

**A Note for the 3rd Bills Committee meeting on the
Dangerous Drugs, ICAC and
Police Force (Amendment) Bill 1999
to be held at 10:45 a.m. on 2 February 2000 (Wednesday)**

**Procedures on how samples
are taken from crime scenes and suspects
for forensic analysis and the steps taken to
ensure preservation of the chain of evidence**

PURPOSE

The purpose of this note is to inform Members of the procedures on how samples are taken from crime scenes and suspects for forensic analysis and the steps taken to ensure preservation of the chain of evidence.

BACKGROUND

2 At the 1st Bills Committee meeting held on 6 January 2000, Members asked how samples would be collected from crime scenes and from suspects. Members were interested in knowing the procedures and the steps taken to ensure the preservation of the chain of evidence.

DETAILS

Taking samples from crime scenes

3 When a crime is committed, Police officers attended the scene to collect evidence for its detection. Whilst DNA traces may require special care and handling, they are in essence no different from weapons, clothing,

blood stains, documents etc., which police officers are trained to seize in discharging their day-to-day duties. In order to preserve the chain of evidence, which is essential if the exhibits are to be successfully used in future criminal proceedings, the same appointed police exhibits officer must remain responsible for their safe care and handling throughout the entire process.

4 After the Bill is passed, a selected group of experienced police officers will receive intensive, tailor-made training by the Government Laboratory. The training will focus on the correct handling of samples and on the identification of the likely places of occurrence of DNA material at crime scenes. The officers, if certified able and suitable for the task by the Government Laboratory, will be deployed to these duties in routine cases. For serious cases where special care is required, they will be supported by Scientific Evidence Officers of the Government Laboratory who possess more specialised forensic techniques and scientific skills.

5 Exhibits that are suspected to contain DNA traces will be seized, secured and packed in accordance with established procedures. However, officers will pay particular attention to the potential for cross-contamination which will be minimised by the use of disposable face masks and gloves etc.

Taking samples from suspects

6 Specific training will be required for officers tasked with taking non-intimate samples, such as buccal swab, from suspects. Police officers will not be involved in the taking of any type of intimate sample, except urine, from a suspect.

7 "Sampling kits", which refer to pre-packaged "sets" of sampling

equipment including sterile buccal swabs, disposable gloves, bar-codes, test-tubes, etc, will be designed by the Government Laboratory and procured by the police for this purpose. Buccal swabbing will usually be conducted at a police station.

8 Following all the procedures, authorisations and notification to the suspects of his rights as set out in the proposed Bill, a buccal swab (taken as a typical example of non-intimate samples) will be taken with the consent of the suspect, or in some cases without, using the minimum amount of force necessary to achieve the objective.

9 After the swab has been taken, with the same care to avoid contamination as will be used at crime scenes, it will be immediately sealed in a sterile tube and uniquely labelled using an adhesive bar-code. The sample will then be sent to the Government Laboratory for analysis using documentation similar to that presently in use. The documentation will carry an identical bar-code as that appended to the sample, **but will not carry other personal particulars (such as name, ID Card No., address etc.) that could identify the donor of the sample.**

Procedures in the Government Laboratory

10 The preservation of the chain of evidence within the Government Laboratory is of paramount importance when samples are passed to the laboratory for forensic analysis. There are already strict guidelines within the Government Laboratory governing the handling of samples for forensic analysis, which includes DNA analysis.

11 These guidelines encompass a wide range of areas covering exhibit handling, casework documentation, casework review, the control, storage

and disposal of samples and files, testifying in the courts, etc.. These guidelines and procedures were an integral part of the quality system which was subjected to intense scrutiny in the process of the Government Laboratory achieving international accreditation status with the American Society of Crime Laboratory Directors (ASCLD) in 1996 and have been strictly adhered to since then. Although the guidelines are not prepared with the specific aim of preventing laboratory personnel from tampering with evidence, they do offer checks and balances to minimize the opportunities for tampering samples, including samples for DNA analysis.

12 The major features of the system are as follows –

- (a) all exhibits submitted to the Government Laboratory are allocated a unique laboratory reference number. Audits of all allocated laboratory reference numbers are conducted;
- (b) all exhibits are stored under lock and/or seal;
- (c) in many cases, in particular in all DNA analysis cases, the receiving officer is not the actual officer who would conduct the analysis or who would report on the case. Cases are assigned to officers randomly and officers do not choose the cases they handle;
- (d) the transfer of exhibits is conducted in the presence of two persons, one as an "issuing officer" and the other as the "receiving officer". Every movement of exhibits submitted into the laboratory is recorded in full details;
- (e) the custody of every exhibit whilst within the laboratory is fully accounted for and traceable. The chance that any tampering of

evidence could not be discovered is minimized. The Government Laboratory has a very good track record. There has been no previous case of Government Laboratory officers being found to tamper with evidence.

- (f) full and detailed records are kept for every test performed on every exhibit or on material taken from the exhibit. These records are subjected to inspection and "surprise" and regular auditing. External auditing is conducted biannually whilst internal auditing is done annually. In addition, the international accreditation programme of ASCLD necessitates the Government Laboratory to be subjected to full-scale inspections of procedures and records, etc., by overseas experts once every five years.

13 We fully understand that having a reliable and secure system on exhibit handling and being able to maintain a tight chain of evidence within the Government Laboratory is of utmost importance. The Government Laboratory is an accredited crime laboratory and has a proven track record of its professionalism. It cannot afford its procedures to be abused and extreme care and caution have been and will continue be taken to ensure that opportunities for tampering evidence are minimised.

CONCLUSION

14 By a system of mutually exclusive access to data between law enforcement agencies and the Government Laboratory, we believe that it will be extremely difficult for any individual in the process to interfere unlawfully with DNA information, or any other information relating to forensic analysis. Strict procedures, checks and balance are in place within the Government Laboratory. Any deliberate tampering or interference with

any exhibit used in the investigation of crime is very difficult, and if occurred, is subject to very serious penalties under the criminal offence of "perverting or obstructing the course of justice".

ADVICE SOUGHT

15 Members are invited to note the content of this paper. We extend an invitation to Members to visit the Government Laboratory to see for themselves how the laboratory operates.

Security Bureau
January 2000