

Memorandum

San Francisco Police Department
Crime Laboratory



To: Deputy Chief Fred Lau
Investigations Bureau

From: Jim Norris, Senior Criminalist
Crime Laboratory

Approved	Yes	No
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Date: October 11, 1995

Subject: A Detailed Response to the ASCLD/LAB Review of Crime Laboratory Procedures

On July 18th I wrote you a memorandum outlining the major changes that have been made to Crime Laboratory procedures since the ASCLD/LAB audit last May. I would like now to present a point-by-point response to all the issues raised by the audit. *(The numbers used below reference the numbering system used by the auditors, you will need to refer to a copy of the audit in order to read the questions that I am answering.)*

It should also be remembered that at the time of the audit in May, updated SOP's had just been issued and the chain-of-command of the Crime Laboratory had just been changed. At the time of the audit, I had been the designated "Laboratory Manager" for less than one month. Prior to that time, many of the duties that now fall to me were handled directly by Criminologist Shoji Horikoshi. Because we were in a period of transition, not everyone in the laboratory was completely conversant with all the changes that had just been made. In the five months since the audit, lab personnel have become much more knowledgeable with regard to these matters.

On Pages 1-4 of the audit, the ASCLD/LAB review made several specific recommendations with regard to our drug analysis procedures. They recommended that a case file be created for each drug case and that there should be more administrative and technical review of each case. We implemented all of their recommendations in this regard on August 1, 1995.

They also recommended that we rely more on instrumental methods of analysis. At the present time, we do not have any of the instrumentation that they feel is absolutely necessary for the proper confirmation of controlled substances. The two instruments that we will need are an FTIR (Fourier Transform Infrared Spectrophotometer) and a GC/MS (Gas Chromatograph/Mass Spectrometer). We have an unserviceable FTIR that needs to be replaced and we have never had a GC/MS. Although we, and many other crime laboratories, have confidence in the microcrystalline tests that we use to confirm the presence of most drugs, there is a growing tide of support for the exclusive use of instrumental methods of analysis for this purpose. The reasons for this change have more to do with the ability to do case reviews (by supervisors and defense experts) than with any lack of specificity of the current methods. If we don't implement the change to instrumental methods soon, we will see increasing attacks in the courts.

I have contacted vendors that sell this equipment in order to determine the approximate cost of this equipment. The FTIR will cost about \$30,000 and the GC/MS will cost about \$50,000 each (Given our caseload, we will need two GC/MS's). Please note that these are not exact costs, but merely

estimates. Also, in order to continue to provide a 6 hour turn-around time for narcotics analysis, we will have to hire additional staff; at least three additional criminalists will be needed.

With this equipment and the case file procedure mentioned above we would be in complete compliance with all the ASCLD/LAB recommendations in the area of drug analysis.

Laboratory Management and Operations

1.1.1.3: Laboratory staff members were reminded of the written statement of objectives at a staff meeting.

1.1.2.1: The budget system of the San Francisco Police Department does not, at present allow for a written formal budget for the Crime Laboratory.

1.1.2.2: Same as 1.1.2.1

1.1.2.3: All Laboratory members have been advised about the use of staples. In actuality, we never use staples alone to seal evidence. We do receive evidence from the Property Control Section that has been sealed with staples. This problem needs to be addressed at the Department level, possibly with a Training Bulletin.

1.1.2.4: In October, a new alarm system was installed in the Crime Laboratory. The Security SOP will be updated to reflect that change.

1.1.2.7: The written procedures for calibration of instruments are contained in the appropriate SOP's. Staff members have been reminded to review these procedures so that they understand them fully.

1.1.2.11: I now review and approve by signature all case files and reports that a prepared by staff members (Including Senior Criminalist Terry Coddington and Forensic Document Examiner Marty Blake). Part of this review process includes making sure that note-taking procedures comply with ASCLD/LAB guidelines. If the report or the notes do not conform to these guidelines, I return the file to the staff member for correction. I have also advised all staff members that I am the "Laboratory Manager" as defined in our written operating procedures. I, of course, report directly to Mr. Horikoshi, who is OIC of the Criminalistics Division.

1.1.2.12: This is incorrect, the Employee Evaluations always contain a section on "Work Plan for the Next Period" and "Recommendations"

1.1.2.14: This is a matter of interpretation, we keep comprehensive statistics in all the areas mentioned as being important to a Laboratory Information System.

1.2.1.1: This is incorrect. Staff members are specialists in there respective areas and do not work outside those areas. The only exception is narcotics analysis, however the vast majority of narcotics cases are done by three criminalists, who specialize in this area.

1.2.1.2: The six hour narcotics case turn-around time was established pursuant to a Federal Court order. There are possible safety concerns with staff working alone on weekends, however there are no security concerns with this arrangement.

The use of the Crime Laboratory as the drug repository actually enhances security since the evidence never leaves the confines of the Laboratory except when signed out for court or destroyed pursuant to court order. There is no traffic whatsoever through the drug vault, normally only two people even enter this room each day.

The test firing of weapons allows us to enter more firearms into the ATF automated bullet matching system.

1.2.2.2: Same as 1.1.2.1

1.2.2.4: Addressed fully in 1.1.2.11

1.2.2.5: Addressed fully in 1.1.2.11

1.2.2.6: This is incorrect, the Employee Evaluations always contain a section on "Work Plan for the Next Period" and "Recommendations"

1.3.1.1: We now have regularly scheduled Staff Meeting, every other Tuesday at 0845 hours, chaired by me.

1.3.1.2: I have met with the Serology Staff members with regard to the implementation of our PCR DNA program. This program was about to go on line in September, 1994, however due to the loss of Criminalist Allison Lancaster, the program had to be put on hold. We now believe that we can be ready to accept some DNA casework in October of this year. Pam Hofsass have been designated as the lead DNA criminalist for this purpose. We have developed a plan for validation and training.

1.3.1.3: Same as 1.3.1.2

1.3.2.1: All staff members were advised in advance, on many occasions, about the planned audit by ASCLD/LAB.

1.4.1.3: Same as 1.1.2.3

1.4.1.4: Bloodstained evidence is dried by CSI personnel, they keep this evidence separate in a drying area in the Impound Room.

We know that to meet TWGDAM PCR guidelines we need to separate some tasks by time, since we cannot to that by space in our current facility. Of course, a new and larger facility would greatly enhance efficiency in this area.

1.4.2.1: This is a new ASCLD requirement. A Quality Manual is being prepared for the quality assurance sections of the various SOP's.

1.4.2.1: When the Quality Manual is completed, a Quality Manager will be selected.

1.4.2.3: This is a new ASCLD requirement. A formal Quality Audit procedure will be part of the Quality Manual. We actually already do what is required, however, we do not designate what we do as the "Annual Quality Audit".

1.4.2.4: Same as 1.4.2.3

1.4.2.5: This entire section is in error and was subsequently retracted in a letter from the President of ASCLD dated June 28, 1995.

1.4.2.6: Same as 1.3.1.2

1.4.2.7: There is now a Questioned Document Examination SOP. It already had already been prepared by Marty Blake, it just wasn't included in the main SOP at that time.

1.4.2.9: Some old "historical" drug samples are kept for training purposes. These samples are not used for analysis. There are no "private" drug collections allowed. All drug standards are kept under lock and key in my office.

1.4.2.10: Reagents are checked before use, if a staff member was not doing this, then he/she was violating procedures. The reagents are used up quickly are checked during routine analysis since they are used to analyze reference drug samples.

1.4.2.11: Same as the comments regarding pages 1-4 of the audit

1.4.1.12: Same as the comments regarding pages 1-4 of the audit

1.4.2.13: This was a misunderstanding between the auditors and the criminalist they were interviewing. When I discussed this with the same criminalist, he indicated that he apparently had not been clear in his explanation with regard to the calibration of the refractive index equipment. In fact, it had been calibrated a few months before the audit and had been used to successfully complete a recent proficiency test.

1.4.2.14: As discussed above, we now keep notes in case files for narcotics cases. We have always kept notes in case files for all other types of cases. I have reviewed the specific ASCLD/LAB requirements with all staff members and I now check all case files for conformity to these requirements.

1.4.2.16: We used published population frequencies, which are generally more accepted in the scientific community.

1.4.2.17: We are taking steps to have the U.S. Postal Service Lab technically review some of Marty Blake's cases.

We now keep notes in case files for all drug cases.

The auditors apparently don't understand California law with regard to the definition of marijuana; 11054(d)(13) of the H&S Code lists only marijuana as a controlled substance (Hashish is not listed). The auditors were from Illinois and Canada.

1.4.2.18: Until I became Laboratory Manager in early May, 1995, there may have been less than thorough administrative review of case files. This is no longer the case.

1.4.2.20: There are procedures in the SOP's to bring technical problem to the attention of management. These procedures will soon be expanded on.

1.4.3.1: We have had a formal proficiency testing program in place since 1987 (the year I came to work in San Francisco), In fact, only one analyst was out of compliance with the ASCLD proficiency

test requirement. That has been rectified. In most areas, we conduct more proficiency tests than are required by ASCLD.

1.4.3.2: Same as 1.4.3.1

1.4.3.4: We already do what is required in this area.

Comments:

1.3.3.1: We have training records for all staff members, they are now kept of the approved ASCLD form.

1.4.1.1: We have chain of evidence records for all types of evidence. For drug cases this information is kept in a bound log, not on the evidence envelope. The auditors apparently did not understand our procedures.

1.4.1.5: The drug storage room is small, but well organized. This room is not frequently accessed by all laboratory staff. This room has a separate combination lock and is now alarmed. Only laboratory staff members with business in the room are permitted to enter. There is no security problem associated with this room.

The walk-in freezer in the impound room is nearly full. I examined the contents of this freezer and found the organization of its contents is now satisfactory, its organization could be improved upon, however. I have been discussing this issue with CSI personnel. The Property Control Section will soon have a walk-in freezer. At that time, the storage of this type of evidence will be transferred to n.

Personnel Qualifications:

2.2.2: Instrumental methods are included in the Narcotics SOP with the assumption that we will soon obtain this type of equipment. At that time, staff members will be trained in the use of this equipment.

2.4.2: Essentially the same as 1.4.2.13. This criminalist has successfully passed every external proficiency test involving the measurement of refractive index of glass that he has ever been given.

Physical Plant

3.1.3: The door in question is always open during business hours. There is no safety issue with regard to this door.

3.2.1: This is a baffling comment. Evidence is checked-out of the Property Control Section, examined and then rebooked. This a very efficient system.

We test fire weapons in the Gun Room since it would be impractical to do so on the 4th floor of the Hall of Justice.

The door to the Gun Room is always open when test firing is conducted. This provides adequate ventilation. I will also add that the bullet trap that is now in use is **grossly inadequate** and likely to produce serious injury to laboratory staff. A new bullet trap should be purchased immediately. The cost of such a trap would be about \$7,000.

The PCR air-flow requirement is not part of the TWGDAM guidelines for DNA analysis nor is this requirement contained in any ASCLD/LAB materials.

Security

3.3.2: We have a new alarm system

3.3.5: We have a new alarm system

3.3.6: We have a new alarm system

Health and Safety

3.4.3: The lunch table is in Room 442. Evidence is not examined in that room.

3.4.4: The reviewers recommended that a commercial laundry service be employed to launder staff member's lab coats. I have asked Marieke Carter to look into obtaining a contract with a uniform service for this purpose.

The fire extinguishers have been checked as required. The Fire Department recently conducted a fire safety audit of the laboratory and found no defects.

3.4.5: If analytical reagents are defined as dangerous materials, then this is true. This is a common practice in all laboratories. Staff members are all trained in the safe handling of such materials.

3.4.7: The PCR fume hood has been certified and repaired since the review. It is in proper working condition at this time.

3.4.9: The reviewers recommend that Crime Laboratory personnel be trained in first aid. Possibly this could be arranged through the Police Academy, however I will need guidance on how to proceed in this regard.

3.4.10: I have asked Criminalist Francis Woo to insure that all narcotics analysis reagents are properly labeled. All labels are now in order. Chemicals are stored alphabetically, by type. That is certainly a "recognized system".

3.4.12: The reviewers recommended that the general level of cleanliness of the Crime Laboratory needs to be improved. I have advised all staff members that they need to pay more attention to housekeeping. This situation could also be improved if we had more janitorial service. The criminalists are paid to examine evidence, not to perform janitorial duties.

I hope this clarifies the comments made by the reviewers. As you can see, in order to implement the many of these recommendations we will need the full support of Department and City officials in order to obtain the funds to buy the necessary equipment and hire the necessary personnel.

cc: Shoji Horikoshi, Criminologist