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12 DEPARTMENT

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15 **UNITED STATES DISTRICT COURT**  
16 **CENTRAL DISTRICT OF CALIFORNIA**  
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18 JONATHAN BIRDT,  
19  
20 Plaintiff,

21 v.

22 CHARLIE BECK, LEE BACA, THE LOS  
23 ANGELES POLICE DEPARTMENT and  
24 THE LOS ANGELES COUNTY SHERIFFS  
25 DEPARTMENT, DOES 1 to 50, *inclusive*,  
26  
27 Defendants.

28 CASE NO. CV10-8377 RGK (JEM)

***SUPPLEMENTAL***  
DECLARATION OF FRANKLIN  
ZIMRING IN SUPPORT OF  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT

Date: May 16, 2011  
Time: 9:00 a.m.  
Courtroom: 850

***(MOTION TAKEN UNDER  
SUBMISSION)***

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**DECLARATION OF FRANKLIN ZIMRING**

I, Franklin E. Zimring, declare as follows:

1. This declaration updates my conclusion about the extent to which allowing persons without felony convictions to carry concealed weapons would permit persons at risk of crime to have concealed weapons permits and concealed weapons.

2. At the time of my declaration, aggregate numbers for felony and misdemeanor arrests in the total Los Angeles County outside the city were available, but no breakdown of serious (i.e., felony) suspects could be provided. So, between 22%-50% of the felons outside the City of Los Angeles were disqualified by prior felony and between 50%-78% could qualify for permits if a permissive "shall issue" requirement were in place.

3. For the City of Los Angeles, only a small sample of homicide arrests could be found with record data- 1/2 that sample had prior felonies and about 4/10 would be eligible to have handguns under California's stringent handgun licensing system. There was no data on other felonies, so I didn't know whether California criminals were different from the patterns we found in New York -where only 33% of felony arrests of adults were persons who had prior felony convictions.

4. We now know. Julie Basco of the Department of Justice supervised an analysis of all 122,948 adult felony arrests for 2010 and divided these persons by whether they had a pre-2010 felony conviction. A total of 43,440 had the prior felony that would keep them from being eligible in a "shall issue" mandate or constitutional rule. Attached hereto is "exhibit A", which compares New York (statewide) felony arrests cited in my April 19 declaration with the 2010 Los Angeles County data.

5. There are three conclusions I can now report.

(1) Almost 2/3rds of the known current felons would not be screened out by a prior felony from CCW permits without further barriers.

(2) The higher percentages possible with the aggregate county data or the small

1 Los Angeles city sample have now been excluded. We can not divide the Department of  
2 Justice 35% into city and other-county segments, but we are confident that 65% of Los  
3 Angeles County's felony suspects are not prior felons.

4 (3) The same general breakdown appears in both the statewide New York  
5 findings and the county-wide Los Angeles analysis. Los Angeles is part of a general  
6 pattern.

7 I declare under penalty of perjury that the forgoing is true and correct. Executed at  
8 Berkeley, CA, on this 29th of July 2011.

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FRANKLIN E. ZIMRING, declarant

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