

## Retired Investigator CCW Endorsements

### 220.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the process and conditions associated with the issuance, revocation, and denial of a concealed weapons (CCW) endorsement for retired investigators of this department.

### 220.2 QUALIFIED RETIREES

Any full-time sworn investigator 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).

(a) 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 investigator who retires in lieu of termination.

(b) No CCW Approved endorsement shall be issued to any investigator retiring because of a psychological disability (Penal Code 26305).

### 220.3 MAINTAINING A CCW ENDORSEMENT

Although highly recommended for firearm proficiency, pursuant Penal Code section 25422, no annual training is required to carry a concealed firearm in the State of California.

### 220.4 NON CALIFORNIA RETIREES

Subject to 18 United States Code 926C and Policy Manual § 312.8, qualified retired investigators of this department may be authorized to carry a concealed weapon in other States when in compliance with the following:

(a) Be in possession of photographic identification issued by this agency indicating they are a qualified retired law enforcement officer and:

(1) Certification of qualification at a course approved by the state in which the retiree resides within the previous 12 months with the same type of firearm being carried concealed. or,

(2) Certification of qualification with the department within the previous 12 months with the same type of firearm being carried concealed

(b) Remain in compliance all department rules and policies as well as all federal, state and local laws.

### 220.5 IDENTIFICATION CARD FORMAT

The identification card issued to any qualified and honorably retired investigator shall be two inches by three inches and minimally contain the following (Penal Code § 25460):

(a) Photograph of the retiree.

(b) Retiree's name and date of birth.

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- (c) Date of retirement.
- (d) Name, address **and contact number** of this department.
- (e) A stamped endorsement CCW Approved along with the date by which the endorsement must be renewed (not more than one year). In the case in which a CCW endorsement has been denied or revoked, the identification card shall be stamped No CCW Privilege.
- (f) If applicable, a notation that "This person is in compliance with 18 USC § 926C(d)(1)."

### **220.6 DENIAL OR REVOCATION OF CCW ENDORSEMENT**

The CCW endorsement under Penal Code § 12027 for any investigator retired from this department may be denied or permanently revoked only upon a showing of good cause. An agency may revoke or deny an endorsement to carry a concealed firearm if the retiree violates any departmental rule or state or federal law that would result in the arrest, suspension, or removal from the agency of an active duty officer. The Chief Investigator may immediately and temporarily revoke the CCW endorsement when the conduct of a retired peace officer compromises public safety. Any denial or revocation under this section shall also be considered disqualification under 18 U.S.C. § 926C(d).

Good cause, if challenged, shall be determined in the following manner:

(a) In the event that a CCW endorsement is initially denied, the retired investigator 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 § 12027.1(b)(2)). It is the obligation of the retiree to provide the Department a current address.

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 § 12027.1).

3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.

(c) 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 § 12027.1(d)).

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".

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### **220.6.1 CHIEF INVESTIGATOR RESPONSIBILITY**

Employees who have reason to suspect a retiree's conduct has compromised public safety should notify an Chief Investigator as soon as practical. The Chief Investigator should take the following steps in these instances:

- (a) Take appropriate steps to promptly look into the matter.
- (b) If warranted, contact the retiree in person and advise him/her in writing of the following:
  - 1. The retiree's CCW endorsement is immediately and temporarily revoked.
  - 2. The retiree will have 15 days to request a hearing to determine whether the temporary revocation should become permanent
  - 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.
- (c) A current copy of Penal Code § 12027.1 should be attached to the written notice.
- (d) In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Chief Investigator should 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 Chief Investigator may request that a peace officer of that agency act as the Department's agent to deliver the written notification.
- (e) Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 12027.1 (a)(1)(C)).
- (f) The Chief Investigator should document in a memo the investigation, the actions taken, and, if applicable, any notification made to the retiree.