

Emergency Protective Order

This form is NOT used for Ex Parte referrals

Enter physical mailing address of subject. Court will send notices here.

Enter a date 21 calendar days out. Not including date of service.

Include the hearing date on any M-F (excl. court holidays) at 8:30am in Courtroom 34.

Fill out these boxes. These boxes apply prior to service of GVRO. What did you see? What was told to you?

Enter name, agency, and contact information of officer requesting EPO

Enter agency Case number.

****DO NOT PUT ANY INFORMATION IN THIS BOX****

Enter Judge's name, date and time order was granted.

Briefly state facts of case which outline **immediate and present danger**. You will read this to Judge.

Enter date, time, and location of service

EPO-002 GUN VIOLENCE EMERGENCY PROTECTIVE ORDER

1. **RESTRAINED PERSON (insert name):** _____
Address: _____
Gender: M F Nonbinary Ht.: _____ Wt.: _____ Hair color: _____
Eye color: _____ Race: _____ Age: _____ Date of birth: _____

2. **TO THE RESTRAINED PERSON**
(Also see Important Warnings and Information on page 2):
You are required to surrender all firearms, ammunition, and magazines that you own or possess in accordance with Section 18120 of the Penal Code and you may not have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, any firearm, ammunition, or magazine while this order is in effect. However, a more permanent gun violence restraining order may be obtained from the court. You may seek the advice of an attorney as to any matter connected with the order. The attorney should be consulted promptly so that the attorney may assist you in any matter connected with the order.
If you have any firearms (guns), firearm parts (receivers, frames, and any item that may be used as or easily turned into a receiver or frame), ammunition, or magazines, you **MUST IMMEDIATELY SURRENDER (GIVE THEM)** if asked by a police officer. If a police officer does not ask you to surrender the items, within 24 hours of getting this order, you must take them to a police station or a licensed gun dealer to sell or store them and must file a receipt with the court proving that this has been done. You have 48 hours to file a receipt with the court shown to the right. If you do not file a receipt within 48 hours you have violated this order and can go to jail.

3. This order will last until: _____ Time: _____
INSERT DATE OF 21st CALENDAR 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 attend the court hearing if you do not want this restraining order against you. You may attend the hearing remotely (check your court's website for instructions). At the hearing, the judge can make this order last for up to five years.

5. Reasonable grounds for the issuance of this order exist, and a Gun Violence Emergency Protective Order (1) is necessary because the Restrained Person poses an immediate danger of causing personal injury to himself or to another by having custody or control, owning, purchasing, possessing, or receiving any firearms, firearm parts, ammunition, or magazines; and (2) less restrictive alternatives were ineffective or have been determined to be inadequate or inappropriate under the circumstances.

6. Judicial officer (name): _____ granted this order on (date): _____ at (time): _____

APPLICATION

7. Officer has a reasonable cause to believe that the grounds set forth in item 5, above, exist (state supporting facts and dates; specify weapons—number, type and location):

8. Firearms (including parts) were observed reported physically searched for seized.
 Ammunition (including magazines) was observed reported physically searched for seized.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

By: _____ (PRINT NAME OF LAW ENFORCEMENT OFFICER) _____ (SIGNATURE OF LAW ENFORCEMENT OFFICER)
Agency: _____ Telephone No: _____ Badge No: _____
Address: _____

PROOF OF SERVICE

9. I personally delivered copies of this Order to the restrained person name in item 1.
Date of service: _____ Time of service: _____ Address: _____

10. At the time of service, I was at least 18 years of age.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date: _____ (TYPE OR PRINT NAME OF SERVER/LAW ENFORCEMENT OFFICER) _____ (SIGNATURE OF SERVER)

Judicial Council of California, www.courts.ca.gov
Rev. January 1, 2024, Mandatory Form
Penal Code, § 18125 et seq. **Gun Violence Emergency Protective Order (CLETS-EGV)** Page 1 of 2
ONE copy to court, ONE copy to restrained person, ONE copy to issuing agency

Judicial Council of California, www.courts.ca.gov
Rev. January 1, 2024, Mandatory Form
Penal Code, § 18125 et seq.

Most recent version
January 1, 2024
Do not use older forms

Serving Ex Parte Gun Violence Restraining Orders

An Operation Plan should be completed prior to serving an Ex Parte GVRO. Officers should conduct a risk assessment of the subject. Officers should consider the following in their assessment:

- Any and all contact with Police
- Mental health history
- Full arrest and criminal conviction history
- History of documented and undocumented domestic violence abuse
- Full history of civil and criminal restraining orders
- Any present or past threats to harm others and the nature of the threats. (stab, shoot, strangle, etc.)
- How recent were the threats made and the likelihood of carrying out the threats
- Any possible present or past substance abuse or alcohol abuse
- Prior firearm or military training
- Previous firearm prohibitions
- Any previous or on-going firearm-related incidents
- Evidence of firearm possession (ghost gun, off book, internet purchase)
- Check Automated Firearms System for registered weapons.

The above assessment should provide additional context to the event prompting the referral and issuance of an Ex Parte GVRO.

Officers should consult tactical units or special investigative units for assistance when subject has an elevated risk assessment.

These instructions and information should be taken at the discretion and in accordance with your agencies policy. Refer to your agencies policy and procedures for operational details.

If you have any further questions or require assistance in obtaining a gun violence restraining order or associated search warrants, please contact the Ventura County District Attorney's Office DAO-FRU@VENTURA.ORG



Gun Violence Restraining Orders

(Revised 01/2024)

How to obtain a Gun Violence Restraining Order (GVRO)

Would a Civil order that prevents a subject from having custody or control, owning, purchasing, possessing, or receiving any firearms or ammunition, benefit public safety?

- Mandatory factors "the court shall consider all evidence of the following..." PC 18155(b)(1)
- Violated emergency protective order.
 - Violated unexpired protective order in the past 6 months.
 - Made threat or act of violence towards **self** or **another** in the past 6 months.
 - Pattern of threats or violent acts within past 12 months.
 - Had a conviction for any offenses listed in Penal Code Section 29805.

- Discretionary factors "the court may consider any other evidence of an increased risk of violence, including, but not limited to..." PC 18155(b)(2)
- Unlawful or reckless use, display, or brandishing of a firearm by the subject.
 - History of use, attempted use, or threatened use of physical force by the subject.
 - Prior arrest of the subject for a felony.
 - History of violations of emergency and criminal protective orders.
 - 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 subject.
 - Evidence of recent acquisition of firearms, ammunition, or other deadly weapons.

Officers **SHALL** consider a GVRO for domestic disturbances with a registered firearm, firearms present, or one party possesses a firearm. PC 18108(b)
 Officers **SHOULD** consider a GVRO for mental health and suicide. PC 18108(c)

There is an **Immediate** and **Present Danger**

Obtain an Emergency GVRO

1. Fill out EPO-002. Can be located on the shared drive in the GVRO folder or www.courts.ca.gov

2. Call judge to obtain EPO-002.
 (805)340-1386 (After Hours) (805)289-8684 (Business)

*If you anticipate subject will not consent to immediate and safe surrender of the firearms, and no exemptions apply, obtain a GVRO search warrant at the same time.

Serve GVRO to subject (Respondent)

Significant Danger in the **Near Future**

Request an Ex Parte GVRO

- Complete the following documents:**
- VN-028-Declaration Re Ex Parte,
 - VN-189-Consent for Court Assignment,
 - GV-100-Petition for GVRO,
 - MC-031-Declaration,
 - GV-109-Notice of hearing
 - GV-110-Temp. GVRO

Go to the Ventura Superior Court Room 208 and file paperwork. Go to courtroom 34. Judge / Commissioner will review the order. Return to Room 208 with signed or rejected paperwork. Clerk will provide you with filed order.

Serve GVRO to subject. File Proof of Service. (GV-200)
 Go to hearing.

Verbally demand the subject **immediately** and **safely** surrender firearms, firearm parts, ammunition, and magazines.

If subject refuses to surrender items, the subject should be detained per **PC 836(a)(1)**: misdemeanor committed in your presence, for **PC 166**: violation of court order, and/or **PC 18205**: Possess firearm in violation of GVRO. Obtain and execute GVRO search warrant.

Contact County Counsel or City Attorney via chain of command.

Search Warrant Authority

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

1. Property or things to be seize 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.

Documentation and Evidence

- Fully document your actions in case report.
- Issue receipts for impounded items.
- Photograph firearms and serial numbers.

Impounds

Follow your agency protocol for impounding evidence and firearms.