



<b>ATF-LS- 4.4</b> <b>Review of requests for laboratory testing</b>	Published Online: <b>March 2018</b>
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## 1. Purpose

- 1.1. This establishes a system by which laboratory management can control the quality of laboratory analyses, ensuring and verifying that examinations are comprehensive and completed in a timely manner. This procedure describes how work is identified, reviewed, and accepted by ATF Laboratories. The procedure also includes the evaluation process that takes place to ensure that Laboratory Services has the required resources to undertake the requested services in accordance with a schedule that meets the needs of the customer(s).

## 2. Scope

- 2.1. This policy is applicable to all Laboratory Services laboratories. ATF Laboratories only accept cases in which ATF has an open investigation and has an assigned ATF Investigation Number (IN), unless special arrangements have been made in advance. The ATF Order 7140.3 Completing ATF Form 7140.7 Laboratory Exam Request and the ATF Special Agents Guide to ATF Laboratory Services discuss the requirements for requesting examinations from an ATF laboratory and for submitting evidence.
- 2.2. In general, evidence shipped directly to ATF Laboratories from state and local law enforcement agencies is not accepted. Exceptions may occur via special arrangement. A record of these types of special arrangements will be made and maintained in the case record. Records of special arrangements that cover multiple submittals (MOU) may be maintained in the evidence room and need not be placed in every case record.

### 2.3. Types of services provided

- 2.3.1. ATF Laboratories provide services designed to enhance and support the law enforcement initiatives of the Bureau of Alcohol, Tobacco, Firearms and Explosives. Consequently, the laboratories are not full service laboratories; in that, some of the traditional forensic services, such as drug analysis, are not provided. When evidence is submitted to an ATF laboratory, examiners will perform one or more types of analyses discussed in the ATF Special Agents Guide to ATF Laboratory Services. If other examinations will be conducted, then the examiner or Section Chief will contact the submitter prior to those examinations being performed. When an examination outside the expertise of the ATF Laboratory is requested, the submitter shall be contacted and informed that the ATF Laboratory cannot conduct the particular examination as requested. If appropriate, options for meeting the submitters need may be discussed.
- 2.3.2. The ATF Form 7140.7 Evidence Transmittal Form and the FRL request for technical assistance memo provide a means for Laboratory Services customers to make a request for service. These documents serve as a contract between Laboratory Services and its customers.

2.3.3. Examinations are performed in the following forensic science disciplines and categories of testing:

2.3.3.1. Forensic Science Laboratories

- Firearms/ toolmarks discipline
  - Firearms
  - Toolmarks
  - Serial number restoration
  - Gunshot distance determination
- Forensic biology discipline
  - DNA nuclear
  - Body fluid identification
- Latent prints discipline
  - Latent print processing
  - Latent print comparisons
- Impression evidence, footwear/ tires
- Questioned documents discipline
  - Document examination
- Trace evidence discipline
  - Explosives
  - Fiber and textiles
  - Fire debris
  - Hair
  - Paint
  - General physical and chemical analysis, including tobacco

2.3.3.2. Fire Research Laboratory

- Crime scene discipline
  - Investigation
  - Reconstruction
- Trace evidence discipline
  - General physical and chemical analysis, electrical/ mechanical engineering

**3. References**

ATF-LS-4.8 Complaints

ATF-LS- 4.8-F Complaint form

ATF-LS-4.9 Control of nonconforming work

ATF-LS-4.11 Corrective action

ATF-LS-4.12 Preventative action

ATF-LS-4.13 Control of records

ATF-LS-4.13.2 Case records

ATF-LS-F-4.13.2A Communications log

ATF EF 3120.2 Report of Investigation (ROI)

ATF Order 7140.3 Completing ATF Form 7140.7 Laboratory Exam Request

ATF Form 7140.7 Laboratory Exam Request

ATF Special Agents Guide to ATF Laboratory Services

#### 4. Procedure

##### 4.1. Standard case acceptance procedures and responsibilities

###### 4.1.1. Section Chief

- 4.1.1.1. Upon receiving a case assignment request from the evidence control specialist, Section Chiefs will review the ATF Form 7140.7 Laboratory Exam Request or FRL request for technical assistance, all supporting documentation, ATF EF 3120.2 ROI, or other agency reports and investigative information provided by the submitter. Based on this review, if appropriate, the case assignment will be made and returned with the case record to the evidence control specialist for assignment in FACETS using the designated exam codes.

###### 4.1.2. Evidence Control Specialist

- 4.1.1.2. Upon receipt of the case assignment from the Section Chief, the Evidence Control Specialist will issue a written notice of case acceptance to the submitter (email or letter). A copy of the notification will be placed with the incoming transmittal documents in the case record.

###### 4.1.3. Examiner

4.1.1.3. Upon receiving a case assignment, each assigned examiner will review the ATF Form 7140.7 Laboratory Exam Request or FRL request for technical assistance, all supporting documentation ATF EF 3120.2 ROI, or other agency reports and investigative information provided by the submitter, prior to beginning any examination or analysis. Based on this review, together with an initial evaluation of the actual evidence, where applicable, the examiner will make a preliminary determination regarding the potential value of the examinations/analyses being requested. The examiner will also determine if there are additional examinations/analyses that may be needed to maximize the value of the evidence. If, based on the examiner's experience and training, the examiner feels additional examination types may be beneficial or notices requests for analyses that are not suitable for the evidence being submitted, the examiner will consult with the Section Chief. If the Section Chief agrees, with the examiner, the case agent will be contacted to clarify the request and to discuss the recommended course of action. A notation of the contact and the result will be noted in the case record using ATF-LS-F-4.13.2A Communications log in conformance with ATF-LS-4.13.2 Case records. Should the case agent and examiner not reach an agreement, the Section Chief will be notified. A record of this contact will be documented. If changes to the initial requested examination(s) are made, the changes will be made in the electronic case tracking database and the evidence control card will be corrected accordingly.

#### 4.2. Requests for DNA analysis

4.2.1. Requests for DNA analysis may be submitted through any of Laboratory Services Forensic Science Laboratories. The actual DNA analysis is performed at the Forensic Science Laboratory - Washington. In order to ensure the efficient use of these limited capabilities, requests for DNA analysis will be reviewed by the laboratory section chief prior to making the DNA case assignment request. The following questions should be considered during the review.

1. Is the evidence of the type that lends itself to successful DNA recovery and typing?
2. Is this a high profile case?
3. Does the case involve a violent crime?
4. Is the evidence associated with a serial case?
5. Does the evidence show a direct association with the case?
6. Is there other evidence that directly associates a suspect to the crime, i.e., fingerprint?
7. From where was the evidence recovered, i.e., in the suspect's possession?
8. What are the circumstances surrounding the recovery, i.e., was the evidence handled considering the potential use of DNA Analysis?

4.2.2. When requested by a customer or at the discretion of the Section Chief and/or Laboratory Chief, DNA collection may be performed on cases or exhibits not meeting the

laboratory guidelines for DNA case acceptance. In addition, customers may request that any DNA collection samples on cases or exhibits that meet the laboratory guidelines for DNA case acceptance to be returned without further analysis. In all of these instances, the collected DNA samples will be returned to the submitting agency instead of being forwarded for DNA analysis.

#### 4.2.3. Requests for DNA analysis received through the FSL-A or FSL-SF

- 4.2.3.1. When it is decided that the request meets the laboratory guidelines for DNA case acceptance the Section Chief will then initiate the appropriate collection and shipping of the suspected biological evidence. The swabber will use collection procedures appropriate to the evidence medium and/or type. These procedures are located in the Trace and Forensic Biology Methods Manuals. DNA swabbers should contact a forensic biologist at the FSL-W for direction if there is any question as to the appropriate collection or shipping method to be used. If a DNA swabber performs collection activities at the FSL-A or FSL-SF, an "H" case will be opened in FACETS and the appropriate collection activity documentation will be created and maintained in a laboratory case jacket. There is no need to open a case in FACETS when no collection activities are involved in the request, i.e., swabs or other biological samples submitted to laboratory. In these instances, evidence may be tracked and mailed through the evidence rooms.
- 4.2.3.2. Evidence collected or received at the FSL-A or FSL-SF, will be packaged appropriately and mailed through the evidence room to the FSL-W. A case involving multiple items of evidence may be mailed in one container assigned as the shipping container; however, individual items of evidence must be sealed in a manner that protects the integrity of each item of evidence.

#### 4.3. Accepting non-ATF forensic cases

4.3.1. Other agencies may ask the ATF laboratories to examine evidence in their cases.

4.3.2. We will accept these cases only under the following circumstances.

- When ATF is conducting a joint investigation with the agency and there is an open ATF UI number on the case.
- When the case involves an attempt on the life of a police officer, prosecutor, judge, public official, or officer of the court. Acceptance of the case must first be cleared with the appropriate ATF Special Agent-in-Charge (SAC).
- When an Assistant Special Agent-in-Charge (ASAC), a Special Agent-in-Charge (SAC), or a higher ATF law enforcement official asks the laboratory to accept the case.
- Casework resulting from a formal memorandum of understanding specifying services to be provided.

#### 4.4. Re-examining evidence

4.4.1. Physical evidence is sent to ATF Laboratories by Special Agents and sometimes by other law enforcement organizations. On rare occasions, the physical evidence has already been examined by another laboratory. Re-examination of this evidence will only be done if the following criteria are met.

4.4.1.1. Evidence examined by a non-ATF laboratory

- If the re-examination of evidence is approved in writing by the Chief of the laboratory that originally examined the evidence.
- If a copy of the other forensic laboratory's report is provided.
- If the re-examination of evidence is approved by the Chief of the ATF laboratory that is asked to re-examine the evidence.

4.4.1.1.1. Exceptions

- When a Federal Court orders an ATF laboratory to re-examine the evidence we will comply with the Court Order.
- When the evidence is important to an ATF investigation and there is reasonable doubt about the competence of the initial examination, the ATF Laboratory can re-examine the evidence without the prior approval of the original lab. This will be done only under unusual circumstances and with the prior approval of the Deputy Assistant Director, Forensic Services.

4.4.2. Evidence examined by an ATF laboratory

- Section Chiefs of both laboratories determine that a re-examination is necessary because of additional capabilities (e.g., GC/MS, XRD, hair comparisons) or confirmations.
- The re-examination is part of the laboratory's quality assurance procedures.
- The original examiner is not available for court testimony and the re-examination is required for the second examiner to testify in court.
- If the re-examination of evidence previously examined by another ATF laboratory does not meet the above criteria, re-examination will only be done with the prior approval of the Deputy Assistant Director, Forensic Services.

5. Controls

5.1. Overall caseload/ resource management

5.1.1. Examiners

- 5.1.1.1. Examiners are responsible for notifying the appropriate Section Chief when it appears circumstances may affect their ability to provide a comprehensive and timely response to the customer request.

#### 5.1.2. Section Chiefs

- 5.1.2.1. Section Chiefs will monitor examiner and section caseloads using the monthly workload statistics reports and other appropriate means as deemed necessary to effectively manage case assignments. If the Section Chief observes or foresees circumstances such as non-bench work examiner assignments, receipt of complex cases or temporary staffing issues that may adversely impact case output, they will reassign cases as necessary. A record of these types of assignment adjustments will be made following the procedures set forth in ATF-LS-4.12 Preventative action. If the circumstances cannot be corrected within the section, or are the result of a customer complaint, the Section Chief will notify the appropriate Laboratory Chief.

#### 5.1.3. Laboratory Chiefs

- 5.1.3.1. Laboratory Chiefs will monitor laboratory caseloads using the monthly workload statistics reports. If the Laboratory Chief foresees circumstances that may adversely impact case output, such as staffing shortages, non-bench work assignments, receipt of complex cases that may affect the timeliness of service provided to the customer, they will initiate preventative measures using the procedures outlined in ATF-LS-4.12 Preventative action. If an action is required because of a customer complaint, the Laboratory Chief will follow the procedures outlined in ATF-LS-4.8 Complaints.

#### 5.1.4. Deputy Assistant Director, Forensic Services

- 5.1.4.1. To ensure the quality of laboratory analysis, ensuring and verifying that examinations are comprehensive and are completed in a timely manner, the Deputy Assistant Director, Forensic Services will monitor the caseloads of ATF Laboratories using the monthly workload statistics reports. If the review indicates issues that may adversely impact case output, or receipt of complex cases that may affect the quality or timeliness of service provided to the customer, that cannot be resolved in a particular laboratory, they will work with the appropriate Laboratory Chief to initiate preventative measures or corrective actions utilizing all Laboratory Services resources (i.e. cross-laboratory). These actions will be performed and documented according to ATF-LS-4.12 Preventative action. If action is required because of a customer complaint, ATF-LS-4.8 Complaints will be used to perform and document the actions.