



# CLEVELAND DIVISION OF POLICE

## GENERAL POLICE ORDER



EFFECTIVE DATE: DECEMBER 30, 2020	CHAPTER: 5 - Field Investigations	PAGE: 1 of 4	NUMBER: 5.08.01
SUBJECT: FIREARMS SEIZED, CONFISCATED, OR FOUND			
CHIEF: <i>Calvin D. Williams, Chief</i>			

*Substantive changes are italicized*

**PURPOSE:** To establish a uniform method for handling and testing seized, confiscated, or found firearms.

**POLICY:** *It is the policy of the Cleveland Division of Police* that firearms in the Division's custody shall be handled in manner such as to preserve their evidentiary and intrinsic value.

**PROCEDURES:**

I. General Guidelines

- A. Firearms seized, confiscated, or found shall not be permanently marked.
- B. The process of tagging and recording a firearm is meant to ensure that the evidentiary value of the firearm is not compromised.
- C. Members on the scene of a homicide, suicide, or serious assault involving a firearm shall:
  - 1. Not handle the firearm, except as necessary to ensure their safety, the safety of others or the evidentiary value of the firearm.
  - 2. Secure the scene and notify a superior officer.
- D. Firearms found independent of a crime scene shall be subject to the same procedures as those seized or confiscated.

II. Reporting

- A. Officers taking possession of a seized, confiscated, or found firearm shall:
  - 1. Ensure a LERMS and NCIC check of the firearm is completed.
    - a. If the local check reveals that the firearm was stolen in Cleveland, add recovery to the narrative of the incident report.
    - b. If the NCIC check reveals the weapon was lost or stolen in another city, note the information in the incident report and request further investigation by district detectives.
  - 2. Complete the Property-Gun section of the incident report in Field Based Report (FBR).

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3. Complete the Bureau of Alcohol, Tobacco, Firearms and Explosives National Tracing Center Trace Request form (Attachment).
  - a. Fax the completed form to the National Tracing Center at 1-800-578-7223 *and indicate same in the incident report.*
  - b. Scan the completed form and attach it to the incident report in FBR.
  - c. Forward the original to the Record Section through Divisional mail.
- B. Supervisors reviewing incident reports involving seized, confiscated, or found firearms shall ensure all reporting requirements are completed before approving the report.

### III. Handling

- A. Officers shall safely unload confiscated, seized, or found firearms and shall consider all firearms loaded until proven otherwise.
  1. Safely remove the magazine and all live ammunition.
  2. Place a nylon zip tie through *the breech and barrel* and/or within the action to ensure the firearm is unable to be loaded and fired.
  3. Document the evidentiary status of the firearm using a gun bag or gun box.
  4. Enter the firearm into LERMS and place the LERMS bar code sticker *on the rear right top* of the gun bag or box.
  5. If an officer takes possession of a firearm that is jammed or damaged and cannot be safely unloaded, or if the officer is unsure if the firearm is loaded, the officer shall:
    - a. *Use a zip tie to secure the hammer and/or trigger if possible.*
    - b. Contact the Forensic Unit regarding the possibly loaded firearm and carefully convey it to the unit for inspection, unloading, and processing.
    - c. If the Forensic Unit is closed, secure the firearm with the Officer-in-Charge (OIC) at the district or unit, separate from other property and evidence, until it can be transported Forensic Unit.
- B. All seized, confiscated, or found firearms shall be placed into gun bags or gun boxes to maintain the chain of custody.
  1. Gun bags shall be used for all handguns taken into custody, unless the handgun is used in a serious incident or there is a biological fluid on the handgun.
  2. Gun boxes shall be used for:

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- a. All firearms that are involved in a serious incident (e.g., suicide, homicide).
  - b. All firearms that have a biological fluid on them; *these boxes shall be marked with BIOLOGICAL HAZARD in bold red marker.*
3. Long gun (i.e., shotgun and rifle) boxes shall be used for:
- a. All long guns that are involved in a serious incident.
  - b. *All long guns submitted for DNA testing; these boxes shall be marked DNA TESTING REQUIRED in bold red marker.*
4. When applicable, mark the bag or box with large red letters indicating that the firearm is or may be loaded.
- C. Ammunition and magazines found loaded in a firearm shall:
1. Be placed *securely* inside the gun bag or gun box.
  2. *If the ammunition and/or magazine that was loaded into the firearm does not fit securely, they must be placed into an evidence envelope, Property Held in Evidence for Owner – C of C 71-68, and entered as separate evidence.*
- D. Magazines, bullet fragments, shell/cartridge casings, and ammunition found or recovered outside of a firearm shall:
1. Be placed into an evidence envelope and logged as evidence separate from the firearm.
  2. Be forwarded as follows:
    - a. Shell casings shall be submitted the Cuyahoga County Regional Forensic Science Laboratory (CCRFSL).
    - b. Bullet fragments and live ammunitions shall be submitted to the Property Unit.
    - c. All ballistic evidence returned to the Division from the CCRFSL shall be submitted to the Property Unit.
    - d. Any shell casings that have not been tested at the CCRFSL shall not be accepted by the Property Unit.

#### IV. Test-Firing

- A. All handguns seized, confiscated, or found, except by the Homicide, Internal Affairs, and the Intelligence Units, shall be forwarded to the Forensic Unit within three business days.

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1. Forensic Unit personnel shall test-fire and maintain a file *of all casings from test-fired weapons*.
  2. Forensic Unit personnel shall document the test-fire results in LERMS *including the name and badge of the person conducting the test-fire* and forward the handgun to the Property Unit.
  3. Test-fire results generated will be forwarded to the CCRFSL for National Integrated Ballistic Information Network (NIBIN) entry.
- B. Long guns shall be forwarded to the Property Unit and will not be submitted for test-fire and NIBIN entry unless previously specified otherwise.
1. Investigating detectives shall contact the Forensic Unit and inform them of the need for a long gun test-fire.
  2. Investigating detectives shall convey the firearm to the Forensic Unit, observe the test-fire, and return the long gun to the Property Unit.

V. Serial Number Restoration

- A. *All seized, confiscated, or found firearms without a serial number shall be forwarded to the Forensic Unit.*
- B. *Forensic Unit personnel number shall:*
  1. *Test-fire the weapon as in section IV. Test-Firing.*
  2. *Forward the firearm to the CCRFSL for serial number restoration.*

**THIS ORDER SUPERSEDES ANY PREVIOUSLY ISSUED DIRECTIVE OR POLICY FOR THIS SUBJECT AND WILL REMAIN EFFECTIVE UNTIL RESCINDED OR SUPERSEDED.**