

Background Information

A consumption is defined by the Superior Court – Procedure in Criminal Matters Practice Book Section 40-9 “Presence during Tests and Experiments” as the following: *If a scientific test or experiment to be performed upon any object which...may preclude or impair any further tests or experiments, the opposing party and any other person known to have or believed to have an interest in the matter shall be given reasonable notice and opportunity to be present and to have an expert observe or participate in the test or experiment, unless the judicial authority for good cause shall order otherwise.” (P.B 1978-1997, Sec. 738)*

Case Evaluation and Letter

1. Verify that a consumption issue exists:
 - a. An arrest was made.
 - b. The entire sample will need to be analyzed and may be consumed in the analysis.
2. Locate Case Management Folder on the ‘S’ drive/Case Management:
 - a. Open the consumption letter folder.
 - b. Open the consumption letter template.
 - c. Input information into consumption letter template fields.
 - d. Print the letter on a color copier and have the Lead or designee sign the letter.
 - e. Scan the signed letter and save it under Case Management/consumption letters designated folder as “lab case #” (i.e.: 15-9999).

*If after permission to consume has been received and supplemental evidence is submitted that also requires consumption approval, an additional consumption letter will be issued following steps 2 through 9.

3. Send an email to the appropriate State’s Attorney & the Inspector/Detective handling the case, and attach the signed consumption letter. Explain the purpose of the letter in the email and include your contact information for questions.
4. Place the case file with the letter attached in the “Consumption” file in Case Management.
 - Exception: If consumption exists for a portion of the evidence in the case, a second temporary case jacket can be made to keep in Case Management with the consumption paperwork (original signed letter, email, a copy of the evidence receipt and a copy of the request for examination). The case jacket with the worksheets or other documentation may then be forwarded to continue analysis on other evidence not affected by the consumption issue.

Approved by Director: Dr. Guy Vallaro

5. Add the case information to the tracking spreadsheet in the Case Management folder on the 'S' drive to monitor the days elapsed since initial contact.
6. Cases may be placed on 'HOLD' by the State's Attorney's Office or designee based on their testing needs. This 'HOLD' will be reflected in the JusticeTrax generated request(s). A note may also be added to JusticeTrax.
7. The "ok to consume" response and copy of the consumption letter is placed in the working case jacket. The original mailed response or a second printed copy will be forwarded to Evidence Receiving and placed in the Main Case file. A PDF of the response letter and the email chain of communications is scanned into a designated folder on the 'S' drive/ "consumption closed".
8. If no response or communication is received from the State's Attorney's Office regarding the testing of the items identified as consumption, the following steps will be taken:
 - a. Follow up contact is made with the State's Attorney's Office to check the status.
 - b. If the consumption request is changed to the appropriate testing request and the case proceeds to analysis, notification will be given via email to the State's Attorney or designee.
 - c. If after 4 weeks of no response, the case will be moved to "inactive" and the sample will be placed in proper storage.
9. If communication is received that observation by an expert and/or the Attorney is requested for DNA cases, obtain the contact information of the Defense Attorney and/or expert for our records. Forward the case file to the Case Management personnel or the DNA Technical Leader to schedule the defense observation of the exhaustive testing.
10. If communication is received that observation by an expert is requested for **non-DNA cases**, obtain the contact information of the Defense Attorney and/or expert and forward the case file to the appropriate Deputy Director or designee to schedule the defense observation of the exhaustive testing.