



# Case Acceptance and Prioritization Criteria

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## Policy Statement / Objective:

To establish the MN BCA FSS policy on case acceptance and prioritization criteria for each forensic testing discipline. Sections dealing with backlog situations prioritize violent crime cases, including but not limited to homicide, criminal sexual conduct and cases involving use of force involving law enforcement.

## 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. However, the MN BCA FSS may perform forensic testing on unknown substances and other components submitted as part of an explosive device investigation with prior approval from the applicable Supervisor, Assistant Laboratory Director, or Laboratory Director.
- H. 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 MN BCA FSS personnel.
  1. Exceptions may include, but are not limited to:
    - a. The request for examination involves the use of new or different testing techniques/methods that were not previously available.
    - b. Testing additional areas not previously tested or for examinations not previously performed on an item of evidence.
  2. Previously MN BCA FSS examined evidence must be resubmitted in the original packaging (including MN BCA FSS identifiers) as practicable.
  3. Requests for evidence re-examination should be directed to the applicable section Supervisor, Assistant Laboratory Director, or Laboratory Director, and should include a reason for the request and why it is probative to re-examine the evidence.
- I. Evidence submitted to the MN BCA FSS shall be packaged in such a way as to:
  1. Protect evidence from contamination or loss
  2. Ensure safety from unintentional exposure
  3. Alert handlers of any safety concerns
- J. Large items that cannot be reasonably packaged or sealed need preapproval from the applicable Section Supervisor, Assistant Laboratory Director, or Laboratory Director.

## 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 seven different forms available, six that are based on Case Type. If additional space is needed with any of the case type specific forms listed below, the Continuation of Evidence (FSS-F-EI-1001) form should be used.
- Crimes Against Persons (homicide, assault, robbery) – FSS-F-EI-1002
  - Criminal Sexual Assault – FSS-F-EI-1003
  - Controlled Substance – FSS-F-EI-1004
  - Fire Investigation – FSS-F-EI-1005
  - Internet and Technology Related Crimes (child pornography, child abduction, child molestation, traveling to meet a child for the purpose of sexual relations, financial crimes, etc.) – FSS-F-EI-1006
  - Property Crimes (burglary, theft, property damage, etc.) – FSS-F-EI-1007
- 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/fss/evidence-submission> or from the Evidence Intake staff at the St. Paul, Bemidji, and St. Cloud facilities. Forms can be filled out electronically or printed and filled out by hand.

## III. Discipline Specific Criteria:

**Biology**  
**Controlled Substances**  
**Digital and Multimedia Evidence**  
**Fire Debris**  
**Firearms and Toolmarks**  
**Forensic Intelligence, Response, Support and Testing (FIRST)**  
**Latent Prints**  
**Toxicology**  
**Trace Evidence**

- A. 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 porous/absorbent substrates (e.g. cloth car seats and furniture, carpets, clothing, bedding, etc.) will not be accepted for DNA testing. The original items, or cuttings from the original items, should be submitted if examination is necessary. Swabs from non-porous/non-absorbent substrates (e.g. leather, vinyl, etc.) will be accepted.
- 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. Forensic hair screening for suitability for DNA testing will only be accepted in Crimes Against Persons cases. Microscopic examination for the purpose of forensic hair identification and comparison will not be performed by the biology section (a list of Independent Testing Laboratories could be provided upon request).
- 5. 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.
- 6. Property crime items will only be tested if they are foreign to the scene or suspected to contain a body fluid.
  - a. Exception: swabs of steering wheels and gear shifts will be accepted in auto theft cases.
- 7. The MN BCA FSS does not accept Felon in Possession of weapons cases for DNA analysis in which the weapon was taken off the person.
- 8. 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.
- 9. 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.
- 10. DNA testing on controlled substance packaging, pills and/or drug paraphernalia in controlled substances cases will not be approved without one of the following charges indicated on the submission form: possession with intent to sell, or sale. If the charges were not indicated on the submission form, there will be follow-up on the case for more information upon which the Biology Supervisor will make the decision of the case being accepted or declined.
  - a. The suspected controlled substance should be removed from the packaging prior to submission.
  - b. If DNA testing is requested on packages containing suspected controlled substances, refer to Controlled Substance statement 9 listed below.
  - c. DNA testing will not be performed on controlled substance packaging recovered from a body cavity.
- 11. 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.
  - a. Exception: known samples submitted for the purpose of identifying the missing.
- 12. All CSC DNA Sexual Assault Evidence Collection kits will be accepted for testing per MN Statute §299C.106 when accompanied by appropriate Consent documentation.
- 13. Discarded DNA samples (trash pull, abandoned property, DNA deposition arrangement) can be submitted for DNA testing only in Crimes Against Persons cases, Unidentified Human Remains and Homicides. These samples must be pre-approved by a Biology Supervisor, Assistant Laboratory Director, or Laboratory Director. They will be treated as questioned samples during analysis and tested only in cases that have exhausted other investigative leads.
  - a. Swabbings of door handles (car, building, or residence) will not be accepted as discarded DNA samples.
- 14. Evidence previously processed by the addition of liquid chemicals (e.g. Luminol for blood detection) can be submitted for DNA testing only if the control swabs containing the enhancement reagents are submitted for testing.
- 15. DNA testing will not be performed on items previously processed with latent print powder and/or superglue.

16. Similar items (e.g. discharged cartridge cases, plastic packaging) submitted together in the same packaging may, at the discretion of the scientist be swabbed together. If having the individual items swabbed separately is needed for evidentiary purposes (e.g. associations, charging) then those items should be packaged separately.

## B. Controlled Substances

1. Evidence not accepted for analysis:
  - a. Used field test kits.
  - b. Swabs of suspected controlled substances.
  - c. Syringes (with or without needles).
2. Evidence accepted for analysis with preapproval:
  - a. The liquid contents of a syringe.
    - i. Express syringe contents into a clean vial.
    - ii. Clearly mark the outer package with a biohazard sticker.
  - b. Residual amount and paraphernalia items.
    - i. A visible amount of substance must be on/in the item.
  - c. Contact the laboratory for pre-approval to submit the evidence and note the name of the approver within the submission paperwork.
    - i. Items received without the pre-approval noted within the submission paperwork will not be accepted.
3. Suspected controlled substances that have been recovered from a body cavity should be separated from the original packaging. The original packaging should not be submitted.
4. Evidence that potentially came in contact with body fluids (re-packaged or not) should be clearly marked with a biohazard sticker on the outer package.
5. Evidence suspected to contain a potential health threat (such as fentanyl or a fentanyl analog), refer to General Case Acceptance Criteria I.3. above.
6. Evidence should be air dried prior to packaging, where applicable.
7. Suspected controlled substance evidence should be submitted in clear plastic and be visible without opening the packaging.
  - a. Exceptions: evidence where the growth of mold is a concern, such as plant material, mushrooms, etc.
8. Suspected khat should be submitted frozen.
  - a. Dried suspected khat (AKA: graba) does not need to be frozen.
9. When DNA and/or latent print examinations are requested on suspected controlled substance packaging, the suspected controlled substance should be removed from the packaging prior to submission. The packaging and controlled substances must be submitted as separate items.
  - a. Exceptions: It is permissible to submit such evidence without separation of suspected controlled substance from packaging:
    - i. If the content is suspected fentanyl or a fentanyl analog and the submitting agency lacks the necessary personal protective equipment and/or appropriate safety enclosure/fume hood to minimize exposure hazards.
    - ii. For residual amount and paraphernalia items.
      - a) Preapproval is required (see 2.b above)
      - b) Provide written permission to consume the sample with the submission.
        - i) Permission may be granted by the submitting agency **if no one has been charged**
        - ii) Permission must be granted by the prosecuting attorney **if a person has been charged.**
10. Analysis is generally performed only on the number of items necessary to reach the maximum statutory threshold.
  - a. If several items or multi-exhibit items (e.g. tablets, paper squares, a large quantity of controlled substance evidence) are submitted, the laboratory may limit the quantity analyzed.

- b. With limited quantity results, the prosecuting attorney may coordinate with the laboratory to determine the extent of additional testing necessary, considering factors such as statutory thresholds, time to perform the analysis and efficient use of resources.
11. Liquid evidence items will have a weight reported.
    - a. Volumes will be measured and reported only if case specifics indicate it is necessary for charging purposes, or upon request.
  12. Suspected controlled substance evidence must be received and the trial date communicated six weeks in advance of the trial (including speedy trials) for the following evidence types:
    - a. Suspected cannabis plant material
    - b. Marked pharmaceutical preparations (tablets, capsules, sublingual films, transdermal patches, etc.) are accepted for analysis if the following criteria are met:
      - i. The markings indicate a controlled substance.
      - ii. Case information includes a written statement from the prosecuting attorney indicating a trial has been scheduled.
      - iii. The trial date is included.
    - c. Plant material evidence suspected to contain THC are accepted for quantitation if the following criteria are met:
      - i. Case information includes a written statement from the prosecuting attorney requesting quantitation for trial.
      - ii. The trial date is included.
        - a) Non-felony suspected cannabis 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.
    - d. During periods of high demand, six weeks may not be sufficient notice for completion of testing in time for trial.
    - e. In all instances, 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.
  13. Suspected controlled substance evidence received without a trial date:
    - a. Suspected THC edibles evidence.
      - i. Quantitation is not performed on these items.
    - b. Liquid (e.g. oils, "vape" cartridges) and concentrate (e.g. "wax") evidence suspected to contain THC.
      - i. Quantitation is performed if:
        - a) Delta-9-THC is identified,
        - b) The case information includes a written statement from the prosecuting attorney requesting quantitation for trial, and
        - c) The trial date is included.
      - ii. If delta-9-THC is not identified, the predominant cannabinoid will be reported.
    - c. Marked pharmaceutical preparations (tablets, capsules, sublingual films, transdermal patches, etc.) if they are suspected clandestine.
  14. Evidence from suspected clandestine laboratory operations will be analyzed only to the level of identifying the precursor or final product in manufacture.
  15. Analyses performed only for federally prosecuted cases:
    - a. Quantitation to determine methamphetamine purity
      - i. Case information should include the contact information for the US Attorney and any trial dates, if known.
    - b. Salt form determination of cocaine.
- C. 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:
  - a. Internet Crimes against Children
  - b. Homicides
  - c. State Patrol fatalities
  - d. All other case types must be preapproved by Top Management or their designee(s).
4. Manufacturer power cords for special devices such as cell phones, tablets, and laptops should be submitted with the item.
5. Submission of cases containing more than 15 items require a prearranged appointment with Evidence Intake 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.

#### D. Fire Debris

1. 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).
2. The MN BCA FSS does not accept quantities of ignitable liquids greater than one ounce.

#### 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 verifiably 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. 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).
3. Serial Number Restoration – See Discipline Specific Criteria F. FIRST below
4. NIBIN Entries: See Discipline Specific Criteria F. FIRST below
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 will be provided upon request.

## F. FIRST

### 1. 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
  - iii. Cartridge Cases
- b. Not suitable
  - i. Case Types:
    - a) Cases with occurrence dates greater than one year from the date of submission.
  - ii. Firearms:
    - a) Firearms not included in the list above.
    - b) Shotguns
    - c) Manually cycled firearms (e.g. revolvers, Derringers, single shot pistols)
    - d) Law enforcement firearms
  - iii. Bullets
  - iv. Shotshells

Note: Shortening of the barrel or overall length, obliteration of a serial number, or other alterations to a firearm do not affect the acceptance criteria.

### 2. Serial Number Restoration

- a. The MN BCA FSS will accept firearms with altered or obliterated serial numbers for attempted restoration.
- b. Other items bearing altered or obliterated identifiers, including those of plastic or wood, may be suitable for attempted restoration.
- c. The MN BCA FSS will not accept cases involving serial number restoration on vehicles. Refer to the National Insurance Crime Bureau for such cases.

## G. 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. Latent print examinations may not be performed on items of evidence if DNA analysis results in probative findings in the case.
3. Latent print examinations on suspected controlled substance packaging may not be performed on items of evidence if no controlled substances are identified.
4. The MN BCA FSS does not accept the following for latent print examinations:
  - a. Felon in Possession of weapons cases in which the weapon was taken off the person.
  - b. Cartridges, cartridge cases, fired and unfired shotshells, and loose ammunitions.
  - c. Specific controlled substance packaging known as "knot-tied" baggie corners, balloons and micro-baggies (i.e. "1x1" zip lock).
  - d. Any type of glove.
5. If latent print examinations are requested on packages containing suspected controlled substances, refer to Controlled Substances statement 9 above.
6. Latent Print packaging:
  - a. Latent print lifts can be packaged together.
  - b. Known fingerprint cards from elimination principals can be packaged together.
  - c. Known fingerprint cards from suspects should be packaged individually.
7. Body parts such as hands and feet should be maintained and submitted frozen.

## H. Toxicology

1. The MN BCA FSS does not accept probation violation cases for toxicology testing.

2. The following must be preapproved by the Section Supervisor, Assistant Laboratory Director or Laboratory Director:
    - a. Samples not collected within 5 days of the relevant incident
    - b. Samples not submitted within one year from the date of collection
    - c. Atypical specimens or requests
    - d. Samples as the only evidence submitted for a controlled substance case type
- I. Trace Evidence
1. Trace examinations may not be performed on items of evidence if DNA or Latent Print analysis results in probative findings in the case.
  2. Trace collections can be performed for the following materials:
    - a. Paint, Glass, Hair and Fibers
  3. Cases involving comparative examination of the following materials require preapproval from the Section Supervisor, Assistant Laboratory Director or Laboratory Director:
    - a. Paint, Glass, Hair, Fibers and Tape
  4. Other materials may be accepted for the examination of a physical fit.
  5. Chemical unknown cases require preapproval from the Section Supervisor, Assistant Laboratory Director or Laboratory Director.
  6. Biological or chemical weapons/hazardous material (including packages containing suspicious substances or dangerous mail such as mail bombs and hoax devices) will not be examined by the Trace section (a list of public agencies that specialize in these situations is available upon request). If substances have been shown to not be dangerous, the case may be accepted.
  7. Items and images for footwear comparison are accepted for comparative examinations or database searching.
    - a. Tire track and fabric impressions are not accepted.

## Revision History

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Description of Changes: Read as new due to additions, changes, and significant reorganization.

## Document Archival

Reason for Archival:

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