



PROBATION DEPARTMENT

ADMINISTRATIVE MANUAL

SECTION: IV

NUMBER: 4.24

SUBJECT: RETIRED PEACE OFFICER ARMING

EFFECTIVE: July 2013

LAST ADOPTED: November 2015

AUTHORITY: CHIEF PROBATION OFFICER
Penal Code Sections: 25450, 25455, 25460m 25900(d)

PURPOSE OF POLICY

The purpose of this policy is to provide guidance in the issuance, denial, suspension, or revocation of the Tulare County Probation Department's authorization for honorably retired peace officers privilege to carry a concealed firearm in accordance with California State Law (Penal Code Sections 25450 and 25455).

General Policy

Any full-time sworn peace officer of this Department, who was authorized to, and did, carry a firearm during the course of his/her employment, within three (3) years of his/her retirement date, may petition the Chief Probation Officer, in writing, for the privilege to carry a concealed firearm upon honorable retirement (Penal Code Sections 25450(d) and 25900(d)).

- A. For the purpose of this policy, honorably retired includes any peace officer that has qualified for, and accepted, a service or disability retirement, however, shall not include any peace officer who retires in lieu of termination (Penal Code Section 16690).
- B. No CCW Approval endorsement shall be issued to any peace officer who retires because of a psychological disability (Penal Code Section 263505(a)).
- C. Other required qualifications shall include (Title 18 U.S. Code Section 926(c):
 - a. The honorably retired peace officer separated from service in good standing.
 - b. Before such separation, had regular employment as a peace officer for an aggregate of 10 years or, if employed as a peace 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 his/her mental health.
 - d. Has not entered into an agreement with this Department where the peace officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to his/her mental health.
 - e. Is not prohibited by federal or State law from receiving, possessing or owning a firearm.

Authorization Standards

Any qualified, honorably retired peace officer of this Department must meet the following standards in order to obtain an identification card with a "CCW" endorsement (Penal Code Section 26305 and Title 18 U.S. Code Section 926(c):

1. Sign a waiver of liability relieving the Department and the County for all post-retirement acts or omissions related to firearms qualifications, or the carrying a concealed firearm. The decision to carry a firearm post-retirement is solely that of the retiree, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by California law, and also that these acts were not taken as an employee or former employee of the Department. The County of Tulare will provide neither a legal defense nor indemnification for any claim arising from a retiree carrying a firearm in accordance with the signed Waiver of Liability.
2. Remain subject to all 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 an annual criminal history background check indicating that he/she is not prohibited by law from receiving, owning, or possessing a firearm.
5. Identify a Department approved firearm, holster, and ammunition the retiree intends to carry if authorized to carry a concealed firearm.
6. Qualify with the authorized firearm at a course approved by this Department no more than ninety days prior to his/her retirement or post-retirement application for a CCW endorsement.
7. The Department shall bear no expenses related to a retiree's pre-retirement firearm qualifications. Retiree's expenses may include, but are not limited to: the cost of targets, ammunition, range fees, qualified range master compensation, membership fees or any other costs associated with the firearm qualifications.
8. Upon the Chief Probation Officer's approval, the honorably retired peace officer shall be issued an identification card with a "CCW Approved" endorsement (Penal Code Section 25455).

SUBJECT: RETIRED PEACE OFFICER ARMING

NUMBER: 4.24

California Retired Peace Officer CCW Identification Card Format

Any qualified, honorably retired peace officer who meets the qualifications and standards and has been granted authority by the Chief Probation Officer to carry a concealed firearm upon retirement may be issued a California Retired Peace Officer CCW Identification card by the Department. The identification card shall be 2 inches by 3 inches, and minimally contain (Penal Code Section 25460 (c) and 25910 (a).

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 the Department.
5. A stamped "CCW Approved" endorsement along with date by which the endorsement must be renewed. Each endorsement must be renewed annually or will expire on the date of renewal.
6. If a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege".

Authorization to Carry a Concealed Firearm.

Any qualified, honorably retired peace officer that meets the qualifications and standards and has been granted authority to carry a concealed firearm upon retirement may carry a concealed firearm only when he/she is (Title 18 U.S. Code Section 926C):

1. In possession of his/her Department-issued, valid California Retired Peace Officer CCW Identification card.
2. Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
3. Not prohibited by federal or State law from receiving, possessing or owning a firearm.
4. Not in a location prohibited by California law or by a private person or entity on his/her property, if California law permits such prohibition.

Maintaining a California Identification Card CCW Endorsement

In order to maintain a "CCW Approved" endorsement on an identification card issued by this Department under California law, the honorably retired peace officer shall (Penal Code Section 263200, 26305, and 25465):

SUBJECT: RETIRED PEACE OFFICER ARMING

NUMBER: 4.24

1. Qualify annually with authorized firearm, holster, and ammunition at a course, and under the supervision of a Department Range Master and at the retiree's own expense. Expenses may include, but are not limited to: the cost of targets, ammunition, range fees, qualified range master compensation, membership fees or any other costs associated with the firearm qualifications.
2. Only be authorized to carry a concealed firearm, holster, and ammunition inspected and approved by the Department.
3. Remain subject to all Department policies and federal, State and local laws.
4. Not engage in conduct that comprises public safety,

Denial or Revocation of State CCW Endorsement

The CCW endorsement under Penal Code Section 25470 for any peace officer retired from this Department may be denied or permanently revoked only upon a showing of good cause. Any denial or revocation under this section shall also be considered disqualification under 18 US Code Section 926C(d). The CCW endorsement may be immediately and temporarily revoked by the Chief Probation Officer, or his/her designee, when the conduct of an honorably retired peace officer violates any department policy, State or federal law that, if violated by an officer on active duty, would result in that officer's arrest, suspension, or removal from the agency; or for any conduct which compromises public safety. Good cause, if challenged, shall be determined in the manner listed below.

In the event that a CCW endorsement is initially denied, the retired peace 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, absent written agreement between the parties, shall be deemed a waiver of such right and shall result in the permanent revocation of the retired peace officer's CCW endorsement. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.

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 Section 26315).

1. The retiree shall have 15 days from the date of service, absent written agreement between the parties, 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 Section 26320).
3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.
4. The 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/her employee organization, and one selected jointly (Penal Code Section 26320).

SUBJECT: RETIRED PEACE OFFICER ARMING

NUMBER: 4.24

5. The decision of such hearing board shall be binding on the Department and the retiree.
6. Any retiree who waives the right to a hearing shall immediately surrender his/her identification card. The Department will then issue a new identification card which will be stamped "No CCW Privilege"

Reporting Responsibilities

Honorably retired peace officers of this Department who are authorized to carry a concealed firearm are required to notify the Department within 48 hours, excluding weekends, if he/she becomes the subject of a criminal investigation or arrest. Employees who have reason to suspect a retiree has engaged in conduct that violates any department policy, State or federal law that, if violated by an officer on active duty, would result in that officer's arrest, suspension, or removal from the agency; or for any conduct which compromises public safety, should notify a Division Manager or Assistant Chief as soon as possible. The Division Manager or Assistant Chief shall immediately take the following action:

1. Notify the Chief Probation Officer or his/her designee who shall immediately notify County Counsel.
2. Take appropriate steps to promptly investigate the matter.
3. If warranted, contact the retiree in person and advise him/her in writing of the following:
 - a. The retiree's CCW endorsement is immediately and temporarily revoked.
 - b. The retiree will have 15 days, absent written agreement between the parties, to request a hearing to determine whether the temporary revocation should become permanent.
 - c. The retiree will forfeit his/her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails, absent written agreement between the parties, to respond to the notice of hearing within the 15 day period.
4. A current copy of Penal Code Section 26305, 26312 and 26315 shall be attached to the notice.
5. If the retiree is contacted in person, every effort shall be made to confiscate the retiree's identification card with the CCW endorsement during the period the retiree's CCW endorsement is temporarily revoked.

SUBJECT: RETIRED PEACE OFFICER ARMING

NUMBER: 4.24

6. In the event that the personal contact with retiree cannot be reasonably achieved in a timely manner, the assigned Division Manager, Assistant Chief or designee shall attempt to make the above notice of temporary suspension through another peace officer. For example, if a retiree was arrested or detained by a distant agency, the assigned supervisor or manager may request that a peace officer of that agency act as the Department's agent to deliver the written notification.
7. Notification of the temporary suspension shall also be promptly mailed to the retiree via first class mail, postage pre-paid, return receipt requested (Penal Code Section 26312).
8. The assigned Division Manager, Assistant Chief or designee shall document in the form of a memorandum, the investigation, the actions taken and if applicable, any notification made to the retiree, The memo shall be forwarded to the Chief Probation Officer as soon as practical.

POST Retirement Firearm Qualifications

1. A Department Range Master shall provide honorably retired peace officers from this Department, who are authorized for a CCW endorsement, an opportunity to qualify at the retiree's expense.
2. The Department shall bear no expense related to a retiree's annual qualification. The retiree shall bear the expenses which may include, but are not limited to: the cost of targets, ammunition, range fees, qualified range master compensation, membership fees or any other costs associated with the firearm qualifications.
3. The retiree must meet the most current range qualification standards established by the Probation Department for armed employees.
4. If the retiree fails to qualify on the initial qualification or re-qualification, the retiree will be provided one additional attempt at qualifying at the next normally scheduled qualification date.
5. If the retiree fails to qualify on the second qualification date, the retiree will need to wait one calendar year from the date the CCW endorsement was subject to renewal to re-qualify.
6. If the retiree fails to qualify on the second qualification date, the retiree will turn in his/her expired CCW Approved Identification Card to the Range Master on that date.
7. Written evidence of the range qualification, dates of qualification/dates of attempts at qualification and the weapon(s) used will be stated in records maintained by the Department Range Master.

SUBJECT: RETIRED PEACE OFFICER ARMING

NUMBER: 4.24

8. An honorably retired peace officer from this Department who meets the requirements to maintain a CCW endorsement shall be issued a new retiree identification card with a CCW endorsement (Penal Code Section 25465 and 25915).
 - a. The new identification card shall be updated with a current photograph of the retiree, physical description, and expiration date in accordance with this policy.

9. An honorably retired peace officer from this Department who does not meet the requirements to maintain a CCW endorsement shall be issued a new retiree identification card stamped “No CCW Privilege” that also includes a current photograph of the retiree and physical description in accordance with this policy (Penal Code Section 25470 and 25920).

(Please read this policy, sign below and return to the Department Range Master.)

I have read and understand my rights and obligations under this policy. I agree to comply with this policy. I understand that violation of this policy will likely result in the permanent revocation of my authorization to carry a concealed firearm as a retired peace officer and the permanent revocation of my CCW endorsement as issued by this Department.

Printed Name: _____ Date: _____

Signature” _____