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## Procedure for Record and Data Management

**1.0 Purpose** - To ensure proper management of all records and data used by State Crime Laboratory (Laboratory) employees.

**2.0 Scope** – This procedure applies to the management of all records and data within the Laboratory. Records may be either hard copy or in electronic form.

### 3.0 Definitions

- **Administrative documentation** – Case record materials which do not include technical records but may include scanned copies of additional Request for Examination Forms, internal chain of custody documents, Forensic Scientist statement of qualifications (CV), notes and communication logs of case-related conversations, subpoenas, records of discovery, and other pertinent information that is related to the case record but does not necessarily support the conclusions drawn.
- **Case file** – The complete administrative and examination record of a forensic case generated prior to the implementation of Forensic Advantage (FA).
- **Case Record** – The body of work completed for one examination in a case.
- **Contemporaneously** - Produced at the same time or as soon afterwards as practically possible to the actions and decisions being recorded. Contemporaneously recorded notes occur between the start and end dates and prior to technical or verification reviews.
- **Data file** – Related numeric, graphic or textual information that is organized in a strictly prescribed form and format.
- **Electronic case file** - The complete administrative and examination record of a forensic case generated in Forensic Advantage (FA).
- **Electronic record** – Information recorded in a form that only a computer can process.
- **Examination documentation/information** – Records of tests conducted, standards and controls used, diagrams, printouts, photographs, spectra, chromatograms, hand-written notes and other material used by the Forensic Scientist to reach a conclusion.
- **Form** – A document with a fixed arrangement of spaces designed for entering and extracting information.
- **Records** – Documentation of the activities of the Laboratory.
- **Quality records** – Documentation of the activities of the quality program including, but not limited to, records of corrective and risk assessments actions, reports from internal audits and management reviews, requests for deviation, and evaluation of testimony.
- **Technical records** – Accumulations of data and information which result from performing tests and which indicate whether specified quality or process parameters are achieved. Technical records include, but are not limited to, the following: forms, worksheets, control graphs, external and internal test reports and calibration certificates, customer notes, papers, and feedback.

### 4.0 Procedure

#### 4.1 Record Establishment

- 4.1.1** When evidence is submitted to the Laboratory, an electronic case file shall be created. This file shall contain a scanned copy of the Request for Examination Form, or electronic equivalent, and any other submitted documents.

- 4.1.2** The Procedure for Evidence Management, the Procedure for Equipment Calibration and Maintenance, the Procedure for Procurement and Receipt, the Procedure for the Use of Forensic Advantage (FA), and the Procedure for Validation of Technical Procedures contain information regarding the establishment of additional records.

## **4.2 Record Identification**

- 4.2.1** An electronic case file shall be created for all submissions of physical evidence related to one criminal event that has been uniquely identified by a submitting agency. The case shall be assigned a unique Laboratory number.
- 4.2.2** Examination records shall be identifiable to a specific examination, contain a start and completion date, and identify the person who issued the report.

## **4.3 General Recording and Error Correction**

- 4.3.1** Work shall be recorded in FA for the examination of physical evidence.
- 4.3.1.1** The electronic identification of the employee making entries in FA shall be secured by requiring the user to log on the computer with a password specific to their user account. Unauthorized use is also prevented through the use of operating system settings that lock the computer after a period of inactivity.
- 4.3.1.2** Handwritten notes and other hard copy documentation shall be scanned into FA. The documentation shall reflect the case number or DNA Database specimen number; date; and initials, or secure electronic equivalent, of the employee who performs the work on the first page. This requirement does not apply to the scanning of items of evidence.
- 4.3.1.3** When data from multiple cases is recorded on a single printout, the Laboratory Case number for each case for which data was generated shall be recorded on the printout.
- 4.3.1.4** When examination information is recorded on the front and back of an examination document, each side shall be treated as a separate page.
- 4.3.1.5** The Laboratory Case number shall be on the first page of scanned administrative documents except for Request for Examination forms that are scanned prior to the generation of the Laboratory case in FA. For bound multi-page documents, the first page of the document shall be identified and an inclusive page numbering system shall be used.
- 4.3.2** Case notes shall be recorded in such a manner that another individual, competent in the same field, may repeat the analysis. If applicable, the case notes shall reference the instrumental method used to acquire the data.
- 4.3.3** Case notes shall be recorded contemporaneously with analysis and shall include descriptions of containers, items, packaging, and seals.

- 4.3.4** Changes in FA generated electronic worksheets shall be tracked in FA.
- 4.3.5** Changes to electronic worksheets, after the case record has been completed and no change to the Laboratory Report is required, shall be completed by printing the worksheet and making corrections as detailed in 4.4.5. If there is insufficient space on the page, a blank page may be used to incorporate the changes by either typing and printing the additions or writing by hand. The changes shall be initialed. All changes shall be reviewed and the reviewer shall initial each page. The pages shall then be scanned into the Case Record Object Repository and the case record shall be republished. A comment shall be made when the case record is republished indicating the reason (e.g., “Republished for amended notes”).

#### **4.4 Electronic Case File**

- 4.4.1** Contents of Electronic Case Files shall be classified as examination and/or administrative documentation. The total documentation constitutes the Electronic Case File.
- 4.4.2** An Electronic Case File shall contain at least one Request for Examination Form or electronic equivalent. All documentation related to this submission and subsequent submissions shall be stored in the Electronic Case File.
- 4.4.3** The following information shall be available in Laboratory Electronic Case Files in FA:
- Date.
  - Name of person who submitted the evidence for testing.
  - Identification of samples and type of analysis requested.
  - Start and completion dates of analysis.
  - Laboratory and persons responsible for performing analysis.
  - Analytical techniques, methods used and quality control data as specified in the Technical Procedure.
  - Results of analysis.
  - Names of technical, administrative, and verification reviewers.
- 4.4.4** Any communication regarding the subject matter of the case, the analysis of the evidence, or dissemination of test results shall be recorded electronically in the Electronic Case File in FA. Prior to release of test results, a technical or verification review shall be conducted.
- 4.4.5** Handwritten entries shall be made in ink. Unused space shall be indicated with a line. Corrections shall be made by drawing a single line through the incorrect entry, entering the correct information, and initialing the change. Nothing in handwritten examination documentation, including completed diagrams or tracings, shall be erased or obliterated. Changes, alterations, and additional notations made to examination documentation shall be initialed.

**4.4.6** Changes to electronic entries other than FA generated worksheets shall be tracked after the verification review or technical review process has been initiated. For scanned items, the affected page(s) shall be printed, changes made, and the corrected page(s) scanned/entered as a new file. For electronic documents imported directly into FA, the file may be checked out of the object repository, corrections made, and the file checked in or the corrected page(s) may be imported as a new document or printed and re-scanned as noted above. The original document shall be retained.

**4.4.7** Photographs and/or digital images shall be uploaded into FA and associated with a Case Record or stored according to the section procedures.

#### **4.4.8 Multiple Forensic Scientist Cases**

**4.4.8.1** For Case Records in which work is performed by multiple employees, the work done by each employee shall be identified in FA by using the “Completed Tasks” tab or by using an equivalent form that shall be scanned and imported into FA by the reporting Forensic Scientist.

**4.4.8.2** If the work performed by multiple employees is documented on the “Completed Tasks” tab of the worksheet, record on the worksheet the name of the employee who conducts the task and the date (if not documented elsewhere in the case record). Check the “lock” box. The reporting Forensic Scientist shall review the work performed by the other employee(s) and denote on the “Completed Tasks” tab that all work has been reviewed.

**4.4.8.3** If the work performed by multiple employees is documented on an equivalent form, the reporting Forensic Scientist shall review the work performed by the other examiner(s) and document the review by initialing the paperwork, scanning and importing the form, and/or approving the files in FA.

#### **4.4.9 Records for Individual Characteristic Database Samples**

**4.4.9.1** Records that are created during the examination and database entry of DNA Database samples and IBIS test fires shall be identified, recorded, and maintained according to section procedures.

### **4.5 Storage and Disposition of Case Files**

**4.5.1 Overview** - Case files shall be retained and disposed of as provided in the Chapters 114, 121 and 132 of the General Statutes of North Carolina and according to the record retention schedule as set forth by the North Carolina Department of Cultural Resources.

**4.5.2 Filing and Storage** - Effective January 2008, all case file documentation (examination and administrative) for cases in progress, completed, and released is stored and maintained electronically in FA. Older cases are archived and maintained by the Government Records Branch of the NC Department of Cultural Resources.

**4.5.2.1** An archived Laboratory case file may be requested through Forensic Advantage and Administrative Services Section.

**4.5.2.2** The Forensic Advantage and Administrative Services Section shall scan the case file and import into FA using the following procedure:

**4.5.2.2.1** All documentation shall be labeled according to 4.3.1.2 and scanned in Portable Document Format (.pdf file).

**4.5.2.2.2** The new electronic file shall be imported into the Case Record Object Repository in FA. The case file for each discipline shall be scanned and imported separately into the respective Case Record(s). If there was more than one Forensic Scientist, or one Forensic Scientist had multiple reports, each report and associated documentation shall be scanned/imported separately using the above procedure. Case file jackets that contain handwritten documentation (notations, review initials, etc.) shall be scanned and imported.

**4.5.2.2.3** Prior to the destruction of the original case file, the electronic file must be compared to the original file to ensure the electronic file is complete.

**4.5.3 Record Retention** - Electronic case files shall be stored indefinitely using FA. Archived paper case files shall be stored in a secure location with limited access. Electronic records and data files in FA are backed up on a regular basis by the NC Department of Justice Information Technology (IT) Division to safeguard against the loss of information.

#### **4.6 Record Confidentiality and Security**

**4.6.1** As provided in N.C.G.S. §132-1.4, Case Records, including information received from the submitting agency as well as data developed and results reached in the examination of criminal evidence, shall be treated as **confidential**. Employees shall not release any portion of the Case Record to any individual or entity other than Laboratory staff, the agency conducting the investigation or submitting the evidence, or the District Attorney's Office of the jurisdiction involved. All other records maintained by the Laboratory shall be treated as confidential unless subject to a public records request or disclosed pursuant a court order.

**4.6.1.1** Once a Case Record has been finalized, the employee may discuss the results of examination and the record contents with the above listed individuals and the attorney of record for the defendant. Verification of the defendant's attorney of record must be performed prior to release of any information by asking for the following information and recording it in the communication log: attorney's name, agency or firm, phone number

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and/or email address, defendant's name and either the Agency or Laboratory case number.

- 4.6.2 Once a case file has been completed, the Report and associated supporting documentation in the form of a discovery packet shall be electronically released to the District Attorney.
- 4.6.3 In addition, the Report shall be released to the requesting officer and, if applicable, any associated SBI Agent and Special Agent in Charge by adding SBI Records to the officer list.
- 4.6.4 Discovery motions shall be scanned into the Case Record in FA. These requests shall be forwarded to Laboratory Legal Counsel for review. A copy of each written response to an information request shall be placed in the appropriate Case Record as an administrative record.
- 4.6.5 Electronic record systems (including but are not limited to FA, LIMS, CODIS, AFIS, IBIS, and the DNA Database) shall restrict access to authorized users and users shall not disclose personal access codes or possess the password of another individual.

#### **4.7 Management of Quality Records**

- 4.7.1 Electronic quality records (e.g., records of corrective and preventive actions, reports from internal audits and management reviews) shall be stored on the Laboratory internal network server and backed up regularly by the DOJ IT Division. Paper records are filed in the offices of the Quality Manager.
- 4.7.2 Each Section is responsible for the storage and archival of Section quality records. If these documents are in electronic format, they shall be stored on the Laboratory internal network server and backed up regularly by the DOJ IT Division. Paper records are maintained by the Forensic Scientist Manager or designee.
- 4.7.3 All quality records shall be maintained indefinitely according to the Record Retention Schedule as set forth by the North Carolina Department of Cultural Resources.

#### **4.8 Management of Technical Records**

- 4.8.1 Each Section shall be responsible for the storage and archival of Section technical records. If these documents are electronic format, they shall be stored on the Laboratory internal network server or FA and backed up regularly by the DOJ IT Division. Paper records shall be maintained by the Forensic Scientist Manager or designee.
- 4.8.2 All technical records shall be maintained indefinitely according to the Record Retention Schedule as set forth by the North Carolina Department of Cultural Resources.

#### **5.0 Records – N/A**

**6.0 Attachments – N/A**

| <b>Revision History</b> |                |  |
|-------------------------|----------------|--|
| Effective Date          | Version Number | Reason   |
| 06/01/2021              | 12             | 4.4.3 – added name of reviewers<br>4.6.1 – added disclosure of records pursuant a court order or public records request. |