



Approved:  
*Chief Marcia Harnden*

Subject:

# 852. Retired Police Officer Concealed Firearms

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CALEA Standards:

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## 852.1: PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Albany Police Department Retired Police Officer identification cards and endorsements to carry concealed weapons in other states under the Law Enforcement Officers' Safety Act (LEOSA) ([18 USC § 926C](#)).

## 852.2: POLICY

**It is the policy of the Albany Police Department to provide Retired Police Officer identification cards and endorsements to carry concealed weapons in other states to qualified former or retired officers as provided in the Law Enforcement Officers' Safety Act.**

## 852.3: AUTHORITY

- a. Under federal law (18 USC § 926C(c)), the Chief of Police may issue a Retired Police Officer identification card to, and authorize any qualified former officer of this department to carry a concealed weapon in all 50 states, provided the officer has met the following conditions:
  - 1) Separated from service in good standing from this department as an officer;
  - 2) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department;
  - 3) Has not been disqualified for reasons of mental health;
  - 4) Has not entered into an agreement with this department where the officer acknowledges that they are not qualified to receive a firearm qualification for reasons related to mental health;
  - 5) Is not prohibited by federal law from receiving or possessing a firearm.
- b. Under Oregon law ([ORS 166.260](#)), all honorably retired law enforcement officers from Oregon or any other state are authorized to carry a concealed weapon (CCW) in the State of Oregon.

This provision does not authorize retired Oregon peace officers to carry concealed weapons in other states.

- c. A "CCW Approved" endorsement is not required for an honorably retired law enforcement officer to carry a concealed weapon in Oregon; however, it is required for retired law enforcement officers who wish to carry concealed weapons in other states pursuant to LEOSA.

### **852.3.1: FORMER OFFICER AUTHORIZATION**

Any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm in other states under 18 USC § 926C when:

- a. In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
  - 1) An indication from the person's former law enforcement agency that they have, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm;
  - 2) A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state;
- b. Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
- c. Not prohibited by federal law from receiving a firearm.
- d. Not in a location prohibited by Oregon law or by a private person or entity on their property if such prohibition is permitted by Oregon law.

### **852.4: FORMER OFFICER RESPONSIBILITIES**

- a. In addition to the requirements of a former police officer under LEOSA (listed in Section 852.3), a former officer with a Retired Police Officer identification card issued under this policy (with or without LEOSA endorsement) shall immediately notify the Watch Supervisor of their arrest or conviction in any jurisdiction, or that they are the subject of a court order, in accordance with the Reporting of Employee Convictions Policy.
- b. In order to obtain or retain a Retired Police Officer identification card, the former officer shall:
  - 1) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both their 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;

- 2) Remain subject to all applicable department polices and federal, state, and local laws;
- 3) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm;
- 4) Successfully pass an annual criminal history background check indicating that the former officer is not prohibited by law from receiving or possessing a firearm. The application form will include the date upon which a criminal background check was completed and the identity of the employee who completed the background check.

#### **852.5: DENIAL, SUSPENSION, OR REVOCATION**

A Retired Police Officer identification card and/or LEOSA endorsement issued under this policy may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended or revoked, the former officer may request a review by the Chief of Police. The decision of the Chief of Police is final.

#### **852.6: FIREARM QUALIFICATIONS**

The Administrative Lieutenant or their designee may provide former officers from this department, and other current employees who are former officers from other departments in circumstances authorized by the Chief of Police or designee, an opportunity to qualify with firearms they intend to carry concealed pursuant to this policy and LEOSA.

- a. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification.
- b. The Administrative Lieutenant will maintain a record of the qualifications and weapons used.