

# *Operations Manual*



**GUN DESK**  
**PROPERTY UNIT**  
San Diego Police Dept.  
August 2020

Portions of this document are deemed by the San Diego Police Department to be records of security procedures and are exempt from disclosure under the California Public Records Act (CPRA), Government Code Section 6254 (f).

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- Law Enforcement Gun Release – Firearm Eligibility Clearance Letter (2 pages)
- Law Enforcement Gun Release Clearance – Out-Of-State Applicant
- Law Enforcement Gun Release – Eligibility Denial (2 pages)
- Law Enforcement Gun Release – Eligibility Denial (Prohibition) (2 pages)
- Letters of Conservatorship & Death Certificate
- Letters of Conservatorship & Legal Rev. (4-20-2017)(7 pages)
- Memo from Asst. Presiding Judge: Implementation of Gun Violence Restraining Order Statutes Effective January 1, 2016
- Court Order on Petition (default)
- Retention of Firearms (PC18400) Notice from Officer (2 pages)
- Assault Weapon Regis. Confirm. Notice/AFS Entry (2 pages)
- DOJ CJIS and NCIC Database Audit
  - Pre-Audit Questionnaire (5 pages)
  - AFS Audit Records (6 pages)
- DOJ NCIC Validation Packet (Lost or Stolen Firearms)(*OLD format*) (5 pages)
- DOJ NCIC Validation Printout (New format – 2019) (1 page)
- CA DOJ Centralized List (6/2020) NEW

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### **FORMS (SDPD)**

- PC18400 Court Petition Instructions & Officer Declaration
- W&I 8102 Court Petition Instructions & Officer Declaration
- LEGRA Instruction Letter
- Validation Letter
- Recovered Firearms to be Released Letter
- Recovered SDPD Letter to Victim
- Affidavit for Collection of Personal Property (Probate Code 13100)
- Firearm Release Sticker
- Assault Weapon Worksheet

### **FORMS (Bureau of Firearms – DOJ)**

- Forms and Publications – Office of Attorney General Department of Justice ([oag.ca.gov/firearms/forms](http://oag.ca.gov/firearms/forms))
- Law Enforcement Gun Release Application ( PC33850)
- Firearm Ownership Report (PC28000)
- Notice of No Longer in Possession (PC28000) (4 pages)
- Report of Operation of Law or Intra-Familial Firearm Transaction (PC27875 or 27920)

### **FORMS (Other)**

- CH-800 Proof of Firearms Turned In, Sold, or Stored (2 pg.)

### **BUREAU OF FIREARMS (DOJ) INFORMATION BULLETIN**

*[[oag.ca.gov/firearms/infobuls](http://oag.ca.gov/firearms/infobuls)]*

- 2013-BOF-01 New and Amended Firearms/Weapons Laws
- 2014-BOF-01 New and Amended Firearms/Weapon Laws
- 2015-BOF-01 New and Amended Firearms /Weapons Laws
- 2016-BOF-01 New and Amended Firearms/Weapons Laws

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- 2016-BOF-02 New and Amended Firearms/Weapons Laws
- 2001-Division of Criminal Justice -01-09 BCIA- Crime Guns – AFS CJIS Manual Instructions –AFS Crime Gun Record Type
- 2001-Division of Criminal Justice – 01-21-BCIA – AFS Crime Guns Data Base – Update
- 2003-Division of California Justice – 03-13-BCIA – Status of Crime Gun Reporting

### DEPARTMENT OF JUSTICE INFORMATION SERVICES DIVISION CORI – CRIMINAL OFFENDER RECORD INFORMATION BULLETINS

- 13-04-CJIS
- 13-06-CJIS

### OTHER

NEW FIREARMS PROHIBITING CATEGORIES (Revised 2/2019) (2 pages)

COMMON ABBREVIATIONS

ASSAULT WEAPONS – Frequently Asked Questions– Office of Attorney General

ASSAULT WEAPONS IDENTIFICATION GUIDE– Office of Attorney General

AK and AR15 SERIES FIREARMS

PENAL CODE RENUMBERING – Effective January 2011

e-TRACE

AUTOMATED FIREARMS SYSTEM – Terminal Op Guide Version 3.0 (2016)

AUTOMATED FIREARMS SYSTEM – CLETS Reference Guide (April 2019)

CALIFORNIA FIREARMS LAWS SUMMARY (2013)

CALGUNS.NET IDENTIFICATION CHARTS

- California Centerfire, Semi-Auto Rifle Identification
- California Handgun Identification Flow Chart
- California Shotgun Identification Flow Chart
- Appendix A – Roberti-Roos AW List

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  - Thumbhole Stock
  - Flash Suppressor
  - Muzzle Break
  - U15 Stock
  - MonsterMan Grip
  - Pistol Grip
- Categories of Assault Weapons in California (three)
- NCIC Validation Printout – Dept of Justice AFS Validation Form

## **INTRODUCTION**

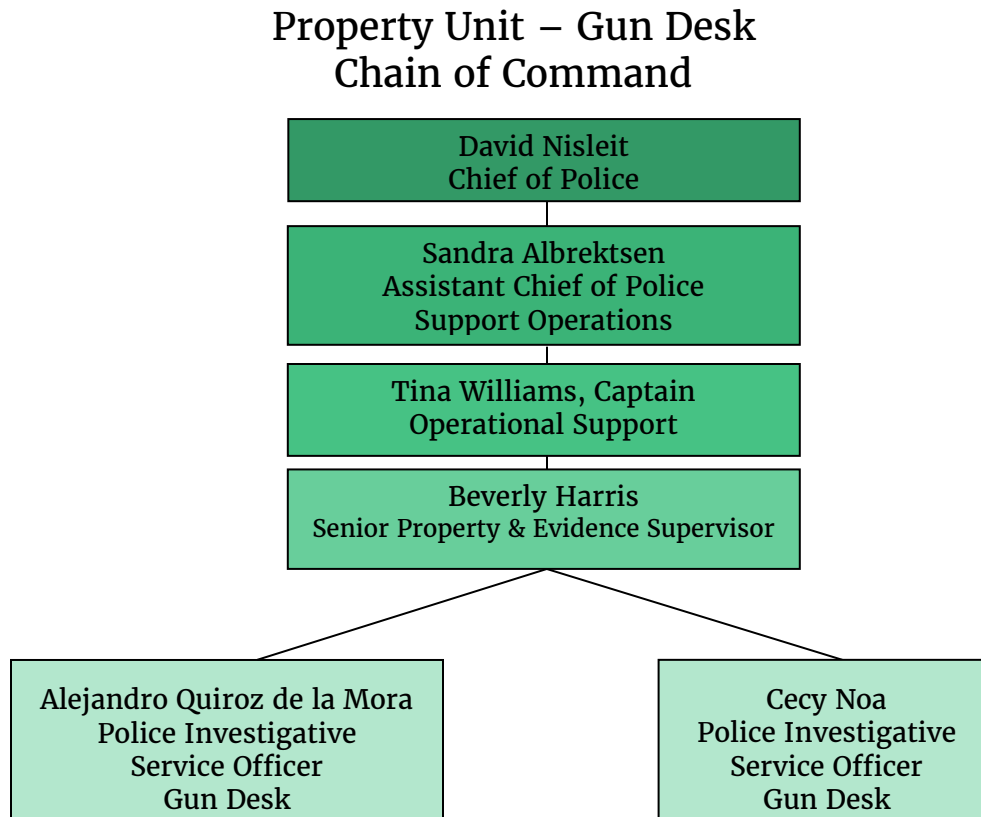
The Gun Desk Operations Manual supplements the Property and Evidence Unit Operations Manual, as the Gun Desk is part of the Property Unit.

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



### **TELEPHONE CONTACT**

The Gun Desks have a shared inside phone line (2645) and a public phone line (2774).

The inside phone line is used by officers within the Department and should be answered whenever possible. If the Gun Desk Officer assigned to answer phones is not present at their desk, the other Gun Desk Office should assist by answering this inside phone line, instead of allowing it to go to voicemail, if at all possible.

The public phone line will ring several times and then go to voice mail. The Gun Desk Officer assigned to do the voice mail screening and answering phones should attempt to answer the phone before it goes to voice mail. The more questions that can be answered directly, will save time documenting messages and leaving messages, which require a return phone call.

When reviewing the voicemails, each phone call must be logged in a book. Each Gun Desk Officer has their own logbook.

These logbooks are held for two years.

When logging the voicemail, the DATE at the top of the entry should reflect the date the call was received, this will be stated by the machine at the end of the call. The TIME entry should reflect the time the call was received, which is also stated by the machine at the end of the call. When action is taken, the date of that action should be entered along with a description of the action taken. This will allow for a quick search when a customer indicates they called on a certain date.

Public Line (619) 531-2774.

Officer Line (~~Deleted~~ – records of security).

FAX (619) 531-2645

All phone conversations and any communications about a firearm are to be documented in the NotesLog section of the appropriate EvidenceOnQ record.

### **E-MAIL CONTACT**

The Gun Desk has an email account. [SDPDGUN\\_DESK@pd.sandiego.gov](mailto:SDPDGUN_DESK@pd.sandiego.gov)  
The two Gun Desk PISO's, two supervisors and the manager have access to this email. The Gun Desk Officer that is assigned to handle the phone calls and voicemail is also assigned to review incoming email. All responses to emails must be printed, scanned and attached as a document to the corresponding EvidenceOnQ record.

Common replies are available in the G – Shared files under Gun Desk. The appropriate reply can be copied and pasted and then modified if necessary, which will save time responding to standard emails.



### **STAFFING & RESPONSIBILITIES**

The Gun Desks are located in the Property Room at Headquarters. They are staffed by two Police Investigative Service Officers.

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 in order 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 (ie: 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 in order to process impounds.
  - NEW 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.

## II. **RULES AND REGULATIONS**

### **WORK SCHEDULE**

The Gun Desk staff work the 4/10 schedule with opposite days off, so that a staff member is present each day of the work week.

### **UNIT MEETINGS**

The Gun Desk staff are expected to attend the Property Unit meetings each morning, which generally start at 6:45 a.m. The meetings are intended for the entire unit, although many topics discussed may only impact the Property Specialists.

### **VACATIONS**

Vacation time is granted based first on seniority and then granted based on the date the request is received. Conflicting time off is to be avoided as much as possible.

### III. DAILY DUTIES

The daily duties are listed in **priority order**.

A. **AFS Verifications**

B. **Voice Mail Message Screening**

Review the new voice mail messages.  
Document every message in the log.  
Respond to law enforcement officers with urgent requests.

C. **E-Mail Message Screening**

Review the new e-mail messages.  
Respond to any urgent requests.

D. **Lost and Stolens** NEW

Run lost and stolen firearms in NetRMS, print reports. Notify detective on stolens.

E. **FAX Machine**

Check the unit FAX machine in the morning and throughout the day.

F. **New Firearm Impound Processing & Binning**

G. **Return Calls**

Respond to law enforcement officers first.  
Respond to the public second.

H. **Return Emails**

Respond to any remaining e-mail messages. Scan and attach the original e-mail along with the reply as a document to the corresponding impound in the NotesLog.

I. **Run “Firearm Processing” Query**

It is important to do this processing ASAP so that no firearms are missed by being checked out prior to the review and record checks.

Follow all procedures documented in PROCESSING FIREARM IMPOUNDS for each of the new impounds.

J. **Processing from Tickler Files**

EOQ Automated Ticklers

- Gun-LEGR (180 days)
- Gun-Court Order (180 days)

Monthly automated emails through EvidenceOnQ (5150's)  
Restraining Orders that have expired

**K. Processing Dispositions**

**L. Enter ACTIVE Firearm Impound Property Tags into EvidenceOnQ**

## **DIVISION OF DUTIES**

The rotation of duties will be effective on the first of each month. Keep in mind that if the end of a month or first of a month is on a Friday, Saturday or Sunday, there may be a slight carry over. The goal is **always** to work together and assist each other.

### **SHARED DUTIES**

- Preparing stats (other than standard monthly stats) as requested.
- Gun Destruction Preparation (Pulling, Verification, Lists, Conversions, etc.) This duty will be assigned to the Gun Desk Officer scheduled for the next destruction run. This assignment will usually be rotated.

### **TEAMWORK**

- If assistance is needed to perform any duties, your co-gun desk PISO is to be your first point of contact.
- If your co-gun desk PISO is not available, contact your direct supervisor. Do not ask Property Specialists, volunteers, or other staff directly for assistance. Do not ask the Property Specialist Supervisor for assistance. Your supervisor will make arrangements to have someone assist you, if deemed necessary.
- All requests for assistance, outside of the gun desk, are to go through the chain of command. Unless it is an emergency, wait for your direct supervisor for assistance.

San Diego Police Department – Property & Evidence Unit  
**GUN DESK OPERATIONS MANUAL**

<b>DESK #1 DUTIES</b>  <b>EVEN MONTHS – Alejandro</b> <b>ODD MONTHS – Cecy</b>	<b>DESK #2 DUTIES</b>  <b>EVEN MONTHS – Cecy</b> <b>EVEN MONTH INCIDENT NUMBERS &amp; LAST NUMBER OF TAGS</b> <b>ODD MONTHS – Alejandro</b> <b>ODD MONTH INCIDENT NUMBERS &amp; LAST NUMBER OF TAGS</b>
<b>Answer Incoming Calls*</b>	<b>New Impound Processing &amp; Binning in Gun Room*</b> Based on month the firearm was impounded
<b>Voice Mail Screening *</b> Based on the month the voice mail was received	<b>AFS Entries-New Impounds *</b>
<b>E-Mail Screening*</b> Based on the month the email was received	<b>Petitions *</b>
<b>Returning Calls *</b>	<b>Mail Room/Mail Slots in Unit (2)</b>
<b>Returning E-Mails*</b>	<b>Processing releases on PRF's you prepared</b>
<b>Assisting customers at the counter without an appointment</b>	<b>Request Monitor 7 –</b> Review the HOLD request and process as necessary
<b>Preparing Releases as Requested *</b>	<b>Request Monitor 14 –</b> Ensure destruction authorization only from Gun Desk
<b>Processing releases on PRF's you prepared</b>	<b>Request Monitor 18 –</b> Transfers to Other Agencies
<b>Process newly reported LOST or STOLEN firearm reports - (NetRMS) *</b>	<b>Request Monitor 21 –</b> Verify that the guns should be a code #18
<b>Answer the 2645 line (Officers)</b>	<b>HQGR –</b> Verify not older than 30 days
<b>Check Copy Machine for Faxes and process</b>	<b>Ammo &amp; Magazines –</b> Verify and work as needed, auth. dispo or reassign if firearm involved
<b>AFS Verifications (new impounds)</b>	<b>EOQ Detective Dispositions (#10)</b> Assignment based on month of incident # or last # on property tag
<b>Monthly automated email on 5150 incidents, firearm still pending</b> Assignment based on month of incident # or last # on property tag	<b>EOQ – Gun-Court Order Ticklers</b> Based on the month the Court Order Ticker EXPIRED. Gun Desk Officer may be assigned as the detective

San Diego Police Department – Property & Evidence Unit  
**GUN DESK OPERATIONS MANUAL**

<b>DESK #1 DUTIES</b>  <b>EVEN MONTHS- Alejandro</b> <b>ODD MONTHS - Cecy</b>	<b>DESK #2 DUTIES</b>  <b>EVEN MONTHS – Cecy</b> <b>EVEN MONTH INCIDENT NUMBERS &amp; LAST</b> <b>NUMBER OF TAGS</b> <b>ODD MONTHS – Alejandro</b> <b>ODD MONTH INCIDENT NUMBERS &amp; LAST NUMBER</b> <b>OF TAGS</b>
<b>Retained in Court Query</b> Based on the month the receipt was received	<b>EOQ – Gun-LEGR Ticklers</b> Gun Desk Officer that mailed the LEGRA should be the assigned detective. If that Gun Desk Officer is no longer here, assigned based on month of incident # or last # on property tag
<b>HQGDR (including Firearms Processing Packets) Processing/Binning</b> Assignment based on month of the incident # or last # on property tag	<b>Monthly automated email on 5150 incidents, firearm still pending</b> Assignment based on month of incident # or last # on property tag
<b>Court Orders (DESTRUCTION or PETITIONS) Based on the month the order was received in the Property Unit</b> <div style="border: 1px solid black; padding: 2px; display: inline-block; color: red; font-weight: bold;">NEW</div>	<b>Firearms Processing Packets Destruction</b> Assignment based on month of the incident # or last # on property tag
<b>DOJ Verifications</b> Based on the month the verification is received	<b>Enter Active Property Tags in EOQ</b> Assignment based on month of incident # or last # on property tag
<b>Property Tag Dispositions Assigned</b>	<b>Property Tag Dispositions Assigned</b>
<b>EOQ Impounds Assigned as the Detective</b>	<b>EOQ Impounds Assigned as the Detective</b>
<b>Providing monthly stats to Supervisor</b> Assignment based on month of stats being requested	<b>Providing monthly stats to Supervisor</b> Assignment based on month of stats being requested

**\*The bolded duties on each desk are high priority. If one of the PISO's is out sick or on vacation, the other PISO must cover these duties assigned to the other PISO, in addition to their own assignment.**

## **IV OPERATIONAL PROCEDURES** (Alpha Order)

### **ANTIQUÉ FIREARMS – DEFINED**

As defined in 18 U.S.C. 921(a)(16) the term “antique firearm” means:  
Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898 or

- A. Any replica of any firearm described in subparagraph (A) if such replica –
  - i. is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or
  - ii. uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade;  
or
- B. any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, which is designed to use lack power or a black powder substitute, and which cannot use fixed ammunition. **For purposes of this subparagraph, the term ‘antique firearm’ shall not include any weapon which incorporates a firearm frame or receiver, any firearm which is converted into a muzzle loading weapon or any muzzle loading weapon, which can be readily converted to fire fixed ammunition by replacing the barrel, bold, breechblock, or any combination thereof.**

ATF has previously determined that certain muzzle loading models are firearms and subject to the provisions of the Gun Control Act of 1968 (GCA). All of these guns incorporate the frame or receiver of a firearm that is capable of accepting other barrels designed to fire conventional rimfire or centerfire fixed ammunition. Therefore, these muzzle loading models **do not** meet the definition of “antique firearm” as that term is defined in the above-cited 921(a)(16) and **are** “firearms” as defined in 18 U.S.C. 921(a)(3).

According to the Department of Justice, if the firearm does meet the definition of an antique firearm as defined above, then it does not need to be recorded in the individuals name and a LEGR would not need to be completed. If the firearm has the capacity to accept modern day ammunition, it would not be considered an antique (from a legal standpoint, age alone does not determine whether it’s an antique or not).



## **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 for 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.

## **5150's/ATTEMPTED SUICIDES**

BASED ON THE VIOLATION SECTION ENTERED IN EOQ:

1. 5150 in the violation field of EOQ – The WI8102 Petition Email Memo, Form and Instruction sheet must be sent. SEE PETITION SECTION.
2. 11-45 in the violation field of EOQ – The WI8102 Petition Email Memo, Form and Instruction sheet must be sent. SEE PETITION SECTION.
3. 930000zz in the violation field of EOQ – The WI8102 Petition Email Memo, Form and Instruction sheet must be sent. SEE PETITION SECTION.

## **SEE PETITION SECTION – WI8102 COURT PETITIONS**

Firearms impounded on 5150's are to be held for at least 30 days to allow time for the impounding officer/contact officer to determine if they are going to request the City Attorney to file a WI8102 court petition.

5150 firearms are held for safekeeping. The Gun Desk Officer will enter their name as the "Detective Assigned" if one is not assigned in EOQ or NetRMS. The Gun Desk Officer will end up being the person to review the status of the detention and make the determination for disposition unless a detective is assigned. [Harbor Police cases are an exception].

If a detective is not assigned in EOQ, the Gun Desk Officer's name must be entered in EOQ as the Assigned Detective. The assignment of the Gun Desk Officer is based on the month of the incident number or the last number of the property tag. If the number is odd or even. See the Division of Duties section.

A spouse may attempt to register the firearm in their name and go through the LEGR process to retrieve the firearm. It would be their responsibility to make sure that the gun is not used by the 5150.

If a mental health prohibition is found, copy and paste the prohibition information into the NotesLog under the Gun Desk entry. Make an entry “Mental Health Prohibition”. Note in the QMHF field, the record number and the expiration date. The Owner Prohibition drop down field is to be selected.

The Gun Desk is not required to hold the gun any longer than the 180 days unless notification is received that there is a hearing scheduled.

**After 30 days**, the individual can go to a licensed Gun Dealer and sign a contract to have a Gun Dealer pick up the gun and sell it on their behalf. The Gun Dealer would do the transfer of ownership. (See DEALER section).

5150 guns, without a prohibition, assuming the firearm is legal, only **have to be held for 30 days** before the release process may commence. No detective authorization is required. The Gun Desk Officer will do the review for disposition.

## **AUDITS**

The Department of Justice, Bureau of Criminal Identification & Investigative Services, Database Audits Unit suggested in October of 2013 that we contact AFS to obtain a list of all firearms entered under our ORI in order to conduct self-audits, when time permits.

See DOJ AUDIT SECTION re: AFS entries.

### **PREVIOUS MONTHLY GUN ROOM AUDITS:**

The two Gun Rooms were previously randomly audited on a monthly basis. Five active tags were pulled and five random EvidenceOnQ impounds were selected. The completed audit document was saved to the shared files G:Property/Supervisors Files/Firearm-Gun Room Audits.

The Gun Rooms are being completely inventoried twice per year, so the manual monthly random audits have ceased.

### **QUALITY CONTROL AUDITS:**

The Management Reports, which are prepared quarterly, include quality control of firearm transactions.

## **AUTOMATED FIREARMS SYSTEM (AFS)**

**\*\*\* Review AFS Terminal Operator’s Guide (TOG)  
for all procedures\*\*\***

**DOJ AFS Unit (916) 227-3589.  
SDPD Gun Desk ORI # CA 037-1146**

The Department of Justice, Bureau of Firearms provides the AFS Terminal Operator's Guide.

See SAMPLE SECTION for DOJ Information Bulletins related to AFS entries.

Firearm ownership information and law enforcement records date back to 1900. As of September 2018, there are over 22.7 million records.

Long guns started being entered into AFS in January of 2014.

**NEW** All firearms impounded with the Department as stolen, lost, found, recovered, or held for safekeeping SHALL be entered into the Automated Firearms System within 7 calendar days pursuant to PC11108.2(a). This includes firearms impounded during a gun buyback program. While the firearm remains in the custody of the Department, if our Department has the “master case record”, the AFS record should reflect the firearm is located here. Master case record must be available to agencies 24 hours per day, 7 days a week. Ten minutes from contact, in order to get back to the agency requesting information.

If the firearm is released to another agency, received and retained by the court as evidence, or returned to an owner, the AFS system must be updated to reflect the transfer of this firearm. AFS must be updated whenever a firearm leaves the custody and control of SDPD Property Room.

If a firearm is impounded solely for the purpose of lab examination for another law enforcement agency, that agency with the “master case record” is responsible for the AFS entries.

AFS only has access to California registrations. If you know the firearm is registered out of state and the circumstances warrant, an eTrace may be submitted. There are two types of eTrace, urgent is within 24 hours, routine is within seven to ten days.

AFS will indicate “REGISTRATION” if an assault weapon was been legally registered. FMBUS#### is a DOJ issued serial number.

AFS “destroyed” entries must not be done in advance, they can't be entered until the firearm has actually been destroyed. **NEW** The entry is required pursuant to PC 34010.

**NEW** AFS “LEA Transfer” PC 26620, PC27620, PC31835 requires that when firearms are transferred to an FFL (licensed dealer), the dealer information must be entered into AFS within 10 days. Dealers do not have access to AFS, dealers can only enter records on DROS (Dealer Record of Sale).

**NEW** Firearms converted to Department use must be entered into AFS as “institutional registration” within ten days, pursuant to PC 27600(c). This is done by the Operational Support Division.

PC11108.3 Crime Gun Reporting in AFS

- a) Illegally possessed
- b) Used in a crime, OR
- c) Suspected of being used in a crime.

The entry is to be canceled when appropriate.

AFS verification by a separate person is always required unless there is no make, model and serial number.

Once a firearm is run in AFS, anytime there is a hit, the information is compared to the impound information in EOQ for make, model, serial number, caliber, barrel length, etc. If necessary, corrections can be made to EvidenceOnQ by the Gun Desk Officer.

In reviewing the DOJ Firearm MAKE codes, it is clear that one three letter code may represent numerous firearm makes. For example: SIG, the code SIG is used for Schweizerische, Neuhausen, Sig Sauer, Swiss Industrial Gesellschaft, Hammerli and S.I.G. – Swiss Industrial Gesellschaft. As long as we have entered the correct three letter code as indicated in the DOJ book, we don’t need to be as concerned about how the code is displayed in AFS. A good example is the US made Sig Sauer, it should be coded as SIG. When SIG was entered into AFS, it displayed as Swiss Industrial Gesellschaft. Is the gun a Swiss Industrial Gesellschaft – NO, but the code we chose to use IS correct, according to the book. This is okay, the code is correct. So, when doing AFS verifications, check to see if the correct CODE was entered, don’t be as concerned about what is displayed through AFS. (Clearly there weren’t enough three-digit codes for each code to have only one display).

**MAKE:** Change the make in EvidenceOnQ to the DOJ CODE entered in AFS. (Refer to Gun Code Binders)

In the AFS Manual, on page 4-14 it indicates that in the gun “MAKE” field, if the country of origin is used for the make (for example US), the MAKE of the gun is to be placed in the Miscellaneous field. If the make is not known, it is suggested that you enter “make unknown”, so that the US code is not confused with the unlicensed subjects US code. For suspected Firearm Manufactured by Unlicensed Subjects, use “US” as the make code. Once again, US in this field could mean two different things.

**MODEL NUMBERS:** The model number entered in AFS is to be taken from the actual firearm, which should have been entered into EOQ. The EOQ entry can include dashes, hyphens and periods so that when an e-trace is going to be done, the Gun Desk can get the actual model number from EOQ.

AFS ENTRIES are NOT to include dashes, hyphens, or periods. Convert those symbols to spaces. (i.e. P-85 = P 85)

**SERIAL NUMBER:** AFS ENTRIES are NOT to include any dashes, hyphens, or spaces. DOJ will drop any zeros at the beginning of the serial number. (i.e. 002185 = 2185, 89-298-8888= 892988888)

The serial number entered into AFS is to be taken from the actual firearm, which should have been entered into EOQ.

Serial numbers may start with SER# or SN, but not always. A true serial number is always on the frame of the gun. The frame is also considered the lower receiver. This is the component DOJ considers the gun. The serial number can also be on the barrel, side, top or butt of the gun. The serial number may be concealed under the pistol grips.

When running a firearm serial number, run it with the make and also run it without the make. The reason the serial number is run without the make is because it may have been entered with the wrong coding for the firearm. Example: GLO=Gloria & GLC = Glock. When running a Glock serial number, if the firearm serial number ends in US, remove the US and run the first part of the serial number. If the serial number does not end with US, add US to the end of the serial number. Glock serial numbers must end in US.

**“REMOVED” AND “OBLITERATED” are two of the options.**

REMOVED = scratched off

OBLITERATED = unreadable or altered

Firearm serial numbers are not unique to gun types. Ruger may have a serial number 12345 on one of their guns and Glock may have the same serial number 12345 on one of their guns. This is why the make and model is also required.

If a serial number has too many entries, try running it with the make.

If a serial number is not found or part of it is not readable, the owner's name can be run in AFS and the system will provide all firearms registered to that individual. Compare that record to the firearm and hopefully the correct serial number will be obvious.

When a serial number is not available, but the make and model is available, enter the code “2Antique” in the serial number field. This indicates that the firearm is too antique to have a serial number. A large inventory of firearms is entered this way, so it will require some searching.

A firearm is not stolen unless the entry indicates “stolen”. A DROS entry is for a Dealer Record of Sale. The DOT is the date of transaction.

LOST (K), FOUND (F), STOLEN (S) records are all to be entered into AFS as an Entry Level 2 (ENT/2).

Our view of AFS will only reflect the current status of the firearm.

If a SDPD firearm (institution weapon) is lost or stolen, that entry will be reflected in AFS. The institutional weapon entry will be deleted. If the firearm is found/recovered. After that entry is made, the Operational Support Unit will be responsible for re-entering the institutional weapon.

If a firearm is impounded for destruction, when entering the impound, use the code in AFS for SAFEKEEPING. If the code destruction is used, AFS will reflect that the firearm has been destroyed. The code will remain SAFEKEEPING until the firearm is actually destroyed, then AFS will be updated with the destruction code.

Guns manufactured by an individual, Call DOJ and get FMBUS# assigned. The FMBUS number will be the serial number.

Effective January 1, 1991, PC12072(d) amended to PC27545 mandated all firearms transactions be conducted through a licensed firearms dealer. Therefore, if the AFS print out contains a registration after 1991, the firearm may be processed for release to the registered owner according to the section on RELEASING FIREARMS. Ensure there are no other holds or reasons for it to be retained.

If the AFS print out on a found firearm contains a registration prior to 1991, it should not be processed for release as the true legal owner cannot be determined by the registration alone. The firearm should be retained and processed for disposal after 10 months, if unclaimed. This also applies to unregistered firearms.

#### HINTS FOR AFS:

- If the name you are running has too many entries and you want to narrow it down, try running for exacts.
- When you get a list of firearms for the individual you are running, you must run each serial number to see if the firearm may have been sold, pawned or was transferred to another individual.
- If there is a DROS entry and it is within 5 years of the DOT (date of transaction), run the name in ARJIS for possible stolen. Some stolen reports may not have gotten entered in AFS, the victim did not have a serial number but the firearm is listed, or a firearm is not listed as

property but there is a PC487 or PC484 report. It may be an unreported stolen firearm.

**SUGGESTION FOR AFS – SELF AUDITS:**

- Department of Justice suggested in the September 2013 audit results that the Gun Desk contact the AFS to obtain a list of all firearms entered under our ORI in order to conduct self-audits when time permits.

**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.

Records entered into AFS **MUST** contain supporting documentation for all data fields and be based on master case record maintained by the agency. The master case record must be available at all times to verify an AFS hit promptly. CJIS policy requires an agency to: Respond to the inquiring agency within 10 minutes and provide 14-hour/7 days a week coverage to ensure that 10-minute confirmation.

The Department of Justice requires that a second party double check all records entered into AFS. After an audit in September of 2013, the AFS verification location was created in EOQ for this second party verification documentation.

AFS Verified Tab in EOQ (Category – Firearms)

Open EOQ and SDLaw screen side by side.

Copy and paste the gun serial number from the EOQ screen to the SDLaw State Automated Firearms – Serial number search. By using the copy and paste it eliminates the typo possibility.

**MODEL:** The model number entered in AFS must NOT have any hyphens, dashes, or periods.

**SERIAL NUMBER:** The serial number entered in AFS must NOT have any hyphens, dashes or spaces. *[The dashes and or spaces will remain when running in e-TRACE]*

Confirm the serial number, make, model and all gun information in AFS is consistent with the info in the EOQ screen.

**MAKE:** The make code in EOQ is changed to the DOJ Code, which is entered in AFS. The serial number and the model number in EOQ does not need to be modified to the AFS format.

Verify all information on COMMENTS TAB is correct. Verify FCN number matches.

If the firearm is held for EVIDENCE, it must be entered as a crime gun as well.

Verify a zip code is included in the recovery location field in EvidenceOnQ.

Verify a booking photo is added to the EvidenceOnQ record. If no booking photo is available, make an entry in EOQ NotesLog as to why. (i.e. No Booking Photo – Subject Deceased)

Copy and paste SDLaw results and place in the NOTESLOG, under the header “PR-Gun Desk Entry” , add info, hit ok.

Transfer gun from AFS verified to RR (Rifle Rack) or HG (Handgun) bin location.

#### CATEGORIES IN EOQ FOR FIREARMS

Evidence  
Other  
Found  
Gun-Safekeeping

Tools-Options-Queries-Select Firearms

\*\* If there is no make, no model and no serial number, do not enter it in AFS.

When doing AFS verifications, check to see if the correct CODE was entered, don't be as concerned about what is displayed through AFS. (Clearly there weren't enough three-digit codes for each code to have only one display). See **AUTOMATED FIREARMS SYSTEM** section for more details.

#### **AFS VERIFICATION CHECK LIST:**

- ✓ Verify serial number, make, model and all gun information which was entered into AFS matches the EvidenceOnQ screen.
- ✓ Verify FCN number.
- ✓ Verify evidence gun is entered as crime gun.
- ✓ Verify zip code is added to the recovery location address.
- ✓ Verify booking photo has been added, or a reason is in the NotesLog as to when it isn't attached.
- ✓ Copy and paste SDLaw results and place under the Comments/NotesLog tab.



## **AMMUNITION**

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

Effective 7-1-2019 (SB1235) Ammunition can be sold only to a person whose information matches an entry in the Automated Firearms System and who is eligible to possess ammunition, to a person who has a current certificate of eligibility issued by the department. Fee of \$1.00 per transaction. Ammunition vendors will submit the information to the Department via an electronic application. Applicants must be 18 years or older.

When firearms have already been released and the ammo and the holster are left, if there isn't an extension on the PRF, they can be destroyed.

### **PROCESSING AMMUNITION FOR DESTRUCTION:**

1. Confirm there is authorization for disposition.
2. Enter a REQUEST in EOQ. This would not be a number 10 because it is not a firearm. It would likely be a number 3, 4 or 5.
3. SEE SECTION "HQGDR" for additional processing instructions.

On incidents with a firearm and other related items. If the firearm is still here, ammunition, holsters, etc. must NOT be destroyed, even if the detective authorizes the disposition. The gun related items are to remain on the same "track" as the firearm itself. The ammunition, holsters, magazines, etc. should not be destroyed until the firearm is actually destroyed. There is a chance that the firearm will be converted to Department use, either to SWAT, the Range, or the Crime Lab. The magazine would be needed at the time of conversion.

When property specialists are processing disposals, if they find ammunition, holsters, magazines, etc. and there is a firearm on the same incident, and the firearm is still here, they will put them on the shelf in the disposal area labeled "HQ-Pending Gun Desk Review" and change the location to "HQGDR".

The Gun Desk Officers will go through this box and determine if the items need to be binned or if they are eligible for destruction. See the Section HQGDR for additional information.

Ammunition never gets shipped; it is considered an explosive.

Ammunition can never go to the gun destruction location.

When a firearm is being released, the ammunition may not be released for a 24-hour period. The person can be given an additional 30 days to come back and obtain 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.

If the ammunition is not picked up within the 30 days it will be authorized for disposition and processed by the disposal team. The disposal team will place the ammo. in the ammunition destruction bucket. The lab reviews this ammunition for samples. What they don't want is given to the range.

### **ASSAULT WEAPON DEFINITION**

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

### **ASSAULT WEAPON REGISTRATION**

Effective January 1, 2017, “Bullet Button” firearms are considered assault weapons. Pursuant to Assembly Bill 1135 and Senate Bill 880 effective January 1, 2017, the definition of assault weapon is revised.

These bills require that any person who, from January 1, 2001, to December 31, 2016, inclusive, lawfully possessed an assault weapon that does not have a fixed magazine, as defined in Penal Code section 30515, including those weapons with an ammunition feeding device can be readily removed from the firearm with the use of a tool, shall register the firearm before January 1, 2018, which was later extended to June 30, 2018.

These bills define the meaning of “fixed magazine” to mean an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

This legislation closes the “bullet button” loophole and categorizes “bullet button” firearms as assault weapons.

### **BINNING PROCEDURE**

Firearms are binned in either a handgun, rifle, or firearm in a case designated shelf. The space between shelves is set for the specific box types.

### **BUREAU OF FIREARMS (BOF)**

Website: [www.oag.ca.gov/firearms](http://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.

### **CERTIFIED COPY**

If the District Attorney's Office, City Attorney's Office or anyone else requests a certified copy of a document, make a copy of the ORIGINAL of that document. Certification can only be done if we have the ORIGINAL document in our

records. Stamp the bottom right corner or the reverse side of the document with the CERTIFICATION STAMP. Sign the stamped area, indicating that this photocopy is an accurate copy of an original document currently being held in our office. Enter the current date. Make an entry in the Comments Tab, NotesLog that a certified copy of \_\_\_ (describe document)\_\_\_\_\_ provided to \_\_\_ (name or agency that requested the certified copy) \_\_\_\_\_.

The stamp is located in the supply area.

## **CHECK-OUT OF FIREARM BY CRIME LAB SUPERVISOR TO OTHER AGENCY CRIME LAB**

With the agreement of the Investigative Control Group, the assigned detective does not need to approve the check-out of evidence to another law enforcement agency lab. The detectives are willing to have a supervisor in the SDPD Crime Lab grant the approval. Approval must be received from a Lab supervisor prior to any check-outs being granted to another law enforcement agency lab member. The Lab supervisor will enter **CODE #20** through the request monitor, which reflects “LAB SUPERVISOR AUTH. – OKAY TO CHECK-OUT TO OTHER AGENCY”. The Lab supervisor will enter the name of the lab representative, their ID number and agency in the REASON field.

When the other agency lab member appears at the counter for the approved check-out, the specialist will locate that individual’s personalized check-out code. “PR-LAB-Agency abbreviation-ID#”. If the individual does not have a location code in the system, a supervisor needs to be contacted to enter their location code. It is also helpful to obtain a direct line phone number and enter it in the record for future reference. The time period for other agency lab check-outs will be for 48 hours, knowing that the first late notice will not go out until after 7 days.

Since the check-out is very temporary, AFS entries will not be canceled, the record will still reflect that the firearm is in our custody and control.

The Gun Desk PISO’s will monitor the check-out and confirm that the firearm is returned to the Property Room from the other agency’s crime lab. If the firearm is returned over the counter or via the overnight lockers, the Property Specialists should let the Gun Desk know the firearm has been returned, but in case they don’t, the Gun Desk PISO’s should become aware of the return when monitoring the record.

## **CLEW – CALIFORNIA LAW ENFORCEMENT WEBSITE**

DOJ website [CLEW.doj.ca.gov](http://CLEW.doj.ca.gov)

All APPS and FDAS Reports for law enforcement review are available for download through the secure mailbox located on the California Law Enforcement Website (CLEW).

In order to get access to the reports:

- 1) Create a CLEW account, if you don't already have one.
  - 2) Submit a request to access the Firearms reports by filling out the BOF 054 form on CLEW. See the user manual for detailed instructions.
-

## **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 through 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 through 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.

## **COMPUTERIZED FIREARMS INVENTORY SYSTEM** **(CFIS) (Internal SDPD System for Property Tags)**

The Computerized Firearms Inventory System is a database that will maintain a permanent record of the status of every firearm impounded by the San Diego Police Department on the old paper property tags. Each individual firearm within each property tag was entered. The system allows for researching the status of any impound through a variety of variables, including property tag number, weapon serial number, suspect or victim name, address of incident, date or date range, type of firearms, caliber, etc. Once EvidenceOnQ, an automated impound system, was implemented in June of 2011, new CFIS entries ceased.

Each firearm impounded on a paper property tag is to be updated to reflect its current disposition when documentation is submitted to the Gun Desk (i.e., DES for destroyed, RTO for returned to owner, CRT for retained in court, etc.).

Automated Firearms Disposal lists are prepared by clicking on “Reports” in the Edit feature of the menu bar. A separate report must be prepared for handguns and long guns (rifles & shotguns). The system prints out entries that contain a “DES” disposition with the disposition date field blank.

An EOQ Report is prepared to supplement the CFIS reports for the monthly Property Room statistics.

### Monthly Re-Cap

- Guns Returned to Owner
  - Guns Released on Property Tags
- Hit find, double click  
Edit – All  
RTO – Disposition –ok – date  
Exit – Report – Date – Monthly Recap

## **CFIS GUN DISPOSAL PROCESS** **(Firearms impounded prior to 6-2011)**

When firearms impounded on a property tag are signed off for disposal: PRO and the date are entered in the disposition field in CFIS for each firearm. Add any weapon information from the property tag into CFIS that may not have been entered previously or was not available in the old SAS inventory system (CATEGORY is a required field). Tags are returned to the Gun Desk after the write-off: After review and approval by a supervisor, the date is removed from the disposition field. PRO remains in the disposition field. If the disposition shows DES, it must be changed to PRO. Note: Do not modify entries for guns that have a disposition of REL, RTO, UPS, DU, or CRT.

For the first write-off, nothing else is entered in CFIS.

For a print-out of the first write-off, do a search in the FIND screen for all **weapons** with a disposition of PRO with no disposition date.

For the second write-off, enter a 2 in the field for the gun owner's last name immediately after the name. If the owner last name field is blank, just enter the number in this field.

Follow this process for the third and subsequent write-offs.

For a print-out of second write-off, do a search in the FIND screen for all weapons with a disposition of PRO with no disposition date AND put a \*2 in the owner last name field.

Follow this process for the third and subsequent write-offs.

**TO GENERATE A COMPLETE DISPOSAL LIST:** Click on EDIT in the main CFIS screen. Click on REPORTS. Click on the type of report desired (Pistols or Rifles & Shotguns)

**AFTER GUNS ARE PHYSICALLY DESTROYED:**

**AUTOMATED ENTRIES:** Do a search in the FIND screen for all weapons with a disposition of PRO and no disposition date. If the current date is the same as the date of destruction, click on the SET DISPOSITION DATE button on the top of the search result screen (If the actual destruction date is different than the current date, change it before click on the SET DISPOSITION DATE button.) This will set the disposition date and change all PRO's to DES.

**MANUAL ENTRIES:** In CFIS change the PRO to DES and enter the destruction date on each gun that was destroyed. This is the preferred processing for accuracy purposes.

FCN and GCN cancellations.



**CONVERSION CHART (SB1080) FIREARM CODE SECTIONS**

Old PC	New Crime PC	Definitions	SB 1080 Conversion (Weapon Laws)	Description
653K, repealed	21510(a)	17235		Possession of a switchblade knife in a passenger's or driver's area of a vehicle in public place or open to the public.
653K, repealed	21510(b)			Carries a switchblade knife upon their person
653K, repealed	21510(c)			Sells, offers for sale, exposes for sale, loans, transfers, or gives the switchblade knife to another person
12001.1(a)	20810(a)	17290		Undetectable knife
12001.5	33210	16530/16640		Short barreled shotgun/rifle - handgun and firearms
12020(a)(1)	20310	16140		Air gauge knife
12020(a)(1)	21110	16220		Ballistic knife
12020(a)(1)	20410	16260		Belt buckle knife
12020(a)(1)	22210	16760		Leaded cane, billy, blackjack, slungshot, sandclub, sap, sandbag
12020(a)(1)	30210(a)	16570		Flechette dart
12020(a)(1)	30210(b)			Bullet with explosive agent
12020(a)(1)	24310	16320		Camouflaging firearm container
12020(a)(1)	24410	16330		Cane gun
12020(a)(1)	20510	16340		Cane sword
12020(a)(1)	24510			Firearm not immediately recognizable as a firearm
12020(a)(1)	20610	16830		Lipstick case knife
12020(a)(1)	21810	16920		Metal knuckles
12020(a)(1)	19200(a)			Metal military practice/metal replica hand grenade
12020(a)(1)	32900	16930		Multiburst trigger activator
12020(a)(1)	22010	16940		Nunchaku
12020(a)(1)	20710	17160		Shobi-zue
12020(a)(1)	33215	17170		Short-barreled rifle, short-barreled shotgun
12020(a)(1)	22410	17200		Shuriken
12020(a)(1)	31500	27170		Unconventional pistol
12020(a)(1)	24610	17280		Undetectable firearm
12020(a)(1)	24710	17330		Wallet gun
12020(a)(1)	20910	17350		Writing pen knife
12020(a)(1)	33600	17360		Zip gun
12020(a)(2)	32310	16740		Large capacity magazine
12020(a)(3)	19100	16510		Explosive substance
12020(a)(4)	21310	16470		Dirk/dagger
12020(a)(4)	19200(b)			Replica handgrenade by criminal street gang
12020.1	21710	16405/16680		Composite knuckles or hard wooden knuckles

**San Diego Police Department – Property & Evidence Unit  
GUN DESK OPERATIONS MANUAL**

Old PC	New Crime PC	Definitions	Description
12020.5	17505		Unlawful advertisement and sale of a firearm
12021(a)(1)	29800(a)(1)		Ex-felon with a firearm
12021(b)	29800(b)		Ex-felon of violent crimes owns, or possess firearm
12021(c)(1)	29805		Convicted of certain misd. Within 10 years - owns/possesses/receives/purchases a firearm
12021(d)(1)	29815(a)		Condition of probation - owns, possess, controls, receives or purchases a firearm
12021(e)	29820(b)		Cannot own or possess firearm until age 30 if meets requirements
12021(g)(1)	29825(a)		Violation of TRO/PO, purchases or receives a firearm
12021(g)(2)	29825(b)		Owns or possess a firearm when subject of a restraining order
12021.1(a)	29900(a)(1)		Felony possession of a firearm, prior conviction
12021.1(c)	29900(b)(1)		Felony possession of a firearm, prior adult conviction for juvie
12024	17500		Possession of a deadly weapon with intent to assault
12025(a)(1)	25400(a)(1)		Carry a concealed firearm - vehicle driver
12025(a)(2)	25400(a)(2)		Carry a concealed firearm - upon a person
12025(a)(3)	25400(a)(3)		Carry a concealed firearm - vehicle occupants
12028.5(b)	18250		Domestic violence - take custody of firearm
12031(a)(1)	25850(a)		Loaded firearm in public (person or vehicle)
12034(a)	26100(a)		Driver/owner permit another person to bring or carry a firearm in vehicle
12034(b)	26100(b)		Driver/owner allows someone to discharge a firearm from the vehicle
12034(c)	26100(c)		Driver/owner allows someone to discharge a firearm at a person who is not an occupant of the vehicle
12035(b)(1)	25100(a)		Criminal storage of a firearm of the 1st degree
12035(b)(2)	25100(b)		Criminal storage of a firearm of the 2nd degree
12036(b)	25200(a)		Child carries firearm off premises
12036(c)	25200(b)		Child carries firearm off premises to school
12040(a)	25300(a)		Criminal possession of a firearm while masked
12051(b)	26180(a)		CCW - false statement on an application - misd.
12051(c)	26180(b)		CCW - false statement on an application - felony
12061(a)(3)	30352(a)		Vendor not sell or transfer ownership of handgun ammunition without required info
12061(a)(4)	30355		Vendor's handgun ammunition records must remain on premises for 5 years
12061(a)(6)	30360		Vendor makes false entry or fails to make required entry or obtain thumbprint for handgun ammo
12061(a)(7)	30362(a)		Vendor's refusal to allow examine of handgun ammunition records
12061(a)(7)	30362(b)		Vendor's refuses to allow law enforcement use of handgun ammunition records
12070(a)	26500(a)		Sell, lease, transfer firearms without license
12071.1(e)(1)	27245(a)		Failure to comply by a gun show producer
12071.1(e)(2)	27245(b)		Failure to post signs by a gun show producer
12071.4(b)	27305(a)		Gun show/vent vendor certify in writing to producer - person's complete name

**San Diego Police Department – Property & Evidence Unit  
GUN DESK OPERATIONS MANUAL**

Old PC	New Crime PC	Definitions	Description
12071.4(b)	27305(b)		Gun show/event vendor certify in writing to producer - knowing and complying with all federal, state, and local laws dealing with possession and transfer of firearms
12071.4(b)	27305(c)		Gun show/event vendor certify in writing to producer - Not engage in activities that incite or encourage hate crimes
12071.4(b)	27305(d)		Gun show/event vendor certify in writing to producer - process all transfers of firearms through licensed firearms dealers
12071.4(b)	27305(e)		Gun show/event vendor certify in writing to producer - firearms unloaded at show/event and secured except for demos
12071.4(b)	27305(f)		Gun show/event vendor certify in writing to producer - complied with requirements of 27320
12071.4(b)	27305(g)		Gun show/event vendor certify in writing to producer - not display or possess black powder or offer it for sale
12071.4(c)	27310		Firearm transfers at gun show/event shall be in accordance with state and federal laws
12071.4(d)	27315		At gun show/event - ammo, except for showing ammo to prospective buyer, must be displayed only in closed original factory boxes or other closed container
12071.4(e)	27320(a)		Vendor shall provide to producer all required info of all persons at vendor's display space
12071.4(e)	27320(b)		Producer shall keep at the onsite headquarters the information required in 27310(a); law enforcement may review
12071.4(f)	27325		Vendor and employees must wear name tags at show/event
12071.4(g)	27330		Consumers at gun show/event must not carry firearms and ammo at same time
12071.4(h)	27335		No one under 18 admitted to show/event without parent
12071.4(i)	27340(a)		Consumer shall sign in ink the tag/sticker attached to firearm prior to entering show/event
12071.4(i)	27340(b)		Consumers shall clear firearm of ammo and place required info on tag/sticker attached to firearm
12071.4(k)	27345		All persons at show/event must have on their person a government photo ID and must display it upon request to security officers or law enforcement
12072(a)(1)	27500(a)		Knowingly sell, supply, deliver, give possession or control of a firearm within class prohibited
12072(a)(2)	27500(b)		Sell, supply, deliver, give possession or control of a firearm to someone who has cause to believe they are class prohibited
12072(a)(3)(A)	27505(a)		Sell, loan or transfer a firearm to a minor or sell a handgun to an individual under 21 years of age
12072(a)(4)	27515		Sell, loan or transfer a firearm to anyone who knows or cause to believe is not the actual purchaser or transferee
12072(a)(5)	27520		Acquire firearm for purpose of selling, loaning, or transferring with no license or mandated requirements met
12072(a)(8)	27530		Sell or transfer a handgun without manufacturer's and DOJ's information
12072(a)(9)	27535		Make application to purchase more than one handgun within 30 day period
12072(b)	27510		No licensed person shall sell, supply, deliver or give possession or control of handgun to a person under 21 years of age or other firearm to someone under 18 years of age
12072(c)(1)	27540		Dealer shall not deliver a firearm to a person within 10 days, must be unloaded, secured and with ID

**San Diego Police Department – Property & Evidence Unit  
GUN DESK OPERATIONS MANUAL**

<b>Old PC</b>	<b>New Crime PC</b>	<b>Definitions</b>	<b>Description</b>
12072(e)	27550		Collusion of falsifying test and safety procedures
12072(f)(1)	27555		Dealer to dealer sale of a firearm without obtaining a verification number from DOJ
12072(f)(2)	27560		Personal handgun importer must within 60 days register or sell handgun
12072(f)(3)	27565		Licensed collector must report acquisition within 5 days of bringing a firearm (curio or relic) into this state
12073(a)	28100		Dealer must keep a register or record of electronic or telephonic transfer
12076(b)(1)	28210(b)		Furnish or register fictitious name or address or knowingly give incorrect information or omitting required information
12076(c)(1)	28215(b)		Furnish or register fictitious name or address or knowingly give incorrect information or omitting required information electronic or telephonically
12077.5(g)	Repealed		Third party request firearms check
12081(b)(6)	29525		Falsify or omit info for an entertainment firearm permit
12082(a)	28050(b)		Dealer retain possession of firearm for private party transaction
12082(a)	28050(c)		Dealer to deliver to buyer of firearm for private party transaction
12082(a)	28050(d)		Dealer to give back firearm to seller for private party transaction
12082(a)	28055(b)		Required fee charged by dealer for private party transaction
12082(a)	28055(c)		Dealer cannot charge additional fees for private party transaction
12083(a)	28455		Falsifying or omitting required information on the Declaration for Statutory exemption from gun license requirement
12083(c)	28465		Dealers must receive firearms from centralized list of firearms
12085(a)	29010(a)		Manufacturing firearms
12083(c)(1)	29010(c)		Failure of manufacturer to turn over record of manufacturer closure within 3 days
12086(f)(1)	29060		Gun licensee/manufacturers
12090	23900		Change, alter, remove or obliterate the name of the make, model, manufacturer's number, or other mark of identification on any pistol, revolver or other firearm
12094(a)	23920		Knowledge of change, alteration, removal, obliteration of mark or identification - buys, receives, disposes of, sells, offers to sell any pistol, revolver or other firearm
12101(a)(1)	29610		Minor shall not possess a pistol revolver, or other firearm capable of being concealed
12101(b)(1)	29650		Minor possesses live ammunition
12125	32000(a)		Manufacture, import into this State for sale, keeps for sale, offers or exposes for sale, gives, or lends unsafe handgun
12220(b)	32625(b)		Convert firearm to a machinegun
12280(a)(1)	30600(a)		Transport, import, manufacture assault weapon/.50 BMG
12280(b)	30605(a)	30510	Possession of an assault weapon
12280(c)	30610(a)	30530	Possession of a .50 BMG
12281(f)	30720	30710	Possession of an SKS rifle

**San Diego Police Department – Property & Evidence Unit  
GUN DESK OPERATIONS MANUAL**

<b>Old PC</b>	<b>New Crime PC</b>	<b>Definitions</b>	<b>Description</b>
12303	18710(a)	16460	Possesses destructive device other than fixed ammunition of a caliber greater than .60 caliber
12303.1(a)	18725(a)		Carriers a destructive device/explosives on a vessel, aircraft, car or other vehicle that transports passengers for hire
12303.1(b)	18725(b)		Places or carries destructive device/explosives while on board vessel, aircraft, car, or other vehicle in any hand baggage, roll or other container
12303.1(c)	18725(c)		Place destructive device/explosives in any baggage which is later checked with any common carrier
12303.2	18715(a)(1)		Possession of destructive device/explosives on public street or highway
12303.2	18715(a)(2)		Possession of destructive device/explosives in or near theater, hall, school, college, church, hotel, or other public building
12303.2	18715(a)(3)		Possession of destructive device/explosives in or near private habitation
12303.2	18715(a)(4)		Possession of destructive device/explosives in, on, or near aircraft, railway, passenger train, car, cable, road, cable car, vessel carrying passengers for hire
12303.2	18715(a)(5)		Possession of destructive device/explosives in, on, or near any other public place ordinarily passed by human beings
12303.3	18740		Possess, explodes, ignites, or attempts to explode or ignite any destructive device or explosive with intent to injure, intimidate or terrify or wrongfully injure or destroy property
12303.6	18730		Sell, offers to sell or transports destructive device/explosive other than fixed ammunition of a caliber greater than .60 caliber
12304	18735(a)		Sells, offers for sale, possess, transport any fixed ammunition of caliber greater than .60 caliber
12308	18745		Explodes, ignites, or attempts to explode or ignite any destructive device/explosive with the intent to commit murder
12309	18750		Explodes or ignites destructive device/explosive which causes bodily injury
12310	18755(a)		Explodes or ignites destructive device/explosive which causes death
12310	18755(b)		Explodes or ignites destructive device/explosive which causes mayhem or great bodily injury
12312	18720		Possession of substance, material or any combination with the intent to make any destructive device/explosive
12316(a)(1)(A)	30300(a)(1)		Sell ammunition or re-loaded ammunition to a person under 18 years of age
12316(a)(1)(B)	30300(a)(2)		Sell handgun ammunition or re-loaded ammunition to a person under 21 years of age
12316(a)(1)(C)	30300(a)(3)		Supplies, delivers, or gives ammunition to a minor who is prohibited from possessing that ammunition
12316(b)(1)	30305(a)(1)		Person prohibited from possessing a firearm shall not possess or control ammunition or re-loaded ammunition
12316(b)(4)	30305(b)(1)		Gang injunction - possessing ammunition or re-loaded ammunition
12316(c)	30310(a)		Ammunition or re-loaded ammunition on school grounds
12317(a)	30306(a)		Supplies, delivers, sells or gives ammunition to a person prohibited from possessing ammunition

**San Diego Police Department – Property & Evidence Unit  
GUN DESK OPERATIONS MANUAL**

Old PC	New Crime PC	Definitions	Description
12318(a)	30312(a)		Deliver or transfer of ammunition must be face-to-face
12320	30315		Possess handgun ammunition designed primarily to penetrate metal or armor
12321	30320		Manufacture, import, sell, offer to sell, or transport handgun ammunition designed to penetrate metal or armor
12355(a)	20110(a)	16310	Assembles, maintains, places, or causes to be placed a boobytrap device
12355(b)	20110(b)		Possess a device with intent to use the device as a boobytrap
12370(a)	31360(a)	16288	Felon with body armor
12403.7(g)	22810(g)(1)	17240	Use tear gas or tear gas weapons except self-defense
12403.7(g)	22810(g)(2)		Use tear gas or tear gas weapons except self-defense against a peace officer
12420	22900		Unlawful to sell, offer to sell, possess, or transport tear gas or tear gas weapon
12422	22910(a)		Changes, alters, removes, obliterates the name of the manufacturer, the serial number or any other mark of identification on any tear gas weapon
12520	33410	17210	Possession of a silencer
12551	19910	16250	Sell BB device to minor
12552(a)	19915(a)		Furnish BB device to minor without parental consent
12553(a)(1)	20150(a)	16700	Change, alters, removes, or obliterates any coloration or marking required for imitation firearm which makes the imitation firearm look more like a firearm
12553(b)	20155		Manufacturer, importer, or distributor that fails to comply with federal laws and regulations for marking of toy, look-alike, or imitation firearm
12556(a)	20170(a)		Openly display or expose imitation firearm
12582	20010	16270	Manufacturer, sells, offers for sale, possession, or use of a blowgun or blowgun ammunition
12590(a)(1)	17510(a)(1)		While picketing or concerted refusal to work carries concealed on his person or within a vehicle any pistol, revolver, or other firearm capable of being concealed
12590(a)(2)	17510(a)(2)		While picketing or concerted refusal to work carries a loaded firearm or within any vehicle
12590(a)(3)	17510(a)(3)		While picketing or concerted refusal to work, carries a deadly weapon
12590(a)(4)	830.95(a)		While picketing or concerted refusal to work, wear a peace officer uniform whether or not the person is a peace officer
12651(c)	22610(c)(1)	17230	Sell or furnish stun gun to a minor unless the minor is at least 16 years of age and has written consent from parents
12651(d)	22610(d)		Minor possess stun gun unless at least 16 years of age and has written parental consent
12651(a)	22610(a)		Possession, purchase, use a stun gun - person convicted of a felony
12651(b)	22610(b)		Possession, purchase, use a stun gun - person addicted to any narcotics
12652(a)	22615(a)		Each stun gun shall have the name of manufacturer stamped on stun gun
12652(b)	22615(b)		Each stun gun shall have the serial number applied by the manufacturer
12654	22625(a)		Each stun gun sold shall be accompanied by an instructional booklet
12655	19405	16780	Sell a less lethal weapon to a person under the age of 18 years of age

**San Diego Police Department – Property & Evidence Unit  
GUN DESK OPERATIONS MANUAL**

Old PC	New Crime PC	Definitions	Description
12801(b)(1)	31615(a)(1)		Purchase or receive a handgun without a valid handgun safety certificate
12801(b)(2)	31615(a)(2)		Sell, deliver, loan or transfer a handgun to a person who does not have a valid handgun safety certificate
12802(b)	31620(b)		Alters, counterfeits, or falsifies a handgun safety certificate or uses or attempts to use altered, counterfeited, or falsified handgun safety certificate to purchase a handgun
New	26350(a)(1)(A)		Openly carry unloaded handgun upon person while in or on a public place or public street in an incorporated city or county if: handgun and unexpended ammo are in immediate possession of person and person is not in lawful possession of handgun
New	26350(a)(1)(B)		Openly carry unloaded handgun upon person while in or on a public street in a prohibited area of an unincorporated area of a county or city and county
New	26350(a)(1)(C)		Openly carry unloaded handgun upon person while in or on public place in a prohibited area of a county or city and county
New	26350(a)(2)(A)		Openly carry unloaded handgun inside or on a vehicle, whether or not on his/her person, while in or on a public place or public street in an incorporated city or county
New	26350(a)(2)(B)		Openly carry unloaded handgun inside or on a vehicle, whether or not on his/her person, while in or on a public street in a prohibited area of an unincorporated area of a county or city and county
New	26350(a)(2)(C)		Openly carry unloaded handgun inside or on a vehicle, whether or not on his/her person, while in or on a public place in a prohibited area of a county or city and county

LASD - FOSS - 11/29/2011

## **CONVERSION TO DEPARTMENT USE (DP 3.24)**

Any unit requesting that 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.

If the unit provides the firearm information and the property tag number or barcode number to Operational Support, they will prepare the Conversion Request Form (PD-823).

If the Firearms Unit of the lab requests firearms that the serial numbers have been obliterated or partially obliterated for training purpose, they will complete a conversion form and go through the standard process. Once the guns are no longer needed, they will be turned over to Ops. Support for destruction purposes.

Firearms received through a Gun Buy Back Program or firearms ordered destroyed by the court shall not be converted for Department use.

If a citizen turns over a firearm at the counter and requests that the gun be destroyed, it will not be converted to Department use. If destruction is not requested, it will be eligible for conversion. Officers are encouraged to ask the citizen at the time of impound whether or not they are requesting that the firearm be destroyed.

All requests must be completed and approved by the appropriate commanding officer and forwarded to the Senior Property & Evidence Supervisor.

Requests submitted will be reviewed by the Senior Property & Evidence Supervisor, the Captain over Operational Support and then the Assistant Chief over Support Operations, for the final approval.

The Conversion Form must be scanned and attached to the associated firearm impound record.

Once the Conversion form is approved, the firearm and a photocopy of the conversion form will be turned over to the Operational Support Unit representative. The Operational Support Unit will enter the firearm into the Department's Inventory. Operational Support will update AFS with the code for institutional use. Operational Support will turn over the firearm to the receiving unit.

Once the firearm is no longer operational or no longer wanted by the Department, it must be destroyed. The receiving unit is to turn in the firearm to the Operational Support Unit, who is responsible for updating AFS appropriately at the time of destruction.

The original conversion form will be scanned to the shared files in the G drive under the "COMPLETED CONVERSIONS" file.



## **CORI – California Criminal Offender Record Information**

Coding:

- If the subject is a suspect, the purpose code of “C” for Administration of Justice
- If the subject is NOT a suspect, for example a firearm owner retrieving a previously stolen firearm, the purpose code of “F” for screening of applications for firearms and related permits.

Any questions regarding the CORI coding, contact Officer Paul Klotz, Data Systems (**Deleted – records of security**).

Additional information in the Gun Desk Operations Manual – Attachments.

## **COURT ORDER FOR RELEASE OF FIREARM**

If a court order is received and it reflects an order to release a firearm for someone who is prohibited, do **NOT** release the firearm. Prohibited persons may sell/transfer firearms to a PC26700 licensed firearms dealer. (PC33850)

## **COURT ORDER ON PETITION** **PETITION GRANTED**

The order will have a check mark in the open line, immediately before **Petition is granted**.

1. \_\_\_\_ **Petition is granted.** This Court finds that the return of the firearm or other deadly weapon would be likely to result in endangering Respondent Kevin Knickerbocker or others, and the firearm or other deadly weapon should not be returned to Respondent. Therefore, it is the order of this Court that the weapon and ammunition seized from Respondent by the San Diego Police Department (Department) are hereby forfeited and shall be destroyed. **This order is stayed for 180 days.**

During the 180-day interim period, Respondent may contact the Department to facilitate the sale or transfer of the firearm to a licensed firearms dealer, as provided for in Welfare and Institutions Code section 8102(h).

If the defendant is present at the Hearing on the Petition, the Court may grant the petition. If the petition is granted, the Court will order that the firearm(s) be destroyed. Once that order is made, those firearm(s) must continue to be held for an additional 180 days to allow the defendant an opportunity to contact a licensed gun dealer for the purpose of sale. The defendant must maintain contact with the Gun Desk during this time period to avoid destruction of the firearm(s) at the expiration of the 180 days. If the defendant does not contact the Gun Desk within the 180 days, the processing for destruction will commence. (See DEALER SECTION)

Upon receipt of a Petition that has been GRANTED – Scan and attach the order as an e-document under document type “**COURT DOCUMENT**”.

Since the firearm(s) aren't to be destroyed until at least 180 days AFTER the order, we needed a way to track these firearms so that after the 180 days expires, we know which firearms need to be pulled. The way we do the tracking is to set a new retention code. The retention code “GUN COURT ORDER” is for 180 days. The Gun Desk must run a query on a regular basis to determine what firearms are eligible for destruction, because they have this retention code and the time period has expired.

The Gun Desk must change the retention code to “GUN COURT ORDER”. The date of the filing of the court order must be placed in the calculation. 180 days.

Enter the #10 request for Gun Desk disposition authorization.

## **PETITION - DENIED**

The order will have a check mark in the open line, immediately before **Petition is denied**.

2.  **Petition is denied.** Pursuant to California Penal Code section 33850, the Department is ordered to make the firearm or other deadly weapon available for return to Respondent. Respondent

is subject to all rules and regulations governing eligibility to possess firearms, including all requirements imposed by the Department of Justice.

If the petition is denied, enter the #10 request for Gun Desk disposition authorization. Send the firearm owner the LEGRA forms and update the retention code, LEGRA- 180 days.

## **PETITION – DEFAULT**

The order will have a check mark in the open line, immediately before, “Based on Respondent’s failure to request a hearing, pursuant to Welfare and Institutions Code section....”

### **RESPONDENT IS IN DEFAULT**

3. \_\_\_\_ Based on Respondent’s failure to request a hearing, pursuant to Welfare and Institutions Code sections 8102(e) and 8102(g), this Court finds Respondent in default and orders the firearm or other deadly weapon seized by the Department are hereby forfeited and shall be destroyed. **This order is stayed for 180 days.**

During the 180-day interim period, Respondent may contact the Department to facilitate the sale or transfer of the firearm to a licensed firearms dealer, as provided for in Welfare and Institutions Code section 8102(h).

Dated: JUL 25 2016

JOSEPH P. BRANNIGAN  
Judge of the Superior Court

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Example: 15080004083  
Example: 15110000595

If the defendant does not request a hearing, the Court may make an order by default. Usually the order will be to destroy the firearm(s). Once that order is made, the firearm(s) must be held for an additional 180 days to allow the defendant an opportunity to contest that order and to allow the defendant an

opportunity to make arrangements for transfer of the firearms to a licensed gun dealer for the purpose of sale. The defendant must maintain contact with the Gun Desk during this time period to avoid destruction of the firearm(s) at the expiration of the 180 days. If the defendant has not contacted the Gun Desk and no notification has been received from the City Attorney's Office that the defendant is contesting the order, after 180 days, the processing for destruction will commence.

Firearms that are ordered destroyed by the court are not eligible for conversion to Department use.

Upon receipt of a Default Court Order – Scan and attach the order as an e-document under document type “**GD-DEFAULT ORDER**”.

Since the firearm(s) aren't to be destroyed until at least 180 days AFTER the order, we needed a way to track these firearms so that after the 180 days expires, we know which firearms need to be pulled. The way we do the tracking is to set a new retention code. The retention code “GUN COURT ORDER” is for 180 days. The Gun Desk must run a query on a regular basis to determine what firearms are eligible for destruction, because they have this retention code and the time period has expired.

The Gun Desk must change the retention code to “GUN COURT ORDER”. The date of the filing of the court order must be placed in the calculation. 180 days.

### **RUNNING THE QUERY ON GUN COURT ORDER RETENTIONS:**

The Gun Desk is to regularly run the Gun Court Order query to determine which firearms are now eligible for destruction.

Upon determining the incident numbers in which there are guns eligible destruction, check other items on the same incident. If there are gun related parts (ammo, holsters, etc.) submit a request #5 - OK TO DISPO and indicate the reason as “Court Order – Refer to scanned documents”.

Enter the request #14 Firearms Good to Go (approved by Gun Desk Officer) on the firearm(s) and enter on the comments line, “stay on court order expired”.

## **COURT ORDER FOR SEALING AND DESTRUCTION OF ARREST RECORD – PC851.8**

When court orders for sealing and destruction of arrest records are received from the Records Unit, date stamp them the day it is received in the Property Unit. Determine if the Petitioner (suspect/defendant) has an impound record within the Property Unit, EvidenceOnQ system. If there is an impound record, the Petitioner's name must be removed from the records. In lieu of the person's name, enter "SEALED PC851.8" in all fields where the name previously displayed. The name will continue to be available in the audit trail, but that can't be deleted. The indication of "SEALED" will alert all staff that this information must not be released to anyone, pursuant to a court order. Scan and attach the Order After Hearing for Sealing and Destruction of Arrest Record to the impound record in EvidenceOnQ. Three years after the DATE OF ARREST, this document must be shredded. [See Procedures for Supervisors for processing details].

## **COURT ORDERS FOR TESTING OF FIREARMS**

If an attorney is requesting that a firearm be sent to another lab for testing, a court order is required. If the prosecutor and the defense attorney agree to the testing, a stipulation with signatures of each counsel is acceptable. A certified/sealed copy of the order/stipulation must be presented to the Gun Desk Officer before the firearm can be released.

The order/stipulation must include the following:

- The specific name of the company and the individual who is to pick up the firearm from the San Diego Police Department Property & Evidence Room.
- The firearm is to be returned to the San Diego Police Department Property & Evidence Room upon the completion of testing, no later than \_\_\_\_\_. A specific date must be set which is a reasonable amount of time to get the testing completed.

The detective assigned on the case should be forwarded a copy of the court order/stipulation. If the detective has any objection, don't schedule the appointment right away, allow the detective a chance to contact the prosecutor.

The individual who is to pick up the firearm must call the SDPD Gun Desk to schedule an appointment.

The Gun Desk will set up a tickler to track the firearm.

## **COURT RETENTION OF FIREARMS**

Firearms may be retained by the Superior Court as exhibits in a criminal case. When firearms are retained by the court, the San Diego Police Department no longer maintains custody or control of that firearm. Disposition will be handled through the court system.

- A. If a firearm is retained in court, the Court Evidence Receipt (PD-233-PS) will be filled out by the officer who checked the firearm out from the Property Room. If the firearm was impounded through EvidenceOnQ, the Property Clerk that checks out the firearm should provide the officer with a computer-generated Court Evidence Receipt, with the barcode number included, prior to leaving the Property Room. When at the courthouse, the officer will sign the form, get it signed and stamped by the court clerk, and returned to the Property Room.
1. Property Room personnel will sign the court receipt and checkout log. The court receipt will be attached to the property tag or scanned into EOQ and given to the Gun Desk.
  2. The Gun Desk Officer will update CFIS (Computerized Firearms Inventory System) to indicate that the firearm has been retained in court, if the firearm was impounded on a property tag.

The Gun Desk Officer will update EOQ to indicate that the firearm was retained in court, if the firearm was impounded through EOQ.

- a. Modify the entry in AFS – Law Enforcement Modify “Retained at San Diego Superior Court” under miscellaneous.

On EOQ impounds, make an entry in the NotesLog “AFS entry modified to reflect firearm retained by court.”

- b. On paper property tags, notate the firearm as “CRT” for court. On the log, update as “returned from court” and the date. Run the record in EOQ to confirm the detective didn’t enter the firearm in EOQ. If all items on the impound were retained in court, attach the work copy and other documents to the original property tag and file in the dead files.
- c. If other firearms remain on the impound, file the original property tag and court receipt in the active files.
- d. Attach a copy of the court receipt to the work copy and mark on the face of the work copy “CRT” to indicate which firearm was retained in court.

If the impound was processed through EOQ – scan and attach the Court Receipt as a document in EOQ.

- e. Retain the work copy at the Gun Desk for final disposition.
- f. If at some point the firearm is returned from the court to the Property Room, update AFS on the modify screen “gun returned from court”, also add in the comments. Update in EOQ NotesLog if impound in EOQ.
- g. There is a query to run the firearms that have been returned from court.

## **CPRA – CALIFORNIA PUBLIC RECORDS ACT**

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

All proposed replies to these requests must be submitted up the chain of command so that our Captain and our Assistant Chief authorize the release of the information. The Assistant Chief also wants our Legal Unit to review the proposed replies before releasing any information.

## **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.

Older reports are boxed and stored within the Gun Cage. The most recent years are stored in the file cabinet with Gun Desk records.

## **DEALER- CALIFORNIA RESALE CERTIFICATE**

Refer to Operational Support or the Range.

## **DEALER RELEASES (Gun Dealer Releases)**

Effective January 1, 1991, PC12072(d) amended to PC27545 mandated all firearms transactions be conducted through a licensed firearms dealer. Therefore, if the AFS print out contains a registration after 1991, the firearm may be processed for release to the registered owner according to the section on

**RELEASING FIREARMS.** Ensure there are no other holds or reasons for it to be retained.

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

There must be a receipt or contract between the owner and the dealer. An executed SDPD Authorization to Release Firearm(s)/Property to a Licensed Firearm Dealer (FFL) may be substituted for a contract. This form is optional and not required. If the dealer presents a contract that looks unprofessional, the Gun Desk can ask the dealer to complete this form. The form is available in the G: Property/Gun Desk files under TEMPLATE.

The Dealer must be in good standing with DOJ NEW

- a. Check the Gun Dealer Book for a Centralized List of Firearm Dealers and Dealer Inspection Program: Licensure Submission Acknowledgement
- b. License and license numbers must be current and not expired. If expired they will need a new list.
- c. DOJ has requested that they be emailed at (~~Deleted – records of security~~) to ensure the license has not been pulled. The licenses get pulled on a daily basis even though the expiration on the centralized list show valid. After emailing DOJ, a certification that shows the dealer in good standing will be provided in an attachment to the response email.

**HAVE THE GUN DEALER FAX OVER THE CONTRACT AND DEALER FEDERAL FIREARMS LICENSE AND CENTRALIZED DEALER LIST AND ANY OTHER NECESSARY PAPERWORK SO THAT EVERYTHING CAN BE VERIFIED PRIOR TO THE ISSUANCE OF THE PROPERTY RELEASE FORM.**

The firearm does not have to be registered to the owner in order for it to be released to a Gun Dealer. An example would be a person who is now prohibited would not be able to register the firearm in their name, but they are still the owner and eligible to sell it.

The Department can't deny a person the ability to transfer or sell their firearm through a dealer because the person indicates they are going to transfer it to a friend or relative, or their friend or family member is going to buy the firearm. Even if the person indicates the family member is going to turn the firearm over to them, we can't stop the transaction to the licensed gun dealer. If the person who obtains the firearm provides it to someone who is prohibited, they may be held liable if the prohibited person uses that firearm. We can't deny the person being compensated for their property that they can no longer own.

The Contract and or Receipt must be scanned and attached to the EOQ record. On paper property tags, a photocopy is attached.



Ammunition can be released on the same day as the firearm, but ONLY to dealers, people who possess a CCW and Police Officers. Everyone else is required to wait a 24-hour period. They should be given 30 days in which to pick up the ammunition or it will be destroyed.

The AFS cancellation and the AFS Law Enforcement Transfer Entry must be done **within 10 days**.

Cancel the FCN, copy and paste into NotesLog

Serial #  
Law Enforcement Transfer  
Date Released  
Dealer Business ID #  
CA Firearms Dealer (CFD)

Firearms Cancel  
FCN #  
Date and Cancel

Cut and paste LE transfer message into the NotesLog in EOQ.

Copy and paste the cancel message into EOQ Gun Desk Entry Comments – Cancel Record

## **DEALER TRANSFERS**

Release/transfer of weapons in the custody of law enforcement are governed by Penal Code Title 4, Division 11 (sections 33800 -34010), including when impounded per WI8102.

PC33850(b) - the firearm must be legal in order to be transferred to a licensed firearm dealer for sale or transfer.

PC33870(a) – the firearm must be legal in order to be transferred to a licensed firearm dealer for storage purposes, for the duration of prohibition/restraining order.

The family transfers do not apply once the firearm is in law enforcement custody. Family transfers are governed by Penal Code Title 4, Division 6 (26500-28000). *[Legal Unit – MG]*

Once a firearm is in the custody of a law enforcement agency, all transfers of ownership must be done through a licensed firearms dealer. *[Legal Unit – MG]*

Dealer transfers must be entered in AFS within 10 days, pursuant to the Department of Justice requirements.

Once a year, DOJ conducts an audit.

## **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.

COMMENTS FIELD: Indicate that no record check was run on the owner – owner is deceased.

No booking photo – owner is deceased.

The Detective authorization is still required.

If the family wants the firearm, they must have:

- a) Original death certificate or certified copy AND
- b) Will, trust OR probate OR
- c) Court order (if no will, trust or probate) AND
- d) They must register the gun in a new name AND
- e) LEGRA – California Only (If the family member is out of state, they do not need to register the gun in their name, they only need to go through the LEGRA process)

## **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 of 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 the cancellation of the institutional weapon and entries regarding stolen, lost or recovered firearms.

A police report is required for each lost or stolen firearm. The entry in AFS must match the police report. If the officer indicated the firearm was lost, it must be entered in AFS as lost. If the police report indicates the firearm was stolen, it must be entered in AFS as stolen.

The stations do regular inventories of their weapons and if a beanbag gun or shotgun can't be located, a lost report will likely be completed. It isn't uncommon for the firearm to show up later, possibly at a different station.

It is Operational Support's responsibility to notify the Gun Desk if one of the reported lost or stolen firearms is later located. If a firearm is located, an AFS cancellation entry is required.

## **DEPARTMENT OF JUSTICE – Bureau of Firearms CONTACTS**

Firearms – General Information 916 227-7527  
AFS Assistance 916 227-3589

(Deleted – records of security)

## **DEPARTMENT OF JUSTICE – “APPS” Armed and Prohibited Persons System**

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

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.

As of September 2018, there were 9,514 identified prohibited persons, 20,656 firearms and 452 assault weapons.

## **DEPARTMENT OF JUSTICE – AUDITS of CJIS/NCIC DATABASE (AFS Entries)**

Every three years, the Department of Justice, Bureau of Criminal Identification and Investigative Services, Client Services Program, Database Audits Unit conducts an audit on the database of the CJIS/NCIC 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. There are numerous units that are required to answer questions. The Gun Desk will answer the questions regarding AFS. DOJ will provide the specific records they will be auditing. This allows the Gun Desk an opportunity to review those records prior to the live audit. [See Sample]

Prior to the arrival of the auditor, a complete “master case record” needs to be printed out and available for the auditor upon his/her arrival. Not only are all of the EvidenceOnQ entries to be provided, but police reports and supplemental reports related to the incident need to be printed from CRMS. Any stolen reports and corresponding DOJ Validation Lists also need to be copied. It is important that the documentation reflect all AFS entries, including the required second person verification.

DOJ requires double verification, which is why the AFS verification process was created in EOQ, so that two people are separately reviewing and verifying each AFS entry.

The DOJ requires that Dealer Transfers be entered in AFS within 10 days.

The 2013 audit and the 2017 audit were both completed by:

**Stacey Prado**, CJIS/NCIC Database Auditor  
DOJ – Office of Attorney General  
Client Services Program  
Database Audits Unit  
4949 Broadway, Room B-114  
Sacramento, CA. 95820  
(Deleted – records of security)

DEPARTMENT OF JUSTICE – BUREAU OF FIREARMS  
PO BOX 820200, SACRAMENTO, CA. 94203-0200  
(916) 227-7527 FAX (916) 227-3744  
(Deleted – records of security)

CJIS – CRIMINAL JUSTICE INFORMATION SYSTEM  
NCIC – NATIONAL CRIME INFORMATION CENTER

The October 3, 2013 Audit consisted of 15 records in AFS being reviewed.  
Findings from the audit:

- No incomplete records
- No inaccurate records
- All records were located for the audit
- No undocumented records
- The Gun Desk has been completing the required second party checks on the lost and stolen records only. Advised to complete second party check on all records including found and safekeeping records.
- The validation requirement is being completed by verifying the record against the master case file.
- The Gun Desk responds to a hit confirmation within the time frames required and is comparing hits against the original case file to ensure the record is the same and is still outstanding.

(Continued on next page)



San Diego Police Department – Property & Evidence Unit  
**GUN DESK OPERATIONS MANUAL**

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The August 2017 Audit consisted of 17 records in AFS being reviewed.  
Findings from the audit:

**AUTOMATED FIREARMS SYSTEM (AFS)**

A total of 17 records in the Automated Firearms System (AFS) were reviewed.

**Invalid Records:** One invalid record was found during this audit:

- 1) AF16 (OCA 11041837) – The firearm associated to this record was destroyed by your agency on February 26, 2014 but was not canceled from the AFS until August 29, 2017.

**Inaccurate Records:** Eight inaccurate records were found during this audit.

- 1) AF3 (OCA 15010022285) – This FOUND record was entered as an Entry Level (ENT) 1 (CA only) but should have been entered as an ENT/2 (CA and NCIC). This record was modified on August 29, 2017.
- 2) AF4 (OCA 15040054202) - This FOUND record was entered as an Entry Level (ENT) 1 (CA only) but should have been entered as an ENT/2 (CA and NCIC). This record was modified on August 24, 2017.
- 3) AF5 (OCA 15050037836) - This FOUND record was entered as an Entry Level (ENT) 1 (CA only) but should have been entered as an ENT/2 (CA and NCIC). This record was modified on August 24, 2017.
- 4) AF6 (OCA 15100009799) - This FOUND record was entered as an Entry Level (ENT) 1 (CA only) but should have been entered as an ENT/2 (CA and NCIC). This record was modified on August 29, 2017.
- 5) AF9 (OCA 15043566) – This LOST record was entered as an Entry Level (ENT) 1 (CA only) but should have been entered as an ENT/2 (CA and NCIC). This record was modified on August 29, 2017.
- 6) AF10 (OCA 11031798) - This LOST record was entered as an Entry Level (ENT) 1 (CA only) but should have been entered as an ENT/2 (CA and NCIC). This record was modified on August 29, 2017.
- 7) AF14 (OCA 16003399) - This STOLEN record was entered as an Entry Level (ENT) 1 (CA only) but should have been entered as an ENT/2 (CA and NCIC). This record was modified on August 29, 2017.
- 8) AF15 (OCA 16013904) - This STOLEN record was entered as an Entry Level (ENT) 1 (CA only) but should have been entered as an ENT/2 (CA and NCIC). This record was modified on August 29, 2017.

## **DEPARTMENT OF JUSTICE – CODE BOOK**

All guns have a specific code in the DOJ Code Book.

Smith & Wesson = SW  
Taurus = TAS  
Remington = REM

If the gun is not in the DOJ book, you code the gun by the Country of origin  
Example = Zhung Chou Machine Works, China  
China = CN = CAI

Determine where the gun was made to determine the correct code.

Look at the Importer to determine the code.

Example = Navy Revolver Replica  
Made in Italy  
Italy = ITA  
An asterisk \* means the code is not used anymore, so Italy = IT

In the DOJ Code Book, the Second line is for DOJ Codes  
Jennings & Bruco  
.22 Jennings – high calibers=Bryco

Percussion Guns = Confederate replica revolver \*\*  
Antiques = “2Antique”\*\* *[In the past SDPD was entering Antique2, which was not correct but not rejected by AFS]*  
\*\* These guns can be released even though there is no serial number

## **DEPARTMENT OF JUSTICE – Determines ELIGIBILITY to own firearms**

DOJ uses the following system to determine if an individual is eligible to own firearms:

- AFS – Automated Firearms System – Stolen Firearms
- DMV Records – Driver’s License or State Identification
- Criminal History – Felony convictions/certain misdemeanors (PC29800-29875 & PC29900-29905)
- Mental Health Files – certain mental health commitments (WIC 8100 or WIC 8103 pursuant to WIC 8102)
- Wanted Persons System
- Restraining Order System (CARPOS)
- National Instant Criminal Background Check (NICS)
- Record the firearms in AFS for agency verification  
**BACKGROUND CHECK IS ONLY VALID FOR 30 DAYS!!!!**

## **DEPARTMENT OF JUSTICE – Law Enforcement Gun Release - ELIGIBILITY CLEARANCE LETTER**

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 make a determination on the ownership of the firearm itself. READ the letter. [SEE SAMPLE]

There are three boxes at the bottom of the letter.

**Box #1 – This firearm is recorded in AFS and the firearm is recorded in the name of the individual who is seeking its return.**

If this box is checked, the firearm is registered through the Department of Justice, in the name of the person attempting to claim it, it is okay to release the firearm to this person, IF all other requirements are met and it has not been beyond 30 days from the date of this letter.

**Box #2 – This firearm is recorded in AFS, but is not recorded as being owned by, or loaned to the individual who is seeking its return.**

If this box is checked, the person claiming the firearm has not registered the firearm under their name. The person needs to be provided the Firearm Ownership Document and contact the DOJ to get the firearm registered in their name before we can release it to them. Remind them that the LEGR clearance is only valid for 30 days from the date of the letter. *[Active Duty Military is an exception] If the person resides out of state, they should use their out of state address when contacting the DOJ – see Out of State Approval letter below.*

**Box #3 – There is no record of this firearm in AFS.**

If this box is checked, the firearm has never been registered. The person claiming the firearm has not registered the firearm under their name. The person needs to be provided the Firearm Ownership Document and contact the DOJ to get the firearm registered in their name before we can release it to them. Even if they get the LEGR Clearance Letter, if the firearm is not registered to them, it will not be released. *[Active Duty Military is an exception] If the person resides out of state, they should use their out of state address when contacting the DOJ – see Out of State Approval letter below.*

## **DEPARTMENT OF JUSTICE – Law Enforcement Gun Release Clearance – OUT- OF- STATE APPLICANT LETTER**

The Department of Justice LEGR Clearance – Out of State Applicant letter should always have a large GOLD SEAL. The 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.

READ the letter. [SEE SAMPLE]

### **DEPARTMENT OF JUSTICE – Law Enforcement Gun Release ELIGIBILITY DENIAL LETTER**

The Department of Justice LEGR Eligibility Denial Letter indicates that the names person is NOT ELIGIBLE to possess firearms. It will indicate the reason why the application is denied. The letter informs the named person that if they are determined to 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.

READ the letter. (SEE SAMPLE]

### **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.

CODES:

EG Stolen Gun  
ERG Recovered Stolen Gun  
ELG Lost Gun

Report as:

CANCEL  
AS IS  
MODIFY

See Sample Section for NCIC Validation Printout – SDPD ORI CA0371100

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

The supervisor of the Teletype Unit or a designee will email a copy of the on-line list to the Gun Desk Officers.

Upon receipt of this email, the Gun Desk Officer will:

1. Immediately respond via email that the lists have been received.

2. **Make every effort to give the validations high priority.** Our unit goal is to have them completed **within one week** of their receipt. Technically, they need to be completed and the notification needs to get back to the Teletype Supervisor so that she has time to complete the Validation **Certification** form and FAX it to DOJ, so that it is received by DOJ by the deadline date on the forms. Usually the deadline date is one month from the date the forms are distributed by DOJ.

If after one week, the validations have not been completed, notify the supervisor.

3. Pull each crime case and verify that the firearm is still outstanding (lost or stolen) and all the information is correct.
4. Run each serial number in AFS/NCIC to ensure that the firearm is still reported stolen or lost and that there have been no other entries such as Evidence, Pawn, or additional DROS.
  - a. Verify the firearm information.
  - b. If there is an entry on the serial number, follow up with the agency that made the entry to ascertain the status of the firearm.
  - c. If the firearm is no longer considered stolen or lost, complete the ARJIS 4 [SEE STOLENS SECTION], delete the stolen or lost entry from AFS/NCIC, and make any necessary notifications.
  - d. Scan and attach the validation form to the EOQ record.
  - e. Scan the police report or entry as to why the firearm has been impounded.
5. If any information is incorrect or missing, make the necessary modifications in AFS/NCIC in the MG screen in the SUN computer system.
6. Once this is completed, email the Teletype Supervisor and the Management Analyst and notify them that the validations received on \_\_\_\_\_(date) are complete. The Teletype Supervisor is responsible for confirming all validations from all SDPD Units are completed before they sign the Validation **Certification** form and FAX it to DOJ.
7. Send victim of crime validation letter. [*G: Property/Gun Desk/Validation Letters*] Scan and attach a copy of that letter to the crime report.
8. Scan a copy of the letter to the victim and a copy of the DOJ Validation List into the firearm record “DOCUMENTS” in EOQ. This letter to the victim is required by DOJ to remain with the master case file as long as

the entry remains in AFS. It is our unit decision to also scan the Validation List to the record.

9. In the top, right hand corner of the validation letter, add “sent date” and “initials” For example: *Sent 4-17-2017 cn*
10. Scan and file in the electronic shared files under Property/Gun Desk – DOJ Validations Completed file. Title the document by Year, Month and Date. *[The records previously copied and filed in the top drawer under “validation letters” will gradually be scanned into this file for storage.]* [See Samples]. NCIC requires that these validation lists be retained for one year, per DOJ Auditor Stacy Prado.
11. On the top right-hand corner of the case report, enter the date when the validation letter was sent and the initials of the person who sent it. Return the criminal case report back to the file drawer in appropriate order.

## **DESTRUCTION OF FIREARMS/CONTRABAND**

NEW

**SEE DISPOSAL SECTION FOR PREPARATION FOR DESTRUCTION**

### **1. Packing for Destruction**

The SWAT bread truck can carry a maximum of 6000 lbs.

NEW

If a double load is being taken (600 firearms), arrangements can be made to also take a property unit van. The firearms must be taken by SWAT in the bread truck, with remaining contraband transported in the van.

- 8-10 long guns are to be placed in each military bag, maximum of 50 lbs. each.
- 25 handguns per box, maximum of 50 lbs. each.
- Contraband boxes should already be packed and sealed, maximum of 50 lbs. each.

### **2. Scheduling the Destruction Date:**

SA Recycling in Anaheim is used for destruction of firearms and contraband. There is no charge and they retain the metal for recycling. SA Recycling runs their metal shredding machine on Mondays and Wednesdays only.

The Senior Supervisor will contact the SWAT lieutenant to determine who will be assigned to coordinate the destruction for their unit. Currently, Wednesdays seem to work best. Select several Wednesdays that look good for Property Room staffing and offer proposed dates.

Once SWAT and the Senior Supervisor have agreed on a date, the Senior Supervisor will contact SA Recycling to schedule an appointment. 0900 works best, which allows time for loading at 0700 and then an hour and a half travel time.

The Senior Supervisor will determine which staff members will attend the destruction. Approximating three weeks prior to the scheduled disposal date, the Senior Supervisor will send a memo to the Captain over Operational Support requesting permission for out of county travel for disposal of the firearms/contraband. The request includes the names of the staff, which usually includes one supervisor or their designee, one PISO and two clerks, planning to participate in the destruction.

Once the travel has been approved, a copy of that document is scanned to the Fleet Supervisor. Usually the Fleet Supervisor will suggest that the vehicle be inspected prior to the out of county travel. This document is scanned into the supervisors shared files, under Firearm Destruction and the folder with the corresponding date.

A few days prior to the scheduled date, call SA Recycling and confirm that the grinding machine is operating.

3. **Day of Destruction:**

NEW Staff attending the destruction should come prepared with gloves, boots, box cutters, bottled water, and any other items necessary.

On the day of the destruction, the SWAT members will meet at the designated time in the SWAT area of the sally port. The military bags of long guns and boxes of handguns and contraband are placed on a pallet and raised with a forklift to the height of the SWAT van for easy loading. The bags and boxes are loaded into the SWAT van by staff while SWAT provides security.

NEW The property room staff will take a City vehicle. The PISO or a Property Specialist will drive the property unit van with contraband (no firearms). In addition to the bread truck, a number of other SWAT vehicles are in the caravan, for security purposes.

Upon arrival at SA Recycling, staff will be provided hard hats and colored vests. An empty dumpster will be provided by SA. The SWAT team will establish a strategic security perimeter while the property room staff unloads the weapons and contraband into the provided dumpster. The boxes must to be emptied into the dumpster. The dumpster is picked up by a giant claw and moved onto the conveyor belt. The conveyor belt runs the items through the metal shredding machine. Property Room staff and members of SWAT can witness the shredding by entering the operator's office, which is located up several flights of stairs. All weapon disposals are to be witnesses by a Property Room Supervisor or a

designee. Other staff and members of SWAT can witness the metal pieces coming out of the shredding machine and moving across a conveyor belt. The metal pieces are then relocated by a tractor to an open asphalt area and spread around for viewing and verification. The property clerks examine the metal pieces and pull out any items that were not sufficiently destroyed. Those identified items are placed inside another item for destruction (washing machine, dryer, refrigerator, etc.) and run through the metal shredding machine again.

Prior to leaving SA Recycling, one clerk needs to go into the office area, which is up a flight of stairs by the entrance, to obtain a receipt for the destruction. This document is scanned into the shared supervisor file, Firearm Destruction, in the folder for the corresponding date.

## **DISPOSAL FLOW**

Review the Disposal Processing Procedures. This is a very general outline of the flow of the disposals.

1. Detective Authorization – Request Monitor Code #10 (Firearm OK to Dispo)
2. Gun Desk reviews detective #10 – if eligible for disposition, deletes Detective #10, enters their own #10.
3. Detective Assigned in EOQ is changed to the Gun Desk Officer that entered their #10.
4. Retention code changed to “CE” to cease further emails.
5. Determines direction the firearm will go, toward destruction or possible release.

## **DISPOSITION GENERAL OUTLINE**

<p style="text-align: center;"><b>Review Manual for Complete Requirements</b> <b>MONTH OF INCIDENT (Alejandro-Odd, Cecy-Even)</b></p> <p style="text-align: center;"><b><u>EVIDENCE FIREARMS IN EOQ</u></b></p> <ol style="list-style-type: none"><li>1. DETECTIVE Authorization (Code #10 for Firearm)</li><li>2. RETENTION code to be changed to “CE”</li><li>3. Review records, confirm ELIGIBLE for <b>DISPOSITION</b>.<ul style="list-style-type: none"><li>• Sentencing date plus six months</li><li>• Search Warrants – need court order</li><li>• Not a stolen reported to another agency</li><li>• No holds for another unit</li></ul></li><li>4. Firearm is <b>ILLEGAL</b><ul style="list-style-type: none"><li>• Delete the detective’s #10</li><li>• Enter #14 – “Good to go” for Destruction.</li></ul></li><li>5. Firearm is <b>LEGAL</b><ul style="list-style-type: none"><li>• Delete the detective’s #10</li><li>• Enter your own #10 – Firearm OK for Dispo</li><li>• Enter your name in Assigned Detective field</li><li>• Enter Property Room in the Assigned Command field</li><li>• Enter the current date in Date Assigned field</li></ul></li><li>6. Determine the owner of the firearm<ul style="list-style-type: none"><li>• Don’t rely on DROS unless impound is within 5 yrs of DROS date of transaction</li><li>• Someone calls and claims ownership</li><li>• Police Report – statements made regarding ownership</li></ul></li><li>7. NO LEGRA – THEY KNOW THEY ARE PROHIBITED<ul style="list-style-type: none"><li>• If during phone conversation or email the firearm owner indicates they know they are prohibited, they can skip the LEGRA process and contact a gun dealer for sale of the firearm.</li></ul></li><li>8. Send LEGRA form and cover letter to owner<ul style="list-style-type: none"><li>• Even if the owner is prohibited (mental health, felon, etc.) we still send a LEGRA form and cover letter so that they are made aware the gun is available for release, in case they want to sell through a dealer</li></ul></li><li>9. LEGRA<ul style="list-style-type: none"><li>• Confirm no GVRO before mailing LEGRA form</li><li>• Complete LEGRA form/letter, scan &amp; attach</li><li>• NotesLog entry re: LEGRA mailing</li><li>• Change retention code (Gun-LEGRA)</li></ul></li><li>10. CLEARANCE LETTER from DOJ with Gold Seal<ul style="list-style-type: none"><li>• Prepare Property Release Form</li><li>• Other gun related items (ammo. can’t be released on same day)</li><li>• Run Record Checks</li><li>• Request Code HQGR (HQ Gun Release Authorized)</li></ul></li></ol> <p>Gun Desk Ops. Manual - Disposition General Outline (9/2019)</p>	<p style="text-align: center;"><b>Review Manual for Complete Requirements</b> <b>MONTH OF INCIDENT (Alejandro-Odd, Cecy-Even)</b></p> <p style="text-align: center;"><b><u>OTHER/SAFEKEEPING</u></b> <b><u>FIREARMS IN EOQ</u></b></p> <ol style="list-style-type: none"><li>1. IF detective assigned, need DETECTIVE Authorization (Code #10 for Firearm)</li><li>2. RETENTION code to be changed to “CE”</li><li>3. If no contact from the owner, one year since Impound or one year since last inquiry</li><li>4. Review records, confirm ELIGIBLE for <b>DISPOSITION</b>.<ul style="list-style-type: none"><li>• If charges filed, sentencing date plus six months</li><li>• Search Warrants – need court order</li><li>• Not a stolen reported to another agency</li><li>• No holds for another unit</li><li>• No petition being filed by City Attorney</li></ul></li><li>5. Move to number 3 in EVIDENCE FIREARMS list and work down that list.</li></ol>
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## **DISPOSITION OF FIREARMS**

Reviewing firearms for disposition must be done on a regular basis.

The possible dispositions for unclaimed firearms (PC18000):

- Retain as agency firearm
- Destruction
- Auction to a PC26700 licensed dealer

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

A query of the firearms with a “code 10” should be reviewed and worked on a regular basis, at least every two weeks.

Generally, “Evidence” firearm impounds are held for **180 days** past the disposition authorization before they are processed for destruction.

Generally, firearms are held for at least **180 days** past the last inquiry before they are processed for destruction.

Firearms will be held for 180 days after a LEGR letter is “returned undeliverable” by the Post Office.

**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.

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.

EvidenceOnQ retention code “Gun–Court Order” serves as a 180–day tickler and will cause the automated disposal notices to cease.

Homicide firearms may not be processed for disposition without written approval from the Homicide Unit. Firearms from suicide and deaths may not be processed for disposition without written approval from the Adult Missing Person Unit.

Stolen firearms should be restored to their legal owners, if possible, when no longer needed as evidence per PC18000(B) as long as 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.

**NEW** **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.

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

**A flow chart is available in the sample section that provides the general path of a firearm through the disposition review process.**

- **The first determination to be made is whether or not the gun itself is legal. If the gun is illegal, it will be destroyed.**
- **If the gun is legal, the Gun Desk staff determines whether or not the firearm has been authorized for disposition by the assigned detective, or if the Gun Desk Officer needs to review the incident and make that determination.**
- **The Gun Desk staff will determine to whom, if anyone the gun will be released. The LEGRA process is required for everyone attempting to get a firearm returned to them. [See LEGRA Section]**
- **The Department of Justice determines whether or not a person is eligible to own a firearm.**
- **If the Gun Desk staff determines a firearm is eligible to be released to an individual and that individual is prohibited from owning firearms, that individual has the option of having a gun dealer sell the firearms for them. There are detailed procedures for this process.**

#### **STEP ONE: IS THE FIREARM LEGAL?**

If a firearm is not legal, it will be destroyed. The Crime Lab Firearm Unit staff are the experts. If there is any question about the legality of a particular firearm, they should be asked to come down and review the firearm here in the Property Room and determine whether or not it is legal. The EvidenceOnQ NotesLog must be updated to reflect if any Crime Lab staff view a firearm and their determination. If they indicate specific reasons for their finding, that should be included in the NotesLog record.

#### **STEP TWO: IS THE FIREARM ELIGIBLE FOR DISPOSITION?**

If a detective is assigned to an incident, the detective 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. There are some situations in which a detective is not assigned, and the Gun Desk makes the determination as to whether the firearm is eligible for disposition.

##### **A. Evidence Firearms**

1. Check the disposition of the violations for each defendant charged by using the SDLaw and DA09 screens. Some case dispositions can



also be found in the State CII Rap Sheet in the Sun System or the County MC21 screen for misdemeanor citations. Make sure appeals, if any, are resolved and a minimum of six months have elapsed since sentencing. Appeals must be filed with the court within 60 days of judgment on a felony and within 30 days of judgment on a misdemeanor. By waiting six months, any appeal filing should be entered in the computer. When a ruling is made on an appeal, a remittitur will be filed. After a remittitur is filed, confirm with the prosecutor assigned to the case that the ruling doesn't involve a new trial, where evidence might be needed.

If the evidence was obtained pursuant to a **SEARCH WARRANT**, a court order is required before the disposition of any evidence. Disposition includes the return of items to an owner or order for destruction of items. There is a template for a Declaration and Order in the shared files.

[F:Templates/Warrants/D&O Return of Property from SW]

**NEW** Some search warrant templates have a paragraph with the court's authorization for release or disposition in the original warrant, if this paragraph is included, the separate court order is not required. The detective should notify the Gun Desk PISO if the original warrant included this verbiage, as the Gun Desk won't have access to the search warrant.

2. Case dispositions will not be found in the law enforcement computer system for juveniles. (Juveniles are under the age of 18). Therefore, a disposition notice must be sent to obtain a disposition on cases involving juvenile suspects. If the case is in EOQ, an automated disposition notice will be generated to the assigned detective.
3. Have the assigned detective use the Request Monitor to authorize the disposition by entering CODE #10 FIREARM OK FOR DISPOSITION.

Confirm that they use the "10" code and not 3, 4, or 5, which are used for non-firearm evidence. If the detective enters "02", "03", "04", "05", or other codes not designated for firearms, contact them via e-mail and let them know the appropriate codes for firearms. Ask them to delete their incorrect request and ask them to enter the appropriate code. This will allow for an accurate record in the audit trail. If the incorrect codes remain, the guns will remain outstanding in EOQ and not get processed, since they will not appear on Gun Desk queries.

4. If the impound is in EOQ, have the investigator use the request monitor and enter a #7 HOLD including the reason for the hold and the date the impound is to be reviewed again.

5. If a disposition authorization (Code 10) is entered into EOQ by the assigned detective, the Gun Desk Officer must change the retention code to “CE” so that additional emails are not automatically generated. The Gun Desk Officer must research the incident in the law enforcement computer system to confirm the case is closed. A printout of the disposition is scanned and attached into the EOQ record. The exception is if the suspect is a juvenile (under 18 years of age).
  - a. If the case was located in the JURIS system and the disposition has been printed, scan and attach the disposition in documents.

Delete the detective’s code #10 from the Request Monitor. It will remain in the audit trail.

Enter your own request, Code #10 to show the Gun Desk has reviewed the record and has authorized disposition approval.

Change the ASSIGNED DETECTIVE to your name. If the retention code has not already been changed, change it to “CE” so that no additional automated emails are generated and so that the “PRO” retention code will not override, if matched to the District Attorney or City Attorney disposition report.

- b. If a case disposition is not found, scan and attach the detective’s indication that a disposition was reached.

Delete the detective’s code #10.

Enter your own request, Code #10 to show the Gun Desk has reviewed the record and has authorized disposition approval.

Change the ASSIGNED DETECTIVE to your name. This will cause any future automated disposal notice emails to go to the Gun Desk Officer and not the detective.

6. It is not necessary to research a homicide or suicide case. Send a disposal request to the assigned unit in order to obtain a disposition. Do not dispose of a homicide or suicide firearm without a detective’s written approval from the Homicide Unit or the Adult Missing Person Unit. The Gun Desk Officer will still delete the detective’s code #10 and enter their own #10 request to show disposition authorization.

7. CFIS Entry – Disposition “PRO” – Processing (property tag impounds only)

The CFIS (Computerized Firearm Inventory System) must be updated to reflect the new disposition of each impounded firearm on a property tag, being processed for disposal.

- a. Enter PRO for disposition, enter the date and hit the save button. This indicates that the impound is being processed for disposition.

If a flag comes up when updating the PRO, contact the detective or unit that entered the flag. Confirm that the firearm does not need to be held pending an investigation in another matter.

8. Advance to Section D – LEGRA process.

**B. OTHER OR SAFEKEEPING FIREARMS**

“Other”/”Safekeeping” firearm impounds are maintained in a “tickler file” system in folders according to the month in which they are impounded. They are retained for 12 months before being processed for disposal. At the beginning of every month, the folder containing the impounds from the same month, from a year ago, must be pulled and the impounds processed for disposal. These folders also contain a sheet with evidence property tag numbers or barcodes that will need to be reviewed and processed for disposal according to the evidence guidelines set in this section.

“Other”/”Safekeeping” firearms may be legally disposed of one hundred eighty (180) days after impound, if unclaimed.

“Other”/”Safekeeping” impounds may be disposed of 12 months after the date of impound per PC34000, or, for domestic violence impounds, per Penal Code 18250. If there has been any inquiry regarding a safekeeping impound in which the caller indicated that some type of remedy or legal action would be pursued, the impound should be retained for a full 12 months past the date of the last inquiry. (i.e., caller says they will attempt to obtain a court order.)

“Other” miscellaneous impounds include firearms turned in for disposal by a citizen or another law enforcement agency and firearms shipped to SDPD for disposition. It should be ascertained that there are no holds or that they are not otherwise needed.

1. Review the record in EvidenceOnQ, attached e-documents and the NotesLog to ensure they are no longer needed.

If there are any holds, obtain proper clearance from the detective who placed the hold, prior to processing for disposal. The release of a hold must be obtained in writing.

3. If the impound is no longer needed for any other purpose, it may be processed for disposal.
4. Advance to Section D – LEGRA Process.

**C. Request Monitor**

The Gun Desk needs to review the Request Monitor for firearms with a “Code 10” disposition request from detectives.

The Gun Desk determines if the gun may be eligible for release or sale or if it is good to go for destruction. If the Gun Desk determines it is eligible for destruction, they will enter “Code 14” “Gun Good to Go” and the reason.

If the gun is not good to go for destruction, the Gun Desk is to delete the detective’s #10 request, review the record, confirm it is eligible for disposition and submit their own #10 request (Gun Desk #10), assign themselves as the detective in EOQ and do the LEGRA process.

Removing the detective’s #10 request and adding the Gun Desk #10 request is a way to determine what #10 requests have been reviewed by the Gun Desk.

Changing the ASSIGNED DETECTIVE to the Gun Desk Officer will cause the automated emails to go to the Gun Desk Officers.

If a firearm is pulled from the disposal process, the retention code must be updated by the Gun Desk Officer.

**STEP THREE: CAN THE FIREARM BE RELEASED TO THE OWNER?**

- D. LEGRA PROCESS: Regardless of the category of an impound (Evidence or Safekeeping), every individual attempting to have a firearm returned to them MUST go through the Department of Justice Law Enforcement Gun Release Application process.**

**SEE SECTION ON LEGR**

If the firearm is not registered to the suspect, and the Gun Desk has not had any contact from the suspect, claiming that they are the owner of the firearm, NO LEGRA letter will be mailed.

If the suspect doesn’t claim the firearm and it has been over five years since the DROS, or no DROS, no LEGRA letter will be mailed.

The firearm must be held for 180 days from the date the owner is notified that the firearm is available for release. If the owner of the firearm contacts the Gun Desk and indicates they have a clearance letter, the RELEASING FIREARMS section is to be followed.

If the 180-day time period passes and the owner has not contacted the Gun Desk, the firearm is eligible for destruction. The other gun related items (ammo, holster, magazine, etc.) will continue to be held until the firearm is being pulled for destruction processing.

## **STEP FOUR: FIREARM READY TO PROCESS FOR DESTRUCTION**

### **E. Processing for Destruction**

#### **1. Confirm the Disposition Determination**

Review the disposition document and confirm the case is adjudicated and beyond the appeals period.

Confirm the detective entered their #10. Confirm “CE” retention code has been entered.

Review the entire incident to determine if other items related to a specific firearm were impounded (ammo, magazine, holster, etc.). A detective’s authorization for disposition should have been entered for these items also. They will be processed for destruction if the firearm is being destroyed.

**Once firearms and firearm related items reach the point of being pulled for destruction, they are no longer eligible for release.**

The location of the firearm will be changed to “GD – Cart # x” = Guns Pending Disposal, Serial # Verified. The reason for this is because the guns may have been modified to box or bag, parts may have been removed, etc. The firearms may have been damaged when pulled and placed in carts with other guns or when packed into boxes or bags. The related items (ammo, magazines, holsters, etc.) may have already been destroyed.

#### **2. AFS/NCIC Entries**

Run the serial number again in AFS/NCIC and attach the printout to the work copy or scan into EOQ.

a. Stolen firearms should be returned to their owners, if not legally prohibited. See Section II, Releasing Firearms.

3. EvidenceOnQ Entry  
Update EvidenceOnQ to show firearm “Good to Go” – Code #14. Under comments, indicate the reason, i.e. LEGRA expired, unclaimed, FIP – Felon in possession, etc.
4. Confirm no GVRO  
On LEGRA, 180 days with no action. Run the super message key and CONFIRM there isn’t an outstanding GVRO, Protective Order or Restraining Order. Make an entry in the NotesLog “N/R – Court orders”, then the firearm is eligible for destruction.
5. Print Lists for Pulling  
Print final lists from CFIS and EOQ (#14), to use for pulling the firearms and the final record.

CFIS –

- Find
- Weapon Disposition Date
- Date / Remove Disposition Date / Save

6. Pull Gun Desk Work Copy (Property Tag Impounds)  
The Gun Desk Work Copy must be attached to the back of the original property tag. The last document is stamped on the back with a red stamp that indicates the firearm is approved by the Gun Desk for destruction. The reason for destruction must also be indicated.

EOQ Gun Desk Tickler – set up to pull out all of the #14’s at least six months back from today’s date. (LEGRA’s expired and Court Ordered Defaults expired, both after 180 days)

7. Supervisor Review and Approval  
Give disposal authorizations to a Property Room Supervisor for review and authorization of the disposal. The Supervisor will confirm that the required entries by the Gun Desk Officer have been completed and that the disposal is appropriate. The chart below is helpful during the review process.

On paper property tags, the Supervisor will place their initials in the “Incident Info” header field to indicate they reviewed the record and it is approved for disposal.

If the impound record is in EOQ, the Supervisor will make an entry in the Comments Tab, NotesLog indicating their approval for disposition.

If the firearm was impounded as EVIDENCE, use the first chart.

If the firearm was impounded as OTHER or SAFEKEEPING, use the second chart.

San Diego Police Department – Property & Evidence Unit  
**GUN DESK OPERATIONS MANUAL**

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<b>EVIDENCE</b>	Detective's Request# 10 Firearm Ok for Disposition	Request# 14 Firearm GTG by Gun Desk (Good to Go)	Court Case Adjudicated Screen Shot **	Notified 6 Months Ago + (LEGRA or by Phone)	NOTES
<b>Unclaimed</b>	YES	YES	YES, NO	YES	Make sure the notes do not indicate that the person is currently trying to recover the firearm, and that the LEGRA was sent more than <u>six months ago</u>
<b>Turned in for Dispo</b>	YES	YES	NO	NO	Look in remarks, or on attached receipt to verify turned in for disposal
<b>Contraband / Illegal Firearm</b>	YES	YES	YES, NO	NO	Look in the description fields to verify that the firearm is illegal
<b>Court Ordered Destroyed</b>	YES Gun Desk or Detective	YES	YES, NO	NO	Must wait <u>180 days</u> from the date on the Court Order
<b>Owner Prohibited (Felon in Poss, Mental Health Prohib., Juv, etc.)</b>	YES	YES	YES, NO	NO	Look in attached documents and/or in the QMHF or RI01 box on the EQQ "evidence Info" tab that indicate the person is prohibited
<b>Owner Deceased</b>	YES	YES	YES, NO	NO	Look for an attached DMV response in the Comments Tab or Edocs
<b>Owner Unknown</b>	YES	YES	YES	NO	Look for an AFS response in the Comments Tab (DROS 5+ Years Same as No Owner)

\*\* Verify defendant's name matches, multi-defendants need one for each, confirm sentenced or all charges dismissed  
 Review NOTES LOG for Gun Desk Holds



San Diego Police Department – Property & Evidence Unit  
**GUN DESK OPERATIONS MANUAL**

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<b>OTHER - SAFEKEEPING</b>	Detective's Request# 10 Firearm Ok for Disposition	Request# 14 Firearm GTG by Gun Desk (Good to Go)	Court Case Adjudicated Screen Shot **	Notified 6 Months Ago + (LEGRA or by Phone)	NOTES
<b>Unclaimed</b>	<b>NO</b>	<b>YES</b>	<b>NO</b>	<b>YES</b>	Make sure the notes do not indicate that the person is currently trying to recover the firearm, and that the LEGRA was sent more than <b>six months ago</b>
<b>Turned in for Disposal</b>	<b>NO</b>	<b>YES</b>	<b>NO</b>	<b>NO</b>	Look in remarks, or on attached receipt to verify turned in for disposal
<b>TRO, Safekeeping, 5150</b>	<b>NO *</b>	<b>YES</b>	<b>NO</b>	<b>NO</b>	
<b>Contraband / Illegal Firearm</b>	<b>NO</b>	<b>YES</b>	<b>NO</b>	<b>NO</b>	Look in the description fields to verify that the firearm is illegal
<b>Court Ordered Destroyed</b>	<b>NO *</b>	<b>YES</b>	<b>NO</b>	<b>NO</b>	Must wait <b>180 days</b> from the date on the Court Order
<b>Owner Prohibited (Felon in Possession, Mental Health, Juv, etc.)</b>	<b>NO *</b>	<b>YES</b>	<b>NO</b>	<b>NO</b>	Look in attached documents and/or in the QMHF or RI01 box on the EOQ "evidence Info" tab that indicate the person is prohibited. Can sell or transfer to Gun Dealer.
<b>Owner Deceased</b>	<b>NO *</b>	<b>YES</b>	<b>YES, NO</b>	<b>NO</b>	Look for an attached DMV response in the Comments Tab or Edocs. Next of kin may attempt to claim.
<b>Owner Unknown</b>	<b>NO</b>	<b>YES</b>	<b>NO</b>	<b>NO</b>	Look for an AFS response in the Comments Tab (DROS 5+ Years Same as No Owner)

\*\* Verify defendant's name matches, multi-defendants need one for each, confirm sentenced or all charges dismissed  
 Review NOTESLOG for Gun Desk Holds

\* Detective will not be entering a Request #10, it will usually be coming from a Gun Desk Officer.

8. Print a list of Property Tag Firearms Being Destroyed through CFIS  
Print a list through CFIS of the Property Tag firearms being destroyed.
  - a. Click on Edit in the CFIS (internal SDPD system) and select REPORTS.
  - b. Click on the Disposal List Pistol button.
  - c. Click on the Disposal List Rifle & Shotgun button.
  
9. Print a list of Barcode Firearms Being Destroyed through EvidenceOnQ
  - a. Print the list.
  
10. Pulling Firearms:  
Guns are pulled from their storage bin location for disposal.

When firearms are pulled, they are divided into two categories: handguns and long guns. When pulling guns, a shopping cart is generally used. The guns are stacked up until the cart is filled. If there are additional bin locations, other than where the gun is stored, the clerk will go to those bin locations and dispose of the items stored there, i.e. ammo, holsters. A wire tag with the property tag number or barcode label should already be attached to the gun. If there isn't one there, add one at this time. The Gun Desk Officer must clearly indicate, on the front of the original property tag, the disposition, the date and then initial the tag. The gun cases are trashed unless they are in excellent condition and valuable enough to be sold through an auction or converted for Department use.

When firearms are RELEASED or DESTROYED, the Firearm Processing kit will be retained for a period of ten years, even if the Property Room receives destruction authorization from the assigned detective. Having these processing kits available may assist with solving future shootings/homicides. This time period is not required by law, it is something agreed upon between the Crime Lab Firearms Unit Manager and the Property Room Manager.

When a gun is being processed for RELEASE or DESTRUCTION, the Gun Desk PISO will search the incident for any firearm processing kits. If any are located, the PISO will change the retention code to FPP – Firearm Processing Packet. If there is release or destruction authorization, the PISO will change the “Assigned to Detective” field to a Gun Desk PISO’s name so that they receive the automated email in ten years. After the 10-year retention period, no additional detective authorization is required prior to destruction. The Gun Desk PISO will bin these processing packets in envelopes, placed in a larger box, in a designated area, which will assist in the future destruction processing.

The incident must be reviewed to determine if there are other gun related items (ammo, holsters, magazines, etc.) These items are to be updated with disposition authorization by the Gun Desk Officer (codes 3,4 or 5).

Original property tags are stored in the Gun Desk cabinet, not with the firearms.

The EOQ impounds, which have barcodes, are pulled from an audit report. The audit report provides the barcode number and the bin location of the guns to pull. As the firearms are pulled for disposal, they will be scanned to a designated disposal cart location (i.e. Gun Cart A, Gun Cart B, etc. in EOQ)

All firearms must be inspected by a Property Room Supervisor or their designee, to confirm that the firearms are unloaded. The serial numbers on each firearm must be verified with the serial number list on the property tag or in the EOQ record by a second person.

Firearms not eligible for review for possible conversion will remain secured in the closet near the auction cage or in the Gun Room.

After these guns are pulled for disposal, they are stored in the locked closet near the auction cage.

A very limited number of staff have a key to this closet.

Once firearms have reached this stage, pulled and placed in a cart or bag, they are no longer eligible for release. If an owner calls in, they will be told the firearm is no longer available for release. Only the management team can make an exception and it would be rare.

11. Review of Firearms for Possible Conversion by Other Units within the Department:

The Gun Desk staff will notify a designated representative from the following units: Operational Support, SWAT, the Lab and the Range. An appointment time will be scheduled to allow the representative the opportunity to review the “eligible” firearms to select ones they may be interested in converting to Department use. Firearms that have been ordered by the court to be destroyed or were obtained through a Gun Buy Back are not eligible for conversion and will not be provided for review. All firearms pending review will be placed on the designated cart, based on the unit requesting the conversion and secured in the Gun Room or in the locked gun closet. Limited staff members have access to this locked closet.

After review, if any firearms are selected, they will remain temporarily stored on the designated cart and secured in the locked closet or in the gun room pending the conversion. Only the supervisors and one clerk

have access to this closet. The representative must complete the required conversion form(s) and have them approved. See CONVERSION TO DEPARTMENT USE section for the process.

12. Firearm Conversions – Crime Lab

Some firearms may be converted to Department use for the Lab. The Lab has a Firearms Unit reference collection. The property tags/EOQ list of barcode numbers for those firearms will be returned to the Gun Desk.

- a. Change the disposition in the CFIS to “DU” and enter the date.
- b. Enter the firearm as Retained for Official Use in the Automated Firearms System. Print out the entry and attach it to the property tag or scan into EOQ.
- c. If all firearms on the tag were converted, place the property tag in the dead files. If other firearms remain on the tag for destruction, return the property tag to a Property Room supervisor.

13. Boxing Firearms for Destruction

After all of the designated units have reviewed the firearms, the remaining handguns are to be boxed. Each box should not weigh more than 40 lbs. Approximately 25 handguns per box. The boxes must be securely sealed with evidence tape and both employees that completed the verification must sign and date over the seal. If for some reason one of these boxes needs to be opened, a supervisor must grant authorization to break the seal. Once the box is closed, it needs to be re-sealed and the seal signed by both the clerk and the supervisor and it must be dated. The boxes of handguns are then moved to the auction cage and placed on pallets.

The long guns are placed in military canvas bags. Each bag should not be filled more than can easily be lifted in and out of the SWAT van and high enough to be dumped into a dumpster, maximum weight 40 lbs.

The firearms, whether they are in boxes or bags will remain stored in the locked caged area until ready to load into the SWAT van on the morning scheduled for destruction.

14. Remove Disposition Date from CFIS

The firearms that are processed for disposal are referred to as gun “write-offs”. Groups of property tags and an EOQ list will be returned to the Gun Desk. When the tags/EOQ list are returned to the Gun Desk, the **disposition date** must be removed for each firearm in the Computerized Firearms Inventory System (CFIS). This system is an internal, SDPD records system. The disposition must remain PRO.

15. Remove Request from EOO  
EvidenceOnQ requests for disposition must be deleted after the transfer has been made to disposal.
16. Supervisor to Compare Property Tags to CFIS Disposal List  
Give the printed lists and property tags to a Property Room supervisor who will verify that all the firearms on the property tags/EOQ list appear on the disposal list.
17. Copy of Destroyed Firearms Lists to Records Division – AFS Entries  
The final list of all firearms destroyed will be photocopied and the copy will be forwarded to the Records Division – Data Entry section, for entry into the Automated Firearms System.

The ORIGINAL list of destroyed firearms is filed in the cabinet in the folder marked Destroyed Firearms.

18. Entry in CFIS of Date of Destruction of Property Tag Firearms  
CFIS will now need to be updated to reflect the actual date of destruction. The following steps will automatically enter the date into all firearms with a PRO disposition that do not have a disposition date already entered.
  - a. Conduct a search in the computerized firearms inventory system FIND screen. Select PRO disposition and click on the No Weapon Disposition Date Assigned box. Click on Weapon in the Display Mode.
  - b. On the RESULT screen, click on the Set Disposition Date button and change to DES – Destroyed.

While this mass update is available, it would be more accurate to manually enter each destruction date from the list of firearms destroyed.

19. Delete FCN/CGN Entries in AFS  
After the list of destroyed firearms is returned to the Gun Desk from Records Unit (Data entry has been done), the FCN/CGN numbers must be deleted in AFS.
20. Stamping DESTROYED on the Property Tags  
Once the firearms are physically destroyed, the Gun Desk will provide all of the property tags for the destroyed guns to a supervisor. The supervisor will review each tag and if all of the items were firearms and all were destroyed, stamp the back of each tag with “DESTROYED”, the date and their initials.

21. EOQ Transfer to Destroyed  
Each record in EvidenceOnQ will be updated to show the appropriate firearms as being transferred to the location “DESTROYED”.
22. Pulling the Remaining Items of Evidence (Property Tags)  
If any of the property tags have other items of evidence remaining, that need to be pulled and destroyed, those tags will be separated out for processing. The remaining tags will be forwarded for dead filing.

## **DOCUMENTS BEING SCANNED & ATTACHED IN EOQ**

If a document applies to an entire impound or the majority of the impounded items, it is acceptable to only scan and attach the document to the FIRST item impounded. For example, if there are 30 items impounded and the third item is the FIRST GUN impounded, it is acceptable to scan and attach the document to item #3. It is always the best practice to make an entry in the Noteslog for ALL items that a document is scanned and attached to item #3, for a cross-reference.

## **DROS – DEALER RECORD OF SALE**

The DROS is not always completely accurate. The dealer completes this form and sends it to the DOJ at the time a firearm is sold. The model may indicate one thing on the DROS and say something different on the actual firearm. The dealer can make an error when completing this form. On occasion you will see a dealer’s SKU or barcode number included in the make or model on the DROS, which shouldn’t be.

If the DROS date of transaction on the firearm is less than five years, the registered owner is the legal owner of the gun. If there is no address in the report for the owner of the firearm, run the name in the California DMV records to obtain a current address. By law, the DMV is to be notified within 10 days of any address change. That is the best source for a current address.

If the date of transaction is over 5 years old, the owner listed on the DROS will **not** be entered as the OWNER in EOQ, unless it is the same name as the suspect.

All guns must be registered in the owner’s name in AFS.

Before a firearm can be released, the serial number must be run in AFS to confirm that the gun is registered to whoever is attempting to claim it.

Permanent residents of California must have their guns registered. The exception is active duty military. If the active duty military person is permanently stationed in California, the gun must be registered in CA.

If the gun has no registered owner, leave the EOQ OWNER field blank and move to the VICTIM field.

## **E-MAIL FOR GUN DESK**

The Gun Desk may be contacted via e-mail at [SDPDGunDesk@pd.sandiego.gov](mailto:SDPDGunDesk@pd.sandiego.gov) (no spaces).

When emails are received, a written response should be provided. It is acceptable to call the person, if they provided their phone number and requested a call versus an email. Once the response is sent, the sent email is to be scanned and attached to all of the corresponding firearm impounds. Documentation must be entered into the NotesLog indicating that an email was received, a response provided and that the email is scanned and attached. Any critical information should be documented in the NotesLog, so that the email itself doesn't need to be reviewed to obtain vital facts. For example: If a person has tried to get numerous officers to authorize a disposition on their firearm and the detective assigned has requested that an authorization for disposition NOT be processed by any other officer, that should be included in the NotesLog for quick reference of vital information.

## **END OF YEAR PROJECTS**

### **Centralized Gun Dealer List –**

Go through the book of the Centralized Gun Dealer List and if the form is expired, contact the dealer and get an updated form.

### **Review the Firearms Processing Packets –**

If any of the Firearms Processing Packets that have been impounded after the firearm was released or destroyed have been held 10 years from that disposition date, they can be destroyed. No additional authorization from a detective is required.

## **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). When entering this information, keep the dashes and spaces.

E-Trace = Search for transactions

Select ORI number

First one

Case number – Incident number

## Search

E-Trace on certain guns will not come up if there is no information available

**\*\*It only shows the initial purchase\*\***

- It's an old purchase
- Records never sent to ATF

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

If a trace is requested, it is usually done within 8-15 days. A rush can be requested, but the supervisor's name and number must be provided.

Crime gun and evidence gun.

## **E-TRACE – DEPARTMENT CONTACT**

PISO Cecilia Noa is the SDPD contact for e-TRACE.

## **E-TRACE – RESULTS RECEIVED IN THE MAIL**

If e-trace results are received in the mail, if the firearm is still an active impound

- Scan and attach to the incident number record in EvidenceOnQ
- Send a copy to the assigned detective



## **EvidenceOnQ – ENTRY OF PROPERTY TAG FIREARM IMPOUNDS**

1. Pull a stack of property tags for impounded firearms. The top edge of the tag should be highlighted in blue.
2. Confirm that the firearm/impounded items on the property tag are located in one of the gun storage locations, in the bin indicated on the property tag.
3. The firearm must be boxed if not in a case.
4. Create an impound in EvidenceOnQ, for each individual item, from the information on the property tag, including the following:
  - Incident Number - If an incident number is not available, use our generic format (Full year – four digits, then the property tag number)  
Total of 10 digits                      Example: 2012123445
  - Offense Section/Code
  - Offense Date
  - Station Impounded
  - Recovered by [If the Officer is not in EOQ, use code for Other Officer and enter name in comments]
  - Recovery Date \_\_\_\_ at \_\_\_\_
  - Recovery Address
  - Owner Name
  - Suspect Name
  - Victim Name
  - Category
  - Item Type
  - Make
  - Model
  - SN (Serial #)
  - Caliber
  - Gun Type
  - Stolen Gun (check box if appropriate)
  - **PROPERTY TAG # - THIS IS CRITICAL – OUR CROSS REFERENCE**
5. Access the SDPD Gun Record System and update it showing the impound has been entered in EOQ.
6. Scan any attached documents into EOQ. If there are multiple items on the impound, all scanned documents and details are associated with the FIRST ITEM impounded, not on each item.
7. Scan the Gun Desk file into EOQ as option “GUN DESK RECORD/FILE”. Attach to the FIRST item impounded. Attach the paper Gun Desk file to the property tag.
8. Mark the property tag “EE” (electronically entered) and the date, then highlight.

9. Attach the EOQ incident number label to the impound.
10. Scan the item to the correct bin location.
11. The property tag can go to the dead files.

## **EVIDENCEONQ**

### **COMMENTS/NOTESLOG:**

When making an entry in the NotesLog, make sure it is placed on ALL guns or the appropriate items/barcodes and not just one. It would be better to have the comment on all items, than only on one and have it be missed. You may select the [ ] Add same entry for all the items box and then explain in the Comments, that this entry applies to all firearms or applies to item numbers 1,3,4,5,7, and 9 only.

### **E-DOCUMENT CODES:**

Gun Desk Record/File	When converting property tags to EOQ. The Working Copy is considered the Gun Desk Record/File.
Generic	When other codes do not apply.
Court Document	Court orders, any document received from the court.
Default Order	If the defendant does not appear at a Petition Hearing, the court will make a ruling “by default”, these default orders have their own document code. Court Document is not inaccurate, this description is more detailed.
E-Mail Info	E-mail communication.

### **RETENTION CODES:**

General firearms and gun accessories related to that firearm on the same incident number (i.e. holster, ammo., magazine, etc.) are set with a retention period of 1 year.

Homicide firearms are set with a retention period of 15 years.

“Gun-LEGR” – 180 days

“Gun-Court Order” – 180 days

“Gun-LEGR Denial” – 180 days

At the time the retention period is set, the “Description” field on the retention tab is updated automatically with “Contact Gun Desk”

FOUND PROPERTY impounds have a retention code of 90 days. It is very important that any firearm impounds that are not “FOUND” and have been impounded as found, be corrected.

On occasion, suicide guns will be impounded as “FOUND”, they should be changed to “OTHER” or “EVIDENCE”.

## **FMBUS FIREARMS Firearms Manufactured by Unlicensed Subject**

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. [12/31/2018]

## **FOUND FIREARMS**

True found firearms are entered as EvidenceOnQ category "FOUND".

If a finder is identified, the name and contact information for the finder is to be entered in EvidenceOnQ in the "REMARKS / FINDER INFO" field.

If a firearm is at the scene of a crime, it should be entered as "EVIDENCE".

## **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 – SERIAL NUMBER REQUIRED**

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.

## **GUN BUY BACK PROGRAMS**

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

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

A Firearm/Weapon Receipt – PD1072 must be provided for each firearm received, however the name field will be left blank, since the buy backs are anonymous. The person turning in the firearm will not be asked to sign the receipt.

These firearms must be impounded by officers or PISO's, from the receiving command, through EvidenceOnQ, and barcoded the same way they would be if they were impounded as evidence firearms.

To speed up the impound process, the officers or PISO's doing the entries may be given access to the computers inside the Property Unit so that more than three officers can do the entries at one time. In the past, firearms were loaded into shopping carts, which were secured in the Firearms Storage Room or in the SWAT cage over the weekend. Officers assigned to do the impounding came in during regular hours the following week to use Property Unit computers to do the entries.

If the command coordinating a Gun Buy Back Program requests the Assistance of the Property Unit, the following arrangements can be coordinated:

- Property Room staff working overtime to receive the firearms over the counter
- Providing a van (for borrowing) for transporting firearms to HQ Property Room
- 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 (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, assembled and ready for loading and transporting handguns.
- Bags for loading and transporting the long guns.

**REMEMBER:**

- Officers or PISO's, assigned to the command, do the impounding in EvidenceOnQ, the Property Unit PISO's do the verifications.
- Each firearm for destruction must have a separate entry in EvidenceOnQ.
- The Weapon Receipt should not have the person's name since it is anonymous.
- Each Weapon Receipt form must be scanned into EvidenceOnQ for the corresponding firearm.

**PISO – Gun Desk PROCESSING:**

1. Confirm that all firearms are accounted for, based on the sequential numbering of the wire tags.
2. Verify the impound information is accurate, comparing EOQ entries to the firearm.
3. Scan and attach the Firearm/Weapon Receipt to the EOQ record.
4. Box the firearms for temporary storage (maximum 25 lbs. per box).

**GUN DESK PROCESSING:**

1. Run serial numbers to determine if the firearm was reported stolen. If determined to be stolen, locate the owner and process like any other stolen firearm. If not stolen add comment of “serial number ran – no stolen record”
2. AFS Entry = Safekeeping **(Required by DOJ to be entered in AFS)**
3. EOQ – CHARGES FIELD: 201512GBB (Year/Month/Gun Buy Back)
4. EOQ Request Monitor – Enter Code #14 Good to Go, with the reason “Gun Buy Back”
5. Check off the RI01 box (no record checks completed)
6. The guns will be temporarily stored in the secured closet behind the auction cage until the next gun destruction run.

**AFTER THE GUNS HAVE BEEN DESTROYED, CONTINUE WITH THE FOLLOWING STEPS:**

7. NEW Working from the named list, in AFS – cancel FCN #, which removes the safekeeping entry
8. Print out a named list of all of the guns destroyed, the named list must go to Records Unit (Attn: Supervisor) to have the DESTROYED entry made in AFS.
10. The list must have:
  - Make
  - Model
  - Type of Gun
  - Caliber
  - Serial Number

11. The current location will be “DESTROYED”.

## **GUN STORAGE LOCATION ACCESS**

A limited number of property specialists have prox-card access to the gun storage locations. The Gun Desk staff, supervisors and manager also have prox-card access to the gun storage locations.

Only property specialists with gun storage location access cards are to enter the gun rooms, either for re-binning or for pulling firearms, unless being supervised.



## **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

**CURRENT PROCESS:** The Deputy City Attorney, Gun Violence Restraining Order Program Manager, reviews police reports received by officers within SDPD to determine if a Gun Violence Restraining Order is appropriate. If the DCA wishes to pursue a GVRO, a petition will be filed with the court on behalf of the San Diego Police Department, who will be named as the Petitioner in the court action. The police report is usually attached to the petition and the officer is not required to appear at the time the temporary order is requested. The DCA will make arrangements to have the respondent (suspect) served with the temporary GVRO, which also notifies the respondent of the hearing date. The hearing date must be set within 21 days. At the hearing, the court will hear testimony from the officer, the suspect, and possibly other witnesses. If a permanent order is granted, it will expire after one year. Prior to the expiration

of the permanent order, the DCA may petition the court to extend the GVRO for up to five years.

If the suspect is the owner of any firearms impounded pursuant to this order, he/she has the right to sell or arrange for storage for the firearm(s) through a licensed firearms dealer.

**NEW** The Gun Desk does not track GVRO's (temporary) or permanent GVRO's, after the initial processing. Prior to mailing out a LEGRA, the Gun Desk must confirm there aren't any outstanding GVRO's.

### 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.

- 1) Confirm that all firearms listed in Section 6 on the document are impounded and currently in the physical custody of SDPD. If so, complete the form as indicated.
- 2) Date, Time, Name of Officer who took the firearms, Name of law enforcement agency, Recovery address (check receipt). It is suggested to make an entry (SEE RECEIPT ATTACHED) and then attach a photocopy.
- 3) Sign under penalty of perjury that the firearms indicated in Section 6 are in SDPD Property Unit custody. Indicate your ID #.

The Respondent needs to present this document to the court to verify they no longer have those firearms in their custody and control.

Usually, the Respondent will have one document for signature and they will make photocopies once it is complete. On occasion, the Respondent will present an original and two photocopies. It is acceptable to complete this section of the form on all three documents.

See Sample Section.

### **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.

All HOLDS must be clearly indicated in the impound record. The HOLD is documented in EvidenceOnQ in the NotesLog, under the header “Gun Desk Hold”. This entry will be reflected in the audit trail. Enter the name of the

person requesting the hold, their ID number, along with their phone number, unit, and reason for the hold.

When entering the HOLD into EvidenceOnQ, go through the retention tab, click on the box marked Hold. It will place a check mark in the box. This check mark must remain the entire hold period. Under Critical dates, in the Review date field, enter the date that the impound should be reviewed again.

When the Gun Desk Officers are notified by the Firearms Unit of the Crime Lab that a firearm has been identified as matching one used in a 187, the retention code in EOQ on that impounded firearm will be changed to reflect a “homicide retention”. The “HOLD” box will be checked in EOQ and an entry will be made in the Hold Comment Field indicating that the gun may be related to homicide case # \_\_\_\_\_. An entry must also be made in the Comment/NotesLog regarding the homicide case #.

Impounds marked with a HOLD must not be released or disposed until cleared with the unit/detective requesting the hold. When a detective wants to remove a hold, a Request needs to be done through EOQ.

## **HQGDR – Headquarters Gun Desk Review**

When processing items for disposal, if ammo, magazines, holsters, etc. are found, the Disposal Specialist 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.

The following are brief steps to process these items, depending on the status.

- a) **FIREARM STILL IMPOUNDED**
  - 1) Scan item
  - 2) Run complete incident number on EvidenceOnQ
  - 3) Repackage the ammo
  - 6) Use packaging label
  - 7) Note packaging details
  - 8) Scan all items using mobile unit and scan to new location
  - 9) Delete request
  - 10) Change retention code from disposal to gun
  - 11) Change detective name to your name
  
- b) **NO FIREARM IMPOUNDED**
  - 1) Scan item
  - 2) Run complete incident number on EvidenceOnQ

- 3) If a firearm was not impounded you can dispo the items
  - 4) Grab empty box and disposition cart sign located in dispo area
  - 5) Scan all items using mobile unit and scan to dispo cart sign
  - 6) Place box with sign attached in dispo area
  - 7) Sync mobile unit
- c) FIREARM RETURNED TO OWNER**
- 1) Scan item
  - 2) Run complete incident number on EvidenceOnQ
  - 3) If the firearm was returned to the owner check the property release to see if the owner initialed the “do not wish to claim” box of if the box is checked
  - 4) Grab empty box and disposition cart sign located in dispo area
  - 5) Scan all items using mobile unit and scan to dispo cart sign
  - 6) Place box with sign attached in dispo area
  - 7) Sync mobile unit
- d) FIREARM DESTROYED**
- 1) Scan item
  - 2) Run complete incident number on EvidenceOnQ
  - 3) If the firearm was destroyed you can dispo the ammo
  - 4) Grab empty box and disposition cart sign located in dispo area
  - 5) Scan all items using mobile unit and scan to dispo cart sign
  - 6) Place box with sign attached in dispo area
  - 7) Sync mobile unit
- e) FIREARM RELEASE TO OTHER AGENCY**
- 1) Scan item
  - 2) Run complete incident number on EvidenceOnQ
  - 3) If the firearm was released to other agency
  - 4) Notify the detective and or agency and ask them if the ammo is needed
  - 5) Write info on comments
  - 6) Repackage ammo
  - 7) Use packaging label
  - 8) Note packaging details
  - 9) Scan all items using mobile unit and scan to new location
  - 10) Delete request
  - 11) Change retention code
  - 12) Change detective name to your own

If the firearm was impounded on a property tag, use the following procedures:

- f) PROPERTY TAG – SHIPPED FIREARM**
- When firearms are shipped to another agency sometimes the ammo and other items such as the holster, gun case, etc. are left behind for numerous reasons. When remaining items on a property tag are not shipped, the gun desk is responsible for authorizing the final disposition of such items.

1. Use the final disposition stamp and authorize the disposal
2. Place the remaining items in a box and attach the property tag to the item
3. Place the boxed items in the dispo area so it can be destroyed

**g) PROPERTY TAG – FIREARM RELEASED**

When firearms are released to the owner and the owner does not wish to claim the ammo or other remaining items the gun desk is responsible for authorizing the final disposition of such items.

1. Use the final disposition stamp and authorize the disposal
2. Place the remaining items in a box and attach the property tag to the item
3. Place the boxed items in the dispo area so it can be destroyed

## **HQGR – Headquarters Gun Release**

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

### **IBIS**

In late 2019, the Crime Lab did a pilot project with 45 firearms. They did test fires on these guns and entered them into IBIS, which resulted in “no hits”. The test fires were placed in an envelope with the firearm. Supervisor Lisa Merzwski has indicated that those test fires do not need to be retained. They were not barcoded. They can be destroyed if the firearm is released or destroyed.

The Firearms Unit may pro-actively check out firearms to do their processing and IBIS entries. Once a firearm has been entered into IBIS, the “IBIS” field in FileOnQ will be updated to reflect “Hit” or “No Hit”. The priority is going to be on “Found”, “Other”, or “Suicide” guns and then on “evidence” guns.

Only certain firearms are IBIS eligible. Gun type: “Automatic” or “Semi” in FileOnQ. Once certain calibers are IBIS eligible: .22, .223, .40, .45, .380 or 9 mm.

A field was added to FileOnQ: “DET IBIS REQUEST” if a detective is requesting the Lab to enter the firearm into IBIS, they will check this box. The Crime Lab, Firearms Unit will monitor this field.

The Crime Lab is requesting that magazines are to be placed in a separate envelope, separate barcode, but placed WITH the firearm, in the same box.

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.

## **DENTIFICATION FLOW CHARTS (CALGUNS.net)**

SEE SAMPLE SECTION – IDENTIFICATION

## **ILLEGAL FIREARMS**

See LEGISLATION section for new laws regarding 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

**BULLET BUTTON** = The bullet button requires a tool to release the magazine. Anything that doesn't require a tool to release the magazine is illegal. The law doesn't want people to be able to rapidly release the magazine and insert another full magazine to continue shooting.

**MAGNETIC ATTACHMENT FOR BULLET BUTTON** = Makes the gun **ILLEGAL**. The magnetic attachment allows the magazine to be easily released (no tool). Any item that defeats the purpose of the bullet button makes the firearm illegal.

**EXPERTS = FIREARMS UNIT OF THE LAB.** The experts in determining if a specific firearm is an illegal weapon is the lab. They are the only people to make a final determination because they will be the ones called to testify, not the Gun Desk Officers. If a firearm is questionable, ask one of them to come down to the Property Room and view the firearm. Make sure their viewing is included in the check-out record, for chain of custody purposes. Do **NOT** take the firearm up to the Lab.

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

If a detective wants an expert opinion, they need to contact the Crime Lab.

## **IMPOUNDING FIREARMS IN EVIDENCE ONQ**

If another law enforcement agency gives us a firearm, one of the Gun Desk staff completes the impound receiving, processing and binning. The second Officer does the verification in AFS.

1. Receiving:
  - a. Obtain an Incident Number through CAD.
  - b. Enter the firearm into EOQ.
  - c. Scan the “received at HQ counter” location barcode.
  - d. Scan the “processed by” location barcode.
  - e. Scan the “gun verified” location barcode.
  - f. Locate a bin where the guns will be stored, scan the location.
  - g. Transfer the gun to “AFS Verified”.
  
2. Processing:
  - a. Open the gun boxes and verify the firearm information with the paperwork received.  
Confirm we have the correct gun, check serial numbers, etc.
  - b. Enter the case number in the case number tab.
  - c. Scan and attach all documents received by the other agency (verify we received a chain of custody record).
  - d. Enter a detective name in EOQ (Assigned Detective field).
  - e. If any additional items came with the gun, if they are gun related (ammo, holster, magazine, etc.) do the impound, attach barcode label, packaging label and bin.
  - f. If additional items are received with the gun and they are not gun related.

Work with a Property Specialist and have them do the processing and receiving of those items.

## **IMPOUND REPORT**

On occasion the City Attorney’s Office may call and ask for an “Impound Report” prior to filing a petition. What they need is a list of the items impounded on a particular incident number. To obtain this report, in EOQ, enter the incident number. Go to REPORTS Tab – select EXTERNAL REPORTS – Select #15 Named List. Print this report. Scan and attach to an email.



## **INCOMING FIREARMS**

### **GUN INTAKE CHECK LIST**

This checklist was created as a reminder list for the Gun Desk Officers, so that a step is not overlooked. Details of the processing is not included, this is not intended to be complete instructions, but a reminder list only.

#### **GENERAL GUN INTAKE CHECK LIST**

- Determine why the gun is here. Evidence, Safekeeping, Found or Other. Read report in NetRMS or obtain report if there isn't one. STOLENS – Notify assigned detective via email
- Determine if the firearm is LEGAL? Key areas Caliber 223, 7.62, 556. Terms –see chart If illegal – notify assigned detective via email
- If the violation is DV and firearm is impounded for SAFEKEEPING – Petition process.
- If the violation is 5150, 1145, 930000ZZ – Petition process.
- Do record checks on the suspect (5 total) RI01, QMHF, QRO, RQHA, QHA and Full criminal history
- Attach the booking photo for the current crime into *DOCUMENTS*. If no booking photo, indicate specific reason why there isn't one.
- Run gun in AFS (no dashes or spaces)
- Run DROS, copy and paste into NotesLog.
- Code the firearm make by looking it up in the DOJ Code book, check importer and country of origin. Change the MAKE in EvidenceOnQ to the DOJ code.
- Confirm the information about the gun is in the correct fields in EOQ. Make, model, serial #, color, action type.
- Remove any dashes or spaces in the serial number field.
- Do AFS entry, copy and paste the FCN and CGN numbers into NotesLog.
- On impounds for 981153ZZ (misc. report), 960000 (found property), attach any reports or ARJIS 9's into *DOCUMENTS*.
- Harbor Police Impounds – call HPD for copy of report, scan and attach in EOQ.
- Check all other items in incident, if related to the Gun, change retention code to "GUN" (ammo, holsters, case, etc.)
- In FOQ, go to first yellow folder, click, then type into it AFS, then transfer to AFS Verified.

A. FIREARM IMPOUND REVIEW, VERIFICATION AND BINNING

**(See Department Policy 3.02)**

**ALL firearm** impounds must be handled with a new pair of gloves and a mask in a clean area using care not to contaminate possible DNA that may be on the gun or put their own DNA on the gun. The PISO must change into a new clean pair of gloves between impounds to prevent cross contamination. The firearms are to be handled carefully to prevent destroying any potential trace evidence and to avoid smearing latent prints. This includes not allowing arms or skin to come in contact with the firearm. The firearm should not be rubbed against clothing or laid across the lap area of a specialist. A new piece of butcher paper may be used to create a clean work surface. Don't use the same butcher paper for processing of another impound. If the Gun Processing Desk space is not adequate, the viewing room table or the table in the supply area may be used.

**HANDLE EVERY FIREARM AS IF IT IS LOADED!!**

ALL firearms must have a wire tag attached with the barcode number affixed to that tag. If the officer impounding the firearm did not attach a wire tag with the barcode, the PISO processing the impound is to attach one. This is required for disposition process.

All guns must be unloaded before they are impounded in the Property Room. The PISO must examine all firearms when received to ensure that they are unloaded. If a PISO is unable to properly check a weapon, assistance should be pursued from the Laboratory. In no case should an unchecked weapon be transported or stored.

When it is necessary to impound a LOADED FIREARM, the firearm will be entered into the system and the weapon will be stored in the metal locker provided for this purpose in the Watch Commander's Office. **Loaded firearms will not be impounded at any Area Station Property Room or at the Headquarters Property Room.** In the field, "Evidence Cautions" select "Loaded Firearms"; if there is any other special handling instructions indicate this in the comments section. If a firearm is impounded "Hold for Prints" and it may be loaded, indicate "Loaded Weapon" and impound as a loaded firearm. Laboratory personnel will receive all loaded weapons directly from the Watch Commander's Office and unload them. Unloaded firearms will be returned to the Property Room by Laboratory personnel. Laboratory requests must be submitted by the appropriate investigator for all "Hold for Prints" weapons that need processing.

If these procedures are not followed, and a loaded gun is received in the Property Room, the PISO shall report it to the supervisory personnel in the Property Unit.

Impounded weapons shall be checked to confirm they are not loaded. They should be locked back. The PISO will verify the serial number, the make, model and the caliber of the gun. The PISO will also check for assault weapon characteristics. The indication of whether or not there is a bullet button may be vital information to determine whether or not the firearm is legal. This information is required to be entered into EvidenceOnQ. Any discrepancies shall be noted and corrected on the impound entry. Any related items to the weapon, such as ammunition and holster must be impounded separately with different barcodes. Ammo must be stored in separate packaging with a separate barcode number.

Anytime a firearm is impounded separately from the magazine that clearly is associated with it, the PISO will place the magazine, which should be in an envelope or paper bag and barcoded separately, inside the same box as the firearm. This will assist the lab in receiving both items for testing, even if they are impounded separately and the detective does not provide both barcode numbers in their lab request.

All long guns that are not in an adequate case, will be placed in a new rifle box. All handguns that are not in a case will be placed in a new handgun box. Gun boxes are not to be reused. Envelopes will no longer be used for handguns; everything will be boxed.

The lab has requested that handguns not be zip tied to the box, regardless of the size of the gun.

When storing impounded firearms, there are bins labeled "RR" for Rifle Rack and "HG" for Handgun Rack. These should be used accordingly (in the designated gun rooms). The Gun Rooms are secured and have limited access (Supervisors, Manager, Gun Desk Officers and several staff members).

The Receipt for Weapons/Currency form (PD1072-FOS), attached to the impound, is to be removed and scanned into EvidenceOnQ as a document. If the receipt relates to numerous impounded items it will be scanned and attached to the **first** corresponding item impounded. Add a comment in the NotesLog section indicating which documents are scanned and attached and to which item #. For example: Receipt for Weapons scanned and attached to Item #1 on impound. Select the box that indicates update all items. This will put the message on each record, but you only have to scan and attach it to one item.

If the receipt or impound record indicates that the firearm(s) was turned in for disposal, the impounding officer should go into EvidenceOnQ after

the impound and immediately do a request for disposal, indicating it was turned in for disposal. When impounding a firearm, if it comes to the PISO's attention that the firearm was turned in for disposal and the request has not been completed in EvidenceOnQ, the PISO will enter that request.

## B. PROCESSING FIREARM IMPOUNDS

With the old property tag system, copies were made of the original property tag and photocopies of documents were attached to use as the Gun Desk "Work Copy". The original firearm property tag, which is highlighted in blue across the top of the tag, is filed with other property tags, whether in the active files or dead files. Current impounds are entered into an automated system, EvidenceOnQ. The Gun Desk staff will scan and attach all related documents into EvidenceOnQ and enter comments in the "NotesLog" field instead of maintaining a paper "Work Copy".

### INCOMING FIREARMS:

Compare the firearm and its markings to the impounding officer's entries in EvidenceOnQ for completeness and accuracy. If the firearm is not legal, make an entry for future reference.

### FIREARMS PROCESSING QUEUE:

Newly impounded firearms will appear in the Firearms Processing Queue in EvidenceOnQ **IF** the **ITEM TYPE** entered into EvidenceOnQ is "Firearm-Handgun", "Firearm-Long Gun" or "Firearm-Shotgun".

1. Determine **WHY** the firearm is here.

Confirm the impound **CATEGORY** is correct - **EVIDENCE, GUN-SAFEKEEPING, FOUND or OTHER**. **OTHER** is used for firearms turned in for destruction.

*The OTHER category was previously used for Gun Safekeeping, prior to the GUN-SAFEKEEPING category being created. In the past, FOUND firearms were entered as OTHER.*

If it is determined that the firearm was **STOLEN**, refer to the **STOLEN FIREARMS – INCOMING IMPOUNDS SECTION**.

Determine whether the impound on a domestic violence related offense is actually "evidence" or if the firearm was not used in the commission of the offense but was impounded only for safekeeping. If it was impounded for safekeeping, use the code **GUN-SAFEKEEPING**.

Do not just rely on the “ZZ” code, review any associated reports submitted in conjunction with the impound, which should be available in CRMS.

- a. Read the report in CRMS.
- b. If there isn't a report in CRMS, immediately contact the impounding officer and track down the report.
- c. Further information may be available by checking the incident history in CAD or by speaking to the impounding officer via email or telephone.
- d. If the research indicates that the category was entered incorrectly, make the correction in EOQ.
- e. If the report indicates anything that should be brought to another unit's attention, notify that unit and make an entry in the NotesLog section. (Gun may be related to a homicide, etc.)
- f. If the circumstances sound suspicious or you are not sure of the origin, do e-trace.

If another agency impounds a firearm for LAB TESTING only, they need to obtain one of SDPD incident numbers for that purpose if it is not related to any SDPD crime cases. Since that agency has the master case file as to the crime, SDPD will NOT make any entries in AFS.

2. Determine if the firearm is LEGAL. If the firearm is not legal, it won't be returned, so there is no need to file a Petition.

If the firearm is not legal, indicate in the NotesLog what characteristics makes it illegal. If there are any questions, the Crime Lab – Firearms Unit are the experts and need to make the determination.

Indicate in the EOQ screen that the firearm is illegal.

3. Review the OWNER, SUSPECT and VICTIM field entries in EvidenceOnQ. Update the owner, suspect and victim fields if original entries are not correct. If the DROS transaction date is less than five years from the date of the impound, the registered owner is the legal owner of the gun. If the date of transaction on the DROS is over five years old, the name on the DROS will not be entered in the owner field of EOQ.

Do NOT enter a name in the OWNER field unless confirmed in AFS that the gun is registered to this individual.

4. Review the violation and determine if **PETITION** processing is appropriate.
  - a. If the violation is DV and the firearm is impounded for **SAFEKEEPING** – SEE **PETITION SECTION FOR PROCESSING**.
  - b. If the violation is 5150, 1145 or 930000ZZ – SEE **PETITION SECTION FOR PROCESSING**.
  
5. Do **RECORD CHECKS** on the suspect (5 total). Start the record checks from the bottom box on the EOQ screen. “**RI01**” (5<sup>th</sup> box) and work up the list. Enter a check in the box following the record check description, on the **LEFT SIDE** of the Notes Field, once that record check has been completed. (The right side of the Notes field is for the record checks completed at the time a firearm is being released.)

If the suspect is deceased, there is no need to run a record check. Check the **RI01** box, to move the record to **AFS Verified**.

If the firearms were turned in for destruction and are entered as **OTHER**, the record check is not required. Check the **RI01** box, to move the record to **AFS Verified**.

The **AGENCY ORI**, **Date** and **Case #** field is for **STOLENS**.

- a. **“RI01” (County)** (5<sup>th</sup> box)  
Run the person on the **RI01** screen in the County computer system (**SDLaw**) Check the cases for prohibiting convictions and if located, indicate the court case number, conviction level, violation and date sentenced. (Court Case # **PG-F-PB**, **PC459**, **09-02-2012**)



**San Diego Police Department – Property & Evidence Unit**  
**GUN DESK OPERATIONS MANUAL**

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**San Diego Sheriff's Department**

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Dist. Atty's DA11: (Event Record Display for case from JURIS' DB)  
Final Detail Screen (DA11 Reply with Individual's Detail data)

EVENT	COURT	DATE	DEPUTY	DEF	ATTY	TYPE	ADDITIONAL INFO
DA10 97115 064910 801 03	EVENT DISPLAY	PROS NO	ACA50701	MUNI NO	CD206527		
DEFENDANT NAME ERUIN	JURON	DWITTY	SUP NO	SCD206527			
COMPLAINT FILED	SDM	05-15-07				N	FELONY
ARRAIGN ON COMPLAINT	SDMFA	05-15-07	WILLMG	DEFEP		B	PLED NG
FELONY READINESS	SDMFD2	05-24-07	WALDGA	DEFEP		B	PRELIM DATE SET-CONF
PRELIMINARY EXAM	SDM048	05-29-07	WILLMG	DEFEP		B	BOUND OVER
ARR ON INFORMATION	SDS048	05-29-07	WILLMG	DEFEP		B	PLED NG
SUP READINESS CONF	SDS031	07-05-07	ANTOKK	DEFEP		B	COP
TRIAL CALL	SDS011	07-18-07	JARAJJ	DEFEP		B	VACATED
PROB HEAR-SENTENCING	SDS031	09-04-07	DESAA	DEFEP		B	PROB-JAIL-FINE
PROB MODIFICATION HG	SDS012	02-15-08	MCCAM	DEFEP		B	PROB CONTD-UNCHANGED
APPEARANCE ON WARR	SDS012	01-15-09	BAHKD	DEFEP		B	PROB SUMMARILY REVOK
EVIDENTIARY HG	SDS030	01-26-09	RODRLR	DEFEP		B	PROB REVOKED
SENT AFTER REVOCATN	SDS030	03-16-09	LAM LY	DEFEP		B	PROB REINSTD,MODIFD
PROB MODIFICATION HG	SDS012	08-26-09		DEFEP		B	PROB CONTD-MODIFIED
PROB MODIFICATION HG	SDS012	10-21-10	PORTEA	DEFEP		B	PROB CONTD-MODIFIED
PROB MODIFICATION HG	SDS012	04-05-11	PORTEA	DEFEP		B	PROB TERMINATED
PC1203.4 PETITION	SDS022	06-15-11		DEFEP		B	GRANTED
FURTHER PROCEEDINGS	SDS022	06-15-11		DEFEP		B	PLEA WITHDRAWN
DISMISSAL MOTION	SDS022	06-15-11	NO DA	DEFEP		B	D*PC1203.4



San Diego Police Department – Property & Evidence Unit  
**GUN DESK OPERATIONS MANUAL**

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CODE TEXT

PENAL CODE - PEN

**1203.4.**

(a) (1) In any case in which a defendant has fulfilled the conditions of probation for the entire period of probation, or has been discharged prior to the termination of the period of probation, or in any other case in which a court, in its discretion and the interests of justice, determines that a defendant should be granted the relief available under this section, the defendant shall, at any time after the termination of the period of probation, if he or she is not then serving a sentence for any offense, on probation for any offense, or charged with the commission of any offense, be permitted by the court to withdraw his or her plea of guilty or plea of nolo contendere and enter a plea of not guilty; or, if he or she has been convicted after a plea of not guilty, the court shall set aside the verdict of guilty; and, in either case, the court shall thereupon dismiss the accusations or information against the defendant and except as noted below, he or she shall thereafter be released from all penalties and disabilities resulting from the offense of which he or she has been convicted, except as provided in Section 13555 of the Vehicle Code. The probationer shall be informed, in his or her probation papers, of this right and privilege and his or her right, if any, to petition for a certificate of rehabilitation and pardon. The probationer may make the application and change of plea in person or by attorney, or by the probation officer authorized in writing. However, in any subsequent prosecution of the defendant for any other offense, the prior conviction may be pleaded and proved and shall have the same effect as if probation had not been granted or the accusation or information dismissed. The order shall state, and the probationer shall be informed, that the order does not relieve him or her of the obligation to disclose the conviction in response to any direct question contained in any questionnaire or application for public office, for licensure by any state or local agency, or for contracting with the California State Lottery Commission.

**(2) Dismissal of an accusation or information pursuant to this section does not permit a person to own, possess, or have in his or her custody or control any firearm or prevent his or her conviction under Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6.**

(3) Dismissal of an accusation or information underlying a conviction pursuant to this section does not permit a person prohibited from holding public office as a result of that conviction to hold public office.

(4) This subdivision shall apply to all applications for relief under this section which are filed on or after November 23, 1970.

Using the **OWNER PROHIBITION FIELD**, select the applicable drop-down option with the longest duration:

- 10 years
- CMH (County Mental Health)
- Felony (17b4, 17b5, 17b3, “17b” = misdemeanor)
- Juvenile (Under 18 years of age)
- Lifetime
- Other
- R/O (Enter the type of restraining order, with the same code used in SD Law – “TGV”, “CPO”, “OGV”, etc. and the date the R/O EXPIRES – confirm it has been served)
- Under 21 (Over 18 years of age, but under 21)(Minor)

Sample: Incident #18010020864 (GVRO & CMH, CMH is 10 years so it was selected in the Owner Prohibition field.

- b. **“QMHF” (Query Mental Health File) (4<sup>th</sup> box)**  
Run the person in the SUN – California Mental Health Prohibition System to determine if they have a mental health file number. If a file number matches the person, enter the file number and the expiration date in EvidenceOnQ in the corresponding Notes Field.
- State–Mental Health–Name Inquiry
  - Route # = Incident #
  - Requestor ID = sd#### (####= ID Number)
  - Name of person and DOB
  - Name search reveals = “NO HIT MHFDS FILES”
  - Put in the QMHF Notes field
  - Mental Health record numbers – take out the first three numbers to run and look at records.
  - Add whole number and expiration date in the QMHF Notes Field
  - On the comments tab – add – copy and paste prohibition and CMH field.
  - Mental Health Prohibitions – Put in the EXPIRATION date (03162020)

- c. **“QRO” (Query Restraining Order) (3<sup>rd</sup> box)**  
Run the person in SUN in the CLETS Restraining Order Inquiry System to determine if they are subject to Restraining Order restrictions.

In the Notes Field, enter RO type (code from SD Law) and the DATE ORDER EXPIRES (03152014). Confirm the RO has actually been SERVED. Copy record into the Comments Tab, NotesLog.

Enter the active restraining order information in the impound record and scan a copy of the restraining order to the documents file in EOQ.

In the prohibition field, select the drop down option “RO”, unless there is another prohibition that would extend longer than the RO. (CMH for example).

Super Message Key – Multiple screens (Sex and DOB with name)

- d. **“RQHA” (FBI Number) (2<sup>nd</sup> box)**

Run the person in SUN to determine if they have a NCIC/FBI Rap sheet number. If yes, enter the number in the Notes Field and run the number in the RQHR system.

Run the subject's NCIC/FBI number to review the federal rap sheet.

- e. **“QHA”** (CA Criminal History) (1<sup>st</sup> box)  
Run the person in the SUN system to determine if they have a California CII Rap sheet number. If yes, enter the number in the Notes Field and run the number in the QHR system.

The CII Rap sheet numbers beginning with the letter “A” are automated and must be run in the QHR system.

CII Rap sheet numbers that do not contain a letter are also automated but must be run in the SUN command screen as a free format inquiry.

QHR: Run the person's automated CII number in the SUN system to review the California RAP sheet.

Copy and paste the number obtained into the Notes field. On CII field add state and number. Example: NV123456. Change felony tab and write in comments field.

Run FULL CRIMINAL HISTORY.

- 6. Obtain the **BOOKING PHOTO** for the current offense from SDLaw.
  - a. NEW Save the booking photo to your desktop. Title the photo the last five digits of the incident number, the first two initials of the last name and then the first two initials of the first name and add BK. Example: 12345HABEBK.
  - b. If the booking photo is located, no entry needs to be made in the Notes field.
  - c. If there is no booking photo, on the COMMENTS TAB – Gun Desk Entry, add “NO BOOKING PHOTO – and explain the reason why no booking photo is available.” Example: No booking photo – 5150 hold” “No booking photo – suspect is deceased”.
  - d. Add a zip code to the Recovery Location Address in EOQ.
- 7. Run firearm in **AUTOMATED FIREARMS SYSTEM (AFS)**
  - a. Run the serial number in the SUN system (QG command).

- b. Copy and paste the FCN (Firearms Control Number) from AFS into EvidenceOnQ, in the NotesLog.
  - c. Firearms impounded as evidence in a crime case or impounded for illegal possession must be entered in AFS as “Crime Gun” pursuant to PC11108.3 for tracing by the Department of Justice.
  - d. Both the FCN and the CGN must be deleted from AFS at the time a firearm is released or destroyed. Once an entry has been deleted, scan and attach the cancel message into EvidenceOnQ NotesLog, along with the date it is deleted.
8. Enter the firearm make **CODE** in AFS, look up the firearm in the Firearms ID Book – NCIC Code Sheet. Check the importer and country of origin.
9. Confirm the firearm **DESCRIPTION ENTRIES** in EOQ match the FIREARM.
- **Make** - Change the make in EOQ to the DOJ code entered in AFS.
  - **Model Number** – The firearm itself must be reviewed for the model, serial number, etc. All information is to be entered from the firearm itself and not internet searches, etc. The model number entered into AFS must not have any dashes or periods, convert them to a space). PT-481 = PT 481. The format of entries for AFS does not need to be used in EOQ.
  - **Serial Number** – to be obtained from the firearm itself, not any documentation provided by the officer. (In AFS - NO dashes, NO spaces) PT-481 = PT481. The format of entries in AFS does not need to be used in EOQ.
  - **Color**
  - **Action Type**

There are NotesLog Headers “ASSAULT WEAPON?” and “BULLET BUTTON?” with a selection option of Yes or No. These entries are used to assist in the description of the firearm.

If information on the firearm impound is incomplete or not clear, physically inspect the firearm in the Property Room to obtain the needed information. Gloves and a mask must be worn when examining firearms impounded as evidence. All efforts must be made to preserve DNA and fingerprints for the lab examination. Make an entry on the back side of the original property tag or in EvidenceOnQ in the NotesLog so the chain of custody indicates you handled and viewed a specific item.

10. Do **AFS ENTRY**, copy and paste the FCN and CGN into the NotesLog. Only the entry that pertains to the guns we have impounded need to be copied into the record, not all of the AFS entries.
  - Law Enforcement Entry
  - CA Only: #1
  - Crime Gun Record: Yes/No – Only yes if gun impounded as EVIDENCE
  - Optional Info: Color, Barrel Length
  - Miscellaneous field: Importer Manufacturer. Example: Made in Germany (Only for EVIDENCE – crime guns)
  - **NCIC Offense** – If no violation is entered on a crime gun supplemental, enter “5299” = weapons violation.
  - OCA- Incident Number
  - Suspect Address/Recovery Location
  - Name of Possessor = Suspect’s Name
  - Safe Keeping Gun – No more than misc.
  - Evidence Gun – Must have importer information
  - MAKE: Enter the DOJ code
  - MODEL: AFS entry is not to have any dashes or periods, convert them to spaces. The model number will be taken from the actual firearm, which should have been entered into EOQ.
  - SERIAL #: AFS entry is not to have any dashes or any spaces, ignore any slash (/). The serial number entered should match what appears on the firearm, which should have been entered into EOQ.
  - COLOR: the color is to be taken from the firearm, which should be the same as the EOQ entry.
  - ACTION: the action is to be taken from the firearm itself, which should be the same as the EOQ entry.
  - Barrel Length – 4 1/2 = 4.50 (no spaces or dashes allowed)
  - 380 is a 9mm short
  - Center fire round/RIM
  - .22 always RIM
11. Copy and paste the **DROS** into the NotesLog,
12. On impounds for **981153ZZ (misc. report)** , **960000ZZ (found property)**, scan and attach any reports or ARJIS-9’s into Documents.
13. **Harbor Police Impounds** – Call HPD for a copy of their report, scan and attach in EOQ.
14. Check for **GUN RELATED ITEMS** impounded on the same incident. Run the incident number and identify any magazines, clips, ammo., holsters or gun related items at the time of the impound review and change the retention code to “Gun”. This will ensure

that these related items won't get destroyed prior to the firearm's final disposition being determined. The category of the impound may also need to be changed if the original impound was for found property. *[We have had situations in the past where the detective authorized all items for disposition, the firearm was eligible for release and by the time the defendant had their LEGR clearance, the items related to the firearm had already been destroyed.]*

If the impound does not include any violations (example=5150) and a GVRO (temporary order or permanent order) has been issued, change the retention code to "Gun GVRO" on **all** items on the impound. Enter the Gun Desk Officer as the Assigned Detective. At the end of 13 months, the Gun Desk will review the status of the GVRO and determine if the temporary order ever became permanent, if the permanent order expired after one year, or if the permanent order has been extended beyond the one year. Even if the GVRO has expired, there could be other prohibitions.

15. In EOQ, go to the first yellow folder, check, then type into it AFS, then **TRANSFER TO AFS VERIFIED**.

16. **SEARCH – QRO Super Message Key Tab**

AFS – Guns

APS – Stolen Pawns Property

WPS – Warrants

RO's – Restraining Orders

SRF – Release File

SEX REGISTER – Registrant

Must get at least 7 hits on messages, if not re-run name.

If no hits, run full criminal history on individual, SDLaw, Multiple screens (FBI and CII)

Administration of Justice X = unknown race. **THIS "X" MUST BE ENTERED IN THE RACE FIELD, EVEN IF THE RACE IS KNOWN, OTHERWISE THE RECORD CHECK WILL SHOW NOTHING.**

Copy and paste the results or print, scan and attach other state criminal history into EOQ.

If any felonies are discovered, notify the detective assigned to the case, they may not be aware of out of state records.

17. Enter the **ZIP CODE** of the recovery address into EvidenceOnQ. This zip code must be entered because it is a required field in AFS.

18. When reviewing police reports, if references are made that should be referred to another unit, (Homicide, Gangs, etc.) notify that unit and make an entry in the NotesLog of the notification.
19. Scan and Attach: Any documents related to multiple items on the impound can be scanned and attached to the FIRST item. In the NotesLog field, make an entry that the document is attached to the first item impounded, and then check the box to select the option “add same entry for all of the items”.

**COMMENTS/NOTESLOG** - Make clear notations in the NotesLog field in EvidenceOnQ, any important information regarding the firearm or persons listed that can be ascertained by reviewing the impound (i.e., Sawed-off, illegal length, removed serial number, unregistered assault weapon, juvenile in possession, etc.)

There are COMMENT HEADERS for standard entries:

Assault Weapon – Y/N  
Bullet Button – Y/N

C. **AFS Verification**

Whatever PISO processes the impound, a different PISO or a supervisor (basically, a second person) needs to do the AFS Verification. This is required by the Department of Justice on all types of impounds, whether evidence, lost, stolen, other or safekeeping. Upon the first PISO’s completion of the record checks and entries, the impound will be transferred to location “AFS VERIFIED”.

The second PISO will go into the AFS VERIFIED QUEUE and verify the following:

- Verify serial number, make, model and all firearm information that was entered into AFS, corresponds with the EOQ entry.
- Verify FCN
- Verify EVIDENCE guns in EOQ are entered as CRIME GUN in AFS
- Verify zip code has been added to the recovery location address.
- Verify booking photo is added to EOQ or an entry in the Comments Tab, NotesLog indicating there isn’t one attached and why.

The record checks are run from the names and numbers in the EOQ record, copied and pasted to the NotesLog and confirmed that they match with the initial record check results. It is the second Gun Desk PISO’s duty to VERIFY the entries made by the first Gun Desk PISO, not run additional record checks and add entries. After verified, the PISO will transfer the impound to the originally designated bin location.

All record check results are to be copied and pasted into the NotesLog for a permanent record.

**D. Documentation of Inquiries**

1. Documentation of all inquiries or additional information gathered via telephone calls regarding impounded firearms is very important. All communication with suspects, victims, detectives, other agencies, etc. are to be documented in the NotesLog. On the EOQ impounds, these entries are all made directly into the system, in the NotesLog. “Gun Disposition Notes” sheets were used on the paper property tags to document any inquiries made on the phone or in person by suspects, owners, victims, attorneys, detectives, police officers, etc. Relevant information such as the name of the inquirer, date, nature of the inquiry, name of the officer and other information must be written down to serve as a reference for any future inquiries or disposition.
2. All HOLDS must be clearly indicated in the impound record. The HOLD is documented in the NotesLog, under “PR- GUN DESK HOLDS” header.

Enter the name of the person requesting the hold, their ID number, along with their phone number, unit, and reason for the hold. If a firearm is related to a different case number/incident number, it is helpful to document those numbers in the NotesLog for future reference.

A detective may enter a request to hold via the Request Monitor. The clerk processing the requests will enter the hold information.

Impounds marked with a HOLD should not be released or disposed until cleared with the unit/detective requesting the hold. When a detective wants to remove a hold, a request needs to be done through EOQ.

Requiring detectives to use the Request Monitor in EOQ to document their hold requests and their hold releases provides an audit trail for future reference.

**E. Trace Results**

1. Results of traces received from the Bureau of Alcohol, Tobacco and Firearms (ATF) should be thoroughly reviewed for accuracy and to provide ATF with any missing information that may be requested.



2. Pull the property tag working copy from the Gun Desk files or check EvidenceOnQ. If a Trace request has been submitted by a detective, forward them a copy of the trace results.
3. Attach the trace results to the property tag work copy in the Gun Desk files.
4. On EvidenceOnQ impounds, the trace results must be scanned and attached in the documents field.

**F. Impounded Firearms for Destruction/Disposal**

A firearm being impounded for destruction should be entered as category “OTHER”.

If an officer impounds the firearm and somewhere in the record indicates “for destruction” or “for disposal”, the impounding officer should immediately go into the request monitor and enter a request code #10 – Firearm OK for Dispo. If the impounding officer did not do a request in EvidenceOnQ for dispo (code 10), the PISO should enter the request with authorization for destruction. The Gun desk would use code 14 – Gun Desk authorization, gun good to go). No further review is required.

Also check the incident number to see if other items were impounded for disposal (ammo, magazines, etc.) and confirm they were updated with a code 03, 04 or 05, authorization for disposal. If not, the Gun Desk can submit authorization for disposal (03, 04 or 05). #10 is not used because it is not a firearm.

Firearms that were impounded with a request for destruction will not be eligible for conversion to Department use. The Gun Desk does not need to run a record check on the person who submits a firearm for destruction.

Enter the name of the person who turned in the firearm in the OWNER FIELD.

Check the RI01 box to get the record out the firearm cue and into AFS verification Write in the comments “Turned in for Destruction”.

In the EOQ Request Monitor- enter code #14 – Firearms Good to Go (destruction).

**G. Impounded Firearms at Gun Buy Back Programs**

Firearms impounded through a Gun Buy Back Program are run only for stolen. If the firearm comes back as a reported stolen, it will be offered to the agency that took the stolen report.

All firearms **MUST** be entered into AFS, according to Department of Justice.

Firearms impounded through a GBB Program will not be eligible for conversion to Department use.

**H. Impounding Firearms Received from Another Agency**

The majority of the time firearms received from other agencies are recovered SDPD stolens. The agency will notify the Gun Desk when the firearm is no longer needed by their agency and will coordinate with the Gun Desk Officer to either drop off the weapon at HQ or ask that the Gun Desk Officer come and pick up the firearms.

When coordinating the transfer with the agency, it is important to get as much information about the firearms as possible so that our records can be research and our files updated.

When receiving the firearm, the agency will always provide documentation that pertains to the gun, i.e. receipt, reports, chain of custody, etc. It is crucial that these records be obtained and become part of the SDPD impound record in EvidenceOnQ. If documents are not received with the firearm, it is important to contact the agency and ask for the proper documentation.

Once the firearm is here, create an incident number through the CAD (Computer Automated Dispatch) System.

1. **LOG INTO CAD.** Click on CADIP and enter OP.
  - a. This command will prompt our log in/password entries. Your four-digit ID number is your log in. Fill in your information and then press enter.
2. **GENERATE AN INCIDENT NUMBER.** Enter “GIN”. Fill out the fields, the location and the type.
  - a. **Location**-If you enter the address incorrectly, options will be displayed to select from. Enter from that selection.

- b. **Type**-The type “FOUND” is most common. If the impound fits under an “other” category, use the “CC” code for citizen call.
3. **COMPLETE NEW IMPOUND RECORD IN EOQ.**
- a. In the case number field (directly under the incident number field), enter the SDPD stolen case number.
  - b. Go field by field and enter the appropriate information.
  - c. The RECOVERED LOCATION will always be 1401 Broadway, SD, CA 92101
  - d. Enter your name in the RECOVERED OFFICER field.
  - e. Always enter the name of the assigned detective. Check CRMS to see which detective is assigned. If that detective is no longer with the SDPD, check the assignment history to determine which unit was assigned the case and obtain the representative’s name from that unit from the Disposal Request Contact list.
  - f. In the OWNER field, enter the stolen gun victim’s info. If the report is old run the victim’s name on CAD or SDLaw to obtain a current address from the DL query. Use this address in EOQ.
  - g. These guns will be impounded as SAFEKEEPING.
  - h. For the FIREARM FIELDS, do not take the information off of the report. You must open the gun box and verify that the information from the gun itself and compare it to the stolen report. Everything must match.
  - i. Check the Stolen Gun box.
  - j. In the Agency ORI, include the agency name, case number and date from the Stolen Report.

**RECEIVING:**

- a. Scan the “Received at HQ counter” location barcode.
- b. Scan the “Processed By” location barcode.
- c. Scan the “Gun Verified” location barcode.
- d. Find a location to bin the firearms, scan the location.

- e. Put the gun in AFS verified.

**PROCESSING:**

- a. Open the gun boxes and verify the gun itself matches the information provided.
- b. List the case number in the case number field.
- c. Scan and attach all paperwork the agency provides (chain of custody should always be provided) into the Documents tab.
- d. Enter the detective assigned.
- e. Any additional items that are gun related will also need to be received, processed, barcoded and binned. If there are additional items that are not gun related, have a Property & Evidence Clerk take over on those items.

**BINNING:**

- a. Attach a barcode label and a packaging label. (See Property Room Operations Manual/Procedures Manual)
- b. Bin the gun and related items.

## **INSPECTIONS**

Quarterly inspections are completed as part of the Management Reports.

## **INSTITUTIONAL FIREARMS**

Institutional firearms are those that are owned by a Department and issued for employment purposes. Our Operational Support Unit handles the assignment and tracking of the institutional firearms for the San Diego Police Department. There was a time period, years ago, where the Property Unit handled that task.

If an institutional weapon is lost or stolen, print out the AFS entry reflecting that it is an institutional weapon, scan and attach it to the EOQ record. REMOVE the institutional weapon status in AFS. If the firearm is recovered, forward to Operational Support for re-entry in AFS.

## **INTRA-FAMILIAL FIREARMS TRANSFERS BOF 4544A**

PC27875 or PC27920

Our 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).

### **If a firearm is NOT in our custody:**

**Firearms can be transferred between a parent and a child or a grandparent and grandchild:** As long as the adult child receiving the firearm is not in a prohibited category, the firearm is legal to possess (not an assault weapon, etc.), the transfer of the firearm between a parent and a child or a grandparent and grandchild is exempt from the dealer transfer requirement. The exemption does not apply to stepchildren/stepparents, brothers, sisters, aunts, uncles, or cousins. If the firearm is a handgun, the recipient must obtain a Handgun Safety Certificate prior to taking possession and must also submit a *Report of Operation of Law or Intra-Familial Handgun Transaction* and pay the current fee to the DOJ within 30 days after taking possession. The same rules apply to the return of the firearm at a later date. [PC 27870-27875, 30910-30915]

### **If a firearm is NOT in our custody:**

**Firearms can be transferred to a spouse or registered domestic partner:** As long as the person receiving the firearm is not in a prohibited category, the firearm is legal to possess (not an assault weapon, etc.), the transfer of a firearm between a husband and wife or registered domestic partners is exempt from the requirement to use a licensed dealer to perform the transfer. If the firearm is a handgun, the recipient must obtain a Handgun Safety Certificate

prior to taking possession and must also submit a *Report of Operation or Law or Intra-Familial Handgun Transaction* and pay the current fee to DOJ within 30 days after taking possession. The same rules apply to the return of the firearm at a later date. [PC 16990(g), 27915, 27920(b)]

## **INVENTORIES**

### **PREVIOUS MANUAL MONTHLY GUN ROOM INVENTORIES:**

The two Gun Rooms were previously spot inventoried on a monthly basis. Five random property tags on which firearms were impounded were pulled from the active files. Five random EvidenceOnQ impounds were selected. The bin location was searched and when the firearm was located it was documented on the audit form. Any discrepancies or notes were also indicated on the audit form. These audit forms were scanned and saved in the shared files G: Property/Supervisors Files/Firearm – Gun Room Audits.

### **CURRENT YEARLY GUN ROOM INVENTORIES:**

The two Gun Rooms are currently scheduled for a yearly full inventory of all firearms currently in our custody and control. The inventory function of EvidenceOnQ is used.

## **JUVENILES**

A juvenile is under the age of 18.  
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.

In the PROHIBITED drop down, there are both options, "Juvenile" and "Under 21". If the person is under the age of 18 update as JUVENILE.

If the person is over 18 years old but under 21 years old, update as UNDER 21.

## **JUVENILE FIREARM RESTRICTIONS**

Pursuant to PC29820 and case law: *People v. Joshua R.*, 7 CAL App 5<sup>th</sup>, 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**

Form Number BOF 119 – Law Enforcement Gun Release Application (PC33850).

The Department of Justice refers to this form as a “LEG-ER”, it used to be referred to as a “LEG-RA”. Both terms are commonly used and are interchangeable. This form is available on the DOJ website. The “A” represents “Application”, so technically LEGRA would apply when talking about the form as an application. LEGR would be appropriate when referring to the response, the application could have been approved or denied.

The Law Enforcement Gun Release became effective in January 2005 (PC33850), the purpose is to require a background check on a person, it does not provide proof of ownership.

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.

It is the responsibility of the court or law enforcement agency with custody or control of the firearm to verify that the applicant is the lawful owner or possessor of the firearm. These forms are available on the California Department of Justice, Bureau of Firearms website. If the form is being provided to a gun owner via the Gun Desk, Section B firearm information will be completed by the Gun Desk staff with information from the impound record and the actual firearm. NEW The Gun Desk Officer who prepared the documents are to type their name on the bottom left corner of the form.

Individuals can file their DOJ forms online at: <https://cfars.doj.ca.gov/login.do>  
The benefit of this system is that there is no mail delay, they can pay via credit card and they can upload attachments. Individuals can also mail hard copy applications. FMBUS can only be submitted via CFARS.

If a LEGRA form is being sent to someone on a stolen recovery. See the Stolen-LEGRA section. There is a specific letter required.

If the firearm is not registered to the suspect, and the Gun Desk has not had any contact from the suspect, claiming that they are the owner of the firearm, NO LEGRA letter will be mailed.

If the suspect doesn't claim the firearm and it has been over five years since the DROS, or no DROS, no LEGRA letter will be mailed.

When mailing out a LEGRA, if the person is NOT the registered owner in AFS, also send out the Firearm Ownership Document. The FOD is the form to get the firearm registered in their name.

When mailing out the letter about the LEGRA, the Gun Desk Officer is to type their name on the form.

Scan and attach the LEGRA letter to the EOQ record as an e-document.

Check the individual's address in the California Department of Motor Vehicles system. The DMV is to be notified within 10 days of any change of address. It should be the most current address available.

If a LEGR application is submitted for a gun not already recorded under the person's name in DOJ records, DOJ will process the application but will not change the ownership record of the gun. In most cases, the name of the owner can only be changed when the firearm is transferred by a licensed firearms dealer.

**A law enforcement agency or court may not release a gun to a person unless the gun is recorded in DOJ-AFS records in the name of the individual who seeks its return.**

Law enforcement is not required to retain firearms for more than 180 days after the LEGR letter is sent or is made available by the Gun Desk. The retention code will be updated as "Gun- LEGR", which is a hold for 180 days and it will cease the automated disposal notice emails. This retention will serve as an automated tickler.

If the LEGR letter is returned by the Post Office as undeliverable, the gun will still be held 180 days before processing for destruction.

A Property Release Form from the Gun Desk AND a HQGR request code entry is needed in addition to a LEGR in order for a firearm to be released.

**ACTIVE MILITARY:** If someone has verification that they are active duty military and their PERMANENT DUTY STATION is in CALIFORNIA and they have lived here six months or longer, they MUST register their firearms. They also need the LEGR approval.

If someone has verification that they are active duty military, and their permanent duty station is not in California, they do not need to register the firearm in California, but they still need the LEGR approval.

**OUT-OF-STATE RESIDENTS:** If someone resides out-of-state, if they want to pick up a firearm, they need to submit their LEGR form with the address from



that state. The LEGR response will be directed specifically to someone who resides outside of California and registration through AFS/DOJ will not be required. If they want the firearm to be shipped from a gun dealer here to a gun dealer in their state, they would not need to get a LEGR. They would be required to go through that state's process to obtain the gun from the out-of-state dealer.

**POLICE OFFICERS:** Police Officers must register their personal firearms and also need to go through the LEGR approval process. They are not an exception.

**EXAMPLE:** Incident 15120010131

LEGRA Form

LEGRA Instructions

CA DOJ Forms

Request Monitor – Code #10

Change retention code to “Gun-LEGRA, put date LEGRA mailed. On calculation it will give 180 days.

Scan and attach a copy of the LEGRA instructions

Make sure firearm is legal in California, then fill out the form.

When mailing out the LEGRA form, record checks are not done on the individual prior to the mailing. If the person is prohibited from owning a firearm, for whatever reason, DOJ will deny their application, should they submit one. If the person knows they are prohibited, they will likely not submit an application. The letter informs them that they can transfer their firearm(s) to a Gun Dealer for sale purposes. Even if the person is prohibited, they still have the right to their property. It is just that they will have to sell their item through a licensed gun dealer.

Upon completing the LEGRA mailing, the PISO who did the mailing is to enter their name as the Assigned Detective.

## **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/infobuls](http://oag.ca.gov/infobuls). [See Attachments Section]

### **GUN LAWS PASSED IN 2016 – EFFECTIVE DATES**

Provided by the San Diego County Gun Owners website



### **Effective Dates for Gun Laws Passed in 2016**

#### **Effective Right Now**

- Illegal ammunition transfers (sales to prohibited persons, ammo straw purchases)
- Additional regulations on display of ammunition for gun shops.
- New firearms “lending” restrictions. Does not stop allowing others to use your firearm in your presence.
- “Bullet Button” firearms must follow Assault Weapon rules (even if not yet registered as such)

#### **January 1, 2017**

- No more sales of firearms with “Bullet Buttons”, but no impact on “featureless” firearms and firearms that do not fit the definition of a detachable magazine (Patriot Button, ARMagLock, etc).
- Mandated report of all lost and stolen guns.

#### **July 1, 2017**

- Magazine possession ban of normal capacity magazines (Magazines that can hold 11 or more rounds).

#### **January 1, 2018**

- Ammunition sales process (deadline for completion of regulations).
- Ammunition vendor licensing requirement
- Ban on internet sales, required registration on face-to-face ammunition sales, and ammunition purchase permits.
- Prohibited person firearms confiscation.
- All Bullet Button firearms must be registered as “Assault Weapons” before this deadline. Firearms that are featureless or require the action to be open to change a magazine do not have to register as “Assault Weapons”.

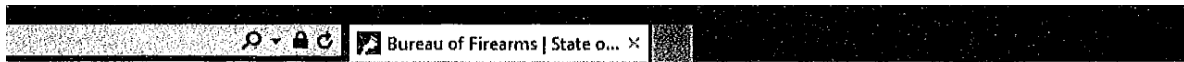
#### **July 1, 2018**

- Must start to serialize future home built firearms.

#### **July 1, 2019**

- Ammunition purchase permit.
- Must serialize all home built firearms built before July 1, 2018.





State of California  
Department of Justice



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Firearms

## BUREAU OF FIREARMS

I

### Welcome to the California DOJ Bureau of Firearms

The Bureau of Firearms serves the people of California through education, regulation, and enforcement actions regarding the manufacture, sales, ownership, safety training, and transfer of firearms. Bureau of Firearms staff will be leaders in providing firearms expertise and information to law enforcement, legislators, and the general public in a comprehensive program to promote legitimate and responsible firearms possession and use by California residents.



### New Firearms Legislation: "Bullet Button" Firearms will be Considered Assault Weapons Effective January 1, 2017

Pursuant to Assembly Bill 1135 (Stats. 2016, ch. 40) and Senate Bill 880 (Stats. 2016, ch. 48) effective January 1, 2017, the definition of assault weapon is revised.

These bills will require that any person who, from January 1, 2001, to December 31, 2016, inclusive, lawfully possessed an assault weapon that does not have a fixed magazine, as defined in Penal Code section 30515, including those weapons with an ammunition feeding device that can be readily removed from the firearm with the use of a tool, shall register the firearm before January 1, 2018, but not before the effective date of the regulations adopted by the DOJ.

These bills will also require registrations to be submitted electronically via the Internet utilizing a public-facing application made available by the DOJ. These bills will require the registration to contain specified information, including, but not limited to, a description of the firearm that identifies it uniquely and specified information about the registrant. These bills will permit the Department to charge a fee of up to \$15 per person for registration through the Internet, not to exceed the reasonable processing costs of the Department to be paid and deposited, as specified, for purposes of the registration program. These bills will require the Department to adopt regulations for the purpose of implementing those provisions and will exempt those regulations from the Administrative Procedure Act. These bills will also make technical and conforming changes.

Assembly Bill 1135 and Senate Bill 880 also define the meaning of "fixed magazine" to mean an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

This new legislation closes the "bullet button" loop hole and categorizes "bullet button" firearms as assault weapons.

Find out more about Assembly Bill 1135 and Senate Bill 880

**UPDATE AS OF JANUARY 10, 2017:** The ability to register an Assault Weapon pursuant to Assembly Bill 1135 and Senate Bill 880, is not yet available. Pursuant to AB 1135 and SB 880, Assault Weapon registration regulations must be effective before any registrations can take place. At this time, the regulations are still pending, however they should be effective in the very near future. Please continue to check the Bureau of Firearms website for updates.

San Diego Police Department – Property & Evidence Unit  
GUN DESK OPERATIONS MANUAL

STATE OF CALIFORNIA  
(Rev. 8/2017)

DEPARTMENT OF JUSTICE  
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CALIFORNIA DEPARTMENT OF JUSTICE  
BUREAU OF FIREARMS



**New Firearm/Weapon Laws**  
**URGENT AND TIME SENSITIVE**  
**YOU MAY BE IMPACTED**

Assembly Bill 1135/Senate Bill 880 – Firearms: Assault Weapons

**Effective January 1, 2017, firearms that currently have a “Bullet Button” will be considered assault weapons. If you are in possession of an affected firearm, it must be registered by June 30, 2018.**

- The law will revise the definition of “assault weapon” to mean a semiautomatic centerfire rifle or semiautomatic pistol that does not have a fixed magazine, but does have at least one specified characteristic.
  - A rifle that has at least one of the following: pistol grip; thumbhole stock; folding/telescoping stock; grenade/flare launcher; flash suppressor; forward pistol grip.
  - A pistol that has at least one of the following: threaded barrel; second handgrip; shroud attached to the barrel to protect the bearer’s hand; ability to accept a magazine outside the pistol grip.
- The law will exempt from punishment a person who possessed an assault weapon prior to January 1, 2017, if specified requirements are met:
  - The person lawfully possessed an assault weapon that does not have a fixed magazine, including weapons with an ammunition feeding device that can be removed with a tool, from January 1, 2001 to December 31, 2016.
  - The person registers the assault weapon with the Department of Justice by June 30, 2018. The registration must be submitted electronically via the internet, through the California Firearms Application Reporting System (CFARS) at <https://cfars.doj.ca.gov>. The registration period will be August 2017 through June 30, 2018.
- A “fixed magazine” means an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.
- The department is drafting regulations that specify the acceptable methods of registering an assault weapon.

Assembly Bill 857 – Firearms: Ghost Guns (Identifying Information)

- 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 is drafting regulations that specify the acceptable procedures for obtaining a serial number for a firearm that does not possess one.

*For more information, visit our website <https://oag.ca.gov/firearms/>. To learn more about the firearm laws, refer to the CA Legislation Information page. <http://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml>*

## **LOADED FIREARMS**

All loaded firearms are to be impounded with the Watch Commander. The Firearms Unit of the Crime Lab will retrieve the firearm. If they are unable to make the firearm safe, and it is to be destroyed, they will notify the Gun Desk. The Gun Desk will transfer the firearm in EvidenceOnQ to “LAB FD” – Lab Firearm Destroyed. The Gun Desk will make an entry in the Notes Log – Comments that the Crime Lab will destroy the firearm over time with complete and constant exposure to salt water.

## **LOCATION CODES**

“HQGR” – Gun Desk authorization for release. The Gun Desk staff will need to disable this code when not entering it so that detectives do not use it in error.

“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**

Obtain a hard copy of all reports submitted to SDPD for lost firearms via NetRMS.

Select “Reports” – “Admin” – “Firearms Entry Report”, select date, drop down options. The E is required before the incident number.

Enter the firearms in AFS.

NEW Prepare an ARJIS-4, reflecting the cancellation entries in AFS, and scan it to NetRMS. Dot one is the original report. Every subsequent report has a new dot number. Dot two, dot three, etc.

File the report, so that a copy will be available if the firearm is ever recovered. The Records Unit may have purged the report by the time the firearm is recovered. The hard copy of the report will be the only way to contact the owner.

## **MAIL- Incoming mail**

Mail can be located 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**

As of September 2018, there were 1,857,600 records in the mental health firearm prohibitions database.

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. It 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
- WIC 5152 – **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.

You can include the item numbers on which the comment pertains and then select “on all items” to make the entries quickly.

## **ORI**

SDPD Gun Desk Department of Justice ORI code is **CA 037 1146**. Any questions or mail regarding ORI codes should be forwarded to Crime Analysis

## **PACKAGING PROCEDURES**

NEW

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.

**EVIDENCE HANDGUNS (Not Safekeeping):** Handguns impounded as EVIDENCE are to be placed within an envelope or a brown paper bag, and that envelope or bag is to be barcoded and then placed within a gun storage box. If a magazine is received loose with the handgun, it is to be placed in a separate envelope, with a different barcode number and placed inside the same gun storage box as the firearm. If ammunition is received with the handgun, it is to be placed in a separate envelope, with a different barcode, but packaged within the gun storage box. If the handgun is received in a hard case, all of the above procedures apply, and an additional barcode will be assigned for the hard case. The firearm, in an envelope, may be placed back in the hard case, with the hard case and other items all placed within the gun storage box.

## **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 Gun Desk Officers, who will impound the firearms.



## **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. It is not required that contacts have actually been made with the individual or that a detainee be taken to a mental health facility for evaluation, in order to pursue a court petition under this section (See Reference Manual Section.)

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.

\*Harbor Police: The City Attorney's Office does not process Petitions for the Harbor Police. They turn in their requests to the Port Attorney. If a petition is requested through the Port Attorney, HPD will forward a copy to the Gun Desk.

### **If the violation code entered in EvidenceOnQ is:**

- **5150**
- **11-45**
- **Attempted Suicide** or
- **930000 ZZ**

If the firearm is impounded under the above listed circumstances and it is registered to someone else, it may be released to that person if the circumstances warrant the release. If a firearm is not registered and is claimed by another person, that person must provide proof of ownership or a court order. The circumstances surrounding the impound must be carefully evaluated prior to release in lieu of pursuing an 8102 petition.

**NEW** The Gun Desk PISO is to send the Petition email, complete packet, including the Form and Instructions, to the officer who completed the report in NetRMS, usually the contacting officer, as that officer would likely have the most knowledge of the incident. If another officer has the most knowledge of the incident, that officer should receive the email. The "Recovered by Officer" is not always the most knowledgeable of the details of the incident. **READ THE**

NetRMS REPORT to determine which officer should receive the email. The email can be sent to more than one officer, when appropriate.

This email is to determine if the officer plans to file a petition to request that the firearm be destroyed. *[See form Property/Gun Desk/8102 WI Petition Memo]*

The email will be sent **with a receipt requested** to:

- Contacting Officer/Officer with most knowledge of incident
- Officer's Sergeant/Supervisor
- Any assigned detective in CRMS/NetRMS
- cc: Lieutenant over Neighborhood Policing-HOT/PERT

Send the email "RECEIPT REQUESTED". Use the "High Importance" indicator.

The "sent copy" of the email is to be saved as a document in EOQ. The receipts received for reading the email are also to be saved as documents in EOQ.

If no response is received and no "receipt" is received, after 7 days, send a second email to the same group and add the next level or supervisor. If the original email was to an officer and sergeant, the second email should include the lieutenant. Again, send the email with a receipt requested. Any sent email and receipts received are to be saved as documents in EOQ.

1. If the officer responds that a court petition will be pursued, make an entry in the NotesLog in EOQ that Officer \_\_\_\_ is pursuing the petition, scan the email with the officer's response to the EOQ impound record as a document.
2. The officer must complete the packet pursuant to the current instructions.
  - a. A 30-day extension to the initial filing period may be requested of the court if there are mitigating circumstances (i.e., officer was on extended leave or sick, etc.)
3. The City Attorney's Office will notify the Gun Desk Officers via email if an 8102 petition has been filed with the court.
  - a. The Gun Desk Officer will enter this information in the NotesLog and scan and attach the email from the City Attorney's Office.
  - b. The detainee will be notified by mail from the City Attorney's Office that they need to contact the court, within 30 days of the receipt of the notice, to confirm a desire for a hearing regarding the petition. Failure to respond will result in a default order forfeiting the firearm or other deadly weapon. The request for a hearing is to be forwarded in writing to the San Diego Superior Court, Attn: 2<sup>nd</sup> Floor

Mental Health Desk, Room 2005, PO Box 120128, San Diego, CA. 92112-0128. See sample of this notice.

4. NEW If an ex-parte minute order is received indicating that the 8102 hearing is scheduled, scan the original into EOQ.
  
5. If the detainee inquires about the firearm before the 30-day filing period has expired, explain the circumstances to him/her. If the 30-day filing period has expired, check EOQ record to determine if we received notification from the City Attorney's Office that the petition has been filed. If we didn't receive notification from the City Attorney's Office, contact the Police Legal Advisor secretary to ascertain whether the petition was filed.
  - a. If the petition was not filed within the 30 day filing period and no extension was requested due to mitigating circumstances, the firearm may be eligible to release to the owner, after a final background check is conducted to ensure he/she is not prohibited under WI 8103.

The individual would still need to meet the additional requirements in order to receive the firearm back.
  
  - b. If the petition was filed, inform the individual. Make an entry in the NotesLog that the petition is pending and hold for the outcome of the hearing and if applicable, the holding period.
  
6. Upon receipt of a court order, scan it in EOQ and process the impound according to the order of the court.

**\*\* In the following three scenarios, the firearm will have to be sold or transferred through a licensed dealer pursuant to PC33870 and WI8102 (e),(f),(h):**

- a) SDPD files 8102 petition and FORFEITURE OF THE FIREARM IS PENDING [WI8102(e)] or
- b) SDPD files 8102 petition and OWNER NEVER REQUESTS A HEARING, and a default order is issued [WI8102(f)] or
- c) SDPD files 9102 petition and THE COURT GRANTS THE PETITION, and orders the firearm destroyed [WI8102(h)]

If the 8102 petition is denied, then subsection (d) applies and the firearm must be made available for return, upon compliance with requirements of LEGR [PC33850]. This also applies if a petition is not filed.

\*\*Clarified in memo from Paige Folkman 1-30-17 5:47

7. Firearms ordered to be destroyed by the court under this section must be held an additional 180 days past the date on the court order to allow the respondent the opportunity to file an appeal or to allow the respondent an opportunity to contact a licensed gun dealer to make arrangements to sell the firearms.
  - a) Note the barcode number in the tickler file folder so that will come up for disposal after the 180-day period.
  - b) Impounds through EvidenceOnQ have the retention code “Gun Court Order – 180-day hold” that is entered at the time the court order is received.
8. Enter the Gun Desk Officer as the detective assigned in EvidenceOnQ.

\*Harbor Police: The Gun Desk Officer will not be the assigned detective for HPD cases. The Harbor Police are required to enter their disposition authorization, including on 5150's.

**NOTE: The “Power of Attorney Declaration for Firearms Transfer & Disposal” (Form FD-110) does not apply to impounded firearms. This form is for firearms that the individual has in his/her possession.**

San Diego Police Department – Property & Evidence Unit  
**GUN DESK OPERATIONS MANUAL**

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*\*\*Pursuant to a memo from Linda Peter, DCA, dated 10-10-13, “deadly weapon” as used in WI 8102 has the meaning prescribed by WI8100. Per WI 8100(e), “deadly weapon” as used in section 8103 means any weapon, the possession or concealed carrying of which is prohibited by any provision listed in Section 16590 of the Penal Code. Penal Code section 16590 lists “generally prohibited weapons” as any of the following:*

- a) An air gauge knife – Section 20310.*
- b) Ammunition that contains or consists of a flechette dart – Section 30210.*
- c) A ballistic knife – Section 21110. [Spearguns are excluded]*
- d) A belt buckle knife – Section 20410.*
- e) A bullet containing or carrying an explosive agent – Section 30210.*
- f) A camouflaging firearm container – Section 24310.*
- g) A cane gun – Section 24410.*
- h) A cane sword – Section 20510.*
- i) A concealed dirk or dagger – Section 21310.*
- j) A concealed explosive substance, other than fixed ammunition – Section 19100.*
- k) A firearm that is not immediately recognizable as a firearm – Section 24510.*
- l) A large-capacity magazine – Section 32310.*
- m) A leaded cane or an instrument or weapon of the kind commonly known as a billy, blackjack, sandbag, sandclub, sap or slungshot – Section 22210.*
- n) A lipstick case knife – Section 20610.*
- o) Metal knuckles – Section 21810.*
- p) A metal military practice hand grenade or a metal replica hand grenade – Section 19200.*
- q) A multiburst trigger activator – Section 32900.*
- r) A nunchaku – Section 22010.*
- s) A shobi-zue – Section 20710. (Shobi-zue = staff, stick, rod or pole concealing a knife/blade)*
- t) A short-barreled rifle or short-barreled shotgun – Section 33215.*
- u) A shuriken – Section 22410.*
- v) An unconventional pistol – Section 31500.*
- w) An undetectable firearm – Section 24610.*
- x) A wallet gun – Section 24710.*
- y) A writing pen knife – Section 20910.*
- z) A zip gun – Section 33600.*

B. **PC18400 COURT PETITION** [DV]

A police officer who is at the scene of a DV incident involving a threat to human life or physical assault, shall take temporary custody of any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual or other lawful search as necessary for the protection of the peace officer or other persons present. (PC18250).

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. *[PC13730I 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 – NO PETITION EMAIL IS NECESSARY** per the DV Unit. 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.

A record check is completed to determine if other justification exists for retention of the firearm, such as a restraining order or a disqualifying conviction. If no other justification exists, **IF** the firearm is impounded as **SAFEKEEPING** – the Gun Desk staff will send the Petition email, the Form and Instruction Sheet, with a **receipt requested to the assigned detective**. *[The responding officer does not need a Petition email, per the DV Unit.]*

The “sent copy” of the email is to be saved as a document in EOQ. The receipts received for reading the email are also to be saved as documents in EOQ.

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.

If no response is received and no “receipt” is received, after 7 days, send a second email to the same group and add the next level or supervisor. If the

original email was to an officer and sergeant, the second email should include the lieutenant. Again, send the email with a receipt requested. The sent email and any receipts received are to be saved as documents in EOQ.

1. If the officer responds to the email indicating that a court petition will be pursued, the Gun Desk staff will send the officer a PC18400 packet. *[see form Property/Gun Desk/Officer Instructions – PC18400 Petition] [see form Property/Gun Desk/Officer Declaration PC18400 Petition]*
  - a. Make an entry in EOQ in the Noteslog that the officer is pursuing the petition, scan the email with the officer's response into the EOQ impound record.
  - b. The detainee will be notified by mail from the City Attorney's Office that they need to contact the court, within 30 days of the receipt of the notice, to confirm a desire for a hearing regarding the petition. Failure to respond will result in a default order forfeiting the firearm or other deadly weapon. The request for a hearing is to be forwarded in writing to the San Diego Superior Court, Attn: 2<sup>nd</sup> Floor Mental Health Desk, Room 2005, PO Box 120128, San Diego, CA. 92112-0128. See sample of this notice.
2. The officer must complete the packet pursuant to the current written instructions.
  - a. A 30-day extension to the initial filing period may be requested from the court if there are mitigating circumstances (i.e., officer was on extended leave or sick, etc.)
3. If an ex parte minute order is received indicating that the PC18400 hearing is scheduled, send a copy to the officer who filed the petition and scan the original into EOQ.
4. If the detainee inquires about the firearm before the 60-day filing period has expired, explain the circumstances. If the 60-day filing period has expired, check EOQ record to determine if we received notification from the City Attorney's Office that the petition has been filed. If we didn't receive notification from the City Attorney's Office, contact the Police Legal Advisor secretary to ascertain whether the petition was filed.
  - a. If the petition was not filed within the 60 day filing period and no extension was requested due to mitigating circumstances, the firearm may be eligible to release to the owner, after a final background check is conducted to ensure he/she is not prohibited under WI 8103.

The individual would still need to meet the additional requirements in order to receive the firearm back.

- b. If the petition was filed, inform the individual. Make an entry in the NotesLog that the petition is pending and hold for the outcome of the hearing and if applicable, the holding period.
5. Upon receipt of a court order, scan it in EOQ and process the impound according to the order of the court.
6. Firearms ordered to be destroyed by the court under this section must be held an additional 180 days past the date on the court order to allow the respondent the opportunity to file an appeal.
  - a) Note the barcode number in the tickler file folder so that will come up for disposal after the 180-day period.
  - b) Impounds through EvidenceOnQ have the retention code “Gun Court Order – 180-day hold” that is entered at the time the court order is received.
7. Enter the Gun Desk Officer as the detective assigned in EvidenceOnQ.



## **PROCESSING PACKETS (FIREARM)**

When firearms are RELEASED or DESTROYED, the Firearm Processing kit will be retained for a period of ten years, even if the Property Room receives destruction authorization from the assigned detective. Having these processing kits available may assist with solving future shootings/homicides. This time period is not required by law, it is something agreed upon between the Crime Lab Firearms Unit Manager and the Property Room Manager.

When a gun is being processed for RELEASE or DESTRUCTION, the Gun Desk PISO will search the incident for any firearm processing kits. If any are located, the PISO will follow the steps below to retain the processing packet for an additional ten years.

After the 10-year retention period, no additional detective authorization is required prior to destruction.

### **Firearms Processing Packets**

- 1) Scan item
- 2) Delete the request from the request monitor
- 3) Change detective name to your name
- 4) Set retention code to Firearms Processing Packet and add date the item is being processed by you on the calculation section
- 5) Place Firearms Processing Packet in an envelope
- 6) Add a packaging label and barcode to the envelope (See Property Room Operations Manual- Packaging)
- 7) Staple the envelope closed
- 8) Place firearms processing packet in order by incident number (low to high) in Firearms Processing Packet boxes which are currently located in the “T” bins
- 8) Scan item to location

## **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 self 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 restraining/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. Verify the firearm information is correct and that we have each firearm before completing and signing this form.

### **PROPERTY TAGS**

Original property tags remain in the Property Room Office. Either in the ACTIVE files or the DEAD files. The photocopied tag and attached records are the Gun Desk “Working Copy”. The working copies are filed in property tag order in a file cabinet between the two Gun Desks.

The homicide tags are filed in a separate sequence.

The Gun Desk Officers make their notes and attach documents to the Working Copy. When the firearm is reaching the final disposition, either release or destruction, the original property tag is pulled and the records are placed together, with the working copy attached to the back of the original property tag.

As property tags are entered in EOQ, the working copies are scanned and attached to the EOQ record and then attached to the original tag before it is placed in the dead files.

## **QUERIES**

### **TOOL BAR CUSTOMIZATION**

Tool Bar – Right Click

Customize

Commands

Custom Queries – AFS Verified – Click and drag to toolbar

Once dragged, click on the image and text

## **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.

- Operations – Auto Print
- Refresh List
- Firearms Lost and Stolen
- Date Range

There are specific instructions as to how to process firearms located on this list.

## **REGISTRATION OF FIREARMS - CITIZENS**

If firearms are not in the custody of a law enforcement agency, the following processes apply.

Citizens who have personally owned firearms that are not registered with the State of California may do so with the appropriate registration forms available on-line or through the Gun Desk. They may also register firearms obtained as a result of an inheritance or a death in the family. Handguns and long guns (eff. 1-2014) being imported into the State of California must be registered with the State within 60 days.

1. If the firearms were inherited or obtained as a result of a death in the family, issue a *Report of Operation of Law or Intra-Familial Firearm Transaction (BOF 4544A)* and instruct them to fill it out completely and mail to the address on the form along with the applicable fee. It is helpful if the Gun Desk staff completes the Gun Information details of the form.
2. If the individual just moved into the State of California, they are to complete the *New Resident Form (BOF 4010A)* within 60 days.
3. Issue *Firearm Ownership Report (BOF 4542A)* to citizens importing all guns into the state and for registration under any other circumstances than #1. Instruct them to fill out the form completely and mail it to the address on the form along with the applicable fee. The firearms must have been brought into the state within the previous 60 days, otherwise the *Firearm Ownership Report* must be used.

## **RELEASING FIREARMS**

**NOTE: THE PRIMARY CONCERN IN RELEASING A FIREARM IS THE SAFETY OF OFFICERS AND THE COMMUNITY**

A Property Release Form (PD-184) must be completed for the release of all firearms. Only personnel assigned to the Gun Desk may authorize the release of impounded firearms (DP 3.02).

Property tag impounds may be completed on a hard copy Property Release Form. EvidenceOnQ impounds should be completed on the electronic version of the Property Release Form, directly through EvidenceOnQ. The electronic version will have the barcode scans on the form.

Firearm releases must bear the signature of the Gun Desk Officer authorizing the release. Property Room personnel will not release a firearm if the Property Release Form does not contain approval from the Gun Desk Officer and have the record check stamp affixed with the boxes checked, the Gun Desk PISO's initials and the date. The AFS check needs to be completed and initialed also. The date must be the same day as the release or just one day prior. The current date indicates that the record check is clear as of this date.

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. Usually, when the person is ready to schedule their pick-up appointment, they are asked if they have received the "Clearance Letter with the big gold seal from the Department of Justice". If they say yes, and no other documents are required, and all other requirements to issue the PRF has been met, the form can be generated, and the appointment scheduled. Generally, the appointment should not be scheduled until the Gun Desk has had a chance to review required documents, i.e. death certificates, trusts, wills, probate forms, contracts with Gun Dealers, etc. If an issue arises with one of the forms, communication regarding the necessary information can be made over the telephone and not handled once the person arrives at the counter.

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

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 must be entered in the Comments Tab, NotesLog.

A full criminal background check **MUST** be conducted on all recipients the day of or one day prior to the release of a firearm. There may be circumstances in which a background check will not be necessary such as releases to persons performing the duties of their official capacity.

Firearms shall not be released to persons who are legally prohibited from possessing firearms (ie., convicted felons, PC29805 prohibitions, active restraining orders, etc.)

Pursuant to the California Department of Justice guidelines and in accordance with Title 18 United States Code 922, firearms will not be released to persons with pending criminal charges in which, if convicted, will prohibit them from possessing firearms.

For safety reasons, ammunition will never be released on the same day as firearms. Ammunition may be released no sooner than one day after the firearm has been picked up (exception: ammunition may be released with a firearm to peace officers, persons who possess CCW permits, and other circumstances as deemed appropriate).

At the time of release of a firearm, the Gun Desk Officer is to check the entire incident for other gun related items (ammo, magazine, holster, etc.) and if eligible for release, complete the Property Release Form and do the Request Monitor entry in EOQ. If eligible for destruction, do the Request Monitor entry for disposition (code 03, 04 or 05).

Illegal firearms (i.e., sawed off, removed serial number, altered serial number, unregistered assault weapons, etc.) will not be released to citizens. They may be released to other law enforcement agencies or other entities for official purposes such as investigations or examination.

#### A. Evidence

Pursuant to guidelines established by the Police Legal Advisors, firearms being held for evidence must not be released until the crime case has been completely adjudicated. Evidence firearms shall be retained for a minimum of six months after the date of sentencing to allow for appeals, unless a court order is presented for an earlier release.

Firearms from unresolved cases or pending appeals may only be released upon presentation of a court order or documentation from the prosecuting attorney that specifically directs the release of the firearm(s) while the case is still pending. Each case must be carefully reviewed. The detective assigned to the case must be notified and agree to the release, if a court order is received to release a firearm from an active case.

It must be ascertained that there are no holds on a firearm before authorizing its release.

If a firearm was impounded pursuant to a SEARCH WARRANT, a court order is required to take any disposition action on that firearm, whether it be for release or destruction. The detective assigned to the case is responsible for preparing the declaration and order. A template is available in the shared files.

1. Verify that the case has been adjudicated by using the RI01, DA09, or DA10 screens in the County computer system. If there are multiple defendants on the case, ensure that the case has been adjudicated against all defendants. If a disposition cannot be located, check to see if a case disposition is entered in the California CII rap sheet.

Scan a printout of the case disposition to the impound record or enter the details of your findings which justify the release of the firearm.

If you cannot determine the status of the case, send a manual disposition notice email request to the investigator assigned to the case.

*Sample e-mail notice:*

The property tag number indicated above is up for disposal review.

**The following items were impounded: CD, blue shirt, bat**

Please take one of the following actions:

- Authorize the release to owner by completing a Property Release form.
- Authorize the disposal and indicate one of the following reasons  
(1. Owner unknown, 2. Unclaimed, 3. No value or  
4. Contraband)
- Notify us that the items impounded need to be retained and when this tag should be reviewed again (6 months, one year, 10 years from impound date, etc.)

Enter in EOQ, in the Noteslog, that a manual disposition notice has been emailed, the date it was emailed, and to who the notice was sent.

When the disposition email response is received from the detective, request that the detective go into the EOQ Request Monitor and select the correct disposition code.

Release the firearm only if the detective indicates that it may be released you determine the recipient is legally entitled to receive the firearm. The standard process, including LEGRA is required.

If the detective indicates that the firearm may not be released, ask the detective to go into EOQ Request Monitor and request a hold, indicate the reason for the hold, and enter a new date for the next review.

If the assigned detective indicates that the case was forwarded for prosecution and a disposition cannot be found in the County system, the claimant may be required to obtain proof of the dismissal or case rejection from the prosecuting attorney. Otherwise, the firearm must be held until the statute of limitations expires.

2. To verify ownership, check the Automated Firearm System (AFS) to determine the registered owner. If the AFS does not show a registered owner and the person from whom the gun was taken is claiming it, you may release it to him/her if he/she is not legally prohibited from possessing firearms. They have to register the firearm in their name before it can be released to them. The standard release processing is required including LEGR.
3. If a gun from a case in which charges were dropped is claimed by someone other than whom it was taken from and the firearm is not registered to that person, he/she must provide proof of ownership or present a court order. They would still be required to go through the LEGR process and have the firearm registered in their name before it could be released to them, even with the court order.
4. A stolen firearm, reported to SDPD, may be returned to its rightful owner if he/she is not legally prohibited from possessing firearms after the case for which it was impounded has been adjudicated and the appeals period has expired. The owner is still required to go through the LEGR process and have the firearm registered in their name before it could be released to them.
5. If the registered owner claims a gun was used in a crime by another person, and the gun is not reported stolen, the following are the general guidelines:
  - a) Adjudicated misdemeanor case: If the court ordered the gun destroyed, the registered owner must obtain a court order for release. If the court did not order the gun destroyed, the gun may be released to the registered owner if he/she is not legally prohibited from possessing firearms. The owner is still required to go through the LEGR process and have the firearm confirmed it is registered in their name before it could be released to them.



- b) Adjudicated felony case: Firearms used in a felony crime are considered a nuisance pursuant to PC19190. The registered owner must obtain a court order for release. Even with a court order, the owner must not be legally prohibited from possessing a firearm and would still be required to go through the LEGR process and have the firearm confirmed it is registered in their name before it could be released to them.
6. Anyone other than the person from whom the firearm was taken, or the registered owner, must provide proof of ownership or a court order to retrieve a gun from an adjudicated crime case. Circumstances will sometimes allow the release of a gun without proof of ownership. Consulting the impound officer or detective assigned to a case may assist in ascertaining information to make a determination. The claimant may also be required to sign a Notice of Claim and Declaration of Ownership as further testimony as to their claim of ownership.

*[Form available in F: Templates/Administrative/Decl. of Ownership]*

#### B. Safekeeping

Generally, a safekeeping firearm may be released to its owner after the issue for which it was impounded has been carefully reviewed. It should be ascertained that there are no other holds before issuing a Property Release Form.

All notes, reports, and A-9's should be carefully reviewed prior to making a determination. If in doubt, do not release the firearm until a definite determination can be made. The impounding officer may also be consulted to gather further information surrounding the impound.

1. Firearms may be released to the owner if the firearm is a legal weapon and the owner is not legally prohibited from possessing firearms, providing all other requirements are met, including the LEGR process and registration of the firearm in the owner's name.
2. Firearms impounded from the scene of a domestic violence pursuant to PC18250 must be held for a minimum of 48 hours and can usually be made available for the LEGR process, to the owner within 72 hours. Firearms may be held beyond 72 hours if necessary to complete a full criminal background check. The reason should be thoroughly explained to the claimant.
3. PC13730I – No crime DV, documenting the event only, needs to be authorized for disposition by the detective.

4. Do not release a domestic violence safekeeping firearm until the email sent to the Domestic Violence Unit, when the impound was initially being processed, has been responded to by the assigned detective.

If the detective has indicated that a court petition to destroy the firearm will be pursued under PC18400, inform the claimant of the circumstances and hold the firearm a minimum of 30 days or until a court judgment has been received.

If the detective has indicated that a court petition will not be pursued, the firearm may be made available for possible release, providing all of the requirements are met, including the claimant not being prohibited from owning firearms, the required LEGR process and registration of the firearm in the claimant's name.

C. Mental Health Detainees (Including Attempted Suicide and Suicide Threats)

If a mental health detainee is legally prohibited from possessing firearms, retain the firearm based on the prohibition.

1. If the impounding officer's response to the 8102 memo that was sent to him/her when the impound was originally processed indicated that he/she will pursue the WI8102 petition, process the impound in accordance with the section on WI 8102 Court Petition.
2. If the impounding officer's response to the 8102 memo indicates that he/she would not be pursuing the WI8102 petition, the process will be as follows:

The firearm will be held for a minimum of 30 days pursuant to WI8102. If the detainee inquires about release of the firearm, a background check will be conducted after the initial 30 days. The firearm may be released if the detainee is not legally prohibited from possessing firearms, goes through the LEGR approval process and the firearm is registered in the detainee's name.

If the background check reveals a mental health hit, obtain the issue date and expiration date. This information must be documented in EvidenceOnQ, in the Comments Tab, NotesLog.

D. Other Property

With the exception of illegal firearms (i.e., sawed off, removed serial number, altered serial number, unregistered assault weapons, etc.) a reasonable attempt should be made to locate the legal owner of any "found" firearms.

E. Suicide/Death Firearms

The Adult Missing Persons unit must review all suicide and death cases to determine whether the firearm is needed as evidence in the case. Do not release a firearm from a suicide or death case without prior approval from a detective from the Adult Missing Persons Unit (AMP Unit). Illegal firearms may not be released (i.e., sawed-off, unregistered assault weapons, etc.) Suicide firearms will be classified as nuisance firearms and must be processed accordingly.

1. Firearms from actual suicides and deaths may be released to a spouse, public administrator, next of kin, or a member of the family based on presentation of an original death certificate AND a will, probate, trust. If there isn't a will, probate or trust, a court order must be presented OR an Affidavit for Collection of Personal Property form must be executed and signed by the family member requesting to obtain property. This Affidavit only applies if the gross value of the decedent's real and personal property in the state does not exceed \$150,000. The person receiving the firearm must go through the LEGR process and have the firearm registered in their name or enter into a contract with a Gun Dealer for the sale of the firearm.

DEATH must be confirmed by a certified copy of a death certificate.

The purpose of Probate Code section 13100 and the **Affidavit for Collection of Personal Property** is to allow the successor of a decedent to collect money and property when the gross value of the decedent's real and personal property in the state does not exceed \$150,000., without procuring letters of administration or waiting for the probate process, **after 40 days have passed** from the date of death. It is up to the person presenting the affidavit to determine that they are, in fact, a beneficiary of a will or an heir who is legally entitled to inherit the property. The affidavit must be accompanied by a certified copy of the deceased's death certificate. The statute allows the holder of property (SDPD) to rely on the signed affidavit under penalty of perjury. There is no requirement that the affidavit be notarized.

*[See form Property:/Gun Desk/Affidavit for Collection of Personal Property]*

*There is a "fill in the blank" form on the Sacramento public library website.*

<http://saclaw.org/wp-content/uploads/2015/01/form-affidavit-for-collection-of-personal-property.pdf>

2. A Conservatorship of Estate on the approved Judicial Council form (GC-350)(7-1-2015) is acceptable IF:
  - a) the named conservator has authority to administer the estate (Probate Code 8400), which includes the authorization to sell the deceased person's personal property under certain circumstances (Probate Code 10000). The conservator will be specifically named in line #1 of the form. The deceased person will also be specifically named in the first line of the form.
  - b) box #4 is NOT checked, if that box is checked it would indicate that the conservator is not authorized to take possession of personal property without a specific court order. If box #4 is checked, a court order would also be required.

The *Letters of Conservatorship (GC-350)* does not itself transfer title of the firearm. [Katz v. Greeninger, 96 Cal. App 2d 245, 249 (1950) – “the guardian of an incompetent person does not have legal title to ward’s estate” Probate Code 2401.] The authority includes, with certain limitations, the sale or transfer of tangible personal property. Probate Code 2545. The Conservator may also take possession of an asset held by an institution by providing the *Letters of Conservatorship (GC-350)* and a blank copy of *Notice of Taking Possession or Control of an Asset of Minor or Conservatee (GC-050)*. Cal Rules of Court, Rule 7.1061(b). “Taking possession” includes changing title to the asset or transferring it to another institution. Cal Rules of Court, rule 7.1061(a)(3).

In either instance (changing title or transferring possession of the firearm), the Probate Code does not require SDPD to deviate from the procedures required by the Penal Code sections 33850–33895. It only authorizes the Conservator to perform certain actions on behalf of the Conservatee. The Gun Desk should follow all applicable laws prior to release of any firearm (i.e. check title and eligibility to possess firearm). If, after following the Penal Code procedures for release of a firearm, SDPD releases the firearm to the Conservator, it is required to submit form GC-050 to inform the Court that SDPD has transferred possession of the asset. Prob. Code 2890(a)(specifying the information that must be reported) and 2891. Please read the second page of the *Letters of Conservatorship*. SDPD most likely qualifies as an *Institute* and form GC-50 should be filled out and returned to the Court informing the Court that possession of the assets has been transferred. [See Sample Section]

The person receiving the firearm must go through the LEGR process and have the firearm registered in their name. If they are not eligible to have the firearm released to them, they can go through a licensed gun dealer. All standard requirements for going through a dealer would apply.

3. Once a court order is presented, conduct a criminal background check on the claimant. Note in EOQ all of the pertinent information such as the claimant's name, DOB, address, phone number, etc.

If the claimant is legally entitled to possess firearms, send a disposition notice to the AMP Unit to obtain approval for the release of the firearm(s).

The claimant is still required to go through the LEGR process and register the firearm in their name.

If the claimant is legally prohibited from possessing firearms, notify him/her that the firearms cannot be released.

4. If the detective from the AMP Unit approves the release, a release form may be completed and mailed according to the Releasing Firearms Section.

If the recipient of a suicide weapon is a spouse or child of the victim, provide the individual with a Notice of Firearm Registration for Firearms Acquired by Operation of Law form (BOF 4544A) and instruct him/her that the firearm must be registered using that form. The recipient is still required to go through the LEGR process prior to the firearm being released. It must be registered in the recipient's name prior to it being released to them.

5. If the detective from the AMP Unit denies the release, notify the claimant that the firearm cannot be released and the reason. If the individual wants more information, he/she should be referred to the AMP Unit. The firearm will be held for further disposition by the AMP Unit.

#### F. Court-Ordered Releases

All court orders must be carefully reviewed. Ensure that they are actually a court order for release and not a REQUEST or MOTION for release. Verify that they are signed by a judge or a name stamp has been placed on the signature line. A court seal must be affixed and a date stamp showing it has been filed with the court. Ascertain that the document presented is in fact a court order or stipulation and not just a notice of motion being filed with the court. The

person receiving the firearm must still go through the LEGR process and have the firearm registered in their name prior to release. Provide the individual with a “Notice of Voluntary Firearm Registration” form.

A copy of the court order is to be provided to the detective assigned to the case. If the detective objects to the release, allow the detective time to contact the prosecutor before releasing the item(s).

1. Only certified copies of court orders will be accepted for the release of firearms. Photocopies or faxed copies may be accepted to initiate the release process, but **certified copies** must be presented to the Gun Desk prior to the actual release. Scan the court order into EvidenceOnQ.
2. If the court order is for an individual who is legally prohibited from possessing firearms, contact the Police Legal Advisors and attempt to have the order rescinded. Court orders may also be contested if other circumstances indicate that it would be in the best interest or safety of the community.
3. If the firearm is to be released, and the receiving party has gone through the LEGR process and registered the firearm in their name, fill out the PRF and scan the certified copy of the court order to the impound record in EOQ. If the court order addresses other issues for which the individual will need the certified copy, the original may be returned to the citizen after scanning.

#### G. Stolen Firearms

1. Recovered stolen firearms, on which the original report was taken by SDPD, impounded as “Evidence”, shall be released to their rightful owners after the crime case for which they have been impounded has been adjudicated and the appeals period has expired. The owner is required to go through the LEGR process and have the firearm registered in their name, prior to the release.
2. Stolen firearms impounded as “Other” may be released to their rightful owners after impound, if they are not legally prohibited from possessing firearms and there are no holds on the firearm. The owner is required to go through the LEGR process and have the firearm registered in their name, prior to release.

If the firearm was stolen from a store, contact the VICE Unit. They have contacts for all of the FFL’s and corporate dealers. The point of contacts often change. VICE will likely be able to provide a point of contact.

If the victim does not have a serial number and the dealer where they purchased the firearm is out of business, The US Department of Justice - ATF can provide the serial number. The request is to be emailed to the following address:

[RecordsSearchRequest@atf.gov](mailto:RecordsSearchRequest@atf.gov)

The emailed request must have the following information:

- a. Purpose of the request
- b. Case number
- c. Purchaser's name and date of birth
- d. Description of the firearm
- e. Name and location of firearms dealer where firearm was purchased (complete address is helpful)
- f. Approximate time frame of purchase

The email must include your title, name, law enforcement agency name and location, and contact phone number.

The Supervisory Program Analyst from the Law Enforcement Support Branch at ATF National Tracing Center can be reached at (Deleted – records of security).

3. Recovered firearms that are reported stolen by another law enforcement agency must be shipped if the agency is located outside the County of San Diego (see Shipping Firearms Section). If the agency is within the County of San Diego, the firearm is to be released to a representative of the agency, either by our Gun Desk Officer making a delivery, or their Gun Desk Officer coming here to pick up the firearm(s).

If a recovered stolen firearm is now an illegal firearm (i.e., sawed-off, altered identification number, etc.) authorization may be obtained from the originating agency to destroy the firearm in lieu of shipping it to them for destruction. Authorization must be in writing on the department letterhead or via teletype. Scan this document into the impound record in EOQ.

#### H. Property Release Forms

1. A Property Release Form (PD184) must be completed by a Gun Desk Officer for all impounded firearms being released. **ONLY a Gun Desk PISO can issue a release for a firearm.** The specific items to be released must be listed on the release form. There are NO partial releases on a barcode number. Generally, whatever Officer completes the Property Release Form will conduct the release, unless they are not present when the individual comes in to retrieve the firearm. In that case, the other Gun Desk PISO may

conduct the release, or a Property and Evidence Clerk who has access to the Gun Rooms may conduct the release.

- a. Review the actual firearm, if possibly illegal and CONFIRM that the firearm is legal before issuing the Property Release Form.
- b. Prepare the Property Release Form through EvidenceOnQ. This will print the barcode on the release. If a paper Property Release Form is being issued, add the barcode number for the firearm being released.
- c. Enter the recipient's date of birth on the original release form only. Black it out or omit it on the copy being mailed out to protect the recipient's personal information.
- d. Give a complete description of the firearm or other property being released, if preparing a paper Property Release Form. Serial numbers should be listed to ensure that the correct firearm is released.
- e. If ammunition is on the impound and the recipient is entitled to receive it, the Property Release Form must be stamped as to whether or not the recipient wishes to have the ammunition returned to him/her at a later date.

If the ammunition is going to be retained for later release, it will need to be impounded under a separate barcode and binned in the designated area.

- f. Write the release expiration date on the top right corner of the original copy of the release form. The expiration date is 30 calendar days from the date the release form is completed.
- g. Complete the five required record checks as listed in EvidenceOnQ, they will be done in the same manner as the five record checks completed at the time an incoming firearm is being processed. The boxes on the right side of the record checks are to be used to document when the check is completed. (The boxes on the left side of the record checks were used to document the check was completed at the time of the incoming processing.)
- h. **The Property Release Form must be stamped with the record check codes.** Each code must be checked off and initialed and dated by the Gun Desk PISO, reflecting that



they did each specific record check and the person attempting to claim the firearm is clear in that system as of the day of the release or day before.

- i. **The Property Release Form must have “AFS”** written next to the record check codes. It must be checked off and initialed and dated by the Gun Desk PISO reflecting that the firearm is currently registered in AFS to the person attempting to claim it.
  - j. Pull any **Firearm Processing Packets** out of the impound and update in EvidenceOnQ with the “FFP – Firearm Processing Packet retention code. If the assigned detective authorized the release of the firearm, update the Assigned Detective field to the Gun Desk Officer’s name. Barcode and bin the processing packet in the designated area. This item will be retained for 10 years after the firearm is released. When that 10 years has passed, a detective will not need to authorize the destruction of the firearms processing packet. The Gun Desk Officer will process the disposals after the 10-year period.
2. Mail a copy of the Property Release Form to the recipient, unless he/she is present to receive it in person.
  3. File the original PRF in the Gun Desk “pending release” file.
  4. File a copy of the PRF alphabetically in the Property Room “Pending Release File”
  5. Schedule an appointment for the retrieval of the firearm AFTER confirming:
    - All necessary record checks have been completed and
    - All necessary paperwork has been received (or the person has the LEGR document and will bring it with them) and
    - Confirming that the firearm is registered to the person attempting to retrieve it. Schedule the appointment on a date and during a time period in which you personally expect to be present to conduct the release. Avoid Mondays and Fridays, when there is no coverage available.
  6. Confirm that there is a “Code #10” entered by a GUN DESK PISO in EOQ. This indicates that the Gun Desk PISO has reviewed the record and approves the disposition of this firearm. The disposition is a release. When the Gun Desk PISO entered their “Code 10”, they should have deleted the detective’s “Code 10”.
  7. Activate the REQUEST CODE “HQGR” – Headquarters Gun Release”

8. Do a Request Monitor entry of “HQGR” to reflect that the Gun Desk has approved the release.
9. DE-ACTIVATE the “HQGR” code, so that it isn’t selected by a detective in error.

I. Physical Release of Firearm to the Public at the Counter

1. The Gun Desk PISO that issued the Property Release Form and scheduled the appointment should be the one to conduct the release of the firearm(s), unless they are not present. In their absence, the other Gun Desk PISO may conduct the release. Property and Evidence Specialists should turn over the firearm release transactions to the Gun Desk PISO’s. If neither one of the Gun Desk PISO’s are present, contact a supervisor to designate someone to process the release.
  - ✓ Authorization from Detective, if required. EVIDENCE/SUICIDE/DEATH firearms.
  - ✓ EvidenceOnQ request “HQGR” – indicates that the Gun Desk has approved the release.
  - ✓ Original Department of Justice Firearm Eligibility Clearance Letter for each firearm. There must be a gold seal attached. Scan and attach to the corresponding impound record in EOQ.
  - ✓ Original Department of Justice Firearm Eligibility Clearance Letter is only valid for 30 days from the issuance date of the letter.
  - ✓ Original Department of Justice Firearm Eligibility Clearance Letter is issued to the same person attempting to receive the firearm.
  - ✓ Original Department of Justice Firearm Eligibility Clearance Letter, review the boxes toward the bottom of the form. The first box must be checked, which indicates that the firearm is recorded in AFS in the same name as the person seeking its return. Basically, it IS REGISTERED.  
*Exceptions:* Active Duty Military or Out of State Residence (proof required for all exceptions). The exception must be noted in the NotesLog.
  - ✓ Property Release Form completed by the Gun Desk PISO.
  - ✓ Record checks completed and the boxes on the right side of the record check codes in EvidenceOnQ are updated to show the check completed. (Corresponds with the stamp on the Property Release Form)
  - ✓ Property Release Form has record check stamp, all boxes are checked, dated and initialed the same day or one day prior to the day of the release.

- ✓ Property Release Form has AFS registration verified, dated and initialed.
- ✓ If releasing to Gun Dealer, obtain contract between the owner and gun dealer (other verifications required for Gun Dealers – See section on DEALERS). Scan and attach contract to corresponding impound in EOQ.
- ✓ Serial number on the firearm is to be verified as matching EOQ record AND the DOJ Clearance Letter by two separate staff members.
- ✓ Insert zip tie in the firearm’s action so that it can’t be fired.
- ✓ Remove any ammunition. Create a new barcode if it is going to be stored for pick up on another day.
- ✓ Remove any Firearms Processing Packet and transfer to the Pending Gun Desk Review location in the disposal area. The Gun Desk PISO will bin this item, place a ten-year hold in EOQ, and assign themselves as the detective in EOQ for future review emails.
- ✓ Return the gun to the original case or place it in a clear plastic bag and affix SDPD Release sticker.
- ✓ Notify the E Street Counter Officer that a person with a firearm is coming out of the Property Room.

A quick reference Gun Release Check List is available to use when processing a release to ensure that no steps are overlooked.

2. Check EvidenceOnQ for other gun related items on this incident. Holsters, magazines, gun cases, etc. These items need to be processed similarly to the firearm. If the firearm is being held, pending release, these items should also be held. We don’t want related items to be destroyed and then determine later that the owner is going through the LEGR process to get their firearm returned. If authorized for release, complete a Property Release Form if necessary.
3. For safety reasons, ammunition will never be released on the same day as a firearm. Ammunition may be released no sooner than one day after the firearm has been picked up. (*Exception: Ammunition may be released with a firearm to peace officers, persons who possess CCW permits, and other individuals as deemed appropriate by management or the Gun Desk staff.*)

If ammunition was on the impound and the owner indicated that he/she wishes to pick it up, complete a property release form for the ammunition. On property tag impounds, detach the original white copy of the property tag and the original of the release form on which the firearm was released and file them in the Property Room “Active” files. On impounds in EOQ, complete the PRF and enter in the Request Monitor.

If the recipient indicates on the release form that he/she will not claim the ammunition, the property clerk releasing the firearm will dispose of the ammunition and update the records accordingly.

4. All firearms will be secured with a zip tie through the action so that the gun can't be fired. This will be done to prevent the person that is picking up the firearm from easily loading or using the weapon while they are inside Police Headquarters.
5. If a gun case was impounded, the secured firearm may be placed back inside the gun case.
6. If a gun case was not impounded, the secured firearm must be placed in a clear plastic bag, which is to be sealed. Once the bag is sealed, one of the SDPD Firearm Release stickers is to be attached. The sticker includes the incident number, date, released by initials, and ID number.
7. The claimant is to be advised not to open or conceal the package. They are to be told to place the package in the trunk of their vehicle.
8. The releasing clerk is to immediately notify the E Street Front Counter officer at 531-5765, that a firearm is being released and is being carried upstairs. A brief description of the carrier may be requested.
9. Release forms will be returned to the Gun Desk after the firearms are released. They must be scanned into the corresponding EvidenceOnQ.
10. Update the Computerized Firearms Inventory System (CFIS) to reflect that the firearm has been released.
11. Update AFS – Firearms Cancel  
FCN #, Serial #, Date and Cancel
12. Copy and paste cancel message into EOQ, NotesLog
13. Once the ammunition is released, the Property Clerks will file the paperwork in the “dead” file. The Gun Desk will not receive the paperwork back unless there are other items remaining on the impound that have not been released.
14. At least once a day pick up signed release forms for firearms that have been released during the day. Destroy the matching release form copies from the Gun Desk “pending release” file. Update the computerized firearms inventory system to reflect the disposition

of each firearm on the impound and delete any FCN or CGN numbers from AFS.

15. If all items on the impound record have been released, file the paperwork in the property room “dead” files.
16. If only a partial release is done, attach original property release form to the original property tag and file in the property room “ACTIVE” file. The property tag work copy should be retained in the Gun Desk files for further disposition or processed for disposal of the remaining items.

J. Physical Release of Firearm to Another Agency

1. When a detective is requesting that a firearm be released to another agency (ATF, DA Investigator, etc.), they are not to issue a Property Release Form, they are to enter a request through EvidenceOnQ, using code #18 “Firearm- Needed by Other Agency” and include the name of the representative of that agency, their ID #, the name of the agency and a phone number where the representative can be reached. They are to notify the agency to contact the Gun Desk staff to make the transfer of the firearm. If the agency representative has not called and made arrangements for the transfer, when the Gun Desk becomes aware of the transfer request, they will contact the agency representative.

The Gun Desk Officer will prepare the Property Release Form.

The Gun Desk Officer will cancel the FCN in AFS.  
*[Sample Case 14110012667]*

With all transfers being arranged through the Gun Desk, it will reduce the possibility of the required AFS entries being missed.

**POLICE AGENCY:** If a firearm is registered as an institutional weapon to another police agency, it will state the agency name, for example: La Mesa Police Department. No LEGRA is required to return the firearm to this agency. Verification that the firearm is part of the department inventory is required and the firearm should be released to the Armory, Range Master, Operational Support, or some similar unit. It is not usually returned to an individual officer.

**SCHOOL POLICE:** If a firearm is registered to a security company or a school police, in which the officers do not have complete police powers, the firearms are not registered as institutional, instead they will be registered to the Chief of that department or the owner of the security company. In order for a firearm to be

released in these circumstances, the NAMED PERSON in the ownership record **must** go through the LEGRA process prior to the release.

Generally, if the release is to an agency = NO LEGRA. If the release is to an individually named person = LEGRA required.

K. Firearm Processing Packets

When firearms are RELEASED or DESTROYED, the Firearm Processing kit will be retained for a period of ten years, even if the Property Room receives destruction authorization from the assigned detective. Having these processing kits available may assist with solving future shootings/homicides. This time period is not required by law, it is something agreed upon between the Crime Lab Firearms Unit Manager and the Property Room Manager.

When a gun is being processed for RELEASE or DESTRUCTION, the Gun Desk PISO will search the incident for any firearm processing kits. If any are located, the PISO will change the retention code to FPP – Firearm Processing Packet. If there is release or destruction authorization, the PISO will change the “Assigned to Detective” field to a Gun Desk PISO’s name so that they receive the automated email in ten years. After the 10-year retention period, no additional detective authorization is required prior to destruction. The Gun Desk PISO will bin these processing packets in envelopes, placed in a larger box, in a designated area (currently in the “T” bins) which will assist in the future destruction processing.

Only the Gun Desk PISO’s should be entering this retention code.

San Diego Police Department – Property & Evidence Unit  
**GUN DESK OPERATIONS MANUAL**

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**GUN RELEASE CHECK LIST**  
**(Used at time of release)**

- EvidenceOnQ “HQGR” entry, indicating the Gun Desk has prepared PRF & approved the release.
- Original DOJ Clearance Letter (Gold Seal) for each firearm.
- DOJ Clearance Letter (Only valid 30 days from date on letter).
- DOJ Clearance Letter issued to same person receiving gun.
- DOJ Clearance Letter has the FIRST box checked at bottom of page 1 – Firearm is recorded in the name of the individual who is seeking its return.
- Property Release Form completed by Gun Desk.
- Property Release Form has record check stamp, all boxes checked, dated and initialed within one day of release. The boxes on the right side of the record check codes in EOQ should be checked to show the search was completed.
- Property Release Form has AFS Registration verified, dated and initialed.
- If releasing to Gun Dealer, need contract between dealer and gun owner.
- Make, model and SERIAL # on firearm matches FOQ record and DOJ clearance letter.
- Second person to verify serial number.
- Insert zip tie in the firearm’s action so it can’t be fired.
- Remove all ammunition, create new barcode if being stored.
- Remove any Firearm Processing Kit(s), transfer to “HQGDR” location in the disposal area. Gun Desk PISO will review and re-bin. It will be retained for 10 years.
- Return to gun case or place in clear bag and affix SDPD Release sticker.
- Notify Front Counter Officer a person with a firearm is coming out of the Property Room. (Phone #3-5765)

Gun Desk Ops. Manual - Gun Release Check List (9/1/2016)

## Computer Checks for Firearms Release

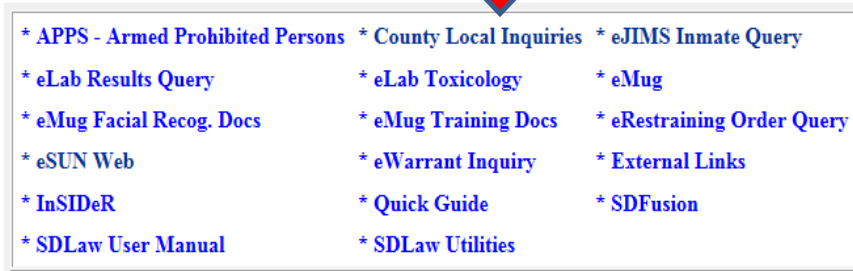
### STEP 1: RIO1 Check

Open SD Law.

Click on County Local Inquiries.



### Main Menu



### Policy Notice:

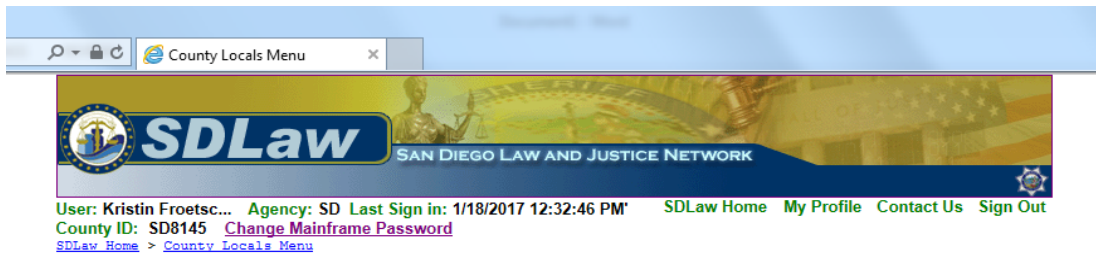
- Use of this system is authorized for San Diego Sheriff's users and other authorized law and justice agencies only. Individuals attempting to use this system without authority, and/or in excess of their authority, are subject to arrest and prosecution. All users of this system are hereby notified that all activities of this system are monitored and recorded.
- Minor maintenance and feature updates may be performed Monday through Thursday between 6:00 and 7:00 AM. This may cause a brief momentary outage and may require you to close your IE browser and log back in to SDLaw.



**San Diego Police Department – Property & Evidence Unit  
GUN DESK OPERATIONS MANUAL**

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Click on Combined MA09/RI01/DA09 and run name for cases and warrants.



**County Locals Menu**

	<a href="#">Combined MA09/RI01/DA09</a>	<i>MA09, RI01, DA09</i>
	<a href="#">Wants/Warrants/ONS</a>	<i>MA09</i>
	<a href="#">Name Summary</a>	<i>RI01, RI01B</i>
	<a href="#">Number Summary</a>	<i>RI05</i>
	<a href="#">Traffic</a>	<i>MC21, MC22</i>
	<a href="#">Criminal History</a>	<i>SR31</i>
	<a href="#">DA Name and Case Search</a>	<i>DA09</i>
	<a href="#">Probation</a>	<i>PR09, PR11, PR16, PR17</i>
	<a href="#">Property Summary</a>	<i>ST1N, ST1S, AS08</i>
	<a href="#">Print Subpoenas</a>	<i>DA37, RI23</i>
	<a href="#">Manage Subpoenas</a>	<i>DA27</i>
	<a href="#">Warrant by Number</a>	<i>MA10</i>
	<a href="#">DA by Number</a>	<i>DA10</i>
	<a href="#">DA by Case</a>	<i>DA12</i>
	<a href="#">DA Schedule</a>	<i>DA15, DA17, DA18, DA19</i>
	<a href="#">DA Subpoena Witness</a>	<i>DA40</i>
	<a href="#">Geocoding System</a>	<i>GE01</i>
	<a href="#">License/Permit Data</a>	<i>SR04, SR14</i>
	<a href="#">Sex and Narcotics Registrant Data</a>	<i>SR05, SR15</i>
	<a href="#">Sheriff Identification Data</a>	<i>SR06, SR16</i>
	<a href="#">Name/Alias Data</a>	<i>RI04</i>
	<a href="#">Number/Alias Summary</a>	<i>RI06</i>
	<a href="#">Magistrate List</a>	<i>MA06</i>
	<a href="#">Summary Update</a>	<i>RI03</i>
	<a href="#">System Number Transfer</a>	<i>SR03, SR09, SR11</i>

**STEP 2: QMHF**

In the State Tab of SD Law click on Mental Health.

The screenshot shows a web browser window with the URL <https://www.sdlaw.us/esunWeb/main/>. The page header includes the SDLaw logo and "SAN DIEGO LAW AND JUSTICE NETWORK". A navigation menu on the left has tabs for "Multiple", "County", "State", "Federal", "Admin", and "Utilities". The "State" tab is selected, and a red arrow points to it. Below the tabs, the "STATE MENU PAGE" is displayed with a grid of links. A red arrow points to the "Mental Health" link in the grid. The grid contains the following links:

• <a href="#">Wanted Persons</a>	• <a href="#">Stolen Vehicles Inquiry</a>	• <a href="#">DMV</a>
• <a href="#">Criminal History</a>	• <a href="#">Stolen Vehicles Entry</a>	• <a href="#">CSAR</a>
• <a href="#">Missing Persons</a>	• <a href="#">Automated Firearms</a>	
• <a href="#">Supervised Release File</a>	• <a href="#">Boats</a>	➤ <a href="#">Administrative Message</a>
• <a href="#">Restraining Orders (CARPOS)</a>	• <a href="#">Property</a>	➤ <a href="#">Freeform Message</a>
• <a href="#">Mental Health</a>	• <a href="#">Armed &amp; Prohibited Persons</a>	➤ <a href="#">ORI Inquiry</a>
• <a href="#">Unidentified Persons</a>	• <a href="#">TAMF</a>	• <a href="#">Cal Photo</a>

Below the menu is a "Policy Notice:" section with the following text:

• Use of this system is authorized for San Diego Sheriff's users and other authorized law enforcement agencies only. Individuals attempting to use this system without authority, and/or in excess of their authority, are subject to arrest and prosecution. All users of this system are hereby notified that all activities of this system are monitored and recorded.

At the bottom of the page, there is a footer with links: [ [SDLaw Home](#) | [eJims](#) | [eLab Tox](#) | [Contact Us](#) | [Sheriff's Internet Site](#) ]

San Diego Police Department – Property & Evidence Unit  
GUN DESK OPERATIONS MANUAL

Click on Name Inquiry

ROUTE BOX= Incident #  
REQUESTOR ID= sdxxxx  
Persons name and DOB  
Hit Submit  
Click on Messages to read results  
Cut and Paste No Hits MHFPS  
into box in FOQ next to QMHF  
CTRL C= Cut  
CTRL V= Paste

**STEP 3: QRO**

Click on Multiple Tab

Click on Super Message Keys- Name Inquiry

Browser: <https://www.sdlaw.us/eSunWeb/main/>

SDLaw: eSUNWeb

eSUN Web  
Home  
Messages

**Multiple**  
County  
State  
Federal  
Admin  
Utilities  
★ Save As Favorite  
SMK Help

User: Kristin Froetsc... Agency: SD Last Log In: 1/18/2017 12:32:46 PM' [SDLaw Home](#) [My Profile](#) [Contact Us](#) [Sign Out](#)  
County ID: sd8145 Physical Site Location: SDPD Gun Desk (CA0371146)

**MULTIPLE and FREQUENTLY USED TRANSACTION Menu**

Persons	Vehicles	Property
<a href="#">Wanted/Missing Persons</a>	<a href="#">California Vehicle Inquiry (28/29)</a>	<a href="#">Property Inquiry by Serial Number/OAN</a>
<a href="#">Drivers License/Vehicle Inquiry</a>	<a href="#">Out Of State Vehicle Inquiry</a>	<a href="#">County Tax Assessor Inquiries</a>
<a href="#">Drivers License/ID Card Inquiry</a>	<a href="#">Dealer Plate Inquiry (IL)</a>	
<a href="#">Drivers Name Inquiry</a>	<a href="#">Registration Inquiry (VIN, HIN, LIC)</a>	<b>Firearms</b>
	<a href="#">Registration Record Name Inquiry</a>	<a href="#">Firearms Wants/History</a>
<a href="#">Criminal History Inquiry</a>	<a href="#">Parking/Toll Record Inquiry(YQ)</a>	<a href="#">Other Firearms - NCIC/NLETS/LEDS</a>
<a href="#">Identity Information Inquiry (IQ)</a>	<a href="#">California Boat Inquiry (28/29)</a>	<a href="#">Other Firearms - STATE</a>
<a href="#">Full Record Retrieval (FQ)</a>	<a href="#">Vessel Inquiry (R.QB)</a>	
<a href="#">Full Record Response (FR)</a>	<a href="#">Lojack SVRN Inquiry</a>	
<a href="#">Supplemental Records (AQ/AR)</a>		
<a href="#">County Local (RI01/MA09/DA09)</a>		

**HIT CONFIRMATION and CJIS SUPER MESSAGE KEY Menu**

Hit Confirmation Request	Super Message Keys
<a href="#">In-State Hit Confirmation Request (YQ)</a>	<a href="#">Name Inquiry - APS, AFS, WPS, ROS, SRF</a>
<a href="#">In-State Hit Confirmation Response (YR)</a>	
<a href="#">Out-of-State Hit Confirmation Request (YQ)</a>	
<a href="#">Out-of-State Hit Confirmation Response (YR)</a>	

San Diego Police Department – Property & Evidence Unit  
**GUN DESK OPERATIONS MANUAL**

Browser: <https://www.sdlaw.us/eSunWeb/main/>

SDLaw: eSUNWeb

eSUN Web  
Home  
Messages

**SDLaw**  
SAN DIEGO LAW AND JUSTICE NETWORK

User: Kristin Froetsc... Agency: SD Last Log In: 1/18/2017 12:32:46 PM' [SDLaw Home](#) [My Profile](#) [Contact Us](#) [Sign Out](#)  
County ID: sd8145 Physical Site Location: SDPD Gun Desk (CA0371146)

Multiple  
County  
State  
Federal  
Admin  
Utilities  
★ Save As Favorite  
SMK Help

**NAME SEARCH - AFS, APS, WPS, ROS, SRF**

**Mandatory Record Information:**  
ORI: CA0371146  
For Unit:  **Mandatory**  
Name - Last:  First:  M.I./Suffix:   
Sex: X - Unknown  
Date of Birth (YYYYMMDD):  or Age:

[Return to Multiple Query Menu Page](#)

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FOR UNIT= sdxxxx (ID #)  
Name, DOB  
Submit  
Click on messages to read  
results  
You must get 7 messages, or re-  
run.

# San Diego Police Department – Property & Evidence Unit

## GUN DESK OPERATIONS MANUAL

### Step 4 Restraining Orders

NEW

Click on County Local Inquiries

Correct CRM5 Data County Locals Mainframe... Department Policies and ... Office Supplies, Printer In... FBI1\_MA09\_DA09 San Diego Municipal Emp... SAN DIEGO SHERIFF EXTR...

**SDLaw** SAN DIEGO LAW AND JUSTICE NETWORK

Alejandro Quroz De La Mora, SD Last Sign in: 11/19/2019 3:11:50 PM Sign Out

**Main Menu**

- APPS - Armed Prohibited Persons
- County Local Inquiries
- eJIMS Inmate Query
- eLab Results Query
- eLab Toxicology
- eRestraining Order Query
- eSUN Web
- eWarrant Inquiry
- External Links
- InSiDeR
- JURIS
- SDFusion

VACO 2016 NACIS Achievement Award InformationWeek 500 2012 VACO 2017 NACIS Achievement Award

#### Policy Notice:

- Use of this system is authorized for San Diego Sheriff's users and other authorized law and justice agencies only. Individuals attempting to use this system without authority, and/or in excess of their authority, are subject to arrest and prosecution
- Please note the following as you login into our SDLaw system:
  - 1) The user is accessing a restricted information system.
  - 2) System usage may be monitored, recorded and subject to audit.
  - 3) Unauthorized use of the system is prohibited and may be subject to criminal and/or civil penalties.
  - 4) Use of the system indicates consent to monitoring and recording

San Diego Police Department – Property & Evidence Unit  
GUN DESK OPERATIONS MANUAL

Click on Combined MA09/RI01/DA09

The screenshot shows the SDLaw web application interface. At the top, there is a navigation bar with the SDLaw logo and the text 'SAN DIEGO LAW AND JUSTICE NETWORK'. Below the navigation bar, there is a user information section with the following details: User: Alejandro Quiroz De La Mora, Agency: SD, Last Sign in: 11/19/2019 3:11:50 PM. There are links for 'SDLaw Home', 'My Profile', 'Contact Us', and 'Sign Out'. A blue arrow points to the 'County Locals Menu' link. Below this, a list of menu items is displayed, each with a corresponding list of identifiers in a separate column.

Menu Item	Identifiers
<a href="#">Combined MA09/RI01/DA09</a>	MA09, RI01, DA09
<a href="#">Wants/Warrants/ONS</a>	MA09
<a href="#">Name Summary</a>	RI01, RI01B
<a href="#">Number Summary</a>	RI05
<a href="#">Traffic</a>	MC21, MC22
<a href="#">Criminal History</a>	SR31
<a href="#">DA Name and Case Search</a>	DA09
<a href="#">Probation</a>	PR09, PR11, PR16, PR17
<a href="#">Property Summary</a>	ST1N, ST1S, AS08
<a href="#">Print Subpoenas</a>	DA37, RI23
<a href="#">Manage Subpoenas</a>	DA27
<a href="#">Warrant by Number</a>	MA10
<a href="#">DA by Number</a>	DA10
<a href="#">DA by Case</a>	DA12
<a href="#">DA Schedule</a>	DA15, DA17, DA18, DA19
<a href="#">DA Subpoena Witness</a>	DA40
<a href="#">Geocoding System</a>	GE01
<a href="#">License/Permit Data</a>	SR04, SR14
<a href="#">Sex and Narcotics Registrant Data</a>	SR05, SR15
<a href="#">Sheriff Identification Data</a>	SR06, SR16
<a href="#">Name/Alias Data</a>	RI04

San Diego Police Department – Property & Evidence Unit  
**GUN DESK OPERATIONS MANUAL**

Click on the “click here” option:

https://sdlaw.us:443/wire/CountyLocals/MA09/combined.aspx

County Locals: RI01, MA09... Query by Identifier

County Locals DA10 ARIS- Directory Correct CRMS Data County Locals Mainframe Department Policies and Office Supplies, Printer In... RI01, MA09, DA09 San Diego Municipal Emp... SAN DIEGO SHERIFF EXTR...

**SDLaw** SAN DIEGO LAW AND JUSTICE NETWORK

User: Alejandro Quiroz De La Mora Agency: SD PH Last Sign in: 11/19/2019 3:11:50 PM SDLaw Home My Profile Contact Us Sign Out  
County ID: sd9269  
[SDLaw Home](#) > [County Locals Menu](#) > [Combined Inquiry](#)

Wants/Warrants/ONS MA09, Name Summary RI01, Dist. Atty's DA09  
(Last-,First-,Middle-Name and DOB Combined Inquiry)

**NOTE:** For MA11 or TRO, please [click here](#)

**Name-Match-Type**

Last Name:

First Name:

Middle Name:

Date of Birth:  YYYYMMDD

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[SDLaw Home](#) | [ARIS](#) | [eJMS](#) | [eLab](#) | [eLab Tool](#) | [eRO](#) | [eSOL](#) | [eSOL Admin](#) | [ARIS](#) | [SDPolice](#)



# San Diego Police Department – Property & Evidence Unit

## GUN DESK OPERATIONS MANUAL

https://www.sdlaw.us/1800... SAN DIEGO SHERIFF SDLaw ... Query by MeritFav

County Locals D410 ARJIS-Directory Correct CRJMS Data County Locals Mainframe... Department Policies and ... Office Supplies, Printer In... R03\_MAO9\_D409 San Diego Municipal Emp... SAN DIEGO SHERIFF EXTR...

**SDLaw** SAN DIEGO LAW AND JUSTICE NETWORK

Alejandro Quinz De La Mora, SD Last Sign in: 11/19/2019 3:11:50 PM

San Diego County Sheriff's Department  
eRestraining Order System

Note: Partial Last Name is required.

Restraining Order Number:

FCN:

Restrained Person Last Name:  Phonetic ▼

First Name:  Phonetic ▼

Middle Name:  Phonetic ▼

Birth Date:

Protected Person Last Name:  Phonetic ▼

First Name:  Phonetic ▼

Middle Name:  Phonetic ▼

Search Reset

[SDLaw Home] [APPS] [County Local Inq.] [eJMS] [eLab] [eLab Tax] [eMug] [eRO] [eSUN Web] [eWarrant] [ARJIS] [SD Fusion]

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## STEPS 5 & 6: QHA (CII) and RQHA (FBI)

Click on Multiple Tab

Click on Criminal History

The screenshot shows the SDLaw eSUNWeb interface. The left sidebar contains a navigation menu with the following items: Home, Messages, Multiple (highlighted with a red arrow), County, State, Federal, Admin, and Utilities. The main content area displays the user's session information: User: Kristin Froetsc..., Agency: SD, Last Log In: 1/18/2017 12:32:46 PM, County ID: sd8145, and Physical Site Location: SDPD Gun Desk (CA0371146). Below this is the 'Criminal History Inquiry' section, which includes a 'Return to Multiple Query Menu' button and a 'Clear Form' button. The form contains several sections: 'California Criminal History Inquiry' with a 'Search for Criminal History by CII Number (QHY)' field (CII#: [input] (8 digit CII number)), a 'Search for Criminal History by Name (QHA)' section with fields for Last Name, First, MI, Sex, DoB (YYYYMMDD), Or Age, and Race, and a 'Search for CII Number by Numeric Identifier (QHN)' section with fields for CDL#, SSN, and FBI#. Below this is the 'Federal Criminal History Inquiry' section, which includes an 'FBI (III) Inquiry Record (R.QH)' section with fields for Last Name, First, MI, Sex, DoB (YYYYMMDD), Race, and FBI#. There are also links to 'Go to NCIC Criminal History (III) Inquiry to search FBI rap by Name' and 'Go to NCIC Criminal History (III) Inquiry to search FBI rap by FBI number'. At the bottom of the form are 'Submit' and 'Clear Form' buttons, and a 'Return to Multiple Query Menu' link. A 'Policy Notice' section is also visible at the bottom.

**REASON FOR INQUIRY=**  
Incident #  
**PURPOSE=** Option C (AOJ)  
NAME and DOB in the CII field  
NAME and DOB in the FBI field  
Submit  
Click on messages to read results  
If they have a CII or FBI # this  
needs to be placed in FOQ next  
to the appropriate box.  
Re-run history using specific  
numbers. Remove the letter from  
the CII #.

**STEP 7: AFS**

Click on State Tab

Click on Automated Firearms

The screenshot shows a web browser window with the URL <https://www.sdlaw.us/eSunWeb/main/>. The page header includes the SDLaw logo and the text "SAN DIEGO LAW AND JUSTICE NETWORK". Below the header, user information is displayed: "User: Kristin Froetsc...", "Agency: SD", "Last Log In: 1/18/2017 12:32:46 PM", "SDLaw Home", "My Profile", "Contact Us", and "Sign Out". The "County ID" is "sd8145" and the "Physical Site Location" is "SDPD Gun Desk (CA0371146)".

The main content area is titled "STATE MENU PAGE" and contains a grid of links. A red arrow points to the "State" tab in the left-hand navigation menu. Another red arrow points to the "Automated Firearms" link in the grid.

• <a href="#">Wanted Persons</a>	• <a href="#">Stolen Vehicles Inquiry</a>	• <a href="#">DMV</a>
• <a href="#">Criminal History</a>	• <a href="#">Stolen Vehicles Entry</a>	• <a href="#">CSAR</a>
• <a href="#">Missing Persons</a>	• <a href="#">Automated Firearms</a>	
• <a href="#">Supervised Release File</a>	• <a href="#">Boats</a>	> <a href="#">Administrative Message</a>
• <a href="#">Restraining Orders (CARPOS)</a>	• <a href="#">Property</a>	> <a href="#">Freeform Message</a>
• <a href="#">Mental Health</a>	• <a href="#">Armed &amp; Prohibited Persons</a>	> <a href="#">ORI Inquiry</a>
• <a href="#">Unidentified Persons</a>	• <a href="#">TAMF</a>	• <a href="#">Cal Photo</a>

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[ [SDLaw Home](#) | [eJims](#) | [eLab Tox](#) | [Contact Us](#) | [Sheriff's Internet Site](#) ]

Click on Serial Number Inquiry

The screenshot shows a web browser window with the URL <https://www.sdlaw.us/eSunWeb/main/>. The page header includes the SDLaw logo and the text "SAN DIEGO LAW AND JUSTICE NETWORK". Below the header, user information is displayed: "User: Kristin Froetsc...", "Agency: SD", "Last Log In: 1/18/2017 12:32:46 PM", "SDLaw Home", "My Profile", "Contact Us", and "Sign Out". The user's County ID is 8145 and the Physical Site Location is SDPD Gun Desk (CA0371146). A red arrow points to the "Serial Number Inquiry" option in the Admin menu. Other menu options include Name Inquiry, Firearms Historical Entry, Law Enforcement Entry, Historical Modify - CA Only, Law Enforcement Modify, Name and DOB, IDN, or Serial # (QGC/QGG), Firearms Locate, Law Enforcement Transfer Entry, FCN Inquiry, Firearms Cancel, OCA Inquiry, Firearms Clear, and Inquiry by CDL or SSN. A "Policy Notice" section is also visible, stating that the system is authorized for San Diego Sheriff's users and other authorized law enforcement agencies only. The footer contains links for SDLaw Home, eJims, eLab Tox, Contact Us, and Sheriff's Internet Site.

San Diego Police Department – Property & Evidence Unit  
GUN DESK OPERATIONS MANUAL

The screenshot shows a web browser window with the URL <https://www.sdlaw.us/eSunWeb/main/>. The page header includes the SDLaw logo and "SAN DIEGO LAW AND JUSTICE NETWORK". A navigation menu on the left contains links for Home, Messages, Multiple, County, State, Federal, Admin, Utilities, and AFS Help. The main content area displays user information: "User: Kristin Froetsc...", "Agency: SD", "Last Log In: 1/18/2017 12:32:46 PM", "SDLaw Home", "My Profile", "Contact Us", and "Sign Out". It also shows "County ID: sd8145" and "Physical Site Location: SDPD Gun Desk (CA0371146)". The title of the page is "AFS SERIAL NUMBER INQUIRY" with "AFS UNIT (916) 227-3589" in red text. The form is divided into two sections: "Mandatory Record Information" and "Optional Record Information". The mandatory section includes fields for ORI (CA0371146), Message Key (QGB - Search NCIC and Law Enf./Historical in AFS), Serial Number, and Reference (QGM/QGMX). The optional section includes fields for Make, Caliber, and Type of Firearm, along with a note to click info icons for assistance with Type of Firearm 2 character codes. A "Related Search Hit" dropdown shows "N - Related cases not returned". At the bottom of the form are "Submit Inquiry" and "Clear Form" buttons. A "Policy Notice" section states that use of the system is authorized for San Diego Sheriff's users and other authorized law enforcement agencies only, and that all activities are monitored and recorded. A footer at the bottom of the page contains links for SDLaw Home, eJims, eLab Tox, Contact Us, and Sheriff's Internet Site.

For Unit= SD xxxx  
(SD ID #)

## **REQUEST MONITOR**

**CODE #10 – Entered by a Detective:** The detective no longer needs the firearm for their investigation, or the court case and they authorize the Gun Desk PISO to determine the proper disposition.

**CODE #10 – Entered by a Gun Desk Officer:** The Gun Desk Officer has reviewed all required records and the firearm is eligible for disposition.

**CODE #14 – Entered by a Gun Desk Officer:** The Gun Desk Officer has reviewed the record and the firearm is eligible for destruction. The firearm is “good to go” – ready to be pulled for the next destruction run.

**CODE #18 – Entered by a Detective:** The firearm is to be released to another agency.

**CODE “HQGR” – To be entered ONLY by a Gun Desk Officer: Headquarters Gun Release, “Gun Desk Approved, ok to Release”.** The firearm is eligible for release, the Property Release Form will indicate the name of the person eligible to receive the firearm.

**CODE “HQGDR” – Entered by a Property Clerk processing disposals: Headquarters Gun Desk Review.** These will be gun related items (ammo, magazines, holsters, etc.) in which the firearm is still in active status. It will also be Firearm Processing Packets that have been removed from impounds in which the firearm has been released or destroyed. The location is on a shelf behind the Disposal Desk.

## **REQUESTS FROM FIREARM OWNERS**

**PHOTOGRAPHS:** If an owner of a firearm impounded with us requests that we photograph a firearm for DOJ purposes, use the unit camera and take clear full-length photos of both sides of the firearm. Take close up photos of the serial number, magazine release, make and model. Email the photographs to the owner and scan and attach the copies to the EOQ record.

**REMOVAL OF PARTS:** No parts will be removed from a firearm. A firearm will not be altered or modified in any way from staff. Scopes will not be removed from illegal firearms, etc. How the firearm was impounded is how it will be released or destroyed.

**REMOVAL AND RELEASE OF MAGAZINES:** If the owner specifically requests that magazines and ammunition be released, if the owner is permitted to own ammunition and firearms and the magazine or ammo is not illegal, it may be returned to the owner, through the standard procedures. No modification will be done to the firearm.

## **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.

Copy and paste the restraining order information into the NotesLog, under the comment header "Gun Desk Entry."

On the QRO tab, write the date the TRO or permanent order is SERVED.

Check the RO box. *[This box was previously titled "TRO", but applies to all restraining orders not just temporary orders.]*

If the restraining order was issued along with a domestic violence charge, the impound must be reviewed and approved for disposition by the detective assigned to the case.

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 CODES (EOQ)**

ALL of the following retention codes are "excluded" from the "PRO" retention code override. If the incident number or case number appears on the City Attorney or District Attorney Disposition Report, it will not update the retention code to "PRO".

CE – Cease email.

- Stops all automated disposal notice emails from being generated.

Gun – GVRO – 13-month hold

- Use on barcodes in which a Gun Violence restraining order has been issued (code TGV or OGV in SD Law).
- Tickler for 13 months, to review the status of GVRO, to determine if the permanent GVRO was issued and if the permanent GVRO has been extended beyond the one-year expiration date (5 year maximum).
- ONLY if no detective has been assigned and no charges filed and no petition pursuant to WI8102 (5150) filed.

**Gun-LEGRA – 180-day hold**

- Used on barcodes in which the LEGRA has been mailed.
- Excludes barcode from the automated disposal notice email.
- Tickler for 180 days.

**Gun – LEGR Denial – 180-day hold**

- Used on barcodes in which the LEGRA has come back denied by DOJ.
- Excludes barcodes from the automated disposal notice email.
- Tickler for 180 days to allow owner to sell the firearm through a licensed dealer.

**Gun-Court Order – 180-day hold.**

- Used on barcodes in which the court ordered destruction of the firearm.
- Excludes barcode from the automated disposal notice email.
- Tickler for 180 days.

**Gun-Firearm Processing Packet – 10-year hold.**

- Used on barcodes in which the firearm was RELEASED, the associated firearm processing packet will be held ten years pursuant to an agreement with the Firearms Lab Manager and Senior Property Room Supervisor.
- The detective will be updated to one of the Gun Desk Officers.
- Tickler for 10 years.

Generally, whenever someone contacts the Gun Desk and indicates they are taking some action on their firearm, or indicates they want to have their firearm returned, unless the firearm must be destroyed, an extension of 180 days is granted before ANY negative action is taken on the firearm.

At this point in time, there isn't a maximum number of extensions, due to numerous possible circumstances, this is determined on a case by case basis.

When the current retention code is a 180-day tickler, to extend the record an additional 180 days, enter today's date in the calc field and the system will calculate out the 180-day retention.



If a firearm was previously authorized for disposal and the retention code reflected DISPOSAL, but the firearm is being removed from that process, it is likely that a hold will be placed. It will be the Gun Desk Officer's responsibility to update the retention code in addition to entering the hold. The retention code will likely be "Gun".

## **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

## **SEALING EVIDENCE:**

The following types of impounded property are usually sealed prior to receipt by the property specialist or PISO. If they are not already sealed, they must be sealed prior to binning.

- A. Evidence marked "Hold for Prints"/DNA
- B. All evidence related to homicide cases
- D. All guns impounded as "evidence"
- E. Any impounds that may have evidence that will be evaluated by the Lab.

After sealing the evidence using the red sealing tape or the white evidence seals (PD-849), note in the comments section that the evidence is "sealed." The Specialists/PISO must also sign their name or initials and ID number across the seal. This will enable anyone reviewing the impound to know if the property is sealed without having to check the property itself.

If the Lab requests to check out an item and notices that it was not sealed, they may ask the specialist/PISO to seal it. The specialist/PISO should seal the item, sign and write ID number and document in the EOQ Noteslog that they sealed the item.

If an evidence package was previously sealed and it needs to be opened, every effort must be made to open the packaging in a different location, so as not to

destroy the original seal. The original seal should have the officer's name or initials and ID number. That information on the seal must be preserved for any possible court proceedings. After opening the package, in a different location, that location must be sealed by the Property Specialist, adding their name or initials and ID number. The package should clearly reflect that it was opened as many times as there are different seals.

If a gun box is received sealed, the Property Specialist/PISO must open the box in order to confirm the serial number, make and model of the firearm and that the gun is not loaded. Every effort must be made to preserve the original seal, especially where the impounding officer added their name/initials and ID number. When adding the new seal, it should be placed in a different direction than the original seal. It will usually be placed perpendicular. It must be clear looking at the gun box that the box was opened as many times as there are different seals. If additional seal tape needs to be added to close a previous seal, that is acceptable, as long as the officer's writing is not obscured.

## **SEARCHING IN EVIDENCEONQ**

When searching for a record in EOQ, entries can be made in a specific fields and when the enter key is pressed, all records with that entry will display. The bottom right corner of the screen will reflect the number of records with that entry. Only the first record will be displayed. You can manually go through the records by pressing the enter key, or select the BROWSE option and see all of the records listed. Selecting individual records is easier from the browse screen.

The \* can be used as a "wild card" type function. If you know the serial number is a few digits and 045 and then a few additional digits, you could search by entering \*045\* in the serial number field and all records with digits before 045 and digits after 045 in the serial number field will display.

## **SERIAL NUMBER ENTRIES IN AFS (Automated Firearms System)**

- No dashes
- No spaces
- DOJ will drop zeros at the beginning of the number (Example 0027035= 27035)
- REMOVED = scratched off
- OBLITERATED = unreadable

Serial numbers are not unique to guns, look at all of the information, make, model, and color to identify a firearm.

Guns with no serial number, no make and no model are not entered in AFS.

Guns with no serial number, but has a make and model, the serial number will be “2ANTIQUE” (Many old firearms did not have serial numbers, they were “too antique”)

Guns that have been manufactured by a subject that do not have a serial number, call DOJ and obtain a FMBUS number. (**FMBUS = Firearm Manufactured by Unlicensed Subject**)

DOJ-AFS 916-227-3589 Ask for FMBUS Number (FMBUS – DOJ)

Model Number: SPACE replaces a dash

When a serial number is wrong and we send the LEGR letter to the owner, we can call Adam White at DOJ to get it corrected.

**GLOCK GUNS:** Run serial number with the US12345 & 12345  
Make and or a model number  
Make and or a serial number  
Serial numbers can be on barrel/side/top/underneath

## **SERIAL NUMBER ALTERED OR REMOVED**

Pursuant to PC23920, no firearm that has had any change, alternation, removal 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, even if the other serial number is readable 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).

**NEW** 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 [Ed.Silvey@glock.us](mailto:Ed.Silvey@glock.us).

Ruger and SW have guides that are shelf explanatory.

(Deleted – records of security)

## **SERIAL NUMBERS RESTORED BY LAB**

The SDPD Crime Lab Firearms Unit will occasionally raise or restore a serial number from a firearm that had it illegally removed. Lab or Property Room personnel will provide the serial number to the Gun Desk if this has been done successfully.

1. On property tag impounds, write the serial number on the property tag work copy and enter it in the Computerized Firearms Inventory System.
2. EvidenceOnQ impounds, enter the serial number into the automated record.
3. Run the serial number in AFS/NCIC. Attach the print out to the property tag work copy or scan record into EOQ Comments Tab, NotesLog.
  - a. Write any relevant information disclosed in the print out such as registered owner or stolen entries on the work copy. Also enter this information in the Computerized Firearms Inventory System and EvidenceOnQ in the Comments Tab, NotesLog.
  - b. If the firearm is stolen, make the proper notifications in accordance with the section on STOLENS.
  - c. Evidence/Found Property and Crime Gun entries should also be made in accordance with section on INCOMING FIREARMS.
4. These firearms should be processed for disposal when the purpose for which they were impounded has been completed unless they are eligible for release to another agency, they can't be returned to the owner.

## **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 may not be shipped to private residences or other businesses.
- Shipment must be made via United Parcel Service (UPS).
- Handguns must be Next Day Air.
- NO ammunition will be shipped.
- Shipment must be insured.

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.

### A. Outside Agency Recovered Stolen

1. 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 via letter that the gun is available for shipment.
2. If the agency calls to indicate the shipment will be accepted, ascertain the method of payment and obtain the name of the specific person within their agency who should be receiving the firearm.
  - a. For prepayment, obtain the cost from the Property Clerk that handles shipping. Process the firearms for shipment once the payment is received.
3. If after 30 days there have been no inquiry from the agency, the firearm may be processed for disposal.

### B. Shipping Procedures

1. Complete a Property Release Form for the items being shipped. Include the name of the specific person who should be receiving the firearm.

For recovered stolen firearms, include the originating agency's case information on the release form and attach a copy of the AFS/NCIC printout.

Indicate on the PRF that it should be signed, dated, and returned to SDPD Property Room.

Enclose a self-addressed stamped envelope to SDPD Attn: Gun Desk, with the firearm being shipped.

When the signed release form is received, property personnel will attach it to the original paperwork in the Property Room active files or scan it to EOQ.

2. Complete a Shipping Request Form.

Place a copy of the PRF in the Gun Desk folder for pending releases.

Attach the release form and shipping request to the work copy and all other attachments. If the ammunition or other items on impound are not being shipped and are no longer needed, authorize them for disposal. Give the paperwork to the property clerk that handles shipping.

3. After the firearm is shipped, the property clerk staff will return the paperwork to the Gun Desk. Update the Computerized Firearms Inventory System that the firearm was shipped and discard the release form copy from the Gun Desk pending release folder. If the firearm was in EOQ, update the record with the shipping information and scan and attach any documents.

The Shipping Request document is to be updated as document type “Shipping Request” when scanned into EOQ.

**Delete any FCN or CGN entries from AFS for the firearms shipped.**

4. If all items were shipped and the ammunition, if any, was disposed, file the paperwork in the dead files. If other items remain on the impound, file the original property tag, release form, and shipping request form in the active files. Attach a copy of the release form to the work copy and retain it at the Gun Desk for final disposition.

## **STATISTICS**

### **CFIS**

The Computerized Firearms Inventory System maintains statistics for impounds on the old property tags. A statistical report may be generated and viewed or printed which will contain information on impounded firearms, stolen recoveries, releases, and disposals (not in EvidenceOnQ).

Open the Computerized Firearms Inventory System.

From the Edit drop down menu select Reports.

The current month is displayed. The month and year may be changed to obtain the desired report, if different.

Click on Monthly Recap button to generate the report.

To print click on the printer icon on the top of the screen.

Obtain statistics for impounds from EvidenceOnQ and the old inventory system.

Email the supervisor the monthly stat totals.

Monthly recap goes in the binder “Monthly Recap”. These records will be scanned and filed in the shared “G” file under Gun Desk, Monthly Recap, the year and then the month.

**MONTHLY REPORTS:**

- Releases – SANDAG Report
- Impounds
- Disposals
- Releases, including conversions

**EVIDENCEONQ**

File – Custom Queries – “Evidence Firearm Monthly Recap” – Only dates for the particular month.

Example 12-01-15 to 12-31-15.

Search = 51 guns impounded

File–Custom Queries – “Firearms Released” – Only dates for that particular month.

Search = 27 firearms released

Request Monitor = Disposal #14

Requestor = 14 GTG

Date range on Bottom – hit Apply – 100=Disposal

Add all items: 51 + 27 + 100 – Released & Disposal = total number

## **STOLEN FIREARMS – PROCESSING INCOMING IMPOUNDS**

**\*\*\*If a serial number comes back as a stolen firearm \*\*\***

**ORI NUMBERS FOR SDPD = CA0371146 AND CA0371100**

See RECOVERY OF LOST OR STOLEN FIREARMS BY SDPD SECTION.

If the AFS/NCIC print-out indicates that the firearm is stolen or if it is ascertained through other research that the firearm is stolen, check the “Stolen Gun” box in EOQ, and in the “Agency ORI, Date, Case #” field, enter the police agency, date and the case number. On the old property tag system, a red X was written across the entire property tag work copy from corner to corner to indicate the firearm was stolen.

Notify the assigned detective on the impound that the firearm is stolen.

If the stolen firearm is from a SDPD crime case, pull the copy of the crime case from the Gun Desk file or obtain a copy through NetRMS, HPD, or the Records Unit.

Complete an ARJIS-4 (A-4) indicating that the firearm has been recovered. Write the barcode number on the face of the A-4. Scan into EvidenceOnQ, COMMENTS TAB, NotesLog.

If the recovered gun is the only one reported on the crime case, write “Recovered” in large letter on the face of the report. If the report lists more than one gun, highlight the one that has been recovered and write the barcode number on the impound next to it on the report.

Scan a copy of the face sheet of the crime case to the EvidenceOnQ record. If the stolen firearm is not listed in the property section of the ARJIS-2, also scan a copy of the ARJIS-4 that lists the stolen gun(s). The copy of the crime case may now be filed with all the other Gun Desk crime cases.

If the case is 4 years old or less, notify the command that handled the original crime report of the recovery via email. Send them a copy of the A-4. Scan a copy of the email to the EvidenceOnQ record.

If there are no indications on the property tag or in the EvidenceOnQ record that the impounding officer was aware that the firearm was stolen, notify the unit handling the case via email. Attach/scan a copy of the AFS/NCIC print-out and, if it is a case over 4 years old, a copy of the report.

FCN CANCELLATION – Remove the stolen entry from AFS/NCIC. Print out the cancellation message (Cancel Message Processed) and scan it to the A-4 attached to the Gun Desk copy of the crime case. Cross off the FCN number, date and initial, and send copy to detectives.



If the firearm is stolen from an outside law enforcement agency send a teletype “locate” via CLETS to the originating agency.

If there is any doubt concerning the hit on an outside agency stolen entry, a teletype administrative message in free text or a Hit Confirmation may be sent to that agency to confirm the hit.

After the locate has been sent, copy and paste the “Locate Message Processed” screen and add it to the NotesLog on the impound record.

If SDPD recovered a stolen firearm for another agency, for example the SDSO, that firearm will go back to that agency to make contact with the victim and make arrangements for possible return of the firearm. The Gun Desk will not do LEGRA applications, shipping of firearms, transferring to a licensed dealer, etc. on stolens out of another jurisdiction, unless there are special circumstances. Generally, the firearm is returned to the agency that took the stolen report.

**VICTIMS - STOLEN FIREARMS THAT ARE RECOVERED:**

If the victim of a stolen firearm is a business/store/FFL, contact the VICE Unit and determine the current point of contact. The VICE unit usually has the current names in their records.

**UNREPORTED STOLEN FIREARMS:**

If the impounding officer checked the “Stolen Gun” field in EOQ and your research indicates that it is not stolen, notify the impounding officer via email of your findings. Make appropriate notations in EOQ on the impound record.

Further inquiry may indicate the gun to be an unreported stolen. Therefore, contacting the impounding officer or assigned detective about impounds is critical. Make necessary notations in EOQ.

If a firearm is registered to someone other than who it was taken from, run the registered owner’s name in the ARJIS MOI11 screen to determine if a theft report, without a serial number, was filed. Make a checkmark next to the DROS on the print-put to indicate that this computer check has been done.

If research in ARJIS indicates that the firearm is stolen, notify the impounding officer and/or assigned investigator via email and process the impound as a stolen firearm.

**SEE IMPOUNDING FIREARMS IN EOQ SECTION.**

## **STOLEN FIREARMS –** **HOW TO SEND A LOCATE ON A FIREARM – IN COUNTY**

STEPS TO SEND A LOCATE:

E-Sun / State / Firearms Locate  
Stolen Gun Entry

FCN Number / Serial Number

Incident Number – New Gun  
Date  
Locate Record  
Messages

Cut and paste locate in Gun Desk COMMENTS

When a gun is stolen, check the stolen box in EOQ.

When mailing the LEGR letter to stolen gun victim, provide a copy of the report. There is a standard letter that requests that DOJ waive the fees on stolens.

## **STOLEN FIREARMS –** **WHAT TO DO WITH AN OUT OF STATE HIT (STOLEN) FIREARM**

- Go to Federal tab, the hit confirmation request out of state
- Put in the ORI for the agency you are sending the message to.
- Request type (Stolen Gun)
- Request number select #1 if the first attempt
- Priority select routine
- The agency OCA number (Case Number)
- NIC number
- Your name (Last name first)
- Requesting agency (San Diego Police Gun Desk)
- Enter in your phone number and fax number
- Scroll down to stolen gun and put in the info of the stolen gun hit (Serial Number, Caliber, Make & Model)
- Any remarks – For example – (Please confirm if still an outstanding stolen)

The next step is very important. If you don't get a response from the agency you sent a message to, you will need to do it again, however you would select the appropriate Request Number, if no response after the 3<sup>rd</sup> request sent, give the agency 12 hrs. to respond unless it is on a Friday, then wait until the following business day to do the 2<sup>nd</sup> request. If still no response from the agency then you will need to call them and either have them confirm it via

computer to send to us, you might have to give them a different ORI for the gun desk, it has two.....CA0371100 & CA0371146.

Once you get a response from that agency confirming that the gun is in fact stolen then you will need to do a locate.

If out of state you would go to Federal, then select NCIC updates, then select Automated Firearms Locate.

Put in the serial number ONLY, the Originating Agency Case number (Their Case Number), then the Recovering Agency Case Number (Ours, usually the incident number) and then the date of recovery.

Select LOCATE NCIC RECORD.

For both the Hit Confirmation Request and the LOCATE NCIC RECORD you will get a response back in your messages, those messages need to be copied and pasted into the Notes Log under PR – Gun Desk Entry.

## **STOLEN FIREARMS – MULTIPLE ENTRIES IN AFS**

On occasion, when entering a lost or stolen firearm into AFS, it will be discovered that an entry already exists for the same circumstances.

The Department of Justice has indicated that AFS will accept multiple records for the same firearm. If SDPD has taken a stolen report for a firearm, the entry should be made in AFS by SDPD (PC11108).

Below are two scenarios and guidance for each of them.

### **FIRST SCENARIO – FBI AGENT – STOLEN FIREARM IN SAN DIEGO:**

An FBI Agent has his firearm stolen out of his vehicle while in San Diego. The FBI comes and takes a report and does an investigation. The FBI enters the firearm as stolen in AFS. SDPD also came to the scene and wrote a stolen firearm report. Upon entering AFS to make the stolen entry, the FBI entry is discovered. Since the FBI is a Federal Agency, they don't always make all of the appropriate entries in AFS and may not do the cancelation entries if the firearm is recovered. It is recommended that the stolen report entry ALSO be entered in AFS by SDPD. [AFS does not limit the number of entries on one firearm.]

### **SECOND SCENARIO – SDPD OFFICER LOSES HIS FIREARM IN SACRAMENTO:**

A SDPD Officer is in Sacramento for training. He believes he left his firearm in a public restroom in a restaurant. He reports to Sacramento Police that his firearm has been lost. Sacramento Police takes a report and makes a "LOST" entry in AFS. When the SDPD Officer returns to work in San Diego, he is instructed to file a lost report. The lost firearm report comes to the Gun Desk. As the Gun Desk is entering the lost firearm in AFS it is determined that Sacramento PD already made a lost entry. There is no reason to have a second

lost entry in AFS. If anything, it could cause confusion when the firearm is recovered. If only SDPD is notified, the Sacramento PD lost entry may remain open. It is better not to make a second AFS entry, even though the system would allow a second entry.

## **STOLEN FIREARMS – REPORTS** **(NetRMS/CRMS/RECORDS)**

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

Check the FAX machine every morning and throughout the day for any stolen gun locates. The two plastic bins hanging on the file cabinet next to the copy machine hold documents found on the copy machine.

Go to the Records Unit daily and check the Gun-Crime-Officer in-box. Run the report through NetRMS for lost and stolen recoveries.

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]

Check CRMS daily.

- CRMS web
- Investigative functions

Check NetRMS daily for lost and stolen recoveries.

Confirm the report is for a stolen gun, if not, delete from complete screen.

If it is a valid stolen gun report:

1. Print and delete from complete screen.
2. Run serial number of firearm in SDLaw (AFS). If the firearm comes up as an evidence gun or a safekeeping gun, do some research, don't enter the firearm as stolen, it has probably already been recovered.
3. If no hits, run name of victim and DOB in SDLaw (AFS).
4. If gun is registered, SDLaw info will help to verify the gun information on the report.
5. Write the gun information on the Crime Report, under the Property Section of the report. If the report doesn't match the DROS (if it is less than 5 years ago), call the victim and get more details.
6. Must contact each victim and verify firearm information.

If the victim does not have a serial number and the dealer where they purchased the firearm is out of business, The US Department of Justice – ATF can provide the serial number. The request is to be emailed to the following address:

[RecordsSearchRequest@atf.gov](mailto:RecordsSearchRequest@atf.gov)

The emailed request must have the following information:

- g. Purpose of the request
- h. Case number
- i. Purchaser's name and date of birth
- j. Description of the firearm
- k. Name and location of firearms dealer where firearm was purchased (complete address is helpful)
- l. Approximate time frame of purchase

The email must include your title, name, law enforcement agency name and location, and contact phone number.

The Supervisory Program Analyst from the Law Enforcement Support Branch at ATF National Tracing Center can be reached at (~~Deleted – records of security~~)

**STEPS TO ENTER THE GUN AS STOLEN IN AFS:**

- a. Law Enforcement Entry (enter data) in AFS
  - b. Document Code: STOLEN
  - c. Date of Transaction: EARLIEST DATE on the CRMS report
  - d. Case Number (not incident number)
  - e. Entry Level: #2 (only for stolens and lost guns) (CA and NCIC)
  - f. Enter gun information. If serial number has 00's in the beginning, DOJ will automatically drop the zeros.
  - g. Hit "add record", go to messages and get FCN number.
6. On the CRMS report, add FCN number to the item number, down at the open space near the bottom (above officer's name).
  7. Get a printout to attach to the CRMS report. Confirm that your most recent entry is included on the print-out.
  8. Write the case number on the top left side margin of the report.
  9. Place stamp (DE – data entry) on the top left corner of the CRMS report.

10. On the GUN INFO tab in AFS, use action of weapon (PI, PR, RI), use DOJ Code  
Example: Gun – Smith & Wesson – SD4 – 9 CAL  
Example: PI-SW-XD4-9MM-BLACK-BB L-4
11. On SERIAL NUMBER in AFS – no dashes, no spaces.

**STOLEN FIREARMS – AFS & REPORT VERIFICATION**

This verification process is done by a second person.

1. Verify that the CRMS report information matches the stolen gun information.
2. Verify Action, DOJ Code, FCN #, Make, Model and other gun information.
3. Stamp right hand side with the round red D 24 E stamp.
4. Staple the print-out to the CRMS report.
5. File

**STOLEN FIREARMS – RECOVERED BY OUTSIDE AGENCIES**

Occasionally, the Gun Desk is notified by an outside law enforcement agency that a firearm reported stolen by SDPD has been recovered. If the notification is made by phone call, a locate must also be received in order to update the report. Ascertain from the recovering agency the status of the firearm. Notate on the Gun Desk copy of the report relevant information such as agency name, point of contact, and phone number for follow-up.

1. Once a locate has been received, prepare an ARJIS-4 form to indicate the recovery.
2. Cut and paste recover hit to EvidenceOnQ.
3. Remove entry from AFS/NCIC.
4. Staple both transactions to the ARJIS-4.

ARJIS-4

GUN INFO
RECOVERY HIT
CANCELED TRANSACTION

5. NEW Original ARJIS is scanned into NetRMS.

Send copy to detective.

6. Attach the locate to the A-4, if the case is pre-CRMS, and attach it to the Gun Desk copy of the report.
7. If the recovering agency ships or releases the firearms to SDPD, impound it upon receipt and process it for release according to Section II, Releasing Firearms.
8. Check with detective, confirm ok to start LEGRA process.
9. Start the LEGRA process. There is a specific template cover letter that requests that the DOJ fees be waived.

The LEGRA will be mailed to the person who reported the firearm as stolen, even if the DROS is over five years old or there is no DROS.

- a) Attach a copy of the stolen gun report to the LEGRA, in addition to the page that has the information on the firearm.
  - b) The victim will have to pay the processing fee for the Ownership Form.
10. Cancel FCN #, cross off the FCN number on the report, date and initial.

**SEE IMPOUNDING FIREARMS IN EOQ SECTION.**

## **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.

1. Obtain an AFS (Automated Firearms System) print-out using the FCN Number on the teletype notification.
2. Pull copy of crime case from Gun Desk files and make a copy of the entire report.
3. Complete an ARJIS-4 form and place a zero/slash on the top right corner of the form. Remove the entry from the AFS and stamp the top left corner of the A-4 with your data entry stamp. If the case is less than 4 years send the original A-4 to Records Division and attach a copy to the Gun Desk copy of the report. If an EOQ impound, scan a copy to the impound record. If the report is older than 4 years, attach the original A-4 to the Gun Desk copy of the report or scan to EOQ impound record.
4. Attach a copy of teletype notification, AFS print-out and a copy of the crime case to an interoffice memo notifying the area command of the pawn. Send these documents to the area command that originally handled the crime case.
5. Attach original teletype notification and AFS print-out to the Gun Desk copy of the report and re-file with crime cases.

## **STOLEN TASERS**

When entering a taser into AFS, use the following codes:

MAKE = TSR

TYPE = X

CAT = S

CAL = 9999

Entry Level 2 for stolen, lost or found

Process the crime case report the same way as a stolen firearm. Complete an ARJIS-4 the same way as a stolen firearm. Attach the teletype in the same manner as a stolen firearm.



## **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.

IF entering a taser, use the following codes in AFS:

Make = TSR

Type = X

Cat = S

Cal = 9999

Any additional information can be added in the MIS field.

ENTRY LEVEL 2 = Lost, stolen or found records

ENTRY LEVEL 1 = Everything else

Destroyed can be entered, but it isn't necessary.

Only tasers reported stolen or tasers that are recovered stolens will be entered into AFS by the Gun Desk.

## **TEMPLATES**

There are standard templates used for correspondence from the Gun Desk. They are in the shared "G" file, Gun Desk, Templates.

## **TICKLERS (through EOQ)**

Gun-LEGRA – 180 day hold

- Used on barcodes in which the LEGRA has been mailed.
- Excludes barcode from the automated disposal notice email.
- Tickler for 180 days.

Gun-Court Order – 180 day hold.

- Used on barcodes in which the court ordered destruction of the firearm.
- Excludes barcode from the automated disposal notice email.
- Tickler for 180 days.

Gun-Restraining Order – hold to be determined.

- Used on barcodes in which there is an active restraining order.
- The detective will be updated to one of the Gun Desk Officers.
- The tickler date will be up to the Gun Desk Officer, possibly the expiration date of the restraining order.

Gun-Firearm Processing Packet – 10 year hold.

- Used on barcodes in which the firearm was RELEASED, the associated firearm processing packet will be held ten years pursuant to an agreement with the Firearms Lab Manager and Senior Property Room Supervisor.
- The detective will be updated to one of the Gun Desk Officers.
- Tickler for 10 years.

## **TRAINING CONFIRMATION FORM**

There are training confirmation forms to be reviewed and completed whenever a new employee is assigned to the Gun Desk.

## **VIEWING FIREARMS IN THE GUN ROOMS**

Anytime a Gun Desk Officer enters a gun storage location to review a firearm, an entry needs to be made in the associated firearm record, in the NotesLog field. The Officer is to wear gloves. Whenever a seal is broken, care must be given to preserve the original seal as much as possible, at least the portion with the officer's signature and ID #. The package is to be re-sealed, with the seal in a separate and distinct manner so that it is obviously a different seal. The seal is to be signed and the ID# added after the signature.

## **VOICEMAIL**

2196 = 12-16-15#  
2645 = 01-39-72#  
2774 = 20152018#  
2799 = 123456#

Document each voicemail message received in the log book.

Before returning the call, look up each person in EOQ.

Enter the incident number in the log book.

Document the conversation in the EOQ NotesLog – under the Gun Desk Entry header.