

**OFFICE OF THE CHIEF OF POLICE**

**ADMINISTRATIVE ORDER NO. 3**

January 7, 2025

**SUBJECT: GUN VIOLENCE RESTRAINING ORDERS – REVISED**

**PURPOSE:** The purpose of this Order is to revise Department Manual Section 4/216.05, *Gun Violence Restraining Orders*, consistent with California Assembly Bill (AB) 2621 – *Law Enforcement Training*.

**BACKGROUND:** On September 24, 2024, Governor Gavin Newsom signed California Assembly Bill (AB) 2621 into law. Effective January 1, 2025, this bill amends Penal Code Section 13519.6 to expand the factors officers consider when determining the necessity of a Gun Violence Restraining Order (GVRO), including instances where any involved party expresses an intent to acquire a firearm. Additionally, this bill is intended to ensure that law enforcement officers are fully informed about all available tools to prevent the escalation of hate-based violence. Officers are encouraged to assess whether a GVRO may be appropriate when investigating hate-related incidents, including those that do not constitute violations of criminal law. Assembly Bill 2621 mandates that the Department update its policies and procedures related to GVROs whenever there are changes to the governing laws.

**PROCEDURE:** Department Manual Section 4/216.05, *Gun Violence Restraining Orders*, has been revised. Attached is the Department Manual section with the revisions in italics.

**AMENDMENT:** This Order amends 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.



JIM McDONNELL  
Chief of Police

Attachment

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**216.05 GUN VIOLENCE RESTRAINING ORDERS.** *This section establishes comprehensive procedures for Gun Violence Restraining Orders (GVRO), including 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 EPD 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 *any call for service* 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, possesses, *or expresses an intent to acquire* 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, *or expresses an intent to acquire 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:

- Contact a supervisor once the scene is stable, if necessary, to assess the incident;

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- Contact the Mental Evaluation Unit for the subject's contact history and advice; *and*,
- Contact a Los Angeles County Judge or Commissioner to request a Gun Violence EPO.

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;

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- Book any firearms, ammunition, or magazines taken into custody and complete appropriate reports or documentation (i.e., Property Report, Firearms Supplemental Property Report);
- Make every effort to confirm that all of the firearms, ammunition, or magazines that necessitate removal have been located and seized (including an inquiry into the Automated Firearm System, witness statements, photographs, or any other items of evidentiary value);
- Send a copy of the Gun Violence EPO and all other connected reports to [GVRO@lapd.online](mailto:GVRO@lapd.online) and [att.gvro@lacity.org](mailto:att.gvro@lacity.org);
- Submit the Gun Violence EPO to the Records Unit for entry into California Restraining and Protective Order System (CARPOS) in accordance with Department Manual Section 4/216.03; and,
- Coordinate with the Area/Division Subpoena Control Officer to attend any court proceedings, if requested by the Los Angeles City Attorney's (CA) Office.

**Note:** If a judge or commissioner does not grant the Gun Violence EPO, officers shall document the Gun Violence EPO request and denial in the appropriate Department reports (e.g., Investigative Report, Arrest Report, Daily Field Activities Report).

If it is determined there is no immediate and present danger of injury and a Gun Violence EPO is not appropriate for the situation, but officers believe that the subject still poses a significant danger of personal injury to self or others in the near future, officers can petition for a Temporary GVRO. A Temporary GVRO can only be petitioned for in person, during court hours. Officers shall consult the City Attorney Gun Violence Restraining Order Program Coordinator to determine whether a Temporary GVRO is warranted under the circumstances.

**Renewal of Gun Violence Restraining Order After Hearing.** Officers may also file a Request to Renew Gun Violence Restraining Order, Judicial Council Form GV-700, within the three-month period prior to the expiration of a GVRO After Hearing. Officers shall establish clear and convincing evidence that the subject still poses a significant danger of causing injury to themselves or others through access to firearms, and that a renewal is necessary because less restrictive means have been tried and found to be ineffective, inappropriate, or inadequate for the circumstances. Officers shall consult the City Attorney Gun Violence Restraining Order Program Coordinator to determine whether a renewal is warranted under the circumstances.

If a renewal is granted after a hearing and the restrained person is not present in court to be served, the petitioning officer is responsible for developing a plan to serve the order.

**Service of Temporary Gun Violence Restraining Orders Obtained by a Private Person.** When a non-law enforcement complainant presents a valid (i.e., not expired) Temporary GVRO that has yet to be served, the officer shall first consult a supervisor and assess the totality of the circumstances to determine whether immediate service/police intervention is required. If the supervisor determines the situation to be a non-emergency, the officer shall refer the complainant to the pre-existing service options available outside of the Department.

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**Note:** If the supervisor determines the situation to be exigent, officers shall develop a plan to personally serve the valid Temporary GVRO. If officers are unable to personally serve the restrained person more than five days before the scheduled hearing date, officers shall directly petition for a Gun Violence EPO and develop a plan to serve the restrained person.

**Supervisor's Responsibilities.** Supervisors shall ensure the circumstances of the incident meets criteria for the respective type of GVRO and that all reports are processed accordingly.

**Area/Division Records Unit's Responsibilities.** Upon receipt of a GVRO, Records Unit personnel shall:

- Process the order in accordance with Department Manual Section 4/216.03; and,
- Provide a copy of the Gun Violence EPO, Temporary GVRO, or GVRO After Hearing to the Area Subpoena Control Officer.

**Area/Division Subpoena Control Officer's Responsibilities.** Upon receipt of a Gun Violence EPO, a Subpoena Control Officer shall forward the original Gun Violence EPO to the Area/Division GVRO Coordinator and process all types of GVROs in accordance with Department Manual Section 4/216.03.

**Area/Division Gun Violence Restraining Order Coordinator's Responsibilities.** The Area/Division GVRO Coordinator shall be the Area/Division Gun Coordinator or designee (i.e., the Investigating Officer assigned to the respective case). The GVRO Coordinator or designee shall:

- As soon as possible, but no later than three court days after issuance, file Gun Violence EPOS received at the appropriate Family Law Courthouse and obtain a Notice of Court Hearing, Judicial Council Form GV-009. The appropriate Family Law Courthouses are listed below for reference:
  - Stanley Mosk Courthouse for all Central and West Bureau geographic Areas, as well as Southwest and 77<sup>th</sup> Street Areas;
  - Van Nuys Courthouse East for Van Nuys, West Valley and North Hollywood Areas;
  - Chatsworth Courthouse for Foothill, Devonshire, Mission, and Topanga Areas;
  - Compton Courthouse for Southeast Area; and,
  - Governor George Deukmejian Courthouse for Harbor Area.

**Note:** If the Gun Violence EPO was not served on the restrained person on the date of issuance, officers shall serve the Gun Violence EPO as soon as possible. It should be noted that the court will not accept a Gun Violence EPO that is not served within three court days of issuance.

- Send a copy of the Notice of Court Hearing to the City Attorney Gun Violence Restraining Order Program Coordinator;

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- Ensure the firearms, ammunition, and/or magazines are retained for the duration of the most current GVRO and return them to the restrained person when the order expires, terminates, or dissolves;

**Note:** A Law Enforcement Gun Release-Firearm(s) Eligibility Clearance must be obtained via the California Department of Justice, Bureau of Firearms, prior to release.

- *Determine prior to the expiration of a temporary, emergency, or ex parte gun violence restraining order whether the subject of the restraining order presents an ongoing increased risk for violence so that a gun violence restraining order issued after notice and hearing may be necessary; and,*
- Coordinate with the City Attorney Gun Violence Restraining Order Program Coordinator for any court appearances, the service of any GVROs, and renewal requests.

**Area Detective Commanding Officer's Responsibilities.** Area Detective Commanding Officers shall designate a GVRO Coordinator and ensure compliance with this section.

**Detective Services Group Commanding Officer's Responsibilities.** The Detective Services Group Commanding Officer shall designate a GVRO Liaison to track the number and outcome of all GVROs Department-wide, liaison with the City Attorney Gun Violence Restraining Order Program Coordinator, and assist Area/Division GVRO Coordinators, as needed.