



**Quality Division Use Only**

<b>Quality Tracking #:</b>	<input type="text" value="2018-IA-02"/>	<b>Date Quality Division Notified:</b>	<input type="text" value="1/25/2018"/>
<b>Non-Conformance Level:</b>	<input type="text" value="Class I"/>	<b>Date Submitted to Management for Review:</b>	<input type="text" value="3/21/2018"/>
<b>Date Submitted to Quality for Review:</b>	<input type="text" value="3/26/2018"/>	<b>Dated Closed:</b>	<input type="text" value="3/26/2018"/>

<b>Date of Discovery:</b>	<input type="text" value="1/19/2018"/>	<b>Division:</b>	<input type="text" value="Comparative &amp; Analytical Division"/>
<b>Date of Incident:</b>	<input type="text" value="12/18/2014"/>	<b>Section:</b>	<input type="text" value="Firearms"/>

Forensic Case Number(s), if applicable:	Agency Case Number(s), if applicable:
A. 2013-05269 B. n/a C. n/a D. 2017-14419/2017-05081	A. 013542213 B. n/a C. n/a D. 782045-17-0041/029243917

**Description of Discrepancy/Non-conformance. Do not include analysts' names unless otherwise instructed by the Section Manager or Division Director(s):**

Four nonconformances related to chain of custody were found during the 2018 Firearms internal audit. The four are outlined below, sectioned as letters A-D. A. The LIMS chain of custody showed that Item 2.1 of case 2013-05269 was in an Examiner's custody when the item was actually packaged with the parent item (Item 2) and returned to the HPD Property Room. B. The chain of custody indicated that reference gun H569 was in the reference collection but it was not in the drawer marked as containing reference guns H551-H570. The reference gun was located in another drawer containing a different range of numbers. There is no Forensic Case Number associated with this nonconformance. C. As a result of a review of the NIBIN "buddy check" process, it was discovered that an internal transfer step was not being recorded in LIMS when firearms are processed for NIBIN entry. The typical procedure that Analysts (both Firearms Examiners and NIBIN Technicians) followed was: 1) Primary Analyst selects firearms to work for NIBIN and removes them from vault 2) Primary Analyst finds a "buddy" to check for pending requests, etc. 3) "Buddy" takes custody of all items Primary Analyst has selected and conducts remaining steps of buddy check. 4) Primary Analyst takes custody of all items from Buddy and conducts steps to check for pending requests, etc. In step 1, even though the Primary Analysts remove the items from the vault and have physical custody of the items, the Primary Analysts do not take custody of the items in the chain of custody. D. The LIMS chain of custody showed Item



2 of ATF Case #782045-17-0041/FCN 2017-14419 was in an Examiner's custody but the item had been returned to the HPD Property Room. The transfer of this item to the Property Room was recorded in another case that was also associated with the same item of evidence.

#### Actions Taken:

A. On 1/22/18, the parent Item 2 was retrieved from the Property Room and returned to HFSC. The Examiner took custody of Item 2 (both physically and in LIMS). The Examiner opened the parent Item 2. Both Item 2.1 and Item 2.2 were present in the package. The Examiner updated the custody of Item 2.1 to "Packaged with Parent" to reflect its physical location. The Examiner notified the Firearms Manager that the child items were accounted for in the parent item. (Also, the Examiner notified the Firearms Manager that the outer package labeled Item 2 was not properly sealed and did not appear to be the same packaging that originally contained Items 2.1 and 2.2. Inside the outer package labeled Item 2 was the original outer package labeled Item 2. That package was properly sealed and contained Items 2.1 and 2.2, also in sealed packages.) On 1/23/18, the Examiner took custody of the parent package Item 2 (containing Item 2.1 and Item 2.2) and added the following note in the comments section in LIMS: "Item 2.1 appeared to be placed in [Examiner's initials] custody on 12/18/14, separate from the parent item (Item 2). This separation only occurred in LIMS. Items 2.1 and 2.2 physically remained together in the parent package (Item 2). Item 2.1 was returned to the HPD Property Room with the parent on 12/31/14. The parent package was brought back to HFSC on 1/22/18 to confirm Item 2.1 was in the parent package (it was). Item 2.1 was "packaged with parent" in LIMS on 1/22/18." On 1/23/18, The Examiner then transferred the package to the Firearms Transfer Bin and added the following note in the comments section in LIMS: "The outer package containing Items 2.1 and 2.2 does not appear to be original packaging from when the Items were received in 2014. The outer package was received closed with evidence tape, but not initialed. The inner package containing the evidence was properly sealed. A proper seal was established on the outer package on 1/23/2018." B. The NIBIN Technician obtained the RFID scanner from the storeroom and was able to pinpoint the reference gun drawer the firearm was stored in. The firearm was one of several pulled by an analyst conducting training for HFSC crime scene unit staff. The Firearms Manager believes the reference firearm was misfiled when the firearms were returned to the vault. The recent RFID scan indicating all firearms were accounted for, as well as the ability to use the RFID scanner to locate the exact drawer the firearm was stored in, shows the effectiveness of this system. C. On 1/24/18, the Firearms Manager had a meeting with all firearms section staff. The Firearms Manager explained this nonconformance and proposed two potential options to staff so that no step in the chain of custody would be missed moving forward. Staff decided that during step 1 when the Analyst removes items from the vault, that Analyst will transfer the items to him/herself in LIMS. This change was communicated directly to all staff during a section meeting. D. On 2/9/18, after discussions with a Quality Specialist, the Firearms Manager submitted an IT ticket to have the chains of custody updated to accurately reflect the movement of the rifle in both case numbers (FCN 2017-14419 and FCN 2017-05081). The chains were updated by IT on 2/15/18. Two transactions that were added (the exchange of the rifle from the "Buddy" to the Examiner and from the Examiner to the Firearms Vault) were recorded with approximate times, and the phrase "time is approximate" was included in the comments for the transaction. A comment was added to the transaction line when the "Buddy" took custody of the rifle. The comment is as follows: On 12/26/2018, this item was received with two case numbers and two item numbers: Item 2 of ATF #782045-17-0041/FCN 2017-14419 and



Item 17 of HPD #029243917/FCN 2017-05081. (The item was originally examined and released to the ATF under FCN 2017-14419.) On 1/4/2018, ["Buddy"] scanned the bar code for Item 2 of FCN 2017-14419 to take custody, but did not realize it. Once ["Buddy"] realized this firearm did not need to be examined for NIBIN, the rifle was transferred to [Examiner] who then placed the item on the Firearms Vault Shelves. On 1/5/2018, the rifle was placed in the Firearms Transfer Bin by [Supervisor], and then returned to the HPD Property Room by CS/CM staff on 1/8/2018. Not all of these transactions were recorded in LIMS for both case numbers at the time of transfer. Any missing transactions for the dates 12/26/2017-1/8/2018 were added to each case. During a staff meeting on 1/24/18, all firearms staff were reminded to check their custody daily to make sure they do not have evidence items that remain in their custody.

#### Summary of Root Cause Analysis:

The following causes were identified for each nonconformance: A. The involved Examiner was a newly trained Examiner and had just learned how to use the LIMS. It is likely that her inexperience in LIMS caused her to unknowingly print a bar-code which would cause the chain of custody to un-link from the parent item. This is why the COC would have been altered without the analysts knowledge. However, the administrative review should have noticed the un-linked parent and child item. The administrative reviewer and the Examiner most likely only reviewed the chain for the parent item in LIMS because the firearms process only separates test fires from the parent item on the COC. This bias most likely allowed for this error to not be caught by the Examiner or the administrative reviewer. B. Multiple reference hand guns were put away at the same time. The way the reference hand guns are packaged in attorney wallets allowed the front flap of one envelope to cover another reference gun and its packaging when putting the guns away. This made it where the Examiner putting guns away placed a reference gun unintentionally in the wrong location as he did not realize that he was placing two reference guns into the storage location. C. Staff members felt that the transfer from the vault to the Primary Analyst not being recorded in LIMS was acceptable since "buddies" took custody soon after obtaining the evidence and before any analysis took place. During the "buddy checks", the "buddy" is in the presence of the Primary Analyst and transfers the evidence to the Primary Analyst immediately after the check. D. One reason this nonconformance occurred is that this item was assigned an ATF case number and an HPD case number and the item was bar-coded with each case number. This caused the "buddy" during a buddy check to not realize that evidence was in her custody. The "buddy" transferred the case to herself in order to perform a buddy check. However, the case did not need to be worked. Therefore the "buddy" checked the custody of the item and did not find the item in her custody in LIMS. This is because she searched the item under the HPD case number but had originally scanned the ATF case number assigned to the item. The "buddy" at that time did not believe the evidence was in her custody in LIMS. After searching, the "buddy" made the assumption that she must have never scanned the evidence.

#### Additional Information/Follow-Up:

This nonconformance was identified during the 2018 Firearms Internal Audit. For Occurrence A: Items 2.1-2.2 of FCN 2013-05269 were received packaged together in a parent package labeled Item 2. As part of the log in process, both Item 2.1 and Item 2.2 were sampled in LIMS on 11/26/14 and had the custody of "Packaged with Parent" when they were transferred to the Firearms Cabinet Drawers. An Examiner was assigned to work the request on 12/1/14. The Examiner took custody of the parent Item 2 on 12/18/14 at 0939 hours. At that time, the custody of Item 2.1 was separated from the parent item in LIMS, but Item 2.1 physically remained in the parent package. The parent package Item 2 (containing Item 2.1 and Item 2.2) was transferred to and from the firearms vault several times during



analysis, but in LIMS, it appears that Item 2.1 remains in the Examiner's custody. On 12/31/14, the parent package Item 2 (containing Item 2.1 and Item 2.2) was transferred to the HPD property room, but the custody of Item 2.1 in LIMS did not reflect the transfer. The discrepancy was noted by a Quality Specialist during an internal audit. For Occurrence B: During the evidence audit portion of the internal audit, one reference gun (H569) could not initially be located. The chain of custody for the reference firearm indicated that an Examiner had used the firearm for training, but had returned the firearm to the vault on 8/24/17. All reference firearms are tagged with RFID tags, and a recent scan (in the month prior) of RFID tags on reference firearms in the vault indicated all reference firearms were accounted for. The NIBIN Technician that knows how to do the RFID scanning was not at work on the day the reference firearm could not be located. For Occurrence D: Item 2 of ATF Case #782045-17-0041/FCN 2017-14419 (7.62x39mm Century Arms model C39 semiautomatic rifle, serial #C39P01504) was received for NIBIN processing on 7/25/17. An examiner processed the rifle for NIBIN on 7/27/17. Item 2 was released to an ATF/HPD representative on 8/14/17. Item 17 of HPD Case #029243917/FCN 2017-05081 (7.62x39mm Century Arms model C39 semiautomatic rifle, serial #C39P01504) was received for NIBIN processing on 12/26/17. Item 17 was received with the original ATF tag still attached. The original ATF tag had the LIMS label identifying the rifle as Item 2 of FCN 2017-14419. On 1/4/18, an Examiner pulled several firearms from the vault for NIBIN processing, including the rifle listed above. The Examiner's NIBIN check "Buddy" began performing the steps of the buddy check. The "Buddy" took custody of the rifle under FCN 2017-14419. At that time, the "Buddy" noted the two tags and the fact that the rifle appeared to have already been processed for NIBIN by another Examiner at HFSC. The Examiner and the "Buddy" informed a Firearms Supervisor of the situation. The "Buddy" checked to see if the rifle in question was in the her custody, but checked under the FCN 2017-05081 and not FCN 2017-14419. When the "Buddy" determined the rifle was not in her custody, the Examiner returned the rifle to the vault. The Firearms Supervisor was able to determine that the rifle had remained in law enforcement custody and did not need to be processed for NIBIN. On 1/5/18, the Firearms Supervisor took custody of the rifle under FCN 2017-05081 and place the rifle in the firearms transfer bin. The transfer of the rifle from the "Buddy" to the Examiner and the transfer from the Examiner to the Firearms Vault were not recorded in LIMS.

**Section Manager:** Donna Eudaley

**Date:** 3/26/2018

**Division Director:** Amy Castillo

**Date:** 3/26/2018

**Quality Director:** Lori Wilson

**Date:** 3/26/2018