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CHAPTER 73 MANAGING LABORATORY EVIDENCE

Revisions
Additions

7301 INTRODUCING RESPONSIBILITIES

7301.1 Definitions.

A. Analyst: an individual authorized to analyze evidence within the Drug Enforcement Administration (DEA) laboratory, which includes the Forensic Chemist (FC), the Fingerprint Specialist (FS), or the Digital Forensic Examiner (DFE).

B. Evidence staff: individuals authorized to receive, store, and transact evidence, as described in subchapters 7302, 7303, 7304, 7305, and 7306, which includes the Laboratory Director (LD), Associate Laboratory Director (ALD), Group Supervisor (GS), Laboratory Administrator Officer (LAO), and Evidence Specialist (ES).

C. Chain of custody: chronological documentation of laboratory transactions that begin with receipt of evidence by the DEA laboratory and includes the creation of records within the Laboratory Information Management System (LIMS), physical transfers of the evidence, and final disposition of the evidence (e.g., return to submitting agency, REDACTD, etc.).

D. Laboratory manager: a permanent member of the laboratory management staff, which includes the LD, ALD, GS, or LAO. Unless specifically authorized in subchapters 7302, 7303, 7304, 7305, or 7306, acting supervisors do not perform evidence-handling duties.

NOTE: Exhibit 1/7301 lists acronyms used in this subchapter.

7301.2 Describing Responsibilities.

A. The LD maintains responsibility over the receipt, storage, and safeguarding of evidence submitted to the laboratory and for ensuring complete accounting of evidence and stockpile materials.
1. Unless expressly prohibited elsewhere in this chapter, the LD may delegate these duties and authorities to other staff members.
2. Unless expressly prohibited elsewhere in this chapter, the LD may request exemptions to the policies and procedures from the Office of Forensic Sciences (SF).

B. The ALD ensures that laboratory managers and analysts adhere to the policies set forth in the Laboratory Operations Manual (LOM) and in discipline-specific manuals. The ALD assists with evidence receipt, handling and storage, as needed.

C. The GS in the chemistry, latent print, and digital evidence disciplines ensures that laboratory analysts adhere to the policies set forth in the LOM and in discipline-specific manuals. The GS assists with evidence receipt, handling and storage, as needed.

D. The LAO is responsible for the main vault and directly supervises the ES in carrying out evidence handling duties. The LAO is responsible for evidence handling processes within the laboratory, including receipt, storage, transfer, and disposition.

E. The ES is responsible for the day-to-day activities regarding receipt, handling, storage and disposal of physical evidence.

F. ESs and laboratory managers are authorized to receive, store, and transact evidence as described in subchapters 7302, 7303, 7304, 7305, and 7306. LDs authorize, in writing, other individuals to perform these functions.

EXCEPTION: Unless specifically authorized by SF in writing, contractors and interns are not allowed to receive evidence or perform any of the functions described in subsections 7302, 7303, 7304, 7305 or 7306. Contract DFE's may possess evidence assigned for examination (see 7305.11 and 7305.12).

G. The FC, FS, and DFE positions are responsible for complying with those policies set forth in the LOM and those in discipline-specific manuals.

H. Laboratory staff accurately documents events or actions involving the chain of custody.

I. Laboratory staff maintains responsibility for wearing the specified personal protective equipment (PPE) in designated areas and for adhering to requirements as described in LOM 77.

7301.3 Collecting and Processing Evidence in the Field.

A. FCs, FSs, and DFEs participate in enforcement operations outside the laboratory to assist Special Agents (SAs), Task Force Officers (TFOs), and/or Diversion Investigators (DIs) in collecting evidence. These operations include, but are not limited to, clandestine laboratories and searches executed with a valid search warrant.

B. Before participating, examiners refer to the Analysis of Drugs Manual (ADM), REDACTED, or the Latent Print Examination Manual (LPEM) for specific instructions regarding these activities.

C. If a second SA, TFO or DI is not present, a laboratory employee at the scene witnesses the SA, TFO, or DI seal the evidence and signs the evidence label in the place provided.

D. Once the evidence is sealed, the SA, TFO, or DI takes custody of, and processes the evidence seized in the operation.

E. Laboratory personnel may not prepare evidence submission documents (e.g., DEA-7, DEA-7a, DEA-7b, etc.) or submit evidence to the laboratory.

7302 RECEIVING, REVIEWING, AND ACCEPTING EVIDENCE SUBMISSIONS.

Review, acceptance, and entry of evidence into LIMS must be completed within 4 business days of receipt.

EXCEPTION: Improper evidence submissions must be accepted and entered into LIMS within 1 business day of resolution (see 7302.22.E).

NOTE: Exhibit 1/7302 lists acronyms used in this subchapter.

7302.1 Receiving Evidence.

Evidence staff:

A. Receives evidence obtained domestically either hand-delivered or shipped to the laboratory.

NOTE: See REDACTED for requirements for DEA evidence imported from foreign countries.

B. Ensures that a DEA-7 accompanies submissions of drug evidence to the laboratory.

C. Ensures that a DEA-7a and DEA-7b accompany submissions of non-drug evidence for fingerprint analysis.

EXCEPTION: Non-DEA agencies (without access to DEA forms) may request a laboratory examination by letter or by other appropriate means (see 7002.12).

D. Ensures non-drug submissions to a Digital Evidence Laboratory (SFL9) include:

1. DEA-7a
2. DEA-7b
3. Search warrant and/or Consent to Search form
4. DEA-48a REDACTED.

EXCEPTION: Foreign submissions do not require a search warrant.

E. For digital evidence laboratories, processes evidence as an improper submission if received with an expired, or otherwise insufficient, search warrant, while awaiting receipt of a valid search warrant (see 7302.22).

F. Ensures laboratory personnel submit proficiency and training samples with a memorandum and document the transfer on a DEA-12.

G. Consults with laboratory management before receiving seizures of hazardous evidence (See LOM 78), perishable items, or unusual seizures. Laboratory management consults with management of the seizing office to determine the best course of action.

NOTE 1: If the laboratory storage space is inadequate, representative samples may be submitted to the laboratory, and the remainder of the exhibit stored at an alternate location (see REDACTED).

NOTE 2: If the evidence is hazardous (see LOM 78), the laboratory only maintains a representative sample. The Office of Global Enforcement (OE) may authorize the destruction of the remainder of the exhibit upon consultation with the LD. Refer to REDACTED for large seizures of hazardous substances.

NOTE 3: The DEA field offices are the custodians of bulk amounts of marijuana (see REDACTED) and pseudoephedrine (see REDACTED).

H. With regard to receiving evidence submissions, when a situation is not specifically addressed by policy, laboratory management contacts SF.

7302.11 Receiving Evidence Delivered in Person.

Evidence staff:

A. Receives evidence submitted in person. Follows TSK-7302.11A, Receiving Evidence Delivered in Person.

B. Examines evidence for packaging integrity, proper seals and labeling. See REDACTED and REDACTED.

C. Ensures submission paperwork appears complete and signs to indicate receipt.

D. Provides a receipt copy to the submitter and stores evidence in the main vault, until reviewed.

NOTE: If evidence delivered in person is later determined to be an improper submission, refer to 7302.22.

7302.12 Receiving Evidence Delivered by Mail

Evidence staff:

A. Receives deliveries from commercial carriers or the postal service. Follows TSK-7302.12A, Receiving Evidence Delivered by Mail.

B. Reviews the receipt provided by the carrier and reconciles it against the delivered packages.
1. Follows PRO-7302.12B1, Resolving Mail Receipt Discrepancies, when the package as described on the mail receipt provided by the carrier is not received by the laboratory.
2. Receives delivery and follows PRO-7302.12B2, Resolving Problems with Damaged Shipping Containers if a package appears to have been damaged in transit or shows signs of tampering.

NOTE: Appropriate follow-up action may include referral to the Office of Professional Responsibility (OPR).

C. Maintains a delivery log to document shipping receipts.

D. Assumes that deliveries contain evidence, follows security policies and stores them in the main vault, until reviewed by the evidence staff. (See 7903.5.)

REDACTED.

E. Opens shipping containers containing evidence and reviews the evidence submissions in accordance with 7302.2.

F. Delivers package to the recipient if determined that a package does not contain evidence or controlled substances (e.g., reference materials).

7302.2 Reviewing Evidence Submissions.

Evidence staff:

A. Ensures that evidence submissions meet the requirements as set forth in the REDACTED and LOM.

1. If compliant, laboratory personnel:
   a. Create a LIMS record for each submitted exhibit,
   b. Affix a LIMS container label(s) to each evidence container, and
   c. Store the evidence containers in the main vault (see 7302.3).

NOTE: Completion of these steps constitutes acceptance by the laboratory, and initiates the laboratory's chain of custody documentation.

2. If not compliant, see 7302.21 and 7302.22.

B. Reviews evidence submissions. Follows TSK-7302.2B, Reviewing Evidence Submissions Received by Mail.

C. Immediately obtains a witness to any improperly sealed evidence items, informs the LAO or other laboratory manager, and processes the items in accordance with PRO-7302.2C, Processing Unsealed Evidence Submissions.

D. May not make changes to the Investigative Agency (IA) case number or IA exhibit number on submission paperwork for DEA evidence (e.g., DEA-7, DEA-7a, and DEA-7b).

NOTE 1: See 7305.22 for resolving improper evidence submissions.

NOTE 2: If the information on the form is inaccurate, submitting SAs, TFOs, and DIs deactivate the original form and create a new DEA-7, DEA-7a, or DEA-7b, REDACTED.

REDACTED.

E. Receives mailed evidence packages that are missing the witnessing official's signature on the evidence label, provided that all the other criteria are met, and obtains written acknowledgment of the omission from the submitting SA, TFO, or DI (see REDACTED and REDACTED).

F. Examines shipping containers and wrapping paper to ensure that all evidence has been removed prior to discarding any packaging material.

G. Annotates the description of the contents of the package in the delivery log after opening.
1. If the package contained evidence, the description identifies the IA case number and IA exhibit number of each exhibit submitted within the package.

REDACTED.

2. If the package did not contain evidence, the description identifies the sender and the intended recipient.

H. Returns evidence sent to the incorrect laboratory (e.g., incorrect area of responsibility). Completes the following:

1. Prepares two hand-written DEA-12s, one to show receipt of the item(s) and one for the return to the submitting person.
2. Includes written instructions for where to properly submit the evidence.
3. Provides all chain of custody documentation to the proper laboratory for inclusion in the case file (once created in LIMS). See 7302.3.

EXCEPTION: The LD may accept new evidence submitted to an incorrect laboratory at their discretion.

7302.21 Correcting Discrepancies on the Submission Paperwork and Evidence Containers.

Evidence staff:

A. May only correct information on submission paperwork from other (non-DEA) agencies, if authorized by the submitting agent.

B. Receive authorization in writing from the submitting agent before making any change to the information listed on the submission paperwork or on the evidence containers.

C. Initial and date the evidence label next to where the correction was made.

D. Initial and date the submission paperwork next to where the correction was made.

E. Attach corrected version of submission paperwork and correspondence authorizing corrections to the LIMS case.

7302.22 Logging Improperly Submitted Evidence.

NOTE: Evidence submissions that do not meet the requirements set forth in the AM, LOM, or TSK-7302.2B, Reviewing Evidence Submissions Received by Mail, are improper evidence submissions.

Evidence staff:

A. Ensures issues with improper evidence submissions are resolved before entry into LIMS and accepted by the laboratory.

B. Logs and tracks resolutions for improper evidence submissions in a bound logbook. Follows PRO-7302.22C, Resolving Improper Evidence Submissions.

C. Ensures the improper evidence logbook contains the following information:
1. Delivery date.
2. Case identifying information, IA case number and IA exhibit number.
3. Physical description of evidence, including the number of containers, container type (e.g., Self-Sealing Evidence Envelope (SSEE), Heat-Sealed Evidence Envelope (HSEE), box, etc.), and contents, if visible.
4. Actual gross weight (GW), obtained by the ES at the laboratory for each container, and recorded as a separate weight for each container. (This is not required for SFL9.)
5. Notes documenting communication with the submitting office.
6. Notes describing the resolution of the problem, or statement indicating that the evidence has been returned to the submitting office.
7. Date resolved or date returned.
8. Initials of the person resolving or returning the evidence.

D. Attempts to resolve evidence submission problems through email or through memoranda to the submitting SA, TFO, DI or group supervisor.

E. Accepts and enters the evidence into LIMS within 1 business day once all problems are resolved. (See 7302.3.)

F. Attaches correction memoranda and other correspondence in LIMS.

7302.23 Storing Improperly Submitted Evidence.

Evidence staff:

A. Stores improper evidence in an area of the main vault specifically designated for this purpose.

B. Does not co-mingle improper evidence submissions with other evidence until resolved.

7302.24 Returning Improperly Submitted Evidence.

Evidence staff:

A. Does not routinely return improper evidence submissions. Follow PRO-7302.22C, Resolving Improper Evidence Submissions.

B. Returns the item(s) to the submitting office with a written explanation (e.g., memorandum, printed email, etc.) if the problems are not resolved within 14 calendar days.

EXCEPTION: SFL1 does not return evidence to foreign DEA offices. SFL1 evidence staff contacts the submitting agent to determine a resolution. If after 14 days no resolution has been reached, the LD contacts the Country Attaché, or Regional Director of the submitting office to determine a resolution.

7302.3 Accepting Evidence and Creating LIMS Records.

Evidence staff:

A. Processes compliant evidence submissions within 4 business days of receipt by entering into LIMS (see 7302.2A).

EXCEPTION: Evidence reconciled as an improper submission must be accepted and entered into LIMS within 1 business day of resolution. See 7302.22.E.

NOTE 1: Creation of the evidence in LIMS signifies acceptance by the laboratory.

NOTE 2: The LIMS system automatically creates unique numbers for the IA exhibit and each evidence container upon entry by the evidence staff.

B. Affixes the LIMS container label to each evidence container, and the case number barcode label to the submission paperwork (e.g., DEA-7, DEA-7b, etc.) once LIMS records are created.

C. Ensures the evidence container(s) and paperwork are properly labeled with LIMS case numbers.

EXCEPTION: Digital evidence laboratories use the LIMS case number range on search warrants and other documents when multiple LIMS case numbers apply (e.g., 2015-SFL9-00120 – 2015-SFL9-00150).

D. Creates a new LIMS case number for each exhibit transferred when evidence is received from another laboratory (see 7305.23).

E. Does not cover or obliterate the original LIMS container label if an exhibit of evidence receives a second LIMS number and label.

REDACTED.

G. Provides a receipt copy of the annotated submission paperwork to the submitting SA, TFO or DI containing the LIMS case number.

H. Follows TSK-7302.3H, Repackaging Digital Evidence Submissions, if digital evidence submissions are packaged in a way that does not protect the device or the data on the device.

7303 STORING EVIDENCE

A. DEA laboratories are the primary custodians of drug evidence collected by DEA offices.

B. DEA laboratories do not permanently store non-drug evidence or non-DEA evidence.

EXCEPTION 1: Fingerprint evidence derived from DEA drug evidence (e.g., packaging) will remain in the laboratory's custody with the drug evidence.

REDACTED.

C. Evidence staff:

1. Stores drug and temporarily stores non-drug evidence in accordance with the REDACTED.
2. Ensures LIMS accurately reflects the physical location of evidence (e.g., vault location, out to examiner, out to court, etc.).

REDACTED.

7303.1 Maintaining Storage and Processing Areas.

Evidence staff:

A. Follows TSK-7303.1A, Storing Evidence in the Main Vault.

B. REDACTED.

C. Stores evidence requiring special storage conditions (e.g., suspected khat, volatile liquid, etc.) in a container fit for this purpose (e.g., within a refrigerator, a freezer, solvent cabinet, etc.) in a vault.

D. May not keep trash receptacles in the main vault.

E. Only uses trash receptacles with self-closing lids in the evidence reception and processing areas.

F. May not use substitute containers (e.g., manila envelopes) to store evidence.

G. Stores unanalyzed evidence and analyzed evidence separately.

7303.11 Storing Unanalyzed Evidence.

Evidence staff:

A. Stores plastic sealed evidence envelopes (PSEEs) in uncovered bins or in boxes without lids, and ordered sequentially by LIMS case number.

EXCEPTION: Evidence containers that are too large or bulky for sequential filing in bins (e.g., boxes, buckets, oversized PSEEs, etc.), will be stored on shelves or pallets within the main vault.

B. Stores evidence submitted for storage only in the analyzed evidence section.

7303.12 Storing In-Process Evidence.

Analysts:

A. Store in-process evidence in a manner that prevents cross-contamination between exhibits.

B. Store evidence in a locked security container, locker, or cage within the in-process vault when not being processed.

C. Store security containers in the in-process vault for overnight storage, or when the analyst is out of the laboratory facility.

REDACTED.

REDACTED.

D. May not store evidence in office desks or on laboratory benches.

1. If evidence containers are too large to fit into the security container, analysts store the exhibit in secure storage lockers, or in lockable cages within the in-process vault.
2. If lockers or cages are unavailable, or if the items are too large to be stored in the in-process vault, analysts will store exhibits overnight in the main vault under temporary seal.
   a. Record the transfer to the evidence staff on a DEA-12 (see 7305.1).
   b. Do not co-mingle evidence stored under a temporary seal in the main vault with other evidence in the main vault.
   c. Lock and store any portion removed for analysis, or small enough to fit into the security container, in the in-process vault.

E. Consult with laboratory management for procedures regarding evidence requiring special handling (e.g., bulk evidence, wet samples, and latent print processing) or special storage conditions (e.g., temperature).

7303.13 Storing Analyzed Evidence.

A. Analysts return completed evidence to the evidence staff for storage.

B. The evidence staff places the evidence in the main vault.

C. Evidence staff stores PSEEs in uncovered bins or boxes without lids, and orders sequentially by LIMS case number.

EXCEPTION: Evidence containers that are too large or bulky for sequential filing in bins (e.g., boxes, buckets, oversized PSEEs, etc.), will be stored on shelves or on pallets within the main vault.

7303.14 Storing Evidence and Other Received Materials Under Proper Environmental Conditions.

Evidence staff:

A. Receives mail within the laboratory and notifies intended recipient of non-evidentiary items (e.g., reagent chemicals, reference materials, etc.). Ensures that the items are placed in a proper storage device and under the prescribed storage conditions while awaiting pick-up.

B. Places evidence in a proper storage device within the laboratory's vault if the evidence requires special storage conditions.

7304 ACCOUNTING FOR EVIDENCE

A. The LD completes the Annual Evidence Inventory (see 7304.1).

B. The LD completes an Internal Evidence Inventory when a member of the evidence staff no longer requires access to the main vault (e.g., transfers to another office, leaves the agency, etc.) (see 7304.2).

C. With SF approval, an internal inventory satisfies 7304.A if the inventory is reconciled with the DEA enforcement offices (see 7304.1C).

D. The LD designates a laboratory manager to lead the evidence inventory.

7304.1 Completing the Annual Evidence Inventory.

LD:

A. Notifies SF in writing of the start date of the annual evidence inventory.

B. Ensures that the physical evidence is scanned and reconciled in LIMS. Follows PRO-7304.1B, Conducting an Evidence Inventory.
1. The designated lead completes the inventory audit within 30 calendar days from the start of the inventory.
2. The designated lead completes the inventory audit for individual sub-laboratories separately, but within the same 30 days to facilitate the reconciliation with the DEA Field Divisions (see 7304.1C).
3. If evidence is determined to be missing, the LD creates a file, to be maintained indefinitely, for copies of related documentation.
   a. After referral to OPR, maintains records of the missing evidence in LIMS, until completion of the next annual inventory.
   b. At this time, or when notified by OPR that the investigation is complete, the LD submits a memorandum to SF seeking SF's written concurrence to reconcile the missing exhibit(s) from the evidence accountability databases (e.g., database update in LIMS, permanent transfer to OPR, etc.).
4. Upon completion, the LD will report the completion and the results of the inventory audit to SF in writing.

C. Ensures reconciliation of the annual inventory with the DEA Field Divisions. Follows PRO-7304.1C, Reconciling the Annual Inventory with the DEA Field Divisions.

EXCEPTION: Digital evidence laboratories are not required to reconcile their evidence inventories with the DEA Field Divisions.

1. The LD completes the reconciliation within 180 calendar days from the completion of the LIMS inventory audit.
2. The LD provides the Special Agent in Charge (SAC) of each division a listing of the inventoried exhibits (either in the laboratory's custody or temporarily transferred) within 20 days of completion of the LIMS inventory audit with a request to complete the field reconciliation
3. The LD sends a follow-up memorandum to those offices not responding within 90 days, asking the SAC to reconcile the inventory and reply within 45 days.
4. If no response is received within 45 days, the LD sends a memorandum, with the original request and follow-up correspondence to the SAC and to SF. SF prepares correspondence from the Operational Support Division (SC) to the SAC to help resolve the issue.
5. The LAO compares responses to the LIMS Inventory Report and resolves discrepancies with the division office's designee.
6. Division offices provide written responses. The LAO maintains copies of correspondence in LIMS as part of the inventory audit.
7. If the laboratory cannot resolve a discrepancy with the field office, the LD prepares a memorandum to OPR and to SF.
   a. After referral to OPR, maintains records of the missing evidence in LIMS, until completion of the next annual inventory.
   b. At this time, or when notified by OPR that the investigation is complete, the LD submits a memorandum to SF seeking SF's written concurrence to reconcile the missing exhibit(s) from the evidence accountability databases (e.g., database update in LIMS, permanent transfer to OPR, etc.).
8. Upon completion, the LD will report the results of the inventory reconciliation to SF (in writing).

7304.2 Completing the Internal Evidence Inventory.

LD:

A. Initiates an internal evidence inventory within 30 days of the reassignment, retirement, or resignation of any individual having direct access to the main vault. Follow PRO-7304.1B, Conducting an Evidence Inventory.
1. The LD may request an extension in writing to SF.
2. If an extension is requested to coincide with the annual evidence inventory, the LD may request an extension of up to 90 days (see 7304.1).

B. Submits written notification to the SF Deputy Assistant Administrator (DAA) stating the reason for the inventory and the beginning date.

C. Ensures completion of an inventory audit for each site where the individual had access to the main vault, including the main laboratory and any sub-regional laboratories.

D. Creates a special file, to be maintained indefinitely, for copies of related documentation if evidence is determined to be missing.
1. After referral to OPR, maintains records of the missing evidence in LIMS, until completion of the next annual inventory.
2. At this time, or when notified by OPR that the investigation is complete, the LD submits a memorandum to SF seeking SF's written concurrence to reconcile the missing exhibit(s) from the evidence accountability databases (e.g., database update in LIMS, permanent transfer to OPR, etc.).

E. Reports the results of the internal evidence inventory to SF in writing upon completion of the inventory audit.

F. Ensures that the LAO reconciles the inventory with the DEA field divisions upon completion of the inventory audit in LIMS (see 7304.1C) if an internal evidence inventory coincides with the annual evidence inventory (see 7304A).

7305 TRANSFERRING CUSTODY OF EVIDENCE

Evidence staff:

A. Only transfers custody of evidence from the main vault for purposes specifically authorized in the REDACTED, LOM, ADM, LPEM, or REDACTED.

NOTE 1: Transfers described in this section (Section 7305) do not require a DEA-48. See 7306 for policy on permanent transfers of evidence requested on a DEA-48.

NOTE 2: Except for evidence returns described in 7305.24-28, transfers described in this section (Section 7305) are temporary.

B. Accurately records transfers of evidence (including the temporary transfer reason) in LIMS.

C. May not receive unsealed evidence containers from analysts.

D. Records evidence transactions in a bound logbook dedicated for this purpose in the event that LIMS is non-operational.

1. Records the following information into the logbook:
   a. Date of the transaction
   b. IA case number, IA exhibit number, LIMS case number (including the Container ID)
   c. Initials of the individuals involved in the evidence transfer in the appropriate To and From column.
   d. The name of the agency in the appropriate column if the evidence is transferred To or From another agency.
   e. The date the transaction is recorded in LIMS.
2. Records the transaction in the logbook into LIMS within 2 business days of LIMS returning to an operational status.
3. Attaches a memorandum in the LIMS case file to document the actual date of the transaction.

NOTE: The memorandum explains why the LIMS transaction date is not the same day as the actual transfer.

7305.1 Transferring Custody within the Laboratory.

Laboratory personnel:

A. Use LIMS to record custody transfers of evidence to/from the main vault and between analysts.

EXCEPTION: Transfers of evidence under temporary seal for overnight storage, as described in 7303.12.D.2 will be recorded on a DEA-12.

B. Ensure that the transaction is accurately recorded in LIMS.

7305.11 Transferring Custody to Analyst for Analysis.

A. Case assignment in LIMS provides authority for analysts to possess evidence.

B. Evidence staff transfers all evidence containers for the assigned LIMS case to the analyst.

7305.12 Returning Custody to the Vault from Analyst After Analysis.

Analysts:

A. Reseal the original evidence containers in accordance with the ADM, LPEM and REDACTED before returning the evidence to the main vault.

B. Label and seal additional containers (special programs, fingerprint evidence, and additional containers) in accordance with the ADM, LPEM, and REDACTED before returning the evidence to the main vault.

C. Only return sealed evidence containers to the evidence staff.

D. Return the original and any newly created evidence containers to the main vault in a timely manner.

1. Upon approval of the analytical report, FCs return evidence to the main vault within 7 calendar days.
2. Upon completion of the administrative review, DFEs return the evidence to the main vault within 7 calendar days.
3. Upon approval of the administrative review, FSs return the evidence to the main vault within 7 calendar days.

E. May not possess evidence for more than 30 calendar days each time that the LIMS case is assigned.

EXCEPTION 1: If the analyst will possess the evidence for more than 30 days, the analyst requests an extension from their supervisor. If granted, the supervisor will issue a memorandum to authorize the extension and include it in the case file.

EXCEPTION 2: Working copies and exhibits containing more than 10 GB of data at digital evidence laboratories are excluded, and do not require an extension from a supervisor.

7305.13 Transferring Evidence between Analysts.

A. Evidence containers in the custody of one analyst may be transferred directly to another analyst (see ADM, LPEM and REDACTED).

B. Case assignment in LIMS provides authority for analysts to transfer evidence to another analyst.

C. FCs may transfer unsealed evidence containers to FSs, and vice versa.

7305.14 Transferring Evidence in the Absence of the Custodian.

LD or ALD:

A. In extenuating circumstances, opens or authorizes another laboratory manager to open an assigned security container in the absence of the analyst.

B. May not authorize an analyst who is acting for their supervisor to access the security container.

C. Documents the access in writing and includes:
1. The name of the laboratory manager who will perform these actions.
2. Specifies the reason why the container needs to be opened in the absence of the custodial analyst.

D. Once authorized, refers the laboratory manager to follow PRO-7305.14D, Opening a Security Container When the Analyst is Not Present.

7305.2 Transferring Custody Outside the Laboratory.

A. Laboratory employees may not transport evidence outside of the laboratory (e.g., to and from court, for examinations by the defense, etc.).

Evidence staff:

B. May not temporarily transfer evidence (e.g., out to court) or permanently transfer evidence (e.g., transfer of DEA evidence to another agency for prosecution) out of the laboratory without a written request authorizing the transfer pursuant to 7305 or 7306.

C. Records custody transfers of evidence outside the laboratory using LIMS.

NOTE: The person conducting a transfer of evidence out of the laboratory is responsible for ensuring that the transfer is accurately recorded in LIMS.

D. Transfers evidence by:

1. Shipping the evidence to the submitting office or to the DEA office requesting evidence for official purposes (e.g., court, examination by defense, etc.).

REDACTED.

2. Providing the evidence in-person to the recipient (e.g., SA, TFO, DI, officer, etc.).

E. Ships DEA evidence to a DEA office unless directed by a court order to ship the evidence elsewhere.

F. REDACTED.

G. Ensures the recipient of the evidence displays official identification (e.g., credentials) and signs a DEA-12, if transferred in-person.

H. Includes a copy of the DEA-12 with the evidence shipment to be signed by the recipient.

I. Uses LIMS to monitor evidence that is out of the laboratory and to track DEA-12s that have not been signed and returned to the laboratory for all transfers.

1. Weekly, the ES:
   a. Reviews the confirm receipt alert in LIMS and identifies DEA-12s not received in over 14 calendar days.
   b. Contacts recipients to request the return of the DEA-12.
   c. Documents the correspondence in the case file.

NOTE: Additional correspondence by the ES seeking the DEA-12 is not necessary.

2. Monthly, the LAO:
   a. Reviews the confirm receipt alert in LIMS and identifies DEA-12s not received in over 28 calendar days.
   b. Contacts the recipient supervisor to request the return of the DEA-12.
   c. Documents the correspondence in the case file.
   d. For DEA-12s not received exceeding 45 calendar days, refers each item to the ALD or LD for follow-up.

NOTE: Additional correspondence by the LAO seeking the DEA-12 is not necessary.

3. The ALD or LD:
   a. Contacts the recipient Assistant Special Agent in Charge (ASAC) or SAC (or equivalent personnel for non-DEA offices) to request the return of the DEA-12.
   b. Documents the correspondence in the case file.

J. If at any time the evidence is believed to be lost in transit, notifies the LD who will notify SF and OPR, in writing.

K. Records the receipt of signed DEA-12s using the confirm receipt function in LIMS.

7305.21 Transferring Custody Temporarily for Presentation in Court.

Evidence staff:

A. May not release DEA evidence for court without receiving a signed written request that must include:

1. Authorization from a supervisory SA or DI (GS-14 or above).
2. The IA case number and IA exhibit number of the items needed.
3. The method of transfer (i.e., mailed or picked up in person).
4. The name of the authorized recipient.

NOTE: See REDACTED for additional requirements when evidence submitted by one DEA office will be used in a trial by a different DEA office, even if the offices are in the same division.

B. Only releases evidence to the authorized recipient after their identity is verified.

C. Transfers the threshold amount and any fingerprint evidence when the requested exhibit is a bulk exhibit.

D. May not transfer bulk amounts, unless specifically requested by a supervisory SA or DI, and authorized by the LD in writing.

E. Conducts the temporary transfer in LIMS. Follow TSK-7305.21E, Conducting Temporary Transfers in LIMS.

F. Ensures the recipient (e.g., SA, TFO, NDEC, etc.) signs and returns the enclosed DEA-12.

G. Monitors evidence out to court via PRO-7305.21G, Tracking Evidence Out to Court.

NOTE: If evidence is required to be in court for more than 90 calendar days, the SAC must request an extension from the LD, via memorandum (see REDACTED).

EXCEPTION: Copies of digital evidence made specifically for court are not normally returned to the laboratory. Do not track via PRO-7305.21G.

H. Ensures evidence returned from court originated from their laboratory. (See REDACTED.)

EXCEPTION: Copies of digital evidence made specifically for court are not normally returned to the laboratory and need not be tracked via PRO-7305.21G.

I. Reviews and evaluates evidence returning from court. Follows PRO-7305.21I, Processing Evidence Returning from Court or Other Purposes.

J. Refers to 7306.1 for the permanent transfer of DEA evidence to another agency for prosecution (see REDACTED) while out of the laboratory for court.

7305.22 Transferring Custody Temporarily for Examination by the Defense.

A. Laboratory personnel may not provide a representative sample for examination or allow a re-weigh of the original evidence by the defense without receiving a proper authorization document. These actions require either:

1. An executed court order, or
2. A signed, stipulated agreement between the defense and the prosecution that mandates the defense's compliance with DEA's safekeeping procedures.

B. The LD appoints a defense analysis coordinator (DAC) to ensure compliance with the authorization document.

C. Before complying with the court order or signed agreement, the DAC ensures that the court order or signed agreement, addresses safekeeping requirements. The safekeeping requirements that may be addressed in the court order or signed agreement include, but are not limited to:

1. Specific reference to the LIMS case number and laboratory exhibit number subject to reanalysis, as well as any categories of reanalysis to occur (re-weigh, qualitative, quantitative, etc.).
2. Specific identification of both the defense expert and defense laboratory (including a full mailing address with zip code).
3. A statement that the exhibit(s) may not be released for any reanalysis before DEA receives information sufficient to prove proper DEA registration.
4. An acknowledgement (where applicable) that law enforcement personnel must be present throughout the reweighing process, and that the Government reserves the right to videotape the process.
5. Deadlines within which re-weighs, retesting, and returns of the exhibit(s) and/or sample(s) occur.
6. A statement that any reweigh precedes any retesting, if applicable.
7. A directive to the defense expert to return any remaining sample after reanalysis.
8. A statement by the defense that articulates (where applicable): the quantity of the entire exhibit as reweighed; the quantities consumed during testing; and either the weight of the remaining sample, or a statement that the sample is wholly consumed during retesting.
9. A statement that the defense provides sufficient facilities, equipment, and manpower to perform necessary tasks where applicable.
10. A provision that defense personnel may not use DEA equipment and must comply with the DEA safety policies and security procedures when present at a DEA laboratory.

D. Before complying with the court order or a signed agreement, the DAC ensures that the defense analyst possesses a current Controlled Substance Registration Certificate (DEA-223 form) to handle the controlled substances to be tested.

E. The DAC ensures that DEA laboratory facilities or equipment will not be used for defense analysis purposes.

F. If, despite the court order, the defense expert is not a DEA registrant or may not handle the particular exhibit or a signed agreement between the prosecution and defense does not comply with the safekeeping requirements listed in C above, the LD must notify the Office of Chief Counsel (CC) in writing.

G. The DAC ensures that a defense analysis sample is provided from the original evidence. Follows PRO-7305.22G, Providing Samples for Defense Analysis.

NOTE: Procedures for creating the defense sample in LIMS are found in the ADM.

H. The DAC oversees or coordinates re-weighs of original evidence. Follows PRO-7305.22G, Providing Samples for Defense Analysis.

I. The DAC ensures that any remaining material, after the defense analysis, is returned to the DEA laboratory.

NOTE: ADM provides guidance for FCs participating in the re-weighing event.

J. Evidence staff provides the exhibit to the coordinating SA, TFO or DI, if the entire exhibit is required for testing or a re-weigh.

K. Laboratory personnel provide the sample directly to the defense expert and/or testing laboratory or directly to the coordinating SA, TFO or DI for delivery to the defense expert and/or testing laboratory if a representative sample is required.

L. Evidence staff records temporary transfers in LIMS. Follow TSK-7305.21E, Conducting Temporary Transfers in LIMS.

7305.23 Transferring Custody Temporarily to another DEA Laboratory.

A. The SF DAA approves evidence transfers between laboratories for backlog assistance before laboratory personnel initiate the transfer.

EXCEPTION 1: Evidence transfers between the Mid-Atlantic Laboratory (SFL3) and the Nashville Laboratory will be approved by the SFL3 LD. Evidence transfers between SFL9 and its satellite laboratories will be approved by the SFL9 LD.

EXCEPTION 2: If a laboratory requires analytical assistance from SFL1 (e.g., structural elucidation in ADM), the LD of the requesting laboratory authorizes the transfer of an exemplar.

B. Evidence staff conducts temporary transfers in LIMS. Follow TSK-7305.21, Conducting Temporary Transfers in LIMS.

C. The receiving laboratory may not obliterate the LIMS evidence container label from the originating laboratory (see 7302.3E).

D. Once analyzed, evidence staff returns the evidence to the submitting laboratory.

7305.24 Returning Non-DEA Evidence to the Submitting Agency.

A. Laboratory personnel may not return non-DEA evidence to the submitting agency until an approved laboratory report is available.

EXCEPTION: When specified in the search warrant, digital evidence may be returned before the laboratory report is available.

B. If the evidence will be returned via an in-person transfer, evidence staff holds the laboratory report and delivers it at the same time as the evidence transfer.

C. Evidence staff returns non-DEA evidence to the submitting office within 30 calendar days once the analytical report is approved through the technical and administrative review (see 7307.1).

REDACTED.

D. Evidence staff returns FBI fingerprint evidence to the submitting office along with the drug evidence containers.

E. Evidence staff records these transactions in LIMS. Follow TSK-7305.24D, Conducting Transfers in LIMS via the Retain/Return Form.

F. If the returned non-DEA evidence needs to be re-submitted to the laboratory for further testing, evidence staff creates a new LIMS case number for each exhibit (see 7302.3F).

7305.25 Returning Non-Drug Evidence to the Submitting DEA Office.

A. Once the analytical report is distributed, evidence staff returns non-drug evidence to the submitting DEA office within 30 calendar days.

EXCEPTION 1: When specified in the search warrant, digital evidence will be returned before the laboratory report is available.

REDACTED.

B. Evidence staff may not return non-drug evidence to the submitting DEA office until an approved laboratory report is available. This requirement also applies to archive copies created at digital evidence laboratories.

C. Evidence staff records these transactions in LIMS. Follow TSK-7305.24D, Conducting Transfers in LIMS via the Retain/Return Form.

REDACTED.

REDACTED:

REDACTED.

REDACTED.

REDACTED.

REDACTED.

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7306 HANDLING REQUESTS FOR FINAL DISPOSITION

REDACTED.

A. REDACTED:

1. REDACTED.
2. REDACTED.
3. REDACTED.

B. Evidence staff:

1. Reviews submitted DEA-48s and resolves discrepancies or other problems through email or memoranda to the case agent and signing group supervisor before initiating any disposal actions.
   a. Original signatures are required.

NOTE: Original signatures are electronic signatures or ink signatures, as well as those that are scanned or faxed.

b. The DEA-48 must be returned to the submitting SA, TFO or DI if any of the following items are incorrect or omitted:
1. Case Number (Item #2).
2. Originator (Item #5).
3. Information in Item #7a, to include a mark for bulk, threshold or total exhibit.
4. Exhibit (Item #8a).

2. May only edit the following sections on the DEA-48 or DEA-48a:
a. Name of DEA Laboratory (Item # 6a).
b. Name of Custodian (Item #6b).
c. Laboratory Number (Item #8b) (this field does not require completion).

C. REDACTED.

D. Laboratory program coordinators (PC) REDACTED may retain evidentiary materials for official purposes (see 7403).

7306.1 Disposing of Drug Evidence by Permanent Transfer.

Transfers described in sections 7306.11, 7306.12, and REDACTED are permanent. Once transferred, the evidence cannot be re-submitted to any DEA laboratory.

Upon receipt of a valid DEA-48, evidence staff:

A. Conducts the permanent transfer of evidence. Follows PRO-7306.1A, Processing DEA-48 for Permanent Transfer of Evidence.

B. Provides the evidence with a DEA-12 (see 7305.2I) and ensures that signed DEA-12s are received (see 7305.2J):

1. One DEA-12 showing receipt by the SA, TFO, or DI.
2. One DEA-12 showing receipt by the third party (e.g., other agency, court, etc.).

C. Signs the DEA-48 only after receiving a signed DEA-12, showing receipt by the third party designated on the DEA-48.

7306.11 Transferring Drug Evidence to Another Agency.

A. Evidence from active DEA cases may be transferred to another agency for prosecution (REDACTED).

B. Evidence staff follows PRO-7306.1A, Processing DEA-48 for Permanent Transfer of Evidence.

7306.12 Transferring Drug Evidence Back to Owner.

A. OE and CC authorize the return of drug evidence to the owner (REDACTED). If the owner is a DEA registrant and the evidence is a pharmaceutical controlled substance, listed chemical or synthetic substance, the Diversion Control Division must also authorize the return (REDACTED).

B. Upon receipt of a DEA-48 and the required authorization, the evidence staff conducts the transfer. Follows PRO-7306.1A, Processing DEA-48 for Permanent Transfer of Evidence.

C. The evidence staff initiates the return of evidence (e.g., seized pharmaceuticals) to the property owner by supplying the evidence to the coordinating DEA SA, TFO or DI who completes the final transfer to the property owner on a DEA-12 (see 7306.1).

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7307 ANALYZING AND REPORTING LABORATORY ANALYTICAL RESULTS

A. Analysts follow discipline-specific procedures outlined in the ADM, LPEM, and REDACTED for the analysis of evidence.

B. Analysts generate a laboratory report for each analyzed evidence submission (see ADM, LPEM, and REDACTED for discipline specific procedures).

REDACTED.

EXCEPTION 2: Laboratory reports will not be generated for DEA evidence submitted as storage only (see REDACTED).

EXCEPTION 3: Laboratory reports will not be generated for exhibits submitted to a digital laboratory that do not have storage capabilities.

C. SFL1 transmits analytical results for submissions from foreign operations by REDACTED (or email) in lieu of a DEA-7 or laboratory report to the originating office.

1. The REDACTED (or email) must include the IA case, the registry number, the amount of drugs received, and the results of analysis.
2. Distribution includes appropriate sections in the Operations Division, the Office of Administration Records Management Unit (SARR), and other DEA offices concerned with the investigation.

7307.1 Reviewing Drug, Latent Print, and Digital Evidence Analysis Reports.

A. The LD ensures that a technical review and administrative review are performed on every laboratory report produced.

B. Technical reviewers must know laboratory policies and procedures and possess the expertise gained through training and casework experience to review testing procedures.

C. Technical reviewers ensure reported conclusions are consistent with quality standards established in the ADM, LPEM, and REDACTED.

D. Technical reviewers ensure that reported conclusions are consistent with, and supported by, the associated data.

E. Administrative reviews include a review of the laboratory report and supporting documentation for spelling and grammatical accuracy, unique identifiers, and inclusion of key information.

F. If permitted in the discipline specific manual, technical and administrative reviews may be combined.

G. Technical and administrative reviews may not be conducted by the author, or co-author, of the examination records or reports under review.

7307.2 Disseminating Analytical Reports.

The LD:

A. Ensures that analysis reports are reviewed prior to dissemination.

B. Ensures that reports are disseminated via LIMS.

EXCEPTION: The above only applies to SFL2-8, and their sub-regional laboratories. REDACTED.

7307.3 Amending Laboratory Reports.

A. Laboratory analysts issue amended reports when corrections to the content of the original report are required.

B. When issuing an amended report, laboratory analysts:

1. Include a statement describing the reason for the amended report (e.g., corrected information) and reference the date of the previously issued report. (See the ADM, LPEM, and REDACTED for discipline specific requirements.)
2. Include the information from the original report, substituting the changed information or adding supplementary information to ensure that the report is unambiguous.

C. Reviewers perform technical and administrative reviews on every amended report, in accordance with 7307.1.

7307.4 Providing Supplemental Reports.

A. Laboratories will issue supplemental reports when additions to the content of the original report are required. (See the ADM, LPEM, and REDACTED for discipline-specific requirements.)

B. When issuing a supplemental report, laboratory staff:

1. Include a statement describing the reason for the supplemental report (e.g., additional examination conducted, reanalysis, etc.), and reference the date of the previously issued report. (See the ADM, LPEM, and REDACTED for discipline-specific requirements.)
2. Include the information from the original report, or add any supplementary information to ensure that the report is unambiguous.

C. Reviewers perform technical and administrative reviews on every supplemental report, in accordance with 7307.1.

7308 MAINTAINING LABORATORY CASE FILES AND RECORDS

7308.1 Maintaining Laboratory Case Files.

A. LDs maintain a laboratory case file (paper or electronic) for submitted exhibits.

B. If the laboratory is using LIMS to generate analytical reports, LIMS is the electronic case file.

C. Laboratory staff may not keep other written laboratory records or analytical data associated with enforcement investigations outside of the case file (e.g., logs, personal notes, etc.).

EXCEPTION: This does not apply to written records associated with research or method development projects.

D. Case files must include documents regarding receipt, acceptance, analysis, chain of custody, and disposition to include the following documents, as applicable:

1. DEA-7 or letter requesting analysis.
2. For digital evidence submissions, DEA-7a, DEA-7b, DEA-6, search authorization, and photos documenting condition at intake.
3. Analyst notes (e.g., CDR, LPDR, DEA-86, DEA-86a, DEA-466, etc.).
4. Supporting data and analytical results (e.g., charts, graphs, etc.).
5. Laboratory Report(s) (e.g., DEA-113, DEA-111, Digital Evidence Examination Report(s), etc.).
6. A copy of the digital evidence findings.

NOTE: In the event that the digital evidence report includes findings or mixed media, for practical purposes these will be stored separately in a secured file room, vault or network location.

7. Laboratory staff identifies administrative documentation with a unique identifier. If bound, the unique identifier need only be on the front page.

EXCEPTION: In a digital evidence laboratory, use the LIMS case number range on documents when multiple LIMS case numbers apply (e.g., 2015-SFL9-00120 – 2015-SFL9-00150).

8. Any investigative photographs and/or negatives.
9. DEA-12s.
10. Copies of electronic communications regarding chain of custody or any case-related issue between a laboratory employee and any other individual (see 7305).

E. Case files for DEA cases also include the following documents, as applicable:

1. REDACTED.
2. For exhibits whose net weight exceeds threshold amounts specified in ADM, the SAC's 60-day letter for bulk evidence submissions (REDACTED) notifying the appropriate United States Attorney or the responsible state/local prosecutor REDACTED, as well as any additional response or appeals of same.
3. A copy of the DEA-500 and DEA-6 from clandestine laboratory investigations.
4. Commercial carrier receipts for evidence returns.
5. Copies of clandestine laboratory investigation documents, such as defendant personal notes and synthesis notes.
6. Printed copies of electronic communications regarding chain of custody or any case-related issue between a laboratory employee and any other individual.

F. The LD closes the laboratory paper case file when:

1. All submitted drug exhibits in a DEA case have been REDACTED permanently transferred (see 7306.1), and all non-drug evidence has been returned to the submitting office (see 7305.25).
2. All submitted exhibits in the non-DEA case have been returned to the submitting agency (see 7305.24). Non-DEA cases that have not received a subsequent exhibit within two years are considered closed.

G. The LD ensures that closed paper case files are stored separately from active/open case files within the file room.

H. Upon closure, the SFL9 LD ensures that case files created in a digital sub-regional laboratory are forwarded to SFL9 for storage and archival.

7308.2 Archiving Laboratory Case Files.

A. Laboratory case files stored in the file room must be forwarded to the Federal Records Center (FRC). Follow PRO-7308.2A, Archiving Laboratory Case Files.

B. Laboratory case files become eligible for archiving 2 years after the case is closed.

REDACTED.

C. The LD ensures that eligible case files are archived within 1 year.

D. Prior to transferring case files to the FRC, the laboratory ensures that the documents contained within each file correlate with the exhibits identified under the case file number.

E. The case file is retained at the FRC for 8 years (REDACTED).

F. If required, the laboratory may retrieve archived case files. Follow PRO-7308.2F, Retrieving Archived Laboratory Case Files.

G. Archive LIMS case files in accordance with agency policies for electronic records.

End of Document