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## Procedure for Obtaining Evidentiary Standards

**1.0 Purpose** – To establish the procedure for requesting known comparison standards and returning evidence when proper standards are not submitted.

**2.0 Scope** – This procedure applies to analyses that require known comparison standards.

### **3.0 Definitions**

- **Standard** – An item of evidence from a known source that is required to conduct a comparative analysis.
- **Legal Authority** – A search warrant, consent form, or no expectation of privacy letter submitted with the evidence, including unique identifying numbers or characteristics of the evidence, to allow the analyst to conduct an examination.

### **4.0 Procedure**

#### **4.1 Requesting Standards for Normal Cases**

**4.1.1** Several types of analysis conducted by the State Crime Laboratory (Laboratory) require submission of a known comparison standard or legal authority to conduct the examination.

**4.1.2** If a case is submitted by mail or courier and all required standards are not submitted or legal authority is not completed properly, the unanalyzed evidence shall be returned to the submitting agency. Any exceptions must be approved by the Crime Laboratory Director or his designee. These cases will be treated as a stop work with the following statement included on the Evidence Return Inventory Form or comment section of the case record:

**4.1.2.1** The North Carolina State Crime Laboratory does not analyze cases unless all standards/proper legal authority are provided. This case is being returned and may be re-submitted when all standards/legal authority is/are provided.

**4.1.3** If a case is being submitted in person and all required standards are not being submitted or the legal authority is not completed correctly, the case shall not be accepted by the Laboratory. Any exceptions must be approved by the Crime Laboratory Director or his designee.

**4.1.4** If it is later determined that additional standards are required or changes need to be made to the submitted legal authority, the requesting officer, submitting officer, district attorney, or SBI case agent shall be contacted and given two weeks from the date of the phone call to submit the required standards/updated legal authority. The following information shall be communicated:

- Caller's name and contact information.
- Requesting agency's case number and/or SBI case number.
- Victim and/or Suspect's name (if available).

- Specific standards needed for analysis or information that needs to be included in the legal authority.
- Case shall be returned two weeks from date of call if no standards are submitted.

**4.1.5** Personal contact with the agency shall be attempted. No further follow-up shall be required if the agency was contacted via:

- Phone conversation with the officer/agent assigned to the case.
- Direct voicemail.
- Direct email.

**4.1.6** All communication (including phone conversations, voicemails, emails, etc.) shall be documented in the FA Communication Log.

**4.1.7** If personal contact was not successful, a letter requesting the standards shall be sent to the officer.

**4.1.7.1** The letter shall communicate the information found in **4.1.4**. The agency shall be given two weeks from the date of the letter to submit the standards.

**4.1.7.2** Copies of all letters sent to agencies shall be placed into the FA Case and/or Case Record Object Repository.

**4.1.8** If the designated two weeks elapse with no further contact, the Case Record shall be completed or terminated as appropriate. The report shall reflect that the items are being returned without analysis but may be resubmitted once the required known standards are collected.

## **4.2 Requesting Standards for Rush Cases**

**4.2.1** Cases cannot be approved for rush status unless all items required for analysis (including appropriate standards) have been submitted.

**4.2.2** In the event a required standard is not submitted, the individual who signed the rush request shall be contacted via phone call or email to obtain the standard. The individual shall be given three business days to make contact and provide the required standards or a reasonable explanation as to why the standards are not available.

**4.2.2.1** If the designated three days elapse with no further contact, the case shall not be considered a rush and the requestor shall be notified that the rush request is denied. The case shall be handled as provided in **4.1** with the original notification date used to determine the two week deadline.

**4.2.2.2** All phone calls and emails shall be documented in the FA Case and/or Case Record Communication Log.

**4.2.3** Once all required evidence is received and the authorization of the supervisor is obtained, the case shall be assigned rush status and given priority for analysis.

## **5.0 Records**

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- Case record communication log
- Case record objects
- Case objects

**6.0 Attachments – N/A**

<b>Revision History</b>		
Effective Date	Version Number	Reason
03/25/2024	6	3.0 – Add definition of Legal Authority. 4.1.1, 4.1.2, 4.1.2.1, 4.1.3, 4.1.4 – Add “or legal authority.”