

PSF-4.01 - Weapons, Dangerous & Deadly, Disposition & Disposal Of

WEAPONS, DANGEROUS AND DEADLY, DISPOSITION AND DISPOSAL OF *Administrative Rules Adopted by Police Bureau Pursuant to Rule-Making Authority* ARB-PSF-4.01

Section 1- Procedure

Intake Procedures

Members taking into custody as evidence or property, a dangerous or deadly weapon will turn it over to the custody of PED, ID, or the Oregon State Crime Lab (Crime Lab) before being relieved from duty. Weapons taken into custody will be handled in accordance with DIR 660.10 Evidence and Property Procedures.

Weapons will not be dismantled by the member taking them into custody except as necessary to render them safe. Firearms will be submitted with their actions secured in the open position. Firearms will be checked by the member to determine if they are stolen or wanted.

Deadly or Dangerous Weapons Surrendered for Destruction

A dangerous weapon is any instrument, article or substance which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious physical injury. A deadly weapon is any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury.

If carried concealed, dangerous or deadly weapon includes, per City Code Sec. 14.32.100, a firearm, metal knuckles, straight razor, a weapon of the type commonly known as nunchaku, blackjack, sap or sap gloves, and any type of knife other than an ordinary pocket knife. When carried with the intent to use unlawfully against another, dangerous or deadly weapon also includes any instrument or device capable of inflicting injury to the person or damage to the property of another.

A person wishing to surrender a dangerous or deadly weapon may do so according to the following conditions:

- a. The weapon may be surrendered at any precinct or to any on-duty, sworn member.
- b. All pertinent information will be obtained from the person surrendering the weapon(s).
- c. On the property/evidence receipt, a notation similar to the following will be made: "I (person surrendering weapon(s)), voluntarily surrender my (above described weapon(s)) for destruction, with the understanding that I knowingly forfeit any claim to the weapon(s)." The person surrendering the

weapon(s) will sign and receive a copy of the receipt.

Weapons Held Temporarily for Safekeeping

Members will inform citizens wishing to turn in weapons for safekeeping that policy does not permit the PED to be used as a storage facility. Members should suggest to the citizens the use of commercially available storage lockers.

In emergency circumstances, sworn members may take or accept a weapon for safekeeping for the protection of person or property.

Disposition and Disposal of Dangerous or Deadly Weapons

Release procedures are prescribed by City Code 14.32.110.

Release to Owner

a. Found weapons are property found by police or citizens to be held for determination of ownership. Such weapons may be released to the owner if:

1. Ownership has been determined.
2. The weapons are not stolen or wanted.
3. Law does not preclude the owner from possessing such weapons.

b. Confiscated weapons held for evidence may be released to the owner after it has been determined that:

1. The weapon was not possessed, carried or used unlawfully by the owner.
2. The member assigned the case has determined the weapon is no longer needed for evidence purposes.
3. A release has been authorized by one of the following:

(a) The member assigned the case.

(b) By order from the DA.

(c) By order from the court having jurisdiction.

c. Ownership or right of possession will be determined by registration, valid receipt or bill of sale. If ownership cannot be determined, the claimant will be referred to the Circuit Court, per City Code 14.32.110.

d. If the weapon is not claimed, it will be disposed of in accordance with City Code 14.32.100, 14.32.110 and/or ORS 166.280.

Disposal of Dangerous or Deadly Weapon

a. All dangerous or deadly weapons that are not claimed and were not disposed of in accordance with other City Code authorized options, and all weapons surrendered for destruction by an owner will be destroyed in accordance with ORS 166.280 and City Code 14.32.100 and 14.32.110.

1. If the weapon is a firearm suitable for use by the Bureau, upon request of the Chief, the firearm may be transferred to the Training Division (Training) Armory inventory (refer to DIR 1070.00 Firearms, Confiscated, Acquisition of for procedures).

2. Officially recognized historical societies may apply for and, subject to approval by the Chief and City Council, arrange for the transfer of weapons with historical significance to that society.

b. All firearms designated for destruction will be inspected and inventoried by PED. The inventoried firearms will be placed in a locked and sealed container. The inventoried firearms will be destroyed in the presence of members of PED who will witness and certify to the physical destruction of the firearms.

c. An after action report will be prepared and submitted to the branch manager by the PED manager. The report will include the number of firearms destroyed, the date of destruction, the names of members delivering the weapons for destruction, and destruction witness signatures.

d. Signed copies of the inventory lists of all firearms destroyed will be kept by PED.

Disposal of Ammunition

All ammunition will be removed from PED and destroyed by the Explosives Disposal Unit (EDU).

Section 2- References

ORS 133.033 Peace Officer; Community Caretaking Functions

ORS 166.250 Unlawful Possession of Firearms

ORS 166.270 Possession of Weapons by Certain Felons

ORS 166.280 Seizure of Firearms, Dangerous Weapons and Concealed Weapons; Destruction; Exception; Sale by Auction

City Code 14.32.100 Definitions of Weapons

City Code 14.32.110 Seizure and Disposal of Weapons

DIR 660.10 Property and Evidence Procedures

DIR 1070.00 Firearms, Confiscated, Acquisition

HISTORY

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