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4.1.2 FSD Evidence Submission and Crime Scene Response Policy

4.1.2.1 Purpose

The purpose of this policy is twofold:

- provide guidance related to the kinds of evidence/testing that may or may not be useful in criminal investigation and prosecution
- serve as reminders of important points to consider when investigating crimes, submitting evidence to the labs, or preparing for prosecution of a case.

The goal of the MSP Forensic Science Division (FSD), and of forensic science in general, is to extract factual information from physical things with the intent of using those facts to prove or disprove elements of a crime. Resource limits prevent the full and exhaustive processing of every evidentiary item; so, prior to submission to the laboratory, we must consider each piece of potential evidence for the likelihood that it can provide these types of facts.

Generally, the decision point for whether an evidentiary item can be submitted for analysis should come after studying the following points:

1. Is it likely that forensic analysis of the item can provide facts useful to the case?
2. Is the evidence item associated with an open and active criminal investigation?
3. Are there unusual circumstances in this case that may prescribe testing of an evidence item that would normally not be considered?

Especially in the latter two situations, it is imperative that investigating agencies/officers and/or prosecutors convey details of the special situation to the scientists conducting the examinations. In every situation, all involved parties must consider what is reasonable for the case. It is not possible to universally declare that some kinds of evidence will never be tested, nor is it reasonable to expect that every request for testing can be accepted blindly and conducted fully. Communication **MUST** be a priority, the goals of the examinations must be fully understood by all parties, and the requests must be reasonable.

It is understood that there are differences between investigating a case and preparing one for trial. There will be circumstances where additional analysis will be required by the prosecutor to ready a case for trial. If the prosecutor's office is making a direct request for additional analysis, and not through the investigation agency, the supplemental request requires the submission of a completed FSD-007. Occasional exemptions will occur only after thorough discussions with the laboratory director (or his/her designee) of the lab where the analysis will take place. The details of these discussions **SHALL** be recorded in the case details object repository of the electronic case file. If an agreement cannot be reached between the prosecutor and the laboratory director (or his/her designee), then section 4.1.2.2.5 of this policy shall be referenced and adhered to.

FSD laboratories will not conduct any analysis for which its staff members are not trained, experienced, and competent, or for analysis types which are not validated and typically conducted by FSD.

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The Michigan Department of State Police Forensic Science Division provides service in the following disciplines:

- Biology
- Bloodstain Pattern Analysis
- Controlled Substances
- Crime Scene Response
- Firearms/Toolmarks
- Latent Prints
- Questioned Documents
- Toxicology
- Trace Evidence

Not all laboratories provide all these services. Please contact your local laboratory for a comprehensive list of the services provided. In circumstances where a service or examination type is requested/required but not provided by the MSP Forensic Science Division, FSD staff may be able to provide a list of vendors that can provide the service and will attempt to do so.

4.1.2.2 Evidence: Request, Preparation and Delivery

Evidence submitted for analysis **SHALL** be accompanied by a completed FSD-007, Request for Laboratory Examination form. Information from the submitting agency shall include:

- Submitting Agency Name, Phone Number, Fax Number and/or E-mail
- Submitting Officer Name
- Investigating Officer Name
- Agency Complaint/Incident Number
- File Class
- County Code of Offense
- Type of Examination Requested
- Victim/Suspect/Elimination Information (if known)
- Date of Offense for IBIS Submissions
- Statement of Facts/Comments
- Additional Information (e.g. DNA/CODIS) if Needed

With every submission made to FSD, a complete and accurate FSD-007 shall be completed as required by this policy. No submission (case) will be received if the FSD-007 is determined to be incomplete and/or inaccurate. The "Statement of Facts/Comments" field is required information and must be completed by the submitting agency if a case is to be received by a laboratory. A case will not be received by a laboratory if there is no agency complaint number assigned to it.

4.1.2.2.1 Laboratory Submission Report

A Laboratory Submission Report shall be generated electronically for the evidence submitted and provided to the submitting agency upon request.

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4.1.2.2.2 Submitting Agencies

FSD laboratories will accept requests for analysis from law enforcement agencies, prosecutors, medical examiners or other state agencies for purposes of criminal investigation and prosecution. Any other requests for analysis shall require the approval of the FSD Director prior to the evidence being submitted or analyzed. FSD laboratories shall not conduct examinations on cases which exclusively involve civil litigation. Evidence from private investigators shall be submitted through a recognized law enforcement agency. The laboratory report in these cases shall be delivered to the submitting law enforcement agency. If FSD laboratories are unable to perform the requested work, this shall be communicated to the requesting agency.

4.1.2.2.3 Proper Sealing of Evidence

Evidence submitted to the laboratory shall be properly sealed by the submitting agency. Evidence submitted by mail or commercial carrier which is received with an improper seal shall be sealed upon receipt by laboratory staff.

If the evidence is not properly sealed, it shall be remediated in one of two ways:

- by placing a piece of evidence tape perpendicular to the original, improper seal with the initials of the lab person sealing the evidence written across the perpendicular seal.
- by resealing the complete package in another container that is properly sealed and initialed.

Large evidence or multiple items that are not suitable for sealing shall be handled as appropriate for the examination(s) requested. Evidence which is properly sealed and marked for identification may be placed in unsealed and unmarked containers such as boxes or bags for the purpose of grouping items of evidence or for the convenience of carrying the evidence.

4.1.2.2.4 Analysis/Testing methods

The FSD shall select and use the most appropriate testing method and procedure, based on the type and condition of the evidence and their understanding of the case facts.

All evidence being submitted to the laboratories shall be evaluated by FSD personnel to determine the types of analysis that may yield results useful to the submitting agency. This may include analyses not originally requested by the submitting agency.

If a specific analysis is not requested by the submitting agency during the original submission (i.e., not present on the FSD-007), the analyst/examiner must receive the approval of the submitting agency prior to conducting that analysis. The approval and/or refusal by the submitting agency on the additional analysis shall be documented within the electronic case file.

The Forensic Science Division reserves the right to transfer evidence to another accredited laboratory to help facilitate the analysis of evidence. This includes outsourcing of the evidence to other public and private laboratory systems.

4.1.2.2.5 Extenuating Circumstances

There may be, at times, extenuating circumstances that require the analysis of evidence in disagreement with this submission policy. The respective Laboratory Director shall work with those parties requesting

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the analysis to determine the reasonableness of the request and whether the circumstances merit an exemption from this policy. If agreement cannot be reached, the parties requesting the analysis may appeal to the FSD Director who shall review all documentation and circumstances pertaining to the request for analysis. The appeal shall be made on agency letterhead and should indicate any pending court dates or critical deadlines. Attached to/included in the appeal shall be an explanation of why the analysis is needed and a copy of all relevant police/investigative reports. The decision of the Laboratory Director will be overturned only when there is a compelling reason to do so.

4.1.2.2.6 Unknown Hazardous Materials

The FSD does not accept case submissions involving suspected hazardous materials. A hazardous material is defined as any article or substance that poses an unreasonable risk to health, safety, or property during transport or storage, or during the course of normal handling with regular safety precautions taken by laboratory personnel.

4.1.2.3 Biology

4.1.2.3.1 Capabilities and Services

The MSP FSD Biology Discipline conducts scientific analyses on biological evidence such as body fluids, hair, and shed skin cells. In order to analyze biological evidence, the Biology Discipline is divided into two sub-disciplines- Body Fluid Identification and DNA analysis. The two sub-disciplines are paired together to screen evidence and provide source attribution of the biological material when possible, and to provide statistically supported conclusions regarding individuals that may have deposited the biological material.

4.1.2.3.1.1 Evidence Screening

Evidence submitted to a Biology Unit for processing will be analyzed via one of the following screening methods in the laboratory:

- **Traditional Body Fluid Identification (BFI):** Traditional BFI is the identification of biological fluids. MSP FSD Biology Units offer testing for the identification of blood, semen, and saliva. BFI also involves the examination of hair. This service is limited to the identification of the item as hair, whether the hair is human or non-human, and whether it is suitable for DNA analysis. Pieces of tissue may also be submitted to BFI when necessary. Urine and feces are no longer accepted or tested by MSP Biology Units.
- **Sexual Assault Kit Processing:** Most of the sexual assault kit (SAK) processing at the MSP is conducted using a method referred to as “male DNA screening” or “y-screening”. This method is applied to any sexual assault kit with a female complainant and the reported assailant is a male. In male DNA screening, samples from the SAK are screened for the presence of male DNA. Results are evaluated and samples are forwarded to DNA based on their potential to obtain an assailant DNA profile and the specific allegations in the case.
- **Biological Evidence Collection:** Some cases submitted to the laboratory do not require testing for biological fluids or male DNA screening, and only require collection for shed skin cells. This is commonly known as “contact” evidence. Shed skin cells are collected simply by swabbing or taking cuttings of the evidentiary item.

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4.1.2.3.1.2 DNA Analysis

Any biological material identified through screening or collection is forwarded to a DNA laboratory for DNA analysis.

- **DNA Analysis:** DNA analysis at the MSP utilizes a number of technologies and offers a number of services. DNA analysis is conducted using the polymerase chain reaction (PCR) on short tandem repeats (STRs).
 - **Autosomal DNA Analysis:** This type of DNA analysis currently uses 23 genetic markers across multiple chromosomes to determine a DNA profile. This is the most statistically discriminating form of DNA analysis and is used in conjunction with the probabilistic genotyping software STRmix™ to issue a statistically supported conclusion regarding an individual of interest and the likelihood his/her DNA is present in the sample.
 - **Y-STR Analysis:** This type of DNA analysis also uses 23 genetic markers but focuses only on the Y-chromosome. Y-STRs are particularly useful in cases where the amount of female DNA is overwhelming a trace amount of male DNA present in the sample, or when the overall quantity of DNA in the sample is insufficient to obtain a useful DNA profile through autosomal DNA analysis. Y-STRs are not as statistically discriminating because the Y chromosome is passed from fathers to sons and is shared by each male biological relative in a paternal line.
 - **Criminal Paternity:** Statistical analyses may be provided in criminal cases of potential parentage. These analyses are limited to standard parentage trios when both alleged parent known references and the child known reference or products of conception (POC) are available, or in single parentage cases when only one alleged parent known reference and the child known reference or POC are available.
 - **Familial Searches:** A familial search is a planned one-time search of the Michigan DNA database for potential biological relatives of the contributor of an evidentiary profile from crime scene evidence. These searches are available in unsolved cases where all other investigative leads have been exhausted. This type of search can only provide an investigative lead- the name of a potential close relative to the individual present in the crime scene sample.

When necessary, the Biology Unit can assist in arranging for private laboratories to conduct DNA testing not offered by the MSP FSD, such as mitochondrial DNA, non-human DNA testing, genealogical testing, and phenotyping. The submission of evidence to- and cost of testing conducted by- a private laboratory is the responsibility of the investigating agency.

4.1.2.3.1.3 Limitations

The screening and DNA analysis conducted at the MSP FSD has the following limitations:

- The age of a biological stain cannot be determined. An analyst may be able to describe the overall condition of the stain and offer an opinion on whether the stain appears laundered, diluted, weathered, etc., but cannot provide the age of stain with any scientific certainty.

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- The race/ethnicity of the source of the DNA cannot be determined using the DNA technology utilized by the MSP Biology Unit, nor can the MSP Biology Unit determine the phenotypic characteristics (the physical appearance) of the source of the DNA.
- The identification of semen and subsequent development of a DNA profile does not indicate whether intercourse was consensual or forced.
- The identification of a hair as belonging to a specific individual cannot be done through microscopic examination during evidence screening. DNA analysis is required to attempt to obtain a profile for comparison to a known reference.
- The timing of skin cell deposition on an item of evidence- both when it was touched and the last person to touch the item- cannot be determined.

4.1.2.3.1.4 Case Prioritization

Crimes against persons cases (e.g. homicides, felonious assaults, sexual assaults) are prioritized first in MSP FSD Biology Units, followed by non-violent/property crimes.

Expedition of Biology Unit requests must be limited to:

- Significant threats to public safety (violent crimes against persons)
- Serial crimes
- Approaching jury trial date when the trial is at least 60 days from the date of submission to the laboratory. Cases with a pending trial date less than 60 days from the date of submission will only be accepted if approved by the Laboratory Director. The expected date of completion for these cases must also be approved by the Laboratory Director.

4.1.2.3.2 Evidence Collection, Handling, and Packaging

The nature of biological evidence- the ability for it to be transferred from a person to an item, or from item to item- makes it a powerful investigative tool. *This also necessitates that extreme caution be taken to prevent the inadvertent transfer of biological material from one item of evidence to another, and to prevent depositing biological material from the collector(s) and handler(s) onto the evidence.*

The following precautions must be taken when handling biological evidence to prevent the inadvertent transfer of biological material and to minimize the risk of exposure to infectious biological pathogens:

- Personal Protective Equipment (PPE) should be worn at all times when collecting, handling, and packaging biological evidence. This includes disposable gloves and face masks, and may also include protective disposable outer clothing, if at all possible. Disposable gloves should be changed frequently and between the collection, handling, and/or packaging of different items of evidence.
- Instruments such as scissors or tweezers should be disposable or must be cleaned thoroughly before and after collection of each sample.
- Avoid talking, sneezing, or coughing around evidence, as well as, allowing sweat to drip onto evidence. Further, avoid touching your face, nose, mouth, or hair when collecting, handling, and packaging evidence.

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4.1.2.3.2.1 General Considerations

Biological evidence should be submitted in breathable packaging materials, such as paper envelopes, paper bags, and cardboard.

Evidentiary items for biological analysis must be dried, if at all possible, prior to packaging and submission by the investigating agency.

Each item should be marked with identifying information that corresponds to the description provided on the FSD-007 (Laboratory Examination Request).

The minimum recommended size of packaging for the outer container is 4 x 6 inches.

Packaging must be sealed with tamper-evident tape. Avoid the use of staples and other means of securing packaging that could result in punctures to individuals handling the evidence.

When selecting and sealing packaging for biological evidence, ample room should be available for the analyst to properly re-package and re-seal the evidence after analysis.

An entire item should be submitted, if possible. If not possible or practical, stains may be removed (cut out or separated) from the item or swabbed.

Evidentiary items must always be packaged separately from known reference samples.

Generally, items should be packaged separately, particularly if they may contain DNA from different sources.

Biological evidence should be stored in a cool, dry, and secured environment out of direct sunlight. Avoid storing biological evidence in conditions that are known to degrade DNA- extreme heat, direct sunlight, and high humidity.

4.1.2.3.2.2 Special Considerations

Firearms will not be accepted by the Biology Unit. If extenuating circumstances dictate the submission of a firearm, such as the firearm having been used directly in the commission of a violent crime, it shall be submitted **unloaded and properly secured**, packaged in an appropriately sized cardboard box, and secured in place inside the box.

Items posing a potential for puncture or cutting hazard shall be packaged in an appropriately sized cardboard box, secured in place inside the box, and clearly marked as to the contents (e.g. "Broken glass", "Knife").

Hairs must be packaged inside a folded paper packet first, prior to being packaged in an outer envelope, in order to prevent loss through the seams of the envelope.

Biological evidence that must be submitted in liquid form (e.g. liquid blood, semen, saliva) shall be submitted in a closed and sealed plastic or glass container. The nature of the evidence must be disclosed upon submission to ensure proper storage conditions are met in the laboratory.

Bone(s) may be submitted to the laboratory for analysis only when adhering tissue, cartilage or a

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body fluid is present.

Products of Conception (POC) must be stored frozen or submitted immediately upon collection.

Advise medical personnel that no preservatives or fixatives (such as formalin) should be added to tissue. Samples fixed in formalin will not be accepted by the laboratory.

4.1.2.3.3 Evidence Submission

4.1.2.3.3.1 Submission Information Required

The Laboratory Exam Request (FSD-007) must be completed in order to submit evidence to the laboratory.

1. The FSD-007 must include a thorough description of each item of evidence submitted (i.e. a blood stain recovered from the point of entry of a burglary), as well as, a detailed location of where the evidence was recovered and why it is believed to be from the possible perpetrator of the crime.
2. Relevant case information that would assist in the biological screening of the submitted evidence should be provided.

In many instances it may be necessary to consume the item submitted during testing. Permission for the laboratory to consume the evidence is assumed, unless otherwise indicated by the investigating agency on the FSD-007.

4.1.2.3.3.2 General Acceptance Guidelines

Sexual assault kits may only be submitted to the laboratory for processing if the survivor has released the SAK to law enforcement. SAK's not released to law enforcement will not be accepted by the laboratory.

Non-SAK evidence may be submitted on the initial case submission in instances where a SAK was not collected.

Misdemeanor cases will not be accepted by the MSP FSD.

The processing of a firearm for biological evidence may be material in answering investigative questions in violent crimes and crimes against persons and may be considered for submission **only** in these cases.

4.1.2.3.3.3 Accepted Sample Types

The following sources of DNA are accepted by the Biology Unit for processing:

- **Bodily Fluids and Tissue:** The most plentiful sources of DNA are bodily fluids and tissue, including blood, semen, and saliva.
- **Hair:** Human hairs with roots may, but will not always, yield enough DNA to develop a DNA profile.
- **Contact ("touch")/Shed skin cells:** Contact DNA evidence is evidence which has no visible staining and may hold shed skin cells simply from being touched or handled.

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- Contact evidence sometimes yields useful information, but often has little or no value depending on how long the item was touched/handled, the way in which an item was touched, and how many people have touched the item.
 - Items likely to have been touched once by a perpetrator will not be accepted for any case type.
 - Publicly used items that may have been touched by a perpetrator will not be accepted for any case type.
 - Items likely to have been touched for an extended period of time or repeatedly by the perpetrator may be accepted (e.g. steering wheel, tool left behind at the scene).
 - Items likely to have been in oral contact with the perpetrator are not considered contact evidence and may be accepted (e.g. chewed gum, cigarette butts, swabbing of the mouth area of beverage containers, and partially eaten food).
 - Clothing items are not considered contact evidence when attempting to identify the wearer of the item and may be accepted (shirts, hats, gloves, masks, jewelry, etc.).
- **Fetal Tissue:** Products of Conception (POC) may be submitted in cases where a sexual assault kit was never collected.
 - **Bone:** Bone(s) may be submitted to the laboratory for analysis only when adhering tissue, cartilage or a body fluid is present, as the bone itself cannot be processed by the Biology Unit. Further, the Biology Unit is not able to determine species, gender, or age of bone.
 - **Known reference samples:** DNA reference samples including victim(s), suspect(s) and elimination(s) should be submitted along with the evidence. The following sample types are commonly accepted as a DNA reference sample:
 - Buccal (inside of the cheek) swabs
 - CODIS arrestee/offender kits shall not be used to collect casework buccal swab reference samples
 - Liquid blood samples stored under refrigerated conditions prior to submission or submitted to the laboratory soon after collection
 - Dried blood stains previously prepared from liquid blood
 - Items established to belong to a specific individual of interest to a case, or alternate known references, may only be submitted for use as a known reference if a buccal or blood sample cannot reasonably be obtained. Reasonable circumstances for the use of an alternate known reference may include the person of interest being deceased, extradition would be required for collection, or the collection of the sample would compromise an investigation. Examples of alternate known references include toothbrushes known to belong to and have been used by the individual of interest, the witnessed discarding of a cigarette butt, a drink bottle used during questioning, etc. The acceptance of alternate known references must be approved by a Laboratory Director or Biology Unit Supervisor.

4.1.2.3.3.4 Number of Items Accepted by Case Type

The number and types of evidence items accepted at the laboratory will be based on the type of crime committed (file class). Submission of additional items requires consultation with the Laboratory Director or their designee.

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For submission purposes, an item is defined as one piece of evidence (sexual assault evidence collection kit, swab, weapons, article of clothing, etc). DNA reference samples do not count toward the total number of evidentiary items accepted.

| CASE TYPE | EVIDENCE ACCEPTED | MAX # ITEMS FOR SCREENING | MAX # SAMPLES FOR DNA |
|---|--|----------------------------------|------------------------------|
| Homicides (900-) | Victim/suspect clothing, autopsy sexual assault samples, weapons, items used or left behind by the suspect | 10 | 7 |
| Felonious Assaults (1300-) | Victim/suspect clothing, weapons, items used or left behind by the suspect | 7 | 5 |
| Sexual Assaults (1100- and 3600-) [SAK] | Sexual assault evidence collection kit, underwear | Kit | 2 |
| Sexual Assaults (1100- and 3600-) [Non-SAK] | Clothing, bedding, condoms, products of conception | 7 | 2 |
| Crimes Against a Person (Robbery (1200-), Arson (2000-), Hit and Run (5400-1) | Items used or left behind by the suspect, biological stains, tissue, or hair from suspect vehicle | 5 | 2 |
| Non-violent/Property Crimes | Items used or left behind by the suspect | 1 | 1 |

Violent/Crimes Against Persons

1. Homicide (900-), felonious assault cases (1300-), and other cases resulting in serious bodily harm or death (e.g. motor vehicle death, possible suicide, suspicious circumstances, home invasion)
 - a. Prioritized not to exceed the number of items described above, focusing first on biological fluids.
 - b. Contact DNA evidence, as described above, will only be accepted if specific relevance to the case is demonstrated and documented on the FSD-007.
 - c. Firearms may be submitted for biological processing only with the approval of the Laboratory Director or their designee.
 - d. No further DNA testing shall be conducted after an association has been made linking a suspect to a crime (i.e. victim's blood on the suspect's clothing).
2. Sexual assault (1100-, 3600-) cases
 - a. The initial submission should consist only of the sexual assault evidence collection kit and underwear worn after the assault.
 - b. If a sexual assault evidence collection kit is not available or investigative information suggests additional items may be of value, other items may be submitted after consultation with the Laboratory Director or their designee. These other items may include condom(s), clothing, and/or bedding.
 - c. Criminal paternity cases will only be tested when reference samples from the mother (known or alleged), child/products of conception (POC) and father (known or alleged) are submitted.
 - d. Firearms may be submitted for biological processing only with the approval of the Laboratory Director or their designee.

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- e. No further DNA testing shall be conducted after an association has been made linking a suspect to a crime (i.e. suspect's DNA on a victim's vaginal swab).
- 3. Other crimes against a person (Robbery (1200-), Arson (2000-), Hit and Run (5400-1))
 - a. Prioritized not to exceed five items as described above, focusing first on biological fluids.
 - b. Contact DNA evidence, as described above, will only be accepted if specific relevance to the case is demonstrated and documented on the FSD-007.
 - c. No further DNA testing shall be conducted after an association has been made linking a suspect to a crime (i.e. suspect DNA profile developed on face mask left behind at robbery).

Non-violent/Property Crimes

- a. Not to exceed one item as described above, focusing first on biological fluids. More than one item will only be accepted in instances where the involvement of more than one perpetrator is strongly supported.
- b. Contact evidence will only be accepted in the absence of the plentiful sources of DNA described above. *In addition, contact evidence will only be accepted if submitted in conjunction with a suspect known reference sample for comparison.*
- c. Drug packaging and associated paraphernalia (e.g. disposable gloves recovered with the drug packaging, scales, pipes, prescription pill bottles, syringes, spoons, roach clips, containers, etc.) will not be accepted by the Biology Unit for collection and/or DNA analysis. *Felony drug cases may be accepted for biological processing if the Controlled Substances Unit has already established the evidence does not pose a high hazard, the evidence was protected for biological processing, and the Laboratory Director or designee grants approval.*
- d. Firearms and swabs of firearms seized directly from a person, or from the person's vehicle or residence, in a firearms possession case will not be accepted.
- e. Firearms themselves will no longer be accepted into the Biology Unit. Investigating agencies may, however, submit **SWABS** of firearms for processing by the Biology Unit, barring the firearm was not seized directly from a person or from the person's vehicle or residence. Swabs of firearms will only be accepted if submitted in conjunction with a suspect known reference for comparison.
- f. No further DNA testing shall be conducted after an association has been made linking a suspect to a crime (i.e. suspect's blood at point of entry).

Other submissions (Requiring consultation with a Laboratory Director or designee):

- a. Unidentified human remains
- b. Missing persons
- c. Relationship testing
- d. Alternate reference samples

4.1.2.3.3.5 Pursuing Additional Analysis

Typically, no further DNA testing shall be conducted after a meaningful association has been made linking a suspect to a crime. Occasionally, however, the analysis of additional items or application of additional technologies may be warranted to address unanswered investigative questions. Submission of additional items or approval for the application of additional technologies requires the consultation and approval of the Laboratory Director or their designee.

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4.1.2.3.3.5.1 Body Fluid Identification After Male DNA Screening

If the male DNA screening of a SAK was negative for the presence of male DNA, or if samples were forwarded to DNA analysis but did not yield a profile from the perpetrator, processing of additional evidence through Body Fluid Identification may be explored.

For SAKs that have been screened for male DNA, investigative or litigation questions may be clarified by also conducting a search for sperm cells to confirm the presence of semen. The specific questions to be clarified must be provided to a Biology Unit supervisor to receive approval for this additional testing.

4.1.2.3.3.5.2 Y-STR Analysis Cases

Cases for Y-STR analysis must meet the following criteria:

- The suspect is a male with a submitted reference sample, or the reference sample can readily be made available.
- Autosomal DNA quantitation indicated the presence of male DNA and the generation of a profile was previously attempted.
- With DNA supervisor approval, Y-STR analysis may be attempted in instances where the quantity of male DNA is insufficient for autosomal DNA.
- The crime is associated with one of the following file classes: 900-, 1000-, 1100-, or 1300-.

4.1.2.3.3.5.3 Familial Search Cases

Cases for Familial Searching must meet the following criteria:

- The request for the familial DNA search in a particular case is made by the chief law enforcement officer of the investigating law enforcement agency in writing;
- The case involves an active investigation of an unsolved violent crime against a person or there are critical public safety implications;
- Other investigative leads have been exhausted and critical public safety concerns remain;
- Prior analysis of crime scene evidence has yielded a single-source DNA profile(s) without reasonable potential for allelic drop-out or drop-in or an unambiguous deduced single source profile from a DNA mixture which when traditionally searched against other databases at the state or national level has not developed any useful results;
- The evidence exhibits a DNA profile of at least the original core thirteen genetic markers accepted by the FBI (partial DNA typing results will be considered on a case by case basis);
- The Director of FSD, Director of BID, FSD Biology Technical Leader, CODIS State Administrator, requesting chief law enforcement officer, Prosecuting Attorney for the investigating jurisdiction, and any other personnel deemed necessary shall have conferred regarding the request, the case criteria, and the use of any search results; and
- The chief law enforcement officer of the investigating law enforcement agency and the Prosecuting Attorney for the investigating jurisdiction shall agree in writing that the aforementioned criteria have been satisfied and commit to further investigation if potentially related individuals are identified.
- An FSD-053 form must be completed to document the request and formalize the submission to the laboratory.

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4.1.2.4 Seized Drugs and Controlled Substances

4.1.2.4.1 WHAT to Submit

1. "A submission" of drug evidence is evidence taken from one suspect or one location at a given time.
 - Separate "buys" are separate submissions.
 - Different suspects with different items are different submissions.
2. Each submission MUST be:
 - associated with a person
 - suspected to be drugs or evidence of a drug-related crime
 - properly sealed
 - submitted to the laboratory with a completed submission form FSD-007
3. Completion of Submission Form FSD-007
 - State the anticipated charge or nature of the investigation. Examples: possession, PWID, manufacture, delivery causing death, federal charges sought.
 - State the date established for trial or preliminary hearing.
 - State the number of plant samples submitted if applicable.
 - Describe the violation of the MMMA and state the number of medical marijuana patients if applicable.
 - Specific case circumstances may permit submission of amounts less than 2.5 oz. Communication with laboratory personnel is required in these situations to determine which items might yield relevant investigative information.

4.1.2.4.2 WHAT NOT to Submit

Do not submit field test kits, pressurized tanks, or evidence unrelated to the drug item.

4.1.2.4.3 HOW MUCH to Submit

1. Submit up to two items per submission
2. Select items of evidence that will meet the needs of the investigation
 - If two items are submitted, they should represent different controlled substances or separate charges.
 - The laboratory will select the items to analyze based on information provided by the agency if several items are submitted for analysis.
3. For items of suspected marijuana plant material, submit at least
 - 2.5 oz (71 g) for subjects 21 years of age or violations of MMMA,
 - 100 mg for subjects less than 21 years of age.
 - 100 mg for subjects of any age if the violation occurred at a school or correctional facility.

Special Considerations

For weight-based penalty threshold cases, submit as many items as necessary to reach or exceed the highest applicable weight-based threshold. Specific case circumstances may permit submission of amounts less than 2.5 oz/100 mg. Communication with laboratory personnel is required in these situations to determine which items might yield relevant investigative information.

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4.1.2.4.4 Safety

1. Seized drug submissions must comply with FSD Safety Policy SM4. The packaging and labeling requirements are summarized below.
2. Contact the laboratory for additional information.

| Hazard | Example | Packaging | Label |
|-------------------------------|--|---|--|
| Laceration or Puncture | Glass pipe Razor blade | Rigid container | "Laceration/Puncture Hazard" |
| Liquid | Clan lab liquid Unknown liquid | Rigid, capped container inside a second container | As applicable: "Toxic", "Acid", "Corrosive" etc. |
| Powder – regular hazard | Cocaine Methamphetamine | Plastic bag or container | |
| Powder - high hazard | Fentanyl, carfentanil, sufentanil, U-47700 | "Double-bagged" sealed plastic containers | "Chemical Hazard - Fentanyl" |
| Biohazard, Sharp Biohazard | Syringe Evidence recovered from body | Sharps – rigid container Others – evidence bag | "Biohazard" "Sharp" |

4.1.2.4.5 Packaging

General Information

1. Drug evidence in the form of powder, liquid, or solid dosage unit shall be submitted to the laboratory in a plastic external evidence container that is sealed in a manner that prevents inadvertent loss of the contents. A heat-sealed plastic bag or fully tape sealed plastic evidence bag meets this requirement. This is supplemental to all other requirements for proper sealing of evidence in this manual.
2. Each Item should be marked with a unique item number.
3. Each Item should be packaged in an appropriate sized container. The minimum recommended size of the outer container is approximately 6"x9".
4. When sealing evidence in bags or envelopes allow ample room for the analyst to reseal the evidence after analysis.

Powders

1. Use a plastic external container that does not permit the contents to escape, such a heat-sealed plastic bag.

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EVIDENCE NOTE

Do NOT place small amounts of powder into a plastic evidence bag. Static electricity makes recovery of the material difficult. Use an inner folded paper packet or small plastic bag to contain the powder.

High Hazard Powders

1. A “High Hazard” powder is a seized drug material that is suspected to pose an elevated human health risk in the event of an exposure.

Examples of high hazard powders are fentanyl, carfentanil, W-18, and U-47700.

2. If a high hazard is suspected, mark the outer container to alert personnel as to the specific hazard. Example: “FENTANYL.”

Liquids

1. Place the liquid in a securely capped bottle or vial.
2. Place the bottle or vial into a second capped container or heat-sealed bag to prevent leakage.
3. Then use a sealed plastic external container that does not permit the contents to escape, such as a heat-sealed plastic bag.
4. Package and transport all liquids in such a way as to prevent breakage of the containers.
5. If a safety hazard is suspected, mark the outer container to alert personnel as to the specific hazard. Examples: “CORROSIVE,” or “FENTANYL.”

Tablets

1. Tablets and capsules should be counted before packaging.
2. Each type (separated by color, shape, size) should be packaged separately.
3. Use a resilient, crush proof container when sending tablets and/or capsules through the mail.

Syringes

EVIDENCE NOTE

If no residue is visible in a syringe, consider other sources of evidentiary material for submission instead. Visible residue on spoons, papers, or surfaces often provide sufficient material for analysis when no residue is observed in a syringe.

1. Package the syringe in a rigid container. If present, leave the cap on the syringe, and do not depress or remove the plunger.
2. A syringe is anticipated to be contaminated with human blood or body fluids, and shall be treated as a biohazardous sharp hazard.
3. Mark the outer container with “BIOHAZARD SHARP” to alert personnel to the safety hazard.
4. Refer to MSP’s Blood-Borne Infectious Disease Exposure Control Plan or contact the Controlled Substances Unit for further information.

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Plant Material

1. If the plant material seized is dry (“crunchy” or “crispy”), it can be packaged in plastic or paper evidence bags or envelopes.
2. Moist or wet plant material must be allowed to air dry prior to packaging. After drying, the plant material should be packaged in paper bags or paper envelopes.
3. Avoid packaging moist plant material in plastic as the evidence will mold or degrade.
4. Suspected **khat** should be frozen or refrigerated while awaiting transfer to the laboratory.
5. For items of suspected marijuana plant material, submit at least
 - 2.5 oz (71 g) for subjects 21 years of age or violations of MMMA,
 - 100 mg for subjects less than 21 years of age.
 - 100 mg for subjects of any age if the violation occurred at a school or correctional facility

Plants

EVIDENCE NOTE

It is generally unnecessary to submit intact plants. Submit samples for all plants larger than 12" tall.

1. It is generally unnecessary to submit large intact plants.
2. Plants larger than 12 inches tall must be sampled, and the samples submitted to the laboratory.
3. It is incumbent upon the investigating agency to count and document the number of plants in the seizure.
4. It is generally unnecessary to submit more than five plants or plant samples over the legal threshold applicable to the case.
5. It is generally unnecessary to submit dirt, growing media, or plant containers.
6. Contact the laboratory for additional information and to request a copy of the *Marihuana Plants Sampling and Submission Guide*.

Special Circumstances

Communication with laboratory personnel is key when a case involves unique evidence, unusual circumstances, or a quick-moving investigation.

Biohazards

1. Samples retrieved from biologically contaminated sources (toilets, body orifices) must be clearly marked on the outer packaging with a biohazard sticker or with the word “Biohazard” printed in bold letters.
 - The biohazard status of the sample should also be explained on the FSD-007.

Packaging and Latent Print Processing

1. Packaging that requires latent print processing should be separated from the suspected controlled substances prior to submission to the laboratory. Exception is made for drug materials that present a safety hazard. Refer to the Latent Prints submission guide.
2. The separated suspected controlled substance should be placed in a container consistent with the size/quantity of the item.
3. Packaging that contains residues which cannot be separated should be submitted directly to the Controlled Substances Unit.

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4. The Request for Laboratory Examination form (FSD-007) should indicate that latent print examination is needed. The Controlled Substances Unit will submit the evidence to the Latent Print Unit after completing their analysis.
5. Other unseparated items submitted for both Latent Print examination and Controlled Substances analysis shall be submitted to the Controlled Substances Unit first.

Adulterants and Trace Evidence Processing

1. Items that are suspected to have been adulterated with a drug (e.g. a drug in a beverage) should be submitted to the Controlled Substances Unit.
2. Items that are suspected to have been adulterated with a non-drug substance (e.g. rat poison in a beverage) should be submitted to the Trace Evidence Unit.

Residues

Residues will not be analyzed if a quantity of the same controlled substance is present in the case.

Unique Circumstances

Agencies may make a request to the laboratory director for additional analyses on items having particular importance to the prosecution of a case.

Trial Dates

Contact the Controlled Substances Unit supervisor in advance of an approaching trial date to ensure results are received in time.

Federal Cases

Contact the Controlled Substances Unit supervisor with regards to the submission of cases that will be tried under federal law.

Marihuana Cases

Submit at least 2.5 oz (71 g) of plant material for violations involving a subject 21 years of age or more, or for violations of MMMA. Submit at least 100 mg of plant material for subjects less than 21 years of age, or any violation associated with a school or correctional facility.

4.1.2.5 Latent Prints

4.1.2.5.1 Submissions

Latent print identification only determines that a specific person touched an object and does not specify the use or time in which the evidence was handled. There is no scientific basis by which to age a latent print, therefore a latent print identification on an item which has an established history of being around or touched by a person offers no information on the handling of the item at the time of the incident.

The provided summary of evidence and circumstances in which evidence shall not be analyzed for latent prints is not intended to be a comprehensive list of acceptance. Submission acceptance is based on the principles of scientific value toward answering a question and is often dictated by the overall circumstances.

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The following evidence will not be analyzed for latent prints:

- Items collected/seized directly from the subject in question or their residence/vehicle.
- Items known to have belonged to the subject in question (unless currently in possession of a second subject and used to determine the original possessor).
- Items that were observed in the possession of the subject prior to being discarded.
- Found property that is not associated with a criminal case.
- Firearms that had previously been analyzed by the Firearms Unit.
- Firearms swabbed for DNA in any area other than the trigger and/or textured grip.
- Cartridges and fired cartridge cases.
- Fired bullets and bullet fragments.
- Evidence where the substrate is either degraded (e.g. corroded metal) or clearly lacks sufficient surface area to support a latent impression.
- Controlled substances packaging that contained any amount of a high hazard material.
- Controlled substances packaging containing powdered material (greater than residue). Packaging may be submitted after the powdered material has been removed.
- Controlled substances packaging smaller than a standard US postal stamp or that consists entirely of a tied knot.

4.1.2.5.2 Latent Print Case Submission Information

- All suspect(s) information shall be submitted, if available, on every submission request for the latent print unit.
- All cases submitted to the Latent Print Unit shall include, when possible, identifying information for all subjects to be compared, including name, date of birth, SID number, and FBI number.
- Statement of facts shall be included on/with the submission form (FSD-007) and should contain information about location and personal possession of the items submitted.
- Statement of facts for all firearms cases shall include: specific description of the location it was seized, recovery from personal possession, registration to listed subject, areas swabbed for DNA, and extenuating circumstances.

4.1.2.5.3 Submission of Hands for the Collection of Known Impressions

- In cases in which the friction skin has degraded to the point that it can no longer be collected in the morgue by conventional means, the fingers or hands of the subject may be submitted to the laboratory.
- The laboratory must be contacted prior to submission of hands, fingers, or skin in order to schedule the submission with available analysts.
- Each finger or hand must be separately packaged and labeled as to which finger location it originated from (i.e. right index finger).
- The fingers, skin, or hand(s) must be submitted in a cooler of ice to minimize further decomposition. The fingers, skin or hands should not be frozen.
- Collection of the known impressions will be prioritized and the agency must retrieve the fingers, skin or hands as soon as they are notified that collection is completed.

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4.1.2.5.4 Packaging

- All evidence should be packaged and sealed in a fully enclosed container.
- Always wear gloves when handling evidence to be processed for latent prints.
- Handle the evidence with a firm grip in a highly textured area or an area that would be least likely touched during typical use of the item.
- If the item was not properly protected for latent prints, this should be noted on the FSD-7 submission form and known elimination fingerprint cards should be submitted for the persons who handled the evidence without gloves.
- Do not write on the evidence itself. If notations need to be made, make them on the container in which the item is packaged.
- No seized drug packaging that contained carfentanil or its analogs will be received by the laboratory for latent print examination. Cases submitted to the controlled substances unit for analysis must have completed results from the controlled substances unit prior to LPU evidence receipt.
- Wet items shall be fully dried and packaged in sealed paper bags or paper envelopes (never plastic) and a notation made on the submission form (FSD-007) that the evidence was previously wet.
 - Exceptions:
 1. Evidence needing both arson and latent print analysis should not be dried and should be packaged in sealed nylon bags.
 2. Metal items submerged in water should be collected in a container full of the water and not removed from the water for drying prior to submission.
- Biohazard evidence shall be dried and packaged in sealed paper containers which are clearly marked biohazard.
- If the evidence is a knife or other sharp object, it shall be packaged in a sharps container or other container that protects staff from injury and shall be clearly marked as biohazard/sharps. Sharps evidence shall be packaged separately from other evidence. Syringes with needles are not accepted without prior approval of the Laboratory Director.
- Items that have never been wet may be packaged in sealed plastic or paper containers.
- Package the item in the correct size container. The container should be small enough that the item does not move around excessively, but the package should not be wrapped tightly around the evidence.
- Package one item per container, or in such a way that the items do not rub against each other.
- Tie down boxes are the preferred containers for firearms. Firearms shall be made safe prior to submission to the laboratory.
- Latent lifts should be packaged separately from evidence to be processed. All latent lifts from a single case may be packaged in a single container.
- CD's/DVD's containing photographs of latent prints should be a copy of the photographs on file at the agency and should not be the agency's sole copy of the evidence. The photographs should be in RAW or TIF format and must include a scale.
- Each CD/DVD should contain latent print evidence from only one case. Only the latent prints for comparison should be included on the CD/DVD. General photographs of the scene should not be included.

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4.1.2.6 Firearms/Toolmarks

4.1.2.6.1 Submissions

Firearm and tool mark cases will be prioritized in accordance with the following submission policy.

1. Cases with an immediate threat to the public
2. Any case with an active court date, court order or special request for analysis
3. Local agreements for priority
4. Officer involved shootings where examinations are essential for decisions on prosecution
5. "Rush" cases requested by an agency. Approval from the Lab Director or Unit Supervisor is necessary for all rush requests
6. IBIS Only Exam cases
7. National Integrated Ballistics Information Network (NIBIN) "Hit" confirmation cases
8. Gunshot Residue/Distance Determination examinations where muzzle to garment distance is essential for prosecution and cannot be answered by the Medical Examiner's Office.
9. Active investigations with tool marks or cast(s) of the tool mark, suspected tool and a positive association to a known suspect.
10. Firearms with eradicated serial numbers.

For Open Shooting/NIBIN entry cases, only the firearm and one empty magazine shall be submitted. Do not submit ammunition for these cases.

NIBIN/IBIS entries will not be made in cases that become dismissed prior to the analysis being completed.

Function tests of firearms are routinely performed by laboratories as part of the comparison case or entry into the NIBIN database. Function testing a firearm solely for operability is not performed by the Firearm and Tool mark Unit.

4.1.2.6.1.1 Suspect Firearms

- If a firearm is to be submitted solely for the purpose of proving operability, the agency shall perform their own test firing.
- Unless converted to fire a projectile, starter pistols or blank guns will not be analyzed as they do not meet the current definition of a firearm.
- If a firearm is to be submitted solely for entry into the National Integrated Ballistic Information Network (NIBIN) database the date of submission cannot be greater than 6 months from the date of the incident, or if the firearms was reported stolen, greater than 6 months from the date of recovery. If so, the agency is responsible for obtaining and submitting test shots for database entry.
- Silencer examinations are not conducted.
- Firearms recovered at scenes where suicide (9900-1 file class) is the cause of death will not be tested unless it can otherwise be associated with a specific crime or chain of crimes.
- Barrel and overall length measurements of a firearm, as it pertains to MCL 750.222 (short barreled and overall length) are not performed by FSD personnel. Agencies can receive instruction from an MSP Firearm Examiner on proper measuring procedures.
- Malfunctioning firearm: In cases such as accidental discharges, a detailed account of the incident must be submitted. The firearm will be tested for the following:

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- Proper function and documentation of all safeties
- Trigger pull measurement
- Overall functionality and condition
- Striking or dropping firearms, or any other attempts to reproduce conditions to cause, verify, or disprove an accidental discharge will not be made.
- If it is found that there are any recalls, safety warnings or published articles that detail conditions that may cause an accidental discharge, documentation of such shall be included in the final report. With approval from the Unit Supervisor, the examiner may attempt to recreate these conditions.

4.1.2.6.1.2 Police Officer involved shootings

- Cases submitted only for civil proceedings will not be examined.
- Police Officer(s) weapon(s) must be submitted with the fired evidence.
- Cases must be clearly identified as an officer-involved shooting on the FSD-007 form at submission.

4.1.2.6.1.3 Loaded firearms that cannot be made "safe" by submitting agency

- Notification of Laboratory personnel shall be made at time of submission.
- The container must be clearly labeled as "LOADED" in multiple areas.

4.1.2.6.1.4 Distance Determination

- This test shall only be conducted if the Medical Examiner or Pathologist cannot render an opinion related to distance determination.
- Medical Examiner or Pathologist opinion must be included on the FSD-007 at case submission time. If it is not, the examiner shall consult with the OIC to determine if an opinion has been given. This information shall be documented in the case record.
- Submit only the dry, outer most garment exhibiting suspected bullet hole(s).
- The suspect firearm and the exact ammunition are needed (if one or both are absent, the Unit Supervisor must be consulted prior to submission)
- Gunshot Residue hand kits are not processed. If required, FSD personnel may be able to provide a list of vendors who perform this type of examination.

4.1.2.6.1.5 Tool Mark Evidence

- There must be an active investigation for all tool mark cases.
- A suspect tool with a known association to a suspect is required.
- The actual item damaged, or a cast(s) of the area damaged, is required.

4.1.2.6.1.6 BrassTrax (NIBIN)

- Only test fired cartridge case(s) from semiautomatic pistols and rifles are entered.

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- Do not submit the following types of firearms for entry: Airsoft or BB guns; Derringers; revolvers; shotguns; break-open, lever action, or bolt action firearms; black powder firearms, starter pistols or blank guns.
- Bullets are not entered.
 - Bullets that are submitted on cases with no suspects listed on the FSD-007 will not be analyzed. The lab director and firearms unit supervisor must approve special requests for analysis.
- Fired cartridge cases
 - Fired cartridge case(s) submitted on cases with no suspects listed on the FSD-007 will be reviewed for an IBIS/NIBIN entry only. A full comparison or examination will not be completed unless the lab director and firearms unit supervisor approve the exception.
- Firearms obtained during "buy-back" events will not be accepted. The agency is responsible for obtaining and submitting test shots for NIBIN entry.
- Firearms being held for safe-keeping are not eligible for entry.

4.1.2.6.2 Packaging

4.1.2.6.2.1 Bullets

- Bullets collected from autopsy should be cleaned of blood and tissue as much as possible, as body fluids can deteriorate fine detail on the bullet surface.
- Fired bullets should be packaged individually.

4.1.2.6.2.2 Firearms

- Submit the firearm and one empty magazine (do not submit unfired ammunition).
- Do not use metal objects to secure the action of the firearm - plastic zip ties are recommended.
- For firearms recovered in water:
 - Render the firearm safe.
 - Submit in a container of the same water, if possible. If this is not possible, immediately treat with a water displacing lubricant such as WD-40 to help prevent oxidation/rust.
- Ammunition must be packaged separately from the firearm (no loose ammunition in the same container).

Effective January 1, 2011, MSP Forensic Science Laboratories will not swab firearms for DNA where the submission is exclusively for NIBIN entry.

4.1.2.6.2.3 Clothing Items

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- Air dry on a clean piece of paper. When dry, place another piece of paper on top and roll or fold; place in a paper bag and seal.

4.1.2.6.2.4 Toolmarks

- Package each tool separately and in a container separated from the object displaying the tool mark.
- Whenever possible, submit the actual item that exhibits the tool mark.
- If a cast of the tool mark is submitted, take an overall photograph or sketch of the item and its surroundings. Include information such as the direction the tool may have been used, location of the door strike plate, position of the lock, etc.

Affix a biohazard label or write "BIOHAZARD" in large letters on the outer container if the item poses a biological or safety hazard.

4.1.2.7 Questioned Documents

4.1.2.7.1 Submissions

Items that are NOT accepted for analysis:

- Items of documentary evidence not in question (except comparison or known materials), including any writing request where the suspect/victim has admitted to producing the signature(s) or extended writing. In this instance, the writing is considered known writing. Should the admission be recanted, the writing may be submitted for examination.
- Ink pens and inkjet printer cartridges. Unusual circumstances may occur where the chemical examination of ink formulations may be useful. If it is believed that this may be useful information, call and speak to a forensic document examiner prior to the submission.
- Suicide notes submitted for handwriting examinations where there are no indications that a homicide has occurred. All suicide notes shall be submitted under a 0900-1 file class if an examination is required.
- Requests for the evaluation of personality from writing. This is not a recognized forensic science and is not accepted in courts.

4.1.2.7.2 Packaging

- Questioned and Known samples for comparison should be packaged separately.
- Do NOT write or staple on packaging after document evidence has been placed inside.

4.1.2.8 Trace Evidence, Footwear/Tire Impressions & Fire Debris

The Trace Evidence Unit makes comparisons to determine if there is a similarity between known and unknown (questioned) samples of impressions and materials such as footwear/tire, glass, paint, fibers, and others. In general, the Trace Evidence Unit requires a known item along with the questioned item. However, there are many exceptions to this which include determining the possible make and model of automotive paint, determining footwear/tire brand and model and determining identification and possible sources of various materials. The Trace Evidence Unit also analyzes fire debris items for the presence of ignitable liquids.

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4.1.2.8.1 Submissions

Items that are NOT accepted for analysis:

- Evidence that would link a person (their footwear impression, fibers, etc.) to their own property (example - looking for a person's clothing fibers in their own car)
- Evidence that would link a suspect (their footwear impression, fibers, etc.) when they are a relative/known acquaintance with known recent contact to the area or victim
- Cases without comparison samples unless attempting to source with a database, source the material itself, etc. (example of not accepted - questioned glass submitted without a known)
- Evidence that involves the same items/people that are already linked by DNA evidence (e.g. blood on suspect clothing linked to victim), unless the trace evidence may provide probative information beyond the biological evidence association. Detailed trace evidence comparisons may be delayed until DNA examinations are complete if these examinations involve the same items/people.

Hair-Not accepted for analysis:

- Hair (human or animal) evidence for microscopic comparison. Hair evidence may be submitted to the Biology Unit for general screening and evaluation for DNA analysis

Explosives--Items not accepted for analysis:

- Unexploded commercial fireworks with intact manufacturer packaging.
- Explosive devices that have not been rendered safe by a bomb squad
- Explosive devices that cannot be linked to a suspect by proximity, DNA or latent prints; *unless* components identification/possible sources are of interest
- High explosives (contact FBI or ATF)
- Overpressure devices (bottle bombs) that are not tied to a criminal charge such as aggravated assault or have not been linked to a suspect by proximity, DNA or latent prints

Gunshot Residue—Not accepted for analysis:

- Gunshot residue (GSR) kits or GSR chemical identification of any sort (including unburned particles on clothing) If requested, a list of independent testing laboratories that do gunshot residue testing may be provided to the agency.

Bulbs,—Items not accepted for analysis:

- Vehicle/boat lamps that are not near areas of significant damage on the vehicle
- LED bulbs

Adulterated products or food/drinks—Items not accepted for analysis:

- Those suspected of containing a controlled substance. These should be submitted to the Controlled Substances Unit.
- Items that are beverages requested to be checked for ethyl alcohol or requested to have ethyl alcohol quantitated should be analyzed by the Toxicology Unit.
- “Unopened” or packaged food/product tampering that do not involve a personal suspect (example - off the shelf food/products should go to FDA lab)
- No more than two questioned items of food, beverage or personal care products are to be submitted at a time.
- Suspected contamination cases without a possible known contaminant being suggested or submitted for comparison (example “contaminated” oil/gas)

Footwear and Tire Track Evidence:

- Shoe size cannot typically be determined by a questioned impression.

Fire Debris Evidence—Items not accepted for analysis:

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- Large quantities of possible ignitable liquids for testing (very small sampling is adequate, for example, a small glass vial)
- Swabs of hands or of other dry objects
- Pocket lighters

Unknown Chemicals & Suspicious Situations—Items not accepted for analysis:

- Chemicals involved in HAZMAT situations
- Unknown substances where the identity is not being used for corroboration or reconstruction
- Suspicious white powders suspected of containing biological warfare agents; These will be accepted only after they are analyzed and released by the Michigan Department of Community Health (MDCH).
- Medical fraud cases (may be handled on a case by case basis)
- Requests to identify and/or perform quantitative analysis (strength or %) of the contents of labeled, commercial products which are in enclosed and/or pressurized containers. This would include commercial pepper spray containers, *even if not labeled*.

4.1.2.8.2 Packaging

- Evidence that contains small particles, such as glass fragments, paint chips, fibers, explosive residue, etc. should be packaged within a paper fold to protect from loss. Placing small particles only within an envelope will result in the particles leaking out from unsealed portions of the envelope. The utilized paper fold should be placed within other sealed packaging for submission.
- Debris submitted for ignitable liquid residue examination must be sealed in an airtight/leak-proof container such as a nylon bag or clean, new unused paint can. Small samplings from ignitable liquid containers should be submitted in a small bottle with a leak-proof screw cap which is then sealed inside another airtight/leak-proof container.

4.1.2.9 Toxicology

4.1.2.9.1 Submissions

Evidence submitted to the Toxicology Unit should be accompanied by a completed *FSD-93, Alcohol and Drug Determination* form. Submission of an insufficient volume of sample may preclude analysis in certain circumstances.

The following evidentiary samples submitted to the Toxicology Unit will not be analyzed for the presence of drugs and/or controlled substances:

- Cases in which less than three milliliters of blood has been submitted for analysis.
- ¹Cases in which the blood alcohol result was ≥ 0.10 g/dL ethanol.
- Cases in which the samples submitted are from a passenger in a fatal accident, unless it is specifically requested on the FSD-93.
- Cases in which only a urine sample is submitted for the analysis of cannabinoids (i.e., marijuana, THC) in a driving offense.
- ¹Cases in which the THC result was ≥ 3 ng/mL in a driving offense will not have additional drug analysis.
- Cases that involve beverages in the original manufacturer packaging where the manufacturer seal is unbroken.

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¹Submitting agencies or prosecuting attorneys, upon receipt of these alcohol and THC results, may request in writing additional testing for the presence of additional drugs.

4.1.2.9.2 Packaging

The preferred sample packaging is the Michigan State Police Blood Alcohol Test Kit. These kits can be ordered by completing and submitting a FSD-20 to the MSP Distribution Center.

Samples must be packaged in such a way as to prevent breakage, and if breakage does occur, the contents must NOT be allowed to leak from the packaging. The packaging must be sealed prior to transport and in such a way that will show if the packaging has been compromised in any fashion.

All bodily samples are considered biohazardous. The outside of the packaging containing the sample must be labeled with an orange "BIOHAZARD" label per U.S. Postal regulations.

4.1.2.9.2.1 Blood Sample Collection

The preferred sample for legal blood alcohol analysis (and most other analyses) is a sodium fluoride preserved whole blood specimen. If a blood alcohol test kit is not available, other evacuated sodium fluoride "grey top" tubes may be substituted.

4.1.2.9.2.2 Urine Sample Collection

Urine and other fluids shall be collected in clean, dry containers that are securely capped and will not leak or break during transport.

4.1.2.9.2.3 Alcoholic Beverage Collection

Alcoholic beverages may be collected in clean, dry containers that will not break during transport. The plastic bottles provided in the blood alcohol test kits are preferred. Samples must be sealed in such a way as to show if the packaging has been compromised. The submitted FSD-093 or FSD-007 shall indicate that the sample is a suspected alcoholic beverage.

4.1.2.10 Crime Scene Response

The MSP Forensic Science Division (FSD) offers scene investigation assistance to all law enforcement agencies. The types of crimes commonly responded to are:

- Homicides, suspected/attempted homicides
- Police involved shootings
- Suspicious deaths
- Violent or serial assaults (physical and/or sexual)

The FSD may also offer scene investigation of vehicles involved with the types of crimes described above. Agencies must arrange for the vehicle to be delivered to and picked-up from the laboratory unless other arrangements are made with the laboratory. Teams can also assist with excavation of evidence and human remains in conjunction with the medical examiner's office. Scene investigation requests for less serious crimes are evaluated on a case-by-case basis.

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A crime scene response team (CSRT) will be dispatched when the scene involves forensic processing and evidence collection that cannot be handled by the agency's personnel. The laboratory will not provide a crime scene response team for documentation purposes only (e.g., photograph, measure, sketch). Specially trained MSP Trooper Evidence Technicians are available in each district to fulfill these requests when necessary.

Before calling for a CSRT, the requesting agency should:

- Have personnel on-scene to provide detailed information about the scene
- Have a valid and accurate search warrant or consent to search, be in the process of obtaining one, or have contacted the prosecutor to determine that a search warrant is not needed
- Have the following information available:
 - Name of detective(s) and contact information (cell phone number)
 - Agency complaint number
 - Type of crime
 - Location and nature of scene
 - Types of forensic evidence collection believed to be necessary
 - Background information about the scene, victim(s), and suspect(s)

When a CSRT will be responding, the requesting agency's responsibilities include but are not limited to:

- Clearing the scene of potential hazards and ensure that it is secure and safe
- Providing at least one uniformed officer and marked vehicle for crime scene security for the duration of the crime scene
- Protecting evidence that may be affected by adverse weather conditions

4.1.2.11 Bloodstain Pattern Analysis Submission Guidelines

Specially trained bloodstain pattern analysts are available within the MSP FSD to perform bloodstain pattern analysis (BPA) on objects/evidence and/or crime scenes (including vehicles). This analysis can be performed:

- On objects/evidence submitted to the lab
- During/after a response to the crime scene
- From digital images of objects/evidence and/or crime scenes

Bloodstain patterns can yield valuable investigative information concerning the events which lead to their creation. The information gained can be used to determine mechanisms of deposition, events that could have created them and the evaluation of statements of witnesses and the crime participants. It may also be used to answer investigative questions posed by the submitter.

4.1.2.11.1 Requests for Bloodstain Pattern Documentation/Analysis (at the Crime Scene)

Please see the Crime Scene Response submission guidelines for details on requesting a response to a crime scene for BPA.

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4.1.2.11.2 Laboratory Submissions for Bloodstain Pattern Analysis

Due to the complex nature of this forensic analysis, requests for BPA in the laboratory should be made by contacting a qualified bloodstain pattern analyst to discuss the situation and evaluate if an analysis may be warranted. Unless the request is deemed to be a brief consultation only, the requestor shall submit an FSD-007 RFLE form or FSD-068, so a submission can be created within the laboratory information system and properly documented. It may be necessary to provide digital images or other information prior to the request being accepted.

The requestor should consider what investigative questions they would like answered from the BPA because this will aid in the evaluation process. Investigative questions must be specific in nature and may or may not be able to be answered by an analysis.

When the request for analysis is deemed necessary, additional available data will typically be needed as determined by the analyst assigned to the case. This data could include but is not limited to:

- Police reports
- Witness statements
- Autopsy/medical records/reports
- Digital images/videos
- Sketches
- Other experts' reports and case files
- Whether other blood-shedding events are known to have occurred prior to the event in question
- Previously observed condition of bloodstains
- Number of injured/bleeding persons, cause/manner of death or injury (location/types of wounds), possible weapons used

To minimize the effects of bias, the analyst may initially only request limited case specific data and information followed by a request for additional data/information after they have completed their initial analysis.

When the request for analysis is deemed unnecessary, a no analysis report will be generated.