

TRAINING BULLETIN

A PUBLICATION OF THE SAN DIEGO POLICE DEPARTMENT

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GUN EMERGENCY PROTECTIVE ORDERS AND RELINQUISHMENT

I. PURPOSE

The purpose of this bulletin is to provide guidance on requesting emergency Gun Violence Restraining Orders (GVRO), specifically how to properly fill out required forms and conduct records checks on firearms. The goal is to minimize administrative mistakes during the process of obtaining a GVRO and the administrative mistakes made on the EPO-002 forms. This Training Bulletin will also provide tips on how to safely receive relinquished firearms from the public.

Refer to Department Procedure 4.05 for additional instructions and procedures for GVROs.

II. SCOPE

This Training Bulletin applies to all Department Personnel.

III. BACKGROUND

Gun violence poses a significant threat to public safety, impacting individuals and communities across the nation. In response, our department is committed to implementing strategies that prioritize safety while upholding the rights guaranteed by the Constitution.

The San Diego Police Department has initiated a new gun violence reduction unit aimed at addressing the rising concerns surrounding firearm-related incidents in the City. This specialized unit will focus on proactive strategies to prevent gun violence through working in partnership with the City Attorney's Office to obtain GVROs and other firearms-related court orders. The unit aims to identify and disrupt potential threats while fostering trust within the community.

IV. DEFINITIONS

Gun Violence Restraining Order (GVRO) – an order prohibiting and enjoining a named person from having in his or her custody or control, owning, purchasing, possessing, or receiving any firearms, ammunition, or body armor. Penal Code sections 18100, 31360(b).

Temporary Emergency Gun Violence Restraining Order (GVEPO) - also referred to as (EPO-002) – pursuant to Penal Code section 18125, is a twenty-one-day temporary emergency restraining order requested by the San Diego Police Department (SDPD) officer or detective to prevent a person's access to firearms and ammunition until a court hearing is held to determine whether a longer order is appropriate. GVEPOs may be issued telephonically 24-hours a day, seven days a week.

V. PROCEDURES

A. Gun Violence Emergency Protective Orders (EPO-002)

A GVEPO may be issued if a law enforcement officer asserts, and a judicial officer finds, that there is 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, possessing, or receiving a firearm or ammunition. Penal Code section 18125(a)(1).
2. A GVEPO is necessary to prevent personal injury to the subject of the petition or another because less restrictive alternatives either have been tried or found to be ineffective or have been determined to be inadequate or inappropriate for the circumstances of the subject of the petition Penal Code section 18125(a)(2).
3. To obtain the GVEPO, the SDPD officer or detective must do the following:
 - a. Complete a Firearms Emergency Protective Order Form (EPO-002). Fill in the date, time, and department for the court hearing as provided by the Duty Judge under Section 4 of the EPO-002. (Court location: *330 W. Broadway San Diego, CA 92101*; Time/ Dept: 9:00 AM/ Dept 61). The address of service should be indicated on Line 9 of the Emergency Protective Order Form.

- b. Call the Sheriff's Department to request an EPO-002 to the duty judge, using the same phone number used for telephonic search warrants (**Redacted – record exempt**).
- c. The SDPD officer or detective will write the case or event number assigned to the GVEPO (assigned by the SDPD officer or detective) in the upper right corner of the EPO-002.
- d. The SDPD officer or detective must forward a copy of the EPO-002 to the Gun Violence Response Unit (GVRU) via email to (**Redacted – record exempt**) and fax a copy of the EPO-002 to the Sheriff's Record's Office at (**Redacted – record exempt**) **no later than end of shift.**
- e. If emergency assistance is needed, the GVRU team can be contacted 24-hours a day, seven days a week by contacting the Watch Commander's Office for the on-call GVRU point of contact.

NOTE: Recently the courts have seen an increased number of clerical mistakes by officers when filling out the EPP-002 form. This is forcing the judge to dismiss or continue the hearing. Please use the attached resource sheet when filling out EPO-002 forms.

B. Conducting records checks for registered firearms

- 1. There are numerous ways to conduct records checks for registered firearms. However, some of these ways do not reveal all of the information available as it relates to firearms registered to a specific person. In the state of California, the best way to conduct a records check on a specific person is by a California Identification number. This will reveal all firearms registered to the person and any additional AKAs or aliases associated with the person. This is specifically important when someone changes their legal name after purchasing a firearm.

NOTE: It is extremely important to remember that Department-accessible data systems are only able to obtain information about firearms legally registered in the state of California. Always consider the possibility the subject may be in possession of firearms bought in another state.

- a. Run the subject to obtain the subject's California Identification number. This can be done through NCIC or SDLaw.
 - b. Once the subject's California Identification number is known, run the subject by number in SDLaw.
 - (1) Login to SDLaw;
 - (2) Click "eSUN Web";
 - (3) Click "Multiple" on the top left portion of the page;
 - (4) Click "Other Firearms- STATE";
 - (5) Click "Inquiry by CDL or SSN";
 - (6) Complete the form and click submit to view results from the inquiry.
2. Regardless of whether there are any results, it is best practice to also run the subject by name. If the subject has multiple names, submit inquiries on all the names.
 3. If firearms come back registered to the subject, the next step is to conduct an individual records check on each firearm to determine the status and location of the firearm. Each individual firearm records return, will reveal whether the firearm is supposed to be in possession of the subject or if it has been sold, impounded by law enforcement, or reported lost or stolen.
 4. Any record return will only show a maximum of twelve (12) firearms registered to an individual, regardless of the actual total. Therefore, if twelve firearms are registered to a person, the next step is to call the DOJ line to confirm whether the subject has more firearms registered to them that are not listed on the return. The AFS Unit number is **(Redacted – record exempt)**.
 5. If the subject is active-duty military in California on orders, it is likely they did not have to show their California Identification when purchasing a firearm within the state of California. Military personnel should be run by name and any additional AKAs and aliases to confirm all registered firearms are discovered.

C. Accepting Relinquished Firearms per GVRO's or other Court Orders

1. Subjects of GVROs, Domestic Violence Restraining Orders, and certain other orders such as Temporary Restraining Orders, Civil Protection Orders, etc. are instructed by the courts to relinquish their firearms and ammunition within 24 hours of being served unless served by law enforcement which requires immediate relinquishment. Because of this, it is extremely likely there will be an increase in citizens trying to voluntarily surrender firearms to police stations. The Department webpage has been updated with instructions on how to safely relinquish firearms. Below are some tips to safely accept these firearms:
 - a. When responding to a residence due to a radio call:
 - (1) Prior to arriving on-scene, the responding officer should call the subject and ensure that the subject has been directed to store the firearms unloaded in a locked and secure location prior to arrival.
 - (2) Have the subject meet the responding officer outside the residence and down the street away from the residence.
 - (3) Debrief the subject about who else is inside and where the firearms are located.
 - (4) Evaluate whether to go inside the residence with or without the subject to safely retrieve the firearms. First, attempt to obtain consent from the subject to enter the home to recover the firearms. If consent is not granted, call the on call GVRU team through the watch commander. There may instances where search warrants may be necessary for enforcing relinquishment.
 - b. When the citizen is planning to drive firearms to a station:
 - (1) Ensure the subject has been directed to store the firearms unloaded and locked and secured in the trunk of their vehicle.
 - (2) Obtain a description of the subject and the subject's vehicle prior to responding.
 - (3) Direct the subject to wait outside of his vehicle near the front doors of the substation.

(4) Safely contact the subject and accept the firearms.

c. When a citizen walks into a front counter:

(1) Do not allow the subject to walk back to their vehicle to retrieve the firearms.

(2) Best practice is to keep the subject separated and away from the firearms. Attempt to obtain consent to retrieve the firearms from the subject's vehicle while the subject stands by with another officer.

2. Once the firearms have been safely recovered, impound them in accordance with Department Procedure 3.02. Notify the Gun Violence Reduction Unit via the GVRO email (**Redacted – record exempt**).

Contact the Gun Violence Reduction Unit for further assistance. If assistance is needed during non-working hours, contact the GVRU team through the Watch Commander's Office for assistance.

Portions of Department Procedure 4.05 will be updated to reflect this Training Bulletin.