

VERMONT FORENSIC LABORATORY

EVIDENCE HANDLING MANUAL

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1.0 GENERAL EVIDENCE HANDLING POLICY

1.1 Policy Statement:

- 1.1.1 The Vermont Forensic Laboratory (VFL) is committed to providing the highest quality forensic services available to the criminal justice community.
- 1.1.2 The VFL will accept physical evidence from any member of the law enforcement community and will accept cases from defense counsel.
- 1.1.3 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.
- 1.1.4 The criteria in this manual have been established to ensure the integrity of all evidence and work product, and to spell out the minimal requirements and expectations designed to minimize loss, contamination, and/or deleterious change for all concerned.
- 1.1.5 **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., gloves, protective eyewear, laboratory coats, etc. Refer to the laboratory Safety Manual (SAF_P100) for specific instructions.

1.2 Evidence Security Procedures:

- 1.2.1 All physical evidence submitted to the VFL will be in the custody of either an employee or one of the evidence storage locations at all times.
 - 1.2.1.1 Physical evidence will be stored in secure areas within the appropriate laboratory section. Access to these areas is controlled and is determined by an employee's job function.
 - 1.2.1.2 If an employee removes evidence from an evidence location, they have custody of that evidence. NOTE: Occasionally, a sworn member who is not a member of VFL may assist in the movement of evidence within the lab.
 - 1.2.1.3 Evidence undergoing examination (Case in Progress) may be left unattended and unsealed for brief periods of time if that evidence is

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maintained in a secured space and it is protected from loss, cross transfer, contamination or deleterious change.

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

1.3 Laboratory Information Management System (LIMS) Procedures

- 1.3.1 Procedural information for LIMS submission and evidence transfer can be found in the FA LIMS How To Guidelines (LIMS_P100).

2.0 EVIDENCE SUBMISSIONS

2.1 General Information

- 2.1.1 An “**evidence technician**” is anyone acting in the role of receiving evidence who is a member of the VFL.
- 2.1.2 The VFL will only accept secured/sealed evidence for analysis.
 - 2.1.2.1 Evidence containers, packaging or items not packaged should be labeled with the LIMS VFL number, agency case number (see Independent Blood and Drug Facilitated Sexual Assault [DFSA] submissions) and item number or container number by the VFL. (All information can be on a barcode label attached to the container.)
- 2.1.3 The definition of “**secured**” and “**sealed**” refers to proper packaging closures that ensure no loss of evidence. The following methods are acceptable: heat-sealed, glue-sealed, or tape-sealed with evidence tape.
 - 2.1.3.1 It is recommended that the officer initial the seal area, but it is not a requirement for evidence submission.
 - 2.1.3.2 All physical evidence will be secured and stored in the appropriate evidence locations.

2.2 Evidence Verification Review

- 2.2.1 Evidence verification refers to the review of submitted items for concordance with the items listed on associated submission paperwork.
- 2.2.2 Evidence will not be routinely opened and inventoried during the verification process. Exceptions may be made depending upon the situation, e.g. wet

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evidence. Any action taken will be noted on the submission form and/or in the LIMS case notes.

2.2.2.1 Evidence inventory may be required if discrepancies are observed. Refer to Section 4.0 for Evidence Inventory.

2.2.2.2 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 2.7)

2.2.3 The evidence technician will initial/date the closures of the outer packaging containers that hold evidence for submission to the laboratory.

2.2.4 Evidence is properly secured/sealed only if its contents are protected from contamination, loss and deleterious change, and if opening would result in obvious damage or alteration to the closure.

2.2.5 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)

2.2.6 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.

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

2.2.7.1 ***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.**

2.3 VFL Evidence Numbering System Nomenclature

2.3.1 **Submission Code:** The submission code sequence for cases entered into the LIMS will follow an alpha format where; A = 1st submission, B = 2nd submission, C = 3rd submission, etc. If there are more than 26 submissions in a

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case, the submission will continue with AA, AB, AC, ... AZ, BA, BB, BC, etc.

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

2.3.3 **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.

2.3.4 **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.

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

2.4 Evidence Packaging

2.4.1 The purpose of sealing and packaging evidence is to ensure that any tampering will be evident, and to minimize loss, contamination, and/or deleterious change.

2.4.2 Each package, container or submitted item (example; firearm) must be marked and/or barcode labeled with the VFL number, agency case number and item number.

2.4.3 When opening evidence at the time of submission or during examination, the original closure should be maintained intact if reasonably possible.

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

2.4.4.1 Document packaging conditions in LIMS.

2.4.4.2 Request the delivering person to properly package the evidence.

2.4.4.3 Ensure that the evidence is appropriately sealed.

2.4.5 Special Packaging Considerations

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- 2.4.5.1 **Evidence for Biological Examination:** Ideally, biological evidence should be packaged in paper containers. Human tissue samples should be packaged in plastic containers and stored refrigerated or frozen.
- 2.4.5.2 **Evidence for Latent Print Examination:** Items submitted for latent print processing should be submitted in a manner consistent with preserving any possible latent impressions. Latent prints may be lost if packaged and handled improperly. Containers should be sealed if practical, but the preservation of the latent impression should be paramount.
- 2.4.5.3 **Large Evidence Items:** Items that are too large to be sealed in a container, i.e., a door, vehicle fender, couch, etc., will be packaged in a manner to protect and seal the specific area that will be examined.

2.5 Evidence Submission Information Details

- 2.5.1 Submitted evidence **MUST** include an evidence submission form.
- 2.5.2 The appropriate submission form(s)* and the LIMS should be filled out by the submitting officer and evidence technician, respectively.
 - 2.5.2.1 *305 Evidence Submission Form (EH_F100_1)
 - 2.5.2.2 *Request for Analysis for Alcohol Drugs in Blood form (EH_F100_2)
 - 2.5.2.3 *Request for Independent Analysis of Blood for Alcohol Drug Content form (EH_F100_3)
- 2.5.3 **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, **A/D:** alcohol and drug request, **I:** independent request, **AFF:** breath or blood affidavit request.
 - 2.5.3.1 **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).
- 2.5.4 **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 information as described below.

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- 2.5.4.1 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.
- 2.5.4.2 **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).
- 2.5.5 **DFSA 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.
- 2.5.5.1 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.
- 2.5.5.2 **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.
- 2.5.6 **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.
- 2.5.6.1 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.
- 2.5.6.2 These packets are not considered evidence but are part of the examination documentation.
- 2.5.6.3 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.
- 2.5.6.4 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.

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2.5.7 **Firearms Submissions:** All firearms should be treated as if they are loaded regardless of any safety assessments. To optimize safety during firearms submissions:

2.5.7.1 Firearms and ammunition, including unfired and fired ammunition components, should be packaged separately.

2.5.7.2 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.

2.5.7.3 Firearms will be received in an unloaded state and packaged according to the above mentioned guidelines in Section 2.4.

2.5.7.4 The submitter will indicate the muzzle direction and mark the container “unloaded.”

2.5.7.5 If a firearm is in an unknown state, a firearms examiner will be notified to accept the evidence. It is preferred that the submitter make arrangements with the Firearms Section prior to submitting loaded firearms to ensure that an examiner is available.

2.5.7.6 All Firearms will be safety checked upon submission as outlined in Section 2.5.8 below, unless the firearm is directly submitted to the Firearms Section. In that case the firearm(s) may be placed on the active evidence shelf in the Firearms Section Evidence Safe prior to a safety check as this will be performed as a standard part of a firearms analysis.

2.5.7.7 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.

2.5.8 **Firearms Safety Check:**

2.5.8.1 Firearms safety checks will be performed by laboratory personnel who have training and authorization to perform firearms safety checks. Alternatively, a firearms examiner may take custody of the firearm and confirm that it is unloaded or laboratory personnel may request the submitting officer demonstrate that the firearm is unloaded.

2.5.8.2 Following a firearms check, the outside of the package will be signed, dated, and clearly marked with “safety checked”.

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- 2.5.8.3 Document in the LIMS chain of custody (COC) comments that the firearm was assessed. Additional documentation including photographs may be captured as needed.
- 2.5.8.4 The evidence will then be transferred to the appropriate section, or placed in a designated storage area in the evidence receiving room.
- 2.5.8.5 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.
- 2.5.8.6 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 safety boot in the Evidence Receiving room, or the firearm must first be moved to an appropriate location in the Firearms Section.

2.5.9 **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.

2.5.9.1 **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.

2.5.10 **Photography & Videos:** Typically, photographs and videos 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. When photos and/or videos are submitted for analysis, they are to be treated as evidence.

2.6 Evidence Delivery Methods

The evidence technician or designee will record the method of delivery in the LIMS and on the submission form. (Example: CERTIFIED MAIL 0314 0511 0401 0201) Regardless of delivery method, submitted evidence should undergo a verification review as described in Section 2.2. See Section 2.7 if there is a discrepancy.

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2.6.1 **Evidence Delivery in Person:** Should a case lack a proper submission form, the submitter may complete a form at the point of submission.

2.6.1.1 If the person delivering the evidence cannot complete a submission form with sufficient information relative to a case, the submission of evidence may be refused. The only exception to this requirement is the submission of independent blood kits.

2.6.2 **Submission Via Evidence Locker:** An officer may use the evidence lockers for submitting evidence to the laboratory.

2.6.2.1 The 305 Evidence Submission Form (EH_F100_1) must clearly indicate which officer placed the evidence in the locker, date, time, and locker number documented in the chain of custody portion of the form.

2.6.2.2 Evidence lockers are checked regularly (daily, if feasible) and any evidence is logged into the LIMS.

2.6.2.3 For blood kits, if the evidence locker is used for submission, a 305 Evidence Submission Form (EH_F100_1) must be filled out.

2.6.2.4 When properly secured, evidence from multiple cases may be placed in a single locker.

2.6.3 **Evidence Delivered Via Common Carrier:** If the evidence is properly packaged, it may be sent to the laboratory for submission by certified mail (or similar route which is tracked).

2.6.3.1 A member of the laboratory will pick up the certified mail, preferably on a daily basis.

2.6.3.2 The time and date received at the post office are the official receipt noted on the submission form and LIMS.

2.6.3.3 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 2.7 Evidence Discrepancy.

2.6.3.4 If the submission form is inside the package with evidence, the evidence technician or designee will open the package to remove the form and properly reseal the package. The form will be annotated, and recorded as "OPENED TO REMOVE SUBMISSION FORM ONLY & REPACKAGED".

2.6.3.5 Only evidence pertaining to one case should be sent in each certified package. Refer to Section 2.7 Evidence Discrepancy.

2.7 Evidence Discrepancy

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2.7.1 During the receipt of evidence, any identified discrepancies must be resolved.

2.7.2 Resolutions may include but are not limited to:

2.7.2.1 Notifying the submitting agency or officer regarding discrepancy.

2.7.2.2 Appearance of a representative from the submitting agency who must verify the discrepancy and correct the submission documents.

2.7.2.3 A supervisor or lab designee correcting the discrepancy.

2.7.3 Documentation of discrepancies may include but are not limited to:

2.7.3.1 Notes in LIMS identifying case numbers, date and initials of parties involved.

2.7.3.2 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 as needed.

2.7.3.2.1 Notes will be made in LIMS identifying which case numbers were received together and with which case the original packaging remains.

2.7.3.3 Phone log and/or email documentation in LIMS describing the discrepancy and the resolution reached between the laboratory and the submitting agency. If necessary, copies of corrected submission forms may be provided to the submitting agency.

2.7.4 Failure to resolve discrepancies may result in refusing to accept the evidence as presented or returning the evidence to the submitting agency without analysis.

2.8 Drying Wet Evidence

2.8.1 Evidence that is submitted wet must be dried to prevent possible degradation. The forensic drying cabinets will be used for this purpose.

2.8.1.1 Metal evidence that may rust, such as a gun, is an exception as this evidence should be maintained wet until examination. Consult with the Physical Comparison Section personnel for more details concerning this type of evidence.

2.8.2 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 the cabinet on the drying cabinet log attached to each unit.

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2.8.3 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.

2.8.3.1 Refer to the appropriate procedure(s) for evidence sealing (Section 2.4). Document actions taken in the LIMS chain of custody comments.

2.8.4 Clean the cabinet between uses as outlined in the procedure posted adjacent to the cabinet.

2.8.5 If evidence is 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 evidence in the drying cabinet.

2.8.6 **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).

2.8.6.1 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.

2.8.6.2 Green plant material that is submitted fresh or damp should be placed in the drying cabinet in open paper bags to allow drying.

2.8.6.3 Alternatively, the plants may be dried in the Drug Chemistry fume hoods, with the sash closed and sealed.

2.8.6.4 Detail the method of drying on the worksheet and/or appropriate chain of custody.

2.8.6.5 The bags should be sealed as soon as possible after the plants have dried.

2.8.7 **Biological Evidence:** Biological evidence submissions should be dried (if wet) before submission into the laboratory.

2.9 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.

2.10 Evidence Resubmissions: If the original seals and packaging are intact, the evidence may be resubmitted using the original item numbers. However, LIMS will create a new submission for the case. Search the LIMS for the case (either by VFL number or

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agency and agency case number). Go to evidence tab, select Resubmit button and highlight the evidence to resubmit.

2.10.1 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.

2.10.2 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.

2.11 Evidence Transfer to External Laboratories (ETEL): This is the transfer of evidence out to an external laboratory/agency for analysis. In the LIMS there is a transfer type for ETEL.

2.11.1 If this transfer type was used to send the evidence out, the evidence can be transferred back into the lab.

2.11.1.1 This can be done by scanning the barcode label or finding the item in the evidence section and selecting transfer.

2.11.1.2 The evidence is then transferred to the appropriate storage location.

2.11.1.3 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.

2.12 Temporary Storage Pending Submission: When necessary, evidence may be temporarily stored in an appropriate, secured evidence storage area pending completion of the submission process. Notes documenting its movement and location will be made on submission documents and/or in LIMS.

3.0 EVIDENCE STORAGE

3.1 All evidence submitted to the laboratory will be stored in designated locations of the general evidence storage area or as needed, in section specific storage areas prior to examination. Exceptions may be made on a case-by-case basis.

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

3.2.1 **Evidence for Drug Analysis:** When appropriate, liquid/food samples submitted for drug analysis should be stored refrigerated.

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- 3.2.2 **Evidence for Biological Analysis:** No additional guidance.
- 3.2.3 **Evidence for Firearm Examination:** Refer to Section 2.5 for procedure on Firearms submission, safety check and storage procedures.
- 3.2.4 **Evidence for Latent Print Examination:** No additional guidance.
- 3.2.5 **Evidence for Photography and Video Services:** No additional guidance.
- 3.2.6 **Evidence for Toxicology Analysis:** All Toxicology evidence is stored refrigerated with the exception of DFSA kits (stored frozen).
- 3.2.7 **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.

3.3 Digital Evidence: Digital files 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

- 4.1 A full descriptive inventory of the evidence does not typically occur upon evidence submission but upon the examination/analysis of the evidence. During inventory the contents of the evidence are compared to listed items on the evidence submission form.
 - 4.1.1 If there are any major discrepancies, notify the supervisor and/or the Laboratory Director immediately.
- 4.2 **Inventory process:** When describing the evidence, begin with the outermost package and work inward.
 - 4.2.1 Numbering of items is done in a nesting format.
 - 4.2.2 Frequently the evidence submission form will not reflect the packaging of the items, but all packaging materials and contents should be documented on the worksheet and/or in LIMS.

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4.2.3 The descriptions should be as detailed as possible as well as documenting if any of the packages were sealed.

4.3 Evidence Descriptions Detail: Sufficiently detailed to allow the unique identification of the evidence.

4.3.1 At intake, containers will most often have a description “said to contain” in the LIMS. Examiners will further describe containers and their contents in section appropriate worksheet location of the LIMS.

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

4.3.3 Individual items/samples within each container are marked sequentially. Derived evidence can be given a unique code per section specifications. Examples: Latent lift A2-1a or DNA extract A2-1x. Refer to 2.3 VFL Evidence Numbering System Nomenclature.

4.3.4 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.

4.3.5 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 repackaged into a larger container and marked to indicate the items contained within.

4.4 Discrepancies During Inventory: Refer to Section 2.7 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: This Section encompasses all evidence procurement by any staff within the laboratory.

5.1 Obtaining Evidence: The Section Supervisor or 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.

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5.1.1 The examiner will remove evidence assigned to an exam request from the evidence storage area in their section or request evidence transfer from the main evidence storage area.

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

5.1.2.1 **Person to Person** - ID of person relinquishing evidence (initials, signature or secure electronic ID), date/time of transfer, and ID of person receiving evidence.

5.1.2.2 **Person to Room** - ID of person relinquishing evidence, date/time of transfer, and Room (name or number).

5.1.2.3 **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.

5.1.2.4 **Room to Person** - Room (name or number), date/time of transfer, and ID of person receiving evidence.

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

5.2 LIMS COC Back-up Procedure: If 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).

5.2.1 All appropriate COC information will be updated in the LIMS when it becomes available; either by the analyst and/or LIMS administrator. Comments may be added as necessary.

5.3 Evidence Handling When Multiple Analyses are Requested: When instances arise where one section's examination/analysis would/could impede examination/analysis in another section, the submitting agency should be contacted to determine options for evidence processing.

5.3.1 **Considerations for Latent Prints:** Items should be handled minimally, and with proper precautions, to avoid obliteration of possible latent prints.

5.3.1.1 In instances of evidence submitted for latent print examination, in which biological testing 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.

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5.3.1.2 When evidence is submitted for both drug and latent print analysis, the “drug” material 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.

5.3.1.2.1 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.

5.3.2.1 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.

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 evidence.

5.4 Evidence Consumed in Analysis: During any type of examination attempts will be made to preserve a portion of the sample for future analysis.

5.4.1 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).

5.4.2 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.

5.5.1 Maintain the original packaging and re-package with the original evidence or package separately for return to the submitting agency. The new packages must be labeled and sealed according to lab policy. *See exception in Section 2.2.7.

6.0 EVIDENCE HANDLING AFTER ANALYSIS

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6.1 Packaging or Repackaging Evidence for Return: Once lab examinations are complete, the evidence is packaged/repackaged and sealed.

6.2 Evidence can be returned to its original packaging/container. Other container types include, but are not limited to, the following:

6.2.1 **Convenience** Container – container used to hold sealed evidence, particularly small evidence packages, to prevent loss. This container is labeled with “Convenience Container Only” and with the VFL number and the containers or items held within. No barcodes or seals are required.

6.2.2 **Repack** - Containers* and Items that are placed into a repack are nested within.

6.2.2.1 All contents of the repack are transferred by scanning the repack barcode due to the nested association.

6.2.2.2 *The container size should not be smaller than ~6 inches x 9 inches (approximate size of the Lab’s small plastic evidence bags).

6.2.2.3 If a case has multiple small containers and items (e.g. numerous small envelopes) they should be placed into a repack with a repack barcode.

6.2.3 **Biobags** - Biological items placed in a bag or other suitable container. Often these are cuttings removed from clothing or other items.

6.3 One barcode label must be on the outermost container (excluding convenience containers) to be ready for evidence transfer. Interior containers should be clearly marked with the VFL/agency number and item/container number, if applicable.

6.3.1 Container and item(s) need to have a nested relationship in the LIMS; to allow for transfer of container and sub-item(s) together.

6.3.2 The original container and contents can also be placed into a sealed outer package 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.)

6.4 Chain of Custody (COC) – Intra-Laboratory: The complete intra-laboratory COC history is maintained within the LIMS.

6.4.1 Customized copies of the COC may be printed to reside with the evidence

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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.)

6.4.2 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.

6.5 Evidence Storage After Analysis: After analysis, evidence is placed into the appropriate storage location (e.g. outgoing shelves for law enforcement agencies).

6.5.1 The transfer to storage is documented in the LIMS.

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

6.5.3 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. Documentation of the inventory should be added to the LIMS.

6.6 Disposition of Evidence by Section

6.6.1 **Disposition of Firearms:** Firearms that have been examined may be disposed of in a number of ways.

6.6.1.1 Typically, the firearm is returned to the submitting agency.

6.6.1.2 Firearms may also be maintained as a library reference as discussed in Section 9.3.

6.6.1.3 Officer Involved Shooting (OIS)

6.6.1.3.1 When the firearm examination is complete, the firearm may be returned to the investigating agency but should not be returned to the involved officer unless the prosecuting attorney or appointed authority grants prior permission for the return of the firearm.

6.6.1.3.2 The Vermont State Police may investigate an officer involved shooting related to 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.

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6.6.2 Disposition of Biological Evidence

6.6.2.1 **Biobag Return Policy:** All biobags should be returned to the submitting agency once analysis is complete.

6.6.2.1.1 The COC 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.

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

6.6.2.2 **Sealing, Inventory, Chain of Custody, and return of ALL DNA Extracts: DNA extracts are considered evidence.** The packages containing DNA extracts must be sealed prior to their release.

6.6.2.2.1 The reagent blank(s) for the case should be maintained with evidentiary samples.

6.6.2.2.2 An inventory of the item number(s) from which DNA was extracted should be written on the exterior of the package along with, at a minimum, the case number.

6.6.2.2.2.1 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.

6.6.2.2.3 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.

6.6.2.2.4 COC for 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.

6.6.2.2.5 If resubmission of DNA extracts is necessary, packages exhibiting signs of tampering will not be accepted.

6.6.3 **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.

6.6.4 **Disposition of Drug Evidence:** Refer to Section 8.

6.7 **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 themselves and the transfer to the personnel of the submitting agency.

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6.7.1 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.

7.0 EVIDENCE TRANSFER TO EXTERNAL LABORATORIES (ETEL)

7.1 Certain examinations that are outside the expertise of the VFL or that require the examination by experts at other laboratories (ex. independent blood requests) are sent out using the ETEL procedure.

7.2 Selecting ETEL as the transfer type allows the evidence to be directly transferred back into the lab rather than making a resubmission. Refer to Section 7.5.2 for transfers for independent analysis.

7.3 Procedures for transferring evidence via ETEL:

7.3.1 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.

7.3.2 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.

7.4 ETEL LIMS Details

7.4.1 Transfer Type – ETEL, At Section – Evidence.

7.4.2 Record the following information in the Comments Field

7.4.2.1 Tracking information - Carrier used or hand to hand transfer (person X)

7.4.2.2 The Laboratory or Agency receiving the evidence transfer

7.4.2.3 Date and initials of individual processing transfer

7.5 Common Carrier-Transfer Procedure

7.5.1 **Letter of Request: Transfer to Other Laboratories**

7.5.1.1 A specific letter of request must accompany examinations sent to other laboratories.

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7.5.1.2 The letter will detail the examination requested, the evidence being sent, and the name of the laboratory contact person and/or requestor to allow the staff at the receiving laboratory to ask questions regarding the evidence.

7.5.1.3 This letter will be signed by the Laboratory Director or their designee and will be 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.

7.5.2 Independent Analysis Request:

7.5.2.1 Any evidence (with the exception of independent blood kits) that has been submitted by an investigating agency and is being sent out for independent analysis per request of another party requires a letter authorizing the analysis from the prosecuting attorney representing the case. This letter is maintained by the VFL in the case file.

7.5.2.2 If drug analysis is required, the DEA number of that laboratory must be obtained to assure that the laboratory can accept controlled drugs for analysis.

7.5.3 Trackable Common Carriers:

7.5.3.1 **US Postal Service:** Evidence is typically sent via US Postal Service certified mail. Two forms are completed to use certified mail: the PS 3800 and the PS 3811.

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

7.5.3.2.1 First portion is placed onto the evidence; it has the tracking number and barcode.

7.5.3.2.2 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.

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

7.5.3.3.1 Adhere the portion of the PS 3800 to the PS 3811 form in the appropriate space.

7.5.3.3.2 Write the VFL number on this form as well.

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

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7.5.3.4 **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.

7.5.3.4.1 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.

7.6 **ETEL Chain of Custody:** For internal chain of custody records, an FA ETEL transfer receipt is created for evidence transferred to an external laboratory.

7.7 **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.

7.8 **Return of ETEL Evidence:** Refer to Section 2.11.

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 verify each item inventoried during the analysis as detailed on the LIMS “Evidence Tree View” list.

8.1.1 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 on the outer 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 from the date of collection 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 will be entered into the LIMS.

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

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disposed of along with other biohazardous waste. The date of disposal will be entered into the LIMS.

9.3 Firearms Evidence: 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.

9.4 DFSA Evidence: DFSA samples will be held for a minimum of 90 days after collection in accordance with information provided to the patient. After that time, they may be disposed of along with other biohazardous waste if no request for testing has been received.

10.0 CASE NOT EXAMINED (CNE)

10.1 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.

10.2 CNE Steps:

10.2.1 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 that case record be terminated.

10.2.2 The case record will be terminated in LIMS.

10.2.3 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).

10.2.4 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

12.1 Safety Manual (SAF_P100)

12.2 FA LIMS How To Guidelines (LIMS_P100)

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- 12.3 305 Evidence Submission Form (EH_F100_1)
- 12.4 Request for Analysis for Alcohol Drugs in Blood (EH_F100_2)
- 12.5 Instructions for Sample Collection and Packaging for Evidentiary Blood Specimen (EH_F100_2_1)
- 12.6 Request for Independent Analysis of Blood for Alcohol Drug Content (EH_F100_3)
- 12.7 Request for Independent Blood Collection (EH_F100_3_1)
- 12.8 Instructions for Sample Collection and Packaging for Independent Blood Specimen (EH_F100_3_2)
- 12.9 Request for Photographic Services (EH_F100_6)
- 12.10 Temporary Chain of Custody Form (EH_F100_7)
- 12.11 Training Checklist for EH Technicians (EH_F100_8)
- 12.12 Quality Assurance Manual (QA_P100)
- 12.13 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

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			exception in section 5.4; retired EH_F100_4 and EH_F100_5 forms; added storage of LP digital evidence; minor changes made throughout
2/15/2023	7	Lab Director	Formatting and numbering changes throughout; removed repetitive instructions/information; request for destruction of Biological evidence was removed; 2.1.1 to 2.2 changed evidence inventory at intake to verification (checking # of packages); re-organized information related to evidentiary and independent blood kit submissions; reorganized Firearms Safety Check section; 5.3 removed repetitive information; updated 6 - evidence packaging after analysis to simplify and define terms related to packaging/re-packaging; 9.4 added; updated EH_P100_3 (v6) and EH_F100_3_2 (v5)