

<b>Charleston County Coroner's Office Policy #22</b>	
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## 22.1 POLICY

The safety of Deputy Coroners and others at scenes of death investigations is paramount. Therefore, the number one priority when firearms are discovered on the scene is to protect the welfare and safety of personnel. In most cases, the examination and collection of firearms will be undertaken by the parallel investigative law enforcement agency. It is the policy of this Office that firearms will be collected for safekeeping or as evidence by the parallel investigative agency on the scene. If however, the Deputy Coroner on scene finds it necessary to collect a firearm(s), they must obtain verbal consent of the Coroner or Chief Deputy via telephone or in person prior to collection.

## 22.2 PROCEDURE

1. Ideally, the position of the firearm will be documented via photographs and written notes by the Deputy Coroner prior to disturbance by anyone already on the scene. In the event the firearm has been moved and/or secured by persons on scene prior to the arrival of the Deputy Coroner, the Deputy Coroner will document the location/condition of the firearm as it is at the time of their arrival regardless of its location/custody status or condition i.e. loaded, unloaded.

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2. The Deputy Coroner shall obtain the name(s) of anyone having had custody of the firearm prior to their arrival on the scene and information from the first person to move the weapon regarding its original position/location and condition.

3. Should a Deputy find it necessary to physically inspect a firearm, it shall be examined and unloaded by law enforcement personnel prior to the Deputy inspecting the firearm. After putting on clean examination gloves, the Deputy Coroner will personally check that the weapon is indeed unloaded. An examination of a firearm will never be performed if there is the slightest doubt or concern about one's personal safety.

4. Initial examination of the firearm(s) at a minimum should include observations about: the numbers and positions of live rounds or spent casings remaining in the cylinder of a revolver; the clockwise or counterclockwise rotation of the cylinder; the number of live rounds remaining in a magazine of a semi-automatic weapon. The firearm's condition regarding live and spent ammunition shall be documented with photographs and noted in the Deputy Coroner's report. A sketch may also be accomplished to document the position of ammunition/casings in a cylinder. The presence of blood or blow-back on the muzzle of the firearm will be documented both via case file and by photographs. The make, model, or type of firearm and serial number or missing or obliterated serial numbers will be documented in photographs and/or in the case file. If known, the owner's name will also be documented, as well as the typical location of the firearm in the residence (if applicable).

5. If the Deputy Coroner desires the firearm to be present at the autopsy, the Deputy may either ask the law enforcement representative attending the autopsy to bring the weapon, or the Deputy may take custody of the weapon and bring it. In the latter event, an appropriate chain of custody must be maintained and after an autopsy, the firearm is returned to law enforcement custody.

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### 22.3 COLLECTION

In the event, that it becomes absolutely necessary for a Deputy Coroner to collect a firearm(s), with or without live ammunition and/or spent casings, prior verbal consent of the Coroner or Chief Deputy must be obtained by telephone or in person. In the absence of the Coroner, the Chief Deputy Coroner may authorize the collection of a firearm(s). If a firearm is authorized for collection, the following procedures will be utilized:

1. The Deputy Coroner will visually and physically ensure that the firearm is unloaded. NO loaded firearms will be collected and submitted into the evidence room. Contact a supervisor if a firearm is not able to be unloaded.
2. Firearms, ammunition, and spent casings will be collected and packaged separately in accordance with the guidelines and the "CCCO Packaging Manual".
  - a. If a firearm was collected by the on-scene law enforcement agency prior to the deputy's arrival, the deputy will sign a completed chain of custody form originated by the law enforcement agency and after verifying that the firearm is unloaded, take custody of the firearm and/or live ammunition/casings and take a copy of the custody form.
  - b. If the firearm is collected by the Deputy Coroner from its original location without anyone (law enforcement or civilian) having had custody of the firearm prior to the Deputy, the Deputy will collect the firearm as prescribed in this policy and note the time of collection. Data entry and barcode application in the evidence management system constitutes the beginning of the chain of custody documentation. In other words, no written custody document is necessary if the Deputy is the first to collect the firearm and turns it in, directly to the evidence room.

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- c. If the Deputy Coroner collects a firearm from a civilian on the scene, the Deputy will document the civilian's name, driver's license number or ID number, and current address/telephone number, and then submit the firearm to the evidence room as outlined in this policy.
  - d. Firearms may be temporarily collected in a paper evidence bag for transport. The Deputy shall write the decedent's name, date/time of collection, and location of collection on the bag and initial the bag.
- 3. Ammunition and spent casings will be collected in separate paper or plastic bags. Spent casings should be wrapped in soft tissue or paper toweling at the time of collection to preserve trace evidence for subsequent Integrated Ballistic Information System (IBIS) comparison. Spent casings should also be protected from being crushed or bent out of shape during collection and transport. Most calibers from .22 to .500 S&W Magnum auto are acceptable in IBIS.
- 4. The Deputy Coroner should request that law enforcement personnel on scene run a stolen records check through NCIC on every firearm collected and ensure that the firearm(s) has been entered in the 'recovered gun' files of NCIC and submit the printout with the firearm(s) to the case file. If the records check indicates that a firearm is listed as 'stolen' in NCIC, the Deputy will ensure that the appropriate law enforcement agency is contacted and any NCIC communication is printed and filed in the case file, and that appropriate notes are made in the evidence management computer system.
- 5. Upon leaving the scene or as soon as practical but prior to the case Deputy returning to their residence after hours, the Deputy will secure the firearm(s) and any ammunition/spent casings in the evidence room.

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### 22.4 PACKAGING

1. Appropriate data entry in the Tracker system and separate barcode labels are generated for the firearm, live ammunition, and spent casings.
2. Semi-automatic handguns will be packaged with the slide open and magazine removed. Secure the handgun and magazine in a handgun box and use zip ties to secure the handgun in the box. Zip-tie the magazine in the box. Revolvers should be zip-tied to the box with the cylinder open if applicable. Thread the zip tie through the frame with the cylinder open.
3. Close and seal the box with red evidence tape on the opening edges. Initial and date the seals.
4. Affix a barcode label to the outside of the box in accordance with the "CCCO Packaging Manual".
5. Secure live ammunition in a clasp envelope, seal the openings of the envelope with red evidence tape, and initial and date the seals.
6. Secure spent casings individually in small clasp envelopes, seal the openings of the envelope with red evidence tape, and initial and date the seals.
7. Affix a barcode label to the outside of the envelopes in accordance with the "CCCO Packaging Manual".
8. Store all items in appropriate storage locations within the evidence room.  
Firearms will be secured in the safe.

### 22.5 IBIS EXAMINATION

It is the policy of this office that the case Deputy is responsible for ensuring that all firearms and any spent casings they collect from a scene are sent to the Charleston County Sheriff's Office or SLED for IBIS examination. The IBIS system no longer accepts projectiles; however, they may be submitted for local examination and comparison. The following procedures will be utilized:

1. The case Deputy will check out the firearm(s) and/or any spent casings in the evidence management computer system for IBIS examination, transport the items to the Sheriff's Office Forensic Services Unit or SLED,

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and utilize an iPad and Tracker to document the transfer. A copy of an incident report from law enforcement must accompany the firearm.

2. Update case/MDI files as appropriate.
3. When the items are ready for pick up, the case Deputy will pick up the items, document the receipt of the items in Tracker, and update the case file/MDI file. Return the firearm to the firearm storage area and return any spent casings to their original storage location.
4. Any firearm that has been examined by an IBIS technician MUST be held in custody for a minimum of two years from the time of examination unless returned to the next of kin. If returned to kin, the case deputy is responsible for notifying the IBIS technician. The requirement is per IBIS regulations.
5. If a firearm has been through IBIS examination and is released or transferred after the two-year waiting period, notification of the movement of the firearm must be made to the IBIS technician.

### 22.6 RELEASE, TRANSFER, OR FINAL DISPOSITION OF FIREARMS

1. Firearms held for safekeeping may only be released or transferred after the case is administratively closed.
2. Two (2) years must pass since the date of the IBIS examination (unless released to next of kin). The two-year requirement is per IBIS regulations. If released to kin or transferred after the two-year wait, the case Deputy must notify the IBIS technician of the change of custody information.
3. When the case has been administratively closed and the firearm will not be used in a criminal case, the case Deputy will notify the next of kin by phone that the firearm may be claimed. Documentation of the phone call will be made in the case file. Prior to authorizing the release of a firearm, the case Deputy will transfer the firearm to the Charleston County Sheriff's Office Forensic Services Unit and ensure that an NCIC criminal history check is conducted on the person receiving the firearm for any felony record or any other ineligibility as outlined in State or Federal

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statutes prior to authorizing release. If no ineligibility is noted, a Charleston County Sheriff's *Property Release Authorization* form will be completed and filed with the Forensic Services Unit by the submitting deputy coroner. A note should be added to the Tracker system at the item level to indicate that a Property Release is on file.

4. The case Deputy will contact the authorized person and advise them of the procedure to pick up the firearm from the Sheriff's Office.
5. If the person designated to receive the firearm has a felony record or other disqualifier as outlined in State or Federal statute, the firearm cannot be released to that person.
6. The person designated to receive the firearm will be notified in writing by the case Deputy that he/she is disqualified and the firearm cannot be released to them.
7. No live ammunition will be turned over to anyone. All ammunition will be submitted to the Sheriff's Office for destruction.
8. If the firearm cannot be turned over to the next of kin or another person legally entitled to the firearm, the firearm will be declared unclaimed after a period of 45 days and disposed of according to State statutes and CCCO policy.
9. If unable to locate the next of kin by phone, the submitting Deputy Coroner will send a letter by certified mail, return receipt requested, to the last known address of the next of kin, advising them to contact the case Deputy about  
  
picking up the firearm and indicating that if the firearm is not claimed within 45 days, it will be declared unclaimed property and will be destroyed accordingly.
10. If after 45 days from the time of notification, the firearm has not been claimed by the next of kin, the firearm will be declared unclaimed property and disposed of according to State statutes and CCCO policy. If the next of kin verbally declines to accept custody of the firearm, the case deputy will secure that in writing via a notarized letter and will submit

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the letter to the case file. Under either circumstance, the Deputy will submit a letter to the Coroner explaining the circumstances of the case regarding the firearm and requesting final approval for the destruction of the firearm.

11. When a firearm is approved for destruction, the firearm will be transferred to the Charleston County Sheriff's Office Forensic Services Unit for destruction. The case Deputy will transport the firearm to the Sheriff's Office and dispose to the receiving deputy via Tracker entry/signature on an iPad. Update the case file/MDI file. Ensure the IBIS technician is notified.
12. Any paper forms and all NCIC check paperwork (if printed) will be scanned into the MDI case file.