

12.720 EVIDENCE: SUBMITTING FOR PHYSICAL ANALYSIS

Reference:

Procedure 12.130, Vice Control and Enforcement Responsibilities
Procedure 12.715, Property and Evidence: Confiscation, Accountability,
Processing, Storage, and Release
Procedure 12.725, Blood Drying: Processing of Evidence Exposed to
Bloodborne Pathogens
Manual of Rules and Regulations, 2.04
Forensics Manual
Investigative Manual, 2.4.0 and 13.1.15

Definitions:

Evidence - Legally obtained, documentary or oral statements and material objects submitted to a court of law as proof to ascertain the truth regarding an offense that occurred.

Private police officers - performing special duties for the benefit of, and at the expense of, private persons or corporations may be commissioned by the Police Chief with approval of the City Manager. Such private police officers shall be subject to the orders, rules and regulations of the Police Chief.

Drug paraphernalia - means any equipment, product, or material of any kind, used by the offender for propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled substance.

Deoxyribonucleic Acid (DNA) - the material inside a nucleus of a cell that carries genetic information.

Information:

The Hamilton County Coroner's Laboratory has the ability to process items submitted for DNA analysis. A DNA profile can be obtained from samples of skin, hair, blood, and other body fluids. Once a profile is made, it is maintained in a local data base and forwarded to the state for submission into the Combined DNA Index System, (C.O.D.I.S.), where it is compared to established profiles of known offenders.

The increasing number of DNA submissions and the costs associated with these examinations has resulted in the following: The Coroner's Lab will initially process three items submitted for analysis per case.

Officers requesting a DNA analysis should limit their requests to evidence involving serious crimes. If no evidence is found on the first three items, additional testing may occur on other evidence. These items should be selected in order of importance and the likelihood of providing a good sample of DNA; the rest should be properly collected and submitted to the property room. Also, the submission of "Touch DNA" type samples will be limited to those items that the suspect brought to the crime scene. Examples of suitable samples are cigarette butts foreign to the scene, drinking containers, tools, weapons, masks, or clothing. Blind swabs from items the suspect might have touched will not be accepted. This includes swabs from the point of entry, countertops, doorknobs, or from the interiors of stolen vehicles. Swabs from visible stains of biological material will be accepted.

Purpose:

Prevent the suppression of evidence and dismissal of cases on procedural grounds.

Policy:

Evidence submitted for physical analysis will be processed in a consistent manner in order to maintain a high standard of dependability for examination of the sample.

The officer will record all pertinent information on the Hamilton County Coroner's Laboratory Evidence Submission Form.

Procedure:

A. Alcoholic Evidence

1. Alcoholic beverages used as evidence in court require analysis.
2. Officers citing/arresting for liquor violations must process the alcoholic beverage as evidence.
 - a. All alcohol evidence submitted for physical analysis from unsealed containers must be submitted in a plastic specimen bottle. The specimen must be sealed with evidence tape. The seal must be initialed and dated by the submitting officer.

NOTE: The original liquor container may be attached to the specimen bottle.

- b. Alcohol evidence in original containers with unbroken seals may be submitted for analysis. The unbroken seal must be covered with evidence tape and the seal must be initialed and dated by the submitting officer.
 - 1) The investigating officer will enter the evidence in the unit's property book and secure it in the unit property room. Attach the following items to the evidence:
 - a) Copy of the Form 527, Arrest and Investigation Report, or Form 314, Notice to Appear.
 - b) Form 330, Property Receipt.
 - 1] On the Form 330, list the name of each arrested person. If the property also involves a liquor establishment, include the liquor establishment's name (DBA) on the Form 330.
 - c) A Form 327, Property Held for Court Tag, marked "Held for Court".
 - d) A Hamilton County Coroner's Laboratory Evidence Submission Form.
 - 2) Deliver the evidence to the Court Property Unit between 0630-0830 hours, Monday through Friday.
- c. Process evidence no longer in its original container in the following manner.
 - 1) Remove ice from the beverage to prevent dilution of the evidence. Place the evidence in a plastic specimen bottle and seal it.
 - a) The investigating officer will date and initial the seal in the presence of the arrested, if possible.
- d. Complete Forms 330, 327, and 484, Analytical Report for Liquor Violations. Attach these items and a copy of the Form 527 or Form 314 to the evidence. Enter the evidence in the unit property book. Deliver the property to the Court Property Unit.
 - 1) List on the Form 330 the names of all arrested persons and the name of the liquor establishment, when applicable.

- e. Upon completion of liquor cases in court, the arresting officer will inform the Court Property Unit of the case disposition.
3. Process evidence gathered for presentation to the Ohio Liquor Commission according to Section A.1. Write "Hold for Columbus" in red on the Form 330.
- a. Evidence in original containers with unbroken seals presented to the Ohio Liquor Commission only does not require analysis.
- B. Drug Evidence
1. Investigating officer(s) will properly tag evidence believed to be an illegal or illegally possessed drug. A supervisor will verify the contents and weights of drug evidence envelopes.
- a. Weigh the above drugs/chemical substances, place them in an envelope, and seal it with evidence tape. The seal must be initialed/dated by the sealing officer (lab requirement). Weigh the total package again without any forms attached. Mark on the front of the evidence envelope the weight/count of the drugs and the total packaged weight of the sealed envelope.
 - 1) Package drugs seized separately from drug paraphernalia. Do not weigh drug paraphernalia.
 - 2) Package syringes in a syringe tube and attach a property tag. Do not place the syringe tube in a property envelope. The lab will not accept syringes packaged in a property envelope.
 - b. The weighing officer and verifying supervisor will mark their names and badge numbers on the evidence envelope.
 - 1) If the evidence is too large to weigh at the recovering unit, contact Court Property Unit personnel per Procedure 12.715, Section D.4.c.
 - c. When processing pills, tablets, capsules, caplets, etc., count the individual units, place them in an evidence envelope, and seal it with tape. Weigh the total package without any forms attached. Mark on the front of the evidence envelope the count of the drugs and the total packaged weight of the sealed envelope.

- 1) If the pills, tablets, etc. are crushed, weigh the drug evidence then place it in an evidence envelope. Seal the envelope and weigh the total package without any forms attached. If crushed pills and whole pills are in the same packaging, do not attempt to count the individual pills. Weigh the crushed pills and whole pills together.
 - d. Attach a copy of the Form 527, Form 314, and Evidence Submission Sheet to the evidence.
 - e. All Forms 330 will accompany the property to the Court Property Unit.
 - f. To maintain continuity of evidence, process articles held through the unit property book before taking them to the Court Property Unit. Mark in the unit property book the weight/count of the drugs/pills and the total weight of the sealed package.
 - 1) Secure drug evidence separately from other evidence in the unit property room.
 - g. All personnel handling property will sign their name and date the evidence bag in the designated spaces to ensure continuity.
2. The Court Property Unit will:
 - a. Assume custody of all properly tagged evidence delivered to their office.
 - b. Verify the packaged weight, sign and return the yellow copy of the Form 330 to the delivering officer for the unit files.
 - c. Log the evidence into the Court Property Unit.
 - d. Cause analysis of the evidence for court.
 - 1) Once the Court Property Unit receives the property, direct all questions about its status to that unit. Have the property number and location number ready when making inquiries.
 3. The arresting officer will advise Court Property Unit of the disposition of completed court cases.

C. DNA Evidence

1. Officers requesting a DNA analysis should limit their requests to evidence involving serious crimes, felonies, violent misdemeanors, or a pattern of offenses that might be connected to one person. Only three items should be submitted to the lab for DNA analysis. These items should be selected in order of importance to case and the likelihood of providing a good sample of DNA. All other evidence should be properly collected, packaged and submitted to the property room.
 - a. Each item submitted for analysis must be individually packaged.
 - b. Documentation must accompany the evidence to the lab to assist in identifying the importance of each item submitted.
 - c. Evidence submitted for comparison to known victims, suspects or persons must include buccal swabs before any DNA testing will occur. Examples where buccal swabs are required include guns submitted for CCW cases or steering wheels where multiple known DNA profiles are likely to be found.
 - d. Drug packaging and paraphernalia will only be analyzed when there is justification to do so and a known comparison sample is submitted.
2. In addition to blood and body fluids, items that can be submitted for analysis include clothing, hats, or tools used in an offense. These items may provide a profile from particles left by the suspect.
 - a. Submitted items must have been brought to the crime scene by the suspect. Any requests for exemptions in special situations must be discussed with the lab director at the time of, or prior to, submission. The lab director can be reached at 946-8755.
3. Officers are encouraged to review the Investigative Manual and Forensic Manual for proper collection methods of DNA evidence. Only trained personnel may submit a buccal swab for analysis. Contact an Investigative Unit Supervisor to request a trained officer for assistance with buccal swabs.
4. Evidence submitted for DNA analysis must be packaged and submitted in compliance with procedure 12.715, Property and Evidence: Confiscation, Accountability, Processing, Storage, and Release. Attach the original copy of the Hamilton County Coroner's Evidence Submission Sheet, a Form 330 and a copy of the 527 when an arrest is made.

5. Every effort should be made to prevent cross contamination of evidence submitted for analysis. Evidence containing wet blood or body fluids can be placed in one of the blood drying rooms located at District Four. Refer to procedure 12.725, Blood Drying: Processing of Evidence Exposed to Bloodborne Pathogens for detailed instructions.
6. The Court Property Unit will submit evidence to the Hamilton County Coroner's Office as described in section D. 2. of this procedure.
7. Results from testing generally take 30 days to complete. A report will be forwarded to court property unit from the Hamilton County Coroner's lab. Court property unit will attach a copy of the report to the evidence returned from the lab. A copy of the report will also be forwarded to the submitting officer.
8. When C.O.D.I.S. matches a profile with a known person in the data base, the Hamilton County Coroner's Lab will send a report to the investigating officer requesting a buccal swab sample from the suspect to confirm the match.

D. Other Evidence Requiring Physical Analysis

1. Criminalistics will:
 - a. Criminalistics Squad will respond to the Court Property room to check out any firearm submitted that has not been processed and they will:
 - 1) Attempt to lift all latent fingerprints from the firearm.
 - 2) Process quality prints through the Automated Fingerprint Identification System (AFIS) and report their results to the Investigative Support Squad (ISS) personnel.
 - 3) Test fire the firearm and report their results to ISS.
 - b. The original Evidence Submission Sheet will accompany articles to the laboratory. The laboratory will not accept photocopies of this form. Attach a copy of the offense report to the original Evidence Submission Sheet.
 - 1) Distribute copies of the Evidence Submission Sheet as follows:
 - a) Original to the analyzing agency.

- b) Copy to investigator's file.
 - c) Copy to Criminalistics Squad along with a copy of the offense report.
 - 2. Court Property Unit personnel will:
 - a. Respond to the laboratories daily, Monday through Friday, except holidays.
 - b. Pick up property and lab reports.
 - 1) Staple the Official Crime Laboratory Report submitted by the Hamilton County Coroner's Laboratory to the evidence. It will remain with the evidence until the evidence receives a final disposition.
 - c. Mail a copy of the Official Crime Laboratory Report to the investigating officer.
- E. Processing Evidence for Cincinnati Private Police Officers
- 1. Cincinnati private police officers may issue minor misdemeanor drug possession citations.
 - a. Seized drug evidence will be submitted to the district where the offense occurs.
 - 2. The desk officer will notify a supervisor when a private police officer submits evidence to the district.
 - a. Submit completed Forms 314, 330, and the Evidence Submission Form with the evidence.
 - 3. The district supervisor will:
 - a. Check all forms for completeness.
 - b. Ensure the property envelope is properly completed.
 - c. Weigh and seal evidence in compliance with Section B.
 - 4. Any follow-up, including completion of the Form 676, Status of Evidence and Property, will be the responsibility of the district of submission.

5. Court Property Unit personnel will:
 - a. Accept and process evidence in the same manner used for Cincinnati police officers.
 - b. Have the private police officer complete an Evidence Withdrawal Receipt when retrieving evidence from the Court Property Unit.
6. When the private police officer is unable to return property to the Court Property Unit on the day it is checked out, the property will be returned to District One.
 - a. A District One supervisor will receive evidence, confirm its weight, and ensure the property is properly logged into the property book.