

Appendix C

Evidence Submission Guidelines

The following guidelines are presented and current at publication and are subject to change as necessary.

The guidelines that follow are listed by laboratory section. The intent of these guidelines is to focus laboratory resources on performing analyses and examinations on the most probable items of evidence in each case. These guidelines were developed based on experience and forensic analysis of evidence in a large number of cases. These experiences have allowed us to determine the most effective analysis process.

By partnering with you, our customer, on the most probable forensic evidence first, rather than sending in all evidence (regardless of probative value) in the beginning, we can provide investigative results in a more timely fashion. You may then submit additional evidence later if required for investigative or judicial purposes.

Please remember that these are guidelines and we are fully aware that they may not apply to every case. We encourage you to call the laboratory in your service area with any scenario you encounter that does not fit these guidelines and ask for a laboratory supervisor or the laboratory manager. We will always do our best to address the special needs of your case.

Thank you for your assistance in this process. Customer service is fundamental to our mission of providing high quality forensic analysis in a timely fashion and we think these guidelines will help us achieve that goal.

General Evidence Submission Guidelines

- Submission of items of evidence shall be connected with felony investigations as per WI Statute §165.75.
- Misdemeanor cases will be considered on a case-by-case basis for controlled substances analysis and other unique circumstances.
- Evidence connected to local ordinance violations and civil matters will not be analyzed by the crime laboratory.
- The following guidelines set the standard requirements for routine submission of forensic evidence to Wisconsin State Crime Laboratory Bureau.
- When multiple sections of the laboratory are involved, the submitting agencies should contact either a laboratory supervisor or manager of the Wisconsin State Crime Laboratory Bureau in their service area for guidance. Processing by one section of the laboratory may have a detrimental effect of the other section(s) ability to process the item(s) of evidence.
- Please notify the crime laboratory if evidence analysis is no longer needed.
- Fingerprinting and DNA analysis on items removed directly from a person's body or clothing is generally not of forensic value and may not be analyzed unless there is a specific investigative need.
- Items requiring fingerprint analysis should be packaged separately from drug evidence. If a case requires fingerprinting of the bags the suspected drugs were in, please separate them prior to submission and list them as separate items on the transmittal sheet.
- The CLB requests that forensic evidence needed for analysis be submitted at least a month prior to the trial date whenever possible so that the crime laboratory has time to complete analysis. If it is a rush case, please limit evidence to one item (if possible) and give us as much notice as possible. If analysis is needed for pre-trial, please notify the crime laboratory as soon as possible and include the court date.

DNA Evidence Submission Guidelines

1. DNA testing may be completed when an association is established from probative evidence. For example, an associa-

tion is established between a subject and a victim. A factual scenario must be provided with the submitted evidence. The scenario will establish the value of each item as to its likelihood to provide probative results or an investigative lead. If appropriate DNA standards are not presented at the time of initial submission, analysis could be delayed.

2. The type and number of items accepted per submission is based on case type. For all cases, known standards from victim(s) or subject(s) will not count against the number of items that may be submitted. An item is expected to be comprised of one piece of evidence. If items are received packaged together, the number of items in the package will be considered to be the number of items submitted (i.e. pants, shirt and shoes packaged together will be considered three items).

a. Sexual Assaults

- The first submission is limited to a sexual assault evidence kit (recovered from a victim and/or subject) plus one pair of underwear, and one condom.
- If the kit is negative, additional items such as clothing or bedding may be submitted in a separate submission.
 - Second and subsequent submissions are limited to 5 items per submission. Based on discussions with the submitting agency and/or prosecuting attorney, every attempt will be made to focus on probative evidence.
- If the kit is positive, no additional items will be accepted for DNA, unless after discussions with the investigator and prosecutor it is determined that case circumstances (such as multiple subjects or the DNA detected is attributable to a consensual partner) dictate the need for additional processing.
- Large items such as mattresses and car seats are not to be submitted. These types of items of evidence will only be processed when no other probative evidence exists. If necessary, the surface material may be cut and submitted for analysis. Prior to submission of these items contact the Laboratory DNA Supervisors for further direction.

- Buccal swab standard(s) from any consensual partner(s) who had sexual contact with the victim within 72 hours of evidence collection must be submitted.
 - Standards from consensual partners up to 120 hours prior to evidence collection may be requested at a later time. These standards do not count toward the number of items allowed per submission.

b. Homicides

- DNA evidence is limited to a maximum of 10 items per submission.
- If probative DNA results are obtained from any of the 10 items in the initial submission, additional items may not be examined, unless case circumstances dictate the need for additional processing.
- If no probative results are found on the first submission, the next tier of probative items (maximum of 10) may be submitted.

c. Burglary/Property Crimes

- The first submission is limited to a maximum of 3 items for DNA—typically blood sample(s) from the scene, or items that may have been left at the scene (cigarette butt, item of clothing, etc).
- If a profile is developed additional items may not be examined, unless case circumstances dictate the need for additional analysis.

d. Other Case Types (robbery, assault, etc.)

- The first submission is limited to a maximum of 3 items for DNA.
- If a profile is developed additional items may not be examined, unless case circumstances dictate the need for additional analysis.
- Items of evidence directly taken from a defendant in a possession case (i.e. body cavity, pockets, or waistband) may not be processed for DNA.

e. Criminal Parentage Cases

- Submissions must include a buccal swab standard from the mother or alleged mother, father or alleged father, the child or the product of conception (frozen with no

preservatives).

- No partial submissions will be accepted, unless dictated by case circumstances (such as mother is deceased or maternity is in question and the father is unknown).

3. Touched Evidence

- a. Touched evidence is defined as evidence which has no visible staining and would contain DNA that only results from touching an item with the skin. Touched evidence does not include cigarette butts, swabbing from cans, bottles, straws or other items in which the substance being tested is most likely saliva. Touched evidence does not include items submitted for wearer of such shirts, shoes, hats, etc. where there is probability of prolonged contact.
- b. Touched evidence will 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.
- c. Touched evidence will be processed on violent crime cases only, absent extenuating circumstances.
- d. Touched evidence accepted will be processed only when no other probative evidence exists.
- e. Touched evidence accepted will be processed for DNA only if it has not been previously processed by another discipline.
- f. Touched evidence will be processed for DNA only if it has been properly stored and handled.
- g. Items submitted for touched evidence processing will comply with existing policy relating to the number of items of evidence that may be submitted based on case type.
- h. Charred or burnt evidence and fired cartridge casings will not be processed for DNA.
- i. Touched evidence collected from the floor, countertop, doorknob/handle, or payphone of a public place will not be processed for DNA, unless there is direct evidence that the

object was touched/handled by the subject.

- j. Elimination standards must be submitted with touched evidence where appropriate (i.e. owner of hijacked vehicle).
- k. It is recommended that touched evidence be collected using DNA free swabs.

Chemistry Evidence Submission Guidelines

- If the evidence submitted for controlled substance analysis has more than one date-of-offense we ask that the submitting agency prepare a separate transmittal sheet for each date of offense.

Weight Limits

- 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 will be tested.
- The laboratory will utilize a scientific sampling plan known as hypergeometric sampling. This plan is based on a mathematical formula which ensures uniformity in the sampling process and meets the CLB accreditation standards.

Plant Material

- Please 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 sample (approximately 1 gram) from a large plant instead of the entire plant. Package and seal each plant, or plant sample, separately. **DO NOT SUBMIT ONLY THE ROOT BALLS OF A PLANT.** The root balls do not contain any statutory controlled substance.
- Please contact the laboratory in your service area for guidance to determine the number of plant samples needed for submission.
- Hypergeometric sampling may be used for large grow operations. Please contact the laboratory for guidance.

Syringes

*** NOTE: Syringes will generally not be accepted if there are other items of evidence in the case. ***

A syringe may be submitted if it is the only item in the case, or the only item connected to a subject. To submit a syringe, follow these four steps.

- 1) Package the syringe in a puncture-proof tube.
 - 2) Mark it as a biohazard.
 - 3) Clearly state on the transmittal form that the item is a syringe.
 - 4) Take all necessary safety and blood borne pathogen precautions when handling syringe(s).
- If a syringe contains liquid, package the item to preserve and contain the liquid also. Only the liquid will be analyzed.
 - 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 laboratory in your service area for guidance.

Evidence submitted from suspect Clandestine Laboratories

- Always call DCI for advice on how to proceed with a suspected clandestine laboratory. A map with service areas and contact information is located on the DOJ website.
- Only properly stabilized samples from suspected clandestine laboratories may be submitted to the crime laboratory.

Pharmaceuticals and Clandestinely Manufactured Tablets

- Non-controlled pharmaceuticals should not be submitted to the laboratory.
- If non-controlled pharmaceuticals are found within a case being worked, they will be examined visually using pharmaceutical logo identifiers to indicate the substance present, no other analysis will be performed absent a compelling investigative need.
 - Controlled pharmaceuticals will be examined visually

using pharmaceutical logo identifiers. A representative sample for each drug type per case will then be analyzed further to identify the controlled substance present.

- If an item contains tablets or capsules that do not have a pharmaceutical logo identifier and are visually consistent (same color, shape, and size), a representative sample of the tablets or capsules may be examined and reported on.
- A representative sample of the tablets may be examined and reported on for clandestinely manufactured tablets that are visually consistent (same imprint and color).
- Note: If the drug identified in the pharmaceutical or clandestinely manufactured tablet has a statutory weight limit, the laboratory will work to the highest statutory penalty.

Residues/Drug Paraphernalia

- If weighable material is present in other items, please do not submit paraphernalia or residues.
- 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, please do not field test the material. Submit it to the laboratory for testing.
- Please do not use the general phrase “various or miscellaneous paraphernalia”. Clearly describe the item(s) on the transmittal.

Toxicology Evidence Submission Guidelines

- Submission of all items of evidence shall be connected with potential felony investigations as per WI Statute §165.75 with the following exceptions:
 - Fourth offense or above OWI
 - Bail jumping

- o Endangering safety by use of a dangerous weapon
- First through third offense OWI should be sent to the WI State Laboratory of Hygiene.
- If a case is suspected to be charged under the Len Bias Act-please let the laboratory know upon submission.

The best blood collection tubes for toxicology samples are gray top tubes. These tubes contain the requisite preservative and anti-coagulant. Tubes with purple tops are also acceptable but the preservative in those tubes may limit certain types of testing.

A sufficient volume of blood is necessary to complete toxicological testing. Two tubes filled at least to 50% will be adequate to accommodate multiple drug testing requests. Too little sample may limit what tests the laboratory can perform, and it may be necessary to decide which tests are most important and which can be delayed until it is known whether or not there is enough sample. Please contact the lab if there are questions regarding the volume of blood collected.

Urine samples should be placed in a watertight sealed container if possible. Otherwise be sure the specimen container is closed tightly and placed in a sealed plastic bag to hold any urine that might leak out of the container.

Please notify the laboratory if the sample is associated with bail jumping and there are restrictions such as “no alcohol” or “no drugs.” If drugs are suspected, be sure to tell us what drugs you suspect.

When you suspect the use of a single drug, such as THC, cocaine, and heroin, please request targeted testing for those substances as a full drug panel is not necessary.

Latent Prints Evidence Submission Guidelines

1. For nonviolent crimes

- A maximum of 15 items for latent print processing will be accepted per submission.
 - Known standards from victim(s) or subject(s), latent lifts and image media (CD/DVD) are excluded from this submission guideline and have no submission limit.
 - An item is expected to be comprised of one piece of evidence (i.e. one object per package). If items are received packaged together, the number of items in the package will be considered to be the number of items submitted (i.e. three baggies packaged together will be considered three items).
 - If no probative results are found on the first submission, the next tier of items (maximum of 15) may be submitted.
- Drugs must be separated from packaging for latent print processing and submitted as separate items.
- Layers of packaging from only one kilo/“brick” of controlled substance (i.e., layers of tape and plastic wrap from one “brick” of cocaine or one “brick” of marijuana) will be accepted per submission.
- Items of evidence **taken directly from a subject** (i.e. body cavity, pockets, or waistband) will generally not be processed for latent prints. You should contact the supervisor to explain the need in such cases.

2. Appropriate elimination standards (i.e. residents of the house, owners/drivers of the stolen vehicle, employees who handled items) should be submitted for all individuals with rightful access to locations and items where latent print evidence is collected. Identification analysts may elect to not enter latent prints into AFIS/NGI without receipt of proper elimination standards.

3. Known standards should be submitted even if the individuals have a record on file.

4. Based on our experience in analysis of small items of evidence measuring less than one square inch in size (see below), we typically do not obtain any usable latent prints.

However, when there is a high degree of likelihood that the evidence submitted may provide probative results or investigative leads, these types of evidence will be examined.

These items would include but are not limited to:

- knotted baggie corners
- miniature zip lock bags
- .22 cartridge cases
- small syringes

In addition, heavily textured or soiled items along with improperly scaled items will not be examined. Exceptions to this guideline will be handled on a case by case basis if the submitting agency can demonstrate the probative value in examining these items.

Bloodstain Pattern Analysis (BPA) Submission Guidelines

Bloodstain Pattern Analysis (BPA) is the examination of the size, shape, distribution, overall appearance and location of bloodstains at crime scenes or on items recovered from a crime scene. These examinations are performed in an attempt to provide an interpretation of the physical events by which they were created.

Proper preservation and documentation of bloodstain patterns is crucial for an effective analysis. Prior to submission of a case for BPA it is required that the submitting agency contacts their regional laboratory to consult with the Crime Scene Response Supervisor or a trained BPA analyst. **The laboratory will only accept cases in which the events occurring during or after the creation of the bloodstain patterns are of forensic or probative value to the submitting agency.** The supervisor or BPA analyst will evaluate the request with the case officer including the case scenario and evidence and/or bloodstain pattern documentation prior to acceptance.

Case Types:

BPA analysis can be performed on most cases in which blood evidence is present at a scene or on items of evidence;

however, case submissions will be limited to:

- Homicides/Attempted Homicide cases
- Missing Persons cases
- Cases involving great bodily harm (assaults, other case types).

Case Documentation Requirements:

Once a case has been evaluated and accepted by the laboratory for BPA, the following methods of evidence submission/documentation are acceptable for case submission:

- An active or properly preserved crime scene for on site evaluation by the Wisconsin State Crime Laboratory Bureau's Crime Scene Response Team.
- Proper documentation of individual bloodstains and/or bloodstain patterns from a crime scene including sketches, scaled and un-scaled photographs. This submission must also include a detailed account of the nature of the crime and the crime scene, autopsy reports (if applicable) and any eyewitness, victim, or subject accounting of the events.
- Original items of evidence with unaltered bloodstains present for analysis. This submission must include a detailed account of the nature of the crime, scene details, autopsy reports (if applicable) and any eye witness, victim or subject accounting of the events.

Call the appropriate laboratory in your service area with questions, concerns, or comments. Contact information for our three laboratories are listed at the beginning of this handbook.