

OFFICE OF OPERATIONS

OPERATIONS ORDER NO. 9

July 9, 2007

**SUBJECT: REAL-TIME ANALYSIS AND CRITICAL RESPONSE DIVISION
GUN-RELATED ARRESTS DIRECT FILING**

EFFECTIVE: IMMEDIATELY

PURPOSE: This Order establishes Department protocols for processing certain gun-related arrests and updates Office of Operations Notice, *Real-Time Analysis And Critical Response Division Notification of Gun-Related Arrests*, dated February 16, 2006.

PROCEDURE:

In February 2006, Real-Time Analysis and Critical Response Division (RACR) and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) developed a protocol to ensure that all gun-related arrests are reviewed by an ATF agent who is located at RACR Division.

Recent analysis of the filing program has identified the need for a more direct filing protocol with the United States Attorney's Office. This protocol will improve the chances of a federal filing for gun-related arrests. Additionally, it is anticipated that the protocol outlined below will assist arresting officers, in that arrestees, who meet the criteria, will be processed by ATF agents, when practical, and placed directly into the federal system.

Effective immediately, Area watch commanders who become aware of an arrestee that meets the criteria for ATF direct filing shall immediately notify RACR Division at (213) 978-6500. Upon notification, RACR personnel will notify the assigned ATF agent who will contact the Area watch commander to arrange for further processing and/or transfer of the arrestee to the ATF.

The direct filing protocol is satisfied when all of the conditions under any one of the following sections are met.

I. FIREARMS AND NARCOTICS

- A. Defendant possessed a firearm; and,
- B. Possession of the firearm was in connection with any of the following type and quantity of narcotics:

- * Crack Cocaine, 5 net grams minimum;

- * Powder Cocaine, 500 net grams minimum;
- * Methamphetamine, 10 net grams minimum;
- * Heroin, 100 net grams minimum; or,
- * PCP, 100 net grams minimum.

Note: All amounts are estimates of net weight, not including the packaging.

II. FIREARMS AND UNDOCUMENTED ALIEN STATUS

- A. Defendant possessed a firearm; and,
- B. Defendant is an undocumented alien who has previously been deported; and,
- C. Defendant was convicted of a felony before his/her deportation.

III. FIREARMS AND CONVICTED FELONS

- A. Defendant possessed a firearm; and,
- B. Defendant has at least two felony convictions for any of the following:

Health and Safety Code Sections

- * 11351 Possession of Narcotics for Sale;
- * 11351.5 Possession of Crack Cocaine for Sale;
- * 11359 Possession of Marijuana for Sale;
- * 11378 Possession of Non-Narcotics for Sale; or,
- * 11378.5 Possession of PCP for Sale.

Penal Code Sections

- * 187 Murder;
- * 192(a) Voluntary Manslaughter;
- * 203 Mayhem;
- * 207 Kidnapping;
- * 211 Robbery;
- * 215 Carjacking;
- * 236 False Imprisonment;
- * 245 ADW/GBI;
- * 243.4 Sexual Battery;
- * 451 Arson;
- * 459 Burglary (First Degree Only);
- * 261 Rape;
- * 273.5 Spousal Abuse; or,
- * 288 Lewd Act on a Child.

Any questions regarding this Order should be directed to RACR Division, at (213) 978-6500.

EARL C. PAYSINGER, Assistant Chief
Director, Office of Operations

Attachment

DISTRIBUTION "A"

**LOS ANGELES POLICE DEPARTMENT
ATF/US ATTORNEY
GUN ARRESTS DIRECT FILING PROGRAM CASE SCREENING**

Cases that meet the following criteria will be considered for direct filing in Federal Court. Defendant must meet the criteria in Section A and one or more areas in Sections B, C, or D.

A	DEFENDANT POSSESSED A FIREARM <u>AND</u> ONE OR MORE OF THE CRITERIA IS MET IN SECTIONS B, C, OR D.	
B	Narcotics	<p>Defendant's possession of firearm was in connection with any of the following minimum amounts of narcotics (<u>net weight</u>).</p> <ul style="list-style-type: none"> <input type="checkbox"/> Crack Cocaine (5 grams) <input type="checkbox"/> Powder Cocaine (500 grams) <input type="checkbox"/> Methamphetamine (10 grams) <input type="checkbox"/> Heroin (100 grams) <input type="checkbox"/> PCP (100 grams) <p style="text-align: center;"><i>(Net weights are best estimates only.)</i></p>
C	Alien Status	<ul style="list-style-type: none"> <input type="checkbox"/> Deft is an illegal alien who has been previously deported; and, <input type="checkbox"/> Deft was convicted of a felony BEFORE his/her deportation.
D	Criminal History	<p>Defendant has at least <u>two felony convictions</u> for any of the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> 187 PC (Murder) <input type="checkbox"/> 192(a) PC (Voluntary Manslaughter) <input type="checkbox"/> 203 PC (Mayhem) <input type="checkbox"/> 207 PC (Kidnapping) <input type="checkbox"/> 211 PC (Robbery) <input type="checkbox"/> 215 PC (Carjacking) <input type="checkbox"/> 236 PC (False Imprisonment) <input type="checkbox"/> 245 PC (ADW/GBI) <input type="checkbox"/> 243.4 PC (Sexual Battery) <input type="checkbox"/> 451 PC (Arson) <input type="checkbox"/> 459 PC (Burglary) <input type="checkbox"/> 261 PC (Rape) <input type="checkbox"/> 273.5 PC (Spousal Abuse) <input type="checkbox"/> 288 PC (Lewd Act on Child) <input type="checkbox"/> 11351 H&S (Poss of Narcotics for Sale) <input type="checkbox"/> 11351.5 H&S (Poss of Crack Cocaine for Sale) <input type="checkbox"/> 11359 H&S (Poss of Marijuana for Sale) <input type="checkbox"/> 11378 H&S (Poss of Non-Narcotic for Sale) <input type="checkbox"/> 11378.5 H&S (Poss of PCP for Sale)