

# Forensic Arson Laboratory Guidelines for Evidence Submission

## SUBMISSION FORMS:

Do not refer to cans as “paint cans” on the submission form. This form becomes a court record that can suggest an impression to the jury that the case might be contaminated or that it is positive regardless of the results of scientific testing, causing valuable evidence to be suppressed. Use the terms “gasoline-type” container, liquid “suspected to be kerosene”, substance “having an odor similar to Coleman fuel”.

Under “description” list what is inside the can. If the makeup of the debris is known, please describe it briefly, i.e., clothing, carpet, linoleum, wood. It is often difficult to identify the debris after it is removed from the scene.

In the “summary” section, briefly describe the scene, e.g., mobile house fire, car fire, pasture fire, etc. In particular, notify the laboratory if the evidence involves a fire death or injury. Please apply a biohazard sticker whenever evidence contains or may have been in contact with blood or body fluids. If evidence related to a death or injury is not biohazardous, please indicate this on the form as “no biohazards”. Identify known hazardous chemicals present, such as pesticides.

## LABELING AND PACKAGING

The laboratory recommends the use of epoxy-lined metal cans for preserving evidence. The container must be clean, unused and airtight. Remove any debris from the sealing groove of the container to ensure a good seal.

Mark the case number and item number on the body of the can by using permanent ink marker or adhesive evidence tags. Marking the lid only can lead to the suggestion in court that the investigator or chemist may have confused the cans and switched lids. Marking both body and lid is fine if all information agrees.

Please remember to tape across each individual can or jar, and initial and date the seal. Tape used for sealing must tear if removal is attempted. Initialing half on the tape and half on the can or jar makes it very obvious if tampering has been attempted. If a box is sent to the wrong agency and is opened, the integrity of all of the evidence is compromised unless the items are individually sealed.

When taking custody of evidence from another agency or investigator, request that they seal and initial their cans before you take custody. This will reduce questions of possible tampering.

Outer boxes or bags, etc, must be sealed, and initialed. It is important to retain all the original submission containers. For example, if a box has been shipped to

the lab, that container will have the tracking numbers from the courier service that provide custodial records for the evidence. The case file will document the description of the containers present at the time of analysis, including the tracking number. The final report will also list the tracking number. Evidence returned from the lab will be wrapped in brown paper to preserve the unique case number, item number, and chemist's initials, and original tracking number. The return package will bear a new tracking number.

Package one case per box. The container in which a case is submitted must remain with the case until the evidence is destroyed or admitted into court as evidence. If two cases are shipped together, the tracking numbers from the courier and therefore proof of the chain of custody will be missing when the cases are ultimately separated to go to their separate trials. Once admitted into court, it is very difficult to retrieve the outer container for the second case. Having two numbers on the box also leaves the way open for a lawyer to suggest that the examiner may have confused the cases and switched cans.

Do not reuse boxes returned by the laboratory. A box that has previously been used for a case will have another case number and another analyst's initials on the box.

Avoid using a box which has anything written or printed on the box which could jeopardize the case in court. Plain boxes are best! Using a box that reads flammable, motor oil, paint, diapers, etc could suggest an impression to the jury about the evidence or the investigators, and could be grounds for the evidence not to be admitted into court.

#### QUANTITY:

Only small amounts of liquids should be submitted. It is preferable to submit liquid as a few drops on gauze in metal cans tightly sealed or in unused glass jars with Teflon caps. We have been purchasing jars that come pre-cleaned and certify that there are no trace residues of various hydrocarbons present. This certification is in lieu of the testing by us as is done on the lined cans.

Fill cans only 3/4 full. The laboratory must have space at the top of the can to perform the analysis tests. Divide evidence into multiple cans if necessary; do not hesitate to cut large garments into smaller pieces if necessary.

#### SENDING:

Do not send evidence to the laboratory by airfreight or through the U.S. Postal Service. It is against federal regulations to transport, via airfreight or U.S. mail, flammable liquids and semi-liquids with a flash point of 20 degrees F or below. Gasoline has a flash point of -45 degrees F, and therefore falls into this unacceptable category. As the majority of arson cases involve the use of gasoline, it is desirable to ship all evidence through commercial ground courier

services. We realize that this may be an inconvenience to some agencies, but it is mandatory to comply with federal regulations.

The use of tracking numbers is recommended when shipping evidence by a courier. This will assist in locating the evidence if it is misrouted. It is also an excellent way to uniquely identify the evidence from the outer packaging.

When shipping evidence, address the package to the attention of the Forensic Arson Lab. This insures that the person who opens the box will be someone intended to be in the chain of custody and that the evidence will be stored in the vault immediately once the courier's responsibility has ended. Our current address is:

ATTN: Forensic Arson Laboratory  
7915 Cameron Road  
Austin, Texas, 78754  
Phone: (512) 305-7974  
Manager Phone: (512) 305-7971  
FAX: (512) 305-7973

Always use our physical address when shipping evidence to the lab, and always provide a physical address on the "send to" section of the submission form. Courier services will no longer deliver to post office boxes, even if a phone number is provided.