



<b>Forensic Laboratory Administrative Manual</b>	Approval Date: 01/29/2019
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**Las Vegas Metropolitan Police Department  
Forensic Laboratory  
5605 W. Badura Ave. Ste. 120B  
Las Vegas, NV 89118**

# ADMINISTRATIVE MANUAL

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## LVMPD FORENSIC LABORATORY ADMINISTRATIVE MANUAL

### 1.0 Title: Introduction

#### 1.1 Introduction

This handbook is a combination of the LVMPD Forensic Laboratory's administrative, safety, management system and technical requirement procedures which guide the functions we perform as a part of the criminal justice system. Evidence handling and quality assurance procedures are incorporated into the management system and technical requirement sections.

This handbook is meant to outline the basic procedures routinely used in the Forensic Laboratory. It is not intended to reiterate the policies and procedures set forth in the LVMPD Department Manual.

This handbook is divided into manuals (Administrative, Safety, Management System and Technical Requirements) and each manual applies to a broad topic. The manuals are then separated into chapters containing sections and subsections.

**Note: Unless otherwise noted, the reference to Forensic Laboratory and Laboratory throughout the Handbook encompasses both the Forensic Laboratory buildings (Forensic Laboratory and DNA Annex).**

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## LVMPD FORENSIC LABORATORY ADMINISTRATIVE MANUAL

### 1.2 Title: **Organization in The LVMPD**

#### 1.2 **Organization in the LVMPD**

The Forensic Laboratory is a section of the Criminalistics Bureau, Investigative Services Division. Its position is illustrated by the following organizational charts:

- LVMPD organizational chart
  - <http://metroweb.lvmpd.int/services/department/PaR/Policy%20and%20Research/Forms/Organization%20Chart.aspx>
- Forensic Laboratory Section organizational chart
  - In Qualtrax-  
<https://qualtrax.lvmpd.int/Qualtrax/Default.aspx?ID=2569>

#### 1.2.1 **Organization of the Forensic Laboratory**

The Forensic Laboratory is located in two buildings and divided into six Details.

- Administrative/Quality Detail
- Biology/DNA Detail
- Chemistry Detail
- Firearms Detail
- Latent Print Detail
- Toxicology Detail

The Administrative/Quality Detail, Biology/DNA Detail, Chemistry Detail, and Toxicology Detail are divided into Units.

- Administrative/Quality Detail
  - Administrative Unit
  - Quality Unit
- Biology/DNA Detail
  - Casework Unit
  - Database/CODIS Unit
- Chemistry Detail
  - Seized Drugs Unit
  - Trace Materials Unit
- Toxicology Detail
  - Blood Alcohol and Drug Screen/Confirmation Unit
  - Breath Alcohol Unit

The Biology/DNA Detail and the Administrative personnel assigned to the Biology/DNA Detail are located in the DNA Annex. The remainder of the Details, Administrative personnel and the Quality Unit are located in the Forensic Laboratory building.



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## LVMPD FORENSIC LABORATORY ADMINISTRATIVE MANUAL

### 1.3 Title: **Performance Standards**

#### 1.3.1 **Forensic Laboratory Performance Standards**

Performance standards and goals will be established in writing by each of the Detail/Units of the Laboratory and reviewed annually, taking into account work load balance, backlog, and special projects of the Detail/Unit and the Laboratory. The establishment of performance standards, in concert with the goals of the various Details/Units, is an effective way to coordinate the efforts of Laboratory members so they contribute to the achievement of Laboratory functions and to the goals and strategies of the entire organization. Therefore, these goals should be revisited annually to ensure they are relevant and realistic. A copy of the Laboratory's performance standards is located in the Forensic Handbook folder in Qualtrax.

#### 1.3.2 **Performance Appraisals**

Performance appraisals are conducted annually on tenured non-appointed employees in accordance with guidelines established for civilian employees and applicable contractual requirements. Performance appraisals on probationary employees are conducted on a quarterly schedule, as approved by established guidelines in accordance with LVMPD procedures. Performance appraisals can be conducted more frequently, if warranted.

LVMPD documents describing the performance appraisal system are available to Laboratory members for review. Standardized forms associated with the performance appraisal system can be found on the wide area network at W:\Performance Appraisal System.

#### 1.3.3 **Rewards and Recognition Program**

Laboratory management maintains an informal employee rewards and recognition program. Letters of commendation and appreciation forwarded to the Laboratory Director are read during the bimonthly staff meeting to bring attention to the achievements of members of the Laboratory. Employees wishing to bring the achievements of a Laboratory member to the attention of management staff can prepare a brief memo outlining the contributions of their fellow employee.



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## LVMPD FORENSIC LABORATORY ADMINISTRATIVE MANUAL

### 2.1 Title: **Duty Hours**

#### 2.1.1 **Duty Hours**

The Forensic Laboratory will be open for business Monday through Friday 0700 to 1600 hours. The Laboratory will be closed for those holidays established by collective bargaining agreement.

Work schedules with start times varying between 0630 and 0900 are available to Laboratory members with the approval of the Laboratory Director. If established work schedules are not meeting the family responsibilities and needs of Laboratory members, revisions to shift and days off can be requested twice annually, in the first week of January and July. These requests should be submitted to the Laboratory Managers/Supervisors first, who will determine the impact the change will have on Laboratory functions. Final approval for the changes rests with the Laboratory Director.

#### 2.1.2 **Deviations from Established Work Schedules**

Any deviations from established work schedules or the daily work routine (such as lunch hours, medical appointments, etc.) must be approved by the member's supervisor before they occur, as this can negatively impact the Laboratory's ability to properly carry out case work and court appearance responsibilities. Shift adjustments will not be a routine practice and may only be approved in limited circumstances by the member's Laboratory Manager/Supervisor or the Laboratory Director.

Work schedules are maintained by the Sr. LEST of the Administrative/Quality Detail. Alterations to the work schedule must be brought to the attention of the Sr. LEST by Laboratory members.

#### 2.1.3 **In/Out Board**

Members will assume responsibility for keeping their supervisors and peers abreast of their whereabouts during duty hours as a professional courtesy. Court appearances, attendance at meetings, errands, etc., as well as the applicable contact numbers, will be communicated to the appropriate supervisor and the support staff.

An In/Out board will be utilized by members to aid the staff in their duties. The board will help keep the staff abreast of the members' whereabouts during duty hours.

#### 2.1.4 **Training on RDO's**

If a member is required to attend department authorized training on regular days off, the RDO's may be adjusted within that specific pay period with



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appropriate approval. RDO adjustments are also allowed for department authorized travel time.

If funds are unavailable for training and a member wishes to attend relevant training at their own expense, time for offsite training may be approved at the discretion of the Laboratory Director, dependent upon work load considerations and Laboratory needs.

### **2.1.5 Overtime**

On occasion, staff members may have to work beyond their normal duty hours. Overtime compensation is determined by collective bargaining agreement and the policies set forth in the Department Manual.

Planned overtime, such as that required for casework directed by court order or for investigative purposes within a limited time frame, must be approved in advance by the appropriate Laboratory Manager/Supervisor or the Laboratory Director.

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### 2.2 Title: **Leave**

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#### 2.2 **Leave**

Vacation and sick time accrual and usage are governed by the policies set forth in the Department Manual and collective bargaining agreements.

Forensic Laboratory members unable to report to work shall notify their supervisor at least two (2) hours prior to their assigned shift as outlined in the Department Manual **620.1 – Attendance**.

As a courtesy, the member's supervisor should be advised before completion and submission of a leave request in Employee Self Service (ESS).

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### 2.3 Title: Dress Code

#### 2.3 Dress Code

Laboratory employees will adhere to the rules governing civilian attire as outlined in the Department Manual, section **4/107.00 – Personal Appearance**. Jeans and sport shoes are appropriate attire for the Laboratory environment, especially when public access is so restricted. As outlined in 4/107.00, jeans must be in good repair and must not be faded (either by design or wear). Appropriate safety clothing will be utilized in the Laboratory proper according to **3.4 - Chemical Hygiene Plan, 3.4.6 - Personal Protective Equipment (PPE)**.

Members are required to have appropriate court attire on hand as they are “on call” for court appearances (see **2.13 – Subpoenas** for further details).

Members will follow business dress guidelines for all court appearances and other appearances (presentations, training) where professional testimony or discussion is given by the member:

- Male members -suit and tie, or sports jacket with shirt and tie and casual slacks (no denim allowed).
- Female members - dresses or suits (suits can be either a skirt or pants suit).



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### 2.4 Title: **Visitors and Tours**

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#### **Definitions**

**Laboratory Proper (Forensic Laboratory building)** – Detail/Unit specific areas of the Forensic Laboratory building.

**Laboratory Proper (DNA Annex)** – All areas of the DNA Annex building beyond the front lobby.

#### **2.4.1 Criminalistics Bureau Members**

Access to Laboratory areas is carefully controlled for security purposes. In the Forensic Laboratory building, members of the Criminalistics Bureau are permitted access to the Laboratory proper without signing the *LVMPD Visitor Log* (LVMPD 518), as their duties require contact with Laboratory personnel or use of facilities or equipment. However this may not occur unless they are escorted or the section is occupied by Laboratory members at the time.

Daily custodial tasks are performed by a company contracted by the LVMPD. Custodians will be escorted when performing custodial duties in the Detail laboratory areas in the Forensic Laboratory and in the DNA Annex.

In the DNA Annex, the only personnel allowed unescorted access to the Laboratory proper are the Bureau Commander/Executive Director, Forensic Laboratory Director, Quality Management, Sr. LEST, members of the Biology/DNA Detail to include assigned volunteers/interns, and Lab Aides. Employees of the Forensic Laboratory and Evidence run teams are not required to be signed-in, however will be escorted while in the Laboratory proper area of the DNA Annex. All other members of the Criminalistics Bureau (CSI and Main Evidence Vault) and police department must be signed-in and escorted at all times while in the Laboratory proper area of the DNA Annex.

#### **2.4.2 Visitors**

Visitors, including those individuals performing routine deliveries of Laboratory supplies and routine building maintenance, entering the Laboratory must complete and sign the *LVMPD Visitor Log* before being granted entry.

Members of the LVMPD (including officers and detectives) must sign the *Visitor Log* upon entry into the Laboratory proper.



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Entry into the Laboratory proper requires signing the *Visitor Log* and accompaniment by a Laboratory member. The *Visitor Log* is found at the reception area of the Forensic Laboratory and near the back door.

A Laboratory member will sign visitors in with name, visitor badge # (if applicable), organization (agency/company information, if they are not affiliated with an agency or company, enter 'Citizen'), I.D. type (badge, Driver's License, company I.D.), time of admittance (in 24 hour format), and purpose of visit. The visitor will be provided a Visitor badge to be worn for the duration of their stay in the Laboratory. LVMPD employees who are clearly identified (badge or LVMPD ID displayed) are not required to wear a visitor's badge. Visitor's badges will be returned upon departure and the time out (in 24 hour format) will be recorded. Visitors will be monitored by Laboratory members during their stay.

The Laboratory Director may grant routine delivery personnel and consultants/contractors employed by the LVMPD specific access depending upon duties or scope of work. The *Visitor Log* need not be signed if their duties or scope of work are directly related to Forensic Laboratory business.

The Information Technologies (IT) Bureau Architect Network Section has been granted unescorted access in the Forensics IT Room located in the Forensic Laboratory Building by the Laboratory Director. Members of the Architect Network Section must still log in as Visitors and be escorted to the Forensics IT Room. Access to the Laboratory Proper from the Forensics IT Room cannot be gained without proximity card access.

#### **2.4.2.1 Outside Experts**

The policies and procedures governing outside experts are located in chapter **2.14 –Requests for Documentation Production/Outside Experts**, subsection **2.14.4 –Outside Experts**.

#### **2.4.3 Tours for LVMPD Employees**

Laboratory members who wish to provide tours for Department members are encouraged to do so if they feel it will benefit the members in carrying out their official duties (ex: new sexual assault detectives). The requirements for visitors described above must be met.

##### **2.4.3.1 Tours for Legal Groups**

Tours of the Laboratory for groups such as Grand Jurors, prosecutors or public defenders are mutually beneficial and are typically granted upon request.

##### **2.4.3.2 Tours for Visiting Law Enforcement Officials**

Tours involving visiting law enforcement officials (commissioned officers, forensic scientists, etc.) are generally permitted (a copy of their law enforcement identification is required).



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### 2.4.3.3 Tours for Laboratory Personnel's Immediate Family

Laboratory personnel may provide tours to their immediate family members without performing the background check with the understanding that their family members will be disqualified from touring the Laboratory if they fall into any of the eight categories listed below in **2.4.3.4 – Tours for the General Public**.

### 2.4.3.4 Tours for the General Public

Due to space limitations, safety considerations, and security issues, tours for the general public are discouraged, particularly when they involve large groups or children. Requests for non-law enforcement community groups and school groups will only be permitted on scheduled tour days. Any non-law enforcement personnel wishing to tour the Forensic Laboratory will be required to undergo a limited background check. Information for the background check will be collected on the *LVMPD Forensic Laboratory Background form*. Tour requests will follow the same disqualification guidelines set by the LVMPD for citizen observers in the Department Manual **5/207.10- Citizen Observers, Ride-Alongs/Sit-Alongs**. Requestors who fall into any of the following categories are disqualified:

1. Is in the United States illegally;
2. Has a felony conviction (including any crime that would be a felony if committed in Nevada);
3. Has a misdemeanor conviction in the past two years;
4. Has a conviction for Battery/Domestic Violence;
5. Is involved in a pending criminal case;
6. Is determined to have gang, subversive, or terrorist group affiliation;
7. Is under 18 years of age at the time of the request, unless participating in the LVMPD Explorer program;
8. Is untruthful on the application;

Tours may also be denied if it is deemed in the best interest of the Department, and with Bureau Commander concurrence.

In the event that a requestor is denied due to criminal background, gang or terrorist affiliation, members are not to disseminate the information to the requestor.

For groups containing individuals under the age of 18, the Laboratory may offer the group requesting the tour an offsite presentation by one of the Laboratory members.

### 2.4.3.5 Scheduled Tours

Scheduled tour days - To help control the down time experienced by the analysts associated with tours, tours will be scheduled on an as needed basis. On tour days there may be two separate tours scheduled consisting of not more than 20-25 people per tour. Signing up for the tours will be mandatory as the tours will be provided on a first come, first served basis. Groups approved to tour the Laboratory during this time routinely consist of,



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but are not limited to, community groups and college students interested in forensic/law enforcement careers. Due to the nature of evidence, and the potential for contamination, no tour groups will be allowed to enter the Detail/Unit specific areas of the Laboratory.

The coordination of tours of the Laboratory will be handled by the Public Relations Committee. Tour groups must be escorted and continually monitored. The *LVMPD Visitor Log* will be used for all tours. Visitors in tours may wear temporary *Visitor* stickers in lieu of badges. Large groups should be divided so that they are more manageable. In all instances, visitors shall be advised of evidence integrity issues and that nothing in the Laboratory shall be touched unless they are specifically instructed or invited to do so. Members of the visiting group will not be permitted to wander off individually. Local High Schools and other organized groups may request an offsite presentation by members of the Laboratory, which can be performed schedules permitting. The vetting of requests for offsite presentations will be handled by the Public Relations Committee.

***Note: No tours will enter Laboratory proper areas without prior permission from the appropriate Manager/Supervisor or Laboratory Director.***

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### 2.5 Title: **Vehicles**

#### 2.5 **Vehicles**

The Department provides the Laboratory with a number of “pool vehicles” to be used by Laboratory members. Keys for the cars are maintained near the Sr. LEST’s desk.

If no Forensic Laboratory vehicles are available, Laboratory members may use vehicles assigned to the CSI Section. When using a CSI vehicle, the on-duty Crime Scene Analyst Supervisor or the CSI Sr. LEST shall be notified and the vehicle must be signed out utilizing the CSI Vehicle Log (located near the key box).

The Clandestine Laboratory member on call will utilize the clan lab vehicle during calls.

The breath car will be assigned to the Breath Alcohol Unit for use during official duties.

The NIBIN truck will be assigned to the NIBIN squad for use during official duties.

The DNA vehicle will be assigned to the Database Unit for use during official duties.

Laboratory members are assigned individual gas cards to be used when fueling Department vehicles. Department members are limited to specific car wash and fueling locations arranged for the Department by the Logistics Bureau. A list of these locations may be kept in the vehicle for the convenience of Laboratory members. See Department Manual **5/104.06 – Maintenance and Fueling of Department Vehicles** for further details.

All members are encouraged to advise their Manager/Supervisor when they detect problems with any vehicle. Vehicle maintenance is usually handled by support service personnel.



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### 2.6 Title: **Budget**

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#### 2.6 **Budget**

The budget for the Forensic Laboratory is prepared annually in accordance with guidelines established by the Office of Finance. A copy of the current budget is maintained in the office of the Laboratory Director. Preparation for the next fiscal year usually begins in September and is usually due in the beginning of October. Although the Laboratory Director is ultimately responsible for the preparations and management of the budget, Laboratory members actively participate in the process.

Other funding sources available to the Laboratory are grants and the Forensic Analysis and Genetic Testing Funds, commonly referred to as Fund 207. Expenditures of money available through Fund 207 are regulated by Nevada Revised Statute. If purchases are made through Fund 207, the Budget Office must be informed by annotation on the Request for Purchase Requisition via SAP.

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### 2.7 Title: **Purchasing Requests**

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#### 2.7.1 **Blanket Purchase Orders**

Since Laboratory functions depend on a variety of equipment, disposable supplies, chemicals, etc., the need for a quick and easy method to receive supplies is established through the use of blanket purchase orders (PO's). The purpose of blanket PO's is outlined in the Department Manual, **5/103.08 – Purchasing – Requests, Processing and Payments** and is used for multiple purchases from the same vendor over the course of a fiscal year. Laboratory members should recommend blanket purchase orders for those scientific supply companies which will be used on a routine basis. Some vendors, which supply items department wide, may have a blanket PO established by the Logistics Bureau. A list of those companies is available through the Sr. LEST.

#### 2.7.2 **SAP**

The Department utilizes SAP as its financial and inventory management system. Purchase order requisitions and goods receipts are entered into the system with specific persons given authority for budget approvals.

#### 2.7.3 **Non-Blanket Purchase Orders**

Purchase of other capital equipment, goods, or services from a vendor which does not have a blanket PO can be accomplished by submitting supply and equipment requests to the member's Laboratory Manager/Supervisor and if approved, it will be forwarded to the Laboratory Director. Availability of funds, appropriateness of the purchase and funding priorities will be considered by the Director and the chain of command. When approved, the Sr. LEST will place the request in the SAP system. The exception to the use of SAP occurs with grant purchases, which must be submitted on a paper purchase order requisition.

#### 2.7.4 **Purchases Exceeding \$25,000**

If the purchase from one vendor exceeds \$25,000, but is less than \$50,000 in one fiscal year, a price quote for those same supplies from two vendors will be required. The written quotes from the vendors must be obtained using the Request for Quote, LVMPD 432. If any one item or like items (disposable Laboratory supplies or Laboratory sample kits, for instance) exceed \$50,000, a competitive bid for purchase is required. The department is governed by purchasing regulations established in the NRS applicable to governmental entities. See Department Manual, **5/103.08 – Purchasing – Requests, Processing and Payments** for further details.





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#### 2.7.4.1 Sole Source

Some purchases and/or professional or proprietary services that do not warrant competition may be sole sourced (competitive bid exceptions) based on factors such as: the compatibility of instrumentation, a highly specialized service, and uniqueness/specialization of the product. Justification for a competitive bid exception must be submitted to LVMPD Purchasing Unit for approval.

#### 2.7.5 Credit Card

The Forensic Laboratory has a credit card which can be used for one time purchases of items costing less than \$200. This card is available to employees upon approval by the Laboratory Director for the purchase of items which are needed on an **emergency** basis or if an alternate form of payment is not accepted by the vendor. It must be stressed that the LVMPD is a tax exempt institution and some local vendors have refused to honor the card based on this fact (see Department Manual **5/103.45 – Department Credit Cards** for further details).

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### 2.8 Title: Inventories

#### Definition(s)

LIMS- Laboratory Information Management System.

FRED- Forensic Request and Examination Database, the name given to the LVMPD Forensic Laboratory LIMS.

Resource Manager- A module in FRED that contains information for resources utilized by the Forensic Laboratory. These resources include, but are not limited to, chemicals, reagents, equipment and instrumentation.

#### 2.8.1 **General Property**

The policies located in Department Manual **5/103.22 – Property Management System** must be followed for all property with an initial value of more than \$5,000 (fixed assets).

A comprehensive property inventory, provided by the Accounting Section, of all fixed assets is required to be completed annually. Therefore, when equipment is purchased, moved to a different location or destroyed, proper notations must be made to the Laboratory's inventory located in the following location- H:\CB\Forensics\General\Inventory. When a fixed asset is being removed from service (scrap, auction or disposal) the change section of the Property Control form must be completed. A copy of the form should be saved for inventory purposes. The form must be forwarded to the Accounting Section.

The Laboratory's inventory must be properly documented when any non-fixed asset item (valued under \$5000) is purchased, moved to a different location or destroyed.

If an "older" item (purchased prior to the initiation of the Laboratory property inventory) is being destroyed, a LVMPD memorandum should be completed and forwarded to the Sr. LEST assigned to the Forensic Laboratory.



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### 2.8.2 Equipment and Instrumentation

Any and all technical equipment and instrumentation acquired by the Laboratory will be recorded on the Forensic Laboratory Equipment/Instrumentation Receipt form (Qualtrax 5431). The Detail/Unit receiving the equipment/instrumentation is responsible for filling out the form. The form should be completed in its entirety. Originals are maintained in the Resource Manager Object Repository or in Qualtrax.

### 2.8.3 Firearms Inventory

An inventory of the firearms reference collection will be maintained. If available, the information collected will include the make, model, caliber, serial number and location. The master inventory, located in the following location- H:\CB\Forensics\Manager\Firearm Reference Collection, is maintained by the Firearms Detail. Any deletions or additions to the inventory will be noted by memorandum to the Laboratory Director and will be incorporated into the master inventory during the next routine accounting. The Forensic Laboratory firearms inventory will be kept in coordination with the Department's equipment tracking system to ensure that the inventory is accurate.

An annual inventory will be conducted and any discrepancies not accounted for by memorandum will be brought to the immediate attention of the Forensic Laboratory Manager of the Firearms Detail and the Laboratory Director. Any unaccounted discrepancies will also be reported to the Supply Section of the Logistics Bureau (see Department Manual **5/208.06 – Firearms Issue and Tracking** for further details). A LVMPD memorandum detailing the results of the inventory will be forwarded to the Quality Manager/designee and will be uploaded into Qualtrax.

Firearms from the collection may be used by the personnel assigned to the Firearms Detail in conjunction with their official duties. Firearms from the reference collection may also be removed from the Laboratory and transported to an off-site facility for testing or training purposes. This practice is permissible as long as the firearm(s) remain in the custody and control of the Firearms Detail personnel while outside the Laboratory.

Firearms from the reference collection may be released to other Department Members upon approval of the Firearms Detail Manager. These releases will be for short term use only and must coincide with the official duties of the Department Member. These releases will be documented on the Firearms Detail "Temporary Firearm Release" form (Qualtrax 6982). These forms will be maintained in the Firearms Detail Armory until the released firearm(s) is/are returned. Once returned, these forms will be maintained in Qualtrax.

Removal of firearms from the Laboratory for personal use is forbidden.



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#### **2.8.4 Chemical and Drug Inventory**

An inventory of chemicals and controlled substances will be maintained. Those records, kept electronically, can be found in two locations- H:\CB\Forensics\General\Chemical inventory (MSDS)\Chemical Inventory and in the *Resource Manager*.

The inventory on the H: drive contains all the information required by the LVMPD Safety Detail and is maintained for first responder safety. This inventory is provided to the LVMPD Safety Detail upon request.

The inventory in Resource Manager is maintained for casework purposes.

The Drug Weight History inventory used for tracking the weights of the controlled substances used by the Seized Drugs Unit is located in Qualtrax.

An annual inventory will be conducted on controlled substances and any discrepancies in the quantity exceeding +/- 5% of the amount recorded in the Drug Weight History tab in Qualtrax will be brought to the immediate attention of the Forensic Laboratory Manager of the Chemistry Detail and the Laboratory Director.

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## LVMPD FORENSIC LABORATORY ADMINISTRATIVE MANUAL

### 2.9 Title: Record Sealing

#### 2.9.1 General

The Forensic Laboratory is required to comply with the sealing process by removing information in files and databases that can link the petitioner to the event. Information of this nature consists of the petitioner's name, ID number(s), Social Security number, or any description from which identity could be deduced (for example, a reference to the petitioner's brother), etc.

***Note: A sealing order would not apply to a DNA sample or DNA profile. The sealing statutes in NRS 179.235, 255 apply to criminal history records. Since DNA samples and profiles are not criminal history records, they would not be sealed pursuant to an order. There are specific statutes and processes (NRS 176.09125 and NRS 176.09165) to follow to have a DNA sample or profile purged that would override the general sealing statute.***

#### 2.9.2 Sealing Procedures

Upon receipt of an order to seal records from the Records Bureau, the following sealing procedures will be performed by Laboratory personnel:

##### **Sealing procedure for cases worked prior to the implementation of FRED (October 07, 2013):**

- A checklist will be created on colored paper (lime green).
- The event number will be queried in NFLIS (National Forensic Laboratory Information System). Entries in any fields that contain the name or identifying information about the petitioner must be removed by replacing it with five capital X's ("XXXXX"). Therefore, if the name, ID number, social security number (although it is unlikely that this number is in NFLIS), is present in the NFLIS record, it will be deleted and XXXXX will appear in its place. All other information maintained in NFLIS will remain unaffected – this includes names of other suspects and victims and the names of requestors, officers, detectives, etc.
- Case files (including case notes) will be pulled. The case file and notes will be visually searched and the petitioner's name and any other identifying information will be redacted.



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### **Sealing procedures for cases worked after the implementation of FRED (October 07, 2013):**

- A checklist will be created on colored paper (lime green).
- The event number will be queried in FRED. A blue flag located under Actions in Lab Case Detail will be selected. When the blue flag is selected, Sealed Record will appear in the lower left hand corner of the Lab Case Details page. The petitioner's name, a reference to the seal order and date, along with any other pertinent information will be placed in the Lab Case Comments.
- Entries in the Parties of Interest tab on the Lab Request Details page that contain the name or identifying information about the petitioner must be removed by replacing it with five capital X's ("XXXXX").

***Note: The sealing of records for Biology/DNA outsourced cases containing batched information may require all Lab Numbers in the associated batch to be sealed.***

### **Sealing procedures for all cases:**

- For cases with event numbers prior to 2011, associated latent lift packets will be pulled. The petitioner's name and other identifying information will be redacted from the latent print envelope. It is not necessary to redact information from the actual lift cards contained in the envelope, unless the cards are to be reproduced per the demands of a discovery subpoena or a court order. If the prints are going to be released, then the information must be redacted. The redacted latent lift packet will be refiled and retained in the Remstar or in secured storage according to normal procedures.
- If the Laboratory receives a discovery subpoena requesting documentation under a specific event number, FRED, NFLIS and/or the administrative file system (for non-FRED cases) will be checked. If it is obvious from these sources that a record sealing took place, additional redacting may be necessary before any records can be released. All releases of discovery materials must flow through the Quality Manager/designee (see **2.14 –Requests for Document Production/Outside Experts** for further information on discovery procedures).

#### **2.9.3 Sealing Orders Not Received from the Records Bureau**

The Quality Manager should be notified if an order to seal a record comes to the Laboratory from a source other than the Records Bureau.

#### **2.9.4 Release of Case Information**

Laboratory members must query FRED, NFLIS and/or the administrative case files to ensure that sealing procedures have not been applied to a case before releasing information. Any Laboratory member who violates the



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sealing order by releasing information (even to other department members) should be aware that serious consequences may be a result of this breach of Nevada Revised Statute.

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### 2.10 Title: **Communications**

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#### **Definition(s)**

Lab Number- Number automatically generated by FRED that is used as the unique identifier for each case and report (e.g. 14-02742.4). The first six/seven digits are unique to each case. The number after the decimal place represents a specific Unit Record and is unique to each report.

Lab Case Record- An area in FRED that includes information associated to a particular Lab Number viewable by all of the Detail/Units. The Lab Case Record contains the following tabs: Details, Unit Records, Evidence, Related LAB cases, LAB Requests and Extended Data.

Communication Log- A button located in the ribbon at both the Lab Case Record and Unit Record levels in FRED where comments, information, pertinent discussions, etc. pertaining to a particular Lab Number can be entered. If information applies to and/or affects multiple Units, the Communication Log located at the Lab Case Record Level should be used.

Object Repository- An area in FRED that houses documentation associated with a particular Lab Number or Resource. There are six Object Repositories located in FRED, the Lab Case Details Object Repository, the Unit Record Object Repository, the Lab Request Object Repository, the Resource Manager Object Repository, the Evidence Object Repository and the Communication Object Repository. If information applies to and/or affects multiple Units, the Lab Case Details Object Repository should be used. If information applies to a particular Unit, the Unit Record Object Repository should be used. If information applies to a Forensic Laboratory resource (e.g. chemical, reagent, equipment, instrument) the Resource Manager Object Repository should be used.

Unit Record- An area in FRED that includes information associated to a particular Lab Number viewable by the assigned Unit only. The Unit Record contains the following tabs: Details, Requested Exams, Worksheet, LAB Report, Specimen Count, Transfer History and Extended Data.

#### **2.10.1 General**

Effective communication is essential to provide professional quality service to the LVMPD and other user agencies and to render support services which enable the Laboratory to maintain a smooth flowing operation.

#### **2.10.2 Written Communication**

Several forms of written communication exist for use by Department members, the most common of which are the memorandum and e-mail.





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Written correspondence from members of the Laboratory which pertains to official business can be prepared on memorandum form or Department letterhead.

#### **2.10.2.1 Memorandums and Letterhead**

Correspondence within the Department and to some county agencies should be in the form of an inter-office memo. A number of memo templates exist on the wide area network and are to be used by Laboratory members.

The use of letterhead is reserved for more formal correspondence, usually outside the Department, and is prepared under the Sheriff's or Laboratory Director's name. With the exception of letters prepared on a consistent basis (discovery), written correspondence regarding official Laboratory business will be submitted to the respective Laboratory Manager/Supervisor or Laboratory Director for review prior to distribution. A copy of all official correspondence will be maintained in the Laboratory. Correspondence associated with a specific case will be stored by the Lab number in the appropriate Object Repository.

All formal Laboratory correspondence must bear preparer's signatures or initials. Initials and/or initials and P#'s are acceptable on memorandums; preparer's signatures must be on letterhead.

#### **2.10.2.2 E-mail**

All Laboratory members will have an official Department e-mail address and will check their e-mail at least once daily while on duty. The use of e-mail is encouraged for routine official business to cut down on unnecessary paper usage. E-mail can be utilized in the communication between Department members, county employees (including deputy DA's), individuals outside the Department, and Internet sites of forensic interest. E-mail communications must remain professional at all times.

##### **2.10.2.2.1 E-mails Containing Important Case Information**

E-mails of particular importance to cases worked by the Laboratory should be stored by the Lab number in the appropriate Object Repository. If an e-mail contains both communications of particular importance to the case as well as non-relevant communications, the case pertinent portion of the e-mail should be memorialized in the appropriate Communication Log in FRED.

#### **2.10.2.3 Routed Materials**

Written materials are routed through the Laboratory for purposes of keeping Laboratory members informed and providing information on Forensic Science topics. Other materials passed on as an "FYI" only can be read at the member's choice. In either case, routed materials should be moved along quickly and should not languish on any one individual's desk.



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#### **2.10.2.4 Research Projects/Articles**

The Laboratory Director and respective Laboratory Manager/Supervisor will be informed of any research projects, articles, etc., being performed or published by Laboratory members.

#### **2.10.3 Mail**

Each Laboratory member will have a designated mail slot where they are to pick up incoming mail and messages. Laboratory members will check their mail slots at least once daily while on duty. US mail and outgoing mail, both intra-lab and departmental, should be placed at the designated locations in the reception area.

Mail traveling within the Department or county can be sent via “thousand miler” (interdepartmental mail) and is routed to the other bureaus/sections by the Supply Section of the Logistics Bureau. Supply couriers pick up and deliver mail at least once a day.

Official correspondence outside of the Department, including bulk items, is mailed through the US Mail or private carrier (UPS, Federal Express) at the expense of the Department. Pickup can be arranged through the LEST/designee assigned to the front desk. Special arrangements for pick up can be made with the Supply courier. This can be coordinated with the assistance of the support staff.

#### **2.10.4 Land Line Phones**

Phones are an essential tool for communications regarding Laboratory services. Laboratory phone numbers are provided to Department employees and to others for official business. Therefore, Laboratory members should utilize the extension most convenient for them and ensure that the Bureau phone list contains correct information.

A number of Laboratory members share the same extension. For this reason, any one member is not to monopolize the extension. Department e-mail is a good alternative to the phone and most detectives and DA’s are available via e-mail. It is understood that Laboratory members must occasionally speak with family members and others, however personal calls shall be kept to a minimum and lengthy calls should be conducted during breaks or lunch. Long distance service is available for official business but long distance personal calls are not permitted at Department expense.

Department phones will be answered in a courteous business-like manner. Voice mail or answering machines are available for all Department phones through the Facilities Section of the Logistics Bureau (coordinate request through clerical support staff). During the work day, attempts should be made to answer Laboratory phones. Calls should be screened as practical and, when necessary, transferred to the most appropriate member.



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When Laboratory members engage in a conversation with prosecutors, defense attorneys, detectives or others that is of particular importance to cases worked by the Laboratory, the conversation should be memorialized in the appropriate Communication log in FRED.

Providing callers with personal information about other Department/ Laboratory members, including personal contact numbers, is not permitted. When personal contact numbers are requested, the member answering the call can take a message or if the call seems urgent, call the member and relay the information.

### **2.10.5 Facsimile/Electronic Scanning**

Items, including formal reports, can be sent to appropriate parties via facsimile or e-mail (see **5.10.3.3 – Dissemination of Laboratory Results** for further details). Clerical staff can send faxes and electronic transmissions for analysts provided notations, fax numbers, e-mail addresses and other pertinent data are clearly annotated by the analyst. The printed FAX “sent” receipts may be maintained as a record if the items sent are deemed important. The preferred method of distributing reports is through the use of OnBase and/or FA (Forensic Advantage) Web.

### **2.10.6 Cellular Phones**

Certain Forensic Laboratory members are required to carry a Department issued cellular phone. A cellular phone is issued to the Breath Alcohol Unit for use in their official duties and Clan Laboratory members who are on call are required to carry the clan lab cellular phone during their response week. These numbers are available on the Bureau phone list or through the Communications Bureau.

When performing official duties or errands, the Laboratory cell phone can be utilized and the number can be posted on the in/out board located near the front desk or relayed to the appropriate Manager/Supervisor and support staff. If a member is expecting a call regarding a court appearance, but is on a Friday or Monday RDO as part of the alternate nine hour schedule, as a courtesy, the Laboratory member’s respective Manager/Supervisor and fellow employees will be advised so that they are aware of the situation and can obtain the pertinent information if a prosecutor should call the Laboratory.

Personal cell phone numbers may be provided to Deputy District Attorneys’ or court personnel if the employee so chooses for these RDO court appearances.

If a member is responding to an outside jurisdiction court appearance, use of the Laboratory cell phone is advised in the event that the case is called off and the member can be saved from making an unnecessary trip.



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#### **2.10.6.1 On Duty Personal Cell Phone Use**

Personal cell phone use, including texting, is not permitted in the Forensic Laboratory during work hours. Personal cell phone usage is relegated to the lunch and authorized break periods only (not restroom breaks).

While members are engaged in work related activities at their desks in the bullpen or while working in the Laboratory areas cell phones must be in the silent/off mode.

Exceptions to cell phone use during work hours apply only when members have been provided Department issued cell phones for specific work related functions.

The main Laboratory phone line (702-828-3292) is manned during the hours of 0700-1600 and family members can call this main line when an emergency arises. The Laboratory Director/designee will ensure that the member is contacted immediately. Personal cell phones may be used for emergencies outside of the above listed business hours.

#### **2.10.7 Radio Communications**

The clan lab vehicle is equipped with a Department radio to enhance communications when members are on the road responding to clan lab sites. The Communications Bureau has assigned the call sign of "CL" to the Forensic Laboratory and this sign should be utilized when conversing over Department channels.

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### 2.11 Title: **Outside Employment**

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#### 2.11 **Outside Employment**

Department approval must be granted before a Forensic Laboratory member can engage in outside employment.

Permission for and the rules governing outside employment are located in the Department Manual **5/101.35 – *Outside Employment***.

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### 2.12 Title: **Interns and Volunteers**

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#### 2.12 Interns and Volunteers

The LVMPD Office of Human Resources has established a formal program for interns and volunteers. Any individual desiring a position must submit a request through the Office of Human Resources.

Any individual chosen to participate in an internship must have the necessary science courses and must be able to operate safely and rationally in a Forensic Laboratory environment.

Any individuals requesting an internship at the Forensic Laboratory should be directed to the following LVMPD website (Internship Program):

<http://www.lvmpd.com/en-us/ProtectTheCity/Pages/InternshipOpportunities.aspx>

.This website details the requirements for the internship program.

Volunteers can perform a myriad of duties including those of a clerical and nontechnical nature. If operating in a technical capacity, it is preferable that Laboratory volunteers have a science background.

Any individuals requesting to volunteer at the Forensic Laboratory should be directed to the following LVMPD website (Metro Volunteer Program):

<http://www.lvmpd.com/en-us/ProtectTheCity/Pages/VolunteerProgram.aspx>

. This website details the requirements for the LVMPD volunteer program.

Any current LVMPD volunteers requesting to volunteer at the Forensic Laboratory should be directed to the Laboratory Director/designee.

Any volunteer or intern must submit to a thorough background investigation conducted by the Internal Affairs Bureau, required by LVMPD policy.



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### 2.13 Title: **Subpoenas**

#### **Definition(s)**

Testimony Module- A module in FRED that contains information for all the subpoenas received by the Forensic Laboratory. It also contains information regarding testimony provided.

#### **2.13.1 Subpoena Delivery and Receipt**

Subpoenas are delivered to the Forensic Laboratory by various means including fax, hand delivery and a specific web site developed for this purpose by the Clark County DA's Office. Routine receipt of subpoenas for Laboratory personnel will be through the Administrative/Quality Detail of the Laboratory. The Director will designate members of the clerical support staff (LEST) to be responsible for subpoena receipt. The LEST/designee will log all subpoenas received into the *Testimony* module located in FRED. The LEST/designee will issue Uniform Nonappearance Notifications as needed, based upon the most current schedule. Subpoenas will then be forwarded to the appropriate member.

If subpoena servers or investigators appear at the Laboratory to serve an individual analyst, the analyst will inform the server or investigator that service is to take place at the front desk of the Laboratory, with the LEST/designee.

#### **2.13.2 Subpoenas for Former Employees**

If a subpoena is received for a former Forensic Laboratory member, a Forensic Laboratory Uniform Nonappearance Notification will be completed and forwarded along with a copy of the subpoena to the appropriate attorney's office. The following wording will be placed on the bottom of the Uniform Nonappearance: *"FORMER EMPLOYEE's NAME REASON (retired, is no longer an employee of LVMPD, passed away, etc.) on/as of DATE. This subpoena was received and will be forwarded to the appropriate Manager, MANAGER'S NAME. You can reach her/him at PHONE NUMBER.*

Example: Fred Boyd retired on July 29, 2011. This subpoena was received and will be forwarded to the appropriate Manager, David Johnson. You can reach him at (702) 828-3938.

The following wording will be placed on the bottom of the subpoena: *"This subpoena was received. However, FORMER EMPLOYEES NAME is no longer an employee as of DATE EMPLOYEE LEFT FORENSIC LABORATORY EMPLOYMENT. If you have any questions you may contact*



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*Forensic Laboratory Manager FORENSIC LABORATORY MANAGER NAME at FORENSIC LABORATORY MANAGER PHONE NUMBER. LEST/DESIGNEE NAME, TITLE and PHONE NUMBER on DATE.*

Example: This subpoena was received. However, Fred Boyd is no longer an employee as of 7/29/2011. If you have any questions you may contact Forensic Laboratory Manager David Johnson at 828-3938. Jennifer Seto, LEST (828-3292) on September 13, 2011.

A copy of the subpoena will be forwarded to the appropriate Forensic Laboratory Manager.

**2.13.3 Subpoena Availability**

It is the responsibility of the Laboratory member to notify the administrative staff of impending absences. The Sr. LEST/designee will send out an email quarterly inquiring about availability for court for the upcoming three month period. Every testifying Laboratory member must respond to this email by the deadline stated in the email. The response must include the dates and the type (vacation, training, FMLA, etc.) of all anticipated absences for the requested time period. These responses will be used as the basis of acceptance or refusal for the subpoenas received by the Laboratory.

If, after sending the dates of anticipated absences, a Laboratory member requires additional time off, an email must be sent to the Temporary Support Assistant and the LEST responsible for subpoena service.

If any subpoenas have already been served for the additional time off requested and the member is unable to appear as scheduled due to an emergent situation, the member must notify the attorney, the court or its administrative body, or their supervisor as soon as possible.

Due to calibrations, training classes, etc., subpoena availability for the Forensic Analysts of Alcohol will be determined as the subpoenas are received. A Forensic Analyst of Alcohol will provide the availability to the LEST responsible for subpoena service/designee.

**2.13.3 Subpoena Service**

The *Subpoena Record* is a form that is utilized to satisfy Department policy **5/201.01 - Subpoena Service for Department Members**. The *Subpoena Record* will be printed out from FRED and placed on a clip board located in the mail room. Upon receipt of their subpoenas, Laboratory members will acknowledge the receipt of the subpoenas by entering their initials and P # or signature in the *Confirmation of Receipt* column and the date in the *Acknowledged Date* column in each row corresponding to a subpoena received in the *Subpoena Record*. If multiple subpoenas are received by a member in a given day, the member must place their initials and P #/signature in the first entry and an arrow may be used for all the following entries.





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#### **2.13.4 Appearance for Subpoenas**

It is the responsibility of the Laboratory member to be aware of the status of the subpoenas which have been served. Appearances can be verified through the use of the prerecorded phone messages noted on the subpoena. Agreements with local district and city attorney's offices have established that Laboratory members are "on call" for court appearances. Therefore, members will not respond to subpoenas automatically, but will await a phone call from the appropriate party advising them that testimony is required.

If an appearance subpoena is received from a defense attorney, the attorney should be made aware of the above policy (members will not automatically respond to subpoenas, but require a phone call advising them that testimony is required).

Per Department policy, in the event the member is unable to appear as scheduled due to an emergent situation, the member must notify the attorney, the court or its administrative body, or their supervisor as soon as possible to avoid adverse circumstances. The member has an obligation to ensure that subpoena response is not necessary and alternate arrangements can be made with the person issuing the subpoena.

#### **2.13.5 Multiple Appearances for the Same Date**

Laboratory members often receive multiple subpoenas requiring appearance at the same date and time. This conflict is resolved by advising the appropriate courts or attorneys that responding is based on the level of court and date of subpoena receipt. Federal court jury trials would represent the highest level of court and take precedence over lower courts requiring response. Followed by district court, justice court, municipal court, and finally, administrative court, represent the court hierarchy. If appearances are required at the same time by the same level of court, the subpoena received first shall be responded to first. Conflicts should always be brought to the attention of the Laboratory Manager/Supervisor or Laboratory Director.

#### **2.13.6 Civil Subpoenas**

Any civil subpoena received by a Laboratory member should be forwarded to the Quality Manager/designee. The Quality Manager/designee will forward the subpoena to the Office of General Counsel who will perform research regarding the case to determine whether the criminal portion of the case has been adjudicated and to provide direction on how the Forensic Laboratory should respond.

#### **2.13.7 Depositions**

Laboratory members are frequently subpoenaed to provide depositions. Depositions may be introduced at trial and therefore testimony must be rendered with equal care and consideration for fairness and impartiality.



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### **2.13.8 Payment for Off Duty Appearances**

Payment for off duty appearances is governed by department regulations and collective bargaining agreement.

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## LVMPD FORENSIC LABORATORY ADMINISTRATIVE MANUAL

### 2.14 Title: **Requests for Documentation Production/Outside Experts**

#### 2.14.1 **Discovery Requests for Documentation Production**

Formal Laboratory Reports may be produced to appropriate parties (Detectives, DA's, Defense Attorneys) upon request, all other documentation including, but not limited to Corrective Action Reports, quality control logbooks, work notes, other case related documentation, and technical or administrative manuals will only be produced upon presentation of a legal court order or subpoena duces tecum and only those records specified will be produced.

##### 2.14.1.1 **Discovery Subpoena/Court Order Receipt**

Discovery subpoenas (Subpoena Duces Tecum) and/or court orders must be directed to the Quality Manager/designee or pass the front desk of the Laboratory. Often these subpoenas or court orders are issued to the Laboratory Director, Quality Manager, or the "Custodian of Records" (COR) for the Forensic Laboratory.

The LEST/designee will log all discovery subpoenas and Court Orders received into the *Testimony* module located in FRED. Once logged, the subpoena is then forwarded to the Quality Manager/designee

##### 2.14.1.2 **Discovery Documents**

Discovery documents are located in the Published Documents tab in FRED. The Published Documents tab can be found by performing the following steps:

- Open the appropriate Lab Number
- Click on the Unit Records tab
- Double click on the appropriate Unit Record
- Click on the Actions button
- Chose Open Publish & Packet Manager
- Click on the Published Documents tab

**Note:** Discovery documents pertaining to a particular Unit are also available in the Object Repository, etc. at the Unit Record level.

The following documents will be sent for a discovery requesting a copy of the case file and/or case record (if created):

- Case Record Files (final version only unless drafts are specifically requested). These are the records located in the Unit Record Object Repository.
- Case Report Lab Packet
- Communication Log



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- Lab Report Released
- Messages
- Submission Images (this is the RFLE scan)
- Worksheet(s) (all views of the worksheet that contain information must be provided, including review results)
- Corrective Action Reports, If applicable

The appropriate documents will be electronically saved in the following location: H:\CB\Forensics\General\Discovery under the appropriate event number and Detail\Unit (e.g. H:\CB\Forensics\General\Discovery\130106-0754\LP).

Documents will be redacted as needed (e.g. Social Security Number, names from unrelated cases (batching)) prior to being disseminated. It is recommended using Adobe Pro for redaction, however, if it must be by hand, the following can be done:

- Use white correction tape with a note and initial next to it.
- Use white correction tape and then cover it with black sharpie and then scan/copy to ensure coverage.
- Black it out with a sharpie, photocopy and then black out the copy to ensure coverage.

The above records will be prepared by the Quality Assistant/designee if the position is filled; otherwise it is the responsibility of the appropriate case analyst.

It is the responsibility of the appropriate case analyst to prepare any records directed by the subpoena beyond those listed above (maintenance records, raw data, reagent records, etc.). It is also the responsibility of the appropriate case analyst to prepare case records for cases worked prior to the implementation of FRED (NFLIS cases).

#### Discovery Documents- Breath

Discovery documents for Breath Alcohol will be prepared by a Forensic Analyst of Alcohol. A discovery packet for a Breath Alcohol discovery will typically consist of the following:

- Maintenance Records of the instrument in question
- Calibration Declaration
- Reference Standard Declaration
- QC Packet/Data for the Reference Standard
- QC Packet/Data for the calibration solutions
- Breath Alcohol Test Results
- Log Book (if the log book is maintained by the Forensic Lab (i.e. CCDC, Traffic Mobile Units).

Any records requested by the subpoena beyond those listed above will be handled on a case by case basis.



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Records for release will be stamped with the “certified copy” stamp when *specifically requested* to do so by the subpoena or court order. If the analyst is no longer an employee of the Forensic Laboratory, the subpoena will be given to the appropriate Laboratory Manager/Supervisor for record preparation assignment.

#### **2.14.1.3 Documentation of Items Released**

Specific items released under discovery orders will be documented through a completed *LVMPD Forensic Lab Document Release Receipt*. The documentation of items released will be the responsibility of the Quality Manager/designee. It is considered case administrative documentation and thus maintained along with a copy of the subpoena and the formal letter, if one is composed, in the appropriate Object Repository (Lab Case/Unit Record) under the appropriate Lab Number. For cases not located in FRED (e.g., Breath Alcohol), this documentation will be retained in Qualtrax. The *LVMPD Forensic Lab Document Release Receipt* must be signed by the individual receiving the case documentation. If the documentation is sent through interdepartmental mail to the requestor, the form must be added to the packet with a note instructing the individual in receipt to sign it and return it to the Forensic Laboratory.

#### **2.14.1.4 Distribution of Discovery Documents**

If the subpoena originates from a defense attorney, a form letter provided by LVMPD Office of General Counsel informing the defense attorney that discovery is properly obtained from the District Attorney, will be sent to the defense attorney utilizing Department letterhead. Non-objectionable items requested by the defense attorney will be forwarded to the District Attorney’s Office for dissemination to the defense.

If the subpoena originates from the District Attorney’s Office, two copies of the non-objectionable items requested will be sent to the District Attorney’s Office with the understanding that the extra copy will be forwarded to the defense attorney.

#### **2.14.1.5 Overly Burdensome Discovery Subpoenas/Court Orders**

Any order or subpoena for records which seems unreasonable will be brought to the attention of the Laboratory Director or Quality Manager/Quality Assistant. In this case, a review of the order or subpoena may be requested by LVMPD General Counsel, or the Clark County District Attorney’s Office, before any records are released.

#### **2.14.2 Discovery Requests for Civil Cases**

If a discovery request is received on a civil case, the Quality Manager/designee will forward the subpoena to the Office of General Counsel who will perform research regarding the case to determine whether the criminal portion of the case has been adjudicated and to provide direction on how the Forensic Laboratory should respond.



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### 2.14.3 Court Orders/Discovery Requests for Evidence Production/Reanalysis

When a court order compels the release of evidence for analysis by an external laboratory, the case must first be researched before the evidence can be released. The Forensic Laboratory must perform all relevant analyses as requested on LVMPD evidence before it can be released to an external laboratory. This is to ensure that the Forensic Laboratory can vouch for the integrity of the evidence, before it may be affected by the shipping, handling, and preservation of evidence, or analytical procedures utilized by the external laboratory. If the order is presented at the Evidence Vault, vault personnel will contact the Laboratory according to Department Manual **5/210.20-Release of Evidence**. When the Laboratory receives such a court order, the following must be performed:

- Check case records. If all appropriate analyses are completed, the evidence may be released.
- Query FRED. If a request for analysis has not been met, the evidence cannot be released.

Evidence sent out or released to outside experts via Laboratory members must be thoroughly documented. Procedures for sending evidence to outside agencies and/or laboratories are outlined in **5.8.1 - Evidence Ordering, Receipt, Processing, Return and Release - Temporary Release of Evidence/Shipping Evidence**.

#### 2.14.3.1 Requirement of a Court Order for the Release of Evidence

Subpoenas are often utilized to request that the Forensic Laboratory perform evidence mailing and release services. However, since a subpoena does not carry adequate authority, a court order will be required for the release of evidence, including copies of latent prints of comparison quality.

### 2.14.4 Outside Experts

#### 2.14.4.1 Review of Evidence in the Laboratory by Outside Experts

Court orders may dictate that an outside expert be given the opportunity to conduct a review of evidence or documentation in the Laboratory. This may be appropriate if the evidence consists of latent print cards, but may not be appropriate for other types of evidence (for example, the analysis of bloody items). Outside experts shall not be permitted to use the Laboratory's analytical equipment.

#### 2.14.4.2 Observation of Laboratory Analysis by Outside Experts- General

Unless directed by a court order, the Forensic Laboratory does not allow non-LVMPD personnel to observe analysis in the facility for the following reasons:

The Forensic Laboratory will not permit any actions that may lead to the loss, deterioration, or contamination of evidence. Maintaining the integrity and identity of the evidence is of the utmost importance. Actions that lead to a



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breach in confidentiality, safety or the disruption of the efficiency of Laboratory operations are not allowed.

The presence of non-LVMPD trained individuals causes a disruption in Laboratory operations, hindering the ability of the Laboratory to operate efficiently. Non-LVMPD individuals have not been subjected to the thorough LVMPD background check. A visitor will be unfamiliar with LVMPD Forensic Laboratory analytical procedures, safety rules and security policies.

The Forensic Laboratory is not designed to accommodate the witnessing of casework analysis while simultaneously ensuring the integrity, confidentiality and security of other cases in progress.

An outside observer would have access to information relating to ongoing investigations (suspect names, victim names, criminal charges, evidence undergoing analysis and results of evidence analysis).

Due to the limited size of some evidence, an outside observer would pose a significant risk to the established policies and procedures used to ensure sample integrity and minimize the chance of loss, contamination and/or deleterious change.

An outside observer would be a serious distraction to the full, undivided attention that Laboratory members must give their work.

#### **2.14.4.3 Guidelines for Observation of Laboratory Analysis by Outside Experts**

If a court order directs the Forensic Laboratory to allow an outside expert to observe forensic analysis, the court must be asked to order that the following guidelines are followed:

1. Prior to being allowed in the LVMPD Forensic Laboratory the expert must:
  - a. Complete and sign the LVMPD Forensic Laboratory Confidentiality Agreement.
  - b. Submit to and pass a limited (~4 to 6 weeks) LVMPD background investigation. Documentation will be submitted to Records Bureau.
    - i. Complete the CJIS Security Addendum
    - ii. Fingerprint cards
    - iii. Copy of Driver's License
    - iv. Contract Worker Application (LVMPD TSD 18-G)
    - v. Cashier's Check for processing of background
  - c. Provide a buccal swab for entry into the elimination/staff index.
    - i. A DNA profile may be submitted in lieu of a buccal swab as long as the following criteria are met:
      - i. The expert must sign the LVMPD Forensic Laboratory Affidavit attesting to the fact the DNA profile provided is their true profile; and



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- ii. The profile provided must have been obtained from the same amplification kit in use by the LVMPD Forensic Laboratory.
  - d. Review the current appropriate Technical Manual, Forensic Laboratory Safety Manual and the Accommodation and Environmental Conditions Chapter in the Technical Requirements Manual.
- 2. While in the Forensic Laboratory the expert must:
  - a. Wear appropriate personal protective equipment (PPE) as directed by policy and determined by the Forensic Laboratory staff.
  - b. NOT perform any recording (photography, video or audio).
  - c. Refrain from unnecessary talking during the analytical process.
  - d. Be escorted at all times by a Forensic Laboratory staff member.
    - i. The expert will only be allowed in the Laboratory areas during the time that the pertinent case is being processed.
  - e. Follow the instructions of the Forensic Scientist analyzing the pertinent case by remaining in a location that will allow for unobstructed viewing of the analysis without compromising the testing capabilities of the Forensic Scientist.

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## LVMPD FORENSIC LABORATORY ADMINISTRATIVE MANUAL

### 2.15 Title: **Reexamination of Evidence**

#### 2.15.1 **General**

It is recognized that circumstances may exist and be the impetus for a request for reexamination. Any and all requests for this service shall be made to the Laboratory Director or a Laboratory Manager who will make the final decision.

#### 2.15.2 **Reexamination of Evidence Examined by an Outside Laboratory**

Unless it is pursuant to a corrective action, physical evidence belonging to outside jurisdictions that has been examined by another agency will not be re-examined by the Forensic Laboratory. Frequently, evidence that has been subjected to some prior examination is unsuitable for additional analysis. This policy also prevents agencies or investigators from “shopping” for desired results.

An exception to this situation will exist when the analysis requested is of a different nature than that performed by the original agency (for example, a laboratory with the capability of performing latent exams now requires a DNA analysis on the same piece of evidence but does not have DNA capabilities). If this is the case, a request must be provided by the original agency.

#### 2.15.3 **Preliminary Field Tests**

Preliminary field drug tests performed by officers and presumptive field tests for biological fluids are not considered “previous examinations”.

#### 2.15.4 **Reexamination of Evidence Examined by the Forensic Laboratory**

Reexamination of evidence previously analyzed by the Forensic Laboratory will not be performed unless extenuating circumstances exist and the reexamination is approved by the Laboratory Director or Laboratory Manager. Requests for reexamination originating with the District Attorney’s Office because of the examining employee’s anticipated absence during a trial will be evaluated on a case by case basis. Attorneys may assume that results will be identical in all respects; however this may not be the case. This may be relevant in cases involving DNA analysis where adequate biological samples may not be available for re-analysis and arson cases where the volatile substances being examined may have dissipated. Toxicology results may change over time due to the chemical properties and stability of analytes in biological matrices. Also weights of seized drugs may change due to drying during storage or consumption of the sample during the first analysis.



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### **2.15.5 Reexamination Due to Technological Advances**

Reexamination of evidence may be appropriate to obtain more discriminating information from the evidence due to technological advances in forensic science. For example, evidence originally subjected to enzyme/protein typing or DQA1/Polymarker may benefit from STR "reanalysis" to provide more probative information. Reanalysis requests on these cases will also be evaluated and approved based on the circumstances of the case.

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## LVMPD FORENSIC LABORATORY ADMINISTRATIVE MANUAL

### 2.16 Title: **Testimony to Reports by Outside Laboratories**

#### 2.16.1 **Testimony to Reports by Outside Laboratories**

Members of the LVMPD Forensic Laboratory should not, as general practice, testify in the courts of law to the work product, interpretations, conclusions, and reports generated by another laboratory. This also applies to any reports generated as a direct result of a request by the Forensic Laboratory itself, such as a mitochondrial DNA analysis performed by a private laboratory or an analysis conducted by the FBI laboratory. There are certain circumstances where this will be warranted and the decision to do this will be made on a case by case basis.

This does not preclude an analyst from informally consulting with a detective or deputy district attorney as to the value of the results. Nor, in rare occasions, does it preclude Forensic Laboratory members from assisting the trier of fact by relaying results to a jury or interpreting information in the reports. The decision to do this will be made on a case by case basis and in no circumstances will an analyst be forced to interpret another's report by subpoena or request.

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## LVMPD FORENSIC LABORATORY ADMINISTRATIVE MANUAL

### 2.17 Title: **Statistical Reports**

#### 2.17.1 **Laboratory Statistics**

Laboratory statistics are reported by means of the Quarterly Performance Reports as established in Department Manual **5/102.04 – *Statistical and Administrative Reporting***.

#### 2.17.2 **Individual Statistics**

Recording statistics is a requirement of most Laboratory members. Whether information is to be recorded regarding time spent on case related activities or the number of cases that are analyzed is an issue decided by the individual Laboratory Managers and the Laboratory Director.

Individual statistics are to be recorded in the Activity Module in FRED. Statistics for the Breath Alcohol Unit are recorded in FRED and/or on an Excel form.

The Sr. LEST/designee of the Administrative/Quality Detail, is responsible for the preparation of the Laboratory's statistical reports.

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