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13-080
05/09/13

RETURN OF SEIZED FIREARMS

When a member of the public requests the return of a booked firearm, members shall refer the person to the investigator assigned to the case.

The assigned investigator shall adhere to the following procedures when determining whether to release the firearm:

1. Ensure the individual seeking the return of seized firearms complies with California Penal Code sections 33850 et seq., which prohibit the police from releasing seized firearms unless the owner of the firearm successfully completes a background check with the California Department of Justice (DOJ), through its Law Enforcement Gun Release Program (LEGR).
2. Ensure the individual possesses an original, valid DOJ Automated Firearms System (AFS) letter indicating eligibility to possess firearms and the firearm registration information, where applicable.
3. Return the firearm only when there is no doubt that the person from whom the firearm was seized has lawful ownership of the firearm. Investigators may return a firearm that is not required to be registered, as long as that person has successfully completed the LEGR with DOJ and has no firearm preclusions such as criminal history or mental health issues.
4. Contact the Legal Division in cases where a firearm requiring registration is not registered, the claimant does not have a Property Receipt, and/or concerns or questions exist regarding the lawful ownership of the firearm. The Legal Division will handle these requests for the return of firearms.

A handwritten signature in blue ink, appearing to read "Greg P. Suhr", is positioned above the printed name of the Chief of Police.

GREGORY P. SUHR
Chief of Police