Operations Manual

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GUN DESK PROPERTY UNIT

San Diego Police Dept.

April 2026

Table of Contents

INTRODUCTION 5

I. ORGANIZATION

Chain of Command 5

Staffing and Responsibilities 6

II. OPERATING PROCEDURES (Alpha Order)

APPOINTMENT HOURS 8

AUDITS 8

AUTOMATED FIREARMS SYSTEM (AFS) 8

AMMUNITION 9

ASSAULT WEAPON 9

BUREAU OF FIREARMS (BOF) 9

CODE SECTIONS-QUICK REFERENCE 9

CONVERSION TO DEPARTMENT USE 11

CPRA - CALIFORNIA PUBLIC RECORDS ACT 11

CRIME REPORTS – STOLEN FIREARMS WITHIN CITY OF SD 11

DEALER RELEASES – GUN DEALER RELEASES 11

DEATH INVESTIGATION 11

DEPARTMENT ISSUED FIREARMS 12

DEPARTMENT OF JUSTICE

DOJ – CONTACTS/PHONE NUMBERS 12

DOJ - "APPS" 12

DOJ - LEGR – FIREARM ELIG. LETTERS 12

DOJ – NCIC VALIDATIONS 13

DESTRUCTION OF FIREARMS/CONTRABAND 13

DISPOSITION OF FIREARMS 13

DOCUMENTS BEING SCANNED AND ATTACHED IN EOQ 14

DROS – DEALER RECORD OF SALE 14

E-MAIL FOR GUN DESK 15

E-TRACE 15

EVIDENCEONQ 15

Table of Contents (continued)

FOUND FIREARMS 16
FREQUENTLY ASKED QUESTIONS 16
GHOST GUNS/FMBUS 16
GUN BUY BACK PROGRAMS 16
GUN VIOL. R/O TO PROHIBIT FIREARM POSSESSION 17
HOLDS ON FIREARMS 18
HQGDR – Headquarters Gun Desk Review 18
HQGR – Headquarters Gun Release 18
IBIS 19
ILLEGAL FIREARMS 19
IMPOUND REPORT 19
INCOMING FIREARM IMPOUNDS 20
INSPECTIONS 20
INSTITUTIONAL FIREARMS 20
INTRA-FAMILIAL FIREARM TRANSACTION 20
INVENTORIES 20
JUVENILES 21
JUVENILE FIREARM RESTRICTIONS 21
LEGR/LEGRA 21
LEGISLATION 21
LOADED FIREARMS 22
LOCATION CODES 22
LOST FIREARM REPORTS 22
MAIL – INCOMING 22
MANAGEMENT REPORTS – QUARTERLY 21
MENTAL HEALTH PROHIBITIONS 21
NOTESLOG/COMMENTS ENTERED IN EOQ 24
ORI 24
PACKAGING PROCEDURES 24
PAWNBROKERS 24
PETITIONS - WI8102 (5150) 25
PETITIONS - PC18400 (DV) 25

Table of Contents (continued)

PROHIBITED FROM OWNING OR POSSESSING FIREARMS.....26
PROHIBITED WEAPONS – PC16590 26
PROHIBITING CATEGORIES (DOJ/FOB) 26
PROOF OF FIREARMS TURNED IN, SOLD/STORED (CH-800 form)....26
RECOVERY OF LOST/STOLEN FIREARMS BY SDPD.....26
REGISTRATION OF FIREARMS – CITIZENS.....26
RELEASING FIREARMS.....27
RESTRAINING ORDERS.....27
RETENTION OF RECORDS 28
SERIAL NUMBERS
SERIAL NUMBER ALTERED OR OBLITERATED.....28
SERIAL NUMBERS UNIQUE (PC29180) 28
SHIPPING FIREARMS.....29
STOLEN FIREARMS
STOLENS – REPORTS (NETRMS/RECORDS) 29
STOLENS – PAWNED FIREARMS 29
TASERS.....30
VIEWING FIREARMS IN THE GUN ROOMS 30

INTRODUCTION

The Gun Desk Operations Manual provides an overview of the operational procedures maintained by the Police Investigative Service Officers who are assigned to the Gun Desk. The Gun Desk is part of the Property and Evidence Unit. The information in this manual supplements the Property and Evidence Unit Operations Manual.

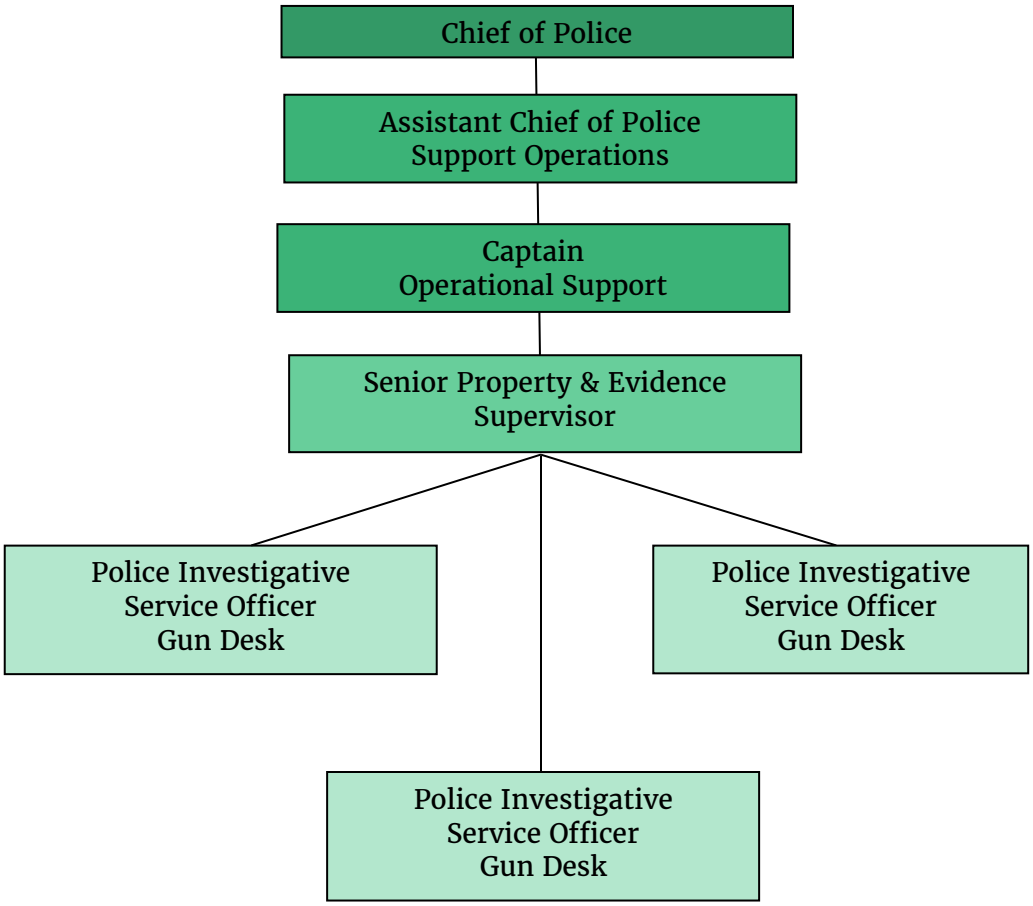
The rules and regulations, policies and expectations of the Property Unit apply to the Gun Desk.

I. ORGANIZATION

PROPERTY ROOM - GUN DESK CHAIN OF COMMAND

The three Gun Desk Police Investigative Service Officers work in the Property Room and are directly supervised by the Senior Police Property & Evidence Supervisor.

Property and Evidence Unit – Gun Desk
Chain of Command



STAFFING & RESPONSIBILITIES

The Gun Desk is located in the Headquarters Property Room. They are staffed by three Police Investigative Service Officers that report directly to the Senior Police Property and Evidence Supervisor. The primary duties for the Senior Police Property and Evidence Supervisor are listed in the Property and Evidence Unit Operations Manual.

The duties and responsibilities of the Gun Desk staff include but are not limited to:

- Processing all new impounded firearms.
- Binning all new impounded firearms.
- Maintaining a manual numeric file of photocopies of all old property tag impounds containing impounded firearms.
- Maintaining a computerized inventory through EvidenceOnQ of all firearms impounded since June of 2011 by the San Diego Police Department, Harbor Police, San Diego Community College Police and SDUSDP.
- Staying abreast of all Federal, State and local gun laws. Maintaining a close liaison with the Department of Justice to receive timely notification of legislative changes.
- Coordinating ATF e-Trace Program for the Department.
- Providing information to the public and law enforcement personnel about the interpretation and application of gun laws.
- Attending DOJ, FBI, ATF, PERT, Assault Weapon and Firearms Safety training classes.
- Maintaining a file of gun theft crime cases reported to SDPD until the firearm is recovered and released or destroyed.
- Working with the San Diego Police Department, City Attorney, and District Attorney liaison to assist in the preparation of court petitions on mental health detentions (WI 8102) and domestic violence incidents (PC18400).
- Verifying monthly DOJ (Department of Justice) Automated Firearms System validation lists by comparing entries with active crime reports on file, modifying entries in AFS.
- Appearing in court to testify about Gun Desk procedures and criteria relating to the retention and destruction of firearms and the California firearm laws.
- Providing citizens with voluntary registration forms as well as assault weapon information and forms required by the California Department of Justice, Bureau of Firearms.
- Preparing and maintaining automated monthly statistical reports.
- Documenting completely and thoroughly all inquiries regarding impounded firearms as well as all research performed on a particular impound.
- Conducting computer research on all impounded firearms for wants or registration in the Automated Firearms System (CA) and NCIC (Nationwide).

- Conducting thorough computer research through law enforcement computer systems on all subjects' criminal history to determine if they have a legal right to own or possess a firearm (i.e.: convicted felons, registered narcotic offenders, PC29800 or WI8102 prohibitions)
- Entering and deleting evidence, found, and crime gun information in the Automated Firearms System.
- Receiving telephonic and person-to-person contact by citizens inquiring about the return or status of firearms, including adversarial inquiries by irate persons.
- Communicating by telephone, teletype, and in writing with other law enforcement agencies as to the status of recovered and SDPD wanted firearms and cases.
- Sending teletype locates and administrative messages via CLETS to other law enforcement agencies regarding recovered stolen firearms.
- Physically inspecting firearms to obtain needed information to process impounds.
- Identifying illegal firearms and notifying the appropriate unit/assigned detective.
- Making independent determinations whether to authorize the release of impounded firearms. Issue property release forms to citizens entitled to have firearms returned to them after LEGRA process.
- Reviewing requests by detectives and police officers for the release of firearms to the public and other law enforcement agencies; approve or deny requests as appropriate.
- Accessing the Computer Aided Dispatch System (CAD) and or SDLaw to obtain information needed to determine the proper disposition of impounds. Personally releasing impounded firearms to citizens, attorneys, and police personnel.
- Ordering disposal of impounded firearms by conducting computer research on the status of a case or researching unclaimed or contraband guns.
- Preparing automated disposal lists for firearms to be destroyed by the Department.
- Attending and participating in the gun destruction trips to verify adequate destruction of firearms and metal contraband.

IV OPERATIONAL PROCEDURES (Alpha Order)

APPOINTMENT HOURS

The Property Unit is open to the public Monday through Thursdays from 8:30 a.m. to 3:00 p.m. No appointments are to be scheduled after 2:30 p.m.

The Property Unit is open to internal customers Monday through Friday from 7:00 a.m. to 3:00 p.m.

The unit is closed the day after Thanksgiving, Christmas Eve, New Year's Eve, and all major holidays.

AUDITS

Annually, the Department of Justice, Bureau of Criminal Identification and Investigative Services, Client Services Program, Database Audits Unit conduct audits on the database of the CJIS (Criminal Justice Information System)/NCIC (National Crime Information Center) computer systems. The Automated Firearms System, used by the Gun Desk, is one of those systems. A pre-audit questionnaire is forwarded to the Records Management Analyst of SDPD, and the Gun Desk will answer the questions regarding AFS. DOJ will provide the specific records they will be auditing which allows the Gun Desk an opportunity to review those records prior to the live audit.

The Gun Rooms are being inventoried once a year, or as required.

QUALITY CONTROL AUDITS:
The Management Reports, which are prepared annually, include quality control of firearm transactions. These Management Reports are completed by the Senior Property and Evidence Supervisor and are stored in G:\PROPERTY\ SUPERVISOR FILES\Management Reports - COMPLETED Audits Inventories & Inspections.

AUTOMATED FIREARMS SYSTEM (AFS) VERIFICATIONS

PC 11108.2(a) requires firearms in the custody of a law enforcement agency as stolen, lost, found, recovered, held for safekeeping, or under observation SHALL be entered into AFS within seven calendar days.

AMMUNITION

Ammunition is defined in Penal Code Section 16150(b).

When a firearm is being released, the ammunition may not be released the same day, for a 24-hour period. The person will be given an additional 30 days to come back and claim the ammunition. Ammunition may be picked up at the same time as a firearm by a gun dealer, someone with a CCW, or a Police Officer.

ASSAULT WEAPON DEFINITION

The definition of an assault weapon is defined in Penal Code Section 30515.

BUREAU OF FIREARMS (BOF)

Website: www.oag.ca.gov/firearms
Applications can be submitted via CFARS at https://cfars.doj.ca.gov/login.do

The BOF headquarters is in Sacramento. There are field offices in Richmond, Fresno, Riverside, Los Angeles and San Diego.

CODE SECTIONS – QUICK REFERENCE

WI5350	Federal Firearms Prohibition
PC16590	Prohibited Weapons
PC 27545	Sale, loan or transfer of a firearm through a licensed firearms dealer.
PC28100	Licensed firearms dealers are to keep a register or record of transfers (see code sections for exceptions).
PC28160	License firearms dealers are to keep certain information in their records of transfer (see code sections for specifics).
PC29830	If applicant is prohibited, if the prohibition will expire on a specific date, and indicated in court order, the applicant may have firearm stored by licensed firearm dealer for duration of prohibition period.
PC30505	"Assault Weapon" registration.
PC30510	"Assault Weapon" designated semiautomatic firearms as used in PC30500, PC16780, PC17000 and PC27555.

PC30515(a) "Assault Weapon" – additional definition.

PC30515(b) "Fixed Magazine" definition

PC30515(d) Specific firearms not considered "Assault Weapons"

PC30525 ".50 BMG Cartridge" defined.

PC30530 ".50 BMG Rifle" defined.

PC30600-
PC30680 Unlawful Acts Relating to Assault Weapons and .50 BMG Rifles.

PC30620 Notes date firearm is an Assault Weapon

PC30655 Assault Weapons – Administrator of Executor of an Estate - Options

PC30680 Exemptions re: Assault Weapon possession

PC30900-
PC30965 Registration of Assault Weapons

PC33850 LEGRA Process
(b) Transfer through a Licensed Gun Dealer – IF LEGAL FIREARM and could have been returned to owner. IF ILLEGAL = contraband, can't be transferred, even to a dealer to sell out of state.

PC33855 Can't return a firearm to an individual unless
a) LEGR Clearance
b) Not Stolen, Recorded in AFS in the name of the person seeking its return.

PC33865 After LEGRA received
(a) DOJ determines if a person is eligible to possess a firearm
(b) DOJ has 30 days from the date of receipt of LEGRA to complete background check (see code section for exceptions)
(e) If application DENIED, the applicant is to be notified of the denial and firearm may be sold or transferred through a licensed dealer.

PC33870 (a) Applicant is the legal owner and the applicant is PROHIBITED, if firearm is otherwise legal, owner may sell or transfer to a licensed firearm dealer.

CONVERSION TO DEPARTMENT USE (DP 3.24)

Any unit requesting a firearm, or any part(s) from a firearm, be converted to Department Use must complete a Conversion Request Form (PD-823) for each item requested. These forms are available on the F: drive under Templates, Administrative, Property Conversion form.

CPRA – CALIFORNIA PUBLIC RECORDS ACT

Requests from the media or the public pursuant to the California Public Records Act are received and processed through the Records Unit.

CRIME REPORTS – STOLEN FIREARMS (City of SD)

The Gun Desk maintains photocopies of all SDPD crime reports where a firearm was reported stolen within the City of San Diego. These reports are maintained indefinitely, as it is unknown when the firearm may be recovered.

All reports are stored directly outside of the HQ Property Impound Room in secured cabinets. Records Division has access to these cabinets so they can verify an AFS hit promptly outside of the Gun Desk's hours of operations. CJIS policy requires agencies to respond to agency inquires within 10 minutes. 24-hour/7 days a week coverage is required to ensure that 10-minute confirmation requirement.

DEALER RELEASES (Gun Dealer Releases)

A release of a firearm to a Gun Dealer requires authorization for disposition from the assigned detective, unless it was impounded as safekeeping for a restraining order or a 5150.

Effective January 1, 1991, PC12072(d) amended to PC27545 mandates all firearm transactions be conducted through a licensed firearms dealer.

The Dealer must be in good standing with DOJ.

Effective 9-1-2022, High-capacity magazines can be released to dealers who have a high-capacity magazine license.

DEATH INVESTIGATIONS

When the owner of a firearm is deceased, there is no need to run a criminal history. On the EOQ screen, disregard the five record checks, check the box for RI01, which will transfer the record for AFS verification. No booking photo – owner is deceased. The Detective authorization is still required.

DEPARTMENT ISSUED FIREARMS

The Operational Support Unit handles the assignment and inventory of all Department issued firearms. If any firearms are converted for Department use, they must go through Operational Support for processing and not directly to SWAT, the Lab or the Range. Operational Support makes all the AFS entries, including the entry as an institutional weapon.

The Gun Desk staff must be made aware of all Department issued firearms that are reported stolen, lost or recovered. The Gun Desk staff must make the AFS, including entries regarding stolen, lost or recovered firearms.

DEPARTMENT OF JUSTICE – Bureau of Firearms CONTACTS

(Deleted – records of security)

DEPARTMENT OF JUSTICE – "APPS" Armed and Prohibited Persons System

The system identifies individuals who legally acquired firearms and subsequently became prohibited from possessing them and is updated twice daily.

The armed and prohibited list can be located on the SDLaw database. This list is provided by DOJ so that police agencies can do checks on individuals residing in their jurisdiction. Reports for our jurisdiction can be received through a secure mailbox, either on a weekly or monthly basis, through CLEW.

DEPARTMENT OF JUSTICE– Law Enforcement Gun Release - ELIGIBILITY CLEARANCE LETTERS

The Department of Justice LEGR Firearm Eligibility Clearance Letter should always have a large GOLD SEAL. The Firearms Eligibility Clearance indicates that the individual is eligible to own a firearm in the State of California. The Department of Justice does not decide on the ownership of the firearm itself.

The Department of Justice LEGR Clearance – Out of State Applicant Letter indicates that the named person is eligible to possess firearms, however DOJ has NOT entered the firearm into the AFS system because the individual has an out-of-state address.

The Department of Justice LEGR Eligibility Denial Letter indicates the names of the person who is NOT ELIGIBLE to possess firearms and will indicate the

reason application is denied. The letter informs the named person, if they are determined to the be the lawful owner of the firearm, they may have the firearm transferred to a licensed firearms dealer for sale or transfer. They are also notified that they need to claim the firearm within 180 days, or the firearm may be destroyed.

DEPARTMENT OF JUSTICE NCIC VALIDATIONS

Every month the Department of Justice (DOJ), sends validation checklists, an instruction form, a validation acknowledgment form and a validation certification form to the Records-Teletype Unit. The checklist contains firearms reported stolen, lost or found to the San Diego Police Department.

The Teletype Supervisor is responsible for signing the Validation Acknowledgment form and immediately faxing it to the DOJ to indicate our Department has received the validation packet.

DESTRUCTION OF FIREARMS/CONTRABAND

All firearms and contraband are destroyed using a scrap metal shredder at a Recycling Center. Destruction is assured as all items going through the shredder are evaluated for assured destruction. Any remnants that have not been destroyed are gathered, cut, and rendered inoperable with a blow torch. No ammunition or explosive materials are permitted to be included Firearm/Contraband Destruction.

DISPOSITION OF FIREARMS

Impounded firearms are identified for possible disposition by reviewing crime cases and reports in NETRMS. They are also identified as disposition authorizations received from the detective assigned to the case, by the detective entering a code "10 –Firearm OK to Dispo" in the EvidenceOnQ Request Monitor.

Generally, "Evidence" firearm impounds are held for **180 days** past the disposition authorization and after the last inquiry before they are processed for destruction. Firearms will also be held for 180 days after a LEGR letter is "returned undeliverable" by the Post Office.

IS THE FIREARM LEGAL?

If a firearm is not legal, it will be destroyed. If there are questions regarding the legality of a firearm the Gun Desk Officers are to take photographs of the firearm and reach out to DOJ experts via email to confirm legal firearm characteristics.

IS THE FIREARM ELIGIBLE FOR DISPOSITION?
The detective assigned to the case is responsible for determining if the firearm is no longer needed for an investigation or if charges have been filed, if it is no longer needed for the court case.

COURT ORDERED DESTRUCTION: Hold **180 days** from the date of the court order before destroying. If the firearm was ordered destroyed by the court, it is not eligible for conversion to Department use. EvidenceOnQ retention code "Gun-Court Order" serves as a 180-day tickler and will cause the automated disposal notices to cease.

If a firearm was ordered destroyed pursuant to a filing of a petition, the firearm is not eligible for conversion but may be sold by the owner through a licensed gun dealer.

Homicide firearms may not be processed for disposition without specific authorization from an investigator working out of the Homicide Unit.

Stolen firearms should be restored to their legal owners, if possible, when no longer needed as evidence per PC18000(B) if the owner is not legally prohibited, and the firearm is not an illegal type. The person who reported the firearm stolen should be the person who is sent the LEGRA, even if the DROS is over five years old.

COURT PROBATION – court probation on a non-weapon related misdemeanor violation will not prohibit someone from owning a firearm, unless that was a specific condition of probation.

ACTIVE WARRANT – an active warrant on a non-weapon related misdemeanor violation will not prohibit someone from owning a firearm.

Situations in which a detective is not assigned, and the Gun Desk makes the determination as to whether the firearm is eligible for disposition.

Reference the Gun Desk User Guide for detailed instructions to process firearms for disposition including data base checks, EvidenceOnQ entries to the physical preparation for destruction.

DOCUMENTS BEING SCANNED & ATTACHED IN EOQ

If a document applies to an entire impound or most of the impounded items, it is acceptable to only scan and attach the document to the FIRST item impounded.

DROS – DEALER RECORD OF SALE

Since 1917, California has maintained a system known as DROS- Dealer Record's of Sale which functions as a background check form, reporting system,

and gun registration system. California registers all firearms purchased or legally transferred through the DROS purchase/transfer system.

E-MAIL FOR GUN DESK

The Gun Desk may be contacted via e-mail at SDPDGunDesk@pd.sandiego.gov. This email address is monitored daily to assist the public and law enforcement customers.

Law Enforcement most commonly contact the Gun Desk for the following reasons:

- eTrace
- Outside agency firearm transfer/shipping request.
- DOJ requests for photos of firearms to complete LEGRA approval.

For the public, the most common questions are associated to the steps/documents required for the return of an impounded firearm. They also ask how they can dispose of their firearms.

E-TRACE

(Deleted – records of security)

Guns will AUTOMATICALLY be entered into e-Trace if they are impounded as EVIDENCE into the Automated Firearms System.

All information from the firearm must be entered to complete the trace (make, model, serial number).

E-Trace will tell the history of a gun such as the original purchase and where it was purchased.

PISO Cecilia Noa is the SDPD primary contact for e-TRACE.
PISO Emily Woodhouse is the SDPD secondary contact for e-TRACE.

EVIDENCEONQ

As of June 2011, the Property and Evidence Unit has been using EvidenceOnQ as the property management system to impound and track property and evidence. The impound records are connected to barcode labels which are used to document location transfers. It's an efficient searchable system that provides automated overdue check-out notices and monthly disposal review notices. Most property except for homicide cases prior to 2011 have been converted into the EvidenceOnQ system.

FOUND FIREARMS

All firearms impounded under the category "Found" must be evaluated to verify that they are a true found firearm and not associated to a crime or safekeeping incident. Most firearms are involved in a crime or left behind by accident.

FREQUENTLY ASKED QUESTIONS

The State of California, Department of Justice, Office of Attorney General has a website that includes frequently asked questions from the public regarding firearms. It is helpful to be familiar with these questions and the documented answers provided by the DOJ.

https://oag.ca.gov/firearms/pubfaqs

GHOST GUNS or FMBUS FIREARMS – SERIAL NUMBER REQUIRED

A ghost gun is a firearm that is made using a 3D printer and not by a licensed manufacturer. These ghost guns are also referred to as a FMBUS Firearm. FMBUS stands for "Firearms Manufactured by Unlicensed Subject".

Pursuant to Assembly Bill 857:

- Commencing July 1, 2018, the law will require a person who manufactures or assembles a firearm to first apply to the Department of Justice for a unique serial number.
- Any individual, as of July 1, 2018, who owns a firearm without a serial number must also apply for a unique serial number by January 1, 2019.
- The law will prohibit the sale or transfer of a firearm manufactured or assembled pursuant to these provisions.

The Department of Justice assigns the FMBUS### serial numbers. If firearms are already impounded with our Department, they can't be released in order to get serialized.

GUN BUY BACK PROGRAMS

The command coordinating the Gun Buy Back will notify the Senior Property and Evidence Supervisor when the event will occur to prepare the Gun Desk Officers for the event. They are encouraged to meet with the Gun Desk to go over the Gun Buy Back process.

The following assistance can be provided from the Property Unit:

- Providing a van to transport and store firearms to the HQ SWAT Cage for temporary storage over the weekend until the impounds can be completed on Monday.
- Wire tags (pre-numbered one through one hundred), so that each firearm can be tagged with a sequential number and documented on the corresponding receipt.
- Large supply of Weapon Receipts PD1072 (partially completed in advance, date, address of buy back location, incident number, etc.). The receipts will be numbered sequentially to correspond with the wire tags.
- Access to the Property Room Business Office if multiple officers want to do the impounding at the same time. Numerous computers with barcode printers.
- Boxes and packaging tape are supplied.

The command will supply pens, markers, packing tape and general office supplies.

All firearms received through a buy-back program must be destroyed. None of the firearms may be converted for Department use.

GUN VIOLENCE RESTRAINING ORDER TO PROHIBIT FIREARM POSSESSION PC18170 See DP 4.05

A gun violence restraining order is a court order prohibiting and enjoining a named person from having in his or her custody or control, owning, purchasing, possessing, or receiving any firearms or ammunition.

A person, an immediate family member of a person, or a law enforcement officer may file a petition and request that a court, after notice and a hearing, issue a gun violence restraining order for a period of **one year**.

At the time the petition is filed with the court, an ex parte order can be issued by the court to require all firearms and ammunition be surrendered within 24 hours of service of the ex parte order. (PC18160, 18120) Within 21 days after the date of the ex parte order, the court shall hold a hearing to determine if a gun violence restraining order should be issued.

TEMPORARY ORDER: In emergency situations a temporary gun violence restraining order may be issued on an ex parte basis. Form EPO-002.
See DP 4.05 for conditions required. The temporary order shall expire 21 days from the date the order was issued.

VIOLATION OF AN ORDER: Every person who owns or possesses a firearm or ammunition with knowledge that he or she is prohibited from doing so by a temporary emergency gun violence restraining order, an ex parte gun violence restraining order, or a gun violence restraining order is guilty of a **misdemeanor** and shall be prohibited from having in his or her custody or

control, owning purchasing, possessing or receiving or attempting to purchase or receive a firearm or ammunition for a **five-year period**, to commence upon the expiration of the existing gun violence restraining order.

SD LAW RESTRAINING ORDER CODES:
"TGVRO" = Temporary Gun Violence Restraining Order
"PGVRO" = Permanent Gun Violence Restraining Order

GV-800 Form – Proof of Firearms Turned In, Sold, or Stored

If a Respondent on a Gun Violence Restraining Order has had their firearms impounded, they may present a GV-800 Form and ask that Section 4 "To Law Enforcement" be completed by an officer or the Gun Desk.

HOLDS ON FIREARMS

If a detective is requesting a hold on a firearm, or any evidence, they are to make the request through the EOQ request monitor. Code "7" – and enter the date for the future review, and the reason for the hold.

HOLD requests that are made can be viewed in the audit trail. The name of the investigator and when the request was made can be referenced.

HQGDR – Headquarters Gun Desk Review

When processing items for disposal, if ammo, magazines, holsters, etc. are found, the Property Specialist assigned to the Disposal Desk will check the incident number to determine if a firearm is still impounded. If so, the items are NOT destroyed and instead are placed on the HQGDR Holding Shelf, which is located behind the Disposal Specialist's desk.

The Gun Desk Officers need to monitor this area and process the items that are located there. This may involve creating new barcodes and repackaging the items, but usually just requires that the item be binned in a new location and the retention code updated. These items are not binned in the gun rooms.

HQGR – Headquarters Gun Release

The HQGR Request Code is used to indicate the Gun Desk has approved a firearm release, and a Property Release Form has been issued.

IBIS

The Crime Lab Firearms Unit may pro-actively check out firearms for analysis and IBIS entries.

The Gun Desk is not required to make any IBIS entries or track those firearms in any special manner. The retention of the firearms does not change, even if it has been entered into IBIS.

ILLEGAL FIREARMS

Once the case is adjudicated, if the firearm is illegal, it can be destroyed.

EvidenceOnQ Request Monitor – Code #14 Firearms Good to Go (for destruction)

Barrel Length = Illegal

- 16" or less for short-barreled rifles (PC17170)
- 18" or less for short-barreled shotguns (PC17180)

Overall length of gun is less than 26" = Illegal (PC17180)

Sawed off = Illegal

The Gun Desk officers have charts and documentation to help in the identification of illegal weapons.

If there is difficulty determining if a firearm is legal and assistance is required, the Gun Desk officers are to take photographs of the parts in question and reach out to reputable Law Enforcement Agencies and Associations for assistance, such as:

- DOJ- Department of Justice
- Local Law Enforcement Agencies: SDSO, CVPD, ECPD
- CAPE-California Association of Property and Evidence
- IAPE- International Association of Property and Evidence

If the Investigator or Gun Desk Officer requires a documented expert valuation from the lab, they will need to submit a request to the Crime Lab for analysis before they will provide their assessment on the firearm.

IMPOUND REPORT

On occasion the City Attorney's Office may call and ask for an "Impound Report" along with the police report and a copy of the weapons and currency receipt prior to filing a petition.

INCOMING FIREARMS

Firearms may be impounded at any Area Station with a Property Room. Impounded firearms must be secured in a impound bin or gun locker. If there are no bins or gun lockers available, the guns must be taken to HQ to be impounded. If the impound is afterhours and the volume of firearms is too large to be secured in the impound bins, contact the Watch Commander who will contact the Property and Evidence staff member scheduled on standby to come in to receive the firearms and secure them within the HQ Property Room.

Please see the Gun Desk User Guide for detailed instructions on how to process incoming firearm impounds.

INSPECTIONS

Annual inspections are completed as part of the Management Reports by the Senior Property and Evidence Supervisor.

INSTITUTIONAL FIREARMS

Institutional firearms are those that are owned by a Department and issued for employment purposes. The Operational Administration Unit handles the assignment and tracking of the institutional firearms for the San Diego Police Department.

The Gun Desk will verify with Operational Support that the reported firearm is lost or stolen. Operational Support is responsible for removing the institutional registration entry for the firearm. The Gun Desk will create a new AFS stolen or lost entry.

INTRA-FAMILIAL FIREARMS TRANSFERS BOF 4544A

PC27875 or PC27920

The SDPD Legal Unit believes the intra-familial firearm transfers do **not** apply to firearms in the custody of a law enforcement agency.

Family transfer provisions are governed by Penal Code Title 4, Division 6 (26500-28000). Release and transfer of weapons in the custody of law enforcement, including when impounded per WI 8102, is governed by Penal Code Title 4, Division 11 (sections 33800-34010).

INVENTORIES

Firearm inventories are performed on an annual basis and when an employee with access to gun storage leaves the unit.

JUVENILES

A juvenile is under the age of 18 and a minor is under the age of 21.

Anyone under the age of 21 can't own a HANDGUN. A minor, over the age of 18 but under 21 may own a rifle and or shotgun.

JUVENILE FIREARM RESTRICTIONS

Pursuant to PC29820 and case law: People v. Joshua R., 7 CAL App 5th, 864 (2017). Juveniles must be treated as a felon and be prohibited from being in possession of any firearm until the age of 30 years old. The rest of their record will be sealed upon the completion of probation.

LEGR (PRONOUNCED LEGER) OR LEGRA

The purpose of the Law Enforcement Gun Release is to require a background check on a person and is available on the DOJ website.

It is the law enforcement agency's responsibility to:

- Determine Ownership/Check AFS
- Verify the LEGR letter is valid (gold seal, within 30 days of issuance)
- Recheck ACHS, CARPOS, Mental Health databases
- Confirm there aren't any GVRO's outstanding

This form is to be used by the owner of the firearm according to the DOJ AFS records, which is in the custody or control of a law enforcement agency or court to redeem the firearm. It only establishes the applicant's eligibility to lawfully possess firearms at the time the application is processed. It cannot be used to transfer a firearm or to prove ownership of a firearm.

Individuals can file their DOJ forms online at:
The benefit of this system is that there is no mail delay, they can pay via credit card and they can upload attachments. FMBUS can only be submitted via CFARS.

LEGISLATION

The Department of Justice Firearms Bureau provides Information Bulletins regarding new and amended firearm and weapon laws.
They are posted on their website at **oag.ca.gov/firearms**. Please refer to the DOJ firearms section website for current laws.

LOADED FIREARMS

All loaded firearms are to be impounded with the Watch Commander. The Firearms Unit of the Crime Lab will retrieve the firearm.

LOCATION CODES

"HQGR" – Gun Desk authorization for release.

"HQGDR" – Headquarters Gun Desk Review. This location will be used for ammo., holsters, magazines, etc. that are pulled for destruction and the firearm is still in active status. This location will also be used for Firearms Processing Packets that are removed from impounds at the time of destruction.
The items will be placed on the designated shelf behind the disposal desk. The Gun Desk Officer will need to process these items for re-binning.

"LAB FD" – Lab Firearms Destroyed. If the Crime Lab has not been able to render a firearm safe, and they are going to destroy the firearm, it will be transferred to this location. The Crime Lab will retain the firearm and submerge it into a vat of chemicals or salt water.

LOST FIREARM REPORTS

Lost/Stolen Reports can be found in NETRMS via the auto print section.

MAIL- Incoming mail

Mail can be in two different places.
- In the Property Room mail slot in the Department Mail Room.
- In the Gun Desk "in box".

Firearms Eligibility Applicant Forms (pink forms) – Give to Backgrounds Unit (Clerical)

The following forms are to be forwarded to the VICE ADMIN UNIT:
- Report of Multiple Gun Sales
- Dealer Paperwork
- DOJ Letters – Purchaser prohibited, do not release the firearm
- Gun Dealer – Approval After Delay
- Application for Amended License
- Rejection Notices (MS-735 VICE Admin)
- Dealer – CA Resale Certificate (Ops Support or Range)
- A-9 Guns – Scan and attach to EOQ Record
- Firearm Receipts – Scan and attach to EOQ Record

MANAGEMENT REPORTS – QUARTERLY

All audits, inventories and inspections are covered in the Property Room Operations Manual.

MENTAL HEALTH PROHIBITIONS

The purpose of reporting is to ensure that a person who is a danger to themselves or others is reported into the mental health database.

It prohibits an individual from owning or possessing a firearm and flags the individual in the APPS database and stops future purchases.

TYPES OF MENTAL HEALTH REPORTING

Tarasoff State Prohibition	Law Enforcement	5 years
WIC 5150, 5151, 5152 State Prohibition WIC 8103	Mental Health Facility	5 years
WIC 5250, 5260, 5270, 5350 Federal Prohibition	Mental Health Facility	LIFETIME
Conservatorship	Courts	LIFETIME
Adjudicated a Ward of the Juvenile Court	Juvenile Court	Age 30

MENTAL HEALTH REPORTS ARE USED FOR:

- Determining a person's eligibility to purchase, have custody/control, and/or possess firearms
- Law enforcement purposes: if person is subject to a criminal investigation that involves ownership, possession, control, receipt, carrying, or purchase of firearms.
- Superior Court proceedings if an individual petitions to have their firearm rights restored.

WHO QUALIFIES FOR FIREARM CONFISCATION?:

- Person **detained** for examination of their mental health condition as described in WIC 8100 or 8103 and
- Who owns or possesses any firearms or other deadly weapon, then?
- Law Enforcement **shall** confiscate the firearm or deadly weapon.

PROHIBITED for 5 years – State of California Prohibition:

- WIC 5150 – Taken into custody and detained AND
- WIC 5151 – Assessed and evaluated AND
- WIC5152 – **Admitted** to the mental health facility (does not include gravely disabled) There is no time period required, not even 72 hours, just admission.

PROHIBITED for LIFETIME – Federal Prohibition:

- WIC 5250 – 14-day certification
- WIC 5260 – Additional 14-day hold

- WIC 5270.15 – Additional 30 days
- WIC 5350 – Conservatorship by court order

WIC 8102:
If returning the firearm to the individual would endanger themselves or others and the subject is not otherwise prohibited, law enforcement taking possession has 30 days to petition the Superior Court for a hearing to retain and destroy the firearm. If this petition is overruled, LEGR still applies if the firearm is being returned to the owner.

Law Enforcement Report of Firearm Prohibition
AKA: Tarasoff Reporting WIC 8100(b)
A person who communicates to a licensed psychotherapist a serious threat of physical violence against a reasonably identifiable victim is prohibited from possessing any firearms or deadly weapon for a period of **FIVE YEARS**.

Psychotherapist reports to law enforcement, law enforcement reports to DOJ and DOJ notifies the individual by certified mail of the 5-year firearms prohibition. As of 2012, electronic Tarasoff report is acceptable, no longer need to mail. To obtain CLERS Access (916) 227-7550.

NOTESLOG/COMMENTS IN EVIDENCEONQ

When comments are being made on an EvidenceOnQ record, all items on which the note pertains should have the comments. It is better to have the comment on ALL items and have it only apply to some of them, than to miss an important comment by having it only made on one item.

ORI

(Deleted – records of security).

PACKAGING PROCEDURES

All firearms that do not get impounded in a case must be boxed. There are boxes for handguns, rifles and large rifles. The shelving set up in the gun storage areas are for certain size boxes.

PAWNBROKERS

A pawnbroker cannot lawfully return a firearm to a person who is, due to age or other disability, ineligible to receive or possess firearms.
There are sections, according to ATF regulations that require specific private party transfers, pawned consigned firearms to be delivered to the Sheriff of the Chief of Police for disposal. These surrenders can go directly to the front counter `officers to impound.

PETITIONS:

A. **W&I 8102 COURT PETITION** [5150]

Police personnel have a procedure available to them to petition the court to destroy firearms and other ***deadly weapons**** confiscated from persons with mental health problems. If an officer has reason to be concerned about the welfare of a person with mental health problems or concern for the welfare of the general public, and the individual is not legally prohibited from possessing firearms, the guidelines within this section should be followed. This section applies to detainees who have been transported to a mental health facility for evaluation whether they are admitted or not, attempted suicide, and persons who threaten suicide.

The Gun Desk Officers may be contacted regarding filing of a WI8102 petition, even if it is not for a firearm. It can be for any deadly weapon.

If the individual is legally prohibited from possessing firearms or the confiscated firearm is stolen or illegal, the firearm should be retained for that reason instead of pursuing a petition under this section.

B. **PC18400 COURT PETITION** [DV]
Applicable when firearms are impounded on incidents related to the following violations:

- PC273.5
- PC242/243(e)
- PC422
- PC646.9
- PC136.1
- PC245 – if Domestic Violence
- Any other violations that are assigned to the Domestic Violence Unit

The Gun Desk staff will review the impound and police reports to determine if the firearm was impounded as evidence or for safe keeping, regardless of how the impounding officer enters the impound in EvidenceOnQ. *[PC1373oI is excluded from this list, this is a DV CALL only. No petition email needs to go out per the DV Unit]*

If the individual is legally prohibited from possessing firearms or the confiscated firearm is stolen or illegal, the firearm should be retained for that reason instead of pursuing a petition under this section.

If the firearm is impounded as EVIDENCE/SAFEKEEPING petition notification emails go out to the assigned detective for all DV cases.

The firearm will be held until the case is resolved through the court system or a significant period of time (SOL). If the suspect is convicted, the court will deal with the firearm prohibitions, possible destruction of the firearm order, etc. This email is to determine if they plan to file a petition to request that the firearm be destroyed. This sent copy of the email is to be saved in EvidenceOnQ as a document.

PROHIBITED FROM OWNING OR POSSESSING FIREARMS

Any person who has a conviction for any misdemeanor listed in PC29805 or for any felony or is addicted to the use of any narcotic drug, or has been held involuntarily as a danger to shelf or others pursuant to WI 8103 is prohibited from buying, owning, or possessing firearms or ammunition. There are also prohibitions based on mental conditions, domestic retraining/protective orders, conditions of probation, and specific offenses committed as a juvenile. A list of prohibited categories is available on the Bureau of Firearms website.

PROHIBITED WEAPONS – PC16590

PROHIBITING CATEGORIES (DOJ/BOF)

The current list of prohibiting categories is available on the Department of Justice, Bureau of Firearms website

PROOF OF FIREARMS TURNED IN, SOLD OR STORED

Form CH-800 may be presented from an owner of firearms, turning them in to law enforcement. This form is confirmation that the Property Unit has received specific firearms.

RECOVERY OF LOST OR STOLEN FIREARMS BY SDPD

Check daily for SDPD recoveries of lost or stolen firearms.

Access NetRMS by going through the SDPD Intranet Page, SDPD Applications, select NetRMS, access through the secure option.

REGISTRATION OF FIREARMS - CITIZENS

Citizens are to be referred to the DOJ website to open a CFARS account and may register their firearm(s) for a fee.

RELEASING FIREARMS

Only personnel assigned to the Gun Desk may authorize the release of impounded firearms (DP 3.02). This is required to assure all legal checks occur to assure the firearm(s) will be released in accordance to law.
The Gun Desk Officers must obtain a #10 request- Firearm OK for Dispo authorization from the investigator so they are informed that the firearm is no longer required to be held as evidence. The Gun Desk Officer will verify that the case is adjudicated, all appeals are completed and no warrants are issued before determining if the firearm can be released or must be destroyed.

The Gun Desk Officer should obtain necessary documents from the person attempting to claim the firearm via FAX, email or postal mail prior to the issuance of a Property Release Form and scheduling a pick-up date.
The exception would be the LEGR.

Everyone attempting to receive a firearm must go through the Department of Justice, Law Enforcement Gun Release (LEGR) process.

All firearms must be registered in the Department of Justice, Automated Firearm System (AFS) to the person attempting to receive the firearm.
Exceptions: Active Duty Military (verification required) and out-of-state residents. The out-of-state residents should use their home address from another state when they send their LEGRA to DOJ. The LEGR clearance form for out-of-state residents is different and indicates that AFS registration is not required. Exceptions to this registration requirement would be receiving a copy of the Out of State Clearance Letter which will be attached to the record.

See the Gun Desk User Guide for the detailed instructions for releasing firearms.

RESTRAINING ORDERS

When performing record checks on individuals, one of the checks is to determine if the individual has an active restraining order. Whether the restraining order is temporary (TRO) or permanent (RO) doesn't matter, as long as the expiration date has not passed.

If the firearms were impounded and the restraining order is now expired, the release process may commence. The standard release process requirements apply.

The 72-hour period – count only business days.

If the restraining order is active, the firearms must be held until the restraining order expires. There currently is not a tickler system set up to monitor these firearms. It isn't uncommon for restraining orders to be continued several times.

On occasion, the Gun Desk should run queries on firearms impounded for safekeeping and determine if any restraining orders are still outstanding, if that is the only reason why we are retaining the firearm here.

If the restraining order is active, the restrained person has the right to sell or transfer the firearms, but this must be done through a registered Gun Dealer.

RETENTION OF RECORDS

Conversion Forms – PD823	Original – 10 years The Receiving Unit – 2 years after disposition
Firearm Property Tags – Regardless of status	Indefinitely
Firearm Records	Indefinitely
Management Reports (Audits, Inventories, Inspections)	5 years
Voice Mail Log Books	2 years
Weapons Disposal Logs	Permanent Record

SERIAL NUMBER ALTERED OR OBLITERATED

Pursuant to PC23920, no firearm that has had any change, alternation or obliteration of markings including the maker, model, manufacturer's numbers or other mark of identification, including any distinguishing number or mark assigned by the Department of Justice is to be released.

Scenario: If a firearm has the serial number stamped in two different locations, if one of those serial numbers is scratched off on the receiver, even if the other serial number is readable on the slide and the firearm is registered to the person attempting to obtain the weapon, it is not to be released. This is based on an opinion from the DCA assigned to our Legal Unit (5/2015).

Note, if the serial number is readable on the receiver, it is to be released even if it appears to be removed on the slide, or interchangeable part.

There are ways to determine a GLOCK serial number even though the primary inscription has been obliterated, it is based on other markings on the firearm. Contact GLOCK directly. The point of contact is **(Deleted – records of security)**

Ruger and SW have guides that are shelf explanatory.

SERIAL NUMBERS – UNIQUE (PC29180)

AB 857, effective July 1, 2018 requires a person who manufactures or assembles a firearm to first apply to the Department of Justice for a unique serial number.

- Requires a person who owns a firearm that does not bear a serial number to apply to the DOJ for a unique serial number.

- Requires the department to issue a serial number or other identifying mark to an applicant meeting specified criteria and allows the department to charge a fee.

SHIPPING FIREARMS

- Firearms may be shipped to other law enforcement agencies, if they are outside the County of San Diego.
    - Firearms reported stolen to other law enforcement agencies that have been recovered by SDPD may be shipped to the originating agency for disposition. The originating agency will be notified by phone that the gun is available for shipment.
- Firearms may not be shipped to private residences or other businesses.
- Shipment must be made via FedEx.
- Handguns must be Next Day Air.
- NO ammunition will be shipped.
- Shipment must be insured.
- Firearm shipments will only be processed after a Shipping Request Form and Property Release Form are completed and authorized.

If an individual lives out of the county, they need to contact a licensed firearm dealer in San Diego County to pick up the firearm for them and make shipping arrangements through them.

STOLEN FIREARMS – REPORTS

**** SDPD HAS TAKEN A REPORT OF A GUN THAT WAS STOLEN****

Check throughout the day for any stolen gun locates via CLETS.

If any reports are received, check for a duplicate copy in the unit copies of the "Stolen Report Crime Case files" If a copy is not there, process the report. [Older copies of Stolen Report Crime Case files are in boxes, only the current copies are in the file drawer]

STOLEN PAWNED FIREARMS

Upon receipt of a teletype notification that a stolen firearm has been pawned, the Gun Desk will notify the area command for follow-up investigation pursuant to DP 3.22.
Police personnel may only confiscate and impound a stolen pawned firearm if prosecution will be pursued. Otherwise, a hold should be placed on the firearm by the assigned detective to allow the owner to seek remedy with the pawn shop.

TASERS

Impounded tasers may be entered into AFS, but it is not required. Department issued tasers may be entered into AFS, but it is not required. This is an agency decision. Tasers do not meet the definition of a firearm, so no LEGR is needed.

VIEWING FIREARMS IN THE GUN ROOMS

Anytime a Gun Desk Officer breaks the evidence seal to view a firearm, an entry must be made to document the viewing in the NotesLog section.