



FAIRFIELD POLICE DEPARTMENT ROLL CALL TRAINING

Gun Violence Restraining Order Procedures May 20, 2019

Definition:

A gun violence restraining order is an order signed by the court prohibiting a named person from having in his or her custody or control, owning, purchasing, possessing, or receiving any firearms or ammunition.

GVRO Types:

1. Temporary Emergency GVRO (Used by patrol).
2. Ex Parte GVRO (Used by immediate family members or law enforcement).

A patrol officer should seek a Temporary Emergency GVRO when:

1. The subject poses an immediate or present danger of causing personal injury to him/herself or another by having in his/her custody or control, owning, purchasing, possessing, or receiving a firearm and ammunition.
2. The order is necessary to prevent personal injury to the subject or another.

If the above conditions are met, the patrol officer must do the following before forwarding the GVRO to Investigations:

1. Contact an on-call judge and provide him/her the necessary information.
2. Complete the "Gun Violence Emergency Protective Order," Form EPO-002.
3. Serve the order to the restrained party and provide him/her with a copy of the order.
4. If firearms/ammunition are seized, an officer must provide the subject with a receipt for the items seized.
5. File a copy of the order with the court as soon as practical.
6. Have the order entered into restraining order database (CARPOS).

Important things to know/consider:

1. In order to seize a firearm pursuant to a GVRO, an officer must do so legally; such as, with a search warrant, probation search, consent from owner, plain view, etc.
2. How items were seized **MUST** be documented in the crime report.
3. Ammunition and magazines can be seized pursuant to the GVRO, as well as firearms.
4. If the subject meets the criteria for a Temporary Emergency GVRO, does he or she fit the criteria for a W&I 5150 hold?
5. The court that issues a Temporary Emergency GVRO, must hold a hearing within 21 days to determine if the GVRO should be extended to a year; therefore, the report, paperwork, and court filing need to be done as soon as possible.

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