



Chapter: Property, Evidence, and Forfeiture
Subject: 12-12 – Disposition of Firearms, Weapons, and Other Devices
Effective: April 19, 2022
Supersedes: Official Order 62, Section 62.3.9, dated October 27, 2020
Distribution: Department Members

PURPOSE: This Order establishes department policy for the disposition of firearms, weapons, and other devices.

12-12-1 FIREARMS, WEAPONS, AND OTHER DEVICES

A. Definitions:

- (1) Firearm: Any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive.
- (2) Pistol: A loaded or unloaded firearm that is 26 inches or less in length, or a loaded or unloaded firearm that by its construction and appearance conceals itself as a firearm.
- (3) Pneumatic Gun: Any implement, designed as a gun, that will expel a BB or pellet by spring, gas, or air. Pneumatic gun includes a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.
- (4) Rifle: A firearm designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.
- (5) Short-barreled rifle: A rifle having 1 or more barrels less than 16 inches in length, or a weapon made from a rifle, whether by alteration, modification, or otherwise, if the weapon as modified has an overall length of less than 26 inches.
 - a. The general prohibition on “short-barreled rifles” does not apply to a short-barreled rifle that is lawfully made, manufactured, transferred, or possessed under federal law.
- (6) Shotgun: A firearm designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single function of the trigger.
- (7) Short-barreled shotgun: A shotgun having 1 or more barrels less than 18 inches in length, or a weapon made from a shotgun, whether by alteration, modification, or otherwise, if the weapon as modified has an overall length of less than 26 inches.

- a. The general prohibition on “short-barreled rifles” does not apply to a short-barreled rifle that is lawfully made, manufactured, transferred, or possessed under federal law.

B. Destruction at the Work Unit Level

The following items may be destroyed at the work unit level when authorized and witnessed according to the written directive for disposition at the work unit level, as long as they can be destroyed in a manner that reasonably prevents anyone from being injured. If local destruction cannot be accomplished safely, the items shall be turned in to the Forfeited Weapons Unit at the Training Division as outlined in Section D of this Order.

- (1) Blank cartridge pistols which are not capable of firing a projectile and are possessed in violation of fireworks statutes.
- (2) Knives and non-firearm weapons forfeited to the state, ordered destroyed by the court, or for which no owner can be located.
- (3) Pneumatic weapons.

C. Turned Over to an Authorized Person by the Work Unit

(1) Recovered Lost or Stolen Property

- a. A firearm, weapon, or device that has been reported lost or stolen, shall be returned to the reporting agency or to the rightful/legal owner on recovery provided possession of such weapon is not otherwise prohibited.
 - i. If not otherwise exempt from doing so, the owner of the pistol must be documented in the Michigan pistol entry database.
 - ii. Insurance companies which have paid the legal owner, must obtain a License to Purchase prior to release of a pistol.
 - iii. If the serial number has been removed, the Forfeited Weapons Unit at the Training Division shall be contacted to obtain approval from the Bureau of Alcohol, Tobacco and Firearms to have a new serial number stamped on the weapon.
- b. Firearms, weapons, or devices reported lost or stolen which are used without permission by someone other than the owner contrary to MCL 28.421 - 28.434 or MCL 750.222 - 750.239 shall be returned to the owner if not otherwise prohibited. (i.e., Ordered to be destroyed by a court.).

(2) Conservation Law Violations

Weapons seized only as evidence in a conservation law violation shall either be turned over to a conservation officer or to the defendant on order of the court.

(3) Found Property

- a. Found firearms and other legally permitted weapons shall be handled according to the law. Found firearms shall be submitted to the laboratory for a comparison with the open shooting file if reasonable investigative information exists that materially associates the firearm with an unsolved case. Members shall check with their local laboratory to determine if the firearm should be submitted prior to its disposal.

- b. Long guns and other legally permitted weapons may be returned to the finder upon their request, provided that:
 - i. Possession of the long gun or other weapon is not prohibited, and
 - ii. The requester is not a prohibited person under federal or state statutes.
- c. Pistols that are legally registered may be returned to the registered owner when the investigation demonstrates that the return would not be prohibited by law.

(4) Other Investigations

- a. Firearms, weapons, or devices held for non-criminal investigations, careless, reckless, negligent use, or malicious destruction of property shall be returned to the rightful/legal owner unless part of a plea agreement is the destruction or forfeiture of the weapon.
- b. A firearm used in a suicide or attempt may be returned to the owner, next of kin, or administrator of the estate. If the firearm is a pistol and the next-of-kin or administrator of the estate plans to retain the pistol for personal use they must either obtain a License to Purchase a Pistol or if they have a valid Michigan Concealed Pistol License, they must complete a Pistol Sales Record.
- c. Firearms, weapons, or devices shall not be returned to the owner when:
 - i. The court orders the firearm, weapon, or device destroyed or forfeited.
 - ii. The owner is a prohibited person either under state or federal statute.
 - iii. The weapon is a pistol which is not legally registered, unless the owner is exempt from the registration requirement.
 - iv. The firearm, weapon, or device is unlawful to possess.

(5) Federal Violations

On completion of the state's case, firearms, pistols, long guns, weapons, or devices may be turned over to the Alcohol, Tobacco and Firearms Division, Internal Revenue Service, U.S. Treasury Department, provided that:

- a. Possession of such a firearm, long gun, pistol, weapon, or device is a violation of the National Firearms Act, or
- b. There is no state statutory violation, but the rightful owner is a prohibited person as defined in the federal statutes.

(6) Forfeited Property

- a. Firearms, weapons, and devices lawfully seized and forfeited under MCL 28.434 MCL 750.239, or MCL 28.522 as described in procedure manual related to forfeiture of seized property shall be turned over to the Forfeited Weapons Unit at the Training Division, unless:
 - i. The violation was committed by someone other than the owner and the owner has reported the firearm, weapon, or device lost or stolen. If this occurs, the firearm, weapon, or device should be returned to the owner if

authorized under written directive related to firearms, weapons, and other devices.

- ii. A court order is issued to turn over the firearm, weapon, or device to any individual other than a defendant convicted of the crime for which the weapon was seized. If presented with a court order for the return of a weapon to an individual who was the defendant convicted of the crime for which the weapon was seized, the local prosecutor shall be asked to contact the issuing court to have the order withdrawn. Should the prosecutor's request be denied, the court order shall be honored unless an appeal is to be made.
- b. A Concealed Pistol License which has been seized for violation of the restrictions specified on the license shall be turned over to the county clerk which issued the document, along with a copy of the incident report.

D. Property Turned in to the Forfeited Weapons Unit at the Training Division

(1) Forfeited Weapons Unit at the Training Division

Firearms, weapons, or devices not disposed of according to the written directive for the disposition of firearms, weapons, and other devices shall be turned over to the Forfeited Weapon Unit at the Training Division.

(2) Types of Property

- a. Firearms, weapons, or devices submitted to the Forfeited Weapons Unit at the Training Division, pursuant to MCL 28.434, MCL 750.239, or MCL 28.522 shall be disposed of as required by those sections.
- b. All other weapons submitted to the Forfeited Weapons Unit at the Training Division, shall be prepared for destruction on the first working day of the next month. These weapons shall be destroyed during the first scheduled gun destruction of the following month.

(3) When to Turn in Property

- a. Firearms, weapons, or devices forfeited to the state shall be disposed of according to this Order after final disposition of the case and expiration of the appeal period. The work unit commander shall first make a reasonable effort to ensure that a demand for return of the weapon is not forthcoming.
- b. Firearms confiscated from a known criminal, used to commit an armed robbery, used in the commission of a violent crime, or turned in as found property shall be checked against the open shooting files at a laboratory if reasonable investigative information exists that materially associates the firearm with an unsolved case.

Members shall check with the local laboratory to determine if the firearm should be submitted prior to its disposal.

- c. Found firearms and other permitted weapons not disposed of according to written directive related firearms, weapons, and other devices shall be turned over to the Forfeited Weapons Unit at the Training Division, after all investigative leads for finding the rightful owner have been exhausted.

(4) Method to Turn Property In

- a. The Forfeited Weapons Unit at the Training Division shall be contacted to schedule an appointment. When the weapons are brought to the Forfeited Weapons Unit:
 - i. A department records management system Authorized to Release Receipt or Property Report/Receipt, UD-014B, completed with an accurate and complete description, shall accompany the weapon. For all firearms, the description shall include the make/manufacture, caliber, model, number of shots, type, and serial number.
 - ii. A Confiscated Firearms Disposition Sheet shall be completed and shall be turned in with the weapon(s), if applicable.
 - iii. All outstanding stolen entries (EG) and recovered gun entries (ERG) shall be canceled in NCIC and Forfeited Weapons Unit responses, if applicable.
 - iv. The affected property shall be assigned a final disposition status of "released" in the department records management system property segment.
- b. Weapons shall be transported and submitted by an enlisted officer to the Forfeited Weapons Unit. Weapons may be turned in by appointment only.
- c. The supply truck shall not be used to transport a firearm, pistol, long gun, weapon, knife, or device to the Forfeited Weapons Unit at the Training Division.

(5) Assistance to Other Agencies

- a. At the discretion of the local worksite commander, members may transport firearms/weapons to the Forfeited Weapons Unit at the Training Division, for other agencies.
- b. It is the responsibility of the other agency to contact the Forfeited Weapons Unit at the Training Division, to ensure compliance with procedures for submitting and securing receipts for the firearms/weapons.
- c. Firearms/weapons received from another law enforcement agency pending transportation to the Forfeited Weapons Unit shall be tagged for proper identification. DO NOT complete an incident report.

E. Review of Incident Reports

Work unit commanders shall review all incident reports involving the release of firearms, weapons, or devices to ensure proper disposition is made.

DIRECTOR

Annual Review Responsibility: Field Operations Bureau

Accreditation Standards: CALEA 84.1.1 and 84.1.7