

SANTA ANA POLICE DEPARTMENT

DAVID VALENTIN · CHIEF OF POLICE

TRAINING BULLETIN

"Education promotes professional and responsive law enforcement"

Surrender of Firearms-Information Sheet

Purpose

To establish policy and procedure for proper handling of firearms surrendered by persons subject to provisions of a protective order and use of the Santa Ana Police Department Surrender of Firearms Information Sheet (*SAPD S-88*).

Introduction

Family Code Section 6389 compels persons subject to the provisions of a protective order to surrender their firearms to the local law enforcement agency for the duration of the order. Police agencies must provide for safekeeping of these weapons so that they can be returned when the protective order expires. To provide for accurate record keeping, the department has developed the Surrender of Firearms Information Sheet that shall be used to document all cases of weapons surrendered pursuant to this section.

Effective January 1, 2005 Penal Code section 12021.3 requires a person to submit a firearm clearance application to the California Department of Justice, with the appropriate fees, and receive authorized clearance prior to the return of any firearm by any agency or any court.

Procedure

When a person surrenders their firearms pursuant to a court order, a police officer will be assigned to receive the weapon(s) and document the transaction in an Information Report. The officer will complete a Property Receipt and the Surrender of Firearms Sheet. The court order shall be photocopied and the copy attached to the report.

The person surrendering the firearms shall sign the [Surrender of Firearms Information Sheet](#), thereby acknowledging the terms of the storage, applicable fees, and Department of Justice requirements to obtain the release of the firearm. The fee is **NOT** collected at the time of storage, but is later collected at time of release by Evidence Section Personnel **ONLY**. The person surrendering the firearm(s) is provided with a copy of the Surrender of Firearms Information Sheet at the time of surrender.

The weapons are booked into Evidence with a notation on the Property and Evidence booking slip that the weapons are **not** to be released. The evidence copy of the Surrender of Firearms Information Sheet (*canary*) is booked with the firearm(s). The SAPD report copy (*white*) is attached to the Information Report. The handling officer shall also complete a CLETS form indicating the weapon(s) have been taken for safekeeping.

The firearm owner is allowed to make a one-time sale of the weapon(s) during the storage period, but only to a licensed gun dealer. This process is explained on the Surrender of Firearms Information Sheet. The surrender of firearms under the provisions of a protective order pursuant to Family Code Section 6389 requires the following forms:

1. Information Report
2. Surrender of Firearms - Information Sheet (*SAPD S-88*)
3. Property Receipt (*SAPD S-85*)
4. Property and Evidence Card (*SAPD S-29*)
5. CLETS Computer Entry Form for Firearms (*SAPD S-80*)

Summary

Proper documentation of surrendered firearms protects the department from liability by ensuring compliance with legal mandates that require the items will be available at the termination of a protective order when accompanied with Department of Justice clearance to legally possess the firearm.

Acknowledgment: Researched and prepared by: Cpl. Norman Gielda #2078.

Published: July 2005