

## DOM10 – Evidence Handling Procedures

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## 1. Background

- 1.1. Accredited forensic laboratories must have established practices to ensure the integrity of all items of evidence at their facility. These practices must conform to the requirements of their own agency, any government regulations, ISO/IEC 17025:2005 accreditation standards and the supplemental standards set forth by their accrediting body.
- 1.2. Ensuring the integrity of evidence in the custody of the Department of Forensic Sciences (DFS) serves to protect the interests of the laboratory and its customers.
- 1.3. It is necessary to fully document the chain of custody of all items of evidence to generate legally admissible chain of custody records.

## 2. Definitions

- 2.1. For purposes of this document, the following terms shall have the designated meanings:

**Administrative Custody:** Group custody of evidence in a Unit (e.g., an item of evidence in the Unit evidence vault is in administrative custody).

**CEU:** Central Evidence Unit

**Chain of Custody:** The movement and location of physical evidence from the time it is obtained until the time it is presented in court. The DFS *Chain-of-Custody Log* will serve as a record of the custody of an item of evidence from its receipt through its return to the submitting agency. Each entry in the internal DFS chain of custody will include: 1) a signature, or equivalent identification, of the person receiving or relinquishing evidence and their Unit; 2) the location of the evidence (e.g., when the evidence is not in someone's personal custody); 3) the date of transfer; and 4) a unique

identifier of the evidence (e.g., the CCN/lab number and item number(s) and/or descriptor).

**Container:** The box, bag, envelope, can or other wrapping that houses an item(s) of evidence.

**CSS:** Crime Scene Sciences Division

**CSSU:** Crime Scene Sciences Unit

**DFS:** Department of Forensic Sciences

**DOM:** Departmental Operations Manual

**Evidence Seal:** An evidence seal consists of two parts: closure and placement of one's seal. An evidence seal is correctly closed and deemed acceptable when access to or loss of the evidence is not possible through any opening and the evidence seal will be clearly damaged or altered if broken to permit entry. DFS personnel sealing evidence must place the date and their initials, signature or unique personal identifier across all seals created by them. An evidence seal must be suited to the condition necessary to ensure the integrity of the contents of the container (e.g., when evidence is to be stored in the freezer, the seal must stay in place/intact while the evidence is in the freezer).

**FSL:** Forensic Science Laboratory Division

**Insurance Seal:** Allows for insurance of the future integrity of evidence received in a container that is not properly closed or with a seal that does not meet the DFS definition of a seal. An insurance seal is added by placing a piece of evidence tape perpendicularly across the unacceptable seal once the container is closed, followed by the DFS employee placing the date and their initials, signature or unique personal identifier across the seal.

**Long Term Storage:** Storage process used when evidence is pending analysis, waiting for return to the submitting agency, waiting for other requested examinations to be completed, or when the examination process has temporarily halted/been delayed, such as when an employee goes on vacation, or is waiting for additional evidence. Evidence in long term storage must be properly sealed as defined above.

**Paper Chain of Custody:** The paper chain of custody constitutes the official chain of custody of the DFS

**Personal Custody:** Individual custody by a Unit member.

**Personal Storage Area:** A secure, assigned, limited access evidence locker/unit.

**PPE:** Personal Protective Equipment

**PHL:** Public Health Laboratory Division

**Short Term Storage:** Storage process used when evidence is in the process of examination. The length of time evidence may remain in short term storage will be in accordance with appropriate Division and/or Unit policy. Evidence in short term storage must be closed but does not have to be properly sealed as defined above.

**SOP:** Standard Operating Procedure

### 3. Scope

- 3.1. These practices apply to all DFS personnel who recover, receive, store, protect, transfer, inventory, examine, retain, return, and/or otherwise handle items of evidence.

### 4. Responsibilities

- 4.1. The employee receiving evidence will:
  - 4.1.1. Follow good laboratory practice including wearing all necessary PPE.
  - 4.1.2. Ensure the outer container is properly sealed and labeled with, at minimum: CCN and/or MCL/Agency Case Number, item number(s), date collected, description of item (to include name, if applicable), and name of individual who collected.
  - 4.1.3. Record any discrepancy or deficiency on an *Evidence Deficiency/Discrepancy Form* and, if necessary, add an insurance seal to meet DFS specifications.
  - 4.1.4. Ensure the chain of custody is properly documented.
  - 4.1.5. When applicable, ensure the submitted item(s) correspond with the *DFS Evidence Submission Form* received with the evidence.
  - 4.1.6. Place the evidence in a secure, designated location or transfer the evidence and record the location/transfer in the *Chain-of-Custody Log*.
  - 4.1.7. When applicable, ensure the case information (chain of custody and case submission information) is present, complete, and available for submission to the appropriate FSL Unit Manager or designee either directly or via the CEU Supervisor or designee.
  - 4.1.8. If drug and/or valuable evidence is received, ensure it is properly labeled and handled according to the practices listed in Section 5.6. below.

4.2. The CEU Supervisor or designee will:

- 4.2.1. Ensure all DFS employees staffing the CEU comply with the requirements set forth in *DOM10 – Evidence Handling Procedures*.
- 4.2.2. Provide assistance as needed.

4.3. The FSL Unit Manager or designee will:

- 4.3.1. Verify information contained on the *DFS Evidence Submission Form* is correct.
- 4.3.2. Verify the submitted case is still active and necessary to process, permission to consume all relevant evidence items has been granted (if necessary) and pertinent reference and/or elimination standard(s) have been obtained.
- 4.3.3. Assign and notify analysts of case assignment, examination plan and evidence location.
- 4.3.4. Provide assistance as needed.

4.4. The employee receiving evidence for analysis will:

- 4.4.1. Follow good laboratory practice including wearing all necessary PPE.
- 4.4.2. Ensure the container is properly sealed and labeled.
- 4.4.3. Ensure the chain of custody is properly documented throughout the entire time the evidence is in their custody.
- 4.4.4. Ensure that the integrity of the evidence is maintained during the inventory and/or examination process.
- 4.4.5. Record any discrepancy or deficiency on an *Evidence Deficiency/Discrepancy Form*.
- 4.4.6. Inventory containers/evidence received and ensure the condition of the container (under proper seal/not under proper seal) is correctly recorded in the casework documentation, as well as a description of the packaging and the evidence.
- 4.4.7. Mark packaging and evidence, where feasible, with, at a minimum, the case/item number, initials, and date.
- 4.4.8. Place in a secure, designated location when examinations are not in progress and record the location in the *Chain-of-Custody Log*.

- 4.4.9. Ensure the evidence is returned to the CEU for return to the submitting agency post-examination.

## 5. Practices

### 5.1. Evidence Receipt

- 5.1.1. Evidence is received by personnel in the CEU, CSS, FSL, and PHL.

- 5.1.2. The designated person receiving the evidence will:

- 5.1.2.1. Wear appropriate PPE, changing gloves, as needed, to avoid introducing contamination.

- 5.1.2.2. Ensure outer containers are properly sealed and labeled.

- 5.1.2.2.1. An evidence seal consists of two parts: closure and placement of one's seal. An evidence seal is correctly closed and deemed acceptable when **access to or loss** of the evidence is not possible through any opening and the evidence seal will be clearly damaged or altered if broken to permit entry. DFS personnel sealing evidence must place their initials, signature or unique personal identifier across the seal.

- 5.1.2.2.2. A compliant seal may consist of a heat seal, a tamper-resistant tape seal, or a lock with, at a minimum, the initials of the person (outside of the DFS) creating the seal being placed across the seal and onto the container when possible.

- 5.1.2.2.3. An existing manufacturer's glue seal in most cases does not need to be taped over to ensure the integrity of the evidence in the envelope/container.

- 5.1.2.2.4. If more than one piece of tape was used by the submitting agency to seal the container, each piece of tape must, at a minimum, be initialed.

- 5.1.2.2.5. If upon receipt at the CEU the evidence container is not properly closed and/or sealed, the CEU employee will add an insurance seal by placing a piece of evidence tape perpendicularly across the unacceptable seal once the container is closed

followed by placing their initials, signature or unique personal identifier across the seal.

- 5.1.2.2.5.1. The CEU employee will document addition of the insurance seal on the *Chain-of-Custody Log*. When appropriate, the employee will record any discrepancy or deficiency on **an** *Evidence Deficiency/Discrepancy Form*.
- 5.1.2.2.5.2. If the evidence packaging was received damaged to such an extent that it is not possible to ensure the integrity of the evidence while at the DFS, the person receiving the evidence will, if necessary, contact the CEU Supervisor and/or appropriate FSL Unit Manager to decide if the integrity of the evidence has been compromised and what, if any, forensic examinations can or will be conducted.
- 5.1.2.2.5.3. The CEU Supervisor or designee will, when necessary, inform the submitting client that the packaging and/or evidence was received damaged and advise what, if any, examinations will be conducted.
- 5.1.2.2.5.4. This communication will be documented on an *Activity/Communication Log* and/or in an *Evidence Deficiency/Discrepancy Form*.
- 5.1.2.2.6. Evidence not suitable for sealing will be handled as appropriate with an effort to protect the area(s) for the examination(s) requested. Examples of evidence that may not be suitable for sealing are a vehicle, an intact mattress, and a door.
- 5.1.2.2.7. It is noted that some firearms will not be sealed upon receipt. These firearms will be handled as appropriate for the examination(s) requested.

- 5.1.2.3. Ensure the chain of custody is properly documented.
  - 5.1.2.3.1. Proper chain of custody includes, at a minimum, the chronological entry of the signature (or equivalent) of the persons/locations transferring and receiving the evidence, the date the transfer is made, and the unique item identifiers (typically the numbers corresponding to the items of evidence) being transferred.
- 5.1.2.4. Preserve, when possible, the original evidence container when it is necessary to create a new container given that case-related information such as bar codes, contributor case/items numbers and/or initialed/dated seals added by the examiner post-examination is typically on the container(s).
  - 5.1.2.4.1. If it is not possible to preserve the original container, remove or cut out the appropriate labels or barcodes and attach them to the new container or incorporated the original container in its entirety within the newly created container.
- 5.1.2.5. Mark the outer container with the laboratory case number, initials, and date of evidence receipt when receiving the evidence for the purpose of conducting examinations.
  - 5.1.2.5.1. Additional initials/dates may be present from other analysts.
- 5.1.2.6. Place the evidence in a secure, designated location or begin the evidence examination, if applicable.
  - 5.1.2.6.1. Controlled access storage space includes room temperature, refrigerated, and frozen storage, within DFS areas in the Consolidated Forensic Laboratory (CFL) facility.
  - 5.1.2.6.2. Designated DFS evidence storage areas in the CFL facility are kept locked at all times. Access to the storage areas is limited to DFS laboratory personnel.
    - 5.1.2.6.2.1. Casework examiners may use their locked personal storage lockers/units when their examinations are in progress. When evidence is in personal storage it shall be closed to ensure the evidence remains secure but does not have to be sealed.
- 5.1.2.7. Ensure case information (chain of custody and case submission information) is present, complete, and available for submission to

the appropriate FSL Unit Manager or designee either directly or via the CEU Manager or designee, when applicable.

5.1.2.8. If a request for examination is received, but is cancelled by the submitting client or determined to be unnecessary (i.e., based on the background information regarding the case) prior to the evidence being transferred to the FSL, the CEU Supervisor will ensure the evidence is returned to the submitting agency.

5.1.2.9. If a request for examination is received, but is cancelled by the submitting client or determined to be unnecessary (i.e., based on the background information regarding the case) after the evidence has been received by the FSL and/or prior to the evidence being inventoried and/or fully examined, the FSL Unit Manager or designee will prepare a *Discontinuation of Analysis*.

5.1.2.9.1. The FSL staff will ensure the evidence is returned to the CEU so it can be returned to the submitting agency.

## 5.2. Storage of Evidence

5.2.1. All evidence must be properly stored as defined in Division/Unit SOPs, in the designated, appropriate, controlled access evidence storage location as soon as possible upon receipt/pending examination.

5.2.2. If an examiner is not immediately assigned to analyze the evidence, then the individual receiving the submitted items must make sure the submitted items are properly sealed, documented in the *Chain-of-Custody Log*, and properly stored.

## 5.3. Evidence Container Contents Inventory – CEU, CSS, FSL and PHL

5.3.1. Anytime a container seal is breached, the contents of the container must be inventoried/recorded.

5.3.2. When conducting an inventory, the DFS employee will:

5.3.2.1. Thoroughly clean/decontaminate the area where the inventory will be conducted, including any utensils and writing implements, and put down fresh examination paper.

5.3.2.2. Recover the evidence from its storage location and record the transfer information on the chain of custody.

- 5.3.2.3. Don a fresh disposable lab coat, a face mask, and a fresh pair of gloves prior to beginning the inventory to reduce the risk of introducing contamination. The PPE should be donned in the order listed to avoid the employee introducing their DNA onto the gloves when putting on the lab coat and face mask.
  - 5.3.2.3.1. When an inventory is conducted in the testing Unit, the person conducting the inventory shall follow the Unit protocol.
- 5.3.2.4. Mark the outside of the container with the case number, their initials and the date.
  - 5.3.2.4.1. Do not directly label any evidence container purported to house paper evidence with the evidence inside as this could potentially damage the evidence. In such an instance, label the container as set forth above once the container has been opened and the contents removed (albeit temporarily).
- 5.3.2.5. Take notes including the condition of the evidence (under seal/not under seal), a description of the packaging/container, and at a minimum list the contents of the container after it has been opened.
  - 5.3.2.5.1. As appropriate, verify the contents of the container against what is listed on the *DFS Evidence Submission Form* or other available source of case information.
  - 5.3.2.5.2. When there is a discrepancy between the inventoried contents of the container and the expected contents of the container, document this discrepancy on an *Evidence Deficiency/Discrepancy Form*.
  - 5.3.2.5.3. When an inventory is conducted in the CEU, the inventory notes will be retained in the CEU case file and a notation will be made on the *Chain-of-Custody Log* that the container was inventoried.
    - 5.3.2.5.3.1. When the evidence is transferred to the FSL and/or the PHL, a copy of the CEU inventory notes will be provided along with any other paperwork.
- 5.3.2.6. When removing an item from the parent container, when possible, the item number assigned by the contributor will be used to generate new barcode labels and initiate a new entry on the

*Chain-of-Custody Log* for the item separated from the parent container (see CES05 External Evidence Transfer Procedures).

5.3.2.6.1. Mark the parent container with the numbers corresponding to all items removed (in addition to the case number, initials, and date which were previously added).

5.3.2.6.1.1. Do not directly label any evidence container housing paper evidence with the evidence inside as this could potentially damage the evidence.

#### 5.4. Evidence handling during forensic examinations

5.4.1. Once a forensic scientist is assigned to examine the evidence, the analyst will recover the evidence from its storage location (when applicable), record the proper information in the chain of custody, and mark the container/packaging and the evidence, where feasible, with, at a minimum, the case and item number, initials, and date.

5.4.2. The analyst shall follow the appropriate Division/Unit SOPs with respect to all requirements and restrictions for examination of items of evidence, including appropriate decontamination of examination area, utensils and writing implements, preparation of examination area, wearing of appropriate PPE, and inventorying the evidence when appropriate.

5.4.3. Division/Unit SOPs regarding cleaning and preparation of examination areas and all requirements and restrictions when conducting examinations must be followed throughout all evidence examinations.

5.4.4. Analysts will confine examination of their evidence as much as possible to their own/designated work areas.

5.4.5. Evidence should be left out on the laboratory bench or examination table only long enough to be examined. During normal working hours, unattended evidence will be covered and marked as "Evidence - In Progress" or "Evidence – Do Not Disturb". All evidence, regardless of work completed, must be returned to the appropriate storage location at the end of the analyst's work day.

#### 5.5. Evidence Return

5.5.1. All evidence, once processed and analyzed, will be properly sealed, typically with tamper-evident tape, and securely stored until returned to the Central Evidence Unit (CEU) for return to the submitting agency.

5.5.2. All transfers and storage locations will be properly recorded on the chain of custody.

5.5.3. CEU staff will ensure that, as needed, evidence is returned to the submitting agency.

5.6. Suspected Controlled **S**ubstances and Valuable Evidence

5.6.1. All suspected controlled substances (drugs) and/or valuable evidence received must bear a sticker indicating it as such. This label should bear the appropriate signatures.

5.6.1.1. If the evidence container is not properly sealed, properly seal the container in the presence of a witness by adding an insurance seal.

5.6.1.2. Note that an insurance seal has been added on the *Chain-of-Custody Log* and, if appropriate, complete an *Evidence Deficiency/Discrepancy Form*.

5.6.1.3. If it is necessary to place the evidence in a new container, retain the original packaging for return to the submitting client.

5.6.1.4. Advise the CEU Supervisor or designee of the discrepancy with the container seal and document this communication in an *Activity/Communication Log* and/or in an *Evidence Deficiency/Discrepancy Form*.

5.6.2. The person who opens the primary container for the purpose of examination will recount or weigh the evidence, whichever is appropriate, in the presence of a witness.

5.6.2.1. It is preferable to have the person conducting the initial examination open the package/container and account for its contents.

5.6.3. The person opening and accounting for the contents and the person witnessing will document the activity appropriately.

5.6.4. Compare the count/weight against what is stated in the *DFS Evidence Submission Form* or on the label.

5.6.4.1. If there is an unexplainable discrepancy between what was received and what was listed on the *DFS Evidence Submission Form* or label, notify the Unit and/or Division Manager or designee so the contributor can be contacted for further instructions.

5.6.4.2. Document this activity on an *Activity/Communication Log*.

5.6.5. The person storing drug or valuable evidence will, at the end of each working day, ensure that the evidence is in a secured area restricted to

storing drug or valuable evidence. Personal custody will never be designated as a restricted area where drug or valuable evidence can be stored.

- 5.6.6. When returning drug and/or valuable evidence, package it in the original packaging/container whenever possible.
  - 5.6.6.1. If the original packaging cannot be reused, place the evidence, the original packaging/container (and any items removed from it) in appropriate packaging material.
  - 5.6.6.2. When packaging the evidence, ensure the label is visible.
  - 5.6.6.3. Packaging of the materials will be witnessed and dated and initialed by the person creating the seal.
  - 5.6.6.4. If an item is too large to be heat-sealed, use tamper-evident tape.

## 6. Documentation

- 6.1. The following records may be generated and retained as a result of these practices:

- 6.1.1. *Activity/Communication Log*
- 6.1.2. *DFS Evidence Submission Form*
- 6.1.3. *Chain-of-Custody Log*
- 6.1.4. *Evidence Deficiency/Discrepancy Form*

## 7. References

- 7.1. ISO/IEC 17025 – General Requirements for the Competence of Testing and Calibration Laboratories, International Organization for Standardization, Geneva, Switzerland (current revision).
- 7.2. Forensic Quality Services Supplemental Requirements for Forensic Testing, FQS ANSI-ASQ Accreditation Board, Tampa, FL (current revision).
- 7.3. ASCLD/LAB-International® Supplemental Requirements for the Accreditation of Forensic Science Testing and Calibration Laboratories, American Society of Crime Laboratory Directors/Laboratory Accreditation Board, Garner, NC (current revision).
- 7.4. Quality Assurance Standards for Forensic DNA Testing Laboratories, Federal Bureau of Investigation, (current revision).

- 7.5. Division Quality Assurance Manuals (current revisions)
- 7.6. Unit-specific Quality Assurance Manuals (current revisions)
- 7.7. Division Evidence Handling SOPs (current revisions)
- 7.8. Unit-specific Evidence Handling SOPs (current revisions)
- 7.9. *CES05 External Evidence Transfer Practices*
- 7.10 *DFS Policy on Evidence Submission*