



Quality Division Use Only

Quality Tracking #	2018-PAR2	Date Quality Division Notified:	6/11/2018
Date Submitted to Management for Review:	7/2/2018	Date Submitted to Quality for Review:	7/3/2018

Division:	Crime Scene/Digital and Multimedia Division	Section:	Digital Forensics
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Forensic Case Number(s), if applicable:	Agency Case Number(s), if applicable:
2018-05252, 2018-04952	041684518, 082946917

Identified Through: Other

If other, state source: Case File Reviews

Description of proposed preventive action:

During case file reviews completed by the Quality Division on May 30, 2018, the Quality Specialist discovered two Digital Forensic Laboratory (DFL) cases where the requesting agency's search warrant for the items examined was not received as an item of evidence. There was no case record documentation indicating the search warrants were reviewed prior to examination. The current Evidence Handling SOP states: 2.5.1. On Task Force/Agency related search warrants, DFL staff members will be acting in an assisting capacity. 2.5.2. The seizing, cataloging and/or transfer of digital evidence will be the responsibility of the agency executing the warrant. The current procedure does not state the warrant must be reviewed prior to evidence examination. However, the majority of DFL case records reviewed indicated the warrants were received by the DFL as items of evidence. In these cases, the examiners opened the evidence items and reviewed the search warrants. This process was not documented in the case records. However, it can be seen on the physical item that the item was opened and then the package was resealed by the examiner. Even though the search warrant requirement is ultimately the responsibility of the investigating agency, it would be best practice for HFSC to document the review of the search warrant prior to examination to ensure that the examination to be conducted falls within the parameters of the warrant.

Documents and/or Procedures Requiring Update (if applicable):

The Evidence Handling SOP was revised with the following wording: 2.3.7. DFL personnel shall confirm search authority for the device to be examined, when not explicitly stated in the request, by confirming with the requestor or a representative via phone or email communication and document this communication in the case record. When



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the search warrant is provided as an item of evidence, the examiner shall review the search authority listed to ensure relevance and document this review in the case record.

Staff Member:	<u>Justin Galindo</u>	Date:	<u>6/14/2018</u>
Immediate Supervisor:	<u>Justin Galindo</u>	Date:	<u>7/2/2018</u>
Division Director:	<u>Jerry Pena</u>	Date:	<u>7/3/2018</u>
Quality Director:	<u>Lori Wilson</u>	Date Closed:	<u>7/3/2018</u>