



GENERAL POLICE ORDER CLEVELAND DIVISION OF POLICE



ORIGINAL EFFECTIVE DATE: March 1, 2002	REVISED DATE: October 31, 2012	NO. PAGES: 1 of 3	NUMBER: 4.1.07
SUBJECT: <p style="text-align: center;">GUNSHOT RESIDUE (GSR) COLLECTION</p>			
ASSOCIATED MANUAL:		RELATED ORDERS:	
CHIEF OF POLICE: <p style="text-align: center;"><i>Michael McGrath, Chief</i></p>			

Substantive changes are italicized

PURPOSE: To establish guidelines for the collection of gunshot residue (GSR) from persons suspected of discharging a firearm or handling a firearm immediately after it has been discharged.

POLICY: The Cleveland Division of Police shall maintain proper controls for the collection of gunshot residue. Absent the subject of a GSR test being under arrest, the collection of gunshot residue from persons not under arrest but where probable cause for an arrest exists, and where officers have reasonable cause to believe that there is evidence on the person, and where that evidence is highly destructible, officers may collect evidence of GSR without the person's voluntary consent. This type of search is permissible only to the extent that it is limited to highly evanescent (quickly vanishing, very destructible) evidence. *GSR tests may also be performed on victims of firearm discharges to the extent described in this directive.*

GSR analysis can indicate that a person discharged a firearm, came into contact with a firearm that was recently discharged, or used fireworks. GSR analysis cannot prove that a person discharged a specific firearm or, as in the instance of fireworks, indicate the residue is from a firearm at all.

PROCEDURES:

I. Responsibilities of Officers and Detectives in GSR Collection

A. Officer Responsibilities

1. GSR collection shall be conducted only in instances where it is suspected that a firearm was discharged.

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2. GSR collection shall be conducted on persons arrested for a felony or where probable cause exists for a felony arrest or the person is a named suspect in a felony. GSR collection shall not be performed for crimes like the misdemeanor sections of Improper Handling of a Firearm in a Motor Vehicle and other “possession” type crimes (e.g. CCW) that do not contain the element of a firearm discharge.
3. *GSR collection may be performed on victims of a suicide attempt, accidental discharge, or other firearm discharge (e.g. “Russian Roulette”). If the victim is still alive and conscious, consent must first be gained from the victim. Consent is not required if the victim is unconscious or is deceased. Officers shall consult a supervisor to determine if GSR collection will be valuable to any subsequent investigation.*
4. *GSR collection may be performed on other persons that were present at the scene at the time of a suicide attempt, accidental discharge, or other firearm discharge. However, GSR collection can be done only to the extent that consent can be gained from that person or persons or if otherwise there exists probable cause to arrest that person or person with a crime related to that firearm discharge. Officers shall consult a supervisor to determine if GSR collection will be of value to any subsequent investigation.*
5. *Officers shall ensure that requests for consent are handled in a delicate and sensitive manner. Success in gaining consent may aid in the investigative process in that it may assist to identify or eliminate a person or persons of interest. However, officers shall be aware that due to the high number of external variables involved, a GSR test is statistically of limited usefulness and that a positive or negative test result is not necessarily conclusive evidence that any particular person held or shot a firearm, or did not hold or shoot a firearm.*
6. GSR is lost by rubbing, scratching, or washing. *Officers shall also be aware that manipulation or substantive contact with a suspect’s hands such as by a struggle or handcuffing will also affect the amount of detectable GSR.*
7. *For best results, the test should be performed within two hours after the suspected discharge of a firearm. A GSR test may be performed beyond that time limit, but the possibility of producing useable*

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evidence is severely compromised; and, depending on environmental factors, may be of no use after four to five hours.

8. Officers shall notify the Crime Scene and Records Unit (CSRU) immediately through the Communications Control Section (CCS) when GSR collection is required.
 9. Until the collection is completed, officers shall not fingerprint or allow the subject to wash their hands or touch anything.
 10. If a suspect requires medical attention, officers are to notify hospital staff to prevent contamination by using paper bags on the suspect's hands. *Plastic shall never be used to "bag" a person's hand. This notification is also required for suspected suicides or accidental shootings where the GSR guidelines contained herein can be applicable.*
- B. In instances involving a dead body, the Homicide Unit or a Cuyahoga County Medical Examiner's Office designee shall ensure that the deceased's hands are bagged when residue collection will be made at the Cuyahoga County Medical Examiner's Office.
- C. When requested, CSRU detectives shall respond to the scene of a dead body and collect GSR per CSRU's standard operating procedures.
- II.** Gunshot residue evidence shall be submitted for testing to the Cuyahoga County Regional Forensic Science Lab (CCRFSL).
- III.** The investigative unit responsible for follow-up shall enter the results of the GSR collection into the Record Management System (RMS).