

ORANGE COUNTY SHERIFF'S DEPARTMENT

550 N. FLOWER STREET SANTA ANA, CA 92703 (714) 647-7000 WWW.OCSD.ORG

OFFICE OF THE SHERIFF

SHERIFF-CORONER SANDRA HUTCHENS

April 14, 2015

C.D. Michel, Esq. Senior Counsel, Michel & Associates, P.C. Attorneys at Law 180 East Ocean Boulevard, Suite 200 Long Beach, CA 90802 Telephone: (562) 216-4444 Fax: (562) 216-4445

Dear Mr. Michel,

Thank you for your interest in the current Carry Concealed Weapon (CCW) licensing policy of the Orange County Sheriff's Department. I appreciate your letter and comments regarding this issue.

As you know, state law governing CCW licensing includes a "good cause" requirement. My position regarding this requirement has not changed. Prior to the <u>Peruta</u> decision in February 2014, my policies indicated that non-specific, general concerns about personal safety were insufficient. This has been my position since taking office. As such, I established and maintained CCW policies that required applicants to articulate their individualized safety concerns and provide supporting documentation to substantiate those claims. When the Ninth Circuit Court of Appeals initially published the <u>Peruta</u> decision, I tailored my CCW policies to comply with that decision. After the Ninth Circuit ordered <u>Peruta</u> be reheard, making the three-judge panel opinion no longer citable as precedent, I made the decision to revert back to my previous CCW policies until further direction comes from the court.

Based on the recent change in the <u>Peruta</u> case, our agency conducted an audit of all CCW applications that were in process in order to determine the next course of action. We have identified approximately 2,500 applications that were in various stages of the process as of March 26, 2015. About 1,700 of those applicants' good cause statements had already been approved and the applicants were referred to the training requirement for further processing in accordance with Penal Code section 26202. <u>Applicants whose good cause had been approved will not be required to provide additional good cause</u>.

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Roughly 800 applicants were in the earlier stages of the application process and had not received a good cause determination. Depending on their original good cause, these applicants may be required to supplement their good cause statements. Our staff is in the process of contacting these applicants and requesting additional information as needed.

As Sheriff of Orange County, I intend to be responsive to the public's needs while maintaining high standards of review. This includes CCW applicants meeting the good cause, good moral character, residency, and training requirements mandated by law and outlined in OCSD Policy 218. Moving forward, I will monitor the <u>Peruta</u> case as it continues through the court system and make adjustments to our policies to reflect any changes in the legal standard.

Sincerely,

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Sandra Hutchens Sheriff-Coroner

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