

IAPE STANDARDS SECTION 11 – FIREARMS

Standard 11.1: Firearms – Packaging

Standard: Firearms should be packaged in a manner that protects the employee, protects the evidentiary value of the item, and permits efficient storage. Safety of employees must be a priority.

Definition: Packaging refers to the container used to safeguard the firearm, trace evidence, and permit appropriate labeling of the firearm.

Reasoning: Firearms need to be packaged in a manner that easily identifies the item as a firearm, in addition to providing a container that safeguards the evidence from contamination and ensures the packaging provides the highest level of safety for employees.

A good practice to prevent a loaded firearm from being submitted to the property room is to insert a nylon safety tie through the action or cylinder when feasible. The tie should not be inserted through the barrel as it may alter the barrel markings. Any proposed policy to this effect should be reviewed by the crime lab in use to satisfy any forensic objections.

Firearms may be stored in a variety of containers, such as gun boxes, gun bags, kraft paper, Tyvek bags, paper bags, or manila envelopes. Some agencies elect to not package their firearms at all.

Any container used for the storage of firearms should protect the safety of the employee from biohazardous substances, such as bloodborne pathogens.

The firearm should also be protected in its packaging from the loss of evidentiary value by protecting any trace evidence present from cross-contamination or unintentional obliteration.

Selecting the correct method of packaging can greatly impact the effectiveness of storage and retrieval of firearms.

A firearm placed inside a gun box should be secured with nylon tie wraps, zip ties, or cable wraps, after it has been safety checked for being unloaded.

Boxes and bags should generally not be reused if the cross-contamination of trace evidence from a previous use may be an issue in the new case.

The exterior of the container should have color-coded labels to indicate if the firearm has been contaminated with biohazards, or if it had been used in a homicide, officer-involved shooting, found property, safekeeping, or any other special issue.

Each department should develop a policy that provides guidance on the submission of live ammunition. Some agencies chose to place ammunition separately inside a gun box, while other may chose to book and store it separately. Note: placing ammunition inside a gun box may deem the firearm to be loaded under certain state's statutes. This is an important distinction if the firearm is ever transported or handled by civilians.

Standard 11.2: Firearms – Documentation

Standard: Firearms should be described in a manner that enables the reader to visualize the item without physically examining it. Additionally, the documentation should provide a record of all parties that have handled the item, storage locations, and transaction dates and times.

Definition: Documentation refers to identifying the item with a unique number, describing the item, and providing a record of all parties handling, various storage locations, along with dates and times of the transaction.

Reasoning: All firearms evidence needs to be documented in a manner that provides a thorough and accurate description and chain of custody including, chronological documentation, and/or paper trail, showing the seizure, custody, control, transfer, analysis, and disposition of evidence, physical or electronic.

Documentation begins with assigning an individual control number or barcode number to each firearm. Magazines and 'scopes generally do not require separate documentation if they are attached to the firearm and described in the report. In a computerized system the separate control numbers may appear in one report under the case number, but the items may be individually disposed of. In a manual system, it is advisable to group all firearms under one report, and items of general evidence, such as ammunition under another property report. Evidence items should always be separated from Safekeeping and Found Property by writing separate reports since the retention periods are different.

Documentation of the firearm should include a full description including the make, model, caliber, type, and serial number. The booking officer should cause the firearm to be queried through NCIC and any state databases to determine the status and history, if known. A good practice is to provide the NCIC or state computer printout to the property room. The property officer should verify the accuracy of the serial number information by comparing the serial number on the firearm against the paperwork.

Standard 11.3: Firearms – Documentation of Movement

Standard: High profile evidence such as firearms, money, and drugs leaving the custody of the agency should have the most stringent internal controls to ensure the integrity of the evidence.

Definition: Movement refers to the temporary transfer of a firearm to any external location, such as court, crime lab, other agency, or out for investigations, and its return.

Reasoning: Firearms are considered a high profile item and require extra internal controls that provide a transparent chain of custody. Documenting the person who authorized the transfer, the person who released the item, and the person who received the item along with dates and times is the preferred practice. Any time that property or evidence is released to a person, the receiving and releasing person's signature, destination, date and time should be required.

Providing a subpoena for the court case, or obtaining a supervisor's written approval provides a credible record that the firearm is being taken out of the property room for the reasons stated.

Any time there is movement of firearms from the property room, there should be documentation in the form of a tickler or suspense file that notes when items are "out to the crime lab", "out for investigation", and "out to court", and who is responsible for it. This tickler file will prompt the property officer to inquire regarding the item when it has not returned in a timely manner. The property officer should be required to query all signed out evidence on a periodic basis. For example, firearms, money, and drugs should be queried on the next working day.

All firearms that have been taken to court and not returned by the end of the court day should have a receipt signed by an officer of the court and a court stamp.

Standard 11.4: Firearms - Storage

Standard: Firearms should be stored separately from general evidence items in a location with enhanced security.

Definition: Regardless of the size needed, a firearm storage area should to be designed in a manner that it is separate from general evidence, provides enhanced security, environmental safety, and easy retrieval.

Reasoning: The size of the firearm storage area needed is dependent upon the quantity of firearms anticipated needing storage. A small agency may only need a locker; a medium size agency may need a closet or cage, while a larger agency may need an entire room.

Firearm evidence should not be commingled with any other property types, except when a common enhanced security area is shared with the storage of drugs or money. The following are recommended features for a firearm storage area:

- A firearm room, closet, or cage should be constructed of concrete block, lath and plaster, security screen, or drywall that has been reinforced with plywood or wire mesh. The room should not have suspended ceiling access from an adjacent room. Ingress should be via a solid core door equipped with a double cylinder dead-bolt keyed separately from the main property room.
- A locker, cabinet, or locking shelves may be used for smaller quantities of firearms. There should be a separate padlock on a hasp to secure the doors.
- Any room or area that maintains firearms should have a separate alarm and video system to monitor ingress and activity inside.
- If necessary, a “rule of two” may be designed by providing the room key to one person and the alarm code to another
- Storage shelf and bin identifiers should be consistent with the storage scheme of the main property room.
- Firearms from “Active” cases should be kept separate from firearms “Pending Destruction.” This may be accomplished by using separate shelves.
- Nothing precludes the enhanced security recommendations for firearms, money, and drugs from being combined into one common secure area with three distinct storage facilities.
- Rifles and shotguns should be placed in racks or in rifle boxes to permit a consecutive and systematic filing system. Any firearm, with or without a container should be filed on the shelf in a consecutive and systematic manner using the case or control number.
- Using gun boxes allows the rifle and handgun boxes to be stored on edge to permit easy retrieval. Use additional shelves if necessary; vertical clearance between shelves should be little more than the height of the box to avoid wasting space. Avoid stacking boxes one on top of another to eliminate moving multiple boxes during retrieval. Not all long guns will fit in boxes, therefore an area for oversized handguns and long guns should be made available.
- Firearms from active cases should be in one location, and firearms pending destruction should be in another.

Standard 11.5: Firearms – Storage Pending Destruction

Standard: Firearms pending destruction should always be stored in a designated area that has an enhanced level of security in the property room.

Definition: Firearms pending destruction security refers to the area where firearms are maintained prior to the actual destruction.

Reasoning: Firearms pending destruction have the greatest likelihood of being pilfered from storage. Storing these items in a locked room, secured locker, or locked cabinet provides an enhanced level of security.

Additionally, storing firearms for destruction in an area away from active evidence provides a method to better track and visually monitor the quantity of firearms pending destruction.

Policy should define a threshold when firearms that are pending destruction should occur. A threshold can be based upon the calendar, for example, twice a year. A threshold may also be based upon quantity, such as every 50 firearms. Thresholds make all parties in the destruction process accountable and ensure that the process occurs before the firearms become a target of theft.

Standard 11.6: Firearms – Disposition/Release

Standard: All releases of firearms should be specifically authorized in writing by the investigating officer to the custody of a specific person or agency.

Definition: Disposition and release refers to the return of a firearm to the rightful owner if he/she is not restricted from possessing a firearm.

Reasoning: Due to the inherent risk of firearm misuse, a firearm should only be released to its owner after this person has demonstrated that they are not prohibited from possessing a firearm pursuant to federal or state laws. A prior history of domestic violence, mental instability, or conviction of certain crimes may prohibit the person from possessing a firearm. Improper release of a firearm to a person that is prohibited has tremendous potential liability if the firearm is used in a crime.

This responsibility for checking the status of claimants should be assigned to one person in the agency, who has been thoroughly trained in gun laws and interpreting criminal histories. The authorization to release must bear the signature of the person authorizing the release.

In the event that the owner of a firearm is NOT permitted to take possession, department policy may enable the firearm's ownership to be transferred by the owner to or by a federally licensed firearm dealer in lieu of being destroyed.

The actual release should be thoroughly documented with a signature of the person physically releasing the firearm, a copy of government issued ID and signature of the owner accepting the firearm, and a photo of the release.

Policy should ensure that NCIC and state computer databases are updated accordingly any time a firearm is released to prevent a legitimately released firearm from remaining listed as stolen.

Consider releasing ammunition pertaining to a released firearm on a different day to avoid providing a potentially loaded firearm in the station.

Standard 11.7: Firearms – Disposition/Diversion to Agency Use

Standard: The diversion of firearms for official use of the agency should be memorialized by policy, or codified by local ordinance or state law.

Definition: Firearms that have no rightful owner, or have been approved for destruction, may be retained by the law enforcement agency for public agency use pursuant to local laws.

Reasoning: The diversion of firearms for agency use is generally an acceptable practice for transferring ownership of the firearm for departmental use. The diversion process should include a justification memo from the requesting party, approval from a manager, and approval from the Chief Executive Officer or agency designee. To add an additional level of transparency to the process, consider having an official from outside the agency - such as a purchasing administrator or a court magistrate approving the request.

Documentation of the diversion process should be maintained by the property unit and the division commander. The diverted firearm should be included on the agency's equipment inventory for audit purposes and transparency.

Standard 11.8: Firearms – Disposition & Sale or Trade

Standard: The sale or trade of firearms by an agency should be memorialized in policy, or codified by local ordinance or state law. The sale of a firearm to an employee should be carefully documented and transparent.

Definition: The exchange of firearms that have been diverted for public agency use to a licensed firearm dealer for cash or in-kind goods.

Reasoning: Firearms are generally traded for new firearms or other equipment as a way to purchase new equipment without using budget resources. The sale or trade of firearms has many risks, liabilities, and potential ethical problems. It is customary for the proceeds of any auction or sale to go to the governing body's general fund to avoid the appearance of any direct conflict of interest.

There is a potential for abuse any time there is a direct connection between the law enforcement agency and the sale or trade of surplus firearms. There may be an incentive NOT to find the rightful owner of property if the sale proceeds go directly to the agency.

Once due process for ownership is complete, the Chief Executive Officer should obtain a resolution from the governing body instructing the law enforcement agency to proceed with the sale or trade. This resolution will help to share any responsibility and negative publicity in the event that a firearm is subsequently used in an unlawful manner.

The sales of firearms to employees should be discouraged as some persons may interpret the action as providing preferential treatment that is not available to the general public. If a sale is made regardless of objections, ensure that the transfer is made through a federally licensed firearms dealer.

Standard 11.9: Firearms - Destruction Documentation

Standard: Destroyed firearms should provide transparent documentation that identifies all personnel involved in the destruction process and ensures that an independent witness is able to validate that each and every firearm was destroyed.

Definition: Destruction documentation refers to the memorializing of the destruction process to provide a transparent and verifiable chain of custody and final disposal.

Reasoning: Firearms pending destruction have the greatest likelihood of being pilfered from storage or during transportation to a destruction site, as there is generally no longer any interest in the item for prosecution or release. As a result, there is a need for thorough documentation and verification of every step in the destruction process to leave no room for doubt or suspicion as to its final disposition.

Maintaining a running firearm destruction list that includes the case number, item number, tracking number, defendant's name and an accurate description of each item enhances the integrity of the process.

Once the firearms are authorized for destruction and have been listed, they should be staged, verified by an independent witness, and placed in a sealed container

with the validated firearm destruction list attached. Each item on the list should be individually initialed, and witnessed.

The documentation should include: who authorized the firearm for destruction, who staged and verified the item on the destruction list, who transported the firearms to the destruction site, and who witnessed and verified each individual firearm being destroyed.

Attaching a copy of the destruction list to the sealed container is a good practice to provide a method to later audit the items prior to destruction. The items awaiting destruction should never be documented as destroyed until the actual process occurs.

Once the destruction has been completed and witnessed, the *original* firearm destruction list with witness signatures should be filed, and a copy should be forwarded to the appropriate supervisor or manager for an independent record of the destruction.

In order to best document the destruction process, writing a general case report describing the destruction method, who staged the firearms for destruction, who witnessed the items being placed in the destruction container, who transported the items, and who actually observed the items being destroyed is recommended. This case report should remain on file within the Records Bureau for the normal report retention schedule.

Standard 11.10: Firearm – Destruction Method

Standard: All firearms should be destroyed and witnessed in a manner that will totally demolish the item to prevent its future use.

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Definition: Firearm destruction method refers to the method or process that is used to render the firearm unusable.

Reasoning: Firearms should be destroyed to prevent its illegal use at some time in the future. Different agencies may use different methods of rendering firearms unusable. Some agencies may chose to burn, chop, melt, or crush firearms as a method of rendering them unusable. The burying of firearms in a landfill is only acceptable when the firearm has been previously rendered unusable. Agencies that strip parts from firearms for official use should still ensure that the portion of the frame containing the serial number cannot be reused, and that a court order permits non-serialized parts to be recycled for public use.