

**WEST VIRGINIA UNIVERSITY HOSPITALS**  
**and Ambulatory Services**  
**POLICY AND PROCEDURE MANUAL**

**Policy IV.021**  
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**RECEIPT OF EVIDENCE AND CHAIN OF CUSTODY PROTOCOLS**

**POLICY:**

It is the policy of WVUH to maintain a chain of custody (COC) record for forensic pathology specimens. Forensic pathology specimens are those specimens that are or may be involved in legal cases and include bullets or other foreign objects removed during surgery or otherwise obtained.

**A) PROCEDURE FOR ACCEPTING FORENSIC SPECIMENS:**

- 1) Any foreign object obtained during surgery or during other hospital procedures (e.g., ED or other area), (foreign object referred to as a "Forensic Specimen" for purposes of this policy), is to be put into a specimen container or sealable plastic bag (depending on the size of the item) and this container or bag is to be labeled with the patient's name, hospital number and birth date. Appropriate sealable bags may be obtained from WVUH Security (304-598-4444 or x74444). "Forensic Specimen" is defined as an element that could be used as medico-legal evidence. If there is any doubt as to the medico-legal applicability, then the element should be handled as COC since this status, once lost, is irretrievable.
- 2) A Chain of Custody (COC) form is to be initiated in the Operating Room (OR) or at the source location of forensic specimen extraction for any/all Forensic Specimens (see Form II.06/A Chain of Custody Form). All specimens must be given to Security regardless of circumstances.
- 3) The surgeon/physician/staff removing the specimen determines if Pathology examination is required/necessary. In most cases, actual examination in Pathology is not necessary. NOTE: As stated above, if there are questionable-COC-specimens, the surgeon/physician/staff member should submit them COC to maintain this status option.
  - a) If the specimen DOES need to go to Pathology, then the OR or location obtaining specimen (LOS) places an order for "Foreign Body Removal-COC" and prints it out. This printed order, the COC form, and the specimen are relinquished to Security by the surgeon or physician. (In the Or or at LOS, when the order set for "Foreign Body Removal-COC" is chosen, there will be hard stop questions pertinent to the specimen collected that are to be used to detail information. *Since these hard stop questions reflect the top portion of the COC form, a printed copy of the order can accompany the COC form and will be an acceptable replacement for the TOP PART of this form. With the order form present, only the "hand off lines" will need to be completed on the COC form.* Note that the option FOR PATHOLOGY is to be chosen only in appropriate instances.) The surgeon or attending is responsible for performing the hand off to Security, and Security is to receive the specimen and forms regardless of the time of day. Security will in turn hand/sign over the specimens to Pathology (along with the Chain of Custody form and the order sheet) during the first available Gross Room shift. This will most likely be the next available daytime shift, Monday through Friday. If there are specific questions related to the specimen, the Gross Room (x74130) or the Pathology resident on call after hours, may be contacted.
  - b) If the specimen DOES NOT need to go to Pathology, then it is to be released directly to a WVUH Security Officer per the following protocol: The OR or LOS places an order for "Foreign Body Removal-COC" and prints it out. This printed order, the COC form, and the specimen are all relinquished to Security by the surgeon or attending. (In the OR or elsewhere, when the order set for "Foreign Body Removal-COC" is chosen, there will be drop down boxes pertinent to the specimen collected that are to be used to detail information. As stated above, *these hard stop questions reflect the top portion of the COC form, and so a printed copy of the order can accompany the COC form and will be an acceptable replacement for the TOP PART of this form. With the order from present, only the "hand off lines" will need to be completed on the COC*

*form.*) The WVUH surgeon or physician is to always relinquish the specimen to WVUH Security, and WVUH Security will either secure it themselves or they will in turn transfer appropriate items to outside Law Enforcement. If there are specific questions related to the specimen, the Gross Room (x74130) or the Pathology resident on call if after hours may be contacted.

- c) For specimens requiring Pathology review, the Pathology resident/Pathologist/Pathologist Assistant or other Pathology team member is to gross the Forensic Specimen. The gross description is to include indication of the time and date the Forensic Specimen is being reviewed. The Chain of Custody form is to be signed by all handling the specimen.
- d) After grossing, the material is returned to the original fully labeled specimen container, the container is closed and/or bag is sealed and the Chain of Custody form is attached to the specimen container or bag. The original Surgical Pathology Order form is also to accompany this “package”, and the total “package” is picked up and signed for by WVUH Security for retention in the Security Safe. Chain of Custody forms are properly filled out in this process. This “package” will be managed by WVUH Security until the Forensic Specimen is either purged or released (see procedures below). Again, the Chain of Custody form is to be signed by all handling the specimen.
- e) If Security relinquishes the specimen to a law enforcement agent or other third party recipient, then a **copy** of the final COC form is made by Security to be given to law enforcement, and the original is sent to HIM. This final form would include the ultimate recipient’s signature.

If the specimen is eventually destroyed by Security, then this fact is to be documented on the original COC form and the form sent to HIM for inclusion in the patient’s medical record.

#### B) PROCEDURE FOR RELEASING FORENSIC SPECIMEN MATERIAL:

When a law enforcement officer arrives to take possession of the Forensic Specimen(s), he/she is directed to the WVUH Security office (304-598-4444).

- 1) The law enforcement officer will be asked for identification to verify valid police status (e.g., a police badge) and also for documentation that authorizes the release of the Forensic Specimen. Documentation that might authorize release of a Forensic Specimen includes: patient authorization, search warrant, subpoena, etc.
- 2) The WVUH Security employee is to note on the Chain of Custody form: a) what proof of valid police status was presented to them; and b) specifics of the Release Authorization Document (e.g., subpoena, search warrant, etc.).
  - a) The WVUH security employee is to make a copy of the Release Authorization Document.
  - b) The Chain of Custody form is then to be completed, signed by the law enforcement officer and the Security employee, and also copied.
  - c) The WVUH Security employee keeps:
    - i. The original COC form
    - ii. The original Release Authorization Document
- 3) The WVUH Security employee provides to the law enforcement person:
  - a) A copy of the Release Authorization Document
  - b) A copy of the COC form
  - c) A copy of the Gross Report obtained from Epic if specimen was grossed. A flow through the gross room would be noted on COC form if it occurred and this would trigger the need for a report.
  - d) The actual specimen.

#### NOTES:

- 1) A document authorizing the release of a Forensic Specimen is required before actually releasing the Forensic Specimen
  - a) If a law enforcement officer presents a search warrant seeking the release of the Forensic Specimen before the Forensic Specimen is grossed (if grossing is deemed as “necessary”), the Forensic Specimen release is to follow the following process: The OR or LOS places an order for the “Foreign Body Removal-COC” and prints it out. This printed order, the COC form, and the specimen are all relinquished to WVUH Security by the surgeon or physician. WVUH Security will in turn transfer appropriate items, as described in section B above, to outside law enforcement, following appropriate COC protocol.

**NOTE: All original forms are to be retained by WVUH and copies are to be given to law enforcement. This procedure is to be followed regardless of the time of day.**

- b) Original Chain of Custody paperwork is to be kept by WVUH Security as long as Security retains the Forensic Specimen. The original Chain of Custody paperwork is not released. If necessary, additional copies may be made to fulfill other documentation requirements. Once the original Forensic Specimen is purged (see Retention and/or disposal of Forensic Specimens – below), the original paperwork is sent to HIM as discussed in A. 3e).

C) RETENTION AND/OR DISPOSAL OF FORENSIC SPECIMENS:

- 1) It is the policy at WVUH to retain Forensic Specimens for 90 days. This retention policy will be communicated to the Prosecutor's Office and copied to the Morgantown Chief of Police. The notification letter will consist of a certified mail/ receipt-required cover letter sent by WVUH Legal Services, along with this P/P, indicating that WVUH Forensic Specimen retention policy is for 90 days. Copies of this letter and the signed receipt will be kept in the WVUH Security Office along with other Chain of Custody records.
- 2) Forensic specimens are purged quarterly by WVUH Security, in conjunction with the Gross Room Supervisor or designee. This purging is to be initiated by the Gross Room Staff, who will contact Security and make arrangements to meet. Documentation of discarded materials is to be made at this time and given to the Gross Room Supervisor who can in turn forward it to Transcription to be kept along with other Chain of Custody records.

ADDITIONAL NOTES:

Any questions pertaining to Chain of Custody issues can be addressed to the Gross Room Supervisor (x74130), the Pathology Manager (x11-7765), the Manager of Security (x72951), or the Gross Room Pathology Director (x11-3212).

RELATED DOCUMENTS:

Form II.06/A – Chain of Custody Form

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## Chain of Custody Form

This document must accompany the specimen (i.e. bullet) at all times.

I, \_\_\_\_\_, \_\_\_\_\_  
Name Title

Removed a specimen consisting of a/several \_\_\_\_\_

from \_\_\_\_\_ at \_\_\_\_\_ on \_\_\_\_\_.  
Patient Time Date

The specimen has been handled by the following people. The last person on the list

\_\_\_\_\_ of the specimen.  
disposed/retains possession

1. \_\_\_\_\_, \_\_\_\_\_  
Name Title

transferred specimen to \_\_\_\_\_,  
Name Title

\_\_\_\_\_, \_\_\_\_\_.  
Date Time

I, \_\_\_\_\_ the specimen.  
Name process, if no action enter "only handled"

2. \_\_\_\_\_, \_\_\_\_\_  
Name Title

transferred specimen to \_\_\_\_\_,  
Name Title

\_\_\_\_\_, \_\_\_\_\_.  
Date Time

I, \_\_\_\_\_ the specimen.  
Name process, if no action enter "only handled"

3. \_\_\_\_\_, \_\_\_\_\_  
Name Title

transferred specimen to \_\_\_\_\_,  
Name Title

\_\_\_\_\_, \_\_\_\_\_.  
Date Time

I, \_\_\_\_\_ the specimen.  
Name process, if no action enter "only handled"