
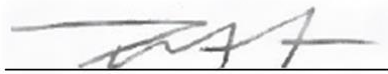


<b>POLICY TITLE: OFFICIAL IDENTIFICATION FOR ADULT COMMUNITY CORRECTIONS STAFF, DEPARTMENT LAW ENFORCEMENT OFFICERS, FACILITY STAFF &amp; PROBATION OFFICERS WHO PERFORM TRANSPORTS ON AIRPLANES, AND QUALIFYING SEPARATED LEOSA APPLICANTS</b>		<b>PAGE <u>1</u> OF <u>6</u></b>
<b>POLICY NUMBER: 3.33</b>  <b>CHAPTER 3: PERSONNEL</b>		
	<b>STATE of MAINE</b> <b>DEPARTMENT of CORRECTIONS</b>  <b>Approved by Commissioner:</b>  	<b>PROFESSIONAL STANDARDS</b>  <b>See Section VIII</b>
<b>EFFECTIVE DATE:</b> <b>July 3, 2006</b>	<b>LATEST REVISION:</b> <b>May 20, 2024</b>	<b>CHECK ONLY IF</b> <b>APA [ ]</b>

#### I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403 and 18 U.S.C. § [926C](#).

#### II. APPLICABILITY

Adult Community Corrections, Department Law Enforcement Officers and Facility Staff Who Perform Transports

#### III. POLICY

It is the policy of the Maine Department of Corrections to issue metal badges and Maine Department of Corrections official identification (ID) cards to authorized employees in designated positions. This policy also addresses the Law Enforcement Officers Safety Act (LEOSA) pertaining to qualified separated Department law enforcement officers.

#### IV. DEFINITIONS

1. Department law enforcement officers – for the purposes of this policy, probation officers, adult probation supervisors, and correctional investigative officers (detectives) and other facility law enforcement officers and does not include juvenile community corrections officers.
2. Law Enforcement Officers Safety Act (LEOSA) – a U.S. federal law that exempts qualified law enforcement officers and qualified separated from service or retired law enforcement officers from state and local laws that prohibit carrying concealed firearms, with certain exceptions.

3. Photographic separated officer identification card – an ID card issued by the Department that identifies the person as meeting LEOSA qualifications as a separated law enforcement officer that also includes a certification statement.
4. Qualified separated law enforcement officers – for the purposes of this policy, a Department law enforcement officer who retires or leaves employment, after completing any applicable probationary period of service, due to a service-connected disability, as determined by the Department.

## V. CONTENTS

- Procedure A: Official Identification for Adult Community Corrections Staff, Facility Law Enforcement Officers, and Facility Staff & Probation Officers who Perform Transports
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- Procedure D: LEOSA Process for Separated Officers Who Are MCJA Certified Law Enforcement Officers
- Procedure E: LEOSA Process for Separated Officers Who Are Not MCJA Certified Law Enforcement Officers

## VI. ATTACHMENTS

- Attachment A: [Law Enforcement Officer Safety Act \(LEOSA\) Application & Waiver for MDOC Probation Officers Who Are Not MCJA Certified](#)
- Attachment B: [Letter of Good Standing](#)

## VII. PROCEDURES

### **Procedure A: Official Identification for Adult Community Corrections Staff, Facility Law Enforcement Officers, and Facility Staff & Probation Officers who Perform Transports**

1. All Probation Officer Assistants shall:
  - a. be issued a Maine Department of Corrections identification card (ID) and carry their ID while in performance of their duties; and
  - b. produce their ID card when so requested to establish the person's position within the Department of Corrections.
2. All Department law enforcement officers shall:
  - a. be issued a Maine Department of Corrections ID card and a metal badge;
  - b. produce their ID card when so requested to establish the person's position within the Department of Corrections; and
  - c. produce their official badge when so requested to establish the person's position as a law enforcement officer in the performance of duties.

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3. IDs for Department facility staff and probation officers who transport residents on airplanes shall comply with Transportation Security Administration (TSA) requirements.
4. To the extent practicable, when a non-uniformed Department law enforcement officer authorized to carry a firearm is carrying a firearm in the performance of duties, the holstered firearm shall be kept concealed while performing routine duties in the community. However, the officer shall wear their official badge next to the holster so that the badge will be clearly visible whenever the holstered firearm is visible.
5. When performing duties in the community that may require immediate identification as a law enforcement officer, the official badge may be worn around the neck so that the badge will be clearly visible.
6. No other form of identification may be substituted for the official identification card and/or the badge issued by the Department.

**Procedure B: Staff Responsibilities for Identification Card and Badge Holders**

1. Department identification cards (ID) cards shall remain the property of the Department.
2. No headgear, including such examples as: hats, wraps, or scarves, may be worn in the photo for the ID card. The only exception is for a head covering worn for religious purposes (e.g., a hijab) that appears in the employee's driver's license or similar state-issued photo identification.
3. Each staff issued an ID card and/or a badge shall:
  - a. display their ID card and/or badge as required;
  - b. maintain their ID card and/or badge in good condition;
  - c. maintain their ID card and/or badge to protect against damage, destruction, loss, theft, or unauthorized use;
  - d. not alter the ID card and/or badge in any way that would change the original appearance of the card;
  - e. not use the ID card and/or badge for any purpose not specifically provided for in Department policy;
  - f. not loan the ID card and/or badge to another person for any reason and not use another person's card and/or badge for any purpose;
  - g. immediately report the damage, destruction, loss, theft, unauthorized use, or recovery of a lost or stolen ID card and/or badge to their immediate supervisor; and
  - h. turn over any recovered or found ID card and/or badge to their supervisor immediately.
4. All staff issued an ID card and/or a badge shall as soon as possible report to their immediate supervisor the need for a new ID card and/or badge due to a legal change in name or due to its being damaged, destroyed, lost, or stolen.

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5. A supervisor may also request that a replacement ID card be provided due to a substantial change in the cardholder's appearance.
6. Violations of this policy may result in disciplinary action up to and including termination.

**Procedure C: Law Enforcement Officers Safety Act (LEOSA)**

1. This procedure only applies to separated Department law enforcement officers who are qualified to apply under LEOSA for the privilege of carrying a concealed firearm.
2. LEOSA requires that a qualified separated law enforcement officer:
  - a. was retired or separated in good standing from service with the Department as a law enforcement officer;
  - b. 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;
  - c. before separation, served as a law enforcement officer for an aggregate of ten (10) years or more or separated from service as a law enforcement officer from the Department, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by the Department;
  - d. during the most recent twelve (12) month period, has met the training and qualification standards of the State of Maine for active law enforcement officers to carry firearms;
  - e. has not been officially found by a qualified medical professional employed by the Department to be unqualified for reasons relating to mental health; or
  - f. has not entered into an agreement with the Department from which the individual acknowledges they are not qualified under this section for reasons relating to mental health;
  - g. has a non-forfeitable right to benefits under the retirement plan of the Department;
  - h. is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
  - i. is not prohibited by State or federal law from receiving a firearm.
3. Qualified separated law enforcement officers must annually comply with the requirements of the Maine Criminal Justice Academy (MCJA) Board approved course of fire using the firearms they will carry.
4. The certification for LEOSA is valid for one year.
5. The Department shall not be responsible for training or qualifying individuals to carry a concealed personal firearm under LEOSA.
6. LEOSA does not give any arrest authority or law enforcement authority.
7. LEOSA does not exempt a qualified separated law enforcement officer from other:

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- a. federal laws or regulations, including any restrictions on the carrying of firearms on transportation systems (such as commercial airlines); or
- b. state or local government laws or regulations restricting the possession of concealed firearms on any state or local government property, installation, building, base, or park.

**Procedure D: LEOSA Process for Separated Officers Who Are MCJA Certified Law Enforcement Officers**

1. A qualifying Department separated law enforcement officer wishing to carry a firearm under the Federal Law Enforcement Officer Safety Act (LEOSA), who is certified a law enforcement officer by the Maine Criminal Justice Academy (MCJA) shall follow the Maine Criminal Justice Academy’s [Specification S-38, Separated Officers’ Certification of Firearms Training & Qualification](#).
2. These include facility law enforcement officers (investigative officers (detectives) and other facility law enforcement officers and probation officers who are MCJA certified.
3. The MCJA Academy Director is the deciding authority on the issuance of a written LEOSA certification for applicants under this procedure.

**Procedure E: LEOSA Process for Separated Officers Who Are Not MCJA Certified Law Enforcement Officers**

1. A qualifying Department separated law enforcement officer who is not MCJA certified law enforcement officer wishing to receive certification pursuant to this policy is responsible for arranging training and qualification with an MCJA Certified Firearms Instructor.
2. These include probation officers who are not MCJA certified.
3. If the applicant completes the firearms qualification, the applicant may submit a completed Law Enforcement Officer Safety Act (LEOSA) Application & Waiver for MDOC Probation Officers Who Are Not MCJA Certified (Attachment A) to the Commissioner, or designee.
4. Upon receipt of Attachment A that confirms the applicant has met MCJA Board approved firearms qualification standards, the Commissioner, or designee, in consultation with the Department’s Director of Human Resources or designee, shall:
  - a. conduct any necessary reviews of the applicant’s record to verify if the applicant meets the LEOSA qualifications; and
  - b. verify that the firearms qualification has been met.
5. If the Commissioner, or designee, determines that the applicant meets the qualifications for LEOSA, the Commissioner, or designee, shall issue a photographic separated officers identification card certifying the person meets the definition of Qualified Retired Law Enforcement Officer, as provided in the Law Enforcement Officers Safety Act of 2004, pursuant to 18 U.S.C. § 926C.

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6. The Commissioner, or designee, shall confirm the identity of the person before providing the ID card and shall ensure that it is either hand delivered to the person or mailed by certified mail to their last known address.
7. The Department may charge a fee for the ID card.
8. The Commissioner is the deciding authority on the issuance of a written certification for applicants under this procedure.
9. The Director of Adult Community Corrections, or designee, shall develop written practices to implement this procedure to include, but is not limited to, recordkeeping.

**Procedure F: LEOSA Process for Separated Officers who Live Out-of-State**

1. For a separated former Department law enforcement officer who does not live in Maine, Attachment A is not applicable and the Department shall not provide an ID card that states the person is qualified under LEOSA.
2. If requested, the Commissioner, or designee, shall provide:
  - a. a “retired/separated” ID card; and
  - b. a letter of good standing (Attachment B).
3. It shall be made clear that the former officer needs:
  - a. to be firearms qualified in the state where they are a current resident; and
  - b. to apply for LEOSA in the state where they are a current resident.

**VIII. PROFESSIONAL STANDARDS**

None

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