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A.J. chief's gun cache disposal questioned

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Posted: Wednesday, October 4, 2006 11:00 am

Art Martori

More than 1,200 guns. Hundreds of pieces of seized evidence. More than \$150,000 in potential revenue for Apache Junction. And all of it's gone.

Last month, a cache of firearms was cleared out of the Apache Junction Police Department evidence room under the supervision of police Chief Glenn Walp and then destroyed. Although it's common practice for police agencies to eventually dispose of pieces of evidence such as guns, Walp did so without alerting city leaders, the public or the local magistrate.

R.E. Eck, Apache Junction vice mayor, said that Walp smelted the firearms without consulting the City Council. He said some of the guns were valuable and could have been sold at auction to raise money for the city.

"I was totally oblivious to the whole thing," Eck said. "I never heard about any disposal of guns until after they were destroyed."

Walp refused to comment on the issue.

Walp took over as police chief in January, bringing 35 years of law enforcement experience and a promise of widespread changes to a department struggling to improve its image.

But one of his changes -- disposing of the guns -- could have erased evidence vital to open cases, said Karen Gwaltney, a former evidence custodian at the Apache Junction Police Department.

Procedures the department should have followed, Gwaltney said, included running a newspaper advertisement to inform residents and other law enforcement agencies that evidence would soon be destroyed.

"Do an inventory and run a legal notice," Gwaltney said. "Then smelt away to your heart's content."

Chuck Teegarden, a spokesman for the Pinal County Attorney's Office, said he has every reason to believe Walp kept the firearms needed to prosecute ongoing cases, but there was no way to be sure.

"It would only be a big deal if they didn't," Teegarden said.

City Attorney Joel Stern said Walp's decision to dispose of the firearms didn't violate city policy since Apache Junction didn't have any guidelines in place to deal with the destruction of seized

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property. The guns had piled up in the evidence locker since the 1980s while the city worked to draft a policy.

Still, Walp's actions conflicted with a set of best practices laid out by the International Association of Property Evidence, which offers police agencies training related to the handling and disposal of law enforcement property and evidence.

"A firearm destruction list should be compiled, and a court order signed by a magistrate should be obtained to limit liability," the IAPE states on its Web site.

No court order was issued for the destruction of the firearms, according to the office of the Apache Junction Magistrate.

But residents have a whole different set of complaints. They say the guns were assets that could have been sold to raise cash for the city. And at least one gun enthusiast is upset over the loss.

Jeff Serdy, owner of AJI Sporting Goods in Apache Junction, appraised the value of the 1,261 smelted firearms at \$157,000, which he said was a conservative estimate. He raised the guns issue at a City Council meeting Tuesday night.

It just doesn't make sense to throw away something so valuable, he said.

"Parks and recreation — if a tractor breaks, they don't just go and melt it," he said prior to the City Council meeting. "It's my tax dollars."

Serdy said some of the firearms were antiques, such as three single-shot Springfield rifles of the same model used by Gen. George Custer's troops at the Battle of the Little Big Horn. Those rifles could be worth up to \$3,000 each, he said. And other guns were so rare that there is no longer ammunition available for them, such as a Winchester rifle manufactured before the turn of the century.

Police departments in other East Valley cities, including Mesa, auction large batches of guns rather than sending them to the smelter.

But International Association of Property Evidence also warns that the sale of firearms "can be a potential liability . . . if the weapon is used in another crime."

Gwaltney said she was drafting policies that would have called for the department to follow a set of procedures before destroying the firearms, but Walp finished her work by coming up with his own set of procedures. She said she later resigned because the department was "sliding downhill about a million miles per hour."

Not everyone, however, was so critical of the department.

Eck said he was concerned about the handling of the firearms, but he added he still respects Walp for his takecharge attitude.

"He has one speed: fullthrottle," Eck said. "I don't want to take away from some of the other things he's done."

Eck requested that the City Council discuss the matter at a meeting later this month.

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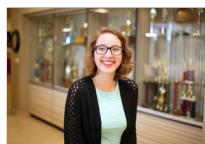
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