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CHIEF OF POLICE

TORRANCE POLICE DEPARTMENT

GENERAL ORDER 3.31 CONCEALED WEAPON PERMITS

DATE ISSUED: November 28, 2016

PURPOSE

Rules pertaining to the issuance of permits to carry concealed weapons.

3.31.1 CARRY CONCEALED WEAPON (CCW) PERMIT

- A. APPLICATION. All applicants for a Concealed Weapons Permit shall complete the California Department of Justice (DOJ) Standard Application for carrying a concealed weapon (CCW). The Chief of Police will consider issuing a Concealed Weapon Permit only to those individuals who have met certain conditions outlined in Penal Code §26155. The Chief of Police may place additional restrictions on permits.
- B. COMPLETION. The person requesting the CCW permit shall fill out the application with the exception of those portions reserved for Department use. The application fee shall be collected by the Records Division and transferred to the City Treasurer. The completed application shall be forwarded to the Special Investigations Division for processing.
1. The application shall be assigned an incident number. The Special Investigations Division Commander shall cause an investigation of the applicant, to include but not confined to the following:
 - a. The applicant is of good moral character.
 - b. The applicant has no prior convictions of a felony or any other crime that indicates moral turpitude.
 - c. The applicant can show good cause for issuance.¹
 - 1) GOOD CAUSE CRITERIA. Good cause exists where there is convincing evidence of a clear and present danger to life, or of great bodily harm to the applicant, his/her spouse, or dependent child, which cannot be adequately dealt with by existing law enforcement resources, and which danger cannot be reasonably avoided by alternative measures, and which danger would be significantly mitigated by the applicant's carrying of a concealed firearm.
 - d. The applicant is a bona fide resident of the City of Torrance.
 - 1) RESIDENCY VERIFICATION. Applicants shall be required to provide proof of City of Torrance residency inclusive of, but not limited to, the applicant's California identification card and recent utility bills displaying the applicant's name and address.
 - a) CHANGE OF ADDRESS NOTIFICATION. Applicants and permit holders who change their place of residence shall notify the Department in writing of their new residential address within 10 days of relocation (PC § 26210).
 - e. The applicant has successfully completed a designated course of training in the carrying, safety, and use of firearms.

¹ See *Peruta v. County of San Diego* (9th Cir.) 742 F.3d 1144

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- f. The applicant has proof of ownership or registration of any firearm to be licensed.
 - g. The applicant has successfully passed any and all required psychological testing by the Department psychologist. Psychological testing shall be required for all new applicants and on all renewals where there is compelling evidence of its necessity. The Special Investigations Division Commander shall refer the applicant to the Department psychologist to schedule his/her own psychological testing only after determining that the applicant has met 3.31.1(B)(1) a-f. The cost of psychological testing shall be paid by the applicant at a cost not to exceed \$150 (PC 26190(f)).
 2. Upon completion of the above-described investigation, the Special Investigations Division Commander shall forward the application along with his recommendation to the Special Operations Bureau Commander for review and concurrence. If there is no legal reason for disqualification, the applicant shall be fingerprinted and photographed in order to provide the required documentation to the Department of Justice.
 3. CCW permits will not be issued until clearance is obtained from the Department of Justice.
 4. Upon review of the DOJ response, the Special Investigations Division Commander's recommendation, and the Special Operations Bureau Commander's concurrence, the Chief of Police shall make a final determination. A letter signed by the Chief of Police shall be sent to the applicant providing notification of the final decision.
 5. All applicants shall be given written notice indicating the approval or denial of the requested CCW license within 90 days of application or 30 days after receipt of the applicant's background check from DOJ, whichever is later. If the license is denied, the notice shall state which requirement was not satisfied.
 6. The Chief of Police may attach reasonable conditions or restrictions upon such licenses including, but not limited to:
 - a. The type of weapon and ammunition that is permitted and carried.
 - b. The times and places where the concealed weapon can be carried.
 - c. Limitations in carrying concealed weapons to those circumstances when a specific dangerous activity is to be encountered and for which the applicant has sought the license.
 - d. Consuming any alcoholic beverage while armed.
 - e. Being under the influence of any medication or drug while armed, when the medication or drug cautions the user not to take while operating a vehicle or heavy machinery. Additionally, CCW permit holders taking any prescription medication or drug must have a valid prescription in their name for that medication/drug.
 7. If granted, the duration of the license shall be not more than two years, as allowed by law. The license shall lapse by operation of law if the licensee is convicted by final judgment of any felony, or serious misdemeanor, including driving under the influence of alcohol or drugs.
 8. If any section, subsection, sentence, clause, phrase or other portion of this policy is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this policy.
 9. FEES. All fees associated with the CCW permit and application are the responsibility of the applicant. Applicants are subject to an application fee determined by the California Department of Justice. In addition, as permitted under PC § 26190(b), additional application processing fees shall be collected according to the Torrance Police Department's following fee schedule:
 - a. New Application Fees.

- 1) At the time of application filing, applicants shall pay an initial, \$20 processing fee (i.e., 20% of the Department's application processing costs) to the City of Torrance via check or cash (\$100 bills not accepted).
 - 2) At the time of new license issuance, applicants shall pay an \$80 processing fee (i.e., the remaining balance of the Department's application processing costs) to the City of Torrance via check or cash (\$100 bills not accepted).
 - b. Renewal Fee. At the time of application filing, renewal applicants shall pay a \$25 processing fee to the City of Torrance via check or cash (\$100 bills not accepted).
 - c. Replacement Fee. At the time of application filing for a license replacement, applicants shall pay a \$10 processing fee to the City of Torrance via check or cash (\$100 bills not accepted).
10. There is no appeal of the final decision. Within 15 days from notification of denial, the applicant may request a meeting to discuss the denial with the Special Investigations Division Commander or a designee appointed by the Chief of Police.
- C. DISTRIBUTION. The application and any accompanying documentation shall be filed in Records Division.
- D. REVOCATION/EXPIRATION.
1. Permit holders failing to follow all conditions/restrictions included and stated on their CCW permit may be subject to permit revocation at the discretion of the Chief of Police.
 2. Permits issued to individuals who change their place of residence outside City of Torrance proper shall be deemed expired or revoked 90 days after the effective date of relocation.

3.31.2 CONCEALED WEAPONS FOR FULL-TIME SWORN POLICE OFFICER RETIREES

- A. IDENTIFICATION CARD. Retired sworn full-time personnel shall be issued a picture retirement identification card bearing either an authorization to carry a concealed weapon, or a clear and explicit restriction withholding the privilege, and the date the endorsement is to be renewed.
- B. CONCEALED WEAPON PERMIT. Every peace officer honorably retired from the Torrance Police Department, who desires authority to carry a concealed firearm per Penal Code §25450 and Title 18 USC section 926C, shall:
1. Initially upon retirement, except for those officers retiring prior to January 1, 1981, request authorization to carry a concealed weapon from the Chief of Police.
 2. During the term of the permit, report all major physical or mental conditions or illnesses to the Chief of Police as soon as practical.
 3. Submit, as soon as practical, a written report to the Chief of Police all incidents involving the discharge of a concealed weapon if other than on a firing range, or other legal recreational shooting.
 4. Carry the authorization card at all times while carrying a concealed weapon.
 5. Be required to qualify annually.
- C. PERMIT RENEWAL. Authorization to carry a concealed weapon shall be granted for one year from the date on the proof of firearm competency. Retired Officers must annually apply for renewal to the Office of the Chief of Police Identification cards for officers retired after January 1, 1981, endorsed granting the privilege, must be renewed annually, or the privilege of carrying a concealed weapon shall automatically lapse. Those officers who retired prior to January 1, 1981 shall only lose their CCW privilege by the Department showing good cause.
1. The retiree may demonstrate competency by firing on the Department Range under the supervision of the Range Master, or by submitting certified shooting scores from another police agency or public range.

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2. Upon request for renewal, the Chief of Police shall review Department of Justice records to determine any relevant information in considering whether the permit should be renewed.
 3. The retiree shall supply the Department with a digital photograph suitable for use on the renewed ID card.
- D. **PERMIT DENIED OR REVOKED.** The Chief of Police may deny or revoke the retired officer's privilege to carry a concealed weapon upon a showing of good cause. A retired peace officer may have his 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. A retired officer whose authorization to carry a concealed weapon is revoked or denied has the right to a hearing as specified in Penal Code §26320.
1. A retired officer shall have 15 days to respond to a notice of that hearing or, upon failing to respond to the notice, forfeits the retired officer's right to that hearing.
 2. Any hearing shall be held before 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 the Torrance Police Officer's Association. The third member shall be selected jointly by the Department and the retired officer or TPOA. A decision by the board shall be binding on the Department and the retiree.
 3. An officer who retired because of a psychological disability after January 1, 1989, shall not be issued an endorsement to carry a concealed weapon.
 4. Should the privilege to carry a concealed weapon be revoked or denied, the Chief of Police shall issue the retiree an Identification Card indicating that the bearer is restricted from carrying a concealed weapon.
 5. Any retiree whose privilege to carry a concealed weapon is revoked shall, upon notification, immediately surrender to the Chief of Police his identification card containing permission to carry a concealed weapon.

3.31.3 CONCEALED WEAPONS FOR HONORABLY SEPARATED RESERVE POLICE OFFICERS

- A. **HONORABLY SEPARATED RESERVE OFFICER DEFINED.** An honorably separated reserve officer must have completed a minimum of 20 years of uninterrupted service as a Level 1 reserve police officer with the City of Torrance. Any reserve police officer who does not meet the honorably separated qualifications is considered merely "separated" and is not entitled to any retired reserve police officer identification card.
- B. **IDENTIFICATION CARD.** Honorably Separated Reserve Police Officers shall be issued a picture retirement identification card bearing either an authorization to carry a concealed weapon, or a clear and explicit restriction withholding the privilege, and the date the endorsement is to be renewed.
- C. **CONCEALED WEAPON PERMIT.** Every honorably separated reserve officer who has separated in good standing from the Torrance Police Department, who desires authority to carry a concealed firearm per Penal Code §26300 and §25900, shall:
1. Initially upon honorable separation, request authorization to carry a concealed weapon from the Chief of Police.
 2. During the term of the permit, report all major physical or mental conditions or illnesses to the Chief of Police as soon as practical.
 3. Submit, as soon as practical, a written report to the Chief of Police all incidents involving the discharge of a concealed weapon if other than on a firing range, or other legal recreational shooting.
 4. Carry the authorization card at all times while carrying a concealed weapon.
 5. Be required to qualify annually.

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- D. PERMIT RENEWAL. Authorization to carry a concealed weapon shall be granted for one year from the date on the proof of firearm competency. Honorably separated reserve officers must annually apply for renewal to the Office of the Chief of Police
1. The honorably separated reserve officer may demonstrate competency by firing on the Department Range under the supervision of the Range Master, or by submitting certified shooting scores from another police agency or public range.
 2. Upon request for renewal, the Chief of Police shall review Department of Justice records to determine any relevant information in considering whether the permit should be renewed.
 3. The honorably separated reserve officer shall supply the Department with a digital photograph suitable for use on the renewed ID card.
- E. PERMIT DENIED OR REVOKED. The Chief of Police may deny or revoke the honorably separated reserve officer's privilege to carry a concealed weapon upon a showing of good cause. A honorably separated reserve officer may have his/her 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. A honorably separated reserve officer whose authorization to carry a concealed weapon is revoked or denied has the right to a hearing as specified in Penal Code §26305(b).
1. A honorably separated reserve officer shall have 15 days to respond to a notice of that hearing or, upon failing to respond to the notice, forfeits the honorably separated reserve officer's right to that hearing.
 2. Any hearing shall be held before a three-member board. One member of the board shall be selected by the Department and one member shall be selected by the honorably separated reserve officer or the Torrance Police Officer's Association. The third member shall be selected jointly by the Department and the retired officer or TPOA. A decision by the board shall be binding on the Department and the honorably separated reserve officer.
 3. An honorably separated reserve officer who separated because of a psychological disability shall not be issued an endorsement to carry a concealed weapon.
 4. Should the privilege to carry a concealed weapon be revoked or denied, the Chief of Police shall issue the honorably separated reserve officer an Identification Card indicating that the bearer is restricted from carrying a concealed weapon.
 5. Any honorably separated reserve officer whose privilege to carry a concealed weapon is revoked shall, upon notification, immediately surrender to the Chief of Police his identification card containing permission to carry a concealed weapon.

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