POLICY AND PROCEDURE NO. 405.3

Handling and Disposal of Seized and Recovered Firearms and Ammunition

Date Issued: June 12, 2006
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1. PURPOSE:

The purpose of this policy is to establish procedures for the safe handling, documentation, storage, testing, court presentation, and disposal of all firearms and ammunition that come into the custody of the Worcester Police Department, whether as the result of an arrest, as recovered or stolen property, as found property, for safekeeping, pursuant to the issuance of a restraining order, or upon the suspension or revocation of a firearms license.

2. POLICY:

It is the policy of the Worcester Police Department to ensure that all firearms and ammunition coming into Department custody are handled safely, documented thoroughly, stored securely, and disposed of in accordance with applicable law. The safety of all persons in contact with or in the vicinity of a recovered firearm shall be of paramount importance. This policy supplements the general evidence and property procedures established in Policy 410 Handling Evidence and Property.

3. SCOPE:

This policy applies to all sworn and civilian employees of the Worcester Police Department. This policy governs the handling of all firearms (including handguns, rifles, and shotguns), ammunition, magazines, and accessories that come into Department custody. Firearms, ammunition, and accessories turned in at the annual Worcester County Gun Buyback Program sponsored by the District Attorney's Office are not governed by this policy and are handled under that program's procedures. General evidence handling and storage procedures are governed by Policy 410 Handling Evidence and Property.

4. HANDLING AND SAFETY:

If the weapon is suspected of having been used in a serious crime, such as a homicide, the firearm should be maintained where found without unnecessary handling, if it is both safe and practicable to do so. Scene safety and environmental conditions that may affect the preservation of evidentiary properties should be considered. CSU personnel may be deployed to photograph the weapon in place prior to retrieval.

In all other instances, the recovering officer may transport the firearm without unloading it, subject to all of the following conditions: the firearm is a revolver, semi-automatic pistol, or other firearm with an external hammer that is not in the cocked position, or the firearm is equipped with a safety that is clearly in the safe position; there is no indication that the firearm

has malfunctioned or jammed; and, based on the officer's observations, it is safe and practicable to do so.

Care should be taken not to touch the firearm more than necessary, especially in areas where a suspect is most likely to have handled it (grip, stock, trigger, magazines, ammunition), in order to preserve fingerprint evidence. The firearm should be placed in a cardboard box, which is available at the evidence locker area. Plastic bags shall not be used, as they degrade fingerprint recovery potential.

5. SUBMISSION:

The firearm and ammunition shall be submitted to the appropriate evidence locker as soon as practicable, and in no case later than the end of the officer's tour of duty absent compelling reasons. A copy of the arrest or incident report shall be submitted with the box. The Detective Bureau Firearms Officer (the "Firearms Officer") shall be responsible for retrieving firearms from the evidence lockers and processing them into firearms evidence storage.

6. REPORTS:

The officer's arrest or incident report shall document: the make, model, type (revolver, semi-automatic pistol, rifle, shotgun, fully automatic weapon, etc.) and caliber of the firearm; the name and address of the owner, if known; and how and why the firearm came into the officer's possession, including whether it was used in the commission of a crime and the nature of that crime. To avoid unnecessary handling, the model and serial number need not be obtained at the time of initial seizure. Unnecessary handling of ammunition and magazines should also be avoided.

7. STORAGE, TESTING, AND CERTIFICATION:

The Firearms Officer shall be responsible for: obtaining and documenting all identifying information (model, serial number, etc.); safe storage and record-keeping for all firearms received; transporting firearms to the Massachusetts State Police laboratory for testing and certification; retrieval of tested firearms and certifications from the State Police laboratory; and retrieval of firearms held at court.

CJIS/NCIC inquiries for firearms recovered by the Department, including verification of stolen status in this or other jurisdictions, shall be conducted through the CJIS operator in accordance with established Department procedure. The Firearms Officer shall receive the recovery report and, where the firearm is listed as stolen, ensure that the appropriate CJIS/NCIC record action is taken.

Officers should submit firearms evidence as soon as possible, as the testing and certification process typically requires six months or longer.

8. RETRIEVAL FOR COURT:

No less than 24 hours before a court appearance, the testifying officer should contact the Firearms Officer to obtain the laboratory certificate. Whenever a firearm is needed for court, the officer shall retrieve it from the Firearms Officer as close to the court date as practical and sign the Evidence Sign Out Sheet generated by Case Management.

If the firearm is entered as an exhibit and held by the court, the officer shall request and obtain a receipt from the court clerk, prosecutor, or receiving party. If there is any resistance to providing a receipt, the matter shall be brought to the attention of a Court Liaison Office supervisor. The officer shall retain a copy and provide the original to the Firearms Officer.

Once the case concludes and the firearm is no longer needed, the Court Liaison Office shall notify the Firearms Officer for retrieval. When requesting retrieval, the Court Liaison Office shall provide the incident number associated with the firearm and, where applicable, a court order authorizing destruction of the item, to enable proper disposition.

If the firearm is not held by the court, the officer shall return it to the Firearms Officer as soon as practical. At no time shall any member of this Department turn over control of any firearm or ammunition to a defendant or defense counsel, except pursuant to a court order authorizing release to a defense expert for examination. Where such an order issues, the testifying officer shall obtain a copy of the order directly from the assigned Assistant District Attorney, and CSU personnel shall document and photograph the firearm and any ballistic evidence in its condition prior to relinquishment.

9. DISPOSAL:

Once the need to retain the firearm has terminated, the Firearms Officer shall identify and contact the lawful owner and arrange for return if legally permissible, including through the applicable Massachusetts firearms transfer process. In all other cases, the Firearms Officer shall arrange for the firearm to be destroyed, except when the Chief of Police decides to retain a weapon deemed of value to the Department for training or tactical purposes. Such a decision shall be based on the recommendation of the Firearms Officer and/or the Department's armorer or firearms instructor.

No firearm in Department custody shall be converted to the personal use of any member of this Department. Nothing in this section shall prohibit the lawful transfer of a firearm to any person, including a Department member, where that person is the lawful owner or has become the lawful transferee through the applicable Massachusetts firearms transfer process or other lawful means.

Upon return or destruction, the Firearms Officer shall obtain and maintain a receipt from the owner or the vendor, clearly indicating which disposition method was used.

Per:

Paul B. Saucier
Chief of Police

Revisions:

October 2, 2026–

Added cross-references to Policy 410 Handling Evidence and Property, an exception allowing court-ordered release to a defense expert after CSU documentation, a lawful-transfer exception to the personal-use prohibition, and the incident number and any court destruction order in Court Liaison Office retrieval requests. Replaced Firearms Officer NCIC inquiries with inquiries through the CJIS operator, the court sign-out logbook with the Case Management Evidence Sign Out Sheet, and the three-to-six-week testing estimate with six months or longer. Reformatted to the ADA-compliant template.

October 24, 2024–

"Evidence" inserted in place of "Detective Bureau" in opening paragraph. Removed sentence regarding allowing the weapon to remain on scene until the Firearms Officer arrives. Removed "bag" as an evidence collection option; added use of lockers and their location. Removed "Detective Bureau Firearms Officer" from opening. Removed sentence regarding loaded firearms brought to headquarters.

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