

## **FBI Laboratory Practices for Transferring and Storing Evidence**

### **1 Purpose**

These practices describe the requirements for transferring and storing evidence in the FBI Laboratory to conform with the requirements of the FBI Laboratory Quality Assurance Manual and the applicable accrediting body(ies).

### **2 Scope**

These practices apply to FBI Laboratory personnel who transfer and store evidence. Additional requirements for handling drug and valuable evidence are in the Laboratory Operations Manual (LOM) - Practices for Handling Drug and Valuable Evidence. For Laboratory Director and Quality Manager approved initiatives, a level 2 document will contain procedures for transferring and storing evidence when necessary.

### **3 Practices**

FBI Laboratory personnel will record each custody transfer from the point at which a container is identified as housing evidence (or an electronic submission is received) to the time evidence is returned to the contributor, destroyed according to existing regulations, or retained. The transfer will be recorded at the time the transfer is made. Personnel will ensure they have custody of the evidence prior to opening an item or beginning examinations.

All transfers recorded on a chain-of-custody will include the person/location receiving or transferring the evidence, the description or unique identifier of the evidence, and the date of receipt or transfer on a *Chain-of-Custody Log* (7-243, 7-243a) (Appendix A) or the date and time of receipt or transfer on an electronic Chain-of-Custody Log.

Submissions received by the FBI Laboratory will be initiated and have records contained in Forensic Advantage (FA) unless the case must be handled outside of FA (i.e., Office of Professional Responsibility, prohibited, classified cases). Non-Terrorist Explosive Device Analytical Center (TEDAC) legacy cases refer to any submission initiated prior to January 7, 2014. TEDAC legacy cases refer to any submission initiated prior to October 1, 2015. The generation of additional records for legacy cases may be continued in non-FA formats (e.g., *Activity and Communication Log* (7-245), *Chain-of-Custody Log*, Explosive Reference Tool (EXPeRT)). If a subsequent submission to a legacy case is received, a new FA Laboratory number will be generated in FA and records will be maintained in FA.

### 3.1 Evidence Transfers

**3.1.1** Custody transfers will be recorded by container until such time as the evidence is broken down. Once the evidence breakdown has been completed, custody transfers will be recorded by item identifier. Evidence transfers will be recorded on the appropriate Chain-of-Custody Log. All chain-of-custody records will be retained as part of the FBI Laboratory file.

**3.1.2** When personnel who have custody of an item(s) of evidence are unavailable or no longer with the FBI Laboratory, the appropriate Unit Chief will ensure the evidence is reassigned. The reassignment of the evidence will be recorded on the appropriate Chain-of-Custody Log.

#### 3.1.3 Evidence Received Electronically and Request Only Submissions

When evidence received electronically (e.g., email attachments, evidence serialized in Sentinel) or a request only submission is retrieved by Laboratory personnel, personnel will record the retrieval of the evidence on the Chain-of-Custody Log. A copy of the evidence received electronically will be retained (e.g., printed copy in 1A(s)/1C(s), on CD/DVD in 1A(s)/1C(s), uploaded to Sentinel). If the evidence was retrieved from Sentinel, a separate copy does not need to be retained. No further entries on the Chain-of-Custody Log are required and the evidence will be placed into an archived status if in FA prior to the completion of the submission.

#### 3.1.4 *Chain-of-Custody Log for Legacy Cases*

The *Chain-of-Custody Log* and the *Continuation Page* will be used to record transfers for legacy cases. The *Chain-of-Custody Log* may be generated if FBI Laboratory personnel takes custody of evidence while in the field performing examinations or providing case assistance.

**3.1.4.1** Any modification to the *Chain-of-Custody Log* will be initialed and dated, and a comment will be entered in the Remarks block indicating why the change occurred.

##### 3.1.4.2 *Continuation Page*

The *Continuation Page* will be initiated when the transfer blocks on the *Chain-of-Custody Log* are filled. In such a case, the “Request Coordinator’s Log” block will be checked and the unit managing the case will be entered as the unit name to indicate use of the *Continuation Page* as a continuation page to the *Chain-of-Custody Log*. The *Continuation Page* will be generated to track transfers within a unit. The “Intraunit” block will be checked and the unit name or acronym entered to indicate the log will be used as a stand-alone log. The original *Continuation Page* will be retained by the assigned examiner as part of the FBI Laboratory file.

**3.1.4.3** When secondary evidence (e.g., pill boxes, slides, processed DNA) is added to the listing of evidence being transferred, it will be added to the Item(s) block. A secondary evidence log is required for this transfer. The *Chain-of-Custody Log* or *Continuation Page* will reference the appropriate secondary evidence log in the Remarks block.

**3.1.4.4** When only the evidence packaging is being transferred because the evidence has been repackaged, or has been consumed, assigned a new item identifier, or transferred to secondary evidence during the examination process, the original item identifier will be listed in the Item(s) block. The Remarks block will reference that only the packaging for that item is being returned and any other appropriate information. The packaging will be labeled as “Packaging Only.”

Item(s)	Delivered By	Accepted By	Date	Remarks
Q1	Signature	Signature		Optional entry
	Unit	Unit		
Q1, Q1.1, Q1.2	Signature	Signature		Q1.1, Q1.2 added
	Unit	Unit		
Q1, Q1.1, Q1.2 Secondary Evidence	Signature	Signature		See secondary evidence log
	Unit	Unit		
Q1, Q1.1, Q1.2	Signature	Signature		Q1 Packaging only
	Unit	Unit		

**Figure 1:** Example of how the *Chain-of-Custody Log* and/or the *Continuation Page* should be completed once the evidence has been broken down and how sub-divided items, secondary evidence, and packaging only should be documented.

### 3.1.5 Chain-of-Custody Log for TEDAC Legacy Cases

The Chain-of-Custody function in EXPeRT may be utilized to record transfers of evidence for TEDAC legacy cases. EXPeRT-generated barcodes will be used to record the transfer of evidence. Personnel may record intraunit transfers using EXPeRT or on a *Continuation Page*. If the unit utilizes the *Continuation Page*, the “Intraunit” block will be checked and the unit name or acronym entered to indicate the log will be used as a stand-alone record. The original *Continuation Page* will be retained as part of the FBI Laboratory file.

**3.1.5.1** Secondary evidence may be retained by the unit generating the evidence for future examinations and/or for disposition at a later date if not required to be returned to the contributor. If secondary evidence is transferred for permanent storage in the repository, a secondary evidence log will be generated by the unit for inclusion in the FBI Laboratory file. A comment will be added to EXPeRT recording the receipt of the secondary evidence and its location.

### 3.1.6 FA Chain-of-Custody Log

Evidence received or generated in the FBI Laboratory will have transfers recorded on the FA Chain-of-Custody Log.

**3.1.6.1** Virtual transfers refer to transfers that are recorded on an electronic Chain-of-Custody Log without a corresponding physical change in custody. Virtual transfers may be used when switching between different chains-of-custody, such as between FA and Sample Tracking and Control System (STACS). Virtual transfers may be used for administrative purposes, such as transferring items into personal custody to update breakdown records (e.g., check-in notes) and ensuring appropriate nesting after evidence breakdown. Virtual transfers may also be used to immediately fix an incorrect record, such as inadvertently selecting the incorrect storage location where physical evidence will reside. When a virtual transfer is recorded, a comment will be added noting the transfer is virtual and a reason provided. ~~Transfer~~ except for virtual transfers between FA and STACS.

**3.1.6.2** If a modification is needed to the FA Chain-of-Custody Log, the person requesting the modification will contact the eLAB Help Desk who will generate a ticket. The Help Desk will note the correction in the Override Comments field for the adjusted transfer. After the ticket has been resolved, the person requesting the modification will add the eLab Help Desk provided ticket to the FA Case Object Repository for the affected Laboratory number. If the FA Chain-of-Custody Log cannot be modified, the person will note the correction in the evidence transfer comments during the next transfer of the evidence.

**3.1.6.3** Secondary evidence (e.g., pill boxes, slides, processed DNA) will be added as a separate item using the New Evidence Created in Lab function in FA. The secondary evidence item description will include the discipline and/or category of testing and the number and type of secondary evidence. Secondary evidence that is separated from other secondary evidence for transfer will be uniquely identified.

**3.1.6.4** When only the evidence packaging is being transferred because the evidence has been repackaged or has been consumed, or re-itemized as secondary evidence during the examination process, the packaging will be labeled as “Packaging Only.” The item will continue to be transferred in FA and the Evidence Comments will be updated with a “Packaging Only” notation followed by the initials of the person making the update.

### **3.1.7 Evidence Transfers Within the Same Facility**

When FBI Laboratory personnel transfer the custody of evidence to other FBI Laboratory personnel, within the same facility, personnel will place the evidence in a container, when practicable, prior to the custody transfer taking place. The evidence container need not be properly sealed but will be closed, when practicable, in a manner to prevent loss, cross-transfer, or contamination of the evidence contained inside. Evidence placed in an ESR will be properly sealed each time it is stored, when practicable, unless it is within an individual locker.

### **3.1.8 Evidence Transfers Outside a Facility**

FBI Laboratory personnel transferring the custody of evidence outside the facility will properly seal the container prior to the custody transfer taking place.

### **3.1.9 Transfers To and From Evidence Storage**

When a person stores evidence in an ESR and it is the intent to have another person remove the evidence, the transfer will be recorded at the time the transfer is made. When a person retrieves evidence from evidence storage, the transfer will be recorded at the time the transfer is made.

### **3.2 Physical Evidence Storage**

Personnel who have custody of evidence will ensure the integrity of each item of evidence is maintained by protecting it from loss, cross-transfer, contamination, or deleterious change. When evidence must be stored under specified environmental conditions, these conditions will be maintained, monitored and recorded. Packages containing biohazard evidence will be stored appropriately (e.g., refrigerator, freezer), as soon as practicable. When the examination does not begin immediately, the evidence will be placed under proper seal and stored appropriately until the examination begins.

#### **3.2.1 Applying a Proper Seal**

A proper seal prevents loss, cross-transfer, or contamination while ensuring attempted entry into the container/package is detectable. A proper seal may include a heat-seal, tape-seal, or a lock with the initials of the person creating the seal being placed on the seal or across the seal onto the container/package, when possible.

**3.2.1.1** Evidence under examination may be stored in an individually assigned evidence locker without a proper seal if the access to the locker is controlled and limited to the examiner and their technician, excluding emergency access controlled by the Unit Chief or designee.

**3.2.1.2** Evidence placed in an ESR will be properly sealed each time it is stored unless it is within an individual locker. A bulky or large item of evidence that does not lend itself to sealing and does not fit in a storage locker in an ESR will be stored by placing an “Evidence Do Not Disturb” sign (or similar) on top of or in front of the evidence.

**3.2.1.3** If more than one piece of tape is used to create a proper seal, each piece used will be initialed. For heat seals, personnel creating the seal will initial over the heat-seal.

**3.2.1.4** If the package houses paper evidence and the package is not rigid, the examiner’s or technician’s initials will be placed on the tape prior to the tape being placed on the package. This will protect the evidence from extraneous indentations.

#### **3.2.2 During an Active Examination**

An examiner and/or technician who is in the process of conducting an examination and has to leave the evidence unattended will only do so in a secured, limited access area and will clearly identify items of evidence to distinguish them from non-evidentiary items, training materials, or

supplies. This may be accomplished by placing an “Evidence Do Not Disturb” sign (or similar) on top of or in front of the evidence.

### **3.2.3 Not Under Active Examination**

**3.2.3.1** Evidence that is not being examined will be stored in a secured, limited access area. Personnel storing evidence will properly seal evidence in a container/package and ensure the container/package is labeled with at least the FBI Laboratory number prior to storage.

**3.2.3.2** Drug and valuable evidence will be stored according to the LOM - Practices for Handling Drug and Valuable Evidence.

## **4 Records**

The following records will be generated and retained in the FBI Laboratory file, except as noted below, as a result of these practices:

- Appropriate Chain-of-Custody Log, except for the EXPeRT Chain-of-Custody Log which will be retained in EXPeRT.
- Secondary evidence log, if generated.
- eLAB Help Desk ticket, when applicable

## **5 References**

FBI Laboratory Quality Assurance Manual, Federal Bureau of Investigation, Laboratory Division, latest revision.

FBI Laboratory Operations Manual, Federal Bureau of Investigation, Laboratory Division, latest revision.

ISO/IEC 17025 - General Requirements for the Competence of Testing and Calibration Laboratories, International Organization for Standardization, Geneva, Switzerland, 2017.

ISO/IEC 17025:2017 - Forensic Science Testing and Calibration Laboratories Accreditation Requirements (AR 3125), ANAB, Milwaukee, WI, April 29, 2019.

Rev. #	Date	History
10	06/03/19	In section 3, added description of the minimum information recorded on a Chain-of-Custody. Broadened requirement regarding EXPeRT Chain-of-Custody in section 3.1.5. Modified section 3.2.3.1 to revise wording since containers are typically already labeled. Updated list of references in section 5.
11	12/21/20	Minor typos and edits throughout for clarity. 3 - added classified cases to list of cases handled outside FA 3.1.5 - changed will to may regarding EXPeRT Chain-of-Custody function utilized to record transfers of evidence for TEDAC legacy cases 3.1.6.1 - clarified reason does not need to be provided for virtual transfers between FA and STACS 3.1.6.2 - clarified eLab staff generate ticket based on request from Laboratory staff 3.1.6.3 - clarified secondary evidence will be added using the New Evidence Created in Lab function in FA 3.1.7 - clarified that evidence placed in ESR will be sealed each time stored when practicable 4 – added eLab ticket 5 – added LOM

**Approval**

Redacted - Signatures on File

Laboratory Director

Date: 12/18/2020

Quality Manager

Date: 12/18/2020

**Appendix A: *FBI Laboratory Chain-of-Custody Log (7-243)***

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**Appendix A: *FBI Laboratory Chain-of-Custody Log Continuation Page (7-243a)***

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