

Memorandum

TO: ALL DEPARTMENT PERSONNEL

FROM: Anthony Mata
Chief of Police

**SUBJECT: DUTY MANUAL REVISIONS:
AUTOMATED FIREARM SEIZED
AND RECOVERED TEMPLATE**

DATE: January 10, 2024

APPROVED

Memo# 2024-001

BACKGROUND

The Department has determined that our current evidence booking process has deficiencies that prevent the Department from reporting specific details when firearms are seized and recovered. As a result, the Department has developed an automated Firearm Seized and Recovered Template that will better capture data to assist in reporting these details to the State of California and allied agencies. The template can also be used by Department members to better describe and assist the Department member in documenting illegal parts, accessories, components, and circumstances that make a firearm illegal to possess.

Department members will now be required to submit an automated Firearm Seized and Recovered Template when any firearm is seized as evidence, collected for safe keeping, or recovered as found property.

ANALYSIS

The Duty Manual has been revised to reflect changes described below. Additions are shown in *italics and underlined*. Deletions are shown in ~~strike-through~~ form.

L 5517 FIREARMS AND RELATED ITEMS: *Revised 01-10-24*

Firearms, shell casings and expended projectiles taken as evidence will be booked into the Police Property storage area appropriate for the time of day. When booking these items, a property report, and General Offense Report (Form 200-2-AFR) will be completed. The officer booking the item will include the following additional information on the reports:

- The statement "Send to Crime Lab for I.B.I.S" is noted
- The name of the person who had possession of the firearm
- The possessor's date of birth
- The possessor's physical description
- One additional identifier such as a driver's license number

When the person possessing a firearm is not the owner, the officer confiscating the firearm will include the same identifying information about the owner as determined about the possessor and include both descriptions in the General Offense Report (Form 200-2-AFR).

An automated Firearm Seized and Recovered Template shall be completed by any Department member who seizes a firearm as evidence, for safekeeping, or recovered as found property. Refer to Duty Manual section R 1583 for additional information.

L 5704 BOOKING FIREARMS FOR SAFEKEEPING- DOMESTIC VIOLENCE INCIDENTS

Revised 01-10-24

- When responding to a domestic violence incident, the officer shall as necessary for the protection of the officer or other persons present:
- Have Communications check DOJ Automated Firearms System to determine ownership of firearms.
- Ask if there are any firearms on the premises.
- Obtain a Gun Violence Restraining Order if applicable.
- If the officer has obtained a Gun Violence Restraining Order, take custody of any firearm/ammunition in plain sight, or discovered pursuant to a consensual search or other lawful search (i.e., search warrant, emergency or exigent circumstance, incident to custodial arrest, probation, parole, or Post Release Community Supervision).
- If the officer has not obtained a Gun Violence Restraining Order, the officer should take custody of any firearms or ammunition discovered in plain sight or pursuant to a consensual search when the seizure is necessary for an urgent public safety need, such as when a person involved in the domestic violence incident may imminently have access to the firearms/ammunition and may use them to harm themselves or others. The officer shall also take custody of any firearms or ammunition incident to arrest or when authorized pursuant to a judicial order (i.e., search warrant or order of probation, parole, or Post Release Community Supervision).
- Have Communications run a warrant check.
 - The warrant check will also verify if a Domestic Violence Restraining Order (DVRO) is in effect and if there is an order prohibiting firearms.
 - If the officer determines that a protective order has been issued but not served, the officer shall immediately notify the respondent of the terms of the order.

- Have Communications notify the Sheriff's Office Warrants Unit to have proof of service entered into Domestic Violence Restraining Order System.
- Complete the Property Report and Evidence Continuity process through RMS listing the firearms/ammunition taken from the owner/possessor.
- Give the owner/possessor of the firearm/ammunition a report receipt (Form 200-45A).
- Advise the owner/possessor to obtain a DOJ Firearms Release Form from the DOJ webpage or contact the Firearms Division for a return application.
- Firearms seized under this section will be booked at Central Supply for safekeeping unless they are evidence of a crime. *If a firearm is collected for safekeeping it shall require a completed Automated Firearm Seized and Recovered Template be submitted with a General Offense Report or Supplemental report.*

L 5705 BOOKING FIREARMS FOR SAFEKEEPING - MENTAL HEALTH INCIDENTS

Revised 01-10-24

When detaining or apprehending a person at a W&I 5150 incident, the officer shall:

- Have Communications check DOJ Automated Firearms System to determine ownership of firearms.
- Ask if there are any firearms on the premises.
- Obtain a Gun Violence Restraining Order if applicable.
- If the officer has obtained a Gun Violence Restraining Order, take custody of any firearm/ammunition in plain sight, or discovered pursuant to a consensual search or other lawful search (i.e., search warrant, emergency or exigent circumstance, incident to arrest, probation, parole, or Post Release Community Supervision).
- If the officer has not obtained a Gun Violence Restraining Order, take custody of any firearms or ammunition in the immediate possession of the person detained under W&I 5150. The officer shall also take custody of any other firearms or ammunition in plain sight or discovered pursuant to a consensual search when doing so is necessary for an emergency or urgent public safety need, such as when the detained person may imminently have access to the firearms/ammunition and may use them to harm themselves or others. The officer shall also take custody of any firearms or ammunition incident to arrest or when authorized pursuant to a judicial order (i.e., search warrant or order of probation, parole, or Post Release Community Supervision).
- Check DOJ Supervised Release File and Mental Health Firearms Prohibition system. If weapons are present, subject may be charged.

- Complete the Property Report and Evidence Continuity process through RMS, listing the firearms/ammunition taken from the owner/possessor.
- Give the owner/possessor of the firearms a report receipt (Form 200-45A).
- Advise the owner/possessor to obtain a DOJ Firearms Release Form from the DOJ webpage or contact the Firearms Division.
- Firearms seized under this section will be booked at Central Supply for safekeeping unless they are evidence of a crime. If a firearm is collected for safekeeping it shall require a completed automated Firearm Seized and Recovered Template be submitted with a General Offense Report or Supplemental report.

**L 5706 BOOKING FIREARMS FOR SAFEKEEPING - ACCEPTANCE OF
FIREARMS SUBJECT TO RELINQUISHMENT UNDER PROTECTIVE
ORDERS**

Revised 01-10-24

Persons subject to protective orders are required to relinquish any firearms in their possession or control within 24 hours after service of the order, either by surrendering the firearms to a local law enforcement agency or by selling the firearms to a licensed gun dealer. A person who chooses to surrender the firearm to the Department will be directed to respond to the Information Center, and an officer in the Center will take possession of the firearm for safekeeping. The person should be in possession of a DV-800/JV-252, Proof of Firearms Turned In or Sold, form. The accepting officer completes sections 4 and 6 of the DV-800/JV-252 form.

The officer who takes possession of the firearms is responsible for completing a General Offense Report (Form 200-2-AFR) or Supplemental Report (Form 200-3A-AFR), an automated Firearm Seized and Recovered Template, Form 2, and booking the surrendered firearms for safekeeping.

R 1583 AUTOMATED FIREARM SEIZED AND RECOVERED TEMPLATE:
Added 01-10-24

All firearms recovered as found property, safekeeping, or seized as evidence shall require an automated Firearm Seized and Recovered Template. Department members booking a firearm shall ensure that the automated Firearm Seized and Recovered Template is submitted with the General Offense Report (Form 200-2-AFR) or as a Supplemental Report (Form 200-3A-AFR).

The supervisor reviewing the General Offense Report or Supplemental Report has the responsibility to ensure that the automated Firearm Seized and Recovered Template is reviewed and submitted for each firearm recovered.

The automated Firearm Seized and Recovered Template should also serve as a guideline for important and necessary details required for successful prosecution. Department members completing the automated Firearm Seized and Recovered Template should utilize the verbiage from the template to better describe details,

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accessories, parts, or conditions which made a firearm illegal to possess. This verbiage should be transferred and documented in the Department member's report narrative to accurately describe why the firearm is illegal to possess or which specific crime was committed.

**R 1583.5 AUTOMATED FIREARM SEIZED AND RECOVERED FIELD REPORTING
GUIDE (FORM 205-1):
Added 01-10-24**

The automated Firearm Seized and Recovered Field Guide (Form 205-1) has been developed to assist officers with note taking purposes for completing the Automated Firearm Seized and Recovered Template. This field guide will ensure that officers have all the necessary details to complete the Firearm Seized and Recovered Template. This field guide should be not considered an official police report that needs to be retained and should not be submitted to the Records Division.

ORDER

Effective immediately, all Department personnel shall adhere to the above Duty Manual sections.



Anthony Mata
Chief of Police

AM:PH:JP