

MEMORANDUM OF UNDERSTANDING (MOU)

Between the
Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
and
Lexington-Fayette Urban County Government,
on behalf of the Division of Police,
Hereinafter referred to as NIBIN Partner Site (NPS)

I. PURPOSE

This serves as an agreement between ATF and NPS: Lexington-Fayette Urban County Government, on behalf of the Division of Police

This agreement allows for ATF to perform correlation review(s) for the NPS ballistic evidence which is entered into the NIBIN database. These correlation reviews will be conducted by ATF through the NIBIN National Correlation and Training Center (NNCTC) and will be disseminated back to the affected parties as documented in this MOU.

II. ROLES AND RESPONSIBILITIES OF ATF

The NNCTC, on the basis of a request for assistance by the appropriate ATF Field Division Special Agent in Charge (or their Designee), will perform correlation reviews on all ballistic evidence entered into NIBIN by the NPS and issue documentation of the NIBIN Leads or Negative results to all affected parties within 24-48 hours.

The ATF Special Agent in Charge initiating the request will assign a field division liaison to act as an intermediary between the NNCTC and the NPS and ensure that the protocols established by this MOU as well as ATF ORDER 3315.1 are followed in order to establish effective processes for the utilization of NIBIN in the field.

The fact that a site takes advantage of the NNCTC service will have no bearing whatsoever on the accreditation. A participating site simply needs to write the NNCTC into their procedures, and if needed, ATF will provide the qualifications and training of the individuals performing the correlation reviews.

The services of the NNCTC will be handled by highly trained IBIS technicians. In addition, all of the technicians work will be peer reviewed and finally reviewed by a senior firearms & tool mark examiner assigned to the NNCTC prior to dissemination to the field.

The NNCTC will review the top 100 correlation results for every case. This standard was established based upon research & discussion within the NIBIN community as well as published articles on the subject. If necessary and justified by the circumstances of a particular

investigation, the NNCTC will increase this threshold as warranted. A site may request a more exhaustive search of the database or an expedited correlation review/response (under 24 hours) when the NPS deem it absolutely necessary and mission critical; however, appropriate justifications for such service will be required along with follow up written documentation to the NNCTC.

These types of requests should be rare based upon the success we will achieve within the top 100 correlations results and the standard 24-48 hours turnaround; therefore, the procedure for the NPS to request either will be handled via telephonic communication with the NNCTC Firearms & Tool mark Examiner supervisor & followed up by an email documenting the justification for such request(s).

The NNCTC will provide accurate and timely documentation of the correlation reviews and negative results to the following parties:

1. NIBIN Partner Site-Lab entering the original ballistic evidence into NIBIN
2. NIBIN Partner Site-Investigator submitting the evidence for comparison
3. ATF Crime Gun Intelligence Center-To provide additional intelligence and investigative capabilities in support of the NIBIN Lead.

Sample NIBIN Lead Report

	Bureau of Alcohol, Tobacco, Firearms and Explosives National Integrated Ballistic Information Network NIBIN National Correlation and Training Center	
NIBIN LEAD		
<p>This NIBIN Investigative lead was developed through a correlation review of your ballistic evidence by ATF and has not yet been confirmed by microscopic comparison. However, the potential that the same firearm was involved in your investigation is significant enough that investigative follow up is warranted at this time should an investigator choose to pursue it.</p>		
<p>A NIBIN Lead has been established between the following cases:</p>		
First Exhibit:		
Case Number:	A1232016	
Site Name:	COR-BRO-9 (30019) Baltimore Police Department	
Exhibit Number:	#1	
Second Exhibit:		
Case Number:	91292016	
Site Name:	COR-BRO-9 (30019) Metropolitan Police Department	
Exhibit Number:	#2	
Comments:		
MPDC Lead Investigator: John Smith 202-212-6756 John.Smith@MPDC.GOV		
Date of Incident (DOI) 02/02/2016 Case Type: Homicide		
<hr/> <div style="display: flex; justify-content: space-between;"> Technician performing review ATF Supervisor </div>		

NIBIN Leads cannot be utilized for the establishment of probable cause for warrants or for any court related purposes UNTIL the evidence has been confirmed by microscopic comparison of the original and linked evidence.

The purpose of all three notifications is to ensure adequate follow up, feedback and documentation of the NNCTC work product.

III. ROLES AND RESPONSIBILITIES OF THE NPS

The true performance metric of NIBIN is the successful prosecution of shooters. In order to best utilize the services of the NNCTC, the NPS agrees to establish policies and procedures that adhere to the four critical steps of an effective and sustainable NIBIN program:

Comprehensive Collection: NPS must establish internal policies for the collection and submission of all evidence suitable for entry into NIBIN regardless of crime. Evidence includes cartridge cases recovered from crime scenes and test fires from seized or recovered crime guns.

Timely Turnaround: Since violent crime investigations can go “cold” very quickly the goal is to get the evidence into NIBIN as soon as possible after collection, then to provide any and all relevant NIBIN intelligence (NIBIN Leads/Negatives) back to the investigator within 24-48 hours.

Follow-Up: Investigators, intelligence personnel and prosecutors should pursue NIBIN Leads as appropriate. Follow-up contains three distinct but overlapping components: comprehensive crime gun intelligence, effective and thorough criminal investigation, and consistent prosecution.

Feedback: Feedback is necessary for the sustained success of a NIBIN program and allows all involved to benefit from the process through ongoing evaluation and innovation. Feedback should be provided to all parties involved including patrol, investigative, lab, and intelligence personnel.

1. The NPS will enter the applicable investigator(s) contact information into the case comments section when entering evidence into IBIS. The contact information for said investigator should contain at a minimum: Name, Title, Telephone number and Email address in the format provided below. This will allow for the establishment of clear lines of communication between the NNCTC and the field investigators in order to best utilize the NIBIN Lead during the course of criminal investigations.

2. If the NPS conducts occasional or mission specific correlations reviews in lieu of utilizing the services of the NNCTC, the NPS will indicate this fact by changing the status of the corresponding IBIS correlation requests to "**Previously Viewed**" in order to prevent redundancy.

3. For every test fired cartridge case acquired into IBIS, the NPS will provide all applicable make; model; caliber; and serial number, by associating an IBIS firearm exhibit to the test fired cartridge case or bullet exhibit. The serial number should be documented exactly as it is inscribed on the firearm, NO special characters or titles (i.e. do not input "serial # 123AEG instead input 123AEG"). This will facilitate accurate and timely crime gun intelligence. Also, an effort should be made to enter any other available firearm information in the Firearm Exhibit Details section, such as recovery information and/or possessor.

IV. REPORTING REQUIREMENTS

On a quarterly basis the NPS will provide a report to the ATF Field Division liaison detailing whether or not any ATF issued NIBIN Lead(s) were later confirmed by a Firearm & Tool mark Examiner.

It is strongly recommended that the NPS forward any relevant NIBIN success stories to ATF. Doing so reaffirms the importance of NIBIN and assists with the advancement of the local and national NIBIN program(s). These success stories can be provided to the ATF Field Division Liaison or emailed directly to NIBINFOD@atf.gov

V. FUNDING AND ADMINISTRATIVE MATTERS

This MOU is not an obligation or commitment of funds, nor a basis for transfer of funds. This MOU is a basic statement of the understanding between parties of the matter described herein. Expenditures by each party will be subject to its budgetary processes and to the availability of funds and resources pursuant to applicable laws, regulations and policies. The parties expressly acknowledge that the language in this MOU in no way implies that funds will be made available for such expenditures.

VI. PRIVACY ACT

Over the course of the agreement, both parties may come across information that may identify U.S. persons whose information is protected by the Privacy Act of 1974 and/or Executive Order 12333 (or any successor executive order). All such information will be handled lawfully pursuant to the provisions thereof.

VII. COMMENCEMENT OR EFFECTIVE DATE DETERMINATION

The terms of this MOU will become effective on the date on which it is signed by all parties. This MOU will remain valid until modified or rescinded by written mutual consent, or terminated unilaterally after 30 days advanced written notice by any party via certified mail. Notice shall be made to the Chief, Firearms Operations Division of ATF.

Jim Gray, Mayor
Lexington-Fayette Urban County Government
200 East Main Street
Lexington, KY 40507

Date

Lawrence Weathers, Chief
Lexington Police Department
150 East Main Street
Lexington, KY 40507

Date

Stuart L. Lowrey
Special Agent in Charge, Louisville Field Division
Bureau of Alcohol, Tobacco, Firearms and Explosives

Date

Sharon Buchanan
NIBIN Branch Chief, Firearms Operations Division
Bureau of Alcohol, Tobacco, Firearms and Explosives

Date