

SUPPORTING DOCUMENTS

GUIDELINES FOR FORENSIC LABORATORY MANAGEMENT PRACTICES

INTRODUCTION

The American Society of Crime Laboratory Directors is a professional organization of managers and supervisors employed in forensic laboratories. We are the holders of a public trust because a portion of the vital affairs of other people has been placed into our hands by virtue of the role of our laboratories in the criminal justice system. The typical users of forensic laboratory services are not in a position to judge the quality of our work product or management for themselves. They must rely on the expertise of individual professional practitioners and the standard of practice maintained by the profession as a whole.

The purpose of this document is to provide guidelines for the conduct of managers and supervisors of forensic laboratories so as to safeguard the integrity and objectives of the profession. These are not immutable laws nor are they all inclusive. Instead, they represent general standards which each manager and supervisor should strive to meet.

Laboratory managers must exercise individual judgment in complying with the general guidelines in this document. The guiding principle should be that the end does not justify the means; the means must always be in keeping with the law and with good scientific practice.

Adopted 1987, Revised 1994

RESPONSIBILITY TO THE EMPLOYER

Employers rarely have the ability to judge the quality and productivity of their forensic laboratory. Therefore, the employer relies upon the forensic manager to develop and maintain an efficient, high quality forensic laboratory.

MANAGERIAL COMPETENCE

Laboratory managers should display competence in direction of such activities as long range planning, management of change, group decision making, and sound fiscal practices. The role(s) and responsibilities of laboratory members must be clearly defined.

INTEGRITY

Laboratory managers must be honest and truthful with their peers, supervisors and subordinates. They must also be trustworthy and honest when representing their laboratories to outside organizations.

QUALITY

Laboratory managers are responsible for implementing quality assurance procedures which effectively monitor and verify the quality of the work product of their laboratories.

EFFICIENCY

Laboratory managers should ensure that laboratory services are provided in a manner which maximizes organizational efficiency and ensures an economical expenditure of resources and personnel.

PRODUCTIVITY

Laboratory managers should establish reasonable goals for the production of casework in a timely fashion. Highest priority should be given to cases which have a potentially productive outcome and which could, if successfully concluded, have an effective impact on the enforcement or adjudication process.

MEETING ORGANIZATIONAL EXPECTATIONS

Laboratory managers must implement and enforce the policies and rules of their employers and should establish internal procedures designed to meet the needs of their organizations.

HEALTH AND SAFETY

Laboratory managers are responsible for planning and maintaining systems that reasonably assure safety in the laboratory. Such systems should include mechanisms for input by members of the laboratory, maintenance of records of injuries and routine safety inspections.

SECURITY

Laboratory managers are responsible for planning and maintaining the security of the laboratory. Security measures should include control of access both during and after normal business hours.

MANAGEMENT INFORMATION SYSTEMS

Laboratory managers are responsible for developing management information systems. These systems should provide information that assists managers and the parent organization in decision making processes.

RESPONSIBILITY TO THE EMPLOYEE

Laboratory managers understand that the quality of the work generated by a laboratory is directly related to the performance of the staff. To that end the laboratory manager has important responsibilities to obtain the best performance from the laboratory's employees.

QUALIFICATIONS

Laboratory managers must hire employees of sufficient academic qualifications or experience to provide them with the fundamental scientific principles for work in a forensic laboratory. The laboratory manager must be assured that employees are honest, forthright and ethical in their personal and professional life.

TRAINING

Laboratory managers are obligated to provide training in the principles of forensic science. Training must include handling and preserving the integrity of physical evidence. Before casework is done, specific training within that functional area shall be provided. Laboratory managers must be assured that the employee fully understands the principles, applications and limitations of methods, procedures and equipment they use before beginning case work.

MAINTAINING EMPLOYEE'S COMPETENCY

Laboratory managers must monitor the skills of employees on a continuing basis through the use of proficiency testing, report review and evaluation of testimony.

STAFF DEVELOPMENT

Laboratory managers should foster the development of the staff for greater job responsibility by supporting internal and external training, providing sufficient library resources to permit employees to keep abreast of changing and emerging trends in forensic science, and encouraging them to do so.

ENVIRONMENT

Laboratory managers are obligated to provide a safe and functional work environment with adequate space to support all the work activities of the employee. Facilities must be adequate so that evidence under the laboratory's control is protected from contamination, tampering or theft.

COMMUNICATION

Laboratory managers should take steps to ensure that the employees understand and support the objectives and values of the laboratory. Pathways of communication should exist within the organization so that the ideas of the employees are considered when policies and procedures of the laboratory are developed or revised. Communication should include staff meetings as well as written and oral dialogue.

SUPERVISION

Laboratory managers must provide staff with adequate supervisory review to ensure the quality of the work product. Supervisors must be held accountable for the performance of their staff and the enforcement of clear and enforceable organizational and ethical standards. Employees should be held to realistic performance goals which take into account reasonable workload standards. Supervisors should ensure that employees are not unduly pressured to perform substandard work through case load pressure or unnecessary outside influence. The laboratory should have in place a performance evaluation process.

FISCAL

Laboratory managers should strive to provide adequate budgetary support. Laboratory managers should provide employees with appropriate, safe, well maintained and calibrated equipment to permit them to perform their job functions at maximum efficiency.

RESPONSIBILITY TO THE PUBLIC

Laboratory managers hold a unique role in the balance of scientific principles, requirements of the criminal justice system and the effects on the lives of individuals. The decisions and judgments that are made in the laboratory must fairly represent all interests with which they have been entrusted. Users of forensic laboratory services must rely on the reputation of the laboratory, the abilities of its analysts and the standards of the profession.

CONFLICT OF INTEREST

Laboratory managers and employees of forensic laboratories must avoid any activity, interest or association that interferes or appears to interfere with their independent exercise of professional judgment.

RESPONSE TO PUBLIC NEEDS

Forensic laboratories should be responsive to public input and consider the impact of actions and case priorities on the public.

PROFESSIONAL STAFFING

Forensic laboratories must hire and retain qualified personnel who have the integrity necessary to the practice of forensic science. Verification of academic, work experience and professional association credentials is essential.

RECOMMENDATIONS AND REFERENCES

Professional recommendations of laboratories and/or analysts should be given only when there is knowledge and an endorsement of the quality of the work and the competence of the laboratory/analyst. Referrals of clients to other professional colleagues carry a lesser degree of endorsement and are appropriate when a laboratory is unable to perform the work requested.

LEGAL COMPLIANCE

Laboratory managers shall establish operational procedures in order to meet constitutional and statutory requirements as well as principles of sound scientific practice.

FISCAL RESPONSIBILITY

Public laboratories should be managed to minimize waste and promote cost effectiveness. Strict inventory controls and equipment maintenance schedules should be followed.

ACCOUNTABILITY

Laboratory managers must be accountable for decisions and actions. These decisions and actions should be supported by appropriate documentation and be open to legitimate scrutiny.

DISCLOSURE AND DISCOVERY

Laboratory records must be open for reasonable access when legitimate requests are made by officers of the court. When release of information is authorized by management, all employees must avoid misrepresentations and/or obstructions.

WORK QUALITY

A quality assurance program must be established. Laboratory managers and supervisors must accept responsibility for evidence integrity and security; validated, reliable methods; casework documentation and reporting; case review; testimony monitoring; and proficiency testing.

RESPONSIBILITY TO THE PROFESSION

Laboratory managers face the challenge of promoting professionalism through the objective assessment of individual ability and overall work quality in forensic sciences. Another challenge is dissemination of information in a profession where change is the norm.

ACCREDITATION

The Laboratory Accreditation Board (ASCLD/LAB) provides managers with objective standards by which the quality of work produced in forensic laboratories can be judged. Participation in such a program is important to demonstrate to the public and to users of laboratory services the laboratory's concern for and commitment to quality.

PEER CERTIFICATION

Laboratory managers should support peer certification programs which promote professionalism and provide objective standards that help judge the quality of an employee's work. Meaningful information on strengths and weaknesses of an individual, based on an impartial examination and other factors considered to be important by peers, will add to an employee's abilities and confidence. This results in a more complete professional.

PEER ORGANIZATIONS

Laboratory managers should participate in professional organizations. They should encourage employee participation in professional societies and technical working groups which promote the timely exchange of information among peers. These societies prove their worth to forensic science, benefiting both the employee and employer, through basic training as well as continuing education opportunities. Personal contacts with other agencies and laboratories with similar interests are also beneficial for professional growth.

RESEARCH

When resources permit, laboratory managers should support research in forensic laboratories. Research and thorough, systematic study of special problems are needed to help advance the frontiers of applied science. Interaction and cooperation with college and university faculty and students can be extremely beneficial to forensic science. These researchers also gain satisfaction knowing their work can tremendously impact the effectiveness of a forensic laboratory.

ETHICS

Professional ethics provide the basis for the examination of evidence and the reporting of analytical results by blending the scientific principles and the statutory requirements into guidelines for professional behavior. Laboratory managers must strive to ensure that forensic science is conducted in accordance with sound scientific principles and within the framework of the statutory requirements to which forensic professionals are responsible.

I. MINIMUM REQUIRED OPERATING STANDARDS (MROS) - INTRODUCTION

Background

Since 1999, ATF has administered the National Integrated Ballistic Information Network (NIBIN) program working and coordinating with many State, local, and federal law enforcement and forensic partners nationwide. Over the years, the program has prospered as the value of NIBIN in combatting violent crime was recognized. In 2012, ATF shifted NIBIN's focus to a real-time intelligence tool under the Field Operations directorate and placed emphasis on quickly disseminating reliable leads to investigators. This proactive approach disrupts violent criminals before they offend again.

There are 186 NIBIN partner sites, and each is crucial to the program's overall success. Many sites have invested significantly to establish and maintain successful NIBIN programs. Each site rightfully expects a consistent and effective national network. Moreover, ATF maintains the network, using funds allocated by Congress. Thus, there is inherent responsibility and oversight for ATF to uphold and strive to improve the overall performance and effectiveness of NIBIN.

As the concept of crime gun intelligence (CGI) has evolved, the ATF now understands that NIBIN, like many other federal forensic programs, is a valuable tool for the law enforcement community. Thus, access to NIBIN and a robust crime gun strategy must be based on the balance of responsible fiscal stewardship combined with operational utility.

Minimum Required Operating Standards (MROS)

Until now however, ATF has not implemented standards for access to the network. Each site currently uses NIBIN as it sees fit, regardless of the impact on the network or ability to generate actionable intelligence for criminal investigations. ATF and the National Crime Gun Intelligence Governing Board realized this was unsustainable, as a lack of consistency and standards degrades the value of the NIBIN program, leaving violent criminals free to commit more crime.

The MROS, listed below, are rooted in ATF's "Four Critical Steps for a Successful NIBIN Program" – comprehensive collection, timeliness, investigative follow-up, and feedback. They identify the practices that best allow NIBIN to provide comprehensive and timely crime gun intelligence. All NIBIN Sites will:

1. Enter all fired or test fired cartridge cases from serviced law enforcement agencies and/or departments through a NIBIN acquisition machine within two business days of receipt.
2. Enter accurately all required information during the acquisition process on the NIBIN acquisition machine.
3. Correlate and conduct a secondary review of any potential NIBIN leads through an approved NIBIN correlation machine within two business days.
4. Disseminate NIBIN leads within 24 hours.
5. Designate and maintain a NIBIN Program Administrator.
6. Have no policies that inhibit or restrict NIBIN submissions by serviced law enforcement agencies and/or departments.
7. Operate with only Qualified NIBIN Users.



Rapid DNA Pilot Program & Frequently Asked Questions

Crime Lab Division
July 2022

Q?

an automated (hands free) process of the Automated DNA Index System (CODIS) that starts from a known reference sample. The “file out” process consists of automated analysis procedures without human intervention to be completed in as little as 90

What is the Rapid DNA Act of 2017?

This federal law amends the DNA Identification Act of 1994 and allows profiles generated by an FBI-approved Rapid DNA instrument to be entered into CODIS if used in compliance with the standards and procedures issued by the Director of the FBI. Currently, it is only approved for casework reference samples processed at an accredited laboratory, or at FBI-approved booking stations for arrestee samples.

Does WSP use Rapid DNA?

In 2021, the state legislature provided funding for WSP to implement a Rapid DNA Pilot Program. A phased approach to integrate this developing technology into laboratory operations will be used, with only fully qualified WSP forensic DNA scientists operating the instruments and evaluating resulting DNA profiles. Work is currently underway to procure instrumentation and supplies.

Phase 1: Sample types already approved by the FBI will be validated in the laboratory. This includes known reference samples (oral swabs, blood), such as those from convicted offenders, suspects, or relatives of a missing person, as well as other single-source samples like unidentified human remains (bone, teeth, tissue).

Phase 2: Crime scene samples with the use of a mirrored copy of the state CODIS database containing offender samples will be investigated. This phase is contingent on how Rapid DNA technology and regulations develop in the coming years. Further research by the manufacturers and FBI is ongoing.

You can find more detailed information about the project in the [Rapid DNA Pilot Program Plan](#).

Can a Rapid DNA instrument be used to develop DNA profiles from crime scene samples for CODIS search or upload?

No, profiles developed from crime scene samples using Rapid DNA are not currently eligible for CODIS search or upload.

Can a local law enforcement agency build its own DNA database of Rapid DNA profiles, or use CODIS with their Rapid DNA-generated profiles?

No. [RCW 43.43.758](#) requires any local DNA database to be fully compatible with the state system (i.e. CODIS). WSP is prohibited from providing access to and/or releasing DNA records and PII to any non-CODIS approved entities, so WSP must maintain the control of WA CODIS and any resulting DNA data (including any mirror databases) to remain in good standing with the FBI. The FBI does allow booking stations to use Rapid DNA instruments with CODIS for arrestee samples. However, Washington State does not currently have an arrestee DNA collection law, so this functionality is not currently applicable.

Need DNA Results Fast?

For cases that involve an imminent threat to public safety or otherwise require results on a rush basis, please contact your local WSP lab to discuss expedited lab testing using our accredited lab procedures.

If you have any question if your agency is considering using Rapid DNA instrumentation, please contact your local WSP crime lab.

My agency is thinking about implementing Rapid DNA instrumentation. What are the key points we should consider?

Maturity of technology: Rapid DNA technology is in its infancy and work is ongoing to improve the technology so that it is robust enough to analyze difficult crime scene samples that current instrumentation is best suited for. Current instrumentation is best suited for arrestee samples.

Cost: The agency should consider the total cost of instrumentation and supplies. A maintenance plan is also recommended.

Personnel: The agency should consider the personnel to implement and maintain the program. In particular, IT personnel with expertise to interpret DNA profile issues (known as Modified Rapid DNA) are needed.

Sampling: A double swab strategy (one swab for Rapid DNA and one for conventional testing by the crime lab) is recommended for the crime lab and court. Policies for evidence collection, types of samples that may be processed, and how to be developed.

Throughput: Current Rapid DNA technology can process 1—5 samples at a time.

The FBI provides additional guidance in the [Rapid DNA Considerations and Best Practices for Law Enforcement Use](#).

repetition of their abuse;

(4) Child pornography constitutes prima facie contraband, and as such should not be distributed to, or copied by, child pornography defendants or their attorneys;

(5) It is imperative to prohibit the reproduction of child pornography in criminal cases so as to avoid repeated violation and abuse of victims, so long as the government makes reasonable accommodations for the inspection, viewing, and examination of such material for the purposes of mounting a criminal defense. The legislature is also aware that the Adam Walsh child protection and safety act, P.L. 109-248, 120 Stat. 587 (2006), codified at 18 U.S.C. Sec. 3509(m), prohibits the duplication and distribution of child pornography as part of the discovery process in federal prosecutions. This federal law has been in effect since 2006, and upheld repeatedly as constitutional. Courts interpreting the Walsh act have found that such limitations can be employed while still providing the defendant due process. The legislature joins congress, and the legislatures of other states that have passed similar provisions, in protecting these child victims so that our justice system does not cause repeat exploitation, while still providing due process to criminal defendants.

[[2012 c 135 § 1](#); [2010 c 227 § 1](#); [2007 c 368 § 1](#); [1984 c 262 § 1](#).]

Site Contents

Selected content listed in alphabetical order under each group

Let Your Voice Be Heard

[Contact Your Legislators](#)

MINIMUM REQUIRED OPERATING STANDARDS FOR NATIONAL INTEGRATED BALLISTIC INFORMATION NETWORK (NIBIN) SITES

This document consists of definitions and standards. The standards are minimum required operating standards that place specific requirements on all NIBIN sites. Equivalent measures not outlined in this document may also meet the standard if determined sufficient through an audit process.

EFFECTIVE DATE:

These standards shall take effect July of 2018.

1.SCOPE

The standards describe the minimum operating requirements that sites accessing and utilizing NIBIN shall follow to ensure the quality and integrity of the ballistic data shared on the Network. These standards apply to all sites accessing the NIBIN network.

2.DEFINITIONS

As used in these standards, the following terms shall have the meanings specified:

- **Accreditation** - Status achieved by an agency that indicates they meet a minimum level of performance mandated by the accrediting agency
- **Accuracy** is the degree of conformity of a measured quantity to its actual (true) value.
- **Acquisition** - The digital imaging of various firearm-related markings present on cartridge casings into NIBIN.
- **ATF** is the Bureau of Alcohol, Tobacco, Firearms, and Explosives the Federal agency administering the NIBIN network.
- **AFTE** - The Association of Firearm and Tool Mark Examiners is the international professional organization for practitioners of Firearm and/or Toolmark Identification and has been dedicated to the exchange of information, methods and best practices, and the furtherance of research since its creation in 1969.
- **Audit** is an inspection used to evaluate, confirm, or verify activity related to quality.
- **BrassTraxHD3D** - "Trax," "Cartridge Case Acquisition Station" – current acquisition station developed by Forensic Technology that captures highly detailed images of cartridge cases, to include firing pin impressions on the primer, breech face, extractor, and ejector markings.
- **Business Day** – day of operation of the NIBIN site; excludes holidays, weekends, or other days of closure.
- **Correlation** – the automated comparison of an acquired digital image to other images in the databases using an algorithm that provides a list of ranked, possible matches.
- **Correlation Review** – the on-screen comparison of digital images by a trained technician/specialist to determine the potential for two cartridge casings to have been fired from the same weapon.
- **Crime Gun Intelligence Center** – (CGIC) - an ATF-led interagency collaboration focused on analyzing and investigating gun crime in a local community. CGIC unites cutting-edge technology and a dedicated multiagency investigative team to identify, disrupt and prosecute serial shooters and their sources of crime guns.

- **Employee** is a person: (1) in the service of the applicable federal, state or local government, subject to the terms, conditions and rules of federal/state/local employment and eligible for the federal/state/local benefits of service; or (2) formerly in the service of a federal, state, or local government who returns to service in the agency on a part time or temporary basis. For purposes of a vendor laboratory, an employee is a person in the service of a vendor laboratory and subject to the applicable terms, conditions and rules of employment of the vendor laboratory.
- **Firearms and Toolmark Examiner**, “Firearms Examiner” - is a forensic scientist who is an expert in evidence regarding firearms, toolmarks, and ballistics. They are also required to serve as expert witnesses, prepare courtroom evidence, and provide courtroom testimony, and they may provide training to law enforcement personnel.
- **IBIS** - Integrated Ballistics Identification System - An automated ballistics imaging and analysis system that populates a computerized database of digital ballistic images of bullets and casings from crime guns. Technology that enables the imaging and identification of large quantities of firearm evidence across a network of sites, as well as the automated identification of likely matching bullets or cartridge cases.
- **IBIS Technician**, “IBIS Tech,” “NIBIN Technician” – a trained technician/specialist able to use IBIS equipment for the acquisition and correlation review of digital images of firearms ballistic evidence. IBIS Technicians are able to determine potential links of two or more cartridge cases fired from the same weapon.
- **MatchPoint Plus** - current system developed by Ultra Electronics - Forensic Technology, Incorporated that stores the ballistic images and contains the algorithm program for correlation reviews.
- **Microscopic Comparison**, “Scope,” “Confirmation” - The process employed by a trained firearms examiner to determine whether or not fired cartridge cases came from the same firearm.
- **National Crime Gun Intelligence Governing Board**, formerly NIBIN Executive Board or “NEB” – group consisting of members of ATF, police departments, and forensic laboratories that oversees implementation and function of NIBIN program.
- **NIBIN** – National Integrated Ballistic Information Network is a program managed by ATF that automates the imaging of the unique identifiers of cartridge cases fired from firearms and stores the digital images into a database for comparison across a national network of participating sites.
- **NIBIN Authorized Trainer or NAT** – technician trained and authorized by ATF to train others in the acquisition of ballistic images.
- **NIBIN Hit** - NIBIN Hits are the result of two or more firearms ballistic evidence acquisitions that have been confirmed as a match by a firearms examiner. NIBIN Hits are based on correlation review of digital images using MATCHPOINT™ and microscopic confirmation by a firearms examiner. This information/intelligence can be used for investigative purposes and is suitable for court purposes.
- **NIBIN Lead** - A NIBIN Lead is an unconfirmed, potential association between two or more pieces of firearm ballistic evidence based on a correlation review of the digital images in the NIBIN database by either a firearms examiner or a trained IBIS technician. A NIBIN Lead is intended to provide a lead for investigative purposes.

- ***NIBIN Program Administrator*** - is an individual the NIBIN Site has designated to communicate with all parties (i.e. submitting law enforcement agencies, ATF Crime Gun Intelligence Centers (CGICs), etc.), involved in the NIBIN process. The NIBIN Program Administrator must be a qualified NIBIN user and full-time employee of the NIBIN site. The NIBIN Program Administrator should be responsible for implementing and directing policies and procedures of the NIBIN site.
- ***NIBIN Site*** – “Site” - Location at which NIBIN acquisition and/or correlation technology is present. NIBIN sites are located in forensic laboratories, police departments, etc.
- ***NNCTC*** – National NIBIN Correlation and Training Center – ATF facility located in Huntsville, Alabama that performs timely correlation reviews for multiple NIBIN sites and also provides training for Qualified NIBIN Users.
- ***Notification*** - A written or electronic communication to the submitter of firearms ballistic evidence indicating the results of an acquisition/correlation review. Notifications are not Laboratory Reports.
- ***Procedure*** (protocol, SOP or other equivalent) is an established practice to be followed in performing a specified task or under specific circumstances.
- ***Qualified Auditor*** – individual trained by ATF to conduct NIBIN site audits for compliance to minimum required operating standards
- ***Qualified NIBIN User*** – technician and/or firearms examiner trained by ATF, Forensic Technology, and/or a NIBIN Authorized Trainer (NAT) program to perform acquisition and/or correlation reviews of ballistic images on the national network.
- ***Rank Sort Function*** – function of Ultra Electronics - Forensic Technology, Incorporated software on MatchPoint machine that lists all potential matches of ballistic images to item under review in order of score across all images of regions of interest.
- ***Secondary review*** - ensures the work performed meets quality standards and removes any potential for bias. For NIBIN, ATF defines secondary review as a second correlation review or examination by a trained IBIS technician and/or firearms examiner using MatchPoint.
- ***Service*** is the performance of those adjustments or procedures specified which are to be performed by the user, manufacturer or other service personnel in order to ensure the intended performance of instruments and equipment.
- ***Suitable ballistic evidence*** – all fired cartridge cases recovered by law enforcement as well as test-fired cartridge cases from firearms recovered by law enforcement that were illegally possessed, used in a crime, or suspected by law enforcement officials of having been used in a crime.
- ***Technician*** (or equivalent role, position, or title as designated by the laboratory director) is an employee or contract employee who performs analytical techniques on forensic samples under the supervision of a qualified analyst. Technicians do not interpret data, reach conclusions on typing results, or prepare final reports.
- ***Test Fires*** - Cartridge cases known to be fired from a specific firearm in law enforcement custody.
- ***Triage*** – The process of assessing cartridge cases to determine the best representative sample from a group of cartridge cases having similar firearm produced markings for NIBIN entry. This is not, nor should it be interpreted as a comparative examination to determine how many firearms may have been responsible for firing the cartridge case.

- ***Ultra Electronics - Forensic Technology, Incorporated*** – “FT,” “FTI” - created the **Integrated Ballistics Identification System (IBIS)** in 1991; an IBIS machine incorporates technology for the acquisition and correlation of ballistic images.

3. MINIMUM REQUIRED OPERATING STANDARDS: ATF, through the National Crime Gun Intelligence Governing Board, has established the following minimum required operating standards to ensure the consistency, integrity, and success of NIBIN:

A. STANDARDS

1. QUALITY ASSURANCE PROGRAM

STANDARD 1.1 The NIBIN site shall establish, follow and maintain a documented quality system that is appropriate to the NIBIN acquisition and correlation processes and is equivalent to or more stringent than what is required by these Standards.

1.1.1 The quality system shall be documented and include or reference the following elements:

- 1.1.1.1 Goals and objectives
- 1.1.1.2 Organization and management
- 1.1.1.3 Personnel
- 1.1.1.4 Facilities
- 1.1.1.4 Acquisition, Correlation, NIBIN Lead Dissemination Procedures
- 1.1.1.5 Evidence Control
- 1.1.1.6 Validation
- 1.1.1.7 Equipment Calibration
- 1.1.1.8 Reports
- 1.1.1.9 Review
- 1.1.1.10 Corrective Action
- 1.1.1.11 Audits
- 1.1.1.12 Training Records
- 1.1.1.13 Safety
- 1.1.1.14 Outsourcing

Discussion:

This Standard sets forth requirements for the site to establish basic documented quality assurance procedures, regarding NIBIN analysis. While a site may opt for or be otherwise required to maintain ISO accreditation, this standard does not require such accreditation.

2. ORGANIZATION AND PERSONNEL

STANDARD 2.1 The site shall:

2.1.1 Have a managerial staff with the authority and resources needed to discharge their duties and meet the requirements of the Standards in this document.

2.1.2 Have a NIBIN Program Administrator. For agencies or departments with multiple NIBIN sites, each site shall have a designated NIBIN Program Administrator.

2.1.2.1 The NIBIN Program Administrator shall meet the following qualifications:

2.1.2.1.1 Be a full-time employee of the agency/department operating the site. A full time on-site contractor with employee privileges is also appropriate for this position.

2.1.2.1.2 Minimum experience requirements: a qualified NIBIN user that has completed acquisition and correlation training.

2.1.2.2 The NIBIN Program Administrator shall be responsible for the following:

2.1.2.2.1 General duties and authority:

2.1.2.2.1.1 Oversee the operations of the site and success of NIBIN program.

2.1.2.2.1.2 Authority to initiate, suspend and resume NIBIN operations for the site or an individual.

2.1.2.3 The minimum specific responsibilities to be performed by the NIBIN Program Administrator include the following:

2.1.2.3.1 To evaluate and document approval of all methods used by the site and to propose new or modified procedures as needed.

2.1.2.3.2 To review the training records for newly qualified NIBIN users and approve their qualifications prior to performing NIBIN acquisitions or correlations, and to document such review.

2.1.2.3.6 To coordinate with audit personnel for NIBIN site audits.

2.1.2.4 Accessibility: The NIBIN Program Administrator shall be accessible to the site and ATF NIBIN Unit to provide onsite, telephone or electronic consultation as needed.

2.1.2.4.1 In the event that the NIBIN Program Administrator position of a site is vacated and there is no individual at the site who meets the requirements of this standard and can serve as a NIBIN Program Administrator, the site shall immediately contact the ATF and submit their contingency plan within 14 days to the ATF for its approval. Work in progress by

the site may be completed during this 14 day period but no new casework shall be started until the plan is approved by the ATF.

2.1.3 Ensure personnel operating within the NIBIN system shall have the proper level of training and experience for their position and that all individuals performing acquisitions and/or correlation reviews are Qualified NIBIN Users.

2.1.3.1 A qualified NIBIN user shall be an employee or contract employee of the site and meet the following qualifications:

2.1.3.1.1 Minimum training requirements:

2.1.3.1.1.1 The qualified NIBIN user must complete ATF-approved acquisition training administered by ATF, FT, and/or an NAT in order to utilize a NIBIN acquisition machine and acquire ballistic images.

2.1.3.1.1.2 The qualified NIBIN user must complete both ATF-approved acquisition and correlation training administered by ATF, FT, and/or an NAT in order to utilize a NIBIN correlation machine and perform correlation review of ballistic images.

2.1.4 Maintain records on the relevant qualifications, training, skills and experience of the NIBIN Administrator and Qualified NIBIN Users.

3. FACILITIES

STANDARD 3.1 The site shall have a facility that is designed to ensure the integrity of the NIBIN analyses as well the evidence.

3.1.1 The NIBIN site will comply with all ATF, DOJ and/or other Federal security requirements related to the NIBIN program, network, or systems to ensure the integrity of the program.

3.1.2 The site will house NIBIN equipment in monitored, physically-restrictive environments and clearly identify the restricted areas. NIBIN equipment shall be in a room that is locked and monitored.

3.1.3 The site will ensure building facilities are secured outside of normal working hours. (Monitored 24 hours or locked and alarmed when no one is at site.)

3.1.4 The site will ensure security alarm systems (e.g., motion, thermal) in building housing NIBIN equipment. Test quarterly. Maintain test records for review. (Security alarm does not have to be installed in the NIBIN room)

3.1.5 Access to the site shall be controlled and limited in a manner to prevent access by unauthorized personnel but to allow for the timely submission of evidence by serviced police departments/agencies.

3.1.6 All exterior entrance/exit points require security control. The site will safeguard access to NIBIN equipment areas via key, magnetic card, or cipher lock.

3.1.7 The distribution of all keys, combinations, etc., shall be documented and limited to the personnel designated by NIBIN Program Administrator.

3.1.8 For personnel no longer directly using NIBIN equipment, the site will make sure procedure is in place to collect/and or change access into NIBIN room. (Either change lock and or collect keys used for access.)

3.1.9 The site will document visitor procedures to restrictive areas and maintain and update a restrictive area authorized personnel roster.

4. EVIDENCE CONTROL

STANDARD 4.1 The site shall have and follow a documented evidence control system to ensure the integrity of physical evidence.

4.1.1 Evidence shall be marked with a unique identifier on the evidence package. The site shall clearly define what constitutes evidence and what constitutes work product. The site shall have and follow a method to distinguish each sample throughout processing.

4.1.2 Chain of custody for all evidence shall be documented and maintained in hard or electronic format. The chain of custody shall include the signature, initials or electronic equivalent of each individual receiving or transferring the evidence, the corresponding date for each transfer, and the evidentiary item(s) transferred.

4.1.3 The site shall have and follow documented procedures designed to minimize loss, and/or deleterious change of evidence.

4.1.4 The site shall have secure, controlled access areas for evidence storage and work product in progress.

5. PROCEDURES

STANDARD 5.1 The site shall have and follow written procedures for all steps of the NIBIN process; these procedures must be approved by the NIBIN Program Administrator.

5.1.1 The site will not restrict submissions of ballistic evidence to the site by any serviced law enforcement agency/department.

5.1.2 The site will document and follow standard operating procedures for the acquisition of all ballistic images.

5.1.2.1 The site will perform acquisitions of all suitable ballistic evidence submitted to the site.

5.1.2.1.1 The site will document and follow procedure for the triage or grouping of multiple items of ballistic evidence from the same firearm.

5.1.2.1.2 The site will perform acquisitions of the best suitable examples of ballistic evidence following the triage process.

5.1.2.1.3 The site will perform acquisitions of all suitable ballistic evidence within 2 business days of receipt at the site.

5.1.2.1.4 The site will accurately enter all required information pertaining to the ballistic evidence during the acquisition process.

5.1.2.1.5 The site will record the date of the acquisition of each of item of ballistic evidence.

5.1.3 The site will document and follow standard operating procedures for the correlation review of ballistic images.

5.1.3.1 The site will document and follow procedure for the correlation review of potential NIBIN Leads. All correlation reviews will be done by a qualified NIBIN User that has completed both acquisition and correlation training.

5.1.3.2 The site will perform and document a second correlation review of potential NIBIN Leads. This secondary review will be performed by another qualified NIBIN user that has completed both acquisition and correlation training. Both the initial and secondary correlation reviews will be completed within 2 business days of the acquisition of the ballistic images of the item of evidence.

5.1.3.3 In the performance of correlation reviews, the qualified NIBIN users at the site will examine, at minimum, ballistic images of the top 30 from the rank sort list determined by the ballistics imaging software.

5.1.3.4 The documentation of any correlation review (primary or secondary) shall include at a minimum the primary case identifier(s), date of the review, the name of the NIBIN user, the items of evidence involved in the correlation, and the result of the review.

5.1.3.5 Sites utilizing the NNCTC for correlation reviews of ballistic images will not be subject to the requirements of Section 5.1.3.

5.1.4 The site will document and follow standard operating procedures for the dissemination of NIBIN leads.

5.1.4.1 Following the concurrence of a potential match from the secondary correlation review, a NIBIN lead will be disseminated within 24 hours to the agency submitting the specific ballistic evidence or its authorized representative for this product, such as the ATF Crime Gun Intelligence Center (CGIC).

5.1.4.2 The site will record the date of lead dissemination of each NIBIN lead.

5.1.4.3 Sites utilizing the NNCTC for correlation reviews of ballistic images will not be subject to the requirements of Section 5.1.4.

Discussion:

In order to optimize the comprehensiveness of ballistic information on the NIBIN network, a site will not implement policies that restrict the submission of suitable ballistic evidence for NIBIN analysis. Limiting submissions of suitable ballistic evidence based on specific crimes, firearm calibers other than specified below, or other restrictions is prohibited. Suitable ballistic evidence is considered all fired cartridge cases recovered by law enforcement as well as test-fired cartridge cases from firearms recovered by law enforcement that were illegally possessed, used in a crime, or suspected by law enforcement officials of having been used in a crime.

In general, NIBIN test firing is required for all semi-automatic pistols including .22 caliber, .223 and 7.62 semi-automatic rifles, 12 gauge shotguns and long guns that use handgun ammunition under the aforementioned guidelines. There may be exceptions to a firearm's test fire submission; firearms that are not typically test fired include revolvers, single shot or bolt action rifles, shotguns in other gauges, weapons never fired, or firearms deemed unsafe, inoperable, or incomplete.

Ballistics information and/or evidence from firearms taken into law enforcement custody through a Gun Buy Back Program, property damage crimes involving firearms, found or abandoned firearms, and domestic disturbances are permitted for entry in the NIBIN database. It is noted that some jurisdictions may have local regulations or policies that prohibit some of these items to be included in NIBIN.

A minimum correlation review of ballistic images of the top 30 from the rank sort list is required based on prior study and research (refs. *IBIS BrassTrax Correlation Review Techniques*, Garten and Burrows, *AFTE Journal*, Volume 49, Number 2, Spring 2017; *Evaluation of Rank Positions within Regions of Interest (ROI) for Published NIBIN Leads*, Nichols, November 2016; *IBIS BrassTrax Correlation Performance and Review Techniques*, Garten, January 2018). Such review has shown to find 96.9 - 97.4% of all potential ballistic image matches and optimizes the balance between identifying NIBIN Leads and timely review and turnaround. This requirement does not preclude a site from implementing policy and procedure for further review of images beyond the top 30 of the rank sort list or across specific regions of interest.

Sites should implement standard procedures for the dissemination of NIBIN leads to the agency/department submitting the specific ballistic evidence. Such procedures should consider the importance of timely dissemination of NIBIN leads and intelligence to investigators.

As required by the standard, NIBIN leads will be disseminated to the investigating entity of the agency/department submitting the ballistic evidence match. It is further recommended that leads also be disseminated to the local ATF Crime Gun Intelligence Center (CGIC). A submitting agency may implement policies in which the NIBIN site disseminates all leads

directly and solely to the local ATF Crime Gun Intelligence Center. Such policies shall be deemed in compliance with the standard. These steps will facilitate the coordination between investigators and further the collection of critical intelligence pertaining to the linked crimes.

6. CORRECTIVE ACTION

STANDARD 6.1 The site shall establish and follow a corrective action plan to address processes and procedures when the minimum required operating procedures are not met. The corrective action plan shall identify possible causes for non-compliance with the standards and address plans and measures to meet these standards. Documentation of the corrective actions shall be maintained in accordance with Standard 1.

STANDARD 6.2 Corrective actions shall not be implemented without the documented approval of the NIBIN Program Administrator.

7. AUDITS

STANDARD 7.1 All sites will be audited in accordance with these standards by an ATF audit team beginning in July 2018. By December 31, 2020, each site must undergo the ATF audit and be in compliance with these standards in order to maintain access to the NIBIN network. After December 31, 2020, all sites will undergo a regular ATF audit on a biennial basis, once every two years.

7.1.1 Audits shall be conducted by an audit team comprised of qualified auditor(s).

7.1.2 All required documentation and records of the NIBIN analysis of submitted ballistic evidence pertaining to the accuracy and timeliness of acquisitions, correlation reviews, and NIBIN lead disseminations shall be maintained and made available during the audit.

7.1.3 All required documentation and records of training and experience for the NIBIN Program Administrator and Qualified NIBIN Users shall be maintained and made available during the audit.

7.1.4 All required documentation and records to verify compliance with these NIBIN standards shall be maintained and made available during the audit.



COMPONENTS

Capture

BRASSTRAX

Digitally captures the regions of interest on a cartridge case in 2D and 3D, revealing considerable impression detail and multiple viewing perspectives.

Millions of bullets and cartridge cases have been captured into IBIS networks.

Manage Data

Data Concentrator

Preserves and protects the captured data and coordinates automated data sharing. Serves as an IBIS network's focal point for data access and management.

Compare

Correlation Engine

Finds evidence matches with the highest similarity in the top search results. Maintains strong performance even when searching large databases.

IBIS correlation algorithms are tailored to the complexities of firearm forensics.

**High-Definition
3D Topography**

**Easy-to-Operate,
Automated System**

**All Calibers
All Firearm Types**

BULLETTRAX

Digitally captures the surface of a bullet in 2D and 3D, providing a topographic model of the marks around its circumference.

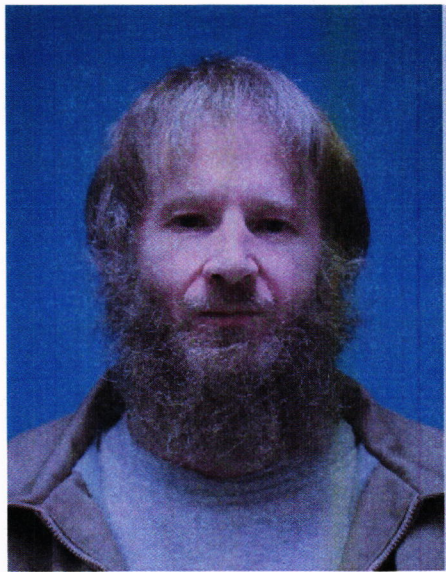
Intelligent surface-tracking technology automatically adapts to the deformations of damaged and fragmented bullets.

https://www.yakimaherald.com/news/local/crime_and_courts/yakima-county-prosecutor-says-crime-lab-delays-could-cause-more-cases-to-be-thrown-out/article_33e544b8-50a5-11ed-b422-1362939dbcc1.html

Yakima County prosecutor says crime lab delays could cause more cases to be thrown out

DONALD W. MEYERS Yakima Herald-Republic

Oct 23, 2022



Bradley Kenneth Denton.

Courtesy photo/Washington state
Department of Corrections



FILE — In this August 2019 photo, Dana Yenke, a forensic scientist with the Washington State Patrol Crime Laboratory, demonstrates the steps to testing evidence from a rape kit at the Vancouver, Wash., facility.

Amanda Ray / Yakima Herald-Republic

At the end of September, Yakima County prosecutors dropped their case against a convicted rapist.

It wasn't for a lack of evidence against Bradley Kenneth Denton. Instead, a state appeals court ordered that the case be dismissed with prejudice because prosecutors didn't aggressively push the Washington State Patrol crime lab to process DNA evidence more quickly.

That state Court of Appeals Division III ruling doesn't just affect Denton and his victim, Yakima County Prosecuting Attorney Joe Brusick said. It could cause additional cases to be scrapped throughout Washington.

“People need to know there’s fallout from this decision,” Brusic said in a recent interview. “It’s not just Yakima County. It’s all 39 counties. It’s a statewide issue.”

A series of delays

The U.S. Constitution guarantees the right to a speedy trial. In the state’s court system that means a defendant must be brought to trial within 60 days of arraignment if they are in custody, or 90 days if they are not in jail.

That countdown can be reset if time is needed to ensure both sides are ready to go to trial.

Denton, 43, described in court records as a methamphetamine user, was charged with second-degree rape, felony protection order violation and four gross misdemeanor counts of violating a protection order after Yakima police said he choked and raped a woman he knew in April 2018, according to court documents.

He was arrested in October 2018 and arraigned in early November, with his trial to set to begin at the end of December.

A Yakima County Superior Court judge extended that date due in part to prosecutors waiting for the state crime lab to process the woman’s clothes for DNA evidence.

On Jan. 3, 2019, the trial clock was reset again when Denton's court-appointed attorney had to withdraw for health reasons. At a Jan. 29 hearing, prosecutors said they were looking at a "best-case scenario" of nine months for the DNA tests to be completed. The trial date was reset to June 17, 2019, over Denton's objections.

A month before that trial date, prosecutors asked for another extension on the trial date, again citing the crime lab delay. This time a delay was granted until July, after Deputy Yakima County Prosecuting Attorney Garrison Hersey said he asked if the crime lab could "make it a rush," with results expected in no more than six weeks.

Not knowing what defense Denton was going to offer, Hersey said having the DNA evidence was critical to the case. Hersey also referred to the speedy trial guidelines as "aspirational."

Two more delays were granted, one to allow the defense time to prepare after the DNA evidence came back, and again when every judge except Judge Richard Bartheld recused themselves from hearing the case.

Denton was finally tried in January 2020, more than a year after his initial arraignment. At the trial, he was found guilty on all counts.

Denton appealed his case on multiple grounds, but appellate court found the 15-month delay warranted a reversal of Denton's conviction and an order to dismiss the charge with prejudice, meaning he can never be retried.

"We deplore this outcome given the violent nature of Mr. Denton's crimes, but it is the strict remedy that drafters of the (criminal court) rule perceived as needed to ensure that criminal cases will be promptly prepared for trial and heard," Chief Judge Laurel Siddoway wrote in the decision.

Brusic decided in late September to not pursue an appeal to the state Supreme Court and dropped the case against Denton, which means the ruling is binding only on eastern Washington.

A dilemma for prosecutors

The Denton ruling puts prosecutors on what Brusic described as the horns of a dilemma: Either wait to file a charge until you have all the evidence in hand or proceed with what you have and hope the crime lab results come back in time for trial.

Prosecutors could also file a charge and, if it looks like there will be a delay, dismiss the case without prejudice — thus allowing prosecutors to refile it when additional evidence arrives.

“If we don’t have evidence, we can’t charge it out. If someone has a drinking problem and they are out (of custody), they could kill a family,” Brusic said.

Brusic said the issue of delays also extends to the state hospitals where defendants are evaluated to determine if they are mentally competent to stand trial.

Paul Kelley, the county’s chief public defender, said the delays are a problem for defendants who have a constitutional right to a speedy trial, as well as society in general.

“If courts are excusing the behavior of the state, it impacts the public’s interest in resolving cases in a timely manner, and the public’s confidence in the ultimate outcome of the case,” Kelley said. “Constantly excusing delays caused by underfunding is not going to go over well with the citizens of Washington.”

One of the issues the court cited in its ruling was that the county did not seem to be aggressively trying to work around the delay, either by contacting the lab to expedite the testing sooner or going with an outside lab.

Brusic said prosecutors will have to do a better job of stating why they are seeking a delayed trial, explaining why they are seeking it and what steps are being taken to address it.

Another way to get around the issue is to send the kits to a private certified laboratory to get the results back quicker. But Brusic said that taxes his office’s budget, which means that options could only be used judiciously.

A serious situation

Chris Loftis, State Patrol spokesman, said the agency recognizes how serious the situation is, and while progress is being made, the demand for testing is increasing.

Denton's case came at the height of the lab's rape kit backlogs, Loftis said, when thousands of rape kits remained untested. The lab prioritized testing if detectives or prosecutors said the results were urgently needed.

"In fact, once the prosecutor called (about the kit in the Denton case) and we were aware of the prosecutorial need, we were able to prioritize the case and we got the report released six weeks after it was assigned," Loftis said.

He said with the launch of the High Throughput Lab and sending test kits to outside labs, the crime lab has been meeting the state requirement to process new rape kits within 45 days, while working on reducing the backlog of cases. It's expected that the backlog will be eliminated by the end of next year, Loftis said.

"Still, more needs to be done," Loftis said. "Our state continues to grow, and criminal behavior is on the ascent." And that means the State Patrol needs more funding from the Legislature to both keep the current labs operating and to expand its staffing and capacity to keep up, he said.

Looking for solutions

State Rep. Gina Mosbrucker, a Goldendale Republican, said lawmakers will be looking into staffing at the state crime lab. She suggested the state could offer hiring bonuses or student loan forgiveness to attract forensic scientists.

While Yakima County is working on a regional crime intelligence center, which will have the capacity to perform rapid DNA tests, it won't affect the rape kit situation. Those tests will not be done at the regional center, Yakima County Sheriff's spokesman Casey Schilperoort said.

Any results from the regional lab will have to double-checked by the state lab or a private, certified laboratory, Schilperoort said.

Brusic and Kelley say the solution is more state funding and resources to eliminate logjams at the state crime lab.

“It is a system issue. Delays like that are contrary to the public interest in prompt resolution of cases,” Kelley said.

Reach Donald W. Meyers at dmeyers@yakimaherald.com.

Donald W. Meyers