

DOWNEY POLICE DEPARTMENT

TRAINING



BULLETIN

Dean Milligan
Chief of Police

No. 19-06

AB 1014 – Gun Violence Restraining Orders

Effective immediately, Officers may make an oral request for a temporary emergency gun violence restraining order (GVRO) utilizing a Gun Violence Emergency Protective Order (EPO-002) form (see attached). The forms are in Records and are completed in the same manner as a standard Emergency Protective Order (EPO-001).

18125(a) PC – A temporary emergency gun violence restraining order may be issued on an ex parte basis only if a law enforcement officer asserts, and a judicial officer finds, that there is a reasonable cause to believe both of the following:

- (1) The subject of the petition poses an immediate and present danger of causing personal injury to himself, herself, or another by having in his or her custody or control, owning, purchasing, possession, or receiving a firearm or ammunition.
- (2) A temporary emergency gun violence restraining order is necessary to prevent personal injury to the subject of the petition or another because less restrictive alternatives either have been tried and found to be ineffective, or have been determined to be inadequate or inappropriate for the circumstances of the subject of the petition.

(b) A temporary emergency gun violence restraining order issued pursuant to this chapter shall prohibit the subject of the petition from having in his or her custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition, and shall **expire 21 days** from the date the order is issued.

If the firearm is immediately accessible, the officer shall take possession of the firearm and book it into safekeeping. If the firearm is reported but not necessarily observed or immediately accessible, then the officer shall present the Gun Violence Emergency Protective Order to the Restrained Person who must surrender the firearm to their local law enforcement agency or sell them to or store them with a licensed gun dealer within **24 hours** of being served with the order. The Restrained Person then must file a receipt proving surrender, sale, or storage with the Court within **48 hours**.

If a person who has been served with a Gun Violence Restraining Order refuses to surrender any firearm or ammunition, the officer/detective may obtain a search warrant from the court which issued the order.

Department Procedure:

- The issuing of a Gun Violence Protective Order shall only be done with supervisor approval
- A detailed report outlining the supporting facts for the issuing of the order must be completed. If a crime, or other type of incident report is not already being taken, a miscellaneous report must be completed
- The Gun Violence Emergency Protective Order shall be immediately turned into Records upon completion
- Records shall then mail a copy of the completed order to the court and enter the order into CLETS-EGV
- The court will hold a hearing within **21 days** to determine if a longer term order should be issued (the handling officer and/or assigned Detective may be subpoenaed to the hearing if required by the court) **

**A law enforcement officer, agency, or a family member may seek a more permanent restraining order from the court.