

NIBIN MEMORANDUM OF UNDERSTANDING

BETWEEN

Denver Police Department

Littleton Police Department (submitting agency)

Bureau of Alcohol, Tobacco, Firearms and Explosives-BATF&E

SUBJECT: Cooperative agreement for the evaluation and entry of firearm evidence into the BrassTrax System for correlation on the National Integrated Ballistic Information Network (NIBIN)

I. PURPOSE

This Memorandum of Understanding (MOU) defines roles and responsibilities with respect to the scheduling and submission of evidence for entry into the NIBIN database and any associated follow-up as a result of entry.

II. EVIDENCE ACCEPTED FOR EVALUATION/ENTRY

- A. Evidentiary (crime scene) cartridge cases of the following calibers will be accepted for evaluation/entry into the NIBIN system: all semiautomatic pistol calibers, 223 Rem (5.56 NATO), 7.62x39mm, 12 Gauge.
- B. Test-fired cartridge cases collected from semiautomatic (or automatic) firearms as follows: all pistol calibers, 22 caliber rifles, 223 Remington caliber rifles and 7.62x39mm caliber rifles. Test-fired shot shells from semiautomatic and pump-action 12 Gauge shotguns will also be accepted.
- C. Suitability of a cartridge case (test-fired or evidentiary) for entry will remain the sole discretion of Denver Police Department Crime Laboratory (DPDCL) NIBIN personnel.

III. SUBMITTING AGENCY RESPONSIBILITIES

- A. The submitting agency will designate personnel responsible for the following tasks:
 - a. Conducting, at a minimum, weekly searches for NIBIN eligible evidence (as defined in Section II) and acquiring this evidence from their agency's property;
 - b. Transporting evidence to the DPDCL and picking up evidence once entry is complete;
 - c. Acting as a primary point of contact for DPDCL NIBIN personnel.
- B. The submitting agency is responsible for test-firing all firearms and collecting cartridge case samples for evaluation and entry into NIBIN.
- C. Submission of test-fired cartridge cases *must* include the following information:
 - Agency case number**
 - Agency item number for the firearm**
 - Firearm manufacturer, model and serial number**
 - Type of incident**
 - Date and location of incident/seizure**

NOTE: Providing the name of the person in possession of the firearm when seized is useful for tracing purposes, however it is not mandatory.

- D. Submission of evidentiary (crime scene) cartridge cases *must* include the following information:
- Agency case number**
 - Agency item number for the cartridge cases**
 - Type of incident**
 - Date and location of incident/seizure**
- E. If possible, the submitting agency should retain test-fired cartridge cases entered into the NIBIN database. Determining retention policies is the responsibility of the submitting agency, but the suggested retention time is five years from the submittal date.
- F. The submitting agency's representative is responsible for arranging an appointment for the submission of evidence with DPDCL NIBIN personnel.
- G. A simplified chain of custody/transfer form will be used to transfer NIBIN evidence into the custody of DPDCL NIBIN personnel.
- a. At the time of return, this form will be counter-signed by the submitting agency's representative.
 - b. An electronic copy of the form will be retained by DPDCL.
 - c. *Short term* storage of submitted evidence will be provided within DPDCL.

IV. RESPONSIBILITIES OF DENVER CRIME LABORATORY NIBIN PERSONNEL

- A. DPDCL NIBIN personnel will evaluate all submitted cartridge cases for suitability for NIBIN entry. Cartridge cases found not suitable *will not* be entered into the NIBIN database.
- B. DPDCL NIBIN personnel will review and evaluate the correlation results for all cartridge cases entered into the NIBIN database.
- C. Should an association be made as a result of entry, one of the following will occur:
- a. DPDCL NIBIN personnel will microscopically confirm associations whenever possible. When associations are confirmed, the submitting agency's representative will be notified by means of a Confirmed Hit NIBIN Notification sent via email.
 - b. When confirmation is not possible, the submitting agency's representative will be notified by means of an Unconfirmed Lead NIBIN Notification sent via email.

V. DISCLAIMER

Notification of a NIBIN association, whether confirmed or unconfirmed, *does not* constitute a formal conclusion; a formal conclusion that all items were fired from the same firearm can *only* be supported by a report that is issued as a result of laboratory examination that is verified and peer reviewed in accordance with existing accreditation standards.

This MOU *does not* obligate the Denver Police Department Crime Laboratory to perform formal, full laboratory analysis of firearm evidence for submitting agencies. Formal laboratory analysis remains the responsibility of the submitting agency's servicing crime laboratory.

VII. NIBIN PERSONNEL

Denver Crime Laboratory NIBIN personnel, as mentioned in this MOU, include Firearm/Toolmark Examiners from the Denver Crime Laboratory as well as Bureau of Alcohol, Tobacco, Firearms and

Explosives (BATF&E) employees assigned to the Denver Crime Laboratory and Denver Crime Gun Intelligence Center.

This MOU shall be in force and effect commencing on the date of signature by all participating parties. Parties to this MOU may terminate their participation at any time upon written notification of their intent to withdraw to all other parties in this MOU. Parties acknowledge receipt of a copy of this MOU.

DENVER POLICE DEPARTMENT

By: _____
Paul Pazen
Chief of Police

LITTLETON POLICE DEPARTMENT

By: _____
Doug Stephens
Chief of Police

**BUREAU OF ALCOHOL, TOBACCO,
FIREARMS AND EXPLOSIVES**

By: _____
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