

FBI Laboratory Practices for Assigning Cases and Conducting Examinations

1 Purpose

These practices establish the requirements for assigning cases and conducting examinations to conform to 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 are involved in case assignment and conducting examinations of evidence. For Laboratory Director and Quality Manager approved initiatives, a level 2 document will contain procedures for case assignment and conducting examinations of evidence when necessary. The Laboratory Operations Manual (LOM) - Practices for Processing a Single Unit Submission will specify practices for evidence items that will be examined by a single unit.

3 Practices

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 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)* (Appendix A), *Chain-of-Custody Log (7-243, 7-243a)*, in Explosive Reference Tool (EXPeRT)). If a subsequent submission to a legacy case is received, a new FA Laboratory number will be generated, and records will be maintained in FA. Entries in the Case Communication Log should include enough specificity (e.g., submission number, item number, general case information) that other laboratory personnel can understand what the communication or activity being recorded refers to.

3.1 Case Assignment

3.1.1 The person managing the case will ensure the contributor is contacted, at or near the time of case assignment, to acknowledge that the contributor's package was received. This acknowledgement will be sent as an acknowledgment email (Appendix B), when practicable. If an email address cannot be obtained, voicemail and/or mail can be used to acknowledge receipt. The alternate format and the reason for its use will be recorded in the appropriate communication log.

3.1.1.1 An acknowledgement email does not need to be sent for evidence received via personal delivery. The copy of the transfer receipt that is retained in the FBI Laboratory file will

serve as the record that the contributor is aware that their items were received at the FBI Laboratory.

3.1.1.2 The acknowledgement email will contain the following:

- FBI Laboratory number
- Contributor/TEDAC number
- Information regarding the receipt of evidence and further communication
- FBI Laboratory contact information

Additionally, the Case ID will be included in the acknowledgment email for internal contributors. The Case ID may be excluded from the acknowledgment email for external contributors. EMU personnel generating an acknowledgement email to an external contributor may include the Case ID to facilitate recordkeeping.

3.1.1.3 For non-TEDAC submissions that have not yet been broken down, the acknowledgment (e.g., email, voicemail) will indicate that the receipt of evidence does not imply that the FBI Laboratory has verified the items submitted against those listed in the request for examination or transferred in Sentinel. The acknowledgement will also indicate that if there are discrepancies upon breakdown, the contributor will be contacted to resolve any inconsistencies. For non-TEDAC submissions in which evidence has been verified against the request for examination or those transferred in Sentinel, the acknowledgement does not need to indicate that that step has not yet occurred.

3.1.1.4 The acknowledgement may also contain other pertinent information (e.g., units assigned if known, where to access a *Laboratory Report* upon completion).

3.1.2 EMU personnel will thoroughly read all relevant case information.

3.1.3 EMU personnel will review all Submission Details data and update the information, if needed.

3.1.4 EMU personnel will ensure the appropriate selection is made in the Primary Unit field and the name of the person managing the case is entered in the Request Coordinator field in FA.

3.1.5 EMU personnel will ensure a date, if available, is entered in the Document Date field for the Request for Examination.

3.1.6 EMU personnel will ensure the relevant contributor information is entered into FA.

3.1.7 The person managing the case will prepare an *Examination Plan (7-262)* (Appendix C). The *Examination Plan* maps the sequence in which each item will be examined throughout the FBI Laboratory and records that the request for examination has been reviewed. The *Examination Plan* will be retained in the Case Object Repository in FA or as a physical record or in EXPeRT, as appropriate, for legacy cases. For legacy cases, the person managing the case will ensure that a copy of the *Examination Plan* is forwarded to each assigned examiner. Copies of the *Examination Plan* do not need to be retained.

3.1.7.1 If the person managing the case identifies an additional examination(s) not requested that may be probative, they will contact the affected unit(s) to determine if there is value in conducting the examination(s) and record the communication on the appropriate communication log. If it is determined there is value in conducting the additional examination(s), the person managing the case will contact the contributor to determine if he/she would like this examination(s) conducted. These communications will occur prior to laboratory examinations commencing. For examinations generally expected by a contributor (i.e., TEDAC evidence; chemical, biological, radiological and nuclear items; Cryptanalysis & Racketeering Records Unit evidence), the contributor will not be contacted, but the *Examination Plan* will be updated.

3.1.7.2 If the contributor agrees to the additional examination(s), the information will be recorded on the appropriate communication log (e.g., *Activity and Communication Log*, *Case Communication Log*) by the person managing the case, the affected examiner(s) will be notified, and the addition will be made to the *Examination Plan*. If the additional examination(s) is not wanted by the contributor, the information will be recorded on the appropriate communication log (e.g., *Activity and Communication Log*, *Case Communication Log*) by the person managing the case. The person managing the case will ensure that only the examination(s) requested by the contributor is included on the *Examination Plan*.

3.1.8 The person managing the case will, if necessary, contact the contributor to reconcile any unanswered issues, recording the communication on the appropriate communication log (e.g., *Activity and Communication Log*, *Case Communication Log*). This may include notifying the contributor that requested examinations are not appropriate to conduct.

3.1.9 The person managing the case will initiate the necessary Case Records in FA to address the examination(s) requested for each item of evidence.

3.1.10 A Unit Chief will ensure a Case Record is assigned in FA to appropriate personnel in his/her unit. For legacy cases, the Unit Chief will ensure appropriate personnel are assigned.

3.1.11 Any changes to the *Examination Plan* after work has commenced will be communicated to all affected examiners by the person managing the case and will be recorded on the appropriate communication log (e.g., *Activity and Communication Log*, *Case Communication Log*).

3.1.12 On-Site Case Assignment

In some instances, FBI Laboratory personnel will conduct an on-site breakdown of evidence, for example, at a crime scene.

3.1.12.1 Whenever possible, the submission will be assigned to EMU personnel prior to commencing the evidence breakdown process. The assigned EMU personnel will use the Reserve function in FA to generate a Laboratory number if the case does not already exist in FA.

3.1.12.2 A request for examination (e.g., Laboratory Examination Request (LER), Request for Laboratory Examination (RFLE), Electronic Communication (EC), *TEDAC Item Submission Form (7-275)*) will be serialized in Sentinel at the time of the evidence breakdown or upon return to the FBI Laboratory. The Case Record(s) for the examination units will be generated in FA.

3.2 Examination Process

3.2.1 If examinations do not begin within 60 calendar days of receipt of evidence in the unit and creation of the associated Case Record in FA, a person from the unit, such as the examiner assigned the case or a technician, will contact the contributor prior to beginning any examinations. The purpose of the contact(s) will be to discuss case investigative needs; time constraints, such as trial dates; provide clarification on what is forensically feasible and probative; whether additional evidence, such as known samples or reference samples, is required; prioritization of the items to be analyzed; a reasonable estimate of the completion date for the examinations by that discipline/category of testing; and whether the examination(s) is still needed. This communication will be recorded on the appropriate communication log (e.g., *Activity and Communication Log*, *Case Communication Log*). This communication is not required for TEDAC cases.

3.2.1.1 If an examiner or technician identifies an additional examination(s) that may be probative, the examiner will ensure the affected unit(s) is contacted to determine if there is value in conducting the examination(s) and record the communication on the appropriate communication log. If it is determined there is value in conducting the additional examination(s) the person managing the case will be notified and the examiner or the person managing the case will contact the contributor to determine if he/she would like this examination(s) conducted. For examinations generally expected by a contributor (i.e., TEDAC evidence; chemical, biological, radiological and nuclear items; Cryptanalysis & Racketeering Records Unit evidence) the contributor will not be contacted, but the *Examination Plan* will be updated.

If the contributor agrees to the additional examination(s), the information will be recorded on the appropriate communication log (e.g., *Activity and Communication Log*, *Case Communication Log*) by the person who contacted the contributor. The affected examiner(s) will be notified (if necessary), the *Examination Plan* will be updated, and a Case Record will be created in FA, if applicable. If the additional examination(s) is not wanted by the contributor, the information will be recorded on the appropriate communication log (e.g., *Activity and Communication Log*, *Case Communication Log*) by the person who contacted the contributor.

3.2.2 The person managing the case will promptly communicate (e.g., phone, email) any pertinent case-related activity to the examiner(s) and record that information on the appropriate communication log.

3.2.3 If an examiner or technician identifies a change that needs to be made to the FA Submission Details, the assigned EMU personnel will be notified and the examiner or the EMU personnel will make the change and record the change on the Case Communication Log in FA. For legacy cases, if an examiner or technician identifies a change that needs to be made to the *Laboratory Work Sheet (7-2)* or *TEDAC Laboratory Work Sheet* they will notify the assigned EMU personnel. The EMU personnel will ensure the *Laboratory Work Sheet* or *TEDAC Laboratory Work Sheet* is updated.

3.2.4 The examiner will ensure that the appropriate examination(s) is conducted. FBI Laboratory personnel will preserve the integrity of the evidence and maintain effective separation between incompatible activities to prevent cross-contamination.

3.2.5 Results of examinations, including expedited results when necessary, will be communicated according to LOM - Practices for Preparing, Reviewing, and Issuing Laboratory Reports and Retaining Records in Forensic Advantage (FA) or LOM - Practices for Preparing, Reviewing and Issuing Laboratory Reports and Retaining Records for Legacy Cases.

3.2.6 If an examiner is instructed to discontinue examinations after they have been initiated, the affected examiner will determine the appropriate stopping point in the examination process. The *Laboratory Report* must include a statement in the Remarks section indicating that the examinations were canceled, by whom, and when. All results will be furnished to the contributor according to LOM – Practices for Preparing, Reviewing and Issuing Laboratory Reports and Retaining Records in Forensic Advantage or LOM - Practices for Preparing, Reviewing and Issuing Laboratory Reports and Retaining Records for Legacy Cases.

3.2.7 If instructions are received from the contributor to cancel a request for examination and no examinations have been initiated at the time the request was received, the person managing the case will issue a *Laboratory Report* that includes a listing and description of the evidence. The *Laboratory Report* must include a statement in the Remarks section indicating that the examinations were canceled, by whom, and when.

3.2.8 All cancellation instructions and the name of the person who canceled the request for examination will be recorded on the appropriate communication log (e.g., *Activity and Communication Log*, Case Communication Log). If the cancellation instruction is provided via email, the email(s) will be retained in Sentinel (e.g., in the 1A(s)/1C(s), as a record email).

3.3 Itemizing Evidence, Subdivided Evidence, and Secondary Evidence

Evidence will be accurately described and itemized using the guidance in the FBI Laboratory General Description of Evidence issued by EMU.

3.3.1 Subdivided Evidence

There may be times during the examination process that an item of evidence needs to be subdivided. Subdividing an item occurs when an item not initially designated during the evidence breakdown process needs to be uniquely identified. Personnel may subdivide an item as necessary.

3.3.1.1 For FA cases, the subdivided item and description will be entered into FA using the New Evidence Created in Lab function. The format used to uniquely identify that item will be the item identifier from which the subdivided item came, followed by a dash and a new sequential number.

Item 1	Jeans
Item 1-1	Note removed from Item 1 front pocket

Figure 1: Example of identifying a subdivided item of evidence for FA cases

3.3.1.2 For legacy cases, when an item that needs to be subdivided is identified, the format used to uniquely identify that item is to assign the item identifier from which the subdivided item came, followed by a decimal point and a new sequential number.

Q1	Jeans
Q1.1	Note removed from Q1 front pocket

Figure 2: Example of identifying a subdivided item of evidence for legacy cases

3.3.1.3 If personnel need to identify different components of one item and subdividing is not appropriate, personnel may identify those components as necessary.

3.3.2 Secondary Evidence

Secondary evidence is a material derived from an examination process on an item of evidence. It is not an individual item submitted by a contributor and could not have been assigned an item identifier through the evidence breakdown process.

3.3.2.1 If a discipline or category of testing will produce secondary evidence; a level 2 document will contain defined means of identifying secondary evidence and generating a secondary evidence log.

3.3.2.2 The secondary evidence log will be retained in the FBI Laboratory file. For non-TEDAC evidence, the log will be uploaded into the Case Object Repository in FA. For TEDAC evidence, the log will be uploaded into the Case Object Repository or Case Record Object Repository in FA. For legacy cases, the secondary evidence log will be maintained in the examiner's 1A/1C. A copy will be provided to the person managing the case if required (e.g., to ship back secondary evidence to contributor, secondary evidence will be maintained in repository).

3.3.2.3 For FA cases, secondary evidence will be added as a separate item using the New Evidence Created in Lab function. The secondary evidence item description will include the name of the discipline or category of testing and the number and type of secondary evidence. For legacy cases, when secondary evidence is added to the listing of what is being transferred, it will be added to the "Item(s)" block on the *Chain-of-Custody Log*. Any *Chain-of-Custody Log* referencing secondary evidence will have a copy of the secondary evidence log in the 1A.

3.3.2.4 Secondary evidence that is separated from other secondary evidence for transfer will be uniquely identified.

3.3.2.5 Secondary evidence will be returned to the contributor, unless it is destroyed according to existing regulations or retained by the FBI Laboratory. Secondary evidence packaging will be labeled with the unit name or acronym and "secondary evidence". For FA cases, the packaging will also be labeled with an FA generated barcode.

3.4 Initialing and Labeling Evidence

3.4.1 This section does not apply to evidence submitted electronically (e.g., email

attachments, evidence serialized in Sentinel by FBI contributors and retrieved by Laboratory personnel for examination). If evidence submitted electronically is printed and will be retained, a level 2 document will define how the printed item will be handled.

3.4.2 For FA cases, a container, packaging, or item barcode label will be generated for each item of evidence, printed, and, where practicable, affixed to the proximal evidence container/packaging.

3.4.3 Each item, where practicable, will be labeled with the:

- Item identifier (e.g., Item 1).
- FBI Laboratory number or a derivative thereof. If a derivative is used, the proximal container/packaging will bear the full FBI Laboratory number.
- Initials of the person labeling the item.

3.4.4 Personnel directly examining and/or processing an item(s) of evidence will place their initials directly on the evidence, where practicable, or its proximal container/packaging. It is not necessary for personnel whose role is limited to drawing conclusions based on data derived from examination procedures to initial the item(s) of evidence from which the data was derived.

3.4.5 When initialing or labeling, care should be taken not to mark the item of evidence in such a manner as to affect another examination. Therefore, if the item does not lend itself to marking, the proximal evidence container/packaging or identifying tag will be initialed.

3.4.6 Personnel who perform documentary or other non-examination processes on evidence such as photography or photocopying do not need to initial the evidence or its proximal container.

3.4.7 Item descriptions will not be changed to reflect examination results (e.g., item described as “tape” will not be changed to “3/4-inch black electrical tape” after examination).

3.4.8 For FA cases, personnel will update item descriptions if an item is incorrectly described (e.g., item described as “shirt” during evidence breakdown but identified as “pants” during examination). Personnel will note the change in the Case Communication Log in FA. If it is necessary to update the description in Sentinel, personnel will notify the assigned EMU personnel. For legacy cases, personnel will notify the assigned EMU personnel. The EMU personnel will ensure the *Laboratory Work Sheet* or *TEDAC Laboratory Work Sheet* is updated.

3.5 Case Records

3.5.1 All case-related work will be recorded and retained in the FBI Laboratory file.

3.5.2 In the event a request for examination is canceled, all case-related records completed up to that point will be retained in the FBI Laboratory file. For legacy cases, personnel will retain the *Laboratory Work Sheet* or *TEDAC Laboratory Work Sheet* as an administrative record in the FBI Laboratory file.

3.5.3 Personnel will prepare handwritten administrative and examination records in ink, not pencil. Pencil is only appropriate for making diagrams, tracings or when environmental or other

conditions dictate. Computer generated records are acceptable.

3.5.3.1 Computer generated records may be created in FA. If they are created outside of FA, the computer-generated records may be uploaded into the Case Record Object Repository in FA.

3.5.4 Personnel will generate examination records that are understandable to another examiner in that discipline/category of testing. Case notes will include observations, data, and calculations, where appropriate. These notes will be recorded contemporaneously with, and will be identifiable to, the specific examination performed.

3.5.5 Abbreviations and notations are acceptable if they are readily comprehensible and/or are clearly recorded. A defined list of specific abbreviations will be maintained in a level 2 document.

3.5.6 The FBI Laboratory number will be on each page of administrative records or on at least the first page of bound administrative records. For electronic administrative records, the FBI Laboratory number can be applied electronically. The FBI Laboratory number will be on each page of examination records. Examination records reflect, at a minimum, the starting and ending date(s) of the examinations.

3.5.7 The examiner's initials will be on each page of the examination records. An examiner's initials will acknowledge his/her agreement with the content of the examination records.

3.5.7.1 If examination records are maintained only in FA, the examiner will record agreement with the content in FA. If examination records are maintained elsewhere, a level 2 document will contain procedures identifying where the examiner will record his/her agreement with the content of the records.

3.5.8 When examination records are prepared by a technician(s) or another examiner(s), that person's initials will be on the page(s) of the records representing his/her work. If examination records are maintained only in FA, personnel preparing the examination records will record agreement with the content in FA. The reporting examiner will record his/her review of another person's examination records in FA. If examination records are maintained elsewhere, a level 2 document will contain procedures identifying where the examiner will record his/her agreement with the content of the records.

3.5.9 The FBI Laboratory number should be the beginning portion of the file name of administrative and examination records uploaded into FA.

3.5.10 The FBI Laboratory number for each case for which data was generated will be appropriately recorded on the printout when data from multiple cases is recorded on a single printout.

3.5.11 When information is recorded on the front and back of a physical examination record, each side will be identified as an individual page, signed or initialed, and labeled with the FBI Laboratory number.

3.5.12 Changes to physical case records or DNA databasing records are made with an initialed single strike-out, date of the change, and the change entered alongside. The Quality Manager must approve any alternate method for indicating changes to physical records, and it must be described in a level 2 document. Nothing in the case records or DNA databasing records is erased or otherwise made illegible.

For electronic case records or DNA databasing records, sufficient information to determine what was changed, the date of the change, and who made the change is maintained (e.g., track changes, maintaining both the original and amended data and files). For electronic records, measures are taken to avoid loss or change of original data.

Contemporaneous changes (i.e., those made before reaching a decision point) are not considered amendments.

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

3.5.13 Physical attachments that have been affixed to an administrative or examination record will be labeled with the FBI Laboratory number.

3.5.14 Physical administrative and examination records, together or separately, will be accounted for in their totality and that totality will be recorded. A level 2 document will contain a defined method(s) to account for and record the total number of administrative and examination pages. If FA is used to generate an electronic 1A, the totality does not need to be recorded.

3.5.15 When standards, controls, or reagents that utilize a unique identifier are specified in a procedure, the examination records will reflect the unique identifier (e.g., lot number, batch number) of the standard, control, or reagent used.

3.5.16 A level 2 document will contain a defined list of which records are considered administrative records and which are considered examination records.

3.5.17 Administrative and examination records will be maintained according to the LOM - Practices for Preparing, Reviewing, and Issuing Laboratory Reports and Retaining Records in Forensic Advantage (FA) or LOM - Practices for Preparing, Reviewing and Issuing Laboratory Reports and Retaining Records for Legacy Cases.

4 Records

The following records will be generated and/or retained in the FBI Laboratory file as a result of these practices:

- *Examination Plan* or *TEDAC Examination Plan*
- The appropriate communication log.
- The appropriate Chain-of-Custody Log.
- Examination records.
- Administrative records.

5 References

FBI Laboratory General Description of Evidence, Federal Bureau of Investigation, Laboratory Division, latest revision.

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

ISO/IEC 17025 - General Requirements for the Competence of Testing 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.

ISO/IEC 17020 - Conformity Assessment - Requirements for the Operation of Various Types of Bodies Performing Inspection, International Organization for Standardization, Geneva, Switzerland, 2012.

Rev. #	Issue Date	History
5	06/03/19	<p>Changed evidence management personnel to Evidence Management Unit throughout. Broadened language in section 3.1.1.3 and 3.1.1.4 to accommodate acknowledgement in various formats. Added requirement to section 3.1.7.1 that communications regarding additional examination will occur prior to the commencement of the exams. Added section 3.1.11 describing the requirements related to changes to the <i>Examination Plan</i>. Modified sections 3.2.6 through 3.2.8 regarding cancellation of examinations. Updated section 3.3 to reflect a single General Description of Evidence document. In section 3.3.2.2, added requirement to describe handling of secondary evidence logs for TEDAC legacy cases. Generalized language to refer to computer generated records in sections 3.5.3 and 3.5.3.1. Removed exception for evidence management program from section 3.5.5. Added mechanism for electronic administrative records in section 3.5.6. In section 3.5.7.1, broadened requirement for recording agreement with content in FA. In section 3.5.9, removed names of specific object repositories. In section 3.5.12, updated requirements regarding changes to records. Updated list of references in section 5.</p>
6	12/21/20	<p>Minor edits throughout for clarity.</p> <p>3 - added information about Case Communication Log entries</p> <p>Changed EMU personnel to person managing the case throughout document as appropriate</p> <p>Removed reference to TEDAC Examination Plan (7-274) throughout document</p> <p>3.1.7.1 and 3.2.1.1 - added requirements to record information on additional examination not requested and if there is value determined that the contributor must be contacted. Added who will record the communication with the contributor.</p> <p>3.2.3 and 3.4.8 - added EMU personnel will ensure <i>Laboratory Work Sheet</i> or <i>TEDAC Laboratory Work Sheet</i> is updated.</p> <p>3.3.2.2 - added Case Object Repository</p> <p>3.3.2.3 - added 1A</p> <p>3.5.12 - added option for the Quality Manager to approve any alternate method for indicating changes to physical records, and that it must be described in a level 2 document.</p> <p>5 – added ISO/IEC 17020</p> <p>Updated Appendix C Examination Plan (updated previously with major deviation)</p>

Redacted - Signatures on File

Approval

Laboratory Director

Date: 12/18/2020

Quality Manager

Date: 12/18/2020

Appendix A: *FBI Laboratory Activity and Communication Log (7-245) Fillable*

Redacted - Form on File

Appendix A: *FBI Laboratory Activity and Communication Log (7-245) Printable*

Redacted - Form on File

Appendix B: *Example Language to Use in an Acknowledgement Email from FBI Laboratory, Quantico*

The FBI Laboratory, Quantico received evidence in:
(Case #, Serial, and/or Lead for internal cases or contributor information for external cases.)

The evidence in this submission(s) has been assigned to Evidence Management Unit Personnel who will verify the items submitted and develop an Examination Plan to ensure all items are routed through the FBI Laboratory appropriately. This email is not acknowledgment that all items described in the request were received.

When Evidence Management Unit Personnel begin work on your submission, they will contact you to provide their contact information and to discuss any questions or concerns they may have, including any discrepancies between the submitted request and the evidence received.

Cases received by the FBI Laboratory are prioritized based on trial dates, major crimes, and law enforcement involvement. If the priority or circumstances of your case changes prior to contact from Evidence Management Unit Personnel, please call the Evidence Management Unit at (703) 632-8360.

Appendix C: *FBI Laboratory Examination Plan (7-262)*

Redacted - Form on File