Retiree Concealed Firearms

207.1 PURPOSE AND SCOPE

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

207.1.1 DEFINITIONS

Definitions related to this policy include:

Qualified retired law enforcement officer - A former officer of the department who (18 USC § 926C(c)):

(a) Separated from service in good standing from this department as a law enforcement officer. The term “in good standing” means, at the time of retirement, the officer was not facing disciplinary action that could have resulted in termination for misconduct or for unfitness for office.

(b) Before such separation, was authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or incarceration of a person for any violation of law and had statutory powers of arrest.

(c) 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.

(d) Meets the firearm qualification standard of this policy.

(e) Has not been disqualified for reasons related to mental health.

(f) Has not entered into an agreement with the agency from which the officer is separating from service, where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.

(g) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(h) Is not prohibited by federal law from possessing a firearm.

207.2 CONCEALED CARRY OPTIONS

A retired officer of this department has the following options available for carrying a concealed weapon:

A. A former officer of this department may obtain a concealed firearm or dangerous weapon license from the State of North Dakota pursuant to N.D.C.C 62.1-04

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B. A former officer of this department may obtain a concealed weapon permit from another state if the other state grants the same rights to North Dakota license holders (N.D.C.C. 62.1-04-03.1).

C. A former officer of this department who departs full-time employment may carry a concealed weapon without a permit if he/she meets the federal requirements to carry a concealed weapon as a qualified retired law enforcement officer pursuant to 18 USC 926C.

207.3 FEDERAL CONCEALED FIREARM REQUIREMENTS

The Chief of Police may issue an identification card to any licensed member who had retired in good standing, indicating that the officer has hornorably retired from the Department. This determination is made by the Chief of Police or an authorized designee and is not subject to review.

207.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former officer and identify him/her as having been employed as an officer.

If the Fargo 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.

207.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm under 18 USC § 926C when he/she is:

(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 he/she has, 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 North Dakota law or by a private person or entity on his/her property if such prohibition is permitted by North Dakota law.

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207.4 FIREARMS QUALIFICATIONS

The Fargo Police Department Training Sergeant or designee will schedule two periods each year for retired officers to qualify. The Training Sergeant will inform retired officers of the qualification standards and requirements prior to the qualification dates to insure they are aware any firearms restrictions or equipment needs. The training sergeant will maintain records of qualification scores and waiver of liability forms which outline the retired officers personal responsibility as a private person as permitted by the Act and not as an employee or former employee of the Fargo Police Department or as a current law enforcement officer.

207.4.1 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 indicating that he/she is not prohibited by law from receiving or possessing a firearm.

207.5 DENIAL, SUSPENSION OR REVOCATION

A LEOSA identification card 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.

207.6 CARRYING FIREARMS OUT OF STATE

Retired officer of this department who meet the qualified retiree requirements and who carry the required identification and firearms certificate outlined in 18 USC 926C may be authorized to carry a concealed firearm in other states.

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