

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 24

September 10, 2020

**SUBJECT:               RESTRAINING ORDERS – REVISED; GUN VIOLENCE  
RESTRAINING ORDERS – ESTABLISHED; AND, FIREARMS  
SAFEKEEPING ADVISEMENT – ACTIVATED**

**PURPOSE:**           The purpose of this Order is to establish comprehensive procedures for Gun Violence Restraining Orders (GVRO), including Gun Violence Emergency Protective Orders, Temporary Gun Violence Restraining Orders and Gun Violence Restraining Orders After Hearing. A GVRO is a civil restraining order prohibiting a named person from owning, purchasing, possessing, receiving or otherwise having under their custody or control any firearms, ammunition or magazines. Previously, Department personnel have been guided by Chief of Detectives Notice, *Firearms Emergency Protective Order and Temporary Firearms Restraining Order – Established*, dated November 18, 2016. Recent changes to the law, specifically Assembly Bill 339, mandated all law enforcement entities in the State of California to enact written policies and standards for the handling of GVROs. Finally, this Order activates the Firearms Safekeeping Advisement, Form 15.40.04.

**PROCEDURE:**

- I. RESTRAINING ORDERS – REVISED.** Department Manual Section 4/216.03, *Restraining Orders*, has been revised. Attached is the revised Department Manual section with the revisions indicated in italics.
- II. GUN VIOLENCE RESTRAINING ORDERS – ESTABLISHED.** Attached is the established Department Manual Section 4/216.05, Gun Violence Restraining Orders.
- III. FIREARMS SAFEKEEPING ADVISEMENT – ACTIVATED.** The Firearms Safekeeping Advisement, Form 15.40.04, has been activated and is attached.

**FORM AVAILABILITY:** The Firearms Safekeeping Advisement is available in E-Forms on the Department's Local Area Network (LAN) and is attached for immediate use and duplication.

**AMENDMENTS:** This Order revises Section 4/216.03 and establishes Section 4/216.05 of 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

Attachments

DISTRIBUTION "D"

**DEPARTMENT MANUAL**  
**VOLUME IV**  
**Revised by Special Order No. 24, 2020**

**216.03 RESTRAINING ORDERS.** Restraining Orders (RO) and Temporary Restraining Orders (TRO) include, but are not limited to, Domestic Violence Restraining Orders (DVRO), Emergency Protective Orders (EPO), Orders After Hearing (OAH), Juvenile Orders (JUV), Criminal Protective Orders (CPO), Temporary Workplace Harassment Orders (WHO), *Gun Violence* Emergency Protective Orders ( *Gun Violence* EPO), Temporary *Gun Violence* Restraining Orders (Temporary *GVRO*), and *Gun Violence* Restraining Orders *After Hearing*. (*GVRO After Hearing*). Some of these orders are issued by a criminal court (criminal order), while others are issued by a civil court (civil order).

*Note: For more information specific to Gun Violence Restraining Orders, refer to Department Manual Section 4/216.05.*

**Officer's Responsibilities.**

**Conflicting Orders – Priorities for Enforcement.** If more than one restraining order has been issued, the orders must be enforced according to the following priorities:

- **Emergency Protective Order** – If one of the orders is an EPO and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
- **No-Contact Order** – If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
- **Criminal Order** – If none of the orders includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and are enforceable.
- **Family, Juvenile, or Civil Order** – If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.
- ***Gun Violence* EPO, Temporary *GVRO*, or *GVRO After Hearing*** – These orders shall be enforced independent of any other restraining or protective order.

**Complainant in Possession of a Restraining Order.** When officers are presented with a Restraining Order in the field or at the Area desk, they shall:

- Verify that the order has *an ink stamp signed by the deputy clerk of the court indicating it is a certified copy;*
- *Ensure that the order has not expired; and,*
- *Review the proof of service to ensure it was properly served upon the restrained party/respondent.*

**DEPARTMENT MANUAL**  
**VOLUME IV**  
**Revised by Special Order No. 24, 2020**

**When the Department Does Not Have a Copy of the Restraining Order.** When officers discover that *the* Department does not possess an order that was presented in the field, they shall determine whether the complainant has an extra copy of the order. If so, officers will request one and deliver it to the Area front desk.

When unable to obtain a copy of the order, officers shall request that the complainant deliver a copy to the Area front desk (or provide one to be photocopied) as soon as possible.

If an officer cannot locate the order and the complainant does not have a copy of the order, no enforcement action may be initiated by officers pursuant to California Penal Code (PC) Section 273.6 (Willful and Knowing Violations of Orders to Domestic Violence), or PC Section 166 (Criminal Contempt).

**Complainant Not in Possession of an Order.** Officers at the scene of a dispute where a valid order is alleged to exist, but the complaining person does not possess a copy of the order, shall attempt to telephonically verify the existence of the order through the Consolidated Crime Analysis Database (CCAD) and California Restraining and Protective Order System (CARPOS). If an officer cannot locate the order, no enforcement action may be initiated by the officers.

If the officer determines that an order has been issued, but not served, the officer shall immediately notify the respondent of the terms of the order. Verbal notice of the terms of the order is sufficient notice.

The verbal notice shall be documented in the related crime, arrest or Domestic Violence Incident Report. The officer shall also include the name and assignment of the officer notifying the respondent and the case number of the order. If the respondent *inquires* about obtaining a copy of the RO, the officer shall advise the respondent to go to the court to obtain a copy of the complete order.

**Proof of Service.** *All certified copies of any restraining order must be accepted from the complainant whether or not the proof of service has been completed. The complainant shall be advised that personal service of the order is required before enforcement action may be taken against the respondent. No additional proof of service is required for enforcement of the order if the person named in the order received the actual notice of the existence and substance of the order through a personal appearance in court. When proof of service is not attached to an otherwise valid order presented to officers in the field, the officers shall determine whether other officers of this Department accomplished the proof of service. If prior proof of service cannot be established, officers shall advise the restrained party/respondent that a valid order is in effect and state its conditions to the respondent. If the complainant has an extra copy of the order, officers shall serve it upon the respondent and note such service in their report.*

Officers shall complete the proof of service when:

- The complainant possesses an incomplete proof of service; and,

**DEPARTMENT MANUAL  
VOLUME IV  
Revised by Special Order No. 24, 2020**

- The officers advised the respondent of the conditions of the order.

The original proof of service shall be returned to the complainant.

If the respondent is present at the scene, officers shall document how the service of the order was accomplished in the narrative of any crime, arrest, or Domestic Violence Incident Report completed, pursuant to PC Section 13730.

**Failure to Comply.** If officers have probable cause to believe that a violation of the order occurred and proof of service can be established, officers shall:

- Arrest the restrained party; and,
- Book *the restrained party* for a violation of PC Section 273.6 (Willful and Knowing Violation of Orders to Domestic Violence), PC Section 166 (Criminal Contempt), or PC Section 18205 (Willful and Knowing Violation of *Gun Violence* EPO or Temporary *GVRO*, or *GVRO After Hearing*); or,
- If the suspect has left the scene prior to the officer's arrival, complete an Investigative Report, Form 03.01.00.

The narrative section of related crime and arrest reports must contain the following information:

- Court case number assigned to the order;
- Expiration date of the order;
- Manner in which the proof of service was accomplished and by whom; and,
- Verbatim listing of the conditions of the order.

**Note:** Officers at the scene of a labor dispute shall be guided by the provisions of Department Manual Section 1/460.30, and must contact *the* Labor Relations Unit, Office of Operations, before taking any enforcement action on an order.

#### **Restraining Orders Issued By Jurisdiction.**

**Within the State of California.** If a party alleges an order exists in an outside jurisdiction within California, officers shall contact that law enforcement agency and verify the information before taking enforcement action. Statewide agencies and/or foreign jurisdictions making inquiries to this Department regarding ROs shall be directed to the concerned Area.

**Out-of-State/Country Restraining Orders.** When a RO that was issued in another state, territory of the United States or Canada is presented to the officer, the officer shall review it for completeness. If the out-of-state *or* *country*, RO is complete, then it is considered valid in the State of California. If it is incomplete, an EPO should be sought, and the EPO guidelines should be followed.

**DEPARTMENT MANUAL**  
**VOLUME IV**  
**Revised by Special Order No. 24, 2020**

**Seizure of Firearms at Domestic Violence Incidents.** When an officer seizes a firearm at the scene of a domestic violence incident involving a threat to human life or a physical assault, the officer shall seize the firearm in accordance with Department Manual Section 4/560.35 and PC Section 18250.

**California Restraining and Protective Order System.** The Department of Justice, with the authority of Family Code Section 6380, mandates that law enforcement agencies enter information from the following ROs into the Department of Justice *California Restraining and Protective Order System (CARPOS)*:

- Emergency Protective Order;
- *Gun Violence* Emergency Protective Order;
- Temporary *Gun Violence* Restraining Order;
- *Gun Violence* Restraining Order After Hearing;
- Domestic Violence Temporary Restraining Order;
- Domestic Violence Order After Hearing;
- Register Out-of-State Restraining Order;
- Temporary Civil Harassment Order;
- Civil Harassment Order After Hearing;
- Temporary Elder Dependent Adult Abuse Order;
- Elder Dependent/Adult Abuse Order After Hearing;
- Temporary Workplace Violence Order;
- Workplace Violence Order After Hearing;
- Temporary School Violence Order;
- School Violence Order After Hearing;
- Juvenile Restraining Order;
- Criminal Protective Order-Domestic Violence;
- Criminal Protective Order-Other Than Domestic Violence; and,
- Order to Surrender Firearms in Domestic Violence Case.

*Upon receiving a RO from the issuing court clerk, the Warrant Teletype Unit (WTU), Records and Identification Division (R&I), or geographic Area Records Units shall input the RO information into CARPOS when the RO is one of the specific types for which such entry is required under Family Code Section 6380. Mandated orders shall be entered into the CARPOS, whether served or unserved.*

**Area Records Unit's Responsibilities.** When an Area receives a RO, whether delivered in person or by fax, the records clerk (or designated person) shall query CARPOS to determine if an entry has previously been made. If the query reflects an existing RO entry, the records clerk shall write the File Control Number (FCN) issued in CARPOS on the RO and related documents. If the RO is not present in CARPOS, the records clerk shall enter the pertinent information into CARPOS and obtain an FCN. The CARPOS-generated FCN shall be documented on the RO and related documents.

**DEPARTMENT MANUAL**  
**VOLUME IV**  
**Revised by Special Order No. 24, 2020**

**Note:** If the RO is connected to an existing crime report, the associated Division Records number and the FCN shall be written on the RO and related documents.

In all instances, the FCN shall take precedence for tracking purposes. Inputting the RO should be a priority over other tasks due to the victim being placed in a high risk situation, and should be completed no later than 24 hours from receipt of a restraining and/or protective order.

**Area Subpoena Control Officer's Responsibilities.** Upon receipt of a RO and proof of service, the Area Subpoena Control Officers shall:

- Check that the FCN has been placed in the upper right corner of all pages of the order;
- Maintain a Restraining Order Control Log, Form 15.40.00, of valid orders on file;
- Establish a file of restraining orders in a location accessible to uniformed desk personnel;  
*and,*
- Periodically purge expired restraining orders from the active file.

**Peace Officers Named as Respondents.** When a Subpoena Control Officer receives a RO that identifies the respondent as a member of a law enforcement agency, the Subpoena Control Officer shall notify his or her commanding officer (CO). The CO shall ensure that a copy of the order is sent to the Chief of Police *or highest ranking official* of the involved agency. If the respondent is a member of the Department, the CO shall forward a copy of the order to the CO, Internal Affairs Group.

**DEPARTMENT MANUAL  
VOLUME IV  
Revised by Special Order No. 24, 2020**

**216.05 GUN VIOLENCE RESTRAINING ORDERS.** *Gun Violence Emergency Protective Orders (Gun Violence EPO), Temporary Gun Violence Restraining Orders (Temporary GVRO), and Gun Violence Restraining Orders After Hearing (GVRO After Hearing).*

***Types of Gun Violence Restraining Orders include:***

- *A Gun Violence EPO [California Penal Code (PC) Section 18125] is available on an ex parte basis, 24-hours a day via telephone to law enforcement only. The duration of a gun violence EPO is 21 calendar days. When a gun violence EPO is issued, a GVRO After Hearing is automatically set.*
- *A Temporary GVRO (18150 PC) is available to immediate family members, employers, co-workers, school employees and law enforcement, on an ex parte basis during court hours. The duration of a GVRO After Hearing is 21 calendar days. When a Temporary GVRO is issued, a GVRO After Hearing is automatically set.*
- *A Gun Violence Restraining Order After Hearing (18170 PC) is available to immediate family members, employers, co-workers, school employees and law enforcement; and is issued after a proper notice and a hearing. The duration is one to five years and may be renewed for an additional one to five years after a subsequent hearing is conducted.*

*Officers shall petition the court for a Gun Violence EPO when it is reasonably believed a subject poses an immediate and present danger of causing injury to themselves or others by owning, purchasing, possessing, receiving, or otherwise having in their custody or control any firearms, ammunition, or magazines. As part of the petition, officers shall articulate why less restrictive alternatives are ineffective or found to be inadequate or inappropriate for the circumstances.*

*If applicable, the petition shall also describe the number, types and locations of any firearms and ammunition the petitioning officer believes to be controlled by the subject.*

*The use of a Gun Violence EPO shall be considered in the following circumstances:*

- *When responding to domestic disturbances where the residence is associated with a firearm registration or record;*
- *When responding to a call or incident where a firearm is present, or one of the involved parties owns or possesses a firearm; or,*
- *During contacts with subjects exhibiting mental health issues, including suicidal thoughts, statements or actions, and the subject owns or possesses a firearm.*

***Officer's Responsibilities.*** *When officers have reasonable cause to believe a person poses an immediate and present danger of causing injury to themselves or others by having access to firearms, officers shall:*

- *Once the scene is stable, contact a supervisor, if necessary, to assess the incident;*
- *Contact the Mental Evaluation Unit for the subject's contact history and advice;*
- *Contact a Los Angeles County Judge or Commissioner to request a Gun Violence EPO;*

**DEPARTMENT MANUAL  
VOLUME IV  
Revised by Special Order No. 24, 2020**

*If an order is granted by the County Judge or Commissioner, Officers shall:*

- *Complete the Gun Violence EPO, Judicial Council Form EPO-002 (located on the Department Local Area Network), ensuring that the expiration date is set for 21 calendar days from issuance. Officers shall also ensure the hearing date for the GVRO After Hearing is set prior to expiration of the Gun Violence EPO;*
- *Serve the person to be restrained, if they can be reasonably located, and complete the proof of service. Provide one copy of the Gun Violence EPO to the restrained person;*
- *Inform the restrained person of any scheduled hearings regarding the Gun Violence EPO;*
- *Verbally ask if the restrained person has any firearms, ammunition, or magazines in his or her possession or under their custody or control;*
- *Request the immediate surrender of all firearms, ammunition, or magazines;*

***Note:** It is a violation of PC Sections 18205 and 166(a)(4) for the restrained person to refuse to surrender firearms, ammunition, or magazines upon request. If the restrained person refuses, officers shall detain the person and pursue seizure of all firearms, ammunition, or magazines in a lawful manner [i.e., search warrant; (1524(a)(14) PC authorizes a search warrant where subject refuses to relinquish a firearm)]. (Refer to Department Manual Section 4/742.10 for more information on obtaining and serving search warrants.)*

- *Seize any firearms, ammunition, and/or magazines belonging to the restrained person or other household occupant(s) discovered pursuant to a lawful search;*

***Note:** When a location to be searched is jointly occupied by the restrained person and one or more other persons, the officer shall **not** seize any firearms, ammunition, or magazines owned by a person other than the restrained person, if **both** of the following conditions are satisfied:*

1. *The firearm or ammunition is removed from the restrained person's custody or control or possession, and stored in a manner that the restrained person does not have access to or control of the firearm or ammunition; and,*
2. *There is no evidence of unlawful possession of the firearm or ammunition by the owner of the firearm or ammunition.*

*If the two above conditions are satisfied, the officer shall:*

- *Have the legal owner sign a Firearms Safekeeping Advisement, Form 15.40.04;*
- *Complete the law enforcement section and issue a Proof of Firearms, Ammunition, and Magazines Turned In, Sold, or Stored, Judicial Council Form GV-800;*