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ORIGINAL FILED

MAY 21 1998

LOS ANGELES
SUPERIOR COURT

7
8 Attorney for Plaintiffs

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 FOR THE COUNTY OF LOS ANGELES

11 ANTHONY MARIO ASSENZA,
12 et al.,

13 Plaintiffs/Petitioners,

14 vs.

15 CITY OF LOS ANGELES, et al.,

16 Defendants/Respondents,
17

) CASE NO. BC 115813

) EXHIBITS IN SUPPORT OF ORDER
) TO SHOW CAUSE RE CONTEMPT

) (Filed concurrently with
) Declaration Re Contempt;
) Memorandum of Points and
) Authorities in Support of
) Order to Show Cause Re
) Contempt; Order to Show Cause
) Re Contempt; and Further
) Declarations Re Contempt)

18 Date:

19 Time: 8:30 a.m.

20 Dept: 15

21 Additional Attorneys for Plaintiffs:

22 Don B. Kates, Jr.
23 920 Arlene Way
24 Novato, CA 94947
25 (415) 883-5323

26 Plaintiffs hereby submit the following Exhibits, reference in
27 their Declaration Re Contempt, in support of their Order to Show
28 Cause Re Contempt:

1. Stipulation for Entry of Judgment.

2. Judgment of Declaratory Relief (Pursuant to March 30,

1 1995 Stipulation).

2 3. Amended Judgment of Declaratory Relief, dated February
3 4, 1998.

4 4. Proof of Service of Amended Judgment of Declaratory
5 Relief upon City Attorney for all Defendants by mail under title:
6 Notice of Ruling; Notice of Entry of Judgment (caption page and
7 signed Proof of Service are the only documents attached for this
8 Court's reference).

9 5. Proof of Service of Amended Judgment of Declaratory
10 Relief upon Bernard Park, under title: Notice of Ruling; Notice of
11 Entry of Judgment, filed with the Court on March 10, 1998.

12 6. L.A.P.D. Application to Carry Concealed Firearm
13 containing Concealed Firearm Policy and application to carry
14 concealed firearm instruction.

15 7. L.A.P.D. Application to Carry Concealed Firearm
16 containing Concealed Firearm Policy and application to carry
17 concealed firearm instruction and Special Order Number 13.

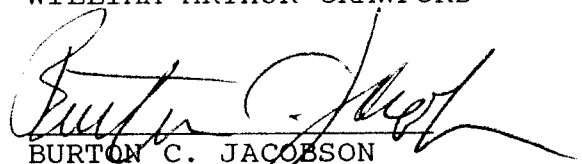
18 8. Burton C. Jacobson's application to amend his concealed
19 Carry Permit.

20 9. State of California Application to Carry Concealed
21 Pistol, Revolver, or Other Firearm.

22 10. LAPD Temp Form 331 dated 9/93 titled "LOS ANGELES POLICE
23 DEPARTMENT CONCEALED WEAPON LICENSE APPLICATION" (4 pages).

24 Dated: May 20, 1998

BURTON C. JACOBSON
WILLIAM ARTHUR CRAWFORD

25
26
27
28

BURTON C. JACOBSON
Attorneys for Plaintiffs

1 JAMES K. HAHN, City Attorney
FREDERICK N. MERKIN, Senior Assistant City Attorney
2 BYRON R. BOECKMAN, Assistant City Attorney
200 North Main Street
3 1800 City Hall East
Los Angeles, California 90012
4 (213) 485-6499

5 Attorneys for Defendants

6
7
8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF LOS ANGELES

10
11 ANTHONY MARIO ASSENZA, et al.,) CASE NO. BC 115813
12)
12 Plaintiffs/Petitioners,)
13)
13 v.)
14)
14 CITY OF LOS ANGELES, et al.,)
15)
15)
16 Defendants/Respondents.)
16)

17
18
19 It is hereby stipulated by and between the parties that
20 declaratory judgement may be entered in the above-entitled matter as
21 follows:

22
23 A. Defendants Affected.

24 The defendants described in the complaint as the "Los
25 Angeles defendants" were: the CITY OF LOS ANGELES; the CITY OF LOS
26 ANGELES POLICE DEPARTMENT (hereinafter "LAPD"), WILLIE L. WILLIAMS,
27 CAPTAIN G.E. ORNELAS and various members of the LAPD's Board of
28 Police Commissioners.

1 B. Introduction.

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

10
11 C. Admission.

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

22
23 D. Plaintiff's Licenses.

24 The allegations of the complaint showed good cause as to
25 all of the plaintiffs who sought to be issued licenses. For purposes
26 of this judgment the following persons are deemed plaintiffs:
27 ANTHONY MARIO ASSENZA, ROBERT JAMES BRYANT, WILLIAM ARTHUR CRAWFORD,
28 PAUL STEVEN DWAN, BRUCE HAROLD EDELMAN, OLOGY ERLE GIBSON, TERRY

1 HOMER HARDEN, RICHARD ALAN HOCHBERG, BURTON CHARLES JACOBSON, THOMAS
2 MICHAEL KUTROSKY, YAROM LIMOR, MARSHALL CLIFFORD MARS, JOHN R.
3 MARTIN, ROBERT KELLOGG MILLER, MICHAEL SCOTT ONTIVEROS, TED
4 PASTERNAK, VICTOR DONALD RAPPOPORT, JESSEE DONALD RICH, JEROME
5 MARTIN ROSENBERG, JOEL C. SCHLOSSMAN, NATHAN DAVID SCHLOSSMAN, CARLOS
6 SEDILLO, SANFORD SHIRE, BERNICE SHARON SILVER, RICHARD CLAYTON TEMME,
7 JOHN HARRIS THALER, DONNA LYNNE THOMAS, GARY BRIAN TIGAR, KENT LEE
8 TURNIPSEED, and DAVID ALAN YOCHELSON. These named plaintiffs will
9 receive licenses, and their licenses will be renewed for a one year
10 term, but only so long as they continue to have good cause, good
11 character, not to be barred by law from the ownership of concealable
12 firearms, and to meet each of the other requirements of licensure
13 under Section 12050 ff.

14
15 E. The policy LAPD has adopted is that good cause exists
16 if there is convincing evidence of a clear and present danger to life
17 or of great bodily to the applicant, his (or her) spouse, or
18 dependent child, which cannot be adequately dealt with by existing
19 law enforcement resources, and which danger cannot be reasonably
20 avoided by alternative measures, and which danger would be
21 significantly mitigated by the applicant's carrying of a concealed
22 firearm.

23
24 F. The following further rules and guidelines are provided
25 for the interpretation and implementation of Item E:

26 . . .
27 . . .
28 . . .

1 INTRODUCTORY

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

9
10 Good cause is more likely to be found if the
11 applicant has a demonstrated record of
12 responsible handling of firearms as indicated by
13 voluntarily having taken firearms training and/or
14 long-term participation in the shooting sports.
15 While lack of such a demonstrated record is not a
16 disqualification if the applicant is otherwise
17 qualified to use a firearm properly, licenses
18 will not issue if there is substantial,
19 articulable reason to believe that issuance would
20 be contrary to public safety or if the applicant
21 does not have good character. Among other
22 criteria to be considered are: the applicant's
23 record and history in accidents with firearms,
24 automobiles or other dangerous instrumentalities;
25 and association with persons having a criminal
26 record or who are reliably known to lack good
27 character. The expression of dangerous or
28 irresponsible attitudes, or threats, toward or

1 regarding the use of firearms or other dangerous
2 instrumentalities shall be grounds for denial or
3 revocation of a license.

4
5 CRITERIA FOR LICENSURE

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

20
21 2. Good Cause. Good cause shall be deemed
22 to exist, and a license will issue in the absence
23 of strong countervailing factors, upon a showing
24 of any of the following circumstances: a) The
25 applicant is able to establish that there is an
26 immediate or continuing threat, express or
27 implied, to the applicant's, or the applicant's
28 family's, safety and that no other reasonable

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

23
24 3. Favorable Factors. Among facts upon
25 which the department will, in the exercise of its
26 discretion, look favorably in considering
27 applications are whether: a) the applicant has a
28 demonstrated record of responsible handling of

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

21
22 4. Unfavorable Factors: Factors which will
23 bear negatively on issuance (unless they appear
24 to be in the remote past) are: a) the applicant
25 has a long-term history of mental or emotional
26 instability, alcoholism, drug use or addiction;
27 b) the applicant has a history of fault in
28 serious accidents with firearms, automobiles or

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

20
21 5. Presumption. Absent good cause for
22 denial, persons having good cause as defined in
23 paragraph 2 shall be issued licenses for the
24 maximum time period allowed by section 12050, and
25 their licenses shall be renewed so long as they
26 continue to have good cause. No license shall
27 issue if the applicant is prohibited by law from
28

1 possessing or acquiring firearms, or concealable
2 firearms, or is below the age of 21 years.

3
4 PROCEDURAL MATTERS

5 6. Divulgence of Information. All
6 applicants shall receive a copy of these
7 guidelines along with the application form.

8
9 7. Evidence. Declarations under penalty of
10 perjury suffice as evidence of facts showing good
11 cause, provided that the Department is not
12 required to accept the allegations in a
13 declaration if it has credible counter-evidence
14 or finds the declarant not credible. The
15 applicant will be required to furnish proof of
16 his or her medical and psychological fitness in a
17 manner to be prescribed by the department. This
18 shall include certification of the applicant's
19 eyesight to meet the standards established by the
20 California Department of Motor Vehicles for
21 issuance of driver's license. As proof of good
22 character the applicant shall present at least
23 two statements from responsible persons attesting
24 thereto. The applicant may present additional
25 evidence to prove good character, trustworthiness
26 and responsibility or to negative the converse.

27 . . .

28 . . .

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

17
18 9. Conditions. Absent some compelling
19 reason, licensees will be allowed to specify up
20 to three firearms of their choice to be listed on
21 their license and the Department will amend their
22 licenses to substitute or add firearms so long as
23 the number does not exceed three and each firearm
24 meets the other provisions of this paragraph.
25 The department may attach to the license such
26 conditions as in the reasonable exercise to its
27 discretion it deems appropriate; provided that
28 these conditions shall be noted on the face of

1 the license. Conditions may include, but are not
2 limited to:

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

12
13 G. Advisory Review.

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

20 2. LAPD will accompany its notification to applicants of
21 it's action on their application with a statement that a review panel
22 exists. If the applicant is dissatisfied and requests such review,
23 LAPD will promptly submit to the panel's review it's files in all
24 cases in which an application is rejected or granted with substantial
25 limitations and will attempt to respond in a reasonable and timely
26 manner to questions the panel may have. The panel will promptly
27 review each submitted application and recommend on writing if it
28 believes a different decision should have been made by LAPD. LAPD

1 will promptly reconsider the matter and take any further action it
2 deems merited.

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

8
9 H. Continued Jurisdiction.


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

12
13 I. Each party to this action shall bear its own costs and
14 fees, including attorneys fees in this matter.

15 DATED: February 1, 1995


Respectfully submitted,

16
17 JAMES K. HAHN, City Attorney
18 FREDERICK N. MERKIN
19 Senior Assistant City Attorney
20 BYRON R. BOECKMAN
21 Assistant City Attorney

22 By 
23 BYRON R. BOECKMAN
24 Assistant City Attorney

Attorneys for Defendants

25 DATED: February 1, 1995

26 By 
27 BURTON C. JACOBSON

Attorney for Plaintiffs

28 BRB4\ASSENZA\JUDGMENT

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FILED

MAR 3 01995
EDWARD M. KEITZNER

S. Barrett
BY S. BARRETT, DEPUTY

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

| | | |
|--------------------------------|---|---------------------------|
| ANTHONY MARIO 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 amendments 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 ASSENZA, 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, SANFORD SHIRE, BERNICE SHARON SILVER,
10 RICHARD CLAYTON TEMME, JOHN HARRIS THALER, DONNA LYNNE THOMAS, GARY
11 BRIAN TIGAR, KENT 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 applicant'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 or 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 abate that threat.

25
26
27 3. Favorable Factors. Among facts upon
28 which the department will, in the exercise of
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 won 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, if c) the outcome in that legal action
12 substantially parallels the advisory panel's recommendation.

13
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: 3/30/95

Spinta Panay
25 JUDGE OF THE SUPERIOR COURT

26
27 BRB4\ASSENZA\JUDGMENT

28

PROOF OF SERVICE BY MAIL

I, the undersigned, say: I am over the age of 18 years and not a party to the within action or proceeding. My business address is 1800 City Hall East, 200 No. Main Street, Los Angeles, CA. 90012

On March 21, 1995, I served the within

JUDGMENT OF DECLARATORY RELIEF
(Pursuant to Stipulation)

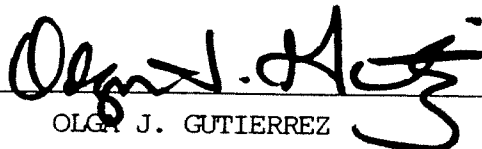
on the person(s) indicated below, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States mail at Los Angeles, California, addressed as follows:

Burton C. Jacobson
424 South Beverly Drive
Beverly Hills, California 90212-4414

— Federal — I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 21, 1995, at Los Angeles, California.


OLGA J. GUTIERREZ

ORIGINAL FILED

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LOS ANGELES
SUPERIOR COURT

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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
AMENDED
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 "LAPD"), LOS ANGELES BOARD OF POLICE COMMISSIONERS,
and BERNARD PARKS, 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 TURNIPSEED, 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:
28

INTRODUCTORY

1
2
3 The department recognizes that Pen. C. Section 12050 requires
4 the issuance of licenses to persons of good character who have
5 good cause to carry a concealed firearm for the defense of
6 themselves or others or in pursuing their livelihood. These
7 guidelines are designed to implement that requirement.

8
9 Good cause is more likely to be found if the applicant has a
10 demonstrated record of responsible handling of firearms as
11 indicated by voluntarily having taken firearms training and/or
12 long-term participation in the shooting sports. While lack of
13 such a demonstrated record is not a disqualification if the
14 applicant is otherwise qualified to use a firearm properly,
15 licenses will not issue if there is substantial, articulable
16 reason to believe that issuance would be contrary to public safety
17 or if the applicant does not have good character. Among other
18 criteria to be considered are: the applicant's record and history
19 in accidents with firearms, automobiles or other dangerous
20 instrumentalities; and association with persons having a criminal
21 record or who are reliably known to lack good character. The
22 expression of dangerous or irresponsible attitudes, or threats,
23 toward or regarding the use of firearms or other dangerous
24 instrumentalities shall be grounds for denial or revocation of a
25 license.

26 ///

27 ///

28 ///

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 DJ*

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: *2-9-98*

DZINTRELL JARVIS
JUDGE OF THE SUPERIOR COURT

1 BURTON C. JACOBSON - #27529
2 WILLIAM ARTHUR CRAWFORD - #125429
3 Beverly Hills Law Building
4 424 South Beverly Drive
5 Beverly Hills, CA 90212-4414
6 (310) 553-8533

FILED

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7
8 Attorneys for Plaintiffs

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


11 ANTHONY MARIO ASSENZA, et al.,) CASE NO. BC 115813
12 Plaintiffs/Petitioners,)
13 vs.) NOTICE OF RULING;
14 CITY OF LOS ANGELES, et al.,) NOTICE OF ENTRY OF JUDGMENT
15 Defendants/Respondents.)
16 _____)

17 TO ALL PARTIES HEREIN AND TO THEIR ATTORNEYS OF RECORD:

18 PLEASE TAKE NOTICE that on February 4, 1998, at 8:30 a.m., in
19 Department 15, of the above entitled court, the Honorable Dzintra
20 I. Janavs Judge presiding, Plaintiffs' Motion to Correct and
21 Modify Stipulated Judgment came on regularly for hearing. The
22 Court at that time ruled in favor of Plaintiffs, and Judgment was
23 entered, as follows:

24 Plaintiffs' Motion to Correct and Modify Stipulated Judgment
25 was granted and Judgment entered accordingly. Plaintiffs' Amended
26 Judgment of Declaratory Relief is attached hereto as Exhibit "A"
27 and incorporated herein by reference.

28 DATED: February 17, 1998


BURTON C. JACOBSON
Attorney for Plaintiffs

(PROOF OF SERVICE BY MAIL--CCP 1013a, 2015.5)

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

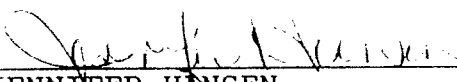
I, JENNIFER HANSEN, declare:

I am over the age of 18 years, employed in the county of Los Angeles, and am not a party to the within action; my business address is 424 South Beverly Drive, Beverly Hills, California 90212.

On February 18, 1998, I served the foregoing document described as NOTICE OF RULING; NOTICE OF ENTRY OF JUDGMENT on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope, with postage fully prepaid, in the United States mail at Beverly Hills, California 90212, addressed as follows:

Byron Boeckman
Assistant City Attorney
City Hall East, Suite 1800
200 N. Main St.
Los Angeles, CA 90012

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on February 18, 1998, at Beverly Hills, California.



JENNIFER HANSEN

LOS ANGELES POLICE DEPARTMENT APPLICATION TO CARRY A CONCEALED FIREARM

| | | | | | | | |
|----------------------------------|----------------|------------|--------------------------------|--------|-------------|-----------------|------------|
| LAST NAME (PRINT IN INK OR TYPE) | | FIRST NAME | | | MIDDLE NAME | | |
| RESIDENCE ADDRESS | | | CITY/STATE | | ZIP CODE | RESIDENCE PHONE | |
| BUSINESS ADDRESS | | | CITY/STATE | | ZIP CODE | BUSINESS PHONE | |
| OCCUPATION | | SEX | RACE | HEIGHT | WEIGHT | COLOR HAIR | COLOR EYES |
| DATE OF BIRTH | PLACE OF BIRTH | | | | CITIZENSHIP | | |
| SOCIAL SECURITY NO. | | | DRIVER'S LICENSE/CALIF. ID NO. | | | | |

I CERTIFY THAT I AM KNOWLEDGEABLE IN THE USE AND SAFE HANDLING OF THE FIREARM(S) WHICH WILL BE LISTED ON THE LICENSE, AS INDICATED BY THE FOLLOWING: (CHECK ALL APPLICABLE BOXES)

- Completion of training from an Advanced Officer Training Institute approved by the California State Bureau of Collection and Investigative Services.
- Completion of Firearm Safety Training from Department of Fish and Game or other recognized association; e.g., National Rifle Association.
- Completion of Firearm Safety Training from a private firearms instructor.
- Completion of Firearm Training in the military service.
- Other (Attach explanation).

As a condition of issuance, I agree to indemnify the Chief of Police, the City of Los Angeles and its employees from any lawsuits associated with the use of this license to carry a concealed firearm, the privileges received, and/or any actions which I may take pursuant thereto.

SIGNATURE

DATE

ADMONITION

On October 9, 1986, the California State Supreme Court ruled, in C.B.S., INC. VS BLOCK, ET. AL., that information contained in this application is generally a matter of public record and, pursuant to the Public Records Act, a copy of the application will be provided to anyone who requests it.

SIGNATURE

DATE

YES NO

Do you now have, or have you ever had, a concealed firearm license?
Agency: _____ Date: _____

If the conditions under which this license is issued should no longer exist, do you promise to notify the Chief of Police, and surrender the license if necessary?

Have you ever been arrested for a crime (felony, misdemeanor, infraction, traffic warrant, or accident)? If so, list the agency, date, charge, and disposition of the incident. (Use additional sheets if necessary).

Are you currently on parole or probation from any state or jurisdiction for a conviction of any criminal offense?

Are you now, or within the past three years have you been, under any restraining orders from any courts?

Are you now, or were you ever, addicted to the use of illegal narcotics or alcohol?

Have you ever received treatment for drug or alcohol-related abuse or illness?

Have you ever suffered from or had occasion to be hospitalized for mental or emotional problems?

Are you currently under the care of a doctor for any mental or physical illness?

Set forth a statement of facts from which the Chief of Police could establish that your needs are within the criteria used for the issuance of a concealed firearm license, and why in your opinion there are no other means whereby your personal safety can be assured. (Use additional sheets if necessary; attach whatever supporting documents that may assist in establishing justification for this request).

I do hereby agree to allow a background investigation of myself, and the contact of any person who may aid in this investigation to determine whether a concealed firearm license should or should not be issued, including my employer.

SIGNATURE

DATE

I hereby certify under penalty of perjury that the answers I have given herein are true and correct to the best of my knowledge and belief. I understand and agree to the provisions and conditions herein or otherwise imposed, and I have read and understand all the applicable statutes made and provided concerning the license to carry a concealed firearm in the State of California.

SIGNATURE

DATE

CONCEALED FIREARM LICENSE POLICY

In accordance with Penal Code Section 12050, and subject to Department procedure, any resident of the City of Los Angeles may obtain an application for authorization to carry a concealed firearm. Residents may obtain these applications from any community police station, or Parker Center (150 North Los Angeles Street). All applications shall be returned to the Gun Unit, Detective Headquarters Division, Parker Center for processing.

The issuance of licenses enabling private citizens to carry concealed firearms is of great concern to our Department. Our overriding policy is that no concealed firearm license should be granted merely for the personal convenience of the applicant. No position or job classification in itself should constitute good cause for the issuance or denial of a license. Each application shall be individually reviewed for cause.

Each applicant must demonstrate proof of residence and good character. In addition, good cause for the purposes of Penal Code Section 12050 shall exist only if the following elements prevail:

- 1 Convincing evidence of a clear and present danger to life or great bodily harm to the applicant, applicant's spouse, or dependent child;
The danger cannot be adequately dealt with by existing law enforcement resources;
The danger cannot reasonably be avoided by alternative measures; and
The danger would be significantly mitigated by the carrying of a concealed firearm.
- 2 The applicant possesses a valid certificate from an advanced officer training institution approved by the California State Bureau of Collection and Investigative Services, attesting to the applicant's satisfactory completion of at least twenty-four hours of training. (Alternative proof of firearms proficiency may be submitted for review and possible acceptance in lieu of this certification).

The residency requirement will be fulfilled upon presentation of an approved, recognized identification card and at least one recent utility bill or rent receipt. The cause requirement will only be fulfilled by thoroughly justifying the applicant's need to the Chief of Police or his designee on the application form. The character requirement will be fulfilled by, but not limited to, a criminal history check and background investigation.

In addition, the Department may place special limitations further limiting the time, place, and the circumstances under which the license is valid.

When each license is issued, the general restrictions and any special limitations will be noted on the reverse side.

APPLICATION TO CARRY A CONCEALED FIREARM INSTRUCTIONS

Applicants are required to complete an application in support of a concealed firearm license, as per the policy of the Office of the Chief of Police. The applicant is advised that all pages of the application are mandatory and must be completed thoroughly and correctly. If any part of the application is incomplete or incorrect, it shall be returned to the applicant.

The applicant shall include with his/her application, proof of residency within the City of Los Angeles. Proof of residency is defined as a copy of the following two items: a recognized California identification card and at least one recent utility bill or rent receipt showing the applicant's name and residence address.

The applicant is advised to read the enclosed concealed firearm license policy and to address the cited criteria within the application. Any copies of crime reports or other evidence that the applicant wishes to provide as support of good cause may be attached to the application.

All applications and related materials should be returned to the following address:

**LOS ANGELES POLICE DEPARTMENT
GUN UNIT - DHD
150 N. LOS ANGELES STREET, #309
LOS ANGELES, CA 90012**

Upon return of the completed application, the Gun Unit, Detective Headquarters Division, will then investigate the application and forward the completed investigation to the Office of the Chief of Police for consideration.

Should the Chief decide to grant a license, the applicant will be required to proceed to a licensed fingerprinting agency for the completion of two State of California fingerprint cards (Form # BID 7.5-90). The two completed fingerprint cards, along with a check/money order (made payable to the State of California, DOJ, for current processing charges) must be returned for processing through the Department of Justice, Criminal Records Section, as per state law, before the issuance of a license.

The applicant shall meet all conditions and requirements so ordered by the Chief of Police before receiving any license.

**LOS ANGELES POLICE DEPARTMENT
APPLICATION TO CARRY A CONCEALED FIREARM**

| | | | | | | | |
|----------------------------------|----------------|------------|--------------------------------|--------|-------------|-----------------|------------|
| LAST NAME (PRINT IN INK OR TYPE) | | FIRST NAME | | | MIDDLE NAME | | |
| RESIDENCE ADDRESS | | | CITY/STATE | | ZIP CODE | RESIDENCE PHONE | |
| BUSINESS ADDRESS | | | CITY/STATE | | ZIP CODE | BUSINESS PHONE | |
| OCCUPATION | | SEX | RACE | HEIGHT | WEIGHT | COLOR HAIR | COLOR EYES |
| DATE OF BIRTH | PLACE OF BIRTH | | | | CITIZENSHIP | | |
| SOCIAL SECURITY NO. | | | DRIVER'S LICENSE/CALIF. ID NO. | | | | |

I CERTIFY THAT I AM KNOWLEDGEABLE IN THE USE AND SAFE HANDLING OF THE FIREARM(S) WHICH WILL BE LISTED ON THE LICENSE, AS INDICATED BY THE FOLLOWING: (CHECK ALL APPLICABLE BOXES)

- Completion of training from an Advanced Officer Training Institute approved by the California State Bureau of Collection and Investigative Services.
- Completion of Firearm Safety Training from Department of Fish and Game or other recognized association; e.g., National Rifle Association.
- Completion of Firearm Safety Training from a private firearms instructor.
- Completion of Firearm Training in the military service.
- Other (Attach explanation).

As a condition of issuance, I agree to indemnify the Chief of Police, the City of Los Angeles and its employees from any lawsuits associated with the use of this license to carry a concealed firearm, the privileges received, and/or any actions which I may take pursuant thereto.

SIGNATURE

DATE

ADMONITION

On October 9, 1986, the California State Supreme Court ruled, in C.B.S., INC. VS BLOCK, ET. AL., that information contained in this application is generally a matter of public record and, pursuant to the Public Records Act, a copy of the application will be provided to anyone who requests it.

SIGNATURE

DATE

| YES | NO | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Do you now have, or have you ever had, a concealed firearm license? Agency: _____ Date: _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | If the conditions under which this license is issued should no longer exist, do you promise to notify the Chief of Police, and surrender the license if necessary? |
| <input type="checkbox"/> | <input type="checkbox"/> | Have you ever been arrested for a crime (felony, misdemeanor, infraction, traffic warrant, or accident)? If so, list the agency, date, charge, and disposition of the incident. (Use additional sheets if necessary). |
| <input type="checkbox"/> | <input type="checkbox"/> | Are you currently on parole or probation from any state or jurisdiction for a conviction of any criminal offense? |
| <input type="checkbox"/> | <input type="checkbox"/> | Are you now, or within the past three years have you been, under any restraining orders from any courts? |
| <input type="checkbox"/> | <input type="checkbox"/> | Are you now, or were you ever, addicted to the use of illegal narcotics or alcohol? |
| <input type="checkbox"/> | <input type="checkbox"/> | Have you ever received treatment for drug or alcohol-related abuse or illness? |
| <input type="checkbox"/> | <input type="checkbox"/> | Have you ever suffered from or had occasion to be hospitalized for mental or emotional problems? |
| <input type="checkbox"/> | <input type="checkbox"/> | Are you currently under the care of a doctor for any mental or physical illness? |

Set forth a statement of facts from which the Chief of Police could establish that your needs are within the criteria used for the issuance of a concealed firearm license, and why in your opinion there are no other means whereby your personal safety can be assured. (Use additional sheets if necessary; attach whatever supporting documents that may assist in establishing justification for this request).

I do hereby agree to allow a background investigation of myself, and the contact of any person who may aid in this investigation to determine whether a concealed firearm license should or should not be issued, including my employer.

SIGNATURE

DATE

I hereby certify under penalty of perjury that the answers I have given herein are true and correct to the best of my knowledge and belief. I understand and agree to the provisions and conditions herein or otherwise imposed, and I have read and understand all the applicable statutes made and provided concerning the license to carry a concealed firearm in the State of California.

SIGNATURE

DATE

CONCEALED FIREARM LICENSE POLICY

In accordance with Penal Code Section 12050, and subject to Department procedure, any resident of the City of Los Angeles may obtain an application for authorization to carry a concealed firearm. Residents may obtain these applications from any community police station, or Parker Center (150 North Los Angeles Street). All applications shall be returned to the Gun Unit, Detective Headquarters Division, Parker Center for processing.

The issuance of licenses enabling private citizens to carry concealed firearms is of great concern to our Department. Our overriding policy is that no concealed firearm license should be granted merely for the personal convenience of the applicant. No position or job classification in itself should constitute good cause for the issuance or denial of a license. Each application shall be individually reviewed for cause.

Each applicant must demonstrate proof of residence and good character. In addition, good cause for the purposes of Penal Code Section 12050 shall exist only if the following elements prevail:

- 1** Convincing evidence of a clear and present danger to life or great bodily harm to the applicant, applicant's spouse, or dependent child;

The danger cannot be adequately dealt with by existing law enforcement resources;

The danger cannot reasonably be avoided by alternative measures; and

The danger would be significantly mitigated by the carrying of a concealed firearm.
- 2** The applicant possesses a valid certificate from an advanced officer training institution approved by the California State Bureau of Collection and Investigative Services, attesting to the applicant's satisfactory completion of at least twenty-four hours of training. (Alternative proof of firearms proficiency may be submitted for review and possible acceptance in lieu of this certification).

The residency requirement will be fulfilled upon presentation of an approved, recognized identification card and at least one recent utility bill or rent receipt. The cause requirement will only be fulfilled by thoroughly justifying the applicant's need to the Chief of Police or his designee on the application form. The character requirement will be fulfilled by, but not limited to, a criminal history check and background investigation.

In addition, the Department may place special limitations further limiting the time, place, and the circumstances under which the license is valid.

When each license is issued, the general restrictions and any special limitations will be noted on the reverse side.

APPLICATION TO CARRY A CONCEALED FIREARM INSTRUCTIONS

Applicants are required to complete an application in support of a concealed firearm license, as per the policy of the Office of the Chief of Police. The applicant is advised that all pages of the application are mandatory and must be completed thoroughly and correctly. If any part of the application is incomplete or incorrect, it shall be returned to the applicant.

The applicant shall include with his/her application, proof of residency within the City of Los Angeles. Proof of residency is defined as a copy of the following two items: a recognized California identification card and at least one recent utility bill or rent receipt showing the applicant's name and residence address.

The applicant is advised to read the enclosed concealed firearm license policy and to address the cited criteria within the application. Any copies of crime reports or other evidence that the applicant wishes to provide as support of good cause may be attached to the application.

All applications and related materials should be returned to the following address:

**LOS ANGELES POLICE DEPARTMENT
GUN UNIT - DHD
150 N. LOS ANGELES STREET, #309
LOS ANGELES, CA 90012**

Upon return of the completed application, the Gun Unit, Detective Headquarters Division, will then investigate the application and forward the completed investigation to the Office of the Chief of Police for consideration.

Should the Chief decide to grant a license, the applicant will be required to proceed to a licensed fingerprinting agency for the completion of two State of California fingerprint cards (Form # BID 7.5-90). The two completed fingerprint cards, along with a check/money order (made payable to the State of California, DOJ, for current processing charges) must be returned for processing through the Department of Justice, Criminal Records Section, as per state law, before the issuance of a license.

The applicant shall meet all conditions and requirements so ordered by the Chief of Police before receiving any license.

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 13

OCTOBER 4, 1996

SUBJECT: APPLICATION FOR A LICENSE TO CARRY A CONCEALED FIREARM, FORM 12.49.1 - ACTIVATED

PURPOSE: In 1993 the Board of Police Commissioners transferred authority for issuing licenses to carry a concealed firearm to the Chief of Police. The Department also revised its policy for the issuance of a license to carry a concealed firearm, and adopted the Concealed Weapon License Application, Temporary Form 331.

This Order amends the Department Manual to reflect current procedures for the issuance of a license to carry a concealed firearm(s); deactivates the Concealed Weapon License Application, Temporary Form 331; and activates the Application for a License to Carry a Concealed Firearm, Form 12.49.1.

PROCEDURE:

- I. **CONCEALED WEAPON LICENSE APPLICATION, TEMPORARY FORM 331 - DEACTIVATED.** The Concealed Weapon License Application, Temporary Form 331, is deactivated.
- II. **APPLICATION FOR A LICENSE TO CARRY A CONCEALED FIREARM, FORM 12.49.1 - ACTIVATED.** The Application for a License to Carry a Concealed Firearm, Form 12.49.1, is activated. Area Commanding Officers shall ensure that an adequate supply of Form 12.49.1 are maintained at each Community Police Station and provided to the public upon request.

USE OF FORM: This form is used by any eligible resident of the City of Los Angeles to apply for a license to carry a concealed firearm, as defined in Section 12050 of the Penal Code.

COMPLETION: The form shall be completed and signed by the applicant. Incomplete or incorrect applications will not be accepted. The completed application shall be forwarded to the Gun Unit, Detective Headquarters Division, for investigation. Upon completion of the investigation, the application with recommendations shall be forwarded to the Office of the Chief of Police for approval.

DISTRIBUTION:

1 - Original, to Gun Unit, Detective Headquarters Division.

- III. **GUN UNIT, DETECTIVE HEADQUARTERS - RESPONSIBILITIES.** The Gun Unit, Detective Headquarters Division, shall investigate all applications for concealed firearm licenses. Completed investigations shall be forwarded to

the Office of the Chief of Police, who will review and approve or deny the request.

FORM AVAILABILITY: The Application for a License to Carry a Concealed Firearm, Form 12.49.1, will be available for ordering from Supply Division within 90-120 days. A copy of Form 12.49.1, is attached for duplication as needed. Temporary Form 331 shall be marked "obsolete" and placed into the divisional recycling bin.

AMENDMENT: This Order amends Sections 4/540.32, 4/560.40, 4/767.05, 4/767.10 of, and adds Section 5/12.49.1 to, the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Detective Services Group, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.



WILLIE L. WILLIAMS
Chief of Police

Attachment

DISTRIBUTION "A"

BURTON C. JACOBSON
ATTORNEY AT LAW
BEVERLY HILLS LAW BUILDING
424 SOUTH BEVERLY DRIVE
BEVERLY HILLS, CALIFORNIA 90212-4414
(310) 553-8531
(310) 676-3226
(310) 551-2802

October 2, 1997

Detective Headquarters Division
Gun Detail
150 North Los Angeles Street
Suite 308
Los Angeles, California 90012

RE: BURTON C. JACOBSON CCW LOCAL NO. 19 -
REQUEST FOR AMENDMENT TO DELETE AND SUBSTITUTE FIREARM

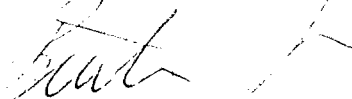
Gentlemen:

Pursuant to Penal Code Section 12050(f)(1)(A), I am hereby requesting an amendment of my CCW to delete my Sig Sauer P220 .45 ACP pistol, and replace it with a Glock 30 .45 ACP pistol.

Your prompt attention to this request will be greatly appreciated.

Should you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,



BURTON C. JACOBSON

BCJ/jh

CCW\BCJ-ADD.45

STATE OF CALIFORNIA
APPLICATION TO CARRY CONCEALED PISTOL,
REVOLVER, OR OTHER FIREARM

SECTION C

The following eight questions must be answered YES or NO by the applicant
Have you:

1. been denied a license to carry a concealed weapon?
 2. had a license to carry a concealed weapon revoked?
 3. had a criminal conviction?
 4. been found not guilty by reason of insanity?
 5. been committed to a mental institution?
 6. been dishonorably discharged from military service?
 7. lost or renounced your U.S. citizenship?
 8. been, or are you now, a user of a controlled substance as defined in Health and Safety Code Section 11007?
- (If a "YES" answer is given to any of the above, attach an additional sheet providing dates and details.)

It is a misdemeanor to knowingly furnish false information in Section A of this application [12051(b) PC].

It is a felony to knowingly furnish false statements to questions in Section C of this application [12051(b) PC].

I certify that all of the information on this application is true and complete.

Signature of Applicant

Date

Check one:

Initial License: Prints and fee to D O J

CHECK:

Reserve P.O.

Subsequent License: CII Transcript on file, fee to D O J

Sections A and B of this application constitute the license to be issued.

White copy—Applicant; Yellow copy—Department of Justice; Pink copy—Licensing agency.



LOS ANGELES POLICE DEPARTMENT CONCEALED WEAPON LICENSE APPLICATION

| | | | | | | | |
|----------------------------------|----------------|------------|------------------------------|-------------|----------|-----------------|------------|
| LAST NAME (PRINT IN INK OR TYPE) | | FIRST NAME | | MIDDLE NAME | | | |
| RESIDENCE ADDRESS | | | CITY/STATE | | ZIP CODE | RESIDENCE PHONE | |
| BUSINESS ADDRESS | | | CITY/STATE | | ZIP CODE | BUSINESS PHONE | |
| OCCUPATION | | SEX | RACE | HEIGHT | WEIGHT | COLOR HAIR | COLOR EYES |
| DATE OF BIRTH | PLACE OF BIRTH | | | CITIZENSHIP | | | |
| SOCIAL SECURITY NO | | | DRIVER'S LICENSE/CALIF ID NO | | | | |

I CERTIFY THAT I AM KNOWLEDGEABLE IN THE USE AND SAFE HANDLING OF THE NOTED WEAPON(S). AS INDICATED BY THE FOLLOWING: (CHECK ALL APPLICABLE BOXES)

- Completion of training from an Advanced Officer Training Institute approved by the California State Bureau of Collection and Investigative Services.
- Completion of Firearm Safety Training from Department of Fish and Game or other recognized association; i.e., National Rifle Association.
- Completion of Firearm Safety Training from a private firearms instructor.
- Completion of Firearm Training in the military service.
- Other (Attach explanation).

As a condition of issuance, I agree to indemnify the Chief of Police, the City of Los Angeles and its employees from any lawsuits associated with the use of this permit, the privileges received, and/or any actions which I may take pursuant thereto.

SIGNATURE

DATE

ADMONITION

On October 9, 1986, the California State Supreme Court ruled, in C.B.S., INC. VS BLOCK, ET. AL., that information contained in this application is generally a matter of public record and, pursuant to the Public Records Act, a copy of the application will be provided to anyone who requests it.

SIGNATURE

DATE



Concealed Weapon License Application, page 3

LAPD TEMP FORM 331

CONCEALED WEAPON PERMIT POLICY

In accordance with Penal Code Section 12050, and subject to Department procedure, any resident of the City of Los Angeles may obtain an application for authorization to carry a concealed weapon. Residents may obtain these applications from any community police station, or Parker Center (150 North Los Angeles Street). All applications shall be returned to Parker Center for processing.

The issuance of permits enabling private citizens to carry concealed weapons is of great concern to our Department. Our overriding policy is that no concealed weapons permit should be granted merely for the personal convenience of the applicant. No position or job classification in itself should constitute good cause for the issuance or denial of a permit. Each application shall be individually reviewed for cause.

Each applicant must demonstrate proof of residence and good character. In addition, good cause for the purposes of Penal Code Section 12050 shall exist only if the following elements prevail:

- 1 Convincing evidence of a clear and present danger to life or great bodily harm to the applicant, his spouse, or dependent child;
The danger cannot be adequately dealt with by existing law enforcement resources;
The danger cannot reasonably be avoided by alternative measures; and
The danger would be significantly mitigated by the carrying of a concealed firearm.
- 2 The applicant possesses a valid certificate from an advanced officer training institution approved by the California State Bureau of Collection and Investigative Services, attesting to the applicant's satisfactory completion of at least twenty-four hours of training. (Alternative proof of firearms proficiency may be submitted for review and possible acceptance in lieu of this certification).

The residency requirement will be fulfilled upon presentation of an approved, recognized identification card and at least one recent utility bill or rental agreement. The cause requirement will only be fulfilled by thoroughly justifying the applicant's need to the Chief of Police or his designee on the application form. The character requirement will be fulfilled by, but not limited to, a criminal history check and background investigation.

In addition, the Department may place special limitations further limiting the time, place, and the circumstances under which the permit is valid.

When each permit is issued, the general restrictions and any special limitations will be noted on the reverse side.

Concealed Weapon License Application, page 4

CONCEALED WEAPON APPLICATION INSTRUCTIONS

Applicants are required to complete an application in support of a concealed weapons permit, as per the policy of the Office of the Chief of Police. The applicant is advised that all pages of the application are mandatory and must be completed thoroughly and correctly. If any part of the application is incomplete or incorrect, it shall be returned to the applicant.

The applicant shall include with his/her application, proof of residency within the City of Los Angeles. Proof of residency is defined as a copy of the following two items: a recognized California identification card and at least one recent utility bill or rent receipt showing the applicant's name and residence address.

The applicant is advised to read the enclosed concealed weapon permit policy and to address the cited criteria within the application. Any copies of crime reports or other evidence that the applicant wishes to provide as support of good cause may be attached to the application.

All applications and related materials should be returned to the following address:

**LOS ANGELES POLICE DEPARTMENT
DHD - GUN DETAIL
150 N. LOS ANGELES STREET, #308
LOS ANGELES, CA 90012**

Upon return of the completed application, the Gun Detail, Detective Headquarters Division, will then investigate the application and forward the completed investigation to the Office of the Chief of Police for consideration.

Should the Chief decide to grant a permit, the applicant will be required to proceed to a licensed fingerprinting agency for the completion of two State of California fingerprint cards (Form # BiD 7.5-90). The two completed fingerprint cards, along with a check/money order (made payable to the State of California, DOJ) in the amount of [REDACTED] must be returned for processing through the Department of Justice, Criminal Records Section, as per state law, before the issuance of a permit.

The applicant shall meet all conditions and requirements so ordered by the Chief of Police before receiving any permit.