

Retiree Concealed Firearms

209.1 PURPOSE AND SCOPE

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

209.2 POLICY

It is the policy of the Irvine Police Department to provide identification cards to qualified former or retired officers as provided in this policy. Based on California state law, an Irvine Police Department retirement ID card allows a retiree, in good standing, CCW privileges within the State of California only (5-year renewal)(Penal Code §25455 and 25465). The LEOSA identification card (HR 218) allows CCW privileges outside the state of California (renewed annually).

209.2.1 QUALIFIED RETIREES

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 or her employment shall be issued an identification card with a "CCW Approved" endorsement upon honorable retirement (Penal Code §26300(a).

- (a) For the purpose of this policy, "honorably retired" includes all peace officers who have qualified for, and accepted, a service or disability retirement.
- (b) Honorable retirement status does not apply to any officer who retires in lieu of termination.
- (c) Any officer retiring because of a psychological disability (Penal Code §26305(a)) shall not be eligible to receive a "CCW Approved" endorsement.

209.2.2 CARRYING CONCEALED WEAPONS IN CALIFORNIA UPON RETIREMENT

Upon the honorable retirement of a sworn Irvine Police Department employee, the Office of Professional Development (OPD) shall issue the employee an Irvine Police Department identification card meeting the format requirements of PC §25460(c). If the privilege to carry a concealed weapon (CCW) is authorized, the authorization is valid for five years from the date of retirement and is valid in the State of California only. In accordance with PC §25465, the card must be renewed every five (5) years to retain CCW privileges. A copy of the issued identification card noting the retirement date and expiration of the CCW authorization shall be forwarded to and retained by the Office of Professional Standards.

209.3 LEOSA (HR 218)

The Chief of Police may also issue an identification card for LEOSA purposes (CCW to a state other than California) 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

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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.

209.3.1 REQUIRED IDENTIFICATION FOR LEOSA

The LEOSA gives two options for identification.

- (a) The LEOSA identification card should contain a photograph of the former officer and identify him/her as having been employed as an officer. It should also indicate the date the retiree has met qualification requirements with the same type firearm not less recently than one year before the individual is carrying the concealed firearm.
- (b) Possess a photographic identification card issued by the agency from which the individual separated from service as a law enforcement officer that identifies the person as having been employed as a police officer or law enforcement officer. Additionally, a certification issued by the State in which the individual resides or by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State that indicates that the individual has, not less than 1 year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State to have met active duty standards for qualification to carry a firearm of the same type as the concealed firearm.

209.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm under 18 USC § 926C (LEOSA) 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.

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- (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.

209.4 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 and 25465(c)).

209.4.1 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(c)):

- (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." Penal Code § 26305 and 26325(b) and (c)

209.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION

The Irvine 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.

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209.4.3 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(c)(2)).

209.5 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.

209.5.1 RESPONSIBILITIES UNDER LEOSA (HR 218)

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

209.5.2 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) Remain subject to all applicable department policies and federal, state and local laws.
- (b) Not engage in conduct that compromises public safety.
- (c) Only be authorized to carry a concealed firearm approved by the Department.

209.6 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.

209.7 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 watch commander when the conduct of a retired peace officer compromises public safety (Penal Code § 25470).

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- (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 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 watch commander as soon as practicable. The watch 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 watch 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.

209.8 FIREARM QUALIFICATIONS FOR LEOSA (HR 218)

The Training Officer / Rangemaster may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the type of weapons used will be provided and will contain the date of the qualification. The Rangemaster will maintain a record of the qualifications and type of weapons used.

If the former officer chooses, they may qualify at a range of their choice and at their expense provided the qualification is with a certified firearms instructor that is qualified to conduct a firearms qualification test.

209.8.1 RETIRED SWORN OFFICER QUALIFICATION GUIDELINES FOR LEOSA (HR 218)

Chapter 44, 18 USC, section § 926C(c), requires the retired law enforcement officer to qualify annually and meet state standards. Since the State of California does not have a standard for firearms training and qualification, the retired sworn employee who wishes to carry their firearm outside California is required to qualify at least once every 12 months with a certified firearms instructor from a law enforcement agency or with a firearms instructor certified and licensed by the National Rifle Association (NRA). Retired sworn members can contact the Office of Professional Development (OPD) for the proper forms and to arrange to complete the qualification process.

By federal standards, retired sworn employees will be required to demonstrate their ability to:

- (a) Safely load the firearm
- (b) Safely unload the firearm
- (c) Safely check the firearm and verify that it is clear of all ammunition

The retired sworn employee will be required to qualify with the firearm by shooting the following 10-round course using a standard silhouette target:

- (a) Retiree can load and fire 5 rounds into a silhouette target at a distance of 7 yards—no time limit.
- (b) Retiree can reload and fire an additional 5 rounds into a silhouette target at a distance of 7 yards—no time limit.
- (c) At least 6 rounds fired must impact within scored portion of silhouette target.

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Upon successful completion of the range course, the retired sworn employee and the certified firearms instructor must complete the Irvine Police Department Firearms Proficiency Test for Qualified Retired Officers form. The form must be returned to OPD. Upon confirming successful completion of all requirements, OPD will issue the Irvine Police Department Retired Peace Officer's Compliance Certification card to the retired sworn employee.