

Resolution: 2014- 0009

RESOLUTION ADOPTING RETIREE GUN AND BADGE
RETENTION PROCEDURES FOR THE INDIANA
VERMILLION COUNTY SHERIFF'S DEPARTMENT

The Board of the Commissioners of the County of Vermillion, Indiana, do hereby approve and adopt this Resolution for the purpose described herein, proposed by the Vermillion County Sheriff's Department for Standard Operating Procedures in regard to Retiree Gun and Badge Retention.

I. PURPOSE:

To establish policy concerning the awarding of badges and weapon(s) upon retirement of authorized members.

A police employee's service weapon(s) and badge of office symbolize the employee's dedication and service. When awarded to employees upon their retirement, they will be reminders to the retirees and their families of their years of dedicated service, sometimes involving extreme hardship. They also represent the gratitude of the agency and its personnel.

II. RECITALS

A. US Code Title 18, Section 926C authorizes retired law enforcement officers to carry a concealed firearm anywhere within the United States.

B. I.C. 5-22-22-6 authorizes the Vermillion County Board of Commissioners to transfer County personal property of estimated value of less than \$1,000.00 without advertising or competitive bidding procedures.

C. The estimated value of the used badges and sidearms currently issued to a Vermillion County Deputy is less than \$1,000.

D. The Vermillion County Sheriff's Office and the County Commissioners believe that it is appropriate to transfer without charge to a retiring Sheriff or Deputy ownership of his or her badge and or sidearm in recognition of their service to Vermillion County.

III. POLICY:

In appreciation of an authorized employee's years of dedicated service to the Vermillion County Sheriff's Office, the Sheriff will award each honorable retiree his/her badge of office, reflecting the last rank held. At the discretion of the Sheriff, the retiree's issued service weapon(s) may also be awarded.

IV. DEFINITIONS:

A. RETIREE: For purposes of this ordinance, a retiree is defined as 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. 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;
4. during the most recent 12-month period, has met, 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. 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 photographic identification; or 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 photographic identification;
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.

As used in this directive, the term retiree refers exclusively to those employees, either sworn or civilian, who were authorized when on active duty to carry a badge and/or handgun. This includes Merit Deputies, Transport Officers, and other sworn personnel who were authorized to carry a badge and/or handgun.

B. HONORABLE RETIREE: A regular or disability retiree whose service to the agency exhibited an exemplary sense of personal moral standards and conduct.

C. DISABILITY RETIREE: An authorized agency member who has been awarded a pension because of a disability. Disability retirements will generally be considered honorable retirements, unless they are based upon substance abuse or some other condition that has resulted, or could result, in bringing discredit upon the agency or the retiree. In all such cases, the Sheriff shall make the determination of whether the retirement is considered honorable.

V. IDENTIFICATION CARD:

All retirees who were authorized to carry a handgun prior to their retirement will be issued an identification card bearing the retiree's photograph, rank at the time of retirement, and the word "Retired." The card is not a concealed weapons permit.

VI. CONCEALED WEAPONS PERMIT:

Retirees will have the option of qualifying with their weapons on a yearly basis. Retirees will be required to qualify with any weapon they intend to carry and the qualifications shall be performed by the CCSO Firearms Instructor(s). Upon qualifying, retirees will be given photographic identification and certification in accordance with 18 USC 926C showing that they have been tested and met the active duty standards for qualification. This identification will be valid for a period of one year. Prior to the expiration of the identification, the retiree will be required to complete the qualifications again.

VII. DEATH PRIOR TO RETIREMENT:

If an employee dies, either on duty or off duty, prior to retirement, his/her badge may be awarded to the employee's spouse or next of kin.

VIII. RETAINMENT OF WEAPONS:

At no point in time shall authorized retiree members sell any weapons awarded to them by the Sheriff's Department through this agreement.

IX. ADMINISTRATIVE DISCHARGE:

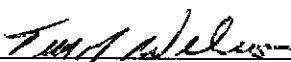
Under no circumstances will a retirement be considered honorable if the employee retires after being administratively discharged, resigns in lieu of disciplinary action, or resigns because of pending or existing misdemeanor or felony criminal charges.

X. In all circumstances listed in this policy, the agency's armory should not be left short of weapons to accommodate a retiree. Weapons must be sufficiently replaced before any weapons may be awarded to retirees.

XI. This procedure is to be used in conjunction with all relevant CCSO regulations, rules, policies, and procedures.

XII. This Resolution may be revoked or modified by either party at any time, or to conform with any changes to the State of Indiana's laws or statutes.

IN WITNESS WHEREOF, the parties have hereto set their hands and seals this 30th day of December, 2014.



Tim Wilson, President

Harry Crossley
Harry Crossley

ATTEST:

Phyllis Orman
Phyllis Orman, Auditor