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September 5, 2009

OPEN LETTER RE: OBTAINING A CCW IN THE CITY OF LOS ANGELES

At the request of CalGuns Foundation, Inc., I was asked to investigate the City of Los Angeles and the LAPD's policy and practices on the issuance of licenses to carry concealed handguns. This open letter serves as a summary of the City of Los Angeles and LAPD' policy and guidelines on issuance of licenses to carry concealed handguns. A second open letter addressing their practices will follow after the investigation is complete.

California law generally bans the carrying of concealed firearms. California Penal Code § 12025. With very few exceptions, California generally prohibits the open, public carrying of *loaded* handguns for self-defense in incorporated cities and many unincorporated areas, Penal Code § 12031.

California law allows the carrying of loaded handguns in public, for self-defense, upon issuance of a permit to carry a concealed handgun or, in certain counties, a license to carry an exposed handgun. Penal Code § 12050(a). A license to carry a concealed handgun permits both the carrying of a loaded or unloaded gun in either a concealed or open manner. Penal Code §§ 12027(j) and 12031(b)(6).

Applicants seeking a license to carry a handgun must pass a criminal background check, Penal Code §12052, and successfully complete a course of training in the proper use of handguns. Penal Code § 12050(a)(1)(E). Applications for a permit to carry a handgun are made to the Sheriff of the county in which the applicant either resides or spends a substantial period of time in owing to the applicant's principal place of employment or business being located in that county. Alternatively, application may be made to the chief or other head of a municipal police department of any city or city and county in which the applicant resides. Penal Code § 12050(a)(1)(A)-(B).

In addition to the successful completion of a background check and training, the issuance of a permit to carry a handgun is usually left to the discretion of the issuing authority, based upon that authority's determination of whether the applicant "is of good moral character, [and] that good cause exists for the issuance" of the permit. Penal Code §§ 12050(a)(1)(A), (B). In practice, the issuance of permits varies widely among California jurisdictions. Some issuing authorities

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almost never issue handgun carry permits, others issue permits only occasionally, and yet others liberally issue permits to most if not all law-abiding applicants.

The City of Los Angeles, is notorious for denying applications to carry concealed weapons. Many people, if not most, believe that getting a license to carry concealed in Los Angeles is impossible. It's not. While many cities never clearly define "good cause," leaving it up to the individual to apply blindly or begin a campaign of Public Records Act requests, the City of Los Angeles provides clear guidelines.

Don't get me wrong. I am not praising the City of Los Angeles for having clear guidelines. It was not their choice, but rather the determination of Los Angeles Superior Court judge *Dzintra I. Janavs* in the case of *Assenza, et al. v. City of Los Angeles*.

On September 24, 1992, a group of thirty (30) plaintiffs sued the City of Los Angeles and the Los Angeles Police Department ("LAPD") challenging the LAPD's procedure, rules and practices for issuing licenses to carry concealed firearms. Some of the plaintiffs sought to be issued licenses and they and the other plaintiffs sued as taxpayers and citizens.

As a result of the litigation, the City of Los Angeles and the LAPD entered into highly complex settlement negotiations with the Plaintiffs and came up with five shall issue categories: 1) threats to self or family; 2) employed in security; 3) subject of protective order; 4) significant amounts of valuable property; and 5) subject of particular and unusual danger of physical attack.

The applicant does not need to provide pictures of previous attacks or other physical proof of such good cause, rather a declaration under penalty of perjury shall suffice.

The LAPD cannot deny by delay as many agencies do with firearms related permits. In fact, the application must be either approved or denied within fifty (50) days, with some exceptions. If an application is granted for one of the above enumerated reasons, then the permit must be issued for the maximum length allowed by law – currently two years.

If an applicant is denied, they can have their application reviewed by the City of Los Angeles Advisory Panel on Concealed Weapons. This panel is composed of persons appointed by either civil rights attorney Don B. Kates, or in his absence, the Second Amendment Foundation.

Should the Advisory Panel recommend that the application be approved and the LAPD still denies the application, then LAPD is subject to attorney's fees if the applicant subsequently prevails in a civil action on the same basis that the advisory panel recommended.

Most importantly, the *Assenza* Judgment that places these requirements upon the City of Los Angeles and the LAPD is an ongoing Judgment, which means that the court retained jurisdiction over the case to ensure that the Los Angeles defendants did not continue their repeated violations. That does not mean that Los Angeles defendants will not violate the Judgment; but it

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does mean that the applicants can hold the City of Los Angeles and the LAPD accountable if and when they deviate from their obligations.

The CalGuns Foundation, Inc. is currently in the process of investigating whether the City of Los Angeles is in compliance with their obligations under the Judgment. We have attached copies of Judgments and an Order from the *Assenza* files so that the public can be educated and fully informed about the requirements imposed on the City of Los Angeles and the LAPD. We will be releasing more information in the near future as our investigation continues.

If you have any information relating to CCW applications being denied or approved by the City of Los Angeles, please forward that information to Jason@CalGunLawyers.com.

Sincerely,

DAVIS & ASSOCIATES

s/ Jason Davis

JASON DAVIS

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EXCERPTS FROM THE ASSENZA JUDGMENT

C. Admissions.

The Los Angeles Defendants admit that certain rules, policies, practices and procedures, and certain features of the Board Policy Statement cited in the complaint were not in compliance with Penal Code § 12050 et seq. Those former rules, policies, practices, and procedures have been altered. The Policy Statement itself has been repealed and will be replaced by a new policy, provided that the City of Los Angeles and the LAPD reserve the right to amend those provisions that are *not inconsistent* with the settlement.

E. [Untitled: LAPD Policy on Good Cause].

The policy LAPD has adopted is that good cause exists if there is convincing evidence of clear and present danger to life or of great bodily injury to the applicant, his (or her) spouse, or dependent child, which cannot adequately be dealt with by existing law enforcement resources, and which danger cannot be reasonably avoided by alternative measures, and which danger would be significantly mitigated by the applicant's carrying of a concealed firearm.

F: [Untitled: Further Rules And Guidelines].

The following further rules and guidelines are provided for the interpretation of the Item E:

INTRODUCTORY

The department recognizes that Penal Code Section 12050 *requires the issuance of licenses to persons of good character who have good cause to carry a concealed firearm for the defense of themselves or others or in pursuing their livelihood.* These guidelines are designed to implement that requirement. [emphasis added.]

Good cause is more likely to be found if the applicant has a demonstrated record of responsible handling of firearms as indicated by voluntarily having taken firearms training and/or long-term participation in the shooting sports. While lack of such a demonstrated record is not a disqualification if the applicant is otherwise qualified to use a firearm properly, licenses will not issue if there is substantial, articulable reason to believe that issuance would be contrary to public safety or if the applicant does not have good character. Among other criteria to be considered are: the applicant's record and history in accidents with firearms, automobiles or other dangerous instrumentalities; and association with persons

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having a criminal record or known to lack good character. The expression of dangerous or irresponsible attitudes, or threats, toward or regarding the use of firearms or other dangerous instrumentalities shall be grounds for denial or revocation of a license.

CRITERIA FOR LICENSURE

1. **Training.** The license, if approved, shall not become effective until the applicant has furnished proof to the department that he or she has successfully completed the course of training in the carrying and use of firearms established pursuant to Section 7585, et seq., of the California Business and Professions Code or some other appropriate course which included the following subjects: knowledge of California laws regarding weapons and deadly force use; safety handling, carriage, use and storage of concealable firearms; competency with the types of firearms to be listed on the license.
2. **Good Cause.** *Good cause shall be deemed to exist, and a license will issue in the absence of strong countervailing factors,* upon a showing of any of the following circumstances [emphasis added]:
 - a) The applicant is able to establish that there is an immediate or continuing threat, express or implied, to the applicant's safety, or the applicants family's safety, and that no other *reasonable* means exist which would suffice to neutralize that threat. [emphasis added.]
 - b) The applicant is employed in the field of security, has all requisite licenses, is employed by a security firm having all requisite licenses, and provides satisfactory proof that his or her work is of such a nature that it requires the carrying of a concealed weapon.
 - c) The applicant has obtained, or is a person included within the protections of, a court order which establishes that the applicant is the on-going victim of a threat or physical violence or otherwise meets the criteria set forth in Penal Code Section 12025.5.
 - d) The applicant establishes that circumstances exist requiring him or her to transport in public significant amounts of valuable property which it is impractical or impracticable to entrust to the protection of armored car services or equivalent services for safe transportation of valuables.
 - e) The applicant establishes that he or she is subject to a particular and unusual danger of physical attack and that no *reasonable* means are available to abate that threat. [emphasis added.]
3. **Favorable Factors.** Among facts upon which the department will, in the exercise of its discretion, look favorably in considering applications are whether:
 - a) the applicant has a demonstrated record of responsible handling of firearms;
 - b) the applicant has a commitment to safe and responsible handling of firearms as shown by having voluntarily taken firearms training;

Re: **In re: Obtaining A CCW In The City of Los Angeles**

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- c) the applicant has a record of good citizenship in general as evidenced, for instance, by service to the community through such activities as creditable service in the armed forces, including the National Guard and state militia or in the police reserves, or of active participation in charitable or public service organizations or activities or in political affairs;
 - d) the applicant is trustworthy and responsible as evidenced, for instance, by employment history, positions held in civic, political, religious or secular achievements or record of personal accomplishment in other areas of endeavor;
 - e) that the applicant suffers under a disability or physical handicap; including age or obesity, which hinders the applicant's ability to retreat from an attacker.
4. **Unfavorable Factors.** Factors which will bear negatively on issuance (unless they appear to be in the remote past) are:
- a) the applicant has a long-term history of mental or emotional instability, alcoholism, drug use or addiction;
 - b) the applicant has a history of fault in serious accidents with firearms, automobiles or other dangerous instrumentalities;
 - c) the applicant has had a permit to own or carry a concealed weapon denied, suspended or revoked *for good cause* by any issuing authority; [emphasis added.]
 - d) the applicant has had a driver's license denied, suspended or revoked for good cause by any issuing authority;
 - e) the applicant has a long-term record of irresponsible and dangerous behavior with automobiles as indicated by numerous convictions of serious driving offenses;
 - f) the applicant has a long-term history of conduct from which it appears that he or she is not now of good moral character, trustworthy or responsible. While none of the foregoing disqualify an applicant per se, a license will be denied if it appears, in the discretion of the department, that the applicant does not now have good character or that issuance of a license to him/her is not consistent with public safety.

5. **Presumption.**

Absent good cause for denial, persons having good cause as defined above shall be issued licenses for the maximum time period allowed by section 12050, and their license shall issue if the applicant is prohibited by law from possessing or acquiring firearms, or concealable firearms, or is below the age of 21 years.

PROCEDURAL MATTERS

6. **Divulgence of Information.**

All applicants shall receive a copy of these guidelines with the application form.

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7. Evidence.

Declarations under penalty of perjury suffice as evidence of facts showing good cause, provided that the Department is not required to accept the allegations in a declaration if it has credible counter-evidence or finds the declarant not credible. The applicant will be required to furnish proof of his or her medical and psychological fitness in a manner to be prescribed by the department. This shall include certification of the applicant's eyesight to meet the standards established by the California Department of Motor Vehicles for issuance of driver's license. As proof of good character the applicant shall present at least two statements from responsible persons attesting thereto. The applicant may present additional evidence to prove good character, trustworthiness and responsibility or to negate the converse.

8. Celerity.

License applications shall be approved or rejected within fifty days of the application being submitted; provided, that if the applicant has not been cleared (or rejected) by the California Department of Justice by the fourteenth day, LAPD shall begin as of the date by which LAPD receives word from the California Department of Justice; and further provided that an additional sixty day period is allowed in cases in which the applicant has appealed a rejection of any restriction of the license. Those whose applications are rejected will receive a specific written reason for rejection along with notification of their right to seek review from the advisory panel.

9. Conditions.

Absent some compelling reason, licensees will be allowed to specify up to three firearms of their choice to be listed on their license and the Department will amend their licenses to substitute or add firearms as long as the number does not exceed three and each firearm meets the other provisions of this paragraph. The department may attach to the license such conditions as in the reasonable exercise of its discretion it deems appropriate; provided that these conditions shall be noted on the face of the license. Conditions may include, but are not limited to:

- a. The type of weapon to be carried.
- b. The type of ammunition to be permitted.
- c. Circumstances in which it may or may not be carried. Absent some compelling reason, limitations a and b shall not preclude use of kinds of firearms or ammunition which are generally deemed appropriate issuance to plain clothes law enforcement personnel in the State of California.

G. Advisory Review.

1. Plaintiff's lead counsel, Don B. Kates, shall appoint a panel of advisors to review contested applications. (Kates may add or substitute members of the panel as he deems necessary to

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carry out its functions. e.g. in case of the resignation, death, or disability a new nominee to make such appointments shall be nominated by the plaintiff Second Amendment Foundation.)

2. LAPD will accompany its notification to applicants or its action on their application with a statement that a review panel exists. If the applicant is dissatisfied and requests such review, LAPD will promptly submit to the panel's review its files in all cases in which an application is rejected or granted with substantial limitations and will attempt to respond in a reasonable and timely manner to questions the panel may have. The panel will promptly review each submitted application and recommend in writing if it believes a different decision should have been made by LAPD. LAPD will promptly reconsider the matter and take any further action it deems merited.
3. LAPD may be liable for an award of attorney's fees in any legal action;
 - a) which was initiated after the advisory panel recommended action favorable to applicant;
 - b) which recommendation LAPD rejected, if
 - c) the outcome in that legal action substantially parallels the advisory panel's recommendation

E. Continued Jurisdiction.

The court will retain continued jurisdiction of the action in order to make any further orders which may be necessary.

JUL 28 1998

only
FILED *in*
LOS ANGELES SUPERIOR COURT

JUL 29 1998

JOHN A. CLARKE, CLERK
[Signature]
BY J. LORENZ, DEPUTY

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

ANTHONY MARIO ASSENZA,
et al.,

Plaintiffs/Petitioners,

vs.

CITY OF LOS ANGELES, et al.,

Defendants/Respondents,

CASE NO. BC 115813

ORDER

~~[Proposed]~~

On July 24, 1998, the Court's Order to Show Cause Re Contempt came regularly before this Court. Burton C. Jacobson and William Arthur Crawford appeared for the plaintiffs and/or applicants, Byron Eoekman appeared for all defendants. The Court, having read the briefs of the parties; having heard the arguments of counsel and being fully advised in the premises makes the following ORDER:

First: Not later than close of business Friday, 28 August, 1998, Defendants shall have filed and served a uniform declaration, executed by the each of the individual sworn Los Angeles Police Department personnel identified by job title below,

1 and attesting to each of the following: One, his or her receipt,
2 on or about 23 July, 1998, of the two-page document headed "Los
3 Angeles Police Department Concealed Weapon Permit Policy" issued
4 late on 22 July 1998 pursuant to the verbal order of Commander
5 Bruce E. Hagerty, Acting Commanding Officer, Operations
6 Headquarters Bureau, Parker Center.

7 A true and correct copy of that document has been marked and
8 received in evidence as Court's Exhibit "A" to this day's
9 proceeding. An identical copy shall be attached to each such
10 declaration.

11 Second: His or her ready familiarity with and understanding
12 of the terms of such statement of the Los Angeles Police
13 Department's Policy.

14 Third: Acknowledgement by each such declarant that his or
15 her oath of office requires obedience to such statement of policy.

16 Fourth: Verification by each such declarant of the present
17 and future availability to any applicant for a concealed firearms
18 license of both a copy of such statement of policy and of Los
19 Angeles Police Department Form 12.49.1, Edition 6/96 application
20 for concealed weapons license. A true and correct copy of such
21 document has been marked and received in evidence as Plaintiff's
22 Exhibit "1" to this day's proceedings.

23 Fifth: Verification by each such declarant that those sworn
24 or civilian personnel at each of the Department's 18 regional
25 stations or divisions has been specifically instructed through
26 roll call or other formal means as to the specific desk or office
27 within each of such 18 facilities to which such applications and
28 statements of policy have been delivered in accordance with the 22

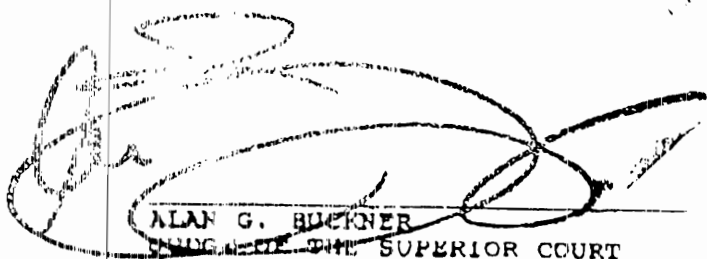
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July 1998 verbal order of Commander Hagerty.

Each such declaration shall be executed by each and every sworn Commanding Officer of each of the 18 Regional Los Angeles Police Department Stations or Divisions.

IT IS SO ORDERED.

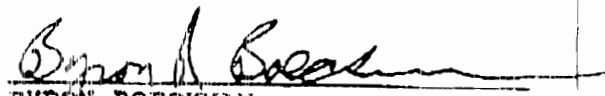
Dated: July 21, 1998



ALAN G. BUCKNER
JUDGE OF THE SUPERIOR COURT

APPROVED AS TO FORM ~~XXXXXXXXXXXXXXXXXXXX~~
(Court may accept fax copy signature)

Dated: July 28, 1998



BYRON BOECKMAN
Attorney for Defendants

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LOS ANGELES
SUPERIOR COURT

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

ANTHONY MARIO ASSENZA, et al.,
Plaintiffs, Petitioners,
vs.
CITY OF LOS ANGELES, et al.,
Defendants, Respondents.

CASE NO. BC 115813
A.M. ENO
JUDGMENT OF DECLARATORY
RELIEF

IT IS ORDERED that the rights and obligations of the parties
to this action are declared as follows:

A. Defendants Affected.

The defendants affected by this judgment herein are: CITY OF
LOS ANGELES, the CITY OF LOS ANGELES POLICE DEPARTMENT
(hereinafter "LAED"), LOS ANGELES BOARD OF POLICE COMMISSIONERS,
and BERNARD PAPPS, CHIEF OF POLICE OF THE CITY OF LOS ANGELES

1 POLICE DEPARTMENT.

2 B. Introduction.

3 This action challenging LAPD's procedure, rules and practices
4 for issuing licenses to carry concealed firearms pursuant to Pen.
5 C. Section 12050 ff. was filed September 24, 1992. Some of the
6 plaintiffs sought to be issued licenses and they and the other
7 plaintiffs sued as taxpayers and citizens. The Los Angeles
8 defendants received an open extension to answer and entered into
9 highly complex settlement negotiations which have continued to
10 this time.

11
12 C. Admission.

13
14 The Los Angeles defendants admit that certain rules, policies,
15 practices and procedures, and certain features of the Board Policy
16 Statement cited in the complaint, were not in compliance with
17 Section 12050 ff. Those former rules, policies, practices and
18 procedures have been altered. The Policy Statement itself has
19 been repealed and will be replaced by the provisions of items E
20 and F of this judgment, provided that the Los Angeles defendants
21 reserve the right to add further specifications to their rules,
22 regulations and guidelines, so long as such amendments are not
23 inconsistent with the provisions of this judgment.

24
25 D. Plaintiffs' Licenses.

26 The allegations of the complaint showed good cause as to all
27 of the plaintiffs who sought to be issued licenses. For purposes
28 of this judgment the following persons are deemed plaintiffs:

1 ANTHONY MARIO ASSENZA, ROBERT JAMES BRYANT, WILLIAM ARTHUR
2 CRAWFORD, PAUL STEVEN DWAN, BRUCE HAROLD EDELMAN, OLOGY ERLE
3 GIBSON, TERRY HOMER HARDEN, RICHARD ALAN HOCHBERG, BURTON C.
4 JACOBSON, THOMAS MICHAEL KUTROSKY, YAROM LIMOR, MARSHALL CLIFFORD
5 MARS, JOHN R. MARTIN, ROBERT KELLOGG MILLER, MICHAEL SCOTT
6 ONTIVEROS, TED PASTERNAK, VICTOR DONALD RAPPOPORT, JESSEE DONALD
7 RICH, JEROME MARTIN ROSENBERG, JOEL C. SCHLOSSMAN, NATHAN DAVID
8 SCHLOSSMAN, CARLOS SEDILLO, SANFORD SHIRE, BERNICE SHARON SILVER,
9 RICHARD CLAYTON TEMME, JOHN HARRIS THALER, DONNA LYNNE THOMAS,
10 GARY BRIAN TIGAR, KENT LEE TURNHOUSEED, and DAVID ALAN YOCHELSON.

11 These named plaintiffs will receive licenses, and their licenses
12 will be renewed for a one year term, but only so long as they
13 continue to have good cause, good character, not to be barred by
14 law from the ownership of concealable firearms, and to meet each
15 of the other requirements of licensure under Section 12050 ff.

16
17 E. The policy LAPD has adopted is that good cause exists if
18 there is convincing evidence of a clear and present danger to life
19 or of great bodily injury to the applicant, his (or her) spouse,
20 or dependent child, which cannot be adequately dealt with by
21 existing law enforcement resources, and which danger cannot be
22 reasonably avoided by alternative measures, and which danger would
23 be significantly mitigated by the applicant's carrying of a
24 concealed firearm.

25
26 F. The following further rules and guidelines are
27 provided for the interpretation and implementation of Item E:

1 circumstances exist requiring him or her to transport in public
2 significant amounts of valuable property which it is impractical
3 or impracticable to entrust to the protection of armored car
4 services or equivalent services for safe transportation of
5 valuables. e) The applicant establishes that he or she is
6 subject to a particular and unusual danger of physical attack and
7 that no reasonable means are available to abate that threat.

8
9 3. Favorable Factors. Among facts upon which the department
10 will, in the exercise of its discretion, look favorably in
11 considering applications are whether: a) the applicant has a
12 demonstrated record of responsible handling of firearms; b) the
13 applicant has a commitment to safe and responsible handling of
14 firearms as shown by having voluntarily taken firearms training;
15 c) the applicant has a record of good citizenship in general as
16 evidenced, for instance, by service to the community through such
17 activities as creditable service in the armed forces, including
18 the National Guard and state militia or in the police reserves, or
19 of active participation in charitable or public service
20 organizations or activities or in political affairs; d) the
21 applicant is trustworthy and responsible as evidenced, for
22 instance, by employment history, positions held that are civic, or
23 political, or religious, or secular achievements, or record of
24 personal accomplishment in other areas of endeavor; e) that the
25 applicant suffers under a disability or physical handicap,
26 including age or obesity, which hinders the applicant's ability to
27 retreat from an attacker.

1 4. Unfavorable Factors: Factors which will bear negatively
2 on issuance (unless they appear to be in the remote past) are: a)
3 the applicant has a long-term history of mental or emotional
4 instability, alcoholism, drug use or addiction; b) the applicant
5 has a history of fault in serious accidents with firearms,
6 automobiles or other dangerous instrumentalities; c) the applicant
7 has had a permit to own or carry a concealed weapon denied,
8 suspended or revoked for good cause by any issuing authority;
9 d) the applicant has had a driver's license denied, suspended or
10 revoked for good cause by any issuing authority; e) the applicant
11 has a long-term record of irresponsible and dangerous behavior
12 with automobiles as indicated by numerous convictions of serious
13 driving offenses; f) the applicant has a long-term history of
14 conduct from which it appears that he or she is not now of good
15 moral character, trustworthy or responsible. While none of the
16 foregoing disqualify an applicant per se, a license will be denied
17 if it appears, in the discretion of the department, that the
18 applicant does not now have good character or that issuance of a
19 license to him/her is not consistent with public safety.

20
21 5. Presumption.

22 Absent good cause for denial persons having good cause as
23 defined in paragraph 2 shall be issued licenses for the maximum
24 time period allowed by section 12050, and their licenses shall be
25 renewed so long as they continue to have good cause. No license
26 shall issue if the applicant is prohibited by law from possessing
27 or acquiring firearms, or concealable firearms, or is below the
28 age of 21 years.

1 license. Those whose applications are rejected will receive a
2 specific written reason for rejection along with notification of
3 their right to seek review from the advisory panel.
4

5 9. Conditions. Absent some compelling reason, licensees
6 will be allowed to specify up to three firearms of their choice to
7 be listed on their license and the Department will amend their
8 licenses to substitute or add firearms so long as the number does
9 not exceed three and each firearm meets the other provisions of
10 this paragraph. The department may attach to the license such
11 conditions as in the reasonable exercise of its discretion it
12 deems appropriate; provided that these conditions shall be noted
13 on the face of the license. Conditions may include, but are not
14 limited to:

- 15 a. The type of weapon to be carried.
- 16 b. The type of ammunition to be permitted.
- 17 c. Circumstances in which it may or may not be
18 carried. Absent some compelling reason, limitations
19 a. and b. shall not preclude use of kinds of
20 firearm or ammunition which are generally deemed
21 appropriate for issuance to plain clothes law
22 enforcement personnel in the State of California.
23

24 G. Advisory Review.

25 1. Plaintiffs' lead counsel, Don B. Kates, shall appoint a
26 panel of advisors to review contested applications. (Kates may add
27 or substitute members of the panel as he deems necessary to carry
28 out its functions, e.g. in case of the resignation, death or

1 disability a new nominee to make such appointments shall be
2 nominated by the plaintiff Second Amendment Foundation.) *of-*

3 2. LAPD will accompany its notification to applicants with
4 action on their application with a statement that a review panel
5 exists. If the applicant is dissatisfied and requests such review,
6 LAPD will promptly submit to the panel's review its files in all
7 cases in which an application is rejected or granted with
8 substantial limitations and will attempt to respond in a
9 reasonable and timely manner to questions the panel may have. The
10 panel will promptly review each submitted application and
11 recommend in writing if it believes a different decision should
12 have been made by LAPD. LAPD will promptly reconsider the matter
13 and take any further action it deems merited.

14 3. LAPD may be liable for an award of attorney's fees in
15 any legal action: a) which was initiated after the advisory panel
16 recommended action favorable to the applicant; b) which
17 recommendation LAPD rejected, if c) the outcome in that legal
18 action substantially parallels the advisory panel's
19 recommendation

20 H. Continued Jurisdiction.

21 The court will retain continued jurisdiction of the
22 action in order to make any further orders which may be necessary.

23 I. Each party to this action shall bear its own costs
24 and fees, including attorneys fees in this matter.

25 IT IS SO ORDERED.

26 DATED: *2-4-58*

DINTRA L. JANAVS
JUDGE OF THE SUPERIOR COURT

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EDWARD M. KRITZBERG
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BY S. BARRETT, DEPUTY

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

ANTHONY MARIC ASSENZA, et al.,)	CASE NO. BC 115813
)	
Plaintiffs/Petitioners)	JUDGMENT OF DECLARATORY
)	RELIEF
v.)	(Pursuant to Stipulation)
CITY OF LOS ANGELES, et al.,)	
)	
Defendants/Respondents)	

Pursuant to the Stipulation for Entry of Judgment filed in this matter, and good cause appearing therefore,

IT IS ORDERED that the rights and obligations of the parties are declared as follows:

A. Defendants Affected.

The defendants described in the complaint as the "Los Angeles defendants" were: the CITY OF LOS ANGELES; the CITY OF LOS ANGELES POLICE DEPARTMENT (hereinafter "LAPD"), WILLIE L. WILLIAMS

1 CAPTAIN G.E. ORNELAS and various members of the LAPD's Board of
2 Police Commissioners.

3
4 B. Introduction.

5 This action challenging LAPD's procedure, rules and
6 practices for issuing licenses to carry concealed firearms pursuant
7 to Pen. C. Section 12050 ff. was filed September 24, 1992. Some of
8 the plaintiffs sought to be issued licenses and they and the other
9 plaintiffs sued as taxpayers and citizens. The Los Angeles
10 defendants received an open extension to answer and entered into
11 highly complex settlement negotiations which have continued to this
12 time.

13
14 C. Admission.

15 The Los Angeles defendants admit that certain rules,
16 policies, practices and procedures, and certain features of the
17 Board Policy Statement cited in the complaint, were not in
18 compliance with Section 12050 ff. Those former rules, policies,
19 practices and procedures have been altered. The Policy Statement
20 itself has been repealed and will be replaced by the provisions of
21 items E and F of this judgment. provided that the Los Angeles
22 defendants reserve the right to add further specifications to their
23 rules, regulations and guidelines, so long as such amendmerts are
24 not inconsistent with the provisions of this judgment.

25
26 D. Plaintiff's Licenses.

27 The allegations of the complaint showed good cause as to
28 all of the plaintiffs who sought to be issued licenses. For

1 purposes of this judgment the following persons are deemed
2 plaintiffs: ANTHONY MARIO ASSEMA, ROBERT JAMES BRYANT, WILLIAM
3 ARTHUR CRAWFORD, PAUL STEVEN DWAN, BRUCE HAROLD EDELMAN, OLOGY ERLE
4 GIBSON, TERRY HOMER HARDEN, RICHARD ALAN HOCHBERG, BURTON CHARLES
5 JACOBSON, THOMAS MICHAEL KUTROSKY, YAROM LIMOR, MARSHALL CLIFFORD
6 MARS, JOHN R. MARTIN, ROBERT KELLOGG MILLER, MICHAEL SCOTT
7 ONTIVEROS, TED PASTERNAK, VICTOR DONALD RAPPOPORT, JESSEE DONALD
8 RICH, JEROME MARTIN ROSENBERG, JOEL C. SCHLOSSMAN, NATHAN DAVID
9 SCHLOSSMAN, CARLOS SEDILLO, SANDER SHIRE, BERNICE SHARON SILVER,
10 RICHARD CLAYTON TEMME, JOHN HARRIS THALER, DONNA LYNNE THOMAS, GARY
11 BRIAN TIGAR, KENNETH LEE TURNIPSEED and DAVID ALAN YOCHELSON. These
12 named plaintiffs will receive licenses, and their licenses will be
13 renewed for a one year term, but only so long as they continue to
14 have good cause, good character, not to be barred by law from the
15 ownership of concealable firearms and to meet each of the other
16 requirements of licensure under section 12050 ff.

17
18 E. The policy LAPD has adopted is that good cause exists
19 if there is convincing evidence of a clear and present danger to
20 life or of great bodily to the applicant, his (or her) spouse, or
21 dependent child, which cannot be adequately dealt with by existing
22 law enforcement resources, and which danger cannot be reasonably
23 avoided by alternative measures, and which danger would be
24 significantly mitigated by the applicant's carrying of a concealed
25 firearm.

26
27 F. The following further rules and guidelines are
28 provided for the interpretation and implementation of Item E:

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INTRODUCTORY

The department recognizes that Pen. C. Section 12050 requires the issuance of licenses to persons of good character who have good cause to carry a concealed firearm for the defense of themselves or others or in pursuing their livelihood. These guidelines are designed to implement that requirement.

Good cause is more likely to be found if the applicant has a demonstrated record of responsible handling of firearms as indicated by voluntarily having taken firearms training and/or long-term participation in the shooting sports. While lack of such a demonstrated record is not a disqualification if the applicant is otherwise qualified to use a firearm properly, licenses will not issue if there is substantial, articulable reason to believe that issuance would be contrary to public safety or if the applicant does not have good character. Among other criteria to be considered are: the applicant's record and history in accidents with firearms, automobiles or other dangerous instrumentalities; and association with persons having a criminal record or who are reliably known to lack good character. The expression of dangerous or

1 irresponsible attitudes, or threats, toward or
2 regarding the use of firearms or other dangerous
3 instrumentalities shall be grounds for denial or
4 revocation of a license.
5

6 CRITERIA FOR LICENSURE

7 1. Training. The license, if approved,
8 shall not become effective until the applicant
9 has furnished proof to the department that he or
10 she has successfully completed the course of
11 training in the carrying and use of firearms
12 established pursuant to Section 7547.1 of the
13 California Business and Professions Code or some
14 other appropriate course which included the
15 following subjects of training: knowledge of
16 California laws regarding weapons and deadly
17 force use; safe handling, carriage, use and
18 storage of concealable firearms; competency with
19 the types of firearms to be listed on the
20 license
21

22 2. Good Cause. Good cause shall be deemed
23 to exist, and a license will issue in the
24 absence of strong countervailing factors, upon a
25 showing of any of the following circumstances:
26 a) The applicant is able to establish that
27 there is an immediate or continuing threat,
28 express or implied, to the applicant's, or the

1 applicart's family's, safety and that no other
2 reasonable means exist which would suffice to
3 neutralize that threat. b) The applicant is
4 employed in the field of security, has all
5 requisite licenses, is employed by a security
6 firm having all requisite licenses, and provides
7 satisfactory proof that his or her work is of
8 such a nature that it requires the carrying of a
9 concealed weapon. c) The applicant has
10 obtained, or is a person included within the
11 protections of, a court order which establishes
12 that the applicant is the on-going victim of a
13 threat of physical violence or otherwise meets
14 the criteria set forth in Pen. C. Section
15 12025.5. d) The applicant establishes that
16 circumstances exist requiring amounts of
17 valuable property which it is impractical or
18 impracticable to entrust to the protection of
19 armored car services or equivalent services for
20 safe transportation of valuables. e) The
21 applicant establishes that he or she is subject
22 to a particular and unusual danger of physical
23 attack and that no reasonable means are
24 available to apace that threat.

25
26 3. Favorable Factors. Among facts upon
27 which the department will, in the exercise of
28 its discretion, look favorably in considering

1 applications are whether: a) the applicant has
2 a demonstrated record of responsible handling of
3 firearms; b) the applicant has a commitment to
4 safe and responsible handling of firearms as
5 shown by having voluntarily taken firearms
6 training; c) the applicant has a record of good
7 citizenship in general as evidenced, for
8 instance, by service to the community through
9 such activities as creditable service in the
10 armed forces, including the National Guard and
11 state militia or in the police reserves, or of
12 active participation in charitable or public
13 service organizations or activities or in
14 political affairs; d) the applicant is
15 trustworthy and responsible as evidenced, for
16 instance, by employment history, positions held
17 in civic, political, religious or secular
18 achievements or record of personal
19 accomplishment in other areas of endeavor; e)
20 that the applicant suffers under a disability or
21 physical handicap, including age or obesity,
22 which hinders the applicant's ability to retreat
23 from an attacker.

24
25 4. Unfavorable Factors: Factors which
26 will bear negatively on issuance (unless they
27 appear to be in the remote past) are: a) the
28 applicant has a long-term history of mental or

1 emotional instability, alcoholism, drug use or
2 addiction; b) the applicant has a history of
3 fault in serious accidents with firearms,
4 automobiles or other dangerous
5 instrumentalities; c) the applicant has had a
6 permit to own or carry a concealed weapon
7 denied, suspended or revoked for good cause by
8 any issuing authority; d) the applicant has had
9 a driver's license denied, suspended or revoked
10 for good cause by any issuing authority; e) the
11 applicant has a long-term record of
12 irresponsible and dangerous behavior with
13 automobiles as indicated by numerous convictions
14 of serious driving offenses; f) the applicant
15 has a long-term history of conduct from which it
16 appears that he or she is not now of good moral
17 character, trustworthy or responsible. While
18 none of the foregoing disqualify an applicant
19 per se, a license will be denied if it appears,
20 in the discretion of the department, that the
21 applicant does not now have good character or
22 that issuance of a license to him/her is not
23 consistent with public safety.

24
25 5. Presumption. Absent good cause for
26 denial, persons having good cause as defined in
27 paragraph 2 shall be issued licenses for the
28 maximum time period allowed by section 12050,

1 and their licenses shall be renewed so long as
2 they continue to have good cause. No license
3 shall issue if the applicant is prohibited by
4 law from possessing or acquiring firearms, or
5 concealable firearms, or is below the age of 21
6 years.

7
8 PROCEDURAL MATTERS

9 6. Divulgence of Information. All
10 applicants shall receive a copy of these
11 guidelines along with the application form.

12
13 7. Evidence. Declarations under penalty
14 of perjury suffice as evidence of facts showing
15 good cause, provided that the Department is not
16 required to accept the allegations in a
17 declaration if it has credible counter-evidence
18 or finds the declarant not credible. The
19 applicant will be required to furnish proof of
20 his or her medical and psychological fitness in
21 a manner to be prescribed by the department.
22 This shall include certification of the
23 applicant's eyesight to meet the standards
24 established by the California Department of
25 Motor Vehicles for issuance of driver's license.
26 As proof of good character the applicant shall
27 present at least two statements from responsible
28 persons attesting thereto. The applicant may

1 present additional evidence to prove good
2 character, trustworthiness and responsibility or
3 to negative the converse.
4

5 8. Celerity. License applications shall
6 be approved or rejected within 50 days of the
7 application being submitted; provided, that if
8 the applicant has not been cleared (or rejected)
9 by the California Department of Justice by the
10 fortieth day, LAPD shall have an additional ten
11 days for such action which additional period
12 shall begin as of the date by which LAPD
13 receives word from the California Department of
14 Justice; and further provided that an additional
15 60 day period is allowed in cases in which the
16 applicant has appealed a rejection or any
17 restriction of the license. Those whose
18 applications are rejected will receive a
19 specific written reason for rejection along with
20 notification of their right to seek review from
21 the advisory panel.
22

23 9. Conditions. Absent some compelling
24 reason, licensees will be allowed to specify up
25 to three firearms of their choice to be listed
26 on their license and the Department will amend
27 their licenses to substitute or add firearms so
28 long as the number does not exceed three and

1 each firearm meets the other provisions of this
2 paragraph. The department may attach to the
3 license such conditions as in the reasonable
4 exercise to its discretion it deems appropriate;
5 provided that these conditions shall be noted on
6 the face of the license. Conditions may
7 include, but are not limited to:

- 8 a. The type of weapon to be carried.
- 9 b. The type of ammunition to be permitted.
- 10 c. Circumstances in which it may or may
11 not be carried. Absent some compelling reason,
12 limitations a. and b. shall not preclude use of
13 kinds of firearm or ammunition which are
14 generally deemed appropriate for issuance to
15 plain clothes law enforcement personnel in the
16 State of California.

17
18 G. Advisory Review.

19 1. Plaintiffs lead counsel, Don B. Kates, shall appoint a
20 panel of advisors to review contested applications. (Kates may add
21 or substitute members of the panel as he deems necessary to carry
22 out it's functions, e.g. in case of the resignation, death or
23 disability a new nominee to make such appointments shall be
24 nominated by the plaintiff Second Amendment Foundation.)

25 2. LAPD will accompany its notification to applicants of
26 it's action on their application with a statement that a review
27 panel exists. If the applicant is dissatisfied and requests such
28 review, LAPD will promptly submit to the panel's review it's files

1 in all cases in which an application is rejected or granted with
2 substantial limitations and will attempt to respond in a reasonable
3 and timely manner to questions the panel may have. The panel will
4 promptly review each submitted application and recommend on writing
5 if it believes a different decision should have been made by LAPD.
6 LAPD will promptly reconsider the matter and take any further action
7 it deems merited.

8 3. LAPD may be liable for an award of attorney's fees in
9 any legal action: a) which was initiated after the advisory panel
10 recommended action favorable to the applicant; b) which
11 recommendation LAPD rejected, or c) the outcome in that legal action
12 substantially parallels the advisory panel's recommendation.

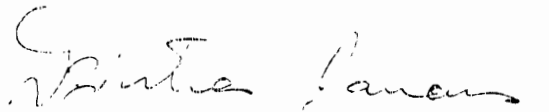
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14 H. Continued Jurisdiction.

15 The court will retain continued jurisdiction of the action
16 in order to make any further orders which may be necessary.

17
18 I. Each party to this action shall bear its own costs and
19 fees, including attorneys fees in this matter.

20
21 IT IS SO ORDERED.

22
23
24 DATED: 5/30/95



JUDGE OF THE SUPERIOR COURT

25
26
27 BRB4\ASSENZA\JUDGMENT