
Index No: 3.5.1

DUBUQUE POLICE DEPARTMENT

General Order No: 17-02
Rescinds GO: 11-83

**SUBJECT: LEOSA IDENTIFICATION CARDS FOR FORMER
OFFICERS OF THE DUBUQUE POLICE DEPARTMENT**

EFFECTIVE DATE: DEC 1, 2023

PURPOSE

The federal Law Enforcement Officers Safety Act of 2004 and the subsequent Law Enforcement Officers Safety Act Improvements Act of 2010 have been codified as Sections 926B and 926C of United States Code, Title 18, which establishes the authority of active law enforcement officers and former law enforcement officers who retired or separated in good standing to carry a concealed firearm in any state without having to obtain a permit to do so from any state or any political subdivision of any state. The following policy establishes procedures related to required identification and firearms qualifications of former and retired peace officers of the Dubuque Police Department which stem from federal law.

SCOPE

This order applies to all Dubuque Police sworn personnel, retired Dubuque Police sworn personnel, and former Dubuque Police sworn personnel who separated in good standing.

RESPONSIBILITY

All sworn employees, retired sworn employees, and former sworn employees who separated in good standing are responsible for ensuring compliance with this order. Active duty officers and former officers are also encouraged to familiarize themselves with the Law Enforcement Officers Safety Act (U.S.C. 926B/926C) which deals with the federal requirements to carry a concealed firearm.

POLICY

It is the policy of the Dubuque Police Department to provide any qualified former peace officer of the department with a permanent card that identifies the holder

as a qualified former law enforcement officer upon separation from employment as a peace officer with the department. These rules provide a procedure for a qualified former member of the department to apply for a new or duplicate former peace officer identification (ID) card after the person is no longer employed by the department as a peace officer, to complete required annual firearms qualifications under auspices of the department and receive a card certifying that such required annual firearms qualification has been completed, and to appeal decisions of the department not to issue a former peace officer identification card or an annual firearms qualification card.

DEFINITIONS

1. "Chief" means the Dubuque Police Department Chief of Police.
2. "Department" means the Dubuque Police Department.
3. "Qualified former law enforcement officer" means a person who:
 - a. Retired or separated in good standing from service with the department as a law enforcement officer; and
 - b. Was not officially found by a qualified medical professional employed by the department to be unqualified for reasons relating to mental health; and
 - c. Did not enter into an agreement with the department in which the officer acknowledged that the officer was not qualified for reasons relating to mental health; and
 - d. Before such retirement or separation, 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; and
 - e. Met one of the following two requirements:
 - Before such retirement or separation, was regularly employed as a law enforcement officer for an aggregate of 10 years or more; or
 - Retired from service with the department, after completing any applicable probationary period of such service, due to an accidental disability, as determined by the Municipal Fire and Police Retirement System of Iowa.
 - f. Is not prohibited by federal law from receiving a firearm.

APPLICATION FOR FORMER PEACE OFFICER ID CARD

1. A qualified former law enforcement officer of the department may apply for a former peace officer identification card prior to retirement or any time after such retirement becomes effective.
2. Application shall be made on a form available from the department.
3. The completed application form shall be submitted to the Chief.
4. Upon receipt of a completed application, the department shall verify that the applicant met the requirements for issuance of a former peace officer identification card at the time of separation from employment with the department.
5. If the applicant met all of the requirements for a qualified former law enforcement officer at the time of separation from employment as a peace officer with the department, the application shall be approved, unless the chief is aware of information that would disqualify the applicant which arose from conduct or circumstances which occurred after the time of separation. Issuance of a former peace officer identification card by the department implies no warranty of the continuing eligibility of the former peace officer to carry a concealed weapon pursuant to 18 U.S.C. 926C.
6. If the applicant did not meet all of the requirements for a qualified former law enforcement officer at the time of separation from employment as a peace officer with the department or if the chief is aware of information that would disqualify the applicant based on conduct or circumstances which occurred after separation from the department, then the application shall be denied and the applicant shall be notified of the denial.
7. The chief shall notify an approved applicant and shall provide instructions for completion of the issuance process. Such instructions may include a requirement for the applicant to be present at a time and location designated by the department to be photographed for the identification card.
8. Issuance of an initial former peace officer identification card shall be at no charge to the qualified former law enforcement officer.
9. If a qualified former peace officer of the department loses an identification card, or if a card is damaged, a replacement may be issued. The former officer shall notify the department of the loss or damage and may apply for a replacement card. A nonrefundable fee of \$5, to defray expenses of the department, shall be charged for each application for a replacement card.

ANNUAL FIREARMS QUALIFICATION-CERTIFICATION CARD

1. Annually, qualified former law enforcement officers residing within the State of Iowa are required to meet firearm qualification standards established by the Iowa Law Enforcement Academy for active duty law enforcement officers.
2. Qualified former law enforcement officers residing within the State of Iowa may participate in annual firearms qualification offered by the department. Expenses for such participation will be the responsibility of the former officer.
3. Upon successful completion of the annual qualification, a qualification certification card specifying the date of the qualification shall be issued by the firearms instructor conducting the qualification on behalf of the department.
4. Qualified former law enforcement officers residing outside the State of Iowa are required to make arrangements with the state they are currently residing in to meet that state's qualification standards and obtain the necessary firearms qualification certification card. The qualification certification card must be valid within the previous 12 months and shall be provided to the department prior to the issuance of a former peace officer identification card.
 - Those individuals residing outside the State of Iowa are required to qualify annually in the state they are residing.

Any expenses incurred to obtain the qualification certification card will be the responsibility of the former officer.

CARRYING OF CONCEALED FIREARMS

- A. Pursuant to U.S.C. 926C, qualified former law enforcement officers are required to carry the following forms of identification:
 1. A photographic identification issued by the agency from which the individual separated from service as a law enforcement officer that identifies the person as having been employed as a police officer or law enforcement officer and indicates that the individual has, not less than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the active duty standards for qualification in the firearms training as established by the agency to carry a firearm of the same type as the concealed firearm; or

2. (A) A photographic identification issued by the agency from which the individual separated from service as a law enforcement officer that indicates the person as having been employed as a police officer or law enforcement officer; and

(B) 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 the State that indicates 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 that is qualified to conduct a firearms qualifications test for active duty officers within that State to have met:
 - 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
 - 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.
- B. Under the authority of LEOSA, qualified former law enforcement officers are required to have their Dubuque Police Department issued LEOSA photographic identification card **AND** up-to-date annual firearms testing certification on their person when carrying a concealed firearm.
- C. Qualified former law enforcement officers shall not carry a concealed firearm while under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
- D. Nothing in this policy shall be construed to supersede or limit the laws of any State that:
 - a. Permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or
 - b. Prohibit or restrict the possession of firearms on and State or local government property, installation, building, base, or park.

Distribution: "B" & "D"
Special - Retired Officers



Jeremy R. Jensen, Chief of Police

LEOSA PHOTOGRAPHIC IDENTIFICATION CARD APPLICATION FOR RETIRED/FORMER DUBUQUE POLICE DEPARTMENT OFFICERS

PART 1: APPLICANT PERSONAL INFORMATION

Full Name (Last, First, Middle): _____

Date of Birth: _____

Residential Address (Street Address, City, State, Zip Code):

Phone Number: _____

Email Address: _____

PART 2: DUBUQUE POLICE DEPARTMENT SERVICE HISTORY

Job Title/Rank: _____

Start Date: _____

End Date: _____

Reason for leaving (Retirement, Separation/Resignation, Termination):

PART 3: SELF ATTESTATION

By initializing each item below and signing the attestation, the applicant acknowledges his/her understanding of, and agreement with, all statements, terms, conditions, and requirements included herein:

1. I am submitting this application for a LEOSA photographic identification card identifying me as a qualified former law enforcement officer who retired or separated from the Dubuque Police Department in good standing. _____

2. I understand that any cost incurred as a result of applying for a LEOSA photographic identification card, including the cost of obtaining an annual State firearm testing certification, is the sole responsibility of the applicant, and the Dubuque Police Department will not reimburse the applicant for any costs associated with this application. _____
3. I meet the following requirements of a "qualified former law enforcement officer" in that I:
 - a. Before such retirement or separation from the Dubuque Police Department, was regularly employed as a law enforcement officer for an aggregate total of 10 years or more; _____
 - b. Alternatively, I retired or separated (or am about to retire or separate) from service with the Dubuque Police Department, after completing any applicable probationary period, due to a service-connected disability determined by the Municipal Fire and Police Retirement System. _____
 - c. During the most recent 12-month period, have met the standards for qualification in firearms training for active law enforcement officers, as determined by the State of Iowa, my State of residence, or, if my State has not established such standards, either a law enforcement agency within my State of residence or the standards used by a certified firearms instructor qualified to conduct a firearms qualification test for active duty officers with my State; _____
 - d. Have not been officially found, by a qualified medical professional, to be unqualified for reasons related to mental health and have not entered into an agreement with the Dubuque Police Department in which I acknowledge I am not qualified for reasons relating to mental health; _____
 - e. Am not prohibited by Federal law (18 U.S.C. 922) from receiving or possessing a firearm; _____
 - f. At the time of my retirement or separation, was deemed to be in "good standing". _____
4. I understand that LEOSA requires me to obtain a certification issued by the State in which I reside indicating that I meet State training and

qualification standards for active law enforcement officers to carry a firearm. I understand I must annually complete this certification within the one year prior to the date I am carrying a firearm. _____

5. I understand that I must always have my Dubuque Police Department issued LEOSA photographic identification card identifying me as a retired or separated law enforcement officer **AND** my up-to-date annual State firearms testing certification on my person when I carry a concealed firearm under the authority of LEOSA. Possession of my Dubuque Police Department issued LEOSA photographic identification card alone does not authorize me to carry a concealed firearm. _____
6. I understand that, in order to carry a concealed firearm under the authority of LEOSA, it is my responsibility to ensure that I am in continuing compliance with all LEOSA requirements. If at any time I no longer meet any one of LEOSA's requirements or become subject to a Federal law prohibition on carrying a firearm, I must notify the Dubuque Police Department and I will no longer be eligible to carry a concealed firearm under the authority of LEOSA. _____
7. I understand that the LEOSA photographic identification card is ONLY for identifying me as a retired or separated law enforcement officer. Carrying this card does not authorize me to engage in any law enforcement activities or investigations. _____
8. I understand that, upon my retirement or separation, I am no longer a law enforcement officer with the Dubuque Police Department. As such, the Dubuque Police Department will not represent or reimburse me in any suit or claim related to my carrying a concealed firearm under LEOSA authority. _____
9. In consideration for the issuance of a LEOSA photographic identification card, I agree to indemnify and hold the City of Dubuque, Dubuque Police Department, and their officers and employees harmless from any and all claims and liability arising out of my use or possession of a firearm carried under LEOSA authority. In addition, I, and my heirs, executors, or administrators, release and forever discharge the City of Dubuque, Dubuque Police Department, and their officers and employees from any and all claims, demands, or causes of action related to my use or possession of a firearm or the Dubuque Police Department's issuance of a LEOSA photographic identification card. _____

10. I understand that, with certain limitations and conditions, LEOSA exempts qualified retired and separated law enforcement offices from most State and local laws that prohibit the carriage of concealed firearms. However, I also understand that LEOSA does not supersede or limit State laws that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property and the LEOSA does not limit State laws that prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

11. I understand that LEOSA does not exempt qualified retired or separated law enforcement officers from Federal laws or regulations, including any restrictions on carrying firearms on transportation systems, including commercial airlines. _____

PART 4: APPLICANT ACKNOWLEDGEMENT

I, _____ (applicant's full name), confirm my understanding of, and agreement with, the statements and requirements included above. All of the information I have included in this Dubuque Police Department LEOSA photographic identification card application is accurate to the best of my knowledge.

Signature

Date

PART 5: AUTHORIZATION

Request APPROVED _____

Request DENIED _____

Jeremy Jensen, Chief of Police