



CITY OF RIO VISTA

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April 29, 2009

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

**Re: Responses to the 2008-2009 Grand Jury Report Entitled:
"Carry Concealed Weapons License"
Report Date: April 7, 2009**

Dear Judge Garrett,

On behalf of the City Council of the City of Rio Vista and with its prior approval, I hereby submit to you the responses of the City Council to the findings and recommendations contained in the above noted report of the 2008-2009 Solano County Grand Jury as set forth below:

Investigation: "Carry Concealed Weapons License"

"The Grand Jury elected to investigate policies and procedures related to obtaining a license to carry a concealed weapon in Solano County due to a complaint from a private citizen."

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:

The City of Rio Vista agrees with this finding.

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 unwanted 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:

This recommendation has already been implemented. Rio Vista’s policy manual is reviewed yearly and updated as necessary. The CCW policy is part of the manual and is reviewed at the same time. The most recent review and update occurred in March 2009.

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:

The City of Rio Vista agrees with this finding. City Council reviews and approves all fees based on recommendation of the department managers.

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 variation in fees from jurisdiction to jurisdiction.”

Response to Recommendation 1b:

This recommendation has already been implemented as the City of Rio Vista is again in the process of reviewing all “user fees” incurred in the City of Rio Vista.

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:

The City of Rio Vista disagrees with this finding as it pertains to the City of Rio Vista and its Police Department. The Chief of Police is not aware of any informal policy in this agency, or any other, nor has Rio Vista been involved in discussions regarding the denial of the application process and/or discouraging 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:

All personnel employed by the Rio Vista Police Department are required to read and understand the Departments Policy Manual which governs their actions. Policy 218 (*a six page document*) outlines the process for obtaining a Concealed Weapons Permit and does not discourage applicants from initiating the CCW license process, nor does it otherwise interfere with any part of the process. The Front Desk has all the proper forms, is familiar with the policy, and will provide information to applicants when required. There is also a packet of information, including a brief outline of what is required for a CCW.

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”

Response to Finding 2:

The City of Rio Vista disagrees with this finding as there have been no CCW denials to report.

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:

The Rio Vista Police Department has had no denials within this time frame and therefore has nothing to resubmit.

Finding 3:

“There is an informal pre-screening policy among the Police Department 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 City of Rio Vista disagrees with this finding as it pertains to the City of Rio Vista and its Police Department. The Chief of Police is not aware of any informal pre-screening policy, nor been involved in any discussions regarding an informal pre-screening process within Solano County.

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:

This recommendation will not be implemented in the City of Rio Vista as there is not an informal screening prior to an application being submitted to the police department. The policy manual covers how CCW applications are to be handled and personnel are required to follow the policy and procedure. Since there have been no denials, no denial letters would be required here.

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.”

Response to Finding 4:

The City of Rio Vista agrees with this finding.

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