

SPRINGFIELD POLICE DEPARTMENT

Standard Operating Guideline

Effective Date: 11/30/2012	Supersedes Policy Dated: 09/30/2010	Rescinds:	SOG Number: 402.10
Accreditation Index:			
Part Title: Operations	Chapter Title: Criminal Investigations		
Chief of Police:			

Weapons Seized for Safekeeping

I Policy

The Springfield Police Department may seize weapons based on probable cause that the person in custody and control of the weapon is suffering from mental illness or defect and is a threat to themselves or others. The weapon may be seized by consent of the person in custody and control of the weapon, or based on applicable rules of 4th Amendment seizures. It is our intent to not return firearms to persons who may harm themselves or others.

II Definitions

Safekeeping: A firearm or other weapon possessed by a person suffering from an apparent mental illness or defect, seized by law enforcement based on facts that led the officer to believe the person is a threat to themselves or others and no criminal charges are anticipated.

III Procedure

- 1 A weapon seized by a Springfield Police Officer for safekeeping, and not as evidence of a crime, shall be entered into the property tracking system as seized for custody and not as evidence.

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- 2 The owner of the weapon that was seized for safekeeping, may request that the weapon be released from police custody by contacting the Violent Crimes Sergeant. The Violent Crimes Sergeant shall review the facts of the case which led to the seizure of the weapon.
 - 2.1 If the owner is not the subject that created the potential threat that facilitated the need for the seizure, the supervisor may release the weapon.
 - 2.2 If the owner is the subject that created the potential threat that facilitated the need for the seizure of the weapon:
 - 2.2.1 The weapon may be released to a responsible third party who is willing to take custody of the weapon, with the permission of the owner.
 - 2.2.2 The weapon may be released to the owner if, by consent or applicable laws, the owner produces in writing an original affidavit from a psychiatrist stating the owner no longer poses a threat to themselves or others.
 - 2.2.2(a) The original affidavit shall be filed with the Records Section.
 - 2.2.3 If the owner is unable to obtain an affidavit from a psychiatrist the request for release shall be directed to the Crimes Against Persons Commander. The Crimes Against Persons Commander shall refer the matter to the city Law Department for resolution.¹

IV Attachments

¹ Section 2.2.3 revised designated commander, per Policy Change Order 12-118, Effective Date 11/30/2012.