

Retired Officer CCW Endorsements

363.1 PURPOSE AND SCOPE

The purpose of this policy is to outline and set forth the process and conditions associated with the issuance, revocation, and denial of an endorsement to Carry Concealed Weapons (CCW) for retired officers of this department.

363.2 AUTHORITY AND REFERENCES

- California Penal Code §§ 830.5(a), 11105.2, 16690, 25425, 25450(d), 25455, 25460, 25465, 25470(a), 25475(b), 26305, 26310, 26312, 26315, 26320 and 26325;
- 18 U.S. Code § 926C. Carrying of Concealed Firearms by Qualified Retired Law Enforcement Officers.

363.3 QUALIFIED RETIREES

Any full-time sworn peace officers of this department who at any time during their employment with the department was authorized to, and did, carry a firearm during the course and scope of his/her employment shall be issued an identification card following an honorable retirement (Penal Code § 25455) and would be eligible to apply for a CCW endorsement.

- (a) For the purpose of this policy, the term “honorably retired” includes all peace officers who have qualified for, and accepted, a service or disability retirement, however, shall not include any peace officer who retires in lieu of termination or other discipline.
- (b) No CCW Approved endorsement shall be issued to any peace officer retiring because of a psychological disability (Penal Code § 26305).

363.4 MAINTAINING A CCW ENDORSEMENT

In order to maintain a "CCW Approved" endorsement on an identification card, the retired peace officer shall:

- (a) Submit to a record check: DMV; local criminal history record; Child Abuse Central Index; FBI and DOJ record match by name and fingerprints to the department. Subarrest notifications shall be provided to the department by the Department of Justice (Penal Code § 11105.2).
- (b) Be responsible for maintaining their eligibility to carry a concealed firearm, which will include annual qualification at the peace officer's expense according to standards set by the Probation Department's Rangemaster. A copy of a certificate of eligibility must be submitted to the Chief Probation Officer through the Probation Human Resources Division annually. Failure to do so may result in the revocation of the CCW endorsement under good cause (Penal Code § 25470(a)).
- (c) Remain subject to all department rules and policies as well as all federal, state and local laws. It shall be the responsibility of the Probation Human Resources Division Director or designee to notify retirees with current CCW endorsements of any changes in department rules and policies that impact them.

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- (d) Apply for renewal every five years unless otherwise indicated by law (Penal Code § 25465). The CCW endorsement terminates at the five-year anniversary expiration date unless the endorsement is renewed.

363.5 CARRYING FIREARMS OUT OF STATE

Subject to 18 U.S. Code § 926C, and other applicable policies, qualified retired peace officers of this department may request to be authorized to carry a concealed weapon in other states.

Pursuant to this section, retired peace officers must qualify annually with their firearm using the course of fire approved by the department and at the retired peace officer's expense.

363.6 IDENTIFICATION CARD FORMAT

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

- (a) Photograph of the retired peace officer.
- (b) Retiree's name and date of birth.
- (c) Date of retirement.
- (d) Name and address of this department.
- (e) A stamped endorsement "CCW Approved" along with the date by which the endorsement must be renewed. In the case in which a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege".

363.7 DENIAL OR REVOCATION OF STATE CCW ENDORSEMENT

The CCW endorsement under Penal Code § 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 U.S. Code § 926C. The CCW endorsement may be immediately and temporarily revoked by the Chief Probation Officer or designee when the conduct of a retired peace officer compromises public safety. Good cause, if challenged, shall be determined in the following manner, in accordance with applicable laws:

- (a) 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 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. (Penal Code § 26310)
- (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 §§ 26312 and 26315).

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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 §§ 26312 and 26315).
 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 § 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 (Penal Code § 26325). The Department will then reissue a new identification card which shall be stamped "No CCW Privilege."

363.7.1 DEPARTMENT RESPONSIBILITY

Employees who have reason to suspect the conduct of a peace officer retiree who is holding a CCW has compromised public safety shall utilize the chain of command and notify the Probation Professional Standards Bureau Director or designee as soon as practicable. In addition, should notice of arrest or conviction be received from the Department of Justice or another law enforcement agency, the staff who receives the notice shall utilize the chain of command and notify the Probation Professional Standards Bureau Director or designee. The director or designee 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 shall be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.
- (c) Notification of the temporary revocation shall be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).
- (d) A current copy of Penal Code §§ 26305, 26312 and 26315 shall be attached to the written notice.
- (e) In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Probation Professional Standards Bureau Director or designee

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shall attempt to make the above notice of temporary revocation through another peace officer. For example, if a retiree was arrested or detained by a distant agency, the director may request that a peace officer of that agency act as the Department's agent to deliver the written notification.

- (f) The Probation Professional Standards Bureau Director or designee shall document in a memo the investigation, the actions taken, and, if applicable, any notification made to the retiree. The memo shall be forwarded to the Chief Probation Officer.

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Attachments:

[1.Request for Authorization to Carry a Concealed Weapon](#)