

CITY OF ANDERSON POLICE DEPARTMENT

Anderson, South Carolina

DIRECTIVE TYPE General Order	EFFECTIVE DATE September 28, 2012	NUMBER 907.2
SUBJECT Service Weapon and ID Pack Upon Retirement		
REVISED September 28, 2012		
REFERENCE SC Code of Laws 23-1-225 & LEOSA & LEOSAIA	AMENDS/SUPERSEDES 907 & 907.1	
DISTRIBUTION All Personnel	RE-EVALUATION DATE Annual	NO. PAGES 3

I. PURPOSE

To establish policy and procedures regarding the establishment and implementation for receipt of a City of Anderson Police Department service weapon and identification card upon retirement.

II. POLICY

The City of Anderson Police Department officers may receive their service weapon upon retirement in accordance with the South Carolina Code of Laws section 23-1-225. As prescribed in the "Law Enforcement Officers Safety Act of 2004" (U.S. Code title 18, chapter 44, section 926 B), certified officers traveling outside the geographical boundary of the State of South Carolina are permitted to carry a concealed handgun in the United States, provided that the officer is not under disciplinary action, not under the influence of alcohol or drugs, and has successfully passed the most recent firearms qualification. As prescribed in the "Law Enforcement Officers Safety Act of 2004" (U.S. Code title 18, chapter 44, section 926 C), qualified retired officers may carry a concealed weapon in the United States.

III. PROCEDURES

A. A "qualified active law enforcement officer" is defined as an employee of a government agency who:

1. is authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or the incarceration of any person for any violation of law;
2. has statutory powers of arrest;
3. is authorized by the agency to carry a firearm;
4. is not the subject of any disciplinary action by the agency which could result in suspension or loss of police powers;

5. meets the standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm;
6. is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance, and
7. is not prohibited by Federal law from possessing a firearm.

B. A “*qualified retired law enforcement officer*” is defined as an individual who:

1. 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;
2. was authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or the incarceration of any person for any violation of law;
3. had statutory powers of arrest;
4. is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
5. is not prohibited by Federal law from possessing a firearm.
6. The officer has a non-forfeitable right to benefits under the Department’s retirement plan;
7. The officer must carry his or her retired police photographic identification issued to him or her by the agency from which he/she has separated, a certification issued by the State of residence that indicates the individual has, within the past year, met the State’s firearms training and qualification standards for active law enforcement officers with a firearm of the same type being carried;
8. It is the retired officer’s responsibility to ensure they meet all of the conditions prescribed in 18 USC Ch. 44, section 926 C.

C. The Chief may give officers their duty service weapon upon retirement from the City of Anderson Police Department in accordance with the South Carolina Code of Laws section 23-1-225 which states the following:

“Upon retirement, state law enforcement officers may retain their commissions in retired status with all rights and privileges, including the right to retain their service weapons issued while serving in active duty status.”

D. Upon receipt of the service weapon, the officer must complete an APD 1002 Receipt of Service Weapon upon Retirement Form. The form will be secured in the retiring

officer's personnel file along with a copy of the officer's official retirement paperwork. The officer must adhere to the following financial schedule:

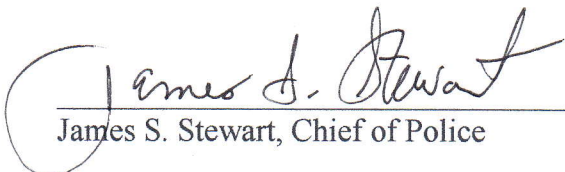
1. Ten (10) years of service with the City – No Cost;
2. Less than ten (10) years of service with the City* - Full cost of the replacement weapon.*

**Only with recommendation of the Chief*

E. The City of Anderson Police Department will issue the retiring officer an Identification Pack that contains their badge and an Identification Card that will contain the following components:

1. On the front of the Card:
 - a. The name of the qualified retired law enforcement officer;
 - b. The name and business address of the law enforcement agency issuing the identification card;
 - c. The date the law enforcement agency issued the identification card;
 - d. A photograph of the qualified retired law enforcement officer; and
 - e. The signature of the qualified retired law enforcement officer.
2. On the back of the card:
 - a. A statement which reads: "The person whose photograph and signature appear hereon is a qualified retired law enforcement officer in good standing, pursuant to Title 18 U.S.C. § 926C and 501 CMR 13.03. This identification, together with a Law Enforcement Officers Safety Act Training and Certification Card, allows the person appearing hereon to carry a concealed firearm in accordance with the provisions of Title 18 U.S.C. § 926C. Unlawful possession of police identification or posing as a police officer is a criminal offense."
 - b. The telephone number to contact the law enforcement agency issuing the identification card; and
 - c. The date of birth of the qualified retired law enforcement officer.

By order of:


James S. Stewart, Chief of Police

9-28-12
Date