

BERKELEY POLICE DEPARTMENT

DATE ISSUED: March 1, 2000

GENERAL ORDER C-3

SUBJECT: CONCEALED WEAPON LICENSE AND ENDORSEMENTS

PURPOSE

- 1 - The purpose of this Order is to establish the policy and procedures regarding the issuance and review of concealed weapons license and endorsements.

POLICY

- 2 - The Berkeley Police Department shall adhere to the procedures set forth in this Order, conducting an objective and comprehensive review of all requests for concealed weapon endorsements.

CONCEALED WEAPON LICENSE DEFINITION

- 3 - Section 12050 of the California Penal Code provides for issuing a license to carry a concealed pistol, revolver or other firearm for a period of time up to one year from the date of issuance of the license, subject to conditions set forth below. The license to carry a concealed weapon must be carried whenever the weapon is being carried.
 - (a) A concealed weapon license may include any reasonable restriction(s) or condition(s) which the Chief of Police deems warranted, including restriction as to the time, place and circumstances under which the applicant may carry a concealed weapon.
 - (b) Any restriction(s) imposed pursuant to paragraph (a) above shall be indicated on the license issued.

PROCEDURES - CONCEALED WEAPON LICENSE

- 4 - Any person seeking a concealed weapon license shall be referred to the Bureau of Inspection and Controls. The lieutenant assigned to that unit will ascertain that the applicant meets the following conditions:
 - (a) Applicant must be a resident of the City of Berkeley.
 - (b) Applicant must be of good moral character, as determined by a record and criminal history check.
 - (c) Good cause must exist for issuance of the license.
 - (d) Applicant must successfully complete a firearms familiarization and successfully complete, on an annual basis, a qualifications course approved by the Chief of Police.
 - (e) Applicants must maintain a one million (\$1,000,000) liability insurance policy, with a clause that specifically holds the issuing officer, his/her

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agency and his/her government jurisdiction harmless for any actual or alleged misuse of a concealed weapon.

- (f) Applicant must carry the weapon in a safe and secure manner.
 - (g) Applicant must present proof of ownership of the weapon(s) to be carried.
- 5 - **The person seeking a .concealed weapon license must file an application on a form prescribed by the Attorney General.***
- 6 - **A person applying for a concealed weapon license shall be required to pay a fee that will include the pre-determined processing costs of the Department of Justice. The local licensing authority may charge an additional fee in an amount equal to the actual processing costs, excluding fingerprinting and training costs, but in no case to exceed \$100.***
- 7 - Concealed weapon licenses will be issued only under extraordinary circumstances which are life threatening as determined by the police investigation and records check outlined in sections 4(b) and 4(c) of this Order.
- 8 - The final determination of whether to issue a concealed weapon license rests with the Chief of Police.
- 9 - When a decision is made to issue a concealed weapon license, the Bureau of Inspection and Controls Lieutenant will obtain the necessary fees and fingerprints with the assistance of the Support Services Division.
- 10 - Fingerprints and fees will be forwarded to the Department of Justice, Bureau of Identification, as outlined in General Order I-5.
- 11 - The concealed weapon license will not be issued until the Department is notified by the Department of Justice that no reason exists to deny the license, the records and criminal history checks and the police investigation into the circumstances under which the license is sought support issuance of the license, and the firearms qualification course had been successfully completed.
- (a) Once clearance is received from the Department of Justice, State Bureau of Identification, the applicant will be contacted regarding the scheduling of a psychological evaluation. The applicant will be provided with the name of an approved location for this testing with the cost of the evaluation to be borne by the applicant.
- 12 - Concealed weapon licenses must be renewed annually, or sooner, depending on the conditions of issuance. Before a license is renewed, the Bureau of Inspection and Controls Lieutenant will confirm that a recent approved qualifications course was successfully completed and re-evaluate the good cause for re-issuance of the license. **The local licensing authority may charge a fee not to exceed \$25.00, for processing a renewal application.***

* Highlighted text is new

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- 13 - If good cause still exists, a new license will be prepared for issuance and a single fingerprint card and renewal fees will be collected, with the assistance of the Support Services Division, and forwarded to the Department of Justice.

CONCEALED WEAPON ENDORSEMENTS

- 14 - Section 12027 of the California Penal Code regulates the issuance of endorsements for retired officers to carry concealed weapons (CCW permits).

PROCEDURES - CONCEALED WEAPON ENDORSEMENTS

- 15 - Concealed weapon endorsements must be renewed in compliance with the procedures set forth in Penal Code Section 12027.
- (a) Any officer retired after January 1, 1981, shall have a CCW endorsement on the identification. The identification shall indicate the approving issuing agency and the date when the endorsement is to be renewed.
- (1) An exception to this process is an honorably retired peace officer, retired prior to January 1, 1981. He/she is not required to obtain a CCW endorsement from the issuing agency. Such individuals, however, are not exempt from the revocation procedures delineated in this Order.
- (2) No peace officer who is retired after January 1, 1989, because of a psychological disability shall be issued an endorsement to carry a concealed weapon.
- (b) The identification card shall be on a 2x3 inch card, bearing the photograph of the retiree, the retiree's name, address, date of birth, the date that the retiree retired, name and address of the agency from which the retiree retired, have stamped the endorsement "CCW Approved" and the date the endorsement is to be renewed.
- (1) The specific wording on the identification card is "authorized to carry a weapon pursuant to Penal Code sections 12027 and 12031. Valid until _____"
- 16 - Endorsements to carry concealed weapons by retired officers may be revoked or denied upon a hearing conducted to show cause.
- (a) The hearing shall be comprised of a three member board. One member of the board shall be selected by the Department and one member shall be selected by the retired officer or his/her employee organization: The third member shall be jointly selected by the Department and the retired officer or his/her employee organization.

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- (1) A retired officer shall have 15 days to respond to a notice of that hearing. If the retired officer fails to respond to the notice, he/she forfeits their rights to that hearing.
 - (b) The decision by the three person board shall be binding on the Department and the retired officer.
- 17 - A retired officer may have his/her privilege to carry a concealed firearm revoked by violating any of the following:
 - (a) Any federal or state law.
 - (b) Any county or city ordinance.
 - (c) Any Berkeley Police Department rule, regulation, or order that, if violated by an officer on active duty, would result in that officer's arrest, suspension or
- 18 - A retired officer, when notified of the revocation of his/her privilege to carry a concealed firearm, either after the hearing or upon forfeiting the right to a hearing, shall immediately surrender his/her retired law enforcement identification card and endorsement to the Berkeley Police Department.
 - (a) The Department shall issue a new retired law enforcement identification card without a concealed weapon endorsement.
- 19- Any request from an outside law enforcement agency pertaining to the current status of a retiree's ability to carry a concealed weapon shall be checked in the Records Management System (RMS) under the retired officer's name. Should the authority to carry a concealed weapon be REVOKED, it will be noted in the ALERT, field.

References: California Penal Code Sections 12027, 12027.1, 12031, 12050
Police Regulation PR 405
General Order No. I-5
CALEA Standards