



Peace Officers Research Association of California

April 2, 2010

Dear PORAC Retired Associate Member,

PORAC and its Legal Defense Fund (LDF) are pleased to announce their newest plan: “Retiree Firearms Coverage.” This plan will only be available to retired law enforcement officers who are also members of RAM (PORAC Retired Associate Member). This new legal defense coverage will provide protection for the following:

- 1) **APPEALS FROM THE DENIAL OF A CCW:** If upon retirement, or anytime thereafter, your department refuses to issue you a CCW, then LDF will pay all of the costs and attorney fees reasonably necessary for you to administratively appeal that denial.
- 2) **CRIMINAL/CIVIL COVERAGE:** If you are confronted with a situation which requires you to discharge your firearm in either self defense, or the defense of others, LDF will pay all of the attorney fees and costs associated with defending you in any criminal or civil proceeding arising out of that shooting.
- 3) **HR 218 COVERAGE:** Pursuant to the Law Enforcement Officers’ Safety Act of 2004, the Federal Government provided those “Qualified Retired Law Enforcement Officers” the right to carry their firearms in states other than the one where the CCW was issued. Accordingly, if you are retired, have a valid CCW, and are traveling in a different state where you are charged with illegal possession of a firearm, then under the “Retiree Firearms Coverage” plan, you will be provided an attorney to defend you against that charge. Please note, the federal legislation has very strict and specific requirements which must be met in order for you to qualify for the federal protection.

The cost of this plan is \$48.00 per member per year.

In order for this plan to take effect, the LDF Board of Trustees has determined that at least 1,000 members of RAM must participate. If you wish to take part in this new program please carefully review the attached application, plan document excerpt, and FAQ’s. Once you have a clear understanding of this plan and wish to participate, please follow the instructions found on the application, and forward a completed copy with the appropriate payment to the PORAC office. Remember, that **unless and until** 1,000 members elect to participate the program will NOT take effect. You will receive written notification either way.

Should you have any questions or concerns, please contact PORAC Vice President, Mike Durant at 1-800-937-6722, or LDF legal Administrator, Ed Fishman at 1-800-255-5610.

Ron Cottingham
PORAC President

Andy Schlenker
PORAC LDF Trustee (Chair)



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Legal Defense Fund

BENEFIT PLAN V **Frequently Asked Questions**

- Q.** I just separated from service, and was denied a CCW, can I still join RAM/LDF to appeal the denial?
- A.** *Yes. RAM/LDF will allow you 10 days following your separation from service to join RAM/LDF and obtain representation for the appeal. This 10 day retroactive coverage is only available to individuals who were PORAC LDF members immediately prior to retirement.*
- Q.** Presently, I work as a private security guard/private investigator; will this coverage apply to me?
- A.** *RAM/LDF coverage does not apply to any actions you take while employed in any capacity. The Plan covers you for shootings which occur while not working and in self defense, or defense of others.*
- Q.** I am fully retired but have returned to work part time as a peace officer. Will this coverage apply to me?
- A.** *No. If you are working as a part-time/reserve peace officer, you must be enrolled in another LDF benefit plan to cover you for actions within the scope of employment. While off duty, RAM/LDF coverage would provide a legal defense for any discharge of a firearm taken in self defense, or defense of others.*
- Q.** How much does it cost?
- A.** *In addition to the cost of PORAC RAM membership, RAM/LDF coverage costs \$48.00 per member per year.*

Q. What are the criteria needed to join?

A. *You must be a retired peace officer, and a member of PORAC RAM.*

Q. Will this protect me outside the State of California?

A. *Yes, so long as you meet all of the requirements under the plan and are not subject to any of the exclusions, RAM/LDF will provide you with legal representation arising out of any covered action within the United States.*

Q. Do I have to join PORAC RAM in order to obtain access to this LDF plan?

A. *Yes.*

Q. Are their limits or caps to the benefits available?

A. *No. As with any benefit plan provided by LDF, there are no pre-determined monetary limitations or caps on the attorney fees or costs reasonably needed to represent you.*

Q. Can I choose the attorney who will represent me?

A. *No. LDF will select the appropriate qualified attorney to represent you.*

Q. Must I be retired in order to participate in this plan?

A. *Yes.*

Q. In the event of an emergency, can I access an attorney 24 hours a day?

A. *So long as the event occurred within the geographic scope of coverage (i.e. most of the United States), an attorney will be available to you on an emergency basis 24 hours a day, 365 days a year. If outside the area where LDF presently has panel attorneys, one will be found and engaged to represent you within a reasonable period of time.*

Q. If I have to use my weapon to defend myself, and I am later criminally charged for doing so, will RAM/LDF pay for my attorney?

A. *Yes. So long as you meet all of the requirements under the plan, and are not subject to any of the exclusions, then RAM/LDF will pay for your entire attorney fees needed to represent you.*

Q. What does the civil coverage include?

A. *If you discharge a firearm in self defense or defense of others, and you later get sued for that shooting, RAM/LDF will fully defend you in that lawsuit. LDF will not “indemnify” (i.e. pay the judgment or settlement amount), but only defend.*

Q. Are there any deductibles?

A. *No. You pay nothing out of pocket.*

PORAC LEGAL DEFENSE FUND

AMENDMENT NO. ONE TO THE PLAN DOCUMENT OF THE PORAC LEGAL DEFENSE FUND (As amended through January 27, 2007)

Pursuant to Article VII of the Plan Document and to Article VI, Section 5 of the Trust Agreement, the Board of Trustees of the PORAC Legal Defense Fund hereby amends the Plan Document as follows:

1. The following is added as Section 13 of Article III (Benefits):
 13. Benefit Plan V – Retiree Coverage
 - (a) A Participant who satisfies (d)(1)-(2) and (5) of this section and who is a Retired Associate Member of PORAC (“RAM”) shall be entitled to representation by a Panel Attorney or Panel Field Representative in the administrative appeal of a denial of a permit to carry concealed firearms by the agency from which the participant retired.
 - (b) A Participant who is a Qualified Retired Law Enforcement Officer and a member of RAM and who possesses a current concealed weapons permit issued by the agency from which the Participant retired shall be entitled to:
 - (1) Legal representation in any civil or criminal action brought against him or her arising from the use of a firearm in defense of self or others where an imminent threat of serious bodily harm to self or others is present.
 - (2) Legal representation in any criminal action brought against him or her arising from the possession of a concealed firearm that is not precluded under local law.
 - (c) All customary, necessary, and reasonable services related to an action described in subsections (a) and (b) hereof, including where it appears reasonably probable that such an action will be commenced.
 - (d) For purposes of Benefit Plan V, a Qualified Retired Law Enforcement Officer is defined to mean an individual who:
 - (1) retired in good standing as a law enforcement officer, other than for reasons of mental instability; and
 - (2) immediately before retirement, exercised peace officer powers; and
 - (3) has received and passed annually any firearms training required by the agency issuing the Participant’s concealed weapons permit; and

- (4) at the time of the incident was not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
 - (5) is not prohibited by state or federal law from carrying a firearm; and
 - (6) carries the identification described in subsection (e) of this section.
- (e) The identification required under this section is a photographic identification issued by the agency from which the Participant retired which indicates that the Participant has passed required firearms training or which is supplemented by a state certificate to this effect.
- (f) Excluded from coverage under this Benefit Plan V are incidents arising from domestic violence or from military service or the use of weapons in sport or hunting, incidents occurring outside of the United States, incidents arising from employment as a private investigator or in a private security capacity or other employment, incidents among family members, and incidents occurring before the effective date of coverage or after the effective date of the termination of coverage.
- (g) Individuals who within six months prior to the date of application to be a member of RAM were participants in another Benefit Plan shall be deemed to have an effective date of participation in Benefit Plan V with respect to coverage under section 13(a) (but not with respect to coverage under section 13(b)) that is ten calendar days prior to the date the application was received by PORAC.
2. The following is added as subsection (j) to section 1 of Article IV (Exclusions and Limitations):
- (j) Bonds – No benefits shall be provided under the Plan to pay for a bail bond or an appeal bond.
3. The effective date of this amendment is January 1, 2010.

This amendment was adopted by the Board of Trustees of the PORAC Legal Defense Fund at a special meeting held on February 22, 2010.



Peace Officers Research Association of California

RAM/ LDF Retiree Firearms Coverage Application

Name: _____

Address: _____

City, State, & Zip Code: _____

Phone#: _____ E-Mail: _____

Date of Birth: _____ SSN.# _____

PORAC Retired Associate Member #: _____

Fees for RAM/LDF will be **\$48** per member per year. Your payment **MUST** be received with this application. Please provide PORAC with your method of payment for this amount.

Method of Payment:

Check Enclosed payable to PORAC: _____
Check # _____ Check Amt. _____

Credit Card # _____

Exp. Date: _____ 3 digit security code: _____

Name as it appears on your credit card: _____

Signature: _____

NOTICE: In order for this plan to begin, a sufficient number of RAM members must enroll, and the application process between RAM and LDF must be completed. Upon these two conditions being satisfied, you will receive written notification that the plan and described coverage has begun. Once initiated, the plan will then provide you with benefits for qualified acts/events which occur from that date forward. By completing this application, you are merely expressing your intent to enroll in the Plan V Retiree Coverage (Firearms) and acknowledge that you are NOT eligible to receive Plan V benefits unless and until the above-described conditions are satisfied.

******* IF THE THRESHOLD OF MEMBERS IS NOT MET, PORAC WILL RETURN YOUR REMITTED FEES FOR THIS PLAN.*******