

 <p>Cambridge Police Department</p>	POLICY & PROCEDURES		No. 801
	Subject/Title: Firearms Evidence Guidelines		
	Issuing Authority: 	Review Date: July 6, 2011	Issue Date: August 6, 2011
	Robert C. Haas Police Commissioner	Effective Date: September 6, 2011	Rescinds:
References/ Attachments:	Accreditation Standards: 83.3.2		

I. PURPOSE:

These guidelines set forth the procedures to be followed whenever officers or crime scene personnel secure a firearm for evidentiary purposes. Circumstances where these policies and procedures will be followed include when firearms are recovered at a crime scene, found by, or surrendered to police. These protocols are designed to minimize the potential contamination or destruction of potential relevant materials and to ensure that the chain of custody is maintained throughout the collection, preservation, submission, subsequent testing, and the use of a firearm in court. These guidelines are not intended to supersede the procedures used when another specialized unit (i.e., Massachusetts State Police Crime Scene Unit or that of a federal agency) conducts the examination of a seized firearm or processes a crime scene.

II. POLICY:

It is the policy of this department that whenever circumstances require personnel to safeguard firearms for evidentiary purposes, which would also include ammunition, cartridges (both spent and unspent), or other projectiles, they will follow all department guidelines, policies, and procedures related to the preservation, collection, and submission of evidence.

III. GENERAL GUIDELINES AND CONSIDERATIONS:

There are many reasons why the recovery and subsequent handling of firearms and related evidence is crucial in preventing and solving crimes.

Because of the serious nature of firearm offenses, the Cambridge Police Department's policies are intended to achieve the following: (1) consistency in how gun-related crimes

are processed; (2) fast-tracking of gun-related crimes through the forensic analysis of firearm and firearm-related evidence; and (3) reliable preservation of all firearms and firearms related evidence.

The ability to trace firearms used in the commission of a crime has grown dramatically in recent years with advances in forensic techniques, such as the examination of markings on cartridge casings, the recovery of latent prints, and improvements in DNA analysis.

How firearm evidence is handled and preserved is vitally important to its value in the solvability and ultimate prosecution of a case. What is done at the time of the initial investigation is often the only opportunity the police have to uncover clues and other evidential material that will corroborate the conclusions generated by forensic analysis. Thus, any investigation of a crime scene must include the following basic elements:

- Documentation of activity and observations including:
 - The location and condition of the evidence;
 - The chain of custody;
 - The identity of the persons who found, unloaded, packaged, transported & unpackaged the firearm or firearm related evidence (for elimination prints and DNA exemplars, as required).
- Attempt to locate and conduct interviews of possible witnesses, victims, and possible suspects.
- Properly secure the crime scene and preserve any evidence until such time it can be photographed and properly collected.

IV. DEFINITIONS:

- A. Firearms:** For purposes of this directive, “firearms,” shall be defined as set forth in G.L. c. 140, § 121, and includes pistols, rifles, certain shotguns, air pistols, and machine guns, as well as any instrument capable of discharging a bullet, shot, or other projectile.
- B. Ammunition:** For purposes of this directive, “ammunition” shall include cartridges, spent projectiles, discharged shot, discharged cartridge casings, bullets, or propellant powder designed for use in any firearm, rifle, or shotgun. Ammunition shall not include chemical mace, pepper spray, or other such aerosol propellant designed to temporarily disable.
- C. Firearms Related Evidence:** For purposes of this directive, “firearms related evidence” shall refer to any residue, patterned evidence, other particles related to

the discharge of a firearm, as well as gunshot residue evidence that may be tested by a GSR or other related tests.

V. PROCEDURES:

A. General Guidelines for Processing a Crime Scene: Whenever officers and other department personnel respond to a crime scene involving a firearm, once any injured parties have received the appropriate medical attention, the following initial steps shall be taken:

1. Officers should secure the crime scene and restrict access to only those individuals who are authorized and necessary to process the crime scene. All unnecessary personnel should enter the crime scene only once it has been cleared by the commanding officer.
 - a. The crime scene kits that have been placed in each of the Sector Sergeant's vehicles should be used to mark the location of evidence. The crime tape that is maintained in the police cruisers should be used to establish a perimeter around the crime scene.
 - b. The search for and marking of the location of evidence should be done at the direction of the supervisor, making sure that every effort is made to avoid inadvertently disrupting the crime scene and to minimize its contamination.
2. The supervisor charged with overseeing the investigation of the incident should make a determination of what resources will be needed in processing the crime scene (e.g. the DA's Office or State Police personnel, department's Crime Scene Personnel, or investigators already on scene). If no supervisor is on scene, the officer(s) charged with the investigation of the incident will contact and consult with the supervisor regarding resource needs.
3. The crime scene and the condition of the firearm in its original state shall be photographed and documented before recovering any evidence.
4. If deemed appropriate by the scene supervisor, firearms will not be moved until on-scene latent print fuming has been completed.
5. Proper evidence collection methods should be used in recovering and packaging all firearms.

B. Collection and Packaging of the Firearm: Firearms and firearms related evidence shall be handled and packaged so as to preserve all potential evidence.

The evidence shall be labeled and the weapon must be rendered safe. The following procedures must always be observed:

1. Whenever handling a firearm, personnel must wear a clean pair of disposable gloves. It should be kept in mind that even when wearing gloves, latent prints can be easily obliterated. For this reason, the firearm should be handled in areas where there is not likely to be forensic evidence, and in a manner so as to not disturb or contaminate other evidence.
2. The crime scene and the condition of the firearm in its original state shall be documented with notes and photographs, including the number of live and discharged cartridges and their location within the firearm before recovering any evidence.
3. Prior to packaging the firearm for transport, the weapon must be rendered safe by making sure there is no ammunition in the firearm. All firearms are to be treated as though they are loaded even after they are rendered safe. A firearm should only be handled by an individual who is familiar with the use of firearms. Firearms shall be placed in a clean box and secured to minimize interference with trace evidence.
 - a. *Handguns, Rifles, Shotguns, & Machine Guns:* Make a record of the position, as found, of any safety, cocking indicator, loaded chamber indicator, selector, or other safety control feature. With the firearm pointed in a safe direction, remove the magazine. Next, clear the chamber by slowly drawing back the slide/bolt handle. With the slide/bolt to the rear, examine the chamber visually to insure that no cartridge is in the chamber. Separately package the firearm, any detachable magazine, and/or extracted cartridges/cases. Again, handle the firearm in places and in such a manner as to preserve any possible fingerprints or trace evidence. **Do not remove cartridges from the magazine, or mark the cartridges/cases directly.**
 - b. *Magazines* shall not be unloaded. They may be placed in the same box with the crime gun, provided they are secured separately in an envelope to prevent contact with the firearm
 - c. *Revolvers:* Prior to opening the cylinder of the firearm, make sure it is pointed in a safe direction. Mark the top of the cylinder along each side of the top strap of the frame. Open the cylinder without rotating the cylinder, noting which chamber was in line with the barrel of the firearm. Without moving the cylinder, mark w/ permanent marker its position at the time of seizure. Whenever possible, photographs should be taken for documentation. (See Diagram 1.) The position of each cartridge/case in the cylinder should be recorded in field notes as indicated in Diagram 2 below. All live rounds and cartridges/cases removed should be handled

so as to preserve possible fingerprints or DNA evidence. Each should be packaged separately in a clean envelope and labeled according to its position in the cylinder. **Do not mark the physical cartridge/case.**

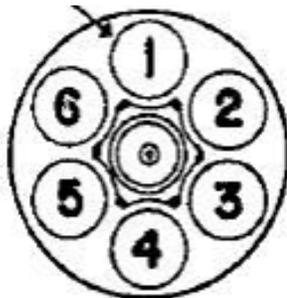
DIAGRAM 1:

Without rotating the cylinder, mark on either side of the chamber the location in line with the hammer. Use a permanent marker.



DIAGRAM 2:

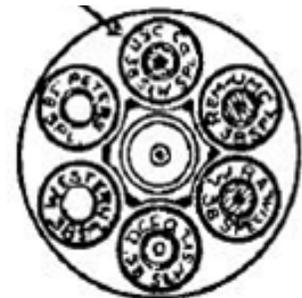
Sketch



EXAMPLE NOTES

- 1 Fired U.S.C. Co.
- 2 Fired REM-UMC
- 3 Fired WRA
- 4 Misfired D.C. Co.
- 5 Loaded WESTERN
- 6 Loaded PETERS

Photograph



- d. *Ammunition:* Live (unfired) cartridges, discharged (fired cartridge cases and spent (fired) projectiles can yield valuable forensic information. Often this may require leaving a layer of material around the projectile or cartridge casing that is collected. Document the location of each projectile with notes and photographs. Effort shall be made to locate, document their location and recover them from the scene. Live rounds shall be removed from all firearms and all cartridge casing and spent projectiles will be individually packaged in a clean envelope or appropriately sized bag.
 4. Once the firearm has been rendered safe, the firearm shall be placed in the appropriate evidence container. Handguns will be stored in an unused box that is designed for their safekeeping, while long guns will be stored in a long gun box, or if none available, wrapped in brown evidence paper with evidence tape, making sure these types of firearms are not unduly exposed to anything that damage or destroy any potential latent or trace evidence
 - a. *Firearms Recovery Kit:* Firearms Recovery Kits have been made available to the department for the purpose of securing handguns and their evidentiary value once they have been properly processed at the scene. These kits are provided through the Project Safe Neighborhood Program by the U.S. Attorney’s Office.
 - (i) Firearms Recovery Kits shall be maintained in each of the Sector Sergeants’ vehicles, and the Patrol Supervisor’s vehicle. Additional supplies of the Firearms Recovery Kits will be maintained by the Property and Evidence Unit.
 - (ii) The Firearms Recovery Kits will consist of a gun box; nylon ties to secure the firearm; envelopes to secure rounds, casings and magazine; Nitrile gloves; tape to seal the box.
 5. The submitting individual shall complete the appropriate Property & Evidence forms that are to accompany the items into the Property & Evidence System. ([See Form P180: Evidence/Property Submission Form](#))
 6. A supervisor shall examine the articles to confirm the firearm has been rendered safe, to ensure it has been properly packaged and tagged, and to ascertain that the accompanying paperwork has been filled out correctly.
- C. Submission of Firearms & Firearms Related Evidence:** Once all evidence has been properly documented, collected, packaged, and approved by a supervisory officer, the submitting officer or department employee may submit the evidence directly to the on-duty Property & Evidence Technician, or into the properly sized temporary holding locker.

1. *Property being Submitted by an Outside Agency:* If this department is accepting property/evidence from another agency, it will be the responsibility of the **Shift Commander or his/her designee** to ensure that the property/evidence is properly packaged, that the CPD Property & Evidence submission form is completed and that it is accompanied by the Outside Agencies incident report. (Note: As part of the inter-jurisdictional agreement, the Towns of Arlington and Belmont will submit firearm and firearm related evidence to the Cambridge Police Department for initial processing and preparation for submission to the State Police Laboratory).
2. A file number shall be requested from an ECC Supervisor, specifying a miscellaneous statutory violation/Gun Court.
3. Without exposing the contents of the sealed container, A QED report shall be generated with this file number documenting the following information upon submission:
 - a. Make, Model, Type, Manufacturer, Serial Number of the Firearm
 - b. Type and Number of ammunition
 - c. Magazines and any other items
 - d. Nature of the incident and the facts surrounding the recovery of the firearm related to the evidence submitted
 - e. Submitting Officer's Name/ Contact info.
4. The Shift Commander or his/her designee will ensure that the items are submitted directly into the Property & Evidence System by escorting the submitting officer to the Property & Evidence Area and where they may place the evidence, the Evidence Submission Form, and the Agency Incident report into the appropriately sized temporary holding locker.

D. Laboratory Analysis:¹ Unless directed otherwise, all firearm and firearm related evidence shall be properly prepared for submission by Identification Unit personnel. The Identification Unit personnel will process all firearms and related evidence for fingerprints and DNA as appropriate and as requested on the Property and Evidence submission form. As part of that initial processing, the Identification Unit personnel will also ensure that the State Police form (CL-1) is completed and prepared for transfer to the Massachusetts State Police Crime Lab.

¹ CALEA Std. **83.3.2** – A written directive establishes procedures for submitting evidence to a forensic laboratory, which include:

- a. identification of the person responsible for submitting evidence;
- b. methods of packaging and transmitting evidence to the laboratory;
- c. types of documentation to accompany evidence when transmitted;
- d. receipts to ensure maintenance of chain of evidence; and
- e. stipulation that laboratory results be submitted in writing.

1. *Latent Prints:* Firearms and related evidence may be processed for latent prints upon request and when there is a probative value to perform such testing. Typically, firearms will not be processed for latent prints when:
 - a. The firearm was taken directly from the defendant; or
 - b. The firearm was mishandled or improperly packaged.
2. *DNA:* Firearms and related evidence may be processed for DNA upon request when there is probative value to perform such testing. DNA analysis will be considered on a case-by-case basis, upon proper request, consistent with laboratory practice, and/or in consultations with the DA's Office. Typically, firearms will not be processed for DNA if:
 - a. The firearm was taken from the defendant, and the defendant is charged with a possessory offense only; or
 - b. The firearm was mishandled or improperly packaged.
3. *Ownership Trace:* The ATF provides ownership tracing through its National Tracing Center. *E-Trace: Internet-based Firearms Tracing and Analysis:* The department has the ability to submit ATF Trace Requests via the E-Trace System. As a matter of practice, all firearms coming into the possession of this department shall be checked through the E-Trace System ([See Form ATF E-Form 3312.1](#))
 - a. Once a firearm has been submitted into the department's Property & Evidence System, an Identification Unit technician will submit a photograph of the firearm and all available information pertaining to the firearm such as, the make & model, caliber, serial number, and photos of the weapon to the department's point of contact within the Investigations unit who will submit the inquiry to e-Trace.
 - b. Return information from E-Trace System shall become part of the case file and used for further investigative follow up, as appropriate.
4. *Trace Results:* A response from the E-Trace System should be received within 30 days of its submission into the system. If the report is not received, a follow-up request should be made at that time
5. *Certification as a Firearm or Ammunition:* GL c. 140, § 121A provides that, for the purpose of identification of firearms, a certificate by a ballistics expert is *prima facie* evidence that the firearm is a firearm, rifle, shotgun, machine gun, sawed off shotgun, or ammunition. However, as a result of changes in case law, such a certificate alone is now insufficient to establish that the firearm is operational, as required. A live witness will now be required to

testify about the firearm's status as a working firearm. As directed by law, the State Police Firearms Identification Section will provide services on all crime guns.

- a. If reasons exist that the firearm was not tested by the State Police Firearms Identification Section, a certified Armorer from the Cambridge Police Department may perform the required tests prior to presentment of a court case.
 - b. Such testing shall *only* be performed at the direction of the Middlesex County District Attorney's Office and in consultation with the Department's Firearms Coordinator.
 - c. The chain of custody must be preserved, along with a record of the tests performed, and the assessment of the operability of the firearm shall be documented by the Armorer conducting the test.
6. *National Integrated Ballistic Information Network (NIBIN)*: NIBIN is a system operated by the Massachusetts State Police which allows the comparison of discharged cartridge cases. Cartridges recovered from crime scenes will be compared to each other, to cartridges fired from firearms submitted to the lab and to other cartridges in the comparative data base. This comparison is designed to provide investigative leads by linking multiple crime scenes and crimes to a recovered firearm.
7. *Serial Number Restoration*: Firearms submitted with obliterated serial numbers will be processed to recover them.
8. *Records to be Maintained*: Once a firearm and/or firearm related evidence has been initially examined by the department's Identification Unit, a request as to the type of tests to be performed by the State Police Forensic Laboratory will be indicated on a completed CL-1 form by the Cambridge Police Department's Identification technician.
- a. Upon completing the processing and examination of a firearm and/or firearm related evidence, the firearm will be returned to the Property & Evidence System.
 - b. It will be the responsibility of the Property & Evidence Technician to make arrangements to have the evidence transported to the Massachusetts State Police Forensic Laboratory under the direction of the Property & Evidence Unit Commander.
 - c. Chain of custody shall be maintained regarding the transfer of the evidence to and from the laboratory.

9. ***Records & Certificates:*** All records and/or certificates generated by or received from the Massachusetts State Police Forensic Laboratory will be made part of the case file for the incident. A copy will be maintained by the Property & Evidence Unit and a copy should be promptly sent to the ADA prosecuting the case [if applicable.]