COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

STANDARD OPERATING PROCEDURES FOR CONCEALED WEAPONS LICENSE APPLICATIONS

Reference:	Sections 26150-26225 California Penal Code Sheriff's Policy and Procedures Manual, Division Standard Operating Procedures
Applications Submitted To:	Sheriff's License Division – San Diego County Residents
Approved By:	Sheriff LESB, CCW Review Panel via License Manager
Issued By:	Sheriff's License Division – Sheriff's Department
Investigation:	Sheriff's License Backgrounds and other investigators as necessary
Fee:	Local, see Sheriff's fee schedule State, see State fee schedule Renewal: See fee schedules. Sheriff collects both local and State fees for renewals. At the end of each ARMS period, Financial Services will prepare a check made payable to DOJ for the amount due the State.
Note:	§26190(b)(2) PC only collect 20% retention of local processing fee – remainder of fee will be collected when issued

ADMINISTRATIVE PROCEDURES:

The State Standard CCW Application is available through the Sheriff's Department Web page www.sdsheriff.net Public Resource (bottom green area of website) under licensing & permits license staff can mail to any interested person. Applicants are required to schedule an appointment for a 1st interview to determine and establish the need and necessary documentation. Application, fees, fingerprints and all supporting documentation will be collected at the 2nd interview process. The conditions and release and waiver pages will be completed at the time of the 2nd interview.

APPLICATION 1ST INTERVIEW

1. Interviewing SLC II will complete 1st interview form with name and dob. As interview progresses license staff will enter information relating to potential applicant and discuss need and documentation. Also include any notes specific as to good cause and/or any observations that may be helpful in making final determination.

2. Provide potential applicant with a list of the documentation needed based on what was discussed during 1st. Explain to potential applicant that all requested items must be submitted along with application or it may not be accepted for processing.

APPLICATION 2nd INTERVIEW

3. SLC II who conducted the 1st interview should be the same person to process the 2nd interview

   SLC II will review application CAREFULLY to be sure all questions have been answered. No lines are to be left blank or filled in N/A (all items are applicable) If a question does not apply, have the applicant answer none. All names used must be included (e.g, Ted or Bill for William, Jim for James, Bob for Robert etc) including maiden and all married names. Pull 1st interview sheet from according file.

4. Read through page 10 (good cause statement) to verify that statement articulates their actual good cause for license. Request supporting documentation that was requested from 1st interview or if reason has changed to what they outline on page 10. If additional items are required, provide the applicant with a written list of items making a copy of the list for the file in a comment sheet. 2nd interview applicants should not be turned away because they lack certain information (with good judgment, SLC II can use discretion), if the application is accepted at 2nd interview with essential documentation missing it, will be that person's responsibility to follow-up via a tickler system (Outlook). File will be referred to backgrounds for investigation. SLC II will follow-up within 2 weeks-if applicant doesn't comply, make note for investigator to reflect in his notes at time of review.

5. SLC II will place document log sheet on outside of file (during pending stages) and enter documentation as received or requested on form.

Note: If documentation was requested during 2nd and is not received by the completion of the backgrounds, applicants will have already been notified that grounds for denial will be considered as an incomplete process and lack of supporting documentation.

6. Review the Conditions page with the applicant, have him/her sign, and date it. SLC II will countersign and date it.

Review the Release and Waiver page with the applicant and have him/her sign and date it. SLC II will countersign and date it.

7. Complete "Additional CCW Questionnaire. If applicant answered yes to having been employed by another law enforcement agency have applicant sign the notarized law enforcement release & waiver.

8. Explain to applicant that once the good cause determination has been made (within the next 90 days) and if approved, they will receive written notification to attend the 8-hour CCW firearms Training Course from the list of approved instructors. Inform applicant he/she has 30 days to complete the firearms course.

9. SLC II will request from front reception clerk the next number sequence for a new CCW # and collect 20% of initial local processing fees (currently $12.63 of 63.14 – collect $50.51 at time of issuance) and State livescan fees. See fee schedules for amounts.

10. Complete the CCW Licensing Program with applicant information. Fingerprint applicant via Livescan; have applicant sign one hard copy fingerprint card for file. Take photograph of applicant via mugshot system. Inform applicant that application and supporting documentation will be forwarded to the Background Unit for investigation (investigating the truth of the matter).

11. If approved will be notified in writing to complete the firearms course and instructed on when to come in for the license and pay remainder of fee. If license is denied, they will be notified by U.S. mail, usually in 10-12 weeks. Also, explain we do not answer specific questions about status of permits over the telephone. Tell them any outstanding documents must be mailed to this office within 30 days.

12. Write out any comments necessary for investigator's use.

13. Submit file to corresponding (Alpha A-M or N-Z) investigator for further processing.

14. If applicant has answered yes to any of the "Additional CCW Question" questions relating to former law enforcement or law enforcement academy refer file to the investigative deputy for follow-up before submitting to corresponding licensing specialist.

BACKGROUND INVESTIGATION

Background Investigator will:

1. Create a new license record in SR04/14 (current records management system). and prepare GP (gun permit) file with labels accordingly

   Sample: DOE, John James, Jr.
   GP 12345

2. Color code file with "GP" color tabs on top, first three letters of the last name below the name label.

3. Complete computer background (RI, MC, DA, DMV, NCIC, QW, AFS, ARJIS, LEXIS). Print out any records to be reviewed.

4. Review application for completeness, or any additional comments from SLC II. Review reasons (page 10) carefully and determine if appropriate documentation was provided to support need. Verify any additional documentation via state web sites when applicable (e.g. Corporate Status; BSIS, Contractors Board, etc) or specific web sites (related to applicant or business) which may describe applicants nature of business etc.

5. Type information request (DEAR CHIEF) letters to Sheriff's SID unit as well as the police or station commander in area(s) where applicant works and lives.

6. Contact employers (if applicable e.g., reason good cause to issue). Ask and question employers to be specific about scope of the employees' duties that place employee in harm's way; how long they have been employed, full or part time and remember to inform employer of liability issue and that they will notify this office in writing (w/in 10 days) if/when need no longer exist. Investigators should not just be verifying employment; they should be verifying good cause for issuance of CCW's on behalf of the employer.

7. Run weapon(s) in AFS when range test paperwork is received.

8. Verify livescan firearms eligibility, DOJ fingerprint and FBI clearances have been received-follow up as needed. Compare any arrest/conviction information on RAP sheet if provided to answers on application.

9. File returned letters/documents on pending file face sheet date received

10. Verify that all requested documents have been received and that everything necessary has been investigated. Write comments on Comment Sheet as necessary.

11. Update Licensing Program with CII & FBI numbers only.

12. If recommendation to deny is determined, prepare written report outlying the reasons and results of the investigation with the recommendation to deny and any supporting facts.

13. Forward file to License Supervisor/Manager to prepare for panel review.

FINAL REVIEW - CCW PANEL RECOMMENDATION – within 90 days of application submission

The License Manager will call upon the CCW Panel for final decision making to apply any form of administrative action and/or approve or deny initial issuance of all CCW's issued. (New procedure & directive from Sheriff after CCW litigation 04/25/2011)

1. Review the file for completeness, good cause statement (page 10) and supporting documentation to support reasons on page 10. If there are outstanding concerns, the file will be referred to Background Supervisor for follow-up (complete comment sheet with instructions).

2. Manager will assemble CCW Panel to review all CCW files ready for decision to approve or deny. One Division Supervisor will also be part of the panel to assist in discussing the policy and documentation requirement for certain businesses

3. In making a decision for good cause through the CCW panel, if the consensus is to approve the following will occur; **(a)** CCW panel will sign the approval form to issue and agree on whether restriction should be applied; **(b)** file will be given to original SLC II via supervisor for completion of issuing process.

4. If consensus by the Panel is to deny the good cause request, a synopsis will be prepared by the panel outlining the reasons for denial; including which criteria applicant didn't meet (residency, good cause, good moral character or firearm qualification). Include all supporting facts e.g., investigator reports or negative results of investigation which leads and constitutes the reason to deny.

5. CCW Panel Review Packet will then be provided to Manager. If a denial recommendation was provided, Manager will prepare denial letter and forward to Commander for final concurrence.

6. If Commander concurs with decision to deny, Manager will mail denial letter and notify DOJ in accordance to penal code requirements.

7. CCW applicants who have been denied have 21-days from the date denial letter was dated to request a reconsideration of the decision to deny. The penal code section governing CCW's does NOT provide remedies for appeals. This is a courtesy the Department applies to all individuals who have been denied a CCW; courtesy to have denial reviewed for reconsideration by an Assistant Sheriff of LESB as to why a license should be granted.

ISSUANCE:

SLC II will:

1. Mail good cause determination form letter to applicant to complete the 8 hrs firearms course (26165) requirement Once applicant has completed firearms training have them contact SLCII to complete the process; issue license collect remainder of fee.

2. Complete typing and/or updating the license with issue dates, add approved weapons and any restrictions, if applicable.

3. When applicant comes in, have them sign the license, obtain thumbprint and laminate.

4. Inform applicant that as part of term & conditions of license, they must notify us within 10-days of any change (e.g. change of address, reason of issuance, add/delete weapon)

5. Inform applicant that he can only carry the firearms listed on license; and inform that if any negative contacts during the term of license, Department can take administrative action.

5. Print PIN form from program and place in box for filing.

6. Update computer Licensing program including SR04/SR14with class, status, issue and expiration dates and don't forget to include CII & FBI number.

8. Make a complete copy of CCW Standard application and attach yellow copy of CCW for DOJ-State.

9. File in active CCW files alphabetically.

SUBSEQUENT (renewals-fees collected at reception counter):

NOTE: Renewals are not automatic - individuals MUST still have good cause and supporting documentation for issuance; but will be issued on the spot if they have the proper documentation to support good cause.

Interviewing SLC will:

1. Upon greeting customer at processing booth, ask if any changes have occurred, if they have, verify what they are and when changes occurred. If the reason have totally changed from when issued two years prior the file automatically goes for review. Get the facts before consulting with a supervisor. If everything is still the same continue...

2. Request 4-hour firearm qualification form. Have applicant complete and/or review CCW application carefully. Be sure all questions have been answered. No lines are to be left blank. If a question does not apply, have the applicant write in none. Be sure that "Reason" (page 10) section is completely filled out with continued need. Per CCW litigations and department policy ALL Applicants initial and renewals MUST still demonstrate with supporting documentation good cause for the issuance. Applicant must still elaborate under reason.

3. Review renewal application and reason page; accept all documentation e.g. 4-hour firearms course certificate, address verification and supporting documentation for continued need. Any discrepancies SLC will apply good judgment to continue/terminate with process and/or follow-up with any missing documentation via tickler. If hits during the background, refer file for review (e.g. ARJIS suspect entry, arrest, negative contacts fi's etc.).

4. Review the conditions page with the applicant, have him/her sign, and date it. SLC will countersign and date it.

5. Review the Release and Waiver page with the applicant and have him/her sign and date it. SLC will countersign and date it.

6. Update photograph via mugshot (if needed)

7. Run background CHS, MC21, QW-NCIC, AFS, ARJIS/COP Links (e.g. suspect info within 2 yr)

8. Update computer SR14 screen.

9. Update Licensing program with proper dates (date of issue will be date applicant comes into renew). Program will populate program license

10. Have applicant sign all three copies and obtain thumbprint on all 3 copies as well.

11. SLC will initial CCW next to their name on top of CCW license. Initial copy that applicant will receive and yellow copy (State copy). Laminate CCW license that applicant receives and place yellow copy in renewal tray (goes to State monthly)

12. Print completed/updated PIN and renewal license from program and place in PIN tray.

NOTE: If file is to be reviewed, forward it to appropriate review level with comment sheet outlying why file is to be reviewed.

MODIFICATIONS:

Any changes to the CCW license or reasons stated on application will require the licensee to notify this office within 10 days of the change. In accordance to PC26190 (e), (changes to residency and weapons will be required in writing within 10-days. Failure to do so can result in the suspension or revocation of the license for failure to notify this office under the terms and conditions under which the license was granted. There is a $10.00 fee for all modifications.

State Amendment Forms are at the front counter and CCW holders must come in person for the modifications. Forms will not be sent to license holders via mail to complete. Process MUST be done in person at License Division

REVIEWS/INVESTIGATIONS:

By the authority granted in §26150 THE Sheriff's Department conducts a comprehensive and detailed investigation to determine the qualifications of the applicant and to verify the truth-of the-matter stated by the applicant on the standard application.

§26180(a) & (b) also address the issue of *False Statements* on the application for a concealed weapon. Knowingly making false or misleading statements on certain section of the application can be considered a felony or misdemeanor

Acceptance of the application by the licensing authority does not guarantee the issuance of a license; DOJ fees and costs are non-refundable. The license if issued is subject to restrictions placed upon it and any misuse of the license/weapon will cause an automatic suspension or revocation. Arrest or contacts of a negative nature will any law enforcement agency may cause the license to be suspended or revoked. Other Law Enforcement agencies are authorize by this department at their discretion to confiscate the license if negative contact is made and returned to the Sheriff's Department for review.

Furthermore, the authority is given to the Issuing Officer by the licensee to investigate, as they deem necessary, the licensee's record and character to ascertain any and all information which may concern his/her qualifications and justification for the issuance of a license to carry a concealed weapon. Applicant also releases said agency of any liability arising out of such investigation. (Statement and released made on State Uniform CCW Application)

CCW ADMINISTRATIVE PROCESS – FINAL REVIEW – DENIALS, SUSPENSIONS OR REVOCATIONS

Making a decision on CCW applications-Assign CCW Review Panel to go over new initial ccw packet and any review for continued issuance. License Manager/Supervisor will oversee review along with 2 sworn staff (Admin Lt)

1. Verify that all required documentation is in file and that application is completely filled out.
2. Review application, reasons for cause and supporting documentation
3. If discrepancies found, refer file back to Background Investigator for follow-up
4. Prepare file with Panel Review Form and set date for panel review
5. Panel will review ccw application, background results and documentation submitted (all files submitted for review MUST be within 90 days of when application was submitted).
6. Enter ccw information in Manager's "Initial CCW FY Reporting Form" and return file to floor supervisor for completion of process and collection of remainder of initial fees
7. If applicant does not meet criteria (good cause, residency or moral character) for approval, have panel prepare synopsis to deny application.

Denying CCW Application:

1. Panel prepares synopsis for denial recommendation to Commander
2. Manager will prepare letter of denial to be mailed to applicant
3. Complete DOJ notification
4. Send complete file with above items to Commander for concurrence
5. If Commander does not concur, follow-up with his instructions and/or forward file to floor supervisor for completion of process (issuance)
6. If Commander concurs with denial recommendation, update data entries
7. Make copies of applicant letter and DOJ form for file and mail out
8. Keep together Commands concurrence, denial letter, DOJ notification and all supporting documentation (e.g. case reports if applicable) in file
9. Applicant has 21 days after the date of the letter to submit a written request for reconsideration of the decision to deny.

Revoking/Suspending Active Licenses:

1. Review information received that potential revocation and/or suspension may be necessary e.g. violation of terms & conditions of license, arrests, misuse of weapon, incident or negative contact with other law enforcement agencies, prohibited person notification from State.
2. Manager will prepare suspension or revocation letter to be mailed to applicant along with a self addressed envelope to return license.
3. Prepare Notification to DOJ
4. Enter ONS notification of CCW license administrative action until we receive the CCW back
5. Make copies of letter and DOJ form for file and mail out – If personally serve, complete personal service form – Keep together all supporting documentation related to action for file.
6. If in 60 days we have not received the CCW in the mail follow-up and contact.
7. CCW Panel will convene on matter only if licensee opposes the administrative action taken by Division

8. If Panel agrees on action, Manager will prepare briefing notes to Commander
9. Send file with above to Commander for concurrence on action

NOTE: Most revocation and/or suspensions may not qualify for reconsideration. This depends on the circumstances of the action. A DUI/or other arrest where applicant was carrying the firearm is an automatic suspension until disposition of the case. If convicted license will be revoked; applicants are not eligible for ccw if placed on any form of probation (supervised/summary). Revocations at the request of DOJ (prohibited list) are automatic without an appeal.

Reconsideration/Appeals

Applicants, who disagree with the administrative action taken, can submit a letter of reconsideration to the Assistant Sheriff of Law Enforcement Service Bureau within **21** days of the date notice was sent. Decision to uphold denial or issue the license should be made within **30** days after A/S has received the request to appeal.There is no legal obligation that requires the Department to provide this consideration. The Assistant Sheriff's decision will be final and there are no further appeals. A few applicants have taken it as far as filing a County Claim or law suit in Federal Court but not very successful. It is at the discretion of the Assistant Sheriff whether he specifically handles the appeal or he assigns a designee (Commander). It is also at the discretion of Command how they want to handle the appeal (e.g. by phone, personally or in writing). Either way a written acknowledgement of final decision to appellant should be included stating Department has upheld the decision for the administrative action. If the decision is overturned the acknowledgement should be made to contact the License Division Manager. Instructions will be provided by Command for the course of action and/or any other discussions. No contents of the CCW file will be released to any applicant until legal has reviewed the contents and determines on an individual basis what and how much information from file will be released. Sensitive and confidential information/communications from other law enforcement agencies (intel) or individuals may be in the file and are considered confidential; therefore, not subject for public disclosure

April 4, 2005
Rev -1/2012

To: License Staff

Subject: CCW Procedure:

OUT OF COUNTY CHANGE OF RESIDENT ADDRESSES /AMENDMENTS - PC26210(b)

The following procedure will apply as follows for any person licensed in California per 26150 to carry a concealed weapon and in moving into San Diego County.

The regulating penal code on concealed weapon licenses dictates the procedure for amendments and clearly states:

If the license is one to carry concealed a pistol, revolver, or other firearm capable of being concealed upon the person, then it may not be revoked solely because the licensee changes his or her place of residence to another county if the licensee has not breached any conditions or restrictions set forth in the license...and...*shall expire 90 days after the licensee moves from the county of issuance if the licensee's place of residence was the basis for issuance of the license.*

The basis for issuance in other Counties throughout this State is based on the residency requirements. When we have an individual moving into this County who has been issued a ccw from another county (in California only) inform and have applicant provide the following if they are interested in applying in this County:

1. Inform potential applicant of this Counties issuing requirements; the fact that they were issued a ccw in another county does not constitute the issuance in this County. Applicants **MUST** meet both State and our County criteria.

2. Amendment should have been made to the issuing agency (county in where it was (issued) after they notified them within the 10 day requirement (PC26210). Failure can be considered a breach of the law.

3. License is only valid for 90 days in this County, after the licensee moves from the County of issuance.

4. After 90 days applicant **"MUST"** apply in this County. This process includes an initial application process, including all fees for fingerprints to the State and firearms certificate. The fingerprint process enables this department to be the ORI and is required from DOJ for any subsequent notification. (Proper CORI dissemination).

LICENSE DIVISION

SDSD RESERVE CCW PROCESSING PROCEDURE

The authority for the four-year Reserve Deputy Sheriff Carrying a Concealed Weapon (CCW) License permit is established and regulated by Penal Code Section 26170 (3).

Reserve Deputies appointed or deputized within this County by the Sheriff or any Chief within San Diego County do not need to satisfy the residency requirement. Reserves living out of the County of San Diego can be processed if approved by the San Diego County Sheriff's Department. The standard operating procedures and requirements for San Diego Sheriff's Reserve applications and licenses will be as follows:

New CCW – Active SDSD Reserves Only

1. All initial Reserve applicants must provide a letter of authorization written and signed by the Reserve Sergeant.
2. The applicant must complete and submit in person to Sheriff's Licensing the initial standard State application. (Form BOF 4012) This form can be found on the Sheriff's Network V: Drive under "Reserve Info" folder.
3. The applicant must present Department Reserve credentials.
4. List the approved weapons on the application. State CCW permits are weapon specific; the Reserve Deputy must list all concealable firearms they want to carry including their duty weapon. The Licensing Division will only approve a maximum of three weapons, including your duty weapon. All weapons must be approved by the Weapons Training Unit prior to submitting application.
5. CCW permit will not be issued until Sheriff's Licensing receives clearance from the State (firearms eligibility etc.) and the local routine background examinations are conducted.
6. Sheriff's processing fees are waived.
7. The Department of Justice (DOJ) fingerprint clearance is not waived and will be paid by Reserve Command.
8. Once license has been approved and issued, the Reserve Deputy Sheriff must come in to pick up license.
9. The Reserve Deputy Sheriff will then take CCW to Personnel where they will issue and endorse his/hers Department Identification Card. The expiration of the CCW endorsement will correspond with the expiration date on the CCW card.
10. Any changes, home address, weapon add/delete, etc. must be reported to the Sheriff's License Division within 10days of the change. A new license reflecting the changes will be issued.

RENEWAL CCW- Active SDSD Reserves only

1. A renewal application may be submitted up to 30-days prior to the expiration of the CCW.
2. The applicant must complete the State application found on the Sheriff's Network V: Drive under "Reserve Info" folder.
3. The applicant must submit the completed application in person to Sheriff's Licensing.
4. The renewal application fees are waived.
5. List the approved weapons on the application. State CCW's are weapon specific, the Reserve Deputy must list all concealable firearms they want to carry including duty weapon. The Licensing Division will only approve a maximum of three weapons, including your duty weapon.
6. The Weapons Training Unit must approve all weapons prior to submitting application. You must take your most recent qualification with you. Any weapon changes must be qualified at the Sheriff's Range with the results given to the Sheriff's License Division.
7. The Reserve Command will pay the DOJ renewal fees.
8. Once the CCW permit has been renewed, the Reserve Deputy Sheriff will take permit to the Personnel Division where a new Sheriff's Identification Card with the new expiration date will be issued.
9. Any changes address, weapon add/delete, etc. must be reported to the License Division within 10 days. A new license reflecting the changes will be issued.

AMENDMENTS

If changes with weapons or residency occur during the term of the license, the Reserve Deputy Sheriff must:

- Complete the State Amendment form (BCIA 4502) and personally bring it in to Sheriff's Licensing. The Sheriff's Licensing staff will issue a new State License and forward the amendment form to DOJ.
- Any new weapons must be approved by the Weapons Training Unit.
- Any Reserve Deputy Sheriff that terminates or separates from the department, shall immediately turn into personnel the State issued CCW license.
- Any Reserve Deputy Sheriff that terminates with 10 years or more of service per Penal Code §26300 (2) shall have an endorsement to carry concealed.
- Any Reserve Deputy Sheriff with less than 10 years of service may apply & pay the appropriate fees for a standard 2 year license. Contact the Sheriff's License Division for additional information.

HR218

As of January 2013 HR218 allows a Reserve with 10years or more of active service to qualify; additionally 18USC 926B requires that the individual must carry photographic identification that identifies a person as a "qualified" law enforcement officer.

8/10/2016