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## Retiree Concealed Firearms

### 220.1 PURPOSE AND SCOPE

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

### 220.2 POLICY

It is the policy of the Elk Grove Police Department to provide identification cards to qualified former or retired officers as provided in this policy.

### 220.3 DEFINITIONS

**GOOD STANDING** - An employee who has complied with all their explicit obligations while not being subject to any form of sanction, suspension, or disciplinary censure.

**RETIREMENT** - For the purposes of this policy, when a peace officer elects to cease working at Elk Grove Police Department in a full – time capacity, and who is either eligible to draw a pension, or who does not work full – time at another law enforcement agency. It shall not include any officer who retires in lieu of termination.

**SEPARATION** - For the purposes of this policy, when a peace officer elects to end employment at Elk Grove Police Department and will not be employed in a sworn peace officer capacity elsewhere.

### 220.4 LEOSA

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)):

- (a) Separated from service in good standing from this department 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 this department.
- (c) Has not been disqualified for reasons related to mental health.
- (d) 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.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

#### 220.4.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former officer and identify him/her as having been employed as an officer.

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If the Elk Grove Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active duty standards for qualification to carry a firearm.

### 220.4.2 AUTHORIZATION

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:
  - (a) 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.
  - (b) 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) A certified firearms instructor is anyone who has been certified through the Bureau of Firearms (BOF) or the Bureau of Security and Investigative Services (BSIS) under the Department of Consumer Affairs. The qualification form must include the instructor's BOF or BSIS number if the CCW holder does not qualify with the Elk Grove Police Department.
- (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.

### 220.5 CALIFORNIA IDENTIFICATION CARD ISSUANCE

Any full-time sworn 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 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).

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### 220.5.1 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 this department.
- (e) A stamped CCW Approved endorsement along with the date by which the endorsement must be renewed (not more than one year). If a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege."

### 220.5.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION

The Elk Grove Police Department shall provide an identification card with a CCW Approved endorsement to honorably retired peace officers from any jurisdiction that this department now serves under the following conditions (Penal Code § 25905):

- (a) The retiree's previous agency is no longer providing law enforcement services or the relevant government body is dissolved.
- (b) This department is in possession of the retiree's complete personnel record or can verify the retiree's honorably retired status.
- (c) The retiree is in compliance with all of the requirements of this department for the issuance of a CCW Approved endorsement.

### 220.5.3 QUALIFIED RETIRED RESERVES

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

## **220.6 FORMER OFFICER RESPONSIBILITIES**

A former officer with a card issued under this policy shall immediately notify the Watch Commander of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Employee Convictions policy.

### 220.6.1 RESPONSIBILITIES UNDER LEOSA

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

- (a) 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.
- (b) Remain subject to all applicable department policies and federal, state and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

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- (d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

### **220.6.2 MAINTAINING A CALIFORNIA IDENTIFICATION CARD 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 this department at the retired officer's expense.
- (b) Remain subject to all applicable department policies and federal, state, and local laws.
- (c) Not engage in conduct that compromises public safety.
- (d) Only be authorized to carry a concealed firearm inspected and approved by the Department.
- (e) Undergo a fingerprint-based state and national criminal history background check when required by the Department (Penal Code § 26330).

### **220.7 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 Chief of Police. The decision of the Chief of Police is final.

### **220.8 RETIRING POLICE OFFICER PURCHASE OF SERVICE FIREARM**

The City Manager has authorized a procedure whereby sworn peace officers with the City of Elk Grove may purchase their issued service firearm upon retirement or separation in good standing. Specific criteria outlined below must be met for peace officers to qualify.

The firearm that is eligible for purchase by the peace officer will include only the firearm as it was purchased by the department in its original manufacturer's configuration. The firearm will not include any department-added accessories or accoutrements, e.g., weapon lights, lasers, red dot sighting systems, etc.

#### **220.8.1 PURCHASE CRITERIA**

The Chief of Police shall be the sole determiner that the retirement of a sworn Elk Grove peace officer is to be considered "honorable."

To be eligible to purchase their duty handgun, employees must have at least five years of service as a sworn police officer with the Elk Grove Police Department, or the employee is honorably retiring from the Elk Grove Police Department. Qualified employees will be permitted to purchase his/her issued service firearm at a cost of ten dollars (\$10) upon obtaining the approvals set forth in section 220.7. If a sworn employee was assigned two handguns and the employee wishes to

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purchase both, one handgun may be purchased for ten dollars (\$10) and the other handgun will be purchased at replacement cost at current vendor pricing.

#### 220.8.2 PURCHASING AND TRANSFER PROCEDURE

A peace officer requesting to purchase an issued firearm upon honorable retirement or separation in good standing shall follow the following procedure to purchase and transfer ownership of their issued service firearm:

- (a) Thirty days or more before the officer is to retire, the peace officer shall complete a Firearms Purchase Request and Agreement and submit the form to the Professional Standards Bureau.
- (b) If approved by the Chief of Police, upon execution of the Firearms Purchase Request and Agreement by the peace officer and the City, the peace officer shall remit payment in the amount of ten dollars (\$10), payable to the City of Elk Grove, and obtain a receipt for payment. Finance will mark the payment as "Cash Receipt Code: PDGUN"
- (c) The peace officer shall take the approved Firearms Purchase Request and receipt to the Property and Evidence Manager or Professional Standards designee, who will make the required registration transfer notice to the California Department of Justice and endorse the form to that effect.
- (d) The peace officer shall take the approved Firearms Purchase Request to the Professional Standards designee, who will be responsible for transferring possession of the firearm to the peace officer and modifying the record of the Armory inventory to reflect such transfer and take action to remove the firearm from the department's inventory.
- (e) The original Firearms Purchase Request Form, complete with endorsements and attached receipt will be permanently filed in the employee's personnel file in the Office of the Chief.
- (f) The officer needs to make an appointment with a livescan operator to have their fingerprints taken for submission to the Department of Justice (DOJ) to change their status to either Reserve or Standard CCW.

#### 220.8.3 FIREARMS PURCHASE REQUEST AND AGREEMENT

[See attachment: Firearms Purchase Request Form](#)

#### **220.9 DENIAL, SUSPENSION, OR REVOCATION OF A CALIFORNIA CCW ENDORSEMENT CARD**

A CCW endorsement for any officer retired from this department may be denied or revoked only upon a showing of good cause. The CCW endorsement may be immediately and temporarily revoked by the Professional Standards Bureau Commander when the conduct of a retired peace officer compromises public safety (Penal Code § 25470).

- (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

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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 his/her 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 his/her 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 Professional Standards Bureau Commander as soon as practicable. The Professional Standards Bureau Commander 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.
  - 1. 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).
  - 2. The Professional Standards Bureau Commander 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.
  - 3. The personal and written notification should be as follows:
    - (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.

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

### **220.10 FIREARM QUALIFICATIONS**

The Rangemaster 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. The Rangemaster and Professional Standards Bureau will maintain a record of the qualifications and weapons used.

## Attachments

## **Firearms Purchase Request Form .pdf**



**CITY OF ELK GROVE**  
Police Department  
*Interoffice Correspondence*



**FIREARMS PURCHASE REQUEST AND AGREEMENT**

Pursuant to Elk Grove Police Department (EGPD) Policy 220, I request to purchase my issued duty service weapon as described below upon my retirement or separation in good standing from the City of Elk Grove. I understand that EGPD will make the necessary registration transfer to the California Department of Justice as required. I agree that any subsequent notifications (address changes, etc.), are my sole responsibility.

I have read and understand EGPD Policy 220 regarding the possession and use of a CCW endorsement associated with my retirement, including identification and endorsement requirements. I agree that upon my retirement or separation in good standing and transfer of the weapon, it becomes my sole property and responsibility. It is received in "as is" condition with no warranty, specific, implied, or otherwise, and acknowledge that the City of Elk Grove does not guarantee the condition of the weapon. I understand that the iron sights may be included on my duty weapon, but the optics and other add-ons will be removed before transfer.

The City, its officers, directors, employees, agents, designated volunteers, sureties, and each of them, and anyone working on their behalf ("Release Parties") are in no way responsible for the weapon's proper use and service. I assume all risks and liabilities associated with this transfer and acknowledge that the Release Parties shall have no liability for errors, malfunctions, defects, or any loss resulting from or relating to the sale, use, possession, or ownership of this weapon as well as any wrongful death, indirect, or punitive damages, including, without limitation, commercial or economic loss, related to the sale, use, possession, or ownership of the weapon.

I release the City, its officers, directors, employees, agents, designated volunteers, sureties, and each of them, and anyone working on their behalf and agree to defend, indemnify, and them harmless from and against any loss, liability, damage, including but not limited to reasonable attorney, consultant, and expert fees and/or court costs, directly or indirectly arising out of or in connection with the safe use, possession, or ownership of the weapon.

FIREARM MAKE & MODEL: \_\_\_\_\_

SERIAL NUMBER: \_\_\_\_\_

RETIREE SIGNATURE: \_\_\_\_\_ Date: \_\_\_\_\_

RETIREE NAME (PRINT): \_\_\_\_\_

Chief of Police Approval: \_\_\_\_\_ Date: \_\_\_\_\_

DOJ Transfer Completed: \_\_\_\_\_ Date: \_\_\_\_\_

Armory Inventory Updated: \_\_\_\_\_ Date: \_\_\_\_\_

**TOTAL:**