DAVIS POLICE DEPARTMENT

RETIRED OFFICER AND RESERVE CCW ENDORSEMENTS
Policy and Procedure 3.10-A

DEPARTMENT MANUAL

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I. STATEMENT OF PURPOSE

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

II. POLICY

It is the policy of the Davis Police Department to provide identification cards to qualified former or retired officers as provided in this policy. Either a LEOSA or California identification card may be issued in conjunction with, or separately from, each other. When issued in conjunction, the retired former officer must meet the requirements for receiving both identification cards. If issued separately, the retired former officer must meet the requirements for the identification card they would like issued.

In California, an honorably retired peace officer shall, when leaving a handgun in an unattended vehicle, secure the handgun in the vehicle pursuant to Penal Code § 25140.

III. RETIRED FORMER POLICE OFFICERS CCW REQUIREMENTS

A. Retired LEOSA Requirements

1. LEOSA Qualifications

   The Police Chief may issue an identification card for LEOSA purposes to any qualified former officer of the Davis Police Department who (18 USC § 926C(c)):

   a. Separated from service in good standing 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 the Police Chief.
   c. Has not been disqualified for reasons related to mental health.
   d. Has not entered into an agreement with the Department where the officer acknowledges that they are 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.
2. LEOSA Identification Card
   a. The LEOSA identification card will contain a photograph of the former officer and identify them as having been employed as an officer.
   b. The LEOSA identification card will be valid for 5 years and is renewable every 5 years, subject to all of the provisions of this policy. **The LEOSA identification card is valid only when also carrying a certificate of firearms qualification.**

3. LEOSA Authorization

Any qualified former law enforcement officer may carry a concealed firearm under 18 USC § 926C when they are:

a. In possession of their LEOSA identification card.
   b. In possession of their annual certificate of firearms qualification by meeting one of the following requirements:
      1. They, within the past year, have been tested or otherwise found by the Davis Police Department to meet department-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm. The Department will issue a certificate of qualification when this requirement is met.
      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.
   c. Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
   d. Not prohibited by federal law from receiving a firearm.
   e. Not in a location prohibited by California law or by a private person or entity on their property if such prohibition is permitted by California law.
   f. In possession of an allowable firearm under the federal statute (18 USC § 926C).

4. Responsibilities under LEOSA

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

a. Annually, sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both their 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, former employee or retired reserve police officer of the Davis Police Department.
   b. Remain subject to all applicable Department policies and federal, state and local laws (Department policies are online at [https://cityofdavis.org/city-hall/police-department/department-manual](https://cityofdavis.org/city-hall/police-department/department-manual)).
   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 they are not prohibited by law from receiving or possessing a firearm.
5. Denial, Suspension or Revocation of a LEOSA Identification Card

A LEOSA identification card may be denied 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 Police Chief. The decision of the Police Chief is final.

B. California Honorably Retired Officer Identification Card Issuance

1. California Identification Card Qualifications

Any full-time sworn officer who was authorized to, and did, carry a concealed firearm during the course and scope of their employment shall be issued an identification card with a Carrying Concealed Weapon endorsement, "CCW Approved," upon honorable retirement (Penal Code § 25455).

a. For the purpose of this policy, honorably retired includes all peace officers who have qualified for, and accepted, a service or disability retirement. It shall not include any officer who retires in lieu of termination.
b. No CCW Approved endorsement shall be issued to any officer retiring because of a psychological disability (Penal Code § 26305).

2. 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 the Davis Police Department.
e. A stamped CCW Approved endorsement along with the date by which the endorsement must be renewed. The identification card will be valid for 5 years and is renewable every 5 years, subject to all of the provisions of this policy and meeting annual qualification requirements. A failure to qualify annually will result in either temporary suspension or permanent revocation of a CCW Approved endorsement.
f. If a CCW endorsement has been denied or revoked, the identification card shall be stamped “No CCW Privilege.”

3. Maintaining a California CCW Endorsement

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

a. Qualify annually with the authorized firearm at a course approved by the Davis Police Department at the retired officer’s expense. The Department will issue and maintain a certificate of qualification in order for the identification to remain valid.
b. Remain subject to all applicable Department policies and federal, state and local laws (Department policies are online at https://cityofdavis.org/city-hall/police-department/department-manual).
c. Not engage in conduct that compromises public safety.
d. Only be authorized to carry a concealed firearm inspected and approved by the Department or Department designee.

4. Denial, Suspension or Revocation of a California Identification Card

A CCW endorsement under Penal Code § 25470 for any retired officer may be denied or revoked only upon a showing of good cause.

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).
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 their 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 their 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 Watch Commander as soon as practicable. A CCW endorsement may be immediately and temporarily suspended by the Watch Commander when the conduct of a retired peace officer compromises public safety. The Watch Commander will promptly notify the Deputy Police Chief or the Police Chief who will take appropriate steps to have the matter formally investigated. If the CCW endorsement is temporarily suspended, the Department will, whenever possible, contact the retiree in person and advise them of the temporary suspension and hearing information listed below.

1. Notification of the temporary suspension should be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).
2. The personal and written notification of temporary suspension should include the following::

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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 their 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.

e. In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Department 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 Department may request that a law enforcement officer from that agency act as the agent of the Department to deliver the written notification.

C. Former Officer Responsibilities

A former officer with a card issued under this policy shall immediately notify the Deputy Police Chief or the Police Chief, through Dispatch, at (530) 747-5400 of any of the following:

1. Any past or current criminal arrest, outstanding warrant or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

2. If the retiree becomes the subject of a domestic violence restraining order or similar court order or becomes the subject of an outstanding warrant.

D. Firearms Qualifications

The Department Firearms Instructor may provide former officers 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 Department Firearms Instructor will maintain a record of the qualifications and weapons used.

If the former officer is unable to be qualified by the Department, the Department Firearms Instructor may authorize the former officer to be qualified by another certified rangemaster.

IV. RESERVE OFFICER CCW ENDORSEMENTS

A. Qualified Retired Reserves

The Police Chief may approve a LEOSA identification card to a retired reserve police officer subject to all of the provisions of issuing a LEOSA identification card to a retired regular officer. Any decision of the Police Chief regarding issuance of the identification card is final.

Qualified retired reserve officers who meet the following requirements may be provided an identification card with a CCW Approved endorsement (Penal Code § 26300).

1. Department Requirements

   a. The retired reserve officer was authorized to, and did, carry a firearm during the course and scope of their appointment as a peace officer.
   b. The retired reserve officer was a level I reserve officer as described in paragraph (1) of subdivision (a) of Section 832.6, and
c. The retired reserve officer served in the aggregate of 10 years or more as a peace officer. Service as a reserve officer, other than a level I reserve officer prior to January 1, 1997, shall not count toward the accrual of time required by this section.
d. The Department has the discretion to revoke or deny an endorsement issued under this provision. Any decision of the Police Chief is final.

B. Procedure of Active Duty Reserve CCW Endorsement

1. Applications may be submitted to the Deputy Police Chief on the “Application for Concealed Weapon Permit” form. Upon receipt of the application, the Deputy Police Chief will interview the applicant and conduct a review of the applicant’s work history.

2. Successful applicants will be issued a permit that may be renewed with written approval of the Deputy Police Chief. Applicants will be restricted to carrying only those handguns listed on the permit.

3. Permits will be voided upon the applicant’s separation from the Reserve Program or at the direction of the Deputy Police Chief for good cause.

4. Final authority regarding the issuing or renewal of permits rests with the Police Chief and shall be subject to any restrictions contained therein.

5. Permit holders will be required to attend a meeting with a Department Firearms Instructor. That meeting will cover various topics, including personal safety, policy regarding off-duty arrests, equipment, liability, and how to properly carry concealed weapons.

6. Permit holders will be required to qualify with all handguns listed on the permit.

7. Per statute, reserve officers may not make off-duty arrests except as private persons. In addition, the Department strongly discourages reserve officers with permits from making an off-duty arrest except to protect a life.

8. Reserve officers with permits may not carry a concealed weapon when consuming alcohol or under the influence of prescription drugs.

9. While carrying a concealed weapon, reserve officers remain subject to all applicable Department policies and federal, state and local laws.

Darren Pytel
Police Chief
01/98

Revised 10/99
03/05, retired officer sections added
07/12, statutes updated for weapons laws changes
01/19, updated all provisions to comply with state and federal law

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