

Cuyahoga County Regional Forensic Science Laboratory

CCRFSL Evidence Acceptance and Testing Policies

The Cuyahoga County Regional Forensic Science Laboratory is committed to providing the highest quality of service to our customers by providing timely and accurate testing of all evidence submitted for analysis. Due to greater than ever demand for laboratory testing and limited laboratory resources, the CCRFSL has adopted the following policies for all testing requests to meet its goal of providing timely results for law enforcement investigations and prosecutions across Cuyahoga County:

1. All evidence must be pre-logged into Portal prior to bringing to the laboratory.
2. All evidence must be properly identified and packaged to protect them from loss, transfer, cross contamination and/or deleterious change. Improperly packaged evidence will not be accepted by the laboratory.
 - Biological evidence for DNA must be packaged in paper to prevent deterioration.
 - Potentially hazardous evidence must be packaged to ensure safe handling. (e.g., any sharp tools, knives etc. should be packaged in boxes; syringes should be packaged in sharps containers.)
 - Any changes on the evidence packaging must be initialed and dated.
3. All evidence must be sealed in tamper evident manner. Seals must be initialed/signed.
Note: Staples and scotch tape are not acceptable seals.
4. All cases except those involving only Drug testing shall be submitted with a completed 'CCRFSL Evidence Submission Sheet'.
5. CCRFSL reserves the right to refuse any evidence if it's considered unsuitable for testing. The reasons for which the evidence may be deemed unsuitable, include but are not limited to:
 - No label and/or identification
 - Physical condition
 - History of the item
 - Improper handling
 - Condition of item packaging
 - Amount of sample present or present on the item
 - Circumstances such as time interval and weather conditions surrounding the evidence collection

Samples NOT Accepted By CCRFSL:

1. Evidence items that have previously tested by another laboratory/agency, will not be accepted for testing by CCRFSL.
2. No DNA, drug or fingerprint testing will be performed on 'Property Found' (No associated victim(s) or suspect(s)).



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3. Samples for DNA testing will not be accepted to prove a drug or firearm possession where suspected drugs/paraphernalia, and/or a firearm/weapon has been recovered from the defendant's person, or from his property such as his car or house.
4. Cartridge casings will not be accepted for touch DNA testing in non-fatal cases. Exceptions can be made in violent cases with prior approval of the DNA Technical Manager.
5. Fired or unfired firearms cartridges or casings will not be accepted for Fingerprint testing.
6. Gunshot residue samples collected from an individual who was in possession of a firearm or who had a firearm removed from their person at the time of arrest or apprehension will not be accepted. Gunshot residue will be present on the surface of a firearm and possession; handling of the firearm can account for any positive results obtained.
7. Gunshot residue samples collected from objects such as vehicles, bedding, and home furnishing will not be accepted. Gunshot residue found on the surfaces cannot establish that an individual is associated to a specific shooting event.

DNA Testing Policy

CCRFSL strongly recommends that before testing, the DNA analysts, lead investigator(s) and the prosecutor communicate via phone or, meeting to identify which items are best suited for testing. This will help eliminating the items that are not likely to yield probative results and the remaining items can be tested faster.

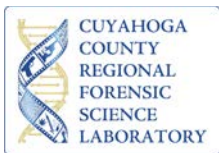
Factual Basis for DNA Testing Request:

An explanation of the role of the submitted items in the crime must be submitted with the evidence submitted for DNA testing. The information must include the location from where the items were collected, to whom the evidence belongs, how the item relates to the crime, and the unresolved issues in the case.

Touch DNA Evidence:

Touch DNA Evidence consists of DNA evidence resulting from a contact of an item with the skin. Items submitted for wearer such as shirts, shoes, hats, etc. where there is probability of prolonged contact, are not considered touch DNA evidence. Cigarette butts, swabs from cans, bottles and straws etc. are not considered as touch DNA evidence the DNA being tested in these items is most likely from saliva.

- a. The permission to consume the evidence must be submitted with the touch DNA evidence. If the permission is not submitted with the evidence, the name and contact information of the person responsible for providing the consumption permission must be provided on the 'Evidence Submission Sheet'.
- b. Touch DNA evidence will only be processed if no other probative evidence exists. Touch DNA evidence will be accepted for possible DNA analysis when there is a high probability that the evidence submitted will provide probative results or investigative leads. A high probability may be established by means of witness corroboration, visual monitoring systems etc.



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- c. Touch evidence will be processed by the CCRFSL only if it has not been previously processed by another discipline.
- d. Elimination standards must be submitted with touch DNA evidence where applicable (e.g. owner of a stolen car). It is highly recommended that law enforcement personnel, who might have come in contact of a touch DNA item during collection of evidence, submit their standard.

Number of Items for DNA Testing:

A limited number of items will be accepted for DNA testing. The limit only applies to the evidentiary items; known standards will not count against the number of items submitted. An item refers to a single piece of evidence such as a knife, a shirt or swabs from a blood stain. Multiple items packaged together will be considered separately as the number of items in the package i.e. a hat, a shirt, a jacket and jeans packaged together will be considered four items.

The types and number of items accepted by CCRFSL depends on the case type:

1. Homicides:

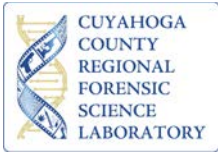
- a. Up to **12 items** of biological evidence will be accepted per submission from the law enforcement agency conducting the investigation.
- b. If the first submission does not yield any probative results, the next tier of probative items (not to exceed 12) may be submitted by the agency conducting the evidence.

2. Sexual Assaults:

- a. The first submission is limited to a sexual assault evidence collection kit and one pair of underpants (if not already in the kit) and one condom, if applicable.
- b. If negative results are obtained from the kit, additional items such as clothing may be submitted with no more than 5 items per submission.
- c. If positive results are obtained from the kit, no additional items will be tested or accepted for DNA, unless a need for additional testing is dictated by the case circumstances.
- d. If backlog precludes sequential testing of sexual assault kits, the testing may be prioritized based on the nature of the offense, the likelihood of discovering dispositive probative value, and the age of the kit. Generally, CCRFSL will prioritize the following cases:
 - Child victim of suspected sexual offense
 - Cases being prepared for imminent trial.
 - Cases in which the identity of the perpetrator is contested.
 - Cases involving complex evidentiary issues in which the biological results may be dispositive.

3. Property Crimes/Burglary:

- a. The first submission is limited to **2 items** typically blood sample(s) from the scene, or items left by the perpetrator such as cigarette butt, hat or a piece of clothing. Elimination standards from victim(s) and/or other individuals with known association to the scene must be submitted in property crime cases (The elimination standards do not count towards the item count).
- b. If a DNA profile is developed, no additional items will be tested, unless a need for additional testing is dictated by the case circumstances (such as multiple perpetrators).



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4. Robbery, Battery, Assault, Drug Overdose:

- a. Only **5 items** of biological evidence will be accepted per submission.
- b. If the first submission does not yield any probative results, the next tier of probative items (not to exceed 5) may be submitted.
- c. No additional items will be tested if probative results are obtained from the first 5 items unless a need for additional testing is dictated by the case circumstances.

5. Criminal Paternity Cases:

Submission must include a buccal swab standard from mother/alleged mother, father/alleged father, the child and if necessary, the product of conception (frozen, no preservatives such as formalin). No partial submissions will be accepted, unless case circumstances dictate (such as deceased mother or questionable maternity and father unknown). The race of the mother/alleged mother and the father/alleged father must be submitted with each paternity/maternity testing request.

Completion of Testing

In most cases, the testing will be presumed to be complete by CCRFSL when an association has been established via probative evidence (i.e., finding victims' DNA on the subject or the subject's DNA on the victim). In sexual assault cases, if the subject's DNA is found on a vaginal swab collected from the victim, there is generally insignificant probative value in attempting to determine the presence of subject's DNA on the victim's clothing.

Reassessment of Presumed Limits

These presumptions may be reassessed based on the unique facts of a case. If the prosecutor or the requesting law enforcement agency believe that additional DNA testing will be probative, the DNA analyst, the lead investigator (s) and prosecutor must confer together to identify the basis for additional testing.

Drug Chemistry

Trash Pulls

In cases involving submissions of multiple items with potential drug residue, the laboratory will select and test items based on any visual indication of residue. A maximum of two items will be tested from each evidence package, however, if the initial item tested is positive for a controlled substance then no additional items will be tested.

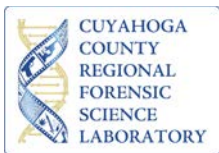
Due to limited resources, it is beyond the capacity of the Drug Chemistry section to test every item in such submissions.

Whole Plants

All root systems must be removed before packaging and submission to the laboratory.

Sharps

Any items that can potentially cause harm to an individual handling the evidence, must be properly contained. This is to include: syringes, razor blades, broken glass, knives, etc. Proper packaging can be achieved in a variety of way to include but not limited to syringe tubes, plastic containers, knife boxes, specimen tubes, etc.



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Liquids

Any liquid sample must be properly contained in leak-proof container.

The Drug Chemistry Department has the right to refuse evidence until it is properly and safely contained.

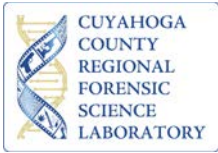
Rush Cases

If a rush case is requested, a maximum of two items will be tested regardless of the number of items submitted in the case. To qualify for rush status, the evidence must have been collected within the last seven days.

No exceptions will be made.

Fingerprint Testing Policy

1. Items submitted for Latent Print examination must be packaged in a way to prevent friction (i.e. guns and magazines placed in a gun box with each item secured to the box). Items that are packaged in a manner that allows friction to occur, may result in a deterioration of latent prints. Tape should not be placed on items where a print may be, or on an item that will be subject to latent print processing.
2. Submitted lifts must have documentation of source available for each individual lift. This documentation can be on the lift itself (preferred), on the evidence envelope, in the evidence description or on a lift log. Lifts without source documentation will be returned to the submitting agency.
3. Submitted lifts should include the count of the lifts, not the number of impressions that may be contained on the lift(s).
4. For porous items (i.e. paper, cardboard, etc.), a determination of testing must occur at the time of submission. Although, both latent fingerprint testing and DNA testing can be performed on these items, the two tests are detrimental to each other. If both requests are received, a CCRFSL supervisor will determine which testing should be performed.
5. Appropriate elimination prints (victims, family members, bank tellers, etc.) should be submitted with the evidence. Good quality known prints are important and necessary. Poor quality known prints (i.e. blurred, overlays, too much ink, etc.) will reduce the chances for conclusive comparisons to be conducted. Please refer to our website for examples of recording known exemplars.
6. Submit a subject's full name, date of birth and available agency identification numbers (i.e. state identification number, local agency number, sheriff's office number, FBI number). If known cards are not submitted with the evidence, the local database will be checked utilizing the demographic information provided.
7. If you suspect your subject may be a juvenile and that juvenile has been processed through the Juvenile Justice Center, please include the juvenile's name and the state identification number so that a record can be requested from the state.



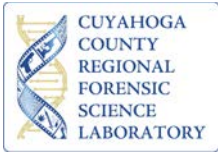
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8. For non-violent offenses (i.e., property crimes, drug offenses, fraud, etc.), limited examinations may be conducted. In these situations, once an identification is made, the remaining comparisons will routinely not be conducted, unless circumstances dictate the need for additional analysis (i.e., multiple perpetrators, elimination identification).

Firearm Submission Policy

The following packaging requirements must be met to ensure evidence integrity and the safety of all personnel involved with the transfer, submission, and examination of firearms:

1. All firearms must be submitted unloaded. If it is necessary to submit a loaded or potentially unsafe firearm, prior arrangements must be made with a CCRFSL Firearms Examiner before submission.
2. All firearms must be submitted secured in an evidence box or transparent plastic bag with a nylon zip tie clearly held within the action. This will ensure that the firearm is unable to be manipulated or held out of battery until it is examined. All long guns shall be submitted in a box or gun case.
3. Firearms in homicide cases must be submitted secured in an evidence box.
4. Magazines must be removed from the firearm prior to submission. They may be affixed within the firearm box or packaged with the firearm in a separate container.
5. All live ammunition must remain in the submitted magazine or be packaged in a separate container.
6. All firearms evidence shall be submitted with a completed CCRFSL Evidence Submission Form. The submission form must contain the required information for NIBIN entry (Date of Occurrence, Crime Category) (Test fire packaging must contain: make, model, serial number, caliber).
7. Test fired cartridge cases and bullets will only be used in comparison examinations when the suspect firearm is not available.
8. Firearms (not previously test fired casings/bullets) should be submitted with all comparison requests.
9. Bullets are not entered into NIBIN. Non-Homicide bullets examination requests (without firearms) require pre-approval from the Firearms Section before being submitted.
10. The outer packaging for guns or evidence casings suspected of containing biological contamination (blood/waste) material should be marking with the appropriate warning labels/writing.
11. The packaging for submitted firearms should contain writing/labels if it has been previously test fired or entered into NIBIN.
12. The following examples of firearms related testing that are **typically not conducted** by the Firearms Unit:
 - Firearms submitted for NIBIN entry / operability testing only
 - Trigger Pulls
 - Barrel/overall length determination



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- Airgun testing
- Toolmark Examination
- Bullet to cartridge case comparison

Gunshot Residue Testing Policy

1. Gunshot residue samples or requests for gunshot residue testing from clothing items will only be performed in the absence of gunshot residue samples from an individual's hands. Only surfaces in close proximity to the discharge of a firearm, such as sleeve cuffs will be sampled.
2. Areas of clothing items that will not be sampled for gunshot residue include but are not limited to: front torso area and back torso area of long sleeve or short sleeve shirts / outerwear, pant legs of pants, shoes, hats / headwear, pockets of clothing items, waistbands of clothing items.

For any questions regarding these policies, please contact CCRFSL Unit Supervisors.

Toxicology Testing Policy

1. All Toxicology evidence (submitted during regular and/or outside work hours) must be pre-logged into iPortal prior to bringing to the laboratory. A printed or electronic 'Evidence List' from Portal must be presented with evidence.
2. All Toxicology specimens must be properly identified, packaged, and sealed. Improperly packaged specimens will not be accepted by CCRFSL. Specimens should be packaged in a manner that will capture any leak of biological fluids and/or prevent exposure of non-laboratory staff to biological fluids.
3. All blood and urine containers shall be sealed in a manner such that tampering can be detected and have a label which contains at least the following information:
 - a. Name of individual whose sample is being submitted
 - b. Date and time of collection
 - c. Name or initials of person collecting the sample
 - d. Name or initials of person sealing the sample.
4. The outer packaging must have the agency's name, case number, and the name of the individual clearly visible.



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Specimens not meeting the minimum criteria above will be rejected for testing, and the submitting agency contacted to retrieve the submission(s). Ultimate acceptance or rejection of the specimen is at the discretion of the Chief Toxicologist or delegate.

Note: The minimum criteria for specimen traceability and integrity can be found in the guidance of OAC Rule 3701-53-06 (<https://codes.ohio.gov/ohio-administrative-code/rule-3701-53-06>).

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Thomas P. Gilson M.D.

Executive Director & Medical Examiner

Note: Please contact appropriate Lab Supervisors for any questions about the policies.