


Fort Collins Police Services

Policy Manual

 FORT COLLINS POLICE	POLICY	217
	TITLE	Retired Officer LEOSA Firearm Qualification

217.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the process and conditions associated with the issuance, denial, or revocation of Agency identification for retired officers and firearm qualification in accordance with the Law Enforcement Officer Safety Act (LEOSA) passed by the United States Congress.

217.2 QUALIFIED RETIRED LAW ENFORCEMENT OFFICER

- (a) Any qualified former/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 Chief of Police, or an authorized designee, will consider the following qualifying factors in their decision to issue a retired officer Agency identification card:
 - 1. As used in this policy, the term “qualified retired law enforcement officer” means an individual who under 18 USC § 926C:
 - (a) Separated in good standing (per Policy 1053) from service as a law enforcement officer, including Tier 3 Special Commission Officers, other than for reasons of mental instability.
 - (b) Before such separation, was authorized by law to engage in or supervise the prevention, detection, or investigation of any violation of law and had statutory powers of arrest or apprehension.
 - (c) Before such separation, served as a law enforcement officer:
 - (1) For an aggregate of 10 years or more, or
 - (2) Separated from service, after completing any applicable probationary period of such service, due to a service-related disability as determined by the agency.
 - (d) 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 agency.
 - (e) Is not under the influence of alcohol or other intoxicating or hallucinatory drugs or substances, and
 - (f) Is not prohibited by any state or federal law from receiving or possessing a firearm or under a current court order prohibiting the same.
- (b) The retired officer Agency identification card shall include a recent photo of the retired officer and state that they have retired from the Agency “in good standing” in accordance with 18 USC § 926C. The retired officer Agency identification card shall include an expiration date of not more than five years from the date of issue; however, nothing will preclude the Chief of Police 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.

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1. To carry a firearm under this policy, retired FCPS officers must have their photographic identification issued by the agency; and a certification issued by the State in which the individual resides or by a certified firearms instructor that is qualified to conduct a firearms qualification test for active-duty officers within that State. The certification must indicate that the individual has, not less than 1 year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State or a certified firearms instructor, described above, to have met:
 - (a) the active-duty standards for qualification in firearms training, as established by the State, to carry a firearm of the same type as the concealed firearm; or
 - (b) if the State has not established such standards, standards set by any law enforcement agency within that State to carry a firearm of the same type as the concealed firearm.
- (c) As noted in Policy 1053, a former law enforcement officer is “in good standing” if he/she:
 1. Has not been terminated from employment for violation of law, City, or Agency policy.
 2. Did not separate from the Agency and/or City during an open Level One or Level Two administrative investigation, to include the final findings, that could result in a performance improvement plan, discipline, termination, or the filing of criminal charges.
 - (a) However, the Chief of Police may also consider separation from the Agency and/or City during any open performance review or administrative investigation, to include final findings, as an employee not being in good standing if that investigation would most likely result in a performance improvement plan, mandatory training, discipline, termination, or the filing of criminal charges.
 3. Has satisfactorily completed all discipline and/or training imposed in any administrative investigation(s), any performance/work plan(s), or any other documented tasks required by a supervisor or authorized representative of the City.
 4. Did not engage in conduct that could significantly impact the public trust of the Agency and/or City.
 5. Has not violated a POST certification standard.
 6. The Chief of Police may also consider sustained allegations resulting in major discipline within the 365 calendar days prior to the separation as evidence that the separated employee is not in good standing.
- (d) In addition to the elements listed above, a former law enforcement officer is not “in good standing” if he/she has entered into an agreement with the Agency and/or City 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.
- (e) 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 Chief of Police from considering the entirety of the officer’s service with the Agency and/or City and/or nature of the separation from either entity in the decision to issue a retired officer an Agency identification card.

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217.2.1 FIREARMS QUALIFICATIONS

- (a) This Agency may offer a qualified retired law enforcement officer of the Agency 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.
 - 1. The only type of firearm for which FCPS will offer qualification to retired officers is a handgun.
- (b) The firearms qualification 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 Firearms Training Unit and which have been established for the particular facility where the qualification takes place. The retired officer must demonstrate proficiency in the use of the firearm by meeting the minimum standard established by the FTU 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 Agency standard set forth in Policy 312 – 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 Agency for the purposes of carrying a firearm under the LEOSA. No further qualification attempts will be allowed with that firearm. If the Agency 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) No remedial training will be conducted.
- (e) A record will be kept by the firearms instructor in charge of the range of individuals who attempt to qualify, the type of firearm they attempt to qualify with (handgun only), and whether they passed or failed. That record will be turned into the Agency Personnel and Training Unit as soon as practical after the qualification session.

217.2.2 ISSUANCE OF CERTIFICATE

Upon successful completion of required qualification standards, the firearms instructor in charge of the range may issue the retired officer a firearm certification of proficiency on an Agency approved form/card. The certificate of proficiency will include an expiration date one year from the date of issue.

217.2.3 IDENTIFICATION CARD

The Agency issues photographic identification cards upon request of a qualified retired officer who meets the requirements of 18 USC § 926C and state law CRS § 31-30-106. However, the

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identification card is the sole property of the Agency and must be immediately returned to the Agency upon authorized request.

Prior to issuing the identification card, the Agency shall complete a criminal background check through a search of the National Instant Criminal Background Check System (NICS) and a search of the Colorado Integrated Criminal Justice Information System (CICJIS). If the background check indicates that the officer is prohibited from possession of a firearm by state or federal law, the Agency shall not issue the identification (CRS § 31-30-106).

If the Chief of Police does not issue the identification card to a retired officer, the Agency shall provide the retired officer with a written statement showing the reason for the denial (CRS § 31-30-106) and indicating they are not qualified for firearm carry under the LEOSA law.

217.2.4 ALTERNATIVE PERMIT OPTIONS

Nothing in this policy will prohibit a retired law enforcement officer from seeking and obtaining a concealed weapon permit pursuant to CRS § 18-12-201, et seq.

217.3 CARRYING FIREARMS OUT OF STATE

Subject to 18 USC § 926C and the local laws and regulations of other jurisdictions, qualified retired officers of this Agency may be authorized to carry a concealed firearm in other states. This Agency does not condone the violation of any law, statute, ordinance, or regulation of any jurisdiction. It is incumbent upon the retired officer to be aware of the law(s) of any jurisdiction in which they intend to carry a firearm and to comply with those laws.

217.4 OTHER QUALIFIED RETIREES

- (a) The Chief of Police may, at his/her discretion, allow or direct the Firearms Training Unit to conduct proficiency certification as described in this policy for qualified retired law enforcement officers who have retired from other agencies (Foreign Retired Officer) if the retired law enforcement officer meets the criteria set forth in this policy, 18 USC § 926C, and state law.
- (b) If the Chief of Police directs the Firearms Training Unit to conduct proficiency testing for such foreign retired officers, it shall be done to the same standard and in the same manner as testing completed for retired officers from this Agency. Any certificate of proficiency issued will expire one year from the date of issue.
- (c) The minimum requirement for this consideration includes that the foreign retired officer must be a qualified retired law enforcement officer, who is entitled to carry a concealed firearm under 18 USC § 926C and state law. The Agency may impose a nonrefundable fee in the amount necessary to pay the expenses in providing the certification.
- (d) No additional documentation will be created or provided to foreign retired officers or the agency(s) they retired from, beyond the qualification certification issued by Fort Collins Police Services in accordance with 18 USC § 926C and Colorado state law.

217.4.1 APPLICATION PROCESS FOR FOREIGN RETIRED OFFICERS

- (a) The application process for foreign retired officers consists of the submittal of the required form, in person, and the payment of any fees required or allowed by law or reasonably assessed by FCPS. The foreign retired officer shall sign the completed application form in

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person before the Chief of Police or the authorized designee. The Chief of Police or the authorized designee shall verify the foreign retired officer's form, recent firearms qualifications, retired law enforcement officer identification and valid driver's license for completeness, validity, and proper identification.

- (b) The eligibility for proficiency testing shall be validated, including a check for wants or warrants and any active court order, and a determination if the foreign retired officer is prohibited by state or federal law to possess or carry firearms. This validation will include a request through the Colorado Bureau of Investigation to the National Instant Criminal Background Check System and the Colorado Integrated Justice Information System to verify the applicant meets the criteria specified.

217.5 MAINTAINING LEOSA STATUS

In order to maintain certification under LEOSA – 18 USC § 926C and state law, a retired officer shall:

- (a) Apply for a yearly firearms certification at least 30 days prior to the annual expiration.
- (b) Demonstrate annually the proficiency for the type of weapon being tested (e.g. handgun).
- (c) Renew the retired officer Agency identification card five years (unless otherwise listed on their individual card) after the date of issue or as required by the Agency.
- (d) Notify the Agency within three days if the retired officer Agency identification card OR firearm proficiency certification card is lost, stolen or destroyed.
- (e) Notify the Agency, or cause the Agency to be notified, within 30 days if the retired officer changes his/her address.
- (f) Notify the Agency as soon as feasible if the applicant is arrested or served with a court order.

217.6 DENIAL, REVOCATION, OR SUSPENSION OF DOCUMENTS

- (a) The retired officer Agency identification card or firearms proficiency certificate from this Agency may be denied, suspended, or permanently revoked by the Chief of Police, or his/her designee, for cause. Written notice will be sent to the address the retired officer has on file with the Agency via certified mail with a return receipt or via an email address supplied by the retired officer with a reply.
 1. In the event the Agency 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 Agency identification and firearms proficiency certificate shall be immediately revoked and written notice sent as soon as possible.
 2. The written notice of any suspension or revocation shall include the cause for such suspension or revocation and a demand for the return of the certificate.
- (b) Any denial or revocation under this section shall also be considered disqualification under 18 USC § 926C(d). The retired officer Agency identification card or firearm proficiency certificate may be immediately and temporarily revoked by any executive officer, supervisor of the rank of lieutenant or above, or any sergeant who is designated an acting lieutenant when the conduct of a retired officer compromises public safety.
 1. Upon revocation, either verbally or in writing, by an officer of the Agency described above, the retired officer Agency identification card and/or firearm proficiency certificate

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shall be immediately surrendered by the retired officer to an authorized Agency representative.

- (c) If the Agency denies, suspends, or revokes either the retired officer Agency identification or the firearms proficiency certificate, the retired officer may request a review in the following manner:
1. The retired officer shall have 15 calendar days from the date they receive written notice of the denial, suspension, or revocation to request a review.
 - (a) The request must be submitted in writing to the Deputy Chief of Police and must provide any information the retired officer believes may change or affect the Chief's previous action.
 - (b) The failure to submit a written request for a review in the designated time shall be deemed a waiver.
 - (c) The review shall be completed no later than 90 days after the request is received by the Deputy Chief of Police.
 2. The review for the denial, suspension, or revocation of the retired officer Agency identification card or firearm proficiency certificate will be conducted by the Deputy Chief of Police and the most recent assistant chief of the retired officer. Other Agency personnel or subject matter experts may be consulted.
 - (a) The Deputy Chief of Police will advise the Chief of Police in writing of any new information and recommendations for final determination of the continued denial, suspension, or revocation within 30 days of the completion of the review.
 - (b) The Chief of Police will review the information and then notify the retired officer in writing at the address the retired officer has on file with the Agency or to an email address supplied by the retired officer of the chief's final decision on the denial, suspension, or revocation.

217.6.1 PROFESSIONAL STANDARDS UNIT RESPONSIBILITY

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

- (a) Take appropriate steps to promptly investigate the matter.
- (b) If warranted, contact the retired officer in person and advise him/her in writing/email as described above of the following:
 1. That the retiree's identification card and/or proficiency certificate is immediately suspended or revoked.
 2. That the retiree will have 15 calendar days from receiving notice to request in writing a review to determine whether the temporary revocation should become permanent. That review will follow the guidance under Policy 217.6
 3. That the suspension/revocation will become permanent if no review request is received from the retiree within the 15 calendar days.
- (c) In the event of a significant action/threat by the retiree, the Deputy Chief of Police should attempt to make verbal contact with the retiree to give notice of temporary suspension or revocation. If direct contact cannot be made, the Agency representative should attempt to make such notice through another law enforcement officer. (For example, if a retired officer

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was arrested or detained by a distant agency, a request may be made of the arresting agency to notify the retiree verbally in advance of the written notification).

- (d) Notification of the temporary suspension or revocation should also be mailed to the last known address of the retired officer via certified mail with a return receipt or to an email address supplied by the retired officer if they reply to the notice.
- (e) The Deputy Chief should document in a memo to the Chief of Police the investigation, the actions taken and, if applicable, any notification made to the retired officer.
- (f) The Deputy Chief of Police may designate another command officer to perform these duties in his/her place.

217.7 EXPIRED IDENTIFICATION CARD

Any retired officer Agency 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 Agency 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. The identification card is the property of the Agency and must be returned by the holder upon request of the Agency representative.

217.8 RETENTION OF RECORDS

Records pertaining to the issuance of retired officer Agency identification and qualification certifications shall be maintained pursuant to the requirements of any other personnel record or state law.