

Retiree Concealed Firearms

220.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Yolo County Probation Department identification cards under the Law Enforcement Officers' Safety Act (LEOSA) and California law. (18 USC § 926C; Pen. Code § 25455.)

220.2 POLICY

It is the policy of the Yolo County Probation Department to provide identification cards to qualified former or retired officers as provided in this policy.

220.3 LEOSA AUTHORITY

The Chief Probation Officer or designee may issue an identification card for LEOSA purposes to any qualified former officer of this Department who (18 USC § 926C(c)):

- (a) Separated from service in good standing from this Department as an officer.
- (b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this Department.
- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this Department where the officer acknowledges that he or she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

220.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former officer and identify him or her as having been employed as an officer.

If the Yolo County Probation Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active duty standards for qualification to carry a firearm.

220.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former officer of this Department, may carry a concealed firearm under 18 USC § 926C when he or she is:

- (a) In possession of photographic identification that identifies him or her as having been employed as a law enforcement officer, and one of the following:
 1. An indication from the person's former law enforcement agency that he or she has, within the past year, been tested or otherwise found by the law enforcement

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agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
 - (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
 - (c) Not prohibited by federal law from receiving a firearm.
 - (d) Not in a location prohibited by California law or by a private person or entity on his/her property if such prohibition is permitted by California law.

220.4 FORMER OFFICER RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify a Supervisor of his or her arrest or conviction in any jurisdiction, or that he or she is the subject of a court order, in accordance with the Reporting of Employee Convictions policy.

220.4.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former officer shall:

- (a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.
- (b) Remain subject to all applicable Department policies and federal, state and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
- (d) Successfully pass an annual criminal history background check indicating that he or she is not prohibited by law from receiving or possessing a firearm.

220.4.2 MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT

In addition to the above, in order to maintain a CCW Approved endorsement on an identification card issued under California law, the retired officer shall (Pen. Code § 26305):

- (a) Qualify annually in the Standard 832 PC course of fire with the authorized firearm by a certified firearms instructor who is qualified in California to conduct a firearms qualification test for active duty law enforcement officers in California at the retired officer's expense.
- (b) Remain subject to all applicable Department policies and federal, state and local laws.
- (c) Not engage in conduct that compromises public safety.

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- (d) Only be authorized to carry a concealed firearm approved by the Department.
- (e) CCW approved identification card is to be updated annually reflecting expiration date.

220.5 DENIAL, SUSPENSION OR REVOCATION OF A LEOSA IDENTIFICATION CARD

A LEOSA identification card may be denied, suspended or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended or revoked, the former officer may request a review by the Chief Probation Officer. The decision of the Chief Probation Officer is final.

220.6 DENIAL, SUSPENSION OR REVOCATION OF A CALIFORNIA CCW ENDORSEMENT CARD

In addition to LEOSA authorization, a CCW endorsement under Penal Code section 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 Probation Officer or his or her 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. (Pen. 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. (Pen. Code § 26315.)
- c. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.
- d. 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 or her employee organization and one selected jointly. (Pen. 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 or her identification card.
- e. Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify their Supervisor as soon as practicable. The Supervisor should promptly advise the Chief Probation Officer or his or her designee of the information. Appropriate steps to look into

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the matter will then be taken and, if warranted, the retiree will be contacted in person and advised 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. (Pen.Code § 26312.)
2. The Chief Probation Officer's designee should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief Probation Officer.
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 or 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.

f. In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner the Chief Probation Officer or his or her 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 Probation Officer's designee may request that a law enforcement officer from that agency act as the agent of the Department to deliver the written notification.

220.7 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.