

## RESPONSE TO GRAND JURY REPORT

Report Title: Police Firearm Security

Report Date: April 21, 2016

Agenda Date: June 2, 2016

Response by: Diane Furst

Title: Central Marin Police Authority Police Council

Police Council Chair

### **FINDINGS**

- We agree with findings numbered: F1, F2, F6, F7, and F8
- We disagree *wholly* with the findings numbered: F3, F4, and F5

### **RECOMMENDATIONS**

- Recommendations numbered R1, R2, R3, and R4 have been implemented.
- Recommendation number R5 will not be implemented because they are not warranted or are not reasonable.

Date: June 2, 2016

Signed: \_\_\_\_\_

*Diane Furst*

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**CENTRAL MARIN POLICE AUTHORITY**  
Response to Findings and Recommendations from Grand Jury Report  
Police Firearm Security

**FINDINGS:**

**Statement regarding findings,** the Central Marin Police Authority Council, through the Central Marin Police Authority (CMPA) provides the following information:

- F1. "Firearms left in unattended vehicles are vulnerable to theft and, if stolen, are in the hands of criminals."**

Response: The respondent agrees with the finding. Any item of value left unattended and in plain view in a vehicle, whether locked or not, is vulnerable to theft. And if that item is stolen, it would be by definition in the hands of a criminal.

- F2. "Firearms belonging to Marin County peace officers have been stolen from their vehicles, although the incidence is low."**

Response: The respondent agrees with the finding. CMPA cannot speak on the behalf of other Marin County law enforcement agencies, but it is presumed that other agencies have had firearms stolen from their vehicles in the past. CMPA have never had any police firearms stolen from its vehicles.

- F3. "There is currently no public tracking of lost or stolen firearms from Marin County peace officers, making the number of missing firearms difficult to determine."**

Response: The respondent disagrees wholly with this finding. All stolen firearms are tracked in the Federal Automated Firearms System, which is accessible to all law enforcement agencies. If a police firearm were to be stolen from CMPA, we would enter the firearm into the Federal Automated Firearm System. In addition, were a public records act request be made to the CMPA we would provide the requestor with all pertinent data, which in this case would be zero stolen firearms.

- F4. "With the exception of the Fairfax Police department, Marin County Police Departments and the Sheriff's Office have not amended or updated their policies in response to high profile reports of law enforcement guns being stolen from vehicles."**

Response: The respondent disagrees wholly with this finding. CMPA has amended its firearm policy several times over the years. The policy was specifically updated after we received a letter from the San Francisco Police Department, referenced in the Marin Grand Jury report.

- F5. "Most Marin County Police and Sheriff's Departments do not have a clear-cut policy and/or procedure specifying how firearms are to be secured if left in an unattended vehicle."**

Response: The respondent disagrees wholly with this finding. CMPA does have a clear cut procedure specifying how firearms are to be secured if left in an unattended vehicle. CMPA is

not in a position to comment on other Marin County Police and Sheriff's Departments. CMPA's current policy states:

*Members of the Central Marin Police Authority are responsible for knowing the location of firearm(s) under their care and control; and ensuring those firearms(s) are secure at all times, whether on or off duty.*

- *Members of the Central Marin Police Authority shall not secure firearms in the glove box or other similar storage compartment within any vehicle.*
- *If a member of the Central Marin Police Authority is faced with a situation or exigent circumstance that requires a firearm to be stored in an unattended vehicle for a short period of time, the firearm shall be secured inside the locked trunk of the vehicle out of public view. Examples of situations where this option is warranted are at Marin County Jail, San Quentin, or Federal Courthouses. In these instances, the vehicle shall also be parked in a secured parking lot when possible.*
- *If the vehicle design does not include a trunk (trucks, SUV, etc.), the firearm shall be secured in a locked metal container affixed to the vehicle in a location within the passenger compartment not visible from the exterior of the vehicle. The firearm is to be placed in the locked metal container out of public view.*
- *If a member of the Central Marin Police Authority is unable to secure a firearm in a vehicle as described above, the member shall not leave a firearm in an unattended vehicle.*
- *Under no circumstance shall any firearm be left unattended in a vehicle overnight.*

- F6. "Neither the general topic of firearm security nor a specific letter from the SF Chief has been discussed at Marin County Police Chief's Association meetings. The view commonly expressed by the law enforcement executives is that it is a "common sense" responsibility and understood as such by deputies and officers."**

Response: The respondent agrees with the finding. The topic of firearm security was not discussed at a Marin County Police Chief's Association meeting until May 12, 2016. CMPA had previously discussed the matter internally after the SFPD letter, and made policy changes accordingly.

- F7. "Concern for public safety has led to proposed State and some recent local legislation (in San Francisco and Oakland) requiring that firearms be secured in all unattended vehicles."**

Response: The respondent agrees with the finding. CMPA acknowledges there have been discussions at the state some local jurisdictions regarding this matter.

- F8. "Specifically designed lock boxes are readily available for safely securing firearms inside a vehicle, should a gun and vehicle need to be left unattended."**

Response: The respondent agrees with the finding.

## **RECOMMENDATIONS**

**The 2015/2016 Marin County Civil Grand Jury recommends that:**

- R1. "Marin County Sheriff's Office and Police Departments should track and record all firearms that have been lost or stolen from law enforcement and personal vehicles."**

Response: The recommendation has been implemented. This recommendation has always been the practice of the Central Marin Police Authority.

- R2. "Marin County Sheriff's Office and Police Departments should make public the number and circumstances of all firearms that have been lost or stolen from law enforcement and personal vehicles."**

Response: The recommendation has been implemented. There has never been a firearm stolen from the Central Marin Police Authority, so there is no data to make public.

- R3. "Marin County Sheriff's Office and Police Departments should update their policies and procedures regarding firearm security, particularly with regard to firearms left in unattended vehicles (departmental and personal) and if a firearm is left in a vehicle, how it is to be stored."**

Response: The recommendation has been implemented. Refer to above mentioned recently updated policy language.

- R4. "The Marin County Sheriff and all Police Chiefs should discuss the issue of firearm security including storage, tracking and reporting of lost or stolen firearms at Marin County Police Chief Association meetings and make a recommendation as to whether there should be a standard county policy for leaving a law enforcement firearm in a vehicle."**

Response: The recommendation has been implemented. The issue was discussed at the Marin County Police Chief's Association meeting on May 12, 2016.

- R5. "Marin County Sheriff's Office and Police Departments should install lock boxes in all department vehicles and require that in the event it is necessary to leave a firearm in a vehicle, the firearm be secured in the lock box."**

Response: The recommendation will not be implemented because it is not warranted at our agency with our current policy. All rifles and shotguns stored in CMPA vehicles already have secured locks. There are very limited circumstances where an officer is allowed to store a handgun in a vehicle. In those limited circumstances the threat of theft is minimal if any, due to the rarity of the circumstances allowed, the location of where the handgun is allowed to be stored (trunk, out of public view), the location of the parked vehicle (secured parking if possible), and the period of time the handgun is allowed to be stored in the vehicle.