



**San Diego County Sheriff
Training Bulletin
William D. Gore, Sheriff
September 2019**



**Gun Violence Restraining Order
PC 18100-18205**

A Gun Violence Restraining Order (GVRO) is an order, in writing, signed by the court, prohibiting and enjoining a named person from owning, purchasing, receiving or having in his or her custody or control, any firearm, ammunition or magazine. A GVRO allows law enforcement to proactively address future firearm violence by removing a firearm from an individual who poses a significant danger of causing personal injury to the subject or another.

The Penal Code provides that a law enforcement officer may petition the court for a temporary emergency GVRO upon reasonable cause to believe both of the following:

- 1) a person poses an immediate and present danger to himself/herself or another person by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm or ammunition; **and**
- 2) a temporary emergency GVRO is necessary to prevent personal injury to the subject or another because less restrictive alternatives have been tried and found to be ineffective, **or** have been determined to be inadequate or inappropriate for the circumstances.

Types of GVROs:

Temporary Emergency GVRO – is an emergency order requested by law enforcement that may be requested orally based on a statement of facts supporting the necessity of an emergency order. A temporary emergency GVRO can last up to 21 days. *See* PC § 18125-18148

Ex-Parte GVRO – is an emergency order requested by a law enforcement officer through a civil court, petition based on an oral examination, or affidavit, under oath establishing that there are grounds for a GVRO. An Ex-Parte GVRO can last up to 21 days. *See* PC § 18150-18165

Permanent GVRO – is a civil order obtained after notice and a hearing. A permanent GVRO can last up to one year from the date of issuing. *See* PC § 18170-18197

The following is the Department's current process on how a deputy can obtain a GVRO.

Steps for obtaining a GVRO

Step One: Determine if the subject is already a prohibited person. (*See* DOJ Firearms Prohibiting Categories)

- If the subject is already a prohibited person, then a GVRO is not appropriate. Conduct a criminal investigation.
- If the subject is not a prohibited person, then proceed to step two.

Step Two: Determine if the subject owns or has access to any firearms or ammunition, including magazines.

- Does the subject already have access to firearms or ammunition?
- Do you believe the subject may attempt to purchase or gain access to firearms or ammunition?
- If not, a GVRO may not be appropriate. If yes, then proceed to step three.

Step Three: If appropriate, utilize consent or other less restrictive alternatives than a GVRO to obtain firearms, ammunition and magazines. If not appropriate or possible, proceed to step four.

Step Four: Determine if grounds for a GVRO exist. Factors to consider include recent acts or patterns of the following: threats or acts of violence to self or others; specific convictions or arrests; unlawful and reckless use, display, or brandishing of a firearm; violation of protective orders; documented abuse of alcohol or controlled substances; recent acquisition of a firearm or deadly weapon.

Step Five: If a GVRO is appropriate, notify your sergeant before calling [REDACTED]. Call the [REDACTED] Sergeant at [REDACTED], or through the Communications Center after hours.

Step Six: The [REDACTED] detective will request a Temporary Emergency GVRO (EPO-002) or Ex-Parte GVRO depending on the urgency of the situation.

Step Seven: If the Temporary/Ex-Parte GVRO is granted, the [REDACTED] detective will provide the order to the requesting deputy for service.

Step Eight: The deputy shall:

1. If the subject has been located, ask them if they have any firearms or ammunition in their possession or under their custody or control;
2. Request that any firearms and ammunition be immediately surrendered;
3. Take into temporary custody any firearms, ammunition, or other deadly weapons discovered in plain sight or pursuant to consent;
4. Provide the subject with a copy of the order;
5. Provide the subject with a Receipt and Notice of Confiscation of Weapons form (PAT-29);
6. Notify Sheriff's Inquiry when the order has been served;
7. If the subject refuses to provide consent to search, or refuses to relinquish their firearms pursuant to the court order, consider obtaining a search warrant;
8. File a copy of the order with the court as soon as practicable after issuance;
9. Complete a Premise History Special Situation for the subject's address regarding the incident that prompted the GVRO (COM 20);
10. Document all of these actions in an incident report;
11. If the deputy determines a Permanent GVRO is needed, notify the [REDACTED] detective. The [REDACTED] detective will request a permanent order and may require the presence or declaration of the investigating deputy at future court hearings. The deputy will be responsible for service of the order.

SEARCH WARRANTS

If the restrained person refuses to surrender any firearms or ammunition, the deputy should consider whether to seek a search warrant and/or arrest the subject for violating the court order. If a search warrant is obtained, the preparation and service of the search warrant shall be accomplished in accordance with Penal Code 1542.5.

This training bulletin was provided by the [REDACTED]. If you need assistance with a GVRO please call the [REDACTED]. After hours, they can be reached through the Sheriff's Communications Center. If you have expertise in a particular subject and would like to write a training bulletin, please contact Corporal Brent Longfellow at [REDACTED].