

Firearms Inventory Controls Review

In Response to OPA Complaint 2018OPA-0800

May 23, 2019

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GAGAS Statement

This is a non-audit product of the Office of Inspector General (OIG) generated in response to a complaint forwarded to OIG from the Office of Police Accountability (OPA) and the City Auditor. As this is a non-audit report, OIG is not bound by Generally Accepted Government Auditing Standards (GAGAS); however, OIG has followed GAGAS standards regarding the sufficiency and appropriateness of evidence.

Summary

In October 2018, OIG received a referral from OPA related to an OPA complaint. The majority of issues in the underlying OPA case involved human resource complaints; however, a portion of the complaint was forwarded to OIG. The complainant had identified a set of assets, including firearms, categorized as having an “unknown” location within the Seattle Police Department asset management system.

After investigation, OIG determined that SPD recordkeeping and firearms inventory practices resulted in incomplete inventory of firearms.

Specifically, SPD was not aware when conducting firearms inventories that seven firearms were missing, because these items were not part of the SPD master gun list. Additionally, firearm inventory procedures did not include firearms owned by SPD but on loan to other entities. OIG noted another missing firearm listed in a previous SPD report, resulting in a total of eight firearms that are unaccounted for.

OIG is not issuing formal recommendations as a result of this review, but provides three suggestions for SPD consideration. SPD responded to a draft of this report; their response can be found in Appendix I.

Background

OIG received a referral from OPA on October 9, 2018. The majority of the issues in the underlying OPA case involved human resource complaints; however, a portion of the complaint was forwarded to OIG.

The complainant had identified a set of assets, including firearms, categorized as having an “unknown” location within the SPD asset management system. The complainant provided a list of these assets as part of the complaint (“complainant list”). The list contained 108 items such as firearms, ballistic shields, night vision scopes, and other firearms accessories.¹

According to both SPD and the complainant, the items on the complainant list had been converted from unclaimed assets forfeited to the department and kept by SPD for department use.² SPD personnel acknowledged that it was common practice in the 1990’s and early 2000’s for SPD to convert firearms for department use. In some cases, SPD would then trade the converted firearms with local gun dealers for standard issue firearms. Many of the records from these trades were recorded on paper because SPD did not have a digital record of firearms until 2006.

According to SPD, until the summer of 2018 the “master gun list,” which is used by SPD to track and monitor department-owned firearms, did not include converted firearms. SPD did not have a system like the master gun list to track converted firearms. SPD self-identified this discrepancy in the summer of 2018.

Findings

1. OIG confirmed eight firearms are unaccounted for

OIG confirmed eight SPD firearms have unknown locations or have been recorded as missing. Seven were identified from the complainant’s list, and another was identified in a 2017 APRS audit.³

¹ Many of the assets were of lesser value or risk, therefore OIG only focused on the firearms and firearm accessories on the list provided by the complainant.

² SPD Manual 7.070 *Converting Evidence for Department Use* provides that SPD may convert evidence when it is not needed in a judicial proceeding, there is no known owner and/or the item has been forfeited, and the item is for department use as provided by RCW 63.32 and SMC 3.28.010.

³ APRS is the unit within SPD responsible for conducting audits and inspections as well as creating and updating SPD policies and directives.

Out of 108 items on the complainant list, including 97 firearms, SPD records could not identify the location of seven firearms.⁴ OIG could not determine the disposition of each firearm because of insufficient documentation. Records indicate four firearms were reported “missing” in 2012, with an additional firearm “possibly traded” in 2004.

On January 28, 2019 OIG requested that SPD provide serial numbers of the missing firearms to the Bureau of Alcohol, Tobacco, Firearms, and Explosives’ (ATF), to determine whether there was any record of the firearms in the eTrace system. ATF eTrace was unable to locate any of the firearms.⁵

The identified firearms in the complainant list and their status are as follows:

	Caliber/Type	Make/Model	Serial number	Notes from SPD Firearms Database	Most Recent Reporting as of May 23, 2019
1.	Semi-automatic .308 rifle	Heckler & Koch HK91	A025690	“Possibly traded”	ATF eTrace identified the original owner; the current owner is unknown.
2.	Semi-automatic .223 rifle	Olympic Sporter AR-15	Z4766	“Reported lost 2/7/2012”	ATF eTrace result showed the purchasing records for this firearm were destroyed in a fire in June 2000. No other records of this rifle could be found. The serial number is Z4766 and not 24766 as recorded in SPD records.
3.	Semi-automatic .32 pistol	Dreyse Model 1907	73649	“Reported lost 2/6/2012”	ATF eTrace failed to find firearm history due to lack of information about the origin of the weapon and who imported it.
4.	Semi-automatic .45 pistol	Colt .45 Gold Cup	FN17127	“Reported lost 2/6/2012”	ATF eTrace identified the original owner; the current owner is unknown.
5.	Semi-automatic .45 pistol	Colt .45	CP08811	“Possibly traded 4/13/2004”	ATF eTrace is pending.
6.	Semi-automatic .32 pistol	Mauser 1914	384519	“Lost”	ATF eTrace failed to find firearm history due to lack of information

⁴ It is unknown how many firearms have been in SPD’s control in the time period during which these firearms were reported lost; however, as of early 2019 SPD reported having over 3,000 firearms and tasers in its possession.

⁵ Prior to 2014, Washington state did not require background checks for private sales of firearms, therefore, the ATF eTrace will not contain records of these sales.

					about the origin of the weapon and who imported it.
7.	.22 revolver	Freedom Arms Revolver	A60744	"Possibly destroyed 5-24-2016"	ATF eTrace identified the original owner; the current owner is unknown.

A firearm that was not on the complainant list was reported "missing" in a 2017 APRS audit⁶ reviewed by OIG.⁷ According to the APRS audit, an SPD employee may have entered this shotgun into the Quartermaster's new electronic database incorrectly in 2006.⁸ Details of the missing shotgun are below:

	Caliber/Type	Make/Model	Serial number	Notes	Most Recent Reporting as of May 23, 2019
8.	Semi-automatic 12-gauge shotgun	Remington 870	1203358V	Identified as "missing" in APRS Audit 2017-22C-031.	ATF eTrace was unsuccessful in identifying the firearm due to the firearm being manufactured prior to the Gun Control Act of 1968.

2. APRS was not aware that the master gun list was incomplete

During the 2012 and 2017 firearms inventories, APRS was unaware of SPD firearms that were not included in the master gun list or that had been loaned to other City agencies, including the Seattle Municipal Court or Fire Marshals. As a result, APRS conducted inventories with an incomplete firearms roster.

Until the summer of 2018, the master gun list did not contain all firearms owned by SPD. SPD had a record of converted assets for general inventory purposes that included 78 firearms; however, those were not included in the master gun list. This error was identified by the Quartermaster in 2018, prior to this OIG investigation, and has since been rectified. While the remaining 78 firearms are assigned to SPD units, their former status on the asset list and not the master gun list means that these firearms have not been recently

⁶ Audit Policy & Research Section, *Audit/Inspection Report 2017-22C-031: Unit Firearms-Range*, 9/12/2018.

⁷ APRS used the term "audit" when describing their firearms inventories.

⁸ According to the APRS report, "It is believed that the missing shotgun in question 1203358V, was entered as SWAT's and 1203354V was entered as missing when it should have been the other way around." Later in the report they stated, "The only information we have is one record in the [master gun list] and one record likely dating back at least to the early 1990's, that lists the assigned unit as SWAT. So while the current staff in SWAT and the Quartermaster may not have knowledge of this gun, the unknown status of the gun as listed in SPD records cannot be ignored by the audit staff."

inventoried by APRS. In both 2012 and 2017, APRS used the master gun list to conduct inventories, unaware that 78 converted items were not on the master gun list.

According to SPD, some SPD-owned firearms are loaned to the Seattle Municipal Court Marshals and Fire Marshals. APRS personnel stated they were unaware that firearms were on loan to non-SPD entities, and APRS has no records indicating that APRS had ever inventoried the SPD-owned firearms used by the Seattle Municipal Court or Fire Marshals. The SPD Quartermaster identified this issue and conducted an ad-hoc inventory of the firearms in the possession of the Municipal Court.

Additionally, APRS did not conduct yearly inventories of firearms assigned to SPD units as required by SPD policy. According to APRS, firearms inventories were not conducted in 2013, 2014, or 2016.

3. SPD policy is inconsistent with Seattle municipal code on reporting lost or stolen firearms

In September 2015, the Seattle Municipal Code was amended to require that all persons in the city report lost or stolen firearms to SPD. SPD is then required to record missing or stolen firearms in the National Crime Center Database.

The SPD manual does not require SPD to report its own missing firearms to any outside entity including the Washington State Department of Licensing, who conducts all state firearms background checks, or the National Crime Center Database.

Issues for Consideration:

1. SPD should consider amending its practices to ensure that firearms inventory processes include all SPD-owned firearms, including those used by other city entities and converted firearms.
2. SPD should consider conducting a firearms inventory of all firearms formerly listed as assets and that could potentially have been overlooked by prior APRS inventories of firearms. OIG is available to assist with this inventory.
3. SPD should consider requiring that all lost or stolen SPD firearms be reported to the National Crime Information Center Database and the Washington State Department of Licensing.

APPENDIX I: SPD Response



May 17, 2019

Inspector General Lisa Judge
Office of the Inspector General

Re: Firearms Inventory Controls Review

Dear Inspector General Judge:

I am writing in response to your April 30th report, regarding OPA Complaint 2018-0800, in which the complainant, claiming violations of “fiscal and management practices,” identified 108 missing items alleged to be missing from SPD inventory. Included in these 108 items were 97 firearms. Following your review of the Master List of all 3000+ firearms currently listed on SPD’s Master List of firearms, you identified a total of eight (8) for which there is insufficient documentation to account for either their location or disposition, with four reported as “missing” in 2012, and one reported as “possibly traded” in 2014. One of these missing firearms had previously been identified by SPD’s Audit Unit in 2017.

I want to acknowledge, first, the impressive work of your auditors in undertaking this review. As this review reaches back nearly 30 years, over which time federal laws and regulations relating to firearms, SPD policies and practices relating to asset management and disposition, and state and local law relating to the purchase, transfer, and/or disposal of firearms evolved significantly, piecing together the status of firearms dating back decades could not have been an easy task.

I also want to thank your auditors for identifying and raising significant issues and suggestions for future action, each of which I briefly address below.

Amending Inventory Practices: You note (1) that until 2018, when the discrepancy was discovered by SPD’s quartermaster, firearms that had been converted or forfeited under state law did not appear on SPD’s Mater List, and (2) that APRS only recently discovered that SPD firearms that had, at some point in time past, been loaned to other City agencies (Fire/Seattle Municipal Court Marshals) likewise did not appear on this list. You suggest, and I completely agree, that this list should include all firearms owned by SPD. Separately, however, I question whether the past practice of SPD “loaning” firearms to non-SPD employees, even if they hold appropriate commissions, is consistent with today’s best practice, and I will be tasking my staff, including my legal advisor, to follow up with additional review.

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Inspector General Judge
May 17, 2019

Additional Inventory Review: You suggest that SPD undertake a follow-up inventory of all firearms listed as assets to confirm location. I agree, and have asked Assistant Chief Lesley Cordner to follow up with you in this respect. I also thank you for your offer of technical assistance in conducting this review.

Reporting of Missing Firearms: You note that the Seattle Municipal Code requires individuals to report lost or stolen firearms to SPD for reporting to the FBI's National Crime Information Center, and suggest that SPD undertake the same reporting obligation with respect to firearms it owns. I agree, and I am pleased that Assistant Chief Cordner has already tasked her staff to address this concern by way of policy. (Please note that SPD did run all eight unaccounted-for firearms through NCIC, which report came back clean.)

Again, thank you for the thorough, thoughtful, transparent and collaborative manner in which your auditors undertook this review. We look forward to working with you to strengthen this area of our administrative business, and as always, please do not hesitate to reach out if you would like to discuss further.

Sincerely,



Carmen Best
Chief of Police

Cc: Marc Garth Green, Deputy Chief
Mark Baird, Chief Operating Officer
Lesley Cordner, Assistant Chief, Professional Standards Bureau
Valarie Anderson, Executive Director, Administrative Services
Rebecca Boatright, Executive Director of Legal Affairs

OIG was established in 2017 via [Ordinance 125315](#). OIG provides oversight of management, practices, and policies of SPD and OPA, monitoring of ongoing fidelity to organizational reforms implemented pursuant to the goals of the 2012 Federal Consent Decree and Memorandum of Understanding, and auditing and review of criminal justice system policies and practices related to policing and other criminal justice matters.

Acknowledgements

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