

Toxicology Evidence Handling

- 1.0 Purpose** - This procedure specifies the required elements for toxicology submissions.
- 2.0 Scope** – This procedure applies to Toxicology in the Raleigh, Triad, and Western locations of the State Crime Laboratory.
- 3.0 Definitions**
- **DWI Submission** - Driving While Impaired (DWI) cases requesting the analysis of blood and/or urine for alcohol concentration, the presence of volatiles, and/or other impairing substances. The results shall be reported on the DWI Affidavit and Revocation Report form and shall be notarized.
 - **Non-DWI Submissions** – Drug Facilitated Sexual Assault (DFSA) cases and any other Non-DWI cases requesting the analysis of blood and/or urine for alcohol concentration, the presence of volatiles, and/or other impairing substances. Alcoholic beverage cases requesting the analysis of liquids to determine the presence and concentration of alcohols. Poison cases requesting the examination for the presence of drug related toxicants. The results shall be reported on the standard State Crime Laboratory Report form.
 - **Toxicology evidence bag** – Specially selected plastic re-sealable zipper storage bag, which is at a minimum 2 x 8 inches and 4 mil thick, used to seal and store Toxicology evidence specimen containers.
- 4.0 Procedure**
- 4.1 Examination Documentation**
- 4.1.1** The Forensic Advantage (FA) generated electronic worksheet shall be used as designed for casework. Forensic Scientists shall make appropriate notes to allow for another Forensic Scientist to repeat the analysis under conditions as close as possible to the original, evaluate the data, interpret the results, and form an independent conclusion.
- 4.1.1.1** The Toxicology DWI electronic worksheet shall be used for DWI submissions.
- 4.1.1.2** The Toxicology (non-DWI) electronic worksheet shall be used for all other submissions.
- 4.1.2** There may be instances when plain paper is needed for note taking or presentation of data. The notes shall be properly labeled and placed into the case record object repository.
- 4.1.3** Batch data shall be properly labeled and placed into the section object repository and shared with each corresponding case record object repository.
- 4.2 Evidence Handling**
- 4.2.1 Evidence Entry**
- 4.2.1.1** Toxicology evidence shall be handled according to the State Crime Laboratory [Safety Manual](#) and marked according to the State Crime Laboratory [Procedure for Evidence Management](#).

-
- 4.2.1.2** Evidence packaging from non-DWI submissions or submissions that are requested to be retained by court order, the submitting agency, or District Attorney's Office, shall be marked with the Laboratory number and initials. Evidence packaging from other submissions shall be disposed in accordance with **4.2.3**.
- 4.2.1.3** Documentation accompanying the evidence (other than copies of Request for Examination of Physical Evidence Form) shall be labeled with the Laboratory number and initials and a digital image placed into the FA Evidence Object Repository. These documents may include consent forms, property records and inner kit box information.
- 4.2.1.4** Record the following information in the Toxicology Evidence Description Worksheet or FA worksheet:
- Name of person recording description
 - Date the description is recorded which shall also be reflected in the Chain of Custody
 - Packaging description, including condition of seals
 - Number and type of specimen container(s) and condition of seal(s)
 - Contents
 - Any unusual observations regarding the condition of the specimen or specimen container (e.g., leaking, non-red color for blood, damage, clotting, small volume). Small volume is defined as approximately 1 milliliter or less in a ten milliliter tube.
 - Name listed on each specimen container (if no name is present, record as unlabeled).
- 4.2.1.5** If the subject's name is listed on the specimen container but is not consistent (i.e., different name) with the name on the Request for Examination of Physical Evidence Form or equivalent, the submitting officer/agency shall be contacted, the discrepancy shall be clarified, and a communication log shall be added to the case. Any changes to the submission information shall be documented in FA along with the name and date of who updated the information. No further processing of the evidence shall occur until the discrepancy is reconciled.
- 4.2.1.6** Prepare the specimen containers for each case as follows:
- Place the assigned FA laboratory number and item number barcode on each specimen container.
 - Place the specimen containers in a Toxicology evidence bag.
 - Place the assigned FA laboratory number and item number barcode on the Toxicology evidence bag.
 - Heat-seal the bag just below the zip closure area.
 - Initial and date on the heat seal.
 - Place the heat sealed bag in an FA generated general storage location.
- 4.2.1.7** Subsequent entries into the Toxicology evidence bag will be done as follows:
- Make a single layer cut below the most recent heat seal.

- Re-seal the bag below the cut when specimen containers are returned.
- Initial and date on the new heat seal.
- If an additional Toxicology evidence bag is needed to maintain the sealed condition, the original Toxicology evidence bag will be preserved with all prior seals and markings and placed inside the respective additional evidence bag along with the specimen containers.

4.2.2 Evidence Disposition

- 4.2.2.1** All biological evidence (blood and urine) that is submitted for toxicology analysis for “offenses involving impaired driving” under NC General Statutes Chapter 20 or for boating while impaired offenses shall be retained until otherwise authorized.
- 4.2.2.2** All other toxicology evidence shall be retained for pick-up by the submitting agency, along with original packaging retained per 4.2.1.2.
- 4.2.2.3** Deviations from evidence dispositions must be authorized by agencies associated with the case and with the authority to provide such instruction (i.e., District Attorney’s Office, the courts, submitting agency.)

4.2.3 Evidence Destruction

- 4.2.3.1** Authorization for destruction of blood or urine evidence shall be documented in FA as follows:
- 4.2.3.1.1** A new Evidence Control case record shall be created and the toxicology evidence assigned to the case record. This case record shall be turned to a Priority 6.
- 4.2.3.1.2** Court orders on a completed case directing destruction of DWI evidence shall be placed in the FA case file. A statement shall be placed in the comment section of the case record to document the reason the evidence is being destroyed as follows: (Item # ___) has been destroyed per the submitted destruction order from (source of court order).
- 4.2.3.1.3** Court orders directing destruction of unanalyzed or in-process evidence shall be placed in the FA case file. The Toxicology Case Record shall be terminated and an ECU Case Record created with a Priority of 6. Prior to destruction, the final disposition of the court case shall be confirmed (e.g., AOC check). A statement shall be placed in the comment section of the case record to document the reason the evidence is being destroyed as follows: The analysis on (Item # ___) has been terminated and the evidence has been destroyed per the submitted destruction order from (source of court order).
- 4.2.3.1.4** When eligibility for destruction pursuant to N.C.G.S. § 20-139.1(h) has been confirmed in writing by the prosecuting District Attorney’s Office, the written confirmation and list of cases shall be uploaded into the Section Object Repository as

reference. The following statement shall be placed in the case record comment section:

- Item # ___ [is being/was] destroyed per authorization from the District Attorney's Office that this evidence meets the criteria for destruction in accordance with N.C.G.S. § 20-139.1(h). Supporting documentation is located in the [Appropriate Section] Object Repository as [file name].

4.2.3.2 In the event specimen tubes are broken, the broken tube(s) shall be destroyed for evidence handling safety purposes.

4.2.3.3 Packaging which has no visible biological contamination will be discarded in a regular trash receptacle. Place the Toxicology evidence and contaminated packaging to be destroyed, in a Biohazard waste receptacle for disposal.

4.2.3.4 Record the destruction of evidence in FA on the same day the evidence is physically disposed.

4.2.3.5 Once the statement has been added to the case record comments and the evidence destroyed, the Evidence Control case record shall be terminated and published.

4.2.4 Proficiency Destruction

4.2.4.1 All proficiency samples shall be destroyed in FA after the proficiency testing process has been completed.

5.0 Limitations

5.1 When Toxicology evidence packaging does not allow for storage in a heat-sealable plastic bag, the evidence shall be sealed using tape or other adhesive sealing system along with initials and date.

6.0 Safety

6.1 Refer to the Laboratory Safety Manual.

6.2 Refer to the Toxicology Technical Procedures.

7.0 References - N/A

8.0 Records

- Case Record
- Toxicology Evidence Description Worksheet
- Destruction Verification Form

9.0 Attachments – N/A

Revision History		
Effective Date	Version Number	Reason
12/09/2020	6	4.2.3.1.4 – added is being; changed [Raleigh/Triad/Western] to [Appropriate Section]; removed Toxicology Section.