

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO.13

August 9, 2018

SUBJECT: DEPARTMENT GUN BUYBACK PROGRAM – REVISED

PURPOSE: The purpose of this Order is to revise Department Manual Section 4/540.45, *Department Gun Buyback Program*. The revision modifies the responsibilities of the Firearm Examiner during the Department's Gun Buyback Events and updates additional areas of the manual section to be consistent with current Department policy.

PROCEDURE: Department Manual Section 4/540.45, *Department Gun Buyback Program*, has been revised and is attached with the revisions indicated in italics.

AMENDMENT: This Order amends Section 4/540.45 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



MICHEL R. MOORE
Chief of Police

Attachment

DISTRIBUTION "D"

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540.45. DEPARTMENT GUN BUYBACK PROGRAM.

Processing Request. When an individual or organization requests to sponsor a gun buyback *event* with the Department, the Department employee receiving the request must notify his *or* her supervisor.

Supervisor's Responsibilities. The supervisor *shall* submit an Employee's Report, Form 15.07.00, to his *or* her commanding officer (CO) and include the following information:

- Name of the requesting individual and/or organization;
- Name and telephone number of the contact person;
- Individual and/or company address;
- Type of compensation offered (e.g., monies, sporting event tickets, concert tickets, food vouchers, gift cards);
- Total amount of compensation available;
- Tentative date(s) of the gun buyback *event*; and,
- Intent of the participants.

Commanding Officer's Responsibilities. Commanding officers *shall* submit an Intradepartmental Correspondence, Form 15.02.00, to the CO, Gang and Narcotics Division (GND). The Intradepartmental Correspondence *shall* include a copy of the supervisor's Employee's Report as an attachment. The CO *shall* document any additional information, including any conflict of interest issues, and provide a recommendation as to the feasibility of the proposed *event*.

Gang and Narcotics Division's Responsibilities. The CO, GND, *shall* review the request and forward it with a recommendation for approval or disapproval, via the Chief of Detectives, to the Chief of Police (COP). The COP *shall* approve or disapprove the request. The CO, GND, *shall* prepare a response notifying the requestor and the affected CO of the decision rendered by the COP. The correspondence to the requestor *shall* include an explanation of the Department's gun buyback procedures.

Approval to Conduct Program. After the COP has approved the request, the Area/division CO *shall* ensure that his *or* her command adheres to the protocol set forth in this Manual Section. The Area/division CO *shall* notify the CO, Property Division, of the date and time of the gun buyback *event*.

Exemption for Gun Buyback Programs. California Penal Code Section 27850 provides an exemption for local, state, or federal government agencies to conduct a gun buyback program without a firearm dealer's license.

Area/Division Gun Buyback Coordinator. The Area/division CO *shall* designate a supervisor within his *or* her command as the Area/division Gun Buyback Coordinator to facilitate and regulate the gun buyback program. The responsibilities of the Area/division Gun Buyback Coordinator *shall* be an ancillary duty.

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Firearm Examiner. *The Gun Unit, GND, shall provide technical assistance to the Area/division(s) participating in a gun buyback event and shall designate an officer(s) as the Firearm Examiner to inspect and render all firearms safe, prior to processing. This officer must have a background or familiarity with most firearms and be assigned to the Gun Unit, GND.*

Gun Buyback Location. The primary selection criteria for the gun buyback event location shall be security and safety. The surrounding area shall be monitored for potential criminal activity and the facility shall have adequate space with a separate entrance and exit. Accessibility to the public and adequate restroom facilities are to be considered when selecting a location. In addition, a space should be allocated to exhibit a select number of firearms for media coverage.

Note: As required by the Gun-Free School Zone Act of 1995, gun buyback locations must be a minimum of 1,000 feet away from any school.

Resources. Sufficient Department personnel must be allocated to ensure security both inside and outside the gun buyback location. The following items shall be available at the firearm processing area:

- Clearing barrel;
- Vehicle (preferably a van);
- Plastic or nylon cable ties of appropriate length to secure actions of firearms;
- Masking tape and transparent tape;
- Gloves;
- Evidence Tag, Form 10.12.00;
- Handgun Evidence Envelope, Form 10.20.00;
- Property Report, Form 10.01.00;
- Firearms Supplemental Property Report, Form 10.01.01;
- Continuation Sheet for Firearms Supplemental Property Report, Form 10.01.02;
- Receipt for Property Taken into Custody, Form 10.10.00 (*Upon request*);
- *Writing utensils*;
- *Containers* for miscellaneous ammunition and magazines; and,
- Tape measure and/or ruler to measure barrel length.

Media Coverage. The Media Relations *Division, Public Communications Group*, must be given advance notification to allow sufficient time to inform the public.

Notifications: *Prior to the Gun Buyback event, the following notifications shall be made by the Gun Unit:*

- *Bomb Squad, Emergency Services Division;*
- *Firearm Analysis Unit, Forensic Science Division;*
- *Communications Division;*
- *Property Division;*
- *Force Investigation Division; and,*
- *Department Operations Center.*

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Compensation for Firearms. *Outside organizations or individuals wishing to sponsor a gun buyback event shall be required to furnish the Department with verification of available compensation prior to the establishment of a gun buyback event. Sponsors providing monetary contributions or other compensation to the public for the forfeiture of firearms shall maintain control of the compensation and shall have sole responsibility for its disbursement.*

Relinquishment of Firearms. *When practical, persons relinquishing firearms at a gun buyback event, including those who wish to remain anonymous, shall be instructed to unload the firearm and secure it in the trunk of his or her vehicle or in a locked container prior to transporting it via public service announcement or social media. Upon arrival at the gun buyback location, the person relinquishing the firearm shall be advised in person to leave the firearm in his or her vehicle or in the locked container and notify police personnel that they wish to relinquish the firearm(s).*

The Firearm Examiner(s) shall retrieve and render the firearm(s) safe at the clearing barrel. The event participant shall be directed to the compensation area. All cleared firearms shall be held at a secured location pending transfer to the booking area.

Note: Only Department employees shall handle and book firearms.

Reports and Booking of Property.

Firearm Processing Procedure. *An officer shall complete one Property Report, for each gun buyback event location. The officer shall obtain one evidence Division of Records (DR) Number for the Property Report. Each firearm's status (i.e., lost, stolen, institutionalized, or observation) shall be checked through the Automated Firearms System prior to booking the weapon, and all firearms shall be handled per the Department's handling and booking procedures.*

Note: *Property Division should be notified to ensure adequate experienced staff are available to accept and process stolen firearms relinquished during the gun buyback events.*

The issuance of a Receipt for Property Taken into Custody, is **not** required for firearms recovered during an authorized gun buyback event.

Unfamiliar, Exotic, or Complex Firearms. *If an individual relinquishes a firearm that is unfamiliar to the Firearm Examiner, the following procedures shall be followed:*

- *Contact the Firearm Analysis Unit, Forensic Science Division, during regular business hours on weekdays at (323) 415-8160; or,*
- *During non-business hours or weekends, contact the Department Operations Center and request that the on-call firearms expert be contacted.*

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Gun Buyback Results. The Area/*division* CO, upon completion of a gun buyback event, *shall* prepare an Intradepartmental Correspondence and forward the report to the CO, GND. The Intradepartmental Correspondence *shall* contain pertinent information regarding the gun buyback event including the amount and types of firearms surrendered as a result of that event. The report *shall* be kept on file at GND.

Exemption: An Intradepartmental Correspondence from the Area/division CO is not required if the gun buyback event is planned and conducted by GND.

Retention and Destruction of Firearms. Any firearm taken into police custody in conjunction with a gun buyback event *shall* be destroyed or retained for official Department use in accordance with existing Department procedures, unless the firearm is stolen. If the firearm is stolen, it *shall* be booked in accordance with *Department* Manual Section 4/540.30, *Booking Firearms*. If retained, it *shall* be processed in accordance with *Department* Manual Sections 4/580.20 – 4/580.40, regarding convertible property.