

STOCKTON POLICE DEPARTMENT

GENERAL ORDER

RETIREE IDENTIFICATION AND CONCEALED WEAPON RENEWAL
SUBJECT

DATE: May 14, 2019

NO: W-3

FROM: CHIEF ERIC JONES

TO: ALL PERSONNEL

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I. POLICY

- A. It is the policy of the Stockton Police Department to provide identification cards marked "RETIREE" to those sworn employees who retired from the Stockton Police Department. Identification cards may have the applicable endorsement for carrying a concealed weapon license (CCW) if the retiree so requests and is approved by the Chief of Police. All identification cards will be renewed once every five (5) years with a new photograph of the retiree, and the process for a CCW completed as prescribed below.

II. LAW

- A. Any peace officer described in Penal Code 25450 who has been honorably retired shall be issued an identification certificate by the law enforcement agency from which the officer has retired and is not affected by Penal Code 25400(a)(1) through 25400 (a)(3). Penal Code 25470 allows the agency from which a peace officer is honorably retired, upon initial retirement of that peace officer, or at any time subsequent thereto, to deny or revoke for good cause the retired officer's privilege to carry a concealed firearm. Penal Code 26305 prohibits the issuance of an endorsement to a peace officer who retired due to a psychological disability.
- B. The Law Enforcement Officers' Safety Act (LEOSA) of 2004, also commonly called "HR 218," became law (18 U.S.C. §§, 926B, 926C.) It allows "a qualified retired law enforcement officer" with identification that meets specified criteria to carry a concealed firearm anywhere in the nation, notwithstanding most other state and local laws which restrict the possession of concealed weapons. This is a separate CCW endorsement from the standard California CCW endorsement found on the Retiree ID card, requiring annual qualification for renewal.
- C. Per California Penal Code 26305 (b), a retired peace 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.

III. ISSUING/RENEWAL PROCEDURE

- A. Retirees who are requesting a retiree identification card with or without a California CCW endorsement:
- a. The retiree will need to set up an appointment with the Livescan section at least one week in advance.
- i. The Livescan section will need to obtain the retiree's name, DOB, and retirement date.
- ii. The Livescan section will conduct checks on the retiree (including warrants, driver's license, and RMS) and will ask the Personnel Section Lieutenant to query the OnBase system for any Department of Justice returns regarding the retiree that may have been sent to the Police Department due to an arrest, conviction, or hold.

- iii. The Livescan section will advise the Investigations Lieutenant of any findings.
 - b. The Investigations Lieutenant will advise the Investigations Division Captain and the Deputy Chief of the Logistics Bureau if the retiree has requested an "ID ONLY RENEWAL" or an "ID RENEWAL WITH CCW ENDORSEMENT."
 - c. If approved, the retiree will attend their appointment to have their photograph taken for a renewed identification card. The retiree may need to come back the next business day to provide time for the Deputy Chief to respond. If they cannot come back because they live out of the immediate area, the Livescan section will mail the identification card to the retiree.
 - d. The Deputy Chief will provide approval or denial of the application. If a retiree identification card or CCW endorsement is denied, the retiree can contact the Chief's Executive Assistant to request an appointment for an appeal.
- B. A retiree who resides more than 60 miles from Stockton Police Headquarters and arrives to update their identification card/CCW without an appointment will be allowed to take their photograph for the renewed identification. A renewal card will not be issued at that time; rather, it will be mailed once the retiree is vetted through the current process.
- C. For retirees who request a CCW through the LEOSA process:
 - a. If the retiree has a valid retiree identification, the retiree will need to contact the SPD Range Master to initiate the LEOSA CCW renewal process.
 - i. The retiree will be required to satisfactorily qualify with a firearm per standards as determined by the Range Master.
 - ii. The retiree will be issued a certificate from the Range Master authorizing him/her to carry a concealed weapon per LEOSA.
 - iii. The LEOSA qualification certificate must be carried with the retiree's Department-issued identification card.
 - iv. The LEOSA qualification certificate is valid for one year from the date it is issued. It is up to the retiree to arrange for renewal if he/she so chooses.

IV. THE LAW ENFORCEMENT OFFICERS' SAFETY ACT (LEOSA) OF 2004 QUALIFICATIONS

- A. To be "a qualified retired law enforcement officer" under the LEOSA, a person must meet the following criteria:
 - a. Be retired in good standing from service with a public agency as a law enforcement officer for reasons other than mental instability;
 - b. Prior to retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of, any person for any violation of law;
 - c. Prior to retirement, had the statutory powers of arrest;
 - d. Prior to retirement, was either:
 - i. regularly employed as a law enforcement officer for an aggregate of 15 years or more; or
 - ii. retired from service after completing any applicable probationary period of such service, due to a service-connected disability, as determined by the agency;
 - iii. Has a nonforfeitable right to benefits under the retirement plan of the agency;
 - iv. Has met, within the past 12 months, the state's standards for training and qualification for active law enforcement officers to carry firearms;
 - v. Not be prohibited by federal law from possessing firearms.
 - e. Must carry identification that meets specified criteria (see Section IV. B.)
- B. In order to qualify as "identification" under the LEOSA, the Stockton Police Department issues a credential that is carried by a retired law enforcement officer based on the following criteria:
 - a. A photographic identification issued by the agency from which the law enforcement officer retired and a certification issued by the State in which the individual resides that indicates that

the individual has, not less than one year [prior], been tested or otherwise found by the State to meet the standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.

V. REVOCATION PROCEDURE

- A. An identification certificate authorizing the officer to carry a concealed and loaded firearm or an endorsement may be permanently revoked or denied by the issuing agency only upon a showing of good cause. Good cause is defined in California Penal Code 26305 and shall be determined at a hearing.
- B. The Office of the Chief of Police will notify retirees subject to a revocation hearing by sending a certified letter to their last address of record with the Department. The letter will contain directions regarding arranging and attending the revocation hearing.
- C. Per California Penal Code 26320, revocation hearings shall be held before a three-member hearing board. The Deputy Chief of the Logistics Bureau or their designee will represent the Department, and one member shall be selected by the retired peace officer or his or her employee organization. The third member shall be selected jointly by the agency and the retired peace officer or his or her employee organization.
- D. Any decision by the board shall be binding on the agency and the retired peace officer.