



San Diego City Attorney Mara W. Elliott

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## **City Attorney's Office, San Diego Police Working to Protect the Public from Gun Violence**

City Attorney Mara W. Elliott announced today that her office has now obtained Gun Violence Restraining Orders against 10 gun owners who posed a serious danger to themselves and others.

The gun owners – some dealing with severe mental health problems – were each ordered by a judge to surrender or sell all firearms in their possession and to not acquire or possess firearms or ammunition for 12 months, the maximum allowable by law. Police and prosecutors seek the orders to prevent firearm-related tragedies.

San Diego's is the first City Attorney's Office in the state to adopt an aggressive strategy of filing charges and obtaining Gun Violence Restraining Orders against individuals who present serious risk of harm. The approach was developed by the Criminal Division of the City Attorney's Office and by Assistant Chief David Nisleit on behalf of the San Diego Police Department.

**“Our federal government is inexcusably ignoring the growing problem of gun violence in our schools and communities. The City of San Diego will not tolerate federal inaction. We're doing everything in our power to respond to this epidemic of senseless killing by removing guns from the hands of unstable and irresponsible gun owners,”** City Attorney Mara W. Elliott said. **“We are proud to partner with the San Diego Police Department in this effort and to lead the way for all California.”**

The first 10 Gun Violence Restraining Orders obtained by the City Attorney's Office were against the following gun owners:

- A 23-year-old ex-Marine who had developed a paranoia that all males wanted to harm him. He had walked into a Kearny Mesa auto parts store with a loaded handgun, but called police before shooting anyone.
- A 39-year-old San Carlos man who, while intoxicated (at three times the legal limit), believed he was shooting at raccoons and rats in his backyard. Terrified neighbors called police as bullets flew into their backyards.
- A 60-year-old Otay Mesa man who grabbed a .38 revolver and fled his home after his family discovered he was molesting his grandchild. The man was arrested with the gun in his vehicle.

- An 81-year-old man from Carmel Mountain who threatened to shoot his 75-year-old wife and a neighbor because he believed they were having an affair. His wife escaped the house, barefoot, by climbing a fence and running through cactus. His family reported him to be in the early stages of dementia.
- A 53-year-old Allied Gardens man with significant mental health issues who used a firecracker to damage a neighbor's front door. Neighbors called police after hearing what they thought were gun shots coming from his apartment. Officers seized a bayoneted rifle and two illegal high-capacity magazines from his apartment.
- A 38-year-old Allied Gardens man who threatened to kill himself, his wife, and their young child if she left him. His wife had overheard him distraught and crying in the bathroom, and cocking his .40 caliber pistol.
- A 28-year-old Mission Valley man who grabbed a gun case and threatened suicide. When his ex-girlfriend tried to call for help, he grabbed her by her hair, threw her on the ground, and pushed her head into a wall. Police seized two handguns, two rifles, and a shotgun.
- A 33-year-old Mid-City man who locked his wife in a car with him, threatening her with a loaded firearm. When the San Diego Police Department arrived on the scene and searched the car, they found a meth pipe along with two loaded firearms that did not belong to him. He later surrendered a Glock 9mm and a .380 handgun.
- A 35-year-old Allied Gardens man with a small arsenal and a history of domestic violence, whose wife suffered a serious laceration to her forehead and feared he might kill her. The man owned a 9mm pistol, a Mosquito semi-automatic pistol, a Ruger .22, a Springfield .40 caliber pistol, a Ruger rifle, a Mossberg shotgun, and an unmarked handgun.
- A 40-year-old La Jolla man who told his fiancé by text message that he wanted to shoot her in the head, then visited his fiancé's ex-boyfriend and threatened to kill him while holding a knife behind his back. The man surrendered a handgun and an AR-15, the semi-automatic rifle frequently used by mass shooters, including Nikolas Cruz, the suspect in Wednesday's mass shooting in Parkland, Florida.

Under the state law creating Gun Violence Restraining Orders, family members, housemates, and law enforcement officers may petition a court to deny a person's access to firearms and ammunition if the person poses an imminent danger to self or to others. The orders last for 12 months, during which the individuals can seek counseling and treatment for their problems. The court may authorize an extension of the order in appropriate circumstances.

After developing protocols for obtaining such orders, the City Attorney's Office and San Diego Police Department are working together to seek restraining orders in every case where it can be shown that a person's access to firearms threatens public safety.

Deputy City Attorney Ryan Scott has represented the San Diego Police Department at these hearings.

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