



# CITY OF FAIRFIELD

Founded 1856

Incorporated December 12, 1903

June 2, 2009

## COUNCIL

Mayor  
Harry T. Price  
(707) 428-7395

Vice-Mayor  
John Mraz  
(707) 429-6298

Councilmembers  
(707) 429-6298

Frank Kardos

Chuck Timm

Matt Garcia

...

City Manager  
Sean Quinn  
(707) 428-7400

...

City Attorney  
Greg Stepanicich  
(707) 428-7419

...

City Clerk  
Arletta Cortright  
(707) 428-7384

...

City Treasurer  
Oscar G. Reyes, Jr.  
(707) 428-7497

## DEPARTMENTS

Community Services  
(707) 428-7465

...

Finance  
(707) 428-7496

...

Fire  
(707) 428-7375

...

Human Resources  
(707) 428-7394

...

Planning & Development  
(707) 428-7461

...

Police  
(707) 428-7551

...

Public Works  
(707) 428-7485

Honorable Ramona Garrett  
Presiding Judge of the Superior Court  
Solano Superior Court  
600 Union Avenue  
Fairfield, CA 94533

Dear Judge Garrett:

This letter is in response to the Grand Jury request dated April 7, 2009 regarding the 2008-2009 Grand Jury Report entitled: Carry Concealed Weapons License. The Grand Jury's Findings and Recommendations are listed below along with our response.

**Finding 1a** – The procedures for obtaining a license to carry a concealed weapon(s) are lengthy and convoluted. According to State Law, applications may be denied if the Sheriff or Police Chief feels that the applicant has not provided sufficient “good cause” for issuance of the license.

**Recommendation 1a** – Since the final reason for denial of a CCW license may simply be the result of a difference of opinion between the applicant and the issuing authority regarding the need for the license, it should be incumbent upon the Sheriff or Police Chief to make the process as transparent as possible. This will avoid the appearance of favoritism or unwarranted discrimination. The law enforcement agencies should review their individual policies for issuance of CCW licenses to ensure they are basing their final decision on the most significant issues, which are: the safety and security of both the applicant and the citizens of the county.

### ***Response to Finding and Recommendation 1a:***

*A review of our current policies pertaining to CCW licenses for civilians was completed. The Fairfield Police Department (Department) believes that the criteria that will be considered in determining whether or not a CCW may be issued are clearly outlined and easily understood. The Chief of Police determines the final decision whether his/her agency will grant the applicant's request for a license and, therefore, must be confident that all criteria, including good cause, are met. Any applicant can schedule a meeting with the Training Officer, Administrative Bureau Captain or Chief to discuss any part of the process to ensure they have a complete understanding of the reasoning behind any decision. We believe this is the ultimate in transparency.*

**Finding 1b** – The cost to the applicant varies considerably from jurisdiction to jurisdiction, which indicates that there may not be an objective basis for some of the fees. The applicant bears the expense of the process whether or not the application is approved.

**Recommendation 1b** – The fees charged to the applicant should be reviewed to determine that they are in line with the actual processing costs incurred by the law enforcement agency. This may help to limit the wide variation in fees from jurisdiction to jurisdiction.

***Response to Finding and Recommendation 1b:***

*The amount we charge for a CCW license is set forth in the Department's Fee Schedule (last approved by the Fairfield City Council in April 2009). Our CCW fees conform to the California Department of Justice (DOJ) fees and those established in Penal Code §12054.*

**Finding 1c** – There may be an informal policy among some law enforcement agencies to deny access to the application process and/or discourage applicants from initiating the process.

**Recommendation 1c** – All personnel employed in the headquarters of a law enforcement agency, from the front desk on up, should be instructed to not discourage applicants from initiating the CCW license process, nor to otherwise interfere with the process. Any law-abiding citizen has the right to apply for a license. The final decision and authority to issue the license lies with the chief executive of the agency: the Sheriff or Police Chief, and with no one else.

***Response to Finding and Recommendation 1c:***

*The Department is confident that citizens interested in a CCW permit are not discouraged from applying for the license. Department employees are instructed to refer all inquiries about CCW licensing to the Training Officer. The Department feels that a single point of contact for CCW licensing will ensure the consistent and accurate dissemination of information to all that ask.*

**Finding 2** – The Sheriff and the Police Chiefs of the cities located within Solano County have indicated that they have fully met the requirements of California Penal Code §12053(b) requiring notification of denials. However, the Deputy Attorney General in charge of the firearms bureau of the State asserts she has not received any notification of denials from Solano County in 2008. This may simply be due to a paperwork transmittal problem among various sections within the California Department of Justice. The Grand Jury determined that the proper address to send the denials to is: State of California, Department of Justice, Division of Law Enforcement, PO Box 160487, Sacramento, CA, 95816-0487, Attention: Alison Y. Merrilees, Deputy Attorney General, Bureau of Firearms.

**Recommendation 2** – In order to comply with the requirement of California Penal Code §12053(b), the Sheriff and the Police Chiefs should resubmit all previous reports of denials to the address indicated above. All parts of the statutes involved must be complied with in full. The Sheriff and the cities need to meet the requirements of Penal Code §12053(b) of the statute by properly reporting all CCW license denials.

***Response to Finding and Recommendation 2:***

*The California DOJ does not require that they be notified of informal denials; only when an applicant is fingerprinted via live-scan does DOJ require notification of a license denial. The Department had no denials during the 2008 calendar year that required DOJ notification.*

**Finding 3** – There is an informal pre-screening policy among the Police Departments of the County to determine whether or not the applicant has sufficient good cause to carry a concealed firearm. If the applicant cannot satisfy the individual Police Department's criteria for good cause, he may be discouraged from initiating the application process. While this may not seem fair to the applicant and since he has not been given full access to the process, it may obviate the time and expense involved in going through the entire procedure. In the event of a pre-application denial, the applicant still has the option to apply to the Sheriff for a CCW license. According to the statutes, however, in the event of a denial, the applicant must be denied in writing following completion of the application process. This particular procedure does not allow for the circumstance where the applicant is denied during an informal pre-screening by the Police Department.

**Recommendation 3** – Since there are numerous denials taking place during the screening process (prior to an application being submitted) the Police Departments should provide the applicant with a denial letter (perhaps a form letter addressed to the applicant). The applicant may then submit an application for a CCW license to the Sheriff.

***Response to Finding and Recommendation 3:***

*Upon either a formal or informal CCW application denial, the applicant is advised of the denial verbally (via telephone) and in writing. The Training Officer has been verbally advising the applicant that they can take their letter to the Solano County Sheriff's Office and submit an application with them for a CCW. We have now added that same information to our denial letter.*

**Finding 4** – While all sections of the statutes may have been met by the applicant, the statutes still leave the final decision for issuance of a license in the hands of law enforcement officials. It still may be denied if the issuing authority does not agree that the applicant has sufficient good cause to carry a concealed weapon.

**Recommendation 4** – Transparency is an important aspect of the CCW process. Without the full and open disclosure of every aspect of the process including proper reporting of denials, charges of favoritism or worse can be suspected in the issuance of

CCW licenses. It is incumbent upon the issuing authority to ensure fairness at all levels of the application process.

***Response to Finding and Recommendation 4:***

*The Department is confident that the application process is administered fairly for each applicant. All applicants are informed verbally and in writing of their denial. As stated in the response to finding and recommendation 3, we have added language to our denial letter to ensure the applicant is aware that they can submit an application to the Solano Sheriff, even if they were denied by our Department.*

I trust that the information provided adequately responds to the Grand Jury's Findings and Recommendations.

Sincerely,

Sean P. Quinn  
City Manager

Attachment: Original Grand Jury Letter