SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 14 HONORABLE TERRY A. GREEN, JUDGE

ANTHONY MARIO ASSENZA, ET AL.,
PLAINTIFFS/PETITIONERS,
VS.
CITY OF LOS ANGELES, ET AL.,
DEFENDANTS/RESPONDENTS.

CASE NO. BC115813

CERTIFIED COPY

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MOTION TO ENFORCE JUDGMENT AND FOR MONETARY SANCTIONS

THURSDAY, JUNE 9, 2011

APPEARANCES:

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FOR DEFENDANTS/RESPONDENTS CHARLIE BECK AND CITY OF LOS ANGELES:
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SUSIE PRICE, #11954
OFFICIAL COURT REPORTER

09:16

CASE NUMBER:	BC115813
CASE NAME:	ANTHONY MARIO ASSENZA VS. CITY OF LOS ANGELES, ET AL.
LOS ANGELES, CALIFORNIA	THURSDAY, JUNE 9, 2011
DEPARTMENT 14	HON. TERRY A. GREEN, JUDGE
OFFICIAL REPORTER:	SUSIE PRICE, CSR #11954
TIME:	9:16 A.M.
APPEARANCES:	(AS HERETOFORE NOTED)

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THE COURT: ASSENZA VERSUS CITY OF LOS ANGELES.

MR. DALE: GOOD MORNING, YOUR HONOR. JOSHUA DALE ON BEHALF OF PLAINTIFFS/PETITIONERS.

MS. RIDER: GOOD MORNING, YOUR HONOR. TAMARA RIDER CO-COUNSEL ON BEHALF OF THE PLAINTIFFS/PETITIONERS.

09:16

MR. JACOBSON: I DIDN'T HAVE A CHANCE TO CHECK IN WITH THE CLERK, BUT I'M BURT JACOBSON. I'M ALSO COUNSEL ON THAT MATTER.

MS. GONZALES: GOOD MORNING, YOUR HONOR. ASSISTANT CITY ATTORNEY DEBRA GONZALES FOR THE CITY OF LOS ANGELES, LOS ANGELES POLICE DEPARTMENT AND CHIEF CHARLIE BECK. AND I HAVE DETECTIVE THOMPKINS FROM THE GUN UNIT OF THE LAPD.

THE COURT: WELCOME. HAVE A SEAT.

SO THERE ARE EIGHT PEOPLE OVER THE PERIOD OF THE LAST FOUR OR FIVE YEARS WHO HAVE NOT GOTTEN A CCW PERMIT WITH THE STATEMENT OF POLICY.

MR. DALE: WELL, YOUR HONOR --

THE COURT: WAIT.

09:17

AND THEN THE ISSUE IS DOES THIS SHOW THAT LAPD IS NOT IN COMPLIANCE WITH BUCKNER'S AND MY ORDER ABOUT MAKING IT AVAILABLE TO THE PEOPLE WHO APPLY FOR A CCW IF THEY GET A HARD COPY OF THEIR POLICY.

YOU KNOW, THIS WAS NEVER INTENDED TO BE A STRICT LIABILITY SECTION, AS THE PEOPLE POINT OUT. LAPD IS A BIG ORGANIZATION. I DIDN'T REALIZE THERE WERE 9800 SWORN PEOPLE. I DIDN'T REALIZE THAT IT WAS THAT BIG BUT IT'S BIG.

AND THE FACT THAT THERE ARE EIGHT PEOPLE WHO DIDN'T GET A HARD COPY, AS I RECALL, OF THAT EIGHT, ONE OR TWO WENT TO A DIFFERENT POLICE STATION AND GOT A COPY, ONE WAS DIRECTED TO GET IT OFF THE INTERNET.

AND I DON'T MEAN TO MAKE LIGHT OF THIS. IT'S A

09:18

COURT ORDER. YOU HAVE EVERY RIGHT TO BE CONCERNED ABOUT WHETHER THESE ORDERS ARE BEING IMPLEMENTED, BUT I JUST DON'T KNOW THAT EIGHT DECLARATIONS SHOWS A WILLFUL NONCOMPLIANCE.

NOW, THAT SAID, STILL IT IS NONCOMPLIANCE. I MEAN THERE SHOULDN'T BE EIGHT. THERE SHOULDN'T BE ANY.

BUT, YOU KNOW, ASIDE FROM -- YOU WANT ME TO ISSUE SANCTIONS AGAINST LAPD, AND I JUST DON'T KNOW THAT AS EVIDENCE OF WILLFUL FAILURE TO ABIDE BY THE ORDER.

NOW, YOU'RE GOING TO SAY, HOW MUCH EVIDENCE DO WE NEED? DO WE NEED 16? DO WE NEED TO HAVE, SAY 8^2 OR SOMETHING, YOU KNOW, HOW MANY DO YOU NEED BEFORE IT STARTS SHOWING WILLFUL NONCOMPLIANCE?

I DON'T HAVE AN ANSWER TO THAT QUESTION. I

09:19 JUST DON'T HAVE AN ANSWER. AND THROUGH READING THIS I WAS TEMPTED TO SAY, WELL, THROW THE BURDEN BACK ON LAPD TO TELL US IF THEY HAVE RECORDS OF HOW OFTEN THEY HAVE COMPLIED WITH THIS TO SEE WHAT THE TALLY IS.

I MEAN IT COULD BE THAT OVER THE LAST, WHAT, SINCE '98 -- WHEN WAS THE ORDER SIGNED? IT WAS '98? -- A MILLION PEOPLE HAVE COME IN AND ASKED FOR A CCW PERMIT WITH POLICY AND MAYBE THE ANSWER IS THAT ALL BUT EIGHT GOT ONE.

NOW, IF THAT'S THE ANSWER, THEN I'LL SAY, WELL, YOU KNOW, I'LL TELL LAPD, NICE JOB, BUT YOU CAN DO BETTER. IF THEY COME IN AND IT SHOWS THAT THE NUMBER IS FAR FEWER AND THEN YOU CAN SHOW THAT THERE HAVE BEEN OTHER ISSUES OF NONCOMPLIANCE, WELL, THAT'S ANOTHER ISSUE.

09:20 BUT AS WE SPEAK I DON'T KNOW THAT EIGHT IS ENOUGH TO SHOW WILLFUL NONCOMPLIANCE. I DON'T KNOW WHAT THE UNIVERSE LOOKS LIKE. EIGHT OUT OF WHAT? EIGHT OUT OF NINE? WERE THERE NINE PEOPLE THAT APPLIED FOR THIS AND EIGHT DIDN'T GET THEIR WRITTEN STATEMENT OR WERE THERE A MILLION PEOPLE WHO APPLIED AND ALL GOT IT EXCEPT FOR THE EIGHT?

SEE, I DON'T KNOW WHAT THE UNIVERSE LOOKS LIKE, SO WHAT DO YOU WANT --

MR. DALE: I CAN ADDRESS THAT, YOUR HONOR.

FIRST, UNDERSTAND THAT THE EIGHT THAT WE PUT IN THERE AREN'T THE ONLY EIGHT THAT WE KNOW OF.

THE COURT: OKAY.

MR. DALE: I CAN CERTAINLY, IF WE HAD AN EVIDENTIARY HEARING ON THIS, BRING ANOTHER FIVE OR SIX PEOPLE WHO

09:21 COULD -- BUT UNDERSTAND THAT IT'S NOT LIKE WE HAVE ACCESS TO THE UNIVERSE OF PEOPLE WHO HAVE APPLIED.

WE KNOW THAT THERE ARE APPROXIMATELY 300 APPLICATIONS PER YEAR, BUT THESE ARE PEOPLE THAT SOUGHT OUT MR. JACOBSON OR SOUGHT US OUT AND SAID, HEY, WE'RE HAVING THIS PROBLEM.

SO WE DON'T KNOW HOW MANY OTHER PEOPLE ARE OUT THERE WHO DON'T GET THE PROPER MATERIALS, EITHER DON'T APPLY AT ALL BECAUSE LIKE IN SOME OF THE DECLARATIONS INDICATE, THEY'RE DISCOURAGED FROM DOING IT IN THE FIRST PLACE OR THEY APPLY, THEY'RE REJECTED, AND THEY MOVE ON WITH THEIR LIVES, NOT KNOWING THAT THE LAPD HASN'T SUPPLIED THEM WITH THE GUIDELINES THAT THEY NEEDED IN ORDER TO SHOW GOOD CAUSE UNDER --

09:21 AND THAT'S EXACTLY WHAT THE SPECIFIC PURPOSE OF THE ASSENT TO JUDGMENT WAS. IT WAS SO THAT PEOPLE WOULD HAVE A TRANSPARENT PROCESS WHERE THEY COULD WALK INTO ANY STATION IN LOS ANGELES AND, I WANT TO APPLY FOR A CCW PERMIT. HERE'S THE APPLICATION, HERE'S OUR POLICY, FILL IT OUT, COME BACK, YOU KNOW, WE'LL LET YOU KNOW. HERE ARE THE STEPS.

AND WHAT WE HAVE ARE EIGHT DECLARATIONS. AND IT'S A SAMPLING. IT'S NOT THE WHOLE UNIVERSE OF THE NONCOMPLIANCE THAT'S GOING ON.

THE COURT: YOU ASKED FOR AN EVIDENTIARY HEARING. WHAT DO YOU ENVISION IT BEING? WHAT WOULD HAPPEN AT THIS EVIDENTIARY HEARING?

MR. DALE: I COULD BRING AT THIS POINT PROBABLY AT

09:22 LEAST 16 APPLICANTS OVER THE PAST FOUR OR FIVE YEARS.

AND I COULD TELL YOU SOMETHING, IF THE COURT WANTS TO SEE THE TOTAL, THE TOTAL UNIVERSE OF IT, I AGREE WITH THE COURT THAT, YOU KNOW, THE LAPD SHOULD PROVIDE EVIDENCE AS TO HOW THEY'RE COMPLYING OTHER THAN A DECLARATION SAYING, WE THINK WE'RE COMPLYING OR ALTERNATIVELY GIVE US DISCOVERY INTO ALL THE PEOPLE WHO HAVE APPLIED AND WE'LL CONTACT THEM AND FIND OUT WHICH ONES ACTUALLY GOT THE POLICY AND WHO DIDN'T AND THEN WE CAN PRESENT THAT TO THE COURT.

THE COURT: OKAY. CITY, WHAT DO YOU THINK?

MS. GONZALES: YOUR HONOR, I THINK THAT WOULD BE UNFORTUNATELY A WASTE OF RESOURCES. WE DON'T -- I'M PRETTY CERTAIN THAT THE POLICE DEPARTMENT DOES NOT HAVE TALLIES,

09:22 FOR EXAMPLE, OF LET'S SAY 20 PEOPLE CAME INTO VAN NUYS STATION TODAY --

THE COURT: DO YOU KEEP THAT KIND OF RECORD? I DON'T KNOW.

MS. GONZALES: THEY DO NOT. I'M SURE THEY DO NOT.

DETECTIVE THOMPKINS: NO, SIR. WE DON'T.

MS. GONZALES: BUT WHAT I THINK MOST IMPORTANT IS THAT THE DEPARTMENT IS COMMITTED TO COMPLYING WITH THE ASSENT OF JUDGMENT. THE TWO THINGS THAT THE PETITIONERS COMPLAIN OF ARE NOT GETTING APPLICATIONS FROM THE STATIONS AND NOT GETTING THE POLICY.

AS WE POINTED OUT IN OUR DECLARATION, THE CHIEF OF POLICE ISSUED AND MADE PART OF THE POLICY MANUAL THAT THE EMPLOYEES HAVE THAT OBLIGATION. IT WOULD HAVE BEEN

09:23 HELPFUL IF EITHER ANY OF THESE INDIVIDUALS OR MR. JACOBSON OR MR. MICHEL HAD ALERTED THE DEPARTMENT, SAID, YOU KNOW WHAT? THERE'S A PROBLEM OUT THERE. WE HAD SOMEONE TELL US THAT THEY WENT TO HARBOR DIVISION AND THEY DIDN'T HAVE AN APPLICATION OR THEY WENT TO TOPANGA OR THEY WENT TO WHEREVER.

THE CHIEF, I GUARANTEE YOU, WOULD HAVE INSURED THAT A REMINDER WENT OUT.

WHEN WE BECAME AWARE OF THESE EIGHT INSTANCES, EVEN THOUGH THEY WERE OVER SEVERAL YEARS, WE SAID, YOU KNOW WHAT, LET'S REMIND OUR OFFICERS THAT THEY HAVE THAT OBLIGATION. AND LET'S MAKE SURE THAT THEY HAVE THESE POLICIES OUT THERE.

09:24 AND SO THE GANG AND NARCOTICS DIVISION, WHICH IS OVER THE GUN UNIT, SAID, LET'S GET IT OUT TO THE DIVISIONS AGAIN. LET'S MAKE SURE THAT THEY ALL HAVE THEM AND THEY, YOU KNOW, ANY TIME ANYBODY COMES IN.

BUT MORE IMPORTANTLY, BECAUSE I DO THINK THIS IS BENEFICIAL AND SORT OF GOES TO THE SPIRIT OF THE ASSENT OF JUDGMENT, WE'VE ALSO TOLD -- THE DEPARTMENT HAS ALSO TOLD ITS PERSONNEL, YOU KNOW, WHEN SOMEBODY COMES IN LOOKING FOR AN APPLICATION OR THE POLICY OR IS INTERESTED IN ANY WAY, GIVE THEM THE APPLICATION, GIVE THEM THE POLICY, BUT ALSO SEND THEM OVER TO THE GUN UNIT BECAUSE THEY'RE THE EXPERTS, THEY'RE THE ONES THAT ARE GOING TO PROCESS THE APPLICATION, THEY KNOW THE POLICY, THEY CAN HELP THE APPLICANT GO THROUGH THE PROCESS.

THE COURT: YOU MUST HAVE SOME -- YOU MUST HAVE

RECORDS OF CCW PERMITS ISSUED AND PERMITS DENIED.

MS. GONZALES: YES.

THE COURT: OKAY. SO HOW BIG IS THAT UNIT? LET'S GO BACK SINCE '98, DO YOU KNOW HOW MANY CCW PERMITS HAVE BEEN ISSUED? DO YOU KNOW THAT?

MS. GONZALES: EACH YEAR -- SINCE 1998?

THE COURT: SINCE BUCKNER SIGNED THE ORDER.

MS. GONZALES: WELL, EVERY -- IS IT TWO YEARS THAT THEY -- EVERY TWO YEARS AN, YOU KNOW, A PERMITTEE CAN SUBMIT A RENEWAL APPLICATION. AND THEN OF COURSE EVERY YEAR THERE MAY BE NEW APPLICANTS. SO YES, WE DO HAVE THOSE.

PERHAPS DETECTIVE THOMPKINS CAN TELL ME ABOUT HOW MANY YOU GET PER YEAR WOULD YOU SAY?

09:25 DETECTIVE THOMPKINS: RIGHT NOW WE HAVE 23 ACTIVE CCW HOLDERS IN THE CITY OF LOS ANGELES.

THE COURT: 23?

DETECTIVE THOMPKINS: THAT'S CORRECT.

THE COURT: THERE ARE 23 PEOPLE IN THE CITY OF LOS ANGELES WHO HAVE A CCW PERMIT.

DETECTIVE THOMPKINS: THAT'S CORRECT.

MS. GONZALES: BUT WHAT I WAS SAYING ABOUT --

THE COURT: I KNOW MORE JUDGES -- THERE ARE 24 JUDGES WHO HAVE CCW PERMITS.

MS. GONZALES: SOME OF THEM MAY HAVE IT FROM THE COUNTY, FROM SHERIFF BACA.

THE COURT: THAT'S TRUE.

MS. GONZALES: BUT WHAT I WAS SAYING IS WE WOULDN'T

09:25 NECESSARILY HAVE RECORDS THAT REFLECT 20 PEOPLE CAME IN TODAY TO TOPANGA STATION AND REQUESTED A CCW APPLICATION AND POLICY.

THE COURT: DO YOU HAVE REJECTIONS? DO YOU KEEP TRACK OF REJECTIONS?

MS. GONZALES: THE DEPARTMENT KEEPS RECORDS OF ALL APPLICATIONS AND THE RESULT OF THAT APPLICATION, WHETHER THEY WERE GRANTED A PERMIT OR THEY WERE DENIED A PERMIT, YES.

THE COURT: THAT'S WHAT I THINK WE OUGHT TO HAVE AND WE OUGHT TO HAVE IT GOING BACK SINCE BUCKNER'S ORDER. WE OUGHT TO SEE WHAT THAT, AT LEAST THAT UNIVERSE LOOKS LIKE. SHOULDN'T WE?

MS. GONZALES: I DON'T KNOW THAT THAT WOULD SHOW
09:26 ANYTHING BECAUSE OBVIOUSLY, AND IN FACT DETECTIVE THOMPKINS CAN TELL THE COURT, THAT THEY OFTEN, THE GUN UNIT OFTEN GETS TELEPHONE CALLS FROM PEOPLE WHO ARE INTERESTED AND THEY WILL TAKE THEIR INFORMATION AND MAIL OUT A PACKET OR MAYBE INSTEAD THEY'VE GONE TO A DIVISION TO AN AREA AND GOTTEN AN APPLICATION AND WILL CALL THE GUN UNIT WITH QUESTIONS OR SO FORTH.

MANY PEOPLE WHO MIGHT ORIGINALLY THINK THAT THEY WANT TO APPLY AND THEN THEY MAY READ THE POLICY OR READ THE APPLICATION AND THEY MAY SAY, YOU KNOW WHAT, I'M NOT GOING TO APPLY.

SO I DON'T KNOW THAT IT'S VERY HELPFUL TO KNOW -- I MEAN THOSE RECORDS ARE CERTAINLY AVAILABLE.

THE COURT: I THINK IT WOULD BE HELPFUL TO KNOW

09:26 BECAUSE, AS I SAID, IF THIS WERE A LARGE NUMBER OF PEOPLE WHO APPLY, AND APPARENTLY IT'S A VERY SMALL NUMBER WHO IS GRANTED -- AT LEAST WE KNOW WHAT EIGHT DECLARATIONS LOOK LIKE IN CONTEXT OR 16 OR HOWEVER MORE YOU HAVE, EIGHT THIRTEEN OR WHATEVER, AT LEAST I WOULD KNOW WHAT THAT WOULD LOOK LIKE.

YOU MAKE THE POINT IN YOUR PAPERS THAT EIGHT GOES BACK OVER FOUR YEARS. YOU KNOW, OKAY. IN OTHER WORDS IT'S A PRETTY SMALL NUMBER, BUT I DON'T KNOW THAT UNTIL I SEE WHAT THE UNIVERSE LOOKS LIKE.

MS. GONZALES: WHAT I CAN TELL THE COURT, WHICH IS WHAT -- AND PERHAPS IT WASN'T MADE VERY CLEAR. I TRIED TO MAKE IT CLEAR IN DETECTIVE THOMPKINS' DECLARATION, IS THAT WHENEVER AN APPLICATION COMES IN OR A TELEPHONE CALL COMES
09:27 IN OR ANY INQUIRY AT ALL COMES INTO THE GUN UNIT, THEY MAKE SURE THAT THE PERSON HAS RECEIVED THE POLICY.

THE COURT: DO PEOPLE LOG THIS IN? I GOT A PHONE CALL FROM JOE TODAY AND I DID THE FOLLOWING. IS THERE A LOG?

MS. GONZALES: I DON'T KNOW --

DETECTIVE THOMPKINS: NO. NO, SIR.

MS. GONZALES: -- THAT THEY NECESSARILY DO.

BUT THEY WOULD HAVE IT IF THERE WAS AN APPLICATION THAT'S SUBMITTED, THEN THEY'RE GOING TO START -- OBVIOUSLY THEY'RE GOING TO HAVE DOCUMENTATION WITH REGARD TO INTERVIEWING THE PERSON AND SO FORTH.

THE COURT: WOULD IT BE BURDENSOME TO HAVE YOUR DESK OFFICER OR SOMEBODY LOG IN PHONE CALLS AND THEN CHECK A

09:28 BOX, MAILED OUT, HARD COPY MAILED OUT, WOULD THAT BE A BURDENSOME THING?

MS. GONZALES: WELL, UNFORTUNATELY, YOUR HONOR, ALL OF THE DEPARTMENT IS UNDERSTAFFED, ESPECIALLY THE GUN UNIT. I WOULD NOT WANT --

THE COURT: IT WOULDN'T BE THE GUN UNIT. I CONTEMPLATE --

MS. GONZALES: OH, YOU MEAN THE STATIONS.

THE COURT: YES. THE WATCH COMMANDER WOULD GIVE IT TO SOMEBODY AT THE TELEPHONE OR FRONT DESK. AND IT WOULD BE A CHECK JUST TO KEEP TRACK OF THIS SO WE WILL KNOW THAT -- YOU KNOW, I DON'T DEMAND STRICT LIABILITY. I DON'T DEMAND THAT EVERYBODY BE PERFECT. AND WHILE THIS IS IMPORTANT, I RESPECT THAT, IT'S NOT THE MOST IMPORTANT 09:28 FUNCTION OF LAPD. THEY HAVE OTHER THINGS TO DO TOO.

BUT, YOU KNOW, WE OUGHT TO KNOW WHETHER EIGHT IS A BIG NUMBER OR A SMALL NUMBER. AND IF WE KEPT TRACK, WE WOULD KNOW THAT.

SO WOULD IT BE A PROBLEM SAY FOR SIX MONTHS KEEPING TRACK AND THEN JUST, YOU KNOW, CHECKING THE BOX, WRITE IT DOWN, TERRY GREEN CALLED, ASKED FOR APPLICATION, MAILED APPLICATION, MAILED HARD COPY, AND JUST KEEP TRACK OF THAT FOR SIX MONTHS?

MS. GONZALES: FOR THE GUN UNIT AND FOR THE STATIONS, CAN YOU --

DETECTIVE THOMPKINS: THE STATIONS MIGHT BE HARD. I KNOW FOR OUR UNIT WE HAVE THESE PACKETS, WE DO HAND THEM OUT REGULAR AND VERY EASILY. WE MAIL THEM TO THE

09:29 LOCATIONS, WE DROP THEM OFF AT PEOPLE'S HOUSES. I CAN TRACK FROM THE GUN UNIT SIDE, BUT TO HAVE THE DIVISION DO IT, IT WILL REQUIRE SOME KIND OF SPECIAL ORDER REQUIRING THEM TO DO IT AND ALSO A FORM THAT THEY CAN FILL OUT SO WE CAN ACCURATELY TRACK IT.

WE WANT THESE TO GO OUT. WE GIVE THEM OUT FREELY. WE VOLUNTEER THIS INFORMATION AS MUCH AS WE CAN. I DO ALL QUAL TRAINING AT THE DIVISIONS. PEOPLE AT MY UNIT DO ALL AT THE STATIONS.

CCW ISSUE HAS ALWAYS BEEN A BIG ISSUE WITH THE CITY AND THE STATE OF CALIFORNIA.

WE DON'T HAVE A PROBLEM WITH PEOPLE CALLING US. WE DON'T HAVE A PROBLEM WITH PEOPLE GETTING INFORMATION ON WHERE WE'RE AT. AND WE DO HAND THESE OUT.

09:30 NOW, WHETHER OR NOT THEY COMPLETE IT AND COME BACK TO US FOR AN INTERVIEW, WHICH IS PART OF THE PROCESS THAT THEY MEET WITH US AND COMPLETE THE APPLICATION. BUT IF THEY DON'T DO THAT, WE SEND THE APPLICATION OUT, WE HAVE NO IDEA WHAT THEY'VE DONE WITH IT OR IF THEY'VE DECIDED NOT TO GO WITH IT OR HOLD IT FOR A COUPLE YEARS.

WE CAN DO WHATEVER YOU DEMAND, SIR. BUT AS FAR AS THE GUN UNIT, I CAN TRACK IT. AS FAR AS OUTSIDE THE GUN UNIT, I THINK IT'S GOING TO REQUIRE A LITTLE BIT OF WORK ON THE DEPARTMENT TO MAKE THAT HAPPEN.

THE COURT: WHAT DO YOU GUYS SUGGEST?

MR. DALE: I THINK IF THE STATIONS WOULD TRACK IT AND CAN SHOW THAT THEY'RE CONSISTENTLY DOING IT, THAT COMPLIES.

I DO HAVE AN ISSUE WITH THIS IDEA THAT THEY'VE

09:30 SORT OF CHANGED THE POLICY NOW NOW THAT IT GETS MAILED OUT AFTER THE FACT. AND ONE OF THE CONCERNS THAT GOT RAISED FROM MY REVIEW OF OFFICER THOMPKINS' DEPOSITION TRANSCRIPT IS IT LOOKED LIKE THEY SORT OF HAD TWO COMPETING POLICIES, ONE WAS THE POLICY THAT WAS ADOPTED UNDER ASSENZA WHICH IS SOMEBODY COMES INTO THE STATION -- AND I AGREE WITH YOUR HONOR. THERE MAY BE TIMES WHEN THERE ARE FORMS THAT THEY'VE RUN OUT OF. AND THAT HAPPENS. I UNDERSTAND. I DON'T EXPECT PERFECTION EITHER.

BUT THERE SEEMS TO BE A PATTERN AND PRACTICE AND IT MAY BE AN ADOPTED POLICY AT THIS POINT WHERE SOMEBODY COMES IN AND EITHER THE OFFICER DOESN'T KNOW WHAT TO DO, EVEN THOUGH IT'S IN THE MANUAL, OR THE OFFICER SAYS, CALL THE GUN UNIT. AND THAT'S NOT REALLY THE POLICY THAT 09:31 JUDGE BUCKNER ORDERED.

HE ORDERED THAT ANYBODY WHO WALKS INTO A STATION GETS A COPY OF THE POLICY AND A COPY OF THE APPLICATION FORM.

NOW IF THEY WANT TO CHANGE THE POLICY AND COME TO PETITIONERS AND SAY, THIS IS THE POLICY WE WANT AND THIS IS HOW WE'RE GOING TO ENSURE IT'S GOING TO HAPPEN, THEN THAT'S ANOTHER ISSUE AND WE CAN CERTAINLY HAVE THAT DISCUSSION.

BUT WHAT I'M HEARING IS THAT IT WOULD BE DIFFICULT FOR THEM TO COMPLY ON A STATION-WIDE BASIS BECAUSE THEY WOULDN'T BE ABLE TO IMPLEMENT IT WITH ALL OF THEIR OFFICERS OR IT WOULD REQUIRE A SPECIAL ORDER.

THE PROBLEM IS JUDGE BUCKNER'S ORDER

SPECIFICALLY SAYS THEY HAVE TO COMPLY ON A STATION-WIDE BASIS, AND HE ORDERED THE EIGHTEEN STATION WATCH COMMANDERS TO PROVIDE DECLARATIONS THAT THEY WERE COMPLYING ON A STATION-WIDE BASIS.

SO NOW THEY'RE SAYING IT MIGHT BE DIFFICULT. THIS IS WHAT ESSENTIALLY THEY'RE SUPPOSED TO BE DOING ALL ALONG IS ENSURING THAT THEY'RE HAVING THIS COMPLIANCE ON THE STATION HOUSE LEVEL.

THE COURT: JUST OUT OF CURIOSITY, WHY IS IT UNACCEPTABLE TO HAVE THEM GET IT OFF THE INTERNET?

MR. DALE: IF THE PEOPLE ARE ACTUALLY GETTING IT OFF THE INTERNET, I DON'T KNOW THAT IT IS UNACCEPTABLE. BUT THE ISSUE HERE IS, WE DON'T HAVE ANY INDICATION, OTHER THAN OFFICER THOMPKINS' WORD, THAT PEOPLE ARE ACTUALLY GETTING IT OFF THE INTERNET.

THE COURT: WELL, IT'S ON THE INTERNET, RIGHT?

MR. DALE: WELL, NO. I DON'T -- I'M NOT AWARE AND THEY CERTAINLY HAVEN'T DEMONSTRATED ANY EVIDENCE IN THEIR OPPOSITION PAPERS THAT IT IS FULLY AVAILABLE ON THE INTERNET.

THE COURT: WELL, I THOUGHT ONE OF THE PEOPLE, ONE OF YOUR DECLARANTS GOT IT OFF THE INTERNET.

MR. DALE: THEY GOT THE DOJ'S APPLICATION FORM OFF THE DOJ'S WEBSITE. THEY DIDN'T GET THE LAPD POLICY.

AND THE LAPD POLICY IS KEY HERE BECAUSE THESE PEOPLE ARE GOING TO FILL OUT THE APPLICATION, YOU KNOW, THE DOJ APPLICATION. AND THERE ARE GOOD CAUSE REQUIREMENTS THAT WERE NEGOTIATED OVER A SERIES OF YEARS BETWEEN THE

09:33 ASSENZA PLAINTIFFS AND THE LAPD REGARDING WHAT FACTORS THE LAPD WOULD CONSIDER IN GRANTING THE APPLICATION.

AND IF THEY'RE NOT GETTING THE POLICY WITH THE APPLICATION OR IF IT'S GETTING MAILED TO THEM AFTER THEY'RE SUBMITTING THE APPLICATION THEY GOT OFF THE DOJ'S WEBSITE, THEN THEY'RE SUBMITTING AN APPLICATION IN THE BLIND. THEY DON'T KNOW WHAT THE FACTORS ARE AND SO THEY'RE GOING TO GET REJECTED OUT OF HAND AS A RESULT BECAUSE THEY HAVEN'T -- THEY DON'T KNOW WHAT THEY'RE BEING MEASURED AGAINST.

AND GETTING BACK TO THAT'S WHY WE WENT THROUGH THIS WHOLE RIGAMAROLE THREE YEARS AFTER THE ASSENZA JUDGMENT GOING IN FRONT OF JUDGE BUCKNER, BECAUSE AGAIN, LAPD SAID THEY WERE COMPLYING BUT AT THE END OF THE DAY PEOPLE WERE COMING TO US GOING, I DON'T KNOW HOW TO APPLY 09:33 FOR THIS. I HAVE TO GO HIRE BURT JACOBSON IN ORDER TO FIGURE OUT HOW TO APPLY FOR A CCW.

AND ASSENZA WAS SUPPOSED TO MAKE THIS A VERY SIMPLE PROCESS, WALK IN, GET AN APPLICATION, GET A POLICY FORM, AND THEN YOU FILL IT OUT AND GO FROM THERE. AND IT WASN'T HAPPENING.

AND SO THEY CAN REPRESENT THAT EVERYBODY IS GETTING FORMS, BUT WE HAVE PEOPLE WHO SAY OTHERWISE. AND AT THE END OF THE DAY IF THEY WANT TO CHANGE THE POLICY, WE'LL COME BACK AND NEGOTIATE WITH THEM.

BUT WE'VE NEVER HAD THAT DISCUSSION WITH THEM. IF THEIR NEW POLICY IS, WELL, WE'RE NOT GOING TO SUPPLY IT AT THE STATION HOUSES; WE'RE GOING TO MAKE SURE IT GETS MAILED OUT, THEN WE NEED TO HAVE THAT CONVERSATION WITH

09:34 THEM AND FIND OUT IF THERE ARE WAYS TO ENSURE THAT THEY'RE COMPLYING WITH BOTH THE LETTER AND SPIRIT OF ASSENZA.

THE COURT: OKAY, OKAY. SO WHAT DO YOU WANT FROM ME?

MR. DALE: I THINK -- I LIKE YOUR HONOR'S IDEA ABOUT ORDERING THEM TO CREATE CHECKLISTS FOR EACH OF THEIR STATION HOUSES.

WE WOULD ALSO LIKE TO GET COPIES OF ALL THE REJECTED APPLICATIONS AND CONTACT THOSE PEOPLE BECAUSE TO THE EXTENT THIS COURT HAS ANY QUESTIONS ABOUT WHETHER THE EIGHT REPRESENTS, YOU KNOW, A MINOR ERROR OR IT REPRESENTS AN ONGOING PATTERN AND PRACTICE, THAT'S GOING TO BE DETERMINATIVE OF WHAT THE LAPD NEEDS TO DO IN ORDER TO SHOW THAT THEY'RE IN COMPLIANCE AND WHAT FURTHER STEPS MAY NEED TO BE TAKEN IN ORDER TO DO THAT.

09:35 THE COURT: WHAT ABOUT -- I'M SORRY. YES.

MR. JACOBSON: ALONG THE LINES THAT IS MENTIONED -- I'M THE ATTORNEY THAT FILED THE ASSENZA CASE. I KNOW IT FROM -- I KNOW IT VERY WELL, FROM THE GET-GO. AND I KEEP PLOWING THE SAME GROUND.

THERE WAS NO COMPLIANCE WITH -- THE ASSENZA JUDGMENT CAME INTO EFFECT BECAUSE REJECTION LETTERS WENT OUT SAYING, USE A CELL PHONE. I MEAN INCREDIBLE SOME OF THE REJECTION LETTERS.

THE ASSENZA JUDGMENT THEN WENT TO SAY -- THERE WAS A MAIN HEADING AS TO A GENERAL RULE OF GOOD CAUSE, AND THEN IT WENT TO SIX SPECIFIC ITEMS THAT CONSTITUTED GOOD CAUSE. THAT'S WHAT WAS IN THE BUCKNER ORDER AS TO THE GUIDELINES TO BE SUBMITTED ALONG WITH EVERY APPLICATION.

09:35

THE ASSENZA JUDGMENT THEN WENT ON TO SAY, IF YOU SUBMIT AN APPLICATION UNDER PENALTY OF PERJURY AND YOU FALL WITHIN ONE OF THOSE SIX HEADINGS, THAT'S CONSIDERED SUFFICIENT EVIDENCE UNLESS THE LAPD HAS, QUOTE -- I WROTE THE LANGUAGE -- "STRONG COUNTERVAILING EVIDENCE." THIS HAS NOT BEEN COMPLIED WITH.

IT ALSO PROVIDED THAT IF THERE WAS A DENIAL, IT WOULD GO TO A CITIZEN'S PANEL. I HAPPEN TO BE ON THE PANEL. I CAN TELL YOU THAT EVER SINCE CHIEF WILLIE WILLIAMS LEFT OFFICE -- WHEN HE WAS THERE, ABOUT 70 PERCENT OF THE CITIZEN'S PANEL'S RECOMMENDATIONS WERE FOLLOWED. SINCE THEN, ZERO.

YOU MENTION THERE'S 20-SOME-ODD CCW'S. I CAN TELL YOU WHAT MOST OF THEM ARE. THEY ARE EITHER THE

09:36

ORIGINAL ASSENZA PLAINTIFFS THAT ARE STILL ALIVE AND AROUND OR THE LATE PLAINTIFFS BECAUSE THERE WAS A COMPANION CASE THAT WENT JUST BEFORE ASSENZA CALLED LAKE VERSUS CITY OF SAN FERNANDO AND ANOTHER ONE CALLED KIHM, K-I-H-M.

UNLESS YOU'RE ONE OF THOSE ORIGINAL PLAINTIFFS, YOUR ODDS ARE INFINITESIMAL THAT YOU'RE GOING TO BE GRANTED -- I ONLY KNOW OF TWO. ONE FELLOW IS A MACHINE GUN DEALER. OBVIOUSLY THEY DON'T WANT HIM TO NOT BE ABLE TO PROTECT THE MACHINE GUNS. AND ANOTHER FELLOW --

THE COURT: MACHINE GUN DEALER.

MR. JACOBSON: YEAH, MACHINE GUN DEALER, LICENSED MACHINE GUN DEALER, DEALS WITH LAW ENFORCEMENT.

AND ANOTHER FELLOW WAS A LOCKSMITH. WELL, YOU SAY WHAT'S A LOCKSMITH GOT TO DO WITH IT. WELL, HE HAS THE

09:37 COMBINATIONS OF ALL THE ATM'S IN TOWN. THEY GAVE HIM PERMITS.

THOSE ARE THE ONLY TWO WHO ARE NOT ASSENZA PEOPLE THAT I AM PERSONALLY AWARE OF. AND I AM AWARE OF A LOT OF THEM.

THE COURT: WELL, WE CAN AT LEAST AGREE THAT YOU SHOULD PRODUCE ALL APPLICATIONS, REJECTS AND ACCEPTED ONES.

MS. GONZALES: YOUR HONOR, IF THEY MADE A PUBLIC RECORDS REQUEST, WE WOULD BE REQUIRED TO GIVE THEM THAT INFORMATION.

THE COURT: WHY DON'T I JUST SAY IT?

MS. GONZALES: THAT'S FINE, THAT'S FINE. WHAT I'M SAYING IS THAT THEY'VE NEVER REQUESTED THAT INFORMATION. IT'S NOT THAT WE ARE HIDING THAT INFORMATION. MR. BURT --

09:38 THE COURT: OKAY, BUT NOW I'M GOING TO ASK YOU TO DO THAT.

NOW, AS TO STATION BY STATION COMPLIANCE -- WELL, I THINK WHAT WE NEED AT THE VERY LEAST IS A DECLARATION FROM THE WATCH COMMANDER OR STATION COMMANDERS THAT THEY ARE IN COMPLIANCE AND WHAT THEY'RE DOING TO COMPLY AT THE VERY LEAST.

I AM A LITTLE RELUCTANT TO ADD TO WHAT PEOPLE ARE DOING AT THE DESK BECAUSE I UNDERSTAND THAT THERE ARE A LOT OF MOVING PARTS IN THE POLICE STATION, A LOT OF THINGS HAPPEN AND A LOT OF THINGS THAT NEED ATTENTION IMMEDIATELY ARE HAPPENING. AND TO ADD ONE MORE THING OF RECORDKEEPING CAN BE -- IT CAN BE, A, IT CAN GET IN THE WAY AND IT CAN ALSO JUST FALL BY THE WAYSIDE AS YOU ARE PRIORITIZING YOUR

09:39 TIME.

I KNOW WE GET THINGS OCCASIONALLY FROM AOC THAT WE HAVE TO KEEP TRACK OF CERTAIN -- THE LAST THING I WANT TO SEE. IT'S NOT LIKE I'M SITTING AROUND AND, OH, BOY, I HAVE SOMETHING NOW TO DO. IT JUST GETS IN THE WAY.

WHAT I WOULD LIKE, WHAT I NEED FROM YOU IS ALL APPLICATIONS AND ALL REJECTS AND TO TURN THAT OVER TO THE PETITIONERS.

MS. GONZALES: JUST THE DENIALS, APPLICATIONS AND DENIALS?

THE COURT: EVERY APP. YOU HAVE SO THEY CAN CONTACT THESE FOLKS. AND I NEED A DECLARATION FROM STATION COMMANDER -- I DON'T KNOW, WATCH COMMANDER -- STATION

09:39 COMMANDER THAT THEY ARE IN COMPLIANCE WITH THIS AND WHAT THEY ARE DOING TO ENSURE COMPLIANCE.

AND LET'S SEE WHERE THAT GOES. LET'S SEE WHERE THAT GOES.

PERHAPS AT THE END OF THE DAY WE'LL NEED TO HAVE AN ORDER THAT THEY DO IN FACT KEEP TRACK OF PEOPLE WHO COME IN. I HOPE NOT BECAUSE, AGAIN, I HOPE THEY ARE COMPLYING AND I WOULD LIKE TO HAVE THEM BE DOING THINGS THAT ARE, YOU KNOW, MORE IN TRADITIONAL POLICE WORK.

BUT LET'S DO THIS AND SEE WHERE IT TAKES US. AND --

MS. GONZALES: THAT'S FINE, YOUR HONOR.

I JUST WANTED TO CORRECT ONE THING THAT PETITIONER'S COUNSEL SAID WHICH IS THAT THE POLICE DEPARTMENT HAS NOT CHANGED ITS POLICY.

09:40 THE POLICE DEPARTMENT HAS NO QUARREL WHATSOEVER WITH HOW THEY -- THE NOW 21 AREA STATIONS HAVE THE ENTIRE PACKET AVAILABLE, WHICH IS THE DOJ APPLICATION, THE LAPD POLICY, AND THE COVER SHEET WHICH COMES FROM THE GUN UNIT WHICH KIND OF EXPLAINS A LITTLE BIT TO THEM AND GIVES THEM THE GUN UNIT CONTACT NUMBER.

AS DETECTIVE THOMPKINS INDICATED, THE DEPARTMENT IS MORE THAN HAPPY TO ASSIST ANY MEMBER OF THE PUBLIC WHO IS INTERESTED IN APPLYING, SO.

THE COURT: OKAY. AND HERE'S ONE MORE THING I WILL ASK. I'VE NEVER BEEN ON THE LAPD WEBSITE, I DON'T KNOW WHAT'S THERE, BUT WE OUGHT TO PUT SOMETHING ON THE WEBSITE FOR OBTAINING A CCW, PUT THE POLICY ON THE WEBSITE AND THE FORM ON THE WEBSITE.

09:41 MS. GONZALES: I'M GLAD YOU MENTIONED THAT, YOUR HONOR, BECAUSE WE WERE JUST TALKING ABOUT THAT THAT WE HAD BEEN TALKING ABOUT WHAT -- THERE WAS A QUESTION ABOUT THE DOJ FORM THAT WE COULD POSSIBLY LINK TO IT, BUT DEFINITELY PUTTING --

THE COURT: PUT IT ON. PUT IT ON TO WHERE THERE MUST BE AN INDEX, ONE FOR CARRYING A CONCEALED WEAPON, CLICK ON IT, AND THEN HAVE WHERE THEY CAN READ IT AND DOWNLOAD A HARD COPY OF THE POLICY AND READ THE APP. AND DOWNLOAD THE APP.

MS. GONZALES: RIGHT, EXACTLY, WHICH IS -- WE HAVE NO PROBLEM WITH THAT WHATSOEVER.

THE COURT: ALL RIGHT. SO I WILL ORDER THAT. I WILL ORDER THAT YOU TURN OVER THE APPS. AND DENIALS, AND I'LL

09:42 ORDER YOU TO GET DECLARATIONS FROM STATION COMMANDERS WHAT THEY ARE DOING TO COMPLY WITH THE RULE.

AND THEN WE'LL SEE WHERE WE ARE. COULD BE EVERYBODY WILL BE SATISFIED, COULD BE. WE'LL SEE.

MS. GONZALES: LIKE I SAID, IT'S JUST UNFORTUNATE THAT THE DEPARTMENT WAS NOT CONTACTED BECAUSE WE WOULD BE MORE THAN HAPPY TO DO EVERYTHING IN OUR POWER TO ENSURE THAT ALL OF THE PERSONNEL OF THE DEPARTMENT DO COMPLY. IT'S NOT THAT HARD, NOT THAT HARD AT ALL.

THE COURT: I'M ALWAYS ENCOURAGING PEOPLE TO MEET AND CONFER IN PERSON AND TALK TO ONE ANOTHER, BUT, YOU KNOW, THIS IS WHAT I HAVE RIGHT NOW, SO DO YOU OBJECT TO THIS OR WHAT?

MR. DALE: NO, NO. I'M IN FULL AGREEMENT WITH HOW
09:42 YOUR HONOR WANTS TO HANDLE THIS. I THINK IF WE GET DECLARATIONS BACK THAT SHOW COMPLIANCE AND THEN WE HAVE AN OPPORTUNITY TO CONFIRM THAT BY CONTACTING THE APPLICANTS, THAT WILL SATISFY, YOU KNOW, WHAT WE NEED TO DO AND WE'LL DO OUR DUE DILIGENCE TO MAKE SURE --

THE COURT: YOU GUYS COULD ALSO, YOU KNOW, GET YOUR NEIGHBOR TO WALK INTO THE VAN NUYS STATION OR SOMETHING AND ASK FOR ONE AND SEE WHAT HAPPENS.

MR. DALE: YEAH. AND THAT'S CERTAINLY AN OPTION TOO, BUT, YOU KNOW, WE DON'T EVEN WANT TO GO THERE YET.

MS. GONZALES: YOUR HONOR, MAY I JUST GET CLARIFICATION WITH REGARD -- BECAUSE I'M JUST TRYING TO REDUCE THE AMOUNT OF WORK THAT LAPD NEEDS TO DO --

THE COURT: RIGHT.

09:43

MS. GONZALES: -- TO EFFECTUATE THE COURT'S ORDER. AND THAT IS, DOES THE PETITIONER REALLY JUST WANT THE NAMES OF THE APPLICATIONS WITH CONTACT INFO SO THAT THEY CAN CONTACT AND SAY, BY THE WAY, DID YOU HAVE ANY DIFFICULTY GETTING IT, BECAUSE THESE PACKAGES CAN BE QUITE LENGTHY.

THE COURT: ALL RIGHT. THAT'S FAIR. IS CONTACT INFORMATION ENOUGH?

MR. DALE: I THINK IT WOULD BE HELPFUL TO HAVE ALL THE INFORMATION.

THE COURT: "ALL" MEANING --

MR. DALE: THE ENTIRE APPLICATION FORM AND --

THE COURT: LET ME TELL YOU THIS. WE'LL JUST START WITH THE CONTACT INFORMATION, HAVE TWO LISTS, PERMITTEES AND DENIALS, AND CONTACT INFORMATION FOR BOTH THOSE. AND

09:43 LET'S SEE WHERE IT GOES.

MR. DALE: I APPRECIATE THAT, YOUR HONOR. I DO ANTICIPATE THAT WE MAY NEED SOME ADDITIONAL INFORMATION AT SOME POINT SIMPLY BECAUSE IT'S BEEN 13 YEARS, SOME OF THESE PEOPLE MAY HAVE MOVED AND WE MAY NEED SOME OF THAT INFORMATION TO TRACK THEM DOWN.

THE COURT: OKAY. SO WHAT IS A -- WELL, ACCORDING TO COUNSEL SAYS IT'S EVERY TWO YEARS THEY HAVE TO RE-UP.

MS. GONZALES: AND, I'M SORRY. MAYBE I NEED CLARIFICATION ON THE PERIOD OF TIME THAT WE'RE TALKING ABOUT. ARE WE TALKING ABOUT EVERY SINGLE PERSON WHO SUBMITTED AN APPLICATION SINCE 1998 TO PRESENT?

THE COURT: SINCE BUCKNER'S ORDER, YEAH.

MS. GONZALES: OKAY. THAT IS GOING TO TAKE A LITTLE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 14 HONORABLE TERRY A. GREEN, JUDGE

ANTHONY MARIO ASSENZA, ET AL., PLAINTIFFS/PETITIONERS, VS. CITY OF LOS ANGELES, ET AL., DEFENDANTS/RESPONDENTS.	CASE NO. BC115813 REPORTER'S CERTIFICATE

I, SUSIE PRICE, OFFICIAL COURT REPORTER OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE FOREGOING PAGES, 1 THROUGH 22 INCLUSIVE, COMPRISE A FULL, TRUE AND CORRECT TRANSCRIPT OF THE PROCEEDINGS HELD IN THE ABOVE-ENTITLED MATTER ON JUNE 9, 2011.

DATED THIS 15TH DAY OF JUNE, 2011.

SUSIE PRICE, CSR#11954
OFFICIAL COURT REPORTER

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DEFENDANT: City of L.A. et al.,

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JUDICIAL DIST: Central
CITY: Los Angeles
CASE #: BC115813

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