

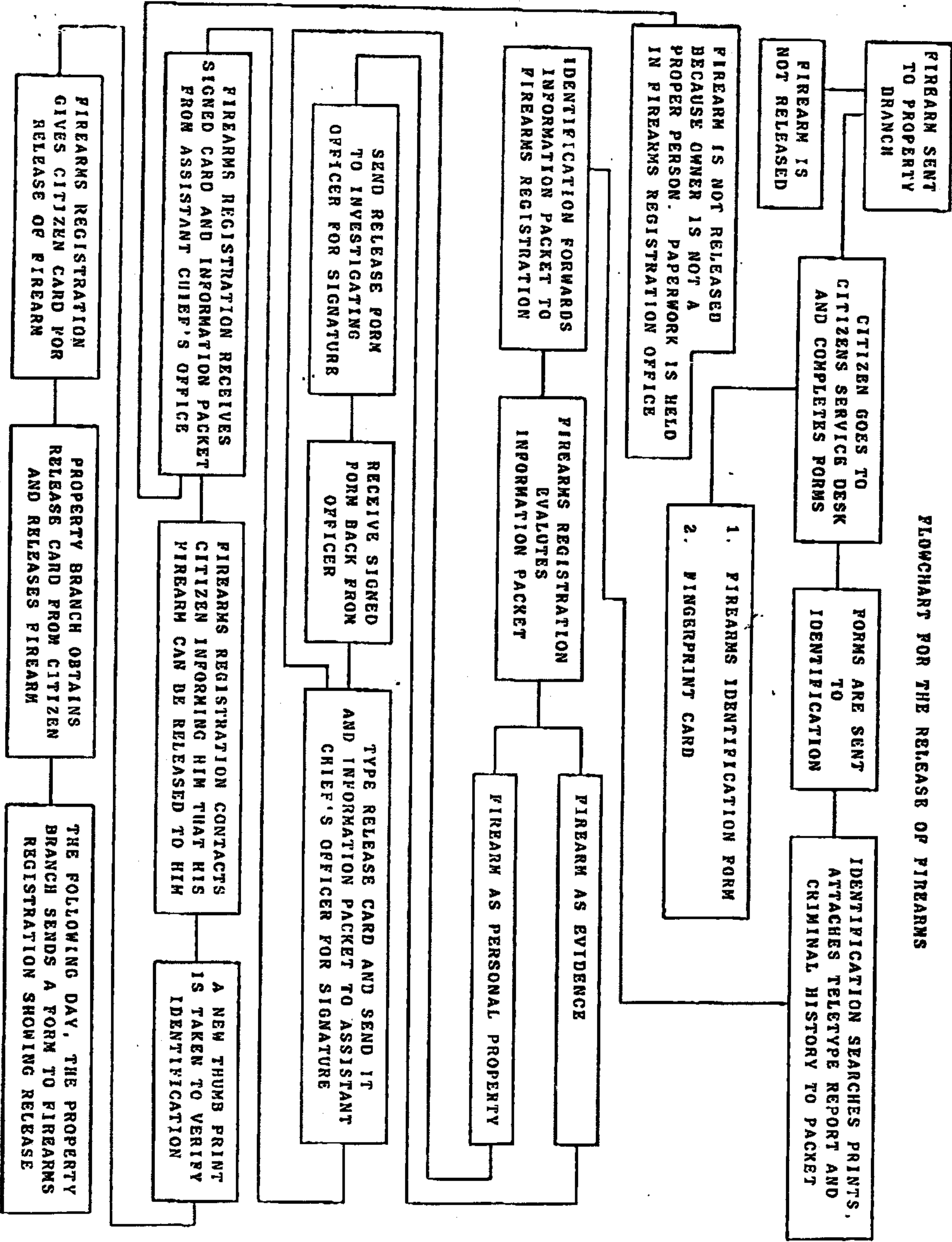
EXHIBIT 1
INDIANAPOLIS POLICE DEPARTMENT
GENERAL ORDER 30.03
FIREARMS RELEASE PROCEDURE



452
 2005

FIREARMS RELEASE PROCEDURE

FLOWCHART FOR THE RELEASE OF FIREARMS



INDIANAPOLIS POLICE DEPARTMENT
Inter-Department Communication

To: Sgt. Fredrick Larsen

Date: September 26, 1989

From: Officer Michael A. Jackson

Subject: Firearms Release Policies - Page 6

3. The officers involved do not object to the return; and
 4. The owner can legally possess the firearm; and
 5. No other exigent circumstances exist to rationalize holding the firearm.
- D. Procedure after a decision is made using the criteria as set forth in Sections B and C of this chapter.
- A. Recommendation to Release
- The recommendation will be made to the Assistant Chief of Police for his final authorization.
- B. Recommendation to Not Release
1. Inform the owner of the decision so that he may proceed with alternative action;
 2. Consult with Legal Advisor and/or Assistant Chief of Police concerning the decision.

Respectfully submitted,

Signature: Michael A. Jackson

Rank: Patrol Officer Ident. No. J-5543

78 27-89

INDIANAPOLIS POLICE DEPARTMENT

GENERAL ORDER
NUMBER 30.03
Order/Insert

FIREARMS RELEASE

ISSUED: July 15, 1988

EFFECTIVE: July 15, 1988

**THIS GENERAL ORDER SUPERSEDES GENERAL ORDER NUMBER 30.03, EFFECTIVE
JANUARY 22, 1988.**

I. PURPOSE

This General Order establishes procedural guidelines for the release of firearms under the control of the Indianapolis Police Department.

II. DEFINITION

Firearms, for the purpose of this Order, shall include all handguns, shotguns, rifles or any other weapon defined by law as a firearm.

III. POLICY

A. A firearm shall be released to its respective owner after careful consideration of the following;

1. Facts surrounding the present case;
2. Criminal history information;
3. Facts of prior charges and arrests, only as they may reveal information concerning the person's character;
4. Can this person legally transfer possession of the weapon?
5. Can the Department legally transfer possession of the weapon?
6. Previous demonstration of any irresponsible conduct or posing a threat to the owner's safety or to others when a firearm was used;
7. The likelihood this person will repeat such conduct in the future; and
8. Conversations with the arresting officer, detective, victim, probation department, etc.

Resolution through court proceedings should be undertaken whenever possible.

- B. All firearms coming under control of the Indianapolis Police Department shall be released or disposed of in accordance with applicable law and Departmental policy
- C. No member of the Department shall request from the court or the Department any firearm for personal use or retention.
- D. Members shall indicate disposition and/or sign the Firearms Disposition form upon the final disposition of any case where the firearm is held as evidence. (See section V., Subsection D.)

to the rightful owner at once following final disposition of the cause if such owner remains lawfully entitled to possess such firearms according to applicable United States and Indiana statutes.

Signature: 
Rank: Patrol Officer Ident. No. J-5543

Handwritten notes:
NBA
9-22-87
MDJ
9-29-87

B. I.P.D. Form No. 1-3-5-R1, Property Branch Inventory Sheet (Example G), shall be prepared on all firearms coming into the Property Branch.

1. The movement of the firearms to and from the Property Branch for the purpose of testing, court, etc., shall be noted on I.P.D. Form No. 1-3-5-R1, Disposition of Property, reverse side.
2. All firearms being released shall be signed and noted with the reason and/or disposal in the Claimant's Receipt Section, i.e., confiscated by court, released to owner, etc.
3. After a final release is made on a firearm by the Property Branch and the necessary notations are made on the Inventory Sheet, the sheet shall be sent to the Central Records Branch for filing. The only time this procedure is not followed is when there are other items on the sheet still to be disposed of. In this case, the sheet shall be kept in the Property Branch file until the other articles are disposed of. After complete disposal, I.P.D. Form No. 1-3-5-R1 shall be forwarded to Central Records.

C. When the determination to dispose of a firearm is made in accordance with Party A, the Delivery and Receipt of Firearms List, I.P.D. Form No. 1-1-58 (Example H), shall be prepared. The form shall be prepared in five (5) copies and distributed as follows upon completion of transfer to custody of the Marion County Sheriff's Department.

One copy (Original)	File in Property Branch
One copy	To Marion County Sheriff's Department
One copy	To Deputy Chief of the Service Division
One copy	To Chief of Police
One copy	Firearms Records Section

1. Each firearm shall be listed separately with the needed information.
2. The form shall be dated and contain the signature of the Deputy Chief of the Service Division prior to release.
3. The receiving official from the Marion County Sheriff's Department shall initial each line of items and physically take control of each firearm.
4. Upon completion of this process the form shall be signed by the receiving official where indicated and all listed firearms shall be in custody of the Marion County Sheriff's Department.
5. Prior to final release of any firearm to the Marion County Sheriff's Department, a check shall be made on the NCIC network for possible stolen. Should the NCIC check indicate any discrepancy, the firearm shall be retained by the Indianapolis Police Department until a final disposition is made.

(1) Reason for release shall be stated under "Remarks".

(2) The release shall be forwarded to the Chief of Police, Assistant Chief of Police or their designee.

d. Upon completion of the above, the individual requesting the release shall hand carry it to the Property Branch for release of the firearm.

e. The Property Branch shall complete I.P.D. Form No. 1-3-30, Property Release Form (Example F), upon release of the firearm.

One copy (^{yellow} ~~pink~~) to ~~Crime Laboratory~~; FIREARM RECORDS
One copy (~~pink~~) to Central Records;
One copy (white) retained in Property Branch.

8. Rifles and Shotguns

The release of rifles and shotguns shall be handled in the same procedure as handguns with the exception of the Ballistics Form and the Master Card, which are not required.

9. Court Orders

All court orders shall be directed to the Office of the Chief of Police before any action is taken.

10. Release to Other than Owner

The only authorized person other than the owner of the firearm authorized to pick up a firearm shall be the owner's attorney. Before release of a firearm, the attorney shall show proof of:

a. Power of Attorney;

b. Shall submit a letter from the owner of the firearm authorizing the release of the firearm to the attorney.

V. PROCEDURE FOR DISPOSAL OF FIREARMS

A. ~~Firearms shall be disposed of in accordance with the following:~~

1. ~~Narcotics conviction (see Section IV, Subsection D).~~

2. ~~Felony conviction (see Section IV, Subsection D).~~

3. ~~DOC? arrests if a letter cannot be obtained from the attending physician;~~

4. Out-of-town stolen firearms where the law enforcement agency does not want the firearm returned;

5. Firearms where the owner cannot be located.

- (a) If the owner has been compensated, Firearms Records shall obtain the company name and/or agents name. A copy of their loss shall be obtained and the firearm released to the insurance company.
- (b) If the owner has not been compensated, the firearm shall be released, unless it is being held as evidence in a pending case. Release shall be made upon final disposition of the case.

6. ~~Firearms that cannot be released~~

a. ~~Firearms shall be sent to the Property Branch for disposal in accordance with Indian Code 18~~

(1) ~~Firearms that are stolen and are not returned to the owner~~

(2) ~~Felony conviction~~

(3) ~~DOC? arrests if a letter cannot be obtained from the attending physician.~~
...can not they do get letters

(4) Out-of-town stolen firearms where the law enforcement agency does not want the firearm returned;

(5) Firearms where the owner cannot be located.

The owner of the firearm in this category shall have their names listed in a local newspaper. These firearms shall be held for a period not less than thirty (30) days or more than forty-five (45) days before being processed for disposal.

b. An inter-department shall be prepared and forwarded to the Commander of the Property Branch indicating the reason each weapon cannot be released.

c. Copies of all paperwork on firearms not released shall be retained for future reference. Retention period shall be determined by the Chief of Police.

7. Firearms to be Released

a. Assigned detective shall be notified:

(1) Homicide on all 35 Firearms Act (ext. ~~7950~~); 3475

(2) Narcotics on all narcotic cases (ext. ~~7713~~). 3390

b. The assigned detective, if applicable, shall sign the Firearm Release (Example D) in the Firearms Records Office.

c. I.P.D. Form No. 1-8-15-R1, Firearm Release, shall be prepared, if applicable (Example E).

- (b) If the case is more than three (3) years old, refer to the microfilm section located in the sub-basement of the Center Tower, City-County Building, ext. 3972.

3. ~~Narcotics Convictions - Departmental Policies~~

~~Any arrest, misdemeanor or felony conviction, or information and behavior involved with narcotics, law enforcement, or firearms, shall be reviewed.~~

- b. Out-of-town persons claiming the gun or suspicious persons shall be checked through the State Police or the F.B.I.
- c. Out-of-state persons shall be checked through the local, state or county police for a felony conviction. Firearms Records shall be responsible for obtaining if there is a conviction resulted in a criminal court.
- d. ~~Persons arrested for DOC? and not committed to a mental institution shall require a letter from their attending physician indicating the individual is responsible enough to have the firearm returned.~~

5. Stolen Firearms

a. Out-of-Town

- (1) If the NCIC check, or any other source, indicates that the firearm is stolen from another law enforcement agency, the Firearms Records Section shall telephone or send a radiograph to that agency.
- (2) The Firearms Records Section shall ascertain from that agency what action is required, returning of firearm or disposal of the firearm.
- (3) If the firearm is to be returned, it shall be indicated on the appropriate paper work of such disposition. The firearm shall then be mailed C.O.D. to the law enforcement agency involved, or the agency may opt to pick up the firearm personally.

b. Locally Stolen Firearm

- (1) The Firearms Records Section shall be responsible for contacting the owner by phone, if possible, or contacting the postal authorities (269-6875).
- (2) If all attempts to contact the owner fail, the weapon may be disposed of in accordance with law and departmental procedure, Section V.
- (3) If the owner is located, it shall be determined if he has been compensated by insurance.

C. Release Procedure

1. If a firearm is being held as evidence, it shall be released only after the case is completed, refer to General Order No. 30.3.
2. I.P.D. Form No. 3-4-4-R1, Firearms Identification Card, shall be completed on all firearms being released (Example A).

Determine case number:

- a. Obtain a copy of the Incident Report and attach I.P.D. Form No. 3-4-39, Record and Ballistics Examination (Example B). This form is available if the firearm has been registered.
- b. Check for the case number on the computer.
- c. Check the Master File on the firearms under make, caliber, and serial number.

NOTE: If the firearm was confiscated and the person not arrested, or the firearm was taken from persons other than the owner, check the registration file for the serial number. The serial number may then be checked against the Master File for the case number.

3. Serial numbers may be obtained from:

- a. ~~The registration file made by the~~
- b. The Record and Ballistics Examination Form if available.

4. Individual Record Check

No firearm shall be released to any person convicted of a felony in Criminal Court or a narcotics conviction in any court.

- a. I.P.D. Form No. 4-2-11, Document Requisition (Example C), requesting a record check on the individual shall be completed and submitted to the Identification Branch.

- (1) If there is no record, the Identification clerk shall stamp on the back of the card the following information:

Name check only; Shows no Record; This is Substantiated by Fingerprints.

The clerk shall then sign and date the card.

The card shall then be attached to the Firearms File.

- (2) If the record shows a felony conviction but does not indicate the court, the Firearms Records Section shall be responsible for finding this information.

- (a) If the case is less than three (3) years old, the court may be determined at the Clerk's Office.

(3) who is an unlawful user of or addicted to marijuana or any depressant or stimulant drug (as defined in section 201 (v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in section 4731 (a) of the Internal Revenue Code of 1954); or

(4) who has been adjudicated as a mental defective or who has been committed to a mental institution;
to ship or transport any firearm or ammunition in interstate or foreign commerce."

"(h) It shall be unlawful for any person--

(1) who is under indictment for, or who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

(2) who is a fugitive from justice;

(3) who is an unlawful user of or addicted to marijuana or any depressant or stimulant drug (as defined in section 201 (v) of the Federal Food, Drug and Cosmetic Act) or narcotic drug (as defined in section 4731 (a) of the Internal Revenue Code of 1954); or

(4) who has been adjudicated as a mental defective or who has been committed to any mental institution;
to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce."

B. Responsibility

1. All firearms coming under control of the Indianapolis Police Department shall be placed in the Property Branch.

2. Personnel from the Firearm Records Section shall pick up all firearms each morning from the Property Branch for processing, Monday through Friday. *Case Guns*

3. Firearm Records personnel shall complete the following:

a. ~~Firearms sent in by officers shall be fired to obtain ballistics data (handguns only).~~

b. Compile physical data (serial number, make, model).

c. Complete a NCIC check on each firearm and attach to the hardcopy to file.

(1) If stolen, the appropriate law enforcement agency shall be advised.

(2) If stolen this jurisdiction, the appropriate detective shall be advised.

d. Return firearms to the Property Branch for detective follow-up release or disposal.

I. PURPOSE

The purpose of this operating procedure is to provide a standardization in the release and disposal of firearms from the Indianapolis Police Department.

II. POLICY

All handguns, ~~(rifles and shotguns)~~ ^{* ? 10/14?} shall be released in accordance with this operating procedure. The exception being, Ballistics Forms and the Master Card are not required for rifles and shotguns.

III. LEGAL REFERENCE

- A. Public Law 90-618, Title 1, Chapter 44, "^{Sec} § 922 Unlawful Acts." 90th Congress, H.R. 17735, October 22, 1968.
- B. Indiana Code 35-23-4.1-16 Disposition of confiscated firearms.
- C. Uniform Firearm Act of 1935 (as amended) Indiana Code 1971, Title 35 as it relates to certain firearms and weapons. 35-47-1

IV. PROCEDURE

- A. Release of Firearms by the Firearms License and Records Section

Reference:

I.C. 35-23-4.1-16 Disposition of confiscated firearms.

"Such firearms shall be returned to the rightful owner or owners at once following final disposition of the cause, if such return has not already occurred. If the rightful ownership is not known, the law enforcement agency holding the firearm or firearms shall make a reasonable and diligent attempt to ascertain the rightful ownership and cause the return of the firearm(s).

However, nothing in the chapter shall be taken or construed as requiring the returning of such firearm(s) to rightful owners who have been convicted pursuant to the terms of this code for criminal acts involving the misuse of firearms; in such cases, the court may, at its discretion, either provide for the return, or order that such firearm(s) be delivered to the Sheriff of the county in which the offense occurred."

Public Law 90-618, Title 1. State Firearms Control Assistance, Chapter 44 Firearms, § 922 Unlawful Acts.

"(g) It shall be unlawful for any person--

(1) who is under indictment for, or who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

(2) who is a fugitive from justice;

APPENDIX

Example A - I.P.D. Form No. 3-4-4-R1	Firearms Identification Card
Example B - I.P.D. Form No. 3-4-3 9 ²¹	Record and Ballistics Examination
Example C - I.P.D. Form No. 4-2-11	Document Requisition
Example D - I.P.D. Form No. 1-1-3-R1 ³⁻⁴⁻⁵⁴	Firearms Release
Example E - I.P.D. Form No. 1-8-15-R1	Firearms Release
Example F - I.P.D. Form No. 1-3-30	Property Release Form
Example G - I.P.D. Form No. 1-3-5-R1	Property Branch Inventory Sheet
Example H - I.P.D. Form No. 1-1-58	Delivery and Receipt of Firearms List
Example I - AT&F Memorandum, Title 18, USC 922 (h) (3)	
Example J - Master Card	

INDIANAPOLIS POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE
FIREARMS LICENSE AND RECORDS SECTION

FIREARMS RELEASE AND
DISPOSAL PROCEDURE

ISSUED: April 7, 1980

EFFECTIVE: April 7, 1980

THIS STANDARD OPERATING PROCEDURE SHALL SUPERSEDE THE PREVIOUSLY ISSUED STANDARD OPERATING PROCEDURE EFFECTIVE OCTOBER 1, 1978.

- I. PURPOSE
- II. POLICY
- III. LEGAL REFERENCE
- IV. PROCEDURE
 - A. Release of Firearms by the Firearms License and Records Section
 - B. Responsibilities
 - C. Release Procedure
 - 1. Evidence
 - 2. Firearms Identification Card
 - 3. Serial Numbers
 - 4. Individual Record Check
 - 5. Stolen Firearms
 - 6. Firearms Unable to be Released
 - 7. Firearms to be Released
 - 8. Rifles and Shotguns
 - 9. Court Orders
 - 10. Release to Other than Owner
- V. PROCEDURE FOR DISPOSAL OF FIREARMS
 - A. Reasons for Disposal
 - B. Preparation of I.P.D. Form No: 1-3-5-R1
 - C. Preparation of I.P.D. Form No: 1-5-58 and Release to Marion County Sheriff's Department



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2005

FIREARMS RELEASE PROCEDURE

INDIANAPOLIS POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE
FIREARMS LICENSE AND RECORDS SECTION

FIREARMS RELEASE AND
DISPOSAL PROCEDURE

ISSUED: April 7, 1980

EFFECTIVE: April 7, 1980

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 - 10. Release to Other than Owner
- V. PROCEDURE FOR DISPOSAL OF FIREARMS:
 - A. Reasons for Disposal
 - B. Preparation of I.P.D. Form No: 1-3-5-R1
 - C. Preparation of I.P.D. Form No: 1-5-5B and Release to Marion County Sheriff's Department