



Office of the San Diego City Attorney

Mara W. Elliott
City Attorney

May 25, 2018

Michael Schwartz
Executive Director
San Diego County Gun Owners
P.O. Box 124667
San Diego, CA 92112

Dear Mr. Schwartz:

Thank you for accepting my invitation to meet to discuss Gun Violence Restraining Orders (GVRO), which my Office uses to protect San Diegans by removing firearms from irresponsible gun owners. You told us "SDCGO strongly agrees with the concept of removing weapons from criminals and the mentally unfit." I appreciate that position and want you to understand how our use of the GVRO statute is instrumental in attaining that goal.

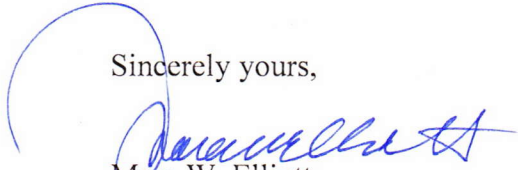
First, not everyone is "mentally unfit" who, because of degraded mental faculties, represents a danger to himself or others. In our meeting, you used that term to indicate someone who is mentally disordered under Welfare and Institutions Code section 5150 is therefore subject to involuntary detention and treatment. The GVRO statute protects the public beyond those 5150 protections. It covers, for example, individuals with Alzheimer's disease or other forms of dementia and individuals whose mental faculties are affected by drug or alcohol addiction. Using a GVRO, we can ensure the safety of that individual and others without depriving anyone of their liberty through involuntary detention.

Second, not everyone is a "criminal" who poses a serious danger to others, has threatened to kill a specific person, or has threatened to kill people in general. They do not become a criminal until they are convicted of a crime, which requires law enforcement to build a case, a prosecutor to file charges, and the court system to reach its conclusion. The GVRO statute allows the court to act at any time during those processes if our Office can show the individual poses a serious threat to himself or to others.

As we discussed, my Office takes its responsibility seriously. We have never petitioned the court for a GVRO without being able to meet our steep burden of proof. We have built our cases on evidence brought to us by law enforcement. And when a parallel criminal prosecution results in a conviction that prohibits an individual from possessing firearms, and our GVRO petition is rendered redundant, we drop the action.

I see the GVRO as a valuable tool for protecting the citizens of San Diego. It balances a gun owner's Second Amendment rights with the individual's right to be safe from predictable or premeditated violence. Responsible gun owners have nothing to fear from our Office or from the GVRO process. I look forward to working with you in the future to ensure our use of the GVRO is better understood by all.

Sincerely yours,



Mara W. Elliott
City Attorney

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