

Pedro "Pete" M. Sanchez, Mayor
Jane Day, Mayor Pro-Tem
Sam Derting
Michael J. Hudson
Michael A. Segala



First and Third Tuesday
Every Month

CITY OF SUISUN CITY

701 Civic Center Blvd.
Suisun City, California 94585

June 5, 2009

Incorporated October 9, 1868

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

Dear Judge Garrett:

I have reviewed the Solano County Grand Jury's report issued April 7, 2009 entitled "Carry Concealed Weapons License". I am responding pursuant to, and in the manner described in, California Penal Code Section 933.05.

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.

City/Department Response: Our current policy meets all current legal standards.

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.

DEPARTMENTS: AREA CODE (707)

ADMINISTRATION 421-7300 ■ PLANNING 421-7335 ■ BUILDING 421-7310 ■ FINANCE 421-7320
FIRE 425-9133 ■ RECREATION & COMMUNITY SERVICES 421-7200 ■ POLICE 421-7373 ■ PUBLIC WORKS 421-7340
REDEVELOPMENT AGENCY 421-7309 FAX 421-7366

Response to Recommendation 1b - The fees charged by the Suisun City Police Department are appropriate. Penal Code Section states in part, "...the licensing authority of any city, city and county, or county may charge an additional fee in an amount equal to the actual costs for processing the application...but in no case to exceed \$100." Suisun City Police Department charges a \$50 processing fee.

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 1c - The Suisun City Police Department does not discourage potential applicants from applying for a Concealed Weapons Permit. All citizens who inquire about our CCW process are provided with our department policy, which outlines the complete process and are provided with an application. Potential applicants are allowed to decide whether or not to apply.

Additionally, the Department recently created a log sheet to enter detailed data regarding the issuance of CCW applications and the status of each application submitted. The information captured will include:

- The date a citizen requested a CCW application
- The Department employee providing the application
- The date the application was returned to the Department
- The Department employee accepting the completed application
- The supervisor assigned to conduct the investigation, and finally
- The disposition of the request

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

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 to Recommendation 2 - A review of the Department's records show that two applicants were denied CCW applications in 2008. The Department disagrees with the Grand Jury of the requirement to send denial letters to the Department of Justice (DOJ). Our understanding is that denial letters are only sent to DOJ when an applicant has been fingerprinted via Livescan and the fingerprints have been sent or transmitted to DOJ. Neither applicant the Department denied a CCW was fingerprinted via Livescan.

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 3 - The Suisun City Police Department has a formal application process upon receiving a CCW application. It is first assigned to a supervisor who will conduct an investigation into the merits of the application and the status of the applicant. The supervisor will then send the application and his/her findings to the Chief of Police who will then make a determination as to whether or not to issue the CCW. No one has the authority or ability to conduct an "informal pre-screening" of CCW applicants. It is our practice to issue denial letters to applicants who are not successful in the screening process.

Finding 4 - While all sections of the statutes may have been met by the applicant, the statutes still leaves 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 Recommendation 4 - The Suisun City Police Department maintains a fair and transparent CCW process which meets current legal standards.

If there are any further questions regarding this issue, please have your staff contact Commander Tim Mattos at (707) 421-7373.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Suzanne Bragdon', with a long horizontal flourish extending to the right.

Suzanne Bragdon
City Manager
City of Suisun City

A handwritten signature in blue ink, appearing to read 'Edmond W. Dadisho', with a long horizontal flourish extending to the right.

Edmond W. Dadisho
Chief of Police
Suisun City Police Department