# State of Vermont

# Department of Buildings & General Services

# MUNICIPAL POLICE DEPARTMENT & SHERIFF DEPARTMENT

# INTAKE PROCEDURES

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Disposition & Fee for Storage of Unlawful Firearms

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**Acronyms**

**BGS** Department of Buildings & General Services

**LEA** Law Enforcement Agency – includes State, Municipal, and Sheriffs

**DPS** Department of Public Safety

**VTFL** Vermont Forensic Laboratory

**Link to Documents/Legislation**

* Title 20, Chapter 145 (full chapter): Disposition/Fee for Storage of Unlawful Firearms

<https://legislature.vermont.gov/statutes/fullchapter/20/145>

* Title 29, Chapter 59, Section 1556 – Surplus Property

<http://legislature.vermont.gov/statutes/chapter/29/059>

**FIREARMS**

# MUNICIPAL POLICE DEPARTMENT & SHERIFF DEPARTMENT

# INTAKE & STORAGE PROCEDURES

###### PURPOSE AND SCOPE

This document provides mandatory procedures for accepting, securing and selling unlawful and abandoned firearms from local law enforcement agencies (LEA), i.e., municipal police departments and county sheriff departments pending the disposal of these items as set forth in Title 20 V.S.A. Chapter 145.

**DETERMINING CATEGORY OF FIREARMS**

**Unlawful? Unlawful per se? Abandoned? To be Destroyed?**

* Law enforcement agencies (LEA) – includes State and local/municipal/sheriffs - have the sole responsibility to determine whether a firearm qualifies for transfer to the Commissioner of the department of Buildings & General Services (BGS) – as “unlawful” or “other than unlawful” which the Commissioner is authorized to sell, as defined in Title 20, Chapter 145
* BGS is not authorized to take firearms or accessories that are intended to be destroyed.
* LEAs will have sole responsibility for maintaining any records relative to the firearm prior to transfer to BGS.

**Retaining “Other” Firearms | 18 Months**

* Firearms, from local LEA’s, which are certified to be other than unlawful, which the Commissioner of BGS is authorized to sell, shall be stored in the vault for a period of time - not less than eighteen months - on behalf of the Commissioner of the Department of Public Safety (DPS).
  + Eighteen months from the intake date is the date upon which the firearms can be defined as abandoned under 20 V.S.A. § 2302(4).
* These firearms shall be identified by BGS Surplus Property as a group with the assigned Asset number and intake date clearly tagged.

**INTAKE PROCESS**

The following defines the process by which the BGS Security Unit will coordinate delivery (intake) of firearms to the Vault and/or transfer of firearms to the area of the vault for disposal by BGS.

1. **Contact Surplus Property**

* The LEA must contact Surplus Property to schedule a mutually agreed-upon time to
  + Submit documentation
  + Meet to transfer the firearms
    - Surplus Property will collaborate with BGS Security to facilitate the timing of each intake of firearms.

1. **Submit Documentation**

* Required information/forms are described below and must be submitted prior to transfer of firearms.

**DOCUMENTATION – INTAKE**

* **Vermont Forensic Laboratory (VTFL) Disposition of Unlawful Firearm Submission Form -** The VTFL “Disposition of Unlawful Firearm Submission Form” must be filled out for each firearm, certified to be unlawful by a LEA, and submitted to the Department of Public Safety Forensic Laboratory for any unlawful firearms an LEA wants to transfer to the Commissioner of Buildings and General Services.
* **Surplus Property Notification File** -- LEAs must enter all firearms, determined to be unlawful or those other than unlawful which the Commissioner of BGS is authorized to sell by statute, on the appropriate forms (defined below) prior to delivery to the Vault.
* **Asset Number | Serial Number** - An individual Asset Number will be associated to each serial number.
  + Surplus Property will assign an Asset Number to be used to identify each firearm.
  + The Asset Number will be the identifying information used for tracking and sale purposes.
  + During transfer of firearms, the tracking for firearms will be confirmedby both the serial number and Asset Number.
  + While either the LEA or BGS may have a code on a firearm, both systems must agree explicitly on the serial number and Asset Number.
* **Photographs** -- LEAs will attach photographs of each firearm – to include a photo of each side of the firearm and one close-up photograph of the serial number detail – the assigned Asset Number must appear in each photograph.
* **Signatures at Time of Transfer** - Any transfer of firearms to or from the Vault will be documented with two signatures.
  + The signatures will be (1) the law enforcement individual surrendering the firearm(s) and (2) the surplus property employee receiving the firearm(s).
  + Or in the case of transfer back to the law enforcement agency.
  + This document will be scanned and saved by BGS Surplus Property.
* **Copy of Receipt to LEA -** Copies of receipt documentation for the transfer of firearms will be printed for the LEA surrendering firearms.
* **Reimbursement to LEA** - Surplus property shall develop individual identification numbers in the state financial system for each local LEA to facilitate reimbursement of funds to the local LEA per 20 V.S.A. § 2305) (c).

**LAW ENFORCEMENT CERTIFICATION FORMS**

1. **BGS Surplus Notification Files: (1) FORM A - Unlawful Firearms (2) FORM C - Other Firearms – Excel Spreadsheets**
   1. Surplus Property Notification File -- LEAs must enter all firearms, determined to be unlawful or those other than unlawful which the Commissioner of BGS is authorized to sell by statute, on the appropriate spreadsheet.
   2. SEE: Instructions Tab – how to fill out form
   3. Submit the forms to BGS Surplus Property: [bgs.surplusproperty@vermont.gov](mailto:bgs.surplusproperty@vermont.gov)
   4. BGS Surplus Property will create an Asset Tag for each firearm from the spreadsheet information
      1. Color coded – Unlawful – Green; Other - Yellow
      2. On one side:
         1. Asset Number:
         2. Serial Number:
      3. On reverse side:
         1. Asset Number:
      4. Asset numbering system will be assigned by the Surplus Property program.
   5. BGS Surplus Property will attached the Asset Tags at the time of intake.
   6. The Asset Number for each firearm will be used, in additional to the serial number, to identify each weapon.
      1. The three photographs of each weapon must include only the Asset Number.
2. **FORM A –BGS Surplus Property Notification Form – Unlawful Firearms – Excel Spreadsheet**
3. **FORM B -- Vermont Forensic Laboratory (VTFL) Disposition of Unlawful Firearm Submission Form** 
   1. The VTFL “Disposition of Unlawful Firearm Submission Form” shall be filled out and certified by a LEA and submitted to the Department of Public Safety Forensic Laboratory for any unlawful firearms an LEA wants to transfer to the Commissioner of Buildings and General Services.
   2. One form must be completed for each Unlawful firearm.
   3. Signature by LEA required.
   4. Send the original/completed form to VT Forensic Laboratory at P.O. Box 47, Waterbury, VT 05676-0047
   5. Email a copy to the BGS Surplus Property Program: [bgs.surplusproperty@vermont.gov](mailto:bgs.surplusproperty@vermont.gov)
   6. These firearms can be transferred to BGS
      1. Document the transfer on Form A
      2. VTFL will notify BGS when VTFL designates the disposition of each firearm.
4. **FORM C -- BGS Surplus Property Notification Form – Disposition of Firearms Other than Unlawful Firearms –Excel Spreadsheet**
   1. A “Disposition of Firearms Other than Unlawful Firearms Form” shall be filled out and certified by a LEA for any firearms that are not unlawful per se, are not unlawful as defined by 20 V.S.A. § 2302(1), have not been used in the commission of a homicide, have not been used in the commission of a suicide, and have never been or are no longer needed for evidence.
   2. The Excel spreadsheet will be completed by the LEA.
      1. An electronic copy of the Excel spreadsheet will be submitted to BGS Surplus Property.
      2. A scanned copy of the form signed by the LEA officer will be attached to this submission.

**FIREARMS AND ACCESSORIES – NOT ACCEPTED**

* BGS will **not** accept:
  + Firearms that contain any documentation or stickers identifying it as evidence.
  + Firearms that have been used in a suicide.
  + Firearms listed on the National Crime Information Center’s (NCIC) computer.
  + Any accessories not exclusive to the weapon.
* The following list of items, while not exhaustive, are examples of items **not accepted** for storage in the Vault:

###### Ammunition

###### Ammunition Loading Equipment

###### Bayonets not attached to weapon

###### Chemical Agents (Capstan, Mace etc.)

###### Gun Belts

###### Gun Cases, orphaned

###### Gun Cleaning Materials

###### Gun Magazines, orphaned

###### Lights or Light Systems not attached to a weapon

###### Knives

###### Optics not attached to a weapon

###### Slings not attached to a weapon

###### SAFE HANDLING, INSPECTION AND STORAGE

1. Inoperable firearms
   1. All firearms must be submitted in an inoperable condition.
      1. The firearm is physically inoperable due to an appliance being affixed to the weapon preventing its function. An inoperable condition may be accomplished by a gun lock or a nylon type zip tie.
2. Gloves -- It is recommended that anyone handling firearms wear protective gloves.

**LOCATION OF STORAGE**

* Firearms designated for disposal by state and local law enforcement will be stored in BGS Firearms Vault (the Vault).
* Eligible individuals seeking access to the Vault must schedule the access through BGS Security.
* Eligible individuals granted access to the Vault will be accompanied by BGS Security the entire time the Vault is unlocked/open.

https://vermontgov-my.sharepoint.com/personal/deb\_ferrell\_vermont\_gov/Documents/FIREARMS/Procedure Document/LEA INTAKE/2020-02-03 - Revised LEA Intake Procedures - DWF .docx