



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

EVIDENCE SUBMISSION GUIDELINES

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 ([Drug Evidence](#), [Fire Debris Evidence](#), [Toxicology Evidence](#), [Latent Print Evidence](#), [Firearm and Toolmark Evidence](#) and [Biology Evidence](#)).

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Submission Forms

SFN 60456 Evidence Inventory Form **MUST** be completed when submitting evidence to the CLD for accurate case and item information (with the exception of Toxicology Unit – Biological Section Kits, see below). If SFN 60456 is not completed, the evidence will not be accepted.

In addition to SFN 60456 Evidence Inventory Form, include:	
Type of Examination	Required Form:
Drug	No additional forms required
Fire Debris	No additional forms required
Latent Print	SFN 60404 Request for Latent Print Examination
Firearm	SFN 61806 Request Firearm Examination
Toolmark	SFN 62573 Toolmarks Submission
DNA	SFN 59915 DNA Evidence Information Sheet

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

SFN 60404 Request for Latent Print Examination **MUST** be completed in full and submitted to the CLD for each case requesting latent print examination.

SFN 61806 Request Firearm Examination **MUST** be completed in full and submitted to the CLD for each case requesting firearm examination.

SFN 62573 Toolmarks Submission **MUST** be completed in full and submitted to the CLD for each case requesting toolmark examination.

SFN 59915 DNA Evidence Information Sheet **MUST** be completed in full and submitted to the CLD for each case requesting DNA analysis. This Form **MUST** include a Case Synopsis (See “Case Synopsis” under [Biology Evidence](#)). DNA analysis will not be started until SFN 59915 has been received by the CLD.

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/alcohol-toxicology-testing/blood-alcohol-toxicology-submission-forms/>

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

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

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:
 - Applicable forms as described in [Case and Item Information Submission Guidelines](#)
 - Submitting Agency
 - Agency case number
 - Subject(s)/Victim(s)
 - Offense
 - Name of the person submitting the evidence
 - Itemized inventory of evidence being submitted
 - 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:**
 1. Place the sealed item(s) of evidence in a suitable mailing container (DO NOT use DUI kits or DNA kits for drug evidence).
 2. Attach outside of the mailing container or include the applicable forms as described in [Case and Item Information Submission Guidelines](#)
 3. 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**

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.

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.

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 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 Prosecuting 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.

Discipline Specific Evidence Submission Guidelines

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.
- Notify the CLD as soon as possible if analysis is no longer required for a case (agocldcasetermination@nd.gov).

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.

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.
- 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

- 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

- 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.

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.

TOXICOLOGY EVIDENCE

NDOAG-CLD Blood, Urine and Post Mortem Kits are available upon request (<https://attorneygeneral.nd.gov/criminal-justice-resources/crime-laboratory-general-information/crime-laboratory-collection-kit-requests/>).

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.

LATENT PRINT EVIDENCE

General Evidence Submission Guidelines

- Fingerprint lift(s) and/or image(s) may be packaged in paper bags, envelopes, or plastic evidence bags. It is recommended that USB's containing image(s) not be packaged in plastic packaging.
- Evidence to be processed may be packaged in paper evidence bags, envelopes, and plastic evidence bags.

General Guidelines

- Known court dates should be clearly identified upon submission of the evidence.
- A lead time of three weeks is recommended for rush cases and SFN 60165 Request for Case Prioritization must be completed and emailed to: agocldcaseprioritization@nd.gov.
- The submitting agency or prosecuting 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.
- Notify the Latent Prints Unit if a victim is wanting an item back and not to be chemically processed. This may include, but not limited to, stolen items, electronics, firearms, and documents.
- The Latent Prints Unit will accept the following evidence for examination: fired cartridge cases, live cartridges, drug evidence, and syringes. See Sharps Guidelines.
- Currently, there are no limits on the number of items submitted for latent prints examination.
 - However, if a potential future biology examination may be requested on a subsequent submission, it is recommended NOT to request a latent prints examination until requesting the biology examination. This is to ensure the integrity of the biology evidence.
- If you have any questions, please contact the Latent Prints Unit.

Items to be Processed

- Evidence to be processed should be submitted as soon as possible.
- Evidence to be processed may be packaged in paper evidence bags, envelopes, and plastic evidence bags.
- It is recommended that items be handled in a way to minimize potential contact and damage to any potential ridge detail.
- It is recommended that items be packaged and secured to ensure the item doesn't rub against the edges of the packaging.
- Do not mark or scribe on items.

Lifts & Images

- It is recommended that latent prints developed at the scene should be photographed prior to attempting to lift. Both the images and lifts should be submitted to the Laboratory.

- Can be packaged in an envelope, paper packaging, or plastic packaging.
- Multiple lifts from one large item (i.e. a vehicle, door, window, etc.) can be packaged and described together (Ex: *Twenty latent fingerprint lifts from Ford Explorer exterior*). However, the individual lifts should be labeled as to where on the item the lifts were taken from (Ex: *Exterior front passenger window of Ford Explorer*).
- Images of latent prints (either from crime scene and/or enhanced by law enforcement processing) should be placed on CD-R, DVD-R, or USB drive and packaged as evidence.
- If gel lifts are used, law enforcement should photograph the lift(s) (with a scale present) prior to submission. Submit both the lift(s) and the image(s).
- Do not make assumptions to the quality of the ridge detail present in the lift(s) and/or image(s) taken. Please send this/these item(s) to the CLD.

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 battery of the electronic cigarette MUST be removed. If neither the oil cartridge nor the heat source can be removed, the electronic cigarette WILL NOT be accepted for analysis. If the battery is removed, it may be submitted to the Laboratory for analysis along with the electronic cigarette.
- The following recommendations apply to all suspected Fentanyl items:
 - 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, should be clearly marked as containing possible Fentanyl.

Sharps

- “Sharps” (e.g. knives, syringes, etc.) MUST be properly packaged in protective containers prior to submission.
- Syringes will be accepted for casework by the Latent Prints Unit. However, if additional analysis is to be conducted by the Forensic Chemistry Unit, see Drug Evidence packaging guidelines for syringes, as it includes additional packaging and submission guidelines pertaining to the Forensic Chemistry Unit examination.
- Syringes should be packaged with either:
 - A cap placed on the needle or
 - Have the needle removed from the syringe

Firearms

- If the firearm being submitted has been stolen and victim is requesting the item back, notify the Latent Prints Unit.
- Fired cartridge cases and live cartridges will be accepted for examination.
- Fired bullets and projectiles will NOT be examined for latent prints.

Known Prints/Major Case Prints

- Known prints (to include major case prints) are the intentional reproduction of the friction ridge skin. This includes fingerprint cards, palmprint cards, etc.
- Major case prints include a set of fully-rolled fingerprints, fully-rolled palmprints down to the wrist, lower joints of the fingers, sides of fingers, and fingertips.
- Elimination prints are prints from an individual who is not related to the crime; however, has access to the crime scene (i.e. home/vehicle owners to include children of the owners, business employees). It is recommended that a set of major case prints from individuals associated with a crime scene and/or item be submitted for elimination purposes.
- Known prints, to include elimination prints, and major case prints, should include, at a minimum, the individual's name, date taken, signed or initialed by the individual taking the prints, labeled as which hands and/or fingers are printed, and the signature of individual being printed.
- If law enforcement officers touch an item (including lifting tape) without gloves, elimination prints will be needed as known prints for law enforcement are NOT kept on file.
- If a juvenile is associated with the case (i.e. subject, victim), elimination will be needed as known prints for juveniles are NOT kept on file.

FIREARM AND TOOLMARK EVIDENCE

General Evidence Guidelines

- If you cannot unload the firearm, call the FTU for guidance on submission.
- It is recommended for firearms that are being submitted for Latent Print and DNA processing be sealed in boxes with a clear window so the firearm can be confirmed unloaded without having to unseal.
- Firearms submitted in boxes should be fastened in place with the slide or ejection port open, with the ejection port visible to the box opening.
- Firearms submitted in plastic or paper bags should have the action secured in an open position with a zip tie or other non-marring object, if possible.
- Do not place objects (zip tie, chamber flags, wire, rods, etc.) into or through the barrel of the firearm.
- Firearms recovered in water need to stay in water to avoid additional corrosion. The firearm can be packaged in a paint can or other watertight container containing freshwater or the same water the firearm was recovered in.
- Do not package loose ammunition in the container with the firearm. Ammunition can be packaged and placed into the container with the firearm.
- Loaded magazines can be packaged separately from the firearm or submitted with the firearm. Loaded magazines should be properly secured inside the firearm container or separately packaged and placed into the firearm container. Note: Some delivery/shipping companies require that firearms and ammunition are shipped separate containers.
- If fired evidence for comparison includes lead bullets (commonly 22 rimfire caliber firearms and revolvers) test firing for NIBIN screening purposes prior to submission is not recommended and highly discouraged.
- For revolvers, it is recommended to mark the cylinder to indicate its position as recovered and diagram/document the positions of fired and unfired cartridges removed from the chambers as to their position.
- Do not disassemble or dry fire the firearm. Disassembly to obtain a hidden serial number is not recommended.
- If you have any questions, please contact the FTU.

Fired Evidence

- Do not place more than one (1) fired cartridge case or bullet in a single container.
- Do not mark or scribe fired evidence.
- If the fired bullet cannot be removed without damage, submit the object containing the bullet for removal at the laboratory.
- If possible, bullets recovered at autopsy or by medical personnel should be rinsed of biological matter before packaging. Packaging should allow the evidence to breathe and dry out.

Distance Determination

- Contact the Firearms Unit prior to submitting evidence for distance determination to evaluate the test suitability based on the case circumstances and evidence items.
- Submission of the firearm, the exact ammunition used, and the item subjected to gunfire may be required to provide the most accurate test results.
- Clothing needing to be examined for distance determination should be minimally handled and packaged in a breathable container.
- For victims clothing, in most cases, only the outermost article of clothing subjected to gunfire will be suitable for examination.
- For shot pellet distance determination, the object subjected to gunfire will need more than half the pattern diameter for examination.

Toolmark Evidence

- Toolmark evidence will not be accepted without a tool for comparison.
- Tools should be packaged in a way that protects the working edges (i.e. screwdriver tip, shear edges of bolt cutter, knife edge) of the tool, and prevent any edges from contacting each other.
- Large items having toolmarks that cannot be completely sealed in a practical way (safe door, window frame, etc.) should have the area containing the toolmarks protected to prevent damage to the toolmarks.
- For items requiring removal or cutting for submission, mark any area cut by law enforcement, so the toolmark end to be examined is easily recognizable.
- If possible, it is always best to submit the item with the toolmarks instead of casts made of the toolmarks.

Serial Number Restoration

- If a previous attempt was made, or appears to have been made, the laboratory will not attempt to restore the serial number.
- If the serial number is on a large item (motorcycle, ATV, etc.) contact the FTU for potential serial number recovery.

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.
- Notify the CLD as soon as possible if analysis is no longer required for a case.
- 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 prosecuting 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.

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

OR if there no Sexual Assault Evidence Collection Kit available,

- a. Three probative items
- b. Appropriate known reference standards

Note on Bedding for 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)

The following are general guidelines for second submissions however, consultation is required.

Case Type	Number of additional probative items (generally)
Homicide, etc.	5
Sexual Crimes	3
All Other Crimes Against Persons	3
Property Crimes	2

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 or blood card
- 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.

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.