

## FEU 12 – Evidence Handling and Case Distribution

### Table of Contents

1. Scope
2. Background
3. Safety
4. Materials Required
5. Standards and Controls
6. Calibration
7. Procedures
8. Sampling
9. Calculation
10. Uncertainty of Measurement
11. Limitations
12. Documentation
13. Reference

### 1. Scope

- 1.1 To document the process for the receipt, handling, distribution of casework, retention and disposition of case work and items.

### 2. Background

- 2.1. This procedure supplements the DOM 10 Procedures for Handling Evidence and Clinical Specimens.
- 2.2. By developing a standard approach, FEU can track the workflow of its operations and comply with the Department of Forensic Sciences Quality Assurance Program, ISO/IEC 17025:2017 and Supplemental Requirements.
- 2.3. Case distribution will be based on the FEU's case prioritization scheme:
  - 2.3.1. Part I offenses are automatically retained by the FEU for microscopic examination. Part I offenses include but are not limited to Homicide, police-involved shootings, Assault With Intent to Kill (AWIK), Assault with a Dangerous Weapon (ADW), Assault With Intent to Rob (AWIR), Robbery, and Burglary while Armed.

- 2.3.2. Part II offenses are only examined microscopically by stakeholder request. Part II offenses include Carrying a Pistol without a License, Found Property, Sounds of Gunshots, Death Investigation, Unlawful Possession, Unregistered Firearm or Ammunition, etc.

### **3. Safety**

- 3.1. All Firearms Safety protocols in Appendix A will be adhered to when handling firearms.
- 3.2. When handling evidence that is pending Evidence Processing during Render Safe requests, gloves, mask, and disposable lab coat will be worn to prevent DNA and latent print contamination.

### **4. Materials Required**

- 4.1. Not applicable.

### **5. Standards and Controls**

- 5.1. Not applicable.

### **6. Calibration**

- 6.1. Not applicable.

### **7. Procedure**

- 7.1. Receipt and handling of evidence
  - 7.1.1. The DFS Laboratory Information Management System is utilized for all transfer and examination of evidence, guided by DOM 18 LIMS Operational procedure and the LIMS Reference Guide.
  - 7.1.2. Central Evidence Unit (CEU)
    - 7.1.2.1. Evidence received from CEU will be transferred from the CEU location to the FEU member receiving the evidence in the presence of a CEU specialist. Receipt of evidence will occur, where applicable, after firearms(s) are processed in the Latent Fingerprint Unit (LFU), unless directed otherwise by management. If processing in LFU is scheduled, but not

complete upon receipt by FEU, evidence will be returned to CEU.

7.1.2.2. The FEU Evidence Coordinator or designee collects and receives case items from CEU. Personal barcodes must be used to receive evidence from CEU. The chain of custody will be from the CEU location to the Evidence Coordinator/Analyst, then to a storage location in FEU, or to an analyst. The physical transfer(s) will accurately reflect the electronic transfer(s).

7.1.3. Evidence Control Branch (ECB)– Metropolitan Police Department (MPD)

7.1.3.1. Evidence received from ECB will be by request of an FEU member; the item number, DFS number, and CCN are requested via email to the FEU Evidence Coordinator, and evidence is collected from ECB on Tuesdays and Fridays.

7.1.3.2. Evidence previously recorded in LIMS will be transferred upon arrival at DFS from “Closeout, LIMS” to the FEU member receiving the evidence.

7.1.3.3. Evidence that is not already recorded in LIMS will have the outer packaging back-captured by the person receiving evidence, and the transfer will be recorded as Storage Location “ECB Warehouse” to the FEU member receiving the evidence. Once the evidence is transferred to the analyst opening the outer packaging, evidence will be inventoried and sub-items will be back-captured.

7.1.4. Firearms submitted for Render Safe requests will follow FEU 01 Examination and Test Fire of Firearms section 7.1.

7.1.4.1. Evidence may be maintained in the custody of the requester if they remain with the FEU analyst during the render safe process.

7.1.4.2. Evidence submitted through the loaded gun locker in room 1137 will be transferred to the FEU analyst performing the request.

7.1.4.3. When an FEU member is called to render a firearm safe, any transfer of evidence must be recorded via electronic chain of custody. Any items removed from the firearm must be created

in LIMS. Upon completion, a notification email to FEU management will be saved in the Imaging Module of the relevant case.

#### 7.1.5. Walk-ins

7.1.5.1. Evidence received directly from an agency representative, as with walk-in Test Fires, will be recorded in LIMS by the person receiving evidence, including applicable sub-items, and the transfer will be recorded as the agency representative's name to the FEU member's barcode.

7.1.5.2. Walk-in Test Fires are accepted from most agencies within the District. MPD units must submit test fires through ECB/CEU, with the exception of NSID, which has scheduled walk-in hours.

#### 7.2. Disposition of Evidence

7.2.1. Evidence that has all relevant requested testing completed will be properly sealed and either transferred directly to the FEU Evidence Coordinator or placed in the common storage locker R2280-L-Q for return to CEU.

#### 7.2.2. Walk-ins

7.2.2.1. Evidence that has all relevant requested testing completed will be properly sealed and transferred directly to the agency representative.

#### 7.2.3. Retention of test fires for storage

7.2.3.1. All test fires uploaded onto the NIBIN will be retained in FEU for a minimum of five (5) years. After that period, test fires may be stored in the FSL COOP Site location.

7.2.3.2. Transfer of items to and/or from TF Storage R2170 must be electronically transferred in LIMS.

#### 7.3. Creating requests in LIMS

7.3.1. Render Safe requests are typically generated by the assigned FEU analyst upon receipt of an email request for assistance or other notification.

- 7.3.2. LIMS Test Fire requests are typically generated by CSS personnel; if not created prior to the firearm's arrival at FEU, the request will be generated by the FEU Evidence Coordinator or analyst performing Test Fire.
- 7.3.3. Cases containing cartridge cases received by FEU will have a LIMS NIBIN Prep request created by the FEU Evidence Coordinator upon arrival at FEU.
- 7.3.4. LIMS NIBIN Entry requests are automatically generated with the creation of a test fire packet in LIMS. Cases that undergo a NIBIN Prep service will have the appropriate number of NIBIN Entry requests created by the FEU member who completes the NIBIN Prep request.
- 7.3.5. NIBIN Comparison requests are created by the assigned analyst when a lead is generated or received from the Bureau of Alcohol Tobacco, Firearms, and Explosives (ATF).
- 7.3.6. NIBIN Comparison CrossBorder requests will be created by the assigned analyst when a NIBIN lead is generated or received from ATF and includes a case(s) from another agency or jurisdiction. One request will be generated per cross border case included in each lead.
- 7.3.7. LIMS NIBIN Verification requests will be created when a FSL Request for Testing Form is received from the customer or stakeholder and submitted through FIU. The request date will be the date evidence is received by FEU; this may be adjusted post-hoc if a Request for Testing is received prior to evidence receipt.
- 7.3.8. All firearms that are received for test fire with an obliterated or partially obliterated serial number will have a LIMS Serial Number Restoration request created on the date that the obliteration is discovered by the FEU member who discovers it.
- 7.3.9. All cases that will be retained for microscopic examination will have a LIMS Firearms Analysis request generated upon arrival at FEU. The request date will be the date evidence is received by FEU; this may

be adjusted post-hoc if a Request for Testing is received prior to evidence receipt. Firearms Analysis requests may be generated from one of the following circumstances:

- 7.3.9.1. Evidence received in cases with Part I offenses
- 7.3.9.2. Receipt of Request for Testing Forms from MPD, USAO, or other requesting agency
- 7.3.9.3. Receipt of Request for Testing forms that request inter-case comparisons (not generated from a NIBIN lead)
- 7.3.9.4. Additional evidence received following completion of a previous Firearms Analysis request

7.3.10. The individual assigned to the LIMS request should add Related Evidence to include all items and sub-items submitted and/or requested for testing.

7.3.11. Requests for inter-case comparisons of Part I offenses will have separate LIMS Firearms Analysis requests and will not be addressed in the same request as the case evidence by itself. Relevant evidence from each case will be added to Related Evidence by the assigned examiner.

#### 7.4. Case Submission Data

7.4.1. Upon arrival at FEU, all cases are added to the FEU Submission Stats II spreadsheet located in the network drive.

7.4.2. Exigent cases and Requests for Testing are assigned to examiners by the FEU Evidence Coordinator or FEU Supervisor, and are marked in the FEU Submission Stats II spreadsheet accordingly. Other cases that will be examined microscopically are marked with initials in the FEU Submission Stats II spreadsheet when the examiner self-assigns the case.

#### 7.5. Evidence Transfer

7.5.1. The FEU utilizes common secure storage lockers for organization of cases in various stages of testing. Evidence is placed into R2280-L-J when it is pending NIBIN Prep and/or Serial Number Restoration, R2280-L-G or R2280-L-F when it is pending examiner assignment, and R2280-L-Q when it is pending return to CEU/ECB. No case

documentation should be placed in R2280-L-Q. Cases pending NIBIN Verification may be stored in the NIBIN locker, R2280-L-R.

7.5.2. Whenever possible, evidence from the same case will be kept together and transferred together within the FEU. Cases that contain both cartridge cases and a firearm will have all evidence transferred to the analyst performing Test Fire, and then all evidence (including test fire packet), will be transferred to the analyst performing NIBIN Prep and/or NIBIN entry.

7.5.3. Evidence must be transferred in LIMS before placement in the lockers, and must be transferred to a person immediately after removal from the lockers, so that the electronic chain of custody accurately reflects evidence location. Evidence must be properly sealed before transfer to a common storage locker.

7.5.4. Personal storage lockers are used for analysts' case load and cases currently under examination. Evidence in personal storage lockers may or may not be sealed, depending on the status of testing. Evidence in an analyst's custody must be transferred to a storage locker at the end of the work day, unless being transported for cross-border NIBIN Verification.

## 7.6. Case Assignment

7.6.1. The following case prioritization scheme will be applied to all NIBIN Prep services and Firearms Analysis casework, unless otherwise directed by management. Cases will be examined in the following order of priority:

7.6.1.1. Case or comparison with (soonest) trial date

7.6.1.2. Homicide

7.6.1.3. Priority Request (designated within LIMS and/or written notification)

7.6.1.4. Police-Involved Shooting

7.6.1.5. AWIK

7.6.1.6. ADW

7.6.1.7. AWIR

7.6.1.8. Robbery

7.6.1.9. Burglary while Armed

7.6.1.10. Part II offenses (with Request for Testing)

7.6.2. Examiners will receive an email notifying them of the assignment of an exigent case or a new case with a Request for Testing. Other cases are self-assigned by examiners when they retrieve a case from a locker (e.g. R2280-L-G). Examiners will not self-assign more cases than they can work immediately. Examiners are responsible for queuing their cases in accordance with the prioritization scheme. Examiners will assign the Firearms Analysis request to themselves upon opening a new case.

7.6.3. Serial Number Restoration requests and NIBIN Verification requests will be prioritized and assigned by FEU Management or designee.

7.7. Examination of Evidence

7.7.1. Absent a chemical or biological hazard, the appropriate level of Personal Protective Equipment (PPE) to be worn during examination will be at the analyst's discretion. Recommendations per type of testing are provided in the relevant SOPs.

7.7.2. All submitted items (not including test fire packets) examined for Firearms Analysis, NIBIN Verification, and Serial Number Restoration must have overall photos taken. Overall photos must visibly include or be annotated to include DFS case number and item number(s).

7.7.3. Items created and/or examined during Test Fire and Firearms Analysis testing will be labeled with DFS number, item number, and analyst initials. If items cannot be marked directly, the item packaging will indicate DFS number, item number, and analyst initials.

7.7.4. Primary packaging that has a secure closure (i.e., zip-closure plastic bags) does not require an evidence tape seal if it is placed into a secondary package that is properly sealed. All items examined for Firearms Analysis, NIBIN Verification, and Serial Number Restoration must have corresponding case notes indicating the description and condition of packaging and seal.

7.8. Review & Report Distribution

7.8.1. Reports of Examination will be generated in accordance with FEU06 and technically and administratively reviewed in accordance with LOM03. The technical and administrative reviews will not be completed by the same analyst. The reporting analyst will assign the case file reviews to each reviewer via LIMS, which may be accompanied by an email.

7.8.2. Following administrative review, Firearms Analysis and Serial Number Restoration reports will be sent to the FEU Supervisor or designee for distribution to stakeholders. The format for attachments is provided in FEU06. NIBIN Verification reports are sent directly to the appropriate distribution list. Reports are sent to the appropriate stakeholders, and LIMS requests are contemporaneously marked as distributed.

## 8. Sampling

8.1 Not Applicable.

## 9. Calculation

9.1 Not Applicable.

## 10. Uncertainty of Measurement

10.1 Not Applicable.

## 11. Limitations

11.1 Not Applicable.

## 12. Documentation

12.1 FEU Submission Stats II spreadsheet

## 13. Reference

13.1 ISO/IEC 17025:2017 – General Requirements for the Competence of Testing and Calibration Laboratories, International Organization for Standardization, Geneva, Switzerland.

13.2 ANAB Supplemental Requirements for Forensic Testing, ANSI-ASQ National Accreditation Board, Milwaukee, WI, (Current Version).

- 13.3 FSL Quality Assurance Manual (Current Version).
- 13.4 FSL Laboratory Operations Manuals (Current Versions).
- 13.5 DOM 18 LIMS Operational Procedure (Current Version).

## Appendix A

### **FIREARM SAFETY**

The following protocols must be adhered to when handling any firearms:

- 1.1 Wear additional PPE (eye & ear protection) when discharging a firearm.
- 1.2 Treat every firearm as though it is loaded until you verify that it is not.
- 1.3 Point the muzzle in a safe direction.
- 1.4 Keep finger off the trigger and outside the trigger guard until ready to fire.
- 1.5 Always ensure target and backstop.
- 1.6 When in doubt about a safety issue, consult with a senior examiner or FEU Management before starting a procedure.
- 1.7 When transporting firearms throughout the laboratory, employ a mechanism to visually ensure that the chamber is empty and/or the action is open. Acceptable methods are zip tie, empty chamber indicator, or locking the chamber in the open position if possible. Do not transport firearms with magazines inserted.
- 1.8 Ensure that the barrel and chamber are clear of obstructions before firing.
- 1.9 When evaluating a firearm for full-auto capability, do not load more than two cartridges in the magazine, and do not fire into the water recovery tank.
- 1.10 When preparing to fire, do not close the action of the firearm on a live cartridge unless the muzzle is pointed downrange or placed securely in the tube of the water recovery tank.
- 1.11 Follow all safety instructions for the use of test firing equipment, to include the water recovery tank, firing range, remote firing devices, or any other bullet recovery method.
- 1.12 If a loaded or potentially loaded firearm is submitted, take it immediately to the firing range and render it safe.

- 1.13 Use extreme caution when inspecting/examining firearms that are damaged or in poor condition.
- 1.14 Utilize the remote firing device for any circumstances in which there may be a potential safety concern in discharging the firearm.
- 1.15 Utilize primed cases or downloaded cartridges for any circumstances in which it may be unsafe to discharge commercial cartridges (discretionary).
- 1.16 Do not use cell phones in the intake area, tank room, or firing range.
- 1.17 Do not allow live ammunition in the testing area for trigger pull weight determinations. Any examination that involves live ammunition must occur only in the designated test fire areas.
- 1.18 Do not allow individuals in the intake area work space, tank room, or firing range unless involved in the testing process.
- 1.19 Ensure that all individuals in the tank room or firing range are wearing appropriate PPE before the firearm is discharged. This includes ballistic vests for anyone not behind the Witness Protection Shield.
- 1.20 Anyone not involved in the test-firing process, who is in the tank room or firing range, will be behind the Witness Protection Shield during the test-fire process.
- 1.21 Additionally, FEU staff are encouraged, though not required, to participate in the DFS Medical Surveillance Program, for regular testing of lead levels.
- 1.22 All FEU personnel are required to notify another analyst (or FEU Management) in FEU prior to and after test firing is performed.
- 1.23 In the absence of another analyst and FEU Management, appropriate personnel (i.e. DGS, MPD) should be notified prior to and after test firing is performed.
- 1.24 At any time, if the firearm that is required to be test fired is potentially malfunctioning, another analyst or appropriate personnel is required to be in the room with the analyst performing the test firing.