

OFFICE OF THE CITY ATTORNEY

Memorandum

TO: Mayor and City Council
FROM: Josh Collins, City Attorney
DATE: 6/4/2021

RE: A RESOLUTION OF THE CITY OF SOUTH SALT LAKE CITY
COUNCIL GRANTING PERMISSION FOR THE SOUTH SALT LAKE
POLICE DEPARTMENT TO APPROPRIATE CERTAIN PROPERTY
IN ITS POSSESSION TO PUBLIC INTEREST USE.

Accompanying this memo is a proposed resolution allowing the police department to appropriate firearms and ammunition held in its possession to public interest use, pursuant to U.C.A. § 77-24a-101 et seq, U.C.A. §. 24-3-103.5, and U.C.A. §. 24-3-103. The firearms and ammunition have come into the possession of the police department as either lost/mislaidd property, as evidence of a crime, or were held by the Police Department for safekeeping. After the property is held for three months, pursuant to state law the Police Department notifies the public of the general description of the item and the date of intended disposition. The notice is posted in the paper, on city website, and through bulletin notification in the police department lobby.

After a reasonable time has passed as set forth in State law, the Police Department then petitions the City Council for approval to appropriate the property. If the property being held is evidence, the prosecutor must affirm that it is no longer needed. State law generally allows the legislative body to approve the application of the property to a public interest use, to sell the property at public auction and apply the proceeds of the sale to a public interest use, or to destroy the property if it is unfit for a public interest use or sale. The process for appropriation of firearms is covered in a distinct section of the code but it is largely similar to the appropriation of any other type of property appropriated by the police. The Police Department has the option to sell or destroy the firearm or transfer it to the Bureau of Forensic Services for testing. If the firearm is sold or destroyed it must be sold to a state-approved and federally licensed firearms dealer for either resale or destruction. A firearm must be destroyed if it is deemed unfit for sale or it was associated with a notorious crime. As with other property, all proceeds from the sale of a firearm to a state-approved federally licensed firearms dealer must be applied to a public interest use.

Each of the firearms and ammunition in the attached list has either not been claimed or is no longer needed as evidence. The Police Department intends to give all of the firearms and ammunition in the attached list to the Bureau of Forensic Services. Approval of the accompanying resolution is necessary prior to the sale or destruction of all firearms or ammunition. If you have any questions, please feel free to contact me.

cc: City Recorder