

MEMO



Date: April 23, 2007
To: All CA Police Chiefs
Cc:
From: John DeRohan, Chief
Morro Bay Police
RE: Email survey on disposition of evidence/property firearms

First and foremost, I want to thank all the Chiefs and agencies that responded to my email inquiry on the disposition of evidence/property firearms. As of this date, I have received 104 responses. Below are the results of this inquiry and a bit of information gleaned from the inquiry.

EMAIL INQUIRY RESPONSES:

As of the date of this memo, I received 104 email responses to my inquiry.

Destroy Evidence/Property Guns	82
Have Done and do Both (Destroy and Trade/Sell)	5
Used to Trade but no longer do – now destroy	4
Disassemble and trade the gun parts only	2
Continue to trade firearms for new equipment/guns	10

Of those that destroy, most use a steel mill or foundry that melts steel, some use auto dismantlers that have large crushers and some have their city cut them up or crush them. Most agencies will convert good serviceable firearms to department use if they can be used especially by SWAT teams. Hercules PD wins the innovation award. They destroy their firearms by dismantling them and putting them in sidewalks when the cement is poured.

BACKGROUND:

PC 12028 essentially states that weapons seized pursuant to PC 12020 and 12025 are considered a nuisance. PC 12028(2)(c) states that upon conviction (and we all wait for the court order and required holding period), agencies may annually between July 1st and July 10th of each year, offer the weapons that have value with respect to sporting, recreational, or collection purposes (just about any good gun), for sale at public auction to persons licensed pursuant to section 12071 (any FFL licensed firearms dealer).

I telephoned the supervising agent at the DOJ Firearms Division and she said that getting bids from licensed firearms dealers and selling or trading to them the evidence/property guns would suffice and meet the requirements of a “public auction”. Therefore, for those agencies that sell, auction, or trade their evidence/property firearms to a licensed FFL, they are legally authorized to do so.

PROS AND CONS OF DISPOSITION METHODS:

Most agencies that destroy all their firearms stated they do so to keep the guns off the streets and out of the hands of bad guys. Many were concerned of the political implications of a gun that was sold, auctioned, or traded showing up somewhere in a future homicide or school shooting and having to deal with national media attention. Two agencies that responded said they used to trade in their guns for new guns and equipment but one of the evidence guns traded ended up in being used in a homicide years later so they no longer do this. With many agencies, it was not only a political issue but a philosophical issue of putting more guns out on the street.

The agencies that continue to trade in their evidence/property guns state it is the only way they can continue to get new equipment and firearms that their general fund budget does not support. Those agencies that continue to sell or trade their guns have obtained thousands of dollars in new needed equipment and firearms for their department. These agencies are both small and large agencies but most of them are small agencies with small dwindling budgets. This practice allows these agencies to replace needed equipment and firearms that they had no other funding for. All but a couple that sell their firearms to movie companies (who plug the barrels and render them unusable) trade their guns into licensed FFL dealers in exchange for new guns or equipment. This process allows a direct trade and avoids the hassle of a sale, funds going back to the city general fund, purchase orders, setting up special fund accounts, etc. The licensed FFL bids on the guns, establishes a credit amount, the agency determines the equipment/guns they want, and the FFL pays for them.

I hope this information is useful to all Chiefs and thank you again for your responses.