

SENIOR PARTNER
C. D. MICHEL*

PARTNERS
ANNA M. BARVIR
MATTHEW D. CUBEIRO
JOSHUA ROBERT DALE**
W. LEE SMITH

* ALSO ADMITTED IN TEXAS AND THE
DISTRICT OF COLUMBIA
** ALSO ADMITTED IN NEVADA
*** ALSO ADMITTED IN THE DISTRICT OF
COLUMBIA



ASSOCIATES
TIFFANY D. CHEUVRONT***
ALEXANDER A. FRANK
KONSTADINOS T. MOROS

OF COUNSEL
SEAN A. BRADY
JASON A. DAVIS
JOSEPH DI MONDA
MICHAEL W. PRICE

WRITER'S DIRECT CONTACT:
562-216-4475
KMOROS@MICHELLAWYERS.COM

April 23, 2025

VIA U.S. CERTIFIED MAIL & EMAIL

Los Angeles Police Department
ATTN: Police Chief Jim McDonnell
100 West 1st Street
Los Angeles, CA 90012
mcdonnej@lapd.lacity.org
contact.lapdonline@lapd.online

Office of the City Attorney
ATTN: City Attorney Hydee Feldstein Soto, Esq.
200 N Main St. #800
Los Angeles, CA 90012
hydee.feldsteinsoto@lacity.org

Re: Reply to Chief McDonnell's letter of March 31, 2025

Dear Chief McDonnell,

CRPA and GOC appreciate your response to our letter regarding the unacceptably long wait times experienced by individuals applying for a CCW permit with LAPD. We also are happy that some initial efforts have been made to deal with the backlog that you outlined.

Unfortunately, much of your letter is not reassuring. You report that LAPD currently processes about 150 permits a month, and 50 renewal permits. While that is certainly more than before the Supreme Court's decision in *Bruen* (when for decades LAPD adamantly resisted issuing CCWs at all) in a city the size of Los Angeles with millions of people, a maximum rate of 2,400 permits per year does not move the needle. It is no wonder LAPD's backlog has grown to over 18 months wait times for new applicants.

While some other departments have long wait times due to the post-*Bruen* surge in applications, only LAPD and LASD are anywhere near this bad. We have already sued the latter and won a preliminary injunction against the Sheriff's Department. And recently, the United States Department of Justice announced an investigation into LASD because of this issue, citing our lawsuit in doing so. In announcing that action, DOJ's press release explained that, besides just LASD, "many California localities appear to be imposing additional burdens beyond those

required by California state law, including by subjecting ordinary, law-abiding Californians to expensive fees and lengthy wait times associated with applications for concealed handgun licenses.”¹

Most states do not require a permit to carry a firearm at all as long as the individual carrying is legally allowed to possess firearms. Other states issue permits in days or weeks. And even within California, where the requirements are stricter due to this state’s animus to the Second Amendment, other jurisdictions accomplish the permitting process within a few months or less.

Bruen was decided almost three years ago, meaning LAPD has had more than sufficient time to set up a process to handle CCW applications. CRPA and GOC expect LAPD to set a firm timeline establishing when LAPD will begin issuing CCW permits in a timely fashion, which *at a minimum* requires issuance or denial within 120 days from receipt of the application, as provided by state law. *See* Cal. Penal Code § 26205(a).

Significantly, some CCW applicants are reporting that LAPD is “gaming” this statutory deadline by putting applicants on a waiting list and not treating their application as “accepted” until LAPD decides to receive it. In fact, your letter seems to allude to this process, referring to a “queue” for an in-person interview. To be clear, there should be *no delay at all* when merely submitting an application. And the 120-day clock starts from when the applicant submits their application, or 120 days from when they contact LAPD attempting to submit their application (if LAPD does not allow submission until later, which should not be happening). A 120-day timeline for permit issuance is already much longer than most other states, and for now at least the process must take no longer than that.

Although CRPA and GOC are willing to grant a short grace period in hopes of avoiding litigation while we work together to solve this problem, and while we understand that your resources are currently limited, we are talking about the exercise of a constitutional right. If the government insists on a permit before that right can be exercised, it cannot also complain that the permit process *it set up* is too burdensome to process permit applications in a reasonable timeframe.

Whatever funding or hiring is needed, it must be provided by the City to LAPD immediately, so that *all* permit applications can be issued or denied within the statutory 120 days. As we said in our first letter, if voter registration, or a parade permit, took this long, we have no doubt the issue would be resolved immediately. The Second Amendment is not “a second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees that we have held to be incorporated into the Due Process Clause.” *McDonald v. City of Chicago, Ill.*, 561 U.S. 742, 780 (2010).

¹ U.S. Dep’t of Just., *U.S. Department of Justice Announces Second Amendment Pattern-or-Practice Investigation into California’s Los Angeles County* (Mar. 27, 2025), <https://www.justice.gov/opa/pr/us-department-justice-announces-second-amendment-pattern-or-practice-investigation> (last visited April 15, 2025).

Additionally, since our first letter a new concern has come to our attention. We've been informed by a couple of our members who have applied for renewal permits that LAPD is not processing those renewal applications on time. Specifically, these applicants applied for a renewal as early as LAPD allows them to do so – 90 days before expiry of their current permit – and yet with their expiration date only days away, they have heard nothing from LAPD. They will effectively lose the right to carry due to LAPD's delays.

CRPA and GOC are happy to see that LASD is willing to entertain proposed solutions. We have some suggestions:

1. You write that LAPD will reach out to other departments who process CCW permits faster to get their recommendations. This is a good idea. We urge you to reach out to Riverside County Sheriff Chad Bianco, who has made his department a model for how to respect the Second Amendment within the limitations of California law. Applicants report completing the process quickly, sometimes even within one month. Whatever Riverside is doing, LAPD should use it as a model.
2. LAPD should publicly join with other law enforcement groups to lobby the legislature to make statutory changes designed to ease the burden of processing CCW permits. Removing requirements like personal references and in-person interviews should be considered. One bill you could immediately lend your public support to is the CRPA and GOC-backed AB 1092. *See* Cal. A.B. 1092, 2025-2026 Reg. Sess. (as amended Mar. 13, 2025). That bill would increase CCW validity from two years to four years. While not a silver bullet, a need to process renewal applications *half* as frequently no doubt would ease the burden on LAPD and free up resources to more quickly process first-time applications. The bill is supported by both the Orange County Sheriff's Department and the San Diego County Sheriff's Department. LAPD should add its support.
3. Although California law operates to stymie the exercise of enumerated rights, elected officials must protect the Constitution first. Indeed, in the oath of office for officers under the Los Angeles City Charter, the oath to uphold the Constitution of the United States comes before any reference to California law. *See* L.A., Cal., Charter § 215 (2024).

Here, that means that, if California law is making it impossible for LAPD to respect the Second Amendment by issuing CCW permits in a reasonable timeframe, then the cumbersome requirements of California law must make way for the Second Amendment, and not the other way around. We of course do not mean LAPD should give permits to ineligible applicants. But LAPD could dramatically speed up the process by only going through the following steps: (1) accepting applications; (2) conducting a remote interview with applicants instead of an in-person one (or foregoing the interview entirely); (3) directing applicants to take their livescan and training course immediately after applying; and (4) if the livescan returns nothing

disqualifying, and the training course and its shooting qualification are successfully completed by the applicant, promptly issue the permit.

All the other burdens California imposes, such as digging through applicants' social media and talking to "character references" and such, are likely unconstitutional, and regardless are redundant with the livescan and training course in terms of making sure applicants are qualified. Those requirements should be set aside if they are contributing to the unacceptable waiting times. Note that we will not take seriously or in good faith any sudden concern for following California law precisely, when Cal. Penal Code § 26205(a) and its 120-day time limit has gone completely ignored by LAPD.

4. Finally, as to the issue of renewal permits, you should put out a public statement that so long as the applicant applied for a renewal on time, if they have not received any decision on their renewal application, their prior permit will remain valid until they receive a new permit or a denial. What is completely unacceptable is for people to lose the right to carry due to LAPD's failure to uphold its duty to timely process applications.

Conclusion

As previously indicated, CRPA and GOC seek a firm commitment from LASD to a specific date certain – certainly well before the end of this year – upon which all applicants will be issued or denied a CCW permit within 120 days of submitting their application.

We suggest that a phone call to discuss these issues would be appropriate. Please let us know if this is possible.

Sincerely,
Michel & Associates, P.C.

A handwritten signature in black ink, appearing to read "Michel", with a stylized flourish at the end.

C.D. Michel