5-09/040.07 - Service of Domestic Violence Protective Order - Relinquishment of Firearms

Pursuant to Family Code, Section 6389, personnel conducting the service of a domestic violence protective order shall: request the restrained person immediately relinquish the firearm which is indicated in the protective order.

If the restrained person relinquishes a firearm, personnel shall:

- Obtain an URN using a statistical code of 855 (Relinquish Firearms - Protective Order);
- Issue a “Firearm’s Receipt”;
- Advise the restrained person that he or she has 48 hours from the service of the protective order to submit the proof of relinquishment to the court;
- Book the firearm at the nearest Los Angeles County Sheriff’s station and advise the restrained person which Sheriff’s station the firearm was taken to; Process the firearm in accordance with MPP section 5-09/180.00, Firearms Processing; and
- Write an incident report indicating that the firearm was relinquished pursuant to a service of a protective order. If personnel are writing an incident report based on a crime and not solely on the relinquishment of a firearm pursuant to service of a protective order, the service of the protective order and relinquishment of the firearm shall be documented in the incident report. The statistical code for the crime shall be used for the URN.

Personnel shall not search for the firearm listed in the application for a protective order unless they have consent, search warrant, or an exigency arises. The restrained person may refuse to relinquish the firearm. If this occurs, personnel shall advise the restrained person that:

- He or she has 24 hours from service of the protective order to relinquish his or her firearm to their local law enforcement agency or sell the firearm to a licensed gun dealer; and
- He or she has 48 hours from the service of the protective order to submit the proof of relinquishment to the court and give, deliver, or submit a copy to the law enforcement agency serving the protective order.

If the restrained person refuses to relinquish the firearm and no other crime occurred, no incident report shall be written. Personnel serving the protective order shall make a detailed log entry of the request and refusal.