



Pueblo County Sheriff's Office <b>General Order</b> Policies and Procedures Manual	
Pueblo County Sheriff's Office <b>Section 8</b>	
Part: 4	Subject: Evidence and Property Control, Storage, and DNA collection processes.
Related CALEA Standards: 84.1.1 a-d	

### Authority

This policy is issued pursuant to Sheriff David J. Lucero's directive in which authority to manage and direct all activities connected with the Law Enforcement and Detention Bureau is delegated to the Captain of Administrative services.

### Purpose

It is the policy of this office to ensure that evidence in its custody can be properly secured, stored, and readily retrieved; and, that any changes in its custody status have been properly and fully documented. This policy will also outline procedures on DNA collection. Primary assignment of responsibility for the management of the evidence and property intake and storage functions is delegated to the Evidence Custodian.

### Definitions:

**Chain of Evidence:** The continuity of the custody of physical evidence, from time of original collection to final disposal, which may be introduced in a judicial proceeding.

**Collecting Deputy:** Any member of this office who collects evidence or property initiates the chain of custody.

**Physical Evidence:** Any substance or material identified and collected as evidence in connection with a criminal investigation.

**Temporary Locker Storage:** Secure lockers located within the Sheriff's Office to drop/store temporary evidence before being stored in the evidence room.

**Submitting Deputy:** Any member of this office who prepares and presents evidence or property to the Evidence Custodian for storage.

**Evidence Custodian:** The office member accountable for management, control, and maintenance of all evidence accepted by and stored in the office's evidence and property room.

**Evidence Room:** Facilities utilized by this office to store evidence and property.

### Policy

After a deputy collects physical evidence, it must be documented, packaged, and submitted to the Evidence Custodian to be maintained until it is no longer required. A standardized process has been established in order to maintain the integrity of the collected items and reduce potentially hazardous exposure to dangerous surfaces, chemicals, bodily fluids/tissue, and substances.

The evidence and property intake process encompasses verifying of submitting documentation, proper packaging and preserving, collecting, and transporting of items, and assigning a storage location. The importance of accuracy in this process is critical to the operational success of the section.

Accuracy in the intake process is designed to ensure that the items of evidence correspond to their documentation and that they can be located and inventoried quickly. It also ensures that any special processing required is done as directed. The EvidenceOnQ bar-coded label prepared by the submitting deputy in the EvidenceOnQ records management system must be properly affixed to the item packaging for acceptance by the Evidence Custodian. The bar-coded label shall correspond to the evidence/property sheet entered in the EvidenceOnQ system. The electronic Evidence/Property record contains the Chain of Custody for a particular item of evidence.

### Evidence NOT entered EvidenceOnQ-Stored in Temporary Lockers

The Evidence Custodian shall have defined procedures for the handling and processing of evidence received into the Evidence and Property Section. Evidence can be submitted directly to an Evidence Custodian or can be placed into temporary storage evidence lockers located at four designated evidence processing stations. These stations are located at the following locations:

1. Main office Basement Court Street Pueblo CO.
2. Investigations Annex-Main Street Pueblo CO.
3. Pueblo West Substation-Joe Martinez Blvd Pueblo West CO.
4. Sheriff's Office at Colorado State University Pueblo.

All evidence that is NOT entered by the Deputy into the Evidence management system, EvidenceOnQ stored in a temporary evidence locker, will require a temporary evidence log sheet form.

[#367 Temporary Storage Evidence Lockers](#) are required to fill out form #367 with the following information.

Form #367 will be placed inside the temporary evidence locker with the evidence NOT entered Evidence ONQ.

- Date
- Time
- case number
- locker number
- deputy, and delta #
- brief description of evidence or item being placed in the temporary storage locker.

Deputy's will make another entry on [#368 Temporary Locker Locations Tracking](#) form. Form #368 is located on a clip board outside of all temporary evidence storage locker areas. Form #368 will be filled out by the deputy with the following information.

- Date
- Time
- Deputy's Name
- Locker/Storage location
- Case Number
- Temporary, circle one, yes or no
- Property/Evidence notified via county e-mail system, yes or no.
- Supervisor notified via e-mail.

### Evidence locker Documentation Case Reports

Deputies who have entered their evidence into the Evidence On Q system will update in the case number narrative section of the report the temporary evidence locker number and location where the evidence was dropped. Example:

Two bottles of Wana were taken. They were tested for marijuana at approximately 10:30 AM, but the results were inconclusive. Pictures were taken and attached to files. The watermelon Wana edibles weighed 39.1 grams at 11:45 AM and the peach Wana edibles weighed 45.4 grams at 11:46 AM. Both bottles of Wana edibles were placed into evidence locker #205 at the annex.

Deputies will make another entry in the records management system under the circumstance code of the case report EVI "evidence submitted". Update the comments section of that circumstance code with the locker number where the evidence was stored.

Details			
Offense/Statute	CSPO		
		Reported	CSPO
		Observed	CSPO
Circumstances	LT53	EVI	
Rspndg Officers	Solano B	Franklin B	
Rspnsbl Officer	Solano B	Agency	PCSD
Received By	Roldan N	CAD Call ID	170902023
		Last RadLog	10:59:22 09/14/17
			CMPLT

Property/Evidence custodians check the lockers weekly, any evidence not properly tagged, whether temporary or ready to be stored not reflecting the correct entries will be notified via the county e-mail system and copy the supervisor.

Certain types of evidence, as listed in Standard Operating Procedures and other memorandums, must be brought to the Evidence and Property Section Office located in the main building. Flammable liquids, safe explosives and large quantities of marijuana plants/material will be temporarily stored in a designated Hazardous Material storage shed located at the Pueblo West Substation.

All vehicles seized as evidence by members of this office shall be stored in the Impound lot located at the Pueblo West Sub-station or in the evidence garage located at the Investigations Annex or unless otherwise directed and approved by the shift supervisor.

Recovered vehicles, or vehicles seized as property may be stored by the transporting tow/recovery company.

Evidence that is too large for a temporary storage locker may necessitate an Evidence Custodian is called out to take possession of the article(s). Evidence requiring refrigeration, such as biological samples and sexual assault (SANE) kits, will be placed in the small refrigerator located at the evidence processing stations.

### **Record Keeping Procedure**

The information submitted into the EvidenceOnQ records management system will be stored in a server designed specifically for EvidenceOnQ; and this server shall be independent of any other server storage system utilized by this office. The EvidenceOnQ records management system is capable of detailing the current historical status of all evidence and property managed by the PCSO. <84.1.5>

All case investigations where evidence and property custody sheets are involved, the custody sheets are scanned into the Spillman records management system.

### **Responsibilities and Processes**

The Submitting deputy shall be responsible for the following:

- Excluding exceptional circumstances, deputies will complete accurate and thorough completion of the evidence and property submission in the identified records management system prior to the end of their tour of duty. <84.1.1 a>
- Exceptional circumstances which would prohibit the submitting deputy from properly submitting evidence as prescribed by any portion of this policy must be approved by the shift supervisor. Regardless of the circumstance, it is the responsibility of the shift supervisor to ensure the integrity and security of the item(s) in question. <84.1.1 b>
- The deputy responsible will prepare a written report detailing the circumstances by which the evidence or property came into possession of the office, and describing each item seized/obtained. <84.1.1 c>
- Proper preserving, packaging, labeling, and initialing of evidence and property as demonstrated in the "Evidence Guidebook" located at all evidence processing stations. <84.1.1 d>
- Affixing bar code labels and verification labels (when required) to evidence/property packaging.
- Secure in the appropriate temporary storage container.
- In a circumstance where a member of this office seizes any container or item, i.e. purse, briefcase, handbag, which contains any firearm, controlled substance, currency/coin or valuable, the submitting deputy shall remove the described items from the seized container and package and submit the item in accordance with the procedures stated in this policy. < 84.1.1 e>

The Evidence Custodian shall be responsible for the following:

1. Check all evidence lockers and refrigerators in the temporary storage areas at the four designated evidence processing stations once per week at a minimum and as otherwise required. Remove the evidence from the locker and verify packaging labels to make sure that all pertinent information has been entered; examine the evidence to make sure the item has been properly packaged.
2. If the packaging labels contain errors; or if the packaging verification labels are absent when required; or the evidence is not packaged properly, the evidence custodian shall reject the evidence. The Evidence Custodian will relocate the item into a "Corrections Locker" which is identified by a gold combination style padlock.
3. The Evidence Custodian will forward an email to the submitting deputy and submitting deputy's immediate supervisor explaining the error(s), describing the corrective action, including the following information:

- Affected case report number.
- Identify the item in question.
- Details on errors and/or omissions, problems with submission
- Corrections Locker number and combination for access
- Details of correction action required by the deputy.

The submitting deputy will remedy the situation within 48 hours from the time of notification. The Evidence Custodian will report any failure to remedy submission errors within the time allotted to the Sergeant of Administrative Services.

The Evidence Custodian will NOT open a properly sealed and inventoried evidence container unless an exigent circumstance for safety reasons can be articulated. Any safety or security concerns shall be reported to the Sergeant and Captain of Administrative Services immediately.

Assign an appropriate storage location from the inventory of space available. The size of the space chosen will correspond to the volume of evidence to be stored. Items identified as firearms, controlled substances, hazardous materials, currency and coin, valuables, will be stored in secured locations previously designated for such items which are separate from general storage areas.

The evidence custodian will maintain electronic records that enable precise accountability of all items received into and or removed from the secure evidence room. The administrative captain is assigned to monthly inspections of the evidence room checking that all internal controls and procedures are maintained.

<84.1.1 h>

## **Property/Evidence Submission Requirements**

### **Evidence Tape**

Evidence tape will be applied to the top and bottom of all evidence envelopes submitted. ALL evidence tape seals will be initialed by the deputy, dated, and the case report number will be clearly written in indelible marker by the submitting deputy.

A secondary verification label initialed by a deputy/supervisor independent of the submitting deputy will be attached to all evidence seals on currency and coin, firearms, controlled substances, and valuables. The verification deputy's name will be entered into the corresponding EvidenceOnQ submission form and will appear on the verification label.

### **Gloves**

Latex/Nitrile gloves will be worn while processing, packaging, and handling property/evidence items.

### **Packaging and Preserving**

Unless otherwise indicated all evidence/property items will be packaged in paper evidence envelopes or bags. However, currency and coin, controlled substances and valuables will be packaged in clear plastic evidence envelopes.

All plastic evidence envelopes will be heat sealed and then clear evidence tape will be applied over the seal. All paper evidence envelopes will be sealed at the top and bottom with evidence tape. All seals will be initialed. Paper bags will be sealed with evidence tape at the top. No staples are allowed to seal paper packaging.

Exceptions to plastic packaging include evidence items containing biological material, tissue evidence and/or other fluids; items requiring DNA processing; items requiring refrigeration and other items where packaging in plastic is contraindicated.

Items too large to be packaged in paper or plastic bags must have a bar code label, and verification label if required, attached directly to the item.

### **Evidence Drying/Wet and Biological Material**

All clothing and paper items collected as evidence that are wet due to liquids such as biological material, water, etc., will be dried prior to being packaged for evidence submission. An evidence dryer is available at the Investigation Annex. Crime Scene Investigators may be contacted through the Investigations Sergeant to assist with the drying process.

## **Processing Stations**

Four evidence and property processing stations have been designated: Detention Administration Wing (2d floor) at the Main Office; Investigations Annex; Pueblo West Field Office; and Colorado State University at Pueblo Sheriff's Office. These processing stations provide heat sealers, digital scales, pill counting trays, Drug Identification Bibles, narcotic identification kit (NIK) field tests, latex/nitril gloves, firearms boxes, zip ties, paper/plastic evidence envelopes, paper bags, clear evidence tape, "sharps" safety boxes and tubes and all necessary paperwork. The processing stations will also maintain gunshot residue (GSR) kits. Notify the Investigations Sergeant if these processing stations need to be re-supplied.

## **Money, Controlled Substances, Firearms, Valuables, and Digital Photographs / Recording Media**

### **Money**

Money will be submitted in by itself in a clear evidence package (Do NOT place other items of evidence in with the money). All evidence packages that contain money will be checked to ensure that the submitting deputy has properly sealed them. <84.1.1 e>

All amounts of currency and coin will be counted and verified by a secondary deputy. Both deputies will initial and date the evidence tape, sealing the top portion of the clear plastic evidence envelope. The submitting deputy will ensure the deputy verifying name is entered into EvidenceOnQ. Both deputies sign and attach the verification label to the packaging.

All quantities of currency and coin will be submitted to the Evidence Custodian as soon as possible after it is collected. At a minimum, the Evidence Custodian will deliver currency and coins to the PCSO Director of Finance weekly and as soon as reasonably possible for deposit into the PCSO Evidence Seizure account. The Evidence Custodian is responsible for logging this transfer of funds into the EvidenceOnQ records management system.

Upon receipt, the Director of Finance is responsible for recording the monetary transfer and deposit. The Director of Finance is accountable for disbursement of funds from the Evidence Seizure account upon receipt of release from proper authority; and maintaining all recordkeeping of all transactions associated with this account.

### **Controlled Substances**

All controlled substances will be identified, weighed and pill counts will be performed by the submitting deputy. The pill counts and weights will be verified by a second deputy who will also sign the verification label for the item.

All pill bottles will be sealed with clear evidence tape after pill counts, weights, and identification of the contents.

Each plastic evidence envelope will be heat sealed and then taped with clear evidence tape. The submitting deputy will initial, date and include the case report number on the clear evidence tape used to seal the top portion of the clear evidence package; and ensure the bar-code label and verification label is properly affixed to the packaging.

To assist submitting deputies in following the above stated procedure all evidence processing stations is equipped with the following items: scales, a "Drug Identification Bible", pill counting trays, clear plastic bags, clear evidence tape and a heat seal instrument.

In the event any of the aforementioned items is discovered to be missing, damaged or inoperable, the submitting deputy will immediately notify his/her supervisor who will send an email to the Evidence Custodian and Sergeant of Administrative Services identifying the problem. It is the responsibility of the Evidence Custodian and Sergeant of Administrative Services to remedy any problem associated with this section in a timely manner.

It is the responsibility of the submitting deputy to separate controlled substances from paraphernalia prior to submission to the Evidence Custodian. Exceptions to this policy would include any articulable circumstance, documented in the case report, which could result in altering or compromising the integrity of the criminal investigation.

It is the responsibility of the submitting deputy to complete the evidence and property submission form accurately and thoroughly.



### **Mobile Detect Drug Testing**

There are different types of tests available for different suspected controlled substances. The PCSO will by using will be using a Multi-Drug Test

These tests can be used to test any suspected controlled substance with the exclusion of suspected Fentanyl.

*Suspected Fentanyl can only be tested by ID and Narcotic detectives.*

### **Fentanyl Pre-Presumptive Tests for Fentanyl**

All suspected fentanyl presumptive tests will be completed before sending to CBI.

A narcotics detective or an ID detective MUST complete the testing in a preapproved location with the proper safety protocols.

ALL testing will take place at the investigations annex. There will be a minimum of two people at the time of testing for safety measures. *When a situation in the detention center arises* and we suspect the substance is fentanyl the on-duty supervisor with contact the area's respective Captain who will follow up with the investigation's Captain to confirm the availability of a Narc or ID detective for the testing.

When/if a situation arises that there is NO one available the suspect fentanyl will be secured in an evidence locker and will be tested within 48 hours. If there is a delay in testing, an affidavit of probable cause must be completed upon a positive presumptive test result. If there is no delay, then a warrantless affidavit should be completed.

Remember that a presumptive test is not a substitute for CBI testing and the suspected fentanyl will still need to be sent to CBI for further testing.

**NOTE:** The date/time of all weights and/or preliminary field testing must be documented in the body of the submitting deputy's case report. This information is required for the purpose of charging appropriately.

Any controlled substances seized by a member of this office for the purpose of destruction rather than evidence will process the controlled substance in accordance with the procedures described in this section. The submitting deputy will note on the packaging "For Destruction" prior to submission to the Evidence Custodian. The Evidence Custodian will ensure proper recording keeping in the evidence management system(s) and store the item in the designated Destruction Cage.

It is critical an Evidence Custodian demonstrate vigilance to insure an inadvertent loss or destruction of controlled substance evidence does not occur due to damage or deterioration of original containers. In instances where this potential is realized, the Evidence Custodian will immediately notify the Captain and/or Sergeant of Administrative Services who will arrange for the appropriate repackaging of the original container and its contents as evidence by a certified deputy. The repackaging of a controlled substance shall be in accordance of the submission procedures identified in this policy.

### **Firearms**

All firearms will be cleared of all ammunition prior to submission to the Evidence Custodian when practical. All ammunition and firearm cases will be packaged and submitted separately from the firearm. All firearms will be cleared through the NCIC/CCIC data system prior to submission. If the item shows up on the NCIC/CCIC computer, the investigations unit must be notified immediately.

The submitting deputy is responsible for rendering the firearm safe (when applicable) and packaged in the appropriate firearm box. All handguns will be run down the barrel and action ensuring the weapon is "Safe". On revolver and wheel style firearms the cylinder should be submitted in the "out" position. This can be run through the action on long guns (rifles) also ensuring the weapon is safe. A second deputy will visually inspect the weapon and verify it is "Safe" and the serial number is documented correctly by the submitting deputy.

If a firearm requires being submitted in an unsafe condition, the submitting deputy will write in large, bold letters on the box, "UNSAFE WEAPON" and will notify the Evidence Custodian via e-mail of the temporary storage location of the firearm.

The submitting deputy will prepare an evidence and property submission in the EvidenceOnQ system then print and attach the bar code label to the upper right-hand corner of the firearm box. A verification label will be printed, initialed by the verifying deputy, and attached under the bar code label. The firearm box will be submitted to the Evidence Custodian unsealed for the purpose of verifying serial numbers. The Evidence Custodian is responsible for verifying the serial number with the submission documents and storing the firearm container unsealed.

However, the submitting deputy must seal the firearm box with clear evidence tape ONLY in the event the firearm contains biological evidence or if the firearm requires DNA/fingerprint laboratory analysis. In these instances, the submitting deputy will provide date, case number and initial over the clear evidence tape.

### **Valuables**

For the purpose of this section “valuables” is defined as jewelry, watches, rings, precious stones, precious metals, collector coins, open financial documents such as bonds, stocks, as sureties, credit cards, bank/business/personal/travelers checks, etc.

All valuables will be submitted in clear plastic evidence envelopes. The envelope will be heat sealed and clear evidence tape will be applied to the top of the sealed envelope. The evidence tape will be initialed and dated by the submitting deputy, and a second deputy verifying the contents. Both deputies will provide name information on the property sheet in EvidenceOnQ.

The only exception to this policy is when the valuable item requires processing for DNA, fingerprint, biological material, or other forensic processing. In this event the item will be packaged in a paper evidence envelope but must still be verified by a second deputy.

### **Digital Photographs / Recording Media / File**

Many cases involve documentation of a scene, suspect, victim, or witness using digital photographs, digital voice recordings or other digital files.

The Pueblo County Sheriff's Office issues digital cameras to its deputies and voice recorders to detectives for the collection and documentation of their investigation. Additionally, digital call recordings made to or from the Pueblo County Sheriff's Office Communications Center may also contain relevant evidence / information.

After the photographs or recorded media has been obtained, the deputy or obtaining member will place the digital media into the “Files” section in Spillman under the appropriate case number as soon as practical after it is obtained.

The deputy / member should verify that the file transferred correctly prior to deletion from the camera / recorder. Spillman, which contains a redundant backup of all media placed into it, serves as the evidence storage location for this type of media.

In cases where Spillman may not be available, the case media is too large to place in Spillman, or the data contains an embedded media player for the media, DVD's or CD's containing the media will be made, packaged and placed into evidence under the case number. After a case has been completed and locked by Records

Personnel and charges on the case have been requested to the 10<sup>th</sup> Judicial District Attorney's Office, the case will be work-flowed in Spillman to designated District Attorney's staff, making the entire case available to them.

If an incorrect digital photograph or other media file is placed in a case where it does not belong, the deputy will contact their bureau captain who will review the contents. If it's determined by the captain that the digital media file needs to be removed or transferred, the captain will contact the Records Custodian to have the file removed and/or placed with the correct case. Only bureau captains or above may authorize the removal or transfer of a digital photograph, recording or file. After a case has been properly disposed of destruction by the district Attorney's Office the evidence custodian will submit the DA documentation to the Records Custodian. The Records Custodian Administrator will scan the documentation and purge the digital media from Spillman.

### **DNA**

New Patrol deputies receive training on the collection of DNA to include collection of buccal swabs, and the process to obtain touch DNA. <83.2.7 c>

Investigations detectives that specialize in evidence collection receive additional training in the collection and preservation of DNA samples for analysis. <83.2.7 c>

### **Collecting DNA Buccal Swabs**

The following procedure will provide the collecting deputy with a step-by-step set of instructions on the proper collection and preservation of Buccal Swabs or Touch DNA standards for the Pueblo County Sheriff's Office. The following instructions are meant to be a guide and should be adhered to so as not to deviate from standards for collecting this type of evidence. The above standards can be obtained through a search warrant (41.1 or Rule 16), verbal consent, or a Sheriff's Office biological waiver form. A verbal consent is permissible but should be followed with a disclaimer advising the sample was given freely and documented as such in a case report. If the standard is obtained via a warrant, then a warrant return needs to be completed and submitted to the court within three business days from when the standard was collected.

### **Procedures for obtaining evidentiary standards from a victim, witness or suspect for a specific event:**

#### **Buccal Swabs**

- Assemble collection boxes and sterile swabs.
- Scribe the date, time, location, subject and collector's initials on the collection boxes.
- Fold one end of the collection box and seal with red tape, then initial.
- Put on a pair of rubber gloves to prevent cross-contamination.
- Inspect the victim's/suspect's mouth to ensure it is void of food, chewing tobacco or other contamination. If found, have the subject sweep the debris and rinse the mouth with water before collecting sample.
- Open sterile swab packet.
- Swab the inner cheek by rubbing the swab up and down in a continuous motion for 30 seconds.
- Repeat the process on the opposite cheek.
- After one minute of swabbing the inner cheeks, run the swabs between the upper and lower gum line and then under the tongue.
- Place the swabs in the opened end of the collection boxes and then fold the top over and shut.
- Seal the remaining opened end and initial the taped edges to show chain of custody.
- Tag the standards into Evidence using standard procedures.

#### **Touch DNA**

- Assemble collection boxes, sterile swabs, and distilled water sample. (Note: tap water can be used as long as water standard of the tap is supplied with submitted samples as a standard.)
- Scribe the date, time, location, the object the sample was collected from and initials on the collection boxes.
- Fold one end of the collection box and seal with red tape, then initial.
- Put on a pair of rubber gloves to prevent cross-contamination.
- Open sterile swab packet and remove both swabs by the stick end.
- Moisten the sterile swabs with a drop or two of distilled water.
- Swab the predetermined area or location believed to have possible touch DNA on it, i.e. door handle, knife handle, etc.
- Use a second set of moistened swabs to take a standard swab of the surface from which the TDNA originated (doorknob itself or side of the cabinet from which the standard originated).
- Place the swabs into the evidence collection box and fold the end shut.
- Place a piece of clear evidence tape over the sealed end and initial the taped ends.
- Tag the swabs into Evidence using standard evidence procedure. When collecting TOUCH DNA standards, be mindful that a water standard needs to accompany the DNA standard so any impurities that might be in standard can be isolated. This process also allows the analyst to establish they have identified anything that might contaminate the standard, thus making an invalid sample. Without the proper standards the collected standard will not be processed.

### **Guidelines for House Bill 1020 (Submission of SANE/Rape Kits)**

This house bill passed in 2013 and requires that all SANE kits be submitted to CBI for analysis within 21 days of collection. Compliance with this law takes effect on March 01, 2014, with only a few exceptions. The following information will aid you in determining whether a submission should be completed.



## **APPLICABILITY**

These rules and regulations apply to all personnel who participate in any or all parts of the collection, transportation, storage, forensic analysis, investigation, and the judicial process of forensic medical evidence in connection to alleged sexual assaults occurring in the State of Colorado. These rules must be complied with by March 1, 2014.

## **CONSENT**

Forensic medical evidence must be collected if a victim of an alleged sexual assault requests the collection. Law enforcement and medical personnel shall not, for any reason, discourage a victim of an alleged sexual assault from receiving a forensic medical examination.

Any person who receives forensic medical evidence or the results of those tests conducted on the forensic medical evidence shall not disclose that information except for the authorized purpose for which that forensic medical evidence was obtained.

The COLORADO SEXUAL ASSAULT CONSENT AND INFORMATION FORM must be utilized to obtain consent from and provide information to sexual assault victims regarding:

1. Evidence collection through a medical forensic exam.
2. Forensic evidence analysis/release of results.
3. Reporting options; and
4. Victims' ability to withdraw consent.

(Note\* copies of the Colorado Sexual Assault Consent and Information Form have been placed in all three offices for your review. Keep copies on hand in the event they are needed.)

This form must be used beginning March 1, 2014. This form should be utilized prior to the collection of forensic medical evidence whether collected by medical or law enforcement personnel.

Consent or non-consent must be confirmed through the victim's initials and signature on the form.

Sexual assault victims may withdraw their consent for evidence collection and forensic evidence analysis/release of results. However, consent for analysis/release of results cannot be withdrawn once forensic analysis has been initiated by a qualified employee of an accredited crime laboratory.

Withdrawal of consent becomes effective when the investigating law enforcement agency verifies that the person seeking to withdraw consent is the victim who is acting of her/his own free will. If possible, law enforcement should obtain written confirmation of the withdrawal from the victim.

If the evidence collection kit is in the custody of the accredited crime lab when the withdrawal of consent becomes effective, law enforcement must notify the accredited crime lab about the withdrawal as soon as possible, but no later than the second business day after consent has been withdrawn and victim identification has been verified.

Law enforcement must make a reasonable attempt to verify the identity of the person seeking to withdraw consent. If law enforcement cannot verify the identity of the person seeking to withdraw consent or does not believe the victim is acting of her/his own free will, consent cannot be withdrawn.

## **FORENSIC ANALYSIS**

**Beginning on March 1, 2014, all forensic medical evidence received by a law enforcement entity must be submitted to the Colorado Bureau of Investigation or an accredited crime laboratory for analysis within 21 days of receipt of such evidence except under the following circumstances:**

1. The victim has not consented or has withdrawn consent to have the forensic analysis conducted.
2. A law enforcement investigation has corroborating evidence that the alleged sexual assault never occurred; or
3. The law enforcement entity is not the investigating agency and must forward the forensic medical evidence to the appropriate agency of jurisdiction for submission as soon as possible.

Upon submission to an accredited crime laboratory, that laboratory must strive to analyze and, when appropriate, upload the information into CODIS within six (6) months of receipt of the forensic medical evidence being submitted, assuming the laboratory has sufficient resources.

The appropriate accredited crime laboratory must report the results of the forensic analysis upon completion of the analysis to the submitting agency.

## ENFORCEMENT

Law enforcement agencies must submit their backlog of untested forensic medical evidence for analysis to the Colorado Bureau of Investigation or another accredited crime laboratory no later than March 1, 2014.

These rules apply whether the forensic medical evidence is submitted to the Colorado Bureau of Investigation or to another accredited crime laboratory.

### Pueblo County Sheriff's Office Guidelines:

1. The responding or investigating deputy will be responsible for the collection and submission of the SANE/Rape kit.
2. The responding or investigating deputy will ensure the Colorado Sexual Assault Consent and Information Form is filled out properly by the SANE nurse and victim alike. The original form will be copied and added to the file section for the case. The original will remain with the SANE kit and logged into evidence.
3. The responding or investigating deputy will log the SANE kit into Evidence OnQ and then store it in the appropriate refrigerator located at the Annex, Substation and CSU-Pueblo Campus.
4. The responding or investigating deputy will send an e-mail to the Property and Evidence custodian or Sgt. informing them of the evidence in the refrigerator. This should be done as soon as possible being mindful of the deadline for submission.
5. The responding or investigating deputy will complete a online CBI entry and cover letter for the submission of the SANE kit and place them in the Evidence Photo box at any of the three locations mentioned above. The cover letter should include a synopsis of the event, what evidence was collected and that it is being submitted for further testing under "House Bill 1020".

[Cover Letter - House Bill 1020](#)

on-line CBI submission form. Click on link in blue for CBI website

<https://cbilab.state.co.us/FAPortal/AuthXAccess/Login.aspx?ReturnUrl=%2fFAPortal%2fLanding%2fDefault.aspx>

Initial log in instructions: [CBI Online Submissions Steps PCSO Evidence](#)

The responding or investigating deputy will advise his immediate supervisor of the completion of the appropriate paperwork and submission forms. The e-mail sent to Property/Evidence should include a CC copy to the immediate supervisor for their review. A return e-mail will be sent from the receiving Property/ Evidence custodian acknowledging they are aware of the evidence.

The Property/Evidence custodian or their designee will submit the SANE kits to CBI within the 21-day period and record the submission in EvidenceOnQ. This notation will be used for future statistical data if needed and to show we follow House Bill 1020.

The follow form and only this form will be used for the Colorado Sexual Assault Consent and Information Form. Disregard all other forms as this is the form currently being used by the State of Colorado. The form is as follows:

Submission for web site: <http://www.ccasa.org/wp-content/uploads/2014/07/ConsentForm-v1.pdf>



By Order of the Sheriff