



CITY OF VACAVILLE

650 MERCHANT STREET, VACAVILLE, CALIFORNIA 95688-6908

ESTABLISHED 1850

June 5, 2009

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 of 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.

Response to Finding 1a: Agree.

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 Recommendation 1a: Although our current policy meets legal standards, we are currently undergoing a review of our entire General Order manual, including a review of our Concealed Weapon

Permit process. This review of all policies should be finished by August 2009. I agree that the entire Concealed Weapon Permit process should be fair and transparent.

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.

Response to Finding 1b: Agree.

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 Recommendation 1b: The City of Vacaville's Fee Schedule was recently modified. The fees charged continue to reflect the actual costs incurred by staff of the Vacaville Police Department.

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.

Response to Finding 1c: All citizens who want to apply for a Concealed Weapon Permit are provided a complete application packet. Further, applicants generally meet with a Vacaville Police Department Lieutenant, who describes the process and answers any preliminary questions. I am not aware of anyone within the Vacaville Police Department who has discouraged 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 Recommendation 1c: It is not our practice to discourage anyone from applying for a CCW license should they request to initiate the CCW process.

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. 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

Response to Finding 2: Agree.

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: We will review our 2008 CCW license records. If any CCW applications were denied, I will ensure that such reports of denials are resubmitted to the State Department of Justice.

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.

Response to Finding 3: The Vacaville Police Department has a formal application process upon receiving a Concealed Weapon Permit request. I

am not aware of any pre-application denials. All applicants who actually apply are notified in writing if they are denied.

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 Recommendation 3: It is our practice to issue denial letters to applicants who are not successful in the screening process. In my experience, most people choose not to initiate the application process once they learn of the steps and expense required.

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.

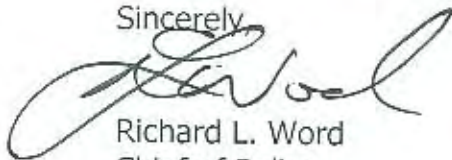
Response to Finding 4: Agree.

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 Vacaville Police Department employs a fair and transparent CCW process which meets current legal standards.

Should you have any questions regarding the Vacaville Police Department's Concealed Weapon Permit process, please do not hesitate to contact me.

Sincerely,



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