

## **RETIRED ARMED PROBATION OFFICER**

### **AUTHORITY**

#### **United States Code Section(s):**

18 U.S.C. Section(s) 926C

#### **California Code Section(s):**

Penal Code Section(s) 16690, 25400, 25450, 25460, 25465, 25475, 25850, 26320, 26325

#### **Related Probation Department Policy:**

IV27 Peace Officer Authority

### **PURPOSE**

California Penal Code (PC) Section [25400](#) makes it unlawful for a person to carry a concealed firearm while Section [25850](#) PC makes it unlawful for a person to carry a loaded firearm. Section [25450](#) PC provides for exceptions to the laws governing the carrying of concealed and loaded firearms. Among these exceptions are honorably retired probation officers who during the course and scope of their duties as peace officers were authorized to, and did, carry firearms.

### **AUTHORIZATION TO CARRY A CONCEALED FIREARM**

The Chief Probation Officer (CPO) may approve an honorably retired probation officer to “carry a concealed weapon” (CCW). Honorably retired probation officers do not include the following:

1. A probation officer who retired because of a psychological disability, including a stress disability.
2. A probation officer who retired in lieu of termination or other discipline.

Honorably retired probation officers include those officers who qualify for and accept a service or disability retirement, and meet the following criteria herein.

Probation officers who are about to retire or who are in the process of retiring may apply for authorization to carry a concealed firearm, if they were an armed probation officer in good standing. Said officers shall apply in writing to the CPO, utilizing form #217. An officer applying for this authorization must apply prior to the effective date of their retirement.

Probation officers, who are retired and did not request a CCW approval for their identification card at the time of retirement, shall not be issued the approval by the Probation Department. Those officers must seek their CCW permit from the Sheriff’s Department in the same manner as any eligible citizen.

A retired probation officer who obtained CCW approval at the time of retirement shall petition the department for renewal every five (5) years (Section [25465](#) PC), utilizing form #217, which can be found in the forms sections of the Probation Department’s public webpage. The petition/application for renewal shall be submitted to the CPO no less than thirty (30) days prior to the expiration date on their identification card. Failure to submit this application for renewal within the allotted time frame will result in the loss of this privilege. At the time of the application for renewal, a criminal record check of the applicant shall be conducted and clearance to the satisfaction of the CPO is required.

If the CPO grants the application of a retiring probation officer or the renewal for a CCW approval, the Administrative Technician responsible for personnel matters shall produce an identification card containing the following information pursuant to Section [25460](#) PC:

1. A picture of the retiree.
2. The name of the retiree.
3. Date of birth.
4. Date of retirement.
5. Name and address of the Probation Department.
6. Date of expiration (five (5) years from issuance).
7. Have stamped on it the endorsement "CCW approved."

A new retiree identification card shall be produced upon initial retirement and when each renewal is granted.

#### DENIAL OR REVOCATION OF AUTHORIZATION

The CPO may upon initial retirement of a probation officer or at any time subsequent thereto deny or revoke for good cause the privilege to carry a concealed firearm.

If the request for "CCW Approval" is denied or revoked, the retired probation officer will be notified in writing, return receipt requested. The probation officer has fifteen (15) calendar days from receipt of the notice of denial or revocation to request, in writing, a hearing. Failure to respond within the fifteen (15) calendar days will forfeit the probation officer's right to request a hearing.

Pursuant to Section [26320](#) PC, any hearing conducted in this matter shall consist of a three (3) member hearing board consisting of the following:

1. One member selected by the Probation Department.
2. One member selected by the retired probation officer or their employee organization.
3. A third member selected jointly by the Probation Department and the retired probation officer or their employee organization.

Any decision reached by the hearing board shall be binding on the Probation Department and the retired probation officer. Any officer whose privilege to carry a concealed firearm is denied or revoked at a hearing, or upon forfeiting their right to a hearing, shall immediately surrender to the Probation Department their identification card bearing the "CCW Approval." The Probation Department shall re-issue a new identification card without the "CCW Approval" endorsement (Section [26325](#) PC).