

Denver Police Department
Firearms Policy for
Merchant Guard and Business/Industrial Guard

The Firearms Policy is adopted pursuant to Denver Municipal Ordinance Sec. 42-137 which requires the Chief of Police, through the Executive Director of Safety, to determine that licensees who desire to open carry firearms have a legitimate business purpose for doing so and are proficient in the care, maintenance and use of firearms. "Firearms" includes handguns, rifles, and shotguns.

A firearms status authorization may only be issued to a Merchant Guard properly licensed by Excise & Licenses and only at the request of the employing company after meeting the below listed requirements. Accordingly, the authorization ceases to be valid when the Merchant Guard separates with the employing company just as the Merchant Guard license itself ceases to be valid. All applications after the initial approval are considered renewal applications and fall under renewal application rules.

Application Requirements

1. The applicant must provide a request in writing for Licensed Merchant Guard firearm status.
2. The application must be initiated by the merchant guard company or the in-house security business seeking to employ the applicant as a Merchant Guard or Business/Industrial Guard with firearm status.
3. The request for Merchant Guard firearm status must be documented on the employer's company letterhead.
4. The request to arm the merchant guard must include an explanation of the need for the guard to be armed.
5. A statement from the Merchant Guard company or the in-house security business stating they are not aware of any mental, physical or emotional condition that would disqualify the applicant from possessing a firearm.
6. The company must sign the following "defense and indemnification" provision releasing the City from any liability related to the request to arm the employee.
 - A. To the fullest extent permitted by law, [the company] hereby agrees to defend, indemnify, reimburse, and hold harmless the City and County of Denver ("City"), its appointed and elected

officials, agents and employees for, from and against all liabilities, claims, judgments, suits or demands for damages to persons or property arising out of, resulting from, or related to the granted authority by the City for [applicant] to be an armed merchant guard, that are due to negligence or fault of [the company] or [the company's] agents or representatives ("Claims"). This indemnity shall be interpreted in the broadest possible manner consistent with the applicable law to indemnify the City.

- B. [The company's] duty to defend and indemnify the City shall arise at the time written notice of the Claim is first provided to the City regardless of whether suit has been filed and even if [the company] or [applicant] is not named as a defendant.
- C. [The company] will defend any and all Claims which maybe brought or threatened against the City and will pay on behalf of the City any expenses incurred by reason of such Claim including, but not limited to, court cost and attorney fees incurred in defending and investigating such Claims or seeking to enforce this indemnity obligation.

Evidentiary Support for an Application

1. The applicant must provide a firearms safety certification that indicates the applicant successfully completed a basic firearms training course taught by a certified instructor. A certified instructor includes individuals certified by the NRA, Colorado P.O.S.T or a certified instructor with an equivalent level of training.

The basic firearms safety course certificate must include at least eight (8) hours of basic firearms training in the type of firearms to be carried, defined as:

- A) a minimum of five (5) hours of classroom instruction and
 - B) a minimum of three (3) hours of live-fire practice to include a weapons qualification course.
2. The applicant must provide proof of a minimum qualifying range proficiency score of seventy-five percent (75%).
 1. The applicant must undergo an FBI identity history summary check/ background check and submit a copy of the results at the time of application. Applicants who have convictions of Federal, State, or local laws that will prohibit the applicant from legally carrying a firearm will be disqualified from the application process.

Instructions for using the FBI website:

- FBI.gov-make sure you are on the homepage

- Go to Service/Safety-locate identity history summary check/background check
- Go to how to request a copy of your identity history check-you may use Option 1 or Option 2
- There is an \$18.00 fee that needs to be included, see FBI instruction page for payment options
- This process does include having to provide a fingerprint card. This can be accomplished at most law enforcement locations. For Denver you can respond to the Police Headquarters building at 1331 Cherokee St. They only do public fingerprinting on Wednesday and Thursday from 1000-1730 hrs. The fingerprint cards are provided with a cost of \$10.00 for the first card and \$5.00 for each additional card if needed. The payment can only be check and/or money order.
- Recommendation: According to the FBI, processing background checks can take up to 90 days to complete. It is therefore advisable to request the FBI summary prior to the application for renewal to avoid a potential lapse in licensing.
- Option 2, (channelers) Channelers can be used and may result in expedited returns but may require additional fees.

Renewal of Armed Merchant Guard Status


1. Renewals of Armed status are required every 24 months.
2. The applicant is required to submit a letter from the applicant's employer that attests to the applicant's continued employment as a Licensed Merchant Guard with firearm status by the company or the in-house security business.
3. The required letter noted in #2 of this section shall be provided on the employer's company letterhead.
4. The required letter noted in #2 of his section shall include a detailed explanation of the continued need for the applicant to carry a firearm during the course of employment.
5. Upon renewal of the firearm status, the applicant shall provide updated firearms safety certification showing the applicant has a minimum qualifying range proficiency score of seventy-five percent (75%) within the six (6) months prior to the renewal application process.
6. The company must fill out and sign the "defense and indemnification" provision.
7. The applicant must undergo an FBI identity history summary check/background check and submit a copy of the results at the time of application. Applicants who have convictions of Federal, State, or local laws that will prohibit the applicant from legally carrying a firearm will be disqualified from the application process.

DENIAL PROCESS

If the application is denied, the applicant may request a second review through the Executive Director of Safety or his or her designee. The request for second review must be made within 10 days of the date the applicant is notified of the denial. The request for review should provide additional information, if any, supporting the application.

Approved this 1 day of OCT, 2015


Stephanie Y. O'Malley, J.D.
Executive Director of Public Safety


Robert C. White
Chief of Police