

**SAN DIEGO POLICE DEPARTMENT  
PROCEDURE**

**DATE:** NOVEMBER 4, 2025

**NUMBER:** 4.05 – LEGAL

**SUBJECT:** PROTECTIVE ORDERS

**RELATED POLICY:** 4.05

**ORIGINATING DIVISION:** INVESTIGATIONS I

**NEW PROCEDURE:** ☐

**PROCEDURAL CHANGE:** ☒ **EXTENSIVE CHANGES**

**SUPERSEDES:** DP 4.05 – 03/03/2017

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**I. PURPOSE**

UPDATED

This Department procedure establishes guidelines for requesting, serving, and/or enforcing restraining and protective orders. This procedure has been amended to comply with California Penal Code (PC) section 18108 and California Family Code (FC) 6389(c)(5).

**II. SCOPE**

This procedure applies to all sworn members of the Department.

**III. BACKGROUND**

UPDATED

- A. Penal Code section 273.6(a) makes it a misdemeanor to intentionally and knowingly violate any protective order as defined in Family Code section 6218 or issued pursuant to Welfare and Institutions Code (WI) section 15657.03 or Code of Civil Procedure (CCP) sections 527.6, 527.8, or 527.85.

UPDATED

B. Penal Code section 166(c)(1) makes it a misdemeanor to willfully and knowingly violate any protective order or stay away order issued pursuant to the following code sections:

1. PC § 136.2 in a pending criminal case;
2. PC § 1203.097(a)(2) or 273.5(j) after a criminal conviction in a domestic violence case;
3. PC § 368 after a conviction involving elder or dependent adult abuse case;
4. PC § 1201.3 after a conviction in a sex offense involving a minor;
5. FC §§ 6320 or 6389.

UPDATED

C. Penal Code section 18205 makes it a misdemeanor to own or possess a firearm or ammunition with knowledge that the person is prohibited from doing so by a gun violence restraining order.

NEW

D. Penal Code section 29825 makes it a misdemeanor to purchase, receive, attempt to purchase or receive, own, or possess a firearm knowing that the person is prohibited from doing so by any civil restraining order issued under CCP sections 527.6, 527.8, 527.85, a protective order issued under FC section 6218, PC sections 136.2 or 646.91, WI section 15657.03, or an equivalent out of state order.

#### IV. **DEFINITIONS**

NEW

A. Ammunition – as defined in Penal Code section 18100(b), “ammunition” includes a “magazine” which means any ammunition feeding device.

B. Criminal Protective Order (CPO) – issued pursuant to Penal Code section 1203.097 and imposed as a term of probation for all criminal convictions involving domestic violence. A CPO may or may not include “stay away” terms as part of the order. When a court orders a defendant to have no contact at all with a protected person, the court refers to the order as a “Stay Away Order.” In contrast, when a court allows contact, it is referred to as a “No Negative Contact Order” and prohibits a defendant from annoying, harassing, molesting, or disturbing the peace of a protected person. When law enforcement confirms a CPO with the Sheriff’s Office, it is important to confirm whether it is a No Negative Contact Order or a Stay Away Order.

NEW

All protective orders issued by the court automatically contain a firearm and ammunition prohibition. This means all subjects of protective orders are not allowed to own or possess firearm and ammunition and must surrender them

immediately upon law enforcement request. See section XIII of this Procedure for further instruction.

- C. Deputy City Attorney (DCA) – an attorney assigned to the City Attorney’s Office Gun Violence Response Unit
- D. Domestic Violence Restraining Order – a protective order that is issued pursuant to the Domestic Violence Prevention Act. These orders may be called an “Order to Show Cause” or an “Order After Hearing.” An Order to Show Cause is generally valid for twenty to twenty-five days, pending a formal hearing. The Order After Hearing is the final restraining order issued after the formal hearing. The Order After Hearing will state on its face the expiration date of the order, typically three years from the date of issuance. However, a court may order a restraining order to remain in effect for up to five years. These orders are issued through Family Court or through the Domestic Violence Court.
- E. Emergency Protective Order (EPO) – a protective order obtained by a police officer in the field, when an officer believes a person is in immediate and present danger of domestic violence, elder abuse, child abuse, child abduction, or stalking per Family Code sections 6250 and 6274. An EPO may be obtained 24-hours a day, seven days a week, and is intended to provide short-term protection to victims while giving them a reasonable period to apply to the Superior Court for a longer-term civil protective order. An EPO expires within five judicial working days or seven calendar days following its issuance, whichever comes first. (FC § 6256).
- F. Gun Violence Restraining Order (GVRO) – an order prohibiting and enjoining a named person from having in their custody or control, owning, purchasing, possessing, or receiving any firearms or ammunition. (PC § 18100).

UPDATED

NEW

**NOTE: When a law enforcement officer requests a GVRO, the San Diego Police Department (SDPD), not the specific officer, is the Petitioner on all forms, though the application for the GVRO will be signed by a San Diego Police Department officer or detective. The person to whom the GVRO applies is the Respondent.**

NEW

- G. No Negative Contact Order – an order by a court for a defendant to have no negative contact with a protected person and is issued in a criminal case. The order prohibits annoying, harassing, molesting, or disturbing the peace of a protected person.
- H. Protective Order – a restraining order, as defined in Family Code section 6218, which describes the three orders that most directly protect a victim of domestic violence from abuse:
  - 1. an order prohibiting specific acts of abuse (FC § 6320);

2. excluding a person from a dwelling (FC § 6321); or
3. prohibiting other specified behavior, as determined by a court (FC § 6322).

A Protective Order may be issued *ex parte*, after notice and a hearing, or in a judgment. The expiration date will be stated on the face of the order but is typically effective no more than three years after issuance.

NEW

- I. Stay Away Order – an order by a court for a defendant to have no contact at all with a protected person and is issued in a criminal case where there is good cause to believe that harm to, or intimidation or dissuasion of, a victim or witness has occurred or is reasonably likely to occur. Pursuant to Penal Code section 136.2, Stay Away Orders are issued by courts with jurisdiction over criminal matters and are not limited to domestic violence cases.

Stay Away Order may remain in effect as long as the person is under the court's jurisdiction, including any sentence or probationary period.

## V. GENERAL PROCEDURES

UPDATED

- A. The San Diego County Sheriff's Office is this county's central repository for all restraining and protective orders, which are enforceable under Penal Code sections 18205, 273.6 and 166(a)(4) or (c)(1), and 29825. The Sheriff's Office also accepts orders issued in other states if they have been filed with a California court. Restraining or protective orders on file with the Sheriff's Office are entered into the California Law Enforcement Telecommunications System (CLETS).

UPDATED

- B. When an officer responds to a call regarding domestic violence or a violation of a restraining or protective order, if a person shows the officer a copy of the order or informs the officer that one exists, it is crucial that the officer confirm the present status and terms of the order. The officer should telephone the Sheriff's Office 24-hour (law enforcement only) line at (**Deleted – records of security**) and ask the following questions:

1. Is there a restraining/protective order on file? (If so, it will be filed under the name of the restrained party.)
2. What is the date of the order? (When did/does the order become effective?)
3. What is the expiration date? (Has the order expired?)

4. What are the terms of the order? (The terms are written on the order to assist in determining whether there has been a violation of the order.)
5. Was the restrained person served with the order? (Is there a Declaration of Service on file with the Sheriff, or has another officer given the needed notice to the person to be restrained?)

**Important: If the Sheriff's Office cannot verify the order, it may still be enforceable. If the responding officer believes in good faith that an order presented at the scene is valid and the suspect was on notice (referring to questions "2" through "5"), a private person's arrest may be made even though the Sheriff's Office was not provided a copy to enter into CLETS.**

UPDATED

- C. If no record of service exists, follow the procedures in section XI of this Department Procedure to properly serve the respondent.

## VI. MAKING ARRESTS

UPDATED

- A. When a peace officer responds to a call alleging a violation of a restraining or protective order issued pursuant to the Family Code, California Code of Civil Procedure section 527.6, Penal Code sections 136.2, 646.91, 1203.097(a)(2) or 18205, Welfare and Institutions Code sections 213.5 or 15657.03, or of a domestic violence restraining or protective order issued by the court of another state, tribe, or territory, and the peace officer has probable cause to believe that the person against whom the order is issued has notice of the order and has committed an act in violation of the order, the officer shall arrest the person without a warrant and take the person into custody whether or not the violation occurred in the officer's presence. (PC § 836(c)(1)).

UPDATED

- B. Peace officers shall make arrests for any violations under the above sections that:
  1. They observe; or,
  2. Where probable cause exists that a violation has occurred, and the existence and status of the order is verified. Upon arrest, the suspect should be processed into County Jail.
  3. Are knowing and intentional. Make sure all of the information is verified and correct when calling the Sheriff's Office

**Important:** The terms and conditions of a restraining or protective order remain enforceable and may be changed only by court order, regardless of the acts of the parties. (PC § 13710(b)). Consequently, even if a protected person consents or allows the restrained party to come to his or her location, the restrained person is still violating the court order.

UPDATED

- C. If a physical arrest is made, and the suspect is going to be transported to jail, the officer shall pick up a copy of the order at the Sheriff's Office prior to booking approval by the Watch Commander. Officers shall submit the copy obtained to the Domestic Violence Unit through interoffice mail, (**Deleted – records of security**).

The reports should include the name and ID number of the Sheriff's deputy who provided information over the telephone.

UPDATED

- D. Crime Report

Officers shall prepare and submit a crime report of the appropriate violation regardless of whether the suspect is still present when police arrive.

## VII. EMERGENCY PROTECTIVE ORDERS AND RESTRAINING ORDERS

UPDATED

- A. Emergency Protective Orders (EPO-001)

1. Emergency Protective Orders (EPO) may be issued telephonically 24-hours a day, seven days a week. Under Family Code section 6250, a judge may issue an EPO when a police officer asserts reasonable grounds to believe any of the following:
  - a. That a person is in immediate and present danger of domestic violence, based on the person's allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought;
  - b. That a child is in immediate and present danger of abuse by a family or household member, based on an allegation of a recent incident of abuse or threat of abuse by the family or household member;
  - c. That a child is in immediate and present danger of being abducted by a parent or relative, based on a reasonable belief or recent threat that a person has an intent to abduct the child or flee with the child from the jurisdiction; and,
  - d. That an elder or dependent adult is in immediate and present danger of abuse, based on an allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought. "Abuse of an elder or a dependent adult" is defined as physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain

or mental suffering; or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering. (WI § 15610.07).

2. No EPO shall be issued based solely on an allegation of financial abuse of an elder or dependent adult. (FC § 6250(d)).
3. When an officer responds to an incident of domestic violence and reasonable grounds exist to believe the person is in immediate and present danger, the officer shall advise the person of the availability of an EPO. Additionally, the officer shall request an EPO if immediate and present danger exists. If the EPO is granted, the officer shall also notify the person of the time limitations and any conditions placed on the EPO by the judge.
4. The fact that the endangered person has left the household to avoid abuse does not affect the availability of an EPO. (FC § 6254).
5. The officer does not need the permission or request of the victim to seek an EPO. If the EPO order is obtained, a crime report shall be prepared to document the incident.
6. EPO Procedures:
  - a. If an EPO is sought, the officer shall complete sections 1, 2, 9, 10, 11 and 12 on the Emergency Protective Order Judicial Council Form, EPO-001 (EPO Form). Officers shall complete the above listed sections using information provided by the victim or reporting party. The victim or reporting party's name shall be noted at the top of the form, where requested.
  - b. After regular court hours or during weekends and holidays, the officer will telephone the duty judge through the duty telephone at the Sheriff's Office at **(Deleted – records of security)**. **This is a non-public number.**
  - c. During regular court hours, the officer will contact a judge through the Sheriff's Office at **(Deleted – records of security)**. **This is a non-public number.** The officer shall record on section 8 of the EPO Form the name of the magistrate or judge, and when the judge was contacted. The judge will ask questions based on information contained in sections 1 through 7 of the EPO Form.
  - d. Upon approval by the judge, the officer shall complete the Proof of Service section (directly below item 12) by filling out all required information, including ID number.

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- e. Officers shall document the judge's order by completing sections 3, 4, 5, 6, and 8 of the EPO Form. Officers should pay close attention to section 5, where they must insert the date of expiration of the EPO. The order is effective when made and expires at 5:00 p.m. on the fifth day of judicial business (five full court days) or on the seventh calendar day following the day of its issue, whichever comes first. Do not count the day the order is granted.
- f. Officers must obtain an incident number and a case number for the domestic violence incident via the MPS or by calling Records Division. Officers must complete the box in the upper right corner of the EPO Form where it asks for a Law Enforcement Case Number.
- g. The officer should provide one copy of the EPO Form to the protected party and one copy to the restrained party, if present. Family Code section 6271 requires an officer to make a reasonable effort to serve the restrained party. The officer shall submit the original copy of the EPO Form (court copy) to the Domestic Violence Unit. The Domestic Violence Unit shall forward this copy to the appropriate destination (e.g., Family Court at the San Diego Superior Court, 1100 Union Street, San Diego, CA 92101). Another copy of the EPO form will be attached to the Crime Report.
- h. The officer will encourage the protected party to carry a copy of the EPO Form with them.
- i. A copy of the approved EPO Form (front and back) and Proof of Service must be faxed by the officer to the Sheriff's Records Office at **(Deleted – records of security)**.
- j. To obtain a longer order, officers should refer the protected person to Your Safe Place (YSP), formerly the San Diego Family Justice Center (FJC). Officers shall write the address on the face of the EPO Form. The YSP is located at:

**(Deleted – records of security)**

**B. Gun Violence Restraining Orders (GVROs)**

- 1. Typically, SDPD will learn about a circumstance warranting a GVRO through:
  - a. Officers responding to a call for service;

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- b. Investigators' observations;
- c. Referrals from law enforcement or prosecutorial agencies to GVRU;
- d. Referrals from Client Care Coordinators from Your Safe Place or
- e. A report from a citizen.

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2. It is important to recognize that no two situations are exactly alike, and the totality of circumstances should be considered when choosing to seek a GVRO. A GVRO requires relinquishment of firearms and ammunition but does not have a protected party or stay away order from a particular location. It is important to determine the best approach to each situation.

In compliance with Penal Code section 18108, Officers shall consider whether a GVRO may be necessary in the following circumstances, including but not limited to:

- a. During a response to any residence that is associated with a firearm registration or record;
- b. During a response in which a firearm is present;
- c. During a response in which one of the involved parties owns or possesses a firearm or expressed an intent to acquire a firearm;
- d. During a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions, if that person owns or possesses a firearm or expressed an intent to acquire a firearm.

NEW

3. Under Penal Code section 18155(b)(1), the court shall consider the following factors when issuing a GVRO:
- a. A recent (within the past 6 months) threat of violence or act of violence by the subject of the petition directed toward another individual, group, or location.
  - b. A recent (within the past 6 months) threat of violence or act of violence by the subject of the petition directed toward themselves.
  - c. A violation of an emergency protective order issued pursuant to Section 646.91 or Part 3 (commencing with Section 6240) of Division 10 of the Family Code that is in effect at the time the court is considering the petition.

- d. A recent (within the past 6 months) violation of an unexpired protective order issued pursuant to Part 4 (commencing with Section 6300) of Division 10 of the Family Code, Section 136.2, 527.6, 527.8, or 527.85 of the Code of Civil Procedure, or Section 213.5 or 15657.03 of the Welfare and Institutions Code, or comparable firearm-prohibiting protective orders, including extreme risk protection orders, issued by out-of-state courts.
- e. A conviction for any offense listed in Section 29805.
- f. A pattern of violent acts or violent threats within the past 12 months, including, but not limited to, threats of violence or acts of violence by the subject of the petition directed toward themselves or another individual, group, or location.

- 4. Under Penal Code section 18155(b)(2), the court may also consider any other evidence of an increased risk for violence, including but not limited to the following:

NEW

- a. The unlawful and reckless use, display, or brandishing of a firearm indicating an increased risk for violence or actual threat of violence by the subject of the petition, including, but not limited to, acts using electronic means of communication, including social media postings or messages, text messages, or email.
- b. The history of use, attempted use, or threatened use of physical force by the subject of the petition against another person.
- c. A prior arrest of the subject of the petition for a felony offense.
- d. A history of a violation by the subject of the petition of an emergency protective order issued pursuant to Section 646.91 or Part 3 (commencing with Section 6240) of Division 10 of the Family Code.
- e. A history of a violation by the subject of the petition of a protective order issued pursuant to Part 4 (commencing with Section 6300) of Division 10 of the Family Code, Section 136.2, 527.6, 527.8, or 527.85 of the Code of Civil Procedure, or Section 213.5 or 15657.03 of the Welfare and Institutions Code, or comparable firearm-prohibiting protective orders, including extreme risk protection orders, issued by out-of-state courts.
- f. Documentary evidence, including, but not limited to, police reports and records of convictions, of either recent criminal offenses by the subject of the petition that involve controlled substances or alcohol or ongoing abuse of controlled substances or alcohol by the subject of the petition.

- g. Evidence of recent acquisition or attempted acquisition of firearms, ammunition, or other deadly weapons. While evidence of recent acquisitions is a factor the court may consider, the court may still issue a gun violence restraining order to temporarily prevent legal access to firearms even if the respondent does not own firearms, ammunition, or other deadly weapons at the time that the court is considering issuing a gun violence restraining order.
- h. Evidence of acquisition of body armor, as defined in Section 16288.
- i. Evidence of stalking, as defined in Section 646.9.
- j. Evidence of cruelty to animals, as defined in Section 597.
- k. Evidence of the respondent's oral or written threats of violence toward any person or group because of their actual or perceived race or ethnicity, nationality, religion, disability, gender, or sexual orientation, including, but not limited to, threats using electronic means of communication, including social media postings or messages, text messages, or email. For the purposes of this subparagraph, "race or ethnicity," "nationality," "religion," "disability," "gender," and "sexual orientation" are defined as in Section 422.56.
- l. Evidence of the respondent's knowing and intentional defacement, damage, or destruction of the real or personal property of any other person for the purpose of intimidating or interfering with the free exercise or enjoyment of any right or privilege secured to the other person by the Constitution or laws of this state or the Constitution or laws of the United States, in whole or in part because of a person's actual or perceived race or ethnicity, nationality, religion, disability, gender, or sexual orientation, in violation of subdivision (b) of Section 422.6. "Race or ethnicity," "nationality," "religion," "disability," "gender," and "sexual orientation" mean the same as defined in Section 422.56.
- m. Evidence of the respondent's threats of violence to advance a political objective or threats of violence intended to interfere with any other person's free exercise or enjoyment of any right or privilege secured to them by the Constitution or laws of this state or the United States, including, but not limited to, threats using electronic means of communication, including social media postings or messages, text messages, or email.

UPDATED

5. In addition, other factors for officers to consider include whether the person has access to firearms or ammunitions. These factors include, but are not limited to:
  - a. A law enforcement encounter with a person in possession of a firearm;
  - b. A law enforcement encounter at a person's residence where an officer personally observes a firearm;
  - c. A law enforcement encounter where the person admits to owning possessing, controlling a firearm, or there are indications they intend to purchase or acquire one;
  - d. A law enforcement encounter where the person's immediate family, significant other, or a close relation, inform officers that the person owns, has access to, possesses a firearm, or where there are indications they intend to purchase or acquire one;
  - e. An Automated Firearms System (AFS) report lists firearms registered to the person; or
  - f. Any other evidence which creates a reasonable belief the person has access to, is in possession of, owns a firearm, or intends to acquire one.

UPDATED

C. Procedures For Obtaining a Temporary Emergency Gun Violence Restraining Order (EPO-002)

NEW

1. A Temporary Emergency Gun Violence Restraining Order (GVEPO) under Penal Code section 18125, also referred to as (EPO-002), is a twenty-one-day temporary emergency restraining order requested by SDPD to prevent a person's access to firearms and ammunition. GVEPOs are obtained telephonically when the subject of the petition poses an immediate and present danger of causing personal injury to themselves, or another by owning or possessing a firearm. GVEPOs may be issued telephonically 24-hours a day, seven days a week.

UPDATED

2. A GVEPO may be issued on an emergency basis only if a law enforcement officer asserts, and a judicial officer finds, that there is reasonable cause to believe both of the following:
  - a. 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. (PC § 18125(a)(1)).

UPDATED

- b. 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. (PC § 18125(a)(2)).

3. To obtain the GVEPO, the SDPD officer or detective must do the following:

- a. Call the Sheriff's Department to request an EPO-002 from the duty judge, using the same phone number used for telephonic search warrants **(Deleted – records of security)**.
- b. 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.
- c. The SDPD officer or detective shall 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 Reduction Unit via email to **(Deleted – records of security)** and **(Deleted – records of security)**. All GVEPO's are evaluated by GVRU to determine if the subject presents an ongoing increased risk for violence so that a gun violence restraining order issued after notice and hearing may be necessary. The officer or detective must also fax a copy of the EPO-002 to the Sheriff's Record's Office at **(Deleted – records of security)** no later than end of shift.
- e. If emergency assistance is needed, GVRU can be contacted 24-hours a day, seven days a week by contacting the Watch Commander's Office for the on-call GVRU team member.
- f. If the subject of the GVEPO cannot be served in the field, notify GVRU and provide a copy of the EPO-002 for future service.

NEW

D. Procedures For Obtaining an Ex Parte Temporary Gun Violence Restraining Order (Ex Parte GVRO)

- 1. An Ex Parte Gun Violence Restraining Order (Ex Parte GVRO) under Penal Code section 18150, is a twenty-one day restraining order requested by the SDPD to prevent a person's access to firearms and ammunition. Ex Parte GVROs are requested when the subject of the petition poses a significant danger, in the near future, of causing personal injury to the subject of the petition or another by owning or possessing a

firearm. Ex Parte GVROs are sought after a submission to and review by the City Attorney's Office, typically during an ongoing investigation after the initial incident occurred.

2. During an ongoing investigation after the initial incident occurred an Ex Parte GVRO should be considered when the above GVRO factors from Section VII are present. When these circumstances are present, the Case Agent will provide the GVRU with the required documentary evidence (Police Report, CAD, Field Interview, Tarasoff Report, 5150 detention, AFS and RAP printout, etc.)

Digital referrals can be sent to **(Deleted – records of security)** and **(Deleted – records of security)**.

3. All requests for Ex Parte GVROs will be reviewed for legal sufficiency by a DCA. If the DCA determines that the legal standard is met, the Case Agent will sign a Judicial Council Form MC-031, declaring all documentation submitted are true and accurate and requesting the Court to issue the Ex Parte GVRO. The DCA will then pursue filing a Petition for an Ex Parte GVRO.
4. Once an Ex Parte GVRO has been issued, it generally must be served on the restrained person within 16 calendar days by SDPD or another law enforcement agency.
5. If the Ex Parte GVRO is not able to be served within the required period, the DCA may ask the Judge to continue the hearing and leave the Ex Parte GVRO in effect until the next court hearing. Due diligence efforts on service are needed to support a request for a continuance. GVRU members will document the steps they took to serve the subject and provide these details to the Deputy City Attorney representing the police department in court. These details will be provided to the attorney prior to the court date.

NEW

E. Procedures for Gun Violence Restraining Order After Hearing (OAH GVRO)

1. When the court grants a GVEPO or Ex Parte GVRO, a noticed hearing is set for the court to determine whether to issue a longer GVRO, under Penal Code section 18175, to enjoin the person from possessing, owning, purchasing, or receiving firearms and ammunition for a period of one to five years. An Order After Hearing (OAH) GVRO is granted when a subject poses a significant danger of causing personal injury to themselves or another by owning or possessing a firearm and a GVRO is necessary because less restrictive alternatives either have been tried and found to be ineffective or are inadequate or inappropriate for the circumstances.

2. **DCAs appear at all GVRO hearings in court.** A SDPD officer or detective will generally not be required to appear in court for the hearing unless requested by a member of GVRU. If the court upholds the GVEPO or Ex Parte GVRO, the long-term GVRO is issued and must be served. If the restrained person is present, the service will occur in court.
3. If a restrained party does not appear for the hearing after proper service, the hearing may proceed “in absentia.” However, service of the order will be required.
4. The OAH GVRO will remain in effect for one to five years depending on the court order. Prior to the expiration of the OAH GVRO, the case will be reviewed by member of the GVRU and potentially renewed.

NEW

F. Requesting Renewals of Expiring GVROs

The San Diego City Attorney’s Office monitors the expiration date of all active GVROs. GVRU may file a GV700 form (renewal paperwork) prior to the expiration of the GVRO, when information justifying the renewal is discovered.

1. Information sources may include, but are not limited to:
  - a. Law Enforcement officers;
  - b. SD City Attorney investigators;
  - c. Statements from the victim and witnesses involved in the initial incident warranting the initial GVRO regarding recent incidents; and
  - d. Respondent’s recent criminal history.
2. A GVRO is renewed using the same filing procedure as an Ex Parte GVRO.

## **VIII. SERVICE OF GVROS AND OTHER RESTRAINING ORDERS**

UPDATED

A. Service of a GVRO

1. All circumstances that warrant the acquisition of a GVRO represent a high level of risk. Therefore, it is critical that extreme caution be exercised in the service of such orders.
2. When serving a GVRO, officers are required to verbally demand all firearms, ammunition, body armor be relinquished at the time of service.

The restrained party is required by law to relinquish all firearms, body armor, and ammunition to law enforcement in a safe manner as determined by law enforcement. (PC §§ 18120(b)(2); 31360(b)).

3. If a restrained party refuses to comply with the order to relinquish their firearms, body armor, or ammunition, they are in violation of two Penal Code sections. Penal Code sections 18205 and 31360(b)(1) make it a misdemeanor to remain in possession of firearms, body armor, and ammunition after a GVRO has been served. Additionally, Penal Code section 166(a)(4) requires restrained parties to refrain from violating court orders. The person should be detained pursuant to the misdemeanor being committed in the officer's presence.
4. If officers are not given consent to enter a dwelling to recover the firearms or ammunition, a search warrant must be obtained. See search warrant authority, Penal Code section 1524(a)(14). Contact the on call GVRU team member through the Watch Commander's office for assistance.
5. Within one business day of service, the law enforcement officer who served the GVRO must submit the proof of service directly into the California Restraining and Protective Order System. This is accomplished by contacting Teletype. The proof of service must include the law enforcement officer's name and agency.
6. The original proof of service must be submitted to GVRU via email at **(Deleted – records of security)** and **(Deleted – records of security)** to be filed with the court that issued the GVRO. (PC § 18115(e)(1)).
7. Patrol Officers generally will be responsible for serving EPO-002 Emergency GVRO's while investigating cases. Patrol Officers shall make reasonable attempts to locate and serve the respondent or person subject to the GVRO. If the respondent is not able to be served, please contact GVRU via email at **(Deleted – records of security)** and **(Deleted – records of security)** to provide due diligence efforts on service to support a request for a continuance.
8. Ex-Parte GVROs and Final GVROs will be served by GVRU.

NEW

B. Service of other Restraining Orders

1. Effective January 1, 2026, California Assembly Bill 899 requires that all peace officers shall, upon the request of a petitioner serve any temporary restraining order, order after hearing, or protective order issued pursuant to sections 527.6, 527.8, and 527.85 of the California Code of Civil Procedure, Section 136.2 of the Penal Code, or Section 15657.03 of the



Welfare and Institutions Code, on the respondent, whether or not the respondent has been taken into custody. (CCP § 527.12(a)).

2. When an officer is in the field and is requested by a citizen to serve one of the above listed restraining orders, Officers shall make an attempt to serve the respondent if it can be done safely and in a reasonable amount of time based on respondent's location and accessibility. If the officer on scene determines that service cannot be accomplished at that time, officers shall refer the matter to the GVRU unit via email.
3. Similar to service of GVROs, Family Code 6389(c)(2) requires that peace officers verbally demand relinquishment of all firearms, ammunition, and body armor at the time of service of a protective order issued under Family Code section 6218 (sometimes referred to as a domestic violence restraining order or DVRO). The restrained party is required by law to relinquish all firearms and ammunition to law enforcement in a safe manner as determined by law enforcement. This shall be done immediately pursuant to the service of the protective order. If a respondent refuses to surrender their firearms a search warrant must be obtained under Penal Code section 1524(a)(11). Contact the Watch Commander's office to call the on-call GVRU team member for assistance in obtaining a search warrant.
4. Prior to an officer contacting a respondent to serve them with a restraining order, the officer shall first call the Sheriff's Department to confirm the validity of the order and expiration date. The officer also must confirm that all the necessary information and documentation is provided by the petitioner to properly serve the subject. Once the order is confirmed the following steps shall be taken.
  - a. Advise the restrained person that there is an order in effect.
  - b. Give a copy of the order to the restrained person or, if no copy is available, have the terms of the order read over the phone and then verbally inform the restrained person of those terms;
  - c. Advise the restrained person they are now subject to the terms of the order and can be arrested for any future violations;
  - d. Notify Teletype that a copy of the order was served on the restrained person. Teletype will need the TRO or FCN number to verify the order is in the system, the full name, DOB, date, time and location the order was served, the officer's name, ID, Watch and Unit.

5. After the subject is served, the officer who served the subject shall prepare the appropriate Proof of Service form when a physical copy is handed to the restrained party.
  - a. Civil Harassment Prevention Order related:(**Deleted – records of security**),
  - b. Domestic Violence related:(**Deleted – records of security**),
  - c. Gun Violence Restraining Order related:(**Deleted – records of security**).

The proof of service shall be faxed to the Sheriff's Office, and a copy shall be uploaded into NETRMS.

Add the Proof of Service to the case report. Investigative personnel shall ensure the original Proof of Service is filed with the court issuing the order and a copy retained with the police report. Investigators can contact Court Liaison Officers for assistance.

## IX. TACTICAL CONSIDERATIONS

UPDATED

- A. Situations where a civil order is served in a setting where control of the subject has not yet been facilitated necessitates responding to an unsecured scene with special care. These situations represent a particularly high-risk operation. In all such cases, an Operations Plan should be completed by the Command serving the orders and (**Deleted – records of security**) should be followed. If it is determined SWAT will be needed, a search warrant should be obtained prior to service.

UPDATED

- B. (**Deleted – records of security**).

NEW

## X. SEIZURE OF FIREARMS

- A. Surrender of Firearms in a Safe Manner When Serving a GVRO or Domestic Violence Restraining Order

Penal Code section 18120 requires: Immediately after service of a GVRO, the Law Enforcement officer serving the GVRO SHALL ask Respondent if they possess any firearms, ammunition or body armor. Respondent is required to immediately surrender all firearms and ammunitions, as well as all firearm precursor parts and body armor upon request in a "safe manner." Penal Code section 16520 includes precursor parts in the definition of "firearm." Body armor must be surrendered under Penal Code section 31360.

Family Code section 6389 requires identical relinquishment procedures when an officer serves a Domestic Violence Restraining Order/Protective Order.

If the person refuses to immediately surrender or does not surrender in a safe manner, the subject should be detained, and a search warrant should be obtained. See below in section D of this Department Procedure: Obtaining and Serving a Search Warrant for Firearms and Ammunition.

B. Authority to Require Surrender

After granting a GVRO or Domestic Violence civil restraining order, the court is required to order the Respondent to surrender all firearms and ammunition upon request of any law enforcement officer after being served with the order. This court order to surrender firearms and ammunition is explicitly provided in writing in the service documents. This is important for the law enforcement officer who is serving the subject. ( PC 1524(a)(11), (14)).

C. Surrender of Firearms in a Safe Manner when Serving Any Other Firearm Prohibiting Order

When serving all other civil or other firearm-prohibiting orders, such as Civil Harassment Orders, Workplace Violence Restraining Orders, officers should advise the subject of the requirement to surrender firearms, ammunition, and body armor within 24 hours and recommend that immediate surrender occur at the time of service in order to avoid non-compliance.

D. Obtaining and Serving a Search Warrant for Firearms and Ammunition

- a. Search warrants should be obtained in Gun Violence Restraining Order (GVRO) and Domestic Violence Restraining Order (DVRO) matters where the Respondent fails to surrender firearms when requested, pursuant to the court's order.
2. Officers have authority to obtain a search warrant pursuant to Penal Code 1524 (a) (11), (14) if property or things to be seized include a firearm, ammunition, body armor and firearm precursor parts;
  - a. That is owned by, in possession of, or in the custody or control of a person;
  - b. Who is the subject of a GVRO or DVRO; and
  - c. When the person refuses to surrender the firearm, ammunition or firearm parts after service as required by law.

E. After Seizure

A Receipt for Weapons/Currency (PD-1072-FOS form) must be filled out and a copy provided to the restrained party for any weapons that are seized. Officers shall write “GVRO” or “DVRO” in the “Reason Taken/Charges” field on the PD-1072.

When impounding weapons pursuant to a GVRO, officers must fill out all necessary information on the FileOnQ Online Property form. Additionally, officers shall check the “GVRO Related” checkbox.

NEW

**XI. VERIFYING THE REMOVAL OF FIREARMS AND AMMUNITION**

- A. The referring Case Agent must ensure that all firearms are accounted for in the case report, noting each as seized or remaining at large.
- B. This includes all firearms discovered through:
  - 1. Witness statements;
  - 2. Respondent’s admissions;
  - 3. Automated Firearms System (AFS); or
  - 4. Any other means.
- C. There are numerous ways to conduct records checks for registered firearms. However, some of these ways do not reveal all the information available as it relates to firearms registered to a specific person. Officers shall 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 AKA’s or aliases associated with the person. This is specifically important when someone changes their legal name after purchasing a firearm.

**It is extremely important to remember that officers are only able to obtain information about firearms legally registered in the state of California. Officers should consider the fact that subject may be in possession of firearms bought in another state which you are unable to confirm with our data systems.**

- 1. Run the subject to obtain the subjects California Identification number. This can be done through NCIC or SDlaw.
- 2. Once the subjects California Identification number is known, run the subject by number in SDLaw.

- a. Login to SDLaw
  - b. Click “eSUN Web”
  - c. Click “Multiple” on the top left portion of the page
  - d. Click “Other Firearms- STATE”
  - e. Click “Inquiry by CDL or SSN”
  - f. Complete the form and click submit to view results from the inquiry.
3. 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.
  4. If firearms come back registered to the subject, 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.
  5. Any record return will only show a maximum of twelve (12) firearms registered to an individual, regardless of the actual total. If 12 firearms are returned in a record, the officer or detective shall call the DOJ line to confirm if the subject has more firearms registered to them that are not listed on the return. The AFS Unit number is **(Deleted – records of security)**.
  6. 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 AKA’s and aliases to confirm all registered firearms are discovered.

NEW

## **XII. ACCEPTING RELINQUISHED FIREARMS PER A CIVIL RESTRAINING ORDER**

- A. Subjects of Civil Restraining Orders are instructed by the courts to relinquish their firearms and ammunition within 24 hours of being served. Because of this, citizens may try to surrender firearms to police stations.

B. The Department webpage has instructions on how to safely relinquish firearms. Below are steps to take to safely accept these firearms:

1. When responding to a residence due to a radio call
  - a. 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.
  - b. Have the subject meet you outside the residence and down the street away from the residence.
  - c. Debrief the subject about who else is inside and where the firearms are located.
  - d. 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.
2. When the citizen is planning to drive them to a station
  - a. Ensure the subject has been directed to store the firearms unloaded and locked and secured in the trunk of their vehicle.
  - b. Obtain a description of the subject and the subject's vehicle prior to responding.
  - c. Direct the subject to wait outside of his vehicle near the front doors of the substation.
  - d. Safely contact the subject and accept the firearms.
3. When a citizen walks into a front counter
  - a. Do not allow the subject to walk back to their vehicle to retrieve the firearms.
  - b. 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.