



Departmental Memorandum

Volume 24-18

To: SPD Sworn
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RESTRICTIONS ON THE POSSESSION OF FIREARMS AND AMMUNITION

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In January 2023, the amendments to California Government Code § 1031(a) became effective to allow persons, who are not U.S. citizens but who are legally authorized to work in the United States, to be employed as peace officers in California.

Deferred Action for Childhood Arrivals (DACA) recipients are legally authorized to work, under federal law, but are not considered to be lawfully in the United States by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).

Persons who are not lawfully in the United States are generally prohibited from possessing firearms and ammunition under federal law, with limited exceptions (18 USC § 922[g][5][A]).

Because ATF considers DACA recipients to not be lawfully in the United States, those DACA recipients that are employed as peace officers may only possess firearms and ammunition issued by their employing agency for use in the performance of their official duties (18 USC § 925[a][1]).

SPD officers who are DACA recipients shall:

- Only possess department-owned and issued firearms and ammunition while on duty.
- Secure firearms and ammunition in an appropriate storage device of a police facility while off duty.
- Utilize and possess only department-issued and owned firearms and ammunition while participating in firearms-related law enforcement training.
- Not own or possess firearms or ammunition while off duty.

This memorandum expires upon the publication of a revision of General Order 580.04 (Firearms), last updated on 01-10-2023.