

**CITY OF FERGUSON
OFFICE OF THE CHIEF OF POLICE**

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CONCEALED CARRY POLICY

470.00 PURPOSE:

The purpose of this General Order is to familiarize Department personnel with the Federal Law Enforcement Safety Act and Missouri Revised Statute (RSMo) 571 concerning the concealed carry of firearms by private citizens and off-duty police officers (active and retired) and to set the policy and procedures to be followed when an officer encounters a person that is in lawful possession of a firearm.

470.01 DEFINITIONS:

- A. Concealable firearm – Any weapon that is designed or adapted to expel a projectile by the action of an explosive and having a barrel less than sixteen inches in length, measured from the face of the bolt or standing breech.
- B. Concealed Carry – The carrying of a firearm concealed on one's person.
- C. Concealed Transport – The carrying of a concealed firearm in a vehicle.
- D. Concealed Carry Endorsement/Permit – An endorsement placed on a Missouri Driver's License or a Missouri Nondriver's License (ID Card) issued by the State of Missouri, Department of Revenue, allowing the concealed carrying of a firearm (not other weapons) as pursuant to RSMo 571.101.
- E. Intoxicated – substantially impaired mental or physical capacity resulting from introduction of any substance into the body (RSMo 571.010 Section 9).
- F. Law Enforcement Officers Safety Act (LEOSA) – A United States federal law, enacted in July 22, 2004, as Public Law 108-277, that allows two classes of persons—the qualified law enforcement officer and the qualified retired law enforcement officer—to carry a concealed firearm in any jurisdiction in the United States, regardless of any state or local law to the contrary, with certain exceptions.

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- G. Qualified Retired Peace Officer – A former peace officer who is retired from law enforcement and is authorized to carry a concealed weapon pursuant to RSMo 571.030.

470.02 POLICY:

It is the policy of the Ferguson Police Department to comply with and enforce all concealed carry laws.

470.03 THE GENERAL PUBLIC:

- A. Any person, who is at least 21 years of age and otherwise lawfully possessing a concealable firearm, may transport the firearm in the passenger compartment of a motor vehicle with or without a concealed weapon endorsement/permit.
1. If the subject legally transporting a weapon is arrested:
 - a. At a police supervisor's discretion, the weapon can remain with another person in the vehicle if the person is at least 21 years of age and can otherwise lawfully possess a concealable firearm,
 - b. Or, the weapon can be seized and packaged as the prisoner's property for safekeeping.
 - c. No firearm will intentionally be left in a towed or unattended vehicle after the driver's arrest.
- B. Any person issued a concealed carry endorsement pursuant to RSMo 571.101 to 571.121 shall carry the concealed carry endorsement at all times the person is carrying a concealed firearm and shall display the concealed carry endorsement upon the request of any peace officer. Failure to comply shall not be a criminal offense, however, if an officer is unable to verify through DOR that the person has a concealed carry endorsement, it may be assumed that the person is not authorized to carry a concealed weapon.
- C. Any member of the general public from Missouri, or any other jurisdiction, with a valid concealed carry endorsement/permit may carry concealed firearms in any county in Missouri with certain restrictions. For further information on those restrictions, refer to Missouri Revised Statute (RSMo) 571.
- D. Members of the general public without a concealed carry endorsement/permit are prohibited from carrying a concealed firearm, knife, blackjack or any other weapon readily capable of lethal use and will be arrested and prosecuted under RSMo 571.030.
- E. Police contact with concealed carry permit/endorsement holders.

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1. Most permit holders will announce to the police that they are carrying a weapon and a permit.
2. Officers should use caution when contacting persons who claim to be legally carrying a concealed weapon. Officers should recognize that the vast majority of permit holders are not a threat.
3. Officers having contact with a person with a concealed carry permit/endorsement may remove the firearm from the person during a lawful stop and return it when the contact is completed unless an arrest is made.
4. If an arrest is made, all firearms found in possession of a subject at the time of arrest will be checked through the police computer system for theft, as well as examined by the officer to determine that it is not a prohibited weapon. Stolen/prohibited weapons will be seized as evidence and handled accordingly.
5. If the firearm of a permit holder is legally possessed, the firearm will be seized for safekeeping.
 - a. Seize the firearm, unload it and package the firearm and ammunition for transport to the St. Louis County Laboratory for test firing.
 - b. Release the firearm and ammunition to the evidence officer per policy.
 - c. Make sure the firearm and the ammunition are listed in the property section of the permit holder's booking sheet.
 - d. Advise the prisoner he will be notified upon the return of his weapon and ammunition from the St. Louis County Laboratory.
6. When an endorsement/permit holder with a concealed weapon is being picked up by a Ferguson Police Officer from another police agency or holding facility; it is the policy of this department that weapons will not be transported into this department with fugitives. The permit holder can retrieve the weapon from the arresting agency after being finally released from custody.
7. All firearms taken into possession for evidence or safe keeping by members of the Ferguson Police Department will be transported to the St. Louis County Laboratory for test firing.

470.04 POLICE OFFICERS:

All commissioned/sworn personnel are authorized to carry concealed weapons on or off duty under authority of RSMo 571.030, Subdivision 2 (1). The carrying of a firearm while off duty is discretionary. Firearms carried while in civilian clothing will be concealed from

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public view.

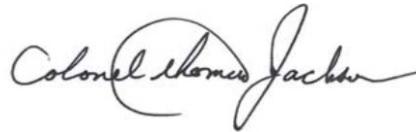
- A. Within or outside of the law enforcement agency's jurisdiction, and
- B. While in possession of valid photographic identification issued by the agency.
- C. Possession of a firearm while intoxicated is a violation of RSMo 571.030.
 - 1. Class D felony if loaded.
 - 2. Class A misdemeanor if unloaded.

470.05 RETIRED POLICE OFFICERS:

All qualified retired police officers, as identified in RSMo 571.030 Subdivision 10, may carry concealed firearms.

- A. While in possession of valid photographic identification issued by the retirement agency, and:
- B. Are in possession of proof that they have passed firearms approved course during the most recent twelve-month period.
 - 1. Either the ID card indicates that an approved course has been successfully completed,
 - 2. Or alternate documentation that an approved course has been successfully completed.
- C. Possession of a firearm while intoxicated is a violation of RSMo 571.030.
 - 1. Class D felony if loaded.
 - 2. Class A misdemeanor if unloaded.

By order of:

A handwritten signature in cursive script that reads "Colonel Thomas Jackson". The signature is written in dark ink and is positioned above the printed name and title.

COLONEL THOMAS JACKSON
Chief of Police

Distribution

All Department Personnel