

OFFICE OF ATTORNEY GENERAL  
CRIME LABORATORY DIVISION

**GUIDELINES FOR PACKAGING AND SUBMISSION OF EVIDENCE**

The purpose of these evidence submission guidelines is to obtain the best possible results from the evidence collected by law enforcement agencies. In accordance with ASCLD accreditation, the laboratory cannot accept evidence that is improperly packaged. Please contact the laboratory with questions regarding the submission or packaging of any unusual items.

**PACKAGING OF EVIDENCE**

**Drug Evidence:**

- A. Place item(s) in separate sealed (heat seal, evidence tape, etc.) evidence package(s).
  1. Packages would include but are not limited to heat sealable plastic bags, plastic ziploc bags, coverable plastic containers, paper bags, manila envelopes, etc.
    - a. Multiple items, even if found together, should not be packaged together unless they are similar to each other (i.e. 5 bags which appear to be plant material found in close proximity to each other may be placed in the same package).
    - b. **DO NOT** compartmentalize items into a package. This makes it almost impossible to reseal the evidence properly.
    - c. 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.
    - d. A container with multiple kinds of tablets should be emptied, sorted, counted, and placed into separate packages. If possible, try to identify by markings using a drug identification reference. Any tablet that does not contain a controlled substance should not be submitted to the lab. Exceptions to this would be capsules that can be separated and filled with a different substance.
- B. Any item found in a body cavity should be treated as a Biohazard and visibly labeled as such.
  1. Preferably, 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.
  2. If it is deemed necessary by the crime lab and the prosecutor to perform DNA analysis on the package or item, then the item needs to be placed in paper type packaging and sealed with evidence tape.
- C. Thoroughly air dry wet samples (including smoking devices and especially live marijuana plants-**DO NOT** submit pots or soil). If a plant or plant material is moist to any degree, the chances of it molding or rotting before analysis is greatly increased. If the plant material rots, the chances of morphologically identifying and extracting the plant or plant material is greatly decreased.

- D. Submit the entire drug sample except in marijuana grow operations. Random samples of the leaves should be collected, dried, and submitted.
- E. Do not include used field test kits as they may leak and destroy the remaining evidence.
- F. Do not submit ashtrays and/or contents. Whatever needs to be analyzed **MUST** be removed and submitted in a separate package or it **WILL NOT** be analyzed.
- G. Do not submit non-drug items or excess paraphernalia unless a specific examination is absolutely necessary. One item of each type of paraphernalia per subject to substantiate the charge is all that should be submitted. Keep in mind, fingerprints are easily destroyed. Therefore, it is the submitting agency's responsibility to make sure the item is completely immobilized and properly packaged if the item needs to be processed for latent fingerprints.
- H. Do not submit syringes to the laboratory. The laboratory can provide clean vials into which syringe contents can be placed. For syringes without liquid, distilled or bottled water should be used to rinse the syringe into a clean vial.
- I. Make sure the package is of sufficient size to properly seal, mark, and reseal the package after analysis.
- J. Properly package breakable items (i.e. glass smoking devices) so they remain intact during shipping to minimize the hazard to laboratory personnel.

#### **Fire Debris Evidence:**

- A. Containers for the preservation of suspected ignitable liquid evidence.
  - 1. Fire Debris Samples
    - a. Unused metal paint cans with tight fitting friction lids. Quart and gallon cans are preferred, but any size may be used. Lined or unlined cans may be used.
    - b. Kapak or nylon heat-sealed plastic bags.
  - 2. Liquid Samples
    - a. Use glass sample jars with screw caps (secure against breakage during transportation), or metal paint cans with tight fitting friction lids.
  - 3. Original Containers Such As Gas Cans
    - a. Liquid analysis only – sample as for liquid samples in #2 above, secure and retain container and remaining liquid if necessary.
    - b. Container analysis only (such as latent prints)
    - c. Intact containers: Transfer liquid to another suitable container and retain separately. Then air-out and seal openings of the questioned evidence container with original caps.
    - d. Ruptured and Cap less Containers: Transfer liquid to another suitable container and retain separately. Air-dry the questioned evidence container.
    - e. Both liquid and container analysis – submit two separate samples as described in 3a and 3b above and retain remainder of liquid in a third suitable container.

- B. When collecting arson evidence
  - 1. Collect samples that are only partially burned.
  - 2. Collect samples from an area that has been protected from the fire (Control Sample).
  - 3. Absorbent materials are better than non-absorbent materials.
  - 4. Generally, the larger the sample the better.
  - 5. Fill container no more than ½ full of sample.
  - 6. The size of the sample determines the size of the container.
- C. Practices to avoid.
  - 1. Don't package samples in paper bags unless DNA examinations are required. You may have to choose one type of analysis over another in that case.
  - 2. Don't package samples in plastic bags, except for KAPAK or nylon heat-sealed bags.
  - 3. Don't submit leaking containers (if the outside is wet or you can smell petroleum product the evidence is **NOT** packaged properly)!
  - 4. Don't submit large quantities of flammable liquids (over 1 oz).

**NOTE: Please submit a case summary or incident report with all cases requiring the following types of examinations. This will enable the analyst to determine the order in which the different examinations are done.**

**DNA/Biological Evidence:**

- A. Allow damp or wet evidence to thoroughly air-dry before packaging.
- B. Package evidence in new paper bags, envelopes, or cardboard boxes. Do not use plastic bags or containers. **DO NOT USE PLASTIC OF ANY KIND.**
- C. Package each item separately.
- D. Seal evidence packages with evidence tape and initial over the seal. **DO NOT USE STAPLES.**
- E. Urine samples that are collected to be analyzed for date rape drugs should be properly sealed in the appropriate containers. The sample should be frozen if it is not to be submitted to the lab relatively soon after it is obtained.

**NOTE: Please contact the Crime Laboratory with any questions concerning packaging and/or submission of DNA evidence, especially regarding unusual evidence or measurable amounts of biological fluid.**

### Trace Evidence (Hair, Fibers, Paint, etc.):

#### A. Hair

1. Packages would include but are not limited to heat sealable plastic bags, plastic ziploc bags, coverable plastic containers, envelopes, folded paper bindles, and tape lifts.
2. If items are not found in close proximity to each other **DO NOT** package them together.
3. **DO NOT** use evidence vacuums if the hair to be analyzed is able to be collected by hand using a forceps.
4. Preferably, hairs to be analyzed should be packaged in folded paper bindles and/or envelopes of appropriate size that have all seams sealed.
5. Known samples which are to be compared to questioned samples must be packaged separately.

#### B. Fibers

1. Packages would include but are not limited to heat sealable plastic bags, plastic ziploc bags, coverable plastic containers, envelopes, folded paper bindles, and tape lifts.
2. If items are not found in close proximity to each other **DO NOT** package them together.
3. **DO NOT** use evidence vacuums if the fibers of interest are expected to be on the surface of an object or piece of evidence.
4. Preferably, clear tape should be used to remove fibers from the surface of an object or piece of evidence.
5. The tape lifts should then be adhered to a clear plastic surface such as a clear plastic bag or plastic sheet protector, which can then be sealed appropriately. **DO NOT** attach the tape lift to a piece of paper, cardboard, etc.
6. Known samples which are to be compared to questioned samples must be packaged separately.

#### C. Other Particles or Trace Evidence

1. Packages would include but are not limited to heat sealable plastic bags, plastic ziploc bags, coverable plastic containers, envelopes, folded paper bindles, and tape lifts.
2. If items are not found in close proximity to each other **DO NOT** package them together.
3. As for other trace evidence, appropriate size containers should be used to package any other items or particles that are to be analyzed.
4. It may be necessary to include instructions as to what analyses need to be performed. Such as what particles you are attempting to discover or identify, or what comparisons should be done.

### **Latent Prints:**

- A. For best results, items should not be packaged in plastic bags.
- B. **DO NOT** allow surfaces with latent prints to rub against the sides of packaging materials.
- C. Items should be secured inside a container and the container should be sealed. Cardboard boxes work well for packaging items for latent prints.
- D. Mark the outer container with the word **FINGERPRINTS**.
- E. Latent lifts may be submitted in any type of sealed packaging including plastic bags.

### **Firearms and Toolmarks: Safety is the first priority of the laboratory. DO NOT submit a loaded weapon to the laboratory without informing the evidence receiving personnel.**

- A. All firearms should be submitted unloaded unless prior arrangements have been made with the laboratory.
- B. Firearms should be secured inside the container and the container should be sealed. Cardboard boxes work well for packaging firearms.
- C. Magazines of semiautomatic pistols should be removed.
- D. A mark should be placed on a revolver cylinder indicating its position when found. Each cartridge or cartridge case should be removed and numbers used to indicate in which chamber it was found if that information is necessary for that particular case. A diagram drawn on paper may be useful.
- E. Cartridges, bullets, and cartridge cases should be packaged in a paper bag or paper envelope to preserve any trace or biological evidence if those exams are necessary.
- F. Toolmark evidence should be secured inside the container and the container should be sealed. Cardboard boxes work well for packaging toolmark evidence.
- G. The suspected tool and the item which has the toolmark on it must be packaged in separate containers and the tool must never be allowed to come in contact with the toolmark.

**NOTE:** Please provide the ammunition found with the weapons for laboratory use in test firing. If you do not want the lab to use confiscated ammunition for test firing, please inform the firearms examiner.

### **SEALING, MARKING, AND IDENTIFYING EVIDENCE**

- A. Mark and identify the envelope or container with the following information:
  - 1. Case number
  - 2. Exhibit or item number
  - 3. Subject(s)
  - 4. Date
  - 5. Officer's name
  - 6. Location where evidence was found
  - 7. A brief description of the package contents if appropriate
- B. Center this information so that the evidence can be sealed, opened, and resealed.

- C. Seal and initial seal.
- D. Cases with multiple suspects and multiple pieces of evidence need the name(s) listed on each piece of evidence. One name must be associated with a piece of evidence.

### **DELIVERING EVIDENCE TO THE LABORATORY:**

**NOTE:** Please indicate if evidence has been previously submitted to the laboratory on this case (if so, include the Laboratory Number).

- A. Deliver the evidence by hand:
  - 1. Have your evidence submission documents ready so you can provide the necessary information to the person receiving the case. The documents should include:
    - 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 evidence receipt screen.
  - 3. Review the documents generated for accuracy.
- B. Deliver the evidence by mail:
  - 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. We would prefer that your evidence submission documents be attached in an envelope to the outside of the mailing container. Alternatively, the documents must be included inside the mailing container.
  - 3. Send via Certified Mail, Registered Mail, or some other method which allows tracking to:

**ND Office of Attorney General  
Forensic Science Section  
2641 East Main Ave  
Bismarck ND 58501**

**NOTE:** WHEN A DEFENDANT HAS **PLEAD** GUILTY, PLEASE INFORM THE LABORATORY SO WE CAN USE OUR RESOURCES WISELY.