



# KERN COUNTY PROBATION DEPARTMENT

## Policies And Procedures

TITLE: <b>Retiree CCW</b>		Article: 1715	
APPROVED: <b>TR Merickel, Chief Probation Officer</b>			
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### **Policy**

This policy, in accordance with Federal and State law, establishes guidelines, requirements, and procedures for retired, sworn law enforcement members of this department to obtain a permit to carry concealed weapons while in California or another state. Federal law and state law both establish guidelines and procedures for the issuance of a permit to carry a concealed weapon for retired law enforcement officers. As the specific guidelines and procedures between federal and state law differ, the following policy will outline the procedure in both cases:

#### **I. Legal Framework**

Federal law, as codified in 18 USC 926 C, established the following:

- Any individual who is a qualified retired law enforcement officer may carry a concealed firearm, per the Law Enforcement Officers' Safety Act (LEOSA), if the following conditions apply:
  - (1) The individual separated from service in good standing with a public agency as a law enforcement officer; and
  - (2) Before such separation, the individual was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for any violation of law, and had statutory powers of arrest or apprehension; and
  - (3) Before such separation, the individual served as a law enforcement officer for an aggregate of 10 years or more; or separated from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency; and
  - (4) During the most recent 12-month period, has met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers, as

- determined by the former agency of the individual or the State in which the individual resides; and
- (5) Has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons related to mental health; or has not entered into an agreement with the agency from which the individual is separating from service in which that individual acknowledges he or she is not qualified under this section for reasons related to mental health; and
  - (6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
  - (7) Is not otherwise prohibited by Federal law from receiving a firearm.

State law, as codified in PC § 25455, establishes the following:

- Any peace officer, described in Section 25450, whether active or honorably retired, may be issued an identification certificate by the law enforcement agency from which the officer has retired to carry a concealed firearm, if the following conditions apply:
  - (1) If the individual honorably retired, and during the course and scope of his or her appointment as a peace officer, was authorized to, and did, carry a firearm; and
  - (2) No individual who retired, because of a psychological disability shall be issued an endorsement to carry a concealed and loaded firearm, pursuant to PC § 26305.

## II. **Procedure**

All Probation Department retirees who seek to obtain a permit to carry a concealed weapon will contact the Probation Department's Administrative Services Division to request a Concealed Weapons Qualification and Authorization form. Portions of the form will need to be completed by the retiree. The retiree will need to designate on the form whether they seek to obtain a permit under Federal law (18 USC 926 C) or State law (PC § 25455) or both. If the retiree is seeking the permit under Federal law, they will need to contact the Range Master to schedule a date and time for a firearm qualification.

Under Federal law, this qualification must occur during the most recent 12-month period, and annually thereafter. State law does not require firearm qualification and only requires renewal every five years. The Administrative Services Division will perform a criminal history check to ensure the retiree has no disqualifying issues.

- If the retiree seeks to obtain the permit under the Federal law, the following procedures will be followed:
  - A. The retiree will complete the Concealed Weapons Qualification and Authorization form, check only the “Federal law” option, and proceed with the steps below.
  - B. The retiree will contact the Range Master and qualify with the type of weapon to be carried on an annual basis in a qualification course to be established by the Probation Department’s Range Master or designee. If the retiree has established residency outside the state of California, the retiree will, at their own expense, meet the standards for qualification in firearms established by the State in which the individual resides or, if the State has not established such standards, either a law enforcement agency within the State in which the individual resides or the standards used by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State. The Probation Department may charge a reasonable fee to cover of the expense of issuing a permit under this policy.
  - C. If a retiree fails the qualification course, they will be given two additional opportunities to complete the course. Should they fail to qualify after three attempts, no permit will be issued and existing permits will be revoked. Applicants who fail to qualify may re-apply after one year or upon presentation of a certificate indicating their successful attendance and completion of a firearms training course.
  - D. Following the course qualification, the Range Master, or designee, will note the retiree’s qualification score, ensure it is entered into internal records maintained by the Range Master, and note on the Concealed Weapons Qualification and Authorization form whether the retiree qualified.
  - E. The retiree who passes the qualification will deliver the Concealed Weapons Qualification and Authorization form to the Administrative Services Division for processing. A CCW permit will be generated

by Human Resources and issued to the retiree which states, ““CCW Approved: The bearer is authorized to carry a concealed weapon in accordance with 18 USCS ‘ 926C; Expires:(one year from qualification date).”

- If the retiree seeks to obtain the permit under State law, the following procedures will be followed:
  - A. The retiree will complete the Concealed Weapons Qualification and Authorization form, check only the “State law” option, and return it to the Administrative Services Division for review.
  - B. If the retiree meets all of the conditions for a CCW permit under PC § 25455, a CCW permit will be issued. Pursuant to PC § 25460, the issued identification card shall be two inches by three inches and contain the following:
    - 1.) A photograph of the retiree.
    - 2.) The retiree’s name and date of birth.
    - 3.) The date of retirement.
    - 4.) The name and address of this department.
    - 5.) Stamped with the endorsement of “CCW Approved” and the date the endorsement is to be renewed.
  - C. Pursuant to PC § 25465, every five years, a retiree shall petition for the renewal of the endorsed identification card to retain the privilege to carry a concealed firearm.
- If the retiree seeks to obtain the permit under both Federal and State law, the following procedure will be followed:
  - A. If the retiree seeks to obtain the permit under both Federal and State law, the following procedure will be followed:
  - B. The retiree who passes the qualification will deliver the Concealed Weapons Qualification and Authorization form to the Administrative Services Division for processing. A CCW Permit will be issued which states, “CCW Approved: The bearer is authorized to carry a concealed weapon in accordance with 18 USCS ‘926C; Expires: (one year from qualification date) and PC § 25455; Expires: (five years from date of issuance).”

### **III. Denial, Suspension or Revocation of an Issued CCW Endorsement Card**

Whether issued under Federal or State law, the permits issued as a result of this policy are voluntary and will only be issued at the request of the Probation Department retiree. The permits are issued at the direction of the Chief Probation Officer and may be denied or revoked at any time based on a showing of good cause. The permits issued under this policy do not create a legal relationship between the County of Kern and the retiree. While carrying a concealed weapon may be authorized under Federal or State law, retirees do so at their own risk and in the capacity as private citizens and not as peace officers.

- Kern County Probation Department issued CCW endorsement identification cards, pursuant to 18 USCS 926 C, may be denied or revoked at the direction of the Chief Probation Officer or designee in the event good cause is apparent. The retiree affected by the denial or revocation may request a review to be conducted by the Chief Probation Officer or designee; however, the decision made by the Chief Probation Officer or designee will be final.
  
- Kern County Probation Department issued CCW endorsement identification cards, pursuant to PC § 25455, may be denied or revoked at the direction of the Chief Probation Officer or designee. Pursuant to PC § 25470, the agency from which a peace officer is honorably retired may, upon initial retirement of that peace officer, or at any time subsequent thereto, deny or revoke for good cause the retired officer's privilege to carry a concealed firearm. The following considerations must be adhered to:
  - A. The denial of a CCW endorsed identification card may be denied prior to a hearing. The retiree can request a hearing within 15 days of the denial of the issuance of a CCW endorsed identification card. If the retiree fails to request a hearing, he or she shall forfeit the right to a hearing, pursuant to PC § 26310.
  - B. If a hearing is requested, good cause for permanent revocation shall be held no later than 120 days after the request by the retiree for a hearing is received, pursuant to PC § 26315.
  - C. A hearing constructed of three members shall be held. The three-member panel shall be composed of a department selected

individual, a retiree selected individual and an individual jointly selected by both the department and retiree. Any decision made shall be binding on the department and the retiree, pursuant to PC § 26320.