

CHAPTER 13
LABORATORY EXAMINATION OF PHYSICAL EVIDENCE
REVISED JULY 2024
TABLE OF CONTENTS

| | |
|--|------|
| <u>POLICY</u> | 13-3 |
| Physical Evidence | 13-3 |
| Submission of Evidence | 13-3 |
| Tracking | 13-3 |
| <u>PROCEDURE FOR SUBMITTING EVIDENCE TO A BUREAU OF FORENSIC SERVICES LABORATORY</u> | 13-3 |
| Bureau of Forensic Services-1, Physical Evidence Submission Form | 13-3 |
| Completion of Form..... | 13-4 |
| <u>TEST AND COMPARISONS AVAILABLE TO THE DEPARTMENT</u> | 13-5 |
| Chemical Tests..... | 13-5 |
| Blood/Physiological Fluids Tests | 13-5 |
| Volatile Fluids Tests | 13-5 |
| Firearms Tests | 13-6 |
| Physical Matching Tests..... | 13-6 |
| Microscopic Tests..... | 13-6 |
| Other Tests | 13-6 |
| <u>TESTING OF SEXUAL ASSAULT FORENSIC EVIDENCE</u> | 13-6 |
| <u>FIELD ASSISTANCE AVAILABLE TO THE DEPARTMENT</u> | 13-6 |
| Bureau of Forensic Services Special Agents | 13-6 |
| Emergency Assistance | 13-6 |
| <u>BUREAU OF FORENSIC SERVICES RAPID RESPONSE SYSTEM</u> | 13-7 |
| Rapid Response System..... | 13-7 |
| Analyzed Items..... | 13-7 |
| Forms..... | 13-7 |
| Instructions for Packaging and Submission of Evidence | 13-7 |

THIS PAGE INTENTIONALLY LEFT BLANK

CHAPTER 13

LABORATORY EXAMINATION OF PHYSICAL EVIDENCE

1. POLICY.

a. Physical Evidence. Physical evidence gathered during a field investigation may be submitted to a local city or county laboratory within the geographic location of an Area office, if one is available. Areas submitting evidence to these facilities should comply with the particular laboratory's established procedures. Requests for physical evidence examination may be made on a form provided by the particular laboratory.

b. Submission of Evidence. Evidence not processed locally may be submitted to a Department of Justice, Bureau of Forensic Services (BFS) Criminalistics Laboratory for evaluation. The types of evidence which may be submitted and the nature of the tests available are outlined under paragraph 3 of this chapter. A list of BFS contact information, locations, and instructions on which form to submit when requesting specific testing services and/or testing of specific items can be provided by the Division Property and Evidence Program Coordinator, the Office of Internal Affairs (OIA), Evidence Unit, or by accessing the BFS Web site at <https://oag.ca.gov/bfs/services>.

c. Tracking. Laboratories may designate drop off locations for samples, other than the Area office, such as a hospital or a jail facility. Samples submitted through the Area office shall be logged and forwarded to the laboratory by the Area evidence officer. Tracking the status of results shall be the responsibility of the arresting officer, evidence officer, or a commander-designated coordinator. If a sample is returned to the Area prior to the expiration of the mandated retention period, the evidence officer shall book the sample into evidence and store it in the evidence room (refer to Chapter 5, Packaging of Evidence for Booking, of this manual).

2. PROCEDURE FOR SUBMITTING EVIDENCE TO A BUREAU OF FORENSIC SERVICES LABORATORY. The forms listed in this chapter are available through a regional BFS.

a. Bureau of Forensic Services-1, Physical Evidence Submission Form.

(1) The Bureau of Forensic Services-1 (BFS-1) is designed to assist the laboratory technician in making a proper examination and conclusion. To ensure maximum results, every effort should be made to include all information requested on the form. The BFS-1 forms are available at BFS Criminalistics Laboratories as needed.

(2) Whenever physical evidence (other than controlled substances) is forwarded to a BFS Criminalistics Laboratory, an original and one copy of a BFS-1 should be prepared. When physical evidence is forwarded by mail, the original BFS-1 should be placed in an envelope **and attached to the outside** of the package.

(3) A copy should be retained in the originating command file.

(4) Additional copies may be provided to the prosecutor in those instances where it will assist in the prosecution of the case.

(5) Commands utilizing the services of a BFS Criminalistics Laboratory and using special laboratory-provided blood collection kit or the Controlled Substances Evidence Envelope (BFS-2) are **not** required to complete and submit a BFS-1. In such cases, special care must be taken to complete all the information on the appropriate envelope.

b. Completion of Form.

(1) In the "Submitting Agency" section, list applicable Division or Area followed by the mailing address.

(2) In the "offenses" section, indicate the most serious probable charge filed or anticipated.

(3) If the examination of blood is for other than a determination of alcohol content, a laboratory-provide blood collection kit shall be prepared and submitted. **The BFS Criminalistics Laboratories will generally only conduct tests to determine intoxication involving driving under the influence cases** (refer to Physical Evidence Bulletin (PEB) 8, Toxicology--Blood or Urine Samples for Forensic Toxicological Analysis), by accessing the BFS Web site at <https://oag.ca.gov/bfs/peb>. For other than driving situations, contact the laboratory prior to submitting evidence. If necessary, a local laboratory may be used. Prior to using such services, contact Business Services Section, Contract Services Unit, for payment procedures.

(4) Submitting Controlled Substances. Requests for laboratory tests to determine the content of suspected controlled substances shall be forwarded to the appropriate BFS Criminalistics Laboratory for analysis (refer to PEB 25, Controlled Substances). When submitting controlled substances for analysis to a BFS Criminalistics Laboratory, a BFS-2 must be completed and accompany the submission. The BFS-2 envelopes are available from BFS Criminalistics Laboratories as needed.

(5) Vehicle Parts. Requests for laboratory assistance in determining the make of a vehicle, through the examination of vehicle parts, should not be forwarded to

the BFS Criminalistics Laboratory. If assistance of this type is required, it should be obtained from either Area or Division vehicle theft personnel. New or used auto parts dealers may also be helpful.

(6) Laboratory Assistance. Any questions regarding the submission of any evidence for examination should be directed to the nearest BFS Criminalistics Laboratory.

3. TEST AND COMPARISONS AVAILABLE TO THE DEPARTMENT. The following laboratory tests and comparisons are conducted by BFS Criminalistics Laboratories and are available to the Department. If other than the listed tests are needed, a legal laboratory may be used. (A legal laboratory is any lab in the local area that has responsibility for assisting in or conducting criminal investigations, i.e., county sheriff's crime lab.)

a. Chemical Tests:

(1) Available for alcohol, barbiturates, marijuana, lysergic acid diethylamide (LSD), and other drugs in blood or urine.

(2) If barbiturates or other sedative and tranquilizer drugs are suspected, a blood sample of at least 10 cubic centimeters (cc) should be submitted.

(3) If amphetamines or narcotics are suspected, a urine sample must be submitted. A total volume of approximately three ounces is required.

(4) If the identity of the drug is not known or does not fall within the classes of drugs previously listed, both a blood and urine sample should be submitted.

NOTE: The BFS Criminalistics Laboratories will **not** remove the contents from a syringe for testing. Refer to Chapter 5 of this manual for guidance.

b. Blood/Physiological Fluids Tests. Blood and physiological fluid tests, including proof of blood, type of animal, grouping of human blood, seminal stain, and other body fluids.

c. Volatile Fluids Tests. Volatile fluids in arson cases and carbon monoxide tests.

d. Firearms Tests. Firearms testing, including serial number restoration, functioning tests on weapons, bullet, and cartridge case comparisons (i.e., National Integrated Ballistic Information Network [NIBIN], and shot and powder pattern tests.)

e. Physical Matching Test. Physical matching, including tool marks, broken glass, torn paper, and torn or broken metal comparisons.

- f. Microscopic Tests. Miscellaneous microscopic examinations, including paint, glass, hair, fibers, soil, cosmetics, building material, and explosives.
- g. Other Tests. Other miscellaneous examinations. Contact the local BFS Criminalistics Laboratory to ascertain if a specific test is available.

4. TESTING OF SEXUAL ASSAULT FORENSIC EVIDENCE. In addition to the above tests and comparisons available to the Department, evidence officers shall comply with mandatory timelines and reporting requirements for sexual assault forensic evidence established in California Penal Code Section 680. For sexual assault evidence received, commands shall ensure one of the following occurs:

- a. The evidence officer shall submit sexual assault forensic evidence to the crime lab within **20 days** after it is booked into evidence. This includes making the appropriate entry into the Sexual Assault Forensic Evidence Tracking (SAFE-T) database as outlined in Chapter 8, Management of Electronic Databases, of this manual.
- b. The evidence officer shall ensure a rapid turnaround DNA program is in place to submit forensic evidence collected from the victim of a sexual assault directly from the medical facility where the victim is examined to the crime lab within **five (5) days** after the evidence is obtained from the victim.

5. FIELD ASSISTANCE AVAILABLE TO THE DEPARTMENT.

- a. Bureau of Forensic Services Special Agents. Special agents of BFS are not normally assigned to hit and run or other traffic crash investigations but are available for assistance on major investigations. Contact the regional BFS or refer to the BFS PEBs listed in Chapter 4, Evidence Collection and Identification, of this manual. Contact information for the California DOJ, Bureau of Firearms is available by contacting the OIA, Evidence Unit, or the Division Property and Evidence Program Coordinator.
- b. Emergency Assistance. Occasionally, emergency assistance from a BFS criminalist is required for an on-scene investigation or interpretation of physical evidence. Area commanders should screen all such requests and may approve contact to be made with the nearest criminalistic laboratory by telephone. Calls should be made by a supervisor or the commander whenever possible. The caller must be prepared to furnish detailed information of the type of service desired, location of the investigation, name and location of the departmental employee requesting assistance, and any other pertinent information required.

6. BUREAU OF FORENSIC SERVICES RAPID RESPONSE SYSTEM.

a. Rapid Response System. The BFS utilizes a rapid response system of testing to meet the special operational requirements of drug and narcotics identification. For efficiency, an abbreviated system of recording and reporting has been devised.

b. Analyzed Items. Only those items which substantiate the offenses charged are to be submitted for analysis.

c. Forms. To properly utilize this system, officers must complete a BFS-2 envelope, as follows:

- (1) List all suspects involved in the same case.
- (2) Be concise and accurate in describing the items of evidence and source. Do not presume identity or use vernacular terms in listing evidence on these forms, e.g., "hand-rolled cigarettes of plant material," not "joints of marijuana."
- (3) Group and identify items listed by common source. For example:

| <u>Item No.</u> | <u>Object Description</u> | <u>Object Source</u> |
|-----------------|----------------------------|---|
| 1 | Two hand-rolled cigarettes | Susp. 1, shirt pocket |
| 2 | Two white tablets | Susp. 2, vehicle, rt. front seat |
| 3a. | Five red capsules | Susp. 2, pants pocket |
| 3b. | Four yellow capsules | Susp. 2, pants pocket |
| 4. | Brown, solid material | Susp. 2, bedroom |
| 5. | Plant material | Susp. 2, from ground in plastic bag near vehicle |
| 6. | Plants | From yard of susp's residence |

d. Instructions for Packaging and Submission of Evidence.

(1) Ensure that all items are securely PACKAGED, IDENTIFIED, and NUMBERED to correspond with the item number used on the BFS-2 envelope.

(2) All evidence is to be packaged and submitted in such a fashion as to preserve items in an uncontaminated state.

(a) Each item which is to be analyzed must be individually packaged and bear an identifying number. This number should correspond to the item number used in the evidence RMS list. Do not submit the list to the laboratory.

(b) All cases submitted are to be packaged in a BSF-2 envelope. Attach a copy of the BFS-2 envelope to the container.

(c) After the submitting officer completes the information on the evidence envelope containing the contraband, they must seal the evidence packaging as required in Chapter 5, of this manual. This seal is only to be broken by the analyzing criminalist (chemist).

(d) If the contraband is to be mailed, place the sealed BFS-2 envelope inside a mailing envelope and send by first-class, certified mail to the respective BFS Criminalistics Laboratory.

(e) All evidence items will be returned to the submitting agency upon completion of analysis for storage and safekeeping until case disposition.