

LA MESA POLICE DEPARTMENT INSTRUCTION

ADMINISTRATION: Law Enforcement Officers Safety Act of 2004 – Standards and Compliance	No: 123
Adopted: January 2010, Revised October 2013	Page 1 of 6
Ray Sweeney, Chief of Police	

I. PURPOSE

This Department Instruction establishes procedures to insure compliance with the requirements of the Law Enforcement Officers Safety Act of 2004 (Act), codified as 18 United States Code (USC) 926 subsections B and C, so that regularly employed police officers of the La Mesa Police Department, and eligible retired police officers of the La Mesa Police Department, may lawfully carry concealed firearms as provided for in the Act, when outside of California. The instruction also sets forth standards and procedures to be followed in the event officers or retired officers no longer qualify under the Act, either temporarily or permanently.

II. REGULARLY EMPLOYED POLICE OFFICERS

The Act provides that a law enforcement officer, carrying the required identification, may carry a concealed firearm throughout the United States. Personnel should refer to 18 USC 926B for the actual statutory requirements, restrictions, and language. Officers must make themselves aware of, and abide by those State and county laws unique to the jurisdiction in which they plan to carry a concealed weapon.

III. RETIRED OFFICERS

Any full-time sworn officer of this department who was authorized to, and did, carry a concealed firearm during the course and scope of his/her employment shall be issued an identification card with a "CA CCW Approved" endorsement upon honorable retirement (Penal Code § 25455).

- A. For the purpose of this policy, honorably retired peace officers include all peace officers who have qualified for, and accepted, a service or disability retirement, but shall not include any officer who, resigned and later collected their pension, is terminated or who retires in lieu of termination.
- B. No CCW Approved endorsement shall be issued to any officer retiring because of a psychological disability (Penal Code 26305).

- C. Identification cards issued to a retired sworn member by the Department, who qualifies under the Act, state on the reverse side "18USC926C Qualified" and/or "CA CCW Approved", and have a December 31st expiration date that is at least one year from their last successful firearms qualification, as described in section IV (i.e. if the retired sworn member qualifies in October of one year their card will have an expiration date of December 31st the following year.)

In the event a retired sworn member of the Department temporarily or permanently no longer meets one or more of the criteria of a "qualified retired law enforcement officer", they shall be issued an identification card that states on the reverse side "No CCW Privilege."

IV. RETIRED OFFICERS QUALIFICATION

- A. Retired officers may attend Department firearms qualification sessions and qualify with their firearm(s) at their own expense, after completing and signing a Department "Retired Officer Firearms Qualification Waiver and Release Agreement" (Attached). Firearms used for qualifications must meet Department standards as approved by the on-duty Rangemaster. Upon successful qualification the retired officer will be issued a new identification card with a revised expiration date.
- B. Retired officers remain subject to all federal, state and local laws. Retired officers must make themselves aware of, and abide by those State and county laws unique to the jurisdiction in which they plan to carry a concealed weapon.
- C. Retired officers may also provide written out of county or state certification to the Department that they have successfully qualified on an approved course of fire with a Department approved firearm. Such written certification must be made on a form provided by the Department and completed by a representative of the law enforcement agency who conducted the firearms qualification.

V. DENIAL OF REVOCATION OF STATE CCW ENDORSEMENT

The CCW endorsement for any officer retired from this Department may be denied or permanently revoked only upon a showing of good cause (Penal Code 25470). Any denial or revocation under this section shall also be considered disqualification under 18 USC 926C(d). The CCW endorsement may be immediately and temporarily revoked by the Watch Commander when the conduct of a retired peace officer compromises public safety. Good cause, if challenged, shall be determined in the following manner:

- A. In the event that a CCW endorsement is denied, the retired officer shall have 15 days from the date of the denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.
- B. Prior to revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested, to the retiree's last known address (Penal Code section 26315).
- C. The hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Department, one selected by the retiree or his/her employee organization and one selected jointly (Penal Code Section 26320). The decision of such hearing board shall be binding on the Department and the retiree. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Department will then re-issue a new identification card which shall be stamped "No CCW Privilege".

VI. RESERVE OFFICERS

Reserve Officers are not considered "an employee" for the purposes of the Act and are not authorized to carry a concealed firearm under its provisions.



POLICE DEPARTMENT

**LA MESA POLICE DEPARTMENT
RETIRED SWORN OFFICER
FIREARMS QUALIFICATION CERTIFICATION**

Retiree name: _____

Date of qualification: _____

Firearm (copy additional sheets for more than three firearms):

Make: _____

Model: _____

Caliber: _____

Law enforcement agency conducting the qualification:

Qualification course type (attach description of the course of fire):

- Duty weapon
- Off-duty weapon
- "Carry Concealed Weapon" Permit
- Other (please describe) _____

Law enforcement agency representative:

Name: _____ Phone: _____

Address: _____

I certify that I am an authorized representative of the listed law enforcement agency and that the listed individual successfully completed a course of firearms qualification, as described in the attached information.

Signature of law enforcement agency representative:

Police Department ID Card “Concealed Carry” Status Form

FRONT of CARD	REAR of CARD
Name of Officer	Physical Description
Title/Rank	CCW Category
Date of Issue or Retire Date	“18USC926 B or C Qualified”
“Retired” printed in red (retirees only)	“Qualified Through” date (retirees only)
Signature of the Chief of Police	

“CCW Category” definitions

Regular Officers

“18USC926B Qualified”

- For sworn personnel currently employed and in good standing.

Retired Officers

“18USC926C Qualified”

- For sworn personnel who retired in good standing and meet the requirements of the act, as determined by the Chief of Police.

“CA CCW Approved”

- Retirees who choose not to qualify or have not qualified within the past year but have not had their CCW privilege otherwise revoked.

“No CCW Privilege”

- Retirees who have had their CCW privilege denied or revoked in accordance with California law.

**Retired Officer Firearms Qualification
Waiver and Release Agreement**

Name of Retired Peace Officer: _____
(Please Print Name)

I am a retired peace officer of the La Mesa Police Department and have read the federal requirements as described in the Law Enforcement Officers Safety Act of 2004 (18 U.S. Code § 926C).

I have read the State of California requirements to carry a concealable firearm as it pertains to a retired peace officer (Penal Code § 25450, 25455, 25460, 25475, 26305).

I recognize that the La Mesa Police Department is not legally required to provide me with firearms instruction or a firearms qualification course. In consideration of my participation in any La Mesa Police Department firearms instruction or firearms qualification course, I agree as follows:

I agree to indemnify, defend, and hold harmless the La Mesa Police Department, its agents, and employees, for any injury caused by my participation in their or any other qualification process. I further waive any claim for damages against the La Mesa Police Department, its agents, or employees, for any injury suffered by me while participating in a qualification process.

Further, I hereby specifically agree to indemnify, defend, and hold harmless the La Mesa Police Department, its agents, or employees, from any and all liability resulting from my carrying and/or use of any weapon allowed under the Law Enforcement Officers Safety Act of 2004, including, but not limited to, civil litigation.

Name of Retired Officer (print)	Signature	Date
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Name of La Mesa Official (print)	Signature	Date
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