

# **SANTA CLARA POLICE DEPARTMENT GENERAL ORDER 1.9**

## **CONCEALED WEAPONS PERMITS**

**AMENDED DECEMBER 2014**

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It is the policy of the Santa Clara Police Department that concealed weapons permits (CCW's) will only be issued to current and retired police officers of the Santa Clara Police Department. Current Department recognized Level 1 and Level 2 reserve officers actively serving in the Reserve program will be issued an identification card with a CCW endorsement.

Members of the general public who wish to obtain a concealed weapons permit will be directed to the Santa Clara County Sheriff's Office. However, the Chief of Police has the ability to make exceptions to this policy.

### **1.9.1 Purpose**

Pursuant to the requirements set forth in Federal and State laws (including, but not limited to California Penal Code Section 25455), the Department hereby adopts the following policy regarding CCW Endorsements for police officers and reserve officers honorably retired from this Department.

### **1.9.2 Identification Cards**

Any police officer or Level 1 reserve officer, who has been honorably retired, shall be issued an identification card by the Department upon their retirement. An eligible Level 1 reserve officer must complete 10-years of active service as a Department recognized Level 1 reserve in order to qualify.

### **1.9.3 Endorsement to Carry a Concealed Weapon**

There shall be an endorsement on the identification card stating that the Department approves the officer's carrying of a concealed firearm. The endorsement's renewal date shall also be included. For State of California endorsement, the face of the identification card shall be stamped "CA CCW APPROVED."

Subject to 18 United States Code 926C and Policy Manual 1.9.4, qualified retired officers of this Department may be authorized to carry a concealed weapon in other states. The face of the identification card shall be stamped "18 USC 926C" for retired officers and "18 USC 926B" for current officers.

None of the requirements regarding CCW Endorsements shall apply to a police officer honorably retired from the Department prior to Jan. 1, 1981.

## 1.9

### 1.9.4 Renewal of CCW Endorsement

Pursuant to California Penal Code Section 25465, a State of California CCW Endorsement shall remain in effect from the date of issuance or renewal for a period of five (5) years. A retired officer must petition the Chief of Police in writing to request a renewal of this endorsement. A request for renewal must be submitted at least thirty days in advance of the renewal date.

A retired officer wishing to take advantage of the Federal law allowing him/her to carry a concealed firearm in a state other than California needs to have qualified with the firearm they intend to carry within the past year. Retired officers will need to renew their firearms qualification annually in order to carry a concealed weapon outside the state.

Retired officers seeking renewal of their CCW Endorsement must satisfy the standards noted in the Santa Clara Police Department Retiree Qualification Requirements and complete a Retired Officers Application and Certification to Carry a Concealed Firearm form.

### 1.9.5 Refusal or Revocation of CCW Endorsement

The Department may upon initial retirement or at any time subsequent thereto, deny or revoke, for good cause, the officer's privilege to carry a concealed firearm. "Good cause" includes a violation of any Departmental rules, State, or Federal laws that if violated by an officer on active duty would result in removal from the Department. A hearing is required for this purpose (see General Order 1.9.7).

### 1.9.6 Disability

Except as provided in [General Order 1.9.3](#) above, no police officer or reserve officer retired after January 1, 1981 shall be issued a CCW Endorsement if the officer retired because of a psychological disability (PC Section 26305(a)).

### 1.9.7 Refusal / Revocation Hearing: Procedures and Effects

Pursuant to California Penal Code Section 26315, a retired peace officer shall have 15 days to respond to a notice of such a hearing, or failing to respond to that notice, forfeits his or her rights to that hearing.

Pursuant to California Penal Code Section 26320 a hearing to revoke a CCW Endorsement shall be held before a three-member board. The Department shall select one member of the board. The retired officer or Police Officers Association (POA) shall select one member. The Department and the retired officer or the POA shall jointly select the third member.

Any decision by the hearing board shall be binding on the Department and the retired officer.

Pursuant to California Penal Code Section 26325(a) the retired police officer, when notified of the revocation of a CCW Endorsement, shall immediately surrender his/her identification certificate to the Department. Upon receipt of this identification, the Department will re-issue a new identification without such endorsement pursuant to California Penal Code Section 26325(b).