Crime Gun Protocol

Forensic Analysis of Crime Guns

Through the Rapid Assessment in NIBIN protocol (RAIN), the New Jersey State Police Ballistics Unit has created the capability to assess each case for evidence suitable for NIBIN entry and insure the timely submission into NIBIN. Since its beginning in April 2014, the RAIN protocol has realized its goal of a 24 hour turnaround time for priority cases and has yielded a significant amount of positive NIBIN correlations that have resulted in leads and arrests for investigators. Building upon the success of the RAIN protocol, the Forensic Services Bureau has implemented a Crime Gun Protocol which provides for a thorough forensic examination of every crime gun before the gun is test-fired for NIBIN entry. The objective of the Crime Gun Protocol is to provide timely, actionable, leads to investigators while supporting aggressive enforcement and prosecution of gun crimes in New Jersey. Public Law 2013, Chapter 162 requires police agencies to submit gun crime information into systems such as NIBIN, CJIS, and E-Trace in a timely manner. This protocol allows the New Jersey State Police to comply with the statute, in both practice and spirit, while maintaining the highest standards of forensic analysis.

Definitions

Ballistic Evidence (or Firearms and Firearms Related Evidence): This includes firearms, rifles, shotguns, machine guns, live cartridges, projectiles and projectile fragments, discharged cartridge casings, and any parts thereof.

Crime Gun: Any firearm illegally possessed or used in a crime.

Found Gun: Any gun discovered with no apparent owner, or abandoned on either private or public property.

Background

As the RAIN protocol progressed, the Forensic Services Bureau recognized the importance of identifying and preserving potential forensic evidence associated with crime guns. Through the RAIN protocol, many recovered firearms which were not initially believed to have been involved in a violent crime, were identified as either murder weapons or weapons used in non-fatal shootings. With the evidential value of these guns increasing with each NIBIN hit, the demand for forensic analysis also

increased. However, once the crime guns were test-fired, potential evidence such as DNA, latent fingerprints, or trace evidence, was unable to be recovered. It was recognized that a timely, thorough, forensic analysis of crime guns, prior to entry in NIBIN, was necessary . To address this need, the Crime Gun Protocol was created.

Implemented on January 20, 2015, the Crime Gun Protocol draws on resources from the New Jersey State Police Crime Scene Investigations Units (South, Central, North) to examine crime guns for potential forensic evidence prior to subjecting them to the RAIN process.

Crime Gun Protocol Procedures

- Crime guns and found guns will be submitted to the New Jersey State Police Ballistics Unit as quickly as possible, by appointment only.

- Upon arrival at the Hamilton Technology Complex, submitted firearms will be received by the Ballistics Unit evidence handlers and assigned a ballistics laboratory number. A member of the Ballistics Unit will check each firearm and confirm it is unloaded and safe to handle. Each gun will be handled with proper precautions to safeguard potential evidence to include DNA, latent fingerprints, trace evidence, and biological evidence.

- Crime guns and found guns that are requested to have prints and DNA processed will then be turned over to a designated member of the Crime Scene Investigation Unit. A Crime Scene Investigation Unit member will be assigned to the Hamilton Technology Complex daily.

- The crime scene detective will conduct a visual and microscopic examination of the weapon, including the outside and inside of the barrel, for the presence of biological material, fibers, hair, or anything of evidential value. This may include the use of an alternate light source.

- Each firearm will undergo a latent fingerprint analysis (either dusting or fuming method), unless this test has already been conducted and/or the submitting agency specifically requested this exam not be performed.

- If agency requested DNA to be collected, the crime scene detective will collect epithelial swabbings (or “E-swabs”) from the firearm for potential DNA submission at a later date. The swabbings will be collected in accordance with current specifications and guidelines provided by the Office of Forensic Sciences. The swabbings will be packaged by the crime scene detective, labeled, and entered into the LIMS system. It should be emphasized

that this step in the process requires only the collection of swabbings, thus creating the capability to request DNA analysis at a later date, if warranted. This protocol does not include DNA analysis of every crime gun. The swabbings will be turned over to the evidence reception personnel at the Central Laboratory for either submission to the DNA Unit for analysis or for return to the submitting agency. In instances where the evidence has been pre-approved for DNA analysis by the Office of Forensic Science, the crime scene detective will collect the swabbings in accordance with this protocol and turn the swabbings over to the Central Laboratory for DNA analysis. he assigned crime scene detective will complete a Crime Gun Analysis Report (sp form 308b) for each case.

- Weapons will be returned to the Ballistics Unit for assessment into NIBIN. Priority will be assigned based on the probative value of the potential NIBIN information. A Ballistic Unit member will test fire the weapon and a NIBIN technician will submit the test standards into NIBIN.

- Weapons that display an altered, defaced, or obliterated serial number will be photographed by a member of Forensic Imaging Unit or Ballistics Unit. This will document the alterations to the serial number, prior to the serial number restoration process by the Ballistics Unit. Photos are included in the final report.

- Unconfirmed, or potential NIBIN “hits” will be communicated through BackTrace. Any potential NIBIN hit is for investigative lead purposes only. If a potential hit needs to be confirmed, this needs to be requested through the NIBIN squad.

- In instances where a potential NIBIN hit is reported, DNA analysis may be requested when there is probative value to such testing and with the approval of the Office of Forensic Sciences DNA Unit. This request is to be made by the submitting agency directly to the Office of Forensic Sciences.

In the event a positive finding is made at any point in the forensic analysis process, the crime scene detective shall proceed in accordance with existing policies and procedures regarding proper collection and preservation of forensic evidence.

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