

CITY OF BARSTOW

CALIFORNIA

POLICIES and PROCEDURES MANUAL:

Subject: FIREARMS INJURY REPORTING

INTRODUCTION

The intent of this policy is to establish a uniform procedure for reporting certain types of shooting incidents involving victims that are 18 years old or younger.

I. Penal Code Section 12088.5

12088.5 PC requires that law enforcement agencies report any shooting incident to the California State Department of Public Services in the following circumstances:

- A. Any person 18 years of age or younger that suffers an injury as a result of an accidental or self-inflicted gunshot wound.
- B. It is believed by the responding officers that the weapon was manufactured, sold, or legally transferred in the State of California.
- C. As a result of the gunshot wound, the victim died, suffered serious injury, or was treated for such injury by a medical professional.

II. Exceptions to 12088.5 PC

This new law was enacted for the purpose of developing statistical information concerning certain individuals injured as a result of firearms. It is a somewhat unique law, and there are as many exceptions as there are rules. The exceptions are:

- A. Although the text of this law refers to the victim as "child", reporting requirements also include 18 year old adults.
- B. 12088.5 PC does not apply if the shooting is an intentional act by other than the person injured.
- C. 12088.5 PC does not apply if the firearm used was not sold, manufactured, or legally transferred to a subsequent owner in California, and reported to DOJ as such.
- D. This law does not apply if the injury is minor, and does not require medical treatment.

Reference:

Effective Date
12/07/2000

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III. Reporting

Although Section 12088.5 PC requires reporting to the Department of Health Services, the Department of Justice—Firearms Division has agreed to act as the clearinghouse for this statistical information.

- A. When an incident takes place where 12088.5 clearly applies, the officer shall complete DOJ California Firearms Injury Report (form #FD 016). Copy attached—page 3.
- B. This form shall be completed in its entirety, and shall be in addition to the Barstow Police Department CR 1 form.
- C. Both copies of the FD 016 form shall be attached to the CR 1 form and submitted to Records in a timely manner.
- D. Records personnel shall send the original FD 016 form (top white page) to DOJ. The copy (second yellow page) shall be retained in Records with the CR 1 form.

Note: as stated above, there are a number of exceptions to this law. Prior to making a determination as to whether 12088.5 PC applies to a particular situation, consult with the on-duty watch commander.

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