

RESPONSE TO GRAND JURY REPORT FORM
Town of Tiburon

Report Title: Police Firearm Security

Report Date: April 21, 2016

Public Release: April 28, 2016

Response By: Greg Chanis

FINDINGS

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

RECOMMENDATIONS

- Recommendations numbered R1-R5 have been implemented.
- Recommendations numbered _____ will not be implemented because they are not warranted or are not reasonable.

Date: 7/21/16

Signed: 
GREG CHANIS, TOWN MANAGER

Number of Pages Attached: 4

Office of the Town Manager / 415.435.7388



Erin Tollini
Mayor

Jim Fraser
Vice Mayor

Frank X. Doyle
Councilmember

Alice Fredericks
Councilmember

Emmett O'Donnell
Councilmember

Greg Chanis
Town Manager

July 21, 2016

The Honorable Kelly V. Simmons
Judge of the Marin County Superior Court
Post Office Box 4988
San Rafael, CA 94913-4988

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

**Re: Response to Grand Jury Report April 21, 2016
Police Firearm Security**

Dear Honorable Judge Simmons and Mr. Mann:

This letter explains in detail the Town of Tiburon's response to the Grand Jury Report dated April 21, 2016. The Report directs the Town to respond to Findings Nos. 1-8 and Recommendations Nos. 1-5. The Findings involve conclusions of fact that the Town has little or no independent basis to evaluate. In responding to these Findings, the Town assumes that the information in the Report is correct and relies on that information.

FINDINGS

Finding 1: *Firearms left in unattended vehicles are vulnerable to theft and, if stolen, are in the hands of criminals.*

Town's Response to Finding 1:

The Town agrees with the finding. Any item of value left unattended in a vehicle is vulnerable to theft. Once that item is stolen, the person who stole it is by definition a criminal.

Finding 2: *Firearms belonging to Marin County peace officers have been stolen from their vehicles, although the incidence is low.*

Town's Response to Finding 2:

The Town agrees with this finding. While the Town does not have any independent knowledge about the rate of firearms being stolen from other jurisdictions, it is presumed that the rate is low.



Finding 3: *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.*

Town's Response to Finding 3:

The Town disagrees with this finding. Stolen firearms are tracked in the Federal Automated Firearms System, which is accessible to law enforcement agencies.

Finding 4: *With the exception 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.*

Town's Response to Finding 4:

The Town disagrees with this finding. The Town amended its firearm policy to require that all officers adequately secure unattended firearms in any vehicle.

Finding 5: *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.*

Town's Response to Finding 5:

The Town disagrees with this finding. The Town does have a clear-cut procedure specifying how firearms are to be secured if left in an unattended vehicle. Each officer is required to secure any firearm in a gun vault secured to the vehicle. However, the Town is not in a position to comment on other public entities policies.

Finding 6: *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.*

Town's Response to Finding 6:

The Town agrees with this finding. However, the Marin County Police Chief's Association did discuss this matter at their May 2016 meeting.



Finding 7: *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.*

Town's Response to Finding 7:

The Town agrees with this finding.

Finding 8: *Specifically designed lock boxes are readily available for safely securing firearms inside a vehicle, should a gun and vehicle need to be left unattended.*

Town's Response to Finding 8:

The Town agrees with this finding.

RECOMMENDATIONS

Recommendation 1: *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.*

Recommendation 2: *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.*

Recommendation 3: *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 secured.*

Recommendation 4: *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.*

Recommendation 5: *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.*



Town's Response to Recommendations:

Recommendation 1: The Town has implemented this recommendation. This recommendation has always been the practice of the Town.

Recommendation 2: The Town has implemented this recommendation. Town Police Officers are required to report any lost department owned weapons and such instances are made public. The Town has no records indicating that any firearm has been stolen from the Town, so there is no data to make public. To the extent this recommendation seeks disclosure of officers who have had their privately-owned weapons stolen, that information is protected by crime victim privacy laws.

Recommendation 3: The Town has implemented this recommendation. As referenced above, the Town updated its policy to require officers to secure any firearm in a gun vault secured to the vehicle.

Recommendation 4: The Town has implemented this recommendation. The issue of firearm security was discussed at the May 2016 Marin County Police Chiefs Association meeting. At the meeting, it was decided that the issue of setting a policy should be done by the Chief of each department.

Recommendation 5: The Town has implemented this recommendation.

The Tiburon Town Council reviewed and approved this response on July 20, 2016, at a duly noticed and agendized public meeting. If you have further questions on this matter, please do not hesitate to call.

Very truly yours,


GREG CHANIS
Town Manager

cc: Town Council
Town Attorney