



**NORTH DAKOTA OFFICE OF ATTORNEY GENERAL  
CRIME LABORATORY DIVISION**

**POLICY: GUIDELINES FOR PACKAGING AND SUBMISSION OF EVIDENCE**

The NDOAG - Crime Laboratory Division (CLD) will ensure the integrity of the evidence in its custody to protect the interests of the laboratory and its customers. This will be accomplished by prescribing rules for transporting, receiving, handling, protecting, storing, retaining and returning evidence, and by documenting the chain of custody to provide for the generation of legally admissible chain of custody records.

The CLD accepts and examines evidence at no cost pertaining to all types of criminal cases from misdemeanors to felonies from qualified customers. All submissions should be connected to criminal investigations. Submissions will not be accepted from private individuals or corporations. The following describes the general requirements for submitting evidence to the laboratory. Refer to discipline specific evidence submission guidelines for additional instructions and limitations regarding evidence submission for specific testing.

**CASE AND ITEM INFORMATION SUBMISSION GUIDELINES**

SFN 60456 Evidence Inventory Form **MUST** be completed when submitting evidence to the CLD (with the exception of Toxicology Unit – Biological Section Kits\*). If SFN 60456 is not completed, the evidence will not be accepted.

\*Toxicology Unit – Biological Section Kits (Post Mortem Analysis Kit, Blood Collection Kit and Urine Specimen Collection Kit) **MUST** include the applicable Form (SFN 50159 Submission for Urine (104-U), SFN 50491 Submission for Blood (104) or SFN 50494 Coroner and Traffic Fatality Request for Toxicological Analysis).

**NOTE:** CLD Forms can be found on the North Dakota Attorney General’s website: <https://attorneygeneral.nd.gov/criminal-justice-resources/crime-laboratory-general-information>

Toxicology Forms can be found at: <https://attorneygeneral.nd.gov/alcoholtoxicology-testing/blood-alcoholtoxicology-submission-forms>

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## GENERAL EVIDENCE SUBMISSION GUIDELINES

All evidence must be packaged to maintain the integrity of the evidence, chain of custody, and safety of future handlers.

A single shipping container may be utilized to hold multiple cases; however individual cases should be properly grouped together and each item **MUST** be packaged separately.

- evidence should be packaged and stored in a manner which reduces the risk of loss, cross transfer, contamination and/or deleterious change.
- evidence should not be packaged in containers which have remnants of evidence tape, markings or unique identifiers from submissions in other unrelated cases.
- package non-biological evidence in paper bags, envelopes, cardboard boxes, or other suitable containers to prevent loss or damage to the evidence and minimize potential safety hazards.
- use packaging materials that are sufficiently larger than the evidence they contain to allow examiners room to easily reseal the evidence after they have completed their analysis of the evidence.
- items of evidence submitted to the CLD must be properly sealed.
- a container is properly sealed only if its contents cannot readily escape and only if entering the container results in obvious damage/alteration to the container or its seal.
- seals may be made using tamper indicating evidence tape, heat sealing of plastic bags, or tamper resistant adhesive seals. (e.g. Manufacturer sealed flaps and joints of envelopes, bags, and boxes and field sealed evidence bags)
- all evidence tape seals, heat seals, and field seals must have at a minimum the initials or identifying mark of the individual making the seal. It is recommended that the markings on the seal traverse the boundary between the seal and the packaging.

## SEALING, MARKING AND IDENTIFYING EVIDENCE

Mark and identify the envelope or container with the following information (**NOTE:** center this information so that the evidence can be sealed, opened, and resealed without compromising the original seal if possible) :

1. Case number
2. Exhibit or item number
3. Subject(s)
4. Date
5. Officer's name
6. Location where evidence was collected
7. A brief description of the package contents if appropriate

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Seal and initial across seal.

**NOTE:** cases with multiple suspects and multiple pieces of evidence **MUST** include the name(s) listed on each piece of evidence. One name must be associated with a piece of evidence.

### **DELIVERING EVIDENCE TO THE CLD:**

**NOTE:** Please indicate if evidence has been previously submitted to the laboratory on a specific case (if so, include the CLD Number and indicate if resubmittal or supplemental evidence).

**Via hand to hand delivery (Effective October 1, 2018, appointments **MUST** be scheduled with the CLD to submit evidence):**

1. Have evidence submission documents completed so the necessary information can be provided to the person receiving the case. The documents **MUST** include:
  - SFN 60456 Evidence Inventory Form (DNA, Controlled Substances, and Fire Debris analyses)
  - SFN 50159 Submission for Urine (104-U), SFN 50491 Submission for Blood (104) and SFN 50494 Coroner and Traffic Fatality Request for Toxicological Analysis (Toxicological Analysis)
  - Agency case number
  - Subject(s)/Victim(s)
  - Name of the person submitting the evidence
  - Offense
  - Examination(s) requested
  - Name of person and any other persons or agencies to receive the report
  - Court date if possible
2. Sign the digital evidence receipt screen.
3. Review the documents generated for accuracy.

**Via mail delivery:**

- Place the sealed item(s) of evidence in a suitable mailing container (**DO NOT** use DUI kits or DNA kits for drug evidence).
- Attach evidence submission document to the outside of the mailing container (SFN 60456 Evidence Inventory Form **MUST** be included or the evidence will not be accepted).
- Toxicology Unit – Biological Section Kits (Post Mortem, DUI Blood and DUI Urine) **MUST** include the applicable Form (SFN 50159 Submission for Urine (104-U), SFN 50491 Submission for Blood (104) or SFN 50494 Coroner and Traffic Fatality Request for Toxicological Analysis)

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- Send via Certified Mail, Registered Mail, or a method which allows tracking to:

**ND Office of Attorney General  
Crime Laboratory Division  
2641 East Main Avenue  
Bismarck ND 58501**

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## SUBMISSION OF DRUG EVIDENCE

### GENERAL INFORMATION

- Only those items which are being used to file charges and for prosecution should be submitted for analysis.
- Cases without a known suspect will not routinely be accepted for analysis.
- DO NOT submit field test kits.
- Drug evidence is not accepted for biology examinations. If there are circumstances that a biology exam is needed on a piece of drug evidence, approval from the DNA Unit Technical Leader or Laboratory Director is required prior to submission of the evidence.
- If multiple suspects are associated with the case, clearly mark on the SFN 60456 Evidence Inventory Form and/or evidence packaging which items are associated with each suspect.
- Clearly indicate any probable cause items on the SFN 60456 Evidence Inventory Form.
- Evidence should be submitted as soon as possible. The Forensic Chemistry Unit evidence should be submitted at least 60 days prior to the first trial date to allow the laboratory time to complete analysis before court.
- Known court dates MUST be clearly identified upon submission of the evidence.
- If the analysis is needed for a pre-trial date, the CLD MUST be notified of this date as soon as possible.
- Requests for prioritization should be an infrequent request. Cases may not be eligible for a prioritization request due to the nature and number of items submitted, Forensic Scientist availability, analytical complications, and legislative requirements.
- Please limit priority case(s) to one item of evidence for each charge whenever possible. A lead time of two weeks is needed for priority cases and SFN 60165 Request For Case Prioritization MUST be completed in full and e-mailed to [agocldcaseprioritization@nd.gov](mailto:agocldcaseprioritization@nd.gov).
- Notify the CLD as soon as possible if analysis is no longer required for a case ([agocldcasetermination@nd.gov](mailto:agocldcasetermination@nd.gov)).

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## HAZARDOUS CHEMICALS

Electronic cigarettes contain an oil that is vaporized using a heat source. The presence of this heat source can create a fire hazard in the laboratory. Prior to submission, the oil cartridge of an electronic cigarette should be removed and submitted without the electronic cigarette. If the cartridge cannot be removed, then the heat source of the electronic cigarette (e.g. battery) **MUST** be removed. If neither the oil cartridge nor the heat source can be removed, the electronic cigarette **WILL NOT** be accepted for analysis.

The following recommendations apply to all suspected Fentanyl or other potent opioids:

- the material should be packaged in a heat sealed plastic bag that is packaged inside another heat sealed plastic bag (i.e. Double-bagged).
- all items containing suspected Fentanyl or other potent opioids should be clearly marked as containing possible Fentanyl.

Additionally it is strongly recommended that:

- field testing not be conducted on suspicious samples.
- agencies should have in place and follow policies and safety procedures to protect their personnel from exposure to these dangerous materials.
- agencies should provide their personnel with appropriate personal protective equipment (PPE).

## BIOHAZARD CONTAINING SUBMISSIONS

- “sharps” (e.g. Knives, syringes, etc.) **MUST** be properly packaged in protective containers prior to submission. Syringes will not be routinely accepted. Any liquid contained in a syringe **MUST** be transferred to a sample vial and submitted for analysis. (exceptions **MUST** be approved by the Laboratory Director or their designee).
- Any item found in a body cavity should be treated as a Biohazard and visibly labeled as such.
  - The contents should be removed from the original packaging, dried and placed into another package to be submitted. This eliminates or lessens the chance of spreading a biological disease.
  - If it is deemed necessary by the CLD and the prosecutor to perform DNA analysis on the package or item, the item **MUST** be placed in paper type packaging and sealed with evidence tape.

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## Submission Limits, Weights, and Sampling

- The CLD has limited space for storing large amounts of drug evidence. The laboratory **MUST** be contacted to determine how much the CLD will accept for analysis.
- Generally the laboratory will work to the highest statutory weight limit for each type of drug submitted.
- If the drug does not have a statutory weight limit, or the weight of the drug does not reach the lowest statutory weight, only one unit may be tested.

### Plant Material

- **DO NOT** submit wet plant material to the laboratory. Wet plant material will mold which results in a health hazard and loss of the substance of interest.
- Seal recently dried plant material in paper bags.
- Submit a representative sample (approximately 1 gram) from a large plant instead of the entire plant.
- Submit a representative sample (approximately 1 gram) from a large plant instead of the entire plant.
- Package and seal each plant, or plant sample, separately.
- Items like dugouts containing plant material and a smoking device can be submitted as is. **DO NOT** dump the plant material out of the container and then submit both the plant material and the container.
- Please contact the laboratory for guidance to determine the number of plant samples needed for submission.

### Syringes/Liquids

**NOTE:** Syringes with needles **WILL NOT** be accepted unless prior approval by the Forensic Chemistry Unit Technical Leader or Laboratory Director has been obtained. There are two options available:

- If the syringe contains liquid, that liquid can be placed in a sealed glass vial and the liquid may be submitted to the laboratory.
- If the syringe is empty, the submitting agency can rinse the syringe with distilled water into a clean vial to be submitted.

**DO NOT** package liquids in metal cans, pill bottles, or plastic bags. Use a container appropriate for liquids (e.g., screw-top vials or specimen jars). Please contact the CLD for guidance.

### Pharmaceuticals and Clandestinely Manufactured Tablets

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- Efforts to logo ID tablets prior to submission should be made. Non-controlled pharmaceuticals should not be submitted to the laboratory.
- A container with multiple kinds of tablets should be emptied, sorted, counted, and placed into separate packages.

### Residues/Drug Paraphernalia

- If weighable material is present in other items in a case, paraphernalia and/or residues do not need to be submitted.
- If there is no weighable material, only one residue item per substance type will be analyzed (e.g., one plant residue and one powder residue).
- If a residue or paraphernalia item meets the guidelines for submission, **DO NOT FIELD TEST THE RESIDUE**. Submit to the laboratory for testing.
- **DO NOT** use the general phrase “various or miscellaneous paraphernalia”. Clearly describe the item(s) on SFN 60456 Evidence Inventory Form.
- Remove any water from “bongs” or smoking devices prior to submitting. Do not submit the water removed from an item.
- When possible submit only the removable bowl portion of large smoking devices.
- **DO NOT** submit ashtrays.
- **DO NOT** submit currency for analysis unless there is visible residue or weighable substance.
- Only submit the evidence to be analyzed and hold other miscellaneous items such as lighters or boxes of rolling papers. Example: If you find vegetation on a plate, submit the vegetation and hold the plate, etc.

### Federal Cases/Quantitation

- The CLD’s Forensic Chemistry Unit only quantitates Methamphetamine for Federal cases.
- The name and contact information of the Federal prosecutor needs to accompany the request for quantitation analysis. Federal prosecution/sentencing guidelines are dependent on the amount of controlled substances present. The Forensic Scientist will work with the Federal prosecutor to determine how much will be analyzed.

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## SUBMISSION OF FIRE DEBRIS EVIDENCE

The collection, preservation, and timely transmittal of fire debris evidence are important steps in the investigation of possible arson fires.

- Place fire debris evidence in sealed containers that provide a physical barrier that is impermeable to vapors (e.g. metal cans, plastic fire debris bags, glass canning jars). Metal cans should be unused, lined metal paint cans with tight friction lids. Lined cans are preferred because unlined cans may rust through in a matter of weeks. Nylon bags manufactured for fire debris evidence may also be used. When using nylon bags a heat-sealed control bag should be submitted.

**NOTE:** The typical plastic (polyethylene) bags used for other types of evidence collection do not adequately retain vapors and should not be used for fire debris evidence.

- **DO NOT** package liquids in metal cans or plastic bags. Use a container appropriate for liquids.
- Liquid samples should be placed in glass bottles (one ounce maximum) with Teflon-lined screw caps and secured against breakage/leakage during transport.
- Fill container no more than ½ full of sample
- **DO NOT** submit leaking or wet containers. If you can smell a petroleum product the evidence is not properly packaged.
- **DO NOT** submit more than one case per package.
- Consider submitting an empty container exemplar and/or a collection control sample (swabs, wipes, towels, etc.) used to collect sample.
- Refrigerate/freeze soil samples to prevent bacterial degradation of sample.
- **DO NOT** include gloves.
- Submit comparison and/or control samples when possible.
- Please contact the CLD for guidance or questions.

**NOTE:** A case summary or incident report **MUST** be submitted with all cases.

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## SUBMISSION OF TOXICOLOGY EVIDENCE

NDOAG-CLD Blood, Urine and Post Mortem Kits are available upon request ([https://attorneygeneral.nd.gov/crime\\_laboratory\\_collection\\_kits](https://attorneygeneral.nd.gov/crime_laboratory_collection_kits)).

### Submission of Evidence using the Toxicology Biological Specimen Collection Kits (Post Mortem, Blood Collection Kit, Urine Specimen Collection Kit)

- For Post Mortem Kits, follow the Post Mortem Analysis Kit Instruction Sheet within the Post Mortem Kit for sample collection, labeling, and evidence sealing. Also fill in the appropriate sections of Form SFN 50494 (Coroner and Traffic Fatality Request for Toxicological Analysis).
- For Blood Collection Kits, fill in the appropriate sections of Form SFN 50491 (Submission for Blood (104)). Follow the steps in the “To Be Completed by Blood Specimen Collector” for the sample collection. Follow the steps on the lower half of the form for evidence labeling and sealing.
- For Urine Specimen Collection Kits, fill in the appropriate sections of Form SFN 50159 (Submission for Urine (104-U)). Follow the steps on the lower half of the submission form for sample collection, evidence labeling, and sealing.
- If possible, refrigerate the Collection Kit boxes if they will not be immediately mailed or hand delivered to the laboratory.

### Submission of Evidence without a Specimen Collection Kit

- Label the subject’s name on the sample tubes or specimen containers.
- Mix the sample tubes containing additives well before packaging.
- Fill in the SFN 60456 form.
- Package all the specimen containers in a zip lock type plastic bag, heat seal bag or other sealable, leak resistant packaging in a manner that will prevent leakage or spills. Do not put form SFN 60456 within this bag.
- If the evidence is to be mailed to the laboratory, pack the plastic bag containing the specimens in a protective container such as a cardboard box. Place form SFN60456 within the protective container or cardboard box. Seal the protective container or cardboard box with tamper resistant tape. Initial and date the tamper resistant tape.
- All containers with evidence containing biological fluids MUST be clearly labeled as containing biohazardous material.
- If possible, refrigerate the evidence if it will not be immediately mailed or hand delivered to the laboratory.

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## SUBMISSION OF BIOLOGY EVIDENCE

A pre-submission of evidence conference with the laboratory is strongly encouraged to assure acceptance and completeness of your evidence submission.

- Evidence should be submitted as soon as possible.
- Known court dates MUST be clearly identified upon submission of the evidence.
- If the analysis is needed for a pre-trial date, the CLD MUST be notified of this date as soon as possible.
- A lead time of six weeks is needed for rush cases and SFN 60165 Request For Case Prioritization MUST be completed and e-mailed to: [agocldcaseprioritization@nd.gov](mailto:agocldcaseprioritization@nd.gov).
- Notify the CLD as soon as possible if analysis is no longer required for a case. SFN 59915 DNA Evidence Information Sheet MUST be completed in full and submitted to the CLD for each case. This Form MUST include a Case Synopsis (See "Case Synopsis" below). DNA analysis will not be started until SFN 59915 has been received by the CLD.
- The number of evidence items accepted by the laboratory will be limited depending on the nature and/or type of the case submitted. Additional items may be accepted at the time of the initial submission after consultation between the investigator, the Technical Leader, Forensic Scientist or the Laboratory Director. Consultation can be in person or via conference call. The States Attorney may also be involved at this time depending upon the case. Assistance can be provided on identifying the most probative items for submission. See the section on Item Selection including Initial Submissions and Subsequent Submissions, below.
- Appropriate known reference standards must be available and submitted. See Reference Standards below.
- Items for DNA analysis MUST not be packaged in plastic with the exception of specimens that must be stored frozen.
- The Laboratory will NOT accept the following touch evidence: fired cartridge cases, live cartridges and drug evidence (or swabs of any of these items). See Touch Evidence Guidelines.
- Typically, DNA testing will be considered complete when associations have been made in the case. This means that not all items submitted to the Biology Section will necessarily have DNA testing performed on them.
- Simple misdemeanor cases need approval for Biology examinations.
- The submitting agency or States Attorney's Office should notify the CLD if and when they become aware that a case has been disposed and no longer needs to be worked by the Laboratory.

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## Case Synopsis

Each biology case is required to have a case synopsis at the time of submission to the laboratory. The case synopsis should provide the necessary background information about the case, and connection of any DNA profile(s) obtained from the analysis to the crime. This information is required before any DNA profile obtained from crime scene evidence may be uploaded to CODIS (Combined DNA Index System).

The case synopsis will provide necessary documentation regarding CODIS eligibility.

- DNA profiles obtained from evidence not directly related to the crime scene may not be eligible.
- DNA profiles that are ambiguous regarding possible contributors (i.e. highly partial profiles, complex mixtures) are not eligible.
- Submission of known reference standards (suspect, victim, elimination) may be required to determine CODIS eligibility.
- Contact the CLD for questions regarding CODIS eligibility.

## Item Selection

Evidence which is submitted to the CLD should be selected based on the probative (relevant) value of the item to the case. It is of great benefit to contact the laboratory to discuss pre-submission of evidence from homicide cases or complex cases with multiple pieces of evidence. Because of the complexities of homicide cases, the CLD must fully understand the details associated with the case in order to provide the best possible service to our customers. This will ensure that everyone is properly briefed with the details, timelines and an agreement is reached regarding the most probative evidence.

- *Probative evidence:* Relevant and significant evidence items collected in a criminal case which can directly establish a connection between the victim and any suspect(s), place a suspect(s) at a crime scene, and support or refute statements.

## Initial Submissions (consultation not required)

The following number of items will be accepted without consultation.

- A. Homicide/Attempted homicide/Aggravated Battery (typically one suspect and one victim)
  - a. Up to 5 probative items
  - b. Appropriate known reference standards
- B. Sexual Crimes (typically one suspect and one victim)
  - a. Sexual Assault Evidence Collection Kit
  - b. Two additional probative items
  - c. Appropriate known reference standards

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OR

- d. If there is not a Sexual Assault Evidence Collection Kit
    - i. Three probative items
    - ii. Appropriate known reference standards
  - e. Bedding on Sexual Assaults – Typically bedding does not yield probative DNA profiles. If bedding is needed, a complete “sexual” history of the bedding and approximate location of the incident along with consultation with the scientist will be required.
- C. All Other Crimes Against Persons (typically one suspect and one victim)
- a. Up to three probative items
  - b. Appropriate known reference standards
- D. Property Crimes (typically one residence/business)
- a. Up to two probative items
  - b. Appropriate known reference standards
- E. There will be instances when every item submitted will not be tested. If probative information is obtained, remaining items not yet tested will be returned to the submitting agency untested. Should the items need to be tested, the investigator **MUST** call the Forensic Scientist directly to discuss the case situation.
- F. Appropriate known reference standards should be submitted with the evidence. A delay in the submission of reference standards may lead to a significant delay in testing. Some cases will not proceed to DNA testing without submission of reference standards. Known reference standards may be two (2) oral swabs or a blood card.
- G. If probative information is obtained from the initial submissions, no further submission will be accepted without approval of the DNA Technical Leader. After completing initial testing, if additional analysis is indicated, the Forensic Scientist will consult with the DNA Technical Leader to evaluate the case status. The investigator will be contacted thereafter to discuss a possible second submission.

**Second Submissions (Consultation is required)**

- A. Homicide, etc.  
Generally, an additional 5 probative items
- B. Sexual crimes  
Generally, an additional 3 probative items
- C. All Other Crimes Against Persons  
Generally, an additional 3 probative items
- D. Property Crimes  
Generally, an additional 2 probative items

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If no probative information is obtained from the first or second submissions, a conference including the Forensic Scientist, investigator, States Attorney and DNA Technical Leader will be necessary before any further submissions of evidence.

**Reference Standards (Known samples)**

- A reference standard is a “known sample” collected from a specific individual, typically the victim or suspect. Names and other information provided need to be accurate and precise (i.e. spelling, date of birth).
- Reference standard (known sample): oral (buccal) swabs
- Reference standards from known suspects **MUST** be submitted if available. The name of the individual must be on the outer packaging and on the submission form.
- An elimination standard is a reference standard from an individual who is not related to the crime but has access to the crime scene (i.e. consensual sexual partners, car/home owners). Elimination standards are typically used to determine the CODIS entry eligibility of a DNA profile.
- Convicted offender/arrestee standards submitted for CODIS entry have no chain of custody; therefore, these standards cannot be used in casework comparison. Separate reference standards from suspects and/or victims must be submitted for direct comparison to evidence profiles.

**Touch Evidence**

- Touch evidence is defined as evidence which has no visible staining and would contain DNA that only results from touching an item with the skin.
- Touch evidence **DOES NOT** include cigarette butts, swabs from cans, bottles, straws or other items in which the substance being tested is most likely saliva.
- Touch evidence **DOES NOT** include items submitted for wear testing such as shirts, coats, hats, etc. where there is a probability of prolonged contact.
- Touch evidence may be accepted for possible STR DNA analysis when there is a high degree of likelihood that the evidence submitted will provide probative results or investigative leads. A high degree of likelihood may be established by means of witness corroboration, visual monitoring systems or sound deductive reasoning.
- Touch evidence collected from public places **WILL NOT** be accepted (e.g. swabs from door handles, counter tops, etc).
- The Laboratory will not accept the following touch evidence:
  - Fired cartridge cases
  - Live cartridges
  - Drug evidence
  - Swabs of fired cartridge cases, live cartridges and drug evidence
- Elimination DNA standards should be submitted with touch evidence where appropriate

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## Weapon Offenses

- Touch evidence from guns recovered in “felon in possession” cases require a known reference standard from the suspect(s) to be included at the initial evidence submission. DNA profiles obtained from felons in possession cases cannot be entered into CODIS making it necessary for the laboratory to have the reference standards before laboratory analysis can be conducted.

## DISPOSITION OF EVIDENCE:

### Forensic Evidence Return:

The CLD will strive to return as much evidence as possible to the submitting agency once the examination has been completed. Some evidence may be retained at the Laboratory or destroyed. Evidence to be returned should be returned to the submitting agency at the earliest convenient opportunity.

All Forensic Scientists are responsible for packaging and labeling all case items submitted, and placing the evidence in an appropriate sealed container to be returned. Analyzed evidence should be identified with the crime laboratory’s case number, the agency’s name, the agency’s case number, the subject’s name, and the submitting agent’s name when feasible. Completed cases **MUST** be placed in the evidence return area of the CLD Evidence Vault for return. Completed evidence will be returned by person-to-person transfer, certified mail, registered mail, UPS or FedEx.

NOTE: CLD personnel **DO NOT** transport evidence.

DNA evidence extracts will be maintained at the Laboratory until such a time as the case has been adjudicated or the evidence is required by the submitting agency.

### Evidence Destruction:

In instances where evidence is to be destroyed by the CLD rather than returned to the submitting agency, written authorization must be obtained from the submitting agency or appropriate States Attorney’s Office prior to the destruction. The written authorization will be retained in Forensic Advantage as documentation of the authorization for destruction.

The destruction will be accomplished by incineration, land filling, or other manner deemed appropriate.

Evidence that has been authorized for destruction may be retained by the laboratory for training purposes. All identifying case marking will be removed and destroyed from the evidence saved for training purposes.

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The Toxicology Unit - Biological Section destroys all evidence not returned to the submitting agency 12 months from report date. The submitting agency, attorney, or other interested parties (approved by the Laboratory Director) can submit a written request to retain the specimen.

## **Notice to NDOAG – Crime Laboratory Division Customers**

ISO/IEC 17025:2017 Standards and ANAB Accreditation Requirements require the laboratory to notify customers (law enforcement, attorneys, court personnel, etc.) of certain laboratory policies and procedures. This notice will serve as a general notification to customers for the following areas:

### **Review of Requests for Analysis**

Each request for forensic science analysis is reviewed by CLD personnel. The laboratory will review each request to ensure that the customer's needs are understood and that the laboratory can meet those needs. Once the laboratory accepts a request for analysis, the accepted request is considered a contract between the customer and the laboratory.

### **Changes to Contracts**

The laboratory may select the item(s) most appropriate for analysis and/or elect to not analyze all items submitted based on the needs and circumstances of the case. The laboratory does not consider this a change to the contract, and this may be done without additional notice to the customer.

The CLD strives to provide the highest quality and most valuable forensic analysis possible. For those reasons, if Forensic Scientists conducting testing identify alternate and/or additional testing that may prove beneficial to our customers, the laboratory may notify the customer. This notification will always be done if the proposed analysis will require consumption of the evidence and/or limit future examinations.

### **Subcontracting Analysis**

In limited circumstances, if the CLD cannot provide the requested or necessary testing, a subcontracted facility may be used. The customer will receive notification by the laboratory prior to releasing any items to a subcontractor.

### **Selection of Methods**

The CLD utilizes analytical methods that are generally accepted in the forensic science community and that have been validated by CLD personnel and documented in written procedures. The CLD will determine the most appropriate method(s) for analysis based on information and input provided by the customer.

### **Deviations from Analytical Procedures**

The CLD maintains a policy to allow for suggesting, evaluating, approving, and documenting deviation to policy and procedure, when necessary. These deviations are

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not routinely communicated on a case by case basis, but are documented according to laboratory policy and will be discussed with customers upon request.

### **Dissemination of Analytical Results**

Confidentiality of customer information is paramount to the CLD. Unless otherwise directed by our customers, on a case specific basis, the policy of the CLD will be that members of the customer's agency, members of other agencies that are part of a multi-agency investigation, Defense Attorneys and the applicable States Attorney's office will be considered to be the authorized recipients of information provided to, or generated by, the CLD for the case.

### **Disposition of Evidence**

Evidence accepted by the laboratory shall be returned to the customer upon the completion of examinations or when it is determined there are no applicable examinations. If the circumstance or nature of evidence precludes any evidence item(s) from being returned, the customer shall be notified of the disposition of the evidence item(s).

**NOTE:** Toxicology Unit – Biological Section samples with the exception of samples submitted by the ND State Forensic Examiner's Office or by written request will be destroyed in accordance with the NDOAG-CLD's Policies one year from the Laboratory Report date.

### **Customer Acceptance of Terms**

By submitting evidence to the NDOAG – CLD the customer agrees to accept these terms.

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