

PBP FORM 290		 <p style="text-align: center;">PITTSBURGH BUREAU OF POLICE</p> <p style="text-align: center;"><i>"...accountability, integrity and respect."</i></p>		SUBJECT:		ORDER NUMBER:	
				"RETIRED OFFICERS' FIREARMS QUALIFICATION"		34-3	
		PLEAC STANDARDS:		PAGE 1 OF 3			
		NONE					
RE-ISSUE DATE:	EFFECTIVE DATE:	ANNUAL REVIEW DATE:	RESCINDS:	AMENDS:			
6/17/2016	04/13/2013	APRIL	N/A	N/A			

1.0 PURPOSE

- 1.1 The purpose of this policy is to outline the procedures for providing firearms qualification to retired members of the Pittsburgh Bureau of Police (the "Bureau.") By offering this qualification process, the city is not intending to and shall not undertake liability whatsoever for the actions of retired members. Retired members shall be required to sign waivers releasing the City from any and all liability for damages, injuries, deaths, and/or from any lawsuits that may arise from the qualification process described in this policy.

2.0 POLICY

- 2.1 A member who has retired from the Bureau may obtain firearm qualification from the Bureau subject to the requirements set forth in applicable federal and state law, including the "Law Enforcement Officers Safety Improvement Act of 2010" amending the "Law Enforcement Officers Safety Act of 2004", 18 U.S.C. 926 (C) (collectively, "LEOSA"), the Retired Law Enforcement Identification Act (the "Act"), 53 P.S. §§ 753.1 et seq., the regulations promulgated to implement the Act set forth in 37 Pa. Code Ch. 221, (all as may be amended from time to time) and any applicable Municipal Police Officers' Education and Training Commission (M.P.O.E.T.C.) regulations. These requirements include the Bureau's issuance of an Identification Card and a Qualification Card as defined herein to the member.
- 2.2 Such qualification is further subject to the requirements set forth in this Order.

3.0 IDENTIFICATION PROCESS

- 3.1 In addition to the "Retired Badge" available upon request to retired members of the Bureau per Order 25-01, commencing after the effective date of this Order, the Bureau will also issue a Pittsburgh Bureau of Police Retired Law Enforcement Identification Card (an "identification card") to all eligible retired members in compliance with applicable provisions of the Act. The Bureau may assess a fee not to exceed \$15 for each identification card issued.
- 3.1.1 Pursuant to 18 U.S.C. 926(C)(c)(5)(A), (c)(5)(B), and (d)(1), in the event that a member of the Bureau is planning to retire in good standing from the Bureau, but for whom the Chief of Police (the "Chief"), in good faith, has doubts as to such officer's mental health stability for purposes of obtaining an Identification Card as set forth herein, the Bureau may require such officer to undergo evaluation by a qualified medical professional employed by the Bureau to determine eligibility for the benefits set forth in this Policy (i.e. receipt of an Identification Card and subsequent participation in a qualification Class to obtain a Qualification Card as defined in Section 4.1 of this Policy). If the officer is found to be unqualified by such medical professional after the evaluation, the Bureau will not issue him/her an Identification Card.
- 3.2 The Bureau shall also provide any currently retired member with an Identification Card upon request of the member, subject to the eligibility requirements of the Act, including regulations promulgated at 37 Pa. Code 221.21 (and as may be amended). The Bureau may assess a fee not to exceed \$15 for each identification card or replacement identification card issued.
- 3.2.1 Pursuant to 18 U.S.C. 926(C)(c)(5)(A), (c)(5)(B), and (d)(1), to the extent that the member previously retired in good standing from the Bureau, but for whom the Chief, in good faith, has doubts as to such officer's mental health stability for purposes of obtaining the Identification Card described herein, the Bureau may require such retired member to undergo evaluation by a qualified medical professional employed by the Bureau to determine eligibility for the benefits set forth in this Policy (i.e. receipt of an updated Identification Card and participation in a qualification Class to obtain a Qualification Card as defined in Section 4.1 of this Policy). If the retired member is found to be unqualified by such medical professional after the evaluation, the Bureau will not issue him/her an Identification Card.
- 3.3 The identification card shall be uniform throughout the Commonwealth and shall include the contents required in the Act, regulations set forth in 37 Pa. Code Ch. 221, and any applicable (M.P.O.E.T.C.) regulations.

4.0 ISSUANCE OF QUALIFICATION CARD

- 4.1 A retired member is eligible to seek issuance of a separate Retired Law Enforcement Officer Qualification Card (a "Qualification Card") from the Bureau only if he/she meets all conditions set forth in the Act, 37 Pa. Code Ch. 221, any applicable M.P.O.E.T.C. requirements, and with this Order.
- 4.2 Retired members interested in obtaining a Qualification Card through qualification by the Bureau's certified law enforcement Firearm Instructors will be required to register for a Firearms Qualification Class (the "Class").
- 4.3 Participation of eligible retired members in a Class will further be limited to those members who have separated from service with the Bureau in good standing. The final determination of separation from service in good standing shall be made by the Chief. This determination shall be administratively final.
- 4.4 Class size and frequency will be determined by the Bureau on an annual or more frequent basis based on the availability of certified law enforcement Firearm Instructors, Training Academy classrooms, and the Bureau Firing Range.
- 4.5 The location for the Classes will be the Training Academy and the Bureau Firing Range.
- 4.6 The components of the Classes will be left to the discretion of the Bureau's certified law enforcement Firearm Instructors. All elements shall be in compliance with the Act, 37 Pa. Code Ch. 221, and applicable M.P.O.E.T.C. requirements. The Class will include instruction on the use of force by a civilian under 18 Pa. C. S. Chapter 5.
- 4.7 The Bureau's certified law enforcement Firearm Instructors will have complete discretion as to whether to participate in firearms qualification classes, which may only occur during non-work hours of the participating instructor. Any participation will be considered an off-duty detail.
- 4.8 The retired members shall be responsible for all costs of the Class/qualification, including payment for the off-duty detail of the Bureau's certified law enforcement Firearm Instructors, ammunition (which must be purchased prior to class), targets, payment for the Qualification Card, and, where applicable per Section 3.1.1 or 3.2.1 of this Policy, payment for an assessment by a mental health professional hired by the City. For convenience, payment may collectively be made by the retired member to the Bureau through the Fraternal Order of Police, which will act as a secondary employer for facilitation of the Classes. The fees shall be set by the Chief or his/her designee prior to each Class in accordance with current contract prices of class materials and salaries.
- 4.9 In addition to other requirements set forth herein, prior to participating in a Class, a retired member will be required to:
 - 4.9.1 Complete all required Commonwealth forms.
 - 4.9.2 Obtain medical clearance from a physician licensed in the Commonwealth of Pennsylvania. This medical clearance must be obtained no more than six (6) months prior to the date of the Class. Per Resolution #528 of 2010, the retired member shall be required to supply documentation from a physician affirming that the member is in good physical condition and is mentally stable so as to safely participate in the Class.
 - 4.9.3 Undergo a criminal background check.
 - 4.9.4 Complete a signed "Rules, Representations, Release, Hold Harmless, and Indemnification, and Authorization of Background Investigation Form" and/or other Release forms provided by the Bureau.
 - 4.9.5 Provide identification set forth in 37 Pa. Code § 221.33(a) or otherwise required by applicable law.
 - 4.9.6 Meet all requirements for participation set forth in applicable law, including meeting the definition of a "qualified retired law enforcement officer" as defined in 18 U.S.C. § 926(C)(c).
- 4.10 Notwithstanding a member's apparent compliance with the requirements of the Act, 37 Pa. Code Ch. 221, and applicable M.P.O.E.T.C. requirements, the Bureau's certified law enforcement instructors will have final discretion regarding a retired member's eligibility to safely participate in and/or complete the requisite Class that he/she is teaching for qualification.
- 4.11 A retired member may not participate in firearms qualification if the Bureau's certified law enforcement Firearms Instructor determines at any time prior to or during the Class that the member presents a safety hazard to himself or others on the range or if the officer cannot provide two forms of identification required in 37 Pa. Code § 221.33(a).

- 4.12 The Bureau's certified law enforcement Firearm Instructors will be responsible for obtaining the blank qualification cards from M.P.O.E.T.C. and for keeping all records and making all necessary transmissions to M.P.O.E.T.C. required under applicable law, including but not limited to those set forth in 37 Pa. Code § 221.33(f) and (g).
- 4.13 In order to successfully complete the Class, the retired member must meet the firearms standards established by the Commonwealth for active law enforcement members to carry a firearm of the same type as the concealed firearm that the retired member intends to carry.
- 4.14 For purposes of this Order, a retired member may only be qualified for one type of firearm per Class. In addition, a retired member may only be qualified for a weapon that he/she was trained on while with the Bureau and/or a weapon that he/she was last qualified with while on active duty with the Bureau.
- 4.15 A retired member will have one attempt to qualify per Class. In the event he or she does not qualify in a particular Class, he/she may seek to attend a subsequent Class; however, participation in a subsequent Class will be based on space availability and remains subject to all conditions set forth in this Policy (e.g. six-month advance limit on health assessments).
- 4.16 Qualification on a second weapon during the same calendar year will be subject to the discretion of the Bureau's certified law enforcement Firearm Instructors as well as available spaces in classes.

5.0 SIGNING OF THE QUALIFICATION CARD

- 5.1 Upon completion of the Class pursuant to which a retired member has successfully met the required standards for qualification for active law enforcement members to carry a firearm of the same type as the retired member's concealed weapon, the Bureau's certified law enforcement firearm instructor may issue a qualification card to the retired member directly or forward it to the Allegheny County Sheriff. (The retired member will indicate whether he/she wishes the City's Firearms Instructor to forward the qualification in the space indicated on his/her "Rules, Representations, Release, hold Harmless, and Indemnification, and Authorization of Background Investigation" Form.)
- 5.2 It will be the retired member's responsibility to thereafter obtain the signature of the Allegheny County Sheriff on the Qualification Card and to comply with any further requirements of applicable law.
- 5.3 It will be the retired member's responsibility to keep track of the expiration date (i.e. 12 months from the date of issuance) of the Qualification Card.

6.0 PENDENCY OF QUALIFICATION AND TRAINING PROGRAM

- 6.1 The City of Pittsburgh/Bureau has no duty to provide firearms qualification to retired members or to issue qualification cards. As such, Classes may be temporarily discontinued or permanently terminated at any time per the discretion of the Chief.

7.0 NOTIFICATION OF NATIONAL FOP INSURANCE COVERAGE

- 7.1 In conjunction with participation in a Class, the Bureau will provide notice to retired members that they may be eligible to purchase individual insurance coverage (limited to attorney's fees relating to civil or criminal claims) through the National FOP as a member benefit. Obtaining current information on the continued existence of the program, eligibility, enrollment, and costs will be the responsibility of interested members.

Approved by:

Cameron McLay
Chief of Police