

**City Council
Agenda Memo**



**City Council
Meeting Date: 07-23-15**

TO: Robert Hanna, City Manager

FROM: Stan Standridge, Chief of Police

SUBJECT: Presentation regarding Firearms Transfers by Police Department

GENERAL INFORMATION

In the course of investigations, the Police Department routinely seizes firearms. Many of those firearms are maintained until all criminal offenses have been prosecuted and a magistrate provides a written disposition. Those dispositions are not descriptive as to what the Department should ultimately do with the firearms, so a memorandum was drafted by Police Administration and approved by then City Manager Larry Gilley in May 2013. In June 2015 the memorandum was shared with City Manager Robert Hanna and approved as to content. The memorandum is included for Council's review.

At issue is the monetary value of firearms that will trigger a sale or transfer to a Federal Firearms Licensed dealer (FFL), as opposed to destroying the firearms. Currently a value of \$500 was chosen, unless other factors support retention or sale or transfer. Other factors include a law enforcement need, such as the issuance of the weapon to an officer for duty-carry; custom-built firearms; commercially desirable firearms, etc. The policy gives staff some discretion as to retention or selling, but it is not written in a manner as to profit from lesser-value handguns or rifles that are commonly used during the commission of crimes.

Council's consideration of staff's memorandum is sought during this presentation.

FUNDING/FISCAL IMPACT

Sales or transfers of firearms only occur once or twice per year. If the practice is discontinued completely, the funding impact would be approximately \$20,000.

STAFF RECOMMENDATION

Staff recommends the memorandum as approved by the City Manager remain in place.

ATTACHMENTS

Memorandums

Prepared by: Name <u>Stan Standridge</u> Title <u>Chief of Police</u>	Item No. <u>7.7</u>	Disposition by City Council <input type="checkbox"/> Approved Ord/Res# <input type="checkbox"/> Denied _____ <input type="checkbox"/> Other _____
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City Secretary



Abilene Police Department

450 Pecan
P.O. Box 174
Abilene, TX. 79602
(325) 676-6600



MEMORANDUM

TO: Stan Standridge, Chief of Police, Abilene Police Department

FROM: Chance Wideman, Range Master, Abilene Police Training Division

RE: Criteria for classification of an antique or collector firearm

DATE: May 20, 2013

The guidelines set out below shall be used to determine if a particular seized firearm should be retained by the Department for the purpose of selling or trading to a federal firearms dealer for the acquisition of departmental use equipment. The department Range Master and Property Manager, or designee, will be responsible for evaluating each firearm and identifying which section of these guidelines it falls within and whether it is to be retained for sale or trade. The list will then be subject to Police Administration approval prior to any transaction.

To be considered as eligible for sale or trade a particular firearm must:

1. Have been acquired legally by the Department and have been awarded to the Department for use or disposal.
2. Have a total base resale value of at least \$500.00 including installed accessories and parts according to the latest edition of the blue book of gun values and fall within one of the below categories:
 - A. Is classified by the BATFE as a Curio and Relic firearm under one of the following criteria (extracted from Title 27, Code of Federal Regulations, Part 478.11):
 - a. Firearms which were manufactured more than 50 years prior to the current date, but not including replicas thereof;
 - b. Firearms which are certified by the curator of a municipal, State, or Federal museum which exhibits firearms to be curios or relics of museum interest; and

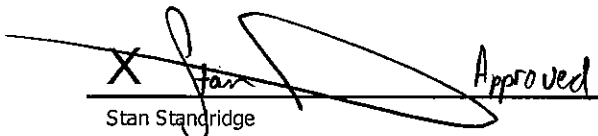


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- B. Any other firearms which derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event. Proof of qualification of a particular firearm under this category may be established by evidence of present value and evidence that like firearms are not available except as collector's items, or that the value of like firearms available in ordinary commercial channels is substantially less.
 - C. Is a firearm manufactured less than 50 years prior to the current date, but due to the firearms make and model, condition, rarity, history, or artistic quality, is considered to be a collector's piece which would command a premium over other firearms manufactured around the same period without equal provenance.
 - D. Is a purpose-built or custom-built firearm specifically designed and built for use in a recognized shooting sport, and as such the customization or modifications made to the firearm make it more commercially desirable than similar non-customized pieces and add to the base value of the original non-customized firearm.
 - E. The firearm is the product of a custom shop or other production method that is not the standard production method or line for that type of firearm, and commands a premium value over similar production models of the same firearms.
3. Firearms failing to meet the above criteria shall be evaluated to determine if there is a departmental need to utilize that firearm or any part thereof prior to destruction or disposal. Uses for firearms under this category include replacement parts, as training aides, for familiarization, or to supplement existing weapon types currently in use by the department (ex. Remington 870 less-lethal shotguns).


X Stan Standridge
Chief of Police



POLICE DEPARTMENT

450 PECAN STREET • ABILENE, TEXAS 79602 • 325-676-6600 • FAX 325-676-6606

MEMORANDUM

TO: Donna Littlefield, Division Manager
FROM: Stan Standridge, Chief of Police
DATE: October 30, 2012
SUBJECT: Seized weapons

Police Administration has carefully reviewed the practice of selling or swapping seized firearms with dispositions for new firearms or cash-value trade-ins. The precedent is clear, as evidenced by many Texas agencies authorizing such transfers. At hand, however, is the ethical consideration of releasing seized firearms back into any community. Proponents have argued that it is not different than an impound auction in which seized cars are sold back into the community. That argument loses standing, however, when one considers the legal, moral, and constitutional considerations of firearms. Clearly many citizens would be outraged by the notion that seized firearms would ever be released back into a community. Families impacted by gun violence, especially if the firearm was traced back to APD, would be incensed.

Based on these factors, the Department will not facilitate gun transfers, sales, or cash-value trade-ins. The Department will authorize the legitimate release of firearms to the Range Master, upon approval of the Training Division Commander and respective Assistant Chief of Police (signatures will be required). This will ensure quality firearms are used for departmental purposes.

Your attention to this matter is appreciated.

A handwritten signature in black ink, appearing to read 'Stan Standridge', written over a horizontal line.

Stan Standridge

Cc: LG; MP; DW; SR; GM; RK

We Serve Those We Protect

MEMO

To: **Police Administration**

DATE/INITIALS: APPROVED _____ **DISAPPROVED** _____

To: **Donna Littlefield, Manager of Records, Property and Evidence**

DATE/INITIALS: APPROVED _____ **DISAPPROVED** _____

From:

Date:

Re: Transfer of Property

Detailed reason for use of property:

Division to transfer property to has identified a need for:

I understand that when the property is no longer needed by this office it must be returned to the Property and Evidence Section for proper disposal.

PROPERTY RELEASED FOR DEPARTMENTAL USE IS SUBJECT TO AUDIT BY THE CITY INTERNAL AUDITORS.