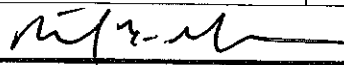
 NORFOLK Department of Police	Administrative General Order - 411: Laboratory Examinations		
	Office of Preparation: Central Records Division (lkb/nbg)		
	CALEA:	83.3.2	
	VLEPSC:	None	
LEGAL REVIEW DATE:	May 27 2015	PRESCRIBED DATE:	June 2, 2015
City Attorney:	Wayne Ringer	City Manager/Director of Public Safety:	Mandy De...
APPROVED BY THE AUTHORITY OF THE CHIEF OF POLICE:			

Purpose:

The purpose of this order is to provide procedures for departmental and outside laboratory examinations.

Policy: (CALEA 83.3.2)

It is the policy of the Norfolk Police Department to collect and analyze items of evidentiary value during the course of a criminal investigation. Precautions will be taken when handling evidence to preserve traditional and trace evidence while maintaining the chain of custody. Items deemed to be relevant to a criminal case will be examined without bias, and free of internal and external influence. Analysis reports will be accurate and objective, with timely submission for discovery and court presentation.

Supersedes:

1. Memo 06-113, dated July 25, 2006
2. Memo 12-018, dated February 8, 2012
3. Memo 13-080, dated July 18, 2013
4. Memo 13-104, dated October 10, 2013
5. S.O. 04-005, dated October 22, 2004
6. S.O. ADM 14-001, dated July 3, 2014
7. Any previously issued directive conflicting with this order

Order Contents:

- I. Responsibilities
- II. Forensics Examination
- III. Digital Examination
- IV. Narcotic Examination
- V. Firearm Examination
- VI. Submitting Evidence to the Crime Lab
- VII. Certificate of Analysis

I. Responsibilities

- A. Officers/investigators handling a case are responsible for submitting items believed to have evidentiary value for the appropriate laboratory examination for scientific analysis during the course of a criminal investigation. Cases involving misdemeanor offenses will be submitted by arresting officers/investigators for laboratory examination only if a suspect has been identified, and only when necessary according to this policy.
- B. Persons in the chain of custody will take the necessary precautions for preserving evidence and maintaining a proper chain of custody by ensuring all tracking logs are completed.
- C. Evidence will be promptly submitted, without unnecessary delay, for departmental and State Forensic Laboratory (Crime Lab) examinations.

II. Forensics Examination (CALEA 83.3.2a.c.d.e)

- A. The Forensics Section of the Detective Division is responsible for collecting evidence at major crime scenes, conducting latent fingerprint examinations, and performing DNA swabbing.
- B. Officers/investigators requesting forensics examinations will:
 - 1. Ensure the item has been vouchered, submitted, and then checked out of the Property and Evidence Unit (P&E), unless exigent circumstances exist, such as violent crimes investigations where delay in the analysis would jeopardize a case. In this situation, the item may be submitted directly to the Forensics Section prior to vouchering and P&E submission.
 - 2. Submit evidentiary firearms and related items linked to a criminal investigation needing DNA swabbing and/or fingerprint examination by the next business day to the Forensics Unit.
 - 3. Submit the item and PD 563, Request for Forensic Examination form to the Forensics Section.
- C. Forensic examiners shall check to ensure all firearms are cleared before swabbing or conducting a fingerprint examination.
- D. Upon completion of the fingerprint analysis, the examiner will return the item to the requesting officer/investigator with PD 571, Results of Latent Print Examination, noting the results of the examination and the chain of custody. In cases when the investigator is unavailable for pickup, the examiner will place the evidence in the Detective Division command evidence locker with PD 563 and make an entry on PD 020A, Voucher Logbook Form.

III. Digital Examination (CALEA 83.3.2a.c.e)

- A. The Computer Forensics Unit of the Detective Division is responsible for conducting digital forensics examinations on electronic devices. All analyses will be conducted using accepted methodologies and practices as established by various agencies, including the National Institute of Justice (NIJ) and the National Computer Forensics Institute (NCFI).
- B. Officers/investigators requesting digital forensics examination of an electronic device will:
 - 1. Ensure the device has been vouchered, submitted, and checked out of P&E unless exigent circumstances exist, such as violent crimes investigations where delay in the analysis would jeopardize a case or the consensual search. In this situation, the device may be submitted directly to the Computer Forensics Unit.
 - 2. Submit the evidence to the Computer Forensics Unit along with a completed PD 564, Request for Electronic Forensic Examination form, and a copy of the search warrant or a signed copy of a PD 578, Search Consent.
- C. Upon completion of the analysis, the examiner will return the evidence to the requesting officer/investigator with PD 564, noting the results of the examination and the chain of custody. In cases when the officer/investigator is unavailable for pickup, the examiner will place the evidence in the Detective Division command evidence locker with the PD 564 and make an entry on the PD 020A, Voucher Logbook Form.

IV. Narcotic Examination

Norfolk law enforcement officers will comply with Virginia State Code by giving defendants the required written notifications and following testing procedures in cases involving misdemeanor possession of marijuana. Officers will utilize and testify from the results received from field testing for cases involving misdemeanor possession of marijuana and give the defendant written notice via court form DC-304, Notice, Motion and Order for Chemical Analysis of Alleged Plant Material to inform them of their right for a full chemical analysis. In these cases, the marijuana will be sent to the Virginia Division of Forensic Science for a chemical analysis if the presiding judge issues a court order. In addition, charging officers/investigators are to give written notice via court form DC-524, Notice of Right to Consideration of Diversion to inform juveniles who are issued a Virginia Uniform Summons for the misdemeanor possession of marijuana of their right to consideration of diversion.

A. Misdemeanor Charges

- 1. Arresting officers/investigators will appear on their own misdemeanor drug cases. The Commonwealth's Attorney's Office will not ordinarily be involved in the prosecution of these cases. In these instances officers will:

- a. Conduct a field test for misdemeanor possession of marijuana, unless the amount of the plant material is too small and would be destroyed if tested, or the evidence is contained in a smoking device and unsuitable for field testing. In these cases, the substance may be submitted to the Crime Lab for a chemical analysis without an accompanying court order. However, the lab request must note the reason for submission without a court order, such as, "Evidence Contained in Smoking Device," or, "Quantity Too Limited to Field Test."
- b. If a field test was conducted, record the findings on PD 008, Drug Field Test Report.
 - (1) If a negative result from the field test was received and the officer suspects the plant material may contain a controlled substance, the officer will contact a Vice and Narcotics Investigator.
 - (2) If a negative result from the field test was received and the officer does not suspect the presence of a controlled substance, the officer will return the plant material to the suspect.
 - (3) Exception—if the results of a misdemeanor field test are inconclusive, the suspect material may be submitted to the Crime Lab for testing without a court order. In this instance, "Inconclusive Field Test Results" must be indicated on the lab request or it will not be tested.

Note: Officers will contact a Vice and Narcotics Investigator in cases involving felony-weight marijuana.

2. Chemical Analysis of Controlled Substance

- a. When charging an individual with misdemeanor possession of marijuana, the officer will complete the top portion of Form DC-304 up to the "Motion" Section and give the Defendant sheet to the suspect. Note: DC-304 is a carbonless form, officers will maintain and bring the Copy sheet when appearing in Court. The officer will indicate they complied with Virginia State Code, by initialing PD 008, Drug Field Test Report.
 - (1) If the defendant wishes to request a court order for the Crime Lab to perform a full chemical analysis on the plant material, the defendant or their attorney is required to complete the "Motion" Section and request the motion in court prior to the trial.
 - (2) If the presiding judge grants the motion, the judge will issue a court order by completing the bottom portion of

Form DC-304. If the Defendant sheet is not available, the presiding judge may issue the court order by obtaining the Copy from the officer.

- (3) If the officer is not present when the presiding judge grants the motion, the court will forward the order to the officer. Commands receiving court orders will enter the documents in their subpoena logbook. Officers will sign the subpoena logbook showing acceptance.
- b. Cases that involve charging an individual with both felony narcotic and misdemeanor possession of marijuana will be handled by an investigator assigned to the Vice and Narcotics Division.
 - (1) All recovered drugs needing chemical analysis will be submitted to the Crime Lab for testing on the same DFS Document 100-F100, Virginia Department of Forensic Science, Request for Laboratory Examination (RFLE).
 - (2) In this case, the defendant will not have a need to request a court order for a chemical analysis; therefore, the DC-304 will not be issued.

3. Juvenile Defendants

- a. Per Virginia State Code Section 16.1-260, Intake; petition; investigation, when a juvenile is charged with 18.2-250.1, Possession of marijuana unlawful, by the issuance of a summons, the juvenile is entitled to have the charge referred to an intake officer for consideration of having an informal proceeding. The defendant must exercise this right in writing and to the court clerk no later than 10 days prior to trial.
- b. Therefore, the arresting officer will serve Form DC-524 to the juvenile at the time the summons is issued. This is done by completing the top portion of the DC-524. Note: DC-524 is a carbonless form, officers will maintain a copy for their records.
- c. The officer will indicate that they complied with Virginia State Code, by initialing the PD 008, Drug Field Test Report.

B. Request for Laboratory Examinations in General

1. Officers are to ensure timely submissions to the Crime Lab are made giving sufficient time to conduct the laboratory examination and receipt of the Certificate of Analysis.
2. A DFS Document 100-F100, Virginia Department of Forensic Science, Request for Laboratory Examination (RFLE) will be utilized when

requesting a chemical analysis on any controlled substance from the Crime Lab.

3. Procedures for completing the RFLE are contained in the Virginia Department of Forensic Science, Evidence Handling and Laboratory Capabilities Guide. In addition, officers will ensure that they comply with the following requirements:
 - a. List date and specific criminal charge(s) relating to the items submitted; code section and description. For example, 7/17/06 – §18.2-250, Possession of controlled substance.
 - b. When multiple items and multiple suspects are involved, indicate which suspect is charged with which item(s), when itemizing and describing item(s) on the RFLE. For example, Two Ziploc bags containing plant material (Suspect #1).

C. Misdemeanor Cases

1. Officers appearing on misdemeanor possession of marijuana cases are advised that if they introduce into evidence the Division of Forensic Science Certificate of Analysis without the corroborating evidence of the forensic scientist issuing the report, the court may dismiss the charge. In rare cases when charging officers/investigators appear on misdemeanor possession of marijuana cases and have obtained a Certificate of Analysis, and intend to introduce it in to evidence, the testimony of the forensic scientist performing the testing will be required. In these cases, witness subpoenas shall be requested by the charging officer/investigator.
2. When a full chemical analysis of the evidence is requested by defense counsel, officers are to follow established protocol for submission to the Division of Forensic Science Laboratory. It is the defense who will bring the Certificate of Analysis into evidence.
3. When testifying during the trial, the officer will not enter the Certificate of Analysis into evidence if the analysis was requested by court order through defense counsel. Testimony relating to the probable cause for the arrest and the results of the field test should be sufficient for the conviction.
4. Since the Certificate of Analysis is not entered into evidence by the officer, there is no obligation to subpoena the forensic scientist to testify to the results of the analysis.
5. An exception to this procedure occurs if the analysis produces a negative result. Such information is considered exculpatory and officers shall bring the results of the chemical analysis to the attention of the court.

V. Firearm Examination

Firearms and accessories classified as evidence, taken into law enforcement custody pursuant to a criminal investigation, shall be submitted to the Crime Lab for National

Integrated Ballistic Information Network (NIBIN) and other applicable testing after having been properly vouchered; as well as reporting trace evidence. Because firearms involved in a crime are frequently abandoned and later found, officers are to handle abandoned/found firearms as evidence.

A. Handling and Transporting Firearms

1. Personnel shall adhere to Departmental policies and procedures for the safe handling and vouchering firearms, in addition to the procedures contained in this order.
2. Any firearm related to a crime investigated by the Detective Division, covered with physical evidence such as blood and/or body tissue, or found in water shall be retrieved by Forensics Section detectives.
3. Firearms involved in a crime are frequently found abandoned and officers shall handle these firearms as evidence and submit items for applicable testing, such as NIBIN.
 - a. Officers shall also conduct computer queries, such as NCIC/VCIN and ILeads, to determine if the firearm was involved in a crime or reported as lost.
 - b. If an IBR was not previously completed, the voucher Narrative section shall contain chain of custody information. Officers shall document date, time, location, and circumstances surrounding the incident. The Detective Division shall be responsible for linking these vouchers to the appropriate IBR if a firearm is determined to be involved in a reported crime.
 - c. If the firearm cannot be related to a crime after conducting an investigation and applicable testing, and the rightful owner can be identified, the weapon shall be released to the owner, unless prohibited by law.
4. Owners may relinquish ownership rights to firearms and ammunition to a law enforcement officer at any time. These weapons shall be handled in the same manner as abandoned/found firearms; however, items will be properly disposed of instead of being released to the owner. Officers shall:
 - a. Ensure weapons are cleared and unloaded of any ammunition or casings.
 - b. Complete a PD 026, Relinquish Ownership Rights to Property and give the owner a copy. Original will be forwarded to P&E.

- c. Treat the weapon as evidence by completing a voucher, querying computer systems such as NCIC/VCIN and the Records Management System, and by requesting NIBIN testing.
5. All ballistic articles recovered during a criminal investigation and abandoned/found firearms shall be sent to the Crime Lab for NIBIN testing. Ballistic articles having no evidentiary value shall not be sent to the Crime Lab for NIBIN testing.

B. Vouchering Instructions (CALEA 83.3.2a-e)

1. Only law enforcement officers are authorized to clear a firearm and unload a weapon of ammunition or casings. Unpackaged firearms will be cleared before handling, e.g., the evidence technician and the vouchering officer shall be responsible for clearing the firearm before handling the weapon. Officers clearing a firearm shall note the location of any live rounds or spent casings.
 - a. If the officer is unable to clear a firearm, the weapon shall be taken to the Firearms Range by a police officer and turned over to a sworn member of the Range staff. A certified armorer will attempt to clear the weapon according to established safe practices.
 - b. If the firearm is to be submitted for fingerprint examination, the Forensic investigator will determine if the weapon will be submitted to the Firearms Range for clearing or the Crime Lab for clearing and testing. The Forensic investigator will call and make arrangements with the Crime Lab Technician before transporting the weapon.
2. The investigating officer shall be responsible for:
 - a. Conducting computer queries, such as NCIC/VCIN and ILeads, and notifying the appropriate investigative section or agency if a "hit" is received.
 - b. Ensuring the voucher and the Request for Laboratory Examination form if laboratory analysis is completed, as needed.
 - c. Providing a complete description of the firearm, accessories, and laboratory examination in the appropriate sections of the voucher and indicating which of the ballistic articles will be sent to the Crime Lab for examination.
 - d. Reporting the chain of events within the Narrative section of the voucher, to include the reason why the weapon is in custody.

3. Firearms will be packaged and labeled according to procedures contained in the Department's Voucher Guideline Manual.
4. Operations officers who have been trained on the handling of firearms are permitted to transport unloaded firearms to P&E and the Crime Lab, provided the firearms are transported in the trunk of a vehicle and the officer travels directly to P&E and then the Crime Lab. Only a law enforcement officer is authorized to transport a loaded firearm.

C. Laboratory Examination

1. Firearms and fired cartridge/shot shell cases suspected/involved in major crimes may be taken to the Crime Lab for analysis. Only ballistic articles classified as evidence (including abandoned/found firearms) shall be submitted for NIBIN testing. The NIBIN Program automates ballistic imaging from fired cartridge/shot shell cases from semiautomatic pistols, and semiautomatic slide/bolt-action rifles and shotguns into a database in an attempt to identify firearms used in reported crimes. The vouchering officer will:
 - a. Complete a voucher, noting a full description of the firearm and accessories in the appropriate sections and indicate which items will be submitted to the Crime Lab for NIBIN testing.
 - b. List the Homicide Section Sergeant (by name) as the investigating officer when completing the Request for Laboratory Examination for NIBIN testing.
 - c. Forward a copy of the voucher and the Request for Laboratory Examination to the Homicide Section.
2. Testing

NIBIN expended bullets and spent/fired cartridge casings received from the Crime Lab shall be correctly packaged and labeled and placed on a separate voucher by the case investigator, and stored in P&E for a minimum of five (5) years.
3. Homicide Section
 - a. All NIBIN cases shall be handled by the Detective Division, Homicide Section.
 - b. Anyone receiving the DFS 70-005, Certificate of Analysis, findings from the NIBIN testing inadvertently shall immediately forward the report to the investigating officer. A copy of the Certificate of Analysis will be sent to the Homicide Section Sergeant, if he/she is not the investigating officer.

- c. The Homicide Section shall be responsible for recommending the final disposition of all ballistic articles to P&E.
- d. Owners wishing to claim their ballistic articles that have not been authorized for release shall be referred to the Homicide Section.

D. Criminal Firearms Clearinghouse and eTrace

1. Pursuant to the requirements of Virginia State Code, Section 52-25.1, Reporting of Confiscated Firearms, the Virginia State Police established the Criminal Firearms Clearinghouse (CFC). The CFC requires information regarding all firearms seized, forfeited, found or otherwise coming into possession of any state or local law enforcement agency of the Commonwealth which are believed to have been used in the commission of a crime. A Virginia Department of State Police, Criminal Firearms, Clearinghouse Report, SP-187, is used to report firearm recovery and trace information to the central repository, the National Tracing Center (NTC).
2. Therefore, law enforcement officers shall complete a SP-187 (Sections 1-32) when coming into possession of a firearm that is seized, forfeited, found or otherwise believed to have been used in the commission of a crime. Officers shall follow the instructions attached to the SP-187. The form and NCIC Code Manual for Gun Data codes are available electronically. SP-187 forms will be submitted to the Norfolk Police ATF Task Force Officer via interdepartmental mail.
3. Officers are advised that the Commonwealth's requirement to report to the CFC does not eliminate or replace the need for NIBIN testing. The Detective Division will coordinate with the submitting officer any required CFC submission due to NIBIN findings.
4. The Norfolk Police Department's ATF Task Force Officer will be responsible for conducting a Bureau of Alcohol, Tobacco, Firearms and Explosives (AFT) eTrace (Electronic Tracing) System query. Information from the eTrace query will be entered onto the SP-187 and submitted to the CFC. ATF Task Force Officer shall also be responsible for maintaining a departmental file of SP-187 forms.
5. Information collected and disseminated by the NTC-CFC and eTrace is for official law enforcement use only. Officers having an official law enforcement purpose to access firearm trace information will contact the Department's ATF Task Force Officer.

VI. Submitting Evidence to the Crime Lab (CALEA 83.3.2a-d)

- A. Officers will refer to the NPD Voucher Guideline Manual and the Virginia Department of Forensic Science Evidence Handling and Laboratory Capabilities

Guide to determine what types of examinations are needed and how to properly package/label and submit evidentiary items to the Crime Lab.

B. Request for Laboratory Examination

1. Arresting officers/investigators will complete a Virginia Department of Forensic Science, DFS 100-F100, Request for Laboratory Examination, to request laboratory testing and to track the movement of evidence.
2. Incomplete Request for Laboratory Examination shall be returned to the appropriate command for officer's correction.
3. Evidence submitted to the Crime Lab for analysis shall be packaged and sealed, and as outlined below.
 - a. Sealing requires the submitting officer to write their initials in ink over each envelope opening or flap and seal each initial mark with transparent tape.
 - b. Evidence submitted to the Crime Lab for fingerprint examination shall first be placed in a proper bag, followed by a manila envelope, and sealed.
 - c. Swabs of blood and other body fluids should be placed in new swab boxes to air dry. These items should be submitted to the Crime Lab as soon as possible, but not later than one week after collection.
 - d. Physical Evidence Recovery Kit (PERK)
 - (1) Suspect PERK - Follow the instructions attached to the kit, place the collected evidence in the envelope provided, and seal.
 - (2) Victim PERK - Shall be received sealed from the hospitals. Do not open. Follow the instructions attached to the PERK.
 - e. All other forms of evidence not listed in the above sections, including money and drugs, shall be individually placed into envelopes or bags and sealed.

VII. Certificate of Analysis (CALEA 83.3.2e)

- A. Virginia State Code, Section 19.2-187, Admission into evidence of certain certificates of analysis, requires the Certificate of Analysis to be used as evidence in a trial, to be filed with the Clerk of Court hearing the case at least 21 days prior to the hearing or trial, and copies or reports must be provided to defense counsel. If the Certificate of Analysis is not filed at least 21 days prior to the hearing or trial, the court may dismiss the case.

- B. The responsibility of filing the Certificate of Analysis with the court remains with the officer/investigator receiving the Certificate of Analysis unless Section VII.C below applies, or if the officer/investigator received the original Certificate of Analysis in error (see Section VII.F below). The receiving officer/investigator of the Certificate of Analysis will write on the court's copy the following information:
1. The defendant's pending court date. If multiple defendants are listed on the certificate, the pending court dates for each defendant will be listed.
 2. The defendant's name, if the name on the certificate is not written exactly as that name appearing on the warrant. The "warrant" name will be written next to or below the pre-printed name on the certificate. If multiple defendants are listed, the "warrant" names will be likewise written on the certificate. When names on the certificate are pre-printed as they appear on the warrant, no action will be required by the officer.
- C. The investigating officer/investigator will ensure Certificate of Analysis reports are submitted as follows:
1. Felony Non-Narcotic Cases—Arrest Effected. The investigating officer/investigator will ensure received Certificate of Analysis reports in all felony non-narcotics cases in which an arrest has been made, are directly submitted to the Commonwealth's Attorney's Office for filing with the appropriate court as required by law, and a copy maintained in the case folder.
 2. Felony Non-Narcotic Cases—Arrest Not Effected. The investigating officer/investigator who receives a Certificate of Analysis shall maintain the original Certificate of Analysis in the case folder until such time as an arrest has been made. Upon the arrest of a subject in a non-narcotics felony case, the original Certificate of Analysis shall be submitted to the Commonwealth's Attorney's Office, and a copy maintained in the case folder.
 3. Non-Narcotic Misdemeanor Cases—When the Office of Commonwealth's Attorney's Office is not involved, the investigating officer/investigator who receives a Certificate of Analysis will ensure its submission to the appropriate court as required by law, and that a copy is maintained in the case folder.
- D. Incomplete Certificates of Analysis will be returned to the appropriate officer/command for correction.
- E. When filing case reports with the Commonwealth's Attorney's Office, officers/investigators will include a copy of the Certificate of Analysis in the case report and folder.

F. If an officer/investigator inadvertently receives the original copy of the Certificate of Analysis from the Crime Lab, the officer/investigator will contact the Commonwealth's Attorney's Office for guidance.

G. Narcotics Cases

The Commonwealth's Attorney's Office is to receive all Certificates of Analysis in drug cases and is responsible for filing the certificates with the appropriate court.

1. PD 946, Certificate of Analysis Filing Request, will be submitted to the Commonwealth's Attorney's Office for misdemeanor drug-related cases in which the charging officer is responsible for appearing on the case in court. The charging officer will submit a PD 946 to the Commonwealth's Attorney's Office immediately upon receiving the Crime Lab's FS Lab Number, located on the Request for Laboratory Examination.
2. PD 946 will not be submitted when the Commonwealth Attorney's Office will be prosecuting misdemeanor drug cases. This includes misdemeanor drug charges that are associated with a felony charge.
3. If an officer/investigator inadvertently receives the original copy of the DFS 70-005, Certificate of Analysis, the officer will retain a copy of the certificate for their files and immediately forward the original to the Commonwealth's Attorney's Office for filing purposes.
4. If it comes to the attention of the charging officer/investigator that a Certificate of Analysis has not been filed within 21 days of trial, contact will be made with the Commonwealth's Attorney's Office for guidance.

Definitions:

Clearing a Firearm: The process of checking and removing any cartridges from a firearm to ensure that the firearm cannot shoot, rendering the firearm safe to handle and transport.

Related Documents:

1. G.O. ADM-410: Property and Evidence
2. G.O. OPR-420: Preliminary Investigations
3. G.O. OPR-430: Case Reports
4. G.O. OPR-730: Court Appearances
5. NPD Voucher Guideline Manual—Electronic & Paper Instructions

Attachments: None