

CHIEF OF DETECTIVES

NOTICE

1.8

February 9, 2023

TO: All Department Personnel

FROM: Chief of Detectives

SUBJECT: CALIFORNIA SENATE BILL 320 – DOMESTIC VIOLENCE PROTECTIVE ORDERS: POSSESSION OF A FIREARM

PURPOSE

This Notice explains the new procedures the Superior Court of California, County of Los Angeles (Court) has implemented to ensure statutory compliance with California Senate Bill (SB) 320 by highlighting the new responsibilities and laws that apply to domestic violence restraining orders (DVROs) issued in Family Court and procedures for Department personnel.

BACKGROUND

On January 1, 2022, SB 320 went into effect, expanding the Court's role in ensuring that firearms and ammunition are properly relinquished by individuals subject to DVROs.

Before a DVRO hearing, the Court will query the California Automated Firearm System (AFS) to determine whether the restrained person has registered firearms. If the AFS check, or other evidence provided by the applicant, reveals firearm possession, the Court will order the restrained person to relinquish their firearms and provide proof of relinquishment to the Court.

If evidence of compliance is not provided, the Courts are now required to determine and make a written record in the Court's minutes of whether there was a possible violation. Per California Family Code Section 6306, when there is a finding by the Court that a restrained person has violated a firearm relinquishment order, the Court shall immediately notify law enforcement. Once notified, law enforcement shall take all actions necessary to obtain firearms and ammunition owned, possessed, or controlled by the restrained person and to address any violation of the order with respect to firearms or ammunition as appropriate and as soon as practicable.

For expedient processing, the Court will send notifications via email to the Department at FC6306Notification@lapd.online. The email will include a copy of the DVRO and a copy of the Court minute order in which findings of noncompliance were made.

The Domestic Violence Coordinator, Detective Bureau, will monitor the email for notifications from the Family Court. Detective Bureau will use the restrained person's residence to assign the case to a geographic Area for an investigation of a potential violation of a protective order, California Penal Code Section 273.6. Detective Bureau will send notifications via email to the Area Subpoena Control Officer to verify a copy of the DVRO is on file, and to the Area Detective Commanding Officer to ensure an investigation is conducted as soon as practicable and no later than 30 calendar days after notification. Subsequently, the assigned investigating officer will provide Detective Bureau with the investigative results, which will then be reported to the Court.

To provide additional guidance while conducting noncompliance investigations and reporting of case results, the *Los Angeles Police Department Firearms Relinquishment Order Noncompliance Investigation Cover Sheet* was created, and an exemplar is attached to this Notice.

PROCEDURES

The Detective Bureau Domestic Violence (DV) Coordinator is the Department's liaison for the Court and shall:

- Monitor the Department-wide email address for notification of noncompliance;
- Identify the geographic Area the restrained person resides in and forward the notification of noncompliance and related paperwork including the *Los Angeles Police Department Firearms Relinquishment Order Noncompliance Investigation Cover Sheet* to the Area Subpoena Control Officer and the Area Detective Commanding Officer;
- Maintain a database of the noncompliance notifications and the investigative results; and,
- Notify the Court of all investigative results.

The Area Subpoena Control Officer, upon receipt of a noncompliance notification, shall:

- Verify if a copy of the DVRO is on file; and,
- If a copy of the DVRO is not on file, record the DVRO on the Restraining Order Control Log, Form 15.40.00, and file a copy of the DVRO.

The Area Detective Commanding Officer, upon receipt of a noncompliance notification, shall:

- Ensure Area personnel conduct thorough background checks and complete investigations on the restrained person within 30 calendar days of notification;
- Ensure that all firearms recovered are booked into property and that the firearms are properly disposed of, or released, if applicable;
- Coordinate enforcement with other geographic Areas when an investigation reveals that the restrained person resides in another Area, to determine which unit should handle the case; and,
- Ensure the completed *Los Angeles Police Department Firearms Relinquishment Order Noncompliance Investigation Cover Sheet*, and copies of all applicable reports (i.e., crime and/or arrest report, property receipt, follow-up investigation, etc.) are submitted to the DV Coordinator, Detective Bureau.

Should you have any questions regarding this Notice, please contact the Department Domestic Violence Coordinator, Detective Bureau, at (213) 486-7000.

APPROVED:



KRIS E. PITCHER, Deputy Chief
Chief of Detectives



DANIEL RANDOLPH, Deputy Chief
Chief of Staff
Office of the Chief of Police

DISTRIBUTION "D"

Attachment

**Los Angeles Police Department
Firearms Relinquishment Order Noncompliance Investigation
Cover Sheet**

From: Chief of Detectives, Detective Bureau

To: Detective Commanding Officer, Central Area

Subject: Notification of Firearms Relinquishment Order Noncompliance

See attached Domestic Violence Restraining Order (DVRO), which states the restrained person cannot own or possess firearms, and the court minute order, which states the restrained person was found to be in possible violation of the DVRO as it pertains to firearm possession.

Restrained Person: John Smith Court Case Number: 22VEPT00123 Address of Restrained Person: 100 Main Street, Los Angeles 90012 Date of Notification: 1/12/2023 Date Status Due to Detective Bureau: 2/11/2023
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Within 30 calendar days of receipt of this notification, conduct an investigation for violation of a protective order, California Penal Code (PC) 273.6, to include the following:

- ☐ Individually query each firearm listed in the restraining order or attached paperwork for the most current status;
- ☐ Query all systems checks for validity of the restraining order, criminal convictions, mental health prohibitions, warrants, etc.;
- ☐ Conduct a follow-up to the restrained person's listed Los Angeles City address (all contacts are to be conducted as "knock and talks" unless probable cause is obtained to conduct a search warrant);
- ☐ If a violation is determined to have occurred, arrest the restrained person for 273.6 PC if they can be reasonably located and complete a combined Crime and Arrest Report, Form 05.02.00; if the restrained person cannot be located, complete an Investigative Report, Form 03.01.00;
- ☐ Provide a Receipt for Property Taken into Custody, Form 10.10.00, for all firearms and property taken into custody;
- ☐ Check applicable case status:
 - ☐ Firearm recovered and booked into property
 - ☐ Restrained person provided proof of relinquishment: transferred to a Federal Firearms License Dealer or to another person who can legally possess firearms
 - ☐ Conducted a physical check of the listed address and verified restrained person no longer resides within the Department's jurisdiction
 - ☐ Unable to make contact with the restrained person
 - ☐ Other:
- ☐ Provide copies of this report and all applicable related reports, to Detective Bureau at FC6306Notification@lapd.online.

Note: For any questions or issues regarding noncompliance investigations, please contact the Domestic Violence Coordinator, Detective Bureau, at (213) 486-7000.