

OFFICE OF OPERATIONS

OPERATIONS ORDER NO. 4

April 25, 2016

**SUBJECT: GUIDELINES FOR INVESTIGATING INCIDENTS INVOLVING
LARGE-CAPACITY MAGAZINES**

PURPOSE: On September 19, 2015, the Los Angeles City Council passed an ordinance banning the possession of large-capacity magazines. There was a two-month grace period for individuals to lawfully transfer, move them out of the City, or surrender them to the Department. The grace period expired on November 18, 2015, and the ordinance may now be enforced. The City Council approved amendments to this ordinance on December 9, 2015. The amendments are incorporated below. The purpose of this Order is to establish guidelines for investigating incidents involving large-capacity magazines.

Los Angeles Municipal Code (LAMC) Section 46.30 bans the possession of large-capacity magazines by unauthorized persons and classifies a violation of the ordinance as a misdemeanor. This section is applicable to any person found in the City of Los Angeles, even if the magazines were lawfully possessed prior to November 18, 2015.

LAMC 46.30 includes the following definition:

Large-Capacity Magazines - any detachable ammunition feeding device with the capacity to accept more than 10 rounds, with the following exceptions:

- An ammunition feeding device that has been **permanently** altered so that it cannot accommodate more than 10 rounds;
- A .22 caliber tube ammunition feeding device; or,
- A tubular magazine that is contained in a lever-action firearm.

Exemptions - the following individuals are exempted from this ordinance:

- Any government officer, agent, or employee, member of the armed forces of the United States, or peace officer, to the extent that such a person is otherwise authorized by his or her respective federal, state, county, or city law enforcement or military agency to possess a large-capacity magazine for use in accordance with the law enforcement policy of the agency;
- *Any qualified **reserve peace officer**, as defined by California Penal Code Section 830.6, to the extent that such a person is otherwise authorized by his or her respective state, county, or city law enforcement agency to possess a large-capacity magazine for use in accordance with the law enforcement policy of the agency;*
- *Any qualified **retired peace officer**, as defined by Section 926C of Title 18 of the United States Code, who has a valid Carry Concealed Weapons endorsement, license or permit;*
- Any firearms dealer pursuant to Penal Code Sections 26700-26915;
- A gunsmith whose possession is in the course of his employment;

- An armored vehicle business and its employees in the course and scope of their employment;
- Any person, corporation, or entity that manufactures large-capacity magazines pursuant to applicable federal regulations;
- Any person using large-capacity magazines solely as a prop for a motion picture, television, or video production;
- Any authorized holder of a special weapon permit pursuant to California Penal Code Sections 18900, 31000, 32650, 32700-32720, or 33300;
- Any person legally possessing, transporting, or selling a large-capacity magazine to an out of state client pursuant to Penal Code Section 32315;
- Any federal, state, or local historical society, museum, or public institution;
- Any person who finds a large-capacity magazine, if not otherwise prohibited from possessing one, for as long as is necessary to deliver the magazine to a law enforcement agency;
- Any forensic laboratory or authorized agent in the course of their employment;
- Any person or business engaged in legally transporting or selling a large-capacity magazine in accordance with Penal Code Section 32310; and,
- Any person who legally possesses a firearm, obtained prior to January 1, 2000, that **only** accepts magazines with a capacity greater than 10 rounds.

PROCEDURES:

I. OFFICER'S RESPONSIBILITIES. Officers shall enforce LAMC Section 46.30 within the spirit of the law and with the interest of public safety being the highest priority. Once a determination is made that a violation has occurred, the investigating officer may:

- Effect a misdemeanor arrest; or,
- Request additional filing (if the arrest is associated with a higher charge); or,
- Complete an Investigative Report, Form 03.01.00; and,
- Complete a Property Report 10.01.00; and,
- Issue a Receipt for Property Taken into Custody, Form 10.10.00; and,
- Book the magazine as analyzed evidence.

Note: The investigating officer shall indicate on the Analyzed Evidence – Shelf Storage Envelope, Form 12.51.00, that he or she wishes Forensic Science Division/Firearms Analysis Unit to inspect the magazine and determine whether it is a large-capacity magazine or verify the permanency of any alterations.

II. DETECTIVE'S RESPONSIBILITIES. The Robbery Coordinator of an Area detective division shall review all arrest/crime reports for "Possession of Large-Capacity Magazine" and all Property Reports, Form 10.01.00, listing large-capacity magazines booked in their division relative to a misdemeanor crime or any non-criminal incident, for which no investigative officer or specialized detective division has been assigned follow-up investigation responsibility.

The Robbery Coordinator of Area detectives shall review and cause an investigation to be made of an Investigative Report, Form 03.01.00, titled "Possession of Large-Capacity Magazine." Cases shall be assigned and categorized in accordance with Detective Operations Manual Section I/121.00.

Note: Misdemeanor arrests for violations of LAMC Section 46.30 are reviewed by the City Attorney's Office for filing consideration and do not require follow-up by Area detectives. Any felony arrest/crime report associated with an additional violation of LAMC Section 46.30 shall still be assigned and investigated in accordance with Department policy. In such cases, the investigating detective shall ensure all large-capacity magazines taken into custody are held until further notice by Property Division after he or she has verified the misdemeanor case has been cleared, and the large-capacity magazine no longer has any evidentiary value.

III. COMMANDING OFFICER'S RESPONSIBILITIES. Commanding officers shall be responsible for compliance with this Order.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.

Should you have questions regarding this matter, please contact the Evaluation and Administration Section, Office of Operations, at (213) 486-6050. For questions regarding gun control laws, please contact the Gun Unit, Gang and Narcotics Division, at (213) 486-5360.



JORGE A. VILLEGAS, Assistant Chief
Director, Office of Operations

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