



June 19, 2009

Gary R. Stanton  
Sheriff/Coroner

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

Sheriff's Response to the Solano County Grand Jury Report dated June 16, 2009 Entitled: Grand Jury Report – Carry Concealed Weapons License (Amended)

**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:** The Sheriff agrees with the finding and recommendation of the Solano County Grand Jury.

**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:** The Sheriff agrees with the finding and recommendation of the Solano County Grand Jury.

**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:** The Sheriff agrees with the finding and recommendation of the Solano County Grand Jury.

**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 412053(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 for 2008. This may simply be due to a paperwork transmittal problem among various sections within the California Department of Justice.

California law requires all initial CCW applicants to submit fingerprints to DOJ to establish their identity so that DOJ can determine whether applicants are eligible to lawfully possess firearms. (§12052, subd. (a)). No license may be issued by a licensing authority until after the DOJ makes a determination about the applicant's eligibility to possess firearms. (Ibid)

Without fingerprints, however, DOJ has no way to positively determine the identity of an applicant. If a licensing authority were to submit information about a "denial" of a CCW license for which DOJ never received any fingerprints, DOJ would have no way to identify the person, or link the denial with DOJ's earlier determination of the person's identity and eligibility.

The Grand Jury determined that the proper address to send the denials to is:

State of California, Department of Justice  
Division of Law Enforcement  
P.O. Box 160487  
Sacramento, CA 95816-0487

Attention: Alison Y. Merrilees, Deputy Attorney General, Bureau of Firearms

- (1) Local licensing authorities should not send records of CCW license denials to DOJ unless the applicant has submitted fingerprints to DOJ at the time of his or her initial CCW license application. Without such fingerprints, DOJ has no way to match the denial with its own applicant records and verify the identity of the denied applicant.
- (2) All initial CCW applicants must be processed via the state's Livescan fingerprint identification process via a Law Enforcement Agency (LEA)/Public Live Scan.

- (3) If a CCW license is denied by the licensing authority after the applicant has submitted fingerprints to DOJ via Livescan and DOJ has transmitted information about the applicant's eligibility to lawfully possess firearms back to the licensing authority, information about the denial should be mailed to DOJ at Bureau of Firearms, Firearms Licensing and Permit Section (CCW), P.O. Box 981118, West Sacramento, California 95798-1118.
- (4) The process for renewing an applicant's CCW license is handled differently than the initial application process. LEAs should forward a copy of each renewed CCW license (with the licensee's right thumbprint) and its accompanying fee in the form of a check/money order to DOJ at the following address: Bureau of Criminal Identification and Information (BCII), P.O. Box 903417, Sacramento, California 94203-4170
- (5) If a CCW license is revoked by the local licensing authority, information about the revocation should immediately be sent to the following address: Bureau of Firearms, Firearms Licensing and Permit Section (CCW), P.O. Box 981118, West Sacramento, California 95798-1118.

**Recommendation 2:** In order to comply with the requirements 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:** The Sheriff agrees with the finding and recommendation of the Solano County Grand Jury. The Sheriff's office has contacted the State of California, Department of Justice, Division of Law Enforcement, and has confirmed that all notices of denial of a CCW from the Solano County Sheriff's Office have been received.

**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:** The Sheriff agrees with the finding and recommendation of the Solano County Grand Jury.

**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:** The Sheriff agrees with the finding and recommendation of the Solano County Grand Jury.

Sincerely,



Gary R. Stanton  
Sheriff-Coroner