The natural process of aging can diminish the skills of even the best gun fighters. For the instructor, the toughest part of the class may be to take aside an elderly retiree who cannot meet the mandatory requirements and explain to them why they will not be issued a card.

Places Where LEOSA Does Not Apply

Another area rife with confusion is where an individual may NOT carry under the protections afforded by LEOSA. Despite its intent, LEOSA does not preempt all state laws. Specifically written into the statute are several areas considered off limits to those carrying under LEOSA. These include private property posted by the owner and restrictions imposed on federal, state or local government property, installations, buildings, and parks. What is not included in the statute is where problems may arise.

Under 18 U.S.C. § 930(a) an individual is prohibited from possessing or attempting to possess a firearm in a federal facility, which is broadly defined in the statute to include "a building or part thereof owned or leased by the federal government, where federal employees are regularly present for the purpose of performing their official duties."

While the ban on possession in federal facilities appears to be well understood and recognized by those carrying under LEOSA, carrying on federal park lands and through so called Gun Free School Zones (GFSZ) are not. If you think this is no big deal - think again. In a typical urban area such as Boston, draw a 1000 foot circle around every day care, kindergarten, elementary school, junior high, high school, college, university and other education related buildings. Now mark out parks, zoos and other recreational areas and see what is left. Most cities are so laden with GFSZs that it is virtually impossible to travel anywhere without inadvertently passing through one of them.

The conflict here is a specific exemption exists for possession and carrying a firearm in National Parks and within GFSZs (36 CFR §§ 2.4(e) & (h), 18 U.S.C. § 922(q)) which allows an individual carrying concealed ***in accordance with the laws of the state in which the federal park or GFSZ is located*** to carry concealed firearm in them. The issue is an individual carrying under LEOSA is carrying under federal law and not in accordance with the laws of the state they are in. The authors of LEOSA neglected to include an exemption for these areas. In short, this means that you are not exempted from carrying a concealed firearm in these areas UNLESS you are on official duty (in the case of an active officer) or possess a valid and qualifying state-issued concealed carry permit.

While it was once reasonable to assume that professional courtesy would eliminate the probability of prosecution based on a violation in one of these areas, that is not necessarily the case anymore. At least one retired officer has been charged while walking through an alleged GFSZ in New York City. It is not unreasonable to expect any better treatment here in Massachusetts given the current political climate. While not a 100% solution, taking the Utah Concealed Carry Permit program which has reciprocity in 27 other states may be your best bet. If your travels are confined to New England, Maine, New Hampshire and Rhode Island have Non-Resident permits which would cover you.

What You Can Carry

LEOSA specifically prohibits certain firearms such as machineguns and destructive devices, as well as silencers, but the law is silent on other types of firearms. Many assume that the law only applies to handguns because it specifically talks about “concealed carry”. A closer look at the law and its legislative history tells a different story.

During initial debate in the House on this issue, Rep. Bobby Scott (D-VA) proposed an amendment to add "semi-automatic assault weapons" to the firearms excluded from exemption under the statute, arguing, "Since we have decided that people, without authority to carry firearms, even in their own agency, who may have no training, can carry concealed weapons in violation of the local ordinances and local agency regulations, we just want to make sure that this bill does not allow them to carry military assault weapons concealed in violation of local laws and regulations." **Scott's amendment was rejected.** Furthermore, in his dissenting view of the equivalent Senate bill, Sen. Ted Kennedy (D-MA) made clear that this Act is not limited only to the possession of handguns. This clearly demonstrates that Congress intended LEOSA to apply to all firearms except those specifically exempted.

Lastly, let us look at the federal definition of “firearm”. Under 18 USC §921(a)(3), the term “firearm” means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device.

Such term does not include an antique firearm. §§926B and 926C both specifically exclude machine guns, silencers and destructive devices. Since Congress obviously looked closely at this definition and made no mention of rifles and shotguns not being included in the term firearm, we must presume they are covered.

One work of caution here – the law specifically gives you the right to carry a “concealed firearm”. The operative work being ‘concealed’. This suggests that if you were to apply this to a rifle or shotgun, it would also have to be carried concealed.

Annual Qualification

A cottage industry of instructors claiming to possess the ability to perform LEOSA qualifications has emerged in the past few years and with them, many misconceptions and misinterpretations of the law. One of these is that the retiree must qualify with each weapon they intend to carry. While this may be true for active duty officers falling under §926B and who must meet their agency’s qualification standard, it is not true for a retiree who falls under §926C. In this section it specifically states the individual must “met the active duty standards for qualification in firearms training, as established by the State, to carry a firearm **of the same type** as the concealed firearm...” (emphasis added)

A logical person would interpret this to mean if you desire to carry a semi-auto on your LEOSA credentials, you should qualify with a semi auto. Same story with carrying a revolver. That is why if you wish to be certified to carry both a semi auto and a revolver, we want a qualification score with each type of handgun. It could be further suggested that if you feel you want to carry a concealed rifle or shotgun (SBR / SBS), you should qualify with each one of those as well to cover your bases. This is a gray area and other instructors may feel differently.

STATE LAWS AFFECT YOUR ABILITY TO CARRY UNDER LEOSA

LARGE CAPACITY MAGAZINES - One of the biggest pitfalls to carrying nationwide is the myriad of gun laws you will have to abide by as you go from state to state. Regrettably, LEOSA has not addressed many of these so it is up to you to know what you can and cannot have as you travel. For instance, if you own and carry a Glock 19 with 15 round magazines which you purchased long before the Massachusetts Gun Control Act of 1998 you are grandfathered on the possession of high capacity magazines. Drive across the border into Connecticut with that magazine and you are unlawfully in possession of a large capacity magazine. If you are driving to Florida, consider the implications of traveling through New York, New York City (which has its own draconian laws), New Jersey, Maryland and the District of Columbia. The list below gives you a good idea of where to stay away from.

Continued...

State	For Use w/ Which Firearms	Legal Magazine Capacity
California	All Firearms	10 rounds
Colorado	All Firearms	15 rounds
Connecticut	All Firearms	10 rounds
District of Columbia	All Firearms	10 rounds
Hawaii	Handguns Only	10 rounds
Maryland	All Firearms	10 rounds
Massachusetts	All Firearms	10 rounds
New Jersey	All Firearms	15 rounds
New York	All Firearms	10 rounds

The state of California passed legislation which will outlaw all magazines with a capacity greater than 10 rounds which is effective July 1, 2017. Several groups argued the law would confiscate personal property without compensation and the appellate court agreed and stayed the effective date of the law until it could be heard by a higher court. At this time no final decision has been made.

MUNICIPAL MAGAZINE BANS *These municipalities and counties have enacted magazine bans which will affect your ability to carry a large capacity magazine there...*

Los Angeles, California	San Francisco, California	Sunnyvale, California
Denver, Colorado	Cook County, Illinois	Aurora, Illinois
Chicago, Illinois	Oak Park, Illinois	Albany, New York
Buffalo, New York	New York, New York	Rochester, New York

NEW JERSEY HOLLOW POINT BAN

Unless you are on your own property or hunting, the possession of hollow point ammunition in New Jersey is a felony. This has long been an issue for out of state active and retired officers traveling through the Garden State. Even NJ police officers who carry off duty must exchange their hollow point ammo for FMJ or jacketed soft points when they go off duty. The 2013 amendment to LEOSA addressed this conflict by specifically allowing any ammunition not specifically prohibited by federal law or subject to the provisions of the National Firearms Act. Sadly, New Jersey has continued to prosecute the possession of hollow point ammo and does not recognize the exemption specifically state in LEOSA. This will most likely continue until someone with deep pockets and an urge to fight city hall decides to fight it all the way up the appeal process.



THE NEW YORK "SAFE ACT"

Massachusetts is not alone in passing confusing gun laws. New York state passed the "SAFE Act" in 2013. The Act included a high-capacity magazine provision, provided that beginning on April 15, 2013, only magazines with a capacity of seven rounds could legally be sold in New York. The Act allowed ten-round magazines purchased before that date, but made it illegal to load more than seven rounds of ammunition into a ten-round magazine, except "at an incorporated firing range or competition recognized by the National Rifle Assn or International Handgun Metallic Silhouette Association." Historic or antique guns (defined as those manufactured more than fifty years ago) were exempt from this requirement. The magazine provisions were struck down by Judge Skretny in 2013, and this ruling was upheld by the U.S. Court of Appeals for the Second Circuit in 2015, making it so "gun owners can legally load 10 rounds in a 10-round magazine." Neither the Act nor the subsequent court cases affected New York's pre-existing ten-round magazine limit

The SAFE Act was recently amended. The amendments include the following changes to the law:

- Suspending the requirement that only magazines that can contain 7 rounds or less can be purchased. Going forward, magazines can be purchased that can contain up to 10 rounds. Magazines may only contain up to 7 rounds regardless of their capacity, unless you are at an incorporated firing range or competition, in which case you may load your magazine to its full capacity.
- Clarifying that active law enforcement continues to be exempt from the prohibitions on the possession of high capacity magazines, assault weapons, and magazines containing more than 7 rounds, as well as the law prohibiting weapons on school grounds.
- Ensuring that local safe storage laws are not preempted by the SAFE Act.

To be on the safe side (no pun intended), it is wise to carry a revolver or single stack magazine semi auto pistol when traveling to avoid this pitfall.

CASE LAW

RONALD EUGENE DUBERRY, APPELLANTS V. DISTRICT OF COLUMBIA, APPELLEES

Decided: June 3, 2016

Why it matters: In a 2 - 1 decision, the U.S. Court of Appeals for the Washington D.C. Circuit **extended the right of retired law enforcement officers to carry concealed weapons under LEOSA to retired corrections officers.**

The Facts: Four retired D.C. correctional officers from the D.C. and Maryland area sought to carry concealed weapons because they "frequently encountered former inmates in public." They allege that under the LEOSA, they are qualified retired law enforcement officers who each retired in good standing after working for ten years or more for the D.C. Department of Corrections.

The appellants applied to receive the required firearms certification from a qualified instructor, but were denied on the grounds that a career as a correctional officer did not fulfill the criteria and definition required by LEOSA because D.C. law gave correctional officers neither law enforcement status nor "arrest authority."

Conclusions: Each appellant worked at least 10 years for the Department of Corrections, and each officer carried a photo ID confirming their retired status. **The courts decided that because their roles as corrections officers gave them the authority to "arrest and apprehend, and to act in a law enforcement capacity," they indeed qualified to be protected under the LEOSA.**

JAMES ROGER THORNE v. UNITED STATES

Decided: November 15, 2012

Why it matters: The Court declared private security guards are not protected by LEOSA.

The Facts: James Roger Thorne of Washington, D.C. was convicted for carrying a pistol without a license, possession of an unregistered firearm, and unlawful possession of ammunition.

Thorne worked for a company called Alexandria Security Patrol Corporation, which hired him as a "special conservator of the peace (SCOP)." His job description offered him some authority to act in a law enforcement capacity, including the power to make arrests and to carry a gun on duty. Because of his job, the defendant argued that he should be protected from prosecution for carrying an unregistered firearm and ammunition by the LEOSA.

First, the defendant argued that the Alexandria Security Patrol Corporation was a government agency because it was a "criminal justice agency," and thus he should be protected under LEOSA. The Court replied that there was a distinct difference between a private corporation and government/state police agencies, and said there was "no authority" to consider the corporation a government agency.

Conclusions: The defendant was employed by the Alexandria Security Patrol Corporation, which the court decided was a private business entity and not a branch of government. **Because the defendant did not demonstrate that he is an employee of a governmental agency, he is not entitled to the protection of LEOSA. *This is why campus police officers at private colleges & universities cannot fall under LEOSA.***

THE PEOPLE OF THE STATE OF NEW YORK VS. BENJAMIN L. BOOTH

Decided: May 29, 2008

Why it matters: Before the LEOSA was amended in 2013 to include qualified military personnel if they possessed an approved photo ID, this case affirmed the privileges of Coast Guard members to carry concealed weapons if they met other criteria.

The Facts: Defendant Benjamin L. Booth was stopped for driving 40 mph in a 30 mph zone. An officer searched his vehicle and found a loaded Glock handgun under the driver's seat. The magazine contained 12 rounds, with an additional round in the chamber. The defendant stated he did not have a license to possess a firearm.

After being arrested, brought to the station and being read his Miranda rights, the defendant stated that he had received a waiver from the Coast Guard to use the firearm to practice shooting.

Lieutenant Benjamin W. Stevenson of the U.S. Coast Guard testified regarding the duties of the defendant as a member of the Coast Guard. According to Stevenson, the defendant was permitted to carry a weapon when conducting operations for the Coast Guard. He was required to be in uniform and carry a badge and ID card while conducting operations. The defendant was also authorized to make arrests and take part in law enforcement. His authority to carry a weapon did not extend beyond his role as a member of the Coast Guard, and he was not permitted to carry a concealed weapon while out of uniform.

Conclusions: Although the defendant broke the rules of the U.S. Coast Guard by possessing a handgun without a license, he is exempt from prosecution from New York State Law as a result of LEOSA. The evidence presented at the hearing showed that Booth was a qualified LEO who possessed photographic ID issued by the Coast Guard. As the defendant was fully qualified as an officer of the law and met all of the necessary criteria outlined by LEOSA, he is exempt from prosecution.

THE PEOPLE OF THE STATE OF NEW YORK v. ARTHUR RODRIGUEZ

Decided: 2006

Why it matters: Though constables are elected officials and paid as "independent contractors," the **Court decided they were employed by the executive branch and thus qualify for LEOSA privileges.** This case showed that the court was willing to take a broad definition of what qualified as a law enforcement official.

The facts: Arthur Rodriguez was a full-time construction worker who was also employed as a Pennsylvania State Constable: an elected position that was essentially paid like an independent contractor. He was arrested in New York City for the criminal possession of a weapon.

Rodriguez testified that he was qualified, certified, and authorized to carry a weapon in his home state, and as a constable, could make arrests and enforce the law.

Conclusions: The Court dismissed the charge after applying LEOSA to these guidelines. According to their opinion, Rodriguez qualified as a government employee and was thus protected from prosecution by the State of New York.

FREQUENTLY ASKED QUESTIONS

How long is the certification good for?

One year from date of issue.

Is this certification good in all 50 states?

Yes.

What criteria does a retired/separated law enforcement officer need to meet in order to apply for LEOSA?

1. Must have been retired or separated in good standing from service with a public agency as a law enforcement officer, for reasons other than mental inability.
2. Prior to the separation was authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or incarceration of any person for any violation of law, and had the statutory powers of arrest
3. Before the separation was employed as a law enforcement officer for aggregate of 10 years or more service. OR,
4. Was separated from the agency due to a service-connected disability, as determined by such agency. Provided, that any applicable probation period had been completed prior to the separation.
5. Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
6. Is not prohibited by Federal law from possessing a firearm.
7. Is not prohibited by State law from possessing a firearm.
8. Possess a photographic identification issued by the law enforcement agency for which the individual has retired or separated.

I was a military police officer or Department of Defense police officer, am I eligible for LEOSA?

Yes, as long as you meet LEOSA certification requirements. If you apply we need a copy of your DD214 and a military photo identification card or other proof that you had arrest/apprehension powers as part of your job. You must have a minimum of 10 years service as an MP or police officer. If you were a member of the U.S. Air Force, they conduct their own LEOSA qualifications, [please follow this link](#).

Can a Mass. LEOSA instructor refuse to issue a LEOSA firearms certification to me? Yes

Why?

The Commonwealth of Massachusetts has established criteria for LEOSA instructors to follow when conducting training /qualification programs for LEOSA. If the applicant does not meet these requirements, the instructor may not issue the LEOSA Certification document.

501 CMR 13.05 requires a retiree have a retired ID card issued by the agency they retired from in order

to be eligible for LEOSA training/qualification pursuant to 515 CMR 6.00.

515 CMR 6.03(5) sets the requirements for an applicant for LEOSA qualification/training -

1. Complete the required application;
2. Have a Retired Law Enforcement ID card meeting the requirements of 501 CMR 13;
3. Has a valid Mass. License to Carry Firearms;

515 CMR 6.04(2) sets the course of fire requirements including -

1. Complete the 4 hour training class;
2. Fire the approved course of fire with a firearm of the type to be carried under the LEOSA certification;
3. Fire at least 50 rounds of duty type ammunition;
4. Fire at least 10% of the rounds from 10 yards or greater;
5. Demonstrate proficiency in marksmanship (minimum score of 80% required);
6. Demonstrate proficiency in firearm safety and weapon handling

My ex-spouse got a court ordered protection order against me for a domestic violence incident. Am I still eligible to carry under LEOSA?

No. If you are subject to a court order from any state that restrains you from harassing, stalking or threatening someone you are ineligible.

Does the LEOSA certification allow me to carry a firearm on an airplane?

No. Carrying firearms on an aircraft is regulated by Federal statutes and airline policy.

If I have a LEOSA Certificate can I carry a gun into a business that does not permit firearms?

No. Owners of private property are allowed to post the property "no guns allowed" and you must comply. Protest with your wallet – take your business to their competition.

What am I supposed to do if I have a LEOSA Certificate and am stopped by a law enforcement officer while I'm carrying a concealed firearm?

Federal law requires you to have a Retired ID card issued by your former agency and not be under the influence or any other prohibiting factor.

Massachusetts law requires you to have your Retired ID card IN ADDITION to your valid License to Carry Firearms AND your LEOSA Qualification Certification card. (and not be under the influence, etc.)

Is the exemption provided by LEOSA absolute – can I now carry anywhere and at any time?

No. When carrying in a particular state **you are subject to their carry concealed laws and other restrictions such as magazine capacity**. LEOSA does not exempt individuals from federal laws or regulations that restrict the carrying of firearms onto aircraft or other common carriers, or on the premises of federal buildings, property, or national parks. LEOSA does not exempt an individual from state laws that allow persons to prohibit firearms on private or public property. We recommend that you consult an attorney if you have questions concerning the interpretation of these restrictions.

Can I carry any type of firearm or ammunition under LEOSA?

It depends. LEOSA a qualified retired law enforcement officer to carry a concealed firearm subject to the provisions of the law which specifically excludes machine guns, silencers, explosives and other destructive devices as defined under Federal Law. Federal law defines "firearm" to mean pistols, revolvers, rifles and shotguns unless otherwise prohibited by this law.

LEOSA specifically permits you to carry any ammunition NOT EXPRESSLY PROHIBITED BY FEDERAL LAW or subject to the provisions of the National Firearms Act. Some states are not following this provision (NJ).

LEOSA is silent on your ability to carry a high capacity magazine or a high capacity firearm.

Does the agency who qualifies me need to make a record of the make, model, caliber, or serial number of the firearm I qualify with?

No. LEOSA does not require the agency to maintain this information. This is a frequent concern given the statute's use of the term "type of firearm." LEOSA authorizes the carrying of a "concealed firearm" of the same "type" the individual receives certification for. As there is no case law interpreting this wording, the word "type" should be read to conform with the dictionary definition; something distinguishable as a variety. Accordingly, "type" of firearm should be read to mean either long gun or hand gun, which would permit you to carry any type of legal long gun or hand gun based on your qualification and not one particular make, model, or caliber. As an action outside of LEOSA requirements, the creation and maintenance of a database may expose the agency to liability, as discussed below.

Does the agency I retired from, or the agency that qualifies me, have any liability or concerns for qualifying me?

No, LEOSA places the liability on the individual; however, many agencies are trying to impose unjustified requirements before issuing identification cards or training certification, such as background checks. Identification cards are simply a statement of fact by the agency that the individual is either an active duty or retired law enforcement officer. Requiring additional information to obtain an identification card makes it something more, and by doing so exposes the agency to liability. The same is true for agencies which perform the firearms qualification certification. Any additional procedures required by the agency other than simply meeting their active duty standards creates a situation where the agency is certifying more than the statute requires, and in some cases, the uniformed standards qualification course/test may be seen as providing training in the use of a firearm in a law enforcement role, which may expose them to liability. Remember, LEOSA is a program for CIVILIANS who used to be cops, or cops out of their jurisdiction. LEOSA should be administered like driver's licenses issued by your state; you are just certifying that a standard was met. Your state does the same with a driver's license, showing you met their standard. If you are in a wreck while driving, your state motor vehicle department isn't liable for your actions because you have their driver's license.

The department I retired from will not give me retirement credentials, what can I do?

This is a question we are encountering far too frequently, and regrettably there is no clear guidance that can be provided. 501 CMR 13.03 states, "*The chief law enforcement officer for a law enforcement agency shall issue an identification card to a qualified retired law enforcement officer, who retired from that law enforcement agency*". Unfortunately if the Chief refuses to issue the ID, there is little you can do except take him/her to court. See *Frawley v. Police Commissioner of Cambridge* (473 Mass. 716, 46 NE 3d 504 - Mass: Supreme Judicial Court, 2016) which is the only case law available here in Mass. on this topic.

My agency will not provide me with the required firearm certification. What can I do?

You do not need to obtain the certification from your agency. Often, it is far easier to obtain the certification from another agency in the state or a qualified firearms instructor. LEOSA requires that you have, not less than one year before the date you are carrying a concealed firearm, been tested or otherwise found by the state or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that state to have met the active duty standards for qualification in firearms training, as established by the state, to carry a firearm of the same type as the concealed firearm. If your state has not established standards, standards set by any law enforcement agency within your state to carry a firearm of the same type as the concealed firearm may be used.

I meet all of the requirements contained in the statute, but I am a reserve officer. Do I qualify?

There are two sections of LEOSA which provide for the ability of Qualified Law Enforcement Officers and Qualified Retired Law Enforcement Officers to carry a concealed weapon in all 50 states. The first section deals with current law enforcement officers, and the second deals with retirees. Neither section draws a distinction between active duty and reserve officers. In 2013 the language for the "retired" section was changed to allow for individuals that meet all of the requirements of the statute and who separated after 10 years of aggregate service as a law enforcement officer (or who separated after any applicable probationary period due to a service-connected disability, as determined by the agency) but who did not formally "retire" to be "qualified retired law enforcement officers" under the statute. Accordingly, as long as an individual meets all of the requirements of the statute it makes no difference if they are active or reserve, and they would be qualified to carry under LEOSA.

What documents do I need to have when carrying concealed under LEOSA?

You must have your department issued photographic ID card and if retired, a valid LEOSA qualification card stating you have met the requirements of an active duty officer within the past 12 months at your own expense. If you are in a national park or within a "Gun Free School Zone", you must also have a state issued concealed carry permit valid for that state.

Law Enforcement Officer's Safety Act - Retiree Qualification Course

MPTC CONCEALED CARRY / LEOSA QUALIFICATION COURSE

PURPOSE:

The purpose of this course of fire is to evaluate the LEOSA retiree's ability to operate a concealed carry handgun and to serve as a qualification course of fire per 515 CMR 6.04.

GOALS & OBJECTIVES:

- Discreetly draw from the holster under stress, i.e. Ankle, Pocket, or Vest.
- All presentations will be done from concealment
- Demonstrate proper reloading techniques.
- Realize the effective range of your gun.
- Utilize cover & concealment.
- Defend his/her person while effectively stopping the attacker.
- "Shot to Stop" under stress.

COURSE OF FIRE:

The course of fire is fifty rounds (50) timed.

Distance is 10, 7, 5, 3, and 1 yard to comply with the CMR requirements for LEOSA qualification. On all stages shooters must use verbalization; the following commands are suggested: "Drop the Weapon", "Don't Move". **All presentations will be done from concealment.**

Shooters are expected to scan for additional threats prior to recovering the weapon back to the holster for the next shooting phase. It is understood that certain types of concealment options especially those affording "deep concealment" that are likely to be used in this course may make smooth one handed reholstering impossible. For that reason reholstering will not be a testable evolution however shooters will be required to reholster safely.

SCORING:

Qualification Score is 80% (40 hits) minimum for in-service and LEOSA retirees.

Score as a Pass/Fail.

MPTC 100% round accountability policy must be maintained on all stages. Each stage will be scored after completion of the stage, if the shooter fails that stage he/she will have to reshoot that stage.

Targets will be marked or replaced.

Minimum scoring for qualification is 80%. No written examination is required or should be given.

EQUIPMENT:

Appropriate clothing and concealment holster.

Eye and ear protection;

50 rounds ammunition (minimum)

(continued)

STAGES OF FIRE:

10 yards

5 rounds

30 seconds

This stage will be shot from behind cover (if available).

Load 5 rounds and have 5 rounds in a spare magazine or speed loader/speed strip.

On the command "THREAT", the shooter will take a position behind cover, draw from the holster and cover the threat using verbal commands such as "DROP THE GUN".

On the fire command, shooter will fire 5 rounds, two hands strong hold.

Reload behind cover and scan for additional threats.

On command - recover to the holster.

7 yards

5 rounds (x2)

15 seconds

This stage will be shot in two phases from behind cover (if available).

Load 5 rounds and have 5 rounds in a spare magazine or speed loader/speed strip.

On the command to fire; the shooter, will drop to a knee* behind cover, draw from the holster and fire 5 rounds, two hands strong hold.

Reload behind cover and scan for additional threats.

On command - recover to standing position and assume the "low ready" position.

On the next command to fire; the shooter will drop to a knee* and draw from the holster and fire 5 rounds, two hands strong hold **from the support side of cover**.

Scan for additional threats, reload and recover to holster.

On command – recover to the standing position.

Total time on each phase is 15 seconds.

5 yards

5 rounds (x2)

10 seconds

This stage will be shot in two phases. Shooter will start from the 3 yard line. On the command of threat, the shooter will move BACKWARDS to cover on the 5 yard line;

Drop to a knee* and draw and fire 5 rounds, strong hand (one hand) ONLY.

Reload, scan for additional threats and assume the Low Ready position.

****Standby for next command****

On next command to fire, shooter will fire 5 rounds from kneeling position in 10 seconds.

Reload while scanning for additional threats. Recover to the holster.

Stand when told to do so.

*Individuals who are unable to kneel due to medical issues may fire from the standing position.

5 yards

5 rounds (x2)

5 seconds

This stage begins with the shooter facing away from the threat (target).

On the command to fire, the shooter will pivot to address the threat, draw from concealment and fire 5 rounds in 5 seconds.

Reload immediately and scan for additional threats.

On the second command to fire, shooter will fire 5 additional rounds at their target.

3 yards

5 rounds (x2)

10 seconds

On the fire command, the shooter will draw and fire 5 rounds in 10 seconds with **dominant hand ONLY**. Immediately reload, scan and assume the LOW READY / GUN READY POSITION.

On command the shooter will transition their weapon to their SUPPORT hand.

On the next fire command, shooter will fire 5 rounds in 10 seconds **USING SUPPORT HAND ONLY**.

Scan & reload. Recover back to holster.

1 Yard

5 rounds

4 seconds

This stage will simulate a close in immediate threat.

Shooters start with weapon holstered. On the command to fire they will perform a defensive tactic / distraction technique, move BACKWARDS 1 step back while drawing their weapon and fire **TWO rounds strong hand hold only in 4 seconds**.

Scan, cover the threat and reload if necessary.

On the next command to fire, the shooter will fire a failure drill (3 rounds => 2 center mass / 1 head) with **dominant hand only in 4 seconds**.

Notes

1. This course was modified for retired officers who wish to qualify to carry a concealed weapon under the provisions of the Law Enforcement Officers Safety Act. It may be fired with any pistol or revolver with a capacity of 5 rounds or more. This course of fire takes into consideration that most retirees will not carry reloads for their weapons.



**Massachusetts Law Enforcement
Firearms Instructors & Armorers Association**

**GENERAL RELEASE OF LIABILITY
& ASSUMPTION OF RISK**

I, _____, do hereby acknowledge, release and forever discharge the Massachusetts Law Enforcement Firearms Instructors' & Armorers' Association, its officers, employees, agents, successors and assigns, of and from any and all manner of action and actions, claims, suits, damages, judgments and demands of any kind whatsoever; whether now or in the future; at law or in equity, that results or may result from firearms or subject control products used, or from any training or instruction on the use of such firearms and subject control procedures by the Massachusetts Law Enforcement Firearms Instructors' & Armorers' Association its successors, officers, employees, agents and assigns.

I further acknowledge that the use of firearms is an inherently dangerous activity and assume the risks of using and employing firearms or other similar products on the premises of the Massachusetts Law Enforcement Firearms Instructors' & Armorers' Association, its officers, successors and assigns or any premises loaned, leased or borrowed by the Association.

I further acknowledge that the study and application of firearms techniques and subject control procedures is physically demanding and requires that I be in good physical condition, and that I am free of any disability or physical condition that would prohibit my participation.

I further acknowledge that I will abide by the Massachusetts Law Enforcement Firearms Instructors' & Armorers' Association's Cardinal Rules of Firearms Safety & Range Safety Regulations as listed herein:

CARDINAL RULES OF FIREARMS SAFETY

- Treat all firearms as though they are loaded.
- Keep your finger outside the trigger guard until you are on target and have decided to fire.
- Point the muzzle in a safe direction at all times.
- Be sure of your target and what is beyond it.

REMEMBER THE "LASER RULE"
Treat your firearm as if it is a laser gun with the beam always on;
whatever the laser beam touches, it cuts through!

General Rules and Conditions for Safe Range Activities

- Do you have any physical disability, limitation, illness and/or other condition that would affect your ability to participate safely in any aspect of this program? ____ Yes ____ No
if so what? _____

Initials _____

- Are you under the influence of any prescription/non-prescription drug or alcohol that would influence your safe participation in any aspect of this program? _____ Yes _____ No

Initials _____

- Ear, wrap around eye protection, body armor and a hat with brim are **required** to be worn at all times while firing is being conducted on the range. This applies to shooters, instructors and observers.
- Immediately upon picking up a firearm, keep your finger off the trigger, point the muzzle in a safe direction, open the action and check both visually and physically to see that it is unloaded.
- Check a second time.
- Never give a firearm to, or take a firearm from anyone, unless the action is open for inspection.
- Load/reload/unload only after position is taken at the firing point and on command.
- Keep the firearm pointed down-range at all times.
- Never draw a handgun from the holster on the range unless instructed.
- Never draw/re-holster with your finger in the trigger guard or on the trigger.
- NEVER holster a cocked weapon (cocked and locked weapons excluded). **(Initials)** _____
- Always wash hands and face after leaving the range and shower and change clothing at the end of a shooting day to reduce the possibility of lead contamination.
- Never go forward of the firing line unless instructed.
- Never step back from the firing line unless your handgun is safely holstered, and the instructor directs you to do so.
- While on the firing line, never bend over to retrieve dropped articles (magazines, rounds, etc.) until instructed to do so.
- No talking on the firing line, except by, or with the instructor(s)
- No eating, chewing tobacco or smoking on the firing line.
- Pay strict attention to the instructor(s).
- Never anticipate a command.
- Never permit the muzzle of a firearm to touch the ground.
- Conduct a proper safety check of the weapon before and after a training session.
- Never dry fire on the range unless instructed to do so.
- All safety precautions must be adhered to and will be enforced.
- You are expected to use good judgment, and to refrain from attempting any exercise which you may not be able to perform safely based upon your own ability, equipment, prior training or physical conditioning. **(Initials)** _____
- Remember: Everyone has the shared responsibility for range safety!

I further acknowledge that I have read and understood the foregoing RELEASE OF LIABILITY AND ASSUMPTION OF RISK.

IN WITNESS WHEREOF, the undersigned does hereby execute this document on the _____ day of _____, 20____.

Signature: _____ Printed Name: _____

Witnessed by: _____