



County of Santa Cruz

Sheriff-Coroner

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Mark Tracy
Sheriff-Coroner

May 3, 2001

AGENDA: May 22, 2001

Board of Supervisors
County of Santa Cruz
701 Ocean Street, Room 500
Santa Cruz, CA 95060

RE: AGREEMENT TO LOAN HANDGUNS TO CABRILLO COLLEGE FOR USE IN
ITS FIREARMS INSTRUCTION PROGRAM

Members of the Board:

As you recall, in the **1999/2000** fiscal year, your Board approved the purchase of Glock 40 caliber pistols for the Sheriffs **Office** through Federal Asset Forfeiture Funds. As a result of this purchase of new handguns, the Sheriffs Office had 202 Glock Model 19, **9mm** used handguns scheduled to be destroyed. The Public Safety Program at Cabrillo College expressed an interest in 25 of these guns and related accessories for loan purposes to be used in its Firearms Instruction program and another 25 of these guns to be permanently modified to use Simunitions cartridges which fire a color marking ammunition that is not lethal and allows for real life situational training. The other 152 guns have already been destroyed by U.S. Pipe and Steel in Union City. This letter is intended to provide your Board with background information and request approval of an agreement to loan 50 handguns to Cabrillo College for use in its Firearms Instruction program.

As your Board is aware, Cabrillo College performs state mandated peace **officer** training courses in accordance with regulations developed by the California Commission on Peace Officer Standards and Training (POST). Their Public Safety Program is involved in the professional training of law enforcement officers throughout the County.,One aspect of Cabrillo's program involves firearms instruction for reserve **officers** and the new Basic Course Modular Format, Modular's II and III. The firearms instruction class is required for candidates to apply for the position of Sheriffs Security Officer which has experienced ongoing recruitment problems.

The Director of Public Safety Training at Cabrillo College has notified the Sheriffs Office of his desire to acquire retired handguns for training purposes. In his experience, the ability to use these handguns will enhance the professional quality of

training provided by the Firearms Instruction program. The Sheriffs Office, in consultation with County Counsel, has developed a loan agreement to meet the needs of both jurisdictions.

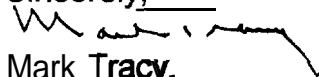
The proposed agreement with Cabrillo College loans the handguns (Attachment A) in an "as is" condition. It stipulates that the loan is for as long as Cabrillo uses them for instructional purposes in its Public Safety program or for a period of five years, whichever occurs first, unless both parties agree to renew the agreement for one additional five year period. Upon the expiration of the loan period, Cabrillo shall return the handguns and accessories to the Sheriffs Office.

The agreement additionally acknowledges Cabrillo's responsibility for the safe, proper and lawful use of the firearms. Any class that will use the weapons will be supervised by a law enforcement trained Range Master and a safety officer. At no time will a student be allowed to take a weapon away from the training site.

We have their assurance that the firearms will only be used for training purposes through the Public Safety Instruction program. They will be responsible for the storage and security of the weapons when not in use. They have agreed to store the weapons in a vault and safe with controlled access on the Cabrillo campus. Cabrillo will also defend, indemnify, and hold harmless the County of Santa Cruz, including its officials and employees.

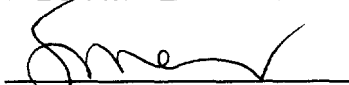
IT IS THEREFORE RECOMMENDED that your Board approve the agreement with Cabrillo College to loan 25 handguns for use in its Firearms Instruction program and 25 handguns permanently converted to use non-lethal Simunitions cartridges and authorize the Sheriff-Coroner to sign the agreement on behalf of the County.

Sincerely,



Mark Tracy,
Sheriff-Coroner

RECOMMENDED:



Susan A. Mauriello
County Administrative Officer

cc: County Counsel
Cabrillo College, Attn. Robert Ziglar, Director of Public Safety Training
Sheriff-Coroner

Attachment A

INVENTORY NUMBERS REGARDING GLOCK MODEL 19 (9MM) HANDGUNS TO BE LOANED TO CABRILLO COLLEGE FOR USE IN ITS FIREARMS INSTRUCTION PROGRAM

1. ML262	14. ML 276	27. ML 289	40. CFT 388
2. ML 263	15. ML277	28. ML290	41. CFT 389
3. ML264	16. ML 278	29. ML291	42. CUM 487
4. ML 265	17. ML279	30. ML 292	43. CUM 488
5. ML 266	18. ML280	31. ML293	44. CUM 489
6. ML 267	19. ML281	32. ML 294	45. CCA 580
7. ML 268	20. ML282	33. ML295	46. CCA 581
8. ML270	21. ML283	34. ML 296	47. CCA 582
9. ML271	22. ML,284	35. ML297	48. CCA 583
10. ML 272	23. ML285	36. ML 298	49. CCA 584
11. ML273	24. ML 286	37. ML 299	50. UP 592
12. ML274	25. ML287	38. CFT 386	
13. ML 275	26. ML 288	39. CFT 387	

AGREEMENT TO LOAN HANDGUNS FOR FIREARMS TRAINING PROGRAM

This agreement is made and entered into this _____ day of _____, 2001, by and between the COUNTY OF SANTA CRUZ, a political subdivision for the State of California, and the BOARD OF TRUSTEES OF THE CABRILLO COMMUNITY COLLEGE DISTRICT (CABRILLO), and is made with reference to the following recitals:

WHEREAS, County's Sheriff's Department (Sheriff) has retired certain handguns from use; and,

WHEREAS, Sheriff has fifty (50) Glock Model 19, 9 mm handguns which have been retired from service; and,

WHEREAS, Cabrillo has a need for handguns for use in its Public Safety Firearms Training program for law enforcement officers; and,

WHEREAS, Sheriff wishes to loan the handguns to Cabrillo for use in its firearms instruction program, subject to certain conditions.

NOW THEREFORE, the parties agree as follows:

1. Loan of Handguns. County shall loan to Cabrillo fifty (50) Glock Model 19, 9 mm, handguns whose serial numbers are set forth on Exhibit A, attached and incorporated herein by this reference, and including accessory holsters, magazines and magazine pouches.
2. Use of Handguns. Cabrillo shall use the aforementioned handguns only for the purpose of providing firearms training through Cabrillo's Public Safety Instruction program. Cabrillo may convert some of these handguns to be used with simulation. Cabrillo shall not permit the use of any of the aforementioned handguns for any purpose other than firearms training.
3. Condition of Handguns. County loans the aforementioned handguns in an "as is" condition. County shall have no obligation to clean, adjust, maintain or repair the handguns. County makes no representation or warranties as to the safety, functionality or condition of any of the handguns.
4. Loan Period. The aforementioned handguns shall be on loan to Cabrillo for as long as Cabrillo uses them for instructional purposes in its Public Safety

program or for a period of five (5) years which ever occurs first. Cabrillo at any time may return to Sheriff one or more of the aforementioned handguns and the serial numbers of those returned handguns shall be deleted from Exhibit A.

- 5. Secure possession. Cabrillo shall at all times keep secure possession of the aforementioned handguns to include storage in a locked vault and safe with controlled access when not in use for instructional purposes. Cabrillo shall not permit any of the aforementioned handguns to be in the possession of anyone other than the firearm training student at the firing range and the Range Master.
- 6. Expiration of Loan Period. Upon the expiration of the loan period, Cabrillo shall return the aforementioned handguns and accessories to Sheriff.
- 7. Renewal. Cabrillo and County may renew this agreement for one additional five year period by a written memorandum signed by both parties and submitted prior to the expiration of the initial term.
- 8. Indemnity. Cabrillo acknowledges its responsibility for the safe, proper and lawful use of the aforementioned handguns. Cabrillo agrees to defend, indemnify, and hold harmless the County, including its officials and employees, from and against any and all claims or liability for bodily injury, death or damage to property, arising out of or in any manner connected with the possession, use, misuse of the aforementioned handguns.

Board of Trustee
Cabrillo Community College District

By [Signature]

Title DIRECTOR PUBLIC SAFETY TRAINING

COUNTY OF SANTA CRUZ

BY _____
MARK TRACY, Sheriff

ATTEST:

APPROVED AS TO FORM:

[Signature]
Harry A. Oberhelman, III
Assistant County Counsel

5/4/01
Date

Contract to Insurance
[Signature]
Risk Manager

5-15-2001