

SUMMARY OF RECOMMENDATIONS

from *The Biological Evidence Preservation Handbook: Best Practices for Evidence Handlers*
by the Technical Working Group on Biological Evidence Preservation
available at http://www.nist.gov/manuscript-publication-search.cfm?pub_id=913699

RETAINING BIOLOGICAL EVIDENCE

Recommendation I-1: All persons who have responsibility for the intake and/or storage and disposition of biological evidence should take online, in-classroom, or other forms of training on evidence management.

Recommendation I-2: Prior to a property and evidence custodian accepting biological evidence, it should be clearly marked and labeled by the submitter as biological evidence, allowing it to be tracked within the evidence management system and stored appropriately from intake through disposition.

Recommendation I-3: Property and evidence custodians should consult with investigators, laboratory analysts, and, when appropriate, prosecutors to determine whether only representative sample(s) should be retained in situations in which samples are too large or too costly to store. Property and evidence custodians, investigators, laboratory analysts, and prosecutors should discuss situations in which prosecutors should be consulted. These decisions should not be made exclusively by property and evidence custodians.

Recommendation I-4: Biological evidence that is collected in the course of an open investigation should be retained indefinitely for homicides and, at a minimum, for the length of the statute of limitations for all other offenses.

Recommendation I-5: A communications link should be established between investigators, prosecutors, and the responsible custodial agency to be able to determine if charges are filed.

Recommendation I-6: Biological evidence should be preserved through, at a minimum, the period of incarceration in the following crime categories, as defined in NIBRS, regardless of whether or not a plea was obtained: homicides, sexual assault offenses, assaults, kidnapping/abductions, and robberies. For all other Group A and B offenses, biological evidence may be disposed of upon receipt of authorizations.

Recommendation I-7: After it is determined that charges will not be sought or filed, evidence, including any biological evidence, need not be retained unless destruction is prohibited by statute.

PACKAGING AND STORING BIOLOGICAL EVIDENCE

Recommendation III-1: In tandem with state or local legislatures, managers in law enforcement and relevant stakeholders should advocate for additional resources and funding to ensure the integrity of biological evidence through prioritizing the packaging, storage, maintenance, and security of the evidence in their jurisdictions.

Recommendation III-2: To optimize a sterile environment without commingling items of evidence, property and evidence management should establish a policy or procedure requiring documentation of who is responsible for cleaning the drying area, how the area is to be cleaned and decontaminated, how the decontamination process is documented, and how long the documentation is to be retained.

Recommendation III-3: Each law enforcement agency should develop a protocol for standardizing evidence packaging materials and customizing shelving to allow for more efficient retrieval of evidence stored in property rooms.

Recommendation III-4: For the safety of employees, agencies should always attempt to segregate types of biohazardous evidence, such as liquid evidence, tissue samples, and extracted DNA, in one centralized location for easy identification and safe storage.

Recommendation III-5: Each law enforcement agency should have a policy and procedure for the storage of biological evidence.

TRACKING BIOLOGICAL EVIDENCE CHAIN OF CUSTODY

Recommendation IV-1: Personnel who handle evidence should be notified during their training that they might be required to testify about the chain of custody.

Recommendation IV-2: Whatever system an agency uses, it should be able to account for the following:

- Chain of custody
 - date/time/identity of individual who collected evidence
 - any person(s) in possession of the evidence at scene and during transport
 - date/time/identity of person who submitted the evidence
 - date/time/identity of property/evidence custodian who accepted/received the evidence
 - date/time/identity of any person to whom the evidence was released and who returned it
- Unique item identification
 - description of item
 - unique number identifier
- Location of item in property/evidence storage room or other external location(s), such as court, a crime laboratory, or another investigative agency
 - location (e.g., shelf number or bin) where evidence is stored
 - date/time/identity of person who stored the evidence

Recommendation IV-3: Yearly inventories should be conducted to verify that the evidence in the property room is present and in its specified location.

Recommendation IV-4: A quality property management system should include a means to identify overdue items or evidence that has not been returned according to the agency's policy.

Recommendation IV-5: Each agency must develop an identification system so that each item of evidence has a unique identifier. Evidence items created from analysis or separated from the original evidence item should be documented to show the linkage between it and its parent.

Recommendation IV-6: Overall, it is highly recommended that jurisdictions consider automated identification technologies to enhance chain-of-custody recordkeeping and tracking, to facilitate inventories, and to allow for efficient retrieval of evidence.

Recommendation IV-7: Experienced property and evidence custodian personnel should be included in the procurement of any software and/or hardware that affects the tracking and management of evidence. Agencies need to review existing procedures, to conduct a needs assessment, to develop

requirements, and to evaluate technology performance prior to procuring a system. Proper IT support should also be available.

Recommendation IV-8: Access to the evidence holding facility should be limited to those who are authorized to remove and return the evidence and to those who are authorized to hand over the evidence to others authorized to receive it. Each evidence custodian should have an applicable background check prior to employment or assignment to the unit.

Recommendation IV-9: Each entity that can potentially hold biological evidence, including courts, should have (1) written procedures detailing the steps and documentation required when evidence is opened, resealed, and transferred; (2) secure, access-controlled locations to store the evidence; (3) trained and authorized personnel handling the evidence; and (4) written policies outlining chain-of-custody and storage requirements (length of retention, conditions, and disposition requirements) for biological evidence.

Recommendation IV-10: The collection of evidence at the hospital or medical facility establishes the first link in the chain of custody. Biological evidence should be collected by a properly trained medical professional and an inventory of each item should be recorded.

Recommendation IV-11: Jurisdictions should work to assess and improve communications regarding forensic evidence by developing consistent procedures and packaging guidelines and by integrating evidence-tracking systems across locations.

Recommendation IV-12: Agencies responsible for maintaining biological evidence should assign an appropriate custodian of the evidence to ensure compliance with the recommendations in this report.

BIOLOGICAL EVIDENCE DISPOSITION

Recommendation V-1: Case status reviews should be conducted at least once a year to determine eligibility for disposition of evidence containing biological evidence.

Recommendation V-2: Each agency should designate those authorized to sign off on the disposition of biological evidence within a jurisdiction.

Recommendation V-3: Timely and proper disposition of evidence is of critical importance in the duties of the property custodian. All property in the care of an agency should be returned to its rightful owner or dispositioned according to law or agency policy.

Recommendation V-4: An evidence disposition process should be part of each agency's policy and procedures.