



IN BRIEF

SB 221 require law enforcement agencies to keep an inventory of agency owned firearms and report firearms that are lost or stolen in the line of duty.

THE PROBLEM

Law enforcement agencies and their officers are responsible for protecting the public and preserving the public peace and therefore have the responsibility of maintaining their guns in a manner that comports with their public safety mission.

However, law enforcement agencies and officers are a source of lost and stolen guns and the guns can end up in the hands of criminals and nothing in current law sufficiently requires law enforcement agencies to account for, keep track of, or in any other way monitor their guns.

BACKGROUND

Three recent investigative news reports found that hundreds, if not thousands, of guns owned by law enforcement agencies and their officers have been stolen or lost and are largely unaccounted for. The key details are:

- A survey of at least 240 California law enforcement agencies [conducted by the San Jose Mercury News](#) found that between 2010 and mid-2016, 944 guns were unaccounted for and fewer than 20% have been recovered. The guns range from pistols to assault rifles to grenade launchers. As an example, the San Jose police department lost track of 324 guns. The article found that many departments do not have policies to keep track of guns or to audit their armory. A spokesperson for the Oakland Police Department said they have “‘done a very poor job’ of keeping track of guns.” The article reported that some of the guns have ended up in the hands of criminals, such as gangs like the Nortenos.
- An Orange County Register article titled, [Police Might Not Know Where Their Guns Are, and The Law Says That’s OK](#), found that over a five year period, 134 southern California police agencies lost track of 329 guns. This includes handguns, assault rifles like M16’s, and a grenade launcher.

According to the article, “dozens of these guns wound up in the hands of criminals.” The LA County Sheriff’s office admitted to not knowing how many of their guns are missing. Similarly, the Long Beach Police Department stated that it does not keep track of its guns.

- A 2015 [NBC Bay Area investigation](#) found that over 500 guns from eight different police agencies have gone unaccounted for since 2010. According to the report, a spokesperson for the San Jose Police Department, who was responsible for 324 of the unaccounted guns, said that “decades of poor recordkeeping is to blame for the missing guns.”

Not all law enforcement agencies reported lost or stolen guns. For example, according to the reporting doing by the OC Register, 54 of the 134 law enforcement agencies stated that none of their guns were missing. Further, while many law enforcement agencies don’t have a process to keep track of their guns, some do. For example, the Hermosa Beach Police Department has an armory audit process.

While SB 221 focuses on law enforcement agencies and their officers being stewards of their guns, guns lost by, or stolen from, law enforcement agencies and officers are part of a much larger problem. According to another [NBC Bay Area report](#), almost 70,000 total guns were reported as missing between 2010 and 2015, a number based on California Department of Justice files. The news agency, in their analysis, found that 2,655 of the guns were connected to a crime.

CURRENT LAW

Current law, as amended by Proposition 63 (2016), the “Safety For All Act,” imposes a mix of requirements on law enforcement handling of guns, but does not specifically require that each police agency have a process in place to keep tabs on all their guns. Specifically, current law says that:

- A law enforcement agent an obligation to report a lost or stolen gun to his or her employing agency (Prop. 63). The law doesn’t specify that it has to be reported within a specific timeframe. If a law enforcement agent does not report to his or her agency, then the officer must, within 5 days of

knowing the gun was lost or stolen, report it to the local law enforcement agency.

- A law enforcement agency's institutional guns must be registered through the Department of Justice's Automated Firearms System (AFS) within 10 days of acquisition. However, current law does not place the same obligation on guns owned by an officer and used within the course of his or her official duties.
- Law enforcement agencies must update AFS when an institutional gun is destroyed (i.e. melted down or in some other way disposed of), but the obligation does not apply to guns that are lost or stolen.
- Law enforcement agencies must update AFS when they sell or give a gun to an officer, retiring officer, or to another law enforcement agency.
- Under SB 869 (Hill, 2016), law enforcement officers are required to properly secure a handgun when leaving it unattended in a vehicle.

THE SOLUTION

SB 221 will improve the method by which law enforcement agencies keep track of their guns, helping to keep them from being lost or stolen. The bill requires all law enforcement agencies to have a written

procedure to account for all of their firearms by January 1, 2021. This procedure must include all of the following:

- The maintenance of an accurate inventory of all agency owned firearms, and process by which that inventory is updated as firearms are lost, stolen, replaced, etc.
- Reconciliation of firearm inventory at least once a year.
- A process for officers to report lost or stolen guns to their agency.
- A disciplinary process for officers who fail to report lost or stolen guns.

SB 221 also requires law enforcement agencies to report any lost or stolen firearms owned by the agency or owned by an employee of the agency and used in the line of duty to AFS within five days.

FOR MORE INFORMATION

Jano Dekermenjian

916-651-4013

Jano.Dekermenjian@sen.ca.gov