



Kern County Sheriff's Office
Policies and Procedures

TITLE: FIREARM TRANSFER		NO: G-1020	
APPROVED: Donny Youngblood, Sheriff-Coroner			
REFERENCE: Penal Code sections 830.1, P.C. 26615(a), 26300(c)(2), 26305, 30160, and Board of Supervisor's letter dated November 30, 2004			
EFFECTIVE: December 15, 2004	REVIEWED: 08/13/2018	REVISED: 01/07/2010	UPDATED: 08/13/2018

POLICY

This policy authorizes, in strict accordance with the provisions of P.C. 26615(a), the sale and transfer of firearms to Deputies as defined in P.C. 830.1. Detention Deputies empowered pursuant to P.C. 830.1 (c) who are authorized at the time of retirement to carry firearms while in the performance of their duties are eligible to purchase firearms pursuant to the provisions of this policy. This policy is intended to apply only to the Deputy's issued handgun, or a specially-fitted sniper rifle as a result of an assignment to the Special Weapons and Tactics (S.W.A.T.) team, and that rifle has been deemed to no longer be of useful service. Other S.W.A.T weapons, shotguns and tactical rifles will not be sold or transferred to a retiring Deputy. Only firearms owned by the Sheriff's Office may be sold or transferred. Confiscated firearms or firearms obtained through the Excess Federal Property program may not be sold to any person.

DIRECTIVE #1

Penal Code section 26615(a) prohibits the sale or transfer of a firearm to a Deputy who retires due to a psychological disability or in lieu of termination.

DIRECTIVE #2

Penal Code section 26300(c)(2) does not allow for the sale of Sheriff's Office firearms to Reserve Deputy Sheriffs as defined in Penal Code section 830.6 unless the Reserve Deputy has held a Level I status for a minimum of 10 years. A law enforcement agency shall have the discretion to revoke or deny an endorsement issued under this subdivision pursuant to Section 26305.

DIRECTIVE #3

The firearm sales transaction must occur on:

- The last day worked prior to the commencement of terminal vacation (J-700)
- Prior to the effective date of retirement for those Deputies declared in a permanent and stationary status and are being processed for a disability retirement
- The last day worked for those Deputies retiring on a service retirement

Under no circumstances will a firearm be sold once retirement or terminal vacation has commenced. Any incomplete transaction will become null and void upon the commencement of retirement. The transfer of the handgun to the retiring Deputy includes the high capacity magazines belonging to the handgun being sold.

DIRECTIVE #4

The Authorization to Purchase Firearm form must be submitted at least 45-days prior to the effective date of retirement as outlined in Directive #3.

Procedure A: Purchasing a Handgun

The retiring Deputy will:

- Complete and sign the Authorization to Purchase Firearm form. (attached)
- Submit the form to his or her Chief Deputy (or any other Chief Deputy in his or her absence).
- If the case of a retiring Chief Deputy, the form will be submitted to the Undersheriff.

The Chief Deputy (or Undersheriff) will:

- Review the Authorization to Purchase Firearm for completeness
- Check with the Human Resources Section to confirm the retiring Deputy is eligible to carry a concealed firearm pursuant to the provisions of Penal Code section 26305.
 - If the Deputy is not eligible, disapprove the Authorization to Purchase Firearm form and route it as follows:
 - Original form in the retiring Deputy's personnel file
 - Copy to the retiring Deputy
 - If eligible, approve the Authorization to Purchase Firearm form and route as follows:
 - Fax the form to the Property Room
 - Give the original form to the retiring Deputy
 - Ensure a letter is placed on the Board of Supervisors Agenda

The retiring Deputy will:

- Take the original Authorization to Purchase Firearm form to the Property Room to purchase the firearm according to the time limits as stated in Directive #3 of this policy
- Obtain from the Property Room and complete the Department of Justice form #BOF 4542A, Firearm Ownership Record
- Attach a check in the amount of \$19 payable to the Department of Justice to the Firearm Ownership Record form.
- Give both forms to the Property Room

The Property Room will:

- Determine the trade-in value of the firearm from the manufacturer through the Sheriff's Office handgun vendor.
- Obtain payment in that amount from the retiring Deputy and issue a receipt.
- Complete section II of the form.
- Fax the completed Authorization to Purchase Firearm form to Sheriff's Administration.
- Fax the completed Authorization to Purchase Firearm form to the Crime Reports Teletype Operator.
- Attach a copy of the Authorization to Purchase Firearm form to the Deputy's equipment record.

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- Give the retiring Deputy a copy of both completed forms.
- Route the completed original Authorization to Purchase Firearm form to the Human Resources Section.
- Mail the completed Department of Justice Firearm Ownership Record form and the check to the Department of Justice.

The Crime Reports Teletype Operator will:

- Cancel the institutional record of firearm ownership in C.L.E.T.S.

The Human Resources Section will:

- Place the original Authorization to Purchase Firearm form in the retiring Deputy's personnel file.

Procedure B: Purchasing Sniper Rifle

DIRECTIVE #B-1:

P.C. 30160 requires any firearm that is sold, delivered, or transferred pursuant to Section 10334 of the Public Contract Code to a peace officer, the name of the officer and the make, model, serial number, and other identifying characteristics of the firearm being sold, delivered, or transferred shall be entered into the Automated Firearms System (AFS) via the California Law Enforcement Telecommunications System (CLETS) by the law enforcement or state agency that sold, delivered, or transferred the firearm, within 10 days of the transaction.

DIRECTIVE #B-2:

Only sniper rifles that have been deemed to no longer be of service are eligible to be sold to the retiring deputy. The determination that the rifle is no longer of serviceable will be made by the S.W.A.T. Commander and approved by the Chief Deputy in command of the S.W.A.T. Team.

The retiring Deputy will:

- Request approval from the S.W.A.T. Commander for an evaluation of the usefulness of the sniper rifle if the Deputy believes it is no longer serviceable.
- If it is determined that the sniper rifle is no longer serviceable, obtain written estimates of the value of the rifle from three firearm dealers.
- Complete and sign the Authorization to Purchase Firearm form and attach the three written estimates to the form.
- Submit it to the S.W.A.T. Commander.

The S.W.A.T. Commander will:

- Sign the Authorization to Purchase Firearm form designating the sniper rifle as no longer serviceable.
- Submit the form and attachments to the Chief Deputy charged with command over the S.W.A.T. team.

The Chief Deputy over S.W.A.T will:

- Review the Authorization to Purchase Firearm for completeness.
- Establish the value of the rifle by taking the average of the three written estimates and writing that value on the form.

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- Check with the Human Resources Section to confirm the retiring Deputy is eligible to carry a concealed firearm pursuant to the provisions of Penal Code section 26305.
 - If not eligible, disapprove the Authorization to Purchase Firearm form and route as follows:
 - Original form in the retiring Deputy’s personnel file
 - Copy to the retiring Deputy
 - If eligible, approve the Authorization to Purchase Firearm form and route as follows:
 - Fax the form to the Property Room.
 - Give the original form to the retiring Deputy.
 - Ensure a letter is placed on the Board of Supervisors Agenda.

The Property Room will:

- Obtain payment from the retiring Deputy for the value established on the form and issue a receipt.
- Complete section II of the form.
- Attach a copy of the form to the Deputy’s equipment record.
- Give the retiring Deputy a copy of the completed form.
- Fax the completed Authorization to Purchase Firearm form to Sheriff’s Administration
- Route the completed original form to the Human Resources Section.

The Human Resources Section will:

- Place the original form in the retiring Deputy’s personnel file.

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