

# VERMONT FORENSIC LABORATORY

## EVIDENCE HANDLING MANUAL

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### 1.0 GENERAL EVIDENCE HANDLING POLICY

#### 1.1 POLICY STATEMENT

The Vermont Forensic Laboratory (VFL) is committed to providing the highest quality forensic services available to the criminal justice community. The Vermont Forensic Laboratory will accept physical evidence from any member of the law enforcement community and will accept cases from defense counsel. The collection, protection, and preservation of all evidence are the responsibility of every individual that may enter into the chain of custody. This responsibility is acknowledged and accepted as a standard for both the submitting agencies and the laboratory.

The following criteria have been established to ensure the integrity of all evidence and to spell out the minimal requirements and expectations for all concerned.

**CAUTION:** The importance of protecting oneself from possible pathogens or toxic substances when handling evidence cannot be over emphasized. Proper use of available protective/safety equipment is vital, i.e., nitrile gloves, protective eyewear, laboratory coats, etc. Refer to the laboratory Safety Manual (SAF\_P100) for specific instructions.

#### 1.2 EVIDENCE SECURITY PROCEDURES

All physical evidence submitted to the Vermont Forensic Laboratory will be in the custody of either a VFL employee or one of the evidence storage rooms at all times. All employees of the Vermont Forensic Laboratory will have and display an identification card. Occasionally, a sworn member who is not a member of VFL may assist in the transport of evidence within the lab.

Physical evidence will generally be stored in secure areas within the appropriate laboratory section. Access to the secured storage areas is controlled and access is determined by an employee's job function.

Once the staff member removes evidence from an evidence room, he/she has custody of that evidence.

Evidence undergoing examination (Case in Progress) may be left unattended and unsealed for brief periods of time if that evidence is maintained in a secured space and it is protected from loss, cross transfer, contamination or deleterious change.

Material generated as a function of analysis may be defined by a section as work product. Work products do not need to be retained or have chain of custody documentation.

#### 1.3 LABORATORY INFORMATION MANAGEMENT SYSTEM (LIMS) PROCEDURES

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Procedural information for LIMS submission and evidence transfer can be found in the FA LIMS How To Guidelines (LIMS\_P100).

### 2.0 EVIDENCE SUBMISSIONS

For the sake of clarity, when the term “**inventory**” is used in this section for the receipt of evidence, it means the comparison of packages obtained from the submitting officer to the packages listed on the submission form. The use of the term “**evidence technician**” is anyone acting in the role of receiving evidence who is a member of the Vermont Forensic Laboratory.

#### 2.1 GENERAL INFORMATION

The VFL will only accept secured/sealed evidence for analysis. Evidence containers, packaging or items not packaged should be labeled with the LIMS VFL number, agency case number (see Independent Blood submissions) and item number or container number by the VFL. (All information can be on a barcode attached to the container.)

The definition of “**secured**” and “**sealed**” for this purpose is a package closed as to ensure no loss of evidence using any of the following methods: heat-sealed, glue-sealed, or tape-sealed with evidence tape. It is recommended that the officer initial the heat/glue/tape seal area, but it is not a requirement for evidence submission. All physical evidence will be secured and stored in the evidence rooms. Prior to storage, a VFL employee will initial and date the evidence seal(s).

No evidence will be routinely opened and inventoried. Exceptions may be made depending upon the situation, e.g. wet evidence. Any action taken will be noted on the submission form and/or in the LIMS case notes.

##### 2.1.1 Inventory Review

The evidence technician will compare the items of evidence/packages to the submission form list of evidence. If there are no discrepancies, the evidence technician is not required to open and inventory the evidence. If there appears to be a discrepancy, the evidence may require inventorying. Discrepancies will be documented on the submission form if identified during intake. Evidence may be returned to the agency if a discrepancy cannot be resolved. (Refer to Section 2.4)

The evidence technician will initial/date the closures of the outer packaging containers that hold evidence for submission to the laboratory. A container/item of evidence is properly secured/sealed only if its contents:

- are protected from contamination, loss and deleterious change, and
- if entering the package/container would result in obvious damage or alteration to the package/container closure.

**Please note:**

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Small items of evidence need to be protected from loss. Smaller items should be packaged and sealed within larger containers. (Examples: swabs and drug packets)

Evidence needs to be protected from cross contamination. Items should be secured so that their contents are contained. (Examples: swab wrappers and closed heroin packets)

Convenience packaging can be used for larger or numerous items and containers. The convenience package should be marked "Convenience Container Only" and with the VFL number and the containers or items held within. The convenience packaging does not need to be secured/sealed or maintained.

Containers/packaging which bears a seal(s) needs to be maintained\*. The original packaging material will be returned to the submitting agency when appropriate.

**\*Exception** - some sections may decide or case specific instances arise where the packaging will not be kept. In these instances a photograph/photocopy of the packaging (details and seals) will be taken and placed into the case file and/or Object Repository. **The Toxicology Section is one of these exceptions.**

### 2.1.2 VFL Evidence Numbering System Nomenclature

#### **Submission Code:**

The submission code sequence for cases entered into the LIMS will follow an alpha format where; A = 1<sup>st</sup> submission, B = 2<sup>nd</sup> submission, C = 3<sup>rd</sup> submission, etc. If there are more than 26 submissions in a case, the submission will continue with AA, AB, AC, ... AZ, BA, BB, BC, etc.

#### **Container Number:**

Containers received into the lab will be numbered directly after the submission code; 1<sup>st</sup> container 1<sup>st</sup> submission = A1, 2<sup>nd</sup> container 1<sup>st</sup> submission = A2 and subsequent submissions could look like B1, B2, C1, D1, etc. Each section may define codes for repack containers.

#### **Item Number:**

Items (in most cases) submitted to the lab will be numbered after the Submission Code and Container Number; Item 1 from submission 1, container 1 = A1-1, Sub-Item 2 from Item 1, submission 3, container 2 = C2-1-2.

#### **Submission of Evidence**

Evidence at the door will be received as containers\*. The description of the container entered into the LIMS should indicate what items the container was "said to contain" within the packaging.

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\*Exceptions are large items such as doors and bumpers that cannot be packaged into containers can be entered into the LIMS as items.

### 2.1.3 Evidence Packaging

The purpose of sealing and packaging the evidence is to ensure that any tampering will be evident. Each package, container or submitted item (example; firearm) must be marked with the VFL number, agency case number and item number, or barcode/label containing the above information.

If it is necessary to open evidence upon submission, the original closure should be maintained intact if reasonably possible. This is the general practice for opening evidence for examination.

If evidence comes to the laboratory improperly packaged the evidence technician will:

- Document comments regarding packaging conditions in LIMS.
- Request the delivering person to properly package the evidence.
- Ensure that the evidence is appropriately sealed then initial and date all closures at the time of submission.

#### 2.1.3.1 Special Packaging Considerations

**Evidence for Biological Examination:** Plastic bags should not be used for biological evidence; instead this evidence should be packaged in paper bags/boxes. Human tissue samples should be packaged in plastic containers and stored refrigerated or frozen.

**Evidence for Latent Print Examination:** Latent prints may be lost if mishandled through excessive packaging. Items submitted for latent print processing should be submitted in a manner consistent with preserving any possible latent impressions. Containers holding evidence for submission in this manner may be sealed if practical, but the preservation of the latent impression should be paramount.

**Large Evidence Items:** Items that are too large to be sealed in a container, i.e., a wooden door, automobile fender, couch, etc., will be packaged in a manner to protect and seal the specific area that will be examined/analyzed.

### 2.1.4 Evidence Submission Information Details

The submission form\* and the LIMS should be filled out by the submitting officer and evidence technician, respectively.

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- \*305 Evidence Submission Form (EH\_F100\_1)
- \*Request for Analysis for Alcohol Drugs in Blood form (EH\_F100\_2)
- \*Request for Independent Analysis of Blood for Alcohol Drug Content form (EH\_F100\_3)

**NOTE:** Evidentiary blood kits are supplied with additional paperwork including an “Instructions for Sample Collection and Packaging for Evidentiary Blood Specimen” sheet (EH\_F100\_2\_1).

**NOTE:** Independent blood kits are supplied with additional paperwork including a “Request for Independent Blood Collection” (EH\_F100\_3\_1) and an “Instructions for Sample Collection and Packaging for Independent Blood Specimen” sheet (EH\_F100\_3\_2).

### 2.1.4.1 For Independent Blood Submissions

Incident # (Case #) – two digit year ALC two digit month two digit day (a, b, c) (based on the number of submissions on a given date) (Ex. 12ALC0325a, 12ALC0326a and 12ALC0326b)

Agency - ALC

Investigating officer - Toxicology Section Supervisor

UCR (offense code) – 99

Examinations Desired - Alcohol

### 2.1.4.2 For Evidentiary and Independent Blood Kits and Alcohol Affidavit Requests

Examinations Desired – select Alcohol

The following codes should be added to the LIMS case record Notes and Discipline Fields: **A:** alcohol request, **D:** drug request, **I:** independent request, **AFF:** breath or blood affidavit request.

### 2.1.4.3 For DFSA (Drug Facilitated Sexual Assault) kit submissions

Incident # (Case #) – two digit year DFSA two digit month two digit day (a, b, c) (based on the number of submissions on a given date) (Ex. 12DFSA0325a, 12DFSA0326a and 12DFSA0326b)

Agency – VFL

Investigating Officer – Lab Director

UCR (offense code) – 02

Examinations Desired – Alcohol

The acronym **DFSA** should be added to the LIMS case record Notes and Discipline Fields. Any forms or victim information inside the kit should be removed and given directly to the Lab Director.

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NOTE: If a DFSA kit/sample is received with other evidence (i.e. sexual assault kit), it may be logged into LIMS under the agency case number.

## 2.2 SECTION SPECIFIC INFORMATION

### 2.2.1 Independent Blood Submissions

Blood kits that are submitted for independent analysis do not have an associated agency case number. These submissions will be logged into the LIMS with the identification info as detailed in Section 2.1.4.1.

### 2.2.2 Relation Back and Case-Specific Infrared Affidavit Requests

Relation Back and Case-Specific Infrared Affidavit Requests for the Toxicology Section will be submitted into the LIMS. These cases will have an associated agency case number and investigating officer. The documentation will be submitted as Item A1 (or subsequent submission #) in order to create an exam request. These packets are not considered evidence but are part of the examination documentation.

Affidavit requests received from defense attorneys will be given the FA case number YYOAMMDD where YY= year, OA= other agency, MMDD= date of receipt rather than using the arresting agency case number. These requests are sent to the defense attorney and not the arresting agency or the prosecuting attorney. The arresting agency case number will be used for affidavit requests received from law enforcement agencies or the prosecution. If a request has been made by both parties, the two separate FA cases should be linked in LIMS.

### 2.2.3 Firearm Submissions

Firearms will be received in an unloaded state and packaged according to the above mentioned guidelines. The submitter will indicate the muzzle direction and mark the container “unloaded.”

Firearms and ammunition, including unfired and fired ammunition components, should be packaged separately. Ammunition may be submitted within a larger firearms parcel (e.g., a gun box) provided it is sub-packaged and recorded on the outermost container.

Firearms submitted directly to the Firearms Section may be placed on the active evidence shelf in the Firearms Section prior to a safety check as this will be performed as a standard part of a firearms analysis.

If a firearm is not received in the unloaded state, a firearms examiner will be notified to accept the evidence. It is preferred that the submitter will make

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arrangements with the Firearms Section prior to submitting loaded firearms to ensure that an examiner is available.

**A firearms safety check will occur** as outlined below:

Firearms safety checks will be performed by a firearms examiner or an evaluator who has training and authorization to perform firearms safety checks.

The firearms examiner or designated evaluator will sign, date and mark the outside of the package as “safety checked” to clearly indicate that the check has occurred. A brief note that the firearm was assessed should be documented in LIMS (chain of custody [COC] comments field) by the individual performing the assessment. Further documentation including photographs may be captured as needed.

**OR**

The evaluator may request the submitting officer to demonstrate that the firearm is unloaded to the evaluator. A brief note that the firearm was assessed should be documented in LIMS (COC comments field).

**OR**

The firearms examiner will take custody of the firearm and confirm that it is unloaded. Transfer of the firearm to the evaluator will be documented in LIMS.

The evidence will then be transferred to the appropriate section, or placed in a designated storage area in the evidence receiving room. **All firearms should always be treated as if they are loaded regardless of any assessments. The assessment and signature do not guarantee that the firearm is safe, and all individuals should observe the standard firearms safety protocol found in the Firearms and Toolmarks Procedures Manual (FIR\_P100).** Individuals uncomfortable with any aspect of the firearm should consult with a firearms examiner prior to handling as firearms can become unsafe with any manipulation by an individual who is unfamiliar with firearms.

If no trained individual is present at the lab when the firearm arrives, it will be placed in a **designated safe location** in the evidence receiving room and clearly identified as “**awaiting safety check**”. It will remain there until the check is performed. No unchecked firearm will be placed on an active case shelf or transferred to another section, except the Firearms Section, before the safety check has been completed.

If the firearm needs to be manipulated in a way that could possibly cause accidental discharge, the barrel of the gun must be pointed into the free standing



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safety boot in the Evidence Receiving room, or the firearm must first be moved to an appropriate location in the Firearms Section.

All firearms should be packaged and sealed. Submitted firearms should be wrapped in paper or boxed, or plastic if dried, and sealed as per other biological evidence. Firearms submitted as latent print evidence should be cradled in a box and sealed if reasonably possible. Items for serology, DNA, and firearms examination should also be cradled.

### 2.2.4 Latent Print Evidence Submissions

When evidence is submitted that requires latent print recovery (in addition to any other examination/analysis) it is recommended that the submission form be prominently marked for latent print examination.

### 2.2.5 Ten-print Cards

Fingerprint cards (ten-print cards) of rolled, inked fingerprints are used for comparison purposes and periodically may be submitted with evidentiary material that may be processed for latent prints. These cards are treated as evidence if they are submitted to the lab and should be packaged and sealed accordingly.

### 2.2.6 Photography & Videos

Typically, photographic film and videotapes are not considered evidence. This usually is the case when these are taken by an officer to serve as a record. Imaging media that is not considered evidence is submitted on a Request for Photographic Services (EH\_F100\_6) and handled according to standard Imaging protocols.

Film and videotapes that are received on a 305 Evidence Submission Form (EH\_F100\_1) that were confiscated as part of a search warrant or otherwise submitted as evidence must be considered as evidence and are treated as such. The 305 Evidence Submission Form (EH\_F100\_1) and LIMS submission must be completed and all chain of custody procedures followed. The evidence must be sealed and stored in General Evidence storage while awaiting analysis.

## 2.3 EVIDENCE DELIVERY METHODS

### 2.3.1 Evidence Delivery in Person

Submitted evidence **MUST** be accompanied by a **submission form**. Should a case lack a proper submission form, the submitter may complete a form at the point of submission. If the person delivering the evidence cannot complete a submission form with sufficient information relative to a case, the submission of

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evidence may be refused. The only exception to this requirement is the submission of independent blood kits.

### 2.3.2 Submission Via Evidence Locker

An officer can make use of the evidence lockers for submitting evidence to the laboratory. The submitted evidence must include a completed 305 Evidence Submission Form (EH\_F100\_1) with the chain of custody clearly indicating which officer placed the evidence in the locker, date, time, and locker number. As long as the evidence is properly secured (heat, glue or evidence tape closures) multiple cases may be placed in one locker. The evidence technician will check the evidence lockers each day and log any evidence into the LIMS. Any discrepancies of the submission during the entry into the LIMS should follow the same procedures as if the item were received via common carrier (Refer to Section 2.4 Evidence Discrepancy).

\*For blood kits, if the evidence locker is used for submission, a 305 Evidence Submission Form (EH\_F100\_1) must be filled out.

### 2.3.3 Evidence Delivered Via Common Carrier

Evidence may be sent to the laboratory for submission by certified mail (or similar route which is tracked), provided that the evidence is properly packaged. A member of the laboratory will pick up the certified mail, preferably on a daily basis. The time and date received at the post office are the official receipt noted on the submission form and LIMS. Packages should arrive in a suitable and undamaged container. Unacceptable containers may need to be brought to the attention of the Lab Director. Refer to Section 2.4 Evidence Discrepancy.

The evidence technician should retrieve the evidence submission form from the package and do a brief review of the contents contained within compared to what is listed on the submission form. If the submission form is inside the package with evidence, the evidence technician opens the package to remove the form and properly reseals the package. The evidence technician will appropriately annotate the form, and record "OPENED TO REMOVE SUBMISSION FORM ONLY & REPACKAGED". Only evidence pertaining to one case should be sent in each certified package. Refer to Section 2.4 Evidence Discrepancy.

Evidence technician will record the method of delivery in the LIMS and on the submission form. (Example: CERTIFIED MAIL 0314 0511 0401 0201)

## 2.4 EVIDENCE DISCREPANCY

During the receipt of evidence, any identified discrepancy between the submission document and the actual items must be resolved between the laboratory and the submitting officer. A supervisor may be called for assistance to resolve the discrepancy.

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If a discrepancy was noticed with evidence that was received via common carrier, a supervisor may need to be notified to attempt to resolve the situation. If evidence pertaining to multiple cases is submitted in a single package, each case and its related evidence must be separated into individual containers. Evidence pertaining to additional cases may be repackaged by the evidence technician as needed. For each case, a note will be made in LIMS identifying which case numbers were received together and with which case the original packaging remains.

Corrective action may include a supervisor or lab designee correcting the discrepancy, documenting the correction(s), and notifying the submitting agency or refusing to accept the evidence as presented. An appropriate documentation of the resolution of a discrepancy could include a phone log describing the discrepancy and the resolution reached between the laboratory and the submitting agency. If necessary, copies of corrected submission forms may be given/forwarded to the submitting agency.

Further options to resolve a discrepancy may include, but are not limited to:

The personal appearance of a representative from a submitting agency who will, or supervisor who will: verify the discrepancy, correct the submission documents, initial and date any corrections or return the evidence without analysis to the submitting agency.

### 2.5 DRYING WET EVIDENCE

Occasionally evidence may be submitted wet. This evidence must be dried to prevent possible degradation. The forensic drying cabinets will be used for this purpose (refer to the Drying Cabinet Procedure posted near the units for additional details).

In general, after placing the evidence and original packaging in the drying cabinet, close and lock all latches to keep the doors shut. Document the case number and date/time evidence was placed in cabinet on the drying cabinet log attached to each cabinet. Turn on the cabinet and allow evidence to dry. After evidence is dry, document date/time evidence was removed from cabinet on cabinet log; reseal dried evidence in original packaging, if possible. Follow the usual procedure for sealing the evidence and place in storage. Be sure to capture appropriate chain of custody in the LIMS. The cabinet should be cleaned between uses as outlined in the procedure posted adjacent to the cabinet. Metal evidence that may rust, such as a gun, is one exception to the rule that evidence should be dried. This evidence should be maintained wet until examination. Check with the Firearms Section for more details concerning this type of evidence.

If items are placed in the drying cabinet immediately following submission, the containers do not need to be sealed at intake. Containers should be reviewed for discrepancies by the individual placing item(s) in the drying cabinet.

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### 2.5.1 Marijuana Cultivation

In cultivation cases, a 6-inch portion of the tops of the marijuana plants should be submitted to the laboratory (each top should be in a separate paper bag). Live or extremely large marijuana plants should not be accepted as evidence. The plant material should be dry, placed in paper bags and no more than 40 plant tops should be submitted. Green plant material that is submitted fresh or damp should be placed in the drying cabinet in open paper bags to allow drying. Alternatively, the plants could be dried in the Drug Chemistry fume hoods, with the sash closed and sealed. Detail the method of drying on the worksheet and/or appropriate chain of custody. The bags should be sealed as soon as possible after the plants have dried.

### 2.5.2 Biological Evidence

Biological evidence submissions must be air dried (if wet) before submission into the laboratory. Biological evidence that is submitted wet should be placed in the drying cabinet to allow drying. The items must be properly sealed and submitted in suitable packaging such as paper bags or cardboard boxes (not plastic bags) in a manner to prevent degradation. Exceptions to the packaging requirements may be made on a case-by-case basis when storing the item in frozen or refrigerated conditions.

## 2.6 EVIDENCE CASE SUBSEQUENT SUBMISSIONS

The LIMS identifies new submissions vs. subsequent submissions based on the agency case number. 305 forms and containers/evidence are marked with the appropriate submission codes/numbers.

## 2.7 EVIDENCE RESUBMISSIONS

If the original seals and packaging are intact, the evidence may be resubmitted using the original item numbers. However, the LIMS will create a new submission for the case. Search the LIMS for the case (either by VFL number or agency and agency case number). Go to evidence tab, select Resubmit button and highlight the evidence to resubmit.

If the original seals and packaging are not intact, submit the evidence as new evidence. However, use the original numbering in the item description. In the LIMS, search to find the case and add a new submission.

A new barcode needs to be added to the evidence that is resubmitted. Single line cross out the old barcode and initial and date. Do not place the new barcode over the old.

## 2.8 EVIDENCE TRANSFER TO EXTERNAL LABORATORIES (ETEL)

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This is the transfer of evidence out to an external laboratory/agency for analysis. In the LIMS there is a transfer type for ETEL. If this transfer type was used to send the evidence out, the evidence can be transferred back into the lab. This can be done by scanning the barcode label or finding the item in the evidence section and selecting transfer. The evidence is then transferred to the appropriate storage location. If the evidence had been sent out by another method, the evidence may need to be resubmitted. Refer to Section 7.0 for more information.

### 3.0 EVIDENCE STORAGE

#### 3.1 PHYSICAL EVIDENCE

The following guidelines will be adhered to for storage of evidence prior to analysis:

**3.1.1 Evidence for Drug Analysis** will be stored in the Drug Evidence Storage Room. If liquid/food samples are submitted, they can be stored in either the General Evidence Storage Room refrigerator or in the Drug section evidence storage area refrigerator.

**3.1.2 Evidence for Biological Analysis** will be stored in the General Evidence Storage Room on the Biology Section shelving. Certain exceptions may be made on a case-by-case basis.

**3.1.2.1 Evidence Requiring Serological and Comparison Examination(s)** will be stored in the General Evidence Storage Room in the Biology Section shelving. Certain exceptions may be made on a case-by-case basis.

\*See Section 5.3 regarding evidence to be examined by multiple sections including physical comparison.

**3.1.3 Evidence for Firearm Examination** will be stored in either the General Evidence Storage Room in the Firearms Section or in the section evidence storage area.

\*Refer to Section 2.2.3 for procedure on Firearms submission, safety check and storage procedures.

**3.1.4 Evidence for Latent Print Examination** will be stored in the General Evidence Storage Room.

**3.1.5 Evidence for Photography and Video Services** must be sealed and stored in the General Evidence Storage Room.

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**3.1.6 Evidence for Toxicology Analysis** will be stored in either the General Evidence Storage Room in the Toxicology refrigerator or in the Toxicology section evidence storage area refrigerator.

### 3.1.7 Other Evidence

Personnel receiving evidence will seek the assistance of supervisory and technical staff relative to the appropriate handling and storage of any evidence not encompassed by the list above.

## 3.2 DIGITAL EVIDENCE

Photographs designated by the Latent Print section as evidence will be retained according to the Latent Print Examination Procedures Manual (LP\_P200).

## 4.0 EVIDENCE INVENTORY

A full descriptive inventory of the evidence does not typically occur upon evidence submission but upon the examination/analysis of the evidence. When this is performed, compare the contents of the evidence to what is listed on the evidence submission form, typically the 305 Evidence Submission Form (EH\_F100\_1)\*. If there are any major discrepancies, notify the supervisor and/or the Laboratory Director immediately. When describing the evidence, begin with the outermost package and work inward. Numbering of the items is done in a type of nesting format. Frequently the evidence submission form will not reflect the packaging of the items, but all packaging materials and items should be documented on the worksheet and/or in LIMS. The descriptions should be as detailed as possible as well as documenting if any of the packages were sealed.

\***Evidentiary alcohol/drug blood kits** will typically have a Request for Analysis for Alcohol Drugs in Blood form (EH\_F100\_2).

**Refer to 2.1.2 VFL Evidence Numbering System Nomenclature.**

**4.1 Evidence Descriptions Detail** (should be sufficiently detailed to allow the unique identification of the evidence)

At intake, containers will most often have a description “said to contain” in the LIMS. In the LIMS each section has an area to further describe the container with “found to contain” or with language describing the contents of the package.

Sub-items recovered from an evidence item will need to be identified by a unique number. A number of items may be recovered from an evidence item; e.g. stains, hair, fiber, fingerprints, cartridge cases, etc.

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Separate items/samples within each container are marked sequentially. Derived evidence can be given a unique code per section. Examples: Latent lift A2-1a or DNA extract A2-1x.

All evidence analyzed or inventoried must be identified. If the individual item is too small to identify by marking directly with the item number and case number, the most proximal container will be properly marked.

If numerous items are not individually analyzed, e.g. numerous heroin bags that are not tested, or the contents of a handbag not fingerprinted, these need not be individually marked, but the items may be placed into a larger container and marked to indicate the items contained within.

### 4.2 Discrepancies During Inventory

Refer to Section 2.4 Evidence Discrepancy. Documentation of discrepancies during inventory for analysis will also be documented in the examination case notes.

## 5.0 EVIDENCE MOVEMENT WITHIN THE VFL

The Evidence Movement Section encompasses all evidence procurement by any staff within the laboratory.

### 5.1 OBTAINING EVIDENCE

The Section Supervisor or her/his designee may assign a case. Typically casework assignment is left to the discretion of the examiner within the section. Cases are chosen using a number of criteria: case priority, "Rush" based on court dates, or first in/first out.

The examiner will remove evidence assigned to an exam request from the evidence storage area in their section or make arrangements with the evidence technician to obtain custody of the evidence from the main evidence storage area.

The transfer of evidence will be documented in the LIMS. The following transfer details are documented;

- **Room to Person** - Room (name or number), date/time of transfer, and ID of person receiving evidence (initials, signature or secure electronic ID).
- **Person to Person** - ID of person relinquishing evidence (initials, signature or secure electronic ID), date/time of transfer, and ID of person receiving evidence (initials, signature or secure electronic ID).
- **Person to Room** - ID of person relinquishing evidence (initials, signature or secure electronic ID), date/time of transfer, and Room (name or number).
- **Room to Room** - When evidence is moved from one storage location to another, the person making this transfer must be identified in the chain of custody.

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**NOTE: Room** = room, freezer, drying cabinet or other laboratory approved secured storage location

### 5.2 LIMS COC DEVIATION FROM PROCEDURE

If for some reason the LIMS is down, evidence transfer still needs to be documented. The transfer should be captured on the Temporary Chain of Custody Form (EH\_F100\_7).

Refer to Section 5.1 for types of transfer and required information. When the LIMS becomes available it will be updated with the appropriate COC information; either by the analyst and/or LIMS administrator. Comments may need to be made in the LIMS case details explaining the deviation from procedure.

### 5.3 EVIDENCE HANDLING WHEN MULTIPLE ANALYSES ARE REQUESTED

#### 5.3.1 Considerations for Latent Prints

Special care should be taken when handling items requiring latent prints examination. Gloves must be worn to prevent deposition of examiner fingerprints onto the evidence. Additionally, items should be handled minimally to avoid obliteration of possible latent prints.

In instances of evidence submitted for biological testing, in which latent prints examination is also requested, qualified personnel will collect the biological sample (*e.g. swabs from bottles and cans for possible saliva*) in a manner to protect possible latent prints evidence. Instances where collection of a biological sample would impede latent prints examination, and vice versa, the submitting agency should be contacted to determine options for evidence processing.

Drug evidence is typically removed from the item that is to be processed for latent prints. For all cases, mark the item number as small as possible in an inconspicuous place or most proximal container. Place the item in another type of container for proper storage - typically a paper bag. Mark with either VFL number or agency case number on the outside of this package.

#### 5.3.2 Considerations for Alcohol and Toxicology

Evidence for alcohol or toxicology analysis should be examined by the Toxicology Section prior to any other analysis requests. Following analysis blood samples submitted for Toxicology may be used to create a DNA standard, if requested. Documentation of the request (and authorization) will be maintained in case file and/or OR.



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### 5.3.3 Considerations for Biology

If evidence needs to be examined by another forensic discipline prior to Biological examinations, then appropriate personal protective equipment must be worn to prevent contamination of the sample.

Instances where Drug analysis may impede biological testing (such as syringes), and vice versa, the submitting agency should be contacted to determine options for evidence processing.

### 5.3.4 Considerations for Drug Chemistry

Instances where Drug analysis may impede biological testing (such as syringes), and vice versa, the submitting agency should be contacted to determine options for evidence processing. Touch DNA requests on drug evidence is not recommended (specifically for possession cases).

Drug evidence is typically removed from the item that is to be processed for latent prints. For all cases, the item number should be marked as small as possible in an inconspicuous place or on the most proximal container. Place the item in another type of container for proper storage - typically a paper bag. Mark with either VFL number or agency case number on the outside of this package.

## 5.4 EVIDENCE CONSUMED IN ANALYSIS

During any type of examination that requires consumption of a portion of evidence, attempts will be made to preserve a portion of the sample for future analysis. If evidence needs to be consumed during analysis the analyst must get written permission from the customer to consume the evidentiary sample in the testing process (destructive testing). This written permission must be retained in the case record in accordance with the Quality Assurance Manual (QA\_P100).

## 5.5 NEW ITEM PACKAGING

If the original packaging of an item is no longer usable because of cuts, tears, etc. **DO NOT DISCARD\*** the original packaging. The original packaging is maintained, and can be re-packaged with the original evidence or packaged separately for return to the submitting agency. The new packages must be labeled and sealed according to lab policy.

\*See exception in Section 2.1.1.

## 6.0 EVIDENCE HANDLING AFTER ANALYSIS

### 6.1 PACKAGING OR REPACKING EVIDENCE FOR RETURN

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Once the lab examinations are completed, the evidence is packaged/repackaged and sealed.

The evidence container is clearly marked with an agency case number, and with container or item numbers as appropriate. The VFL number may also be used as a unique identifier. One barcode label must be on the outermost container to be read for evidence transfer.

### 6.1.1 Simple Package

A simple package has complete nesting of original container and item(s). The container barcode sticker can be placed on the outer package or the container may already have a barcode sticker from submission.

### 6.1.2 Complicated Cases

**Repack** - Containers\* and Items that are placed into a repack are nested within the repack. Only the repack label is displayed on the outer package. All contents of the repack are transferred by scanning the repack barcode due to the nested association.

\*The container size should not be smaller than ~6 inches x 9 inches (approximate size of the Lab's small plastic evidence bags). If a case has multiple small containers and items (ex. numerous small envelopes) they should be placed into a repack with a repack barcode. They should not be placed into a convenience container. Protecting the evidence from loss is essential.

**Biobags** - Biological items placed in a bag or other suitable container. Often these are cuttings removed from clothing or other items. One barcode sticker per bag/container.

### Package Items Individually (Multiple Simple Packages)\*

Pack items into their original container and place the label onto the container (should already have one from submission). Container and item(s) need to have a nested relationship in the LIMS; thus allowing for transfer of container and item(s) together. The original container and contents can also be placed into a sealed outer package as described in Section 6.1.1 which is labeled with the original container's barcode. (This repack is not identified in the LIMS as it is only used for secure storage of a single original container and its contents.)

\*Multiple Simple Packages can be placed into a **Convenience Container**. This container is labeled with "convenience" and the case number(s). No barcodes or seals are required. Convenience containers are **NOT** to be used for multiple small containers or items; swabs, glassine envelopes and VSP envelopes are some examples.

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### 6.1.3 Packaging for Return/Storage Summation

Ensure repack barcode or the original container barcode are on the outermost container.

When the barcode is scanned all contents of the container are transferred. Make sure containers and items are nested correctly for transfer.

## 6.2 CHAIN OF CUSTODY (COC) – INTRA-LABORATORY

The complete intra-laboratory COC history is maintained within the laboratory's LIMS. Customized copies of the COC may be printed to reside with the evidence while in storage at the lab if desired. (Older cases still within the laboratory that do not have a COC that resides in LIMS will have paper chain of custody forms with the evidence. These documents will be used to record evidence transfer.)

COC reports can be printed at any time for discovery purposes. Numerous formats are available: whole case COC, submission COC, case record COC or an individual item COC.

## 6.3 EVIDENCE STORAGE AFTER ANALYSIS

After analysis the evidence is placed into the appropriate storage location; examples of these include the outgoing shelves for law enforcement agencies.

The transfer is completed and documented in the LIMS.

The evidence is returned to a representative of the submitting agency or may be returned by a trackable common service provider.

If there is a need to open the packages to inventory the items, the packages should be resealed, dated and then initialed by the laboratory representative.

## 6.4 DISPOSITION OF EVIDENCE BY SECTION

### 6.4.1 Disposition of Firearms

Firearms that have been examined may be disposed of in a number of ways. If the firearm is part of a case, it is returned to the submitting agency. Firearms may be maintained as a library reference as discussed in Section 9.4.

Occasionally the Vermont Forensic Laboratory will receive evidence related to an officer involved shooting. When the evidence examination is complete, the evidence may be returned to the investigating agency but should not be returned

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to the involved officer unless the prosecuting authority or appointed authority grants prior permission for the return of their weapon.

The Vermont State Police may investigate an officer involved shooting involving local or county officers. The evidence from these events will be returned to VSP unless VSP grants permission for the return of the evidence directly to the agency.

### 6.4.2 Disposition of Biological Evidence

#### 6.4.2.1 Biobags

Biobags are stored on DNA shelving in the General Evidence Storage Room pending further testing. The evidence within the biobag is packaged to preserve the biological integrity.

##### 6.4.2.1.1 Biobag Return Policy

All biobags should be returned to the submitting agency once it has been determined that no additional testing is needed.

The chain of custody of this evidence is maintained in the LIMS for cases worked on from 11/2007 to present and on Disposal of Evidence (DOE) forms\* for cases before 11/2007.

\*DOE forms were historically used to detail those items that are to be returned or otherwise disposed of from a particular case.

The transfer of the evidence back to the submitting agency will be recorded on the DOE for older cases and in the LIMS for cases worked after 11/2007. **Time, date and initials of the person returning the evidence and the name of the individual accepting the evidence (in a legible manner) will be recorded on the DOE form for older cases. A return receipt will be provided to the submitting agency. The LIMS automatically stores a copy of the receipt in the system's case details level object repository.**

#### 6.4.2.2 Return of DNA Extracts (DNA Extracts are considered evidence)

DNA extracts may be packaged in foil pouches and returned to submitting agencies.

#### **Sealing, Inventory and Chain of Custody of ALL DNA Extracts:**

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The packages containing DNA extracts must be sealed prior to their release. An inventory of the item number(s) from which the DNA was extracted should be written on the exterior of the package along with, at a minimum, the case number. Chain of custody for the DNA extracts into and out of the freezers/evidence rooms can be documented on the packaging or associated logs if the extracts are not in LIMS. Information need not be written on the package if the package bears a barcode that allows access to the case information and chain of custody. The reagent blank(s) for the case should be included with the evidentiary samples. It is unnecessary to keep the VFL control post-testing. A warning that DNA is contained within must be affixed to the package. The agency must be further warned that the package IS NOT TO BE OPENED.

If resubmission of DNA extracts becomes necessary, packages opened without laboratory supervision or exhibiting signs of tampering will not be accepted.

### 6.4.2.3 Biological Evidence Destroy Request

Refer to Section 9.3.

### 6.4.3 Blood Alcohol/Drug

Refer to Sections 9.1 and 9.2.

Affidavit requests will be documented as “Returned to Agency” or “Destroyed” in the LIMS but are not considered evidence.

### 6.4.4 Disposition of Drug Evidence

Refer to Section 8.

## 6.5 EVIDENCE RETURN TO AGENCY

The LIMS contains the complete chain of custody; the individual returning the evidence will record the transfer from the room to him/herself and the transfer to the agent of the submitting agency. A return receipt will be provided to the submitting agency. The LIMS automatically stores a copy of the receipt in the system’s case level object repository.

## 7.0 EVIDENCE TRANSFER TO EXTERNAL LABORATORIES (ETEL)

Certain examinations that are outside the expertise of the VFL or require the examination by experts at other laboratories (ex. independent blood requests) are sent out using the ETEL procedure. Selecting ETEL as the transfer type allows the evidence to be directly transferred

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back into the lab rather than making a resubmission. Transfers for defense requests refer to Section 7.2.1.

Procedures for transferring evidence via ETEL.

- Person to person transfer - Evidence may be directly transferred to an examiner/officer at the door. The transfer is recorded in the LIMS; select ETEL as the transfer type and evidence as the lab section.
- Common carrier transfer - The procedure for transferring evidence by common carrier is outlined below. The transfer is recorded in the LIMS; select ETEL as the transfer type and evidence as the lab section.

### 7.1 ETEL LIMS DETAILS

Transfer Type - ETEL

At Section - Evidence

Record the following information in the Comments Field

- Tracking information - Carrier used or hand to hand transfer (person X)
- The Laboratory or Agency evidence is being transferred to
- Date and initials

### 7.2 COMMON CARRIER-TRANSFER PROCEDURE

#### 7.2.1 Letter of Request

##### Transfer to FBI or other Lab Transfers

A specific letter of request must accompany examinations sent to the FBI or other laboratories. This letter details the examination requested, the evidence being sent, and the name of the laboratory contact person and/or officer to allow the staff at the receiving laboratory to ask questions regarding the evidence. The letter is signed by the Laboratory Director or his/her designee and is maintained by the VFL in the case file. In cases where ongoing work is being performed by a contractor, no letter of request is necessary.

##### Independent Analysis Request

Before any evidence (with the exception of independent blood kits) that has been submitted by an investigating agency is sent out for independent analysis per request of another party, a letter authorizing the analysis from the prosecuting attorney representing the case must be received and is maintained by the VFL in the case file. Note that if a drug analysis is required, the DEA number of that laboratory must be obtained to assure that the laboratory can accept regulated drugs for analysis.

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### 7.2.2 Trackable Common Carriers

#### 7.2.2.1 US Postal Service

The evidence is typically sent via US Postal Service certified mail. Two forms are completed to use certified mail: the 3800 and 3811.

**“PS 3800 Form”** (“Certified Mail Receipt”; Provides the unique tracking number for the evidence being sent).

Two portions:

- First portion is placed onto the evidence; it has the tracking number and barcode.
- Second portion is the receipt which is kept by the lab and is placed into the case file. It also has the tracking number printed on it. The lab case number should be placed on this form so it can be coupled with the case file.

**“PS 3811 Form”** (“Domestic Return Receipt”; a postcard addressed to the VFL).

Adhere the portion of the PS 3800 to the PS3811 form in the appropriate space.

Write the VFL number on this form as well.

When this form is returned it will also be placed into the case file.

#### 7.2.2.2 Federal Express

Federal Express will pick up the evidence in the main lobby; arrangements can be made by phone. A carrier shipping label will be prepared. If needed, Federal Express receipts may be requested by calling their 800 number and asking for a written proof of delivery. The receipts shall be placed in the case file.

### 7.3 ETEL CHAIN OF CUSTODY

For internal chain of custody records an FA ETEL transfer receipt is created for evidence transferred to an external laboratory.

### 7.4 ETEL LOG BOOKS

A record of the cases sent out for analysis may be maintained in a logbook separate from the LIMS if sections find this convenient. These logs are for tracking purposes but are not a requirement.

### 7.5 RETURN OF ETEL EVIDENCE

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Refer to Section 2.8.

### **8.0 DRUG EVIDENCE RETURN**

#### **8.1 EVIDENCE INVENTORY**

Drug analysts must have their drug evidence inventoried after analysis. The person performing the inventory will take custody of the evidence and verify each item inventoried during the analysis as detailed on the LIMS “Evidence Tree View” list. The inventory will be performed by another drug analyst, evidence technician or designee. The inventoried evidence will be marked with the letter “I” for inventoried and initialed and dated by the inventorying individual (typically documented on the evidence packaging).

#### **8.2 EVIDENCE RETURN TO AGENCIES**

Local drug cases will be returned to the submitting agency. Task force and state police drug cases will be returned to their evidence handling officer or their designee.

### **9.0 EVIDENCE DESTRUCTION**

#### **9.1 INDEPENDENT BLOOD SAMPLE**

Independent blood samples will be held for a minimum of 45 days in accordance with Vermont Statute Title 23 § 1203c. After that time, blood samples may be disposed of along with other biohazardous waste. The date of disposal is entered into the LIMS system.

#### **9.2 EVIDENTIARY BLOOD SAMPLE**

Evidentiary blood samples will be held for a minimum of 90 days after the completion of analysis. After that time, blood samples may be disposed of along with other biohazardous waste. The date of disposal is entered into the LIMS system.

#### **9.3 BIOLOGICAL EVIDENCE DESTROY REQUEST**

Occasionally the laboratory may be asked to destroy some biological evidence. This request must be in writing and kept in the case file. The evidence is then disposed of appropriately. Biohazardous material may be autoclaved. The date of disposal is entered into the LIMS system. It is preferred that the biological evidence be returned to the submitting agency rather than destroyed at the VFL.

#### **9.4 FIREARMS EVIDENCE**



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Firearms that have been examined are returned to the submitting agency unless the firearm is slated for destruction and the VFL decides to maintain it as a library reference.

### 10.0 CASE NOT EXAMINED (CNE)

Occasionally evidence will not require examination as per request of the prosecuting agency, the submitting agency, case disposition or if the evidence has been retained by the laboratory for an extended period of time. When this occurs, the case record request will be terminated in the LIMS (comments with regards to why case record was terminated are recommended). With CNE cases a report typically will not be issued. The evidence is transferred to the appropriate room for return to agency and recorded in the LIMS.

#### CNE Steps

If an analyst has been notified that an analysis request is not required they should submit this notification to the FA LIMS listserv email requesting the case record be terminated.

- The case record will be terminated in LIMS.
- Case notes, phone log or other notation, should be captured stating why the case is not being analyzed. (A copy of the request should be placed into the LIMS object repository).
- The evidence will be placed into the appropriate evidence return area.

### 11.0 EVIDENCE HANDLING TRAINING CHECKLIST

See the Training Checklist for EH Technicians (EH\_F100\_8).

### 12.0 REFERENCES

Safety Manual (SAF\_P100)

FA LIMS How To Guidelines (LIMS\_P100)

305 Evidence Submission Form (EH\_F100\_1)

Request for Analysis for Alcohol Drugs in Blood (EH\_F100\_2)

Instructions for Sample Collection and Packaging for Evidentiary Blood Specimen (EH\_F100\_2\_1)

Request for Independent Analysis of Blood for Alcohol Drug Content (EH\_F100\_3)

Request for Independent Blood Collection (EH\_F100\_3\_1)

Instructions for Sample Collection and Packaging for Independent Blood Specimen (EH\_F100\_3\_2)

Printed copies of this manual are uncontrolled.

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Request for Photographic Services (EH\_F100\_6)

Temporary Chain of Custody Form (EH\_F100\_7)

Training Checklist for EH Technicians (EH\_F100\_8)

Quality Assurance Manual (QA\_P100)

Firearm and Toolmarks Procedures Manual (FIR\_P100)

Latent Print Examination Procedures Manual (LP\_P200)

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DOCUMENT HISTORY			
DATE	VERSION	APPROVED BY	ACTIVITY OR REVISION
1/15/2015	1	Lab Director	Combined sections into single document (previous versions 5 or 6); revised drying cabinet procedure; updated Biobag policy; removed definitions section; EH_F100_1 replaces DPS 305; EH_F100_2 replaces ALC_F001; EH_F100_3 replaces ALC_F004; EH_F100_4 replaces DRG_F002; EH_F100_2_1 replaces ALC_F002; EH_F100_3_1 replaces ALC_F003; EH_F100_3_2 replaces ALC_F005; EH_F100_5 replaces EH_F102_1; EH_F100_6 replaces DPS 306; EH_F100_7 replaces VFL Temp COC; EH_F100_8 moved from previous Section 11 to a form
2/25/2015	2	Lab Director	Sections modified (2.2.6, 2.5.2, 3.1.5, 5.3.1, 5.3.2, 6.1); section 4 numbering fixed; section 5.4 updated to mirror QA_P100_Quality Assurance Manual; section 6.4.5 removed; exemption added to request letter section of 7.2.1; removed reference to location of Evidence keys
3/12/2015	3	Lab Director	Section 6.1.2 updated to outline exceptions in use of convenience containers
12/19/2016	4	Lab Director	Minor changes made throughout; section 2.2.2 added FA case numbering for affidavit requests received from defense attorneys and who they should be sent to; added section 2.1.4.4; section 2.5 modified to clarify submission requirements regarding sealing and review of evidence; UPS removed from section 7.2.2.2; modified EH_F100_8 to remove admin manual and add safety manual to required reading list
5/21/2018	5	Lab Director	Minor changes made throughout; Biobag & DNA Extract return policies updated (section 6.4.2 and subsections); updated Evidence Handling When Multiple Analyses Are Requested (section 5.3); added reference to Drying Cabinet Procedure; Temporary Chain of Custody Form (EH_F100_7) & Training Checklist for EH Technicians (EH_F100_8) updated (minor changes)
11/9/2020	6	Lab Director	Removed references to Fire Debris, Civil Marijuana, and firearm destruction; some sections renumbered due to removals; removed Drug exception in section 5.4; retired EH_F100_4 and EH_F100_5 forms; added storage of LP digital evidence; minor changes made throughout