

Chapter

Administrative Support Services

Article**Firearms Qualification for Retired Law Enforcement Officers****PURPOSE**

The purpose of this policy is to establish guidelines regarding firearm qualification for retired Loveland Police Department law enforcement officers.

POLICY

Consistent with Federal law, the Loveland Police Department (Department) intends to enhance the personal protection of former Department law enforcement officers following retirement from service. Additionally, it is the policy of the Department to comply with the Law Enforcement Officers Safety Act (LEOSA), implement certain procedures in conformity with LEOSA and permit retired law enforcement officers to carry a firearm in accordance with LEOSA and Department conditions.

DEFINITIONS

Firearm means any handgun or pistol (semi-automatic or revolver), and includes ammunition, but does not include any machine gun, any firearm silencer or any destructive device.

GENERAL GUIDELINES**Individuals that are Qualified Retired Law Enforcement Officer**

In order to be eligible to carry a firearm pursuant to this policy, the individual must be a Qualified Retired Law Enforcement Officer (QRLEO). The individual must meet the following criteria:

- The individual separated in good standing from service with the Department, or other public agency, as a law enforcement officer;
- Before such separation, the individual served as a law enforcement officer for an aggregate of ten (10) years or more (including time served as a law enforcement officer with another agency), or retired due to a service-connected disability (as determined by the Department) after completing any applicable probationary period;
- Before such separation, the individual was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;
- At the time of carry a concealed firearm pursuant to the LEOSA exemption, the individual is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- The individual is not prohibited by law from possessing a firearm.

An individual is in good standing when the separated individual was not the subject of discipline, pending discipline or an internal administrative or criminal investigation which resulted in, or reasonably could be anticipated to result in, the suspension or loss of police powers; the individual was not separated from service due to a finding by a qualified medical professional employed by the Department that the individual was unqualified to be a law enforcement officer for reasons related to the individual's mental health, and at the time of separation, the individual had not entered into (or



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subsequently entered into) an agreement with the Department in which that individual acknowledges he or she is not qualified under LEOSA for reasons relating to mental health.

QRLEO Firearm Qualification

During the most recent 12-month period the QRLEO has met, at the expense of the QRLEO, the standards for training and qualifications in firearm training for active law enforcement officers as determined by the Department, the State in which the QRLEO resides or, if the State has not established such standards, either a law enforcement agency within the state in which the QRLEO resides or the standards used by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty law enforcement officers within the state.

Firearm Qualification Procedures

The Department may conduct firearms qualifications for Department QRLEO's (or other QRLEO's in its discretion) from time to time in conformity with the requirements of LEOSA. Any eligible QRLEO requesting such firearms qualification shall notify the Department of such request and the Department shall notify such QRLEO if and when such firearms qualification will be conducted. A QRLEO may obtain the LEOSA-required firearms qualification privately from an instructor meeting all requirements.

Upon determination that a QRLEO is eligible under LEOSA, before participating in Department qualifications, such QRLEO shall read and sign a waiver of liability in form and substance acceptable to the Department. Such waiver will contain provisions by which QRLEO's shall acknowledge their personal liability as private persons for all acts taken when carrying a concealed firearm as permitted by LEOSA. Such waiver shall also release the Department from any claim or action at law in connection with such firearms qualification.

QRLEO's shall provide their own ammunition when qualifying. Firearms are subject to inspection and approval by the Department's firearm instructors or firearms range staff.

The course of fire for firearms qualification shall be determined by the Department's firearm instructors in their sole discretion. Such course of fire may, but is not required to be, the same course of fire conducted for currently-appointed police officers.

QRLEO's must qualify with the same type of firearm they will concealed carry pursuant to LEOSA. Upon successful completion of firearms qualification testing, the Department will issue to the QRLEO written proof of qualification, which must be carried by a QRLEO in order to claim the LEOSA exemption.

Failure by a QRLEO to satisfy the firearms qualification requirement of LEOSA within the most recent 12-month period at the time of carrying a concealed firearm under LEOSA results in the ineligibility of such QRLEO to carry a concealed firearm under LEOSA. If a QRLEO fails to satisfy the firearms qualification requirement of LEOSA, the QRLEO shall not carry a concealed firearm under the purported authority of LEOSA, nor display his or her photographic ID for such purpose.

Qualified Retirees from Other Agencies

The Chief may, at his or her discretion, allow or direct the lead firearms instructor to conduct proficiency certification as described in this policy for QRLEO's who have retired from other agencies



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(foreign retired officer) if the officer meets the criteria set forth in this policy, 18 USC §926C, and state law.

If the Chief directs the lead firearm instructor 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 Department. Any certificate of proficiency issued will expire one year from the date of issue.

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 Department may impose a nonrefundable fee in the amount necessary to pay the expenses in providing the certification, including the background check.

The application process for a foreign retired officer consists of the submittal of the required form, in-person, and the payment of any fees required or allowed by law. The foreign retired officer will sign the completed application form, in-person, before the Chief or the Chief's designee. The Chief, or designee, shall verify the foreign retired officer's form, recent firearms qualifications, retiree law enforcement identification and valid driver's license for completeness, validity and proper identification.

The qualification 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.

Required Identification

Upon retirement or anytime thereafter, a QRLEO may submit a request to the Chief for a photographic identification card as required to claim LEOSA eligibility. The Chief will determine the eligibility of any retired officer submitting such request. It shall be the policy of the Department to issue photographic ID cards conforming to LEOSA to Department QRLEO's who are eligible under LEOSA. The issuance of such cards remains subject to the discretion of the Chief and nothing contained in this Policy shall obligate the Department to issue such card. The identification card is the sole property of the Department and must be immediately returned to the Department upon request.

The identification card will 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. This will include an expiration date of not more than three years from the date of issue; however, nothing will preclude the Chief from shortening that expiration term upon initial issuance or if the Chief determines that the retired officer no longer meets the standards under which it was issued.

The above listed 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 from considering the entirety of the officer's service with the Department and/or the nature of separation in the decision to issue a retired officer an identification card.



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QRLEO Liability

Any incident involving the use of a firearm by the QRLEO may result in personal liability, the costs of which may be significant. These actions are outside of the scope of employment, as such the Department and any Department employee do not bear liability for the actions of any QRLEO qualified pursuant to this Policy.

Annual Background Check on QRLEO

Prior to issuing the identification card, the Department 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 Department shall not issue the identification.

If the Chief does not issue the identification card to a retired officer, the Department shall provide the retired officer with a written statement showing the reason for the denial.

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.

Responsibilities of Lead Firearms Instructors

The lead firearm instructor shall manage intake of information of QRLEO's seeking qualification, tests performed, and completion information for the Department. The lead firearm instructor will also maintain records of all QRLEO testing by the Department pursuant to the requirements of any other personnel record or state law. The lead firearm instructor will communicate to the Chief, or any other appropriate Department contact, issues that arise out of the process for a QRLEO firearm testing. If a QRLEO fails the firearm testing, the lead firearm instructor will inform the Chief and request that the identification issued to the QRLEO be withheld.

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 a Department-approved form. The certificate of proficiency will include an expiration date one year from the date of issue. A retired officer may request an annual evaluation of weapons proficiency and issuance of a certificate of proficiency as needed to comply with the provisions of 18 USC §926C.

Denial, Revocation, or Suspension of Documents

The identification card or firearms certificate of proficiency may be denied, suspended or permanently revoked by the Chief or his or her designee for cause and written notice shall be sent to the address of the retired officer has on file with the Department via certified mail with a return receipt or via an email address supplied by the retired officer with a reply.

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 identification and firearms certificate of proficiency shall be immediately revoked and written notice sent as soon as possible. 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 and identification.



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Any denial or revocation under this section shall also be considered disqualification under 18 USC §926C(d). The identification card or firearm certificate of proficiency may be immediately and temporarily revoked by any executive officer, supervisor of the rank of lieutenant or above, any sergeant who is a designated acting lieutenant when the conduct of a retired officer compromises public safety. Upon revocation, either verbally or in writing, by an officer the Department described above, the identification card and/or firearm certificate of proficiency shall be immediately surrendered by the retired officer to an authorized Department representative.

If the Department denies, suspends or revokes the identification or the firearms certificate of proficiency, the retired officer may request a review in the following manner:

- The retired officer shall have 15 calendar days from the date of receipt of the written notice of the denial, suspension or revocation to request a review.
- The request must be submitted in writing to the Support Division Assistant Chief and must provide any information the retired officer believes may change or affect the Chief's previous action. Failure to submit a written request for a review in the designated time shall be deemed a waiver.
- The review shall be completed no later than 90 days after the request is received by the Support Division Assistant Chief.
- The review of the denial, suspension, or revocation of the identification card or firearm certificate of proficiency will be conducted by the Support Division Assistant Chief and the most recent Assistant Chief to the retired officer. Other Department personnel or subject matter experts may be consulted.
- The Support Division Assistant Chief will advise the Chief, 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.
- The Chief will review the information and then notify the retired officer in writing at the address the retired officer has on file with the Department or to an email address supplied by the retired officer of the chief's final decision on the denial, suspension, or revocation.

Expired Identification Card

Any 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. The identification card is the property of the Department and must be returned by the holder upon request of the Department.

