



WISCONSIN STATE CRIME LABORATORIES

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WSCL Firearms/Toolmarks Evidence Submission Guidelines

Effective 03/26/2024

The Wisconsin State Crime Laboratories (WSCL) works to provide quality forensic results to assist agencies throughout Wisconsin. To be both as effective and efficient as possible, we have the following guidelines in place for all firearms/toolmarks submissions.

PACKAGING REQUIREMENTS

Upon receipt, evidence items must be packaged to protect them from loss, cross contamination, and/or deleterious change.

- Potentially hazardous evidence must be packaged to ensure safe handling. Examples include: knives, guns, etc., must be securely packaged in boxes using zip ties to secure it to the packaging.
 - Unfired ammunition and magazine removed directly from the firearm should be secured in the same package.
 - Extra magazines and unfired ammunition (i.e., duty ammo and magazines from an OIC) will not be accepted.
 - If unfired ammunition is needed for microscopic examination prior approval for submission is required by a Firearms Examiner, Criminalistics Supervisor, or a Forensic Case Manager.
- Each individual piece of fired evidence must be packaged separately.
 - Example: each individual piece of fired evidence shall have its own unique property number.
 - Example: if the case had (3) fired projectiles and (4) fired cartridge cases, the total number of packages submitted would be (7).
- Biological evidence should be dried and packaged in breathable material to prevent deterioration of evidence.
- Firearms analysis can only be completed after the completion of applicable DNA and Latent Prints analysis.
 - Once firearms analysis is started, no further DNA and Latent Prints collection will be completed by the WSCL.
- Suspected tools in a Toolmarks case should be packaged separately, with the critical surface protected from possible damage.
- All evidence packages must be sealed and initialed prior to submission to the WSCL.

LABORATORY REQUEST DETAILS

- I. Provide a Transmittal of Criminal Evidence form and a case synopsis of the case facts. The case synopsis should include:
 - How the evidence relates to the crime in question,
 - To whom the evidence belongs,
 - Where and when the evidence was located/collected from, and
 - Suspect name and court case number, if applicable.
- II. To accommodate timely results for all agencies throughout Wisconsin, WSCL works evidence in the order of submission. Rush requests impede the process; therefore, they will be accepted on a limited basis. Consult with a WSCL Supervisor or a Forensic Case Manager with any rush request and speedy trial demands.

EVIDENCE ITEM ACCEPTANCE

Submission of items of evidence shall relate to **felony** investigations (Wis. Stat. §165.75(3)(e)). The WSCL requires at least two months to complete analysis prior to any anticipated deadline (e.g., jury trial, etc.). If testing results are needed by the court before the jury trial date, please submit the items at least two months earlier than that date and make a note on the transmittal of evidence. Additional time is necessary if a large number of items need to be tested or if multiple disciplines are requested.

A case scenario must be provided with the submitted evidence. Examples of evidence submitted requiring a Firearms/Toolmarks report:

- Examination of a firearm for function, serial number restoration, barrel length, or overall length,
 - Firearms requiring serial number restoration for investigative purposes must be for a felony offense and justified on the transmittal at the time of submission. Restoration of obliterated serial numbers will not be attempted without the justification.
 - Trigger pull and magazine capacity must be requested and justified at the time of submission.
- Microscopic examination of fired evidence for positive identification and/or exclusion,
- Examination of items for possible distance determination (powder or pellet pattern), and
- Tools and toolmark evidence.

The following cases will **not be accepted** for Firearms/Toolmarks:

- Shootings without a named suspect,
- Suicides without an active death investigation,
 - E.g., if the Medical Examiner has ruled the death a suicide, the evidence will not be accepted for firearms analysis,
- Toolmark cases without a tool for comparison, and
- Misdemeanor crimes.

The Firearms Unit no longer performs NIBIN entries or correlations.

- NIBIN case submissions for hit confirmation require a named suspect with active court case number (jury trial date preferred).
 - If confirmation is required for charging purposes, approval by a Forensic Case Manager or Criminalistics Supervisor is required **prior** to submission.

Officer Involved Critical Incidents / Officer Involved Death / Officer Involved Shooting (OICI, OID, OIS):

- If the suspect in an OICI is being charged, WSCL will accept the submission.
- If an officer involved in an OICI is being formally charged, WSCL will accept the submission.
- If the suspect of an OICI is deceased **AND** the officer has been cleared by the District Attorney's Office, the case will only be accepted with prior authorization by a Forensic Case Manager or Criminalistics Supervisor.
 - E.g., if the scenario for an OICI is described as a "suicide in the presence of an officer," and the officer did not discharge their weapon, WSCL considers that a suicide, and the case submission would not be accepted.

Firearms and Ammunition for Destruction

The WSCL is required to destroy firearms and ammunition (Wis. Stat. §968.20(3)) for state law enforcement agencies. Firearms and ammunition surrendered for destruction can be delivered to any Laboratory accompanied by a completed destruction submission form for the firearms to be destroyed. No paperwork is needed for ammunition. Contact the laboratory prior to delivery to schedule an appointment. Air guns, B-B guns, fireworks, flares, knives, swords, and chemical agents will not be accepted for destruction. If you have any questions, please reach out to anyone in the Firearms Unit at the Milwaukee Crime Lab, by calling (414)-382-7500 or email them at destruction@doj.state.wi.us.

Based on the circumstances of the case, the possibility of additional testing or exceptions may be warranted. In such cases, the evidence items and testing requested should be discussed with a Forensic Case Manager of the WSCL for consideration of acceptance:

Kathy Mahnke
WSCL Forensic Case Manager
(608) 609-6125
mahnkeka@doj.state.wi.us

Any questions concerning this policy should be directed to:

Nicole Roehm, M.S.
Administrator
WI Division of Forensic Sciences
(414) 216-8769
Nicole.Roehm@wisdoj.gov

Thank you for your cooperation in helping the WSCL provide consistent, quality service to agencies throughout Wisconsin. We look forward to working with you.