

Sports Litigation Alert

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NFL Sued for Weapons Ban by Minnesota Police Organizations

By Chloe Scheller

Since 2003, Minnesota state law has permitted all licensed police officers, whether on duty or off duty, to carry firearms into private establishments even when signs that ban guns have been posted.

A decade later, the National Football League (NFL) has undercut that law with its own policy. The league decreed recently that only on-duty officers and private security personnel can carry weapons into NFL stadiums.

The NFL's new policy didn't sit well with several Minnesota police organizations, which filed a lawsuit against the league alleging that the policy violates state laws by infringing on the right of off-duty cops to carry weapons.

The plaintiffs, Minnesota Police and Peace Officers Association (MPPOA) and Police Officers Federation of Minneapolis, claimed that the new NFL policy increases risk to the public. "By prohibiting licensed police officers from maintaining possession of their service weapon, the National Football League not only violates the law, but places the public and law enforcement at unnecessary risk while impairing the legal status of police officers, the very people willing to put their lives on the line to protect the public every day," Dennis Flaherty, executive director of MPPOA, said in a statement.

Currently, the Vikings are playing their home games at the University of Minnesota's stadium while waiting for their new stadium's construction to be completed. Previously, the team played at the Metrodome stadium where "neither the NFL nor the Vikings reported an incident or concern during that stadium's 32-year history, the police groups allege," according to the complaint.

Minnesota Police aren't the only ones to disagree with the new rule. Several Chicago Police stated that their service to the public never goes off duty and that they are always meant to get involved in an incident to protect law-abiding citizens.

"Chicago police officers are trained to use firearms to save lives and defend law-abiding citizens," Mike Shield, Illinois former Fraternal Order of Police, said in September. "It is an insult that a state certified law-enforcement officer cannot carry his duty weapon at an NFL event."

Some fans are in support of the new policy with the approach that less guns equals a safer place. Other fans claim that without guns police may have trouble protecting and serving the public.

Experts Weigh In

Gil Fried, professor and chair of The Sport Management Department at the University of New Haven, provided his expertise on the matter. "I think it's a good thing to have a gun ban," Fried said. "Especially in a facility with large seating, alcohol being served, and hot tempers in a competitive sport environment." Fried also explained that a police officer not in uniform is not necessarily a strong crime/violence deterrent. Do they exhibit as much authority when dressed in plain clothes compared with uniformed officers? Do they monitor their guns closely? Have they been drinking? Are they sitting in areas with a now history of fighting? These are some of the questions that Fried suggests taking into consideration. "In the end," he said "this is a cost benefit analysis and facilities need to examine the possible legal, political, and financial impact of such a decision against the cost and possible blow back from gun rights advocates."

Joshua J. Sudbury, an attorney at Ford Harrison LLP, has written about Tennessee's gun laws. He said his state has a law that is similar to that in Minnesota, "which allows on- and off-duty law enforcement to carry a weapon anywhere within the state, subject to certain restrictions.

"However, Tennessee law also appears to allow businesses to prohibit officers from carrying weapons 'on premises owned, operated, managed, or under the control of the business.' T.C.A. § 39-17-1315. While I am not aware of any case law discussing this provision, it is a reasonable recognition of the business owner's potential liability in a situation where weapons are discharged, for whatever reason. I think the NFL's rule represents its analysis of these considerations, among others. While I can understand the MPPOA's frustrations, businesses like the NFL should be able to determine who they allow to carry weapons on their property, especially when the potential for liability exists."

Chief Security Officer Jeffery Miller of the NFL would agree, noting recently that the league believes that the public is best served by the on-duty officers that are assigned to protect and serve during the game and that the need to use deadly force inside a stadium is highly unlikely.

"On average, more than 500 civilian security personnel and 150 on-duty local, state and federal law enforcement officers are assigned to every NFL game," Miller said. "Off-duty officers haven't received special training on working in a stadium and are generally unknown to the officers assigned to the game."