

Purpose:

California Penal Code Section 18005 requires that each law enforcement agency publish, on its website, a policy for the destruction of firearms. This policy is intended to satisfy that requirement.

Limitation on Requirement to Hold Firearms:

Pursuant to California Penal Code Section 33875 the Property Division shall not be required to retain any firearm for more than 180 days after the owner has been notified that the property has been made available for return.

Eligibility for Destruction:

- Firearms that are illegally owned and are contraband
- Firearms that are no longer legally owned and the owner has become prohibited
- Firearms used in the commission of a crime
- Firearms that are found or abandoned and not claimed by a lawful owner within 180 days
- Firearms voluntarily submitted for destruction by a legal owner

Authorization for Destruction:

Property personnel may be given authorization to destroy firearms by one or a combination of the following means:

- Upon order of the court
- Upon instruction by the prosecuting attorney's office
- Upon instruction by the Chief of Police or his/her designee
- Firearms that are found, abandoned, unclaimed, or voluntarily turned in for destruction may be destroyed without one of the above listed means of authorization.

Destruction Process:

Prior to the destruction of firearms, Property personnel shall ensure the following:

- A list of firearms designated for destruction in the Property Management System must be verified by the Support Services Supervisor.
- The serial numbers must be run in the Automated Firearms System (AFS) to verify gun entry and to make sure there are no stolen weapons.
- The serial numbers from the list of firearms to be destroyed must be verified with the actual firearm.
- An officer or investigator must verify all firearms are cleared of ammunition.
- Property personnel must be accompanied by an armed officer or investigator while transporting the firearms to the destruction facility.
- The destruction of firearms must be witnessed by Property personnel and assisting armed officer or investigator.
- To "destroy" means to destroy a firearm or other weapon in its entirety by smelting, shredding, crushing, or cutting and must include all parts pursuant to California Penal Code Section 18005 (f)(1).

Documentation:

A permanent record of firearms destroyed must be retained and maintained in the appropriate files and databases. The documentation must include:

- The make, model, serial number, and other identifying information related to the firearm
- The date of destruction
- The reason for destruction
- A Certificate of Destruction provided by the destruction facility
- Cancellation of the associated AFS record
- Entry of a new AFS record to report the firearm has been destroyed