



Case Acceptance Criteria

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Policy Statement / Objective:

To establish the MN BCA FSS policy on case acceptance criteria for each forensic testing discipline.

Policy:

I. General Case Acceptance Criteria

- A. Requests for exceptions to the case acceptance criteria contained within this policy must be directed to the MN BCA FSS management for consideration.
- B. The MN BCA FSS will receive and examine evidence submitted by any law enforcement agency, medical examiner office, and on occasion from county or city attorney investigators who are investigating a potential criminal action within the State of Minnesota. The acceptance of evidence from agencies outside the State of Minnesota or from other entities (as listed above) is at the discretion of an Assistant Laboratory Director or Laboratory Director.
- C. Evidence will not be accepted from private individuals.
- D. If the case is non-criminal, not capable of being charged criminally, or not probative in a cause of death determination, the MN BCA FSS may decline to examine the evidence.
- E. The MN BCA FSS may refuse to accept evidence that has been compromised or affected in such a way that renders scientific examinations invalid.
- F. While operating under authorized methods and procedures, the MN BCA FSS has the discretion to make changes to the original analysis request following the procedures outlined in QSM 7.1 Review of Requests, Tenders and Contracts.
- G. The MN BCA FSS does not accept explosive devices for examination purposes. However, the MN BCA FSS may perform forensic testing on unknown substances and other components that may be submitted as part of an explosive device investigation with prior approval from the applicable Supervisor, Assistant Laboratory Director, or Laboratory Director.
- H. Previously MN BCA FSS examined items intended for resubmission must be resubmitted in the original packaging (including MN BCA FSS identifiers) as practicable.
- I. The MN BCA FSS will not re-examine evidence previously examined by another forensic laboratory or a forensically qualified entity and will not re-examine or re-analyze evidence previously examined by the MN BCA FSS personnel. Exceptions may include, but are not limited to:
 1. The request for examinations involves the use of new or different testing techniques/methods that were not previously available.

II. Evidence Submission Forms

- A. Law Enforcement agencies submitting evidence must complete the appropriate BCA Forensic Science Services Evidence Submission form and submit the completed form with their evidence. Completed forms will contain information that will allow for efficient analysis and ensure that the appropriate testing is performed.

Note 1: A kit sheet is a sufficient alternative to the evidence submission form for driving related incidents which only involve blood or urine kit submissions. HOWEVER, driving related cases that involve evidence other than blood or urine kits must have an appropriate completed evidence submission form.

Note 2: The kit sheet included in the known DNA kit is a sufficient alternative to the evidence submission form.

- B. There are six different forms available based on Case Type. The six categories of forms include:

- Crime Against Persons (homicide, assault, robbery)
- Criminal Sexual Assault
- Property Crimes (burglary, theft, property damage, etc.)
- Controlled Substance
- Fire Investigation
- Internet and Technology (child pornography, child abduction, child molestation, traveling to meet a child for the purpose of sexual relations, financial crimes, etc.)

C. Officers are to utilize the form that best fits the type of case they are submitting. Submission forms can be obtained from the BCA website <https://dps.mn.gov/divisions/bca/bca-divisions/forensic-science/Pages/evidence-submission.aspx> and can be filled out electronically or printed and filled out by hand. Hard copies of the forms can be obtained from the Evidence Intake staff at the St. Paul, Bemidji, and St. Cloud facilities.

III. Discipline Specific Criteria:

A. Controlled Substances

1. Controlled substance evidence should be submitted in a clear plastic bag, so that the substance is visible through the packaging. Exceptions to the packaging requirement will be made for plant material, mushrooms, and other evidence where the growth of mold is a concern. Evidence should be air dried prior to packaging, when applicable.
2. If latent print examinations are requested on packages containing suspected controlled substances, the suspected controlled substance should be removed from the packaging. The packaging and controlled substances should then be submitted as separate items.
3. If several items are submitted, analysis will generally be performed only on the number of items necessary to reach the maximum charging level. With some requests, the laboratory may coordinate with the prosecuting attorney to determine the extent of testing necessary, considering factors such as statutory thresholds, time to perform the analysis and efficient use of resources.
4. Evidence in clandestine laboratory cases will be analyzed only to the level of identifying the precursor or final product in manufacture.
5. The following types of evidence are considered low priority:
 - a. Equipment, products and materials of any kind which are knowingly or intentionally used primarily for injecting, ingesting, inhaling or otherwise introducing a controlled substance in the human body.
 - b. Items containing residues (baggies, scales, or other surfaces).
6. Low priority cases will be subject to the following restrictions unless prior approval from the Section Supervisor, Assistant Laboratory Director, or Laboratory Director has been obtained:
 - a. The evidence has a visible amount of substance on/in it.
 - b. One item per suspect per case may be submitted.
 - i. If more than one item per suspect is submitted, only one item per suspect per case will be analyzed.
 - c. No associated weight will be reported for low priority items.
 - d. Cases will not be prioritized to meet jury trial dates.
 - e. Testing to meet speedy trial demands require Section Supervisor, Assistant Laboratory Director, or Laboratory Director approval.
7. Marked pharmaceutical preparations including, but not limited to, tablets, capsules, sublingual films, transdermal patches, etc. that meet all of the following criteria will be accepted:
 - a. The markings indicate a controlled substance
 - b. The case information includes a written statement indicating a trial has been scheduled. The date of the trial must be included.
 - c. A minimum of 10 business days prior to the trial date is needed to ensure testing is completed for trial.
8. Quantitation of THC for plant material will be performed with submissions that meet the following criteria:
 - a. Offense dates of July 1, 2019 to present.

- b. The case information includes a written statement indicating a trial has been scheduled. The date of the trial must be included. A minimum of 30 business days prior to the trial date is needed to ensure testing is completed for trial. NOTE: 30 business days still may not be sufficient notice for completion of testing in time for trial during periods of high demand for THC quantitation services.
 - c. Non-felony level marijuana cases (<42.5 grams for plant material samples) submitted as suspected marijuana must include a written statement indicating a trial has been scheduled. The date of the trial must be included. Non-felony suspected marijuana cases will be prioritized below other felony level controlled substance cases. The cases may not be completed in time for trial if court dates are within six months of submission. Quantitation of THC may not be performed.
9. Analysis of liquid submissions (e.g. oils, "vape" cartridges) suspected to contain THC will vary depending if there is a trial date at the time of submission.
 - a. Quantitation will be performed for offense dates of July 1, 2019 to present.
 - b. Liquid cases without a trial date will not be quantitated, but will have the predominant cannabinoid reported. If the predominant cannabinoid identified is delta-9-THC, quantitation can be performed once a trial date is scheduled. Please note that the evidence must be returned to the laboratory with the quantitation request a minimum of 30 business days prior to the court date.
 - c. Liquid cases with a trial date scheduled and received a minimum of 30 business days prior to the court date will include THC quantitation if delta-9-THC is identified.
 10. THC quantitation is not performed on wax, edibles, paraphernalia or residue at this time by the BCA. These items may still be submitted, but a concentration will not be reported.
 11. Suspected synthetic cannabinoids will be accepted without a court date.
 12. Evidence that potentially came in contact with body fluids should be clearly marked with a biohazard sticker on the outer package.
 - a. Syringes (with or without needles) will not be accepted. The liquid contents of the syringe should be expressed into a clean vial for submission. Swabs of the interior of syringes will not be accepted.
 - b. Suspected controlled substances that have been recovered from a body cavity should be removed from the original packaging prior to submission. The original packaging containing the biohazard material should not be submitted. However, the evidence must still be labeled as a biohazard.
 - c. Evidence suspected to contain a potential health threat like fentanyl (or a fentanyl analog) should be marked in a manner that alerts laboratory personnel.
 13. Used field test kits are not accepted for analysis.
 14. Quantitation to determine methamphetamine purity will only be performed for federally prosecuted cases.
 - a. Case information should include the contact information for the US Attorney and any trial dates if known.
 15. Salt form determination of cocaine will only be done for federally prosecuted cases.
 16. Suspected khat should be submitted frozen. Dried suspected khat, commonly referred to as graba, does not need to be kept frozen.

B. Trace Evidence

1. Large items that cannot be reasonably packaged or sealed need preapproval from the Section Supervisor, Assistant Laboratory Director or Laboratory Director.
2. Trace examinations may not be performed on items of evidence if DNA or Latent Print analysis results in probative findings in the case.
3. The MN BCA FSS does not accept soil samples for comparative examination.
4. The MN BCA FSS does not accept wood samples for the sole purpose of species identification.
5. The MN BCA FSS does not accept broken glass for determination or order of breaking.
6. The MN BCA FSS does not accept leaking containers.
7. Hairs will only be examined if they are the only probative evidence in the case unless the submitting agency can demonstrate that the analysis is of major significance to the case.
8. Explosive device components with trace materials require preapproval from the Section Supervisor, Assistant Laboratory Director or Laboratory Director.

9. Chemical unknown cases require preapproval from the Section Supervisor, Assistant Laboratory Director or Laboratory Director.
- C. Fire Debris
1. All fire debris cases require preapproval from the Section Supervisor, Assistant Laboratory Director or Laboratory Director.
 2. Items to be tested for ignitable liquid residue analysis must be packaged in manner to prevent loss of potential volatile substances (e.g. heat sealed nylon bag, sealed evidence can with at least three opposing tape seals on large can lids and two opposing tape seals on smaller can lids).
 3. The MN BCA FSS does not accept quantities of ignitable liquids greater than one ounce.
- D. Latent Prints
1. Latent print evidence for unknown suspects is accepted for entry and search in the Midwest Automated Fingerprint Identification Network (MAFIN) and FBI Next Generation Identification (NGI) databases.
 2. The MN BCA FSS does not accept Felon in Possession of weapons cases for latent print analysis in which the weapon was taken off the person.
 3. The MN BCA FSS does not accept cartridges, cartridge cases, fired and unfired shotshells and loose ammunition for latent print examinations.
 4. If latent print examinations are requested on packages containing suspected controlled substances, the suspected controlled substance should be removed from the packaging. The packaging and controlled substances must then be submitted as separate items.
 5. The MN BCA FSS will not accept specific drug packaging known as "knot-tied" baggie corners, balloons, and micro-baggies (i.e., 1"x1" ziplock) for latent print analysis.
 6. The MN BCA FSS will not accept any type of glove for latent print analysis.
 7. Latent print lifts can be packaged together.
 8. Known fingerprint cards from elimination principals can be packaged together.
 9. Known fingerprint cards from suspects should be packaged individually.
 10. Body parts such as hands and feet should be maintained and submitted frozen.
- E. Firearms and Toolmarks
1. Firearms Examinations
 - a. All firearms must be submitted in an unloaded and safe condition. If this is not possible due to extenuating circumstances, Evidence Intake personnel must be notified so appropriate arrangements can be made to render the firearm verifiable safe.
 - b. The MN BCA FSS does not accept unpackaged firearms.
 - c. All game law cases must be preapproved by the Section Supervisor, Assistant Laboratory Director or Laboratory Director.
 - d. The MN BCA FSS does not perform comparative examinations on manufacturing marks on ammunition or ammunition components (e.g. bunter marks).
 2. National Integrated Ballistic Information Network (NIBIN) Entries:
 - a. Suitable
 - i. Case Types: Cases with occurrence dates of one year or less from the date of submission.
 - ii. Firearms:
 - a) Semiautomatic pistols
 - b) Semiautomatic rifles in 223 Remington/5.56x45mm and 7.62x39mm calibers
 - c) Semiautomatic rifles that use handgun ammunition/calibers
 - d) Cartridge Cases
 - b. Not suitable
 - i. Case Types: Cases with occurrence dates greater than one year from the date of submission.
 - ii. Firearms:
 - a) Firearms not included in the list above.
 - i) Shotguns will not be entered into NIBIN
 - ii) Manually cycled firearms (e.g. revolvers, Derringers, single shot pistols) will not be entered into NIBIN

- iii) Shortening of the barrel or overall length, obliteration of a serial number, or other alterations to a firearm do not affect the acceptance criteria.
 - b) Law enforcement firearms
 - i) Bullets
 - ii) Shotshells
- 3. Toolmark Examinations
 - a. All toolmark cases must be preapproved by the Section Supervisor, Assistant Laboratory Director or Laboratory Director.
 - b. Items or casts of items bearing toolmarks will not be accepted unless tools are also submitted for comparative examinations.
 - c. No comparative examinations will be performed with tools found at the crime scene unless the tools are linked to a suspect (e.g. by DNA or LP).
- 4. Serial Number Restoration
 - a. The MN BCA FSS will not accept cases involving serial number restoration on vehicles. The agency should be referred to the National Insurance Crime Bureau for such cases.
- 5. Gunshot Residue (GSR) Distance Determination
 - a. The MN BCA FSS accepts evidence (firearms, pattern bearing object and the same ammunition used) for proximity determination analysis which is based on observed patterns of gunshot residue (GSR) around apparent projectile holes. Scale photographs of shot patterns of sufficient quality may also be submitted for proximity determination.
 - b. The MN BCA FSS does not perform GSR analysis on skin or other biological samples.
 - c. The MN BCA FSS does not accept GSR kits submitted for examinations for the purpose of linking an individual to a shooting incident. A list of [independent testing laboratories](#) that perform GSR may be provided to customers upon request.
- F. Toxicology
 - 1. The MN BCA FSS does not accept probation violation cases for toxicology testing.
 - 2. All cases involving samples not collected within 5 days of the relevant incident must be preapproved by the Section Supervisor, Assistant Laboratory Director or Laboratory Director.
 - 3. All cases involving samples not submitted within one year from the date of collection must be preapproved by the Section Supervisor, Laboratory Directors.
 - 4. Cases with atypical specimens or requests must be preapproved by the Section Supervisor, Assistant Laboratory Director or Laboratory Director.
- G. Biology
 - 1. The MN BCA FSS will initially analyze a limited number of items in each case depending on the case type. Therefore, it is important that the agency clearly prioritize the order of importance of each item based on their investigation. Lesser priority items should be held by the agency until the results of the first round of analysis are completed. If more than one perpetrator is suspected and/or when testing of the initial item(s) is complete, additional items may be analyzed following consultation between the case working scientist and the investigator. The limits are as follows and do not include known DNA samples:
 - a. Homicides – 10 items - *Note that consultation with a BCA Scientist or Supervisor is highly encouraged prior to submission of all homicide cases.
 - b. Crimes Against Persons cases – 5 items
 - c. Weapons cases – 2 items per suspect
 - d. Controlled Substances - 2 items per suspect
 - e. Property crimes – 1 item per suspect
 - 2. Swabbings of suspected semen from clothing and bedding will not be accepted for DNA testing. The original clothing and/or bedding should be submitted if examination is necessary.
 - 3. DNA examinations of cartridge cases and fired shotshells will only be accepted in Crimes Against Persons cases (e.g. drive by shootings, shots fired).
 - 4. DNA examinations of bullets will only be accepted if they are suspected to have passed through a person and it is probative to know which person, if any, the bullet passed through.
 - 5. Property crime items will only be tested if they are foreign to the scene or suspected to contain a body fluid.

6. All Criminal Vehicular Operation and Driving While Intoxicated cases must be preapproved by a Biology Supervisor, Assistant Laboratory Director, or Laboratory Director.
7. The MN BCA FSS will not accept firearms or swabs from firearms for the sole purpose of inclusion in the Combined DNA Index System (CODIS) database.
8. Syringes with or without needles will be analyzed by the Biology section only if the submitting agency can demonstrate that the analysis is of major significance to the case and must be preapproved by a Biology Supervisor, Assistant Laboratory Director or Laboratory Director. Agencies considering the submission of syringes should first contact a Biology Supervisor. If a determination is made that the MN BCA FSS will accept the evidence, the agency will be instructed on the proper handling and packaging of the syringe contents prior to submission for analysis, as well as instruction in the swabbing of the exterior of the syringe for DNA testing.
9. All cases involving controlled substance charges must be preapproved by a Biology Supervisor, Assistant Laboratory Director, or Laboratory Director. Charges must include possession with intent to sell, sale, manufacture, or intent to manufacture. If approved for submission, the suspected controlled substance should be removed from the packaging prior to submittal.
10. Samples (blood or saliva) collected for the sole purpose of inclusion in the CODIS database are not acceptable as evidentiary samples for use in casework with the exception of known samples submitted for the purpose of identifying the missing.

H. Digital and Multimedia Evidence

1. All evidence submitted to the DME section should be accompanied with documentation that states under what lawful authority the evidence was seized (e.g. court order, search warrant, consent, etc.).
2. All BCA Investigative cases will be accepted.
3. For non-BCA Investigative cases, the following case types will be accepted: Internet Crimes against Children, Homicides, and State Patrol fatalities. All other case types must be preapproved by the Supervisor of the section, Special Agent in Charge (SAIC), or their designee(s).
4. Manufacturer power cords for special devices such as cell phones, tablets, laptops should be submitted with the item.
5. Submission of cases containing more than 15 items require a prearranged appointment with Evidence Intake & Processing personnel.
6. The MN BCA FSS does not accept the following items:
 - a. computer displays/monitors (unless they contain digital storage)
 - b. keyboards or mouse
 - c. web cams
 - d. printers
 - e. speakers
 - f. routers/wireless access points/networking devices
 - g. gaming system
7. Evidence with exposed circuitry must be packaged to prevent static electricity.
8. Mobile devices that are not in airplane mode must be packaged in a way to block wireless transmissions, such as Faraday bags.
9. PINs and passwords associated with submitted items must be provided when practicable.

Revision History

Previous Version: 12/14/2020

Description of Changes:

III.A.8 – Changed “Quantitation of THC will be performed on felony cases (>42.5 grams for plant material samples) submitted as suspected marijuana or liquids suspected to contain THC that meet the following criteria” To: “Quantitation of THC for plant material will be performed with submissions that meet the following criteria:” Minor reformatting of section.

III.A.8.a – Removed: "Sample type is either plant material or liquid. THC quantitation is not performed on wax, edibles, paraphernalia or residues." Added: "Offense dates of July 1, 2019 to present."

III.A.9 – Added section.

III.A.10 – Added section.

Document Archival

Reason for Archival:

<i>Initials and Date</i>	<i>Title</i>
	Quality Assurance Personnel