I. POLICY

The Police Chief is given the statutory discretion to issue a license to carry a concealed firearm to residents within the community. This policy will provide a written process for the application and issuance of such licenses. Pursuant to Penal Code (PC) § 26160, this policy shall be made accessible to the public.

II. PROCEDURE

The primary responsibility for issuance of concealed weapon permits for the Davis Police Department rests with the Police Chief. In fulfilling that responsibility, the following procedures will be followed:

A. Qualified Applicants

In order to apply for a license to carry a concealed weapon, the applicant must meet the following requirements:

1. Be a resident of the City of Davis.
2. Be at least 21 years of age.
3. Fully complete an application that will include substantial personal information. Much of the information in the application may be subject to public access under the Public Records Act.
4. Be free from criminal convictions that would disqualify the applicant from carrying a concealed weapon. Fingerprints will be required and a complete criminal background check will be conducted.
5. Be of good moral character.
6. Show good cause for the issuance of the license.
7. Pay all associated application fees. These fees are set by statute and may not be refunded if the application is denied.
8. Provide proof of ownership and registration of any weapon to be licensed for concealment.
10. Be free from any medical and psychological conditions that might make the applicant unsuitable for carrying a concealed weapon
11. Complete required training.
B. Application Process

The application process for a license to carry a concealed weapon consists of two phases. Upon the successful completion of phase 1, the applicant will advance to phase 2 and continue the process until completed and the license is either issued or denied.

1. Phase 1

   a. Any individual applying for a license to carry a concealed weapon shall first fully complete a Concealed Weapons License Application to be signed under penalty of perjury. It is against the law to knowingly make any false statements on such an application (PC § 26180).

      1. In the event of any discrepancies in the application or background investigation, the applicant may be required to undergo a Computerized Voice Stress Analyzer (CVSA) examination.

      2. If an incomplete CCW Application package is received, the Department may do any of the following:

         a. Require the applicant to complete the package before any further processing.
         b. Advance the incomplete package to Phase Two for conditional processing pending completion of all mandatory conditions.
         c. Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a CCW Permit even if the package was completed (e.g., not a resident, disqualifying criminal conviction, absence of good cause).

   b. At the time the completed application is submitted, the applicant shall submit a check made payable to the Department of Justice for the required application fee along with a separate check made payable to the City of Davis for a nonrefundable application fee to cover the cost of processing.

      1. The application fee does not include any additional fees required for fingerprinting, training, or psychological testing.
      2. Full payment of the remainder of the application fee will be required upon issuance of a license.
      3. Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in PC § 830.6 (a) or (b) (PC § 26170).

   c. The applicant shall be required to submit to Live-Scan fingerprinting and a complete criminal background check by the Department of Justice. A second set of fingerprints may be required for retention in department files. Two recent passport size photos (two inches by two inches) of the applicant shall be submitted for department use. Fingerprint and photograph fees will be collected in addition to the application fees. No person determined to fall within a prohibited class described in PC §§ 29800 or 29805 or Welfare and Institutions Code §§ 8100 or 8103 may be issued a license to carry a concealed weapon.

   d. The below listed areas may be included in the background investigation:

      1. DMV Records.
      2. Department of Justice and National Crime Information Center records checks.
      3. Military records, if applicable.
4. Medical records, if applicable.
5. Weapons registration check.
6. Local law enforcement agency records checks (especially concerning disturbances and similar activities which may not exist in DOJ records).
7. Personal interviews with neighbors, employers, co-workers, and references supplied by the applicant.

e. The applicant shall submit at least three signed letters of character reference from individuals other than relatives.

f. The applicant shall submit proof of ownership and registration of each weapon to be licensed for concealment.

g. Once the completed application package and relevant background information has been reviewed, the application will either be advanced to phase two or denied.

h. In the event that an application is denied at the conclusion of or during phase one, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant’s criminal background check from the Department of Justice, whichever is later (PC § 26205).

2. Phase 2

This phase is to be completed only by those applicants successfully completing Phase 1.

a. Upon successful completion of phase one, the applicant may be scheduled for a personal interview with the Police Chief, or their designee, for further exploration and discussion of the applicant’s statement of good cause and any potential restrictions or conditions that might be placed on the license.

1. The determination of good cause should consider the totality of circumstances in each individual case.
2. Any denial for lack of good cause should be rational and articulable; not arbitrary in nature.

b. The applicant may be required to provide written documentation from a licensed physician attesting that the applicant is not currently suffering from any medical condition that would make the individual unsuitable for carrying a concealed weapon. All costs associated with this requirement shall be paid by the applicant. Failure to provide satisfactory evidence of medical fitness shall result in removal of the applicant from further consideration.

c. The Department may require the applicant be referred to an authorized psychologist used by the Department for psychological testing in order to determine the applicant’s suitability for carrying a concealed weapon. The cost of such psychological testing (not to exceed $150) shall be paid by the applicant. This testing is not intended to certify the applicant is psychologically fit to carry a weapon. It is instead intended to determine whether an applicant has any outward indications or history of psychological problems that might render them unfit to carry a concealed weapon. If it is determined that the applicant is not a suitable candidate for carrying a concealed weapon, the applicant shall be removed from further consideration.
d. The applicant shall complete a minimum of four (4) hours and up to sixteen (16) hours of training approved by the agency that minimally includes firearms safety and the laws regarding the permissible use of a firearm.

e. The applicant shall submit any weapon to be considered for a license to a Department Firearms Instructor for a full safety inspection. The Department reserves the right to deny a license for any weapon from an unrecognized manufacturer or any weapon that has been altered from the manufacturer’s specifications.

f. The applicant shall successfully complete a firearms safety and proficiency examination with the weapon to be licensed, to be administered by a Department Firearms Instructor or provide proof of successful completion of another departmentally approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant.

g. Once the Department has verified the successful completion of Phase 2, the license to carry a concealed weapon will either be granted or denied.

h. Whether an application is approved or denied at the conclusion of or during phase two, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later. (PC § 26205).

C. Issued Licenses

In the event a license to carry a concealed weapon is issued the following shall apply:

1. The license will not be valid outside the state of California;

2. The license will be subject to any and all reasonable restrictions or conditions the Department has deemed warranted, including restrictions as to the time, place, manner and circumstances under which the person may carry the concealed firearm.

3. All such restrictions or conditions shall be conspicuously noted on any license issued (PC § 26200(b)).

4. The licensee will be required to sign a Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.

5. The license shall be laminated, bearing a photograph of the licensee with the expiration date, type of weapon(s), restrictions and other pertinent information clearly visible.

6. Each license shall clearly identify the licensee.

7. All licenses shall be subjected to inspection by any law enforcement officer.

8. The license will be valid for a period not to exceed one year from the date of issuance.

9. A license issued to state or federal magistrate, commissioner or judge will be valid for a period not to exceed three years.
10. The licensee shall notify this department in writing within ten days of any change of place of residency. If the licensee moves out of the county of issuance, the license shall expire ninety (90) days after the licensee has moved.

D. License Restrictions

1. The Police Chief may place special restrictions limiting time, place, manner and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from any of the following:
   a. Consuming any alcoholic beverage while armed.
   b. Falsely representing themselves as a peace officer.
   c. Unjustified or unreasonable displaying of a weapon.
   d. Committing any crime.
   e. Being under the influence of any medication or drug while armed.
   f. Interfering with any law enforcement officer’s duties.
   g. Refusing to display their license or weapon for inspection upon demand of any peace officer.

2. The Police Chief reserves the right to inspect any license or licensed weapon at any time.

3. Any ammunition carried in a weapon licensed to be carried concealed, shall be inspected and approved by a Department Firearms Instructor. The carrying of any other ammunition in a licensed weapon shall be grounds for revocation.

4. The alteration of any previously approved weapon including, but not limited to, adjusting trigger pull, adding laser sights or modifications shall void any license and serve as grounds for revocation.

E. Amendments

1. Any licensee may apply to amend a license at any time during the period of validity by completing and submitting a written Application for License Amendment along with the current processing fee to the Department in order to accomplish one or more of the following:
   a. Add or delete authority to carry a firearm listed on the license
   b. Change restrictions or conditions previously placed on the license
   c. Change the address or other personal information of the licensee

2. In the event that any amendment to a valid license is approved by the Police Chief, a new license will be issued reflecting the amendment(s). An amendment to any license will not serve to extend the original expiration date and an application for an amendment will not constitute an application for renewal of the license.

F. Revocation

1. Any license issued pursuant to this policy may be immediately revoked by the Police Chief for any of the following reasons:
   a. If the licensee has violated any of the restrictions or conditions placed upon the license.
   b. If the licensee becomes medically or psychologically unsuitable to carry a concealed weapon.
c. If the licensee is determined to be within a prohibited class described in PC §§ 29800 or 29805 or Welfare and Institutions Code §§ 8100 or 8103.

d. If the licensee engages in any conduct which involves a lack of good moral character or might otherwise remove the good cause for the original issuance of the license.

e. If the licensee establishes residency outside the Davis.

2. The issuance of a license by the Police Chief shall not entitle the holder to either a property or liberty interest as the issuance, amendment or revocation of such license remains exclusively within the discretion of the Police Chief as set forth herein.

3. If any license is revoked, the Department will immediately notify the licensee and the Department of Justice pursuant to PC § 26225.

G. Renewal

1. No later than 90 days prior to the expiration of any valid license to carry a concealed weapon, the licensee may apply to the Police Chief for a renewal by completing the following:

   a. Verifying all information submitted in the original application under penalty of perjury.
   b. Taking an authorized training course of no less than four hours including firearms safety and the laws regarding the permissible use of a firearm.
   c. Submitting any weapon to be considered for a license renewal to a Department Firearms Instructor for a full safety inspection. The renewal applicant shall also successfully complete a firearms safety and proficiency examination with the weapon to be license renewal, to be administered by a Department Firearms Instructor, including completion of all releases and other forms.
   d. Payment of a non-refundable renewal application fee.

2. Once the Police Chief has verified the successful completion of renewal process, the renewal of the license to carry a concealed weapon will either be granted or denied. Prior issuance of a license shall not entitle any licensee to any property or liberty right to renewal.

3. Whether an application for renewal is approved or denied, the applicant shall be notified in writing within 90 days of the renewal application or within 30 days after receipt of the applicant’s criminal background check from DOJ, whichever is later (PC § 26205).

H. Department Records

1. Pursuant to PC § 26225, the Police Chief shall maintain a record of the following and immediately provide copies of each to the Department of Justice:

   a. The denial of a license.
   b. The denial of an amendment to a license.
   c. The issuance of a license.
   d. The amendment of a license.
   e. The revocation of a license.
   f. The Chief of Police shall annually submit to the State Attorney General the total number of licenses to carry concealed weapons issued to reserve peace officers and judges.
I. Confidential Records.

1. The home address and telephone numbers of any peace officer, magistrate, commissioner or judge contained in any application or license shall not be considered public record (Government Code § 6254(u)(2)).

2. Any information in any application or license which tends to indicate when or where the applicant is vulnerable to attack or that concerns the applicant’s medical or psychological history or that of their family shall not be considered public record (Government Code § 6254(u)(1)).

J. Hold Harmless Agreement

A hold harmless agreement must be executed, with the applicant specifically naming the Davis Police Department and City of Davis.

K. Severability

Any section, subsection, sentence, clause, phrase or portion of this policy that is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction shall not affect the validity of the remaining portions of this policy.

Darren Pytel
Police Chief

10/99

Rev. 01/97
05/10 process updated
07/12 PC updated to reflect weapons law renumbering and minor verbiage changes.

Reviewed 1/01, 09/08, 10/11, 08/17, 12/17, 05/19