Triage of Forensic Evidence Testing

A Guide for Prosecutors
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Table of Contents

Table of Contents Continued

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Introduction

As the science and technology behind forensic testing improves, the demand for forensic evidence has exploded. Both the public, law enforcement and the defense rely on public forensic laboratories to produce reliable evidence that can shed light on the guilt or innocence of a suspect. Whether the requests are for the analysis of fingerprints from burglary scenes, shell casings near a victim's body or DNA from a sexual assault kit, public forensic laboratories are pushed to process, test, analyze and report on the vast amounts of evidence collected.

The pressure for testing continues to grow without a commensurate increase in laboratory capacity. The limited staffing and resources of most public forensic crime laboratories impede a laboratory's ability to keep pace with advances in testing methods or the quantity of requests. As a result, many crime laboratories report a backlog and lengthy wait times for testing and results. It is critical for prosecutors, police and forensic laboratories work together to ensure that the limited resources are used judiciously.

However, the need to intelligently prioritize the work competes with other understandable concerns. In an effort to be thorough, police investigators may recover voluminous evidence from a crime scene and deliver all of it to the laboratory for testing. Similarly, prosecutors may request multiple tests, even knowing that probative results are unlikely, in order to demonstrate that they have left no stone unturned.

Sweeping requests have resulted in wasted resources due to the testing of unnecessary items and contributes to backlogs that delay testing of items that may be more critical and probative. Backlogs also inhibit a laboratory's ability to work on active investigations, where rapid forensic testing could assist with solving cases. Public safety is impacted when slow laboratory-response-time causes delays in identifying dangerous individuals.

This paper delves into the question of how best to maximize the resources of a public forensic laboratory, with an emphasis on the prosecutor's perspective. It is in three parts. The first part explains how to create an executive level Customer Working Group and its benefits. The second part outlines various considerations for prioritizing the collection and testing of forensic evidence from a crime scene. Finally, the third part provides more detailed triage considerations for forensic evidence associated with crime guns and encourages data collection to further inform and improve the process.

Different approaches were gathered from around the country. Interviews with prosecutors, police and laboratory personnel from Arizona, California, Department of Justice, Indiana, Louisiana, Missouri and New York provided guiding principles and useful methods for balancing the various needs associated with investigating a criminal case.

Part 1
Customer Working Groups

Introduction

The Laboratory Director of a public forensic laboratory must stay abreast of developing science and maintain a quality system in the face of growing demand from a criminal justice system hungering for scientific evidence. Police and lawyers can no longer shirk the duty to both learn the science and to understand the many issues related to proper use of the forensic evidence. It is critical that systems be developed to enhance the coordination between the scientists and the non-scientists. There are many avenues to reach this goal, and one such step is the development of a Customer Working Group (CWG) where laboratory leadership and senior members of its customer agencies can regularly meet.

Stakeholders

There are many stakeholders who have an interest in a well-functioning public forensic laboratory. They include judges, law enforcement, defense attorneys, prosecutors, the agency to which the laboratory reports, the lab's funding source, elected officials and the community as a whole. It is important that these stakeholders stay informed and involved with the laboratory and receive relevant training about forensic evidence. However, not all stakeholders are customers that participate in the type of CWG described in this paper.

Customers

The members of the CWG envisioned are the agencies that have regular, institutionalized interactions with the lab. These agencies are the police and prosecutors who provide a laboratory with the vast majority of its work by submitting evidence and requesting testing. The mission of a public forensic laboratory is to accept this evidence and perform services necessary for the recognition and proper preservation, identification and scientific analysis of evidence materials pertaining to the investigation of a case.[1]

It is worth noting that on occasion, a public forensic laboratory provides testing for the defense, sometimes pursuant to court order. Though input from the defense is always useful, they are not part of the CWG described here. Any defense organization or defense attorney that routinely deals with the laboratory is encouraged to develop protocols to enhance their interaction with the laboratory.

What is a Customer Working Group?

A CWG should consist of senior policymakers from the public forensic laboratory, along with senior representatives from the police and prosecutors who submit or request forensic evidence from that laboratory. Such a group will provide an opportunity for these parties to learn from one another, to enhance coordination and exchange information on scientific progress and important policy matters affecting forensic evidence testing.

The work of the CWG is distinct from the individual case work that is a part of the laboratories daily responsibilities. Every day detectives and police officers submit evidence to the laboratory and have ongoing relationships with laboratory staff in order to get leads in a case. Similarly, prosecutors come to know the criminalists who testify at trials about their findings. However, these daily encounters between the laboratory, police and prosecutors do not deal with the over-arching policy decisions that affect a laboratory. The CWG, with its senior members from police and prosecutors, provides advice and input for laboratory leadership to consider when allocating resources and structuring processes within the laboratory. Laboratory scientists on

1 Nebraska State Patrol Crime Laboratory mission statement.

the other hand can use the CWG to communicate new scientific capabilities and suggest corresponding evidence collection approaches to the prosecutors and police.

Benefits of a CWG

A CWG provides a forum for insuring that tests results are timely, responding to a laboratory irregularity, discussing triage to avoid backlogs, implementing new testing methods, and changing report writing. A laboratory can benefit from customer feedback on these ongoing issues. It is particularly beneficial to have a pre-existing CWG when a major issue arises, such as significant wrongdoing by a criminalist[2], or major changes in testing methodologies.[3] Though the Laboratory Director will make independent decisions based on the laboratory's circumstances and mission, regular input from customers is essential to ensure consistent service to the criminal justice system.

The net effect of a CWG is an improved understanding between the decision makers of the laboratory, police and prosecutors. This collaborative approach will benefit victims and the public who deserve to have timely, credible evidence that yields prompt identification or exoneration of a perpetrator. Forensic resources are limited and demands on the system are increasing, thus a collaborative approach to maximizing the benefits of forensic science is essential. A robust CWG is an important way to reach this goal. Laboratory Directors, police and prosecutors should encourage the development of a CWG to address the larger policy issues that only become more pressing every day.

International Organization For Standardization (ISO) Requirements

CWG is not a unique concept. It is contemplated by the regulations that govern accredited public forensic laboratories. These general guidelines for a laboratory's relationship with customers can be found in laboratory standards set by the ISO in ISO 17025, Section 7.1.1 and 8.6.2. The standards emphasize the value of ongoing communication and cooperation between the laboratory and the customer in order to clarify customer requests and to allow customers to monitor the laboratory's performance. They instruct laboratories to actively seek customer feedback and to incorporate that feedback in the ongoing improvement of its management and services. In Section 7.10.1.e, ISO standards require that a laboratory inform its customers of non-conformities in the laboratory and the plans for remediation. A laboratory is given the discretion for developing its approach to these requirements. A CWG is a productive way of meeting the ISO requirements.*

* *See, https://www.iso.org/standard/39883.html (viewed 4/26/2019)*

2 Epic Drug Lab Scandal Results in More than 20,000 Convictions Dropped, NBCnews.com (4/18/2017) See: **https://www.nbcnews.com/news/us-news/epic-drug-lab-scandal-results-more-20-000-convictions-dropped-n747891** (Viewed 3/17/19).

3 The controversy of using low-copy analysis in forensic science, Forensic Genetics Policy Initiative (3/16/16) (Viewed 3/17/19)

Example: New York City, New York[4]

In New York City, forensic testing in almost all disciplines, except DNA and toxicology, is conducted by the New York Police Department (NYPD) Laboratory. It is one of the largest public forensic laboratories in the country.

2007 Non-Conforming Work

In 2007, an irregularity was uncovered in the controlled substance section of the NYPD laboratory that had occurred several years earlier. It was clear that the issue could not be resolved case by case, but instead an over-arching, systematic approach had to be taken. As a result, a CWG was formed. The group is still active and consists of NYPD laboratory leadership and senior decision-makers from the six New York City District Attorney's offices that are serviced by the laboratory.[5] Unless there is an urgent issue to resolve, the CWG meets twice a year.

The New York City CWG provided a forum for the group to resolve the issues presented by the irregularity. The CWG prosecutors were educated on the scientific aspects of the non-conforming work and kept informed about the remediation process. The six prosecutor offices developed a plan for identifying the impacted cases, so the defense could be notified appropriately and consistently across prosecutor offices. It became quickly apparent that there was no easy way to identify past cases in which the offending criminalists had testified. The computer tracking systems of the laboratory, the prosecutors, the courts and the defense did not uniformly list testifying witnesses. As a result of the CWG meetings, the NYPD laboratory now tracks when a criminalist goes to court and when they testify. In addition to being helpful for future irregularities, the information has proven useful for laboratory management.

The progress of the CWG in dealing with the irregularity was regularly presented to the New York State Commission on Forensic Science.

Backlog/Testing Priorities /Report Writing

As the concerns flowing from the laboratory irregularity were resolved, it became apparent that there were a wide variety of other topics to be discussed in a CWG. Some of these included mitigating backlogs by setting case priorities for what should be tested and in determining the order of testing. Other topics included changes to testing methodologies and the format of reports.

Backlog issues are particularly well suited for a CWG. A laboratory cannot test every piece of evidence in all cases; thus it is necessary to triage the work. The NYPD Laboratory Director used the CWG to discuss triage protocols, and other strategies for maximizing the capacity of the laboratory.

New Irregularity

An established CWG with regular meetings can be especially helpful when a high-profile event occurs, such as the discovery of a non-conformity in the laboratory. Soon after the 2007 matter was resolved, a new problem arose in the NYPD lab. Through the CWG, the members were given timely notification of the problem. The Laboratory director explained the issue and presented the lab's approach to remediation. Based on this information and their earlier experience, the prosecutors were able to efficiently develop a coordinated response to the issue, including how to provide timely notification to the defense.

4 The author was co-chair of the NYPD Laboratory Customer Working Group from 2008 to 2013. Updated information was provided by Scott O'Neill, Director of the NYPD Laboratory.

5 The offices are the District Attorney Offices from the Bronx, Brooklyn, Manhattan, Staten Island, Queens and the Special Narcotics Prosecutor.

Onondaga County, New York[6]

Onondaga County is in the center of New York State and its major city is Syracuse. There are 17 police departments and one prosecutor office in the county. The Laboratory Director of the independent Onondaga Crime Laboratory convened a Customer Working Group in 2017. The CWG is made up of representatives from the police departments that regularly submit evidence, the Sherriff's office and the District Attorney's office. Specifically, those included in the meeting are laboratory supervisors, crime scene officers, detectives, officers from the property division, senior prosecutors, and representatives from the Department of Health. They meet once a year, or more frequently if there is a specific issue to discuss.

One issue recently resolved by the Onondaga CWG was data collection regarding sexual assault kits. A 2017 New York law [7]mandates law enforcement agencies to submit any sexual assault evidence kits to a forensic laboratory within 10 days and then assigns the laboratories 90 days to complete the testing. However, when trying to comply with the law, it was discovered that sexual assault kits had been used for a variety of purposes unrelated to an underlying sex crime. For example, the medical examiner was using the kit to collect DNA samples from bodies during an autopsy. These kits were being tracked as sexual assault kits, when in fact they were completely unrelated to a sex crime. A process for renaming and re-coding the sexual assault kits was developed and agreed upon through the CWG.

Other topics resolved by the CWG have included the allocation of resources, backlog issues, items to be included in laboratory reports and how to deal with a corrective action.

An important benefit of the CWG has been the building of relationships between the police, prosecutor and laboratory. The members of the CWG are knowledgeable about the laboratory and become an excellent resource within their agencies. Issues like the cost of testing and the average turn-around time can be discussed and can assist in the development of a triage protocol. The meetings also provide an opportunity for feedback and open dialogue about the challenges forensic evidence poses to all the members of the CWG.

The laboratory's goal is to have the CWG meet more regularly, so there is greater consistency in the interaction with the laboratory's customers. There may still be friction between some of the members of the CWG, which can get in the way of collaboration, but efficient communication is essential and supports the common cause.

6 Information was received from Kathleen Corrado, Director of Forensic Laboratory, Wallie Howard, Jr. Center for Forensic Sciences.

7 New York State (2016). Bill Number S08117

Conclusion

Forensic laboratories are a key part of the criminal justice system. Victims, suspects and the community as a whole deserve a properly functioning laboratory. To successfully use forensic evidence, the police and prosecutors must understand the science and work towards obtaining timely and reliable results. Laboratories do not exist in a vacuum and cannot work alone without feedback from decision makers in the agencies with whom they work. A CWG is a cost-effective and productive method of enhancing communication, improving laboratory services, reducing backlogs and creating reliable evidence needed for criminal cases.

Part 2

Triage Of Forensic Evidence Testing

Introduction

This section addresses the question of how to triage the collection and testing of forensic evidence recovered from a crime scene. Who makes these decisions and when? Communication and training are fundamental initial steps in creating an effective triage system. Also discussed in this section are protocols to guide the triage process, guidance on the decision-making process and examples of approaches from various jurisdictions.

Communication

Key to effective triage of crime scene evidence is the creation of a process of communication and training amongst agencies. According the Brian Hoey, Executive Director of the Missouri Highway Patrol (MHP) Crime Lab, "Too often the lab, the police and the prosecutor are reading off different sheets of music." When the prosecutor is not involved in early evidence testing discussions, the lab will end up testing unnecessary items and wasting resources. It will also increase the likelihood that the prosecutor will call the lab at the last-minute begging for testing to be done for an imminent trial. A method of regular communication between the laboratory, the police and the prosecutor must be established to avoid waste and eleventh-hour test requests.

Liaisons: The designation of an agency liaison, and regular meetings among agency liaisons, is the most common method of improving communication. For example, some prosecutor offices appoint a laboratory liaison who is particularly knowledgeable about forensic issues, has contacts within the forensic laboratory and assists fellow prosecutors with triage decisions. A liaison position can be created in prosecutor offices of all sizes. The laboratory and the police should also designate a liaison who routinely assists with evidence triage and understands the needs of the other agencies. Regular meetings of these agency liaisons further enhances communication and allows the agencies to learn about the science, relevant procedures and legal principles of importance to forensics. In some instances, these liaisons are members of a customer working group, as describe in Part 1 above. Topics that should be discussed among agency liaisons include:

- Types of forensic testing available, including the cost, person-power and time it takes to conduct the test.
- The likelihood a test will yield probative results.
- How reports are prepared and how to interpret test results.
- Legal issues of importance, particularly what constitutes exculpatory and impeachment material within the context of forensic evidence.
- Crime scene processing issues such as chain of custody, evidence collection methods and proper documentation.

Training

Interdisciplinary training is an excellent way to forge the needed relationships between police, laboratory and prosecutors and to convey information about each agency to the other. Training of officers on proper evidence gathering and evidence submission helps them to understand the capabilities of forensic testing and the importance of proper evidence collection. Prosecutors can learn about the science and the limitations on the laboratory's capabilities. Similarly, the laboratory can learn about the challenges facing prosecutors and police and learn about the what constitutes Brady material in the context of laboratory work. Some training, as in Arizona, also includes the defense and the judiciary.

Example

Arizona - Arizona Forensic Science Academy[8]

The Arizona Forensic Science Academy (FSA) is a model program overseen by a multi-disciplinary board that creates training programs specifically designed for prosecutors and defense attorneys. The program also trains judges and criminalists, and police will attend on occasion. It was developed in response to the recommendation in the *2009 National Research Council publication, Forensic Science in the United States: A Path Forward,* to provide forensic science training to legal professionals. The Arizona Attorney General's Office Forensic Science Advisory Committee created the FSA to teach forensic principles and scientific methodologies, as well as to identify evidentiary concerns. The uniquely collaborative board is made up of prosecutors and defense attorneys, as well as representatives from the courts, the medical examiner and the crime lab. Together the board members identify the topics and instructors for each academy curriculum, using local and national experts as faculty.

FSA offers both basic and advanced programs, as well as specialized programs on specific topics or for a targeted audience. The Basic and Advanced academy classes are held one afternoon a week for 6 to 8 weeks. Admission to the program is by application and includes a registration fee which ranges from $30 to $300. The program includes a forensic textbook which participants have found useful for future trial preparation. Basic academy topics include:

1. Crime Scene Investigation
2. Toxicology
3. Controlled Substances
4. Forensic Biology / DNA
5. Firearms
6. Latent Prints
7. Digital Evidence
8. Death Investigation

The advanced academy provides an in-depth analysis of forensic science disciplines, and also includes an ethics component. The FSA's specialized training programs include the "3-D Academy" which focuses on forensic issues related to three "D's": domestic violence, drugs and driving while intoxicated. In addition to the longer programs, FSA offers a lecture series of stand-alone 4-hour lectures and has developed webinars for those who cannot travel to the lecture locations.

The FSA has partnered with the Arizona Judicial College and the Arizona Supreme Court to develop training courses for judges at all levels. It also provides continuing education for criminalists. Since its inception in 2011, over 1,400 criminal justice professionals have received 14,000 hours of continuing education.

Traditionally, training of this type is exclusive to just prosecutors or just defense attorneys, and rarely do prosecutors and defense attorneys attend the same training event. Regardless of which specific FSA program an attorney attends, legal advocacy is left at the door. When prosecutors and defense attorneys attend a FSA training, the sole focus is on increasing individual competency regarding the forensic sciences. After attending the program, both prosecutors and defense attorneys have demonstrated an improved understanding of core principles and scientific methodologies when examining criminalists at trial.

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8 For more information, see the Arizona Attorney General's website for more information at **https://www.azag.gov/criminal/azfsac**, or contact Jody Wolf, Chair of the FSA and the Crime Lab Administrator of the Phoenix Police Department Laboratory Services Bureau at **jody.wolf@phoenix.gov**, and FSA board member Elizabeth Ortiz, Executive Director of the Arizona Prosecuting Attorneys' Advisory Council, at **Elizabeth.Ortiz@apaac.az.gov**

Development Of A Triage Process

Once regular meetings occur between the laboratory, the police and prosecutor liaisons, consideration should be given to creating a written protocol. The written document can develop a consistent, yet evolving, process to govern the decisions on the testing of forensic evidence. Decisions makers should meet to create a written document that will provide the consistency needed going forward. Periodic reviews of the document will be necessary as the science, testing methods and lab capacity will change over time. The protocol can include the following issues:

Crime Scene: What should be collected at the crime scene and who decides. Usually these decisions fall to the police, but the protocol can describe how prosecutors and laboratories can provide input.

Testing Limits: How much evidence can be sent to the laboratory by case type. Some laboratories initially limit the number of items they will accept for testing. For example, a lab may be willing to test two items in connection with a property crime but will be flexible on the number of tests it will do in connection with a homicide. (See Missouri State Crime Laboratory example below). However, such limitations can only be a starting point, as there will be a need for customized responses depending on the circumstances of the case.

Deciding What to Test: Who will decide what evidence is submitted to the laboratory? Some police and prosecutors designate a liaison through which all laboratory requests must be vetted, others leave it to the assigned officer or prosecutor.

Testing Additional Evidence: When can additional evidence be submitted to the laboratory? Inevitably, new issues will arise that require additional testing, but not all of those requests can be fulfilled.

Outsourcing Testing: When should evidence be sent to other laboratories?

Triage Meetings: Should a triage meeting about a specific case be held before evidence is submitted to the laboratory? If so, who should participate, and should the participants have specialized training on forensics? How should the meeting be held and how often? Can the participants communicate by email, or should there be in-person meetings?

Decision Making

Brian Hoey, Executive Director of the Missouri Highway Patrol (MHP) Crime Lab explained that "evidence falls into three buckets of utility: irrelevant, interesting and probative." Probative evidence is something that helps to identify who committed the crime, what happened, how the crime was committed and why. Evidence that is probative may either prove guilt or establish a defense.

In deciding what should be tested, the focus must be on probative evidence and not on irrelevant or merely interesting pieces of evidence. A decision-making process can assist with identifying what should be tested and in what order. Such a process should be used by all partners as early in the investigation as possible. One useful analysis is to prioritize the testing of evidence based on the how it can establish the following:

1. The identity of a victim, offender or participant.
2. Explain *how* the crime occurred.
3. Explain *why* the crime occurred
4. Identify possible defenses or exculpatory information

Triage Analysis for Forensic Evidence

Sample Case

Imagine a homicide crime scene where 60 shell casings from the same caliber gun are recovered from the crime scene. The homicide victim is on the ground surrounded by blood. The victim has multiple injures including a head wound, multiple apparent gunshot wounds throughout the body, and a wound through the palm exiting the back of the hand. The 60 shell casings are scattered around the scene. The casings appear to be clustered near a tree about 20 feet from the victim, in a group about 10 feet from the body and in a small grouping next to the body. There appears to be a trail of blood leading away from the body.

Though all the shell casings should be collected, and all have some probative value, not all 60 casings need to be tested. Depending on the circumstances of the case, it may be most probative to test a selection of the casings nearest to the shooter or closest to the victim. The laboratory does not have the capacity to test all the casings or all the blood, so decisions must be made regarding what testing would be the most probative.

Using the triage questions described above in connection with this hypothetical illustrates how decisions can be made regarding what evidence to test and in what order:

Testing for identification: Test the blood trailing away from the scene that does not appear to be the victim's blood. This may identify the shooter. Testing the victim's blood may not be probative since the victim's identity is known.

Establish what happened: Review the location of the shell casings. Are they all near one another or do they stretch over a long distance? This could indicate whether the shooter was standing still or moving at the time of the shooting.

- Testing some casings near the tree could establish a location of the shooter
- Testing some casings that are in the grouping 10 feet from the body could show either the shooter moved closer to the victim or whether they may be from another weapon.
- Testing some casings nearest the victim could show whether the shooter stood over the victim or that the victim returned fire.
- Testing the victim's clothing or body for possible DNA or trace evidence that could indicate a close encounter with the perpetrator.

Establish motive: Was the victim shot with all 60 bullets at close range, or was he only hit with one shot? The autopsy results could be probative to determine the number of wounds, the direction of the bullets and the proximity of the gun to the body.

Identify possible defenses or exculpatory information: Are there other weapons or shell casings at the crime scene and, if so, where did they come from? This could establish whether the shooting may have been justified.

Examples

Arizona - Maricopa County Attorney's Office And The Phoenix Police Department Laboratory

Triage: The Phoenix Police Department laboratory is the largest in Maricopa County, Arizona. As a general rule, it limits the testing in serious cases to ten items of evidence, and in less serious cases, to one or two items. In serious cases, like a homicide, the prosecutors and a laboratory manager meet in person to discuss what should be tested. The laboratory manager conveys testing requests to individual analysts. The goal is to provide analysis of the evidence most relevant to the case, increase testing response time, and improve disclosure times to the defense.

Training: Prosecutors in the Maricopa District Attorney's Office, which encompasses Phoenix, also receive in-house training on the capacity of the lab, the process for coordinating evidence testing through the lab managers, types of available tests, scientific advances, how to communicate with the lab, how to identify Brady material and other general information about the laboratory. This training, led by a senior prosecutor and an administrator from the crime lab, assists prosecutors to balance the resource limits of the laboratory with pressing public safety concerns.

Forensic Evidence When the Victim Does Not Come Forward: In some violent crime cases, it can be difficult to obtain the cooperation of witnesses, who are understandably frightened or reluctant to cooperate with the police. The Maricopa County Attorney's Office has been using forensic evidence to prove some violent crime cases where a victim or witness does not come forward. This has required an even closer working relationship between the prosecutor and the laboratory. Another facet of their "victimless" prosecution efforts includes the training of police officers on the courtroom needs and Brady requirements necessary for a successful prosecution. Prosecutors work directly with officers designated as "case agents" from case inception through sentencing. The case agents are trained in the need for proactive testing on material related to possible defenses. This saves time and reduces last minute requests for additional testing that can be difficult for the laboratory to accommodate.

California - San Diego District Attorney's Office

Prosecutor Liaison: After determining that laboratory personnel were wasting long hours in court testifying about items that had little probative value, the San Diego District Attorney's Office tasked an experienced prosecutor with being a Laboratory Liaison (Liaison) for non-homicide cases. The Liaison helps the office's prosecutors to make focused, case-specific requests for testing and to balance the needs of the prosecutor's case with the resources of the laboratory. The Liaison is particularly knowledgeable about forensic testing and she is well-respected in the laboratory so that she can assist with resolving areas of disagreement.

In non-homicide cases, the laboratory has a guideline of only testing three to five pieces of evidence per case. The Liaison works with the assigned prosecutor to limit the testing requests and to focus on what would yield the most probative evidence. The Liaison encourages the prosecutor and detective to consider potential defenses early in the case, so that errors in charging are diminished and costly delays from subsequent defense requests can be avoided. The Liaison also tries to limit the amount of time a laboratory analyst has to spend in court, so that the analyst's time can be focused on testing.

Customer Working Group: The Laboratory Liaison is part of a customer working group with detectives and representatives of the area's crime laboratories. They meet on an "as needed" basis to develop and improve processes and policies. (See also PCE paper on "Customer Working Groups - Benefits for Police, Prosecutors and Lab").

Homicides and Serious Violent Crime: In homicides and serious violent crimes, the assigned detective makes a list of what to test. After initial review of the evidence and some testing, laboratory personnel, the assigned prosecutor, and the detective are encouraged to meet and to determine what else should be tested. It is recommended that the prosecutor meet with the lab analyst in person. If the prosecutor is unable to participate in the meeting, the prosecutor will email the analyst with requests for testing.

Missouri – St. Louis Circuit Attorney's Office

Vertical Prosecution: St Louis prosecutors work directly with detectives as soon as a homicide occurs. Homicide prosecutors are informed about homicides soon after the crime occurs, watch witness and suspect interviews, go to the crime scene and discuss with detectives what items may be best to test within hours of a homicide. A homicide prosecutor is on-call during a one-week rotation to review new homicide and violent crime cases. During that week the prosecutor handles all investigative requests from the police department. The case is vertically prosecuted, which means that the prosecutor is assigned the case from the beginning, handling the case from the time of the detective's call to case disposition. The prosecutor is therefore very familiar with the facts and issues in the case, which leads to earlier testing requests, anticipation of defenses and reduces unnecessary testing.

Missouri - Missouri State Forensic Crime Laboratory

The Missouri Forensic State Crime Laboratory is a part of the Missouri Highway Patrol (MHP Crime Lab). The laboratory serves over 600 police agencies – mostly small and from rural parts of Missouri. The laboratory personnel rarely go to crimes scenes, though they are available for conversations with investigators and prosecutors.

Training: To help reduce the number of unnecessary requests, the laboratory personnel traveled throughout Missouri and hosted trainings for prosecutors and law enforcement agencies. The training centered on the capabilities of the laboratory, the meaning of various test results and how to understand the reports given.

The MHP Crime lab training encourages investigators to collect as much relevant evidence as possible from a scene while it is still fresh and available for processing. The theory is that it is better to be over-inclusive at the beginning, since it is difficult to know what may be probative at this early stage in the investigation. However, though much may be recovered, the MHP Crime Lab urges individual investigators to limit testing requests to the most probative evidence. Priority is given to testing that can identify those involved in an incident. Given resources and volume, the laboratory cannot process everything submitted.

Limits on Testing: MHP Crime Lab provides guidelines for the amount of evidence it will test based on the type of case. It will test two pieces of evidence for property crimes and will initially only test the sexual assault kit in sex crime cases. Requests for testing in homicide cases are more flexible, but investigators are encouraged to identify the top five pieces of evidence they want to prioritize for testing. Adhering to these strict limits prompts a call from the prosecutor or the investigator to ask for more evidence testing based on the specific needs of the case. These calls promote effective communication between the lab, the prosecutor and the investigator.

The MHP Crime Lab will test for information that could either prove or disprove a defense or establish exculpatory information. Since the lab cannot test everything, this category of testing requires input from the prosecutor or the investigator.

Though the laboratory has limits on testing, police may nevertheless bring far more evidence to the lab than can be tested. From January through November 2018 the MHP Crime Lab handled 11,453 items in the Drug Chemistry unit. They reported results on 8,143 of those items and did not test 3,310 of the items. However, even though 29% of the items submitted were not tested, the lab still had to scan, document, itemize, review, inventory, and return the items to the agency. This consumes valuable time and resources that could have been directed to other evidentiary items.

New York - Bronx District Attorney's Office

Prosecutor Liaison: The Bronx District Attorney created a Chief of Forensic Science Unit position to coordinate communication between the Bronx District Attorney and the three forensic laboratories who partner with the prosecutors. The Forensic Science Unit Chief is an experienced trial prosecutor with a strong understanding of forensic science and laboratory procedures.

The Chief oversees DNA testing requests from line prosecutors on all cases involving gun possession, assault and property crimes. Homicides and serious violent crimes are vertically prosecuted in the Bronx District Attorney's Office and the assigned prosecutors triage the forensic evidence on a case by case basis. The Chief will review each case, to determine the strength of the cases and any defenses, and the probative value of the requested forensic evidence. Once the forensic testing is approved, the assigned prosecutor must establish that a known DNA sample has been obtained from the defendant and from any victim, if needed. This process limits the amount of testing requested of the laboratory and speeds up the process for line-prosecutors who otherwise would have to negotiate directly with the lab.

Customer Working Group: The Chief also participates in a customer working group with the DNA forensic laboratory and representatives from the other District Attorney's Offices in New York City. These meetings facilitate communication and learning between the laboratory, the police and the prosecutors. Issues such as triage protocols, irregularities in the lab, new testing procedures and enhanced reports are addressed at the meetings. The working group meets quarterly or on an "as-need" basis.

Part 3
Guns, DNA, and Fingerprints

Introduction

Recovery of an illegal weapon is a dangerous and often chaotic event. The gun is not recovered under pristine laboratory conditions and valuable forensic evidence can be lost if the gun is not recovered lawfully or is handled improperly. Police departments have a variety of approaches to processing the evidence on a gun. Some do not attempt to collect DNA and fingerprints and merely test the gun ballistically. Other police departments bring the gun to the laboratory, where the gun is moved from the DNA unit, to the fingerprint unit to the ballistics unit and processed in those areas. In yet other departments, evidence collection is done at the scene of the initial recovery. (See Indiana example below). Some police and prosecutors have created protocols for how guns should be recovered and processed for forensic evidence. (See Louisiana example below).

Determining how to effectively process a gun for forensic evidence is complex. Decisions must be made about the order of swabbing for DNA, dusting or fuming for prints and firing the gun for ballistic testing. For example, the heat from ballistic testing of the gun may destroy the DNA on the gun or swabbing for DNA may eliminate fingerprints. Also, the location of the laboratory, the proximity of other relevant facilities, and available staff will impact how and when the evidence can be collected.

Some laboratories track data on how often testing provides a usable result, the resources needed to obtain that result and whether the result assisted with the prosecution. However, though the data may be gathered by the laboratory, it is not always shared with the police investigators and prosecutors. This data is essential to developing a robust triage protocol.

The methods for testing guns for ballistics, DNA and fingerprints provides an excellent example of the need for protocols and the sharing of data about test methods and results. It highlights the importance of coordination between the lab, the police and the prosecutor.

Examples

Indiana – Indianapolis Police Department

In 2007, firearm investigators from the Indianapolis Metropolitan Police Department (IMPD) noticed an increase in firearm cases not being filed or successfully prosecuted in court. Prior attempts to improve the collection of firearm recoveries by uniform officers resulted in very limited progress. This led the IMPD to try a new approach called the Save A Cop liaison program (the Liaison).

The program is built on a foundation of volunteer uniform officers who are committed to improving forensic firearm recoveries and evidentiary documentation. The volunteers receive two days of specialized training on initial firearm investigations, state and federal firearm laws, evidence processing and collection, documentation, and suspect interviews. The training was created with the help of seasoned investigators, prosecutors, and the forensic laboratory.

Each police work-shift now has a uniformed, trained Liaison. The Liaisons continue to do routine patrol work but can be requested to respond to a scene by a fellow officer. At the scene, the Liaison will provide advice to the officer about lawful gun recovery, such as when a search warrant may be needed to search for a gun. If a gun or ammunition is recovered, the Liaison will do the evidence processing at the scene. While on patrol, the Liaison has a box of the needed materials for processing the gun and follows a standard protocol. This includes wearing a face mask and gloves, while examining the gun for fingerprints and potential sources of DNA. Every step of the processing is documented. The Liaison will also take photographs of the gun and package it appropriately, so it can be sent to the forensic laboratory for further testing.

After the forensic work is completed, the Liaisons will also attempt to interview the suspect and any witnesses, documenting the interaction and any statements with audio or video recordings. The Liaisons have a high rate of obtaining statements from suspects.

One of the benefits of the program is that the first officer on the scene officer will wait for the Liaison and will not touch the gun, so that fewer mistakes are made during the initial stop. If the Liaison is unavailable to respond in person, he can talk with the officer by phone, or a member of the police evidence collection team will handle the work instead.

The Save a Cop program has been very successful in collecting useful evidence early in the case. Before this program, the forensic laboratory could take months to get a gun inspected for fingerprints or swabbed for DNA. Now the basic forensic work is done at the scene, saving valuable time for the laboratory.

The Save a Cop program has significantly increased the number of cases accepted for prosecution. A homicide case was recently solved when an abandoned gun was located, and the officer asked for processing by the trained gun Liaison. In the past, the abandoned gun would probably not have been forensically examined. The recovered fingerprints and DNA provided key evidence in the homicide investigation.

Arizona - Phoenix Police Department

Crime Gun Intelligence Unit: The Phoenix Police Department has formed a Crime Gun Intelligence Unit (CGIU). It is one part of an interagency collaboration focused on the timely collection, management, and analysis of crime gun evidence (i.e., expended cartridge cases and firearms) to identify shooters, disrupt criminal activity, and prevent future violence. The primary purpose of the CGIU is to use programs such as NIBIN and eTrace, in conjunction with human intelligence and additional resources, to identify armed violent offenders for investigation and prosecution.

The collaboration includes: Phoenix Police Department, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Attorney's Office, Maricopa County Attorney's Office, State of Arizona Attorney General's Office, Maricopa County Adult Probation, Phoenix Police Crime Laboratory and Arizona State University Center for Violence Prevention and Community Safety.

Triage Policy - Three Tiers: As firearms are the primary focus of the CGIU, it became quickly apparent that an updated triage system was needed for how and when to process and test crime guns. The Phoenix Police Department updated their Violent Crimes Bureau Manual to include specific instructions about who should process guns for forensic and ballistic evidence and the order of processing. (See Appendix for the Phoenix Police Department Violent Crimes Bureau Manual, Crime Gun Intelligence Unit Policy). The policy creates three Tiers that govern the priority of work. These Tiers are defined as:

> Tier One: "Tier 1" crime scenes, will encompass firearms related homicides, aggravated assaults where death is imminent, officer involved shootings, mass fatalities, threats to public safety, or any other designated high-priority cases involving the use of a firearm in the commission of a crime, regardless of person(s) in custody.
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> Tier Two: "Tier 2" crime scenes will encompass firearms related aggravated assaults, armed robberies, drive by shootings, misconduct involving weapons, or similar crimes where a firearm was used in the commission of a crime and injury is non-life threatening or nonexistent, regardless of person(s) in custody. This section also applies to found firearms, regardless of the circumstances.
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> Tier Three: "Tier 3" crime scenes will encompass, firearms recovered from pawn shops, or forfeited firearms.

CGIU Forensic Processing: In an approach that saves significant laboratory resources, members of the CGIU are trained by the lab in how to process firearms for forensic evidence. The Tier level of the case will determine when the CGIU will swab the firearm for DNA. Following the swabbing, if any, the CGIU will also test-fire the weapon. If processing for fingerprints is needed, the firearm will be returned to the laboratory for that work. This triage process balances the need for speedy recovery of evidence with protocols required to preserve as much probative evidence as possible. (See Appendix for the Phoenix Police Department Violent Crimes Bureau Manual, Crime Gun Intelligence Unit Policy).

Louisiana – East Baton Rouge District Attorney's Office

The District Attorney's Office in East Baton Rouge Louisiana developed a detailed outline for police officers regarding how to lawfully seize a weapon and the steps needed to recover forensic evidence. The process includes a useful checklist to assist the investigators with their work. (See Appendix for a copy for the East Baton Rouge District Attorney "Criteria for Gun and Drug Related Cases.")

To provide a sharp focus on the gun violence that is prevalent in East Baton Rouge, the District Attorney reviews all gun cases soon after they arrive in his office. He uses a Gun Case Review Form (See Appendix) to assess the case and determine how it can be prosecuted most effectively. The form also tracks the collection of DNA from both the weapon and the suspect, so if any further forensics is needed, it can be identified early in the case. The Louisiana State Police Laboratory, that is located in Baton Rouge, has streamlined its practices, so that it no longer has a backlog of DNA cases for its most serious crimes.

Data Questions

There is little research on the usefulness of forensic evidence on the ultimate outcome of cases. Two recent studies noted that forensic evidence is only being analyzed in a small number of cases where forensic evidence is available, and these cases tend to be homicides.[9] Furthermore, investigators and prosecutors do not have "accurate views on what evidence helps the most for different crime types."[10]

However, some laboratories do track various types of data that could guide police and prosecutors in making effective triage decisions regarding forensic evidence testing. The question remains whether prosecutors and police are aware of the data and use it in their decision-making process. As described below, though its work is incomplete, the Laboratory Services Bureau of the Phoenix Police Department is gathering data that could prove instructive for the triage process.

9 The Unrealized Promise of Forensic Science – An Empirical Study of it Production and Use, RAND, James Anderson et al (May 2018) at 3.

10 The Impact of Forensic Evidence on Arrest and Prosecution, National Institute of Justice, David Schroeder et al (August 2017) at 38.

Example

Arizona - Laboratory Services Bureau Of The Phoenix Police Department

The Laboratory Service Bureau of the Phoenix Police Department (Phoenix Crime Lab) is analyzing its data, as well as data from the courts and the prosecutor, to explore a number of questions about the testing of crime guns. The study is not complete, but the questions posed are important areas to explore. When the data is fully analyzed it will assist leadership from the laboratory, police and prosecutor to decide on the most effective use of the laboratory's resources. The questions studied by the laboratory include:

What is the best order of testing? As one test may interfere with another, for example the heat from a ballistics test may destroy DNA on the gun, it is important to determine the order of testing so as to most effectively recover the evidence. (9this can be resolved differently depending on where the facilities are)

What part of the gun yields the best results? What areas of the gun should be swabbed, dusted or fumed? For example, are fingerprints and DNA more likely to be recovered from the trigger, the mussel of a gun or the magazine? Is it worth swabbing areas of the gun that rarely produce usable evidence?

How often does the tested forensic evidence lead to an identification? If DNA is recovered from a gun, how often does it yield a usable profile that can be entered into CODIS?

What types of cases are being tested? What percentage of the laboratory's total work is devoted to lower level cases such as illegal possession of a weapon rather than other more serious cases? This will allow an analysis of whether the laboratory is processing lower level cases at the expense of violent crime cases that may be languishing.

How long does it take to test the weapon? How long does it take to complete a final report on DNA, prints and ballistics tested in relation to a single weapon? The Phoenix Laboratory estimates that it can take up to 30 hours collectively to process, test and report on DNA, fingerprint and ballistic results for one gun.

When was the testing requested? At what stage of the case was the testing requested and why? This will allow an analysis of a variety of factors that may contribute to laboratory backlog, for example, automatic requests on every case of a certain category, or requests on the eve of trial. This could trigger a discussion with police and prosecutors about a more effective way of making requests that do not needlessly absorb valuable laboratory resources.

Was the test completed before the trial or plea? How often is testing conducted after the prosecution is concluded? Prosecutors may be surprised to learn that some laboratory tests are completed after a case has been disposed. This may be because there is an inadequate method of alerting the laboratory that they no longer need to perform the work. In Phoenix, the prosecutor and the laboratory developed a system for sharing data about disposed cases, so it was easier for the lab to know when testing was no longer needed.

Conclusion

The criminal justice system is hard pressed to keep up with the advances in science and the demands for its use. Prosecutors and police are insufficiently trained on the evolving science and the scientists are often not adequately attuned to the priorities of criminal cases. These gaps provide on-going challenges. However, through communication, cooperation, and training, progress has been made by prosecutors, police and laboratories to effectively triage the testing of forensic evidence. Innovative approaches to this issue are emerging and can lead the way for others. This paper has outlined some of these ideas and encourages more experimentation and brainstorming through continued collaboration by all members of the criminal justice system.

Appendices

Phoenix Police Department Violent Crimes Bureau Manual, Crime Gun Intelligence Unit Policy

VIOLENT CRIMES BUREAU		
Subject: **Crime Gun Intelligence Unit**		Policy Number **C-12**
PHOENIX POLICE DEPARTMENT	Draft New 04/19	PAGE 1

1. **PURPOSE** - This regulation establishes investigative services provided by personnel of the Crime Gun Intelligence Unit (CGIU) and new procedures for the processing and test-firing of firearms, and the entering of casings into NIBIN (National Integrated Ballistic Information Network).

2. **SCOPE** - This regulation applies to all personnel assigned to the CGIU.

3. **GENERAL DIRECTION**

   - This policy will define and establish evidence processing procedures utilized by the CGIU which:

     * Serve as a guideline and allow for flexibility in the examination of evidence as dictated by the circumstances of the incident and/or investigation.
     * Are designed to help maintain a working environment that expedites the processing of firearms related evidence in order to produce timely, intelligence driven investigative leads, while preserving the integrity of additional evidence when applicable.

4. **MISSION**

   A. The Department's CGIU is one part of an interagency collaboration focused on the timely collection, management, and analysis of crime gun evidence (i.e., expended cartridge cases and firearms) to identify shooters, disrupt criminal activity, and prevent future violence. The collaboration includes the:

      - Department
      - Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
      - United States Attorney's Office (USAO)
      - Maricopa County Attorney's Office (MCAO)
      - State of Arizona Attorney General's Office
      - Maricopa County Adult Probation (MCAP)
      - Laboratory Services Bureau (LSB)
      - Arizona State University Center for Violence Prevention and Community Safety (CVPCS

   B. The primary purpose of the CGIU is to use programs such as NIBIN and eTrace, in conjunction with human intelligence and additional resources, to identify armed violent offenders for investigation and prosecution.

5. **FIREARM(S) ELIGIBILITY**

   A. In accordance with the Department's MOU with ATF, NIBIN systems may be used only for imaging of firearm(s) related evidence and test-fires of firearms illegally possessed, used in a crime, or suspected by law enforcement officials of having been used in a crime.

   B. Firearm(s) related information and/or evidence from firearms taken into law enforcement custody through a Gun Buy Back Program, property damage crimes involving firearms, found or abandoned firearms, and domestic disturbances are permitted for entry into the NIBIN database.

   C. Firearms that will be processed and test-fired by CGIU personnel include:

      - Semiautomatic pistols (any caliber)
      - Revolvers (case by case basis)
      - 12 gauge shotguns (other calibers on case by case basis)
      - .22 long rifle or Rimfire chambered rifles
      - All AR-15, Mini-14, SKS and AK-47 type semiautomatic rifles
      - Any other firearm requested by case agent

5. D. Firearms that normally **will not** be processed or test-fired by CGIU personnel include:

- Large caliber hunting rifles (i.e. .308, 30-06, 7mm mag., etc.)
- Black powder rifles and handguns
- Pellet guns
- Antique or rare caliber firearms unless requested by case agent
- Revolvers
- Shotguns (except 12 gauge)
- Safekeeping guns
- Any guns not suspected of having been used in a crime
- Department issued firearms

6. **THREE-TIERED SCREENING**

A. Tier 1 - "Tier 1" crime scenes, will encompass firearms related to homicides, aggravated assaults where death is imminent, officer involved shootings, mass fatalities, threats to public safety, or any other designated high-priority cases involving the use of a firearm in the commission of a crime, regardless of person(s) in custody.

(1) CGIU personnel **will** respond to these scenes when requested by an on-scene investigative supervisor.

(2) A collaboration will begin with the case agent and other pertinent personnel to identify the most probative firearm(s) related evidence and a determination will be made as to the most appropriate and efficient way to analyze the evidence.

(3) If a decision is made that would necessitate the immediate screening of the evidence for trace material (blood, hair, fibers, etc.) and/or latent print development, the case agent would submit the appropriate Forensic Form to LSB.

(a) All print requests for Evidence Screening Section processing at LSB require approval from a sergeant level or higher.

(b) CGIU personnel will complete lab requests for NIBIN analysis.

(c) Firearm(s) related evidence that is sent to LSB for processing will be forwarded to CGIU for further NIBIN processing at the completion of the laboratory analysis.

(i) If no laboratory processing/analysis is immediately needed, a chain of custody transfer between the case agent, crime scene personnel and member(s) of the CGIU will be documented.

- The firearms related evidence will be transported to 620 West Washington Street where NIBIN processing will be immediately performed by CGIU personnel.
- When necessary, Property Management Bureau (PMB) staff may take part in the transfer.

(ii) When deemed necessary by investigators, CGIU personnel will swab cartridge cases and firearms for DNA to preserve potential biological material (see section 7.A for CGIU swabbing procedures).

(iii) Expended cartridge cases from scenes will be immediately processed for NIBIN and correlation results will be provided to the case agent.

6. A. (3) (c) (iv) The firearm(s) will be test fired on site at 620 West Washington and approximately three test-fire exemplars will be obtained.

- The test fires will be evaluated, and the best representative sample will be entered into NIBIN.
- Correlation results will be provided to the case agent.

(iv) At the conclusion of processing, evidence will either be returned to the case agent, or impounded in accordance with current policy.

(v) CGIU personnel will document the details of their work in a supplement, including the information detailed in sections 7.C.(2) & 9.B.(2) of this order.

B. Tier 2 - "Tier 2" crime scenes will encompass firearms related aggravated assaults, armed robberies, drive by shootings, misconduct involving weapons, or similar crimes where a firearm was used in the commission of a crime and injury is non-life threatening or nonexistent, regardless of person(s) in custody (this section also applies to found firearms, regardless of the circumstances).

(1) CGIU personnel **may** respond to these scenes to expedite the processing of firearms related evidence as outlined below when requested by an on-scene supervisor and the processing of the evidence is needed to further an active investigation.

(2) Officers and/or investigators who conduct the scene investigation will author the report and the firearms/expended cartridge cases will be impounded in accordance with current policy.

- Evidence may be hand delivered to CGIU.
  - Chain of custody will be documented by CGIU staff in their supplement.

(3) In Tier 2 cases, ALL eligible firearm(s) evidence will be processed by the CGIU.

(a) CGIU personnel will retrieve firearms and expended cartridge cases from PMB at the beginning of each workday.

(b) CGIU personnel will complete lab requests for NIBIN analysis.

(c) CGIU staff will review each incident and determine what level of forensic processing is necessary based on the circumstances of the case.

(i) If extenuating circumstances exist, CGIU personnel will contact the case agent to determine if additional processing by LSB necessary.

(ii) All print requests for ESS processing require approval from an investigative sergeant level or higher.

(iii) If necessary, the items will be elevated to a Tier 1 status and the case agent, after receiving approval, will submit the necessary lab request(s) to LSB for processing/analysis.

(4) The processing of eligible "Tier 2" items will be determined according to the following factors:

6. B. (4) (a) Firearms

(i) If it is documented in the Incident Report that the eligible firearm was recovered on a person (pocket, waistband, etc.), the firearms will be test-fired using clean techniques detailed in section 7.C.(7).

(ii) If the firearm was recovered any place other than on a person, or if the location of recovery was not documented, the firearm will be swabbed by CGIU personnel according to the techniques detailed in section 7.A of this order.

- Once swabbing is completed, the firearm will be test-fired using clean techniques detailed in section 7.C.(7) of this order.

(b) Evidence Cartridge Cases

(i) If only one expended cartridge case is recovered, that cartridge case will be swabbed prior to entry into NIBIN.

(ii) If more than one expended cartridge case is recovered, one cartridge case will be selected for entry into NIBIN, preserving the remaining cartridge cases for future DNA collection or latent print development, if needed.

(5) At the conclusion of processing, the evidence will be sent to PMB for storage.

(6) CGIU personnel will document the details of their work in a supplement, including the information detailed in sections 7.C.(2) & 9.B.(2) of this order.

C. Tier 3 - "Tier 3" crime scenes will encompass, firearms recovered from pawn shops, or forfeited firearms.

(1) Officers and/or investigators who initially recover the weapon will author the report and firearms will be impounded according to policy.

(2) CGIU personnel will retrieve the firearms from PMB at the beginning of each work-day.

(3) In Tier 3 cases, ALL eligible firearm related evidence will be processed by the CGIU.

(4) Tier 3 items are not eligible for laboratory analysis (DNA, prints, etc).

(5) CGIU personnel will complete lab requests relating to NIBIN analysis only.

(6) Firearms will be processed by CGIU using clean techniques as detailed in section 7.C.(7) of this order.

7. **PROCESSING AND TEST-FIRING OF FIREARMS**

A. Swabbing of Firearms Prior to Test-Fire - If deemed necessary during the initial Three-Tiered evaluation process, CGIU personnel will process firearms according to the following procedures:

TIER		PROCEDURES
(1) **Tier 1** (determined by on-scene investigators)	• Prints Needed	• Firearm transported to LSB by CSS or case agent. • If prints are necessary to establish possession, case agent will obtain approval from a supervisor and will submit a Forensic Form requesting processing by ESS. • Firearm(s) will be forwarded to CGIU via the PMB Annex by LSB once processing is complete.
	• Prints Not Needed	• Firearm transported by CGIU or CSS to the CGIU office. • CGIU personnel will swab the textured areas of the firearm to preserve DNA prior to NIBIN testing. • Smooth areas will be preserved for possible future latent print development or additional DNA collection. • The firearm(s) will be test-fired using clean techniques and an exemplar entered into NIBIN.
(2) **Tier 2** (determined by CGIU personnel)	• Possession not established	• Firearms will be retrieved from PMB by CGIU personnel. • CGIU personnel will swab the textured areas of the firearm to preserve DNA prior to NIBIN testing. • Smooth areas will be preserved for possible future latent print development or additional DNA collection. • The firearm(s) will be test-fired using clean techniques and an exemplar entered into NIBIN.
	• Possession established	• The firearm(s) will be test-fired using clean techniques. • DNA collection and/or latent print development will be available for future processing by the LSB if necessary. • No swabbing will be done by CGIU.
(3) **Tier 3** (determined by CGIU personnel)	• No prints/DNA	• The firearm(s) will be test-fired wearing gloves and a mask. An exemplar will be entered into NIBIN.

(4) CGIU personnel will swab firearms for DNA in the CGIU DNA Processing Room.

NOTE: Swabbing will be conducted only by individuals who have received training and certification in biological evidence swabbing/collection from LSB.

(5) While wearing a disposable lab coat, gloves, and a face mask/shield, surrounding surfaces and tools, including but not limited to, immediate table top surface, scissors, pens, markers, and dropper bottles, will be cleaned with 10% bleach solution prior to each use.

(6) Clean butcher paper will be placed over the work surface prior to processing each item of evidence.

(7) Gloves will be changed in between each item of evidence or any time personnel come into contact with a contaminated surface.

(8) Firearm(s) will be removed from the evidence bag(s) using diligence to only touch the textured areas of the firearms that will be handled during the test-firing process.

- CGIU personnel will change gloves between the handling of the evidence bag and the handling of the firearm.

7. A. (9) A visual inspection for friction ridge detail will be done to identify possible prints.

- Any areas containing visible friction ridge detail will not be disturbed by CGIU personnel and will be documented in a supplement.

(10) The following swabs **WILL BE** collected utilizing distilled water:

(a) One wet, sterile cotton tipped swab used to swab the textured areas of the firearm including but not limited to the following:

- Trigger and trigger guard area
- Grip and backstrap
- Any and all safeties, releases, slide locks, buttons, hammer, levers
- Front sight, including area immediately surrounding the muzzle
- Rear, textured area of slide
- Rear stock area of shotguns and rifles

(b) One dry, sterile cotton tipped swab used to swab the same textured areas of the firearm that were swabbed with the wet swab.

(11) Swabs used to collect possible DNA will be sealed in a small manila envelope together and labeled as "Wet/Dry swabs" along with the incident number, barcode of the item that was swabbed, and initials of the person conducting the swabbing.

(12) A label with an appropriate firearm diagram will be marked to indicate the exact areas of the firearm that were swabbed.

- The label will be affixed to the small manila envelope containing the swabs.

(13) The following areas will **NOT BE** swabbed by CGIU personnel during processing and will be available for possible latent print development and/or DNA collection if needed:

- Any smooth areas of the firearm(s), including but not limited to the following:
  - Smooth areas of the slide
  - Barrel
  - Any surface that appears to have possibility of prints
  - Internal surfaces
- Magazines
- Unfired ammunition
- Holsters
- Gun cases
- Accessories

(14) The sealed and labeled small manila envelope will be sealed inside the evidence bag containing the firearm that was swabbed.

- A pink "Swabbed by NIBIN" sticker will be affixed to the front of the evidence bag containing the serial number of the person conducting the swabbing and the date it was completed.

7. B. CGIU Specific Test-Fire Safety

(1) The established rules of firearm safety will apply to the handing of firearms at all times.

- All guns are loaded.
- Always point your gun in a safe direction.
- Finger straight along the frame until you are on target and have decided to fire.
- Know your target and its surroundings.

(2) CGIU personnel will perform a safety inspection of all firearms prior to test-firing.

- The safety inspection will include a visual and manual inspection of the barrel to ensure it is free of obstructions, bulges, or defects that could prevent the safe firing of the firearm.
    - If there is any question regarding the safety of the firearm, CGIU personnel **WILL NOT** test-fire the firearm and will contact Firearms examiners at LSB regarding further evaluation/analysis.

(3) Test fired bullets will not be collected by CGIU personnel.

(4) The test-firing of firearms will be conducted inside of the Crime Gun Processing Room (CGPR), located in the basement of 620 West Washington Street.

- On occasion, CGIU staff may conduct test-firing procedures at off-site locations, including but not limited to, the Arizona Law Enforcement Academy, Ben Avery Shooting Facility, or the range at LSB.

(5) All test-firing will be conducted with **TWO** people present.

- Under no circumstances should CGIU personnel test-fire a firearm alone.

(6) Only trained CGIU personnel or current Firearms examiners from LSB will be authorized to conduct test-fires in the CGPR.

(7) Anyone present within the CGPR during the test-fire process will wear eye and hearing protection and will stand behind the designated line-of-fire at all times.

(8) Live ammunition will not be loaded into any weapon except inside of the CGPR and only after all safety inspections and precautions have been taken to insure the safety of the shooter and other CGIU personnel.

(9) No firearms will be loaded and/or have the slide closed without the barrel of the firearm being placed securely within the receiver port of the shoot trap.

(10) CGIU personnel will ensure they are loading firearms with the appropriate ammunition, ensuring correct caliber/cartridge.

(11) CGIU personnel will not use reloaded ammunition during test-firing.

(12) CGIU personnel will not use any magazines impounded as evidence for test fire purposes.

(a) Evidence magazines will be preserved for future latent print processing and/or DNA collection needs.

7. B. (12) (b) If a magazine is necessary due to a built-in magazine safety on the firearm, the shooter will obtain a magazine from the CGIU inventory within the CGPR or from the Firearms Section of the LSB inventory for the purpose of test-firing.

(c) If the appropriate magazine is necessary but not available, CGIU personnel will follow up with the Firearms examiners in LSB to determine further evaluation/analysis.

(13) A maximum of three (3) live rounds of ammunition will be loaded into any magazine or weapon that is used to obtain test-fire cartridge casing exemplars.

(14) When test-firing a weapon that has been contaminated with body fluids or other biohazard material, non-porous latex gloves and other appropriate biohazard safety equipment (i.e. biohazard suit, mask, safety glasses or visor, etc.) will be worn.

(15) Firearms labeled as biohazard will be evaluated on a case by case basis.

- If necessary, the firearm will be wrapped in a new property bag or plastic bag prior to test fire in order to reduce any blowback.

(16) If, during test-firing, a malfunction occurs with either the firearm or the ammunition, all further test-fires will cease until the cause or extent of the malfunction is identified.

- If necessary, the firearm will be evaluated by a member of the LSB Firearms Section.

(17) If an unintentional discharge occurs during a test-fire process, personnel involved will notify a supervisor immediately.

(18) If at any time someone sustains an injury during the test-fire process, including but not limited to, an injury received from a projectile, ejected cartridge case, firearm malfunction, or any other injury, those present will seek appropriate emergency medical attention and notify a supervisor immediately.

(19) Impounded firearms are unpredictable and "hang fires" do occur.

(a) A hang fire refers to the unexpected delay between pulling the trigger of a firearm and the discharge of the cartridge.

(b) If at any point during a test-fire, the trigger is pulled and the firearm does not fire as expected, the person shooting will wait a minimum of 15 seconds before ejecting the cartridge from the firearm and removing the barrel of the gun from the receiver port on the bullet trap.

- This will help prevent any unintentional discharges as a result of a hang fire.

C. Test-Fire Procedures

(1) Prior to test-fire, a Forensic Form will be completed for documentation.

(2) A "test-fire envelope" with the below information will be attached to the evidence bag.

- Incident number
- Crime type
- Date of occurrence
- Barcode number of item of evidence

7. C. (3) CGIU personnel will take firearms scheduled for test-firing into the CGPR to begin the test-firing process.

(4) CGIU personnel will ensure any necessary prints/DNA have been collected prior to beginning the test-firing process.

(5) Prior to opening an evidence bag, CGIU personnel will verify the incident number and barcode number on the attached envelope matches the label on the evidence bag.

(6) All personnel present in the CGPR will wear eye and hearing protection.

(7) All firearms will be test-fired using "clean techniques" as defined below:

(a) A disposable lab coat, gloves, and a mask/face shield will be worn by all persons present in the CGPR during the time of test-fire.

(b) CGIU personnel processing firearms will clean surrounding surfaces and tools, including but not limited to, immediate table top surface, scissors, pens, markers, and barrel rods with a 10% bleach solution prior to each use.

(c) Clean butcher paper will be placed over the work surface prior to processing each item of evidence.

- This butcher paper will be removed and replaced for each item processed.

(d) Firearms will be removed from the evidence bag and placed on the clean butcher paper (the firearm will not be placed on any other surface).

NOTE: Evidence bags will not be placed on the butcher paper to avoid contamination.

(e) A clean cover will be placed over the receiving port of the shoot tank.

- This cover will be removed and replaced for each item processed.

(f) Gloves will be changed between each item of evidence or any time contact is made with a contaminated surface.

(g) Only the person designated as the shooter will handle the firearm, ensuring due diligence is taken to only handle the areas of the firearms necessary to fire the weapon.

(8) CGIU personnel will perform a safety inspection of all firearms prior to test firing.

- The safety inspection will include a visual and manual inspection of the barrel to ensure it is free of obstructions, bulges, or defects that could prevent the safe firing of the weapon.

- If there is any question regarding the safety of the firearm, CGIU personnel **WILL NOT** test-fire the firearm and will contact Firearms examiners at LSB regarding further processing.

(9) Once it is determined the firearm is safe to shoot, the shooter will select three (3) cartridges of the appropriate caliber ammunition to be used for test-firing.

7. C. (10) After completing the test-firing process, the firearm and all test-fired cartridge casings will be removed from the area.

(11) The firearm will be secured per departmental policy and returned to its evidence bag.

(12) A "NIBIN" sticker, including the name of the employee and date the firearm was tested, will be attached to the firearm and/or evidence bag prior to impounding or return to PMB.

- This sticker indicates the weapon has been processed by CGIU.

(13) Expended cartridge cases from the test-fire process will be placed in the corresponding manila envelope for NIBIN entry.

- Personnel involved in the processing of the firearm will document the following information on the test-fire envelope:
  - Make, model, caliber, importer, serial number, and type of firearm
  - Serial number of person who test-fired the firearm
  - Date and location of the test-fire

(14) The firearm will be returned to PMB at the completion of this process.

8. **PROCESSING OF EVIDENCE CARTRIDGE CASES**

A. Cartridge Case Eligibility

- All impounded, expended cartridge cases, except those known to have been fired from an officer's authorized service weapon.

B. Swabbing of Cartridge Cases Prior to NIBIN Entry - If deemed necessary during the initial Three-Tiered evaluation process, CGIU personnel will process expended cartridge cases according to the below procedures.

NOTE: In each instance, only casings selected for entry into NIBIN will be swabbed and all other casings will be preserved for future latent print processing and/or DNA collection if needed.

TIER	PROCEDURES	
(1) **Tier 1** (determined by on-scene investigators)	• Prints Needed	• Expended cartridge cases transported to LSB by CSS or case agent. • If prints are necessary to establish possession, a laboratory request will be submitted by the case agent for processing by ESS after receiving supervisor approval. • Casings will be forwarded to NIBIN by LSB once processing is complete.
	• Prints Not Needed	• Expended cartridge cases transported by CGIU personnel or impounded by CSS at the PMB Annex. • CGIU personnel will select once casing from each firearm for entry and will swab the casing to preserve DNA prior to NIBIN testing. • Casings will be entered into NIBIN.

8. B. (Continued)

TIER	PROCEDURES	
(2) **Tier 2** (determined by CGIU personnel)	• Prints Not Needed	• If a single casing is collected, CGIU personnel will swab the casing to preserve DNA prior to NIBIN processing. • If multiple casings are collected, one casing will be selected for entry, preserving remaining casings for future possible DNA. • Casings will be entered into NIBIN.
(3) **Tier 3** (determined by CGIU personnel)	• No prints/DNA	• Expended casings will be entered into NIBIN while wearing gloves and a mask..
NOTE: Case agents requesting entry of active evidence from older cases will submit a Forensic Form requesting specific NIBIN analysis.		

(4) CGIU personnel will swab expended cartridge cases for DNA in the CGIU DNA Processing Room.

- Swabbing will be conducted only by individuals who have received training and certification in biological evidence collection from LSB.

(5) While wearing gloves and a face mask/shield, surrounding surfaces and tools, including but not limited to, immediate table top surface, scissors, pens, markers, and dropper bottles, will be cleaned with 10% bleach solution prior to each use.

(6) Clean butcher paper will be placed over the work surface prior to processing each item of evidence.

(7) Gloves will be changed between each item of evidence or any time contact is made with a contaminated surface.

(8) The following swabs **WILL BE** collected utilizing distilled water:

(a) One wet, sterile cotton tipped swab used to swab the outer surface of the cartridge case(s) including the headstamp and sides of the case(s)

(b) One dry, sterile cotton tipped swab used to swab the same areas of the cartridge case(s) that were swabbed with the wet swab

(9) Both swabs used to collect possible DNA will be sealed together in a small manila envelope and the envelope will be labeled as "Wet/Dry swabs" along with the barcode of the item that was swabbed.

(10) The sealed and labeled small manila envelope will be sealed inside the evidence bag containing the cartridge case(s) that was swabbed.

- A pink "Swabbed by NIBIN" sticker will be affixed to the front of the evidence bag containing the serial number of the person conducting the swabbing and the date it was completed.

(11) CGIU personnel will not swab any other items that might be located inside the evidence bag, including but not limited to, live ammunition, magazines, holster, or firearms.

- These items will be preserved for future latent print processing and/or DNA collection.

8. B. (12) If there are multiple cartridge cases in the evidence bag of the same caliber, all cartridge cases will be swabbed with the same swabs.

- If there are more than one caliber present, each group of associated calibers will be swabbed independently of the other calibers.

9. **NIBIN ENTRY PROCEDURES**

A. Requirements

A. Once fully trained and certified by ATF, NIBIN operators will be permitted access to NIBIN equipment (BrassTrax and Matchpoint +).

- The use of the NIBIN equipment and subsequent entries will be in accordance with all established policies and protocols set forth by ATF and/or Forensic Technology Inc. (FTI).

B. Only eligible test-fires and evidence cartridge cases as established in sections 5.C and D and 8.A will be entered into NIBIN.

C. Correlations may be completed/reviewed by certified CGIU personnel as well as personnel at the National NIBIN Correlation and Training Center (NNCTC).

B. Test-Fire Entry, Documentation, and eTrace

(1) One representative sample from each firearm will be selected and prepared for entry into NIBIN.

(2) After entry of test-fired cartridge casings into NIBIN, CGIU personnel will complete a supplement to the appropriate RMS incident documenting the following:

(a) Chain of custody if a firearm was obtained directly from a crime scene.

(b) If applicable, detail swabbing procedures completed prior to test-fire including who performed the swabbing, date of processing, and location of where swabbing was performed, and details of areas of the firearm that were swabbed.

(c) Details of the test-fire including who test-fired the weapon, where it was test-fired, and the date of the test-fire.

(d) CGIU personnel will run all firearms to confirm they are not stolen.

- If a firearm is found to be stolen, this information will be included in the supplement.

(e) Details of the entry into NIBIN including who made the entry and the date of entry.

(3) After entry, the test-fire envelope will be retained by CGIU until the gun is destroyed, released, or until it is no longer needed.

- Cartridge cases collected during test-fire are exemplars and **not** considered evidence (they are **not** to be impounded as evidence by CGIU).

(4) All firearms that are processed by CGIU will be entered into ATF's eTrace database.

- ETrace results will be emailed to assigned case agents upon completion.

9. B. (5) The test-firing of firearms by CGIU personnel is done for the purpose of collecting test-fired cartridge case exemplars for entry into NIBIN.

(a) Test-firing is not done for the purpose of establishing functionality; however, basic functionality is established during the test-firing process.

(b) A forensic function test must be requested through the Firearms Section of LSB if a scientific analysis is needed for court purposes.

C. Evidence Cartridge Case Entry and Documentation

(1) Evidence cartridge cases will be processed while wearing latex gloves and a face mask/shield.

(2) Cartridge cases will be screened under a microscope by CGIU staff prior to entry to determine that all cartridge cases possess similar cycle-of-fire marks.

(3) One representative sample from each represented firearm will be selected for entry into NIBIN.

(4) Individual cartridge cases identified for entry will be labeled with a pink NIBIN sticker to identify them as having been selected for entry.

(5) The evidence bag will be resealed and returned to PMB.

(6) Non-porous latex gloves and other appropriate biohazard safety equipment (i.e. mask, safety glasses, etc.) will be worn when handling a cartridge casing/evidence that has been contaminated with body fluids or other biohazard material.

- It is the responsibility of CGIU personnel to ensure crime scene cartridge casings are properly decontaminated prior to entry on the IBIS machine if possible.
  - If decontamination of the crime scene evidence is not possible, CGIU personnel will ensure the IBIS machine is properly cleaned and decontaminated after the entry of each separate biohazard cartridge casing.

(7) After entry of evidence cartridge casings into NIBIN, CGIU personnel will complete a supplement to the appropriate RMS incident documenting the following:

(a) Chain of custody if the cartridge case was obtained directly from a crime scene

(b) If applicable, detail swabbing procedures completed prior to processing including who performed swabbing, date of processing, and location of swabs

(c) Details of the entry into NIBIN including number of casings entered, calibers of casings entered, who made the entry and the date of entry

D. Leads and Disbursement of Results

(1) Entries into NIBIN are correlated by certified CGIU personnel as well as certified personnel at the NNCTC.

(2) When it is determined the images from two cartridge cases possess sufficient similarities to indicate a possible common source, they will be referred to as a "NIBIN Lead".

9. D. (3) NIBIN Leads identified by the NNCTC will be sent to the assigned ATF Industry Operations Intelligence Specialists (IOI) who will forward the information to CGIU personnel.

(4) If members of CGIU identify a NIBIN Lead, they will notify the assigned ATF IOI for documentation.

(5) Members of CGIU will notify assigned case agents when a NIBIN Lead is identified involving one of their cases.

- When necessary, a CGIU investigator will assist in the investigation.

(6) CGIU personnel will open Case Management related to the NIBIN lead, linking all associated incidents and documenting the NIBIN Lead in RMS.

(7) NIBIN Leads are intended to notify investigators of POSSIBLE links between incidents.

(8) NIBIN Leads **DO NOT** establish probable cause and do not necessarily identify a particular suspect (additional information would need to be collected to establish probable cause for an arrest).

(9) It is not necessary to confirm NIBIN Leads unless a direct comparison is necessary for trial or to further an investigation.

- In the event a direct comparison is needed to confirm a NIBIN Lead, a Forensic Firearms Request will need to be completed by the lead investigator.
    - The Firearms Section of LSB has discretion as to when direct comparisons for confirmation of NIBIN Leads will be completed.

E. Requests from Outside Agencies

(1) Outside police agencies requesting the assistance of the CIGU with their test-fires and/or entry of crime scene cartridge casings into IBIS will be allowed with the approval of a CGIU supervisor.

(2) Upon request, CGIU personnel will provide documentation of the NIBIN entry process when assistance is provided to an outside police agency.

- This documentation may be in the form of an RMS generated Incident Report or completion of a Microsoft Word document that will be provided to the outside agency for inclusion into their departmental report.

(3) CGIU personnel **will not** volunteer the services of the LSB, Firearms Section for any type of scientific analysis not related to a Department investigation.

- Outside police agencies will be referred to the Arizona Department of Public Safety (DPS) Crime Laboratory if scientific analysis/testing is necessary.

East Baton Rouge District Attorney Criteria For Gun and Drug Cases

HILLAR C. MOORE, III
DISTRICT ATTORNEY, 19TH JUDICIAL DISTRICT
EAST BATON ROUGE PARISH

Criteria for Gun and Drug Related Cases

In an attempt to aid the East Baton Rouge District Attorney's Office in the proper presentation of gun and drug related cases in court, the BRPD Criminal Investigations Bureau and the East Baton Rouge Sheriff's office have conferred with the District Attorney's Office and established the following criteria to aid BRPD and EBRSO officers in proper documentation and handling of drug and gun related cases. The following criteria shall be followed, with the understanding that too much detail and documentation is a good thing in these cases. All standing BRPD and EBRSO policy and procedures shall also be followed by the respective agencies as they relate to handling these types of cases, and shall supersede this list of criteria should any conflict between the two be noted at any time.

1. Officers should fully articulate the reason for the stop. Reports should be descriptive in explaining the reason or circumstances of the officer's contact with the suspect to establish PC. If you explain in your report that you stopped a vehicle for suspicious activity in a high crime area, be descriptive as to the suspicious activity, and why or how this is a high crime area). If the initial contact with the suspect is the result of a traffic violation, use your in-car camera to record it, if possible. If you only have a body camera, record a narrative of your observation of the violation contemporaneously. Use descriptive language and include the language in your report, as well as referencing the body camera. Be specific concerning direction of travel by using North, South, East or West. If the traffic stop is based on equipment failure, such as no tail light, take a photo of the defect with your body camera or another camera and reference it in your report.
2. Searching Vehicles-Remember that search incident to arrest is limited to the wing span of the subject. Once the subject is handcuffed and secured in a law enforcement unit, the justification for the limited search is gone. Attempt to obtain and document consent to search. In the absence of consent, obtain a warrant. If you decide to search based upon probable cause without a warrant, document your reasoning. Be aware that some judges are not going to believe that you smelled marijuana.
3. Searching houses and apartments- Get a warrant unless you have documented consent or exigent circumstances exist.
4. When dealing with gun or drug cases, utilize your body camera or other camera to video the location of the gun(s) and/or drugs, realizing that at times this may not be feasible due to officer safety concerns. At times, removing the body camera from your person and holding it up for a close up as well as a wide angle view may prove beneficial. Also, use the "marker" option on the body camera to mark the time on the camera footage when the gun(s) or drugs were videoed so whoever reviews the video doesn't have to watch unnecessary footage. It's simple to do and will save many man hours over time.
5. Specify in your report whether any part of your investigation is captured on an in car camera, body camera, or both. Make sure to have the subject turn down his radio when you are

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DISTRICT ATTORNEY, 19TH JUDICIAL DISTRICT
EAST BATON ROUGE PARISH

6. videoing any interaction. Review the video if doing so is necessary to accurately describe the incident in your report. If you take still shots with any camera, specify what was taken and drop the photos into evidence.
7. Be sure to document in the written report, the location of any gun(s) or drugs. Be specific in your written detailed description. Remember, that even if the gun is not found on the subject's person, he can be in constructive possession. A detailed statement of all facts concerning the location of the gun and the drugs is necessary to establish constructive possession.
8. If there are multiple people in the car, document the location of each person. If there was suspicious activity during the stop by any person in the car, specifically articulate the movement or behavior.
9. After mirandizing as appropriate, get statements from defendants, co-defendants, as well as any other person present with them and document each statement separately. Ask each person if the gun is his. If he claims ownership, ask where he got it. If it's a gun or drugs located in a borrowed vehicle, ask when it was borrowed, who borrowed it, and from whom it was borrowed. Attempt to make contact with the vehicle owner to obtain a statement as to his knowledge of the gun or drugs. Document the questions and answers for each person in the report. Even if the person says they do not want to make a statement or says nothing at all, document that.
10. In Louisiana, unlike some other states and federal jurisdictions, the constitution requires that a subject **MUST** be advised of his Miranda warnings when the person is detained or in custody prior to an interrogation by law enforcement. **It is not sufficient to just ask an arrestee whether he understands his rights without reciting the rights first.** Recite the rights on video if possible or have the subject execute a written rights waiver.
11. If the gun(s) or drugs are located in a house or apartment, determine who owns or leases the residence and everyone that resides there. List all people in the house at the time of the search and their exact location and behavior or activity when the search was conducted. Determine who stays in each room and document the location of any identifying information found in the search (i.e. mail, receipts, bills, or photos). List the location of all ammunition located in the house as well as gun boxes or any other equipment.
12. Always collect a swab from the guns collected or immediately submit the evidence to be swabbed. Always handle evidence with gloves unless officer or public safety requires otherwise. If you do handle evidence that could be the subject of DNA analysis without gloves, document the contact in your report and have your DNA submitted to the lab to aid in analysis.
13. When arrested on a gun charge, ask the arrestee(s) as well as any other person involved in the contact/ investigation for a DNA swab, using a DNA Consent Form. If they consent, obtain the swab while wearing gloves and place it into evidence. If they do not consent, document the refusal in the report and write "REFUSED" on the DNA Consent Form in place of the person's signature. This form should be placed into evidence regardless of consent or refusal and noted in the report.

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14. It shall be documented in the report whether or not the person was swabbed for DNA. If the person was not swabbed for DNA, it shall be documented in the report as to why they were not swabbed (e.g., transported to hospital, combative subject or even the officer inadvertently neglected to request a DNA swab). This documentation is crucial to later obtain a DNA search warrant from a judge.
15. If the gun found is stolen ask the arrestee the following: (1) Where did he get the gun? (2) From whom did he get the gun? (get a description of the person) (3) When did he get the gun? (4) Has he ever shot the gun? If he says he purchased it, ask how much he paid for it and whether he was given a receipt. Articulate why you believe the suspect knew that the gun was misappropriated.
16. Include the arrest and conviction history in the probable cause affidavit, as well as arrest warrants. The judge considers this when setting bond.
17. Ask the person if they are in a gang, and when writing reports, if applicable, fill out the gang page on the person in ADSI.

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East Baton Rouge Evidence Worksheet

EVIDENCE WORKSHEET

DATE TO INVESTIGATOR: _____

ITEM REQUESTED	EVIDENCE AVAILABLE	EVIDENCE UPLOADED
Evidence List		
911 Calls/CAD (transfers and EMS)		
Body Worn Cameras		
Dash Cam Cameras		
Recorded/Written Statement		
Video Surveillance		
Crime Scene Photos		
Photo Lineups		
Search Warrant/Return		
Crime Lab/DNA		
Crime Lab/Drugs/Ballistics		

East Baton Rouge District Attorney's Gun Review Form

19TH JDC Gun Case Review Form

Reviewed By: Hillar C. Moore, III
Date:_____

Reviewed By: Inv._____
Date:_____

DA#_____ Section:_____ ADA:_____ Defendant (1):_____ Age:_____
Defendant (2):_____ Age:_____

Arrest Date:_____ Bond Amount:_____ Bond Date:_____ Jail: Yes or No

Agency & file #:_____ Are all supps printed off ADSi & in file? Yes or No

Officer(s):_____ Body/Dash Cam:_____

Charge(s): *(circle all applicable)*

Illegal Possession of Stolen Firearm | Illegal Carrying of a Firearm | Felon in Possession

Illegal Carrying of a Firearm at School | Possession of a firearm with obliterated serial number

Possession of a Firearm by a DAB | Illegal Possession of a Firearm with CDS | Illegal Use of Weapon

Other Charges:_____

Reason for Stop: *(circle)*
Traffic | Arrest Warrant | Search Warrant | Street Encounter | PC

Other:_____

Location of Stop: *(circle / explain)*
House | Vehicle | Street | School | Other:_____

Explain:_____

DNA collected: *(circle)*
Gun Swabbed | Defendant Swabbed | Defendant Refused
Warrant Obtained | Shells Swabbed

Gun Type:_____ Weapon Used (discharged?):_____ NIBIN Hit:_____

Location of Weapon (recovery):_____

Others in vicinity of weapon: (list)_____

Statements:_____

Arrest History:_____

Prior Weapons/Predicate Charge:_____

Current Parole/Probation:_____

Jail Calls:_____ Potential Federal Referral:_____ TRO: Yes or No CSU Priority: Yes or No

Notes:_____

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