

## Retiree Concealed Firearms

### 220.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the process and conditions associated with the issuance, revocation, and denial of a concealed weapons (CCW) endorsement for retired officers of this department.

Each campus Chief of Police shall issue identification cards and Carry Concealed Weapons (CCW) endorsements or certifications for its qualified retired peace officers in accordance with California Penal Code §§25450, 25455, 25460, 25465 & 25470. (Refer to Gold Book Section 817.)

### 220.2 POLICY

It is the policy of the University of California, Santa Cruz Police Department to provide identification cards to qualified former or retired police officers as provided in this policy.

### 220.3 QUALIFIED RETIREES

A "qualified retired peace officer" is defined as a University of California sworn officer who meets all the standards of a qualified retired law enforcement officer as defined in the California Penal Code and:

- (a) The officer was a full time sworn employee of a University of California Police Department who was authorized to and did carry firearm(s) during the course and scope of employment;
- (b) The officer was honorably retired from service and eligible to receive retirement benefits under the provisions of the University of California Retirement System. "Honorably retired" does not include an officer who has agreed to a service retirement in lieu of termination [PC §16690]. Additionally, the officer must have entered retirement directly from active service as a peace officer to be considered a peace officer who is honorably retired [Gore v. Yolo District Attorney's Office (2013) 213 Cal.App.4th 1487]for purposes of this policy.

An officer receiving duty disability income has not retired or separated from the University of California and is therefore not eligible for a retiree identification card or retiree CCW privileges and is not considered a "qualified retired and separated peace officer". [Alberts v. Regents of the University of California, et al., (Case No. RG12-62-674)]

- (c) The officer is not retired due to a psychological disability [PC §26305(a)], was actively working and had no mental health incapacity limiting his/her ability to work as a sworn police officer preceding retirement in good standing;
- (d) The officer is not otherwise subject to a lawful restriction on the possession of firearms that conflicts with a carry concealed weapons endorsement;
- (e) The officer meets their individual campus Police Department's firearm proficiency qualification standard.

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### 220.3.1 QUALIFIED RETIREES FROM OTHER AGENCIES

Retired badges, University of California Retired Officer Identification Cards (with or without carry concealed weapons endorsement), and other documentation or certification of carry concealed weapons privileges issued by any University of California campus shall remain the property of the University of California and may be revoked, recalled, or denied by that campus' Chief of Police at any time.

(a) Qualified retired officers who elect not to exercise carry concealed weapons privileges may be issued ID cards that distinctly bear the text "Not CCW Approved." Additional text shall further specify that the bearer is not authorized to carry a concealed firearm. Cards of this type have no expiration date and otherwise resemble those described in section 220.3 (Gold Book Section 817.4.)

(b) Qualified retired officers must apply for carry concealed weapons privileges by completing the University of California Carry Concealed Firearm Officer's Application and Certification Form (Gold Book Appendix A-4).

(c) Qualified retired officers who elect to and are approved to carry concealed weapons shall remain in the California Department of Justice Summary Criminal History Information Database pursuant to Penal Code §11105(k) (1).

(d) It shall be the responsibility of each individual qualified retired officer who exercises carry concealed weapon privileges to ensure compliance with all relevant provisions of law and policy. Qualified retired officers exercising carry concealed weapon privileges remain subject to their former campus' rules and policies [PC §26305(b)]. Violation of law and/or Department policy, including failure to meet the appropriate firearm proficiency qualification standards, may be cause for revocation or denial of carry concealed weapon privileges and/or the recall of any issued badge, identification card or documentation of carry concealed weapons privileges and any other Department property.

(e) Qualified retired University of California sworn officers who meet all the standards of a qualified retired law enforcement officer as defined in section 817.1 and wish to apply for retiree carry concealed weapons privileges must:

(1) Apply for carry concealed weapons privileges concurrent with retirement from active duty status;

(2) Notify their campus of any change in home address information within 30 days of change in permanent residence;

(3) Only carry a concealed firearm of the type for which he or she is qualified, and which is in good condition and proper working order;

(4) Refrain from being under the influence of alcohol (or any other intoxicating or hallucinatory drug or substance) when exercising carry concealed weapons privileges;

(5) Contact their campus to apply for renewal of identification cards.

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(6) In the event that their retiree badge and/or University of California Retired Officer Identification Card is lost or stolen, as soon as practical, contact their former Department and make a police report, in addition to any police report filed with another jurisdiction;

(7) Immediately surrender any and all ID cards or carry concealed weapons certification documents, and any non-decorative badge or other property issued by their former campus, upon the demand of the campus Chief of Police.

### **220.3.2 QUALIFIED RETIRED RESERVES**

Each campus Police Department shall maintain a firearm proficiency qualification standard for its own qualified retired and separated officers that is equivalent in rigor to the basic firearm proficiency qualification standard required of its active duty officers. Qualified retired and separated officers must meet their former campus' current firearms proficiency qualification standard as a condition of the carry concealed weapons endorsement issuance consistent with California law. Qualified retired reserve officers who meet the department requirements shall be provided an identification card with a CCW Approved endorsement (Penal Code § 26300).

Each campus may charge a fee as necessary to cover any reasonable expenses incurred during the process of qualifying for and issuing identification or certification to qualified retired peace officers [PC §25455(b)].

### **220.4 MAINTAINING A CCW ENDORSEMENT**

Identification cards issued to qualified retired officers qualifying for carry concealed weapons privileges in the State of California shall minimally meet the criteria described in California Penal Code §§25460(c) and 25465, and the following:

(a) The ID card shall display the date of expiration of the ID card and CCW privilege, which is initially required five years after the date of retirement, and every five years thereafter;

(b) A statement on the reverse of the ID card shall describe the authority of the Department to issue the carry concealed weapons endorsement and to confiscate the card.

(c) Pursuant to California Penal Code § 25460 (c), the ID card certificate shall be on a 2x3 inch card, bear the photograph of the retiree, include the retiree's name, date of birth, the date that the retiree retired, and the name and address of the agency from which the retiree retired, and stamped on it the endorsement "CCW Approved" and the date the endorsement is to be renewed.

(d) In the case in which a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege."

### **220.5 CARRYING FIREARMS OUT OF STATE**

The CCW endorsement under Penal Code § 25470 for any officer retired from this department may be denied or permanently revoked only upon a showing of good cause. An officer may request an appeal hearing pursuant to this section only if he or she is a qualified retired officer as defined in section 220.2. (Gold Book Section 817.1.)

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The CCW endorsement may be immediately and temporarily revoked by the Chief of Police or designee when the conduct of a retired peace officer compromises public safety. Good cause, if challenged, shall be determined in the following manner:

(a) In the event that a CCW endorsement is initially denied, the retired officer shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. [PC §26310.] (The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.

(b) Prior to revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree's last known address (Penal Code § 26315).

1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.

(c) The hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Department, one selected by the retiree or his/her employee organization and one selected jointly (Penal Code § 26320).

1. The decision of such hearing board shall be binding on the Department and the retiree.
2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Department will then reissue a new identification card which shall be stamped "No CCW Privilege".

(d) Appeal hearings may include an assessment of the facts outlined in the retiree's appeal, complete review of the retiree's personnel records including performance evaluations, internal affairs records, disciplinary documents, fitness for duty documentation, records of criminal convictions, separations documentation or any other documentation necessary to make an objective and appropriate recommendation.

#### 220.5.1 CALIFORNIA IDENTIFICATION CARD FORMAT

The identification card issued to any qualified and honorably retired officer shall be 2 inches by 3 inches, and minimally contain (Penal Code § 25460):

- (a) A photograph of the retiree.
- (b) The retiree's name and date of birth.
- (c) The date of retirement.
- (d) The name and address of this department.
- (e) A stamped CCW Approved endorsement along with the date by which the endorsement must be renewed (not more than one year). If a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege."

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### **220.6 QUALIFIED RETIREES FROM FORMER UNIVERSITY OF CALIFORNIA JURISDICTION**

The Department shall provide an identification card with a CCW Approved endorsement to honorably retired peace officers from any jurisdiction that this department now serves under the following conditions (Penal Code Section 25905):

- (a) The retiree's previous agency is no longer providing law enforcement services or the relevant government body is dissolved.
- (b) This department is in possession of the retiree's complete personnel records or can verify the retiree's honorably retired status.
- (c) The retiree is in compliance with all of the requirements of this department for the issuance of a CCW Approved endorsement.

In cases where the University of California police agency where the retiree worked no longer exists, cases where a Campus Chief of Police declares a conflict of interest, or when a Campus Chief of Police requests a review prior to approval or denial of an application, a review board may be convened as follows:

- (a) The Review Board shall consist of three University of California Chiefs of Police appointed by the System-wide Coordinator of Police Services.
- (b) The panel shall make a recommendation to the requesting Chief of Police who will render a final decision based on the recommendation of the panel.

### **220.7 DENIAL, SUSPENSION OR REVOCATION OF A CALIFORNIA CCW ENDORSEMENT CARD**

A CCW endorsement under Penal Code § 25470 for any officer retired from this department may be denied or revoked only upon a showing of good cause. The CCW endorsement may be immediately and temporarily revoked by the Chief of Police or designee when the conduct of a retired peace officer compromises public safety.

- (a) In the event that a CCW endorsement is initially denied, the retired officer shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.
- (b) Prior to revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree's last known address (Penal Code § 26315).
  - 1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
  - 2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).

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3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.
- (c) A hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Department, one selected by the retiree or his/her employee organization and one selected jointly (Penal Code § 26320).
1. The decision of such hearing board shall be binding on the Department and the retiree.
  2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Department will then reissue a new identification card which shall be stamped "No CCW Privilege."
- (d) Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Chief of Police or designee as soon as practicable. The Chief of Police or designee should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise him/her of the temporary suspension and hearing information listed below.
1. Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312). A current copy of Penal Code §§ 26305, 26312 and 26315 should be attached to the written notice.
  2. The Chief of Police will designate a member of the department to investigate the matter. The designee shall document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo will be forwarded to the Chief of Police.
  3. The personal and written notification should be as follows:
    - (a) The retiree's CCW endorsement is immediately and temporarily suspended.
    - (b) The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.
    - (c) The retiree will forfeit his/her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.
  4. In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Chief of Police or designee should attempt to make the above notice of temporary suspension through another law enforcement officer. For example, if a retiree was arrested or detained by a distant agency, the Chief of Police or designee may request that a law enforcement officer from that agency act as the agent of the Department to deliver the written notification.

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### **220.8 FIREARM QUALIFICATIONS**

The Rangemaster may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Rangemaster will maintain a record of the qualifications and weapons used.