OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 18 December 12, 2023

APPROVED BY THE BOARD OF POLICE COMMISSIONERS ON December 12, 2023

SUBJECT: **AUTHORIZATION TO POSSESS FIREARMS BY PEACE OFFICERS, DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS – ESTABLISHED**

PURPOSE: Federal law, including the Gun Control Act, generally prohibits certain individuals within the United States from possessing firearms. There is, however, an exception to that prohibition when the person possesses the firearm for use as a police officer.

The Los Angeles Police Department (LAPD) has selected, trained, and hired qualified candidates who are in the United States under the Deferred Action for Childhood Arrivals (DACA) Immigration Policy. Department Manual Sections, 1/230.05 *Responsibility of On-Duty Officers*, and 1/230.10 *Responsibility of Off-Duty Officers* currently authorize officers to possess their duty weapons while both on and off-duty. The purpose of this policy is to establish the authority of those who are in the United States pursuant to DACA to possess a firearm for use in the performance of their official duties or other law enforcement purpose.

PROCEDURE: Department Manual Section 1/230.12 – *Authorization to Possess Firearms by Peace Officers, Deferred Action for Childhood Arrivals (DACA) recipients,* has been established. Attached is the established Department Manual section with the revisions in italics.

AMENDMENT: This Order adds Sections 1/230.12 to the Department Manual.

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.

MICHEL R. MOORE
Chief of Police

Attachment

DISTRIBUTION "D"

DEPARTMENT MANUAL
VOLUME I
Established by Special Order No.18 , 2023

230. WHEN TO TAKE POLICE ACTION

230.05 RESPONSIBILITY OF ON-DUTY OFFICERS.

On-Duty, Within City, Fully Responsible. On-duty officers within the City limits, after considering the tactical situation, are to take all steps reasonably necessary and consistent with their assignment to affect the enforcement of the penal provisions of the City, State, and Nation, and to protect life and property.

On-Duty, Outside of City, Fully Responsible for City Matters. On-duty officers outside the City limits who become aware of a situation requiring police action must first consider the tactical situation, then take all steps reasonably necessary on police matters of direct concern to the City of Los Angeles.

230.10 RESPONSIBILITY OF OFF-DUTY OFFICERS. Under California law, both on-and off-duty officers have peace officer authority as to any public offense committed or which there is probable cause to believe has been committed in *their* presence and with respect to which there is immediate danger to person or property, or the escape of the perpetrator of such offense. However, on-duty officers outside the City limits who are not acting within the scope of their employment as Los Angeles Police *Department* officers on matters of direct concern to the City and off-duty officers both inside and outside of the City limits are to give first consideration to causing the appropriate action to be effected by the responsible law enforcement agency. Such officers should then act only after consideration of the tactical situation and of their possible liability and that of the City of Los Angeles.

230.12 AUTHORIZATION TO POSSESS FIREARMS BY PEACE OFFICERS, DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS.

The Los Angeles Police Department (LAPD) has selected, trained, and hired qualified candidates who are in the United States under the Deferred Action for Childhood Arrivals (DACA) Immigration Policy. Department policy authorizes officers to possess their duty weapons while both on and off-duty.

Pursuant to Department policy, and California Law, both on-duty and off-duty officers have peace officer authority as to a public offense committed or for which there is probable cause to believe a crime has been committed in their presence, and with respect to which there is immediate danger to person or property, or the escape of the perpetrator of the offense. This express authority and other considerations regarding the authority to carry a firearm off-duty are addressed in Department Manual Section 1/230.10, RESPONSIBILITY OF OFF–DUTY OFFICERS.

Los Angeles Police Department officers who are in the United States pursuant to DACA have the authority to possess a firearm for use in the performance of their official duties or other law

enforcement purpose. The firearm shall not be possessed or used for a non-law enforcement related purpose.

Specifically, this policy does not allow for an officer in the United States pursuant to DACA to possess or use a firearm other than in the performance of their official duties or other law enforcement purpose. The policy does not allow for the conversion of a firearm for personal use.

NOTE:

- *Nothing in this policy allows for duty-restricted officers to possess their duty firearm.*
- *Nothing in this policy creates an exception to any other Departmental policy concerning firearms.*