I. PURPOSE

The purpose of this General Order is to set forth procedures for firearms coming into the custody of the Loudoun County Sheriff’s Office.

II. POLICY

It shall be the policy of the Loudoun County Sheriff’s Office to maintain safety and security when taking firearms into custody.

III. DEFINITIONS

ATF-WRCGC: Refers to the Bureau of Alcohol, Tobacco and Firearms, Washington Regional Crime Gun Center. The Sheriff and the ATF-WRCGC have entered into an agreement whereby firearms recovered by the Sheriff’s Office are traced, analyzed, and investigated by the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”).

NIBIN: Refers to the National Integrated Ballistics Information Network (“NIBIN”), a national database containing digital images of spent bullets and cartridge casings recovered at crime scenes or test-fired from confiscated weapons. The ATF manages the system and provides the equipment to crime labs around the country.

IV. PROCEDURE

A. The procedures listed below shall be followed when taking firearms into custody regardless of the nature of the incident:

1. When a firearm comes into the possession of a deputy of the Sheriff’s Office, such deputy will initiate a NCIC/VCIN check to determine whether the firearm has been reported stolen.

2. The reporting deputy will also complete an Incident Based Report (“IBR”) describing the circumstances under which the firearm came into the deputy’s possession. The report shall include a statement indicating whether the NCIC/VCIN check indicated the weapon had been stolen.

3. The reporting deputy will complete a property card describing the firearm in complete detail, to include the make, model, serial number, caliber, finish, and type of ammunition.
4. The firearm shall be completely unloaded and rendered safe before it is submitted to the Evidence Room.

5. The firearm, property card, a copy of the IBR report, and completed ATF form (Attachment A) shall be delivered to the Evidence Section to await disposition.

6. Once a firearm is turned into the Evidence Section for any reason, all known descriptive identifiers of the weapon, i.e. make, model, caliber, serial number, barrel length, metal finish, location of recovery, weapon handler, etc. will be entered into the ATF-WRCGC computer by Property/Evidence Section staff.
   a. ATF will analyze all entered information and attempt to trace each weapon’s source and collect information pertaining to recoveries of firearms used in the commission of a crime. In addition, ATF will investigate the individuals involved, identify trafficking patterns, sources and perpetrators, disseminate the information to the appropriate federal, state, and local agencies and serve as a central hub for that information in order to assist law enforcement operations.
   b. The Sheriff agrees to share applicable reports with ATF, including arrest reports, ballistics reports, and incident reports relating to the recovery of guns used in the commission of a crime, including those involving juveniles.

7. Firearms will generally come into the possession of a deputy as evidence of a crime. The firearm will remain in the custody of the Sheriff until the court has rendered a written disposition.

8. At the conclusion of the court proceedings, the deputy or assigned detective shall provide the Property Section with a copy of the court order showing the final disposition of the firearm. The court order will be obtained by requesting same from the Office of the Clerk of the appropriate court.

9. The NIBIN Examination Program
   a. Any deputy who seizes or recovers any firearm(s) (all semi-auto/automatic pistols, 12-gauge shotguns, and long rifles with .223, 5.56, 7.62, and .22 caliber), or cartridge casings shall be submitted for NIBIN testing.
   b. Firearms exempt from these guidelines include:
      i. Limited edition or commemorative models which do not appear to have been fired.
      ii. Weapons which have been seized but are only being held for
safekeeping purposes.

iii. The deputy has the ability to initiate NIBIN examination of safekeeping weapons if there is indication the weapon is part of an pending or ongoing criminal investigation.

10. Occasionally, a citizen will relinquish ownership of a firearm and turn the firearm in to the Sheriff’s Office, or a firearm is classified as found property.

   a. If a citizen wishes to turn in his/her weapon to the Sheriff’s Office for destruction, a deputy will be dispatched to the location, obtain and secure the weapon, take an initial IBR report, fill out a property card and ATF form, complete a Request for Laboratory Examination (RFLE) Form for NIBIN testing (if applicable), and either place the weapon in an evidence locker or deliver it to the Evidence Section. The deputy will have the citizen complete and sign a destruction form and attach it to the property card.

   b. Once received by the Evidence Clerk, the firearm descriptors will be entered into the ATF-WRCGC computer for comparison, along with a NCIC/VCIN check. The firearm will not be destroyed until a clearance by ATF and a written approval has been received from the Criminal Investigations Division (“CID”) Commander or designee. Once authorization has been given, the firearm(s) will be included for destruction in the next scheduled drug destruction.

11. If a firearm is classified as found property, all administrative procedures will be followed to include a NCIC/VCIN check, completion of an IBR report, and NIBIN testing. The firearm may be destroyed after a period of one hundred and twenty (120) days has elapsed and no claim is made.

   i. Weapons in the custody of the Sheriff’s Office classified as found property where a confirmed owner has been identified will be returned without NIBIN testing, coordinated through the Property Section.

12. Without exception, prior to the release or destruction of any firearm received as evidence in a criminal offense, the CID Division Commander or designee shall be consulted.