



**Crime Laboratory
SOP 83-2**

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Subject: Evidence Viewing
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I. Purpose

To establish the procedures that will be followed by the Crime Laboratory Division and others who have an interest in evidence that is in the possession of the Crime Laboratory.

II. Policy

A. Prosecutors/Law Enforcement

The Crime Laboratory requests that attorneys and law enforcement personnel who wish to view their case evidence notify the Crime Laboratory Director or their designee if possible, at least 48 hours in advance of the desired viewing. This will ensure that the proper evidence and laboratory personnel are available to efficiently facilitate the request.

B. Defense Attorneys/Others

Any viewing of case evidence by a defense attorney, defendant representative, or a law enforcement agency not involved in the case shall only be allowed in the presence of, or by written verification of the case prosecutor or by court order. Documentation of this permission shall be maintained in the case file. Prior notification (at least 48 hours) of the Director or their designee must be made in order to view any case evidence.

C. News Media

It is recommended that any videotaping or filming of case evidence by the news media be conducted before the evidence is submitted to the Crime Laboratory. If circumstances make this impossible, arrangements must be made with the Crime Laboratory Director or their designee so proper accommodations can be made. Most cases are only news worthy for a brief time, thus there may be instances when the Crime Laboratory can not accommodate a request. The submitting agency shall have

appropriate personnel available to answer the news media questions about the evidence.

D. In all of the above situations, Crime Laboratory personnel shall attend displayed evidence at all times.

E. Defense Experts Viewing/Examinations

In most situations, the viewing or examination of evidence by defense experts should be performed at the work place of the expert. If this evidence is at the Crime Laboratory, it is recommended that outside arrangements be made to retrieve the needed evidence for mailing or transporting to an expert.

F. Only under special conditions will the Crime Laboratory allow a defense expert to examine evidence in its laboratory. These conditions are:

1. Prior written notification to the Crime Laboratory from the case prosecutor of:
 - a. The name, address and workplace of the expert.
 - b. All evidence items needed for viewing.
 - c. Desired date and time of this viewing (at least 48 hours prior to requested date).
2. No supplies or equipment will be furnished or made available to the expert for his/her examination, thus the expert will be expected to bring all these items.
3. Crime Laboratory personnel will not collect evidence at the direction of a defense expert.
4. Evidence collected but not examined by a defense expert will only be examined by the Crime Laboratory upon request from the prosecuting attorney. Any items examined first by a defense expert will not be examined by the Crime Laboratory.
5. The defense expert and attorneys will not have private access to the evidence. Crime Laboratory personnel will attend displayed evidence at all times.

Upon receipt of written notification of condition 1., the Crime Laboratory will contact the interested party to confirm any dates and times and affirm the viewing conditional to items 2-5.

If these conditions cannot be met, the viewing of the evidence must be done outside the confines of the Crime Laboratory. Crime Laboratory personnel will not be used to transport any of the case evidence to another location. Therefore, prior arrangements should be made with the case officer to maintain the integrity of the evidence during this process.

- G. Viewing of evidence analysis by non-laboratory personnel shall not be permitted without a court order.