

Retired Officer CCW and ID Cards

209.1 PURPOSE AND SCOPE

- (a) The purpose of this policy is to outline the process and conditions associated with the issuance, revocation, and denial of an identification card or concealed weapons (CCW) endorsement for retired officers of this Department. This policy applies to honorably retired full-time and Level 1 Reserve Police Officers. These guidelines follow the requirements outlined in the Law Enforcement Officers' Safety Act (LEOSA) (18 USC § 926C) and California Law (Penal Code § 25455).

209.2 POLICY

- (a) It is the policy of the Oakley Police Department to provide identification cards to qualified officers as provided for in this policy.
- (b) CCW Endorsements will be issued on identification cards when approved by the Chief of Police.

209.3 REFERENCES

- (a) Law Enforcement Officers' Safety Act (LEOSA) (18USC Section 926C)
- (b) Penal Code Section 25455

209.4 RETIRED ID CARD ISSUE / RENEWAL

- (a) The issuance and renewal of Police Department identification cards are the responsibility of the City's Human Resources Division.
 - 1. Retiree ID Cards will be issued with a three year expiration date.
 - 2. When an ID Card renewal is requested, the Police Department will complete an ARIES and a Coplink search to identify law enforcement contacts (Local Records Check),
 - 3. 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. If a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege."
- (b) The inclusion of a CCW Endorsement on a retiree identification card will only be made with the approval of the Chief of Police.

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209.5 QUALIFIED RETIREES

- (a) Any full-time or Level 1 Reserve Officer of this Department who was authorized to, and did, carry a concealed firearm during the course and scope of his/her employment shall be issued an identification card with a "CCW Approved" endorsement upon honorable retirement (Penal Code § 25455).
 - 1. For the purpose of this policy, honorably retired includes all peace officers who have qualified for, and accepted, a service or disability retirement. However, shall not include any officer who retires in lieu of termination.
 - 2. No "CCW Approved" endorsement shall be issued to any officer retiring because of a psychological disability (Penal Code 26305).

209.6 MAINTAINING AN IDENTIFICATION CARD

- (a) In order to obtain or retain an identification card, the former officer shall:
 - 1. 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.
 - 2. Remain subject to all applicable Department Policies and federal, state and local laws.
 - 3. Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
 - 4. Successfully pass a criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

209.7 MAINTAINING A CCW ENDORSEMENT

- (a) In order to maintain a "CCW Approved" endorsement on an identification card, the retired officer shall (Penal Code § 12027(a)(2)):
 - 1. For firearms carried within the State of California retired officers must qualify every three years with an authorized firearm at a course approved by this Department. The Department will provide thirty rounds for one qualification shoot. The Department will only provide the caliber of round authorized for patrol use. Any additional firearm qualifications will be at the expense of the retired officer. Qualifications will be conducted in accordance with Section 209.8 of this policy.
 - 2. 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.

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3. Remain subject to all Department rules and policies as well as all federal, state and local laws.
4. Not engage in conduct that compromises public safety.
5. Only be authorized to carry a concealed firearm inspected and approved by the Oakley Police Department.

209.8 QUALIFIED RETIRED RESERVE OFFICERS

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

209.9 DENIAL, SUSPENSION, OR REVOCATION OF A RETIREE IDENTIFICATION CARD

- (a) A retired 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 Chief of Police.
- (b) The decision of the Chief of Police is final.

209.10 DENIAL, SUSPENSION, OR REVOCATION OF A CCW ENDORSEMENT

- (a) 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.
- (b) The CCW endorsement may be immediately and temporarily suspended by the On-Scene Supervisor when the conduct of a retired peace officer compromises public safety.
 1. 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.
 2. 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).
 - (a) The retiree shall have 15 days from the date of service to file a written request for a hearing.
 - (b) The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
 - (c) The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.
 3. A hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected

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by the Department, one selected by the retiree or his/her employee organization and one selected jointly (Penal Code § 26320).

- (a) The decision of such hearing board shall be binding on the Department and the retiree.
 - (b) 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."
4. Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Sergeant as soon as practicable. The Sergeant 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.
- (a) 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).
 - (b) The Sergeant should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief of Police.
 - (c) The personal and written notification should be as follows:
 - 1. The retiree's CCW endorsement is immediately and temporarily suspended.
 - 2. The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.
 - 3. 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.
 - (d) In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Sergeant 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 Sergeant may request that a law enforcement officer from that agency act as the agent of the Department to deliver the written notification.

209.11 FIREARMS QUALIFICATIONS

- (a) Firearms Instructors 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. Firearms Instructors will maintain a record of the qualifications and weapons used.

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209.12 LAW ENFORCEMENT OFFICERS' SAFETY ACT (LEOSA)

- (a) The Chief of Police may issue an identification card for LEOSA purposes to any qualified former officer of this department who (18 USC § 926C(c)):
1. Separated from service in good standing from this department as an officer.
 2. 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.
 3. Has not been disqualified for reasons related to mental health.
 4. Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
 5. Is not prohibited by federal law from receiving or possessing a firearm.
- (b) **Authorization**
1. Any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm under 18 USC § 926C when he/she is:
 - (a) In possession of photographic identification that identifies him/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/she has, within the past year, been tested or otherwise found by the law enforcement 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.

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209.13 REVISION DATE

- (a) 29 APR 16
- (b) 19 NOV 18
- (c) 23 DEC 19 (Lexipol)