

Delano Police Department
*Results of research conducted regarding
8389(e), California Family Code*

Background:

In May, 2010, the Department's Evidence Custodian advised that during a recent training he had attended regarding evidence handling, he learned that section 8389(3) of the California Family Code authorized local law enforcement agencies to charge fees for certain firearms. The actual section is listed below:

6389(e) of the California Family Code: "(e) A local law enforcement agency may charge the respondent a fee for the storage of any firearm pursuant to this section. This fee shall not exceed the actual cost incurred by the local law enforcement agency for the storage of the firearm. For purposes of this subdivision, "actual cost" means expenses directly related to taking possession of a firearm, storing the firearm, and surrendering possession of the firearm to a licensed dealer as defined in Section 12071 of the Penal Code or to the respondent."

Not wanting to reinvent the wheel, and perhaps gain insight from what other agencies are or are not doing regarding these certain weapons, I requested that Cal Chief's send out an email to all members requesting certain information regarding this code section. This summary is provided to finalize the results of that request.

Summary of results:

The attached page reflects the actual survey information that was asked of the agencies. The following information is a generic view of the information:

- Of the total agencies surveyed, 19 agencies responded to the survey.
- Nine agencies charge some sort of fee
- The fees range from (Refer to attached survey results for further details):
 - Initial fee plus monthly fee
 - Monthly fee
 - Yearly fee
- Fees are either established by resolution, fee schedule, or court determined.
- Minor problems, if any, were noted with weapons rusting being the greatest issue.
- Weapons are all stored in secured areas of the agencies, however, depending on the agency determines which area they are stored, i.e., armory, evidence, safekeeping, property room.

Important notes:

- Most agencies reported that not a lot of weapons are received as a result of the CFC section.
- One agency is researching extending the fee to weapons not specifically addressed in 6389(e) CFC, such as for PC violations.
- One agency believes that this service should be provided by the local Sheriff's Department.
- One agency wipes weapons down and adds a silicon package to help keep weapons from rusting.
- One agency does not charge a fee to take the weapon, however, they do charge a release fee.

CFC 6389(e) Survey results

Agency	Fee Amount	Policy/Ordin/Resolution	Problems	Location stored	Other
Newport Beach PD	None	N/A	N/A	N/A	None
Shafter PD	None	N/A	N/A	N/A	None
Cypress PD	\$64.00	Master Fee Resolution	Paperwork process	Main Prp/Firearm Str.	None
Pleasanton PD	\$65.00	City Master Fee Schedule	None	Armory	See 1 below
Whittier PD	None	N/A	N/A	N/A	None
Auburn PD	None	N/A	N/A	N/A	None
Healdsburg PD	None	N/A	N/A	N/A	None
Chowchilla PD	None	N/A	N/A	N/A	None
Chico PD	\$52.00	City Memorandum	Poss. Weapons rust	Evidence/Prop.	See 2 below
Los Gatos PD	\$105.00/\$1.00 day	Fee Schedule	Education of staff	Evidence Facility	See 3 below
Ripon PD	None	N/A	N/A	N/A	None
Redding PD	None	N/A	N/A	N/A	None
LaVerne PD	\$10.00 per Mo per wpn	Resolution	None	Evidence Room	\$50.00 release fee
Vallejo PD	None	N/A	N/A	N/A	See 4 below
Willows PD	\$5.00 per mo	Court determined fee	N/A	Unknown	See 5 below
Turlock PD	\$75.00	Unknown	N/A	Safekeeping	See 6 below
Sunnyvale PD	\$95.00	Council appr'd Firearms Seizure Fee	None noted	Unknown	See 7 below
Woodland PD	None indicated	Unknown	None noted	Unknown	See 8 below
Santa Ana PD	\$100.00	Miscellaneous Fee Schedule	None (works well)	Unknown	None

Comments:

- 1 *Researching opening up to other weapons storage other than those authorized by 8389(e) CFC.*
- 2 *Fee based on combination of staff time and prevailing wages*
- 3 *Education of staff involved in weapons storage regarding protocols. People complain about the price (turn-in fee + \$1.00 a day storage fee*
- 4 *Position is the Court has no authority to order PD to store weapons, and the Sheriff should be doing this*
- 5 *Glenn County Courts have established \$5.00 per month per weapon as fee all agencies within the county will charge*
- 6 *Weapons taken in, wiped down, secured in box and silicon packet added to each box.*
- 7 *Fee based on interpretation of CPC 12021.3(j)*
- 8 *Agency indicates they charge a \$50.00 weapons return fee but did not indicate if they charge a fee to take the weapon or any other information.*

As of July 21, 2010