



GENERAL POLICE ORDER CLEVELAND DIVISION OF POLICE



ORIGINAL EFFECTIVE DATE: APRIL 03, 2003	REVISED DATE: April 1, 2013	NO. PAGES: 1 of 4	NUMBER: 10.3.03
SUBJECT: <b style="text-align: center;">FIREARM PURCHASE			
ASSOCIATED MANUAL:		RELATED ORDERS:	
CHIEF OF POLICE: <b style="text-align: center;"><i>Michael McGrath, Chief</i>			

Changes are printed in Italics

PURPOSE: To implement Article XV of the Fraternal Order of Police (FOP) and Article XV, Section 27 of the Cleveland Police Patrolmen’s Association (CPPA) collective bargaining agreements (CBA).

POLICY: Officers may purchase their Division issued handgun prior to retirement from the Cleveland Division of Police as conditioned by the members’ respective CBA’s and subject to applicable Federal, State or City of Cleveland laws or ordinances. *The fair market value of firearms is determined by the Division of Purchase and Supplies.*

PROCEDURES:

- I. Division handguns may be purchased when one of the following apply:
 - A. Per Article XV of the FOP CBA, “a member of the bargaining unit who has 23 years of service in the department [sic] or toward his/her pension and has reached the age of 46, may purchase his/her 9mm handgun at the agreed upon fair market value. Said purchase may be made via cash or deducted from the members’ annual clothing allowance.” Per Cleveland Codified Ordinance (CCO) 181.19(b), a member with more than 20 years of service may apply purchased military service toward acquiring the required minimum of 23 years of service with the Division of Police.
 - B. Per Article XV Section 27 of the CPPA CBA, “a member of the bargaining unit who has 23 years of service in the department [sic] and has reached the age of forty-six (46) may purchase his/her .9mm handgun at the agreed upon fair market value. In addition, those officers who have more than one weapon may purchase any or all of those additional weapons at the then fair market value. Said purchase may be made via cash or deducted from the members’ annual clothing allowance.” Per CCO 181.19(b), a member with more than 20 years of service may apply purchased military service toward

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acquiring the required minimum of 23 years of service with the Division of Police.

- C. When the Division changes or upgrades the standard issue duty sidearm, officers may purchase the prior issued sidearm after they are issued the new sidearm. The cost of the prior issued sidearm shall be at the agreed upon fair market value. Members with more than 23 years of service (as described in the previous sections) may purchase their weapon via the annual clothing allowance. All other members making this purchase shall pay by cash or money order.
- II.** Officers who leave the employment of the Division and are awarded a disability pension from the Ohio Police and Fire Pension Fund are eligible to purchase their standard issue sidearm only to the extent that they otherwise may qualify to purchase the firearm based on age and years of service as articulated in the members' respective CBA's.
- III.** *Officers shall utilize the pre-structured Firearm Purchase Form-1 (attached) to complete the purchase of their firearm.*
- A. *Officers shall complete the top portion of the form and indicate the method of payment.*
 - 1. *Officers purchasing their firearm in full or in part by the annual Clothing Allowance shall indicate so by placing a mark in the space provided. Such purchases may be made only during the annual Clothing Allowance ordering period.*
 - 2. *Officers purchasing their firearm by 100% cash/money order shall indicate so by placing a mark in the space provided. Officers purchasing their firearm outside of the Clothing Allowance ordering period are required to use the 100% cash/money order option.*
 - B. *Officers shall hand-carry the original Form-1 first to the Personnel Unit to verify that the officer is qualified to purchase the firearm. Upon receiving the requisite approval and signature, the officer shall take the form to the Budget Unit and the Policy & Procedures Unit (as may be the case in a Clothing Allowance purchase). Any required payment shall be made at this time to the Budget Unit.*

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Officers shall then take their original Form-1 and firearm to the Ordnance Unit for final verifications and approval. The Ordnance Unit shall forward the Form-1 to the Chief's Office for final approval. In lieu of the Ordnance Unit forwarding the Form-1, the officer may hand carry the Form-1 to the Chief's Office.

*Upon the Chief's signature indicating approval, the original Form-1 shall be forwarded to the Bureau of Support Services for further action. The purchase of the firearm is **not** complete until the pre-structured Form-1 is completed in its entirety with **all** the requisite signatures. Simply purchasing the firearm on the annual Clothing Allowance is **not** sufficient to complete and finalize the firearm purchase.*

- IV.** All firearm purchases as enumerated above are subject to applicable Federal laws. The Federal Gun Control Act of 1968 [18 U.S.C. 922(g)] prohibits, in part, a person from shipping, transporting, receiving or possessing firearms, when any of the following apply:
- A. The person is under indictment in any court for a crime punishable by imprisonment for a term exceeding one year;
 - B. The person has been convicted of a crime punishable by imprisonment for a term exceeding one year;
 - C. The person is an unlawful user of or addicted to any controlled substance;
 - D. The person is subject to a court order restraining the person from harassing, stalking, or threatening an intimate partner or child of the intimate partner;
 - E. The person has been convicted of a misdemeanor crime of Domestic Violence.
- V.** All firearm purchases as enumerated above are subject to applicable State laws. O.R.C. 2923.13 Having Weapons Under Disability prohibits, in part, a person from acquiring, carrying, or using any firearm when any of the following apply:
- A. The person is under indictment for or has been convicted of any felony of violence;

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- B. The person is under indictment for or has been convicted of any offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse;
 - C. The person is drug dependent, in danger of drug dependence, or a chronic alcoholic;
 - D. The person is under adjudication of mental incompetence.
- VI.** All firearm purchases as enumerated above are subject to applicable City of Cleveland Ordinances. C.C.O. Chapter 674 prohibits, in part, a person from obtaining a handgun owner's identification card when any of the following apply:
- A. The person has been convicted of illegal use or possession of narcotics;
 - B. The person has more than one conviction of being drunk and disorderly or driving a motor vehicle while intoxicated, either of which occurred within one (1) year;
 - C. The person with more than one conviction of a misdemeanor involving the use of force and violence, or the threat of the use of force and violence against the person of another within two (2) years.
- VII.** A member may be denied purchase of their service weapon for other good cause not enumerated above as determined by the Chief of Police.