

EVC: Analyst Evidence Handling Requirements

Introduction When analysts receive evidence from the Evidence Section, they assume responsibility for maintaining its integrity. This includes:

5.8.1.1.2

- ensuring that the evidence packaging and labeling meets requirements
 - recording the opening of evidence packaging
 - entering items of evidence into the case management system or the case record
 - labeling or marking items of evidence
 - re-sealing evidence packaging
 - packaging derived evidence, and split or aliquoted samples
 - storing the evidence in a secure area and under proper conditions
 - using appropriate procedural precautions in conducting the analyses
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Chain of custody record

An electronic chain of custody record provides a comprehensive history of each evidence transaction—between individuals, and between individuals and storage locations—from initial receipt of the evidence until its release out of the laboratory.

5.8.1.1

In-coming evidence transactions are also documented through a written chain of custody record on the evidence container or submission documents.

The laboratory's case management system provides a secure electronic chain of custody record for each submission and itemized piece of evidence received in the laboratory. Records of the chain of custody in the case record cannot be used in place of the electronic chain of custody.

Internal evidence transactions are accomplished through the use of barcodes and personal identification numbers (PINs).

- Evidence that is kept in a storage area to which only the analyst has access shall be electronically transferred to the analyst's possession.
- Evidence that is kept in a storage area whose key is contained in a communal key box shall be electronically transferred to the storage location. Evidence must be electronically transferred in and out of the storage location during the course of analysis.

Out-going evidence transactions are also recorded on an out-bound evidence transfer receipt.

Continued on next page

EVC: Analyst Evidence Handling Requirements, Continued

Evidence packaging and labeling

5.8.1.1.2

It is the analysts' responsibility to inspect evidence in their possession to determine that all evidence packaging and sealing requirements are met and to repair any improperly sealed or damaged packaging (see *EVC: Evidence Packaging and Sealing Requirements* in this manual).

Each evidence submission must have its own barcode label containing the laboratory's unique case number and submission number and the agency case number.

Opening evidence packaging

Evidence packaging should be opened in a different area from the original seal, when possible.

The analyst must document the date the package was opened. This can be accomplished by writing the date in the laboratory notes or by initialing and dating the point of entry or an area nearby.

Evidence problems

5.8.3

When there is doubt as to the suitability of an item for testing, when an item does not conform to the description provided, or the test required is not specified in sufficient detail, the analyst must inform his supervisor and consult the customer for further instructions before proceeding.

A record of the discussion and resolution must be included in the examination records.

Continued on next page

EVC: Analyst Evidence Handling Requirements, Continued

Itemizing and marking evidence

When an evidence submission is opened, the contents, whether examined or not, must be itemized by the analyst in either the case management system or in the case record. Individual item packaging must receive an appropriate barcode label or be marked with the laboratory's case, submission, and item number, as appropriate.

5.8.4.3

Exception: For Drug Chemistry, contents within an evidence package that are not examined will not be itemized. A description of the contents will be recorded in the examination notes.

Items of evidence removed from their packaging must be marked in an indelible manner with the

- laboratory case and submission number
- item number, when applicable
- analyst's initials
- date

In some circumstances, marking the item of evidence is not possible. If the item does not lend itself to marking, its proximal container or identifying tag must be marked.

Toxicology samples in sexual assault kits

Blood or urine samples removed from sexual assault evidence kits to be submitted for alcohol or toxicology testing within the laboratory are not itemized under the parent kit but are given a new submission number instead.

Re-sealing evidence packages

After the evidence has been analyzed and replaced in its packaging, the package must be tape or heat sealed. The analyst must initial the seal.

Continued on next page

EVC: Analyst Evidence Handling Requirements, Continued

Derived evidence and split samples

5.8.1.1.1

Materials removed from an original item of evidence and packaged separately are considered derived evidence or split samples.

Examples of derived evidence include

- tape lifts, scrapings, and any trace materials removed from an item of evidence
- biological stain material scraped or swabbed from an item of evidence
- cuttings from biological stains on clothing

Examples of split samples, typically prepared for external referee analysis, include

- one of the two blood tubes submitted for blood alcohol analysis
- a portion of a swab or cutting containing biological stain material

Derived evidence and split samples are typically itemized by the analyst in the case management system under the parent item and will therefore inherit the original chain of custody.

Once evidence is derived or split, the derived or split item may have a different chain of custody record than the parent item from that point on.

For large numbers of items, such as may be derived from a crime scene or vehicle examination, it may be advisable to group like items by creating a submission or item-level container and then itemizing under that container.

Example: An envelope containing all tape lifts collected from a vehicle.

All derived evidence and split samples must be properly packaged, sealed, and labeled by the analyst.

See *08 EV: Split Samples* in the *Evidence Manual* for details on the split process.

Continued on next page

EVC: Analyst Evidence Handling Requirements, Continued

Evidence created by the laboratory

Items created during the examination of evidence such as test-fired rounds and casts of impressions are considered new evidence, not derived.

5.8.4.6.1.

These items are given a new submission number in the case management system.

5.8.4.6.1.a
5.8.4.6.2

NOTE: The number assigned to a submission-level entry may mimic a typical item number so as to emphasize a logical association. Example: Test-fired rounds from firearms submission 001, may be entered as submission number 001-01. Submission-level entries are clearly designated in the hierarchal evidence listings in the case management system.

Casework not in-progress

Casework evidence that is not in-progress must be properly sealed and must be in a secure storage area under proper storage conditions (see *EVC: Evidence Security and Storage Requirements, Secure storage areas* in this manual).

5.8.4.1

Exception: Evidence that cannot be placed in a provided storage space because of size or quantity is considered under secure storage if kept in a limited-access laboratory or area.

Storage of in-progress casework

5.8.4.2

Short-term evidence storage – If a case is in progress less than one business day, it is not necessary to package or seal the evidence (for example, leaving the examination area for meetings or lunch breaks).

Long-term evidence storage – If a case is in progress but the evidence has not been worked within one business day, the evidence containers must be stored in a designated evidence storage area in a manner that prevents evidence loss, cross-transfers, contamination, or deleterious change (for example, closing boxes and folding and clipping bags).

Exceptions to this include unplanned absences and instances where packaging could damage the evidence (for example, clothing being examined for GSR).

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EVC: Analyst Evidence Handling Requirements, Continued

**Time limits on
in-progress
casework**
5.8.4.2.1

Evidence that is “In-Progress” but has not been worked up to 60 days must be returned to its original packaging and sealed pending further analysis. The evidence should be stored in an evidence cabinet or cage pending future analysis or returned to the evidence section for long-term storage.

Evidence may take up to 60 days to analyze for reasons such as:

- rush cases that take priority
- waiting for additional evidence
- unexpected extended illnesses
- instrument repairs and maintenance
- sample consumption requests in DNA cases
- waiting for additional reference samples
- complex case to case comparisons

Exception: Evidence such as trace evidence and projectiles in unsolved cases that are subject to frequent requests may be treated as “evidence in process of examination/analysis” and may be stored unsealed in a secure limited-access area.

**Timely return
of evidence
after release of
the report**

Evidence must be transferred to the Evidence Section for return to the submitting agency within 60 working days after the associated laboratory report has been released.

Exceptions: Evidence may be retained when appropriate. Examples include

- evidence pending transfer to another section or analyst for additional examination
- evidence pending results from another section prior to additional examination
- evidence pending authorization to consume

Exceptions may be noted in the disposition section of the laboratory report.

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EVC: Analyst Evidence Handling Requirements, Continued

Procedural precautions

Procedural precautions must be taken to reduce the risk of evidence loss, cross-transfer, contamination, or deleterious change. General guidelines include

- using disposable pipette tips and transfer pipettes
- adequately labeling tubes, vials, and other containers
- changing contaminated gloves and lab coats
- maintaining a clean examination area

Information on procedural precautions relating to specific types of evidence may be found in the technical procedures manuals.

Crime scene evidence 5.8.4.5

All evidence collected from a crime scene by laboratory personnel must be protected from loss, cross-transfer, contamination and/or deleterious change, whether in a sealed or unsealed container, during transportation to the laboratory and entered into the laboratory's case management system within 48 hours.

Refer to the *Crime Scene Manual* for procedures for the handling of evidence that is collected at crime scenes by laboratory personnel.
