FORT SMITH POLICE DEPARTMENT
POLICIES AND PROCEDURES

SUBJECT	**Firearms, Ammunition, and Range Policy**		
NUMBER	**1102.01**	**EFFECTIVE DATE**	**October 20, 1999**
SCHEDULED REVIEW DATE	**Annually beginning October 1**	**ISSUE DATE**	**October 20, 1999**
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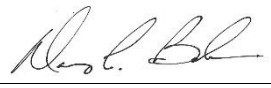
APPROVED BY		**CALEA STANDARDS**	

I. Purpose and Scope

A. The purpose of this policy is to specify the firearms and ammunition that are authorized for use by members of the Fort Smith Police Department.

B. This policy also governs:

1. The handling and training associated with the use of firearms.

2. Firing range regulations. [LE 4.3.5]

3. Retirement carry and firearms.

II. Policy

A. It shall be the policy of the Fort Smith Police Department that officers will utilize only those firearms and ammunition issued or approved by the Department. All sworn personnel shall be instructed in and demonstrate an understanding of all policies and procedures covering firearms and related equipment, use of force and use of deadly force, prior to being issued any weapons. Safety, accountability, and control are of the utmost importance.

III. Procedures

A. Prior to a duty weapon being issued, it shall be inspected by a qualified armorer. *Any weapon found to be unsafe or inoperative shall be immediately removed from use until the weapon is repaired.* The only authorized on-duty or off-duty firearms are those issued by the Department or those authorized weapons inspected and approved by the Training Unit, based on established departmental criteria approved by the Chief of Police.

B. The Training Unit will maintain a record of all weapons approved by the department for official use. These records shall include:

1. Description of the weapon;

2. Owner;

3. Person approving the weapon and date of approval;

4. Course of fire and score.

C. Sworn Members - Authorized weapons and registration requirements:

1. Officers will carry a departmentally issued 9mm semi-automatic handgun as the on-duty service weapon. "On-duty" includes any time that the officer is being paid, either by the agency or an approved off-duty employer where police action may be taken.

2. Handguns issued by the Fort Smith Police Department will be limited to the following models exclusively:

a) Glock Model 17

b) Glock Model 43

c) Walther PDP Compact Pro-E

(1) Each Walther may be equipped with an Aimpoint Acro P2 optic.

3. Shotguns:

a) Officers shall carry only departmentally issued 12-gauge shotguns.

b) The standard issued shotgun of the Fort Smith Police Department shall be a Remington, Model 870, 12 gauge, chambered for 3 inch magnum rounds.

4. Rifles:

a) Officers shall carry only departmentally issued or approved rifles.

b) All duty rifles must have slings and operable "iron sights."

c) The duty rifles issued or approved by the Fort Smith Police Department shall be of the same style as the Colt AR-15, capable of firing the .223 caliber ammunition. Brands other than Colt are acceptable (known as Colt clones), as long as they would meet the military specifications of such rifles.

d) Approved rifles which are not issued by the department shall not be subject to NFA restrictions (no "short barreled rifles", fully automatics, suppressors, or any other devices subject to the National Firearms Act). Departmentally owned rifles and suppressors which would fall under the NFA rules are acceptable for duty use.

D. All departmentally issued handguns shall be carried in an approved holster (unless otherwise designated in this policy) or shall be stored in a designated secure area while on-duty or working in approved off-duty employment. Holsters shall be approved by the Training Unit.

E. Undercover officers may wear their handgun concealed without the use of a holster. Undercover officers shall obtain approval for holsters, or the approval of no holster, by their division commander or their designee.

F. All sworn members of the Fort Smith Police Department will qualify with all departmentally issued handguns at least twice annually, during quarterly qualifications. One qualification must be during the first or second quarter range sessions and one must be during the third or fourth quarter range sessions. Annual low light training (AKA: night fire) will also be mandatory and may be delivered at a quarterly live fire range or by use of a simulator. The minimum passing score to be considered "qualified" is eighty percent (80%) of the possible score for the course of fire.

G. All officers approved to carry a departmentally issued shotgun will qualify semi-annually. The minimum passing score for the shotgun is eighty percent (80%).

H. All officers approved to carry a duty rifle must qualify at least semi-annually. The minimum passing score is ninety percent (90%).

I. All firearms qualifications pursuant to this policy will be supervised in its entirety by a certified firearms instructor.

J. Only a departmentally issued or approved magazine shall be carried in departmental handguns. The use of extended magazines, although approved by the manufacturer, shall not be used.

K. Officers electing to carry a weapon while off duty shall do so in a manner that will not attract attention or be open to the view of the public.

IV. Ammunition

A. The department will provide all ammunition for departmental training and on-duty use for all handguns, rifles and shotguns. Only departmentally issued ammunition will be carried. Ammunition will not be modified. *All ammunition used in personally owned and approved off-duty and secondary weapons must be approved by the Training Unit utilizing the same specifications listed below.*

1. Only factory loaded ammunition will be used. Specifications for ammunition for the primary duty weapon are as follows: 9mm 147 grain jacketed hollow point, Remington Bonded Golden Saber or Speer LE Gold Dot.

2. The types of ammunition that are prohibited include, but are not limited to the following:

   a. Reloaded or remanufactured ammunition

   b. Explosive, poisonous or toxic bullets;

   c. Tracers or incendiary bullets;

   d. Armor-piercing or Teflon-coated bullets;

   e. Glaser or any prefragmented ammunition;

   f. Any ammunition that the Training Unit deems to be unsuitable for duty use.

B. Specifications for shotgun ammunition issued by the Fort Smith Police Department shall be as follows: Federal 12 Ga., 2.75", copper plated, 8 pellets.

C. Specifications for rifle ammunition issued by the Fort Smith Police Department shall be as follows: .223, 62gr., Bonded, Soft Point or Hollow Point, Federal or Remington brand.

V. Off-duty Handgun Guidelines

A. Officers may carry an approved handgun off-duty, but will exercise discretion as to when and where it is worn. All sworn personnel will qualify at least semi-annually with their approved off-duty handgun. All approvals shall be conditional upon semi-annual re-qualification. The minimum passing score to be considered "qualified" is eighty percent (80%) of the possible score for the course of fire.

1. Any display or use of an off-duty handgun will be governed by the same regulations that apply to on-duty officers. Officers not in uniform shall display their badges concurrently with the drawing of their weapon whenever practical.

2. Off-duty handguns carried while not in uniform must be kept concealed.

3. Prior to carrying any non-issued handgun during off-duty hours, officers shall have such weapons approved through the Training Unit.

   a) Off-duty handguns shall be submitted to the Training Unit for inspection prior to qualification.

   b) Officers may carry a semi-automatic pistol, revolver, or derringer while off-duty.

4. Officers are authorized to carry their on-duty handgun while off-duty, but as an alternative, they may be authorized up to three other departmentally approved off-duty handguns. In any event, they may carry only one "off-duty" or "secondary" weapon at any time. An approved off-duty handgun may be carried as a secondary weapon as long as it meets all other requirements for a secondary firearm. While on-duty, the departmentally issued Glock 9mm will be carried as the primary weapon.

   a. The Training Unit will maintain all other records pertaining to the selection of, qualification with, and authorization to carry off-duty handguns.

5. Officers shall not make modifications to off-duty handguns after approval. Any repairs will require that the weapon be re-submitted to the Training Unit for inspection.

6. This policy should not be construed to restrict the legitimate possession and use of sporting or recreational firearms.

VI. Secondary Handgun Guidelines

A. Officers may carry one approved secondary handgun in conjunction with and as a back-up to the officer's primary departmentally issued or approved handgun.

B. The secondary handgun is to be viewed only as a weapon of last resort and the use of a secondary handgun will be limited to those instances where an officer's use of deadly force is authorized and the officer's primary handgun has been:

1. Lost, stolen or rendered inoperable during the course of the specific incident authorizing the use of deadly force;

2. Exhausted of ammunition under circumstances which clearly limit the officer's ability to immediately reload.

C. Secondary handguns are not limited by system (i.e., revolver, semi-automatic or derringer) and may be of any standard caliber subject to the approval of the Training Unit and the Chief of Police.

D. The prohibitions applicable for ammunition for secondary handguns will be consistent with Section IV.A.2 of this policy.

E. Secondary handguns will be carried on an officer's person in a concealed manner, securely fastened in an accessible position.

F. Officers electing to carry a secondary handgun shall comply with the following procedures prior to actually bearing the handgun:

1. The secondary handgun and ammunition will be submitted to the Training Unit for inspection.

   a. The Training Unit shall establish that the handgun is safe, functional and in good repair and that the handgun and ammunition is in compliance with this policy.

   b. The Training Unit will ensure that the officer fully understands the limitations on the use of the secondary handgun and that the officer has prepared a suitable manner for carrying the secondary handgun.

   c. The Training Unit will, upon approving the handgun and ammunition, record the firearm information, to include owner, make, model, serial number, caliber, ammunition brand and type, and date placed in service.

   d. Only weapons equipped with a firing pin block (semi-automatics), hammer block (revolver), or other form of mechanical safety will be authorized. Safety will be the primary concern of the firearm inspection/authorized process.

   e. Each officer shall qualify with the secondary handgun on the firing range under the supervision of a Training Unit Firearms Instructor to ensure the weapon is working properly and that the officer is familiar with the operation of the weapon. Officers are required to furnish their own ammunition. All approvals shall be conditional upon semi-annual re-qualification. The Firearms Instructor will determine the course of fire. The minimum passing score to be considered "qualified" is eighty percent (80%) of the possible score for the course of fire.

2. The Training Unit shall maintain the collected secondary handgun information electronically or in the officer's training file.

3. The Training Unit will maintain all other records pertaining to the selection of, qualification with and the authorization to carry secondary handguns.

4. The Training Unit personnel and/or the Shift or Troop Commander must disallow any handgun or ammunition which they determine does not comply with this policy.

G. Once an officer has been authorized to carry a particular secondary handgun, that secondary handgun will be carried only in the prescribed manner whenever on-duty. While secondary handguns are optional, they will be subject to inspection at any time by any police supervisor.

H. The authorized secondary handgun may be carried in the prescribed manner whenever the officer is off-duty or working in an off-duty capacity and is armed with a departmentally approved or issued handgun.

I. In the event that an officer discharges a secondary handgun, accidentally or intentionally, all investigative and reporting procedures established by the Fort Smith Police Department Policies and Procedures shall apply.

J. Officers who wish to carry a secondary handgun must provide at their own expense the weapon, carrying mechanism and all required departmentally approved ammunition.

VII. Duty Rifles

A. Participation in the duty rifle program is voluntary.

1. The Training Unit will verify the required training has been completed or schedule the officer for the next approved training course.

2. Once the training course is confirmed or completed and the qualification requirements have been met, the officer will be authorized to carry the approved rifle under the guidelines of departmental policy and training.

B. Upon approval and clearance for the duty rifle program, an officer may carry a departmentally issued rifle or personally owned rifle.

1. If the rifle is departmentally owned, the decision to allow duty carry of the rifle must be approved by the supervisor directly responsible for the rifle.

a) Carrying of SWAT rifles are approved by the SWAT Commander or the Assistant SWAT Commander.

2. If the duty rifle is personally owned, it is subject to the approval process consistent with personally owned handguns.

3. Officers will exercise discretion as to when and where it is deployed. All approved personnel will qualify at least semi-annually with their approved rifle. All approvals shall be conditional upon semi-annual re-qualification. The minimum passing score to be considered "qualified" is ninety percent (90%) of the possible score for the course of fire.

4. Any display or use of a rifle will be governed by the same regulations that apply to other firearms.

5. Prior to approval to carry a personally owned rifle, officers shall have such rifles approved through the Training Unit.

6. The Training Unit will maintain all records pertaining to the qualification with and authorization to carry rifles.

7. Officers shall not make modifications to any rifle after approval. Any repairs will require that the rifle be re-submitted to the Training Unit for inspection.

8. Because the departmental or personally owned rifle is issued to the officer and must be carried to and from work, officers are authorized to transport such rifle while off duty, but the rifle must be locked in the vehicle and out of sight from the public.

9. Deployment of the rifle while off duty during a police action would be authorized, as long as it complies with all other sections of this policy and the Response to Resistance (1102.03) policy.

10. This policy should not be construed to restrict the legitimate possession and use of sporting or recreational firearms.

VIII. Weapon Repairs and Maintenance Guidelines

A. **Only certified police armorers authorized by the Chief of Police will repair, modify or otherwise work on departmentally owned weapons**.

B. Officers will be responsible for maintaining issued and personally owned weapons in a clean and serviceable condition.

C. All departmentally approved and issued firearms will be inspected semi-annually by a certified armorer.

D. Officers may install, at their own expense and with **prior authorization by the Training Unit**, approved aftermarket grips, laser sights, and/or tactical flashlights. Holographic/reflector style optics with 4 power or less internal or external magnification are also authorized for duty rifles, with prior approval by the Training Unit, but iron sights must be maintained and operable when optics are attached. Standard telescopic sights will not be authorized.

IX. Handling / Storage of Firearms

A. One of the primary responsibilities of every officer is the safe and proper handling and storage of firearms, both on and off duty. Weapons should be secured when not in your immediate care, custody or control. In an effort to assist officers with security of their firearms when off-duty, gun locks are issued with each handgun. In addition to the locks, each handgun was issued in a carrying case that can be secured with a padlock to provide additional security. Officers should make every attempt to ensure their firearms are secure at all times.

B. Rifles, pistols and/or shotguns in department-owned vehicles being driven on-duty or parked in areas restricted from public access shall be secured in either the vehicle gun rack, in the trunk, or stored out of sight from public view. Rifles, pistols, and/or shotguns left in unattended vehicles on private property or while off-duty will either be locked in the trunk or will be secured to the vehicle by a locking device or mount. Removing the weapon(s) to a safe and secure location is preferable. It is the operator's responsibility to ensure that any department vehicle left unattended with weapons inside is locked. Theft resulting from improperly secured weapons will be investigated as a Class A rules violation. Department-owned weapons that are not issued are to be stored in the Armories. Weapons issued to unassigned patrol units will be secured in an Armory when a vehicle is down for service or repair. Unissued weapons assigned to SWAT will be secured in the SWAT section of an Armory.

C. Officers will not clean, repair or load firearms in police buildings, except at the range, unless ordered to do so by a supervisor. When necessary to load or unload a firearm inside the building, it shall be done at one of the "bullet traps."

D. Shotguns and rifles will be carried inside a police building unloaded with the breech open. If the gun is in a case, on safe, with an empty chamber, it is <u>not</u> required to be removed from the case, unloaded, and the breech opened before entering the building. No rifle or shotgun will be carried in the building with a loaded chamber, unless responding to a police call inside the building.

E. Shotguns and or rifles shall be carried in vehicles with the breech closed, chamber empty, magazine full and the safety on.

F. Under no circumstances shall a shotgun or rifle be placed in the rack or carrying case with a round in the chamber or with the safety off.

G. At all times, officers shall adhere to standard firearms safety instructions provided by departmental training processes.

H. Firearms will at all times be maintained and used in a manner that precludes accidental discharges.

I. All firearms, whether departmentally issued or personally owned and carried in a secondary or off-duty capacity, shall be maintained in a clean and safe working condition at all times.

X. Training

A. Prior to being authorized to carry any departmental firearm, newly appointed officers (Cadets) will receive copies of the department's Response to Resistance and Firearms, Ammunition, and Range policies and receive training in these policies by the Training Unit. If the department adds any new firearms to the inventory, employees must receive training in their use prior to be being authorized to carry the firearm.

B. While attending orientation training and the basic police training course at the training academy, Cadets shall be permitted to carry a departmental weapon *only during applicable training sessions or special assignments.*

C. Annually, each sworn member of the Fort Smith Police Department will be required to receive in-service training on the police department's Response to Resistance Policy.

D. Firearms proficiency training for the Fort Smith Police Department will be conducted quarterly. Each sworn member is required to attend at least two of these sessions during the calendar year, once during the first half and once during the last half of the year, and shall demonstrate proficiency and qualify with any departmentally authorized weapon.

E. Prior to approval for participation in the duty rifle program, an officer must attend a Patrol Rifle course or its equivalent, as determined by the Training Unit. This course must be taught or approved by the Training Unit, using certified or approved instructors.

F. The minimum handgun or shotgun qualification standard will be eighty percent (80%) fired on all certified qualification courses. The minimum rifle qualification standard will be ninety percent (90%) fired on all certified qualification courses.

F. Only officers demonstrating proficiency with an approved firearm at a frequency determined by the Chief of Police shall be authorized to use such weapons.

G. Only CLEST certified Firearms Instructors will be utilized to present firearms training and qualifications.

H. The Training Unit will document the officer's training and proficiency record to reflect attendance of in-service training classes and document the officer's proficiency in the use of departmentally authorized firearms.

XI. Failure to Qualify

A. *Qualification with the primary duty handgun is a major condition of continuing employment as a police officer for the City of Fort Smith. Failure to qualify may result in the imposition of discipline, up to and including termination of employment. Additionally, failure to qualify with any other department approved firearm would prohibit that person from being allowed to carry that particular firearm.*

B. An officer who fails to qualify with any department approved firearm after two (2) consecutive attempts shall be referred for *immediate* remedial training by a certified firearms instructor.

C. The firearms instructor providing the remedial training or the Range Master shall notify the officer's division commander, who will notify the Chief of Police, in the event that an officer undertaking remedial training is still unable to qualify at the conclusion of the extra training session.

D. The Division Commander, upon such notification, shall immediately suspend the unqualified officer from duty with pay. The unqualified officer will be directed to report to the training unit, at a time and location determined by the Range Master, for additional remedial training and will be advised that they have no police power during their suspension, including off duty employment. The officer shall remain on suspension until such time as the officer qualifies or that the Range Master determines remedial training will be fruitless.

E. If in the opinion of the Range Master the unqualified officer does not respond satisfactorily to remedial training and remains unqualified, the Range Master shall notify the Chief of Police in writing of such status.

F. In the event the failure to qualify and failure to respond to remedial training is with a shotgun or rifle, suspension will not be required.

1. If the rifle is departmentally owned, it shall be confiscated by the range officer.

2. In the event the rifle is personally owned, the rifle will be unloaded and the officer will be directed not to carry the rifle on duty.

3. Reauthorization to carry a rifle will not be completed until successful completion of additional rifle training, up to and including another approved Patrol Rifle course, to include a successful qualification.

4. Reauthorization to carry a shotgun will not be completed until successful completion of additional shotgun training, to include a successful qualification.

G. Any officer returning to duty after an absence exceeding six months or after having missed a mandatory firearms training or qualification shall report to the Range Master for remedial training and requalification prior to being permitted to return to full duty status.

XII. Carrying Handgun While Operating in an Undercover Capacity

A. An officer who is working in an undercover capacity is authorized to *temporarily* carry a departmentally approved secondary handgun *as a primary weapon* in those instances when maximum concealment of the weapon is of significant importance. However, the officer's supervisor must first authorize the carrying of the secondary handgun in lieu of a duty weapon. *The officer must have qualified with the secondary handgun and a record of that weapon must be on file with the Training Coordinator in compliance with Section VI of this policy.* Under normal circumstances, the undercover officer will be required to carry the issued service weapon as his/her primary weapon. *Authorization to carry a non-issued handgun as a primary weapon is to be granted on a case by case basis only.*

XIII. SWAT Weapons and Ammunition

A. Specialized weapons (rifles, carbines, fully-automatic weapons, sawed-off or short-barreled rifles or shotguns, silencers or suppressers and laser sights), other than service weapons, will be authorized only for those employees who are qualified with and whose assignments require such weapons. The Chief of Police will determine the need for specialized weapons. It shall be the responsibility of all Unit Commanders to ensure the Training Unit is supplied with a list of all specialized weapons utilized by their unit (S.W.A.T., etc.). Department owned suppressors assigned to Team members shall not be removed from their assigned weapon unless specifically authorized by the SWAT Commander or the Assistant SWAT Commander. The only exception to this will be suppressors assigned to members of White Team (snipers) may be interchanged between their assigned TEAM Weapons. The weapons that are authorized are as follows:

1. Remington 870 12 gauge shotguns.

2. Remington Model 700 bolt action .308 caliber rifles.

3. Defense Technology Federal Laboratories 40mm projectile launcher.

4. Sons of Liberty Gun Works Model M4-89 (.223/5.56 caliber) 11 ½ inch with Aim point optic; the Team's four snipers use a 1X-5X low power variable optic (LPVO) on their M4-89.

B. Specifications for ammunition authorized for use by SWAT

1. All 9mm and shotgun ammunition (pellet and less lethal) used by SWAT shall be the same as that authorized for departmental use.

2. Federal 12 Ga. one ounce hollow point rifled slug.

3. .223 caliber, either 62 grain bonded hollow point, soft point, or 55 grain full metal jacket.

4. Federal .308 caliber 168 grain polymer (ballistic) tip projectile.

5. 40MM projectiles containing the following:

   a. impact OC
   b. impact round
   c. ferret OC powder
   d. ferret OC liquid
   e. ferret CS Powder
   f. ferret CS liquid
   g. bean bag
   h. 37/40MM bean bag
   i. .60caliber stinger
   j. CS long range
   k. muzzle blast
   l. multi-round impact

6. Defense Technology Federal Laboratories hand thrown gas canisters

   a) Flameless tri-chambered CS
   b) Pocket tactical CS gas
   c) Riot control CS gas

XIV. Firing Range

A. The Fort Smith Police Department firing range will only be used for departmentally sanctioned training and qualification activities. Such activities include but are not limited to:

   a. Departmental firearms qualification
   b. Departmental firearms training
   c. Other training functions that require open, outdoor space
   d. Community presentations by the department, such as Citizens Police Academy
   e. Training by or for other law enforcement agencies, under the supervision of FSPD range staff

B. At all times the range is in use for firearms related activities, a departmentally certified Range Master must be on-site to supervise those activities. Regardless of rank, the Range Master is in charge of all activities on the range for not only the people being trained but also for the actions and duties of the firearms instructor staff. Range Master status is achieved by:

   a. Experienced certified Firearms Instructors selected by the Training Coordinator and approved by the Chief of Police
   b. Who have completed additional firearms/range training as approved by the Training Coordinator, to specifically include range safety measures

C. Training and certification requirements for approved range staff include:

   a. CLEST certified Firearms Instructor
   b. Approved by the Training Coordinator

c. One or more range staff members at each firearms activity must be certified in CPR/AED and Stop the Bleed

D. Range Rules and Safety Rules:

a. The Range Master is in charge of all range activities. Failure to obey the Range Master or any Firearms Instructor shall result in removal from the range.

b. Firearms, magazines, and/or ammunition shall not be handled unless under the specific direction of a Firearms Instructor.

c. Eye and ear protection shall be worn during shooting activities, in the active area of the range. Personnel in the staging area, away from shooting activities, or anywhere when there is no shooting activity, may remove ear and eye protection for easier communication.

d. Issued ballistic vests will be worn by personnel during shooting activities on the firing range. The Range Master may suspend the vest requirement on a case by case basis for conditions such as extreme weather or an extended length of time the person will be on the range.

e. Only equipment, weapons, ammunition, and targets authorized by this policy or specifically authorized by the Range Master, when not covered by policy, may be used on the range.

f. Firearms and ammunition shall be stored in compliance with section IX of this policy. During range activities, they shall be stored so as to prevent unauthorized access by personnel or visitors.

g. Primary range and safety rules shall be posted conspicuously at the range entrance and/or at the check in location.

h. Pre-range briefings shall include rules review and location of emergency medical supplies.

i. At least one police radio or cell phone shall be present and operable during range activities to assure availability for emergency communications.

XV. Retirement Weapon, Credentials

A. Upon retirement with twenty (20) or more years of service with the Fort Smith Police Department, a full-time officer who is eligible for a retirement benefit from the Arkansas Local Police and Fire Retirement System (LOPFI) at the time they cease employment may be awarded their issued handgun, along with a “Retired Officer” badge and identification, as long as they are not prevented from owning a handgun by state or federal law. In the event an officer was issued more than one handgun for duty carry, they shall only be awarded one.

B. A full-time officer who retires from the FSPD with less than (20) years of service but is eligible for a retirement benefit from LOPFI may be authorized to receive a "Retired Officer" badge and identification at the sole discretion of the Chief of Police.

C. Any retiree awarded a firearm and/or credentials under this policy may also receive their soft, ballistic armor assigned to them at the time of retirement. The Department assumes no responsibility for the use, or misuse, of ballistic armor, regardless of expiration date.

D. Having served their community and the department for thousands of unpaid hours and because Reserve Officers (AKA: Auxiliary Officers) are not necessarily eligible for a retirement, the criteria for being eligible to receive their issued handgun, a retirement badge and identification are:

1. Twenty (20) or more years of service with the Fort Smith Police Department

2. Resigned in good standing

3. Not otherwise prohibited under state or federal law from receiving or possessing a firearm

4. Resigning Reserve Officers who already received a retirement handgun and badge from this department for retiring from full-time service are not eligible to receive their handgun and badge for Reserve Officer service.

XVI. Retired Law Enforcement Officer

A. Retired Fort Smith Police Department officers (both full-time and auxiliary) are granted authority to carry firearms by the following state statutes and/or federal laws:

1. ***Within the State of Arkansas*** – Arkansas § 12-15-202 (b) provides the following guidelines:

a. Retired in good standing from service with a public law enforcement department, office, or agency for reasons other than mental disability;

b. Immediately before retirement was a certified law enforcement officer authorized by a public law enforcement department, office, or agency to carry a firearm in the course and scope of his or her duties;

c. Is carrying appropriate written photographic identification issued by a public law enforcement department, office, or agency identifying him or her as a retired and former certified law enforcement officer;

d. Is not otherwise prohibited under federal law from receiving or possessing a firearm;

e. Has fingerprint impressions on file with the Department of Arkansas State Police Automated Fingerprint Identification System together with written authorization for state and national level criminal history record screening;

f. During the most recent twelve-month period has met, at the expense of the retired law enforcement officer, the standards of this state for training and qualification for active law enforcement officers to carry firearms;

g. Before his or her retirement, worked or was employed as a law enforcement officer or acted as an auxiliary law enforcement officer for an aggregate of ten (10) years or more; and

h. Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

2. ***Outside States*** **-** U.S. Federal Law **18 USC 926C** allows ***qualified*** law enforcement officers an exemption from state laws that prohibit the carrying of concealed firearms. This federal law also includes retired law enforcement officers and defines *qualified retired law enforcement officers as*:

   a. Has separated from service in good standing with a government agency as a law enforcement officer for an aggregate of ten (10) years or more or separated from such an agency due to a service-connected disability after completing any applicable probationary period of such service;

   b. Was authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or the incarceration of any person for any violation of law;

   c. Had statutory powers of arrest;

   d. Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

   e. Is not prohibited by Federal law from possessing a firearm.

3. In compliance with H.R. 218, 18 USC 926C as amended, and the Arkansas Commission on Law Enforcement Standards Rules 1025 and 1026, the Fort Smith Police Department will set the following guidelines on retired officers wishing to carry a concealed firearm:

   a. Any *qualified* retired officer from the Fort Smith Police Department who may wish to carry a concealed firearm must annually qualify, at their own expense, under the supervision of a departmentally approved firearms instructor.

   b. Qualifying requires a score of 80% or more.

   c. The retired officer must present the firearm and ammunition to a departmentally approved Firearms Instructor for inspection on the date of their range qualification.

   d. Must possess a departmentally issued identification card which identifies them as a qualified retired law enforcement officer.

   e. Per 18 USC926C and CLEST Regulation, it is acceptable for the Fort Smith Police Department, the State, or the individual Firearms Instructor to issue documentation that the qualified retired law enforcement officer met the qualification standards of the agency or state. After successful qualification, the Training Unit will issue a departmental or CLEST designed card authorizing them to carry the approved weapon and report the score to the Office of Law Enforcement Standards.

   f. Departmental Range Staff may qualify "Qualified Retired Law Enforcement Officers" (QRLEO) who worked for agencies other than the City of Fort Smith. The only documentation that will be issued in this instance will be the CLEST provided qualification card or similar document which only confirms the date and person who qualified. No reference or confirmation that the person is a QRLEO will be made by this department.