

***MANAGEMENT/EMPLOYEE CONSULTATION: FEB-MAY 2021***

**RETIRED OFFICERS – CARRY CONCEALED WEAPONS**

**1700.** Each campus Chief of Police shall issue identification cards and Carry Concealed Weapons (CCW) endorsements or certifications for its Qualified Retired Peace Officers in accordance with the California Penal Code, including Sections 16690, 25450, 25455, 25460, 25465, 25470, and 26305.

**1700.1 Qualified Retired Peace Officer – Definition**

A “Qualified Retired Peace Officer” for purposes of issuance of a CCW endorsement or certification is defined as an officer who meets all of the following:

- (a) At the time of retirement, the officer was a full time sworn employee of a University of California Police Department who was authorized to, and did, carry a firearm during the course and scope of that employment; and
- (b) The officer honorably retired from the University directly from active service as a peace officer and receiving or is immediately eligible to receive benefits under the provisions of the University of California Retirement System.
  - (1) An officer receiving duty disability income has not retired or separated from the University of California and is therefore not eligible for a retiree identification card or retiree CCW privileges and is not considered a “qualified retired and separated peace officer;  
and
- (c) The officer did not retire due to a psychological disability (Penal Code §26305(a)), and had no mental health incapacity limiting their ability to work as a sworn police officer preceding retirement in good standing; and
- (d) The officer is not otherwise subject to a lawful restriction on the possession of firearms that conflicts with a carry concealed weapons endorsement; and
- (e) The officer meets their individual campus Police Department’s firearm proficiency qualification standard.

**1700.2.2 Carry Concealed Weapons - General Rules and Responsibilities** Retired badges, University of California Retired Officer Identification Cards (with or without carry concealed weapons endorsement), and other documentation or certification of carry concealed weapons privileges issued by any University of California campus shall remain the property of the University of California and may be revoked, recalled, or denied by that campus’ Chief of Police at any time.

- (a) Qualified Retired Peace Officers who elect not to exercise carry concealed weapons privileges may be issued ID cards that distinctly bear the text “Not CCW Approved.” Additional text shall further specify that the bearer is not authorized to carry a concealed firearm. Cards of this type have no expiration date and otherwise resemble those described in Section 1700.4 of this Chapter.
- (b) The Chief of Police or designee will inquire whether a Qualified Retired Peace Officer wishes not to have an endorsement for carry concealed weapons privileges (Penal Code §26300(b)).
- (c) Qualified Retired Peace Officers who elect to and are approved to carry concealed weapons shall remain in the California Department of Justice Summary Criminal History Information Database pursuant to Penal Code §11105(k) (1).
- (d) Qualified Retired Peace Officers who exercise carry concealed weapon privileges must:
  - (1) Comply with all applicable provisions of law and Departmental policy: Qualified Retired Peace Officers exercising carry concealed weapon privileges remain subject to their former campus’ rules and policies (Penal Code §26305(b)). Violation of law and/or Department policy, including failure to meet the appropriate firearm proficiency qualification standards, may be cause for revocation or denial of carry concealed weapon privileges and/or the recall of any issued badge, identification card or documentation of carry concealed weapons privileges and any other Department property.
  - (2) Notify their campus of any change in permanent resident address information within 30 days of change in permanent residence;
  - (3) Only carry a concealed firearm of the type for which they are qualified, and which is in good condition and proper working order;
  - (4) Refrain from being under the influence of alcohol (or any other intoxicating or hallucinatory drug or substance) when exercising carry concealed weapons privileges;
  - (5) Contact their campus to apply for renewal of identification cards;
  - (6) In the event that their retiree badge and/or University of California Retired Officer Identification Card is lost or stolen, as soon as practical, contact their former Department and make a police report, in addition to any police report filed with another jurisdiction;
  - (7) Immediately surrender any and all ID cards or carry concealed weapons certification documents, and any non-decorative badge or other property issued by their former campus, upon the demand of the campus Chief of Police.

Each campus may charge a fee as necessary to cover any reasonable expenses incurred during the process of issuing identification or certification to Qualified Retired Peace Officers (Penal Code §25455(b)).

### **1700.3 Firearms Qualifications Standards**

A retiring officer shall successfully pass, within 180 days prior to retiring, a department-approved firearm proficiency qualification or off-duty qualification course.

**1700.4 Identification and Qualification Documentation** Identification cards issued to Qualified Retired Peace Officers qualifying for carry concealed weapons privileges in the State of California shall be in the following format and contain the information described below:

- (a) The ID card shall be on a 2x3 inch card, bear the photograph of the retiree, include the retiree's name, date of birth, the date that the retiree retired, and the name and address of the agency from which the retiree retired, and stamped on it the endorsement "CCW Approved" and the date the endorsement is to be renewed (Penal Code §25460(c)).
- (b) The ID card shall display the date of expiration of the ID card and CCW privilege, which is initially required five years after the date of retirement, and every five years thereafter;
- (c) A statement on the reverse of the ID card shall describe the authority of the Department to issue the carry concealed weapons endorsement and to confiscate the card.

**1700.5 Denial of Privilege** Issuance of a University of California Retired Officer Identification Card may be denied by the campus Chief of Police prior to a hearing pursuant to Penal Code §26310.

- (a) If a hearing is not conducted prior to the denial of an endorsement, an officer may request an appeal hearing pursuant to this section only if they are Qualified Retired Peace Officer as defined in Section 1700.1 of this Chapter.
- (b) Officers requesting an appeal hearing shall do so within 15 days of the denial. A retired peace officer who fails to request a hearing pursuant to this section shall forfeit the right to a hearing (Penal Code §26310).
- (c) Appeal hearings shall be held by a three-member hearing board. One member of the board shall be selected by the agency's Chief of Police and one member shall be selected by the retired peace officer or their employee organization. The third member shall be selected jointly by the agency and the retired peace officer or their employee organization (Penal Code §26320).
- (d) Appeal hearings may include an assessment of the facts outlined in the retiree's appeal, complete review of the retiree's personnel records including performance evaluations, internal affairs records, disciplinary documents, fitness for duty documentation, records of criminal convictions, separations documentation or any

other documentation necessary to make an objective and appropriate recommendation.

**1700.6 Revocation** A retired officer may have the privilege to carry a concealed and loaded firearm revoked or denied by violating any departmental rule, or state or federal law that, if violated by an officer on active duty, would result in that officer's arrest, suspension, or removal from the agency (Penal Code §26305(b)).

An identification certificate authorizing the retired officer to carry a concealed and loaded firearm or an endorsement on the certificate may be immediately and temporarily revoked by the campus Police Department when the conduct of a retired officer compromises public safety (Penal Code §2305(c)).

Temporary or permanent revocation must be based on a showing of good cause, which shall be determined at a hearing, as specified in Section 1700.7 (Penal Code §26305(d)).

Notice of a temporary revocation shall be effective upon personal service or upon receipt of a notice that was sent by first-class mail, postage prepaid, return receipt requested, to the retiree's last known place of residence.

The retiree shall have 15 days to respond to the notification and request a hearing to determine if the temporary revocation should become permanent.

A retired officer who fails to respond to the notice of hearing within the 15 day period shall forfeit the right to a hearing and the authority of the officer to carry a firearm shall be permanently revoked. The retired officer shall immediately return the identification certificate to the issuing campus Police Department.

If a hearing is requested, good cause for permanent revocation shall be determined at a hearing as specified in Section 1700.7. The hearing shall be held no later than 120 days after the request by the retired officer for a hearing is received.

A retiree may waive the right to a hearing and immediately return the identification certificate to the issuing campus Police Department.

**1700.7        Review Board** Any hearing conducted under this Chapter shall be held before a three-member hearing board. One member of the board shall be selected by the Chief of Police of the issuing campus police department or their designee, and one member shall be selected by the retired officer or his or her employee organization. The third member shall be selected jointly by the Chief of Police or their designee and the retired officer or his or her employee organization (Penal Code §26320(a)).

Any decision by the board shall be binding on the department and the retired officer (Penal Code §26320(b)).

A retired officer, when notified of the revocation of the privilege to carry a concealed and loaded firearm, after the hearing, or upon forfeiting the right to a hearing, shall immediately surrender to the issuing agency the officer's identification certificate (Penal Code §26325(a)).

The issuing agency shall reissue a new identification certificate without an endorsement (Penal Code §26325(b)).

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