

CHIEF OF DETECTIVES

NOTICE
1.8

November 21, 2013

TO: All Sworn Personnel

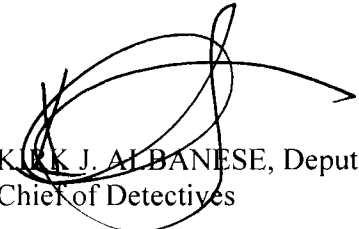
FROM: Chief of Detectives

SUBJECT: AUTOMATED FIREARM SYSTEM INQUIRY – DOMESTIC VIOLENCE CASES

This Notice has been prepared to advise sworn personnel that they must in all cases of domestic violence, including violations of Penal Code Sections 243(e)(1) and 273.5, conduct and include an Automated Firearm System (AFS) inquiry print out as part of the arrest paperwork. By having the AFS, at the earliest stage of the criminal proceeding, prosecutors will be able to charge all appropriate offenses, require compliance with the laws, as indicated below, and make appropriate bail arguments in the interest of public safety.


This change is due to the City Attorney's Gun Violence Prevention Unit, in conjunction with the Family Violence Unit and Criminal Branch offices, implementing a new program aimed at reducing gun violence by perpetrators of domestic violence. Additionally, there are multiple ways in which a domestic violence defendant may become a prohibited firearm possessor. Pursuant to Code of Civil Procedure Section 527.9, when a person is served with a domestic violence protective order, issued pursuant to Penal Code Section 136.2, he/she is required to surrender or sell their firearm(s) within 24 hours of service. Any person who possesses, or attempts to purchase or receive a firearm, while the protective order is in effect, is in violation of Penal Code Section 29825. Additionally, pursuant to Penal Code Section 29805, a defendant who has a prior conviction for domestic violence (or other enumerated misdemeanor conviction) is also prohibited from having a firearm. Further, pursuant to Penal Code Section 29815, a defendant who is subject to weapons conditions, as a term of probation, is also a prohibited person. In order to enforce these laws, it is imperative that the deputies who file, arraign, and prosecute domestic violence cases, along with courts, are aware of whether the defendant has any firearm(s).

If you have any questions, please contact the Department's Domestic Violence Coordinator, Detective Bureau at (213) 486-7000.



KIRK J. ALBANESE, Deputy Chief
Chief of Detectives

APPROVED:



STEPHEN R. JACOBS, Deputy Chief
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