

# MILL VALLEY POLICE DEPARTMENT

J. Angel Bernal  
Chief of Police  
www.cityofmillvalley.org



1 Hamilton Drive  
Mill Valley, CA 94941  
(415) 389-4100  
(415) 389-4148 Fax

June 7, 2016

Mr. John Mann, Foreperson  
Marin County Grand Jury  
3501 Civic Center Drive, Room #275  
San Rafael, CA 94903

Dear Mr. Mann,

Enclosed you will find information provided by the Mill Valley Police Department in response to the request by the Marin County Civil Grand Jury regarding information on the following topic:

**Police Firearm Security: Keeping Police Guns out of the Hands of Criminals**

Our responses follow the format of the survey provided. Should you need any additional information regarding our response to the survey, please do not hesitate to contact me directly. I can be reached Monday – Thursday between 8:00am and 5:00pm by calling 415-389-4100 extension 4112.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Angel Bernal".

J. Angel Bernal  
Chief of Police

## Police Firearm Security

### Response to Marin County Civil Grand Jury

#### FINDINGS:

F1.

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

- The respondent agrees with this finding.

F2.

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

- The respondent agrees with this finding.

F3.

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

- The respondent agrees with this finding.

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.

- The respondent agrees with this finding.

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.

- The respondent partially disagrees with this finding as Mill Valley Police Department policy section 312.3.2 states "STORAGE AT HOME - Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access (Penal Code § 25100)." And section 312.5.2 states "STORAGE AT HOME -Members shall ensure that all firearms and ammunition are locked and secured while in their homes,

vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).”

F6.

Neither the general topic of firearm security nor a specific letter from the SF Chief has been discussed at Marin County Police Chiefs 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.

- The respondent partially agrees with the findings. While the topic was not discussed by the Marin County Chiefs Association prior to the release of the Grand Jury report, the Marin County Police Chiefs Association did discuss this matter at their May 2016 meeting.
- While the statement to firearm security is a basic “common sense” responsibility of all peace officers, as noted in the response to Finding 2, the City of Mill Valley has established policies which address the storage to firearms.

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.

- The respondent agrees with the finding.

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.

- The respondent agrees with the finding.

## **RECOMMENDATIONS:**

R1.

The Grand Jury recommended Marin County law enforcement agencies should track and record all firearms that have been lost or stolen from law enforcement and personal vehicles.

- This recommendation has been implemented.

R2.

The Grand Jury recommended law enforcement agencies should publicize the number and circumstances of all firearms that have been lost or stolen from law enforcement and personal vehicles.

- The City of Mill Valley will implemented this recommendation by October 1, 2016.

R3.

The Grand Jury recommended Marin County law enforcement agencies should update their policies and procedures regarding firearm security, 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 secured.

- The Mill Valley Police Department has implemented a policy to address this concern.

R4.

The Grand Jury recommended 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 Chiefs 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.

- The Marin County Police Chiefs Association discussed the issue of firearms security. The discussion included the storage, tracking and reporting of lost or stolen firearms. Individual agencies will establish their own policies on whether or not to allow a law enforcement firearm in a vehicle to be in a secured lock box.

R5.

The Grand Jury recommended Marin County law enforcement agencies 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.

- The Mill Valley Police Department obtained lockable boxes for unmarked police vehicles.