

Victoria Police Manual

The Victoria Police Manual is issued under the authority of the Chief Commissioner of Police in s.60, Victoria Police Act 2013. Non-compliance with or a departure from the Victoria Police Manual may be subject to management or disciplinary action. Employees must use VPM Professional and ethical standards to inform the decisions they make to support compliance.

Managing special property types - firearms

Context

Victoria Police is responsible for the recording, handling, safe storage, security and disposal of all exhibits and seized property, including firearms, in a manner that ensures safekeeping and compliance with legislative requirements.

This policy provides instructions for the management of firearms in Victoria Police custody and should be read in conjunction with **VPM Property and exhibit management** and **VPM Seized property and special property types**.

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Definitions

Gel blaster – a type of imitation firearm that is designed to discharge a water gel ball or similar projectile and that has an appearance which could reasonably be mistaken for that of an operable firearm.

High risk firearm – as defined by the Australian Ballistic Information Network - all handguns, sawn off longarms or self-loading firearms (semi-automatic or machine guns).

Improvised firearm – an object not originally manufactured as a firearm that has been adapted or modified in an attempt to make it capable of discharging a projectile.

Responsibilities and procedures

1. General

As stated in **VPM Property and exhibit management**, property must be disposed of at the earliest opportunity. As a result, firearms in Victoria Police custody must be treated as one of the following:

- seized property
- an exhibit
- lost property
- surrendered property.

2. Dealing with firearms in Victoria Police custody

2.1 *Notification*

Members must notify the Illicit Firearms Squad via CRIME-ILLICIT-FIREARMS-OIC as soon as practicable after a firearm is taken into Victoria Police custody. Refer to the Illicit Firearms Squad Intranet page for minimum requirements including the submission of an Incident Fact Sheet and Information Report.

2.2 *Crime guns*

A crime gun is a firearm that meets any of the following criteria:

- definition of 'high risk' firearm
- is a homemade firearm or improvised firearm
- has been in the possession of a person believed to be a member, or an associate of a member of either of the following:
 - an organised crime gang
 - an outlaw motorcycle gang.
- has been in the possession of an offender (for the offence of possess unregistered firearm or higher offences), excluding firearms seized from licenced firearms holders under family violence or other legislation
- the serial number has been erased, defaced or altered
- is known or suspected to be a stolen firearm
- has come into Victoria Police possession because of a Firearm Prohibition Order
- requires examination for evidentiary material.

2.3 *Analysis of firearms*

A request for exhibit examination for all crime guns received by Victoria Police must be submitted for examination via the Forensic Portal within seven days of coming into Victoria Police custody (refer to **VPM Forensic services and examinations**). Once the request has been approved, the crime gun must be lodged at a Forensic Services location within seven days.

The investigating member must:

- submit an exhibit examination request via the Forensic Portal at the earliest opportunity, regardless of whether the matter has been finalised in court
- where possible, include all items that require examination in the same exhibit examination request

- seek advice from FSD on specific packaging and storage requirements to preserve the evidentiary material
- ensure ammunition is separated from the firearm and assigned different property numbers in all instances.

2.4 *Production in court*

Exhibit firearms must only be taken to court when ordered by a court. Once ordered, the informant must ensure that all ammunition is removed and the firearm and ammunition are labelled, refer to **VPM Court processes** for further information.

2.5 *Storage*

- As stated in **VPM Property and exhibit management**, firearms must be cleared and made safe prior to storage. Store as required by the *Firearms Act 1996*, with ammunition and firearms secured separately.
- Consult the Divisional Firearms Officer (DFO) regarding the correct handling of firearms and refer to section 5 of this policy for further guidance on storing firearms that do not meet the criteria of a crime gun.

2.6 *Gel blasters*

Gel blasters should be treated as imitation firearms in accordance with the *Control of Weapons Act 1990* and do not require examination by the Ballistics Unit. Where there is an obvious attempt at converting the gel blaster to discharge firearm ammunition, the investigating member should contact the Ballistics Unit for advice.

3. Disposal options

3.1 *Overview*

Firearms in Victoria Police custody must be disposed of in accordance with the *Firearms Act*, *Victoria Police Act 2013* or *Confiscation Act 1997* that provides the following options only:

- return to owner – see section 3.2 of this policy
- Minister's approval – see section 3.3 of this policy
- court order – see section 3.4 of this policy.

3.2 *Return to the owner*

- Requires approval of an inspector or above with consideration to all available information.
- Treat as claimed property.
- Advise owner/claimant that the appropriate licence must be held prior to the return of property. If owner/claimant is not able to meet this requirement and they do not nominate a Licenced Firearms Dealer to dispose of the firearm on their behalf, dispose of it in accordance with section 3.5 of this policy unless approval to retain the firearm is given either by the Executive Director, FSD or Manager, Historical Services Unit (refer to section 3.7 of this policy).

- Firearms that have been cut down, had the serial number erased, defaced or altered, or have been modified so that the firearm no longer fits into its original category must not be returned to the owner and must be destroyed.

3.3 *Forfeiture to the Minister*

- Where a court orders a firearm in the custody of Victoria Police to be forfeited to the Minister, direction must be obtained from the Manager, Supply Chain Logistics to determine how the firearm should be disposed.
- Where forfeiture is ordered, and after the expiration of any relevant appeal periods, the property officer must update PALM, including a copy of the court order.
- If the Warehouse Operations Support Unit notifies the property officer of a disposal by destruction decision the process at section 3.5 of this policy must be followed.
- Where a request is approved for the retention of a firearm by Victoria Police, the property officer must notify the Warehouse Operations Support Unit documenting the reasons why the firearm is to be retained and provide a copy of the forfeiture order. The Manager, Supply Chain Logistics must then seek specific authority from Asset Confiscation Operations, Department of Justice and Community Safety to retain the firearm.

3.4 *Court ordered destruction*

- Where a court orders the disposal of a firearm by destruction, the firearm must be disposed of in accordance with the order.
- Where a court has ordered destruction, or approval is not given to retain a firearm as detailed in section 3.7 of this policy refer to the process at section 3.5 of this policy.

3.5 *Process for destruction – firearms*

Step	Action
The property officer must:	
1	Prepare a Firearms Return form [Form 313]
2	Convey firearms and Form 313 to DFO (or other employee approved to courier)
3	Close the PALM entry when receipted by the DFO and the case has been finalised or, if the property is located at the Warehouse Operations Support Unit, close entries according to VPM Property and exhibit management .
The DFO (or other employee approved to courier) must:	
1	Record firearms in PALM and issue a receipt to the forwarding station together with a copy of the signed Form 313
2	Ensure Licensing and Regulation System (LARS)/LEAP checks have been carried out to determine if the firearm is stolen
3	Arrange for the firearms to be conveyed to a Forensic Services location
4	File the copy of Form 313 as returned from FSD with the relevant PALM entry.
The authorised FSD employee receiving the firearm must:	
1	Compare the details on the Form 313 against the actual firearm and: • if correct, endorse the Form 313 and return to the courier for their records • If incorrect, reject the Form 313 and return it and the firearm to the courier so appropriate enquiries can be made to identify correct details
2	Forward a scanned copy of the Form 313 to Licensing and Regulation Division

3	Retain a scanned copy of Form 313 for audit purposes
4	Arrange for the firearm to be destroyed in the approved manner.
Licensing and Regulation Division must:	
1	Update the LARS database with details provided on the Form 313.

3.6 *Process for destruction – ammunition*

The property officer must ensure both of the following:

- ammunition remains in the packaging it was received in
- ammunition is administratively recorded as destroyed at a local level and delivered to FSD for physical destruction.

3.7 *Retention by Victoria Police*

- Before applying to a court for an order seeking retention of a firearm in the custody of Victoria Police due to its historic or forensic value, members must obtain approval as follows:
 - Historical Services Unit for historic value
 - Executive Director, FSD for forensic value.
- Where approval for the retention of a firearm is obtained, the firearm must be transferred to the custody of the relevant licence holder. The licence holder must then arrange for the firearm to be registered and managed in accordance with their respective licence or exemption obligations.

4. Recording requirements

The local area commander must do both of the following:

- verify compliance with the process for disposal of firearms in Victoria Police custody in accordance with section 3 of this policy
- complete an audit of these firearms as required by the Director, Logistics and Equipment Division as per section 6, **VPM Firearms governance and auditing**.

5. Additional storage guidance

Where a firearm is not required to undergo forensic examination for evidentiary material, the following guidance applies to storage:

- consider removing accessories (such as sights and scopes) prior to transportation, if possible, and request further assistance from FSD or the DFO if necessary
- if safe and appropriate, allow the owner the option of removing any accessories for safekeeping if these are not required for further evidentiary purposes
- store firearms in a dry, well-ventilated environment
- place small firearms in paper bags instead of a Tamper Evident Audit Bag (TEAB) to allow proper ventilation prior to secure storage.

6. Firearm amnesties

Instructions for the retention and disposal of firearms handed in during an amnesty will be issued at the time of the amnesty. Refer to **VPM Firearms governance and auditing** for information in relation to governance of amnesties.

Related documents

- *Confiscation Act 1997*
- *Firearms Act 1996*
- *Victoria Police Act 2013*
- VPM Property and exhibit management
- VPM Seized property and special property types
- VPM Firearms governance and auditing

Further advice and information

For further advice and assistance regarding this policy, contact Warehouse Operations Support Unit or Ballistics Unit as appropriate.

Update history

DATE UPDATED	SUMMARY OF CHANGE	FORCE FILE NUMBER
20/09/22	Published to replace VPMG Managing special property types - firearms and review as part of the VPM Review Project. Also updated to support the transition of the firearms acceptance and submission pilot to BAU	FF – 114062 1
10/07/24	Inclusion of requirement to submit an exhibit examination request via the Forensic Portal for crime guns and submission timelines adjusted to align with new process. Updated Operational Infrastructure Department unit titles	FF-251263