

Procedure for Evidence Management

1.0 Purpose – To establish the procedures for the submission, receipt, protection, accountability, marking, transfer, destruction, and return of evidence.

2.0 Scope – This procedure applies to all State Crime Laboratory (Laboratory) employees who receive, handle or process evidence.

3.0 Definitions

- **Convenience package** – A container which is used to facilitate storage and/or transfer of sealed containers or items, but is not part of the chain of custody.
- **Evidence** - An item submitted for analysis. An item of evidence is equivalent to a “test item” as described in ISO 17025.
- **Forensic Advantage (FA)** – The Laboratory information management system.
- **Intact seal** – Closure of a package containing evidence by a taped, heat or other tamper-proof means in order to prevent loss, contamination or deleterious change while ensuring that attempted entry into the container is detectable.
- **Proper seal** – An intact seal with initials.

4.0 Procedure

4.1 General

4.1.1 The Laboratory shall ensure the integrity of evidence by following procedures for receiving, handling, storing and returning evidence, and by documenting the chain of custody to provide for the generation of legally admissible chain of custody records. All evidence receipts, transfers, and returns shall be documented in FA. External transfers may be documented in writing and the receipt scanned into FA.

4.1.2 The Laboratory shall not permit any action that may compromise the integrity of evidence or breach confidentiality or safety. Therefore, it is the policy of the Laboratory that, with the exception of persons being trained by the Crime Laboratory, non-Laboratory personnel shall not be permitted to observe the analysis of evidence. Any exception to this policy shall be approved by the Lab Director or designee.

4.1.3 Evidence (including partially examined evidence and verifications of previously completed cases) shall not be accepted for analysis if it has been previously examined in any manner unless prior approval by the Lab Director is obtained. This does not include evidence that has been partially processed for latent prints or screened for the presence of blood (e.g., Kastle-Meyer or luminol). This policy is set forth to prevent contamination, to prevent the possibility of altering evidence, and to ensure the maximum evidentiary value.

4.1.4 Technical procedures for the Evidence Control and Administrative Services Section describe the management of evidence and Case Record information in FA.

4.2 Evidence Submission

4.2.1 Evidence should be submitted to the appropriate Laboratory.

4.2.2 In order to facilitate efficiency, FA may be used to reserve case numbers and to print submission and evidence labels in advance.

4.2.3 All evidence accepted by the Laboratory shall be accompanied by a Request for Examination Form or electronic equivalent. If evidence is submitted in person, the contributor shall receive a copy of the Request for Examination Form or equivalent to acknowledge receipt. Chain of custody receipts from other departments shall not be signed by Laboratory personnel.

4.3 Processing a Request for Examination

4.3.1 An FA-generated lab number shall be assigned upon receipt of the first Request for Examination Form or equivalent. The Laboratory that assigns the number shall be designated the originating Laboratory. Only one Laboratory number shall be assigned to the same criminal event in a single jurisdiction regardless of the number of submitting agencies, suspects or victims. Submissions involving criminal events committed by a suspect in more than one jurisdiction shall be assigned a unique Laboratory number for each criminal event. Any supplemental submission(s) shall be assigned the same Laboratory number as the original submission. Laboratory cases in which an FA-generated lab number has been allocated shall be assigned by the respective Forensic Scientist Manager or his/her designee.

4.3.2 Laboratory numbers shall be formatted as follows in FA:

- **LYYYY#**, where
- **L** is the laboratory designator:
R = Raleigh Crime Laboratory
T = Triad Regional Laboratory
W = Western Regional Laboratory
- **YYYY** are the four digits of the calendar year
- **#** is the five digit number assigned consecutively by FA, beginning with the number one (00001) assigned to the first case submitted in the calendar year.

In FA, there shall be no hyphens between the two numbers and leading zeros are required (Example: R201100001).

4.3.3 Laboratory file numbers are unique identifiers and shall be placed on all submission documents. Hyphens may be added and leading zeros omitted when hand-written or typed on forms or documents (Example: R2011-1 but not R11-1).

4.3.4 Upon submission to the Laboratory, evidence shall be described in FA as stated on the Request for Examination Form or its equivalent. Administrative (typographical) errors shall be changed in the database by the Forensic Scientist performing the analysis. For stop work cases, the Evidence Technician and/or Forensic Scientist shall make the changes in the database.

4.3.4.1 The technician or Forensic Scientist shall inventory the sealed evidence packages and compare the evidence with the Request for Examination Form to ensure all evidence is present. If there is a discrepancy, the submitting officer/agency shall be contacted and the discrepancy shall be clarified. Any changes to the submission information shall be documented in FA. No further processing of the evidence shall occur until the discrepancy is reconciled.

- 4.3.4.1.1** If evidence is not present during the inventory, the Forensic Scientist/Technician shall have a verification review performed by a witness. The submitting agency shall be contacted regarding the missing evidence. The missing evidence shall be transferred out in FA with a comment added to the chain of custody indicating that the evidence was not submitted.
- 4.3.4.1.2** If additional evidence is located during the inventory, the Forensic Scientist/Technician shall have a verification review performed by a witness. The submitting agency shall be contacted regarding the additional evidence. The submitting agency needs to provide instruction on how to proceed including (as applicable): agency item number, evidence description, type of examination requested, and location found. The additional evidence shall be added into FA as a new item. The new item shall inherit the chain of custody from one of the other items in the same submission. A note shall be added to the Evidence Receipt indicating additional items were located after submission.
- 4.3.4.2** The condition of evidence packaging shall be evaluated and any condition(s) adverse to quality shall be recorded. When the suitability of an item of evidence for examination is questionable, or the request for examination is unclear, the Evidence Technician or Forensic Scientist who has custody of the evidence shall contact the submitter for clarification prior to testing. This shall be documented in FA.
- 4.3.5** When a piece of physical evidence first comes into the possession of an Evidence Control Unit (ECU) technician or other Laboratory employee, it shall be marked or labeled for identification with the barcode label stating the Laboratory number assigned by FA. Receiving personnel shall place signature or initials and date received on the evidence packaging. Laboratory labeling shall not cover submitting agency information.
- 4.3.6** FA shall generate consecutive item numbers and barcode labels for each item of evidence submitted. Laboratory employees shall maintain the item number designation assigned by FA. No duplicate Laboratory item numbers shall exist within a case.
- 4.3.7** A sub-item shall be created by a Forensic Scientist in FA only when a part, portion and/or component of an item is transferred or uniquely described for clarity. Sub-item numbers shall be generated by FA using a numeric sequence separated by a hyphen (e.g., 1-1, 1-2, etc.).
- 4.3.8** An investigating officer may request that evidence from his/her case be compared to evidence submitted in another case and the request may involve a different jurisdiction. To establish uniformity, the cases shall be cross-referenced in FA and noted on the report. The request shall be documented in the communication log of each case.

4.4 Protection of Evidence from Loss, Cross-contamination, and Deleterious Changes

- 4.4.1** It is the responsibility of Laboratory staff to ensure, insofar as possible and reasonable, that evidence does not experience loss, cross-contamination, or deleterious change while in the possession of the Laboratory.

4.4.1.1 When a Forensic Scientist or technician recognizes that evidence has been contaminated so as to alter or affect the results, the employee shall notify the Forensic Science Manager or Supervisor and initiate the appropriate corrective action.

4.4.2 Evidence shall be sealed properly. Personnel shall check for proper seals whenever evidence is received. The seal on evidence being submitted shall bear the initials of the individual placing the evidence under seal. The initials may be under the tape, on the tape, or spanning the tape onto the evidence package. All initials placed on seals by Laboratory personnel shall be partially on the tape and extend onto the package.

4.4.3 Outer evidence packaging without proper seal received by Laboratory personnel shall be remediated immediately.

4.4.3.1 All evidence stored in the Laboratory shall be sealed properly or remediated unless work is in progress.

4.4.3.2 To remediate a seal which fails to bear the initials of the individual sealing the evidence, Laboratory personnel shall place a piece of tape perpendicular to the seal and initial across the tape.

4.4.4 Convenience packages do not need to be sealed as evidence but may be closed using tape/staples. Convenience packages may be labeled or marked with the phrase "Convenience Package" and the assigned Laboratory case number. Only sealed containers and/or items shall be placed in convenience packages.

4.4.5 Evidence which may experience deleterious change without refrigeration shall be placed in an evidence refrigerator as quickly as possible and remain refrigerated until examined.

4.4.6 It shall be the responsibility of Laboratory staff to educate submitting agencies in proper packaging procedures. When an agency delivers evidence packaged in a fashion or in a container that may cause the evidence to deteriorate, the submitter shall be asked to repackage the evidence.

4.4.7 Any questions regarding the proper storage and/or packaging of evidence shall be directed to the Section to which the evidence shall be assigned.

4.4.8 Only evidence shall be stored in a locker, drawer, cabinet, etc. that has been identified as an approved evidence storage area. Items used to aid in the identification, storage or protection of evidence (such as empty convenience containers, pens, markers, tape guns/dispensers, post-its, etc.) may be stored with evidence in a manner which would not contribute to the loss, cross-contamination, or deleterious change of evidence.

4.5 Evidence received by mail or personal delivery

4.5.1 Evidence shall be picked up from and delivered to the Post Office by an Evidence Technician.

4.5.2 Evidence delivered to the Laboratory shall be checked and recorded in FA in the same manner as evidence received by mail.

4.5.3 Evidence shall be received by Evidence Technicians, except in rush cases or situations when the Forensic Scientist(s) assigned to the case is/are involved directly with the submitting officer in a review of the evidence.

4.6 Management of Evidence by a Laboratory Employee

4.6.1 Evidence marked with a Laboratory case number and item number and subsequently transferred shall be marked with the initials of the individual receiving the evidence and the date received.

4.6.2 Evidence shall be retained in designated evidence storage areas at all times the evidence is not being examined.

4.6.3 At the time the evidence is opened, the employee shall check the contents against the items listed on the Request for Examination Form or equivalent. If a discrepancy with the evidence is noted, it shall be noted in FA by the employee and witnessed in FA by another employee. If tampering is suspected, the Forensic Scientist Manager shall immediately notify the Quality Manager who shall determine the appropriate course of action.

4.6.4 Containers/items shall be re-sealed upon completion of analysis and retained securely until transferred.

4.6.5 Upon finalization of the Laboratory Report, all evidence shall be transferred to the Evidence Control Unit (unless the evidence needs to be transferred to another Laboratory Forensic Scientist), retained for additional examination, or destroyed pursuant to lawful authority.

4.6.6 In the event a Forensic Scientist leaves employment with evidence remaining in his/her secure evidence storage location, the Forensic Scientist Manager (FSM) shall ensure custody of the evidence is transferred in FA from the analyst to the secure evidence storage location. The FSM shall maintain the keys to the secure evidence storage location. If additional analysis is requested or evidence disposition documentation is received, the FSM shall assign appropriate personnel to complete the request. The FSM shall reassign any un-worked evidence to appropriate personnel.

4.7 Evidence storage and maintenance

4.7.1 Evidence in the process of being examined shall be maintained in a manner to avoid loss, contamination and/or deleterious change but still allow easy access by the examiner during the examination process. All other evidence shall be sealed properly.

4.7.2 No evidence submitted to the Laboratory shall be stored at the Laboratory indefinitely.

4.7.3 Evidence in the custody of Forensic Scientists shall be stored in evidence storage rooms or personal evidence storage areas when not actively being examined. Large and/or cumbersome items may be stored in a limited access area.

4.7.4 Access to Laboratory and Section evidence rooms/areas is limited to designated personnel. In the event that the Forensic Science Manager, Lab Director or designee enters a Forensic Scientist's evidence storage area and removes evidence, the transaction shall be documented in FA.

4.7.5 Evidence shall be replaced in the original container when possible.

4.7.6 Active examination is defined as a ninety (90) day period from the date examination begins.

4.8 Documentation of Case Transactions

4.8.1 All receipts, transfers and releases shall be documented in the chain of custody in FA each time an evidence transaction takes place.

4.8.2 Certain case transactions shall be witnessed and recorded in FA. Evidence submissions containing cash or coins in excess of \$100.00 shall be opened and counted in the presence of a witness at the time of receipt and prior to sealing the package and returning to ECU. The Forensic Scientist shall document the verification in FA and the witness shall attest to the amount in the electronic file.

4.8.3 If seals are not intact on evidence packages containing controlled substances or currency, the Forensic Scientist or technician shall document the condition of the package using FA. A witness shall attest to the condition of the package in FA.

4.9 Accountability and Inventory of Laboratory Evidence

4.9.1 Annually, as a required part of the Laboratory's Internal Quality System audit process, at least three cases per Forensic Scientist/technician shall be selected randomly by the audit team and audited to ensure compliance with existing policies and procedures.

4.9.2 A complete inventory of the Evidence Control Units in the Triad and Western Laboratories shall be conducted biannually and documented by the respective Forensic Scientist Manager. At the Raleigh Laboratory, the inventory shall be conducted biannually and documented by the Evidence Control Supervisor. Using the inventory module in FA, the inventory shall be conducted in a manner to confirm the location of evidence. All storage locations shall be cross checked to FA and documented even if there is no evidence physically present in the location. The Procedure for Corrective Action and Non-Conformities shall be followed for all unresolved issues. The results (e.g. matched/unmatched results) of each inventory, including the dates of inspection and the names of the individuals who conducted the inventory, shall be documented in a memorandum to the Quality Manager in the months of June and December.

4.9.3 A complete inventory of any storage location not controlled by an Evidence Control Unit shall be conducted annually using the same procedure in 4.9.2. A memorandum shall be issued to the Quality Manager in the month of June with the results of the inventory.

4.10 Return of Evidence from a Laboratory Employee

4.10.1 Forensic Scientists shall return sealed evidence to the Evidence Control Unit or submitting agency and record the transfer electronically in FA. If it is impractical to seal the evidence, the evidence shall be tagged securely and the tag shall contain all required identifying information.

4.10.2 Evidence to be mailed shall be placed in a container of sufficient size and strength to contain the evidence. Openings shall be sealed properly with tape so as to prevent evidence loss, cross transfer, and/or contamination.

4.10.3 All seals placed on the package by the Forensic Scientist or technician shall be initialed. In addition, the date the evidence was sealed and the barcode shall be placed on the package.

4.10.4 If evidence is being returned by mail, the Evidence Control Technician shall attach one of the following: Laboratory Report, letter, or Evidence Return Inventory Form. If evidence is retained for pick-up for a department which does not make regularly scheduled visits, the Laboratory Report shall be disseminated to the appropriate individuals as provided in Evidence Control procedures.

4.10.5 The Laboratory shall retain evidence for pick up unless otherwise authorized. If authorized the evidence may be returned via Courier Mail, Registered Mail, Commercial Carrier (e.g., United Parcel Service, Federal Express), or Personal Delivery. The employee packaging the evidence is responsible for determining the most appropriate, cost effective, and lawful method of return (i.e., live ammunition/UPS; hazardous materials/held for pick-up).

4.10.6 In all cases submitted by personal delivery for controlled substances analyses, the following types and amounts of suspected controlled substances shall be held for personal pick up by the requesting agency:

- Five (5) pounds or more of marijuana or hashish.
- One (1) ounce or more of cocaine or crack.
- One quarter ounce or 100 dosage units or more of heroin.
- One hundred (100) dosage units or more of LSD.
- One (1) ounce or more of any amphetamine, to include methamphetamine, MDMA, and related substances, clandestine, or hallucinogenic powders.
- One hundred (100) or more dosage units of Dilaudid.
- One thousand (1000) or more dosage units of any other prescription drug.

4.10.7 If evidence is submitted by an SBI agent and is held for pick-up, it shall not be released to anyone other than the submitting agent unless authorized by the agent in writing on agency letterhead.

4.10.8 Laboratory personnel who release evidence shall record the final disposition of the evidence in FA upon transfer to an external source.

4.10.9 If a Laboratory employee becomes aware of evidence which has been lost in transit to or from the Laboratory, the employee shall immediately notify the supervisor of ECU. In the Triad and Western Regional Laboratories, the Forensic Scientist Manager shall be notified. The Forensic Scientist Manager shall notify the Quality Manager who shall initiate a QAR if necessary.

4.11 Destruction of evidence - If there is legal authorization to destroy evidence; a copy of the destruction paperwork (i.e., court order) shall be imported into FA, and the Forensic Scientist/technician shall document the destruction in FA. A witness shall attest to the destruction in the electronic case file.

4.12 Evidence received at a crime scene

4.12.1 Upon request by an SBI district office or a local agency, a Forensic Scientist (s) may assist with the examination of a crime scene and/or collection of evidence.

4.12.2 The Forensic Scientist shall assist in determining what to seize as evidence and perform field tests on site, as appropriate.

4.12.3 Items seized as evidence by a Forensic Scientist shall be annotated appropriately with unique identifying information.

4.12.4 Evidence collected from a crime scene by a Forensic Scientist shall be protected from loss, cross-transfer, contamination, and/or deleterious change whether in a sealed or unsealed container during transportation to the Laboratory or other appropriate evidence facility.

4.13 Evidence Garage

4.13.1 Laboratory garages shall be used to process evidence such as vehicles, trailers, large items, bulk drug cases, etc. The evidence shall be processed as soon as practical upon receipt and the evidence removed from the garage to other storage. The garage shall not be used for long term storage of evidence by any Laboratory Section. Any use of a Laboratory garage area for non-evidence related purposes shall have the prior approval of the Lab Director.

4.13.2 A Forensic Scientist with evidence in the garage shall maintain limited access to the garage area.

4.13.3 Laboratory safety procedures and precautions shall be used while working in the garage area.

4.13.4 Employees unfamiliar with the use of mechanical equipment (specifically hoists and lifts) which may be located in the garage shall not use the mechanical equipment under any circumstances. In the Raleigh Laboratory, the Latent Evidence Section maintains the equipment in the garage area and shall be contacted if assistance is needed.

4.13.5 Each Forensic Scientist who uses the garage shall ensure the facility is cleaned, disinfected, and the equipment/tools organized prior to vacating.

5.0 Records

- Documentation in FA
- Evidence Inventory Memorandum

6.0 Attachments – N/A

| Revision History | | |
|-------------------------|----------------|--|
| Effective Date | Version Number | Reason |
| 09/17/2012 | 1 | Original Document |
| 10/26/2012 | 2 | 4.7.2 - inserted "submitted to the Laboratory"; 4.11 – changed casefile to case file |
| 03/22/2013 | 3 | Added 4.6.5 |
| 10/16/2013 | 4 | Added assignment of laboratory cases to 4.3.1; added issuing authority to header; removed reference to SBI forms |
| 08/29/2014 | 5 | 4.3.3 - added "submission" prior to documents and allowed hyphens to be added and leading zeroes omitted when Laboratory numbers are typed.; 4.6.3 - removed last two sentences dealing with toxicology blood tubes |
| 12/19/2014 | 6 | 4.11 - added import destruction paperwork into FA; 4.9.2 - added Inventory Reports submitted in June and December to QM instead of being a part of Management Review to Lab Director; 4.9.3 - added storage location inventory for storage locations not assigned to ECU |
| 10/19/2015 | 7 | 4.3.4.1.1 – added process for handling evidence not submitted. 4.3.5 – added requirement that labeling not cover submitting agency information 4.6.2 and 4.10.9 – changed Deputy Assistant Director/QM to Quality Manager |
| 04/28/2017 | 8 | 4.3.4.1.2 – added instructions for additional evidence located in packaging; 4.3.9 – moved to 4.6.1; 4.6.2 & 4.6.3 – updated to include all employees; 4.9.2 – added documentation requirement; 4.6.5, 4.10.1 – updated to Evidence Control Unit; 4.10.5 – added retained unless otherwise authorized. |