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LOS ANGELES SUPERIOR COURT

JUL 29 1998

JOHN A. CLARKE, CLERK

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

ANTHONY MARIO ASSENZA,)	CASE NO. BC 115813
et al.,)	
)	ORDER
Plaintiffs/Petitioners,)	
)	{Proposed}
vs.)	
)	
CITY OF LOS ANGELES, et al.,)	
)	
Defendants/Respondents,)	
)	
)	

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 Boeckman 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.

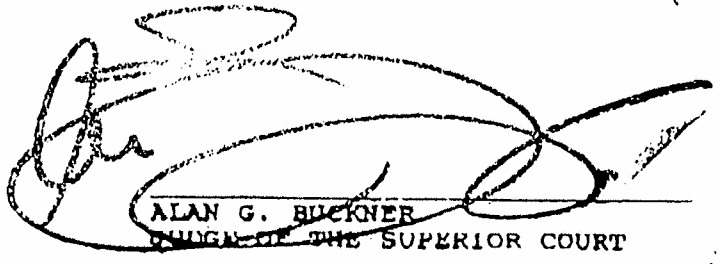
23 Fifth: Verification by each such declarant that those sworn
24 or civilian personnel at each of the Departments 18 regional
25 stations or divisions has been specifically instructed through
26 roll call or other formal means as to the specific desk or office
27 within each of such 18 facilities to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

1 July 1998 verbal order of Commander Hagarty.

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

5 IT IS SO ORDERED.

6 Dated: July 29, 1998

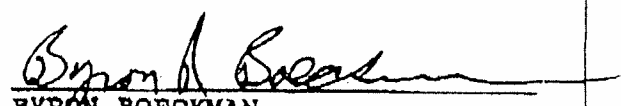


ALAN G. BUCKNER
JUDGE OF THE SUPERIOR COURT

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

12 Dated: July 28, 1998



BYRON BOECKMAN
Attorney for Defendants

LAPD CONCEALED WEAPON LICENSE POLICY

Pursuant to California Penal Code Section 12050, in the City of Los Angeles, the Chief of Police of the Los Angeles Police Department ("LAPD") may issue a license to a person to carry a pistol, revolver, or other firearm capable of being concealed upon the person upon proof that the person applying for the license is of good moral character, that good cause exists for the issuance of the license, that the person is a resident of the City of Los Angeles, and that the person has completed a required course of training.

The policy LAPD has adopted is that good cause exists if there is convincing evidence of a clear and present danger to life or of great bodily injury to the applicant, his (or her) spouse, or dependent child, which cannot be adequately 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.

The following further rules and guidelines are provided for the interpretation and implementation of this policy:

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.

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 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

Training. A new license applicant must furnish proof to the department that he or she has successfully completed a course of training in the carrying and use of firearms established pursuant to Section 7585 of the California Business and Professions Code or some other course acceptable to the department which includes the following subjects of training: knowledge of California laws regarding weapons and deadly force use; safe handling, carriage, use and storage of concealable firearms; and competency with the types of firearms to be listed on the license.

LAPD CONCEALED WEAPON LICENSE POLICY

Such course does not need to exceed 16 hours. For license renewal applicants, the course of training may be any course acceptable to the department, shall be no less than four hours, and shall include instruction on at least firearm safety and the law regarding the permissible use of a firearm.

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: 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 applicant's family's safety, and that no other reasonable means exist which would suffice to neutralize that threat. 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.

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; 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.

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 to controlled substances; 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; 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

LAPD CONCEALED WEAPON LICENSE POLICY

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.

FURTHER INFORMATION

Residency. Proof that the applicant is a resident of the City of Los Angeles will be fulfilled upon presentation of a copy of the following two items: a recognized California identification card and at least one recent utility or rent receipt showing the applicant's name and residence address.

Conditions of license. The Department may attach to the license such conditions as in the reasonable exercise of its discretion it deems appropriate. These conditions will be noted on the face of the license.