
Policy Directive

OLATHE POLICE DEPARTMENT



SUBJECT: Retired Law Enforcement Officer Concealed Carry
CANCELS: Policy Directive 8.41 dated 04/03/2009

NUMBER: 8.41
DATE: 06/06/2013

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I. Purpose

The purpose of this policy sets forth the requirements, procedures, and qualification standards for retired officers who desire a permit to carry a concealed weapon as allowed by the Law Enforcement Officers Safety Act of 2004 (“LEOSA”), enacted July 22, 2004 and codified at 18 U.S.C. 926B and 926C.

II. Policy

It is the policy of the Olathe Kansas Police Department, as it pertains to retired officers desiring to carry a concealed firearm pursuant to the LEOSA, to:

- Provide proper firearm safety training and qualification standards.
- Provide annual firearm proficiency and qualification opportunities for retired officers.
- Maintain adequate records of all firearms training and qualifications for each retiree.

III. Requirements

To qualify for a permit pursuant to this policy, retired law enforcement officers must meet all of the following criteria pursuant to the LEOSA:

- A. Be retired in good standing from service as an Olathe law enforcement officer, unless retired for reasons of mental instability.

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- B. Before retirement, the retiree 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.
- C. Before retirement, the retiree was regularly employed as a law enforcement officer for an aggregate of 15 years or more; or retired from service as an Olathe law enforcement officer due to a service connected disability, after completing any applicable probationary period.
- D. Have a non-forfeitable right to benefits under the Kansas Police and Fire Retirement System.
- E. During the most recent 12-month period, have met, at the expense of the retiree, the State's standards for training and qualification for active law enforcement officers to carry firearms.
- F. Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
- G. Is not prohibited by state or federal law from receiving a firearm.

Pursuant to this policy:

- A. Receive approval from the Chief of Police or designee.
- B. Pass a Criminal History check.

IV. Procedures

Retired officers who desire to carry a concealed weapon under the LEOSA must:

- A. Annually submit a Retired Officer Concealed Carry Form to the Chief of Police or designee requesting approval to participate in qualification and training.
- B. In deciding whether to approve a retiree to participate in qualification and training, the Chief may consider, but is not limited to, the amount of time the retired officer has been retired from the Olathe Kansas Police Department and/or absent from law enforcement or law enforcement like job duties, the retired

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officer's standing with the department at the time of retirement, and his or her overall competency.

- C. If any officer is refused participation by the Chief, they shall be provided with a written notice of the refusal. The Chief's refusal shall be final.
- D. If the retired officer is approved for qualification and training by the Chief of Police or designee, he or she shall:
- The Training Coordinator or designee will schedule two qualification dates each year for the retired officers to qualify. They will be notified before the start of the qualification year he or she is approved to participate; and
 - Sign an acknowledgement of receipt indicating the retired officer has received, read, and understands the contents of this policy, which will be given to him or her as part of the qualification and training; and
 - Sign an acknowledgement indicating the retired officer may only be authorized to carry two (2) weapons, restricted to the two with which the retired officer qualifies; and
 - Read and sign the "Retired Firearms Qualification Waiver and Release" prior to attempting qualification on the range. Qualified retired officers will be required to sign said waiver and release for all acts taken related to carrying a concealed firearm, acknowledge personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by the LEOSA, and not as an employee of the City of Olathe Police Department or as a sworn law enforcement officer. Such disclaimer shall also release the City of Olathe from any action at law as a result of any injury or accident during the described firearms qualification activities; and
 - Be photographed so that a digital photo can be placed on the identification card that will be signed by the Chief of Police or designee, validating the card, after successful qualification and training. The card will be valid only for the qualification year in which the retired officer is approved to participate.

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V. Qualification Standards

A. Inspection of weapon prior to qualification and training:

- The Range Master shall conduct a thorough inspection of the weapon(s) the retired officer desires to train and qualify with prior to its use in the qualification course.
- The weapon(s) must be declared safe for use by the Range Master and recorded as such; this information will be kept by the Training Coordinator.

B. Retired officers will receive training in both firearms safety and use of firearms and be required to demonstrate their competence with the use of the firearm(s) they will carry.

C. The firearms qualification course will be the same course of fire adopted by the Kansas Commission on Peace Officers Standards and Training pursuant to K.S.A. 74-5607.

D. The standards contained in Olathe Police Department Written Directive 8.4 will also be followed for qualification purposes.

VI. General Considerations

A. Retired officers will be responsible for providing their own factory manufactured, hollow point, department approved ammunition for the qualification course, approximately 150 rounds.

B. Each training and qualification session will be assigned a period of time for completion and, when feasible, will be in conjunction with department wide training of active officers.

C. Retired officers who fail to qualify during the first round of firing will be given one additional attempt to qualify on that day. After the second unsuccessful attempt, the retired officer will not be allowed to make any more attempts on that day. Should an additional range day and time be available the retired officer may attempt to qualify at that time and they will be given two attempts to qualify on that day.

D. If the retired officer is unable to pass the qualification, any current Retired Law Enforcement Officer Concealed Carry Permit in the retired officer's name shall be declared suspended for the remainder of that active qualification year, and must be surrendered to the Chief or designee.

E. All Retired Law Enforcement Officer Concealed Carry Permits issued pursuant to this policy are the sole property of the Olathe Police Department and are subject to

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revocation or suspension at any time at the discretion of the Chief of Police or designee. If revoked or suspended, said permit must be immediately surrendered to the Chief of Police or designee.

1. Notice of revocation or suspension of the permit will be conveyed to the retired officer by certified mail.
- F. The Training Coordinator shall maintain a record file for each qualified retired officer consisting of, but not limited to, the following for each year of involvement.
1. Retired officer's personal identifying information.
 2. Make, model, caliber, barrel length (if applicable) and serial number of the weapon used by the retired officer for qualification.
 3. Date of qualification.
 4. Verification, by the Training Coordinator or Range Master that the weapon was inspected and declared safe for use at the time of qualification.
 5. A copy of the qualified Retired Law Enforcement Officer Concealed Carry Permit.
 6. Signed acknowledgement of issuance and understanding of the policy
 7. Any documentation by the Chief of Police verifying approval for participation in the program
- G. An internal database will be maintained listing those retired officers who have been issued a Retired Law Enforcement Officer Concealed Carry Permit by the Olathe Police Department, which will be accessible in the Sergeants office. The database will be used to respond to inquiries by other law enforcement agencies on the concealed carry status of a retired officer.
- H. For purposes of the policy the term "qualification year" is recognized as July 1 to June 30.

A handwritten signature in black ink, appearing to read "Steven R. Menke".

Steven Menke
Chief of Police

CITY OF OLATHE, KANSAS
RETIREE FIREARMS QUALIFICATION WAIVER AND RELEASE

RETIREE INFORMATION

Last Name of Retiree	First	Middle Initial	Date of Birth
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Home address	Telephone
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QUALIFYING WEAPON

Make	Model	Caliber	Barrel Length	Serial Number
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Make	Model	Caliber	Barrel Length	Serial Number
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EMERGENCY CONTACT INFORMATION

Name(s)

Address	Telephone
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WAIVER AND RELEASE

WHEREAS, the undersigned desires that the City of Olathe, Kansas (the "City") permit the above-named Retiree to participate in range qualification and training at a designated location.

NOW, THEREFORE, in consideration of allowing Retiree to participate in firearms qualification and training, to meet the standards required to carry a firearm pursuant to 18 U.S.C. 926C, Retiree agrees to the following:

1. The Retiree acknowledges personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by the LEOSA, and not as an employee of the City of Olathe Police Department or as a sworn law enforcement officer. Retiree further acknowledges and agrees that he or she is aware of the rules and regulations governing the State Qualification Course and

that they will follow and abide by the same. Specifically the Retiree acknowledges and agrees that Retiree is required to follow all range safety rules and directions of the Range Masters. Failure to do so may result in a dismissal from the range and a non-qualified to carry concealed designation on their Retired Officer Credential.

2. The Retiree assumes any and all risks associated with participating in the training or qualification, including without limitation the possibility of death, personal injury, or property damage of any kind or nature whatsoever and risks resulting from the condition of the range facility, all such risks being acknowledged and appreciated by the Retiree.
3. The Retiree, for him or herself and for his or her respective heirs, successors, assigns, executors or administrators or anyone else who might claim on behalf of the undersigned Retiree, covenants not to sue, covenants not to file any administrative claims, waives any action against, and releases, discharges and holds harmless, the City, its officers, agents, employees, insurers, and assigns, and anyone else acting for or on its behalf, from any and all claims, damages or liabilities, including without limitation those for death, personal injury, or property damage of any kind or nature whatsoever, arising, or alleged to have arisen, out of, or in the course of participating in this qualification or training. This Waiver and Release extends to all claims of every kind or nature whatsoever, foreseen or unforeseen, known or unknown at this time.
4. All Olathe Retired Police Officer credentials issued by the Department are the property of the City of Olathe and subject to revocation at the discretion of the Chief of Police or designee. Specifically, the Retiree understands that the Olathe Police Department reserves the right to revoke the credentials of any Retiree allowing them to carry a firearm pursuant to 18 U.S.C. 926C if there is probable cause to believe that a Retiree's mental or physical abilities are deteriorated to a point where he or she is unable to safely handle, manipulate or make sound decisions in the use of a firearm. In that event, the credentials will be revoked and the ID will be confiscated. A new Retired Officer Identification may be issued at a future date at the discretion of the Chief of Police or designee, contingent upon qualifying under federal law.
5. The undersigned agrees to abide by all rules and restrictions as outlined in Olathe Police Department Retired Law Enforcement Officer Concealed Carry Policy. The undersigned also acknowledges they have received, read and understand the contents of the policy. They further understand under the terms of this policy they are limited to carry only one (1) weapon at a time, which is restricted to one of the two (2) weapons the retiree qualifies with.

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The undersigned states that he/she is competent to sign this Wavier and Release, that they understand that the terms herein are contractual and not a mere recital, and they have signed this document as their own free act and deed. The undersigned fully understands the contents of this Waiver and Release by acknowledging reading it before signing it. The undersigned also acknowledges they have received and reviewed the Olathe Police Department Retired Law Enforcement Officer Concealed Carry Policy and agree to abide by all of its terms.

IN WITNESS WHEREOF, the undersigned have executed this Waiver and Release on the _____ day of _____, 20____.

By: _____
Retiree Date

By: _____
Witness Date