



C A L I F O R N I A

DEPARTMENT OF JUSTICE

OFFICE OF GUN VIOLENCE PREVENTION

**PATHWAYS TO SAFETY:
CALIFORNIA'S NINE COURT PROTECTION ORDERS
TO PREVENT GUN VIOLENCE**

JUNE 2024



TABLE OF CONTENTS

Letter from Attorney General Bonta	2
About the Office of Gun Violence Prevention	3
Glossary of Terms	4
Data Highlights	5
Introduction	7
Quick Guide to CA’s Protection Orders	10
PART 1: All of California’s Protection Order Options Are Vital to Preventing Gun Violence	13
Protection Orders’ Benefits, Risks, and Safety Planning	14
PART 2: The Protection Order Process in California	18
PART 3: Key Similarities and Differences between California’s Protection Orders	20
Who Can Petition a Court for the Protection Order	20
Who the Order Protects.....	21
Safety Provisions in the Protection Order.....	21
How Long the Protection Order Can Last	22
PART 4: Detailed Guide and Data about Each Protection Order	24
Gun Violence Restraining Order (GVRO).....	25
Domestic Violence Restraining Order (DVRO)	36
Elder or Dependent Adult Abuse Restraining Order (EARO).....	42
Civil Harassment Restraining Order (CHRO)	47
Workplace Violence Restraining Order (WVRO)	51
Postsecondary School Violence Restraining Order (SVRO).....	56
Juvenile Restraining Order (JVRO)	60
Emergency Protective Order (EPO).....	64
Criminal Protective Order (CPO)	70
Out-of-State and Tribal Court Protection Orders	75
PART 5: Data Report	77
Data Note	86
Acknowledgements.....	88



LETTER FROM ATTORNEY GENERAL BONTA

For far too long, the United States has been plagued by an epidemic of gun violence that has killed and injured hundreds of thousands of people, torn families apart, and traumatized communities. We are all horrified by the seemingly endless mass shootings that dominate the news cycle, and at the same time, there are smaller scale shootings that are just as impactful happening every day in neighborhoods and communities throughout the state, which garner little to no media attention.

All of us have the right to live in safe communities, but the tragic irony is that more than 40,000 Americans die from gunshot wounds every year. And while our country prides itself as a leader on the international stage, the gun homicide rate in the U.S. is 26 times that of our peers around the world.

In California, we are determined to do better, to change course, to save lives — and we are.

Over the last 30 years, we have transformed from a state with some of the country's highest rates of gun violence to one with some of the lowest. This life-saving transformation is a direct result of our nation-leading laws and violence prevention strategies, including the nine protection orders that are the subject of this report.

Violence is not an accident, but it is also not inevitable. California has proven that it can be prevented and removing weapons from people who endanger others is one critical way to stop shootings before they occur. That is why under California law, all nine protection orders have the ability to restrict a violent, abusive, or dangerous individual from keeping, accessing, or acquiring guns and ammunition.

It's common sense: violent people should not wield weapons.

We do not often see news headlines about shootings that were averted and deaths that were prevented. If we did, protection orders would be front and center. It is time to tell those stories, share the positive impact protection orders have had on our state, and uplift the importance of all nine protection order processes for promoting safety.

In this report you will read about a protection order that was used to disarm a man who threatened to shoot up a gay bar in San Diego. You will read about another protection order that saved hospital workers from a man who showed up at their workplace with a loaded firearm and knife. You will learn about all nine protection orders — how they work, how they differ, and how to utilize them. You will see data that underscores their efficacy and outlines the progress California has made in ensuring more survivors can access protection orders. As this report makes clear, protection orders are a critical evidence-based, commonsense tool that protects survivors and communities. In short, protection orders save lives.

As Attorney General of California, I am proud to defend these critical tools in court and champion efforts to effectively implement and enforce them.



ABOUT THE OFFICE OF GUN VIOLENCE PREVENTION

Attorney General Bonta launched the California Department of Justice (DOJ) Office of Gun Violence Prevention (OGVP) with the mission of supporting data- and impact-driven efforts to effectively and equitably prevent gun violence and related traumas.

Gun violence has devastating impacts across California and the nation — gunshot wounds are the leading cause of death for American children today.¹ But public and private actions can make an enormous difference by reducing risk, increasing safety and well-being, interrupting cycles of violence, and proactively preventing tragedy.

California is a leader in adopting new legislation and violence prevention programs that bolster safety and substantially reduce gun violence over the long-term. As OGVP's 2023 Data Report on the Impact of Gun Violence in California lays out, California's policy efforts have helped transform public safety in our state. California now has substantially lower rates of firearm-related homicide, suicide, and overall mortality compared to the national average.² But with new laws and programs come new challenges and ongoing responsibilities to build on California's progress and improve implementation, coordination, and public education across many different agencies, communities, and stakeholder groups.

OGVP works to support these efforts by:

- Advising the Attorney General and serving as an information resource hub for data, policy, and legal expertise on gun violence prevention matters for DOJ and with external stakeholders.
- Serving as a liaison to survivors, advocates, researchers, community partners, and policymakers.
- Publishing data reports and materials to inform the public, policymakers, and implementation-focused stakeholders about current gun violence prevention issues.
- Promoting coordination across different states, between California agencies, and with local and community-based partners.
- Uplifting effective policy interventions, safety planning tools, and best practices.
- Identifying and addressing gaps and barriers to success.
- Serving on grant steering and selection committees for gun violence prevention grant programs.
- Uplifting holistic prevention efforts to address risk factors for gun violence.
- Uplifting effective community violence intervention initiatives and supporting efforts to sustain and scale their work.
- Uplifting the needs and voices of survivors of gun violence.

1 OGVP analysis of data from CDC WONDER database; see also, Matt McGough, et al, "Child and Teen Firearm Mortality in the U.S. and Peer Countries," Kaiser Family Foundation (Jul. 18, 2023), <https://www.kff.org/global-health-policy/issue-brief/child-and-teen-firearm-mortality-in-the-u-s-and-peer-countries/>. In 2020, firearm-related injuries overtook motor vehicle accidents as the leading cause of death for US children aged 1-17, and remained the leading cause of death for this age group in 2021 and 2022.

2 See DOJ Office of Gun Violence Prevention, "Data Report: The Impact of Gun Violence in California," pp. 8-13 (Aug. 2023), www.oag.ca.gov/system/files/media/OGVP-Data-Report-2022.pdf. See also, DOJ Office of Gun Violence Prevention, "Data Report: Domestic Violence Involving Firearms in California," pp. 11-14 (Nov. 2023), www.oag.ca.gov/system/files/media/OGVP-Data-Report-2022.pdf.

GLOSSARY OF TERMS

Court protection orders: Court protection orders are processes that empower people to present evidence to a judge showing that they need court-ordered safety protections for themselves and/or other people who may be in danger. If a court finds sufficient evidence, the court may issue a protection order that requires an individual subject to the order to comply with a set of safety rules designed to protect vulnerable people and the public from violence, abuse, and other harms. These safety rules have the force of law.

Orders: When a court issues a protection order, the protection order includes a range of specific safety rules and requirements that the court is ordering someone to comply with. In this context, the word “order” refers to the court protection order generally, as well as the specific safety rules the court includes in the protection order.

Protection orders, protective orders, and restraining orders: California law generally uses these terms interchangeably. This report uses the umbrella term “protection order,” except when referring to the official name of orders that use other terms (like the Domestic Violence Restraining Order) because these processes are designed to protect vulnerable individuals and the public from harm.

The People Involved in a Protection Order Case

Petitioner: The person who requests that the court issue a protection order is called the “petitioner.” Typically, a petitioner starts the court case by filing a set of standard forms with the court requesting that the court issue a protection order.

Respondent: The person a protection order petition is filed against is called the “respondent.” Typically, a petitioner is requesting protection from a respondent who has engaged in violent, abusive, or other dangerous conduct.

Protected person or protected party: If a court issues a protection order, the person who receives protection from the order is called the “protected person” or “protected party.”

- For many protection orders, the petitioner seeks protection for themselves (and if, they wish, for specific family or household members). In these cases, the petitioner is also the protected person or one of the protected people.
- For some other types of protection orders, law enforcement officers or other eligible petitioners can seek protections for *other* people who may be in danger. In these cases, the petitioner is typically not a protected person.
- The Gun Violence Restraining Order (GVRO) is unique in that there is a petitioner and respondent but no protected person.

Restrained person or restrained party: If a court issues a protection order against the respondent, the respondent is also referred to as a “restrained person” or “restrained party.” The restrained person is subject to court orders that restrain them from engaging in certain conduct and require them to comply with the safety rules specified in the court’s order.

Notifying Respondents about the Protection Order

Notice and service: For a protection order to take effect, the respondent must receive “notice”, meaning that the person must be informed about the order and its contents. This can occur when the respondent is present in court (physically or through a remote appearance) and the judge notifies them about the existence and contents of the protection order at that time. If the respondent is not present in court, they must generally receive notice by being “served” with a copy of the order and other legal papers instead, either by a law enforcement officer, a professional process server, or an adult who is not a party to the case. If the respondent has firearms, it is generally a best practice to ensure the order is served by law enforcement officers who can take custody of those weapons immediately upon serving the order.

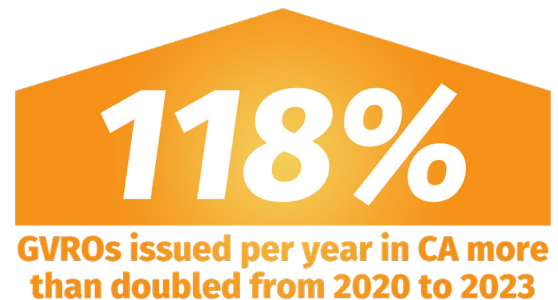


DATA HIGHLIGHTS

Californians Are Obtaining More Protection Orders to Prevent Gun Violence, Especially Longer-Term Final Orders and GVROs

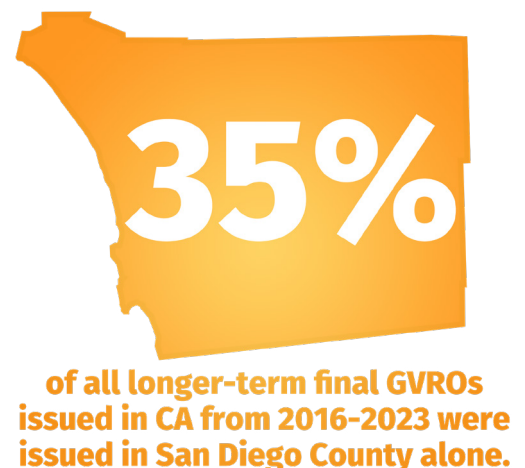
After concerning declines in the number of protection order petitions filed during the COVID-19 pandemic,³ there has been a substantial rebound and year-over-year increase in the last few years in utilization of all nine court protection order processes in California. These increases have occurred alongside substantial reductions in gun violence in our state.⁴

- Statewide, the total number of protection orders issued with provisions limiting a respondent's access to firearms and other weapons increased by 20% between 2020 and 2023.
- Importantly, more survivors are obtaining longer-term *final* protection orders that can last for multiple years instead of days or weeks: the number of final protection orders issued with firearm provisions by California civil courts increased by 25% from 2020 to 2023.
- There have been especially significant increases in utilization of the Gun Violence Restraining Order (GVRO). The number of GVROs issued per year in California more than doubled from 2020 to 2023 (increasing by 118%).
- There were also significant increases in utilization of every other type of protection order from 2020 to 2023, ranging from a 10% increase in Juvenile Restraining Orders to a 33% increase in Elder or Dependent Adult Abuse Restraining Orders.



There is significant variation in utilization of the Gun Violence Restraining Order across California's counties:

- From 2016-2023, the first eight years after the GVRO law took effect, 44% of all GVROs issued in California were issued in two of California's 58 counties: San Diego and Santa Clara.
- Out of all longer-term final GVROs issued statewide from 2016-2023, 35% were issued in San Diego County alone.

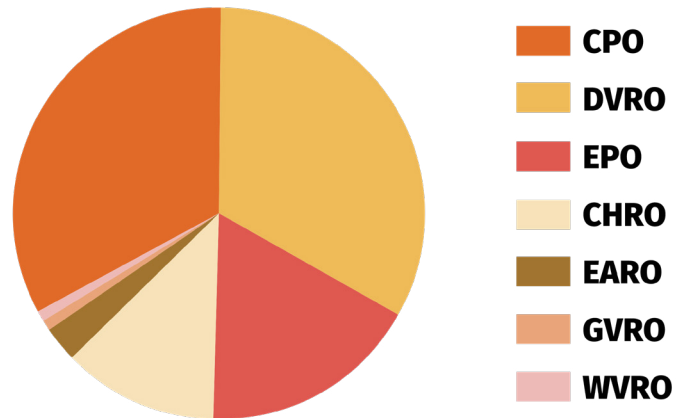


3 See DOJ Office of Gun Violence Prevention, "Data Report: Domestic Violence Involving Firearms in California," pp. 8, 15-20 (Nov. 2023), www.oag.ca.gov/system/files/media/OGVP-Data-Report-2022.pdf.

4 OGVP analysis of data from CDC WONDER Online Data Portal. Provisional CDC firearm mortality data is not yet available for the final three months of 2023 but provisional CDC data accessed on May 29, 2024, identifies 1,081 gun homicides in California in the first nine months of 2023, which is 25% below the 1,434 gun homicides recorded in California in the first nine months of 2021 and 18% below the 1,316 gun homicides recorded in the first nine months of 2022. OGVP will publish an updated data report on these trends and reductions in gun violence when provisional CDC firearm mortality data is available for all of 2023.

Criminal Protective Orders, Domestic Violence Restraining Orders, Emergency Protective Orders, and Civil Harassment Restraining Orders are by far the most common types of protection orders issued with firearm provisions in California.

- While the GVRO plays a growing and essential role in preventing gun violence, **99%** of all protection orders issued in California in 2023 with provisions restricting a violent, abusive, or dangerous individual’s access to firearms were orders *other* than GVROs: **33.0%** were Criminal Protective Orders, **32.7%** were Domestic Violence Restraining Orders, **17.1%** were Emergency Protective Orders, **12.2%** were Civil Harassment Restraining Orders, **2.6%** were Elder or Dependent Adult Abuse Restraining Orders, **1.2%** were Juvenile Restraining Orders, **0.9%** were Gun Violence Restraining Orders (including emergency GVROs issued as Emergency Protective Orders), and **0.7%** were Workplace Violence Restraining Orders.



A majority of civil court protection orders are issued as short-term emergency or temporary orders but longer-term *final* protection orders represent the vast majority of all civil protection orders that are actively in effect.

- In 2023, emergency and temporary orders represented 80% of all protection orders issued with firearm provisions by civil courts in California, but these short-term orders expire after days or weeks. Longer-term final protection orders that can remain in effect for multiple years represented 85% of all civil court protection orders with firearm provisions that were actively in effect on a given date that year (August 7, 2023).



INTRODUCTION

California has led the nation in developing a range of innovative and effective measures to prevent gun violence and protect survivors of violence and abuse.⁵ These measures provide multiple pathways to safety that work to proactively identify and intervene with individuals who are engaged in dangerous conduct or exhibiting warning signs of violence. Effective interventions work to de-escalate conflict, address underlying risk factors, limit violent and abusive individuals' access to deadly weapons, and protect those in harm's way. These interventions can include:

- Family, community-based, health, and victim service interventions that provide assertive counseling and support to address patterns of dangerous behavior, mediate conflicts, help survivors separate and move away from hazardous circumstances, and help families remove weapons from the home during periods of crisis.
- Voluntary or involuntary mental health system interventions for those at risk of harming themselves or others due to a mental condition.⁶
- Criminal justice system responses, including firearm seizure, arrest, and prosecution for those engaged in criminal conduct, including violence, threats of violence, stalking, human trafficking, and sexual assault.⁷
- California's broad array of court protection and restraining orders, which are the focus of this report.

These pathways to safety are not mutually exclusive or one-size-fits-all. They provide a range of options for the variety of circumstances in which individuals may present a danger to themselves, specific other people, targeted groups of people, and/or the community at large.

All Californians are safer when people navigating these difficult circumstances understand the full range of interventions and protections available to them — all the tools in California's safety toolkit — so they may choose the most effective response(s) to protect themselves and others. Together, all of these interventions have helped transform California from a state with some of the nation's highest rates of gun violence to some of the lowest, as documented in other reports by DOJ's Office of Gun Violence Prevention (OGVP).⁸

This report provides a guide to California's uniquely broad array of nine court protection order processes that include provisions to prevent gun violence by restricting a violent, abusive, or dangerous individual's ability to access firearms and other weapons. Under California law, these include Civil Harassment Restraining Orders, Criminal Protective Orders, Domestic Violence Restraining Orders, Emergency Protective Orders, Elder or Dependent Adult Abuse Restraining Orders, Juvenile Restraining

5 See, e.g., Giffords Law Center to Prevent Gun Violence, "Report: California Has Built a Lifesaving Gun Safety Model for the Nation" (Nov. 17, 2023), www.giffords.org/lawcenter/gun-laws/states/california/; DOJ Office of Gun Violence Prevention, "Data Report: The Impact of Gun Violence in California," pp. 8-13 (Aug. 2023), www.oag.ca.gov/system/files/media/OGVP-Data-Report-2022.pdf; and DOJ Office of Gun Violence Prevention, "Data Report: Domestic Violence Involving Firearms in California," pp. 11-14 (Nov. 2023), www.oag.ca.gov/system/files/media/OGVP-Data-Report-2022.pdf.

6 Under California law, some mental health system interventions legally disqualify individuals from accessing firearms for at least a temporary period. See Cal. Welf. Inst. Code §§ 8102, 8103.

7 Under California law, criminal convictions for felonies and certain misdemeanors involving conduct such as violence, threats of violence, abuse, hate crimes, or misuse of weapons can legally disqualify individuals from accessing firearms for at least 10 years. See Cal. Pen. Code §§ 29800, 29805, 29815.

8 See DOJ Office of Gun Violence Prevention, "Data Report: The Impact of Gun Violence in California," pp. 8-13 (Aug. 2023), www.oag.ca.gov/system/files/media/OGVP-Data-Report-2022.pdf; and DOJ Office of Gun Violence Prevention, "Data Report: Domestic Violence Involving Firearms in California," pp. 11-14 (Nov. 2023), www.oag.ca.gov/system/files/media/OGVP-Data-Report-2022.pdf.

Orders, Gun Violence Restraining Orders, Postsecondary School Violence Restraining Orders, and Workplace Violence Restraining Orders.

All of these processes empower people who are in danger or worried about another person's safety to request protection from the courts and law enforcement by presenting sworn evidence to a judge that an individual has engaged in violent or abusive conduct or is a significant danger to themselves or others. If the court finds sufficient evidence, it may issue a protection order that requires the individual to comply with a set of mandatory safety rules designed to protect those in danger and prevent further harm. These court-ordered safety rules have the force of law. Importantly, under California law, those mandatory safety rules typically include provisions to disarm an individual found to have engaged in violent, abusive, or dangerous conduct, and block them from acquiring firearms and other weapons as long as the protection order is in effect. Protection orders may last for just days in some emergency cases, and multiple years in others.

All 50 states have a court protection order process available to some survivors of domestic violence. But California has led the nation in offering stronger protections for domestic violence survivors *and* by providing a broader array of nine different protection order processes to protect people who are in danger from any person. Some of these processes also empower other individuals, including law enforcement, employers, and school officials, to seek protection orders on behalf of other people who are in danger.

Few headlines are written about tragedies prevented. But protection orders are helping to proactively protect survivors and prevent violence across California, including some of the less well-known or less commonly utilized protection order processes. For example, San Diego officials obtained Gun Violence Restraining Orders to help disarm a man who threatened to “shoot up” a gay bar and then kill himself, and another who shared plans to kill people based on their race, commit the largest mass shooting in U.S. history, and broadcast that violence on social media.⁹ In the Bay Area, a hospital obtained a Workplace Violence Restraining Order to protect employees from a man who had made threats of violence to hospital staff and reportedly brought a loaded firearm and knife to the premises;¹⁰ DOJ and law enforcement partners enforcing that protection order's firearm provisions discovered a weapons arsenal at the man's home with explosives, silencers, approximately one million rounds of ammunition, and more than 200 guns, including dozens of assault weapons and machine guns.¹¹

Data presented in this report shows that over the last few years, there has been a significant increase in the utilization of every type of protection order in California, especially longer-term final protection orders. More survivors of violence and abuse are obtaining long-lasting protections that are vital to preventing gun violence and other harms. Just as declining protection order utilization likely contributed to spikes in gun violence during the height of the COVID-19 pandemic, increased utilization of protection orders since 2020 and 2021 has likely contributed to California's significant recent

9 See City Attorney Mara Elliott, “Using California's Red Flag Law to combat hate crimes,” SDNews.com (Mar. 13, 2020), www.sdnews.com/using-californias-red-flag-law-to-combat-hate-crimes/.

10 See California DOJ, “Press Release, Attorney General Bonta Announces APPS Felony Arrest, Seizure of Hundreds of Weapons Including Assault Rifles, Suspected Grenades, and Approximately One Million Rounds of Ammunition” (Feb. 15, 2024), www.oag.ca.gov/news/press-releases/attorney-general-bonta-announces-apps-felony-arrest-seizure-hundreds-weapons; Nate Gartrell, “Richmond man ‘ranted’ that hospital favored non-whites, threatened staff before police found hundreds of guns, 11,000 pounds of ammo at his home,” Mercury News (Apr. 15, 2024), www.mercurynews.com/2024/04/15/richmond-man-ranted-that-hospital-favored-non-whites-threatened-staff-before-police-found-hundreds-of-guns-11000-pounds-of-ammo-at-his-home/;

11 See California DOJ, “Press Release, Attorney General Bonta Announces APPS Felony Arrest, Seizure of Hundreds of Weapons Including Assault Rifles, Suspected Grenades, and Approximately One Million Rounds of Ammunition” (Feb. 15, 2024), www.oag.ca.gov/news/press-releases/attorney-general-bonta-announces-apps-felony-arrest-seizure-hundreds-weapons; Nate Gartrell, “Richmond man ‘ranted’ that hospital favored non-whites, threatened staff before police found hundreds of guns, 11,000 pounds of ammo at his home,” Mercury News (Apr. 15, 2024), www.mercurynews.com/2024/04/15/richmond-man-ranted-that-hospital-favored-non-whites-threatened-staff-before-police-found-hundreds-of-guns-11000-pounds-of-ammo-at-his-home/.

progress in reducing gun violence.¹²

But studies have also shown that lack of awareness and understanding continue to be a barrier to broader access, utilization, and implementation of these processes to prevent gun violence.¹³ Research and stakeholder interviews have also identified a need for more public data about court protection orders across our state.¹⁴

Accordingly, this report will provide a guide and new data about all nine protection order options available in California.

In Part 1, the report describes the important role that these nine protection order processes can play in preventing gun violence and protecting survivors. Part 2 provides a concise guide to the protection order process and discusses how protection orders intersect with the criminal justice system while also providing an alternative to punitive justice system responses. Part 3 outlines some key differences between each type of protection order to help stakeholders determine which of these processes may be available and most protective in different circumstances; this section includes information about who is eligible to obtain each type of order, who the order can protect, which safety measures can be included in the order, and how long the order can remain in effect. Part 4 provides more detailed information and data about each type of protection order. Finally, Part 5 synthesizes this data analysis in a data report on protection orders in California.

-
- 12 OGVP analysis of data from CDC WONDER Online Data Portal. Provisional CDC firearm mortality data is not yet available for the final three months of 2023 but provisional data accessed on April 12, 2024, identifies 1,079 gun homicides in California in the first nine months of 2023, compared to 1,434 in the first nine months of 2021 and 1,316 in the first nine months of 2022. OGVP will publish an updated data report on the impact of gun violence in California when provisional CDC firearm mortality data is available for all of 2023.
- 13 See, e.g., Julia Weber, “Implementation Challenges Plague Firearm Relinquishment Laws,” *Domestic Violence Report* 27(6), p. 85-86, 93-96 (Aug./Sept. 2022); Julia Weber and ret. Judge Sherrill Ellsworth, Julia Weber and ret. Judge Sherrill Ellsworth, “Webinar: Understanding Civil Restraining Orders: Domestic Violence, Extreme Risk Protection Orders, and More,” *Battered Women’s Justice Project* (Aug. 3, 2023), www.preventdvgunviolence.org/news/Understanding_Civil_Restraining_Orders_Domestic_Violence_Extreme_Risk_Protection_Orders_and_More.html; Nilpa Shah, et al., “Factors Influencing the Use of Domestic Violence Restraining Orders in Los Angeles,” *Violence Against Women*, 29(9): 1604-22 (Jul. 2023), www.ncbi.nlm.nih.gov/pmc/articles/PMC10248305/; Kristen Ravi, et al., “Facilitators of Formal Help-Seeking for Adult Survivors of IPV in the United States: A Systematic Review,” *Trauma Violence Abuse* 23(5): 1420-36 (Dec. 2022); Sarah Robinson, et al., “A Systematic Review of Barriers to Formal Help Seeking for Adult Survivors of IPV in the United States, 2005-2019,” *Trauma Violence Abuse* 22(5): 1279-95 (Dec. 2021); Nicole Kravitz-Wirtz, et al., “Public Awareness of and Personal Willingness to Use California’s Extreme Risk Protection Order Law to Prevent Firearm-Related Harm,” *Journal of American Medical Assn. (JAMA) Health Forum*, 2(6): e210975 (Jun. 2021), www.jamanetwork.com/journals/jama-health-forum/fullarticle/2780806; Amanda Abuel, et al., “Anticipatory concerns about violence within social networks: Prevalence and implications for prevention,” *Preventive Medicine*, 167 (Feb. 2023), www.sciencedirect.com/science/article/pii/S0091743523000014 (Finding that an estimated 3.3% of California adults said they knew someone who was likely or very likely to hurt someone else in the next 12 months and that 1.6% knew someone who was likely or very likely to hurt them in that time frame. Most survey takers who knew someone at risk of harming other people said they had taken some action to increase their own safety but very few (less than 5%) said they had acted to reduce that person’s access to guns. As the study researchers emphasized, reducing access to firearms during times of crisis is an effective method of preventing violence and suicide and “[t]hese findings suggest a need for continued efforts to empower the public, especially those close to people at elevated risk, to act on their knowledge about risk factors for violence and suicide.”).
- 14 See, e.g., Nilpa Shah, et al., “Factors Influencing the Use of Domestic Violence Restraining Orders in Los Angeles,” *Violence Against Women*, 29(9): 1604-22 (Jul. 2023), www.ncbi.nlm.nih.gov/pmc/articles/PMC10248305/.
-

Quick Guide to CA's Protection Orders

	Issued By	Who Can Petition for the Order	Who the Order Can Protect	Safety Provisions Available in the Order	How Long the Order Lasts	% of All Protection Orders with Firearm Provisions Issued in CA in 2023 that were This Type of Order
Gun Violence Restraining Order	Civil Courts	Law enforcement and respondent's close family members, spouse/ domestic partner/dating partner, or employer. Other people can also petition if they have had substantial and regular interactions with respondent for at least one year, incl. recent roommate/household member, teacher/employees at school respondent attended, co-workers, more distant family members, and people who have a had a child with the respondent.	There is no protected party.	Firearm/ weapon provisions only.	Up to 21 days for emergency and temporary orders. Between 1-5 years for final orders.	0.9% (incl. 0.4% issued as emergency GVRO EPO-002s)
Domestic Violence Restraining Order	Civil Courts	Survivors seeking protection from a close family member (such as a parent, grandparent, child or sibling), household member, or current or former intimate partner who harmed, threatened, stalked, or abused them (incl. current/ former spouse, domestic partner, dating partner, or someone the petitioner has had a child with).	The petitioner-survivor and their family/ household members.	Firearm/ weapon provisions and broadest range of other safety provisions.	Up to 21 days for temporary orders. Up to 5 years for final orders	32.7%
Elder/ Dependent Adult Abuse Restraining Order	Civil Courts	Survivors who are aged 65+ or adults with certain physical or mental disabilities seeking protection from someone who harmed or abused them. Other petitioners can also petition for EAROs to protect those survivors, including the survivor's conservator, trustee, power of attorney, appointed guardian, or county adult protective services agency.	The survivor of elder/ dependent adult abuse (who is sometimes the petitioner), and the survivor's family/ household members/ conservator.	Firearm/ weapon provisions and many other safety provisions.	Up to 21 days for temporary orders. Up to 5 years for final orders	2.6%
Civil Harassment Restraining Order	Civil Courts	Survivors seeking protections from any other person who harmed, threatened, stalked, or abused them.	The petitioner-survivor and their family/ household members.	Firearm/ weapon provisions and many other safety provisions.	Up to 21 days for temporary orders. Up to 5 years for final orders	12.2%
Workplace Violence Restraining Order	Civil Courts	Employers (and starting in 2025, collective bargaining representatives) seeking protections for employees from someone who has been violent or made credible threats of violence connected to the workplace.	Employees of the petitioner (including volunteer, independent contractors, board of directors, public officers) who have experienced violence/ threats of violence, other employees, and employees' family/ household members.	Firearm/ weapon provisions and many other safety provisions.	Up to 21 days for temporary orders. Up to 3 years for final orders.	0.7%

	Issued By	Who Can Petition for the Order	Who the Order Can Protect	Safety Provisions Available in the Order	How Long the Order Lasts	% of All Protection Orders with Firearm Provisions Issued in CA in 2023 that were This Type of Order
Postsecondary School Violence Restraining Order	Civil Courts	School administrative or safety officials at private colleges, universities, other postsecondary schools seeking protections for students from someone who has been violent or made credible threats of violence connected to the school campus or facilities.	Adult students at petitioner's educational institution who have experienced credible threats of violence, similarly situated students, and students' family/ household members.	Firearm/ weapon provisions and many other safety provisions.	Up to 21 days for temporary orders. Up to 3 years for final orders.	0.001%
Juvenile Restraining Order	Juvenile Courts	Survivors seeking protection from a young person under juvenile court jurisdiction who harmed or abused them. Other individuals can also seek JVRO protections for a juvenile under juvenile court jurisdiction, including the juvenile, the juvenile's parents, guardians, caregivers, social workers, probation officers, children in the same household, court-appointed special advocates, and tribal representatives.	A juvenile under the jurisdiction of a juvenile court OR anyone else who needs protection from a juvenile under juvenile court jurisdiction.	Firearm/ weapon provisions and many other safety provisions.	Up to 21 days for temporary orders. Up to 3 years for final orders.	1.2%
Emergency Protective Order to Protect Survivors (EPO-001)	Civil court judges designated to be on-call for emergency orders	Law enforcement only.	Survivors in immediate and present danger of domestic violence, elder or dependent adult abuse, child abuse or abduction, or threatening conduct defined as stalking.	Firearm/ weapon provisions and many other safety provisions.	Up to 5 court days or 7 calendar days, whichever occurs first.	16.7%
Emergency Protective Order (EPO-002/ Emergency GVRO)	Civil court judges designated to be on-call for emergency orders	Law enforcement only.	There is no protected party.	Firearm/ weapon provisions only.	Up to 21 days.	0.4%
Criminal Protective Order	Criminal Courts	Crime victims/witnesses and prosecutors in criminal proceedings. Courts hearing criminal cases may also issue CPOs on their own motion (without anyone petitioning for the order) and are required to do so in some cases.	Victims or witnesses to a crime, often in domestic violence cases, and their family members. In rarer cases, courts can issue CPOs with firearm/ weapon provisions only, where there is no protected party.	Firearm/ weapon provisions and many other safety provisions.	For duration of criminal trial, for duration of probation, or up to 10 years post-conviction.	33.0%

Safety Protections Available through Court Protection Orders	GVRO	DVRO	EARO	CHRO	WVRO	SVRO	JVRO	EPO to Protect Survivors (EPO-001)	EPO-GVRO (EPO-002)	CPO
FIREARM/WEAPON ORDERS										
Orders prohibiting respondent from keeping, accessing, or acquiring firearms, ammunition, and body armor	X	X	X	X	X	X	X	X	X	X
Orders prohibiting abusive conduct toward protected people including violence, harassment, intimidation, molestation, threats, stalking, and assault.		X	X	X	X	X	X	X		X
Orders prohibiting or limiting contact with protected people		X	X	X	X	X	X	X		X
STAY-AWAY ORDERS:										
Orders to stay a minimum distance away from protected people		X	X	X	X	X	X	X		X
Orders to stay a minimum distance away from specified locations (protected person's home, vehicle, workplace or school, children's school or childcare location)		X	X	X	X	X	X	X		X
Orders to not enter protected people's workplace					X					
Orders to not enter protected people's school campus or facilities						X				
Orders to not look for protected people		X	X	X	X	X	X	X		X
Orders to move out from protected person's residence		X	X					X		
Mandatory counseling		X	X							
Child custody and visitation orders		X					X			
Child or spousal support orders		X								
Orders to prevent child abduction		X						X		
Orders to pay expenses caused by abuse, or bills or debts owed for property		X	X							
Orders to pay legal costs		X	X	X	X	X				
Orders to protect pets		X	X	X			X			X
Orders governing control, use, and disposition of property		X								
Orders governing protected people's health and other insurance		X								
Cell phone account transfer orders		X								
Orders requiring electronic monitoring										X
Orders requiring a law enforcement agency to provide protection for a victim or a witness or their immediate family members										X
Orders prohibiting dissuading a victim or witness from attending a hearing, testifying, or reporting information to law enforcement or other people										X



PART 1: ALL OF CALIFORNIA'S PROTECTION ORDER OPTIONS ARE VITAL TO PREVENTING GUN VIOLENCE

Although the Gun Violence Restraining Order (GVRO) is the only one of California's court protection order processes with the words "gun violence" in the official name of the order, *all* of California's protection order processes play a vital role in preventing gun violence.¹⁵ Subject to narrow exceptions, under California law, all nine protection orders include similar firearm and weapon provisions to disarm an individual after a court has found they engaged in violent or abusive conduct or are a significant danger to themselves or others.¹⁶ All typically prohibit that individual from keeping, accessing, or acquiring firearms, ammunition, and body armor as long as the protection order remains in effect.¹⁷ All typically block that individual from passing California's firearm and ammunition background checks.¹⁸ All are vital tools in California's safety toolkit to protect survivors and the public from shootings and other harms.

The GVRO has multiple unique features that make it a particularly important tool in certain cases, especially for suicide prevention and in circumstances where an individual has exhibited significant but generalized risk of violence to groups of people (such as expressing a desire to harm people of a particular race or religion) or the public at large (such as intent to commit a mass shooting). In these situations, the GVRO empowers people to proactively act on clear warning signs, whether or not the individual has directed threats, violence, or abuse against them or any specific identifiable victim in particular. This is unique to the GVRO process and crucial for public safety. Studies of mass shooters' pre-attack behaviors, for instance, have found that most perpetrators exhibited multiple observable warning signs prior to the attack and "leaked" intent to commit violence to other people¹⁹ but often communicated only "a general goal of doing harm to others ... without a particular person or group in mind."²⁰ In these cases, the GVRO is an essential option for intervening to disarm someone who is a significant danger to the community.

- 15 See, e.g., California Partnership to End Domestic Violence, "Preventing & Reducing Gun Violence Injuries and Fatalities: A California Toolkit for Communities, Survivors, and Service Providers," <https://endinggv.org/wp-content/uploads/2023/03/Toolkit.pdf>; California Partnership to End Domestic Violence, "Resources for Survivors: Understanding Your Options," <https://endinggv.org/survivor-resources/>; Julia Weber, "Quick Guide: Civil Restraining Orders in California," (Apr. 1, 2023).
- 16 Certain Elder or Dependent Adult Abuse Restraining Orders do not include firearm access restrictions, if the order "was made solely on the basis of financial abuse or isolation unaccompanied by force, threat, harassment, intimidation, or any other form of abuse." Cal. Welf. & Inst. Code § 15657.03(u)(4). Courts may also issue exemptions authorizing individuals subject to firearm-prohibiting protection orders to retain access to specific firearms needed for employment in certain cases. See Cal. Fam. Code § 6389(h); Cal. Code of Civ. Proc. § 527.9(f).
- 17 Individuals who are prohibited from owning or possessing firearms pursuant to a protection order are also prohibited from owning and possessing ammunition, and from having ammunition under their custody of control. See Cal. Penal Code §§ 30305(a); 29825. In 2023, California enacted legislation to similarly prohibit individuals who are prohibited from possessing firearms pursuant to a protection order (or other prohibitions) from purchasing, owning, or possessing body armor. See 2023 CA AB 92 (Connolly); Cal. Penal Code §§ 31360(b), 16288.
- 18 See Cal. Penal Code §§ 28220(a), 30370.
- 19 See Federal Bureau of Investigation (FBI), "A Study of the Pre-Attack Behaviors of Active Shooters in the United States Between 2000 and 2013," p. 24-26 (2018), www.fbi.gov/file-repository/pre-attack-behaviors-of-active-shooters-in-us-2000-2013.pdf/view. See also, e.g., Jillian Peterson, et al., "Communication of Intent to Do Harm Preceding Mass Public Shootings in the United States, 1966 to 2019," JAMA Netw. Open 4(11) (2021), www.jamanetwork.com/journals/jamanetworkopen/fullarticle/2785799; Sandy Hook Promise, "Prevent Gun Violence by Knowing the Signs," www.sandyhookpromise.org/blog/gun-violence/know-the-signs-of-gun-violence/; U.S. Secret Service and U.S. Dept. of Education, "Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates," p. 23-24 (Jul. 2004), www2.ed.gov/admins/lead/safety/threatassessmentguide.pdf.
- 20 See Federal Bureau of Investigation (FBI), "A Study of the Pre-Attack Behaviors of Active Shooters in the United States Between 2000 and 2013," p. 24-26 (2018), www.fbi.gov/file-repository/pre-attack-behaviors-of-active-shooters-in-us-2000-2013.pdf/view. See also, e.g., Jillian Peterson, et al., "Communication of Intent to Do Harm Preceding Mass Public Shootings in the United States, 1966 to 2019," JAMA Netw. Open 4(11) (2021), www.jamanetwork.com/journals/jamanetworkopen/fullarticle/2785799; Sandy Hook Promise, "Prevent Gun Violence by Knowing the Signs," www.sandyhookpromise.org/blog/gun-violence/know-the-signs-of-gun-violence/; U.S. Secret Service and U.S. Dept. of Education, "Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates," p. 23-24 (Jul. 2004), www2.ed.gov/admins/lead/safety/threatassessmentguide.pdf.

However, many people who are a danger to others, including many mass shooters, target specific identifiable individuals with violence, threats, and abuse.²¹ In this context, it is important to understand that the GVRO is the narrowest protection order available in California. Unlike every other civil protection order available in our state, the GVRO is not issued to protect any specific person or people and does not provide any additional safety protections apart from its firearm and weapon provisions.²² The GVRO is a narrow intervention focused exclusively on disarming a person found to be a danger to self or others and blocking them from acquiring weapons.

As a result, when someone is a danger to specific identifiable individuals, those survivors may avail themselves of the stronger protections afforded by *all* of California’s other protection order options that combine the same firearm restrictions included in the GVRO with many other personalized safety measures designed to protect them in particular.²³

Protection Orders’ Benefits, Risks, and Safety Planning

Protection orders empower many survivors of violence and abuse to achieve long-term safety and well-being. Research reviews have concluded that protection orders “are associated with reduced risk of violence toward the victim,”²⁴ especially where they include effectively enforced provisions to restrict the respondent’s access to firearms.²⁵ Studies have found that survivors who obtained final, multi-year protection orders reported significantly lower levels of violence while the protection order was in effect, and that survivors had significantly fewer emergency department visits and police incidents after

21 See, e.g., Liza Gold, “Domestic Violence, Firearms, and Mass Shootings,” *Journal of the American Academy of Psychiatry and the Law* (Feb. 2020), www.jaapl.org/content/early/2020/02/05/JAAPL.003929-20; Federal Bureau of Investigation (FBI), “A Study of the Pre-Attack Behaviors of Active Shooters in the United States Between 2000 and 2013,” p. 23 (2018), www.fbi.gov/file-repository/pre-attack-behaviors-of-active-shooters-in-us-2000-2013.pdf/view.

22 All other protection order processes generally name a protected person or people. Some Emergency Protective Orders (EPOs) called Gun Violence Emergency Protective Orders are a type of GVRO issued on an emergency basis; unlike other EPOs, these emergency GVROs do not name a protected person or people. Additionally, most Criminal Protective Orders (CPOs) name a protected person or people; however, in a smaller number of criminal cases where a defendant has been charged with a crime involving domestic violence, if the court does not issue a broader CPO to protect a victim or witness from the defendant, the court is required to consider issuing a narrower type of CPO that focuses exclusively on prohibiting the defendant from keeping, accessing, or acquiring firearms while the protection order is in effect. This type of CPO (issued on a form called the CR-162) is somewhat similar to a GVRO; it does not name a protected party and includes firearm and other weapon provisions only.

23 This is somewhat unique to California. In many other states, survivors of violence and abuse may have few to no protection order options available to them and even fewer that include provisions to restrict a violent or abusive individual’s access to firearms. California has been a leader in developing a broader array of protection orders, so survivors in our state have more protection order options available to them that include provisions to prevent gun violence and also include other safety provisions too.

24 See, e.g., Christopher T. Benitez, et al., “Do Protection Orders Protect,” *Journal of the American Academy of Psychiatry and the Law* 38 (3): 376-85 (Sept. 2010), jaapl.org/content/38/3/376 (concluding that “available research supports the conclusion that [protection orders] are associated with reduced risk of violence toward the victim.”). See also, Vivian Lyons, et al., “Firearms and Protective Orders in Intimate Partner Homicides,” *Journal of Family Violence*, 36: 587-96 (2021), www.link.springer.com/article/10.1007/s10896-020-00165-1 (“Studies evaluating the effectiveness of [protective orders] have found that they decrease risk both of subsequent [intimate partner violence] and injury . . . Including a firearm relinquishment requirement as a component of a PO has been found to reduce rates of [intimate partner homicide] overall, as well as firearm-related [intimate partner homicide].”). See also, Victoria Holt, et al., “Do protection orders affect the likelihood of future partner violence and injury?,” 24 (1): 16-21 (2003); Victoria Holt, et al., “Civil protection orders and risk of subsequent police-reported violence,” *JAMA* 288:589-94 (2002).

25 See, e.g., April Zeoli et al., “Analysis of the Strength of Legal Firearms Restrictions for Perpetrators of Domestic Violence and Their Associations with Intimate Partner Homicide,” 187 *Am. J. Epidemiology* 2365, 2365 (2018); Carolina Díez et al., “State Intimate Partner Violence-Related Firearm Laws and Intimate Partner Homicide Rates in the United States, 1991 to 2015,” 167 *Annals Internal Med.* 536, 541 (2017); ; April Zeoli & Daniel Webster, “Effects of Domestic Violence Policies, Alcohol Taxes and Police Staffing Levels on Intimate Partner Homicide in Large U.S. Cities,” 16 *Inj. Prevention* 90, 90 (2010).

obtaining a protection order.²⁶

As discussed in more detail below, California’s protection orders can provide a range of practical safety interventions to defuse conflict, address underlying risks, promote safe separation, limit violent or abusive individuals’ contact with vulnerable survivors, and address access to deadly weapons.²⁷

In addition to these practical safety measures, protection orders can also send a strong signal that legal authorities will not tolerate further violence or abuse and that victim-survivors are not on their own. This can help disrupt abusive power dynamics that involve terror, isolation, and control, and can empower survivors to challenge abuse and better effectuate law enforcement and other responses if dangerous conduct continues.²⁸

However, it is important to recognize that some survivors face acute risks after requesting a protection order and after a protection order expires.²⁹ When a survivor reports violence or abuse, leaves an abusive relationship, or reaches out for help, they may face increased dangers and a heightened need for protection in the short term, especially when a perpetrator of abuse has not been disarmed and may attempt to use firearms to reassert power and control over survivors who sought help and protection.³⁰ A 2008 study found that about one-fifth of women who were killed by male intimate partners in California after obtaining protection orders were killed within two days of the order being issued, and about one-third were killed within a month.³¹ These risks sometimes deter some survivors who sought temporary protection orders from returning to court to pursue a longer-term final protection order.

To mitigate these risks, individuals considering protection orders should understand their benefits, differences, and limitations, and evaluate their options as part of a broader safety plan. California offers supportive resources, including through Court Self-Help Centers, which provide free support

26 Judith McFarlane, et al., “Protection Orders and Intimate Partner Violence: An 18-Month Study of 150 Black, Hispanic, and White Women,” *American Journal of Public Health* 94: 613-18 (2004); Catherine Kothari, et al., “Protection Orders Protect Against Assault and Injury: A Longitudinal Study of Police-Involved Women Victims of Intimate Partner Violence,” *Journal of Interpersonal Violence* 27(14): 2845-68 (Apr. 2012), www.ncbi.nlm.nih.gov/pmc/articles/PMC4151113/ (“This study confirmed the protective effect of POs [protective orders], which are associated with reduced police incidents and emergency department visits both during and after the order, and reduced police incidents compared to a matched comparison group. . . [Intimate partner violence] victims with [protective orders] had significantly fewer [emergency department] visits and significantly fewer police incidents after a [protective order] than before.”).

27 See, e.g., Julia Weber and ret. Judge Sherrill Ellsworth, “Webinar: Understanding Civil Restraining Orders: Domestic Violence, Extreme Risk Protection Orders, and More,” Battered Women’s Justice Project (Aug. 3, 2023), www.preventdvgunviolence.org/news/Understanding_Civil_Restraining_Orders_Domestic_Violence_Extreme_Risk_Protection_Orders_and_More.html; California Partnership to End Domestic Violence, “Preventing & Reducing Gun Violence Injuries and Fatalities: A California Toolkit for Communities, Survivors, and Service Providers,” www.endinggv.org/wp-content/uploads/2023/03/Toolkit.pdf.

28 See Carolyn Ko, “Civil Restraining Orders For Domestic Violence: The Unresolved Question Of ‘Efficacy’,” *Southern California Interdisciplinary Law Journal*, 11: 361, 370-71 (2002).

29 See, e.g., Katherine Vittes and Susan Sorenson, “Restraining Orders Among Victims of Intimate Partner Homicide,” *Injury Prevention*, 14: 191, 194 (Jun. 2008) (“The periods immediately after an order is issued and after it expires appear to be particularly high-risk times for [intimate partner homicide].”), www.researchgate.net/publication/51399472_Restraining_orders_among_victims_of_intimate_partner_homicide; Christopher T. Benitez, et al., “Do Protection Orders Protect,” *Journal of the American Academy of Psychiatry and the Law* 38 (3): 376-85 (Sept. 2010) (noting that “available research supports the conclusion that there is a substantial chance that a protection order will be violated, and that the risk of a violation is greatest soon after its initiation, such as during the time span of a temporary order”), www.jaapl.org/content/38/3/376.

30 See Katherine Vittes and Susan Sorenson, “Restraining Orders Among Victims of Intimate Partner Homicide,” *Injury Prevention*, 14: 191, 194 (Jun. 2008) (noting “The periods immediately after an order is issued and after it expires appear to be particularly high-risk times for [intimate partner homicide].”), www.researchgate.net/publication/51399472_Restraining_orders_among_victims_of_intimate_partner_homicide.

31 See id.

and information at every courthouse to help survivors navigate the court process and understand their options.

Victim service providers, family justice centers, and legal clinics can help survivors evaluate their options, develop safety plans, and effectively present evidence to a judge to obtain protections and help ensure that those protections become final orders that last for years instead of days or weeks. The California court system also publishes accessible information about how to start and navigate the protection order process online at www.selfhelp.courts.ca.gov. Survivors are not alone.

Court and law enforcement personnel also play a critical role in ensuring protection orders provide meaningful protection quickly. These orders are not self-executing; court and law enforcement personnel must take consistent, proactive steps to give them legal and practical effect. Many of these actions may seem administrative or logistical. But getting them right saves lives. People cannot comply with a protection order or be held accountable for violating that order's safety rules until they are effectively informed about those rules in the first place. Promptly serving copies of court orders, filing proof-of-service forms, and entering relevant information into court and law enforcement record systems is essential public safety work, allowing stakeholders to enforce protection orders and identify and respond to violations, including illegal firearm possession.³²

Courts and law enforcement must also proactively coordinate to ensure that people who become prohibited from keeping firearms under a protection order are separated from their weapons as soon as possible and that individuals who violate the court order and state law by failing to provide proof of firearm relinquishment are promptly identified and disarmed. It is a best practice for law enforcement officers to serve any protection order if the restrained party may possess firearms, so officers serving the order can protect survivors and the public by immediately recovering any firearms in the individual's possession or subject to their custody or control as soon as the order is served. Promoting more prompt, safe, and consistent service, implementation, and enforcement of protection orders remains a top gun violence prevention priority for DOJ and policymakers in California.³³

Despite these real challenges and risks, tens of thousands of Californians successfully navigate and utilize court protection order processes every year to build safer lives, free from fear, violence, and

Tribal and Out of-State Protection Orders:

This report focuses on California's nine protection order processes but enforcing protection orders across jurisdictional lines is also critical to protecting survivors and preventing gun violence in our state. California and federal law generally require court and law enforcement personnel to enforce valid protection orders issued by tribal courts, military courts, and courts in other states and territories.

For more information, see the discussion on Page 75 regarding enforcement of out-of-state and tribal court protection orders in California.

32 See Susan Sorenson, "Restraining Orders in California: A Look at Statewide Data," *Violence Against Women*, 11: 912 (Aug. 2005), www.vaw.sagepub.com/cgi/content/abstract/11/7/912.

33 In 2024, at least a dozen bills were introduced in the California Legislature to improve and standardize court and law enforcement responses and responsibilities in the court protection order process. DOJ strongly endorsed SB 899 (Skinner and Blakespear), which would codify a range of best practices to ensure that protection orders are safely and effectively served, implemented, and enforced to prevent gun violence and other harms. DOJ also endorsed priority legislation signed into law in 2023, The Gun Violence Prevention and School Safety Act (AB 28 (Gabriel)), which will in coming years start to make ongoing annual investments of up to \$15 million per year for a Firearm Relinquishment Grant Program to support promising partnerships between courts and law enforcement focused on ensuring people comply with court orders mandating firearm relinquishment. See also, DOJ Armed and Prohibited Persons System Report for 2023, p. 42-43 and 50-51 (discussing recent legislation enacted to support implementation of protections orders that include firearm relinquishment requirements), www.oag.ca.gov/system/files/media/2023-apps-report.pdf.

abuse. These processes can change the trajectory of a survivor's life and improve safety for the entire community.

California's Lifesaving APPS Program:

California DOJ's Bureau of Firearms maintains a unique and vital initiative called the Armed and Prohibited Persons System (APPS) program, which employs about 60 special agents statewide (and other investigative and support staff) to help recover firearms from thousands of individuals every year who remain illegally armed after becoming prohibited from keeping firearms. In 2023, a majority of the individuals who were disarmed and removed from the APPS database of illegally armed individuals were prohibited due to a protection order.

While these APPS efforts are a critical backstop, courts and local law enforcement must proactively ensure that protection order respondents promptly relinquish their weapons immediately after the order is served so they do not become illegally armed APPS subjects in the first place.

For more information, see DOJ's Armed and Prohibited Persons System Report at www.oag.ca.gov/system/files/media/2023-apps-report.pdf.



PART 2: THE PROTECTION ORDER PROCESS IN CALIFORNIA

California’s court protection order processes empower people who are in danger or worried about another person’s safety to request protection from the courts and law enforcement. To begin the protection order process in California, petitioners typically complete and submit standard court forms for the type of order they are requesting. These standard court forms ask the petitioner for information about who they are, why they are seeking a protection order, who they are seeking protection for and from, and what specific safety rules they are asking the court to include in the protection order. These forms are available at courthouses and online at www.selfhelp.courts.ca.gov/restraining-orders.

For example:

- A petitioner seeking a Civil Harassment Restraining Order completes and submits a form called the CH-100 (“Request for a Civil Harassment Restraining Order”). A standard “CH-100-INFO” form provides accessible instructions and information for petitioners seeking this type of protection order.
- A petitioner seeking a Domestic Violence Restraining Order completes and submits a form called the DV-100 (“Request for Domestic Violence Restraining Order”). A standard “DV-100-INFO” form provides accessible instructions and information for petitioners seeking this type of protection order.
- These forms will also instruct the petitioner to complete other required court forms, depending on the circumstances of their case.³⁴

While working with attorneys or other survivor advocates is often helpful, California’s protection order forms are designed to be accessible to self-represented individuals who do not have an attorney or advocate working with them.

Each type of protection order provides petitioners with a different range of options for safety measures they can request from the court. Petitioners check boxes to indicate which specific safety provisions they are requesting. As discussed further below, some protection order processes can provide safety measures that are unique to that process and unavailable through other types of protection orders.

The court reviews the petitioner’s forms along with other evidence and testimony to determine whether to issue a protection order and, if so, which of the petitioner’s safety requests to grant or deny. In cases involving more imminent risk, petitioners can obtain shorter-term temporary protection orders that courts must act on very quickly. (Law enforcement officers may also obtain very short-term emergency protective orders immediately in certain emergency cases).

There is sometimes confusion about how protection orders intersect with the criminal justice system. Very often, people seeking court protection orders present the judge with evidence that they or someone else needs protection from someone who has engaged in criminal conduct, including assault and battery, criminal threats, stalking, sexual assault, child abuse, or weapon offenses.³⁵ However, aside from Criminal Protective Orders issued by criminal courts and Juvenile Restraining Orders issued by

³⁴ In some cases, local court rules require petitioners to submit local court forms in addition to the forms prepared by the Judicial Council for use in protection order cases statewide.

³⁵ To obtain a court protection order, petitioners must often demonstrate that they have suffered harm including unlawful violence (including assault, battery, or sexual abuse), credible threats of violence, and stalking, all of which can constitute a criminal offenses under California law. See also, Brief of the National Family Violence Law Center & The Domestic Violence Legal Empowerment and Appeals Project As Amici Curiae In Support of the Respondent, *Counterman v. Colorado*, 143 S. Ct. 2106 (2023) (noting that “most protection order proceedings involve conduct which is independently criminal”).

juvenile courts, California’s protection orders are issued by civil court judges through processes that are separate from criminal proceedings.

These civil processes are not necessarily exclusive of criminal proceedings; a petitioner may decide to request a civil protection order from someone who is also being charged with a crime, and it is not uncommon for law enforcement officers responding to the scene of a crime to obtain Emergency Protective Orders to protect survivors and the public for a very short period before criminal charges (and requests for Criminal Protective Orders for crime victims and witnesses) can be filed.

Civil court protection orders are also not entirely separate from the criminal justice system. It is both contempt of court and a crime to knowingly violate the terms of a protection order. Law enforcement officers and prosecutors are eligible to petition courts for some types of protection orders. Law enforcement officers are frequently responsible for notifying a respondent that they are subject to the order and for taking custody of any firearms or ammunition they possess or control. Officers are also generally required to arrest a respondent if they have probable cause to believe the individual knowingly violated the protection order’s safety rules and in some cases, courts are required to notify prosecutors if the respondent unlawfully violated the order’s firearm provisions.³⁶

Though these protection order processes intersect with the criminal system, they also provide an important alternative or parallel to criminal justice system responses. A protection order’s purpose and design is not to punish past conduct but to protect against future harms through a set of safety rules and requirements that seek to mitigate risk and restrict a person’s harmful conduct without incarcerating them. These processes can frequently move much faster than criminal proceedings and empower individual survivors to seek safety protections on their own without necessarily working through law enforcement or prosecutors.

These protection order processes can also provide an important option for law enforcement and other individuals to proactively address clear warning signs of violence before a crime has been committed, before criminal proceedings can take place, or when the interests of justice and safety may not require or allow for prosecution of a person found to be a danger to self or others. For example, the gunman who shot 34 people at a high school in Parkland, Florida in 2018 had previously been the subject of dozens of 911 calls and at least two tips to the FBI, including reported concerns that he intended to commit a school shooting.³⁷ But local law enforcement reportedly believed none of these incidents had “appeared arrestable” under state law.³⁸ “He fell through the cracks,” one of his teachers said, “because we don’t know what to do.”³⁹ If available and utilized, court protection orders may have provided another vital option in the public safety toolkit, empowering people concerned about his dangerous conduct to seek a range of interventions to respond to warning signs, disarm him, and protect his community before it was too late.

36 See Cal. Fam. Code § 6389(c)(4).

37 See NPR: All Things Considered Transcript, “Parkland Shooting Suspect: A Story of Red Flags, Ignored” (Mar. 1, 2018), www.npr.org/2018/02/28/589502906/a-clearer-picture-of-parkland-shooting-suspect-comes-into-focus

38 See id.

39 See Dakin Andone, “The warning signs almost everyone missed,” CNN (Feb. 26, 2018), www.cnn.com/2018/02/25/us/nikolas-cruz-warning-signs/index.html.



PART 3: KEY SIMILARITIES AND DIFFERENCES BETWEEN CALIFORNIA'S PROTECTION ORDERS

California's protection order processes share many features in common but they also have significant differences that may make some more appropriate and protective in different circumstances. These key differences include:

1. Who can file a petition requesting that the court issue the protection order?
2. Who can the order protect?
3. What types of safety rules and protections can the court include in the protection order?
4. How long can the protection order last?

Petitioners and supportive stakeholders should be aware of all the options available to intervene and protect them from gun violence and other harms.

Who Can Petition a Court for the Protection Order

There are different eligibility requirements for requesting each type of protection order. A person may be eligible to request some types of protection orders and ineligible to request others, depending on the nature of the harm they or others have experienced and the nature of the relationship, if any, they have with the respondent. Individuals who are eligible to request multiple different types of protection orders should carefully consider the different safety protections each type of order can provide.

For example, survivors of violent or abusive conduct may request a Domestic Violence Restraining Order (DVRO) if they need protections for themselves and for their family or household members from someone who is a current or former spouse, dating partner, household member, or closely related family member, such as a parent, grandparent, child, or sibling. Survivors who need protection from a person with whom they do not have this required relationship must seek another type of protection order such as a Civil Harassment Restraining Order instead.

The Civil Harassment Restraining Order (CHRO) provides fewer protections but is available to the widest range of petitioners. Survivors who have experienced violent or abusive conduct from any person, regardless of their relationship, may request a CHRO. This would include, for example, people who need protection from a neighbor, classmate, coworker, more distant relative (such as an uncle, aunt, or cousin), acquaintance, or stranger.

Some types of protection orders authorize law enforcement to request protection orders: Emergency Protective Orders are available to law enforcement only, whereas Gun Violence Restraining Orders are available both to law enforcement and other non-law enforcement petitioners.

In criminal cases, both prosecuting attorneys and crime victims or witnesses may request Criminal Protective Orders (CPOs) to protect victims or witnesses to a crime. Criminal courts may also issue CPOs on their own motion (without anyone else requesting the protection order). This is unique to the CPO process and means that for some CPOs there is no petitioner. Courts hearing criminal cases are required to consider issuing a CPO on their own motion in some cases and must do so in others, such as when sentencing a defendant charged with a domestic violence offense to probation.

Who the Order Protects

Some of California's court protection order processes empower survivors of violence and abuse to seek protections for themselves and for their family or household members. In these orders, the person filing the petition for the order is also a "protected party", the person the court order is specifically designed to protect. For example: a survivor of hate-motivated threats may petition a court for a Civil Harassment Restraining Order that orders the respondent not to contact the petitioner or their children and to stay a minimum distance away from those specific protected people and from the protected people's home, workplace, school, childcare location, and vehicle.

As noted above, some types of protection orders authorize law enforcement personnel to petition courts for a protection order. Some other types of protection orders also empower non-law enforcement petitioners, including employers and school officials at certain institutions of higher education, to seek protection orders on behalf of other people who are survivors of violence and abuse, such as an employee or student. In these cases, the petitioner is typically not the protected party.

The Gun Violence Restraining Order (GVRO) process is unique: there is a petitioner and respondent but the GVRO does not name any protected person. (In rarer cases, some Criminal Protective Orders also do not name any protected person; most CPOs are issued to protect specific crime victims or witnesses, but in some criminal domestic violence cases, criminal courts may issue narrower orders that, like the GVRO, do not name a protected party and focus exclusively on restricting the defendant's legal access to firearms and other weapons).⁴⁰ All other protection orders in California are issued to protect specific individuals identified as the people protected by the court order.

Safety Provisions in the Protection Order

Most of California's court protection orders allow the petitioner to request a range of core safety protections designed to regulate the respondent's conduct, reduce risk of violence, and limit their contact with the people protected by the court order.⁴¹ These core safety protections include:

- **Personal Conduct Orders:** Except for the GVRO, all of California's protection orders can include "personal conduct orders" that prohibit the respondent from engaging in certain behaviors directed at protected people. These can, for instance, include orders prohibiting the respondent from contacting protected individuals in any manner and/or from engaging in abusive, stalking, or violent conduct toward them.
- **Stay-Away Orders:** Except for the GVRO, all of California's protection orders can include "stay-away orders" requiring the respondent to stay a minimum distance away from a protected person and/or from specified locations, such as a protected person's home, workplace, school, vehicle, or children's school or childcare location.
- **Firearm and Other Weapon Provisions:** Subject to narrow exceptions,⁴² California's protection orders include some safety protections automatically, unless the judge finds cause to grant an exemption. These include orders that prohibit protection order respondents from attempting

40 See Criminal Protective Order to Surrender Firearms in Domestic Violence Case, Form CR-162, available at <https://www.courts.ca.gov/documents/cr162.pdf>; Cal. Penal Code § 136.2(a)(1)(G)(ii).

41 Gun Violence Restraining Orders automatically request only that the respondent be prohibited from possessing or accessing firearms and other weapons for the duration of the order.

42 Certain Elder or Dependent Adult Abuse Restraining Orders do not include firearm access restrictions, if the order "was made solely on the basis of financial abuse or isolation unaccompanied by force, threat, harassment, intimidation, or any other form of abuse." Cal. Welf. & Inst. Code § 15657.03(u)(4). Courts may also issue exemptions authorizing individuals subject to firearm-prohibiting protection orders to retain access to specific firearms needed for employment in certain cases. See Cal. Fam. Code § 6389(h); Cal. Code of Civ. Proc. § 527.9(f).

to locate protected individuals and from keeping, accessing, or acquiring firearms, ammunition, and body armor for the duration of the order.⁴³

Some types of protection orders provide additional safety options specific to that order. For example:

- Workplace Violence Restraining Orders can prohibit the respondent from entering a protected employee’s workplace or following them to or from their workplace.
- Postsecondary School Violence Restraining Orders can similarly prohibit the respondent from entering a protected student’s school campus or facilities or from following the protected student during school hours or to or from the school campus or facilities.

Some protection orders can include many other safety provisions. Domestic Violence Restraining Orders (DVROs) provide by far the broadest range of available safety provisions, followed by Elder or Dependent Adult Abuse Restraining Orders (EAROs). Petitioners for these types of protection orders can, among other things, request that the court order a violent or abusive respondent to move out of a protected person’s residence and participate in a counseling program. DVROs can also include many other safety provisions that govern matters such as child custody and visitation rights, payments for medical and other expenses caused by abuse, temporary housing costs, and control of health insurance, cell phone accounts, and the petitioner’s property.

The Gun Violence Restraining Order (GVRO) is the narrowest intervention. A GVRO petition automatically requests that the court prohibit the respondent from keeping, accessing, or acquiring firearms and other weapons while the GVRO is in effect but does not include any other safety measures as part of the order.

How Long the Protection Order Can Last

Some protection orders are issued on an “emergency” or “temporary” basis and only remain in effect for a matter of days or weeks. “Final” or longer-term protection orders issued after a full hearing can remain in effect for multiple years, or, in certain rare cases, permanently. Prior to its expiration, a restrained party can generally petition for termination or modification of the order, and petitioners can request renewal, modification, or termination of the order as well.

- Emergency Protective Orders (EPOs): These emergency orders are very short-term and are only available to law enforcement petitioners seeking immediate protections from designated on-call judges in certain emergency cases (often by calling the judge on the phone while at the scene of a violent or abusive incident).⁴⁴ In most cases, law enforcement officers obtain EPOs to protect specific named survivors. These types of EPOs (referred to as EPO-001s) generally expire on the fifth business day, or the seventh calendar day, following the day the order is granted, whichever occurs earlier.

Law enforcement officers can also obtain another type of EPO called a “Gun Violence Emergency Protective Order” (also referred to as an emergency GVRO, a GVRO-EPO, or EPO-002); this is a type of GVRO issued on an emergency basis as an EPO. These emergency GVRO orders generally expire within 21 days and, like other GVROs, include firearm and weapon

43 Certain Elder or Dependent Adult Abuse Restraining Orders do not include firearm access restrictions, if the order “was made solely on the basis of financial abuse or isolation unaccompanied by force, threat, harassment, intimidation, or any other form of abuse.” Cal. Welf. & Inst. Code § 15657.03(u)(4). Courts may also issue exemptions authorizing individuals subject to firearm-prohibiting protection orders to retain access to specific firearms needed for employment in certain cases. See Cal. Fam. Code § 6389(h); Cal. Code of Civ. Proc. § 527.9(f).

44 A judge may issue an EPO if they find that an officer asserted reasonable grounds to believe there is an immediate harm or present danger and that an EPO is necessary to prevent the occurrence or recurrence of abuse, abduction, or injury. See Cal. Family Code §§ 6240-6275, 6389; Penal Code §§ 646.91.

provisions only.⁴⁵

- **Temporary Orders:** Most protection orders in California can be issued as temporary orders or as longer-term final orders. Temporary orders offer short-term protection during crisis periods. They can generally last for up to 21 days or until the court holds a hearing on whether to issue a final protection order, whichever occurs first. In some circumstances, the court can grant a short-term extension or “continuance” that keeps a temporary protection order in effect for a longer period of time. This could occur in cases where a respondent requests a continuance or if the respondent has evaded service and the petitioner has been unable to provide official notice of the temporary order or the scheduled court hearing.⁴⁶

Temporary orders are similar to Emergency Protective Orders in that they last a short period of time and are issued before the respondent has appeared in court based on the court’s judgment that immediate protections are necessary to prevent imminent harm. However, temporary orders are generally available to all eligible petitioners who submit standard court forms (unlike Emergency Protective Orders, which are available only to law enforcement). Courts are generally required to grant or deny requests for temporary protections quickly: either on the same day the petitioner’s request is received or by the next business day, if necessary.

- **Final Orders:** Courts may issue a longer-term final protection order after a respondent has received notice and the opportunity to testify at a hearing. Most types of final protection orders can last for up to five years; the judge has discretion to determine how long the protection order should remain in effect.⁴⁷ Some final orders have different durations:
 - o Final Workplace Violence Restraining Orders, Postsecondary School Violence Restraining Orders, and Juvenile Restraining Orders have a shorter maximum duration, generally lasting for up to three years. (Like other orders, these orders can be renewed, terminated early, or modified).⁴⁸
 - o Final Gun Violence Restraining Orders *can* last for up to five years and *must* last for at least one year, unless the respondent successfully petitions the court to terminate the order early. (Like other orders, these orders can be renewed, terminated early, or modified).⁴⁹
 - o Some Criminal Protective Orders last only for the duration of a criminal trial, others remain in effect as long as the defendant is on probation, and others can last for up to 10 years after conviction.⁵⁰

In some rarer cases, courts are authorized to issue final protection orders that remain in effect permanently, unless the respondent successfully petitions the court to terminate the order.⁵¹ (Rather confusingly, some sources refer to final protection orders that last for multiple years as “permanent” orders, even if these orders expire after a certain number of years).⁵²

45 A judge may issue a Gun Violence Emergency Protective Order if they find reasonable cause to believe the respondent poses an immediate and present danger of injuring themselves or another person by having legal access to firearms, and that less restrictive alternatives have been tried and found to be ineffective, or are inadequate or inappropriate. Cal. Penal Code §§ 18125(a), (b); 18130.

46 See Cal. Fam Code § 242(a), 245; Cal. Code of Civ. Proc. §§ 527.6(g), (o), (p); 527.8(g), (h), (m), (p); 527.85(h), (g), (o), (p); Cal. Penal Code § 18165; Cal. Rules of Ct. 3.1152.

47 If the court fails to state the protection order’s expiration date on the face of the protection order form, the protection order remains in effect by default for a period of three years from the date of issuance. See Cal. Fam Code § 6345; Cal. Code of Civ. Proc. §§ 527.6(j); Cal. Welf. & Inst Code § 15657.03(i).

48 See Cal. Code of Civ. Proc. §§ 527.8(k), 527.85(k); Cal. Welf. & Inst Code § 15657.03(d).

49 Cal. Penal Code § 18175(e). Prior to September 1, 2020, final GVROs could only last for up to one year. California enacted AB 12 (Irwin) in 2019 to extend the duration of GVROs, effective September 1, 2020.

50 See Cal. Penal Code § 136.2(i).

51 See Cal. Fam. Code § 6345(a).

52 See, e.g., Victoria Holt, et al., “Civil protection orders and risk of subsequent police-reported violence,” JAMA 288:589-94 (2002) (referring to “permanent protection orders” as those “usually in effect for 12 months”).



PART 4: DETAILED GUIDE AND DATA ABOUT EACH PROTECTION ORDER

This section provides more detailed information and data about each type of court protection order process available in California.

This section begins with the unique Gun Violence Restraining Order, including more detailed analysis and county-level information about GVROs issued since California's GVRO law first took effect in 2016.

This section then discusses the three civil court protection orders available to petitioners who are survivors of violence and abuse: the Domestic Violence Restraining Order, Elder or Dependent Adult Abuse Restraining Order, and Civil Harassment Restraining Order.

This section then discusses the civil protection orders available to petitioners who are employers or school officials seeking protections for employees or students: the Workplace Violence Restraining Order and Postsecondary School Violence Restraining Order.

It then discusses the distinct but important Juvenile Restraining Order process available through juvenile courts, Emergency Protective Orders available to law enforcement in emergency cases, and Criminal Protective Orders available through courts hearing criminal cases.

Finally, it will include information about enforcing protection orders issued by courts outside the California court system. California courts and law enforcement have responsibilities to ensure that protection orders issued by tribal courts, military courts, and courts in other states and territories are effectively implemented and enforced to protect survivors in our state.

Gun Violence Restraining Order (GVRO)

California's newest court protection order is the Gun Violence Restraining Order (GVRO). The GVRO was established by legislation California adopted in 2014, which went into effect January 1, 2016.⁵³ The GVRO provides a process for law enforcement, family members, and other eligible non-law enforcement petitioners to request court orders that suspend an individual's legal access to firearms and other weapons because they are a significant danger to themselves or others. To issue a GVRO, the court must determine that the respondent poses a significant danger of injuring themselves or another person by having the legal ability to possess or acquire firearms and that the GVRO is necessary to prevent harm because less restrictive alternatives have been tried and found to be ineffective or are inadequate or inappropriate for the circumstances.⁵⁴ In these circumstances, the court may issue a GVRO against an individual who is a danger to self or others, whether or not the individual is known to already have any firearms in their possession.

California's GVRO process has become a model for similar "extreme risk protection" laws adopted in 19 other states and the District of Columbia.⁵⁵ Researchers affiliated with the California Firearm Violence Research Center identified dozens of threatened mass shootings that were prevented in California during the GVRO law's first three years of implementation after eligible petitioners recognized threats and acted to obtain a GVRO.⁵⁶

GVROs can be issued as emergency orders, temporary orders, or longer-term final orders.⁵⁷ GVROs issued as emergency orders are classified as both GVROs and a type of Emergency Protective Order (EPO) called a Gun Violence Emergency Protective Order. (These emergency orders are also sometimes referred to as an emergency GVRO, a GVRO-EPO, or an "EPO-002" for the form used to request and document these orders).

The GVRO has unique features that make the process an essential intervention in some circumstances but also less protective than California's other protection orders when specific identifiable survivors are targeted with violence, threats, and abuse.

Unlike every other civil protection order available in our state, the GVRO does not name any protected person or provide any additional safety protections apart from its firearm and weapon provisions. For instance, a respondent subject to a GVRO is not ordered to stay away from or stop contacting, following, threatening, or abusing any specific person as part of the GVRO. The GVRO cannot compel the respondent to move out of a survivor's residence, attend counseling, or pay expenses caused by their abuse. It does not include provisions governing an abusive parent's contact with children. It is a narrow intervention focused exclusively on disarming a person found to be a significant danger to self or others and blocking them from acquiring weapons.

These unique limitations of the GVRO are also unique strengths in some circumstances. Because the

53 See 2014 CA AB 1014 (Skinner).

54 See Cal. Penal Code §§ 18150, 18155, 18175.

55 See Lisa Howard, "California's 'Red Flag' Law Utilized for 58 Threatened Mass Shootings," UC Davis Press Release (Jun. 8, 2022), www.ucdavis.edu/news/californias-red-flag-law-utilized-58-threatened-mass-shootings; Veronica Pear, et al., "Gun violence restraining orders in California, 2016–2018: case details and respondent mortality," *Injury Prevention*, 28:465-71 (2022), www.injuryprevention.bmj.com/content/28/5/465; Giffords Law Center to Prevent Gun Violence, "Extreme Risk Protection Orders," www.giffords.org/lawcenter/gun-laws/policy-areas/who-can-have-a-gun/extreme-risk-protection-orders/ (last visited Apr. 12, 2024).

56 See Lisa Howard, "California's 'Red Flag' Law Utilized for 58 Threatened Mass Shootings," UC Davis Press Release (Jun. 8, 2022), www.ucdavis.edu/news/californias-red-flag-law-utilized-58-threatened-mass-shootings; Veronica Pear, et al., "Gun violence restraining orders in California, 2016–2018: case details and respondent mortality," *Injury Prevention*, 28:465-71 (2022), www.injuryprevention.bmj.com/content/28/5/465.

57 See Cal. Penal Code §§ 18150, 18170, 18190; GV-100 Form (Petition for Gun Violence Restraining Order), www.courts.ca.gov/documents/gv100.pdf; California Courts Self-Help Guide: "Gun Violence Restraining Orders in California," www.selfhelp.courts.ca.gov/GV-restraining-order.

GVRO is not issued to protect any specific protected party, it is generally the only protection order available to disarm an individual who has exhibited significant but more generalized danger to groups of people or the community at large, instead of specifically identifiable victims.

This may occur, for instance, where a respondent has exhibited a desire to harm people of a certain race or religion or to commit mass violence. Other people may come across evidence such as a manifesto, journal writings, social media posts, or other statements or behaviors indicating that an individual intends to commit violence or is a significant danger to themselves or others—even if the individual has not directed threats to any specific victims in particular. A 2018 FBI study noted that a majority of active shooters leaked intent to commit violence to at least other person prior to their attack but that “in some cases what was communicated was a more general goal of doing harm to others... without a particular person or group in mind.” In these cases, the GVRO is an essential gap filler authorizing people to “see something and say something” and proactively act on significant warning signs of gun violence.

The GVRO can also play a unique role in suicide prevention efforts in situations when an individual poses a significant danger to themselves but not to others. Someone may seek a GVRO to protect a loved one experiencing a suicidal crisis without desiring any other court-ordered safety protections, especially if other voluntary or mental health system interventions are inappropriate or have been ineffective at separating the individual in suicidal crisis from firearms. Similarly, some individuals with conditions such as severe dementia may pose a significant danger of injuring themselves and others with guns. A person concerned that a loved one is dangerously misusing firearms due to these conditions may seek a GVRO, either directly or by working with law enforcement or other eligible petitioners, without desiring any other court-ordered safety protections.

The GVRO is also unique in that it is one of the only protection orders available to law enforcement petitioners, except for the very short-term Emergency Protective Order (EPO) or the Criminal Protective Order available to prosecutors.⁵⁸ The GVRO provides law enforcement agencies with another tool in the safety toolkit to proactively prevent gun violence, supplementing other law enforcement powers, where appropriate, to arrest, detain for a mental health evaluation, or otherwise search for and seize weapons from an individual in dangerous and exigent circumstances.

Law enforcement authorities responding to the scene of a violent or abusive incident sometimes seek an emergency or temporary GVRO, which generally lasts up to 21 days and can provide vital short-term protections to quickly disarm a respondent during a period of crisis. This may provide a critical safety window for a survivor to obtain additional information about other safety options, including longer-term protection orders, and/or for law enforcement to consider other service referrals or interventions, such as a longer-term final GVRO, criminal charges, and Criminal Protective Orders if criminal charges are brought.

Finally, some survivors of violence and abuse may not feel safe or otherwise able to navigate the court process to request a protection order themselves, although resources are available to support and guide petitioners through these processes. In these cases, some survivors choose to work with and through law enforcement or other eligible petitioners to obtain the more limited protections of a GVRO.

⁵⁸ Law enforcement agencies may also obtain Workplace Violence Restraining Orders as necessary to protect their employees in their capacity as an employer-petitioner.

Who Can Request GVROs?

The following individuals can petition courts for a GVRO, regardless of whether the respondent has directed any threats, violence, or abuse against them in particular:⁵⁹

- Law enforcement officers.
- The respondent’s spouse, domestic partner, or dating partner.
- The respondent’s family members, including a parent, child, sibling, grandparent, grandchild, parent-in-law or child-in-law; other more distant family members may also petition for GVROs if they have had substantial and regular interactions with the respondent for at least one year.⁶⁰
- Someone who has a child in common with the respondent, if they have had substantial and regular interactions with the respondent for at least one year.
- The respondent’s current or recent roommate or household member, if they have regularly resided in the respondent’s household within the past six months and have had substantial and regular interactions with the respondent for at least one year.
- The respondent’s employer.
- The respondent’s coworker, if they have had substantial and regular interactions with the respondent for at least one year and have obtained approval from the employer to file the GVRO petition.
- An employee or teacher at a secondary or postsecondary school the respondent has attended in the last six months, if they have obtained approval to file the GVRO petition from a school administrator or school administration staff member with a supervisory role.

GVRO Safety Provisions:

The GVRO’s safety provisions are limited to firearm and weapon restrictions only.⁶¹

GVRO Duration:

- GVROs issued on an emergency basis (as a type of Emergency Protective Order) last for up to 21 days.⁶²
- Temporary GVROs typically last for up to 21 days.⁶³

59 See Cal. Penal Code §§ 18125, 18150, 18170, 18190; GV-100 Form (Petition for Gun Violence Restraining Order), courts.ca.gov/documents/gv100.pdf; California Courts Self-Help Guide: “Gun Violence Restraining Orders in California,” selfhelp.courts.ca.gov/GV-restraining-order.

60 See Cal. Penal Code § 18150(a). This statute authorizes individuals to petition courts for GVROs if, among other things, they are an “immediate family member of the subject of the petition.” The term “immediate family member” is defined to mean “any spouse, whether by marriage or not, domestic partner, parent, child, any person related by consanguinity or affinity within the second degree, or any person related by consanguinity or affinity within the fourth degree who has had substantial and regular interactions with the subject for at least one year.” Cal. Penal Code § 18150(a)(3).

61 People prohibited from accessing or acquiring firearms pursuant to a GVRO are also prohibited from possessing ammunition, firearm magazines, and body armor. Cal. Penal Code §§ 18175(c), 30305(a), 31360(b). See Cal. Penal Code §§ 18150, 18170, 18190; GV-100 Form (Petition for Gun Violence Restraining Order), www.courts.ca.gov/documents/gv100.pdf; California Courts Self-Help Guide: “Gun Violence Restraining Orders in California,” www.selfhelp.courts.ca.gov/GV-restraining-order.

62 Cal. Penal Code §§ 18125, 18148.

63 Cal. Penal Code §§ 18155(c), 18165.

- Longer-term final GVROs last for between one and five years.⁶⁴

Cost to Petitioners:

There is no fee to file a petition for a GVRO or for sheriffs and marshals to serve a GVRO.⁶⁵

Serving GVROs:

GVROs may be served by a law enforcement officer, a professional process server, or any other individual who is at least 18 years old and not a petitioner in the case.⁶⁶ It is generally a best practice for courts to accomplish service immediately if the respondent is present at a hearing, and to otherwise ensure GVRO orders are promptly served by a law enforcement officer in cases where the respondent may possess firearms, so that the officer may take custody of the respondent’s firearms immediately upon serving the order.⁶⁷ Petitioners may request that a county sheriff’s office serve the GVRO for free by submitting a completed SER-001 (“Request for Sheriff to Serve Court Papers) Form to the sheriff’s office.⁶⁸

Because the vast majority of GVRO petitioners are law enforcement officers, service of GVROs is typically conducted by law enforcement. California law requires a law enforcement officer who requests a Gun Violence Emergency Protective Order (an emergency GVRO) to promptly serve the order if the respondent can reasonably be located.⁶⁹ Whoever serves the GVRO is generally required to complete and submit a proof of service form called the GV-200 to the court that issued the GVRO.

California law also requires law enforcement agencies to adopt and implement written policies and standards relating to GVROs, including procedures for ensuring GVROs are effectively served on respondents.⁷⁰

Firearm Relinquishment in the GVRO:

To protect the public, it is crucial that courts and law enforcement ensure that GVRO respondents promptly relinquish possession and control of any firearms they have and provide proof of compliance in accordance with California law. Upon issuing a GVRO, courts must order the respondent to relinquish any firearms in their possession or in their custody or control within 24 hours of being served with the order, by transferring the firearm to a law enforcement officer or to a licensed firearms dealer for the duration of the order.⁷¹ The law enforcement officer or dealer who takes possession of those firearms issues a receipt to the respondent documenting the firearm transfer. (The “GV-800 form” can be used as the receipt to document firearm relinquishment for GVROs). The respondent must then, within 48 hours of being served, file the receipt with the court that issued the order and the law enforcement agency, if any, that served the order.⁷² The Judicial Council’s standard GV-800-Info form provides information about how the respondent may comply with these requirements.⁷³

64 Cal. Penal Code § 18175(e). Final GVROs issued prior to September 1, 2020 lasted for a maximum of one year unless renewed. California enacted AB 12 (Irwin) in 2019 to extend the maximum duration of these orders, effective September 1, 2020.

65 Cal. Penal Code § 18121; Cal. Govt. Code § 6103.2(b)(4); GV-100 Form (Petition for Gun Violence Restraining Order), Item 8.

66 Cal. Penal Code §§ 18140, 18160(b), 18197; Cal. Code of Civ. Proc. § 414.10.

67 See Cal. Penal Code § 18197. When protection orders are served by either law enforcement or other process servers or private individuals, it is essential that relevant record systems are updated to document that service has occurred, so the protection order may be enforced.

68 See SER-001 Form (“Request for Sheriff to Serve Court Papers”), www.courts.ca.gov/documents/ser001.pdf.

69 Cal. Penal Code § 18140.

70 Cal. Penal Code § 18108(a), (d).

71 Cal. Penal Code § 18120.

72 Id.

73 See GV-800-Info Form (“How Do I Turn In, Sell, Or Store My Firearms, Firearm Parts, Ammunition, and Magazines”),

When a law enforcement officer serves a GVRO, the officer is required to take temporary custody of any firearm or other deadly weapon in plain sight or discovered pursuant to a lawful search as necessary for the protection of the officer or other individuals present.⁷⁴ The officer must also ask the respondent if they have any firearms or ammunition in their possession or under their custody or control,⁷⁵ and request that the respondent immediately relinquish these weapons to the officer.⁷⁶ The respondent must relinquish any firearms and ammunition in their possession immediately to a law enforcement officer serving the order.⁷⁷ If an officer does not serve the order or does not recover the respondent's firearms at the time of service, the respondent must relinquish their firearms to law enforcement or a licensed firearms dealer within 24 hours of being served with the order.⁷⁸

If a respondent fails to comply with these requirements in a timely manner, they are subject to fines and criminal penalties,⁷⁹ and courts may issue warrants authorizing law enforcement officers to search for and seize their illegally retained weapons.⁸⁰

California law requires law enforcement agencies to adopt and implement written policies and standards relating to GVROs, including procedures for promptly seizing firearms and ammunition when a GVRO has been issued, verifying that firearms were removed from the respondent, and for obtaining and serving search warrants as necessary to recover firearms and ammunition from respondents who unlawfully retain weapons.⁸¹

GVRO Data:

This section analyzes the number, type, and county where GVROs have been issued in California since the GVRO law took effect in January 2016. As discussed below, this analysis shows that GVRO utilization has substantially increased in 2022 and 2023; that a majority of GVROs have been obtained as short-term emergency or temporary orders by law enforcement petitioners; that there is significant variation in GVRO utilization across California's counties; and that GVROs represent a relatively small percentage of the overall number of protection orders issued with firearm restrictions in California.

Data on Total GVROs Issued:

- In the first eight years after California's GVRO law took effect (2016-2023), courts in California issued 8,988 GVROs statewide.
- In 2023, courts issued 2,719 GVROs statewide.

Initially Low Utilization: A relatively low number of GVROs were issued in the first few years after the GVRO law first took effect. In 2016, no GVROs were issued in a majority of California's counties, and the vast majority of GVROs that were issued were emergency or temporary orders that typically expire within 21 days. Longer-term final GVROs were issued in just six counties in that first year. After three years of implementation, there were still 18 California counties where no GVRO had ever been issued.

Increased Awareness and Utilization: In recent years, California has invested in important efforts to increase awareness and utilization of the GVRO process. Data presented below shows there has been a steady increase in the number of GVROs issued in most California counties. Many counties recorded

www.courts.ca.gov/documents/gv800info.pdf

74 See California Fam. Code § 6383(i); California Pen. Code § 18250.

75 Cal. Penal Code § 18120(b)(2), 18135(b), 18160(b).

76 Id.

77 Cal. Penal Code § 18120(b).

78 Cal. Penal Code § 18120(b).

79 Cal. Pen. Code §§ 18120(b), 18205.

80 See Cal. Pen. Code § 1524(a)(14).

81 Cal. Penal Code § 18108(a), (d).

very low numbers of GVROs until a marked and sustained increase, reflecting the impact of effective trainings and local leadership in educating law enforcement and other stakeholders about this new crisis intervention option.

Most GVRO Petitions Filed by Law Enforcement: While a variety of petitioners are eligible to request GVROs, law enforcement officers have served as petitioners for the vast majority of GVROs issued in California to date — about 98% of GVROs issued statewide from 2016 to 2023. Family members and intimate partners were petitioners for 2.2% of all GVROs. Other eligible individuals (including employers, coworkers, and school personnel) were petitioners for 0.1% of all GVROs. Law enforcement officers are the only individuals eligible to seek emergency GVROs but they were also petitioners for 96% of temporary GVROs and 97% of final GVROs.

This likely reflects ongoing public education challenges in part but, importantly, also reflects the fact that California provides non-law enforcement petitioners who are in danger with a uniquely broad array of other protection order options that include the same firearm provisions as the GVRO *as well as* other safety measures for specific individuals protected by the court order. In some cases, individuals who know someone is a danger to self or others may also prefer to work with and through law enforcement to request a GVRO.

The Number of GVROs Issued Statewide More Than Doubled from 2020 to 2023:

- More than half of all GVROs issued in California in the eight years from 2016 to 2023 were issued in the last two years, 2022 and 2023.
 - The number of GVROs issued each year more than doubled between 2020 and 2023 (increasing by 118%) and nearly doubled from 2021 to 2023 (increasing by 96%).
 - From 2020 to 2023, there was a 125% increase in emergency GVROs, a 127% increase in temporary GVROs, and 92% increase in longer-term final GVROs issued statewide.
 - From 2021 to 2023, there was a 91% increase in emergency GVROs, a 125% increase in temporary GVROs, and a 67% increase in final GVROs issued statewide.

GVRO Utilization Varies Significantly Across California's Counties:

- Of the 8,988 GVROs issued statewide from 2016 to 2023, 44% were issued in just two of California's 58 counties, San Diego (2,490) and Santa Clara (1,481), reflecting the considerable impact of local protection order training and implementation programs by the San Diego City Attorney's Office and the Santa Clara District Attorney's Office.
- Of the 2,719 GVROs issued in 2023, 24% (645) were issued in Santa Clara County and 18% (503) in San Diego County.
- San Diego County has had by far the highest number of final GVROs. Of the 2,071 final GVROs issued statewide from 2016-2023, 35% (723) were issued in San Diego County alone.
- Along with San Diego County, Santa Cruz, Santa Barbara, Napa, Ventura, Nevada, Santa Clara, and San Luis Obispo Counties had the highest number of final GVROs per capita over this period.
- There are still five smaller counties in California that recorded zero GVROs from 2016-2023⁸² and 10 counties that recorded zero final GVROs.⁸³

82 Those counties were Colusa, Del Norte, Modoc, Plumas, and Yuba.

83 Those counties were Alpine, Amador, Colusa, Del Norte, Glenn, Inyo, Kings, Mariposa, Merced, Modoc, Plumas, San Benito, Sutter, Trinity, Yolo, and Yuba.

Most GVROs are Issued as Short-Term Emergency or Temporary Orders:

- Of the 8,988 GVROs issued in California from 2016-2023:
 - o 42% (3,791) were emergency GVROs (Gun Violence Emergency Protective Orders), which generally last for up to 21 days.
 - o 35% (3,126) were temporary GVROs, which generally last for up to 21 days.
 - o 23% (2,071) were final GVROs that generally last for between one and five years. (Final GVROs issued prior to September 1, 2020 lasted for a maximum of one year unless renewed).
- Of the 2,719 GVROs issued in 2023:
 - o 43% (1,175) were emergency GVROs (Gun Violence Emergency Protective Orders), which generally last for up to 21 days.
 - o 36% (973) were temporary GVROs, which generally last for up to 21 days.
 - o 21% (571) were final GVROs that generally last for between one and five years.

Most GVROs Actively in Effect are Longer-Term Final GVROs:

- Final GVROs represented over two-thirds (67.5%) of all GVROs actively in effect in California as of August 7, 2023.

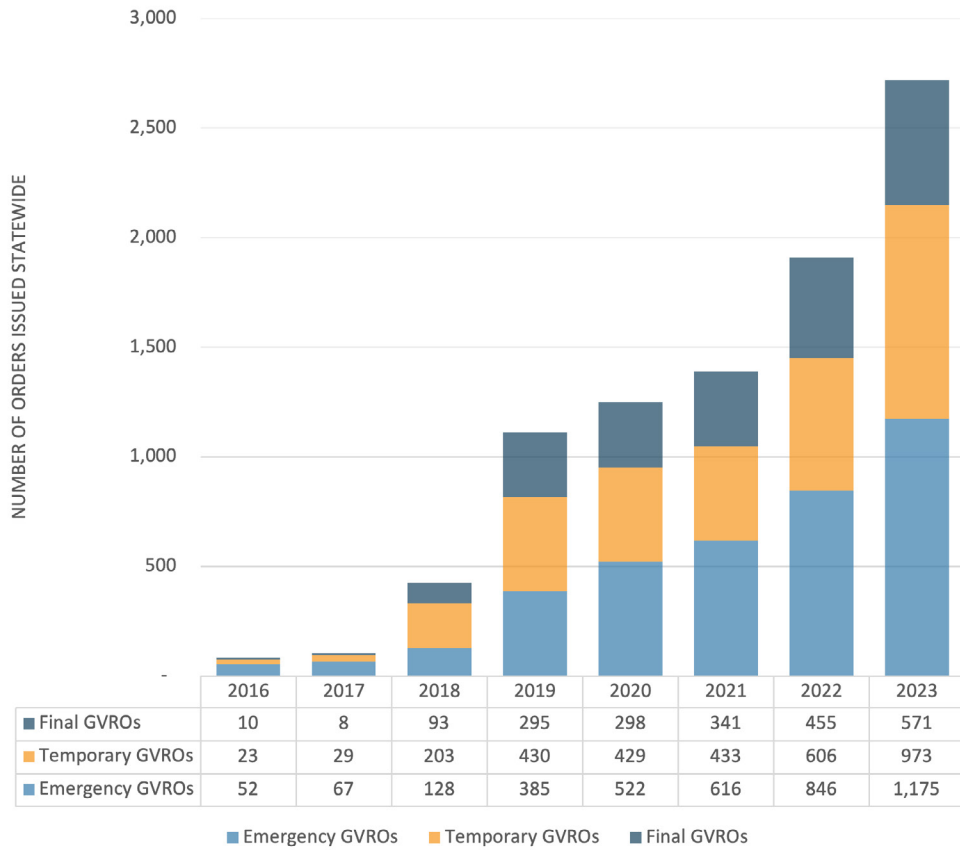
GVROs Represent a Relatively Small Percentage of All Protection Orders With Firearm Restrictions in California:

- Out of all protection orders issued in California in 2023, GVROs represented:
 - o 0.9% of protection orders with firearm restrictions.
 - o 1.4% of protection orders with firearm restrictions issued by California *civil* courts.
 - o 1.5% of *final* protection orders with firearm restrictions issued by California civil courts.⁸⁴
- Out of all protection orders active as of August 7, 2023, GVROs represented:
 - o 0.4% of active protection orders with firearm restrictions.
 - o 1.1% of active orders with firearm restrictions issued by California *civil* courts.
 - o 0.9% of active *final* protection orders with firearm restrictions issued by California civil courts.⁸⁵

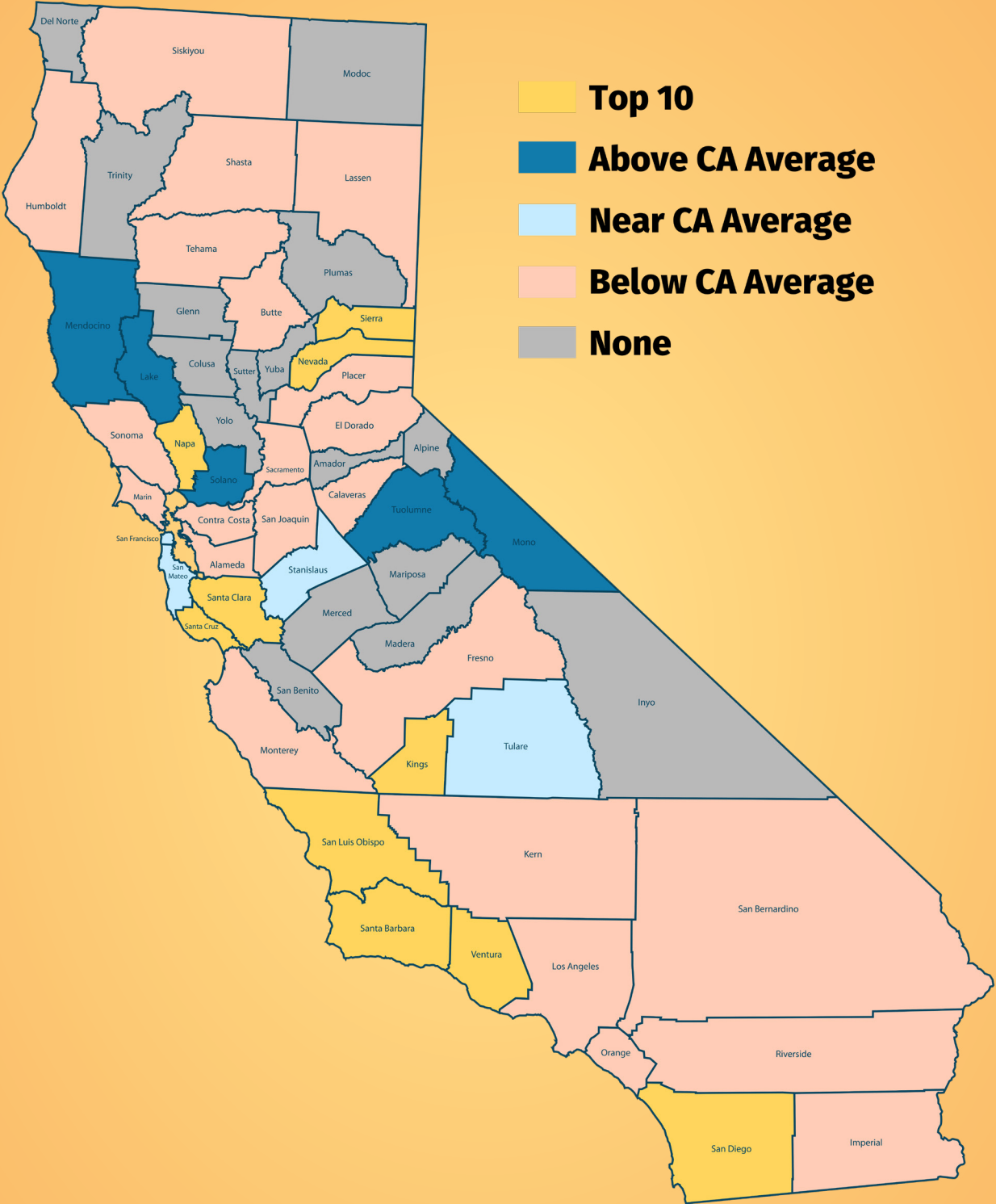
84 See Table 4.

85 See Table 5.

GUN VIOLENCE RESTRAINING ORDERS ISSUED IN CA BY YEAR



Final Gun Violence Restraining Orders (GVRs) Issued by County Per Capita



COUNTY	2016	2017	2018	2019	2020	2021	2022	2023	Total GVROs (2016-2023)	Total Final GVROs (2016-2023)	Final GVROs Per Capita Compared to Statewide Average
Alameda	3	3	2	21	37	52	47	138	303	46	Below CA Average
Alpine	-	-	-	-	-	-	-	1	1	-	None
Amador	-	-	2	2	1	1	-	1	7	-	None
Butte	4	1	-	1	2	3	4	10	25	9	Below CA Average
Calaveras	3	-	-	-	-	-	4	6	13	1	Below CA Average
Colusa	-	-	-	-	-	-	-	-	-	-	None
Contra Costa	5	2	1	10	12	20	30	24	104	24	Below CA Average
Del Norte	-	-	-	-	-	-	-	-	-	-	None
El Dorado	-	-	-	1	1	1	6	10	19	1	Below CA Average
Fresno	-	2	-	6	17	7	18	26	76	17	Below CA Average
Glenn	1	1	-	-	1	-	-	-	3	-	None
Humboldt	-	-	-	2	3	-	4	-	9	1	Below CA Average
Imperial	-	-	-	-	-	-	1	9	10	5	Below CA Average
Inyo	1	-	-	-	1	-	1	2	5	-	None
Kern	1	1	2	6	8	5	7	14	44	9	Below CA Average
Kings	-	3	-	1	5	13	40	61	123	23	Top 10
Lake	-	-	4	3	3	6	2	4	22	4	Above CA Average
Lassen	-	-	-	-	-	-	1	-	1	1	Below CA Average
Los Angeles	16	16	31	53	30	54	66	158	424	81	Below CA Average
Madera	-	-	1	-	-	-	1	1	3	-	None
Marin	-	1	5	10	7	22	12	9	66	11	Below CA Average
Mariposa	-	-	-	-	-	-	1	-	1	-	None
Mendocino	3	-	-	5	3	1	2	2	16	6	Above CA Average
Merced	1	-	-	1	2	1	-	1	6	-	None
Modoc	-	-	-	-	-	-	-	-	-	-	None
Mono	-	-	-	-	-	-	2	-	2	1	Above CA Average
Monterey	1	2	-	4	14	11	18	7	57	16	Below CA Average
Napa	-	-	2	4	7	10	19	22	64	22	Top 10
Nevada	1	-	-	2	1	7	4	20	35	13	Top 10
Orange	3	5	18	108	142	117	106	187	686	93	Below CA Average
Placer	1	1	9	8	9	10	19	15	72	15	Below CA Average
Plumas	-	-	-	-	-	-	-	-	-	-	None
Riverside	3	7	14	43	46	60	53	141	367	88	Below CA Average
Sacramento	3	5	7	38	32	38	130	126	379	71	Below CA Average
San Benito	-	2	-	1	-	-	-	3	6	-	None

COUNTY	2016	2017	2018	2019	2020	2021	2022	2023	Total GVROs (2016-2023)	Total Final GVROs (2016-2023)	Final GVROs Per Capita Compared to Statewide Average
San Bernardino	1	2	8	29	28	51	26	18	163	71	Below CA Average
San Diego	4	14	229	397	450	421	472	503	2,490	723	Top 10
San Francisco	-	-	1	11	15	28	39	37	131	42	Near CA Average
San Joaquin	4	8	2	11	15	11	17	34	102	5	Below CA Average
San Luis Obispo	-	1	3	7	2	5	17	30	65	22	Top 10
San Mateo	-	-	-	15	15	18	37	77	162	42	Near CA Average
Santa Barbara	13	8	18	38	43	57	59	58	294	95	Top 10
Santa Clara	7	4	31	122	125	150	397	645	1,481	194	Top 10
Santa Cruz	1	4	9	62	77	66	65	81	365	109	Top 10
Shasta	-	-	-	-	1	-	2	2	5	2	Below CA Average
Sierra	-	-	-	-	3	-	-	-	3	1	Top 10
Siskiyou	-	-	-	-	-	-	-	1	1	1	Below CA Average
Solano	1	4	6	16	18	47	19	22	133	27	Above CA Average
Sonoma	-	-	1	7	23	24	12	20	87	9	Below CA Average
Stanislaus	-	-	-	10	7	11	20	33	81	28	Near CA Average
Sutter	-	-	-	-	1	-	-	-	1	-	None
Tehama	-	-	-	2	1	-	-	-	3	1	Below CA Average
Trinity	2	-	-	-	-	-	-	-	2	-	None
Tulare	-	-	1	-	5	13	38	61	118	23	Near CA Average
Tuolumne	-	3	5	-	1	-	4	-	13	4	Above CA Average
Ventura	1	3	12	51	33	46	81	92	319	114	Top 10
Yolo	1	1	-	2	2	3	4	7	20	-	None
Yuba	-	-	-	-	-	-	-	-	-	-	None
Statewide	85	104	424	1,110	1,249	1,390	1,907	2,719	8,988	2,071	

Domestic Violence Restraining Order (DVRO)

Domestic Violence Restraining Orders (DVROs) empower survivors of violence and abuse to seek safety protections from a current or former intimate partner, close family member, or cohabitant. DVROs are by far the most common type of protection order issued by California’s civil courts and play an essential role in preventing gun violence, especially for women and children. As discussed in more detail in OGVP’s 2023 report on “Domestic Violence Involving Firearms in California,” a majority of female and child homicide victims are killed by a family member or current or former intimate partner.⁸⁶

DVROs can provide a wide range of safety protections that are not available through any of California’s other protection order processes, including orders to protect children from an abusive or violent parent.⁸⁷ DVROs also include provisions to restrict a respondent’s access to firearms and other weapons while the court’s protection order is in effect. DVROs can be issued as temporary orders or as longer-term final orders.

DVROs are not the only type of protection order issued to protect survivors of domestic violence. For instance, juvenile courts may issue Juvenile Restraining Orders to protect a minor who is under the jurisdiction of a juvenile court and needs protection from a close family member, household member, or dating partner. Law enforcement officers may also obtain very short-term Emergency Protective Orders (EPOs) to protect domestic violence or child abuse survivors in emergency cases; EPOs typically expire within one week but can provide crucial protections and time for a survivor to seek help and consider seeking a DVRO or other interventions. Courts hearing criminal cases are also authorized, and in some cases required, to issue Criminal Protective Orders (CPOs) to protect victims or witnesses to a crime and their family members, which often include victims and witnesses in domestic violence criminal cases.

Who Can Request DVROs?

Petitioners who are survivors of domestic violence or abuse⁸⁸ can petition courts for a DVRO to seek protections for themselves and their family or household members from a current or former intimate partner, close family member, or cohabitant, including a:

- Current or former spouse or domestic partner
- Current or former dating partner⁸⁹
- Someone with whom the petitioner has had a child⁹⁰

86 DOJ Office of Gun Violence Prevention, “Data Report: Domestic Violence Involving Firearms in California” (Nov. 2023), www.oag.ca.gov/system/files/media/OGVP-Data-Report-2022.pdf.

87 This is critical to protecting children from gun violence. About three-quarters of child gun homicide victims killed between the ages of 1-14 in California were murdered by a parent. DOJ Office of Gun Violence Prevention, “Data Report: Domestic Violence Involving Firearms in California” (Nov. 2023), p. 34, www.oag.ca.gov/system/files/media/OGVP-Data-Report-2022.pdf.

88 People are eligible to petition courts for DVROs if they have suffered “domestic violence”, which is defined to include “abuse,” as defined by California law, perpetrated against a current or former intimate partner, close family member, or cohabitant. California Fam. Code §§ 6203; 6211. For these purposes, “abuse” includes, but is not limited to, intentionally or recklessly causing or attempting to cause bodily injury; sexual assault; conduct placing a person in reasonable apprehension of imminent serious bodily injury to that person or to another person; or molesting, attacking, striking, stalking, threatening, battering, falsely impersonating, harmfully harassing, or disturbing the peace of another person, including coercive control that unreasonably interferes with a person’s free will and personal liberty, such as by depriving them of basic necessities or compelling them by force, threat of force, or intimidation, to engage in certain conduct.

89 This includes people who have had a past or present “dating relationship” or “engagement relationship”. A dating relationship is defined to mean “frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement independent of financial considerations.” See California Fam. Code §§ 6210, 6211.

90 See California Fam. Code § 6211(d).

- Close family members, including the petitioner’s:⁹¹
 - o Parents, stepparents, or parents-in-law
 - o Children, stepchildren, or legally adopted children
 - o Child’s spouse
 - o Siblings, step-siblings, or siblings-in-law
 - o Grandparents, step-grandparents, or grandparents-in-law
 - o Grandchildren, step-grandchildren, or grandchildren-in-law
- Current or former “cohabitants” the petitioner has regularly lived with as a member of a family or household (as more than temporary roommates)⁹²

DVRO Safety Provisions

DVROs can include the following safety provisions:⁹³

- Firearm and weapon restrictions
- Orders to not look for protected people
- Orders prohibiting abusive conduct toward protected people
- Orders prohibiting contact with protected people
- Orders to stay a minimum distance away from protected people
- Orders to stay a minimum distance away from specified places (*protected person’s home, vehicle, workplace or school, children’s school, childcare location, pets, etc.*)
- Orders to move out from protected person’s residence
- Child custody and visitation orders
- Child or spousal support orders
- Orders to prevent child abduction
- Orders to pay expenses caused by abuse, bills or debts owed for property, or legal fees and costs
- Mandatory counseling (“batterer intervention program”)
- Orders to protect pets

91 This includes a child or any other person related by consanguinity or affinity, meaning individuals who are related by blood, marriage, or adoption, within the second degree. See California Fam. Code § 6211.

92 The relevant law authorizes a person to seek a DVRO against someone who is a current or former “cohabitant”, which is defined to mean a person who regularly resides, or used to regularly reside, in the respondent’s household. California Fam. Code §§ 6211(b); 6209. Some court rulings have limited the definition of “cohabitant” in this context to exclude, for example, sublessees living in different units of a house who shared some common areas but had no romantic or friendly relationship and were not previously acquainted; a court found that such individuals were not “cohabitants” for the purposes of California’s DVRO law because they did not live together “as a group with a common goal” or as a “social unit living together” with “some permanency in their living arrangements.” See Judicial Council of California, “Judges Guide to Restraining Orders: Domestic Violence Restraining Orders, p. 2 (Oct. 2023) (citing *O’Kane v. Irvine*, 47 Cal.App.4th 207, 212 (1996)).

93 See Cal. Fam. Code §§ 6200, et seq., 3048; Form DV-100 “Request for Domestic Violence Restraining Order,” courts.ca.gov/documents/dv100.pdf; California Courts Self-Help Guide: “Domestic Violence Restraining Orders in California,” www.selfhelp.courts.ca.gov/DV-restraining-order.

- Orders governing control of property
- Orders restraining use, destruction, and disposition of property (if respondent is the petitioner’s spouse or registered domestic partner)
- Orders governing protected people’s health and other insurance
- Cell phone account transfer orders
- Permission to record prohibited contact and communications

DVRO Duration:

- Temporary DVROs typically last for up to 21 days (or 25 days for good cause).
- Longer-term final DVROs can last for up to 5 years.

Cost for Petitioners:

There is no fee to file a petition for a DVRO or for law enforcement to serve the order.⁹⁴

Serving DVROs:

Like other protection orders, DVROs may be served by a law enforcement officer, a professional process server, or any other individual who is at least 18 years old and not a petitioner or protected party in the case. It is generally a best practice for courts to accomplish service immediately if the respondent is present at a hearing, and to otherwise ensure protection orders are promptly served by a law enforcement officer in cases where the respondent may have any firearms, so that the officer may take custody of those firearms immediately upon serving the order.⁹⁵

Petitioners may request that a county sheriff’s office serve the protection order (for free) by submitting a completed SER-001 (“Request for Sheriff to Serve Court Papers) Form to the sheriff’s office.⁹⁶ Under a California law enacted in 2023, most other law enforcement agencies must also serve DVROs free of charge, upon receiving a request for service from the petitioner *or* when the officer is present at the scene of a domestic violence incident involving the parties to the case.⁹⁷

The Judicial Council of California strongly encourages courts to collaborate with law enforcement and processing services to ensure timely and effective service of all protection orders and to ensure proof of service is promptly documented in law enforcement record systems so the DVRO may be enforced.⁹⁸ Whoever serves the DVRO is generally required to complete and submit a proof of service form called the DV-200 to the court that issued the DVRO.⁹⁹

94 Cal. Fam. Code §§ 6222, 6383(b)(2), 245(e). See also, Cal. Gov. Code, § 6103.2(b)(4).

95 When protection orders are served by either law enforcement, professional process servers, or private individuals, it is essential that relevant record systems are updated to document that service has occurred, so the protection order may be enforced. Judicial Council of Cal., “Recommended Guidelines and Practices for Improving the Administration of Justice in Domestic Violence Cases: Final Report of the Domestic Violence Practice and Procedure Task Force (Jan. 2008) (Final Report), p. 16 (item 13), www.courts.ca.gov/documents/dvpp_rec_guidelines.pdf.

96 See SER-001 Form (“Request for Sheriff to Serve Court Papers”), www.courts.ca.gov/documents/ser001.pdf.

97 See 2023 CA AB 818; California Fam. Code § 6383(a), (b), (i). This requirement generally applies to law enforcement officers other than parole and probation officers. California Fam. Code § 6383(a); California Pen. Code § 830.5(a).

98 Judicial Council of Cal., “Judges Guide to Restraining Orders: Domestic Violence Restraining Orders,” p. 7 (Oct. 2023) (citing “Recommended Guidelines and Practices for Improving the Administration of Justice in Domestic Violence Cases: Final Report of the Domestic Violence Practice and Procedure Task Force (Jan. 2008) (Final Report), p. 16 (item 13), www.courts.ca.gov/documents/dvpp_rec_guidelines.pdf).

99 See DV-200 Form (“Proof of Personal Service”), www.courts.ca.gov/documents/dv200info.pdf.

Firearm Relinquishment in the DVRO:

To protect survivors and the public, it is crucial that courts and law enforcement ensure that DVRO respondents promptly relinquish possession and control of any firearms they have and provide proof of compliance in accordance with California law. Upon issuing a DVRO, courts must order the respondent to relinquish any firearms in their immediate possession or control, or subject to their immediate possession or control, within 24 hours of being served or notified about the order, by transferring the firearm to a law enforcement officer or to a licensed firearms dealer for the duration of the order.¹⁰⁰ The Judicial Council's standard DV-800-Info form provides information about how the respondent may comply with these requirements.¹⁰¹

A respondent who becomes subject to a DVRO must generally relinquish any firearms and ammunition in their possession immediately to a law enforcement officer serving the order.¹⁰² If an officer does not serve the order or does not recover the respondent's firearms at the time of service, the respondent must relinquish their firearms to law enforcement or a licensed firearms dealer within 24 hours of being served or notified about the order.¹⁰³ The law enforcement officer or dealer who takes possession of those firearms issues a receipt to the respondent documenting the firearm transfer. (A court form called the "DV-800" can be used as the receipt to document firearm relinquishment for DVRO cases).¹⁰⁴ The respondent must then, within 48 hours of being served, file the receipt with the court that issued the order and the law enforcement agency, if any, that served the order.¹⁰⁵

If a respondent fails to comply with these requirements, they are subject to fines and criminal penalties,¹⁰⁶ and courts may issue warrants authorizing law enforcement officers to search for and recover their illegally retained weapons.¹⁰⁷

When a law enforcement officer serves a DVRO or is otherwise present at the scene of a domestic violence incident involving a physical assault or threat to human life, the officer is required to take temporary custody of any firearm or other deadly weapon in plain sight or discovered pursuant to a lawful search as necessary for the protection of the officer or other individuals present.¹⁰⁸ If the officer is serving a DVRO that indicates that the respondent possesses firearms or ammunition, the officer is also required to request that the respondent immediately relinquish those weapons.¹⁰⁹ Law enforcement agencies are required to implement written policies and standards to direct law enforcement officers to request immediate relinquishment of firearms or ammunition in DVRO cases.¹¹⁰

If a court finds that a respondent unlawfully owns or possesses firearms in violation of the DVRO, the court must direct the court clerk to notify appropriate law enforcement agencies,¹¹¹ who are then required to "take all actions necessary to obtain those and any other firearms or ammunition owned, possessed, or controlled by the restrained person and to address any violation of the order with respect to firearms or ammunition as appropriate and as soon as practicable."¹¹²

100 Cal. Fam. Code § 6389(c)(2).

101 See DV-800-Info Form ("How Do I Turn In, Sell, Or Store My Firearms, Firearm Parts, and Ammunition"), www.courts.ca.gov/documents/dv800info.pdf.

102 Cal. Fam. Code § 6389(c)(2).

103 Cal. Fam. Code § 6389(c)(2).

104 See DV-800 Form ("Receipt for Firearms, Firearm Parts, and Ammunition"), www.courts.ca.gov/documents/dv800.pdf.

105 Cal. Fam. Code § 6389(c)(2).

106 Cal. Pen. Code §§ 18120(b), 18205.

107 See Cal. Pen. Code § 1524(a)(14).

108 See California Fam. Code § 6383(i); California Pen. Code § 18250.

109 See California Fam. Code § 6389(c)(2).

110 See California Fam. Code § 6389(c)(5).

111 See California Fam. Code §§ 6306; 6322.5; 6389.

112 California Fam. Code § 6306(f), (g).

Courts are also generally required to report violations of a DVRO's firearms prohibition to the prosecuting attorney in the jurisdiction where the order has been issued within two business days of a court hearing unless the respondent provides a receipt showing compliance.¹¹³

DVRO Data:

Data on Total DVROs Issued:

- From 2020 to 2023, California courts issued 361,980 DVROs. DVROs were by far the most common type of protection order issued by California's civil courts.
- In 2023, California courts issued 94,155 DVROs.

Significant Increase in DVRO Orders, Especially Final DVROs:

- From 2020 to 2023, there was a 12% increase in DVROs issued statewide, including an 8% increase in temporary DVROs and a 22% increase in longer-term final DVROs.
- From 2021 to 2023, there was a 6% increase in DVROs issued statewide, including a 5% increase in temporary DVROs and an 11% increase in final DVROs.

Most DVROs are Issued as Short-Term Emergency or Temporary Orders:

- Of the 94,155 DVROs issued in 2023:
 - 73% (68,924) were temporary DVROs that generally last for up to 21 days.
 - 27% (25,231) were longer-term final DVROs that can generally last for up to 5 years.

Most DVROs Actively in Effect are Longer-Term Final DVROs:

- Final DVROs represented 86% of all DVROs actively in effect in California as of August 7, 2023.

DVROs are One of the Most Common Types of Protection Orders With Firearm Restrictions in California:

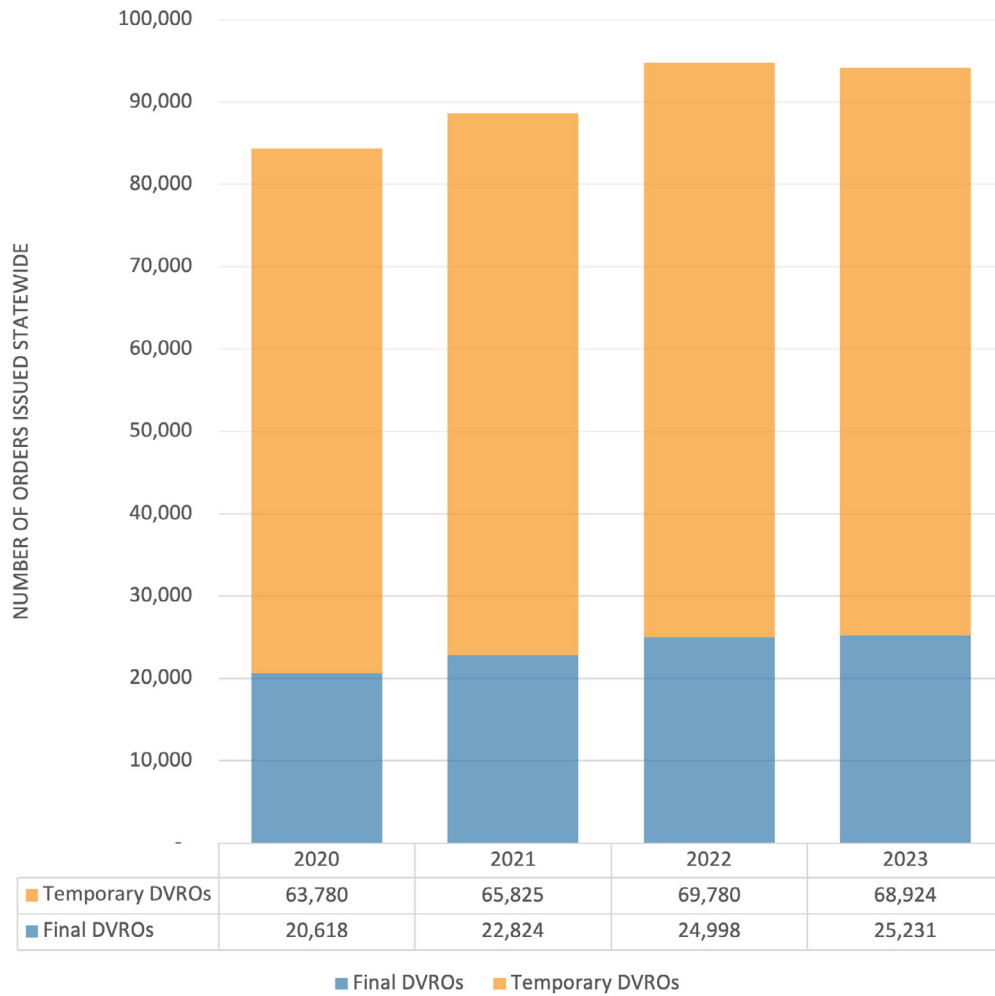
- Out of all protection orders issued in California in 2023, DVROs represented:
 - About one-third (32.7%) of protection orders issued with firearm restrictions.
 - Just under half (49.6%) of orders with firearm restrictions issued by California *civil* courts.
 - About two-thirds (67.2%) of *final* protection orders with firearm restrictions issued by California civil courts.¹¹⁴
- Out of all protection orders active as of August 7, 2023, DVROs represented:
 - 22.3% of active protection orders with firearm restrictions.
 - 68.3% of active orders with firearm restrictions issued by California *civil* courts.
 - 69.1% of active *final* protection orders with firearm restrictions issued by California civil courts.¹¹⁵

113 California Fam. Code § 6389(c)(4).

114 See Table 4.

115 See Table 5.

DOMESTIC VIOLENCE RESTRAINING ORDERS ISSUED IN CA BY YEAR



Elder or Dependent Adult Abuse Restraining Order (EARO)

Elder or Dependent Adult Abuse Restraining Orders (EAROs) empower seniors aged 65 and over, or adults with certain physical or mental disabilities, to seek safety protections from someone who harmed or abused them.¹¹⁶ California law also permits certain other petitioners to request EAROs to protect survivors of elder or dependent adult abuse. These orders can also extend protections to the survivor’s family or household members or conservator.

EAROs can provide a broader range of safety provisions than many other protection orders, including provisions requiring an abusive respondent to move out of a shared residence and receive counseling. EAROs also typically include firearm provisions to restrict a respondent’s access to firearms, except in a relatively small number of cases (about 2% of EAROs issued from 2020-2023) that involve financial abuse only without evidence of violence, threats, intimidation, or other abuse.¹¹⁷

EAROs can be issued on a temporary basis or as longer-term final orders. The EARO process was established by California legislation adopted in 1999 and firearm provisions were included under legislation adopted in 2003.¹¹⁸

Who Can Request EAROs?

The following individuals can petition courts for an EARO:

- Survivors of violence and abuse if they are aged 65 and older, or if they are “dependent adults” with mental or physical limitations that “restrict [their] ability to carry out normal activities or to protect [their] rights”,¹¹⁹ and need protection from someone who harmed or abused them; and
- Certain other individuals authorized to request a protection order on behalf of a survivor of elder or dependent adult abuse, including the survivor’s conservator, trustee, appointed guardian, a person acting within the authority of a power of attorney for the survivor, or a county adult protective services agency.¹²⁰

116 “Abuse of an elder or a dependent adult” may include: “physical abuse, neglect, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering,” “the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering, or “financial abuse,” as defined. Cal. Welf. & Inst. Code §§ 15610.07; 15657.03(b)(1). Firearm restrictions do not apply to certain EARO Orders, if the order “was made solely on the basis of financial abuse or isolation unaccompanied by force, threat, harassment, intimidation, or any other form of abuse.” Cal. Welf. & Inst. Code § 15657.03(u).

117 Cal. Welf. & Inst. Code § 15657.03(u). Firearm restrictions do not apply to certain EAROs “made solely on the basis of financial abuse or isolation unaccompanied by force, threat, harassment, intimidation, or any other form of abuse.” Cal. Welf. & Inst. Code § 15657.03(u)(4). Those cases represented 2.4% of EAROs issued from 2020-2023.

118 See 1999 CA AB 59 (Cedillo) and 2003 CA SB 226 (Cedillo).

119 The term “dependent adult” is defined in Cal. Welf. & Inst. Code § 15610.23 and includes “a person, regardless of whether the person lives independently, between the ages of 18 and 64 years who resides in this state and who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities, or whose physical or mental abilities have diminished because of age.” This term also includes “any person between the ages of 18 and 64 years who is admitted as an inpatient to a 24-hour health facility , as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code.”

120 Cal. Welf. & Inst. Code § 15657.03(a); EA-100 Form (Request for Elder or Dependent Adult Abuse Restraining Orders), courts.ca.gov/documents/ea100.pdf.; California Courts Self-Help Guide: “Elder or Dependent Adult Abuse Restraining Orders in California,” selfhelp.courts.ca.gov/EA-restraining-order.

EARO Safety Provisions

EAROs can include the following safety provisions:¹²¹

- Firearm and weapon restrictions
- Orders to not look for protected people
- Orders prohibiting abusive conduct toward protected people
- Orders prohibiting contact with protected people
- Orders to stay a minimum distance away from protected people
- Orders to stay a minimum distance away from specified places (*protected person's home, vehicle, workplace, etc.*)
- Orders to move out from protected person's home
- Orders to pay debts caused by abuse or legal fees and costs
- Mandatory counseling or anger management course
- Orders to protect pets

EARO Duration

- Temporary EAROs typically last up to 21 days (or 25 days for good cause).¹²²
- Longer-term final EAROs can last for up to 5 years.¹²³

Cost to Petitioners:

There is no fee to file a petition for an EARO or for law enforcement to serve the order.¹²⁴

Serving EAROs:

Like other court protection orders, EAROs may be served by a law enforcement officer, a professional process server, or any other person who is at least 18 years old and not a petitioner or protected party in the case. It is generally a best practice for courts to accomplish service immediately if the respondent is present at a hearing, and to otherwise ensure protection orders are promptly served by a law enforcement officer in cases where the respondent may have any firearms, so that the officer may take custody of those weapons immediately upon serving the order.¹²⁵ Petitioners may request that a county sheriff's office serve the EARO (for free) by submitting a completed SER-001 ("Request for Sheriff to Serve Court Papers) Form to the sheriff's office.¹²⁶

California law generally requires law enforcement officers to serve EAROs, upon the petitioner's request, whenever an officer is present at the scene of reported abuse involving the parties to the

121 Cal. Welf. & Inst. Code § 15657.03; EA-100 Form (Request for Elder or Dependent Adult Abuse Restraining Orders), courts.ca.gov/documents/ea100.pdf; California Courts Self-Help Guide: "Elder or Dependent Adult Abuse Restraining Orders in California," www.selfhelp.courts.ca.gov/EA-restraining-order.

122 Cal. Welf. & Inst. Code § 15657.03(f).

123 Cal. Welf. & Inst. Code § 15657.03(i).

124 Cal. Welf. & Inst. Code § 15657.03(r), (s).

125 When protection orders are served by either law enforcement or other process servers or private individuals, it is essential that relevant record systems are updated to document that service has occurred, so the protection order may be enforced.

126 See SER-001 Form ("Request for Sheriff to Serve Court Papers"), www.courts.ca.gov/documents/ser001.pdf.

case.¹²⁷ Whoever serves the EARO is generally required to complete and submit a proof of service form called the EA-200 to the court that issued the EARO.

Firearm Relinquishment in the EARO:

To protect survivors and the public, it is crucial that courts and law enforcement ensure that EARO respondents subject to firearm restrictions promptly relinquish possession and control of any firearms they have and provide proof of compliance in accordance with California law. Upon issuing an EARO that includes firearm restrictions, courts must order the respondent to relinquish any firearms in their immediate possession or control, or subject to their immediate possession or control, within 24 hours of being served with the order, by transferring the firearm to a law enforcement officer or to a licensed firearms dealer for the duration of the order.¹²⁸ The Judicial Council’s standard EA-800-Info form provides information about how the respondent may comply with these requirements.¹²⁹

The law enforcement officer or dealer who takes possession of those firearms issues a receipt to the respondent documenting the firearm transfer. (A court form called the “EA-800” can be used as the receipt to document firearm relinquishment for EARO cases). The respondent must then, within 48 hours of being served, file the receipt with the court that issued the order and the law enforcement agency, if any, that served the order.¹³⁰

If a respondent fails to comply with these requirements, they are subject to fines and criminal penalties.¹³¹

It is generally a best practice for a law enforcement officer serving an EARO to take custody of any firearm or other deadly weapon in plain sight or discovered pursuant to a lawful search as necessary for the protection of the officer or other individuals present, and to request, at the time of service, that the respondent immediately relinquish any other firearms or ammunition to the officer serving the order.¹³² Legislation introduced in the California Legislature in 2024 would generally mandate that law enforcement officers comply with this best practice when serving EAROs against a respondent believed to possess firearms.¹³³

EARO Data:

Data on Total EAROs Issued:

- From 2020 to 2023, California courts issued 27,574 EAROs in total. This includes 670 EARO orders involving financial abuse only and 26,904 EAROs issued to prevent other forms of violence and abuse. The rest of the data below excludes EAROs that involve financial abuse only, as those orders do not include firearm provisions.
- In 2023, California courts issued 7,588 EAROs with firearm provisions.

127 Cal. Welf. & Inst. Code § 15657.03(p).

128 Cal. Welf. & Inst. Code §§ 15657.03(u)(2); Cal. Code of Civil Procedure § 527.9(a), (b), (d).

129 See EA-800-Info Form (“How Do I Turn In, Sell, Or Store My Firearms, Firearm Parts, and Ammunition”), www.courts.ca.gov/documents/ea800info.pdf.

130 Cal. Welf. & Inst. Code §§ 15657.03(u)(2); Cal. Code of Civil Procedure § 527.9(a), (b), (d).

131 Cal. Welf. & Inst. Code §§ 15657.03(w); Cal. Pen. Code §§ 273.6, 29825.

132 See Cal. Fam. Code § 6383(i); Cal. Pen. Code § 18250 (mandating that officers do so when serving some other types of protection orders).

133 See 2024 CA SB 899 (Skinner and Blakespear).

Significant Recent Increases in EAROs:

- There has been a significant increase in the number of EAROs issued in recent years. From 2020 to 2023, there was a 33% increase in EAROs issued statewide, including a 35% increase in temporary EAROs and a 27% increase in longer-term final EAROs.
- From 2021 to 2023, there was an 18% increase in EAROs issued statewide, including an 18% increase in temporary EAROs and a 20% increase in final EAROs.

Most EAROs are Issued as Short-Term Emergency or Temporary Orders:

- Of the 7,588 EAROs issued in 2023:
 - 70% (5,332) were temporary EAROs that generally last for up to 21 days.
 - 30% (2,256) were longer-term final EAROs that can generally last for up to 5 years.

Most EAROs Actively in Effect are Longer-Term Final EAROs:

- Final EAROs represented 86% of all EAROs actively in effect in California as of August 7, 2023.

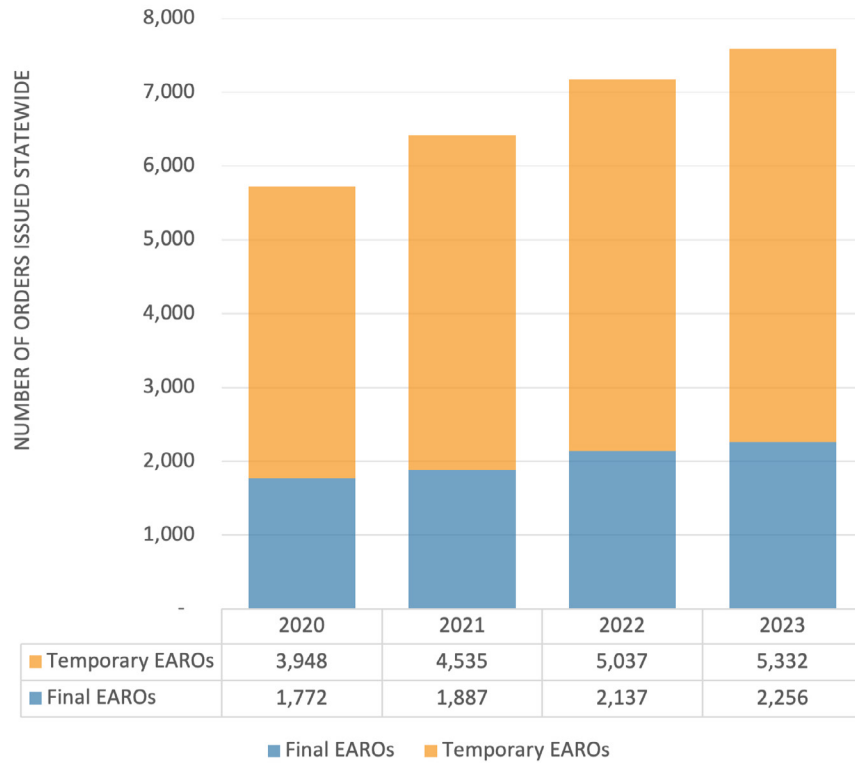
EAROs Represent a Relatively Small Percentage of All Protection Orders With Firearm Restrictions in California.

- Out of all protection orders issued in California in 2023, EAROs represented:
 - 2.6% of protection orders issued with firearm restrictions.
 - 4.0% of orders with firearm restrictions issued by California *civil* courts.
 - 6.0% of *final* protection orders with firearm restrictions issued by California civil courts.¹³⁴
- Out of all protection orders active in California as of August 7, 2023, EAROs represented:
 - 2.0% of active protection orders with firearm restrictions.
 - 6.1% of active orders with firearm restrictions issued by California *civil* courts.
 - 6.2% of active *final* protection orders with firearm restrictions issued by California civil courts.¹³⁵

134 See Table 4.

135 See Table 5.

ELDER/DEPEND. ADULT ABUSE ORDERS ISSUED IN CA BY YEAR



Civil Harassment Restraining Order (CHRO)

Civil Harassment Restraining Orders empower survivors of violence, abuse, stalking, and other harmful conduct to seek protection regardless of the relationship, if any, they have had with the person threatening or harming them. CHROs provide fewer protections than DVROs and EAROs, so survivors are generally advised to pursue those alternatives if they are eligible to do so. But CHROs provide core safety protections, including provisions to restrict a respondent's access to firearms while the protection order remains in effect, and these orders are available to the widest number of survivors who need protection from any other person.

For example, survivors might petition for a CHRO to protect themselves and their family or household members from a stranger making hate- or gang- motivated threats of violence; a classmate, cousin, or uncle who has sexually assaulted them; a neighbor, student, coworker, or customer who has attacked them; an intimate partner's ex who has threateningly stalked them; or an acquaintance who has abusively harassed them or coerced them into human trafficking.

CHROs can be issued on a temporary basis or as longer-term final orders. The CHRO process was established by legislation California adopted in 1978 and firearm provisions were included under legislation adopted in 2003.¹³⁶

Who Can Request CHROs?

Petitioners who are survivors of unlawful violence, credible threats of violence, threatening conduct defined as "stalking", or certain other abusive and harmful conduct targeted at the petitioner (defined as "harassment"),¹³⁷ can petition courts for a CHRO to seek protection for themselves and their family or household members from any person who has engaged in such conduct.¹³⁸ (Note that under California law, "stalking" includes certain unlawful conduct related to willfully and maliciously following *or harassing* another person, coupled with credible threats intended to place that person in reasonable fear for their safety or the safety of their immediate family).¹³⁹

CHRO Safety Provisions:

CHROs can include the following safety provisions:¹⁴⁰

- Firearm and weapon restrictions.
- Orders to not look for protected people.
- Orders prohibiting abusive conduct toward protected people, including harassment, intimidation, molestation, threats, stalking, and assault.
- Orders prohibiting contact with protected people.

¹³⁶ See Stats 1978, ch. 1307 § 2, and 2003 CA SB 226 (Cedillo).

¹³⁷ See Cal. Code of Civil Procedure § 527.6(b)(3) (defining "harassment" as "unlawful violence, a credible threat of violence, or a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose. The course of conduct must be that which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner." The term "unlawful violence" includes conduct defined as criminal stalking. See Cal. Code of Civil Procedure § 527.6(b)(7); Cal. Pen. Code § 646.9)

¹³⁸ See Cal. Code of Civil Procedure § 527.6; CH-100 Form (Request for Civil Harassment Restraining Orders), courts.ca.gov/documents/ch100.pdf.; California Courts Self-Help Guide: "Civil Harassment Restraining Orders in California," selfhelp.courts.ca.gov/CH-restraining-order.

¹³⁹ See Cal. Code of Civil Procedure § 527.6(b)(7); Cal. Pen. Code § 646.9.

¹⁴⁰ Id.

- Orders to stay a minimum distance away from protected people.
- Orders to stay a minimum distance away from specified locations (*including protected person’s home, vehicle, workplace or school, or children’s school or childcare location*).
- Orders to pay legal fees and costs.
- Orders protecting pets.

CHRO Duration:

- Temporary CHROs typically last for up to 21 days (or 25 days for good cause).¹⁴¹
- Longer-term final CHROs typically last for up to 5 years.¹⁴²

Cost to Petitioners:

There is no fee to file a petition for a CHRO if the petitioner indicates that the respondent has inflicted or threatened violence, stalked them, or caused reasonable fear of violence,¹⁴³ and there is no fee for requesting that a county sheriff’s office serve the order if the CHRO is based on violence, a credible threat of violence, or threatening conduct defined as stalking.¹⁴⁴

Serving CHROs:

Like other protection orders, CHROs may be served by a law enforcement officer, professional process server, or any other individual who is at least 18 years old and not a petitioner or protected party in the case. It is generally a best practice for courts to accomplish service immediately if the respondent is present at a hearing, and to otherwise ensure protection orders are promptly served by a law enforcement officer in cases where the respondent may have any firearms, so that the officer may take custody of those weapons immediately upon serving the order.¹⁴⁵ Petitioners may request that a county sheriff’s office serve the CHRO (for free) by submitting a completed SER-001 (“Request for Sheriff to Serve Court Papers) Form to the sheriff’s office.¹⁴⁶

California law generally requires any law enforcement officer who is present at the scene of reported abuse involving the parties to a CHRO to serve the order, upon receiving a request for service from the petitioner.¹⁴⁷ Whoever serves the CHRO is generally required to complete and submit a proof of service form called the CH-200 to the court that issued the CHRO.

Firearm Relinquishment in the CHRO:

To protect survivors and the public, it is crucial that courts and law enforcement ensure that CHRO respondents promptly relinquish possession and control of any firearms they have and provide proof of compliance in accordance with California law. Upon issuance of a CHRO, courts must order the respondent to relinquish any firearms in their immediate possession or control, or subject to their immediate possession or control, within 24 hours of being served, either by transferring their firearm to a law enforcement officer or to a licensed firearms dealer for the duration of the order.¹⁴⁸ The Judicial

141 See Cal. Code of Civil Procedure § 527.6(f).

142 See Cal. Code of Civil Procedure § 527.6(j).

143 Cal. Code of Civil Procedure § 527.6(y).

144 See SER-001 Form (“Request for Sheriff to Serve Court Papers”), www.courts.ca.gov/documents/ser001.pdf.

145 When protection orders are served by either law enforcement or other process servers or private individuals, it is essential that relevant record systems are updated to document that service has occurred, so the protection order may be enforced.

146 See SER-001 Form (“Request for Sheriff to Serve Court Papers”), www.courts.ca.gov/documents/ser001.pdf.

147 Cal. Code of Civil Procedure § 527.6(r)(5)-(7).

148 Cal. Code of Civil Procedure § 527.9(a), (b), (d).

Council’s standard CH-800-Info form provides information about how the respondent may comply with these requirements.¹⁴⁹

The law enforcement officer or dealer who takes possession of the respondent’s firearms issues a receipt to the respondent documenting the firearm transfer. (A court form called the “CH-800” can be used as the receipt to document firearm relinquishment for CHRO cases). The respondent must then, within 48 hours of being served, file the receipt with the court that issued the order and the law enforcement agency, if any, that served the order.¹⁵⁰ If the respondent fails to comply with these requirements, they are subject to fines or criminal penalties.¹⁵¹

It is a best practice for a law enforcement officer serving a CHRO to take custody of any firearm or other deadly weapon in plain sight or discovered pursuant to a lawful search as necessary for the protection of the officer or other individuals present, and to request, at the time of service, that the respondent immediately relinquish any other firearms or ammunition in their possession to the officer serving the order.¹⁵² Legislation introduced in the California Legislature in 2024 would generally mandate that law enforcement officers comply with this best practice when serving CHROs on a respondent believed to possess firearms.¹⁵³

CHRO Data:

Data on Total CHROs Issued:

- From 2020 to 2023, California courts issued 128,865 CHROs, making CHROs one of the more common types of civil protection orders in California.
- In 2023, California courts issued 35,145 CHROs.

Significant Recent Increases in CHROs:

- There has been a significant increase in the number of CHROs issued in recent years. From 2020 to 2023, there was a 22% increase in CHROs issued statewide, including a 20% increase in temporary CHROs and a 26% increase in longer-term final CHROs.
- From 2021 to 2023, there was a 13% increase in CHROs issued statewide, including a 13% increase in temporary CHROs and an 11% increase in longer-term final CHROs.

Most CHROs are Issued as Short-Term Emergency or Temporary Orders:

- Of the 35,145 CHROs issued in 2023:
 - o 75% (26,422) were temporary CHROs that generally last for up to 21 days.
 - o 25% (8,723) were longer-term final orders that can generally last for up to 5 years.

Most CHROs Actively in Effect are Longer-Term Final CHROs:

- Final CHROs represented 85% of all DVROs actively in effect in California as of August 7, 2023.

149 See CH-800-Info Form (“How Do I Turn In, Sell, Or Store My Firearms and Firearm Parts?”), www.courts.ca.gov/documents/ch800info.pdf.

150 Cal. Code of Civil Procedure § 527.9(a), (b), (d).

151 Cal. Code of Civil Procedure §§ 527.6(u), 527.9(a); Cal. Pen. Code §§ 273.6, 29825.

152 See Cal. Fam. Code § 6383(i); Cal. Pen. Code § 18250 (mandating that officers do so when serving some other types of protection orders).

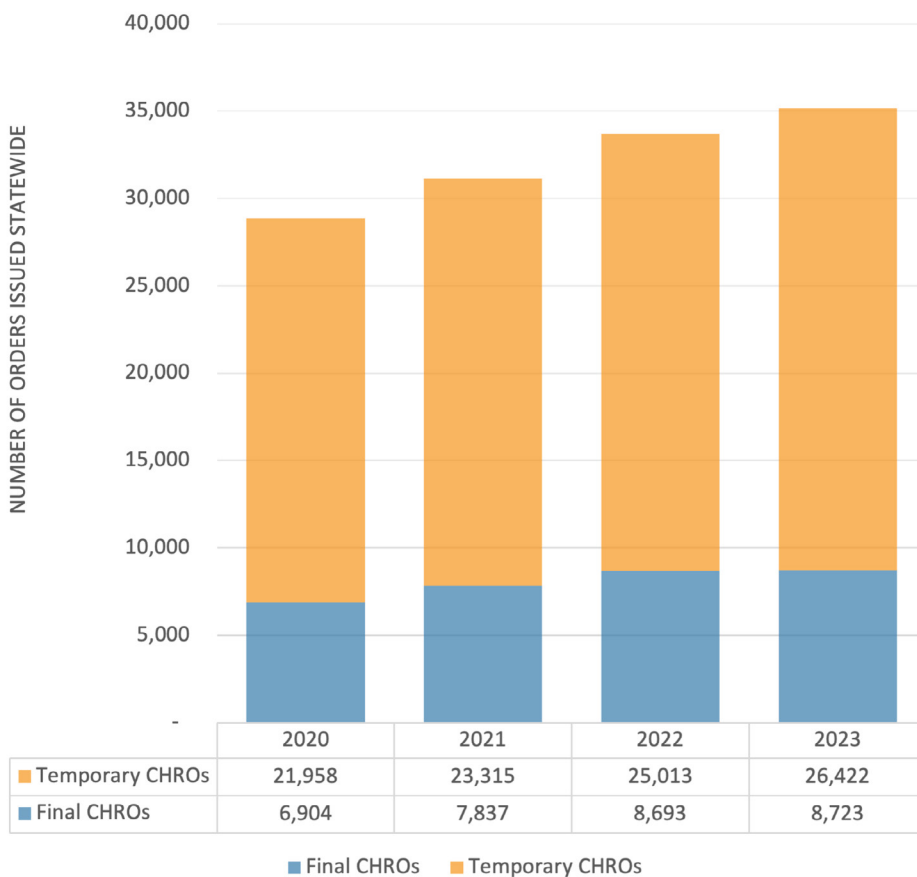
153 See 2024 CA SB 899 (Skinner and Blakespear).

CHROs Are One of the More Common Types of Protection Orders With Firearm Restrictions in California.

- Out of all protection orders issued in California in 2023, CHROs represented:
 - o 12.2% of protection orders issued with firearm restrictions.
 - o 18.5% of orders with firearm restrictions issued by California *civil* courts.
 - o 23.2% of *final* protection orders with firearm restrictions issued by California civil courts.¹⁵⁴

- Of the protection orders active in California as of August 7, 2023, CHROs represented:
 - o 7.1% of active protection orders with firearm restrictions.
 - o 21.8% of active orders with firearm restrictions issued by California *civil* courts
 - o 21.9% of active *final* protection orders with firearm restrictions issued by California civil courts.¹⁵⁵

CIVIL HARASSMENT RESTRAINING ORDERS ISSUED STATEWIDE BY YEAR



154 See Table 4.
155 See Table 5.

Workplace Violence Restraining Order (WVRO)

Workplace Violence Restraining Orders (WVROs) empower employers (and collective bargaining representatives starting in 2025) to request orders to protect their employees, and employees' family or household members, from someone who has been violent or made credible threats of violence connected to the workplace.¹⁵⁶ In this context, the term "employee" is defined broadly to include traditional employees, volunteers or independent contractors who perform services for the employer at the employer's worksite, members of boards of directors, and elected or appointed public officers.¹⁵⁷

WVROs are an important option for preventing workplace shootings, armed intimidation, and other harms. A joint federal agency report on workplace violence found that from 2015-2019, nationwide, there were 1.3 million nonfatal violent crimes in the workplace each year on average, and over 500,000 total nonfatal workplace violence injuries requiring emergency department care.¹⁵⁸ Shootings made up 79% of workplace homicides nationally over this period.¹⁵⁹ Workplaces have also been one of the most common locations for public mass shootings.¹⁶⁰ WVROs can be an important option for preventing these incidents.

WVROs can be issued on a temporary basis or as longer-term final orders. WVROs can include a range of protections, including provisions to restrict a respondent's access to firearms and orders prohibiting a respondent from entering the protected employee's workplace. The WVRO process was established by legislation California adopted in 1994 and firearm provisions were included under legislation adopted in 2003.¹⁶¹

Who Can Request WVROs?

Employers can petition courts for WVROs to protect one or more employees from someone who has been violent or made credible threats of violence (through words or conduct) that occurred at the workplace or that can reasonably be construed to be carried out in the future at the workplace.¹⁶² WVROs may be issued to protect an employee who has been the target of violence or threats of violence; other employees at the same workplace or at the employer's other workplaces; and these employees' family or household members.¹⁶³

Starting January 1, 2025, new amendments to the WVRO process will also authorize collective bargaining representatives to petition courts for WVROs on behalf of employees they represent at the employee's workplace.¹⁶⁴

156 Cal. Code of Civil Procedure § 527.8.

157 Cal. Code of Civil Procedure § 527.8(b)(3).

158 Erika Harrell, et al., "Special Report: Indicators of Workplace Violence, 2019," US Dept. of Justice, Dept. of Labor, Dept. of Health and Human Services, p. 6 (Jul. 2022), bjs.ojp.gov/content/pub/pdf/iwv19.pdf

159 Id. at p. 20, 51 (Appendix Table 1).

160 See Li Zhou, "Why the workplace is a common site of mass shooting," *Vox* (Apr. 12, 2023), www.vox.com/policy/2023/4/11/23679512/louisville-kentucky-shooting-workplace. In California, workplace mass shootings were perpetrated, for instance, at a farm in Half Moon Bay in 2023, a rail yard in San Jose in 2021, an office complex in Orange in 2021, a veterans' treatment center in Yountville in 2018, a UPS facility in San Francisco in 2017, a public health department in San Bernardino in 2015, and a quarry in Cupertino in 2011.

161 See the Workplace Violence Safety Act of 1994 (1994 CA AB 68X), and 2003 CA SB 226 (Cedillo).

162 See Cal. Code of Civil Procedure § 527.8; WV-100 Form (Petition for Workplace Violence Restraining Orders), courts.ca.gov/documents/wv100.pdf; California Courts Self-Help Guide: "Workplace Violence Restraining Orders in California," www.selfhelp.courts.ca.gov/WV-restraining-order.

163 Cal. Code of Civil Procedure § 527.8(a).

164 Cal. Code of Civil Procedure § 527.8(a), (b)(4) (amended by 2023 CA SB 553 (Cortese)). These amendments will also authorize petitioners to request WVROs to protect employees who have suffered abusive harassment at the workplace. Harassment is defined for these purposes to mean "a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose. The course of conduct must be that which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress."

WVRO Safety Provisions

WVROs can include the following safety provisions:¹⁶⁵

- Firearm and weapon restrictions.
- Orders to not enter protected people’s workplace.
- Orders to not follow or stalk protected people during work hours or to or from the workplace.
- Orders to not look for protected people.
- Orders prohibiting unlawful violence or threats of violence against protected people.
- Orders prohibiting abusive conduct toward protected people, including harassment, intimidation, molestation, threats, stalking, and assault.
- Orders prohibiting contact with protected people.
- Orders to stay a minimum distance away from protected people.
- Orders to stay a minimum distance away from specified locations (*including protected person’s home, vehicle, workplace or school, or children’s school or childcare location*).
- Orders to pay court costs.

Duration:

- Temporary WVROs typically last for up to 21 days (or 25 days for good cause).¹⁶⁶
- Longer-term final WVROs last for up to three years.¹⁶⁷

Cost for Petitioners:

There is no fee to file a petition for a WVRO if the petitioner indicates that the respondent has inflicted or threatened violence against an employee, stalked an employee, or placed an employee in reasonable fear of violence.¹⁶⁸ There is no fee for a sheriff or marshal’s office to serve the order if the WVRO is based on violence,¹⁶⁸ a credible threat of violence, or threatening conduct defined as stalking.¹⁶⁹

Serving WVROs:

Like other protection orders, WVROs may be served by a law enforcement officer, professional process server, or any other individual who is at least 18 years old and not a petitioner or protected party in the case. It is generally a best practice for courts to accomplish service immediately if the respondent is present at a hearing, and to otherwise ensure protection orders are promptly served by a law enforcement officer in cases where the respondent possesses firearms, so that the officer may take custody of the respondent’s firearms immediately upon serving the order.¹⁷⁰ Petitioners may request that a county sheriff’s office serve the WVRO by submitting a completed SER-001 (“Request for Sheriff to Serve Court Papers) Form to the sheriff’s office.¹⁷¹

165 Cal. Code of Civil Procedure § 527.8(a); WV-100 Form (Petition for Workplace Violence Restraining Orders), www.courts.ca.gov/documents/wv100.pdf.

166 Cal. Code of Civil Procedure § 527.8(g) (renumbered as 527.8(h) starting January 1, 2025).

167 Cal. Code of Civil Procedure § 527.8(k) (renumbered as 527.8(l) starting January 1, 2025).

168 Cal. Code of Civil Procedure § 527.8(w) (renumbered as 527.8(x) starting January 1, 2025).

169 See SER-001 Form (“Request for Sheriff to Serve Court Papers”), www.courts.ca.gov/documents/ser001.pdf.

170 When protection orders are served by either law enforcement or other individuals, it is essential that relevant record systems are updated to document that service has occurred, so the protection order may be enforced.

171 See SER-001 Form (“Request for Sheriff to Serve Court Papers”), www.courts.ca.gov/documents/ser001.pdf.

California law generally requires any law enforcement officer who is present at the scene of reported violence or threats of violence involving the parties to a WVRO to serve the order upon receiving a request for service from the petitioner.¹⁷² Whoever serves the WVRO is generally required to complete and submit a proof of service form called the WV-200 to the court that issued the order.

Firearm Relinquishment in the WVRO:

To protect survivors and the public, it is crucial that courts and law enforcement ensure that WVRO respondents promptly relinquish possession and control of any firearms they have and provide proof of compliance in accordance with California law. Upon issuing a WVRO, courts must order the respondent to relinquish any firearms in their immediate possession or control, or subject to their immediate possession or control, within 24 hours of being served, either by transferring their firearm to a law enforcement officer or to a licensed firearms dealer for the duration of the order.¹⁷³ The Judicial Council's standard WV-800-Info form provides information about how the respondent may comply with these requirements.¹⁷⁴

The law enforcement officer or dealer who takes possession of the respondent's firearms issues a receipt to the respondent documenting the firearm transfer. (A court form called the "WV-800" can be used as the receipt to document firearm relinquishment for WVRO cases). The respondent must then, within 48 hours of being served, file the receipt with the court that issued the order and the law enforcement agency, if any, that served the order.¹⁷⁵

If the respondent fails to comply with these requirements, they are subject to fines and criminal penalties.¹⁷⁶

It is a best practice for a law enforcement officer serving a WVRO to take temporary custody of any firearm or other deadly weapon in plain sight or discovered pursuant to a lawful search as necessary for the protection of the officer or other individuals present, and to request, at the time of service, that the respondent immediately relinquish any other firearms or ammunition in their possession to the officer serving the order.¹⁷⁷ Legislation introduced in the California Legislature in 2024 would generally mandate that law enforcement officers comply with this best practice when serving WVROs on a respondent believed to possess firearms.¹⁷⁸

WVRO Data:

Data on Total WVROs Issued:

- From 2020 to 2023, California courts issued 6,701 Workplace Violence Restraining Orders (WVROs).
- In 2023, California courts issued 1,879 WVROs.

172 Cal. Code of Civil Procedure § 527.8(r)(5) (renumbered as 527.8(s)(5) starting January 1, 2025).

173 Cal. Code of Civil Procedure §§ 527.8(s) (renumbered as 527.8(t) starting January 1, 2025); 527.9(a), (b), (d).

174 See WV-800-Info Form ("How Do I Turn In, Sell, Or Store My Firearms and Firearm Parts?"), www.courts.ca.gov/documents/wv800info.pdf.

175 Cal. Code of Civil Procedure §§ 527.8(s) (renumbered as 527.8(t) starting January 1, 2025); 527.9(a), (b), (d).

176 *Id.*; Cal. Pen. Code §§ 273.6, 29825.

177 See Cal. Fam. Code § 6383(i); Cal. Pen. Code § 18250 (mandating that officers do so when serving some other types of protection orders).

178 See 2024 CA SB 899 (Skinner and Blakespear).

Significant Recent Increases in WVROs, Especially Final Orders:

- There has been a substantial increase in the number of WVROs issued in California in recent years, driven by an especially large increase in final WVROs. From 2020 to 2023, there was a 24% increase in WVROs issued statewide, including a 14% increase in temporary WVROs and a 41% increase in longer-term final WVROs.
- From 2021 to 2023, there was a 19% increase in WVROs issued statewide, including a 17% increase in temporary WVROs and a 24% increase in longer-term final WVROs.

Most WVROs are Issued as Short-Term Emergency or Temporary Orders:

- Of the 1,879 WVROs issued in 2023:
 - 58% (1,102) were temporary WVROs that generally last for up to 21 days.
 - 42% (777) were longer-term final WVROs that can generally last for up to 3 years.

Most WVROs Actively in Effect are Longer-Term Final WVROs:

- Final WVROs represented 90% of all WVROs actively in effect in California as of August 7, 2023.

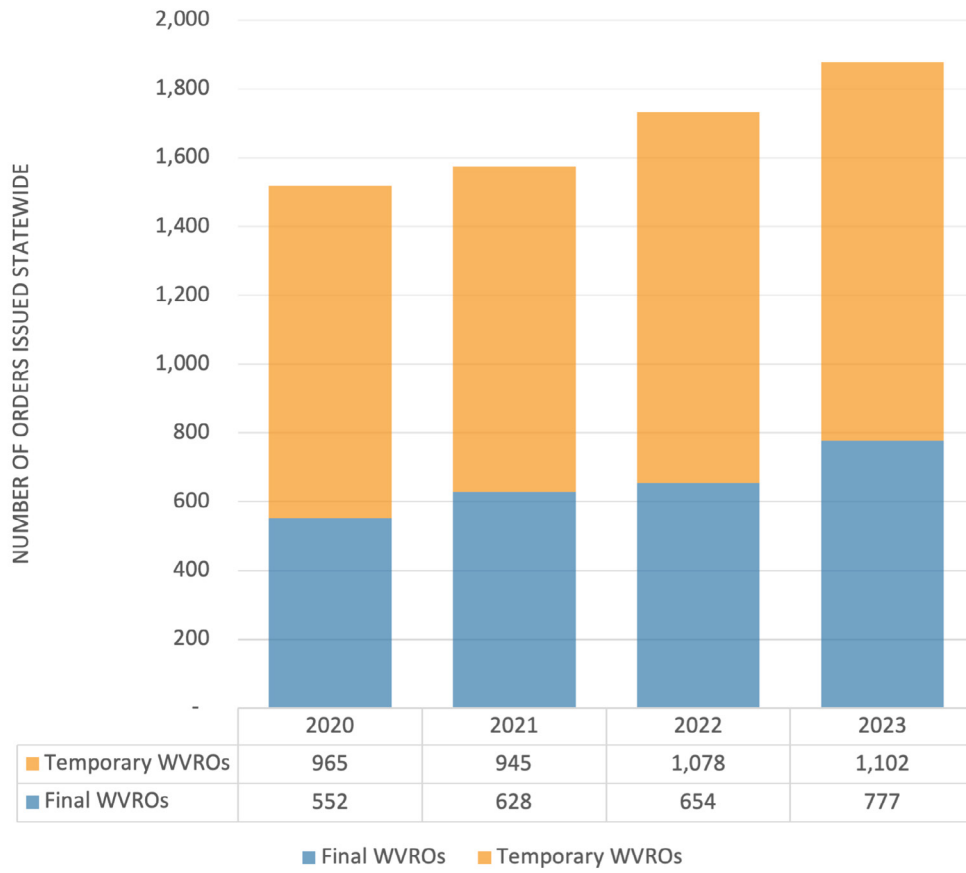
WVROs are One of the Least Common Type of Protection Orders with Firearm Restrictions in California.

- Out of all protection orders issued in California in 2023, WVROs represented:
 - 0.7% of protection orders issued with firearm restrictions.
 - 1.0% of orders with firearm restrictions issued by California *civil* courts.
 - 2.1% of *final* protection orders with firearm restrictions issued by California civil courts.¹⁷⁹
- Of the protection orders active as of August 7, 2023, WVROs represented:
 - 0.6% of active protection orders with firearm restrictions.
 - 1.9% of active orders with firearm restrictions issued by California *civil* courts.
 - 2.0% of active *final* protection orders with firearm restrictions issued by California civil courts.¹⁸⁰

179 See Table 4.

180 See Table 5

WORKPLACE VIOLENCE RESTRAINING ORDERS ISSUED IN CA BY YEAR



Postsecondary School Violence Restraining Order (SVRO)

Postsecondary School Violence Restraining Orders (SVROs) are an important but very rarely used protection order process empowering school officials at private colleges, universities, vocational schools, and other postsecondary (post-high school) educational institutions to request orders to protect students from someone who has been violent or made credible threats of violence connected to the school campus or facilities. These orders can be issued on a temporary basis or as longer-term orders and can include a range of protections, including provisions to restrict a respondent's access to firearms and other weapons while the protection order is in effect and orders prohibiting the respondent from entering the school campus or facilities.¹⁸¹

The SVRO process was established by legislation California adopted in 2009 after school officials at an educational institution notified legislators that they wished to request a protection order against a former student but learned that dozens of separate protection orders might be required to protect each vulnerable person on the school campus.¹⁸²

Legislation introduced in the California Legislature in 2024 proposes amending the SVRO process and addressing other barriers to utilization of these orders, including by authorizing public as well as private educational institutions to petition courts for these orders. Currently, SVROs are only available to officials at private postsecondary educational institutions.¹⁸³

Who Can Request SVROs?

Chief school administrative officials or school safety personnel at a private postsecondary (after high school) educational institution can petition courts for a SVRO to protect one or more adult students from someone who has made credible threats of violence against them.¹⁸⁴ SVROs may be issued to protect an adult student who has suffered credible threats of violence (through words or conduct, including threatening conduct defined as "stalking") that occurred at the school campus or facilities or that can reasonably be construed to be carried out in the future at the school campus or facilities. SVROs may also be issued to protect other students who are similarly situated to the threatened student, and the protected students' family or household members.¹⁸⁵

A student must provide written consent for school officials or safety personnel to request a SVRO naming them as a protected person.¹⁸⁶

181 Cal. Code of Civil Procedure § 527.85.

182 See 2009 CA SB 188 (Runner); Senate Education Committee bill analysis for SB 188, p. 2-3.

183 See 2024 CA AB 2096 (Blakespear).

184 More specifically, SVRO petitions may be filed by a chief administrative officer of a private postsecondary educational institution, or an officer or employee designated by the chief administrative officer to maintain order on the school campus or facility. Cal. Code of Civil Procedure § 527.85(a).

185 SVROs are available to protect a student of the school who has suffered "a credible threat of violence" from an individual which occurred or can reasonably be construed to be carried out in the future at the school campus or facility. A "credible threat of violence" is defined, for these purposes, to mean a knowing and willful statement or course of conduct, as defined, that would place a reasonable person in fear for their safety or the safety of their immediate family, and that serves no legitimate purpose. Cal. Code of Civil Procedure § 527.85(a), (b)(3).

186 Cal. Code of Civil Procedure § 527.85(a).

SVRO Safety Provisions

SVROs can include the following safety provisions:¹⁸⁷

- Firearm and weapon restrictions.
- Orders to not enter the protected people’s school campus or facilities.
- Orders to not follow or stalk protected people during school hours or to or from the school.
- Orders to not look for protected people.
- Orders prohibiting threats of violence against protected people.
- Orders prohibiting abusive conduct toward protected people, including harassment, intimidation, molestation, threats, stalking, and assault.
- Orders prohibiting contact with protected people.
- Orders to stay a minimum distance away from protected people.
- Orders to stay a minimum distance away from specified locations (*including protected person’s home, vehicle, workplace or school, or children’s school or childcare location*).
- Orders to pay court costs.

SVRO Duration:

- Temporary SVROs typically last for up to 21 days (or 25 days for good cause).¹⁸⁸
- Longer-term final SVROs last for up to 3 years.¹⁸⁹

Cost for Petitioners:

There is no fee to file a petition for a SVRO if the petitioner indicates that the respondent has inflicted or threatened violence against a student, stalked a student, or placed a student in reasonable fear of violence,¹⁹⁰ and there is no fee for a sheriff’s office to serve the order if the SVRO is based on violence, a credible threat of violence, or threatening conduct defined as stalking.¹⁹¹

Serving SVROs:

Like other protection orders, SVROs may be served by a law enforcement officer, professional process server, or any other individual who is at least 18 years old and not a petitioner or protected party in the case. It is generally a best practice for courts to accomplish service immediately if the respondent is present at a hearing, and to otherwise ensure protection orders are promptly served by a law enforcement officer in cases where the respondent possesses firearms, so that the officer may take custody of the respondent’s firearms immediately upon serving the order.¹⁹² Petitioners may request that a county sheriff’s office serve the SVRO for free by submitting a completed SER-001 (“Request for

187 See Cal. Code of Civil Procedure §§ 527.85 and 527.9; SV-100 Form (Petition for Private Postsecondary School Violence Restraining Orders), courts.ca.gov/documents/sv100.pdf; California Courts Self-Help Guide: “School Violence Restraining Orders in California,” www.selfhelp.courts.ca.gov/SV-restraining-order.

188 Cal. Code of Civil Procedure § 527.85(g).

189 Cal. Code of Civil Procedure § 527.85(k).

190 Cal. Code of Civil Procedure § 527.85(w).

191 See SER-001 Form (“Request for Sheriff to Serve Court Papers”), www.courts.ca.gov/documents/ser001.pdf.

192 When protection orders are served by either law enforcement or other individuals, it is essential that relevant record systems are updated to document that service has occurred, so the protection order may be enforced.

Sheriff to Serve Court Papers) Form to the sheriff's office.¹⁹³

California law generally requires any law enforcement officer who is present at the scene of reported unlawful violence or threats of violence involving the parties to an SVRO to serve the order, upon receiving a request for service from the petitioner.¹⁹⁴ Whoever serves the SVRO is generally required to complete and submit a proof of service form called the SV-200 to the court that issued the order.

Firearm Relinquishment in the SVRO:

To protect survivors and the public, it is crucial that courts and law enforcement ensure that SVRO respondents promptly relinquish possession and control of any firearms they have and provide proof of compliance in accordance with California law. Upon issuing a SVRO, courts must order the respondent to relinquish any firearms in their immediate possession or control, or subject to their immediate possession or control, within 24 hours of being served, either by transferring their firearm to a law enforcement officer or to a licensed firearms dealer for the duration of the order.¹⁹⁵ The Judicial Council's standard SV-800-Info form provides information about how the respondent may comply with these requirements.¹⁹⁶

The law enforcement officer or dealer who takes possession of those firearms issues a receipt to the respondent documenting the firearm transfer. (A court form called the "SV-800" can be used as the receipt to document firearm relinquishment for SVRO cases). The respondent must then, within 48 hours of being served, file the receipt with the court that issued the order and the law enforcement agency, if any, that served the order.¹⁹⁷

If the respondent fails to comply with these requirements, they are subject to fines and criminal penalties.¹⁹⁸

It is generally a best practice for a law enforcement officer serving an SVRO to take temporary custody of any firearm or other deadly weapon in plain sight or discovered pursuant to a lawful search as necessary for the protection of the officer or other individuals present, and to request, at the time of service, that the respondent immediately relinquish any other firearms or ammunition in their possession to the officer serving the order.¹⁹⁹ Legislation introduced in the California Legislature in 2024 would generally mandate that law enforcement officers comply with this best practice when serving SVROs on a respondent believed to possess firearms.²⁰⁰

SVRO Data:

Data on Total SVROs Issued:

- From 2020 to 2023, California courts issued four SVROs, making SVROs by far the least common type of protection order issued in California.

Increase in SVROs in 2023:

- Out of the four SVROs issued in California from 2020-2023, three were issued in 2023.

193 See SER-001 Form ("Request for Sheriff to Serve Court Papers"), www.courts.ca.gov/documents/ser001.pdf.

194 Cal. Code of Civil Procedure § 527.85(r)(5).

195 Cal. Code of Civil Procedure § 527.85(s); 527.9(a), (b), (d).

196 See SV-800-Info Form ("How Do I Turn In, Sell, Or Store My Firearms and Firearm Parts"), www.courts.ca.gov/documents/sv800info.pdf.

197 Id.

198 Id.; Cal. Pen. Code §§ 273.6, 29825.

199 See Cal. Fam. Code § 6383(i); Cal. Pen. Code § 18250 (mandating that officers do so when serving some other types of protection orders).

200 See 2024 CA SB 899 (Skinner and Blakespear).

Most SVROs Were Issued as Short-Term Emergency or Temporary Orders:

- From 2020 to 2023, California courts issued three temporary SVROs that generally last for up to 21 days and one longer-term SVRO that can generally last for up to three years.

The Only SVRO Actively in Effect Was a Longer-Term Final SVRO:

- The one SVRO in effect as of August 7, 2023 was a longer-term final SVRO.

SVROs Are by Far the Least Common Type of Protection Order with Firearm Restrictions in California:

- Out of all protection orders issued in California in 2023, SVROs represented just:
 - o 0.001% of court protection orders with firearm restrictions.
 - o 0.002% of orders with firearm restrictions issued by California *civil* courts.
 - o 0.003% of *final* protection orders with firearm restrictions issued by California civil courts.²⁰¹
- Of the protection orders active as of August 7, 2023, SVROs represented:
 - o 0.0003% of active protection orders with firearm restrictions.
 - o 0.0009% of active orders with firearm restrictions issued by California *civil* courts.
 - o 0.001% of active *final* protection orders with firearm restrictions issued by California civil courts.²⁰²

POSTSECONDARY SCHOOL VIOLENCE ORDERS ISSUED IN CA BY YEAR



201 See Table 4.
202 See Table 5.

Juvenile Restraining Order (JVRO)

Juvenile Restraining Orders (JVROs) are protection orders issued by juvenile courts in different circumstances, including when a young person under the jurisdiction of the court seeks protection for themselves, or when other individuals seek protection for or from a young person under the jurisdiction of the court. Minors may be under the jurisdiction of a juvenile court in a “juvenile dependency” case after it is alleged that they have been, or are at risk of being, abused neglected, or abandoned by one or more of their parents or guardians. They may also be under the jurisdiction of a juvenile court in a juvenile justice case (also referred to as a juvenile delinquency case) involving juveniles alleged to have engaged in criminal conduct.

JVROs can be issued as either temporary or longer-term final protection orders and can include a range of safety protections, including provisions that restrict the respondent from accessing firearms and other weapons while the protection order is in effect.²⁰³

Who Can Request JVROs?

The following individuals can petition juvenile courts for JVROs:

- Juveniles under the jurisdiction of the juvenile court seeking protection for themselves and for other protected people from someone who harmed or abused them.
- Other eligible petitioners seeking protection *for* a juvenile under the jurisdiction of the juvenile court, including the juvenile’s parent, guardian, or present caregiver, social workers, probation officers, other children who live in the same household, a court-appointed special advocate, a representative of the juvenile’s Native American/Indian tribe, or certain other individuals with a relationship to the juvenile.²⁰⁴
- Survivors of violence and abuse requesting protections *from* a juvenile who is under the jurisdiction of a juvenile court in a juvenile justice (delinquency) case.²⁰⁵

JVRO Safety Provisions

JVROs can include the following safety provisions:²⁰⁶

- Firearm and weapon restrictions.
- Orders to not look for protected people.
- Orders prohibiting abusive conduct toward protected people, including harassment, intimidation, molestation, threats, stalking, and assault.
- Orders limiting contact with protected people.
- Orders to stay a minimum distance away from protected people.
- Orders to stay a minimum distance away from specified locations (*including protected person’s home, vehicle, workplace or school, or children’s school or childcare location*).

203 See Cal. Welf. and Inst. Code §§ 213.5, 213.7, 304, 345, 362.4, 726.5; Cal. Rules of Court, rules 5.620, 5.625, 5.630; JV-245 Form (Request for Juvenile Violence Restraining Order), courts.ca.gov/documents/jv245.pdf.

204 See Cal. Welf. and Inst. Code §§ 213.5, 213.7, 304, 345, 362.4, 726.5; Cal. Rules of Court, rules 5.620, 5.625, 5.630; JV-245 Form (Request for Juvenile Violence Restraining Order), courts.ca.gov/documents/jv245.pdf.

205 See Cal. Fam. Code § 6389; Cal. Welf. and Inst. Code §§ 213.5, 213.7, 726.5; Cal. Rules of Court, rules 5.625, 5.630; JV-258 Form (Request for Juvenile Restraining Order Against a Child), courts.ca.gov/documents/jv258.pdf.

206 See Cal. Code of Civil Procedure §§ 527.85 and 527.9; SV-100 Form (Petition for Private Postsecondary School Violence Restraining Orders), courts.ca.gov/documents/sv100.pdf.; California Courts Self-Help Guide: “School Violence Restraining Orders in California,” selfhelp.courts.ca.gov/SV-restraining-order.

- Orders to move out of a protected person’s residence (if the petitioner is a juvenile in juvenile court or is someone with care, custody, and control of the juvenile and is requesting a JVRO to protect the juvenile from someone who lives with them).
- Child visitation orders (if the petitioner has a child with the respondent and requests a JVRO to protect their children).
- Orders to protect pets.

JVRO Duration:

- Temporary JVROs typically last up to 21 days (or 25 days for good cause).²⁰⁷
- Longer-term final JVROs typically last up to 3 years.²⁰⁸

Cost for Petitioners:

There is no fee to file a petition for a JVRO or for law enforcement to serve the order.²⁰⁹

Serving JVROs:

Like other protection orders, JVROs can be served by a law enforcement officer, professional process server, or any other individual who is at least 18 years old and not a petitioner or protected party in the case. It is generally a best practice for courts to accomplish service immediately if the respondent is present at a hearing, and to otherwise ensure protection orders are promptly served by a law enforcement officer in cases where the respondent possesses firearms, so that the officer may take custody of the respondent’s firearms immediately upon serving the order.²¹⁰ Petitioners may request that a county sheriff’s office serve the order by submitting a completed SER-001 (“Request for Sheriff to Serve Court Papers”) Form to the sheriff’s office.²¹¹

Firearm Relinquishment in the JVRO:

To protect survivors and the public, it is crucial that courts and law enforcement ensure that JVRO respondents promptly relinquish possession and control of any firearms they have and provide proof of compliance in accordance with California law.

The firearm relinquishment requirements for JVROs generally incorporate the same process and requirements outlined in California law governing Domestic Violence Restraining Orders.²¹² Upon issuing a JVRO, courts must order the respondent to relinquish any firearms in their immediate possession or control, or subject to their immediate possession or control, within 24 hours of being served, either by transferring their firearm to a law enforcement officer or to a licensed firearms dealer for the duration of the order.²¹³ The Judicial Council’s standard DV-800-Info/JV-270-Info form provides information about how the respondent may comply with these requirements.²¹⁴

207 Cal. Welf. and Inst. Code § 213.5(c).

208 Cal. Welf. and Inst. Code § 213.5(d).

209 Cal. Fam. Code §§ 6222, 6383(b)(2), 245(e). See also, Cal. Gov. Code, § 6103.2(b)(4).

210 When protection orders are served by either law enforcement or other individuals, it is essential that relevant record systems are updated to document that service has occurred, so the protection order may be enforced.

211 See SER-001 Form (“Request for Sheriff to Serve Court Papers”), www.courts.ca.gov/documents/ser001.pdf.

212 Cal. Welf. and Inst. Code § 213.5(g); Cal. Fam. Code §§ 6389, 6322.5.

213 Id.

214 See DV-800-Info/JV-270-Info Form (“How Do I Turn In, Sell, Or Store My Firearms, Firearm Parts, and Ammunition”), www.courts.ca.gov/documents/jv270info.pdf.

A respondent who becomes subject to a JVRO must generally relinquish any firearms and ammunition in their possession immediately to a law enforcement officer serving the order.²¹⁵ If an officer does not serve the order or recover the respondent’s firearms at the time of service, the respondent must relinquish their firearms to law enforcement or a licensed firearms dealer within 24 hours of being served with the order.²¹⁶

The law enforcement officer or dealer who takes possession of those firearms must issue a receipt to the respondent documenting that the firearms were relinquished. (A court form called the “DV-800/JV-270” can be used to document firearm relinquishment in JVRO cases). The respondent must then, within 48 hours of being served, file the receipt with the court that issued the order and the law enforcement agency, if any, that served the order.²¹⁷

It is a best practice for a law enforcement officer serving a JVRO to take temporary custody of any firearm or other deadly weapon in plain sight or discovered pursuant to a lawful search as necessary for the protection of the officer or other individuals present. If a law enforcement officer is serving a JVRO that indicates that the respondent possesses firearms or ammunition, the officer is required by California law to request that the respondent immediately relinquish any firearms or ammunition in their possession.²¹⁸

JVRO Data:

Data on Total JVROs Issued:

- From 2020 to 2023, California courts issued 13,055 JVROs (including both temporary and final orders issued to provide protections for or from a minor under the jurisdiction of a juvenile court).
- In 2023, California courts issued 3,478 JVROs.

Recent Increases in JVROs:

- From 2020 to 2023, there was a 10% increase in JVROs issued statewide.
- From 2021 to 2023, there was a 15% increase in JVROs issued statewide.

JVROs Represent a Relatively Small Percentage of All Protection Orders With Firearm Restrictions in California:

- Out of all protection orders issued in California in 2023, JVROs represented 1.2% of protection orders issued with firearm restrictions.²¹⁹
- Of the protection orders actively in effect as of August 7, 2023, JVROs represented 1.3% of active protection orders with firearm restrictions.²²⁰

215 Cal. Welf. and Inst. Code § 213.5(g); Cal. Fam. Code § 6389(c)(2).

216 Cal. Welf. and Inst. Code § 213.5(g); Cal. Fam. Code § 6389(c)(2).

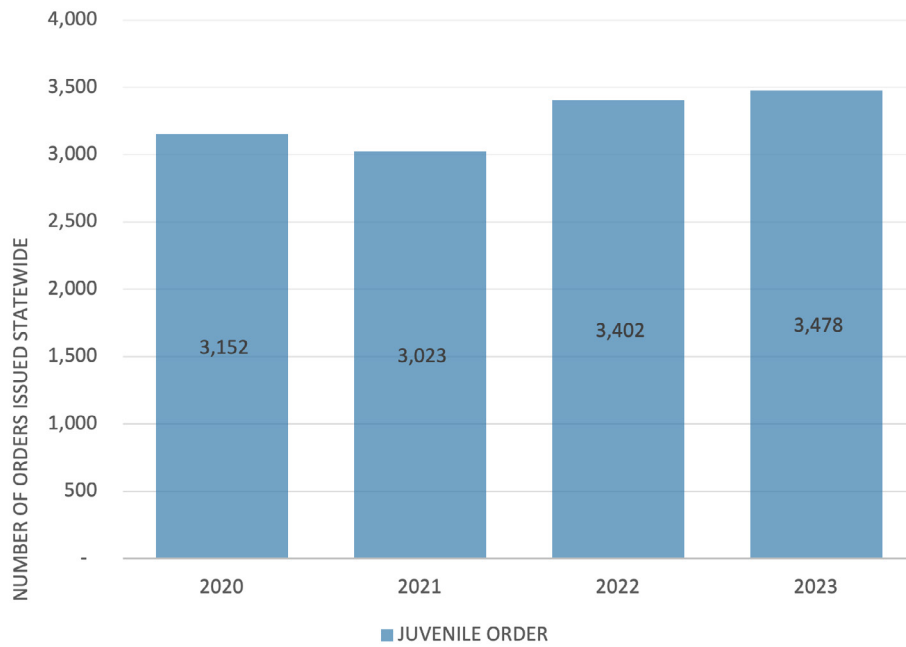
217 Id.

218 See Cal. Welf. and Inst. Code § 213.5(g); Cal. Fam. Code § 6389(c).

219 See Table 4.

220 See Table 5.

JUVENILE RESTRAINING ORDERS ISSUED IN CA BY YEAR



Emergency Protective Order (EPO)

Law enforcement officers may obtain very short-term Emergency Protective Orders (EPOs) in emergency cases upon demonstrating to a judge that there is an immediate and present danger of certain violent or abusive conduct, and that an emergency order is necessary to prevent harm. These orders are available immediately at all hours to officers calling designated on-call judges over the phone, often while the officer is at the scene of a violent or abusive incident.²²¹

There are two types of Emergency Protective Orders, including EPOs issued to protect survivors and EPOs issued as emergency GVRs:

1. EPOs to Protect Survivors (EPO-001)

Most EPOs are issued to protect specific survivors identified in the order as the protected parties. This type of EPO is issued on a form called the “EPO-001” and is often referred to by that name.

Law enforcement officers may request that judges issue these EPOs to protect survivors when there is an immediate and present danger of domestic violence, elder or dependent adult abuse, child abuse or abduction,²²² or other threatening conduct defined as “stalking”.²²³ Importantly, “stalking” under California law does not necessarily mean that a person has been physically followed: stalking also includes willful, malicious, and repeated harassment coupled with credible threats made with intent to place a person in reasonable fear for their safety or the safety of their immediate family.²²⁴ As a result, law enforcement may obtain EPOs to provide short-term protections for survivors of threatening conduct that may give rise to many other protection orders, regardless of the relationship, if any, between the respondent and the protected person; the EPO statute specifically references courts issuing EPOs that include Civil Harassment Restraining Order and Workplace Violence Restraining Order protections.²²⁵

Law enforcement officers responding to an incident that may provide grounds for issuing an EPO must inform the survivor (or a minor survivor’s parent or guardian) that they may request that the officer seek an EPO, and state law requires officers to seek an EPO if they believe the person making that request is in immediate and present danger.²²⁶

EPOs issued to protect survivors expire quickly: on the fifth business day, or the seventh calendar day, following the day the protection order is granted, whichever occurs first.

221 Cal. Fam. Code § 6241; Cal. Penal Code § 18140.

222 A judge may issue an EPO to protect a survivor (on an EPO-001 Form) if they find that an officer asserted reasonable grounds to believe there is an immediate and present danger of domestic violence, child abuse or child abduction, elder or dependent adult abuse, or stalking and that an EPO is necessary to prevent the occurrence or recurrence of these harms. See Cal. Family Code §§ 6250, 6251; Penal Code §§ 646.91. A judge may issue a Gun Violence Emergency Protective Order if they find reasonable cause to believe the respondent poses an immediate and present danger of injuring themselves or another person by having legal access to firearms, and that less restrictive alternatives have been tried and found to be ineffective, or are inadequate or inappropriate. Cal. Penal Code §§ 18125(a), (b); 18130.

223 Cal. Penal Code §§ 646.91, 646.9; Cal. Fam. Code § 6274.

224 Cal. Penal Code §§ 646.91, 646.9.

225 For these purposes, the term “stalking” is defined to include certain criminally prohibited acts related to willfully and maliciously following or harassing another person coupled with credible threats intended to place that person in reasonable fear for their safety or the safety of their immediate family. See Cal. Pen. Code §§ 646.91 (authorizing issuance of EPOs) and 646.9 (defining “stalking”). See also, Cal. Pen. Code § 646.91(e) (authorizing an EPO to include a civil harassment restraining order or workplace violence restraining order).

226 Cal. Fam. Code § 6275.

2. EPOs Issued as Emergency Gun Violence Restraining Orders (EPO-002)

The second type of EPOs are a type of Gun Violence Restraining Order (GVRO) issued on an emergency basis. These orders are simultaneously GVROs and EPOs. They are issued on a form called the “EPO-002” and are sometimes referred to as emergency GVROs, GVRO-EPOs, or more formally, as “Gun Violence Emergency Protective Orders”.

Law enforcement officers may request that judges issue emergency GVRO (EPO-002) orders against a respondent who poses an immediate and present danger of causing injury to themselves or others by having the legal ability to access or acquire firearms, if an emergency GVRO is necessary to prevent that injury because less restrictive alternatives have been tried and found to be ineffective, or are inadequate or inappropriate for the circumstances.²²⁷

Like other GVROs, emergency GVROs (EPO-002s) do not name any protected person and include firearm and weapon restrictions only; they are a narrow intervention focused exclusively on disarming a person who has demonstrated an immediate and present danger of injury with firearms and blocking that person from acquiring firearms and other weapons. These emergency GVROs automatically request a court hearing for a longer-term final GVRO.²²⁸

EPOs issued as emergency GVROs generally last for 21 days.²²⁹

Nearly 98% of the EPOs issued in California in 2023 were EPO-001 orders issued to protect survivors. Both types of EPOs include short-term firearm access restrictions. EPOs issued to protect survivors (EPO-001s) can include many more protections but expire much faster. As a result, law enforcement officers responding to the scene of a violent or abusive incident sometimes request that the court issue two simultaneous EPOs; an EPO-001 could help disarm a respondent and order them to move out of a residence shared with an abuse survivor, etc., for up to seven calendar days, while the EPO-002 could help ensure the respondent is disarmed for up to 21 days and automatically requests a hearing for a longer-term final GVRO.

Who Can Request EPOs?

Survivors and other individuals can request that law enforcement seek an EPO but only law enforcement officers are eligible to request EPOs. As described above, law enforcement officers may request EPO-001 orders to obtain immediate short-term protections for survivors in cases involving an immediate and present danger of domestic violence, elder or dependent adult abuse, child abuse or abduction, or threatening conduct defined as stalking.²³⁰ Officers may also request emergency GVRO EPO-002 orders to obtain immediate short-term orders to suspend a respondent’s legal access to firearms and other weapons if they pose an immediate and present danger of injuring themselves or others by having the legal ability to access or acquire firearms.

227 Cal. Penal Code § 18125.

228 Cal. Penal Code § 18148. EPO-002 Form (Gun Violence Emergency Protective Order), courts.ca.gov/documents/epo002.pdf.

229 A judge may issue a Gun Violence Emergency Protective Order if they find reasonable cause to believe the respondent poses an immediate and present danger of injuring themselves or another person by having legal access to firearms, and that less restrictive alternatives have been tried and found to be ineffective, or are inadequate or inappropriate. Cal. Penal Code §§ 18125(a), (b); 18130.

230 Cal. Family Code §§ 6250, 6251, 6274; Cal. Penal Code §§ 646.91, 18125; 18130.

EPO Safety Provisions

EPOs issued to protect survivors (EPO-001) can include the following safety provisions:²³¹

- Firearm and weapon restrictions.
- Orders to not look for protected people.
- Orders prohibiting abusive conduct toward protected people, including harassment, intimidation, molestation, threats, stalking, and assault.
- Orders prohibiting contact with protected people.
- Orders to stay a minimum distance away from protected people.
- Orders to stay a minimum distance away from specified locations.
- Orders to move out of a protected person’s residence.
- Orders determining temporary care and control of a minor child.
- Orders protecting pets.

EPOs issued as emergency GVROs (EPO-002) include firearm and weapon restrictions only.²³²

Duration of EPO:

- EPOs to protect survivors (EPO-001) expire at the close of business on the fifth court day after the day the EPO was issued, or 7 calendar days after the order is issued, whichever occurs earlier.²³³
- Emergency GVROs (EPO-002) typically last up to 21 days after the order is issued.²³⁴

Serving EPOs:

Law enforcement officers who request EPOs are required to serve those orders if the respondent can reasonably be located, file a copy of the order with both parties and the court as soon as practicable, and ensure the order and proof of service are entered into the CARPOS database of protective and restraining orders maintained by DOJ.²³⁵ Law enforcement officers are also generally required to serve an EPO whenever present at the scene of reported domestic violence involving the parties.²³⁶

Firearm Relinquishment in EPOs:

To protect survivors and the public, it is crucial that courts and law enforcement ensure that EPO respondents promptly relinquish possession and control of any firearms they have and provide proof of compliance in accordance with California law.

Under California law, the firearm relinquishment requirements for EPOs to protect survivors (EPO-001) generally incorporate the same process and requirements outlined in the law governing Domestic

231 Cal. Family Code §§ 6240-6275, 6389; Cal. Penal Code § 646.91; EPO-001 Form (Emergency Protective Order), www.courts.ca.gov/documents/epo001.pdf.

232 Cal. Penal Code § 18125(b); EPO-002 Form (Gun Violence Emergency Protective Order), www.courts.ca.gov/documents/epo002.pdf.

233 Cal. Family Code § 6256; Cal. Penal Code § 646.91(g).

234 Cal. Penal Code § 18148.

235 Cal. Family Code § 6271; Cal. Penal Code §§ 646.91(h), 18115(e), 18140.

236 Cal. Family Code § 6383.

Violence Restraining Orders,²³⁷ and the firearm relinquishment requirements for emergency GVROs (EPO-002) generally incorporate the same process and requirements provided for other GVROs.²³⁸

California law requires law enforcement agencies to adopt and implement written policies and standards directing officers to request immediate relinquishment of firearms or ammunition in EPO cases.²³⁹ Law enforcement agencies are also required to adopt and implement written policies and standards governing GVROs, including policies to ensure officers serve emergency GVROs, promptly seize firearms and ammunition at the time an emergency GVRO is issued, verify that firearms were removed from the respondent, and obtain and serve search warrants if necessary to recover firearms and ammunition from respondents who remain in unlawful possession of weapons.²⁴⁰

A respondent who becomes subject to either type of EPO must generally relinquish any firearms and ammunition in their possession immediately to a law enforcement officer serving the order.²⁴¹ If an officer does not serve the order or recover the respondent's firearms at the time of service, the respondent must relinquish their firearms to law enforcement or a licensed firearms dealer within 24 hours of being served with the order.²⁴² The law enforcement officer or dealer who takes possession of any of the respondent's firearms must issue a receipt to the respondent on a standard court form documenting that the firearms were relinquished. (For EPOs issued to protect survivors, the DV-800 form can be used as the receipt; for emergency GVROs, the GV-800 form can be used). The respondent must then, within 48 hours of being served, file the receipt with the court that issued the order and the law enforcement agency, if any, that served the order.²⁴³

If a respondent fails to comply with these requirements, they are subject to fines and criminal penalties,²⁴⁴ and courts may issue warrants authorizing law enforcement officers to search for and seize their illegally retained weapons.²⁴⁵

Law enforcement officers are required by California law to use every reasonable means to enforce an emergency protective order, including the order's firearm restrictions.²⁴⁶ The Judicial Council of California encourages judges, before issuing an EPO, to ask the law enforcement officer requesting the EPO if the officer has asked the victim, respondent, or both, whether a firearm is present at the location, and to ask the officer to note on the EPO form if firearms were observed, reported, searched, for, and seized.²⁴⁷

Whenever a law enforcement officer serves either type of EPO or is otherwise present at the scene of a domestic violence incident involving a threat to human life or a physical assault, the officer is

237 Cal. Fam. Code § 6389. See also, Cal. Fam. Code §§ 6252(a) (noting that an emergency protective order may include a protective order defined in section 6218) and 6274 (EPOs issued to prevent stalking are protective orders under the California Family Code).

238 See Cal. Penal Code §§ 18120(b)(2), 18135(b), 18160(b).

239 See California Fam. Code § 6389(c)(5).

240 Cal. Penal Code § 18108.

241 See California Fam. Code § 6389; California Pen. Code § 18120.

242 See California Fam. Code § 6389; California Pen. Code § 18120.

243 Id.

244 California Fam. Code § 6389(m); Cal. Pen. Code §§ 646.91(p), 18120(b), 18205, 29825.

245 See Cal. Pen. Code § 1524(a)(9), (a)(11), (a)(14).

246 Cal. Family Code § 6272; Cal. Penal Code § 646.91(i); Judicial Council of Cal., "Recommended Guidelines and Practices for Improving the Administration of Justice in Domestic Violence Cases: Final Report of the Domestic Violence Practice and Procedure Task Force (Jan. 2008) (Final Report), p. 23 (item 7), courts.ca.gov/documents/dvpp_rec_guidelines.pdf.

247 See Judicial Council of California, "Judges Guide to Emergency Protective Orders," p. 4 (Mar. 16, 2020), www.courts.ca.gov/documents/emergency-protective-order-bench-guide.pdf; Judicial Council of Cal., "Recommended Guidelines and Practices for Improving the Administration of Justice in Domestic Violence Cases: Final Report of the Domestic Violence Practice and Procedure Task Force (Jan. 2008) (Final Report), p. 23 (item 7), www.courts.ca.gov/documents/dvpp_rec_guidelines.pdf.

required to take temporary custody of any firearm or other deadly weapon in plain sight or discovered pursuant to a lawful search as necessary for the protection of the officer or other individuals present.²⁴⁸ If a law enforcement officer is serving an EPO that indicates that the respondent possesses firearms or ammunition, the officer is also required by California law to request that the respondent immediately relinquish any firearms or ammunition in their possession and control to the officer serving the order.²⁴⁹

EPO Data:

Data on Total EPOs Issued:

- From 2020 to 2023, California courts issued 174,989 Emergency Protective Orders, including 171,830 EPOs issued to protect survivors (EPO-001) and 3,159 EPOs issued as emergency GVROs (EPO-002).
- Emergency GVROs (EPO-002s) are simultaneously EPOs and GVROs. These emergency GVROs represented just 2% of all EPOs but 43% of all Gun Violence Restraining Orders issued in California over this period.
- In 2023, California courts issued 49,352 EPOs, including 48,177 as EPO-001s to protect survivors and 1,175 as emergency GVRO EPO-002s.

Substantial Increase in EPOs in Recent Years, especially Emergency GVROs:

- There has been a substantial increase in the number of EPOs issued in recent years. From 2020 to 2023, there was a 29% increase in EPOs issued statewide, including a 28% increase in EPO-001s and a 125% increase in emergency GVRO EPO-002s.
- From 2021 to 2023, there was an 18% increase in EPOs issued statewide, including a 17% increase in EPO-001s and a 91% increase in emergency GVRO EPO-002s.

EPOs Represent a Relatively Large Percentage of Protection Orders With Firearm Restrictions but a Small Percentage of Protection Orders That Are Actively in Effect:

- By definition all EPOs are issued as very short-term emergency orders (though respondents subject to EPOs may subsequently become subject to other protection orders, including longer-term final GVROs following an emergency GVRO).
- EPOs represent a significant number of protection orders issued with firearm restrictions in California each year. Out of all protection orders issued in California in 2023, EPOs represented:
 - o 17.1% of protection orders issued with firearm restrictions.
 - o 26.0% of orders with firearm restrictions issued by California *civil* courts.²⁵⁰
- Because EPOs expire very quickly, they represent a small percentage of protection orders in effect at any given time. Of the protection orders active as of August 7, 2023, EPOs represented:
 - o 0.4% of active protection orders with firearm restrictions.
 - o 1.0% of active orders with firearm restrictions issued by California *civil* courts.²⁵¹

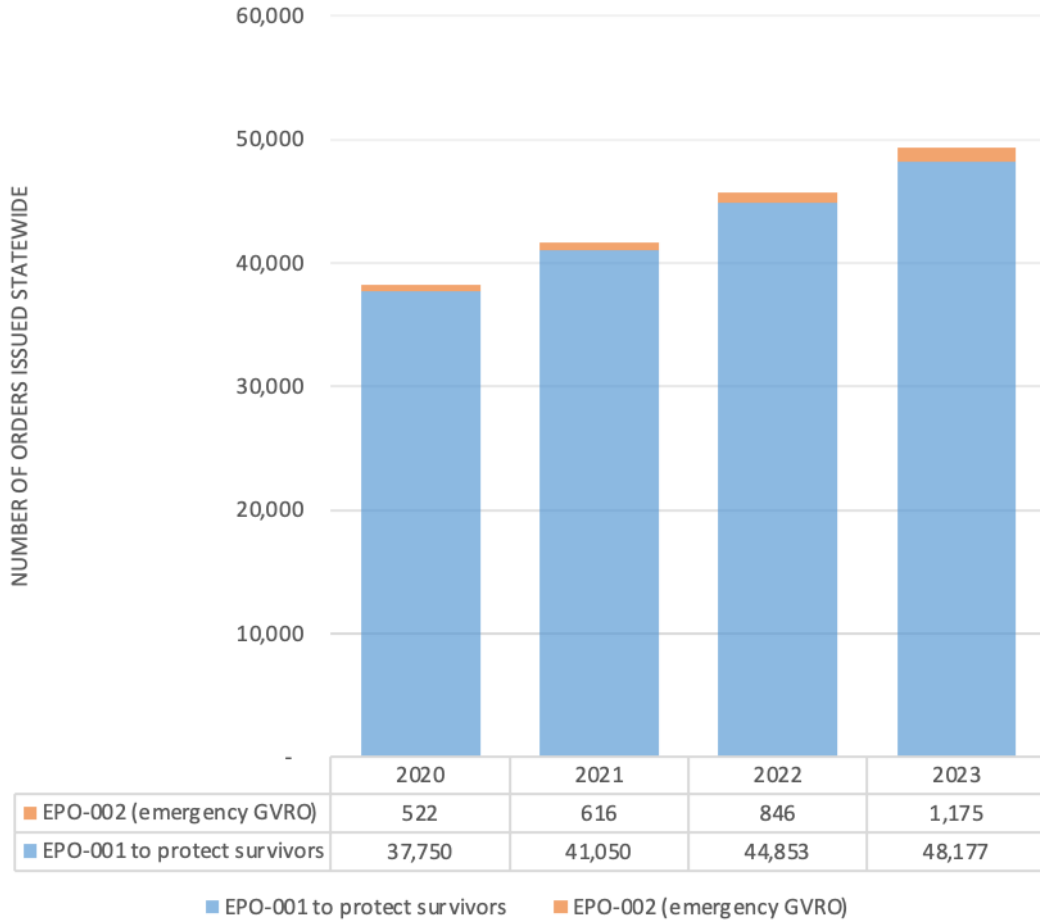
248 See California Fam. Code §§ 6383(i), 6389(c); California Pen. Code §§ 18120(b)(2), 18250.

249 Id.

250 See Table 4.

251 See Table 5.

EMERGENCY PROTECTIVE ORDERS ISSUED STATEWIDE BY YEAR



Criminal Protective Order (CPO)

Most types of protection orders in California are issued by civil courts, but about one-third of protection orders issued and about two-thirds of protection orders actively in effect are Criminal Protective Orders (CPOs) issued by courts hearing criminal cases to protect a crime victim or witness and their family members. Criminal Protective Orders may be issued for the duration of a criminal case, as a condition of probation, and/or as part of the defendant's sentence upon conviction.²⁵² CPOs are commonly issued to protect survivors of domestic violence and abuse, as well as other crime victims or witnesses who have been subject to or are likely to be subject to harm, intimidation, or dissuasion from testifying.²⁵³ These orders may be issued upon the request of a crime victim or witness or a prosecuting attorney, and courts hearing criminal cases may also issue CPOs on their own motion (without any petitioner requesting the order). Courts are required to consider issuing a CPO on their own motion in certain criminal cases and must issue a CPO when a defendant is granted probation for a domestic violence offense.

Courts can issue a CPO once they have jurisdiction over a criminal matter, typically once the defendant has made their first court appearance at an arraignment. As a result, CPOs may often follow Emergency Protective Orders (EPOs), which permit law enforcement officers to obtain immediate and very short-term protections in certain emergency cases before criminal charges have been filed.

CPOs can include a range of safety provisions, including provisions restricting the respondent-defendant from accessing firearms and other weapons as long as the CPO remains in effect.²⁵⁴ Most CPOs include firearm provisions *and* other safety measures for specific people protected by the order.²⁵⁵ In a smaller number of criminal domestic violence cases, if courts do not issue a CPO to protect a victim or witness from the defendant, they are required to consider issuing a narrower type of CPO that focuses exclusively on prohibiting the defendant from keeping, accessing, or acquiring firearms while the protection order is in effect.²⁵⁶ This type of CPO (issued on a form called the CR-162) is somewhat similar to a GVRO; it does not name a protected party and includes firearm and weapon provisions only. However, in practice, because this CPO is issued in cases involving criminal domestic violence charges, the court is often issuing the CPO to protect crime victims and witnesses from firearm-related domestic violence in cases where a victim or witness may not want other protections from the defendant.

- **CPOs during a criminal case:** A court with jurisdiction over a criminal matter may issue CPOs at any time after a criminal case has started, either at the request of a prosecuting attorney seeking protection for victims or witnesses to the crime, at the request of victims or witnesses themselves, or upon the court's own motion.²⁵⁷ Prosecuting attorneys are required to consider

252 See Cal. Pen. Code §§ 136.2, 236.1(j), 273.5(j), 368(l), 646.9(k), 1203.097; CPO-Domestic Violence (CR-160 Form), www.courts.ca.gov/documents/cr160.pdf; CPO-Other Than Domestic Violence (CR-161 Form), www.courts.ca.gov/documents/cr161.pdf; CPO Order to Surrender Firearms in Domestic Violence Case (CR-162 Form), www.courts.ca.gov/documents/cr162.pdf; California Courts Self-Help Guide: "Guide to Protective Orders," www.selfhelp.courts.ca.gov/protective-orders.

253 Id.

254 Cal. Penal Code § 136.2(d),

255 CPOs issued in cases involving a family, household, or intimate partner relationship between the respondent and protected parties are issued on a form called the CR-160 ("Criminal Protective Order—Domestic Violence"), unless the court in a domestic violence case issues a CPO that only includes provisions restricting the defendant's access to firearms and no other safety provisions; those more limited CPOs are issued on a form called the CR-162 ("Order to Surrender Firearms in Domestic Violence Case"). CPOs issued in other cases are issued on a form called the CR-161 ("Criminal Protective Order—Other Than Domestic Violence").

256 See Cal. Penal Code § 136.2(a)(1)(G)(ii); CR-162 ("Order to Surrender Firearms in Domestic Violence Case"), <https://www.courts.ca.gov/documents/cr162.pdf>.

257 Cal. Penal Code § 136.2(a), (e); Judicial Council of California, "Judges Guide to Domestic Violence Cases: California Protective Orders," p. 78, 80 (rev. 2014), www.irp-cdn.multiscreensite.com/0dab915e/files/uploaded/Benchguide%20DV%20protective_orders%20%282014%29.pdf.

requesting a CPO when they charge a defendant with human trafficking crimes.²⁵⁸ Courts are also required to consider issuing a CPO on their own motion in cases where a defendant has been charged with a crime involving domestic violence, rape, or certain other sex and child abuse offenses.²⁵⁹ A CPO issued during a criminal case remains in effect until the defendant is no longer subject to the court's jurisdiction unless, after sentencing, the court issues another CPO.²⁶⁰

- CPOs issued upon conviction: Courts with jurisdiction over a criminal matter must *consider* issuing a CPO on their own motion when the defendant is convicted of a crime involving domestic violence, rape, certain sex and human trafficking crimes, certain “street gang” offenses, abuse of an elder or dependent adult, or stalking.²⁶¹ CPOs issued upon the defendant's conviction may remain in effect for up to 10 years.²⁶²
- CPOs issued as condition of probation in domestic violence case: Courts are required to issue a CPO on their own motion when a defendant is granted probation for a domestic violence offense.²⁶³ These CPOs remain in effect as long as the defendant is on probation.²⁶⁴

Who Can Request CPOs?

As described above, a court hearing a criminal case may issue CPOs to protect a victim or witness to a crime, and their family members, if the court believes that the victim or witness has been subject to, or is likely to be subject to, harm, intimidation, or dissuasion. These orders may be issued pending trial, as a condition of probation, and/or upon conviction. They may be issued upon the request of a victim or witness, a prosecuting attorney, or on the court's own motion.

CPO Safety Provisions

CPOs can include the following safety provisions²⁶⁵

- Firearm and weapon restrictions.
- Orders to not look for protected people.
- Orders prohibiting abusive conduct toward protected people, including harassment, intimidation, molestation, threats, stalking, and assault.
- Orders prohibiting contact with protected people or requiring limited, peaceful contact
- Orders to stay a minimum distance away from protected people.
- Orders to stay a minimum distance away from specified locations (*including protected person's*

258 Cal. Penal Code § 236.1(j).

259 Cal. Penal Code § 136.2(e), (h).

260 See Cal. Penal Code § 136.2; Judicial Council of California, “Judges Guide to Domestic Violence Cases: California Protective Orders,” p. 80 (rev. 2014), www.irp-cdn.multiscreensite.com/0dab915e/files/uploaded/Benchguide%20DV%20protective_orders%20%282014%29.pdf.

261 Cal. Penal Code §§ 136.2(i), 273.5(j), 368(l) (CPOs in criminal abuse of elder or dependent adult cases), 646.9(k) (CPOs in criminal stalking cases).

262 Cal. Penal Code §§ 136.2(i), 273.5(j), 368(l) (CPOs in criminal abuse of elder or dependent adult cases), 646.9(k) (CPOs in criminal stalking cases).

263 Cal. Penal Code § 1203.097(a)(2).

264 See Cal. Penal Code § 1203.097; CPO-Domestic Violence (CR-160 Form), www.courts.ca.gov/documents/cr160.pdf; California Courts Self-Help Guide: “Guide to Protective Orders,” www.selfhelp.courts.ca.gov/protective-orders.

265 See Cal. Pen. Code §§ 136.2, 236.1(j), 273.5(j), 368(l), 646.9(k), 1203.097; CPO-Domestic Violence (CR-160 Form) and CPO-Other Than Domestic Violence (CR-161), www.courts.ca.gov/documents/cr160.pdf and www.courts.ca.gov/documents/cr161.pdf; California Courts Self-Help Guide: “Guide to Protective Orders,” www.selfhelp.courts.ca.gov/protective-orders.

home, job or workplace, vehicle, or other locations specified in court order).

- Orders requiring the defendant to be placed on electronic monitoring.
- Orders requiring a particular law enforcement agency to provide protection for a victim or a witness or the victim or witness's immediate family members who reside in the same household or within reasonable proximity of the victim or witness.
- Orders prohibiting the defendant from dissuading a victim or witness from attending a hearing, testifying, or reporting information to law enforcement or other people (for CPOs issued pending trial).
- Orders protecting pets (for CPOs issued in domestic violence cases).
- Orders authorizing the protected person to record communications made by the defendant that violate the CPO (for CPOs issued in domestic violence cases).

CPO Duration:

- CPOs issued during a criminal case can remain in effect until the end of the criminal case when the defendant is no longer subject to the court's jurisdiction (unless the court issues another order upon sentencing that modifies or keeps the CPO in effect).²⁶⁶
- CPOs issued upon the defendant's conviction can typically remain in effect for up to 10 years.²⁶⁷
- CPOs issued as a condition of probation for a domestic violence offense remain in effect as long as the defendant is on probation.²⁶⁸

Serving CPOs:

Personal service of a CPO is not required as long as the defendant is present in court to receive notice.²⁶⁹ The defendant is also given a written copy at the time of the hearing. The Judicial Council of California notes that some judicial officers read the terms and conditions of the CPO into the record when the defendant is present and that this practice helps avoid any later confusion as to whether the defendant received notice of the CPO.²⁷⁰

Firearm Relinquishment in CPOs:

To protect survivors and the public, it is crucial that courts and law enforcement ensure that CPO respondents promptly relinquish possession and control of any firearms they have and provide proof of compliance in accordance with California law. Upon issuing a CPO, courts must order the defendant to relinquish any firearms in their immediate possession or control, or subject to their immediate possession or control, within 24 hours of being served or notified of the order, either by transferring their firearm to a law enforcement officer or to a licensed firearms dealer for the duration of the

266 See Cal. Penal Code § 136.2; Judicial Council of California, "Judges Guide to Domestic Violence Cases: California Protective Orders," p. 80 (rev. 2014), irp-cdn.multiscreensite.com/0dab915e/files/uploaded/Benchguide%20DV%20protective_orders%20%282014%29.pdf.

267 Cal. Penal Code §§ 136.2(i), 273.5(j), 368(l) (CPOs in criminal abuse of elder or dependent adult cases), 646.9(k) (CPOs in criminal stalking cases).

268 See Cal. Penal Code § 1203.097; CPO-Domestic Violence (CR-160 Form), www.courts.ca.gov/documents/cr160.pdf; California Courts Self-Help Guide: "Guide to Protective Orders," www.selfhelp.courts.ca.gov/protective-orders.

269 See Judicial Council of California, "Judges Guide to Domestic Violence Cases: California Protective Orders," p. 83-84 (rev. 2014), www.irp-cdn.multiscreensite.com/0dab915e/files/uploaded/Benchguide%20DV%20protective_orders%20%282014%29.pdf; Cal. Penal Code § 136.2(e).

270 See Judicial Council of California, "Judges Guide to Domestic Violence Cases: California Protective Orders," p. 83-84 (rev. 2014), www.irp-cdn.multiscreensite.com/0dab915e/files/uploaded/Benchguide%20DV%20protective_orders%20%282014%29.pdf; Cal. Penal Code § 136.2(e).

order.²⁷¹ The law enforcement officer or dealer who takes possession of those firearms issues a receipt to the defendant documenting the firearm transfer, and the defendant must then, within 48 hours of being served, file the receipt with the court that issued the order and the law enforcement agency, if any, that served the order.²⁷²

If a defendant fails to comply with these requirements, they are subject to fines and criminal penalties.²⁷³

Legislation introduced in the California Legislature in 2024 would amend and further strengthen firearm relinquishment procedures and compliance verification responsibilities for courts and law enforcement in Criminal Protective Order cases.²⁷⁴

CPO Data:

Data on Total CPOs Issued:

- From 2020 to 2023, California courts issued 361,186 Criminal Protective Orders (CPOs).
- In 2023, California courts issued 95,186 CPOs.

Substantial Increase in CPOs from 2020 to 2021:

- There was a very significant increase in the number of CPOs issued in California between 2020 and 2021 but relatively smaller changes since 2021. From 2020 to 2023, there was a 23% increase in CPOs issued statewide. From 2021 to 2023, there was a 3% increase in CPOs issued statewide.

CPOs Are One of the Most Common Types of Protection orders with Firearm Restrictions in California:

- In 2023, CPOs represented about one-third (33.0%) of all court protection orders issued with firearm restrictions in California.²⁷⁵ CPOs narrowly outpaced DVROs to become the most common type of protection order issued in California that year.

CPOs Represent a Large Majority of All Protection Orders with Firearm Restrictions That Are Actively in Effect:

- Because CPOs can remain in effect for many years as a condition of probation or sentencing after a criminal conviction, they represent a very large percentage of protection orders in effect at any given time. As of August 7, 2023, CPOs represented about two-thirds (66.0%) of active protection orders with firearm provisions.²⁷⁶

271 See Cal. Penal Code § 136.2(d)(2) (requiring defendants subject to CPOs to relinquish ownership or possession of any firearms pursuant to the requirements outlined in Section 527.9 of the Code of Civil Procedure, which also governs firearm relinquishment in some civil protection order cases); Cal. Code of Civ. Proc. § 527.9(a), (b), (d).

272 Id.

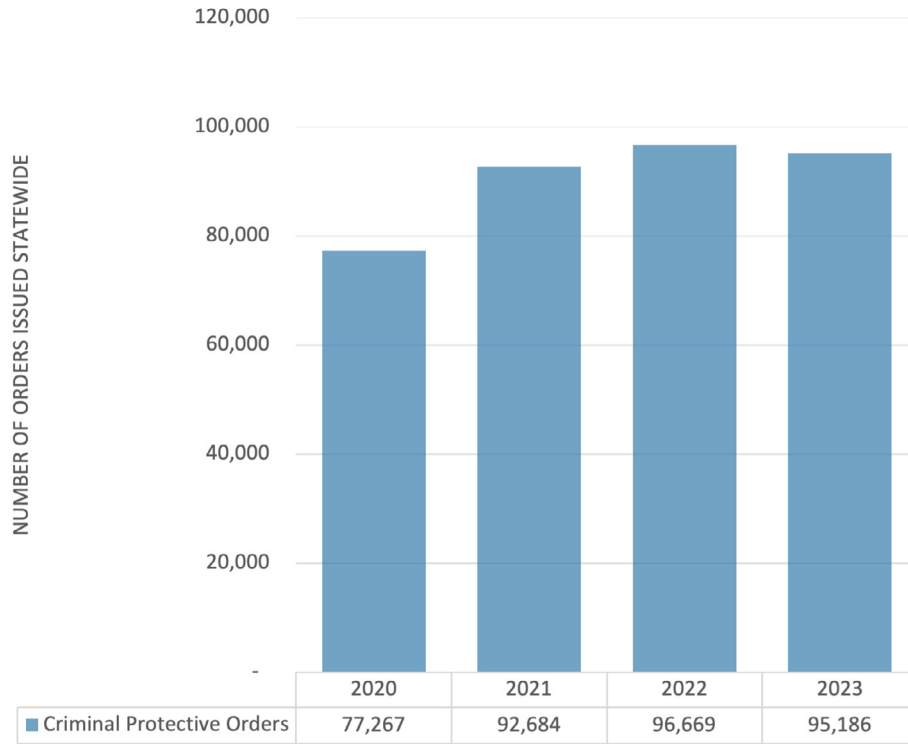
273 Cal. Penal Code §§ 136.2(d), 166(d), 29825.

274 See 2024 CA SB 899 (Skinner/Blakespear) and 2024 CA AB 2907 (Zbur).

275 See Table 4.

276 See Table 5.

CRIMINAL PROTECTIVE ORDERS ISSUED STATEWIDE BY YEAR



Out-of-State and Tribal Court Protection Orders

This report has focused on the nine types of court protection orders issued by the State of California’s civil, juvenile, and criminal courts. But enforcing protection orders across jurisdictional lines is also a critical component of preventing gun violence and protecting survivors of violence and abuse in our state.

Pursuant to California and federal law, courts and law enforcement in California must enforce the provisions of protection orders issued by courts outside the California court system, including tribal courts, U.S. military courts, and courts in other U.S. states and territories.

- The federal Violence Against Women Act (VAWA) generally mandates that any protection order²⁷⁷ issued by the court of one state, tribe, or territory within its jurisdiction must be accorded “full faith and credit” and enforced by court and law enforcement personnel in all other states, tribes, and territories.²⁷⁸ This includes emergency, ex parte, temporary, and final protection orders.²⁷⁹ This law also makes it a federal crime, among other things, if a person travels in interstate or foreign commerce or enters or leaves Indian country with the intent to engage in certain conduct that violates a protection order, if the person engages in that conduct.²⁸⁰
- California law also generally requires that court and law enforcement personnel enforce protection orders issued by tribal courts, U.S. military courts, and courts in other U.S. states and territories under the domestic violence, family violence, or anti-stalking laws of those jurisdictions.²⁸¹ California law also generally requires enforcement of valid domestic violence protective orders issued by courts in Canada.²⁸²

These orders may be issued in *many* different formats. For example, there are 574 federally recognized tribes in the United States, and California is home to 109 tribes. There is no standard format for protection orders issued by tribal courts. As a result, California law enforcement may come into contact with hundreds of formats for tribal court protection orders alone: they may differ from an order issued by a California court in name, verbiage, content, layout, and duration.

These tribal or out-of-state orders are very often *not* registered or filed in law enforcement databases

277 The federal Violence Against Women Act (VAWA) defines the term “protection order” relatively broadly (at 18 U.S.C. § 2265) to include:

(A) Any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil or criminal court whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

(B) Any support, child custody or visitation provisions, orders, remedies or relief issued as part of a protection order, restraining order, or injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, sexual assault, dating violence, or stalking.

278 See 18 U.S.C. § 2265. This requirement applies provided that the protection order was issued by a state, tribal, or territorial court that had jurisdiction over the parties and matter under the law of such State, Indian tribe, or territory and reasonable notice and opportunity to be heard is given to the respondent sufficient to protect the respondent’s right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by State, tribal, or territorial law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent’s due process rights.

279 See 18 U.S.C. § 2265(b)(2).

280 See 18 U.S.C. § 2262.

281 See California’s “Uniform Interstate Enforcement of Domestic Violence Protection Orders Act” at California Fam. Code §§ 6400-6409 and “Definitions” at California Fam. Code § 6401.

282 See California’s “Uniform Recognition and Enforcement of Canadian Domestic Violence Protection Orders Act” at California Fam. Code §§ 6450-6460.

such as the California Law Enforcement Telecommunications System (CLETS) or the California Restraining and Protective Order System (CARPOS). And they **do not** need to be registered or filed in these systems to be enforceable in California.²⁸³ Once there is probable cause to believe that a valid tribal or out-of-state protection order exists, a law enforcement officer in California is required to enforce the order as if it were issued by a California court.²⁸⁴

Presentation of a protection order that identifies the protected person and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a valid tribal or out-of-state protection order exists and to enforce the order.²⁸⁵ If a protection order is not presented to the officer, the officer may consider other information to determine if there is probable cause to believe that a valid order exists.²⁸⁶ If a law enforcement officer in California determines that an otherwise valid tribal or out-of-state court protection order cannot be enforced because the respondent has not been notified or served with the order, the officer is required to inform the respondent of the order, make a reasonable effort to serve the order, and allow the respondent a reasonable opportunity to comply with the order before enforcing it. Verbal notice of the terms of the order is sufficient notice for these purposes.²⁸⁷

Individuals may choose to register an active tribal or out-of-state protection order in the California Law Enforcement and Telecommunication System (CLETS) and California Restraining and Protective Order System (CARPOS). From 2020 to 2023, 504 protection orders issued by tribal or out-of-state courts were reported to DOJ's CARPOS database.

Again, doing so is **not** required for these orders to be enforced in California. But registering these orders can help protect some survivors by making these orders' safety terms and conditions quickly electronically accessible to law enforcement officers throughout the state and by helping to ensure that respondents subject to any firearm prohibitions would fail a firearm background check. People who have active protection orders issued by tribal, military, or out-of-state courts may choose to register their protection order (for free) by submitting a form called the DV-600 to a court in California.²⁸⁸ People who have active domestic violence-related protection orders issued by courts in Canada may choose to register those protection orders (for free) by completing and submitting a form called the DV-630.²⁸⁹

Ensuring that tribal and out-of-state protection orders are effectively implemented and enforced across California, including any firearm provisions, is important to preventing gun violence and protecting vulnerable survivors in our state.

283 Cal. Fam. Code § 6403(d).

284 Cal. Fam. Code § 6403(a).

285 Cal. Fam. Code § 6403(a). As outlined in Cal. Fam. Code § 6403 and DOJ's Division of Law Enforcement Bulletin No. 2022-DLE-11 (Sep. 30, 2022), California law enforcement officers shall not require any of the following when being asked to enforce a tribal or out-of-state protection order: Presentation of a certified copy of the tribal court protection order. (The order may be inscribed on any tangible medium or stored in an electronic or other medium if it is retrievable in perceivable form). Registration or filing of the protection order with the state. Verification in any statewide database such as CLETS or CARPOS.

286 Cal. Fam. Code § 6403(b).

287 Cal. Fam. Code § 6403(c).

288 The DV-600 form is available at www.courts.ca.gov/documents/dv600.pdf.

289 The DV-630 form is available at www.courts.ca.gov/documents/dv630.pdf.



PART 5: DATA REPORT

This section presents OGVP’s analysis of data about the number, trends, and type of court protection orders issued in California from 2020 to 2023 based on records collected by DOJ in the California Restraining and Protective Order System (CARPOS).²⁹⁰ The CARPOS is a dynamic or point-in-time system, meaning that the counts provided in this report are based on a snapshot of the database that was generated on the day the protection order data was extracted from the system. Except where otherwise specified, the dataset for this report’s analysis was extracted on February 9, 2024.

A previous OGVP report on domestic violence and firearms documented a significant and concerning decline in the number of petitions filed for Domestic Violence Restraining Orders (DVRO) in California during the height of the COVID-19 pandemic.²⁹¹ This decline in protection order utilization was especially concerning because it occurred at a time of record nationwide spikes in gun violence, especially female and child-victim gun homicides,²⁹² and at a time when California law enforcement agencies recorded an enormous 80% increase in calls for assistance from domestic violence survivors reporting they were threatened or attacked with guns.²⁹³ At a time when many more survivors were in danger, fewer were accessing processes designed to protect them and disarm individuals perpetrating that abuse. While OGVP’s report warned that fewer survivors were seeking protection orders, it also found that California’s protection orders and other gun violence prevention efforts likely prevented many tragedies: from 2019 to 2021, female-victim gun homicide rates increased by 19% in California but by 49% in the rest of the nation on average.²⁹⁴ In 2021 and 2022, women and girls were at least twice as likely to be murdered with firearms in the rest of the U.S. compared to California.²⁹⁵

In this report, OGVP’s analysis shows that since 2020 and 2021, there has been a substantial rebound and year-over-year increase in utilization of all nine court protection order processes in California. This has occurred alongside substantial reductions in gun violence in our state.²⁹⁶ Just as declining protection order utilization likely contributed to spikes in gun violence during the height of the COVID-19 pandemic, increased utilization of protection orders since 2020 and 2021 has likely contributed to California’s recent progress in reducing gun violence.

290 DOJ is required to maintain the CARPOS system, and courts and law enforcement agencies are required to utilize the California Law Enforcement Telecommunications System (CLETS) to enter specified information into CARPOS when issuing, modifying, extending, or terminating protection orders, and to document when protection orders have been served. See Cal. Family Code Section 6380, et seq. All of the court protection orders described in this report must be entered into CARPOS; DOJ also allows for some other less common protection orders to be entered into CARPOS when those orders are issued pursuant to courts’ general discretionary authority to issue injunctions; these protection orders that are optional for entry into CARPOS include orders issued by criminal, family, and other civil courts outside the standard court protection order process and are referred to as Other Criminal Protective Orders (CLETS-OCP), Other Domestic Violence Orders (CLETS-ODV), and Other Protective Orders/Injunctions (CLETS-OPO).

291 See DOJ Office of Gun Violence Prevention, “Data Report: Domestic Violence Involving Firearms in California,” pp. 8, 15-20 (Nov. 2023), www.oag.ca.gov/system/files/media/OGVP-Data-Report-2022.pdf.

292 See DOJ Office of Gun Violence Prevention, “Data Report: Domestic Violence Involving Firearms in California,” pp. 12-14 (Nov. 2023), www.oag.ca.gov/system/files/media/OGVP-Data-Report-2022.pdf.

293 See DOJ Office of Gun Violence Prevention, “Data Report: Domestic Violence Involving Firearms in California,” pp. 8, 15-20 (Nov. 2023), www.oag.ca.gov/system/files/media/OGVP-Data-Report-2022.pdf.

294 See DOJ Office of Gun Violence Prevention, “Data Report: Domestic Violence Involving Firearms in California,” pp. 12 (Nov. 2023), www.oag.ca.gov/system/files/media/OGVP-Data-Report-2022.pdf.

295 OGVP analysis of data from CDC WONDER Online Data Portal. In 2021, the age-adjusted female-victim gun homicide rate was 1.06 per 100,000 in California compared to 2.26 per 100,000 for the other 49 states and D.C. combined. In 2022, the age-adjusted female-victim gun homicide rate was 1.07 per 100,000 in California compared to 2.14 per 100,000 for the other 49 states and D.C. combined.

296 OGVP analysis of data from CDC WONDER Online Data Portal. Provisional CDC firearm mortality data is not yet available for the final three months of 2023 but provisional data accessed on April 12, 2024, identifies 1,079 gun homicides in California in the first nine months of 2023, compared to 1,434 in the first nine months of 2021 and 1,316 in the first nine months of 2022. OGVP will publish an updated data report on the impact of gun violence in California when provisional CDC firearm mortality data is available for all of 2023.

Increased Utilization of Protection Orders with Firearm Provisions, Especially GVROs and Longer-Term Final Orders:

Statewide, the total number of protection orders issued with provisions limiting a respondent's access to firearms and other weapons increased by 20% between 2020 and 2023.

Importantly, this data also shows that more survivors are obtaining longer-term final protection orders that can last for multiple years instead of days or weeks: the number of *final* protection orders issued with firearm provisions by California civil courts statewide increased by 25% from 2020 to 2023.

There have been especially significant increases in utilization of the Gun Violence Restraining Order (GVRO). The number of GVROs issued per year in California more than doubled from 2020 to 2023 (increasing by 118%), underscoring the impact of recent state and local investments focused on training and educating stakeholders about this process. (See pages 25-35 for more detailed data about GVROs, including a more detailed analysis of the number of GVROs issued each year by county in California).

There were also significant increases across every other type of protection order that includes firearm provisions to prevent gun violence.

Orders issued by Civil Courts:

- Civil Harassment Restraining Orders (CHROs): The total number of CHROs issued in California increased by 22% from 2020 to 2023. The number of longer-term final CHROs increased by 26%.
- Domestic Violence Restraining Orders (DVROs): The number of DVROs issued in California increased by 12% from 2020 to 2023. The number of longer-term final DVROs increased by 22%.
- Elder/Dependent Adult Restraining Orders (EAROs): The number of EAROs issued in California increased by 33% from 2020 to 2023. The number of longer-term final EAROs increased by 27%.
- Gun Violence Restraining Orders (GVROs): The total number of GVROs issued in California increased by 118% from 2020 to 2023. The number of longer-term final GVROs increased by 92%.
- Postsecondary School Violence Restraining Orders (SVROs): The total number of (rarely utilized) Postsecondary School Violence Restraining Orders issued in California increased from 0 orders in 2020 to 1 order in 2021 and 3 orders in 2023.
- Workplace Violence Restraining Orders (WVROs): The number of WVROs issued in California increased by 24% from 2020 to 2023. The number of longer-term final WVROs increased by 41%.

Orders issued by Civil Court Judges Designated to be On-Call for Emergency Cases:

- Emergency Protective Orders (EPOs): The total number of EPOs issued in California increased by 29% from 2020 to 2023, including a 28% increase in EPOs issued to protect survivors and a 125% increase in EPOs issued as emergency GVROs.

Orders issued by Juvenile Courts:

- Juvenile Restraining Orders (JVROs): The total number of Juvenile Restraining Orders issued in California increased by 10% from 2020 to 2023.

Orders issued by Criminal Courts:

- Criminal Protective Orders (CPOs): The total number of Criminal Protective Orders issued in California increased by 23% from 2020 to 2023.

Most Protection Orders Issued by Civil Courts are Issued as Short-Term Emergency or Temporary Orders:

Emergency and temporary orders represented **80%** of all protection orders issued with firearm provisions by California's civil courts in 2023.

These short-term orders represented **100%** of Emergency Protective Orders, by definition. Emergency and temporary orders also represented **75%** of Civil Harassment Restraining Orders, **73%** of Domestic Violence Restraining Orders, **70%** of Elder or Dependent Adult Abuse Restraining Orders, **79%** of Gun Violence Restraining Orders, **67%** of Postsecondary School Violence Restraining Orders, and **59%** of Workplace Violence Restraining Orders.

Because these emergency and temporary orders expire within days or weeks instead of years, they make up a *much* smaller percentage of all protection orders with firearm provisions that are in effect at any given time.

Longer-Term Final Protection Orders Represent The Vast Majority Of All Civil Protection Orders That Are Actively In Effect:

Longer-term final protection orders that can remain in effect for multiple years represented 85% of all civil protection orders with firearm provisions that were actively in effect on a given date in 2023 (August 7, 2023).

On that date, final orders represented **85%** of active Civil Harassment Restraining Orders, **86%** of active Domestic Violence Restraining Orders, **86%** of active Elder or Dependent Adult Abuse Restraining Orders, **67%** of active Gun Violence Restraining Orders, **100%** of active Postsecondary School Violence Restraining Orders, and **90%** of active Workplace Violence Restraining Orders.

CPOs, DVROs, EPOs, and CHROs Were By Far the Most Common Types of Protection Orders Issued with Firearm Provisions in 2023:

While the GVRO plays a growing and essential role in preventing gun violence, **99%** of all protection orders issued in California in 2023 with provisions restricting a violent, abusive, or dangerous individual's access to firearms were orders *other* than GVROs: **33.0%** were Criminal Protective Orders, **32.7%** were Domestic Violence Restraining Orders, **17.1%** were Emergency Protective Orders, **12.2%** were Civil Harassment Restraining Orders, **2.6%** were Elder or Dependent Adult Abuse Restraining Orders, **1.2%** were Juvenile Restraining Orders, **0.9%** were Gun Violence Restraining Orders (including emergency GVROs issued as EPOs), and **0.7%** were Workplace Violence Restraining Orders.

Among orders with firearm provisions issued by California's *civil* courts in 2023, about half (**49.6%**) were Domestic Violence Restraining Orders. Additionally, **26.0%** were Emergency Protective Orders, **18.5%** were Civil Harassment Restraining Orders, **4.0%** were Elder or Dependent Adult Abuse Restraining Orders, **1.4%** were Gun Violence Restraining Orders (including emergency GVROs issued as EPOs), and **1.0%** were Workplace Violence Restraining Orders.

Among *final* protection orders with firearm provisions issued by California's civil courts in 2023, over two-thirds (**67.2%**) were Domestic Violence Restraining Orders. Additionally, **23.2%** were Civil

Harassment Restraining Orders, **6.0%** were Elder or Dependent Adult Abuse Restraining Orders, **1.5%** were Gun Violence Restraining Orders, and **2.1%** were Workplace Violence Restraining Orders.

CPOs and DVROs Represent A Large Majority of Protection Orders with Firearm Provisions That Are Actively in Effect:

On a given date in 2023 (August 7), nearly two-thirds (**66.0%**) of all active protection orders with firearm provisions were Criminal Protective Orders. Another **22.3%** were Domestic Violence Restraining Orders, **7.1%** were Civil Harassment Restraining Orders, **2.0%** were Elder or Dependent Adult Abuse Restraining Orders, **1.3%** were Juvenile Restraining Orders, **0.6%** were Workplace Violence Restraining Orders, **0.4%** were Gun Violence Restraining Orders (including emergency GVROs issued as EPOs), and **0.3%** were Emergency Protective Orders.

Among the orders active on that date that were issued by California's *civil* courts, over two-thirds (**68.3%**) were Domestic Violence Restraining Orders, **21.8%** were Civil Harassment Restraining Orders, **6.1%** were Elder or Dependent Adult Abuse Restraining Orders, **1.9%** were Workplace Violence Restraining Orders, **1.1%** were Gun Violence Restraining Orders (including emergency GVROs issued as EPOs), and **1.0%** were Emergency Protective Orders.

Among the *final* civil court orders active on that date, over two-thirds (**69.1%**) were Domestic Violence Restraining Orders, **21.9%** were Civil Harassment Restraining Orders, **6.2%** were Elder or Dependent Adult Abuse Restraining Orders, **2.0%** were Workplace Violence Restraining Orders, and **0.9%** were Gun Violence Restraining Orders.

The tables below document these trends in more detail.

- Table 1 documents trends in the total number of protection orders issued in California by year, including the number of orders issued with firearm provisions to prevent gun violence.
- Table 2 documents trends for each type of protection order issued in California with firearms provisions to prevent gun violence.
- Table 3 provides a more detailed breakdown of the information in Table 2 that includes information about the number of orders issued as short-term emergency or temporary orders or as longer-term final orders.

Additionally, Tables 4 and 5 below help document the role that each protection order process plays in preventing gun violence in our state.

- Table 4 shows the percentage of all protection orders issued with firearm provisions in 2023 that were each type of order.
- Table 5 shows the percentage of all *active* protection orders in effect on August 7, 2023, that were each type of order.

Table 1. Number of Protection Orders Reported to DOJ's California Restraining and Protective Order System (CARPOS), by Year Order Was Issued

	2020	2021	2022	2023	Total 2020- 2023	% Change 2020-23	% Change 2021-23
Number of Protection Orders Issued in Calendar Year ²⁹⁷	240,363	266,405	284,617	288,782	1,080,167	+20%	+8%
Number of Protection Orders with Firearm Provisions Issued by California Courts ²⁹⁸	239,915	265,944	284,221	288,330	1,078,410	+20%	+8%
Number of Protection Orders with Firearm Provisions Issued by California <i>Civil</i> Courts ²⁹⁹ <i>(excludes criminal and juvenile court orders)</i>	159,496	170,237	184,150	189,666	703,549	+19%	+11%
Number of <i>Final</i> Protection Orders with Firearm Provisions Issued by California Civil Courts ³⁰⁰ <i>(also excludes emergency and temporary orders)</i>	30,144	33,517	36,937	37,559	138,157	+25%	+12%

297 This count includes orders that are required by California law (Cal. Family Code Section 6380) to be entered into the DOJ CARPOS system, as well as a smaller number of orders that are optional to report. Orders that are optional for entry in CARPOS include “Other Criminal Protective Orders” (CLETS-OCP), “Other Domestic Violence Orders” (CLETS-ODV), and “Other Protective Order/Injunctions” (CLETS-OPO) that are issued pursuant to courts’ general discretionary authority to issue injunctions outside California’s standard court protection order processes.

298 This count excludes Elder/Dependent Adult Abuse Restraining Orders involving financial abuse only, orders issued by courts in other jurisdictions, including tribal nations, and orders issued in California as discretionary orders outside the standard court protection order process; courts are not required to report those discretionary orders or out-of-state orders to DOJ and are not required to include firearm provisions in those orders. This count of California protection orders with firearm provisions also includes some orders that generally include firearm restrictions but where the court issued an order exempting the respondent from relinquishing certain firearms required as a condition of employment.

299 This count further excludes court protection orders issued by criminal or juvenile courts in California.

300 This count further excludes court protection orders issued as emergency protective orders or as temporary orders.

Table 2. Number of Protection Orders Issued in California with Firearm Provisions, by Order Type and Year³⁰¹

Type of Protection Order	2020	2021	2022	2023	Total 2020-2023	% Change 2020-23	% Change 2021-23
Civil Harassment Restraining Order (CHRO)	28,862	31,152	33,706	35,145	128,865	+22%	+13%
Criminal Protective Order (CPO)	77,267	92,684	96,669	95,186	361,806	+23%	+3%
Domestic Violence Restraining Order (DVRO)	84,398	88,649	94,778	94,155	361,980	+12%	+6%
Elder/Dependent Adult Abuse Restraining Order (EARO) ³⁰²	5,720	6,422	7,174	7,588	26,904	+33%	+18%
Emergency Protective Order (EPOs)	38,272	41,666	45,699	49,352	174,989	+29%	+18%
Gun Violence Restraining Order (GVRO)	1,249	1,390	1,907	2,719	7,265	+118%	+96%
Juvenile Restraining Order (JVRO) ³⁰³	3,152	3,023	3,402	3,478	13,055	+10%	+15%
Postsecondary School Violence Restraining Order (SVRO)	0	1	0	3	4	--	--
Workplace Violence Restraining Order (WVRO)	1,517	1,573	1,732	1,879	6,701	+24%	+19%

301 This count excludes Elder/Dependent Adult Abuse Restraining Orders involving financial abuse only, orders issued by courts in other jurisdictions, and orders issued in California as discretionary orders outside the standard court protection order process; courts are not required to report those discretionary orders or out-of-state orders to DOJ and are not required to include firearm provisions in those orders. This count of California protection orders with firearm provisions also includes some orders that generally include mandatory firearm restrictions but where the court issued an order exempting the respondent from relinquishing certain firearms required as a condition of employment. See Cal. Fam. Code § 6389(h); Cal. Code of Civ. Proc. § 527.9(f). Note that Gun Violence Emergency Protective Orders are GVROs issued as a type of EPO. These orders are counted as both GVROs and EPOs.

302 Certain Elder or Dependent Adult Abuse Restraining Orders (EAROs) do not include firearm access restrictions, if the order “was made solely on the basis of financial abuse or isolation unaccompanied by force, threat, harassment, intimidation, or any other form of abuse.” Cal. Welf. & Inst. Code § 15657.03(u)(4). Statewide, from 2020-2023, there were 670 EAROs that did not include mandatory firearm provisions on this basis (162 in 2020, 177 in 2021, 146 in 2022, and 176 in 2023); these 670 EAROs are not included in the table above because they do not include firearm provisions.

303 This count of Juvenile Restraining Orders includes different types of orders issued by juvenile courts, including those with type code JUV, TJV (JV-250), OJV (JV-255), TIC (JV-260), and OJC (JV-265).

Table 3. Detailed Breakdown of California Protection Orders with Firearm Provisions, by Order Type and Duration³⁰⁴

Type of Protection Order	2020	2021	2022	2023	Total 2020-2023	% Change 2020-23	% Change 2021-23
Final Civil Harassment Order	6,904	7,837	8,693	8,723	32,157	+26%	+11%
Temporary Civil Harassment Order	21,958	23,315	25,013	26,422	96,708	+20%	+13%
Criminal Protective Order	77,267	92,684	96,669	95,186	361,806	+23%	+3%
Final Domestic Violence Order	20,618	22,824	24,998	25,231	93,671	+22%	+11%
Temporary Domestic Violence Order	63,780	65,825	69,780	68,924	268,309	+8%	+5%
Final Elder/Dependent Adult Abuse Order	1,772	1,887	2,137	2,256	8,052	+27%	+20%
Temporary Elder/Dependent Adult Abuse Order	3,948	4,535	5,037	5,332	18,852	+35%	+18%
Emergency Protective Order (EPO to protect survivors/EPO-001)	37,750	41,050	44,853	48,177	171,830	+28%	+17%
Emergency Gun Violence Restraining Order (Gun Violence Emergency Protective Order/EPO-002)	522	616	846	1,175	3,159	+125%	+91%
Final Gun Violence Restraining Order after hearing on EPO-002 ³⁰⁵	n/a	21	62	79	162	--	+276%
Other Final Gun Violence Restraining Order ³⁰⁶	298	320	393	492	1,503	+92%	+54%
Temporary Gun Violence Restraining Order	429	433	606	973	2,441	+127%	+125%
Juvenile Restraining Orders ³⁰⁷	3,152	3,023	3,402	3,478	13,055	+10%	+15%
Final Postsecondary School Violence Order	0	0	0	1	1	--	--
Temporary Postsecondary School Violence Order	0	1	0	2	3	--	--
Final Workplace Violence Order	552	628	654	777	2,611	+41%	+24%
Temporary Workplace Violence Order	965	945	1,078	1,102	4,090	+14%	+17%

304 Counts of California protection orders with firearm provisions exclude Elder/Dependent Adult Abuse Restraining Orders involving financial abuse only, orders issued by courts in other jurisdictions, and orders issued in California as discretionary orders outside the standard court protection order process; courts are not required to report those discretionary orders or out-of-state orders to DOJ and are not required to include firearm provisions in those orders. This count also includes some orders that generally include mandatory firearm restrictions but where the court issued an order exempting the respondent from relinquishing certain firearms required as a condition of employment. See Cal. Fam. Code § 6389(h); Cal. Code of Civ. Proc. § 527.9(f).

305 These final GVROs (CLETS-HGV) issued following a hearing on an emergency GVRO/EPO-002 were separately classified from other final Gun Violence Restraining Orders starting in 2021, pursuant to amendments to California’s GVRO laws made by 2018 CA SB 1200 (Skinner).

306 Starting in 2021, the data for these final GVRO orders (CLETS-OGV) do not include final GVROs issued after a hearing on an emergency GVRO/EPO-002; those orders are also final GVROs and are separately reported in the row for “Final Gun Violence Restraining Order after hearing on EPO-002”.

307 This count of Juvenile Restraining Orders includes different types of orders issued by juvenile courts, including those with type code JUV, TJV (JV-250), OJV (JV-255), TIC (JV-260), and OJC (JV-265).

Table 4. Analysis of California Protection Orders with Firearm Provisions Issued in 2023³⁰⁸

Type of Protection Order	Number of Orders Issued in 2023	Number of Final Orders Issued by CA Civil Courts in 2023	% of All Protection Orders with Firearm Provisions That Were This Type of Order	% of All CA Civil Court Protection Orders with Firearm Provisions That Were This Type of Order	% of All Final CA Civil Court Protection Orders with Firearm Provisions That Were This Type of Order
Civil Harassment Restraining Order (CHRO)	35,145	8,723	12.2%	18.5%	23.2%
Criminal Protective Order (CPO)	95,186	Not civil	33.0%	Not civil	Not civil
Domestic Violence Restraining Order (DVRO)	94,155	25,231	32.7%	49.6%	67.2%
Elder/Dependent Adult Abuse Restraining Order (EARO)	7,588	2,256	2.6%	4.0%	6.0%
Emergency Protective Order (EPO)	49,352	Not final	17.1%	26.0%	Not final
Gun Violence Restraining Order (GVRO)	2,719	571	0.9%	1.4%	1.5%
Juvenile Restraining Order (JVRO) ³⁰⁹	3,478	Not civil	1.2%	Not civil court	Not civil court
Postsecondary School Violence Orders (SVRO)	3	1	0.001%	0.002%	0.003%
Workplace Violence Restraining Order (WVRO)	1,879	777	0.7%	1.0%	2.1%

308 Counts of California protection orders with firearm provisions exclude Elder/Dependent Adult Abuse Restraining Orders involving financial abuse only, orders issued by courts in other jurisdictions, and orders issued in California as discretionary orders outside the standard court protection order process; courts are not required to report those discretionary orders or out-of-state orders to DOJ and are not required to include firearm provisions in those orders. This count also includes some orders that generally include mandatory firearm restrictions but where the court issued an order exempting the respondent from relinquishing certain firearms required as a condition of employment. See Cal. Fam. Code § 6389(h); Cal. Code of Civ. Proc. § 527.9(f). Also note that some Gun Violence Restraining Orders (GVROs) are issued on an emergency basis as a type of Emergency Protective Order (EPO) (called Gun Violence Emergency Protective Orders or EPO-002s). In 2023, there were 1,218 of these emergency GVROs issued statewide and these are counted as both GVROs and EPOs in the table above. Because these orders are counted as both GVROs and EPOs, the total percentages add up to slightly more than 100%.

309 This count of Juvenile Restraining Orders includes different types of orders issued by juvenile courts, including those with type code JUV, TJV (JV-250), OJV (JV-255), TIC (JV-260), and OJC (JV-265).

Table 5. Analysis of Active California Protection Orders in CARPOS as of August 7, 2023

Type of Protection Order	Number of Active Protection Orders of This Type as of Aug. 7, 2023	% of All Active Orders with Firearm Provisions That Were This Type of Order	% of All Active CA Civil Court Orders with Firearm Provisions That Were This Type of Order	% of All Active Final Civil Court Orders with Firearm Provisions That Were This Type of Order
Final Civil Harassment Order	20,995	6.1%	18.5%	21.8%
Temporary Civil Harassment Order	3,661	1.1%	3.2%	Not final
Criminal Protective Order	228,567	66.0%	Not civil	Not civil
Final Domestic Violence Order	66,315	19.1%	58.5%	69.0%
Temporary Domestic Violence Order	11,097	3.2%	9.8%	Not final
Final Elder/Dependent Adult Abuse Order (not financial abuse only)	5,935	1.7%	5.2%	6.2%
Temporary Elder/Dependent Adult Abuse Order (not financial abuse only)	989	0.3%	0.9%	Not final
Final Elder/Dependent Adult Abuse Order (involving financial abuse only)	156	No firearm provisions	No firearm provisions	No firearm provisions
Temporary Elder/Dependent Adult Abuse Order (involving financial abuse only)	25	No firearm provisions	No firearm provisions	No firearm provisions
Emergency Protective Order (EPO-001)	920	0.3%	0.8%	Not final
Emergency Gun Violence Restraining Order (Gun Violence Emergency Protective Order/EPO-002)	190	0.1%	0.2%	Not final
Final Gun Violence Restraining Order following hearing on EPO-002 ³¹⁰	96	0.03%	0.1%	0.1%
Other Final Gun Violence Restraining Order ³¹¹	754	0.2%	0.7%	0.8%
Temporary Gun Violence Restraining Order	220	0.1%	0.2%	Not final
Juvenile Restraining Orders ³¹²	4,646	1.3%	Not civil	Not civil court
Final Postsecondary School Violence Order	1	0.0003%	0.0009%	0.001%
Temporary Postsecondary School Violence Order	0	0.0%	0.0%	Not final
Final Workplace Violence Order	1,876	0.5%	1.7%	2.0%
Temporary Workplace Violence Order	220	0.1%	0.2%	Not final

310 These orders (CLETS-HGV) were separately classified from other final Gun Violence Restraining Orders (GVROs) starting in 2021, pursuant to amendments to California’s GVRO laws made by 2018 CA SB 1200 (Skinner).

311 Starting in 2021, data for these final GVRO orders (CLETS-OGV) does not include final GVROs issued after a hearing on an emergency GVRO/EPO-002; those orders are also final GVROs and are separately reported in the row for “Final Gun Violence Restraining Order after hearing on EPO-002”.

312 This count of Juvenile Restraining Orders includes different types of orders issued by juvenile courts, including those with type code JUV, TJV (JV-250), OJV (JV-255), TJC (JV-260), and OJC (JV-265).

Data Note

Some nuance is needed when interpreting protection order data from the DOJ CARPOS system. A higher number of protection orders does not *by itself* indicate that more people are safe.

First, this data documents the number of protection orders issued, not the number of people subject to or protected by these orders. A single individual may be subject to multiple protection orders. For example, in a case where an individual engaged in violent or abusive conduct against his ex-girlfriend and his neighbor, several protective orders could be requested against the same individual. In this example, the ex-girlfriend may seek a Domestic Violence Restraining Order to protect herself and her household members, the neighbor may seek a Civil Harassment Restraining Order to protect himself and his household members, law enforcement officers may seek separate Emergency Protective Orders to provide short-term protections for both survivors and/or consider a Gun Violence Restraining Order. If the individual is prosecuted, the judge may issue one or more Criminal Protective Orders once criminal proceedings have started in the case to protect the ex-girlfriend, neighbor, and/or other victims or witnesses. Some or all of these orders may be in effect in quick succession or simultaneously.

Additionally, two different protection orders can last for *substantially* different periods of time. Protection orders issued as emergency or temporary orders are available quickly and provide critical protections during periods of acute crisis. They can provide a crucial cooling-off period and time for survivors and others to develop safety plans and consider other interventions. But a single final protection order lasting multiple years will often provide much more stable and effective protections than multiple short-term emergency or temporary orders that lapse after just days or weeks.³¹³

In addition, data about the number of protection orders issued by courts does not distinguish between orders that were or were not effectively served, implemented, and enforced in practice.

There are also some limitations in the protection data available through DOJ's CARPOS database. The accuracy of the information contained in this database is contingent on those who enter data into the system. Incorrect entries may occur. Courts and other agencies also occasionally enter test records into the CARPOS system. DOJ has removed from this analysis any records that used words that clearly indicated that a CARPOS record was a test; however, it is likely that some incorrect test records are still included in the data.³¹⁴ Finally, CARPOS generally maintains information about the most recent order issued in a court protection order case. If a court issues a temporary protection order and then issues a final protection order after a hearing in the same case, courts are generally instructed to modify the record in CARPOS to convert the temporary order into a final protection order. However, agencies sometimes do not follow this instruction and instead create new CARPOS records, leading to multiple records per order in CARPOS (often one or more temporary orders and a final order in the same case involving the same individuals). DOJ has sought to identify and remove these duplicative CARPOS records from the data analyzed in this report, but some are likely still present.

313 See, e.g., Victoria Holt, et al., "Civil protection orders and risk of subsequent police-reported violence," *JAMA* 288:589-94 (2002).

314 DOJ reviewed CARPOS records to identify those that used key words indicating that the CARPOS record was a test instead of an actual protection order and removed records that were confirmed to be test records from the datasets analyzed in this report. Test records that did not clearly indicate one of these key words are included in the data and test records that indicate one of the key words but are not confirmed to be test records are also included. (A record that was clearly indicated as a test record would include, for example, a CARPOS record listing the respondent's name as "Invalid Respondent", the case number "TEST12345", and the comment "THIS IS A TEST RECORD" in the Miscellaneous Information field. A record that was a test record but not clearly indicated as such would include, for example, a record that used a realistic but non-existent name and case number. An example of test data that would not be confirmed would include, for example, a record that contained the name "Justice Records" but where all of the other fields contained realistic data (e.g. case number 22GV3795)).

Despite these data limitations, the protection order data analyzed in this report indicates that California is successfully expanding access to and utilization of its vital protection order processes, especially longer-term final protection orders. This trend has likely contributed to California's recent progress on gun safety by helping to disarm more people found by a court to have engaged in violent or abusive conduct and by providing protection to more survivors who are in danger. California should continue to prioritize efforts to build on this progress.



ACKNOWLEDGEMENTS

This report builds on other vital resources about California’s array of protection orders from organizations including the Judicial Council of California (*see California Courts Self-Help Guide to Restraining Orders*),³¹⁵ the California Partnership to End Domestic Violence (*see Preventing & Reducing Gun Violence Injuries and Fatalities toolkit and other resources at EndingGV.org, a project supported by the Governor’s Office of Emergency Services*),³¹⁶ the California Firearm Violence Research Center (*see Bullet Points Project: Civil Protective Orders*),³¹⁷ Giffords Law Center to Prevent Gun Violence (*see How to Get Help When Someone May Hurt Themselves or Others and Implementation Toolkit for Gun Safety Laws*),³¹⁸ the Battered Women’s Justice Project and National Center on Gun Violence in Relationships (*see The National Resource Center on Domestic Violence and Firearms*),³¹⁹ and other survivor advocates who have done much to make California a national leader in efforts to create, implement, and continuously improve our state’s lifesaving protection order processes.³²⁰

-
- 315 See, e.g., Judicial Council of California, “California Courts Self-Help Guide: Restraining Orders,” www.selfhelp.courts.ca.gov/restraining-orders.
- 316 See California Partnership to End Domestic Violence, “Preventing & Reducing Gun Violence Injuries and Fatalities: A California Toolkit for Communities, Survivors, and Service Providers,” www.endinggv.org/wp-content/uploads/2023/03/Toolkit.pdf.
- 317 California Firearm Violence Research Center, “Bullet Points Project: Civil Protective Orders,” www.bulletpointsproject.org/civil-protective-orders/.
- 318 Giffords Law Center to Prevent Gun Violence, “California Resource Guide: How to Get Help When Someone May Hurt Themselves or Others,” <https://files.giffords.org/wp-content/uploads/2021/01/Giffords-Law-Center-Seeking-Help-Brochure.pdf> and “Implementation Toolkit for Gun Safety Laws,” <https://giffords.org/lawcenter/report/implementation-toolkit-for-gun-safety-laws/>.
- 319 National Center on Gun Violence in Relationships, “National Resource Center on Domestic Violence and Firearms,” www.preventdvgunviolence.org.
- 320 See, e.g., Julia Weber, “Civil Restraining Orders in California,” (Apr. 1, 2023) and “Figuring Out the Right Tool: Firearm Safety and Restraining Orders,” Presentation at Los Angeles County Office of Violence Prevention Convening (Nov. 2, 2023); Julia Weber and ret. Judge Sherrill Ellsworth, “Webinar: Understanding Civil Restraining Orders: Domestic Violence, Extreme Risk Protection Orders, and More,” Battered Women’s Justice Project (Aug. 3, 2023), www.preventdvgunviolence.org/news/Understanding_Civil_Restraining_Orders_Domestic_Violence_Extreme_Risk_Protection_Orders_and_More.html; Julia Weber, “Implementation Challenges Plague Firearm Relinquishment Laws,” Domestic Violence Report 27(6), p. 85-86, 93-96 (Aug./Sept. 2022). In recent years, advocacy coalitions led by organizations including Giffords Law Center to Prevent Gun Violence, the California Partnership to End Domestic Violence, Everytown for Gun Safety, Brady United Against Gun Violence, the Family Violence Appellate Project, Women Against Gun Violence, WEAVE, and other survivor advocates have championed a series of legislative efforts in California to expand and improve implementation of court protection order processes. See, e.g., 2021 CA SB 320 (Eggman) (codifying court procedures to promote firearm relinquishment in domestic violence restraining order cases); 2022 CA AB 178 (appropriating \$40 million to Judicial Council for grants for court-law enforcement partnerships to support implementation of court protection orders with firearm restrictions); 2023 CA AB 28 (Gabriel) (creates Gun Violence Prevention and School Safety Special Fund with ongoing investments of up to \$15 million per year for Firearm Relinquishment Grant Program), 2023 CA AB 818 (Petrie-Norris) (expanding requirement for law enforcement officers to serve certain protection orders upon request by petitioner and to take custody of firearms when serving domestic violence or gun violence restraining orders or when at the scene of a domestic violence incident); 2023 CA SB 599 (Caballero) (strengthening processes for child custody and visitation orders in domestic violence cases, including through consideration of virtual or court-supervised visitation). In 2024, at least a dozen bills were introduced in the California Legislature to improve and standardize court and law enforcement responses and responsibilities in the court protection order process. DOJ strongly endorsed SB 899 (Skinner and Blakespear), which would codify and standardize best practices implemented in the domestic violence restraining order context pursuant to previous legislation, SB 320 (Eggman) and AB 818 (Petrie-Norris), to help ensure that all protection orders are more consistently and effectively served, implemented, and enforced to prevent gun violence and other harms.