

Retiree Concealed Firearms

206.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Garden City Police Department identification cards under the Law Enforcement Officers' Safety Act (LEOSA) and Colorado law (18 USC § 926C).

206.2 POLICY

It is the policy of the Garden City Police Department to provide identification cards to qualified former or retired officers as provided in this policy.

206.3 LEOSA - QUALIFIED RETIREES

Any qualified retired law enforcement officer of this Agency who was authorized to, and did, carry a firearm during the course and scope of his/her employment may request to be issued a retired officer Agency identification card. The Police Chief or an authorized designee will consider the following qualifying factors in their decision to issue a retired officer Agency identification card:

The Police Chief should issue an identification card for LEOSA purposes to any qualified former officer of this department (18 USC § 926C(c)):

Qualified retired law enforcement officer means an individual who:

- (a) Separated from service in good standing from this department as officer other than for reasons of mental instability.
- (b) Was authorized by law to engage in or supervise law enforcement activities for any violation of law and had statutory powers of arrest.
- (c) Was regularly employed as a law enforcement officer for:
 - 1. For an aggregate of at least 10 years or more before retirement, or
 - 2. Retired from service with a service-related disability after completion of probation.
- (d) Has not been disqualified for reasons related to mental health.
- (e) During the most recent 12-month period has met the state standard for training and qualification to carry firearms.
- (f) Is not under the influence of alcohol or other intoxicating or hallucinatory drugs or substances.
- (g) Is not prohibited by any state or federal law from receiving or possessing a firearm or under a current court order prohibiting the same.

A former law enforcement officer is not "in good standing" if he/she was discharged for cause or resigned prior to the final disposition of allegations of misconduct. Additionally, any formal disciplinary action or investigation into allegations of misconduct during the 12 months prior to the separation from employment may be considered when deciding whether or not to issue the retiring

Retiree Concealed Firearms

officer an Agency identification card. A former law enforcement officer is not "in good standing" if he/she has entered into an agreement with the agency in which that individual acknowledges that he/she is not qualified under this section for reasons relating to mental health and for those reasons will not receive or accept the required photographic identification.

The above enumerated qualifications are intended to be a minimum standard for consideration as a "qualified retiree" in accordance with Federal law. Nothing in this Policy shall prohibit the Police Chief from considering the entirety of the officer's service with the Agency and/or nature of the separation in the decision to issue a retired officer Agency identification card.

206.3.1 LEOSA IDENTIFICATION CARD FORMAT

The retired officer Agency identification card shall include a recent photo of the retired officer and state that they have retired from the department "in good standing" in accordance with 18 USC § 926C. The retired officer department identification card shall include an expiration date of not more than three years from the date of issue. However, nothing will preclude the Police Chief from shortening that expiration term upon initial issuance or if he/she determines that the retired officer no longer meets the standards under which it was issued.

If the Garden City Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active duty standards for qualification to carry a firearm.

206.4 FIREARM QUALIFICATIONS

(a) This department may offer a qualified retired law enforcement officer of the department the opportunity to obtain the firearms qualifications necessary for certification in accordance with LEOSA, on a schedule and using a facility deemed appropriate by the Agency. The Agency reserves the right to impose a nonrefundable fee in the amount necessary to pay the expenses for providing the firearms qualification or as allowed by law.

(b) The firearms qualifications test may include, but is not limited to, the following:

1. The retired officer must present a current retired officer Agency identification card containing a photograph to the Firearms Instructor in charge of the range prior to attempting to qualify with their firearm.
2. The retired officer must demonstrate safety and proficiency in the handling of the firearm. The retired officer must comply with all safety rules and regulations established by the Department Armorer and which have been established for the particular facility where the qualification will take place. The retired officer must demonstrate proficiency in the use of the firearm by meeting the minimum standard established for the qualification course.
3. A review of safety rules and the facility safety plan will be conducted for all participants prior to conducting any live fire exercises on the range.
4. All qualifications will be conducted in a manner and under the rules consistent with the Department standard set forth in the Garden City Police Department Firearms Policy.

Garden City Police Department

Policy Manual

Retiree Concealed Firearms

(c) In the event a retired officer does not qualify after three attempts, the retired officer has failed to qualify and shall not be certified by this Department for the purposes of carrying a firearm under the LEOSA. No further qualification attempts will be allowed with that firearm. If the Department offers another qualification session, the retired officer may return and attempt to qualify again subject to the payment of a nonrefundable fee in the amount necessary to pay the expenses for providing the additional firearms qualification or as allowed by law.

(d) Remedial Training may be conducted.

(e) A record will be kept by the Firearms Instructor in charge of the range of individuals who attempt to qualify, the firearm they attempt to qualify with and whether they passed or failed. That record will be turned into the Police Chief as soon as practical after the qualification session.

206.5 FORMER OFFICER RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the Police Chief of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Employee Convictions Policy.

206.5.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former officer shall:

- (a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.
- (b) Remain subject to all applicable Department policies and federal, state and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
- (d) Successfully pass an annual criminal history background check (including National Crime Information Center (NCIC) and Criminal Justice Information Services (CJIS) queries) indicating that he/she is not prohibited by law from receiving or possessing a firearm (CRS § 24-33.5-112; CRS § 30-10-524; CRS § 31-30-106; CRS § 23-5-142).
- (e) Pay a fee not to exceed the direct and indirect costs for issuing the card (CRS § 24-33.5-112; CRS § 30-10-524; CRS § 31-30-106; CRS § 23-5-142).

206.6 DENIAL, SUSPENSION OR REVOCATION

(a) The retired officer Department identification card or firearms proficiency certificate issued by this Department may be temporarily denied, suspended or permanently revoked by the Police Chief or his/her designee for cause and written notice will be sent to the address the retired officer has on file with the Department. In the event the Department is notified that the retired officer fails to meet any of the certification requirements or no longer meets the requirements of this Policy, local, state, or federal law, the Department identification and firearms proficiency certificate shall be immediately revoked, and written notice of the revocation sent to the address the applicant has

Garden City Police Department

Policy Manual

Retiree Concealed Firearms

on file with the Department. The written notice of any suspension or revocation shall include the cause for such suspension or revocation.

(b) Any denial or revocation under this section shall also be considered disqualification under 18 USC § 926C(d). The retired officer Department identification card or firearm proficiency certificate may be immediately and temporarily revoked by the Senior Field Training Officer when the conduct of a retired officer compromises public safety. Upon revocation, either verbally or in writing, by a command officer of the Department, the retired officer Department identification card and/or firearm proficiency certificate shall be immediately surrendered by the retired officer.

(c) If the Agency denies, suspends or revokes either the retired officer Department identification or the firearms proficiency certificate, the retired officer may request a review in the following manner:

1. In the event that the issuance of a retired officer Department identification card is initially denied, the retired officer shall have 15 days from the date of denial to request a review hearing.

- (a) The request must be submitted in writing to the Police Chief or his/her designee.

- (b) The failure to submit a written request for a review hearing in a timely manner shall be deemed a waiver.

- (c) The review hearing, absent written agreement between the parties, shall be held no later than 90 days after the request is received.

2. Prior to revocation or suspension of the retired officer Department identification card or the proficiency certificate, the Department shall provide the affected retiree with written notice of a review hearing by either personal service or first-class mail, postage prepaid, return receipt requested, to the retiree's last known address. If immediate revocation is necessary, then direct contact may be made, and the Police Chief will follow-up with written notice within 3 days of the revocation.

- (a) The retired officer shall have 15 days from the date of notification to file a written request for a review hearing. The request must be submitted in writing to the Police Chief or his/her designee.

- (b) The failure to submit a written request for a review hearing in a timely manner shall be deemed a waiver.

- (c) The review hearing, absent written agreement between the parties, shall be held no later than 90 days after the request is received.

3. The review hearing for the denial, suspension or revocation of the retired officer Department identification card or firearm proficiency certificate will be conducted before a panel of three employees consisting of the Police Chief, the Senior Field Training Officer, and any other employee deemed appropriate by the Police Chief. Additionally, the Armorer or his/her designee will be available for consultation on firearms training or Subject Matter Expert information. The third member of this panel will be appointed by the Police Chief.

Garden City Police Department

Policy Manual

Retiree Concealed Firearms

(a) The findings and recommendation of the panel will be submitted to the Town Administrator for filing and the Police Chief will make a final determination of the continued denial, suspension, or revocation within 10 days of the completion of the review hearing.

(b) The Chief of Police will have 10 days to review the findings and recommendations of the panel and shall present the retired officer with a disposition of the denial, suspension, or revocation in writing at the end of that 10-day period.

(c) Any retiree who waives the right to a hearing or if the panel at the review hearing determines that the retired officer Department identification card or firearm proficiency certificate should be suspended or revoked, shall immediately surrender his/her identification card and/or firearm proficiency certificate if it has not previously been surrendered.

206.7 PROFESSIONAL STANDARDS RESPONSIBILITY

Employees who have reason to suspect a retired officer's conduct has compromised public safety shall notify the Police Chief as soon as practicable. The Police Chief will take the following steps in these instances:

(a) Take appropriate steps to promptly look into the matter.

(b) If warranted, contact the retired officer in person and advise him/her in writing of the following:

1. The retiree's identification card and/or proficiency certificate is immediately suspended or revoked.
2. The retiree will have 15 days to request a hearing to determine whether the temporary revocation should become permanent.
3. The retiree will forfeit his/her opportunity to a review hearing and the endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.

(c) In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Police Chief should attempt to make the above notice of temporary suspension or revocation through another law enforcement officer. For example, if a retired officer was arrested or detained by a distant agency, the Police Chief may request that a law enforcement officer of that agency act as the department's agent to deliver the written notification.

(d) Notification of the temporary suspension or revocation should also be promptly mailed to the last known address of the retired officer via first class mail, postage prepaid, return receipt requested.

(e) The Police Chief should document in a memo the investigation, the actions taken and, if applicable, any notification made to the retired officer.

(f) If the Police Chief is unavailable to perform these duties, he/she may designate another officer to perform them in his/her place.

Garden City Police Department

Policy Manual

Retiree Concealed Firearms

206.8 EXPIRED IDENTIFICATION CARD

Any retired officer Department identification card that has been allowed to expire by the holder and has lapsed for 60 days or more beyond the expiration date without the retired officer contacting the Department is not subject to renewal and will require a new application process, including a written request from the retired officer and the payment of any fees as required with an initial request.

206.9 RETENTION OF RECORDS

Records pertaining to the issuance of concealed weapon permits shall be maintained pursuant to the requirements of any other personnel record or state law.