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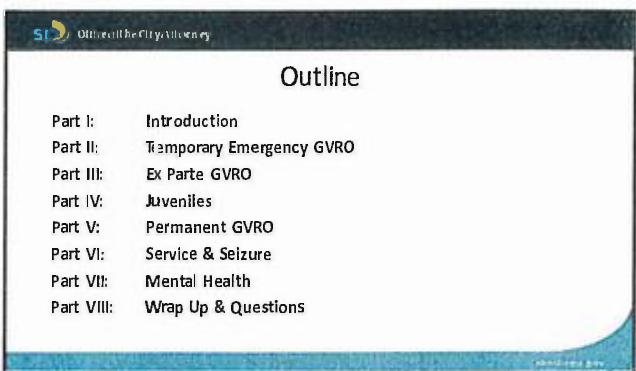
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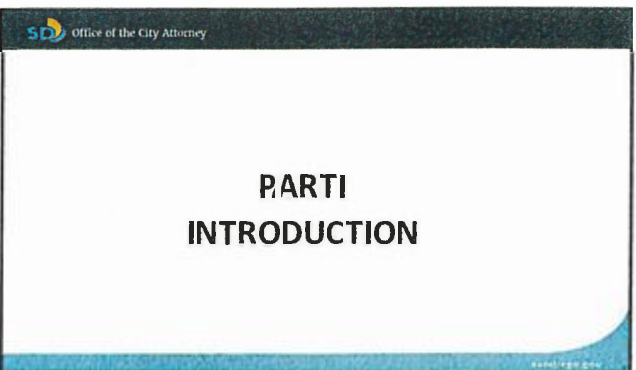
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**Penal Code Section 18100**

A court order restricting a person from

- taking custody of,
- controlling,
- possessing,
- purchasing, or
- receiving firearms and ammunition.



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**Firearms Seized 2018 – 2021 | 1,011**

Handguns:	549
Shotguns:	134
Long Rifles:	265
Assault Rifles:	48
Unknown Type:	2
Antique/Collectible:	13

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**GVROs Filed Overall | 850**

Overall judicially Approved:	850
Respondents: GVRO Filed:	574
LRA:	30
Dismissed for service:	98
Dismissed Burden of Proof:	33
Active Cases:	104

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### Police Policies & Procedures

**PC 18108(a):** Law Enforcement 'SHALL' have written policies and standards on or before 1/1/21.

- Establish enforcement posture (SWAT, Service, Risk Assessment)



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### Service & Seizure

**PC 18108(a)(1)-(10)** Police Policies & Procedures

- EPO
- EX PARTE
- REQUESTING & SERVING AFTER HEARING
- SEIZURE FOR EPO
- VERIFYING REMOVAL
- OBTAINING SEARCH WARRANT
- RESPONSIBILITY TO ATTEND HEARINGS
- REQUESTING RENEWALS



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Doesn't this violate the 2<sup>nd</sup> Amendment?

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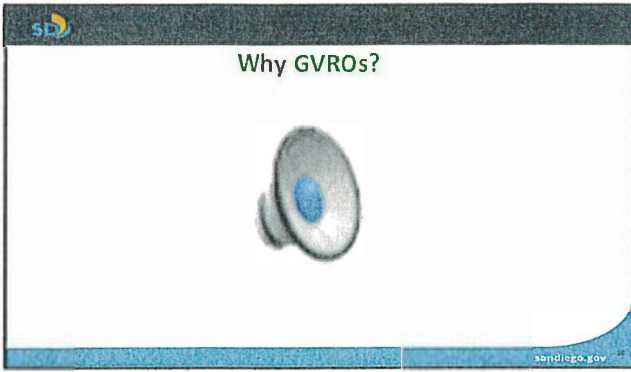
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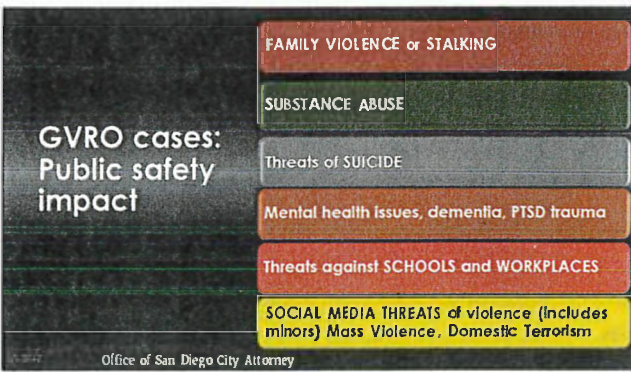
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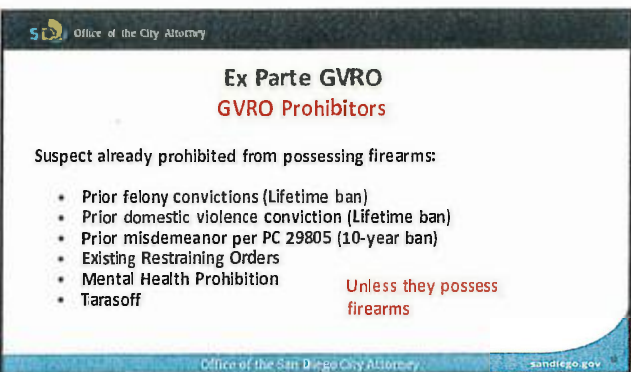
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**GVRO: Usage of different LE Networks**

1. FBI
2. NCIS
3. Capitol Police
4. ATF
5. CADOJ
6. Border Patrol/Customs
7. CIU
8. DHS
9. Cross-Refer cases to USA's Office for investigation, prosecution, and GVRO



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**Introduction**  
**GVRO-Multi-Jurisdictional Application**

- Domestic terrorism - workplace mass shooters
- School mass shooters
- Politically motivated shooters
- Public official threats (state and federal)
- Threats by active military or with prior military training (NCIS)
- Firearm possession in violation of Federal or State Law
- Gang violence
- Streamlined collaboration for local and federal prosecution
- Project Guardian and GVRO

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**Introduction**  
**How the three GVROs intersect**

	Temporary (Emergency)	Ex Parte	After Hearing (Permanent)
Statutory Authority	PC18145	PC18150	PC18175
Duration	21 Days plus Continuances	21 Days plus Continuances	1-5 Years, Renewable
Initiator	Law Enforcement Only	IE, Family, Employer, Teacher	IE, Family, Employer, Teacher
Evidentiary Standard	Reasonable Cause	Substantial Likelihood	Clear & Convincing
Threshold Showing	Immediate & Present Danger of Causing Personal Injury	Significant Danger in the Near Future of Causing Personal Injury	Any Significant Danger of Causing Personal Injury

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### Introduction

#### GVRO-How Crime Cases Intersect

- Petitioner is the Police Agency
- Immediate action to remove access to firearms
- Do not need probable cause
- Criminal exclusionary rules do not apply
- Pending investigations
- Pending cases in court
- Cases not issued or filed
- Cases reduced/dismisssed



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## PART II

### TEMPORARY EMERGENCY GVRO

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### Temporary Emergency GVRO (EPO-002)

#### What is it?

PC 18125

- Temporary Emergency GVRO
- Immediate and Present Danger
  - Determination for a Ex Parte and Permanent GVRO Includes 13 factors; EPO-002 is only based on the Law Enforcement Officer's oral recitation of facts to the judge.
- Hearing date with expiration set 21 days out
- Law Enforcement only

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### Temporary Emergency GVRO (EPO-002) Field Application

- Call in to the court after hours
- Lock down the scene
- Maybe have an anticipatory warrant ready
- Cite **PC 18100, 18125, 18140, and 18145**



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### Temporary Emergency GVRO (EPO-002) Authority & Procedures

- **PC 18145** – Legal Authority for the EPO
- **PC 18140** – Legal Procedures for the EPO
  - Request orally
  - Sign the **EPO-002**, reciting the oral statements provided to the judge and the judge's order
  - Request a hearing date (or) Court will set within 21 days
  - Serve the order on the restrained person
  - File a copy of the order with the court within 3 days
  - Enter order into DOJ database

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### Temporary Emergency GVRO (EPO-002)

1. Call judge, fill out EPO-002.
  - *Articulate that subject poses an immediate & present danger to himself or others.*
  - Request a hearing date (depending on jurisdiction).
2. Serve EPO-002 on the subject while on scene (per **PC 18140(b)**).
3. Request immediate surrender (**PC 18120**) of firearms/Request firearms (per **PC 18135(b)**). SW if necessary (per **PC 1524(a)(14)**).
4. File a copy of the order with the court as soon as practicable (per **PC 18140(c)**).
5. Enter the order into the computer database maintained by the DOJ (per **PC 18140(d)**).

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### How Do I Actually File a Temporary Emergency GVRO?

**WHERE?**

- Call the on-call judge and fill out the EPO-002 while on scene
- Most Jurisdictions: EPO-002 is the same as DV EPO Procedures for an EPO-001

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### How Do I Actually File a Temporary Emergency GVRO?

**WHEN?**

- On scene with Suspect or Victim
- Court required to assign an after-hours judge to review GVROs (PC 18145(b))

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### Temporary Emergency GVRO (EPO-002)

**SECTION 1: PERSONAL INFORMATION**

**SECTION 2: ALLEGATIONS**

**SECTION 3: COURT ORDER**

**SECTION 4: SIGNATURES**

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### Temporary Emergency GVRO (EPO-002)

**EPO-002  
GUN VIOLENCE EMERGENCY PROTECTIVE ORDER**

1. **RESTRAINED PERSON** *(insert name)* \_\_\_\_\_

Address or Mailing \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Sex:  M  F Ht: \_\_\_\_\_ Wt: \_\_\_\_\_ Hair color: \_\_\_\_\_  
 Eye color: \_\_\_\_\_ Race: \_\_\_\_\_ Age: \_\_\_\_\_ Date of birth: \_\_\_\_\_

2. **TO THE RESTRAINED PERSON** *(also see Important Warnings and Information on*

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### Temporary Emergency GVRO (EPO-002)

3. This order will last until: \_\_\_\_\_ Time: \_\_\_\_\_ Case Number: \_\_\_\_\_  
INSERT DATE OF THIS CALIFORNIA DAY (DO NOT COUNT DAY THE ORDER IS GRANTED)

4. Court Hearing  A court hearing will be set within 21 days.  
 A court hearing will take place at the court above on: Date: \_\_\_\_\_ Time/Dept: \_\_\_\_\_  
 You must go to the court hearing if you do not want this restraining order against you. At the hearing, the Judge can make this order last from 1 - 5 years.

- Court assigns case number
- Pick one or the other for paragraph 4.

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### How Do I Actually File a Temporary Emergency GVRO?

**What if the court doesn't set a hearing date for the EPO-002?**

1. Court will send Officer (Petitioner) and Respondent notice of the hearing.
2. Petitioner (or legal counsel) must show up or case is dismissed and temporary order expires.
3. If Petitioner shows up and Respondent does not show up, service is presumed by the court and the hearing proceeds.

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### How to Prepare a GVRO Hearing after an EPO-002 is Filed and Served

**STEP 1:** Show Up.  
**STEP 2:** Bring All of the Following Completed Forms:

- If Hearing Proceeds:**
  - GV-030: "Gun Violence Restraining Order After Hearing on EPO-002"
  - GV-125: "Consent to GVRO & Surrender of Firearms"
- If Hearing is Continued:**
  - GV-115: "Request to Continue Court Hearing for Gun Violence Restraining Order"
  - GV-116: "Order for Continuance and Notice of a New Hearing Date"

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## PART III EX PARTE GVRO

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### Ex Parte GVRO What is it?

**PC 18150**

- Temporary civil restraining order pending permanent hearing
- Requested by Law Enforcement, immediate family, co-workers, employers, teachers
- Maximum of 21 days, unless extended by court order
- Subject poses a **significant danger, in the near future**, of causing harm to self or others, based on a consideration of factors

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### How Do I Actually File an Ex Parte GVRO?

**WHO?**

1. Law Enforcement Officer (Agency)
2. Immediate Family Member
3. Employer
4. Co-worker
  - Substantial interactions for 1 year
  - Permission from employer
5. Employee or Teacher
  - Attended school within last 6 months
  - Permission from Administration

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### Ex Parte GVRO

#### Firearm Nexus

- Firearm use is not required as part of the underlying incident

- The attorney should thoroughly review each case in order to determine whether subject owns, possesses, or has access to firearms

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### GVRO | Factors for Consideration

PC 18620(a)(1) MANDATORY FACTORS: "the court shall consider all evidence of the following..."	PC 18650(a)(2) DISCRETIONARY FACTORS: "the court may consider any other evidence of an increased risk of violence, including, but not limited to..."
Recent* threat or act of violence by respondent toward another	Unlawful and reckless use, display, or brandishing of a firearm by the respondent
Recent* threat or act of violence by respondent toward self	History of use, attempted use, or threatened use of physical force by the respondent
Violation of emergency protective order	Prior arrest of the subject of the petition for a felony offense
Recent* violation of an unexpired protective order	History of a violation by the respondent of an emergency protective order
Conviction for any offense listed in Section 29805	History of a violation by the petitioner of a protective order issued
Pattern of violent acts or threats in the past 12 months	Documentary evidence, including, but not limited to, police reports and records of convictions, of either recent criminal offenses, ongoing alcohol or controlled substance abuse by the respondent
*Recent* means within the six months prior to the petition	Evidence of recent acquisition of firearms, ammunition, or other deadly weapons

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### Ex Parte GVRO

#### Additional Considerations

- **PC 18108(b):** 'SHALL' consider a GVRO for domestic disturbance with a registered firearm, firearm present, or one party possesses a firearm
- **PC 18108(c):** 'SHOULD' consider a GVRO for mental health and suicide

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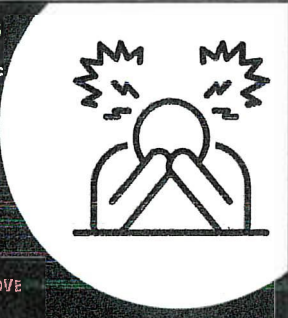
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### GVRO Intangible Factors

Respondents with certain traits (non-specific indicators) who feel a psychological need:

- Failure | anger | rage
- Undervalued
- Depression | despair
- Insignificant
- No respect
- Social awkwardness | disconnected

VIOLENCE IS THE REMEDY TO FULFILL THE ABOVE



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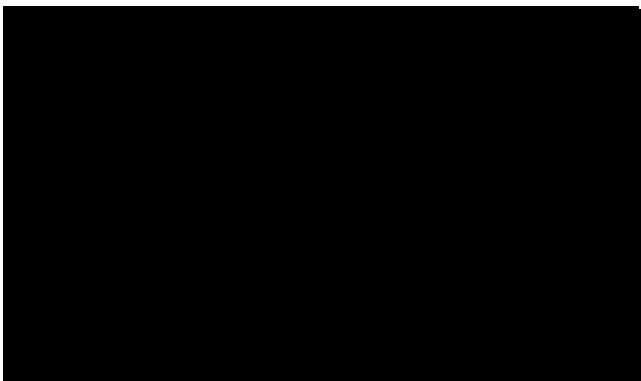
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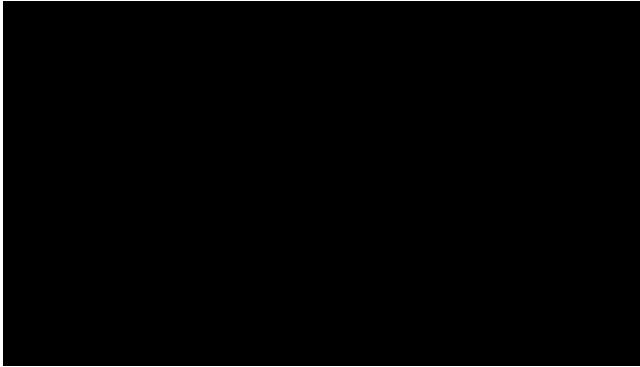
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### How Do I Actually File an Ex Parte GVRO?

**WHERE?**

- Ask your local courts for specific business office location to file Ex Parte GVROs
  - Civil or Criminal (ASK LOCAL LE OR ATTORNEY)
- Ask your local courts which department GVRO hearings will be conducted in

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### How Do I Actually File an Ex Parte GVRO?

**WHEN?**

- Ask your local courts for specific filing times to drop off Ex Parte GVROs
  - Don't forget **PC 18150(d)**: GVRO "shall be issued or denied on the same day the petition is submitted to the court"—unless it's too late to permit effective review, then issued or denied on the next day of judicial business
- Ask your local courts how long it will take for the judge to review the filing and put together all the certified orders and packets

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## How Do I Actually File an Ex Parte GVRO? HOW?

- Be able to articulate a significant danger in the near future
  - PC 18150(b)(1)
- Be able to articulate that GVRO is necessary to prevent personal injury and there are no lesser restrictive means to prevent the injury
  - PC 18150(b)(2)

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## How Do I Actually File an Ex Parte GVRO?

**STEP 1:** Receive reports from LE agency (CA/Legal Rep).  
**STEP 2:** Review for GVRO filing.  
**STEP 3:** Complete the following Court Forms in this order:

- GV-100: Petition for Firearms Restraining Order (LE officer signature required) and check box 10 on page 4 of the form
- MC-030: Declaration (LE officer signature required with the necessary language):
- GV-300: Notice of Court Hearing
- GV-110: Temporary Firearms Restraining Order (not to be confused with EPO-002)
- CLETS-001: Confidential CLETS information
- CM-010: Civil Case Coversheet (check five boxes--a: Unlimited (top left box), b: Other Petition (Section 2-box 43), c: Non-monetary (Section 2, #60004), d: Non-monetary (Section 3, b or b ); e: Non-class action (Section 5, see word box)

\*Court forms (in English, Spanish, Chinese, and Vietnamese) provided with the training materials or online at: [http://www.sdsd.usd.edu/form/00000000\\_0/](http://www.sdsd.usd.edu/form/00000000_0/)

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## How Do I Actually File an Ex Parte GVRO?

**STEP 4:** Write the declaration into the MC-30 and use attachments if needed. See Next slide

**STEP 5:** File the completed Ex Parte GVRO Packet, with items from Step 4, at the court business office.

**STEP 6:** Retrieve the following packets from the court:

1. Certified copy of the Temporary GVRO Packet;
2. Order After Hearing Packet; and
3. Respondent's Packet.

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### Declaration MC-030

STEP 4: Write the declaration into the MC-30 and use attachments if needed.

Include the following in the declaration:

*"Based on the information contained herein, I hold the opinion that a GVRO is necessary to protect the public and prevent harm to the respondent or others. There are no lesser restrictive means to ensure public safety. The San Diego Police Department holds the opinion that respondent poses a significant danger in the near future."*

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### How Do I Actually File an Ex Parte GVRO?

Certified copy of the Temporary GVRO Packet Includes:

1. GV-109 – "Notice of Court Hearing"
2. GV-110 – "Temporary Gun Violence Restraining Order"
3. GV-100 – "Petition for Gun Violence Restraining Order"
4. MC-030 – "Declaration" (w/copy of redacted reports)

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### How Do I Actually File an Ex Parte GVRO?

Order After Hearing Packet Includes:

1. GV-200-INFO – "What is a Proof of Service?"
2. GV-200 – "Proof of Personal Service"
3. GV-130 – "Firearms Restraining Order After Hearing"
4. GV-115 – "Request to Continue Court Hearing for Firearms Restraining Order"

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### How Do I Actually File an Ex Parte GVRO?

**Respondent's Packet For Service Includes:**

1. GV-109 Notice of Court Hearing
2. GV-110 Temporary Gun Violence Restraining Order
3. GV-100 Petition for Gun Violence Restraining Order
4. MC-030 Declaration
5. GV-120-INFD How can I respond to a Petition for a GVRO?
6. GV-120 Response to a Petition for a GVRO
7. GV-125 Consent to GVRO and Surrender of Firearms
8. MC-020 Additional Page Attach to Judicial Council Form
9. GV-250 Proof of Service of Response by Mail
10. GV-800-INFD How do I Turn In or Sell my Firearms?
11. GV-800 Proof of Firearms Turned in or Sold
12. GV-600 Request To Terminate GVRO

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### How Do I Actually File an Ex Parte GVRO?

**DO NOT forget to include in Respondent's Packet:**

**Print and fill out a GV-200 Proof of Service**

1. Add Case number.
2. Add the names of the parties.
3. Check the boxes or write in all the forms on the Respondent's Packet.

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### How Do I Actually File an Ex Parte GVRO?

#### GV-200

**PROOF OF PERSONAL SERVICE**

1. Personally provide respondent a copy of the forms checked below:

Case Number:  Case Number: 17-2 01-0000000000-CL-PT-0111

GV-109, Petition for Gun Violence Restraining Order  
 GV-110, Temporary Gun Violence Restraining Order  
 GV-100, Petition for Gun Violence Restraining Order  
 MC-030, Declaration  
 GV-120-INFD, How can I respond to a Petition for a GVRO?  
 GV-120, Response to a Petition for a GVRO  
 GV-125, Consent to GVRO and Surrender of Firearms  
 MC-020, Additional Page Attach to Judicial Council Form  
 GV-250, Proof of Service of Response by Mail  
 GV-800-INFD, How do I Turn In or Sell my Firearms?  
 GV-800, Proof of Firearms Turned in or Sold  
 GV-600, Request To Terminate GVRO

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### How Do I Actually File an Ex Parte GVRO?

**STEP 7:** Build a physical file with the "Order After Hearing" and the "Certified Copy of the Temporary GVRO" packets.

**STEP 8:** Immediately provide the "Respondent's Packet" to law enforcement for personal service.

**STEP 9:** Retrieve completed proof of service (GV-200) from law enforcement after personal service is complete.

**STEP 10:** File proof of service (GV-200) with the court 5 days prior to hearing.

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**SD** Office of the City Attorney

### How to Succeed at a GVRO Hearing after an Ex Parte GVRO is Filed and Served

**STEP 1:** Show Up.

**STEP 2:** Bring All of the Following Completed Forms:

- **If Hearing Proceeds:**
  - GV-130:** "Gun Violence Restraining Order After Hearing"
  - GV-125:** "Consent to GVRO & Surrender of Firearms"
- **If Hearing is Continued:**
  - GV-115:** "Request to Continue Court Hearing for Gun Violence Restraining Order"
  - GV-116:** "Order for Continuance and Notice of a New Hearing Date"

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**SD** Office of the City Attorney

### How to Succeed at a GVRO Hearing after an Ex Parte GVRO is Filed and Served

**STEP 3:**

- If hearing is conducted and Permanent GVRO is granted, hand over the **GV-130** for judge to sign and court to file stamp. Customarily, Respondent will be served in open court.

**STEP 4:**

- If Respondent is not present at the hearing:
  1. Establish Service and proceed to hearing anyway.
  2. Repeat step 3
  3. Give Certified **GV-130** to IE for personal service upon respondent (do another **GV-200**—file with the court).

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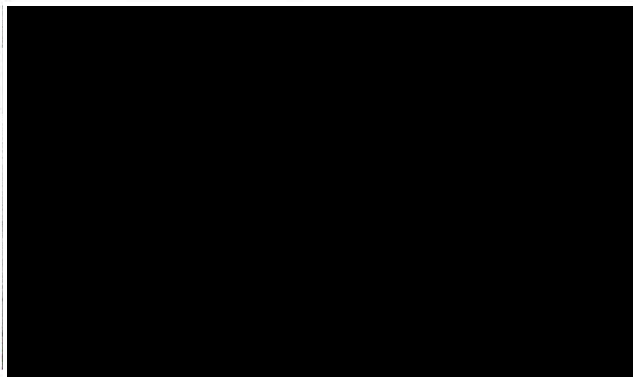
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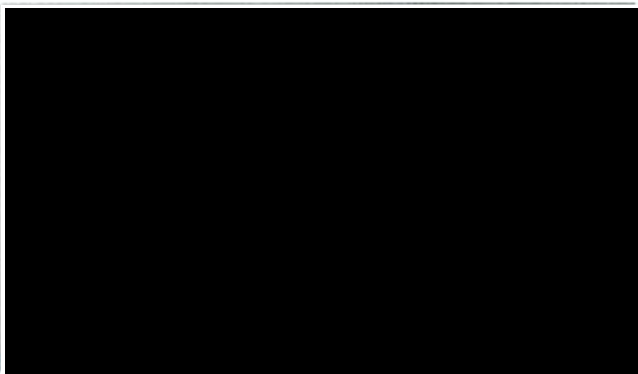
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## PART IV JUVENILES

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### Juveniles How to File

**May File Under Seal**  
No Statutory Authority

1. Application to Seal Record (Cal. Rules of Court, **Rule 2.551**)
2. Declaration of Counsel in Support of Application for Order sealing Record (List all GV documents in the initial filing packet)
3. Order to seal record
  - Respondent juvenile must only include first name and initial of last name (Jeffrey B.)
  - 2 Copies:
    - One copy with full name and no redactions in a sealed envelope
    - One copy with full redactions and partial juvenile name

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### Ex Parte GVRO

#### Reckless Storage | Child Endangerment

4.5 million children live in homes with loaded & unlocked firearms



Only 54% of gun owners with children in the home practice safe storage techniques



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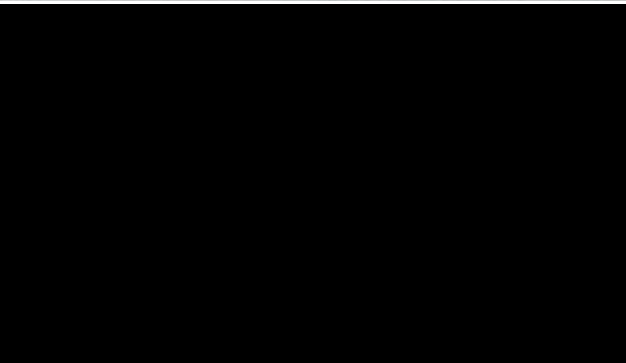
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### Juveniles

#### Taking Firearms from Parents?

**Balance:**

- Public Safety vs. Deprivation of Rights

**Work with the Parents:**

- Conversation
- Declaration
- Measures to prevent access
- Verification

**GOAL: To deny prohibited person access to firearms owned by parents**

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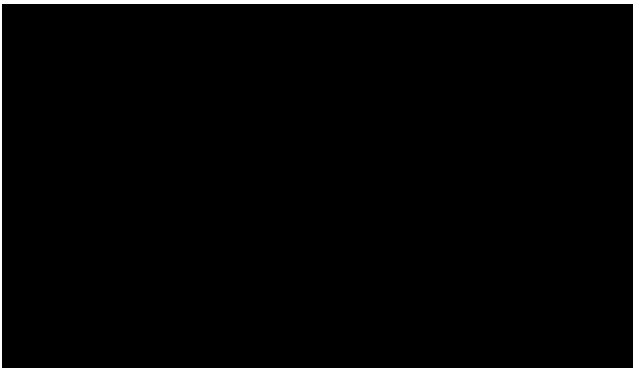
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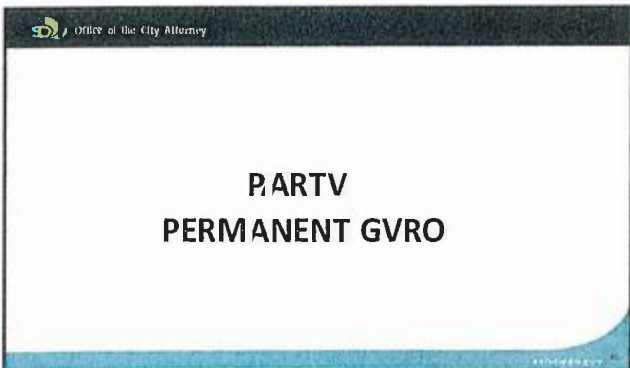
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SD Office of the City Attorney

### Permanent GVRO

What is it?

PC 18170

- Officer or Agency\*
- One to five years order preventing firearms access
- Option to renew as long as dangerous condition exists (PC 18190)
- Burden of proof: Clear & Convincing Evidence (PC 18175)

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### Permanent GVRO

WHO?

1. Law Enforcement Officer (Agency)
2. Immediate Family Member **SAME AS EX PARTE**
3. Employer
4. Co-worker
  - Substantial Interactions for 1 year
  - Permission from employer
5. Employee or Teacher
  - Attended school within last 6 months
  - Permission from Administration

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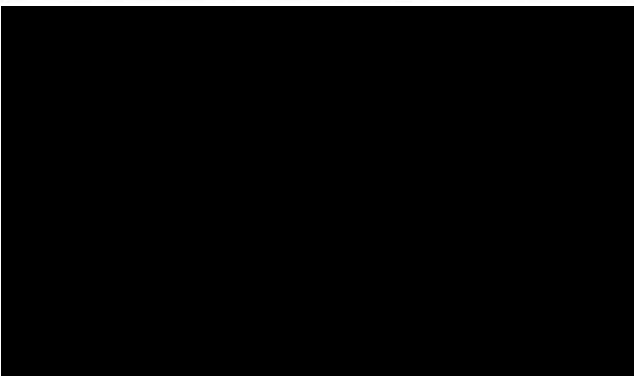
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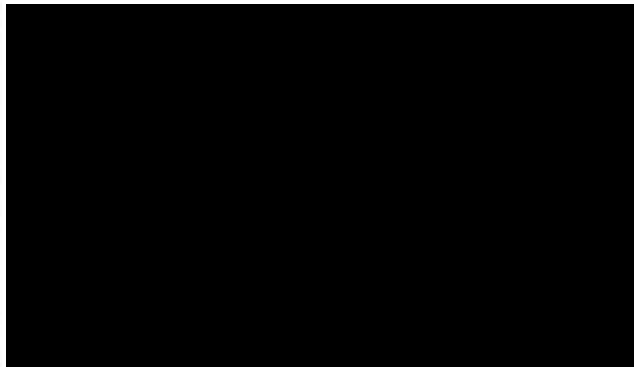
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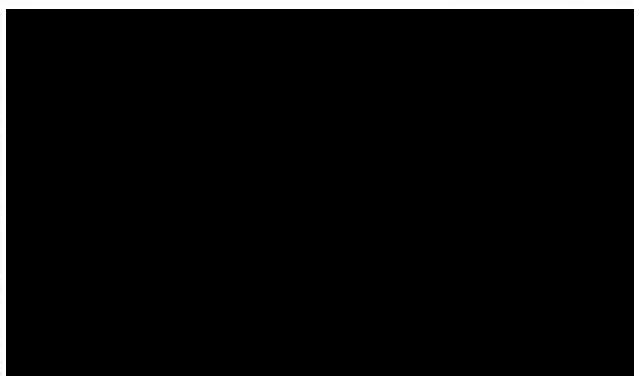
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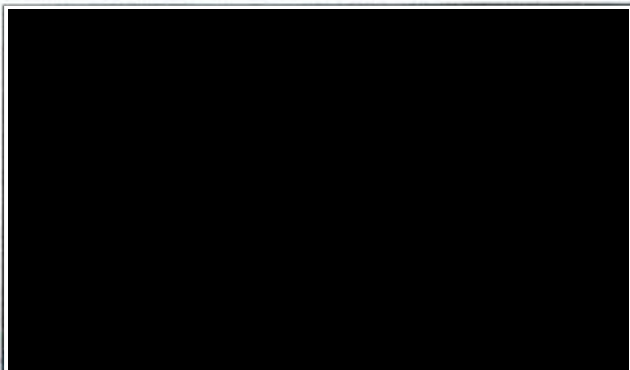
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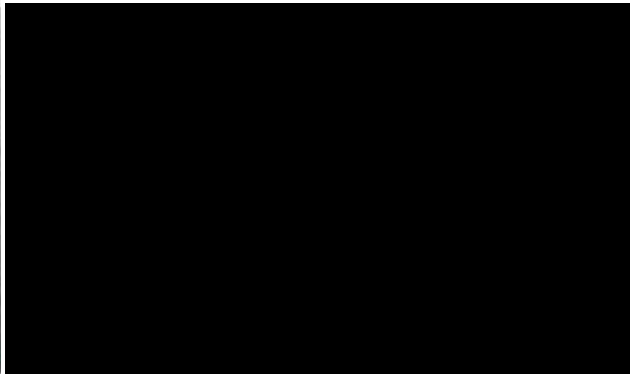
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Office of the City Attorney

## Permanent GVRO

### Consent to GVRO & Surrender of Firearms

**GV-125 Consent to Gun Violence Restraining Order and Surrender of Firearms**

Use this form if you have been served with a Gun Violence Restraining Order (for an GV-1 00) and you agree to voluntarily give up your firearm rights without a court hearing.

- Fill out this form and take it to the court clerk.
- Bring someone else (a friend or lawyer) — mail a copy of this form and my attached papers to the Petitioner or to their lawyer. (See Proof of Service by Mail form GV-501.)

*(The form contains a large redacted area and a signature block.)*

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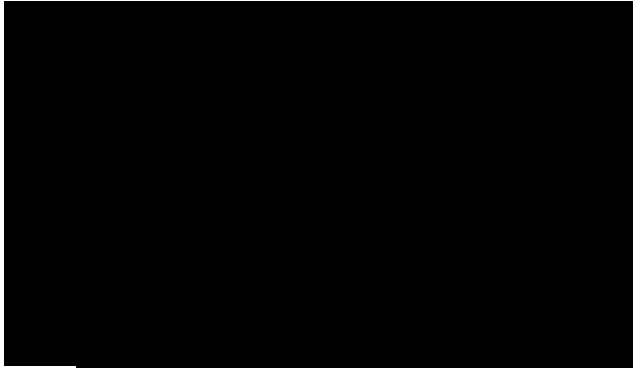
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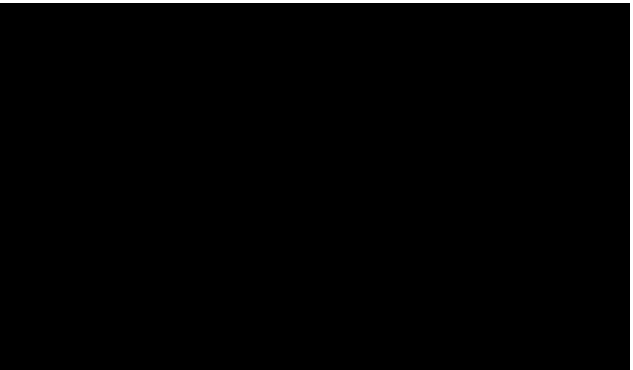
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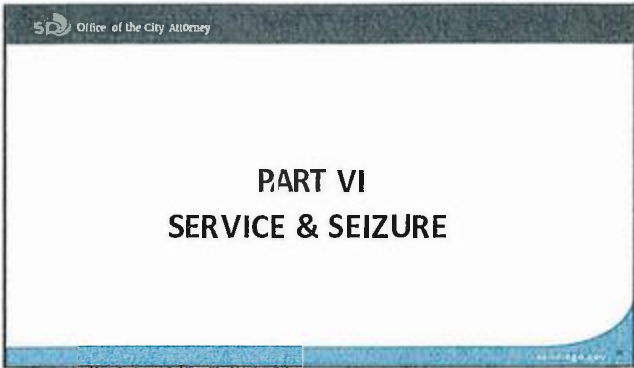
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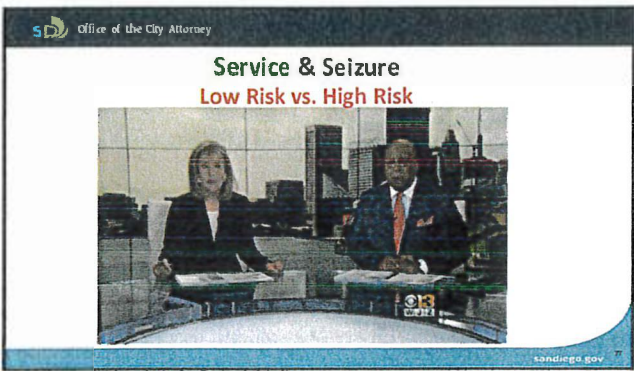
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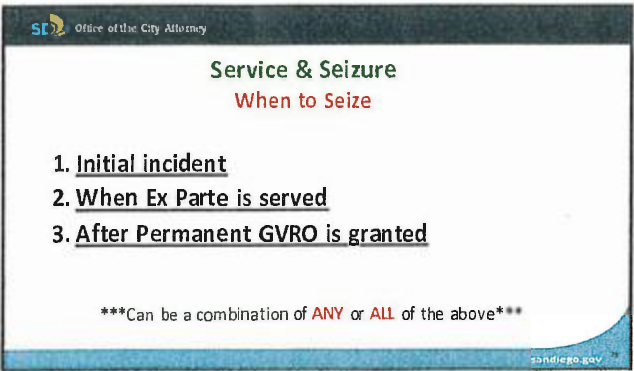
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### Service & Seizure Authority to Seize

**PC 18120**

- Law enforcement officers shall request that all firearms and ammunition be immediately surrendered
- Subject shall surrender firearms immediately in a safe manner upon service
- Upon service, law enforcement Officers shall verbally ask the respondent if he/she has firearms (PC 18160)

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### Service & Seizure Authority for Search/Seizure with a GVRO

**PC 18250:** When law enforcement serves a GVRO, Officer shall take temporary custody of any firearms in plain sight or discovered pursuant to a lawful search.

1. Attempt to obtain consent to search after GVRO service.
2. If a subject refuses, obtain a search warrant.

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### Service & Seizure What if they refuse to submit their weapons?

**PC 18205:** It is a misdemeanor if the subject:

1. Possesses or owns firearms or ammunition; and
2. Knows they are prohibited by a GVRO.

Upon conviction, defendant cannot access firearms for five years from the time the original GVRO expires

- Also Consider PC 166

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Office of the City Attorney

### Service & Seizure

#### Search Warrant Authority

Officers have authority to obtain a search warrant pursuant to PC 1524 (a)(14) if:

1. Property or things to be seized include a firearm;
2. Owned by, in possession of, or in the custody or control of a person;
3. Who is the subject of a GVRO; and
4. If the person has been served and refuses to relinquish the firearm as required by law.

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### Search Warrant

Do not use GVRO 1524(a)(14) to piggy-back seizure of items (such as narcotics) other than firearms or ammunition when there is no independent PC to seize the other items (narcotics), however:

1. Plain View and all other 4<sup>th</sup> amendment still applies.
2. Consider the gravity of the items seized and possibly stop and get new SW to cover new possible felony.
3. No case law or statute to test yet.

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### Service & Seizure

#### Coercive Consent



It's not just what you say that stirs people. It's the way that you say it.

William Bernbach



Office of the San Diego City Attorney

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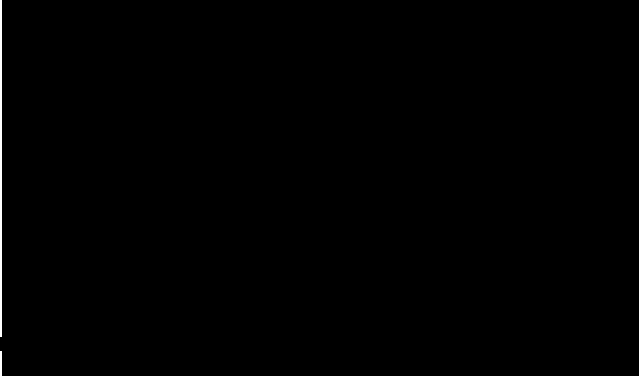
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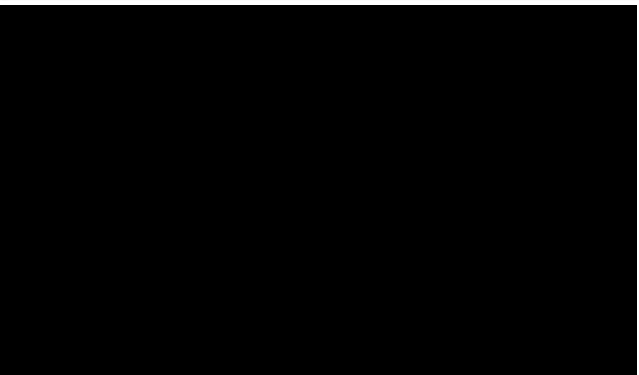
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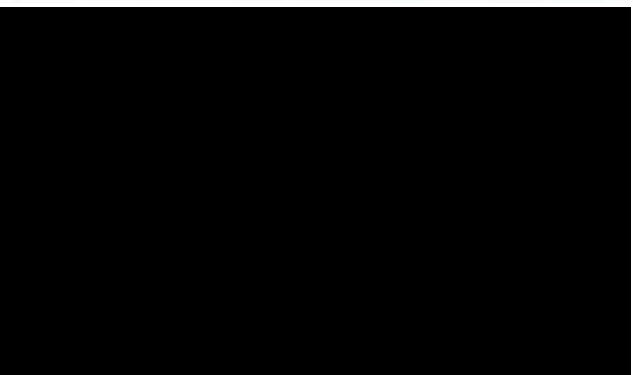
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86

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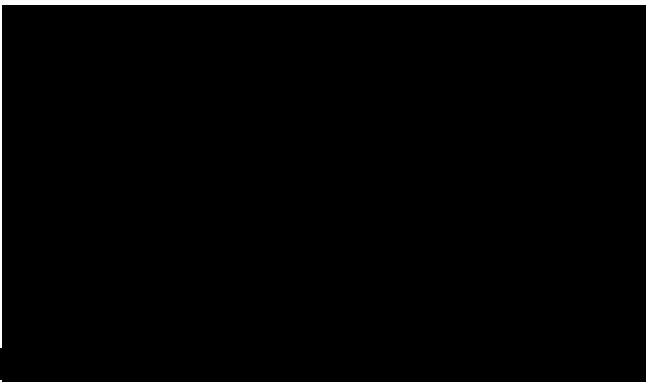
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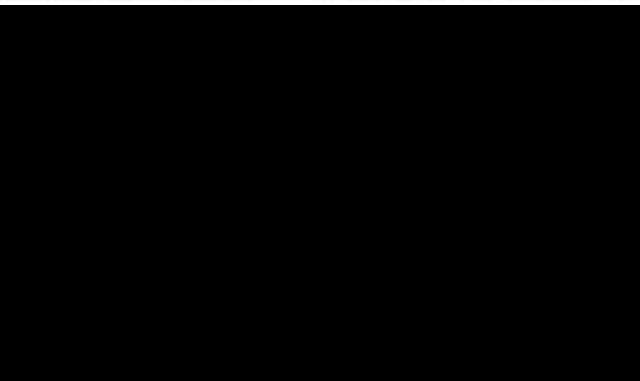
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88



Seven horizontal lines for writing, positioned to the right of the redacted area.

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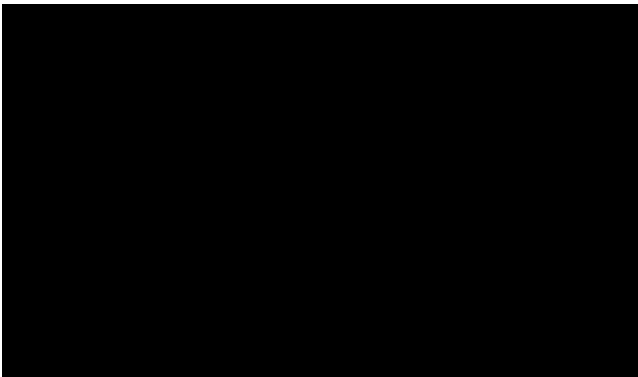
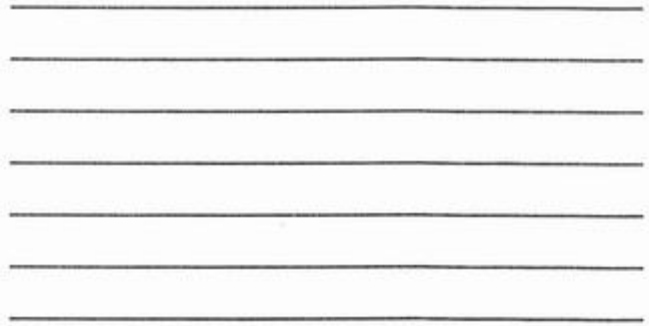


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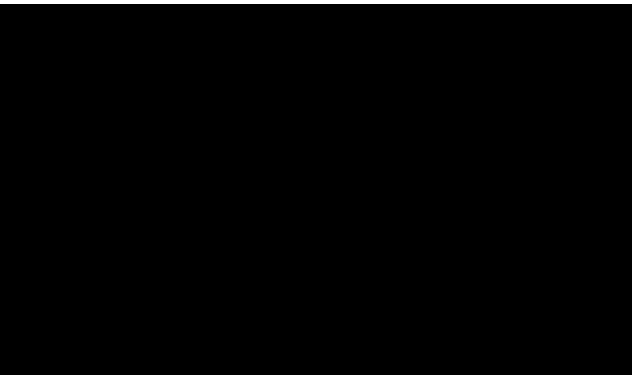
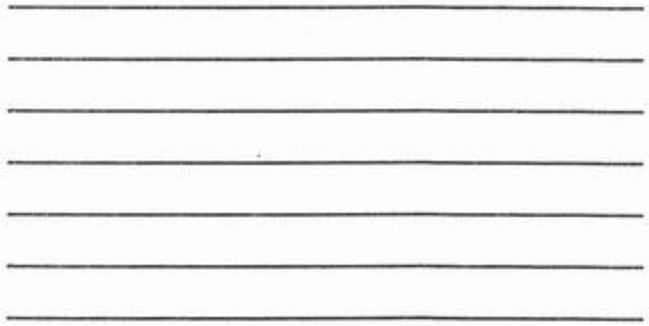
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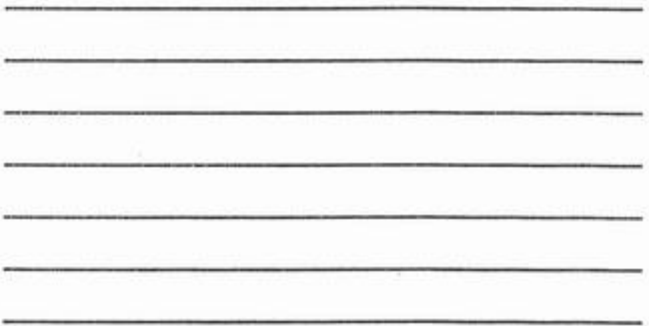
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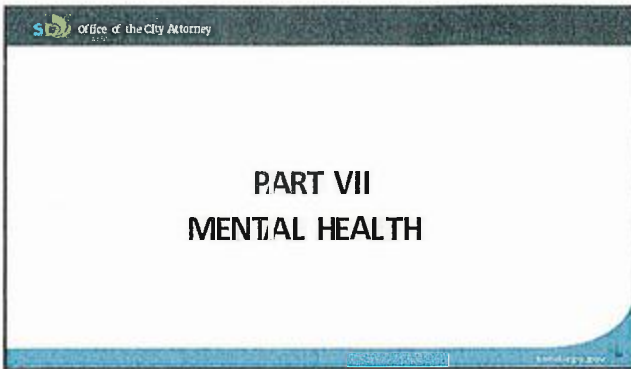


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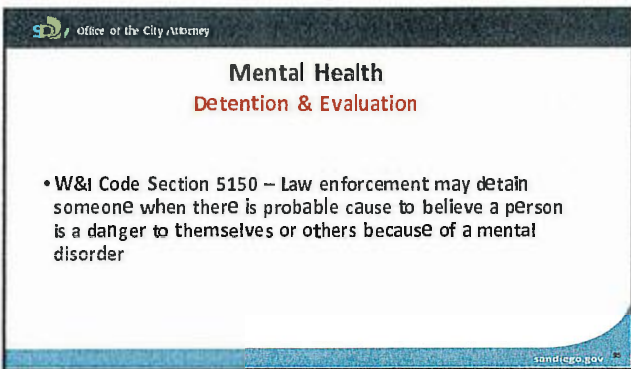
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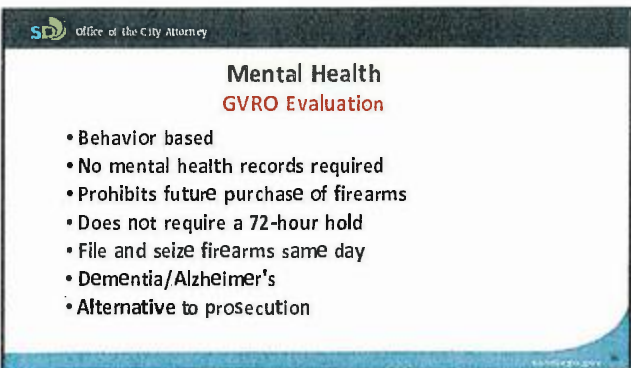
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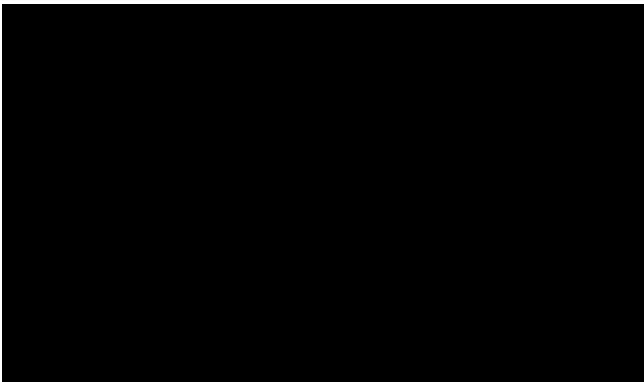
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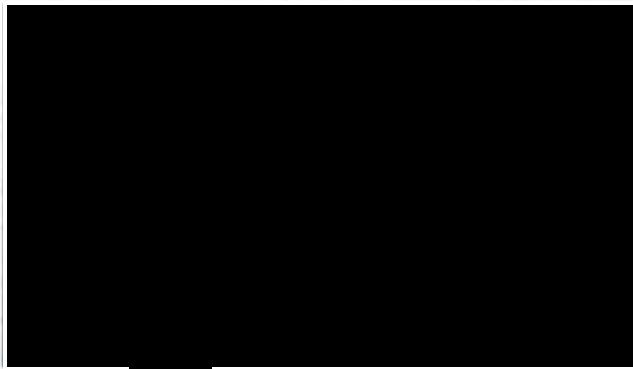
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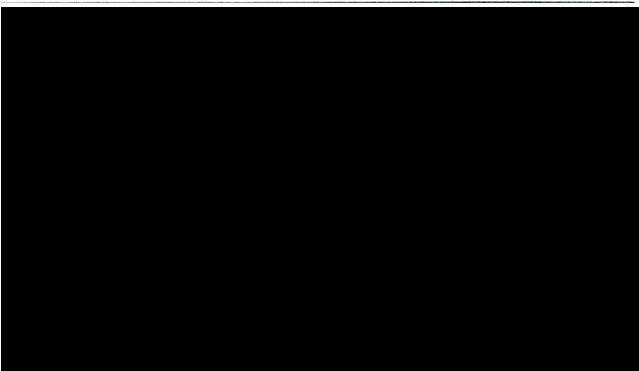
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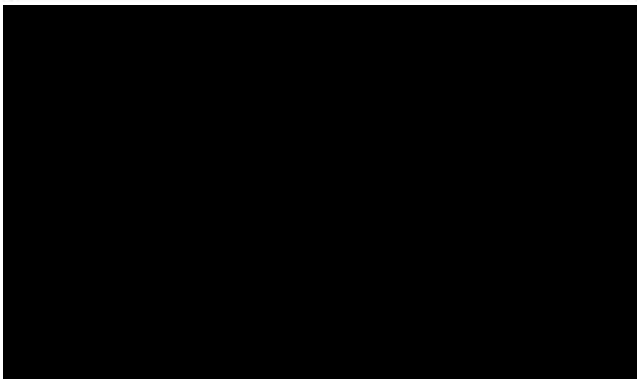
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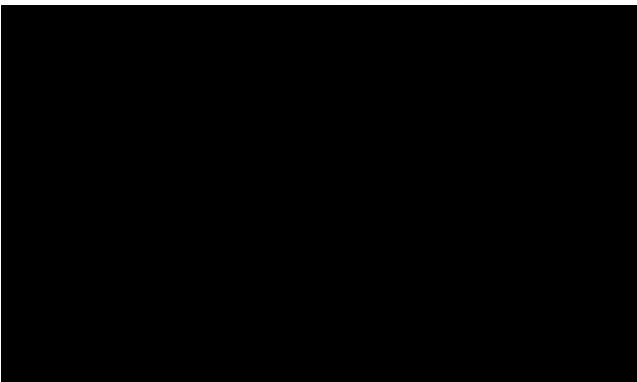
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104

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105

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### Mental Health

#### Dementia Basics for First Responders



Alzheimer's | SAN DIEGO | 858.492.4400 | www.alzsd.org

Alzheimer's  
SAN DIEGO

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### Safety concerns



- Fall risks
- Household injuries
- Medication management
- **Firearms**
- Driving
- Risk of abuse or self-neglect
- Wandering

**6 IN 10**  
PEOPLE WITH DEMENTIA  
WILL WANDER

Alzheimer's | SAN DIEGO | 858.492.4400 | www.alzsd.org

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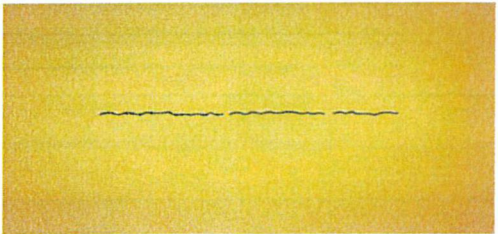
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Alzheimer's  
SAN DIEGO

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## "Behavior"

An out-of-character response  
A symptom of disease  
Expression of an unmet need



- Restlessness
- Shadowing
- Irritability
- Tearfulness
- Social withdrawal
- Aggression
- Paranoia
- Wandering
- Disinhibition
- Refusing assistance
- Sleep disturbance
- \*\*\*11.5507**

Alzheimer's | SAN DIEGO | 858.492.4400 | www.nizsd.org

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## Communication techniques

When speaking

- Calm and reassuring tone
- Short, clear directions and questions
- Allow plenty of time for responses
- Repeat as needed for understanding



Responding versus reacting

- Avoid confrontation, correction, arguing, reasoning
- Acknowledge the person's experience (validate)
- Respond to the feelings, not the facts

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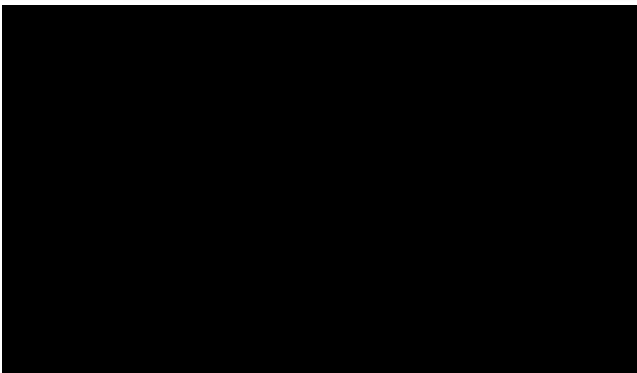
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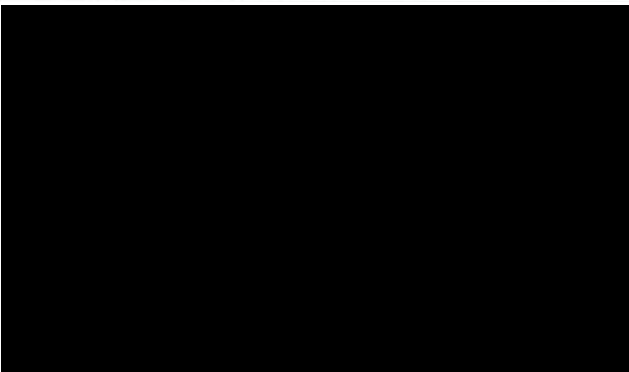
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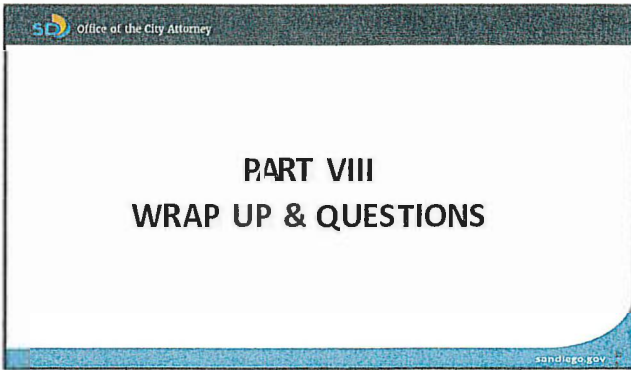
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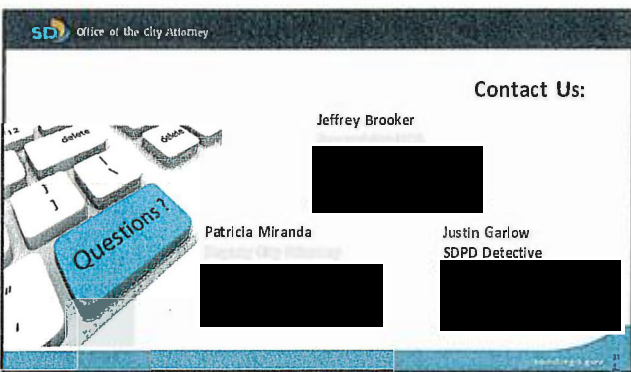
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