



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: February 28, 2012

Title	Agenda Item Type
Information Report on Rule 4.700 of the California Rules of Court regarding Firearm Relinquishment in Criminal Domestic Violence Cases	Information Only
	Date of Report
	January 31, 2012
Submitted by	Contact
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Hon. Laurence Donald Kay (Ret.), Chair	

Executive Summary

This is an information report on the impact of implementing Rule 4.700 of the California Rules of Court regarding firearms relinquishment in criminal domestic violence cases.

Previous Council Action

The Judicial Council adopted rule 4.700 of the California Rules of Court effective July 1, 2010¹ and, concurrently, directed the Administrative Office of the Courts to provide an information report on the implementation of the rule in the future.

Methodology and Process

Background of Rule 4.700

A defendant subject to a restraining order issued under section 136.2 of the Penal Code is prohibited from owning, possessing, purchasing, receiving or attempting to purchase or receive

¹ See Attachment A.

any firearms during the period of the order.² The defendant must relinquish any firearms within his or her immediate possession or control within 24 hours of being served with the order either by surrendering the firearms to the control of local law enforcement officials or by selling the firearms to a licensed gun dealer. (Code Civ. Proc. § 527.9(b).) The defendant must file with the court a receipt showing the firearms were relinquished to law enforcement or sold to a licensed gun dealer within 48 hours of receiving the restraining order. (*Ibid.*)

Rule 4.700 provides a procedure to assist courts in determining whether the defendant has complied with the court's order to relinquish or sell any firearms the defendant owns, possesses, or controls. The rule (1) specifies that the court must set a review hearing to determine compliance with its order only in those limited cases where the court, in its discretion, has "good cause to believe" that the defendant owns, possesses, or controls a firearm that must be relinquished under the terms of the court's protective order, (2) provides procedures to follow at the review hearing to determine whether a defendant has complied with the court's order to relinquish or sell firearms, and (3) provides remedies to be applied if the court finds that a defendant has failed to relinquish a firearm, depending on whether the criminal protective order was issued preconviction under Penal Code section 136.2 or postconviction as a condition of probation under Penal Code section 1203.097.

Summary of Methodology Used to Gather Information About Implementation of Rule 4.700
During 2011, staff sought information about implementation of the rule from judicial officers, prosecutors, defense attorneys, probation officers and other justice system personnel. The information-gathering process included (1) telephone meetings with selected judicial officers and other justice system personnel; (2) guided discussions among participants of three regional meetings focusing on risk assessment and firearms relinquishment issues entitled *Domestic Violence and the Courts 2011*, which were sponsored by the Domestic Violence Practice and Procedure Task Force (Task Force) and held in August and September using federal grant funds; and (3) a formal email message to participants of the regional meetings, requesting written information about the operation of the rule in their jurisdictions and any local practices and procedures in place or in development.

The goal of the information-gathering process was to assess:

- awareness of the rule;
- if and how the rule is being implemented;
- promising practices to be shared;
- challenges to implementation of the rule; and
- impacts on courts and other justice agencies, if any.

² Penal Code section 136.2(d); see Attachment B.

Telephone meetings

Informal discussions were held with members of the Violence Against Women Education Project Planning Committee, members of the Domestic Violence Practice and Procedure Task Force, certain judicial officers hearing criminal cases, certain members of the Judicial Council of California's Criminal Law Advisory Committee, and additional prosecutors, defense attorneys, judicial officers, victim advocates and others as appropriate.

These discussions provided a framework for staff to understand the general issues facing justice system entities regarding firearm relinquishment in criminal domestic violence cases and informed the more detailed request for information which occurred prior to and during the regional meetings.

Regional meetings

A series of three regional meetings took place during August and September 2011 in Los Angeles, San Francisco, and Sacramento. Each presiding judge was invited to send a team from his or her county comprised of two judges or commissioners with expertise in criminal law, and representatives from probation, the prosecutor's office, and the public defender's office or defense bar. The goals of the meetings were to: (1) evaluate the need for practices and procedures to assist courts in assessing risk, identify more dangerous cases, and to respond to the needs of litigants in domestic violence matters; (2) gather information on the implementation of Rule 4.700 of the California Rules of Court regarding firearms relinquishment after issuance of a criminal protective order; and (3) provide a forum for discussion among representatives from the courts and other justice system entities about procedures and practices in domestic violence criminal matters.

Approximately 48 judicial officers and 10 court professionals representing 36 counties from large to small, attended the meetings. Also in attendance were 24 prosecutors, 25 defense attorneys and 28 probation officers. A total of over 135 justice system personnel attended the meetings.

Each of the three meetings followed the same agenda. The morning session was devoted to a presentation and discussion of research and assessment tools on lethality issues. Numerous studies have demonstrated a high correlation between the presence of firearms, threats to harm, and lethality in domestic violence cases.³

³ Multiple studies have found that intimate partners are more likely to be murdered with a firearm than by all other means combined. See, e.g., L. J. Paulozzi, L. E. Saltzman, M. P. Thompson, and P. Holmgren, Centers for Disease Control and Prevention, "Surveillance for Homicide Among Intimate Partners—United States, 1981–1998," *Morbidity and Mortality Weekly Report Surveillance Summaries* 50 October 12, 2001): 1–16. Violence Policy Center, *When Men Murder Women: An Analysis of 2003 Homicide Data—Females Murdered by Males in Single Victim/Single Offender Incidents* (September 2005), at www.vpc.org/studyndx.htm. According to a University of California, Los Angeles study, when a firearm is kept in a home with an abuser, nearly two-thirds of the victims report that it is used by the abuser to scare, threaten, or harm them. (S. Sorenson and D. Wiebe, "Weapons in the Lives of Battered Women." *American Journal of Public Health* 94 (8) (2004): 1412–17.)

In the afternoon, participants were asked to discuss Rule 4.700 in two facilitated sessions. The first session grouped participants by their practice area to brainstorm ideas and share challenges; for example, judicial officers met together and prosecutors met together. The next session grouped participants in their county teams to share ideas they gleaned from the first session.

Staff and Task Force members attended as many group sessions as practicable, sometimes circulating from one group to another, in an effort to collect information and provide technical assistance when requested.

Written information

Participants in the regional meetings were provided with a one-page form which asked for information on local practices and procedures or any implementation issues relating to Rule 4.700 (see Attachment C). The form also specified additional issues which could be addressed, including:

- whether prosecutors and defense attorneys are present at arraignment in the participant's jurisdiction;
- whether prosecutors routinely provide information to the court regarding defendants' ownership or possession of firearms;
- to what extent the court, upon a finding of good cause, sets hearings to confirm defendants' compliance with the law to surrender or sell firearms;
- to what extent setting or conducting the hearing results in compliance; and
- any promising practices that the court has developed to implement the rule.

Staff received responses from 12 counties.

Concerns of Stakeholders

During the information-gathering process in 2011, staff received no reports from courts indicating that implementation of Rule 4.700 required significant increases in court time or other resources.

Justice system professionals indicated that there were very few cases in which there was good cause to believe that a defendant owned or possessed firearms after being served with a restraining order. Several stakeholders estimated that less than 5% of defendants were suspected to possess firearms. It is unknown whether this estimate is due to lack of evidence or to some other reason.

Stakeholders did report other concerns that related more to the firearm prohibition and relinquishment mandates of the underlying statutes than to Rule 4.700. (Pen. Code §136.2(d); Code Civ. Proc. § 527.9(b).) Such concerns are not related to implementation of the rule and are therefore not detailed in this report.

Judicial officers

Judicial officers reported that implementation of the rule did not result in any significant increase in court time or resources. Their main concern was the lack of available information about defendants' possession or control of firearms. In many courts, neither prosecutors nor defense attorneys are present at misdemeanor arraignments. Furthermore, background search results on defendants are sometimes not provided to the court, as specified by California Penal Code section 273.75. In such circumstances, judicial officers have limited information to make any findings of fact regarding the defendant's possession or control of firearms.

Defense attorneys

Neither the statutes nor the rule require or suggest that the court question a defendant about firearms. Further, neither the statutes nor the rule require a defendant to make any statements to the court regarding firearms. However, defense attorneys expressed concern about the potential for infringement of the defendant's constitutional right against self-incrimination and asserted that courts should not engage in direct questioning of the defendant.

Prosecutors

Prosecutors' concerns had more to do with resources. As noted above, some prosecutors' offices do not have adequate resources to be present at arraignments and are therefore unable to provide information about firearm possession to courts at arraignments. In addition, prosecutors noted that several types of firearms are not registered in the statewide registry (such as long arms or stolen firearms) and, without victim cooperation, prosecutors frequently remain unaware of the existence of such firearms.

Policy and Cost Implications

Most justice system personnel agreed that removing firearms from defendants charged with domestic violence crimes is a laudable goal. Most agreed that the rule has or will enhance procedures and provide an incentive for defendants to dispose of firearms, even if the disposition is not to law enforcement or a licensed gun dealer as specified in the statute. For example, some defense attorneys noted that they routinely advise their clients to dispose of their firearms prior to any court hearing. Judicial officers reported that at the few compliance hearings scheduled, all defendants had complied with the court's order and the court had no cause to proceed further.

There were no reports of increased costs associated with the rule.

Possible Recommendations

The Task Force considered the information received during the regional meetings and through informal discussions with justice system professionals and it plans to propose an optional model protocol to implement rule 4.700 that will address many of the outstanding questions, concerns and promising practices presented by stakeholders, as outlined below.

Confiscate Firearms at the Scene of a Domestic Violence Incident and Improve Written Records

Most justice system personnel stated that the ideal time to confiscate firearms is by law enforcement at the scene of a domestic violence incident. Many of the regional meeting participants discussed ways to improve firearm identification and confiscation by law enforcement. Even when law enforcement is unable to confiscate firearms at the scene, improved record keeping would increase the information available to the court.

The regional meetings generated several ideas toward these goals:

1. Establish protocols for judicial officers issuing Emergency Protective Orders to ask the law enforcement officer whether firearms were threatened or used, and if the protected person is aware of whether the restrained person possesses or owns any firearms;
2. Consider amending the Judicial Council Emergency Protective Order, Form EPO-001, to more clearly indicate whether a firearm was used or threatened or whether there is any evidence to suggest that the restrained person owns or possesses a firearm;
3. Encourage law enforcement officers to confiscate firearms when responding to domestic violence incidents. (Pen. Code §18250.)
4. Encourage law enforcement officers and prosecutors to seek warrants to seize firearms owned or possessed by people who are subject to restraining orders. (Pen. Code §1524.)

Improve Information Presented by Prosecutor's Office

Prosecutors and other justice system professionals discussed practices to increase the information available to present to the court. Many prosecutors' offices have developed local forms to detail the results of background checks completed as required by Penal Code section 273.75.

One prosecutor's office is considering a procedure to review family law restraining order applications to determine whether a particular victim's application indicates that the defendant owns or possesses a firearm. The prosecutor would submit the application to the criminal court as evidence that the defendant owns or possesses a firearm.

Several prosecutors, probation officers and law enforcement officers suggested that enhanced firearms information could be included in probable cause statements, pretrial services reports, police reports and bail studies for the court to review when appropriate.

Summary of Findings

Information received so far indicates that implementation of rule 4.700 has not resulted in a significant number of additional court hearings. There were no reports of increased costs associated with the rule.

The rule has sparked discussions among court and justice system personnel about how to remove firearms from defendants who have been charged with domestic violence crimes. Such discussions have resulted in a variety of activities, including (1) additional education for law enforcement regarding court procedures, (2) enhanced procedures for judicial officers to inquire about firearms when issuing Emergency Protective Orders pursuant to Family Code section 6240 et seq., and (3) additional information sharing opportunities for justice system entities to discuss firearm relinquishment issues.

Courts reported a variety of procedures used to implement the rule. In those courts where prosecutors and/or defense attorneys are not present at arraignment, the court has limited information from which to make any findings about the existence of firearms. Some courts review a pretrial services report, the bail study, the police report (when appropriate), or law enforcement's probable cause statement to see if there is any mention of firearm possession or use.

In courts where the prosecutor's office is present at arraignment, it was reported that some routinely provide the court with information about firearms and some do not.

Prosecutors' offices have developed a variety of forms that consolidate background information. One prosecutor's office developed a "Firearms Assessment" form which is submitted to the court at the arraignment when the prosecutor has good cause to believe that the defendant possessed a firearm at the time of the alleged crime. The form has space to list registered firearms, firearms seized by law enforcement and firearms described by the victim or other witness (see Attachments D and E for examples of forms).

Relevant Strategic Plan Goals and Operational Plan Objectives

This report was requested by the Judicial Council of California in the summer of 2010. The process employed to gather information for the report supports goals IV and V of the Strategic Plan (Quality of Justice and Service to the Public, and Education for Branchwide Professional Excellence). Further, it supports the Strategic Plan by (1) improving practices and procedures to ensure fair, expeditious, and accessible administration of justice for litigants in domestic violence cases, (2) enhancing collaborations to improve court practices, and (3) providing relevant education for judicial officers and court staff.

Attachments

- A. California Rules of Court, rule 4.700
- B. California Penal Code section 136.2

- C. Request for Information About Local Procedures
- D. Pretrial Services Restraining Order Criminal Background Worksheet (Superior Court of San Diego)
- E. Domestic Violence Firearms Assessment (County of Santa Clara, Office of the District Attorney)

2011 California Rules of Court

Rule 4.700. Firearm relinquishment procedures for criminal protective orders

(a) Application of rule

This rule applies when a court issues a criminal protective order under Penal Code section 136.2 during a criminal case or as a condition of probation under Penal Code section 1203.097(a)(2) against a defendant charged with a crime of domestic violence as defined in Penal Code section 13700.

(b) Purpose

This rule is intended to:

- (1) Assist courts issuing criminal protective orders to determine whether a defendant subject to such an order owns, possesses, or controls any firearms; and
- (2) Assist courts that have issued criminal protective orders to determine whether a defendant has complied with the court's order to relinquish or sell the firearms under Code of Civil Procedure section 527.9.

(c) Setting review hearing

- (1) At any hearing where the court issues a criminal protective order, the court must consider all credible information, including information provided on behalf of the defendant, to determine if there is good cause to believe that the defendant has a firearm within his or her immediate possession or control.
- (2) If the court finds good cause to believe that the defendant has a firearm within his or her immediate possession or control, the court must set a review hearing to ascertain whether the defendant has complied with the requirement to relinquish the firearm as specified in Code of Civil Procedure section 527.9. Unless the defendant is in custody at the time, the review hearing should occur within two court days after issuance of the criminal protective order. If circumstances warrant, the court may extend the review hearing to occur within 5 court days after issuance of the criminal protective order. The court must give the defendant an opportunity to present information at the review hearing to refute the allegation that he or she owns any firearms. If the defendant is in custody at the time the criminal protective order is issued, the court should order the defendant to appear for a review hearing within two court days after the defendant's release from custody.
- (3) If the proceeding is held under Penal Code section 136.2, the court may, under Penal Code section 977(a)(2), order the defendant to personally appear at the review hearing. If the proceeding is held under Penal Code section 1203.097, the court should order the defendant to personally appear.

(d) Review hearing

(1) If the court has issued a criminal protective order under Penal Code section 136.2, at the review hearing:

(A) If the court finds that the defendant has a firearm in or subject to his or her immediate possession or control, the court must consider whether bail, as set, or defendant's release on own recognizance is appropriate.

(B) If the defendant does not appear at the hearing and the court orders that bail be revoked, the court should issue a bench warrant.

(2) If the criminal protective order is issued as a condition of probation under Penal Code section 1203.097, and the court finds at the review hearing that the defendant has a firearm in or subject to his or her immediate possession or control, the court must proceed under Penal Code section 1203.097(a)(12).

(3) In any review hearing to determine whether a defendant has complied with the requirement to relinquish firearms as specified in Code of Civil Procedure section 527.9, the burden of proof is on the prosecution.

Rule 4.700 adopted effective July 1, 2010.

Advisory Committee Comment

When issuing a criminal protective order under Penal Code section 136.2 or 1203.097(a)(2), the court is required to order a defendant "to relinquish any firearm in that person's immediate possession or control, or subject to that person's immediate possession or control" (Code Civ. Proc., § 527.9(b).) Mandatory Judicial Council form CR-160, *Criminal Protective Order-Domestic Violence*, includes a mandatory order in bold type that the defendant "must surrender to local law enforcement or sell to a licensed gun dealer any firearm owned or subject to his or her immediate possession or control within 24 hours after service of this order and must file a receipt with the court showing compliance with this order within 48 hours of receiving this order."

Courts are encouraged to develop local procedures to calendar review hearings for defendants in custody beyond the two-court-day time frame to file proof of firearms relinquishment with the court under Code of Civil Procedure section 527.9.

Penal Code section 136.2

136.2. (a) Except as provided in subdivision (c), upon a good cause belief that harm to, or intimidation or dissuasion of, a victim or witness has occurred or is reasonably likely to occur, any court with jurisdiction over a criminal matter may issue orders including, but not limited to, the following:

(1) Any order issued pursuant to Section 6320 of the Family **Code**.

(2) An order that a defendant shall not violate any provision of Section **136.1**.

(3) An order that a person before the court other than a defendant, including, but not limited to, a subpoenaed witness or other person entering the courtroom of the court, shall not violate any provisions of Section **136.1**.

(4) An order that any person described in this section shall have no communication whatsoever with any specified witness or any victim, except through an attorney under any reasonable restrictions that the court may impose.

(5) An order calling for a hearing to determine if an order as described in paragraphs (1) to (4), inclusive, should be issued.

(6) (A) An order that a particular law enforcement agency within the jurisdiction of the court provide protection for a victim or a witness, or both, or for immediate family members of a victim or a witness who reside in the same household as the victim or witness or within reasonable proximity of the victim's or witness' household, as determined by the court. The order shall not be made without the consent of the law enforcement agency except for limited and specified periods of time and upon an express finding by the court of a clear and present danger of harm to the victim or witness or immediate family members of the victim or witness.

(B) For purposes of this paragraph, "immediate family members" include the spouse, children, or parents of the victim or witness.

(7) (A) Any order protecting victims of violent crime from all contact by the defendant, or contact, with the intent to annoy, harass, threaten, or commit acts of violence, by the defendant. The court or its designee shall transmit orders made under this paragraph to law enforcement personnel within one business day of the issuance, modification, extension, or termination of the order, pursuant to subdivision (a) of Section 6380 of the Family **Code**. It is the responsibility of the court to transmit the modification, extension, or termination orders made under this paragraph to the same agency that entered the original protective order into the Domestic Violence Restraining Order System.

(B) (i) If a court does not issue an order pursuant to subparagraph (A) in a case in which the defendant is charged with a crime of domestic violence as defined in Section 13700, the court on its own motion shall consider issuing a protective order upon a good cause belief that harm to, or intimidation or dissuasion of, a victim or witness has occurred or is reasonably likely to occur, that provides as follows:

(I) The defendant shall not own, possess, purchase, receive, or attempt to purchase or receive, a firearm while the protective order is in effect.

(II) The defendant shall relinquish any firearms that he or she owns or possesses pursuant to Section 527.9 of the **Code** of Civil Procedure.

(ii) Every person who owns, possesses, purchases, or receives, or attempts to purchase or receive, a firearm while this protective order is in effect is punishable pursuant to Section 29825.

(C) Any order issued, modified, extended, or terminated by a court pursuant to this paragraph shall be issued on forms adopted by the Judicial Council of California and that have been approved by the Department of Justice pursuant to subdivision (i) of Section 6380 of the Family **Code**. However, the fact that an order issued by a court pursuant to this section was not issued on forms adopted by the Judicial Council and approved by the Department of Justice shall not, in and of itself, make the order unenforceable.

(b) Any person violating any order made pursuant to paragraphs (1) to (7), inclusive, of subdivision (a) may be punished for any substantive offense described in Section 136.1, or for a contempt of the court making the order. A finding of contempt shall not be a bar to prosecution for a violation of Section 136.1. However, any person so held in contempt shall be entitled to credit for any punishment imposed therein against any sentence imposed upon conviction of an offense described in Section 136.1. Any conviction or acquittal for any substantive offense under Section 136.1 shall be a bar to a subsequent punishment for contempt arising out of the same act.

(c) (1) Notwithstanding subdivisions (a) and (e), an emergency protective order issued pursuant to Chapter 2 (commencing with Section 6250) of Part 3 of Division 10 of the Family **Code** or Section 646.91 of the **Penal Code** shall have precedence in enforcement over any other restraining or protective order, provided the emergency protective order meets all of the following requirements:

(A) The emergency protective order is issued to protect one or more individuals who are already protected persons under another restraining or protective order.

(B) The emergency protective order restrains the individual who is the restrained person in the other restraining or protective order specified in subparagraph (A).

(C) The provisions of the emergency protective order are more restrictive in relation to the restrained person than are the provisions of the other restraining or protective order specified in subparagraph (A).

(2) An emergency protective order that meets the requirements of paragraph (1) shall have precedence in enforcement over the provisions of any other restraining or protective order only with respect to those provisions of the emergency protective order that are more restrictive in relation to the restrained person.

(d) (1) A person subject to a protective order issued under this section shall not own, possess, purchase, receive, or attempt to purchase or receive a firearm while the protective order is in effect.

(2) The court shall order a person subject to a protective order issued under this section to relinquish any firearms he or she owns or possesses pursuant to Section 527.9 of the **Code** of Civil Procedure.

(3) Every person who owns, possesses, purchases or receives, or attempts to purchase or receive a firearm while the protective order is in effect is punishable pursuant to Section 29825.

(e) (1) In all cases where the defendant is charged with a crime of domestic violence, as defined in Section 13700, the court shall consider issuing the above-described orders on its own motion. All interested parties shall receive a copy of those orders. In order to

facilitate this, the court's records of all criminal cases involving domestic violence shall be marked to clearly alert the court to this issue.

(2) In those cases in which a complaint, information, or indictment charging a crime of domestic violence, as defined in Section 13700, has been issued, a restraining order or protective order against the defendant issued by the criminal court in that case has precedence in enforcement over any civil court order against the defendant, unless a court issues an emergency protective order pursuant to Chapter 2 (commencing with Section 6250) of Part 3 of Division 10 of the Family **Code** or Section 646.91 of the **Penal Code**, in which case the emergency protective order shall have precedence in enforcement over any other restraining or protective order, provided the emergency protective order meets the following requirements:

(A) The emergency protective order is issued to protect one or more individuals who are already protected persons under another restraining or protective order.

(B) The emergency protective order restrains the individual who is the restrained person in the other restraining or protective order specified in subparagraph (A).

(C) The provisions of the emergency protective order are more restrictive in relation to the restrained person than are the provisions of the other restraining or protective order specified in subparagraph (A).

(3) Custody and visitation with respect to the defendant and his or her minor children may be ordered by a family or juvenile court consistent with the protocol established pursuant to subdivision (f), but if ordered after a criminal protective order has been issued pursuant to this section, the custody and visitation order shall make reference to, and acknowledge the precedence of enforcement of, any appropriate criminal protective order. On or before July 1, 2006, the Judicial Council shall modify the criminal and civil court forms consistent with this subdivision.

(f) On or before January 1, 2003, the Judicial Council shall promulgate a protocol, for adoption by each local court in substantially similar terms, to provide for the timely coordination of all orders against the same defendant and in favor of the same named victim or victims. The protocol shall include, but shall not be limited to, mechanisms for assuring appropriate communication and information sharing between criminal, family, and juvenile courts concerning orders and cases that involve the same parties, and shall permit a family or juvenile court order to coexist with a criminal court protective order subject to the following conditions:

(1) Any order that permits contact between the restrained person and his or her children shall provide for the safe exchange of the children and shall not contain language either printed or handwritten that violates a "no contact order" issued by a criminal court.

(2) Safety of all parties shall be the courts' paramount concern. The family or juvenile court shall specify the time, day, place, and manner of transfer of the child, as provided in Section 3100 of the Family **Code**.

(g) On or before January 1, 2003, the Judicial Council shall modify the criminal and civil court protective order forms consistent with this section.

(h) In any case in which a complaint, information, or indictment charging a crime of domestic violence, as defined in Section 13700, has been filed, the court may consider, in determining whether good

cause exists to issue an order under paragraph (1) of subdivision (a), the underlying nature of the offense charged, and the information provided to the court pursuant to Section 273.75.

(i) In all cases in which a criminal defendant has been convicted of a crime of domestic violence as defined in Section 13700, the court, at the time of sentencing, shall consider issuing an order restraining the defendant from any contact with the victim. The order may be valid for up to 10 years, as determined by the court. This protective order may be issued by the court regardless of whether the defendant is sentenced to the state prison or a county jail, or whether imposition of sentence is suspended and the defendant is placed on probation. It is the intent of the Legislature in enacting this subdivision that the duration of any restraining order issued by the court be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of the victim and his or her immediate family.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

COURT USE ONLY

- COUNTY COURTHOUSE, 220 W. BROADWAY, SAN DIEGO, CA 92101
- FAMILY COURT, 1555 6TH AVE., SAN DIEGO, CA, 92101
- MADGE BRADLEY BLDG., 1409 4TH AVE., SAN DIEGO, CA 92101
- NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081
- EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020
- SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910

**PRETRIAL SERVICES
 RESTRAINING ORDER CRIMINAL BACKGROUND SEARCH WORKSHEET
 (CONFIDENTIAL)**

Respondent:
 Judge:

Case Number:
 Date of Hearing:

- No record found.
- Unable to determine if restrained person has a criminal record. Not enough/no personal data available.
- Violent/Serious felony conviction per Penal Code §§ 667.5 or 1192.7.

- Misdemeanor conviction(s) involving:
 - Domestic violence:
 - Weapons:
 - Other violence:
- Outstanding warrant(s):
- Probation/parole status:
- Additional restraining order(s):
- Gun Registration File:
 - No hit
 - File reveals:

Notes:

Completed by:

Date:

**RESTRAINING ORDER CRIMINAL BACKGROUND
 SEARCH WORKSHEET
 (CONFIDENTIAL)**

County of Santa Clara

Office of the District Attorney

County Government Center, West Wing
70 West Hedding Street
San Jose, California 95110
(408) 299-7400



Dolores A. Carr
District Attorney

DOMESTIC VIOLENCE FIREARMS ASSESSMENT

DATE: _____

Deputy District Attorney

CRIMINAL CASE INFORMATION:

Suspect(s)/Defendant(s): _____

LEA Report Number: _____

CEN: _____

Based on the investigative reports and other information related to this case, the District Attorney has good cause to believe that at the time of the alleged crime(s) this defendant owned or possessed the following firearm(s):

Firearm(s) registered to defendant:

Other Firearm(s) seized by LEA:

Firearms described by victim(s)/witness(es):

