REDACTED VERSION

FOLLOW-UP AUDIT OF THE DRUG ENFORCEMENT ADMINISTRATION'S LABORATORY OPERATIONS

U.S. Department of Justice
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EXECUTIVE SUMMARY

The Drug Enforcement Administration's (DEA) forensic laboratories analyze evidence to support the investigation and prosecution of drug-related crimes and the development of intelligence related to drug trafficking. They also perform research pertaining to the analysis of controlled substances. The DEA's Office of Forensic Sciences operates seven regional and two specialized laboratories. Three sub-regional laboratories, one of which is mobile, supplement the seven regional laboratories.[1]

Most exhibits received by DEA laboratories come from DEA investigations and joint investigations between the DEA and other agencies, but laboratory customers include other federal, state, local, and international law enforcement agencies. The DEA laboratories performed more than 240,000 analyses on evidence exhibits during fiscal years (FY) 2000 through 2002, with a staff ceiling of 422 laboratory positions for FY 2002. (The ceiling for FY 2003 is virtually the same.) The cost of operating the Office of Forensic Sciences and all the laboratories for FY 2002 was about $51 million, and was nearly $60 million for FY 2003.

The specialized laboratories focus on research, the development of information for intelligence purposes, and computer and other digital exhibits. The Special Testing and Research Laboratory (STRL) performs research related to the analysis of controlled substances, analyzes evidence exhibits from international sources, and analyzes samples of seized drugs to determine the sources of substances for intelligence purposes. In addition to analyzing exhibits for controlled substances, the STRL also performs toolmark and logo analyses of seized evidence.[2] The Digital Evidence Laboratory (DEL) retrieves digital information from electronic devices for investigative and intelligence purposes.

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[1] Regional laboratories are located in New York City; Largo, MD; Miami, FL; Chicago, IL; Dallas, TX; San Francisco, CA; and San Diego, CA. The specialized laboratories are in Sterling and Lorton, VA, both part of the metropolitan Washington, D.C. area. The sub-regional laboratories are in Kansas City, MO, and San Juan, PR, with the mobile laboratory currently stationed at El Paso, TX.

[2] Toolmark analysis is the analysis of tablets for machine and other tool markings, similar to ballistics analysis. The tracking of "designer" or "proprietary" logos on packaging helps identify sources of substances.

***Because this report contained information designated as "Law Enforcement Sensitive" by the Drug Enforcement Administration, we redacted (whited out) that information from the version of the report that is being publicly released. Where such information was redacted is noted in the report**

The regional laboratories analyze domestic law enforcement exhibits to identify controlled substances and latent prints. Laboratory personnel provide expert testimony in court, and technical advice and support to law enforcement at seized clandestine laboratories and other crime scenes. The regional laboratories maintain custody of most controlled substances seized by DEA field offices until the substances are no longer needed to support a case, and then they are destroyed.

The DEA laboratory system has expanded the types of services provided since the agency was created in 1973. The laboratories have always analyzed evidence to identify controlled substances. The DEA's latent print program began later with four positions spread over three laboratories to supplement services that were provided by the Federal Bureau of Investigation (FBI). The DEA expanded the latent print program in 1991 to six laboratories to improve the timeliness and responsiveness of latent print services to its field offices. The DEL began as a unit of the STRL in 1994 and was created as a separate laboratory in March 2003.

Scope of OIG Audit

This audit was performed as a follow-up to Office of the Inspector General (OIG) Report 95-18, *Drug Enforcement Administration's Laboratory Operations,* issued in May 1995. The prior audit identified weaknesses in laboratory facilities but found DEA laboratory operations and management controls to be satisfactory, with customer satisfaction ranging from favorable to excellent. The OIG recommended that the DEA consider consolidating the regional laboratories if adequate funding for replacing the facilities was not provided, and enhance certain management controls, including procedures to reduce the time between completing analyses and returning exhibits to evidence vaults. We evaluated problems identified in the previous report, including specific recommendations related to facilities.

Our objectives for this audit were to evaluate how effectively DEA forensic services support the investigation and prosecution of drug cases and the gathering of drug information for intelligence purposes, and how effectively DEA laboratories manage evidence and other controlled substances to prevent loss or compromise.

We focused our work on the regional laboratories that analyze and maintain custody of evidence submitted by domestic law enforcement agencies. We visited DEA Headquarters in Arlington, Virginia; the STRL in Sterling, Virginia; and the Southeast, North Central, South Central, and Western Laboratories in Miami, Chicago, Dallas, and San Francisco, respectively.

Effectiveness of Services

We found that DEA laboratory services were very effective overall and the quality of work was well managed. The laboratory customers we surveyed about the outcomes and timeliness of laboratory services on 635 specific exhibits reported overwhelmingly that DEA services contributed to the investigation and prosecution of cases. Customers also reported that no laboratory evidence had been successfully challenged through prosecution. The DEA had established standards and procedures to ensure the validity of results, reviewed laboratories to ensure compliance with the standards, and tested its analysts through proficiency testing programs. The laboratories have been accredited by the American Society of Crime Laboratory Directors / Laboratory Accreditation Board. This accreditation means that the laboratories and their analysts meet standards the Laboratory Accreditation Board has determined are appropriate to support valid forensic results.

We found that DEA laboratory services were generally performed in time to be useful to customers; however, turnaround time could be improved, especially for latent print and digital evidence services. Customers reported that 99 percent of drug services, 93 percent of latent print services, and 82 percent of digital services were provided in time to be useful to the case. The average number of days from receipt of exhibits in the laboratories to completion of analysis during FY 2002 varied significantly, from 41 days for drug analysis to 331 days for digital analysis. The average number of days for latent print analysis for those exhibits and laboratories we were able to assess ranged from 72 to 258 days.[3]

The longer turnaround times for latent print and digital services appeared to be caused by a lack of resources. Although laboratory customers indicated the longer turnaround times did not ultimately affect most case outcomes, they expressed a desire for faster analyses. One DEA customer believed the lack of timeliness on a digital evidence exhibit had diminished the outcome in one case. This Special Agent believed that a conviction for a more serious crime might have resulted from a plea agreement in the case had the analysis of digital evidence been completed in time to be considered in the agreement.

Latent print services performed during FY 2002 resulted in the identification of suspects in less than 5 percent of all exhibits analyzed by the DEA laboratories. Latent prints suitable for comparison were frequently

[3] This assessment included some, but not all, exhibits analyzed for latent prints due to data system limitations described in this report.

not developed because of the nature of the materials being examined and because procedures allowed many people to handle exhibits prior to examination. The number of identifications may also be limited because fingerprint specialists did not have direct access to all the automated databases that might be useful for matching prints. Moreover, supervisors of fingerprint specialists were not trained in latent print examinations.

Our recommendations focus on maximizing the results of latent print examinations and improving the timeliness of latent print and digital evidence services. They include increasing the expertise of supervisors of fingerprint specialists in the discipline of latent prints.

Management Controls Over Evidence and Other Controlled Substances

To evaluate management controls over evidence and other controlled substances, we interviewed staff, observed procedures, and tested various specific controls. Among the tests of controls, we: 1) verified the existence, labeling, and weights of 370 exhibits from evidence inventories; 2) reviewed case file documentation accounting for the receipt, analysis, and disposition of 218 exhibits; and 3) determined the length of time that 631 exhibits had been out of the vault for analysis.

We found that DEA laboratories generally maintained effective control and accountability over evidence and other controlled substances. The DEA established procedures for laboratories to control and account for the receipt, storage, transfer, and disposition of evidence exhibits, and laboratories complied substantially with the requirements. The DEA had identified and corrected procedural weaknesses that had caused a small number of inventory discrepancies prior to 2002. Our testing at the regional laboratories indicated that the controls in place had resulted in only minor instances of non-compliance that did not constitute material control weaknesses. The DEA standard we found most frequently unmet was the policy that exhibits be destroyed within 90 days after laboratories received authorization for the destruction. We found that more than 10 percent of sampled exhibits were out of compliance with this DEA requirement.

The laboratories use two automated information systems to record and retrieve information about exhibits. The System to Retrieve Information on Drug Evidence (STRIDE) is used as a central repository of inventory and analytical information about exhibits. The other, the Laboratory Evidence Management System (LEMS), is used to track the receipt, movement, and ultimate disposition of exhibits within individual laboratories. There is no automated interface between the systems, and laboratory personnel enter

duplicate data into both systems, in addition to maintaining various hard copy logbooks and forms, to maintain accountability over evidence and other controlled substances in their custody. The combination of systems is extremely inefficient.

The DEA has begun a project to integrate its information management systems for tracking exhibits. The new Laboratory Information Management System will use radio frequency identification tags and scanners to track the movement of exhibits into, exiting, and throughout the laboratory. This capability should ensure that the location of any exhibit at any time can be determined, and that no exhibit in a laboratory is lost or destroyed inadvertently. If designed and implemented properly, the integrated system should greatly improve the efficiency of control and accountability.

Our recommendation is that DEA ensure that all exhibits are destroyed within the 90-day standard.

Facilities

Our 1995 audit found that DEA laboratories were generally housed in aging facilities, five of which needed to be replaced. The DEA planned to replace these five laboratories with new facilities. Our approach for this audit was to: 1) determine if the DEA had completed its replacement project and 2) assess conditions at the laboratories we visited.

DEA laboratories are located throughout the United States. The STRL is located in a new stand-alone building in the Washington, D.C. metropolitan area. (The locations of the regional laboratory facilities are listed in footnote 1.) The facilities in New York City, Miami, Chicago, and San Francisco occupy space in office buildings. The Mid-Atlantic, South Central, and Southwest Laboratories are housed in new stand-alone buildings. The DEL resides in a new building that also houses the DEA's Office of Investigative Technology.

We found that since 1995 the DEA has replaced the STRL, Mid-Atlantic, South Central, and Southwest Laboratories with new stand-alone buildings and relocated the North Central Laboratory to modified space since the prior audit. These laboratories were designed to meet current standards for laboratory design, safety, security, and health. We visited the new facilities for the STRL, North Central, and South Central Laboratories. We found in these locations adequate to excellent conditions to support the work of the laboratories.

The Southeast Laboratory in Miami, however, has not yet been replaced or relocated, and has serious ventilation problems. A study performed by the U.S. Public Health Service in September 2002 found the facility unsuitable for laboratory use for health and safety reasons and recommended the DEA relocate the laboratory prior to construction of a new facility.[4] The DEA's plans to build a new facility in Miami by January 2002 were blocked by condemnation proceedings initiated by the Department of Defense (DOD), which leases land adjoining the proposed laboratory site. The DOD was concerned that the security of its Southern Command would be compromised by a building that would block a view of trespassing detectors. Congress approved the use of carry-over funds from prior fiscal years to fund an alternative plan to replace the Southeast Laboratory.

The Western Laboratory, housed in an old office building, also had a history of ventilation problems, but has undergone expansion and modifications to improve conditions. No ventilation assessment has been performed since the improvements, and some laboratory employees were not convinced the vault ventilation was adequately improved. Not only does poor indoor air quality pose potential health risks, but employees at the Southeast and Western Laboratories are not tested as part of the DEA's employee drug testing program because potential indoor air contamination would render the results unusable.

Additionally, we found security weaknesses at the Southeast and South Central Laboratories. [DELETED]

Our recommendations are for the Southeast Laboratory to relocate to a suitable facility as soon as possible, for the DEA to ensure that improvements are made to correct ventilation problems at the Southeast Laboratory pending relocation, for the DEA to ensure that recent modifications at the Western Laboratory have corrected ventilation problems, and for the DEA to correct security weaknesses identified at the Southeast and South Central Laboratories.

[4] We found nothing to suggest that any ventilation problems affected the validity of laboratory test results.

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INTRODUCTION

History and Mission

The Drug Enforcement Administration's (DEA) laboratory system was established in 1973, when the functions of several federal agencies related to controlling illegal drugs were combined to create the DEA. Forensic resources that had served the former Bureau of Narcotics and Dangerous Drugs became the basis for the DEA laboratories. Over time, the laboratory system's duties expanded to include forensic services to other federal law enforcement agencies, such as the Federal Bureau of Investigation (FBI) and the U.S. Customs Service, and other responsibilities such as assisting other nations evaluate their forensic facilities.

The DEA's laboratory system directly supports the DEA's overall mission. The laboratory system's mission statement states:

> *The mission of DEA's laboratory system is to provide analytical, intelligence, scientific and other forensic and administrative support, to Special Agents of the DEA, other federal law enforcement officers, and to the criminal justice system at large in order to assist with the enforcement of controlled substance laws and regulations of the United States.*

The laboratory system supports DEA programs carried out by DEA headquarters, 21 domestic divisions, and 80 international offices. Those programs include investigating and preparing for prosecution major interstate, gang-related, and international violations; developing and disseminating drug-related intelligence; coordinating with state, local, and foreign law enforcement; reducing the demand for drugs; and providing training for state, local, and foreign law enforcement officials.

The DEA is operated pursuant to the Controlled Substances Act and the Code of Federal Regulations (CFR), Title 21, Food and Drugs, Chapter II – Drug Enforcement Administration, Part 1300. The Act and regulation, however, contain no guidance directing the operation of the laboratory system.

The CFR classifies the controlled substances tested by the laboratories. Schedule I substances are defined as substances with a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. Examples of Schedule I substances are heroin, LSD, and marijuana. Schedule II substances are substances with a high potential for abuse, but with a

currently accepted medical use in treatment in the United States, and with tendencies for abuse that may lead to severe psychological or physical dependence. Examples of Schedule II substances include cocaine, morphine, and methamphetamine.

The Office of Forensic Sciences

The DEA's Office of Forensic Sciences leads and oversees the laboratory system by performing strategic planning, obtaining resources, ensuring the quality of laboratory results, promoting research and staff development, developing training programs, and managing the forensic laboratories. The Office of Forensic Sciences coordinates with other DEA divisions on policies, operations, information systems, facilities, inspections, and investigations.

The Office of Forensic Sciences also coordinates with law enforcement agencies and professional organizations to improve services, share information and methods, establish standards, and promote improvement. These agencies and organizations include the Department of Homeland Security, the Office of National Drug Control Policy (ONDCP), the American Society of Crime Laboratory Directors / Laboratory Accreditation Board (ASCLD/LAB), and several scientific working groups.

The Office of Forensic Sciences co-sponsors and provides technical oversight to the Scientific Working Group for the Analysis of Seized Drugs (SWGDRUG).[5] The SWGDRUG is an international working group created in 1997 to recommend minimum standards for the forensic examination of seized drugs and to seek international acceptance of the standards. The Office of Forensic Sciences also participates in the Scientific Working Groups on Friction Ridge Analysis, Imaging Technologies, and Digital Evidence.

A Deputy Assistant Administrator heads up the Office of Forensic Sciences. Two Associate Deputy Assistant Administrators, three Section Chiefs, and a Quality Assurance Manager report to the Deputy Assistant Administrator. Each of the laboratories is headed by a Laboratory Director, who reports to one of the two Associate Deputy Assistant Administrators.

[5] The co-sponsor with the DEA is the Office of National Drug Control Policy.

Laboratories and Services

The DEA operates nine laboratories to perform forensic services and research. Seven regional laboratories located throughout the U.S. work with evidence submitted by the DEA's domestic field divisions and other domestic law enforcement agencies.[6] Two additional laboratories, the Special Testing and Research Laboratory (STRL) and the Digital Evidence Laboratory (DEL), both located near the District of Columbia (in Sterling and Lorton, Virginia), address the following specialized needs:

- The STRL performs research, analyzes controlled substances for intelligence use, analyzes controlled substances from international sources, and analyzes toolmarks and logos on drugs and drug packaging. Work performed for intelligence purposes generates strategic intelligence through the analysis of drug samples obtained in the U.S. and foreign countries. The STRL's drug signature programs analyze samples to determine processing methods, geographic origins, and manufacturers for heroin, cocaine, and methamphetamine. The STRL also operates the Source Determination Program, which analyzes toolmarks and logos on tablets, capsules, LSD blotter paper, and cocaine, heroin, and steroid packaging to determine manufacturing sources.

- The DEL was created as a separate laboratory in March 2003 from a unit that began in 1994 as the Computer Forensics Program, under the STRL. The DEL retrieves digital information from electronic devices and media, such as hard drives, compact and floppy disks, data tapes and personal digital assistants, for investigative and intelligence purposes. Such services are provided only by this laboratory.

The seven regional laboratories and their locations are listed below. Two satellite laboratories, located in Kansas City, MO, and San Juan, PR, supplement the regional laboratories. The satellite laboratories are housed in space in non-DEA facilities and are staffed by forensic chemists who are employed and supervised by DEA staff. One mobile laboratory, located in

[6] Each domestic field division supervises several district and resident offices. The Caribbean Field Division in San Juan, PR, is classified as a domestic division. Several international offices in Caribbean nations, such as Jamaica and Haiti, are affiliated with this field division.

El Paso, TX, is staffed on a rotating basis by regional DEA laboratory personnel.[7]

Regional Laboratories and Locations

Northeast Laboratory	New York City
Mid-Atlantic Laboratory	Metropolitan District of Columbia (Largo, MD)
Southeast Laboratory	Miami
North Central Laboratory	Chicago
South Central Laboratory	Dallas
Western Laboratory	San Francisco
Southwest Laboratory	San Diego

Source: DEA, Office of Forensic Sciences.

The facilities in New York City, Miami, Chicago, and San Francisco occupy space in office buildings. The STRL, Mid-Atlantic, South Central, and Southwest Laboratories are housed in new stand-alone buildings. The DEL resides in a new building that also houses the DEA's Office of Investigative Technology.

Regional laboratories analyze evidence, submitted by DEA field offices and other law enforcement agencies, for controlled substances and latent prints. Laboratory personnel also provide expert testimony in court and technical advice and support to law enforcement agencies at seized clandestine laboratories and other crime scenes. Regional laboratories employ forensic chemists and fingerprint specialists to perform these services.

Forensic chemists analyze exhibits to identify substances and other properties of the exhibits.[8] When asked by law enforcement officials to participate at a clandestine laboratory scene, forensic chemists are responsible for ensuring that any chemical reactions in progress are safely shut down.

The DEA's latent print program began in the late 1970's with four positions spread over three laboratories to supplement services that were provided by the Federal Bureau of Investigation (FBI). The DEA expanded the latent print program in 1991 to six laboratories to improve the timeliness

[7] The mobile laboratory was deployed to Tucson, AZ in FY 2001 and was later moved to El Paso.

[8] In addition to suspected substances, exhibits may include items such as apparently empty containers to be tested for trace amounts of drugs.

and responsiveness of latent print services to its field offices.[9] Fingerprint specialists examine exhibits to develop and identify latent prints. They may be asked to test exhibits at a crime scene for fingerprints before others handle the evidence. They also develop photographic film for DEA field offices, and may be asked to photograph crime scene evidence.

In addition to these forensic analysis responsibilities, DEA laboratories maintain custody of all drug evidence seized by DEA field offices once it has been submitted for analysis, with the exception of bulk marijuana and bulk ephedrine.[10] The laboratories receive, secure, account for, and eventually dispose of all DEA evidence exhibits submitted for drug analysis. The laboratories employ evidence technicians and scientific intelligence technicians to help maintain accountability over evidence.

Customers

The DEA field offices submit all DEA drug evidence, and some non-drug evidence on which latent print analysis is being requested, to the DEA laboratories.[11] The DEA field offices also submit many exhibits that have been seized in joint or cooperative efforts with state and local law enforcement agencies. The DEA field offices also may request laboratory support at crime scenes.

Other federal customers of the DEA laboratories include the FBI; the Bureau of Immigration and Customs Enforcement (BICE); the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF); the U.S. Park Police; the U.S. Coast Guard; and various agencies of the Department of Defense.[12] In addition to submitting drug evidence for analysis to the regional laboratories, the two Customs agencies, now part of the Department of Homeland

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[9] DEA officials reported that the DEA was not satisfied with the slow turnaround and lack of priority from the FBI laboratory on latent prints. The DEA officials indicated the lack of priority was understandable because of competing high-priority demands at the FBI and the fact that expectations for developing usable latent prints are low for drug packaging.

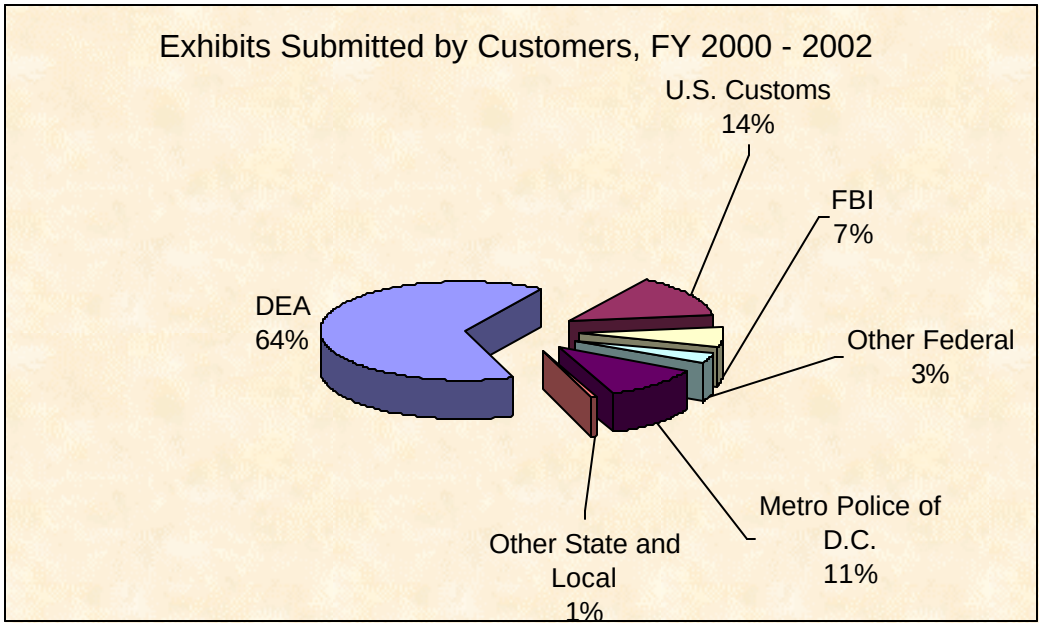
[10] The field offices prepare samples of bulk marijuana and ephedrine seizures to send to laboratories for testing, and maintain custody of the bulk quantities. The field offices also maintain custody of DEA non-drug exhibits. Non-drug exhibits submitted to laboratories for fingerprint analysis are returned to the field offices after analysis.

[11] The DEA considers all evidence submitted for drug analysis as drug evidence and exhibits submitted for latent print or digital analysis only as non-drug evidence.

[12] The former U.S. Customs Service was re-organized in March 2003 into two separate agencies in the Department of Homeland Security: BICE and Customs and Border Protection. During the audit period these agencies were called the U.S. Customs Service.

Security (DHS), also request latent print examinations. Federal agencies have also requested and received crime scene assistance from laboratory personnel. State and local agencies, such as the Metropolitan Police of the District of Columbia (MPDC) and the Kansas Bureau of Investigation, also submit drug evidence for analysis.

The chart below shows the percentages of exhibits submitted to the regional and digital laboratories, by customer, averaged for FYs 2000 through 2002.[13] Exhibits submitted by DEA offices, including cooperative and joint seizures with other agencies, have consistently represented about two-thirds of the laboratories' work. All other federal agencies combined represented about another 24 percent, for nearly 90 percent of exhibits coming from federal agencies. State and local customers accounted for about 12 percent of all exhibits submitted for the 3 years, most of which were submitted by the MPDC.



Source: DEA, Office of Forensic Sciences, System to Retrieve Information on Drug Evidence (STRIDE).[14]

[13] The STRL is not included because most of the exhibits it receives to analyze for intelligence purposes are samples of exhibits that were originally sent to the regional laboratories by the customers represented in the chart.

[14] The figures for DEA include exhibits submitted in joint and cooperative efforts between DEA and other law enforcement agencies. Figures for the FBI include exhibits submitted by the FBI and by joint FBI-Organized Crime Drug Enforcement Task Forces.

Unlike most state and local law enforcement agencies, the MPDC does not perform its own forensic testing of drug exhibits and does not send exhibits to a state laboratory. The DEA's Mid-Atlantic Laboratory performs drug testing for the MPDC at no cost to the MPDC. The DEA has studied alternatives to this arrangement, but previously concluded that it is best to continue to provide these services directly to the District of Columbia.[15]

Transaction Volumes and Staffing

The regional and digital evidence laboratories received over 200,000 exhibits from FY 2000 through FY 2002.[16] These were primarily domestic exhibits submitted to support investigations. The Mid-Atlantic and South Central Laboratories received the largest numbers of exhibits. The Mid-Atlantic Laboratory received about half of its exhibits from the MPDC.

Exhibits Received by DEA Laboratories
FY 2000 through 2002

Laboratory	***FY 2000***	***FY 2001***	***FY 2002***
Northeast	7,956	8,117	8,571
Mid-Atlantic	12,982	15,428	12,664
Southeast	7,458	8,971	8,915
North Central	8,900	9,010	7,448
South Central	11,570	11,790	11,910
Western	8,507	6,256	6,326
Southwest	9,148	10,502	9,131
Digital Evidence	317	384	432
Total	***66,838***	***70,458***	***65,397***

Source: DEA, Office of Forensic Sciences, STRIDE.[17]

[15] DEA presented this conclusion in a decision paper dated December 9, 1994, based in part on the unique relationship between the MPDC, which enforces laws, and the U.S. Attorneys Office, which adjudicates cases for the District of Columbia.

[16] This figure counts each exhibit submitted for both drug and latent print analysis as one exhibit.

[17] The table does not include exhibits submitted to the STRL because most of those exhibits are samples of exhibits that were originally sent to the regional laboratories and are already represented in the table. The figures include those drug exhibits that are submitted for storage only and do not require analysis, as the laboratories serve as custodian for all DEA controlled substances other than bulk marijuana and bulk ephedrine. Such exhibits may be seized after being abandoned, with no case or suspect for the DEA to pursue. Others may be multiple exhibits from a seizure, not all of which are analyzed.

The table below reflects the number and types of services performed by the laboratories on exhibits during the past three fiscal years. Exhibits that were submitted for both drug and fingerprint analysis are counted twice in the figures below. This is one reason the number of exhibits analyzed each FY, shown in the table below, exceeded the number of exhibits received. Another reason is that the numbers below include the exhibits analyzed during FY 2002 that were received during the prior fiscal year.

Exhibits Analyzed by DEA Laboratories
FY 2000 through 2002

Regional and Digital Laboratories

Type of Analysis	*FY 2000*	*FY 2001*	*FY 2002*
Drug	70,461	67,886	67,627
Latent Print	6,543	7,530	5,160
Digital	150	252	294
Total	***77,154***	***75,668***	***73,081***

Special Testing and Research Laboratory

Type of Analysis	*FY 2000*	*FY 2001*	*FY 2002*
Heroin Signature Program	587	671	911
Domestic Monitor Program	707	535	1,195
Cocaine Signature Program	1,281	2,236	2,125
Methamphetamine Signature Program	637	111	97
Source Determination Program	1,765	564	447
Intelligence Sample Subtotal	4,977	4,117	4,775
International Drug Exhibits	759	1,219	1,214
Total	***5,736***	***5,336***	***5,989***

Source: DEA Laboratory System Annual Reports.[18]

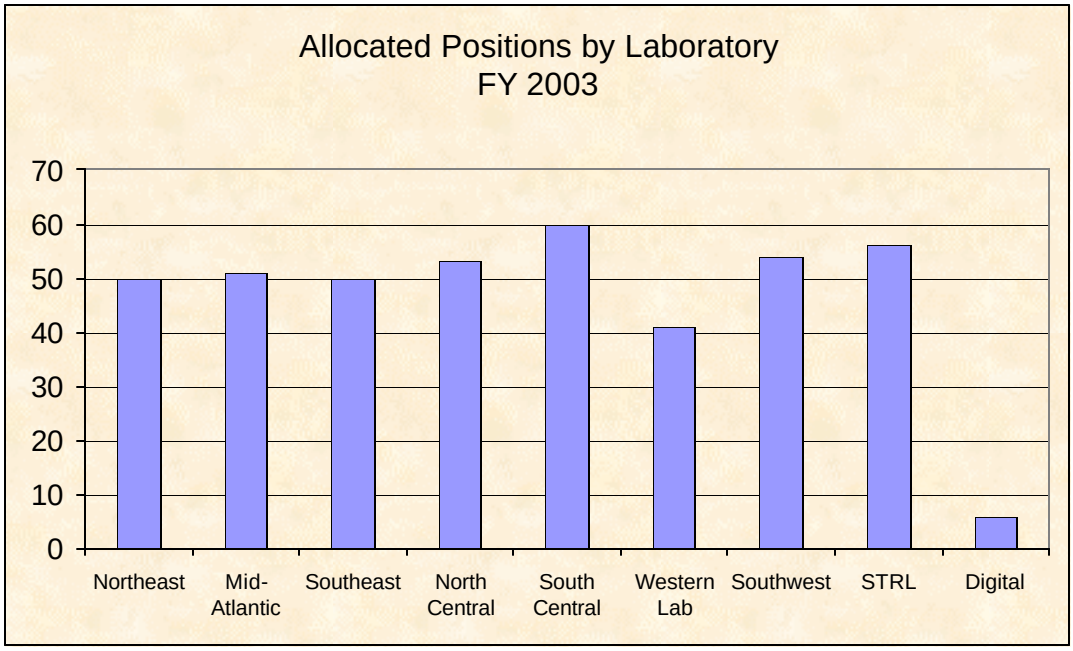
The laboratories also perform other services, such as providing training for law enforcement officers, providing controlled substances to law enforcement for canine training, developing film, testifying, and assisting at clandestine laboratory seizures. From FY 2000 through 2002, the laboratories processed 765,466 photographic items (rolls of film, slides, and enlargements), provided expert testimony at 2,156 court appearances, and provided assistance at 568 clandestine laboratory seizures.

The number of exhibits received by all laboratories increased about 36 percent between 1996 and 2002, with increases in fingerprint and digital exhibits of about 52 percent and 198 percent, respectively. The increase in

[18] The figures count exhibits submitted for both drug and fingerprint analysis twice, once for each type of analysis.

drug exhibits was about 34 percent. Expenditures for the Office of Forensic Sciences have grown from about $36 million in FY 2000 to almost $51 million in FY 2002, or almost 40 percent, and almost $60 million for FY 2003.

Laboratory staffing allocations for laboratory and support groups, not including supervisors, headquarters staff, or the STRL, increased since our prior audit from 219 positions in FY 1993 to 318 allocated positions for FY 2003, an increase of about 45 percent. Staffing levels for all laboratory positions, by laboratory, allocated for FY 2003 (including supervisors and the STRL) are shown in the table below.



Source: DEA, Office of Forensic Sciences.

Information Systems

The DEA laboratories use two automated information systems to record and retrieve information about evidence.[19] The System to Retrieve Information on Drug Evidence (STRIDE) is an older DEA database originally designed to record inventory and analysis information on drug exhibits.[20] As DEA laboratories expanded into the additional disciplines of fingerprint and digital examinations, the DEA modified the STRIDE to record some data

[19] Individual laboratories have created and maintain some additional information systems containing local data about exhibits.

[20] Technically the current system is STRIDE II, the enhanced version of the original STRIDE.

about these exhibits. The STRIDE currently contains complete analysis data only for the analysis of controlled substances. It does not contain analysis information related to fingerprint examinations on drug exhibits, any results of latent print analyses, or any analysis information about digital evidence exhibits. During our audit, the STRIDE also did not contain inventory information on fingerprint-only exhibits in one laboratory. The STRIDE includes functionality for tracking exhibits from receipt through destruction. Scientific intelligence technicians enter most data into the STRIDE.

The Laboratory Evidence Management System (LEMS) is a DEA database designed to track the movement of exhibits within laboratories, when they are transferred out to agents or defense attorneys for court purposes, and when they are destroyed. The LEMS creates and reads bar codes associated with exhibits, and produces a variety of reports to support complete physical evidence inventories, destruction, and other activities. Evidence technicians enter data into the LEMS and scan bar-coded exhibits after they are labeled; analysts scan coded identification cards into the LEMS to track the movement of exhibits within the laboratories.

The STRIDE was used as the central repository of information about exhibits, and the LEMS was used to track the movement of exhibits in and out of individual vaults and laboratories.

Laboratory staff also entered inventory information about exhibits into various manual logs and other records to help track evidence and actions. Laboratories performed duplicate and inefficient data entry to keep the various systems of records updated. The LEMS was intended to replace manual recording on DEA-307 index cards, which serves the same functions.[21] However, the laboratories continue to maintain DEA-307 cards to use for back up when the LEMS goes down, and because LEMS did not always function as intended when it was implemented.

The DEA initiated a contract in June 2003 to integrate its automated and manual information systems and improve functional support to its laboratories. As part of this integration project, the DEA plans to implement radio frequency tags and scanners that should simplify accountability over exhibits. The system should also make accountability far more efficient than was the case during our audit. The system is scheduled to be pilot tested in the summer of 2004.

[21] The DEA-307, Evidence Accountability Record, is a 5" by 8" index card used to record manually the movement of exhibits that is also recorded in LEMS electronically.

Laboratory System Strategic Plan

The DEA Laboratory System Strategic Plan for FY 2002 – 2007 presents the DEA's assessment of its laboratory system and strategies for improvement. The DEA obtained input from customers, consultants, and laboratory managers and employees to help identify problems and develop an action plan for improvement. The Plan calls for increased specialization of supervisors over fingerprint services and vaults, increased staffing to improve turnaround times to customers, and technological improvements for matching latent prints.

Prior Audits

The OIG published Audit Report 95-18, *Drug Enforcement Administration's Laboratory Operations,* in May 1995. This audit reported weaknesses in laboratory facilities but found that DEA laboratory operations and management controls were generally satisfactory. Customer satisfaction ranged from favorable to excellent. The audit contained several findings regarding facilities and controls over evidence:

- Several laboratory facilities were outmoded and overcrowded, although satisfactory for laboratory personnel to perform essential duties.
- Customers reported that laboratories provided timely assistance to their investigations, but several commented that faster turnaround of results would be helpful.
- Controls over exhibits and other controlled substances were satisfactory.

The prior audit recommended that the DEA enhance controls over evidence to ensure compliance with DEA policies on recording weights of exhibits after analysis, and to reduce the time between completing analyses and returning exhibits to vaults. The DEA responded by establishing policies to address these recommendations and we found no material weaknesses in these functions. The prior audit recommended that the DEA consider consolidating its laboratories if it was unable to obtain funding to replace the outmoded facilities. The prior audit also recommended that the DEA reduce the Mid-Atlantic Laboratory's workload by seeking alternate providers for serving the MPDC. In response, the DEA did not concur with the latter two recommendations. The DEA was able to obtain the funding needed to replace regional facilities and continues to provide services to the MPDC; therefore, no changes were made to these practices.

Earlier Department of Justice audits also found varying levels of compliance with controls over evidence. Audit Report 87-14-SI, *Drug Enforcement Administration's Internal Controls over Seized Evidence*, April 1987, found that the DEA's system of internal controls promoted accurate accounting and adequate safeguarding of seized evidence by the division offices and laboratories, although it allowed instances of non-compliance with procedures. Audit Report 89-6, *The Department of Justice's Internal Controls Over Seized Evidence*, December 1988, recommended the Office of Forensic Sciences ensure that physical inventories are performed at prescribed intervals by persons independent of evidence custodial functions.

FINDINGS AND RECOMMENDATIONS

FINDING 1: EFFECTIVENESS OF SERVICES

We found that DEA laboratory services were effective and the quality of work well managed. The DEA has established standards and procedures to ensure the validity of laboratory results, reviewed laboratories to ensure compliance with these standards, and routinely tested its analysts through proficiency testing programs. The laboratories have been accredited by the American Society of Crime Laboratory Directors / Laboratory Accreditation Board (ASCLD/LAB).[22] DEA's customers reported to us that the laboratory services provided resulted in appropriate case outcomes and analyses capable of withstanding legal challenges, and they were very satisfied with the services provided. However, we found that the turnaround times from receipt of exhibits to the completion of analysis were significantly longer for latent print and digital services than for drug analyses. In our judgment, longer turnaround times for latent print and digital exhibits were caused by resource limitations. Although laboratory customers indicated the longer turnaround times did not significantly affect most case outcomes, customers indicated they want the analyses faster. Procedures for handling latent print exhibits also could be improved to help identify more suspects. Although the nature of materials submitted often made it difficult to develop prints suitable for comparison, DEA procedures allowed many people to handle exhibits prior to latent print examination, increasing the possibility that print residues may be obliterated.

Introduction

DEA's regional laboratories analyze drug and latent print exhibits, and the DEL examines digital exhibits, to support the investigation and prosecution of drug crimes. The laboratories must analyze exhibits accurately and report results timely to agents and prosecutors. The results must be valid to achieve appropriate case outcomes and support expert testimony.

[22] The ASCLD/LAB operates an accreditation program for laboratories to demonstrate that their management, operations, personnel, procedures, equipment, physical plant, security, and safety procedures meet standards established by the organization.

To evaluate the effectiveness of regional laboratory services provided by the DEA, we assessed how services contributed to the outcomes of investigations and prosecutions, whether services were provided in time to be useful to customers, how satisfied customers were with laboratory services, and whether selected DEA controls over the quality of services were adequate. To quantify the actual amount of time taken for laboratories to turn around results on exhibits, we computed the time elapsed between the receipt of exhibits by laboratories to the completion of analysis.[23] To evaluate the effectiveness of services used for intelligence purposes, we interviewed officials of the DEA's Office of Intelligence and the ONDCP.

We obtained information about the usefulness and timeliness of laboratory services on particular exhibits by selecting a statistical sample of exhibits and surveying the customers using the questionnaire in Appendix II. The sample consisted of 635 exhibits submitted to the regional and digital laboratories by federal customers. We selected closed cases in order to obtain information about how DEA laboratory evidence had withstood testing through the legal process.[24] This approach ensured that the sample would include exhibits that had been tested through case prosecution and any appeals and provided feedback from customers about whether cases had been compromised due to problems with laboratory services. We selected the sample of exhibits to include drug, latent print, and digital evidence. We also sent additional questionnaires to nine state and local customers, all of whom received laboratory services related to controlled substances only.

Of the 635 questionnaires sent to federal customers, 572 went to customers of the regional laboratories for drug and latent print analyses, and 63 went to customers of the DEL for digital exhibits. Of the 572 that went to customers of drug and latent print services, 187 included latent print services. We received responses for 486 exhibits, or about 76 percent of the questionnaires sent to federal customers. Many of the 486 responses did not answer every question on each questionnaire. We used the total number of actual responses to each question to compute percentages of

[23] All types of exhibits spent most of this time in vaults waiting to be analyzed.

[24] The laboratories close a DEA case when all the drug exhibits associated with the case have been destroyed and non-drug exhibits have been returned to the DEA field offices. DEA field offices authorize the destruction of drug exhibits after all legal proceedings, including appeals, have been completed and the evidence is no longer needed for prosecution. The laboratories close non-DEA cases after all the exhibits associated with each case have been returned to the submitting agency. Some exhibits in the sample from non-DEA customers, therefore, were associated with open law enforcement cases.

customers who responded a particular way. We received responses from five (55 percent) of the nine state and local customers.

We also interviewed DEA officials, agents, and other federal and local customers and asked respondents to our questionnaire on exhibits to rate the overall quality of services received from DEA laboratories on a scale from 1 to 5, with 1 being poor and 5 being excellent. Customers of the DEA laboratories generally reported very high levels of satisfaction. All types of customers we interviewed told us: 1) that they were satisfied with DEA laboratory services, 2) the laboratories were responsive to requests for expedited service and special needs, and 3) they never had any problems with evidence being lost or compromised by the laboratories.[25]

One significant measure we used to determine the quality and effectiveness of laboratory services was whether any of the sampled exhibits used in the prosecution of a case had been successfully challenged through the legal process. Customers reported that no DEA laboratory analysis on any sampled exhibit that played a role in the prosecution of a case had been successfully challenged.

We attributed the positive results of laboratory services on case outcomes and customer satisfaction to the DEA's overall management of the laboratories. We also assessed selected management controls over the quality of services by evaluating: 1) the professional accreditation status of the laboratories, 2) internal reviews and follow up performed by the DEA, and 3) laboratory compliance with selected quality management standards such as proficiency testing and calibration of instruments.

We found that the DEA established standards and procedures to ensure the quality of services provided by the regional laboratories. The laboratories were accredited by the ASCLD/LAB.[26] This internationally recognized accreditation provides assurance that the laboratories meet various standards for forensic laboratory operations established by the ASCLD/LAB. In addition, the DEA performed frequent reviews of individual laboratories and followed up to ensure compliance with essential standards. The DEA managed laboratory compliance with accreditation and other quality standards effectively, including proficiency testing programs,

[25] If the laboratories had lost evidence, the customers would have discovered the problem when they requested the exhibits back from the laboratories for court purposes.

[26] The laboratories are accredited by discipline for the analysis of controlled substances, latent prints, and toolmarks. The ASCLD/LAB does not provide accreditation in the discipline of digital evidence analysis.

calibration and maintenance of scientific instruments, technical review of analyses, and reliability of reagents.

Drug Services

Outcomes. We asked customers if the laboratory services on each exhibit had contributed to an investigation, prosecution, conviction, sentence, or played some other role. We received 406 customer responses to this question on exhibits submitted for drug analysis. All 406 indicated that drug services contributed affirmatively to a case, or had analyzed or confirmed a substance. The 5 responses from state and local customers all indicated the laboratory services had contributed to an investigation, prosecution, or conviction.

A number of responses indicated that the result of services had been that no controlled substance was found. We counted these responses as contributing to a case if the respondent also replied that the service had been provided in time to be useful, because the information was available for case development and might lead to alternate solutions.

Several respondents to the questionnaire furnished examples of the benefits of DEA laboratory services on drugs:

- One Senior Special Agent of the U.S. Customs Service in McAllen, TX wrote of an Organized Crime Drug Enforcement Task Force case, "The DEA lab has been a constant asset to [our] investigations. . . . I believe it was because all witnesses were present, in particular the DEA analyst, that led to a successful prosecution."

- An FBI Special Agent in Tampa wrote, "The Southeast Lab did an outstanding job analyzing . . . 15 exhibits from a 3-year investigation . . . . A total of 13 defendants were convicted. The leader of the drug trafficking organization was sentenced to a life sentence in federal prison."

Customer Satisfaction. On the rating scale of 1 to 5, with 5 being excellent and 1 being poor, customers rated laboratory services on exhibits submitted for drug analysis with an average rating of 4.6. This was the same average rating for all exhibit types found in the prior audit. During interviews, DEA field division personnel and other customers told us they were very satisfied with laboratory services for the analysis of controlled substances, that the laboratories were responsive to special requests, and that their working relationships with the laboratories were good to excellent. An Assistant Special Agent in Charge for the FBI in Miami commended the

Southeast Laboratory for its drug services, and specifically the technical assistance provided by the Southeast Laboratory during the anthrax investigation in Miami.

Timeliness. We used the same sample discussed above to ask customers if laboratory services on each exhibit were performed in time to be useful to them. Of 386 total responses to this question for drug exhibits, 381 (99 percent) responded that the drug services had been provided in time to be useful. All of the state and local respondents also indicated that laboratory services on all exhibits were provided in time to be useful. This represented a slight improvement over the survey results of the prior audit of 97 percent of the responses.

Although the responses indicated the laboratory results had been provided in time to be useful, four respondents complained about the amount of time the specific analysis had taken or about timeliness in general on exhibits for which both drug and latent print examinations had been requested. (Our prior audit received similar comments indicating that the results were reported in time to be useful but were slow to be reported.) Customers stated they wanted shorter turnaround times.

- One Special Agent wrote, "The lab has provided good service to this office. However, the turn around has been taking too long, almost two months."

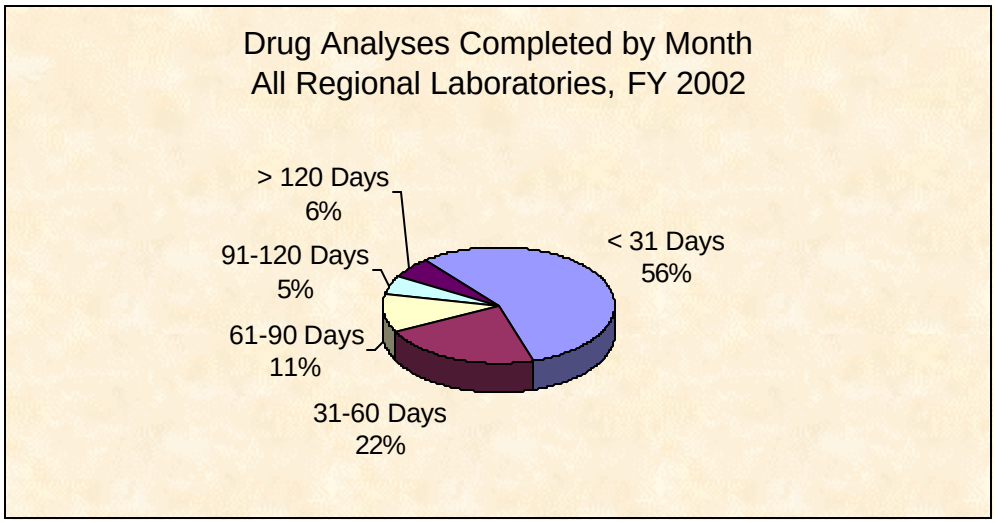
- Another Special Agent noted, "The work done by the lab is very professional, and in cases I have needed them to testify they were always there. My only complaint is that it . . . is taking longer and longer to get results back."

DEA officials told us the laboratories have been actively working toward a 1-month turnaround time from receipt in the laboratory to completion of the analysis for drug exhibits, and the Laboratory System Strategic Plan sets an ultimate target for all exhibits to be analyzed within two weeks. We analyzed actual turnaround times for the universe of analyzed drug exhibits used to select our sample for FY 2002.[27] We compared the date each exhibit was received in the laboratory to the date the analysis information was entered into STRIDE.[28] We used this to

[27] All discussion of turnaround times in this report is based on the elapsed time from the laboratories' receipt of exhibits to the completion of analysis.

[28] The DEA field offices had access to STRIDE to inquire about the results of drug analyses. The analytical information became available to the field offices at the time the analysis was entered into STRIDE. No DEA information system contained dates the hard

calculate the percentages of exhibits completed within certain timeframes and the average number of days between receipt and completion of analysis.[29] The chart below reflects the results of this analysis for drug exhibits.



Source: DEA, STRIDE.[30]

We found that more than half of the drug exhibits were analyzed within one month of receipt in the laboratories, and an additional 22 percent were analyzed by the end of the second month. Six percent of drug exhibits were completed more than 4 months after receipt by the laboratories.

Analysis completion times varied among the seven regional laboratories, as shown in the chart below. Five of the seven regional laboratories completed drug analysis on more than 70 percent of exhibits by the end of the second month.

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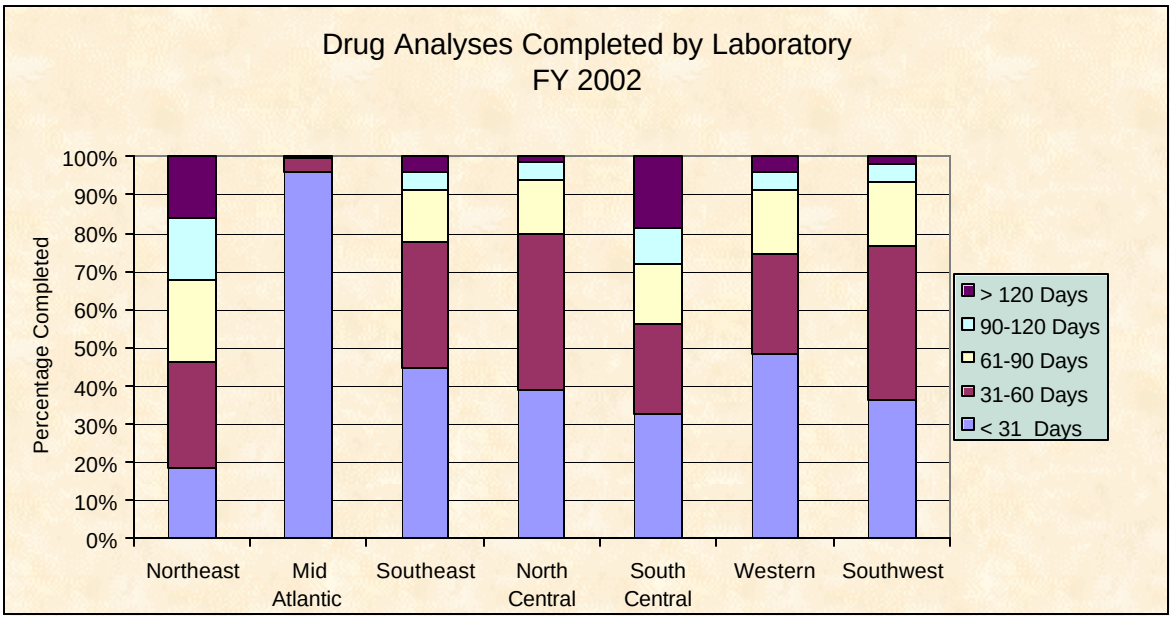
copy analytical reports were sent to customers. STRIDE automatically generated the date the analysis was entered electronically, so we accepted this system-generated date as the date the information became available to customers for the purpose of this analysis.

[29] We tested the reliability of STRIDE data for use in our analyses of turnaround times by comparing selected information in case files with STRIDE data elements for 218 analyzed exhibits. We found differences of between 0 and 3 percent in various data elements we tested. The differences we found appeared unintentional and were likely the result of data entry errors. We determined the data were adequately reliable for our use, except for the specific limitations for latent print and digital data described in the report.

[30] We isolated drug exhibits from latent print exhibits in the data extract by separating out exhibits identified as “fingerprint evidence” in data elements labeled “suspected drug” and “primary drug.”



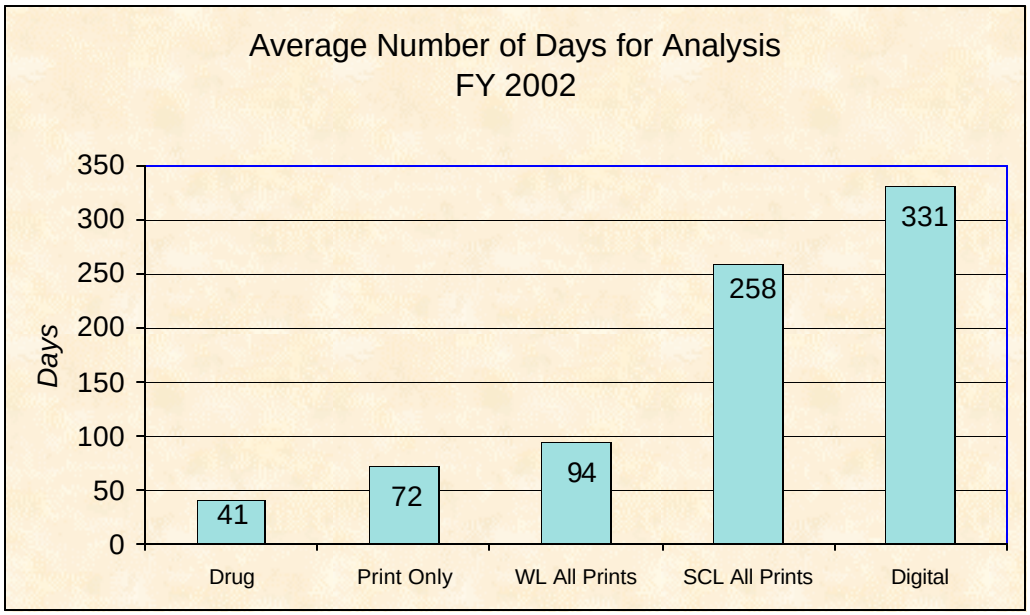
Source: DEA, STRIDE.

The high percentage of exhibits completed during the first month after receipt in the Mid-Atlantic Laboratory is misleading because of different procedures and the large number and nature of exhibits from the MPDC in this laboratory.[31] The MPDC operates its own vault at the laboratory and its exhibits are not recorded as having been received by DEA until DEA chemists obtain them from the vault for analysis. Any waiting period between receipt in the MPDC's vault and removal by the DEA chemist is not reflected in the figures for these exhibits. Also, MPDC exhibits are generally received in quantities used by individuals, rather than bulk quantities that must be sampled and tested multiple times.

We computed the average number of days between receipt of exhibits in the laboratories to the completion of analysis for the various exhibit types for FY 2002, and found that the average number of days for analysis varied significantly by exhibit type, shown in the chart below.[32] This is discussed further in the following sections on latent print and digital services.

[31] When these MPDC exhibits are removed from the analysis of turnaround time for drug services, the percentage completed by the end of the first month is 41 percent, and by the end of the second month is 70 percent, reduced from 78 percent (with the MPDC exhibits included), shown in the graph on page 18.

[32] The average number of days for drug analysis, excluding the MPDC exhibits, is 52, rather than 41 shown in the table on page 20. Differences between drug turnaround times and latent print and digital turnaround times remain even when the figures are adjusted to remove the effect of the MPDC exhibits.



Sources by Type of Analysis: 1) Drug and Print Only - DEA, STRIDE; 2) WL All Prints - Western Laboratory fingerprint database; 3) SCL All Prints - South Central Laboratory fingerprint database; 4) Digital - Digital Evidence Laboratory case tracking database.

Latent Print Services

Outcomes. As we did for drug services, we asked DEA laboratory customers if the laboratory services on each exhibit analyzed for latent prints had contributed to an investigation, identification, prosecution, conviction, sentence, or played some other role. We received a total of 131 responses on latent print services. Of the 131 responses, 128 (98 percent) indicated the analysis contributed to the case in some way. One Special Agent's comment indicated how useful latent print examinations can be in DEA cases.

- "[O]verall, the DEA North Central Laboratory has provided this office with outstanding service. . . . Recently, the . . . lab was able to retrieve latent fingerprints in at least three different cases where the defendants have subsequently pled guilty. . . . In two of these investigations, the latent fingerprint retrieval and comparison most likely made the difference in a plea instead of a trial."

Eighteen of the 131 responses indicated that the results of services had been that no latent prints usable for comparison were developed. We counted these responses as contributing to the case if the respondent also replied that the service had been provided in time to be useful, because the

information was available for case development and might lead to alternate solutions.

Another measure for analyzing the outcomes of latent print services is the percentage of exhibits for which suspects are identified. To evaluate how often latent print examinations resulted in the identification of suspects, we analyzed data reported by regional laboratories to the DEA's Office of Forensic Sciences. The number of fingerprint exhibits analyzed that resulted in the identification of suspects averaged 289 per year (4.4 percent) for the 3-year period.

Based on our interviews with DEA staff, we found that the nature of the materials submitted to the laboratories for fingerprint services is the primary obstacle to developing latent prints. Materials subjected to fingerprint examination frequently were plastic and paper wrappings with well-worn and irregular surfaces that were handled by many people over a long time. Although the DEA cannot control the nature or source of exhibits submitted, it could improve other factors within its control to increase the number of latent print identifications, such as increasing access to database resources, increasing the specialization of supervisors, and improving evidence handling procedures, as summarized below.

Database Resources

The DEA reported that all laboratories have direct access to the FBI's Integrated Automated Fingerprint Identification System (IAFIS) for matching latent prints, and some laboratories have access to other print databases.[33] The Southeast Laboratory had direct access to the Florida Automated Fingerprint Identification System (AFIS) through an agreement with the Florida Department of Law Enforcement; the Western Laboratory had access to the regional Western Identification Network.[34] Fingerprint specialists, however, reported they did not have direct access to all fingerprint databases that might be useful for matching fingerprints. The North Central, South Central, and Western Laboratories did not have direct access to all the state and local databases the fingerprint specialists might use. The specialists we interviewed indicated they occasionally traveled to other law

[33] The FBI manages IAFIS to allow other agencies to search its automated print database.

[34] State law enforcement agencies maintain automated print databases of persons arrested and unidentified prints from crime scenes for searching, which each state calls AFIS. Not all of these prints would be found in the IAFIS database.

enforcement agencies to use their databases, but direct access would improve their efficiency and the universe of suspects available for routine matching. The laboratories reported that DEA was working on establishing direct access to some of these databases.

Specialization of Supervisors

In the regional laboratories, supervisory chemists, who were qualified, trained, and experienced in the analysis of controlled substances, supervised both chemists and fingerprint specialists. Supervisory chemists responsible for the fingerprint programs in the regional laboratories told us they did not receive specialized training in latent print analysis. The DEA's Laboratory System Strategic Plan recognizes the need for increased management specialization for supervisors with appropriate technical backgrounds to supervise fingerprint staff.

Procedures for Handling Latent Print Exhibits

Exhibits submitted for latent print analysis are handled by DEA agents in the field prior to being submitted for analysis, unless fingerprint specialists are asked to provide crime scene support. The DEA Agent's Manual contains instructions for agents to use extreme caution in handling exhibits and to follow special packaging procedures to avoid obliteration of potential prints, but fingerprint specialists told us they sometimes find agents' prints on exhibits in inappropriate circumstances.[35] The guidelines for agents, therefore, appeared to be followed inconsistently.

The DEA agents we interviewed told us that latent print evidence is frequently not as important to their cases as other types of evidence, such as surveillance photographs. Fingerprint specialists also told us that DEA agents receive limited training in handling exhibits to preserve latent print evidence and are not required to provide as detailed a description of how the evidence was obtained as FBI agents provide for latent print exhibits.[36] Fingerprint specialists also indicated they would prefer to be at the scene of evidence

[35] Some operational circumstances make this unavoidable, such as when an agent handles a substance being bought, and then arrests a suspect.

[36] The specificity attributed to FBI agents by DEA officials included a description such as, "Exhibit was taken from the right front pocket of suspect name."

seizures more frequently because the manner in which exhibits are handled at the scene is critical to preserve the evidence.

Interviews with laboratory staff suggested that procedures for exhibits submitted for both drug and fingerprint examinations, which the DEA classifies as drug exhibits, may also have limited the success of fingerprint services. For example, the DEA allowed only chemists to withdraw drug exhibits from the vaults. Chemists normally obtained the exhibit, separated the drug from the packaging, placed the packaging in a separate evidence envelope (creating a second unit of the same exhibit), and performed the drug analysis before the fingerprint specialist saw the exhibit. The two separated evidence envelopes were returned to the vault, and the fingerprint specialists were then allowed to withdraw the fingerprint unit from the vault. Sometimes latent print analysis was performed on the packaging portion of the exhibit while the chemist had the exhibit out of the vault for analysis. The process normally required chemists to handle the exhibit prior to latent print analysis, increasing the chances that latent print residues may be inadvertently destroyed.

Fingerprint specialists told us that chemists were not consistently successful in handling exhibits to protect latent prints and that they sometimes found chemists' fingerprints on exhibits. They suggested this may be because chemists did not always notice that a request for latent print analysis had been made on a drug exhibit, or because individual chemists needed more training on preserving print residues. Fingerprint specialists also told us they sometimes worked with chemists prior to exhibits being separated to determine the best approach to separating or sharing the exhibit, and that they felt this helped protect print evidence.

Customer Satisfaction. The average rating for exhibits submitted for latent print analysis was 4.4, only slightly lower than the average of 4.6 for drug services. While customer satisfaction was also high for latent print services, prints suitable for comparison were frequently not developed or identified, and the results were less timely. Responses from two Special Agents (on four exhibits) specifically commented that the rating of 5 overall for laboratory services on the sampled exhibits applied to the drug services, but that they would give the latent print services on the same exhibits a rating of 1.

During interviews and in responses to our questionnaires, customers expressed the following concerns about latent print services:

- One DEA Special Agent told us he did not submit non-drug exhibits for fingerprint analysis to the DEA laboratory if he considered the results critical to the case, but sent the exhibits to a local police laboratory.

- Another DEA Special Agent wrote, "I have never had a fingerprint found on anything I have submitted."

- DEA personnel told us that agents frequently use local or state law enforcement latent print analysts for non-drug exhibits in part because it is easier than sending the exhibits to the DEA laboratories.[37]

Timeliness. Of the 130 responses to the question about timeliness on latent print services, 121 (93 percent) indicated the services had been provided in time to be useful. Customers reported they had received the drug analysis, but not the fingerprint results, for 3 exhibits submitted for both drug and fingerprint analysis at the time they completed the questionnaires.

We were not able to compute actual turnaround times for all latent print examinations for all laboratories because the DEA did not capture this information in the STRIDE. The STRIDE information system was built to record information on drugs and their analysis. The system was modified to a limited degree to accommodate recording some information on other types of exhibits as the role of the DEA laboratories expanded. However, the system did not allow laboratories to record more than one date of analysis per exhibit. Laboratories entered into STRIDE the dates and results of the drug analyses for drug exhibits, but not the results of latent print analyses on drug exhibits. Most, about two-thirds, of the exhibits analyzed for latent prints by the DEA laboratories were exhibits submitted for drug analysis, such as packaging in which the drugs were found. The DEA has begun a project that will replace STRIDE with a system designed to better meet the needs of the laboratories, with complete data for all types of exhibits and examinations. The pilot operation for the replacement system is scheduled for summer 2004.

The only latent print analysis dates found in STRIDE were for non-drug exhibits (i.e., those exhibits submitted for latent print analysis only), and not

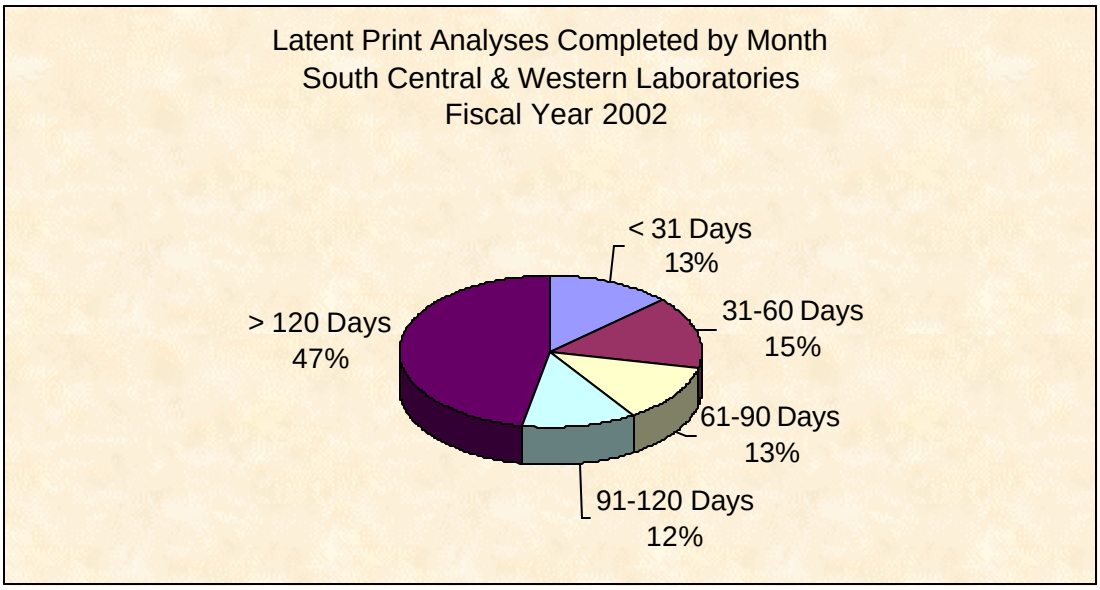
[37] The Office of Forensic Sciences has concerns about this practice in part because not all state and local law enforcement laboratories are accredited or require analysts to meet standards commensurate with DEA standards.

all of these were being recorded in the STRIDE.[38] About one-third of the exhibits analyzed during FY 2002 for latent prints were non-drug exhibits. For these exhibits, all the laboratories combined, except for the Southeast, completed about 65 percent by the end of the second month after receipt in the laboratory, compared with 78 percent of drug analyses completed within the same period (or 70 percent without the MPDC exhibits).[39] Sixteen percent of the non-drug exhibits were completed more than 4 months after receipt in the laboratories, compared with 6 percent for drug exhibits, (or 8 percent without the MPDC exhibits). These differences are not as significant as the latent print completion times on drug and non-drug exhibits combined, discussed below.

Some regional laboratories maintained their own local databases of latent print examinations to supplement the limited support provided by the STRIDE. Only two of the regional laboratories we visited maintained sufficient data to evaluate turnaround time from receipt of an exhibit in the laboratory to completion of latent print analyses for fiscal year 2002. We used information from databases maintained by the South Central and Western Laboratories to estimate the time customers had to wait for results. Although we were unable to verify the reliability of this information, we used the information because we believed it was important to determine if there were significant differences in turnaround times for different types of exhibits analyzed by the laboratories. The chart below shows the results of this analysis for latent print examinations.

[38] We found that the Southeast Laboratory did not record non-drug exhibits in STRIDE, so latent print analyses on non-drug exhibits for the Southeast Laboratory are not included in the figures discussed in the paragraph. The Southeast Laboratory did this to prevent the longer analysis times for latent print services from affecting the overall turnaround times being calculated by STRIDE in standard, system-generated reports. (We also found that the South Central Laboratory recorded non-drug exhibits in STRIDE as "for storage only" to exclude the analysis dates from being counted in the overall turnaround times calculated by the STRIDE, though this practice did not affect our analysis here.)

[39] The Mid-Atlantic Laboratory is also not represented in the data analysis because it began performing latent print examinations in FY 2003.

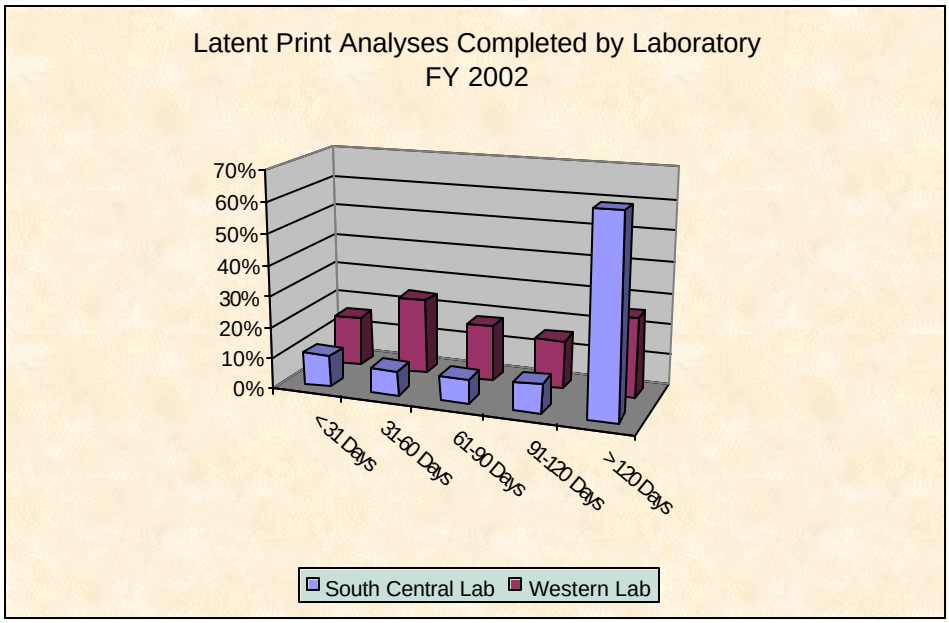


Source: South Central and Western Laboratories latent print databases.

For latent print examinations performed during fiscal year 2002, the two laboratories (combined) completed 13 percent in the first month and another 15 percent in the second month, for an accumulated total of 28 percent within 2 months, compared with 78 percent (or 70 percent without the MPDC exhibits) for drug exhibits. The percentage of latent print exhibits completed more than 4 months after receipt was 47 percent, compared with only 6 percent (or 8 percent without the MPDC exhibits) for drug exhibits. Additionally, the average number of days from receipt to completion of analysis was 94 and 258 for the Western and South Central Laboratories, respectively, both of which were far longer than the average of 41 days (or 52 days without the MPDC exhibits) for drug exhibits.[40]

The chart below shows the differences between the two laboratories. While the turnaround times varied between these two laboratories, both performed less quickly on latent print services than any laboratories performed on drug services. (Compare this with the chart on page 19.)

[40] See page 19 and footnote 31 for discussion of the MPDC exhibits.



Source: South Central and Western Laboratories latent print databases.

According to DEA staff, the turnaround times for latent print examinations were significantly longer than turnaround times for drug exhibits because DEA laboratories do not have sufficient resources to handle the latent print workload. The DEA had 209 positions allocated for forensic chemists in regional laboratories, but only 23 positions allocated for fingerprint specialists for FY 2003.[41] The timeliness responses from customers and the data analysis of turnaround times also strongly suggest that the allocated fingerprint positions do not support turnaround times comparable to those for drug services. Also, since some DEA field offices submit non-drug exhibits for latent print examinations to non-DEA laboratories, the demand for latent print services is actually higher than the data show.

DEA laboratory staff also indicated that DEA agents frequently request that certain exhibits be examined immediately due to exigencies, such as an upcoming court case. Exhibits were not handled on a first-in first-out basis, causing delays in handling exhibits of lower priority. All delays in examining exhibits for latent prints may also negatively affect the outcome of analysis because print residues evaporate over time, so the longer it takes the exhibit to get to the specialist for analysis, the less likely it is that any prints will be found.

[41] The numbers do not include chemists at the STRL or supervisors for any laboratories because this analysis focused on staff available to analyze domestic exhibits for customers.

Digital Services

Outcomes. Of the 42 customer responses on digital exhibits to the question about how laboratory services had contributed to a case, 35 (83 percent) reported the results as having contributed to the case. The remaining seven digital exhibits had not been analyzed in time to be useful.[42]

Customer Satisfaction. Responses we received rating the services for exhibits submitted for digital analysis shared the average rating of 4.6 with drug services.

- A DEA Group Supervisor in Pittsburgh indicated that the DEL's analysis of data on the hard drive had been "critical for financial record information."

Two of the digital exhibits in our sample that had not been analyzed belonged to a case in which the analysis of more critical digital exhibits contributed significantly to investigations in more than four DEA offices. The Special Agent responded,

- "Our office requested that [the Digital Evidence Laboratory] review the [17] hard drives first. . . . [The DEL's] assistance in obtaining the mirror imaged hard drives and their review . . . made it possible to coordinate internet cases in various jurisdictions. Four of the five defendants pled out . . ., due in part to the overwhelming evidence."

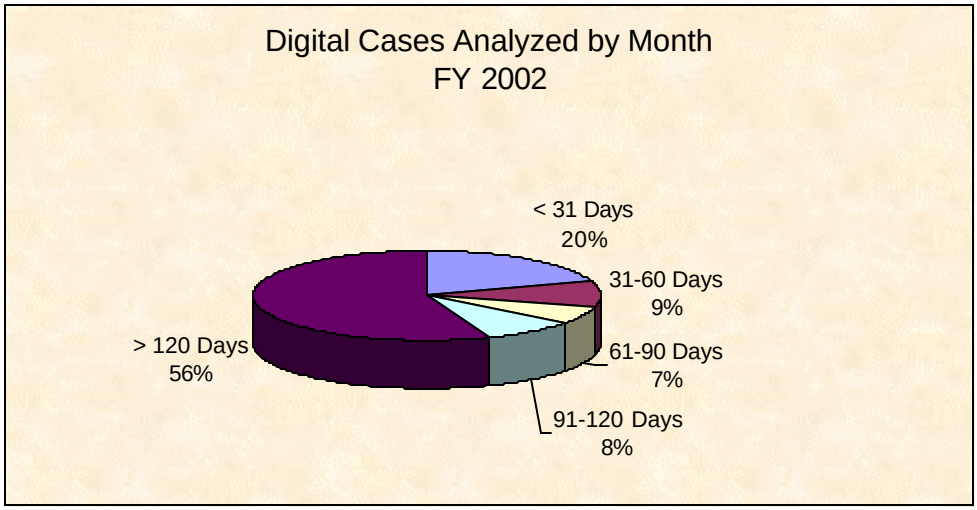
Timeliness. Of the 38 customer responses on digital exhibits, only 31 (82 percent) reported that digital services were provided in time to be useful. One Special Agent commented, "The exhibit . . . was in the custody of the . . . lab for thirteen months. . . . None of the computers, zip drives, or floppy disks were ever analyzed."

One DEA field office reported that the plea agreement in one case might have resulted in more serious charges if the digital services had been provided before the agreement was made. The Special Agent reported that the analysis took more than 1 year, by which time the defendant had pled to

[42] The sample of digital exhibits included exhibits that had and had not been analyzed, because the DEA's STRIDE, from which we selected the sample, contained data on the laboratory's receipt of exhibits but did not contain analysis data for digital exhibits. The lower percentage of analyses that contributed to cases for digital exhibits, therefore, is a function of the STRIDE not containing analysis data on digital exhibits. Had STRIDE only selected those digital exhibits that had been analyzed, the seven exhibits that had not been analyzed would not have been in the sample.

a lesser charge. The Agent added, however, that the laboratory does a good job overall.

We analyzed the actual time between the receipt of digital exhibits and the completion of analysis for each case analyzed during fiscal year 2002 at the DEL. For this purpose, we obtained a data extract of a tracking database used by the DEL because the DEA does not record dates of analysis for digital exhibits in STRIDE. The DEL tracked this information by case, rather than by exhibit. The results are shown below.



Source: Digital Evidence Laboratory case tracking database.

The results indicate that digital services were, like the latent print services, significantly less timely than drug services. The timeliness responses from customers and data analysis of turnaround times strongly suggest that the allocated digital evidence positions did not support turnaround times comparable to those for drug services. The longer turnaround times for digital services may have resulted from the numbers of analysts employed to perform this type of analysis. The DEA had 6 total positions, including supervisors, allocated for digital evidence analysts for FY 2003. The DEA added contract staff to support digital exhibit examinations during fiscal year 2003, but these were not permanent positions. The DEL Director reported to us in October 2003 that the oldest exhibits currently in the vault waiting to be analyzed were received in April 2003, so nothing over six months old was waiting for analysis. Compared with the average number of days for analysis for 2002 (331), the timeliness appeared to have improved since the contracted personnel were obtained.

Intelligence Services

To assess customer satisfaction with the STRL services that support intelligence needs, we interviewed the intelligence customers who receive information directly from the laboratory. The STRL performs research, analyzes controlled substances for intelligence use, analyzes controlled substances from international sources, and analyzes toolmarks and logos on solid dosage units and drug packaging. Work performed for intelligence purposes generates strategic intelligence through the analysis of drug samples obtained in the U.S. and foreign countries. The STRL's drug signature programs analyze samples to determine processing methods, geographic origins, and manufacturers for heroin, cocaine and methamphetamine. The laboratory also analyzes toolmarks and logos on tablets, capsules, LSD blotter paper, and cocaine, heroin, and steroid packaging to determine manufacturing sources, which is called the Source Determination Program.[43]

We interviewed officials of the DEA Office of Intelligence and the ONDCP to find out how satisfied they were with information and other services provided by the STRL. Both the Office of Intelligence and the ONDCP reported there is no other source for this type of information and they value the work of the STRL highly. Both offices used the information to develop strategies and focus resources, and indicated they held regular meetings with the STRL to discuss trends and developments, and tried to address needs as they arise. Both customers indicated the Office of Forensic Sciences and the STRL were helpful and accommodating.

[43] Toolmark analysis is the analysis of tablets for machine and other tool markings, similar to ballistics analysis. The tracking of "designer" or "proprietary" logos on packaging helps identify sources of substances.

Conclusion

According to laboratory customers, the DEA's laboratory services have contributed effectively to appropriate case outcomes and intelligence needs. The DEA has managed the quality of laboratory services to support the investigation and prosecution of drug crimes, and customers consistently reported high levels of satisfaction with services. However, turnaround times for latent print and digital services were significantly longer than drug services and customers would like the timeliness of services improved. Longer analysis times for latent print and computer forensic examinations appear to result from resource limitations.

Latent prints suitable for comparison were frequently not developed largely because of the nature of the materials being examined. However, other factors are more controllable, such as the expertise of latent print supervisors, databases used for matching prints, the length of time it takes to begin a latent print analysis, and procedures that allow many people to handle the exhibits before they are available to the fingerprint specialists. Such factors may also be obstacles to developing and identifying usable prints.

We believe the DEA should strengthen the laboratory fingerprint program to maximize the results of examinations, and improve the timeliness of latent print and digital evidence services to a level comparable to laboratory performance on drug exhibits.

Recommendations

We recommend the DEA:

1. Consider allocating DEA resources for additional fingerprint and digital evidence positions that would support turnaround times comparable to those for drug services.

2. Ensure that supervisors of fingerprint specialists are qualified and experienced in the analysis of latent fingerprints.

3. Provide direct access to additional local, state, and regional latent print databases for matching latent prints.

4. Provide detailed instructions and training for agents to ensure they properly handle and describe exhibits critical for developing latent prints.

5. Increase the use of DEA fingerprint specialists at appropriate crime scenes.

6. Ensure that potential latent print residues are protected when drug exhibits that will also be analyzed for latent prints are opened and separated. This may involve additional training for chemists and increasing the use of joint decision-making or handling by chemists and fingerprint specialists when exhibits identified as high priority for print analysis are opened and separated.

7. Ensure that laboratories use standardized procedures for recording information in data systems to ensure that all types of exhibits are tracked appropriately, and that the new information system will clearly track analysis data and turnaround times for all types of exhibits and analyses.

FINDING 2: MANAGEMENT CONTROLS OVER EVIDENCE AND OTHER CONTROLLED SUBSTANCES

Our testing of inventories and case files at the regional laboratories indicated that controls over evidence and other controlled substances were generally adequate. We identified minor instances of non-compliance with DEA control standards, but determined these did not constitute material control weaknesses. DEA has implemented adequate procedures to control and account for the receipt, storage, transfer, and disposition of exhibits, and the laboratories complied substantially with the requirements. However, we did note that more than 10 percent of exhibits we tested were out of compliance with the DEA standard to destroy exhibits within 90 days after laboratories received authorization for the destruction.

Prior to our audit, the DEA's system of internal reviews had identified and corrected procedural weaknesses that had caused a small number of evidence discrepancies before 2002, including the unauthorized destruction of exhibits. The DEA also recognized that the combination of automated information systems and manual records used to account for evidence was inefficient and duplicative. The DEA's Office of Forensic Sciences entered into a contract in June 2003 to replace its information management systems with one system that will include radio frequency identification tags and scanners to track the movement of exhibits that should simplify and improve the efficiency of managing evidence. The new system is scheduled to be pilot tested during summer 2004.

Introduction

The DEA's laboratories receive, store, transfer, and eventually dispose of all exhibits that are submitted for forensic analysis.[44] The laboratories also maintain [DELETED] custody of all drug evidence seized by DEA field offices once it has been submitted for analysis, with the exception of bulk

[44] [DELETED]

marijuana and bulk ephedrine.[45] The laboratories maintain DEA drug exhibits until they are destroyed, and return exhibits submitted by customers other than DEA and non-drug DEA exhibits to DEA field offices following analysis.

The laboratories maintain other controlled substances for use as reference standards, training materials, proficiency testing samples, and reverse undercover drugs for sales and "flashes" by agents. The laboratories are also responsible for maintaining accountability for all evidence and other controlled substances through disposition. Accountability is supported by a combination of automated and manual information systems and records.

Information Systems

Two automated information systems are used to record information about evidence in all regional laboratories. The Laboratory Evidence Management System (LEMS) is a DEA database designed to track the movement of exhibits within laboratories, when they are transferred out to agents or defense attorneys for court purposes, and when they are destroyed. The LEMS creates and reads bar codes associated with exhibits, and produces a variety of reports to support destruction of exhibits and other laboratory activities. The LEMS was intended to replace manual recording on DEA-307 index cards, which serves the same functions.[46] However, the laboratories continue to maintain DEA-307 cards to use for back up if the LEMS goes down, and because LEMS did not always function as intended when it was new.[47]

The DEA also entered inventory and destruction information about exhibits into the System to Retrieve Information on Drug Evidence (STRIDE) and various manual logs and other records to help track evidence and actions. STRIDE was designed and enhanced to record inventory and analysis information on exhibits.[48] STRIDE pre-dated LEMS and included

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[45] The field offices prepare samples of bulk marijuana and ephedrine seizures to send to laboratories for testing, and maintain custody of the bulk quantities.

[46] The DEA-307, Evidence Accountability Record, is a 5" by 8" index card used to record manually the movement of exhibits that is also recorded in LEMS electronically.

[47] The LEMS in the Western Laboratory was not functioning fully for several days during our 2-week visit.

[48] Technically, the current system is STRIDE II, the enhanced version of the original STRIDE. There is no automated interface between the LEMS and STRIDE.

some functionality for tracking exhibits through laboratory procedures. As DEA laboratories expanded into the additional disciplines of fingerprint and digital examinations, the DEA found ways to use STRIDE to record some data about these exhibits. STRIDE currently contains complete data only for drug analyses on drug exhibits. It does not contain analysis information related to fingerprint examinations on drug exhibits or digital evidence exhibits.

STRIDE serves as the central repository of information about exhibits, and LEMS is used to track exhibits in and out of individual vaults. Laboratory staff members perform duplicate and inefficient data entry to keep the various systems of records updated. In addition to being inefficient, entering the same data more than once increases the risk of data entry errors.

The DEA has initiated a contract to integrate its automated and manual information systems and improve functional support to its laboratories. As part of this integration project, the DEA plans to implement radio frequency tags and scanners that should simplify accountability over exhibits at the laboratories. This should ensure that the location of any exhibit in a laboratory at any time can be determined, and that no exhibit is lost or destroyed inadvertently. The system should also make accountability far more efficient than was the case during our audit.

Control Procedures

Our prior audit found that most controls over evidence and other controlled substances were satisfactory, but that certain controls could be improved. The results of our testing at the regional laboratories indicated that most controls were adequate and allowed only minor instances of non-compliance. We determined these instances did not represent material control weaknesses.

Receipt of Evidence Exhibits. [DELETED]

Evidence technicians (ETs) checked to make sure packages were properly sealed, and compared information on package labels with information on DEA-7 forms that were required to accompany exhibits.[49] The ETs also compared information on shipping labels and registered receipt labels prior to accepting packages from [DELETED].

[49] A DEA-7 form is the Report of Drug Property Collected, Purchased, or Seized. State and local customers were not required to use DEA-7's when submitting evidence for analysis, but provided information on exhibits in correspondence.

[DELETED] If information was consistent and packages were properly sealed, exhibits were accepted and signed for by the laboratories. The ETs entered receipt information into LEMS, which then printed a label for the exhibit and a DEA-307 index card. The ETs then stored the exhibits in appropriate locations in evidence vaults. Much of the same information about the receipt of each exhibit was subsequently entered into the STRIDE, usually by the scientific intelligence technician, with additional information about the suspected drug.

If the paperwork accompanying exhibits contained discrepancies, the laboratories generally tried to obtain corrected paperwork before returning exhibits to the submitting office. If packages were not properly sealed, laboratories returned the package to the submitting office. We observed procedures and reviewed receipt documentation. All but one of the laboratories we visited maintained a log of exhibits that had been rejected and returned. At the time of our visit, the Southeast Laboratory did not maintain a log of rejected exhibits that had been returned to the submitting office. The DEA's procedures did not require such a log, and the Southeast Laboratory was maintaining records of the registered receipt or comparable tracking numbers on individual forms.

Control Documentation in Case Files. We verified control actions documented in case files for a judgmental sample of 218 exhibits in the four regional laboratories we visited, and compared data between the case files and STRIDE. We looked for properly completed, signed, and dated DEA forms reflecting information on exhibit submittal, analysis, and eventual destruction, return to the submitting agency, or retention for official use. We found that laboratories complied with documentation requirements.

Storage and Inventories. The regional laboratories stored evidence exhibits [DELETED]. The laboratories controlled access to vaults by using electronic card readers and deadbolt locks. We observed security procedures at the laboratories we visited to test whether access to the vaults was controlled. Laboratory chemists and fingerprint specialists stored exhibits they had signed out for analysis in "in-process vaults" in each laboratory, which had separate security from the main vaults. Each analyst had a lock-box and locked cage to secure the exhibits he or she signed out, and only analysts had access to the in-process vaults.

The DEA required each laboratory to conduct complete physical inventories of evidence annually and within 30 days of the departure or reassignment of staff members with access to the evidence vaults. We

reviewed inventory documentation and determined that inventories were being performed as required.[50]

We judgmentally sampled 370 exhibits that were recorded in LEMS as being located in the vaults at the four regional laboratories we visited. We confirmed the vault location recorded in LEMS for each exhibit by observing laboratory employees retrieve the exhibit from the labeled storage location. We confirmed the accuracy of information on exhibit labels by comparing the identifying information on all labels on the exhibits with LEMS information.[51] The laboratories were able to locate each exhibit we sampled, or provided documentation to show its transfer to another location, and we verified the identifying information between LEMS, the evidence label, and the LEMS label.

Our 1995 audit had found that post-analysis weights had not been recorded on some exhibit labels, as was required by the DEA, and recommended that the DEA ensure that laboratory personnel record the gross weight of exhibits after analysis on exhibit labels. Using the inventory sample of 370 exhibits, we observed if the analyst had recorded a post-analysis weight for the exhibit on the label.[52] We found general compliance with this standard. A total of 7 (about 2 percent) of 370 exhibits we tested were out of compliance.[53]

Controls Over Exhibits Out of the Vault. Exhibits were transferred from the vaults internally within laboratories to chemists and fingerprint specialists for analysis, and externally to Special Agents for use in court

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[50] We identified one instance in which a staff member had resigned in April 2001, a different employee had been reassigned in May, and the inventory had been performed in June 2001, so the 30-day standard had not been met for the first employee departure. The Laboratory Director explained that he had known that the second employee would be departing shortly after the first, and decided to wait until the second employee had left because the inventory process requires the commitment of many resources. He also stated the inventory had not identified any discrepancies.

[51] Labels on the exhibits included evidence labels and LEMS labels. The data elements we compared on each exhibit were the case number, exhibit number, laboratory number, unit number, and type of exhibit (drug/fingerprint).

[52] We determined whether the exhibit had been analyzed by looking for the second seal by a laboratory analyst. Laboratories do not record post-analysis weights for non-drug exhibits, so we did not include these in our test.

[53] We did not confine our inventory testing to exhibits that had been analyzed within any specific time period; some of these were old exhibits that had been analyzed before the prior audit.

proceedings. All transfers were recorded in LEMS and on DEA-307 cards, and the external transfers to Agents were additionally recorded on DEA-12 forms and in STRIDE.[54]

The DEA used an established standard for analysts to return exhibits to the main evidence vaults within 30 days of removal. In the prior audit the OIG recommended that the DEA reduce the time that analysts held exhibits out of the vault following the completion of analysis. The DEA responded by establishing a standard requiring analysts to return exhibits within five working days after completion of the analysis. We tested 631 exhibits that were out of the vaults during our site visits at the four regional laboratories we visited to determine whether they were held out for more than 30 days overall and more than 5 days after completion of analysis. Of the 631 exhibits tested, 10 exhibits (1.6 percent) had been out of vaults to analysts more than 5 working days after analysis. Of the same 631 exhibits, 4 (less than 1 percent) had been out for more than 30 days altogether.

Laboratories transfer exhibits out to Special Agents for court proceedings, and the DEA required laboratories to follow up with DEA Field Divisions quarterly to ascertain the status of exhibits that have been "out to court" for more than 20 days. We performed limited testing on exhibits "out to court" more than 20 days at the time of our site visits. We reviewed documentation maintained by the laboratories and selected all of the exhibits currently out to court to the DEA Field Divisions in the cities we visited for follow up at the Field Divisions. We found that the laboratories and Field Divisions were able to account for all exhibits currently out to court.

Other Controlled Substances. Laboratories were maintaining inventories, or stockpiles, of other controlled substances for use as reference standards, training materials, proficiency testing samples, and reverse undercover drugs for sales and "flashes" by agents. We interviewed laboratory personnel, reviewed logs and other documentation maintained by the laboratories to account for these stockpiles, and verified entire inventories or tested them judgmentally. We found that the laboratories were able to account for the materials in these stockpiles. Although we identified problems with accountability and missing records for the training stockpile for the period prior to January 2001 at the South Central

[54] A DEA-12 form is the Receipt for Cash or Other Items that is used to document the transfer of exhibits.

laboratory, the Office of Forensic Sciences had issued specific procedures in January 2001 to improve accountability for training materials.[55]

Disposition. Laboratories dispose of exhibits by returning them to submitting agencies, destroying them, or retaining them for official use. Non-drug exhibits and exhibits submitted by agencies other than the DEA are returned to the submitting agency after the forensic analysis has been completed. Laboratories are allowed to destroy exhibits after receiving an authorization to do so from the appropriate field office.[56] Laboratories may choose to retain for official use certain exhibits that have been authorized for destruction. "Official use" includes training, proficiency testing, and reverse undercover operations. [DELETED]

LEMS provided reports to help control the process and identify exhibits that had been selected for destruction, but had not been authorized for destruction.

We reviewed records of destruction events performed by regional laboratories to determine if discrepancies identified in LEMS reports in destruction batches had been adequately reconciled. We found that laboratories did not maintain complete records of the resolution of discrepancies in the destruction batches prior to February 2002, and some did not maintain any control record of what had been destroyed other than the automated information in LEMS, which could be modified after the fact. The Office of Forensic Sciences identified these weaknesses and issued revised draft procedures in February 2002 for destruction that require laboratories to sign and maintain control reports of the destruction batches. Evidence destruction control and documentation appeared adequate since then. The results of weaknesses in destruction procedures prior to February 2002 included evidence being destroyed without authorization, missing evidence being presumed destroyed but lacking any record of the presumed destruction, and evidence that should have been destroyed being found in vaults. The DEA had required corrective actions to be taken, and followed up with laboratories to obtain reports that the actions had, in fact, been completed.

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[55] The Laboratory Director told us that the older records had apparently been destroyed when the duty was transferred to another employee.

[56] Field offices authorize destruction of specific exhibits on the form DEA-48, Disposition of Drug Evidence. The DEA-48 also contains information about the actual disposition, date, and signatures attesting to the disposition. The field offices are required to obtain approval for the destruction from prosecutors.

The DEA required laboratories to destroy exhibits within 90 days of receiving authorization from the field. We also tested the sample of 218 exhibits in case files to determine if the exhibits were destroyed timely. A total of 25 exhibits (11.5 percent) in 218 case files we reviewed were destroyed more than 90 days after the laboratories' receipt of authorization. All but three of these (1 percent) were destroyed within 120 days.

DEA Oversight

We reviewed internal reports and interviewed officials of the DEA's laboratory system, Office of Professional Responsibility, and the OIG's Investigation Division to identify problems with evidence accountability not indicated in our audit tests. The DEA reports identified discrepancies and weaknesses the DEA took action to correct. These problems included identifying evidence missing from the vault without documentation, finding evidence in vaults for which destruction documents had been executed, identifying data inconsistencies between duplicative systems of records, and identifying exhibits with missing or incorrect labels. The DEA corrected the identified problems and procedural weaknesses prior to the start of our audit.

The DEA requires laboratories to report unresolved inventory discrepancies, or missing evidence, when discovered. The Office of Professional Responsibility told us that most missing evidence cases related to evidence lost in transit or before it reached the laboratories, and that one criminal case had been brought. However, the DEA's Office of Professional Responsibility and laboratories also concluded that inadvertent destruction had caused a few cases of missing evidence during the audit period. We reviewed documentation associated with three such instances of inadvertent destruction.

- A physical inventory conducted at one laboratory in June 2002 identified one threshold unit of evidence missing.[57] The LEMS record indicated the unit (of methamphetamine) had been destroyed in September 2001, but the official DEA-48 form indicated the unit had been retained as appropriate. This

[57] Laboratories normally maintain only portions of large "bulk" exhibits after analysis. The amounts maintained are amounts needed to support maximum sentences, called threshold amounts. The portions of bulk seizures that exceed the threshold amounts are destroyed, unless the prosecutor specifically requires more to be maintained. "Units" of an exhibit are separate packages, such as boxes, that belong to the same exhibit. Individual units of bulk exhibits are marked as threshold units for the laboratory to maintain.

suggests inadequate control over the selection of exhibits for destruction and the recording of information in the LEMS and on the official DEA-48 form.

- Four exhibits (consisting of five units) of cocaine and heroin were identified as missing at one laboratory when a Special Agent requested them for court use. A LEMS listing of discrepancies between exhibits authorized and selected for destruction (for a September 2001 destruction) listed six units in the case as not authorized for destruction. This should have alerted laboratory staff to return all six units to inventory, but only one unit appeared to have been returned. The unauthorized destruction appeared to have resulted from inadequate control over the selection of exhibits for destruction and inadequate reconciliation of discrepancies before destruction.

- An inventory conducted in December 2001 identified two missing exhibits of cocaine at one laboratory. Laboratory officials believed that the exhibits were destroyed inadvertently during destructions in either August or November 2001. Laboratory officials, however, could not document the destruction or determine exactly when the loss occurred because the exhibits were not recorded in the LEMS as destroyed and the laboratory had kept no records identifying or reconciling discrepancies for either event.

In our judgment, inadequate controls over the selection and recording of exhibits had been applied during the particular destruction events, each of which took place before the DEA issued revised destruction procedures in February 2002. The DEA now requires laboratory officials to sign and maintain control reports of destructions demonstrating the successful resolution of discrepancies. The Office of Forensic Sciences also added critical destruction procedures to the checklist it uses to perform management visits. Our audit testing did not identify any cases of missing evidence, and the DEA's revised procedures for destruction appeared to provide adequate control after they were issued.

In our judgment, the DEA significantly improved its oversight over evidence by the inclusion of independent staff in performing physical inventories of the vaults.[58] In 2001, the Office of Forensic Sciences began

[58] A Department of Justice audit report released in 1988 found that the DEA performed annual evidence inventories with staff members who lacked independence because they also had access to the exhibits and maintained the detailed records and summary accounts of what was held. We recommended that the annual inventories be

participating in complete inventories of evidence at each laboratory and issuing reports of the results.[59] Staff members from DEA headquarters and other laboratories joined laboratory staff to reconcile all evidence inventory items in the laboratory with all inventory documentation. The DEA identified a number of problems with evidence accountability, some of which were not found or reported as a result of inventories that had been performed previously by laboratory staff.

Conclusion

The DEA's laboratories have generally maintained adequate accountability and control over evidence and other controlled substances, and have corrected weaknesses identified through DEA internal reviews. In addition, the DEA's plan to integrate the various systems of records should provide improved efficiency and automated control over the movement of exhibits.

The DEA had established procedures for laboratories to control and account for the receipt, storage, transfer, and disposition of exhibits, and the laboratories complied substantially with these requirements. The DEA also provided oversight and ensured that corrective actions were taken when warranted, and required laboratories to report unresolved instances of missing evidence for follow-up action. More than 10 percent of sampled exhibits were out of compliance with the DEA standard to destroy exhibits within 90 days after laboratories received authorization for the destruction. This finding suggests that destruction events should be scheduled more often than every 90 days to help ensure that all exhibits are destroyed timely.

Recommendation

We recommend the DEA:

8. Ensure that exhibits are destroyed within the 90-day standard.

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performed by persons independent of evidence custodial functions. At that time, DEA did not implement the recommendation because of concerns over the accountable staff losing control over the exhibits during inventories.

[59] Prior to 2001, each laboratory performed its own annual inventory.

FINDING 3: FACILITIES

Our 1995 audit found that several of DEA's laboratories were housed in aging facilities that needed to be replaced. Since 1995, the DEA has replaced the Special Testing and Research, Mid-Atlantic, South Central, and Southwest Laboratories with newly constructed facilities. In this follow-up audit we found that the Southeast Laboratory, which had not been replaced, has ventilation problems that pose health risks to employees and make employee drug testing ineffective. The Western Laboratory also has a history of ventilation problems that prevents effective employee drug testing. [DELETED]

Introduction

In the 1995 audit we found that the laboratories were generally housed in aging facilities, and that five of the facilities needed to be replaced.[60] Specifically, the audit found overcrowding, inadequate ventilation, insufficient storage space for exhibits, and inadequate fume hood space. At the time of the prior audit, the DEA had plans to replace five laboratories with new facilities that were to conform to current standards for laboratory design, safety, security, and health. The DEA planned to obtain congressional approval to fund a 5-year capital improvement project to construct four new regional laboratories and a new STRL.[61]

The 1995 audit recommended that the DEA Administrator ensure that reasonable alternatives for the number, location, and size of future laboratories be adequately considered prior to construction of the planned five new regional laboratories in case the DEA could not obtain funding to replace the laboratories. The DEA obtained funding for the construction project, and built new facilities for four of the five laboratories. The Southeast Laboratory has not been replaced.

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[60] OIG Audit Report 95-18, *Drug Enforcement Administration's Laboratory Operations*, issued in May 1995.

[61] During the prior audit, the North Central Laboratory in Chicago relocated to newly modified space that incorporated the new standards.

As part of this audit, we followed up to determine if the DEA had completed its 5-year project to replace the five laboratories, and to assess conditions at the laboratories we visited. We visited the STRL, Southeast, North Central, South Central, and Western Laboratories.

Laboratory Replacement

We found that the DEA had replaced four of the five facilities planned for replacement in the 5-year program at a combined build-out cost of about $20.5 million: the STRL, Mid-Atlantic, South Central, and Southwest Laboratories. The Southeast Laboratory in Miami had not yet been replaced because the U.S. Department of Defense (DOD) prevented the planned construction project.[62]

Laboratories Planned for Replacement

Laboratory	*Location*	*Replaced*	*Date*
STRL/DEL	Metro D.C.	Yes	May 2002/August 2000
Mid-Atlantic	Metro D.C.	Yes	June 2002
Southeast	Miami	No	Not yet replaced
South Central	Dallas	Yes	January 2002
Southwest	San Diego	Yes	January 2003

Source: DEA, Office of Forensic Sciences.

The DEA had planned for a new facility to be completed in Miami by January 2002. In March 2000, the GSA entered into a contract for the new laboratory to be constructed on property that bordered land leased by the DOD. In June 2000, the DOD began condemnation proceedings to prevent the landowner from building the DEA facility on this property. DEA officials told us this was because the DOD believed the security of its Southern Command could be compromised by potential narco-terrorists if the facility were built, in part because a building on the site would block the view of the Southern Command's trespassing detectors. The Department of Justice represented the DOD in this matter, and as a result of these proceedings, the plan for the new laboratory was not fulfilled.

Congress has approved the use of carry-over funds from prior fiscal years for a new plan to replace the Southeast Laboratory. The Deputy

[62] The Northeast Laboratory has also not been replaced, but the only condition cited in the prior audit was insufficient vault space to store bulk evidence. The Northeast and Western Laboratories had also both been refurbished within the last 3 years before the prior audit, and that audit found that they did not need to be replaced. The information we obtained during this audit continues to support the prior finding that these two facilities are adequate.

Assistant Administrator told us that the DEA is moving the project along as fast as possible. During March 2003, the prospectus for the project was awaiting approval by the Office of Management and Budget.

Current Conditions

We observed conditions in each laboratory we visited. We also reviewed reports of two studies performed at the Southeast Laboratory that identified serious problems with the facility. For the other laboratories we visited, we selected conditions from the Ventilation Assessment and the Industrial Hygiene Survey that had been performed for the Southeast Laboratory, and observed selected standards from the National Institutes of Justice Forensics Laboratory Handbook. The following describes the results of our visits to regional laboratories.

Southeast Laboratory. The Southeast Laboratory is still located in the facility visited during the 1995 audit. The building in which the laboratory is located was built over 25 years ago. Office space was modified to serve as a laboratory and evidence repository. The conditions at the facility are deficient. For example, employees at the laboratory are not included in the DEA Drug Deterrence (employee testing) Program because the facility's ventilation and exhaust systems do not provide a non-contaminated environment.

At the time of the prior audit, the laboratory had space for two groups of chemists and needed space for a third group. The vault was too small to hold all the evidence [DELETED].

The only change we found during the current audit was that space had been added and modified for a third laboratory group. [DELETED]

At the DEA's request, the Federal Occupational Health Service of the U.S. Public Health Service (PHS) conducted a ventilation assessment of the facility in September 2002. In its report dated April 7, 2003, the PHS concluded that the building was not suitable for use as a laboratory because of the potential health and safety effects on employees.[63] The PHS recommended that the laboratory and its support operations be relocated to temporary facilities, and that planning for "fast track" facility construction, major renovations, or lease space build out should be initiated immediately.

[63] There was nothing in the PHS report or in our findings to suggest that the facility conditions affected the validity of laboratory results. The focus of the PHS report was employee health and safety. The draft report was issued to the DEA November 20, 2002.

Specifically, the PHS found that:

- differential pressure relationships facility-wide were not acceptable, and air handling systems were in need of replacement or major refurbishment;
- maintenance of filters and plumbing leaks was unacceptable;
- HVAC systems were in extremely poor condition, showed evidence of poor maintenance, and HVAC control deficiencies needed to be addressed because of the facility's temperature variations;
- the exhaust system for the south wing laboratory was a health risk and a possible breach of containment of contraband substances; and,
- the outdoor air intake for the south wing HVAC system was an indoor air quality and security issue.

These findings were particularly troubling because many of them repeated findings from a prior study. At the request of the DEA, the PHS had also performed an Industrial Hygiene Survey, issued in November 2000, prior to the Ventilation Assessment. This survey found breathing zone air samples for solvents below applicable standards, widespread contamination of specific surfaces with controlled substances, and potential sources of contamination from air handling units, condensate pans, and water damaged ceiling tiles, among others.[64] The report noted that condensate pans did not drain properly and contained a slimy growth, probably algae, which potentially amplify the growth of microbes and present a significant heath risk. The report additionally described the reentry of exhausts into the air intakes on the air handling unit located on the roof as a potential source of contamination.

In addition to several specific housekeeping recommendations, the report recommended that the DEA discard water-damaged porous materials, such as ceiling tile, to minimize the potential for amplification of microbial growth. The report also recommended periodic maintenance of the air handling units to ensure condensate pans are draining properly to prevent the growth of algae and fungi. Conditions related to the air handling units appeared to persist between the two reports in 2000 and

[64] The survey found a toxigenic fungus (Stachybotrys chartarum), in ceiling tiles near the ventilation registers/vents in the main vault. The report noted that some people are very susceptible to respiratory distress due to exposure to fungi (mold), and that large populations of these microbes tend to degrade the indoor air quality and cause some employees distress. Two of our three auditors experienced notable eye irritation and other allergy symptoms throughout the laboratory.

2002, and laboratory officials told us there had been no major renovation of the air handling units.

Southeast Laboratory officials indicated they worked through the General Services Administration (GSA) to try to obtain major renovations for the laboratory, but that they deal with the landlord directly on everyday maintenance issues. The laboratory officials did not believe that the GSA had attempted to use enforcement measures to enforce terms of the lease with either the previous or the current landlord.[65] Laboratory officials also told us that the previous landlord had not been responsive to problems, but that the new landlord is more responsive. We also found that the Southeast Laboratory was not documenting its maintenance requests to the landlord for services. In our judgment, documentation should be maintained and used to obtain needed improvements and help enforce the terms of the current lease. Until the Southeast Laboratory is improved or relocated, the indoor air quality presents potential health risks.

North Central Laboratory. The North Central Laboratory in Chicago is housed in an older office building, but the facility appeared adequate to support its work. Space for this laboratory had been modified to meet new laboratory standards during the prior audit. We noted no significant problems at this location.

South Central Laboratory. Based on our site visit and interviews with DEA staff, we determined that the newly constructed facility for the South Central Laboratory in Dallas provided excellent working conditions and space for the laboratory, administrative, vault, and loading dock areas. Security measures at the new laboratory are satisfactory overall [DELETED].

[65] Laboratory officials told us that ownership of the office park had changed hands within the past two years.

Western Laboratory. The Western Laboratory is housed in an older office building with inadequate vault space and a history of ventilation problems.[66] Employees of the Western Laboratory, like those in the Southeast Laboratory, are not subject to the DEA's drug testing program because indoor air contamination would invalidate the results. The laboratory recently made improvements to the ventilation in the main evidence vault and to fume hoods, but no ventilation assessment has been made since the improvements, and some laboratory employees were not convinced the vault ventilation had been adequately improved. The laboratory is also planning to lease new space in the building to expand the main evidence vault. The facility otherwise appears adequate to support the laboratory's work.

Conclusion

The DEA has replaced the STRL, Mid-Atlantic, South Central, and Southwest Laboratories with new facilities that are adequate. The Southeast Laboratory, however, has not yet been replaced or relocated, and it has serious ventilation problems with potential health risks to employees. The Western Laboratory also is located a building with a history of significant ventilation problems. Southeast and Western Laboratory employees are not subject to the DEA's drug testing program because of indoor air contamination.

The Department of Defense opposed the DEA's original plan to replace the Southeast Laboratory facility by January 2002. The DEA has obtained funding from Congress for a new construction plan which is proceeding through approvals to replace the laboratory. The DEA should act as quickly as possible to relocate the Southeast Laboratory, ensure that employees at the Southeast and Western Laboratories are not exposed to toxigenic or other substances that could affect their health detrimentally [DELETED].

[66] Like the Southeast Laboratory, there was no indication that the ventilation problems would have affected the validity of laboratory results.

the [DELETED] identified at the Southeast and South Central Laboratories.

Recommendations

We recommend the DEA:

9. Ensure the Southeast Laboratory is relocated to a suitable facility as soon as possible.

10. Ensure that improvements are made to correct the ventilation [DELETED] problems at the Southeast Laboratory pending relocation.

11. Ensure the ventilation system and fume hood improvements in the Western Laboratory are effective.

12. Ensure that the Southeast Laboratory maintains complete records of requests for services from the leaseholder.

13. Press the GSA to enforce all terms of the lease for the Southeast Laboratory.

14. [DELETED]

15. [DELETED]

APPENDIX I

AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY

Objectives

The objectives of the audit were to evaluate how effectively the Drug Enforcement Administration's (DEA): 1) forensic services support the investigation and prosecution of drug cases and the gathering of drug information for intelligence purposes, and 2) laboratories manage evidence and other controlled substances to prevent loss or compromise.

Scope and Methodology

The audit was performed in accordance with Government Auditing Standards issued by the Comptroller General of the United States, and included tests and procedures necessary to accomplish the objectives.

This audit was performed as a follow-up to Office of the Inspector General (OIG) Report 95-18, *Drug Enforcement Administration's Laboratory Operations,* issued in May 1995.

Generally, the audit focused on the regional laboratories that analyze and maintain custody of evidence submitted by domestic law enforcement agencies. We also evaluated work performed by the Special Testing and Research Laboratory (STRL) and the Digital Evidence Laboratory (DEL).

We performed fieldwork at the following locations:

DEA Headquarters	Arlington VA
Southeast Laboratory	Miami FL
South Central Laboratory	Dallas TX
North Central Laboratory	Chicago IL
Western Laboratory	San Francisco CA
STRL	Sterling VA

We did not visit the DEL because it handles a small number of exhibits and does not store evidence following completion of analysis. We did include digital evidence exhibits in the sample for which we surveyed customers about outcomes, satisfaction, and timeliness of laboratory services, and we obtained data to use to calculate turnaround time.[67]

[67] The sample was selected from data in the System to Retrieve Information on Drug Evidence (STRIDE).

The audit period covered fiscal years 2000, 2001, and 2002.

We interviewed 86 officials from the DEA's Office of Forensic Sciences, Office of Intelligence, Office of Inspections, Office of Professional Responsibility, and managers and staff at the STRL and the four regional laboratories we visited. We also interviewed 21 customers of laboratory services at: 1) the Office of National Drug Control Policy; 2) the U.S. Customs Service; 3) the Federal Bureau of Investigation, 4) the Metropolitan Police of the District of Columbia; and 5) DEA Field Divisions in Miami, Chicago, Dallas, and San Francisco.

To obtain background information related to the DEA's performance of forensic services, we:

- Reviewed information on the DEA's mission, its laboratories, services, and customers.

- Reviewed audit and inspection reports issued previously to identify findings and recommendations related to the DEA laboratories, and determined the status of issues addressed in OIG Audit 95-18.

- Reviewed DEA guidelines for laboratory operations in the DEA Laboratory Operations Manual and Laboratory Operations Handbook.

- Reviewed DEA guidelines for agents about evidence handling and communication with the laboratories.

To evaluate how DEA managed the quality of laboratory services, we:

- Assessed the professional accreditation status of the laboratories through interviews and review of documentation about accreditation.

- Evaluated the DEA's system of internal reviews of the laboratories through interviews of responsible officials and examination of reports and follow-up correspondence pertaining to the internal reviews.

- Reviewed Laboratory Orders issued by the laboratories we visited to determine compliance with DEA guidelines.

- Tested laboratory compliance with selected quality management standards set by the DEA and the American Society of Crime Laboratory Directors / Laboratory Accreditation Board (ASCLD/LAB), including proficiency testing requirements, equipment calibration

schedules, reviews of analytical reports, safety reviews, and testing of reagents.

To assess outcomes and timeliness of laboratory services and overall customer satisfaction, we:

- Surveyed federal customers about laboratory services for a statistical sample, taken from the DEA's STRIDE, of 635 specific drug, fingerprint, and digital exhibits associated with closed cases. We also surveyed 9 state and local customers.

- Evaluated how often suspects have been identified using management information the laboratories report to the DEA.

- Surveyed customers to determine if services for the sampled exhibits were provided in time to be useful to them.

- Analyzed data to determine turnaround times from the receipt of exhibits by laboratories to the completion of analyses.

- Surveyed customers to rate laboratory services on a scale of 1 to 5 for the sample of exhibits.

- Interviewed customers to determine their satisfaction with services.

To assess the quality of the DEA's management controls over evidence and other controlled substances, we:

- Reviewed DEA guidelines and interviewed headquarters managers and staff about policies and procedures for the receipt, storage, transfer, and disposal of evidence exhibits.

- Reviewed internal DEA reports for: 1) findings related to management controls and 2) follow-up correspondence with the laboratories to resolve and close findings.

- Observed laboratory practices, reviewed documentation, and interviewed laboratory officials and personnel concerning management controls.

- Reviewed annual inventory reconciliations performed with DEA field offices for ensuring that exhibits were adequately reconciled.

- Tested inventories for the existence and weights of a total of 370 exhibits in vaults at the four regional laboratories we visited.

- Verified the status of judgmental samples of exhibits over 10 years old still in inventories.

- Verified control documents for a judgmental sample of 218 case files in the four regional laboratories we visited, and compared data between the case files and STRIDE.

- Tested whether exhibits currently transferred out of the laboratory for court purposes were in the custody of the DEA Field Division.

- Determined whether exhibits were held out of the vault by analysts for more than 30 days overall and more than 5 days after completion of analysis.

- Reviewed records of destruction events performed by the regional laboratories and determined if all destructions had been adequately reconciled and recorded.

- Identified inventory discrepancies found by DEA by reviewing internal DEA reports for findings related to missing evidence or existing evidence that was recorded as having been destroyed.

- Interviewed an official of the DEA's Office of Professional Responsibility and an OIG investigator to determine if weaknesses in evidence controls had been identified through internal or OIG investigations.

- Interviewed laboratory personnel and tested judgmental samples of inventories of other controlled substances.

To follow up on the condition of laboratory facilities and the status of new laboratory construction, we:

- Interviewed DEA officials.

- Reviewed DEA and Public Health Service reports on facility conditions.

- Observed conditions on-site at the four laboratories we visited.

REDACTED VERSION

APPENDIX II

DEA FORENSIC SERVICES CASE OUTCOMES QUESTIONNAIRE

Sample Number: «Sample_No»

Case Number «Case_Number» Exhibit Number «Exhibit_Number»

1. What type of forensic service(s) did your office request from the DEA laboratory for this exhibit? Please check ALL that apply to this exhibit.

? drug analysis
? expert witness testimony
? computer / digital analysis
? clandestine lab assistance
? latent fingerprint analysis
? technical assistance
? other – explain: _____

2. What was the role of the laboratory's analysis or other services on the outcome of the case/situation? Please check ALL that apply.

? assisted an investigation / contributed to case progress or focus
? helped to identify, confirm, or eliminate a suspect
? contributed to a prosecution (Please identify the prosecuting office below.)
? USAO (City) _____ ? Other_____
? contributed to a conviction
? contributed to an appropriate sentence
? other – explain: _____

3. Was the lab's service on this exhibit provided in time to be useful? Yes ? No ?
If no, please explain using the back or another sheet.

Please respond to 4.a., b., and c. if there has been at least one prosecution that relied in part on this exhibit. If the answer to 4.a or 4.b is yes, please explain the issue(s) and outcome(s), using the back or another sheet.

4.a. Were the results of the analysis and/or forensic expert testimony on this exhibit successfully challenged? Yes ? No ? Not applicable (N/A) ?

4.b. Was the case/situation plea-bargained (downward) or otherwise compromised due to problems with the laboratory's services on this exhibit? Yes ? No ? N/A ?

4.c. Did the defense stipulate to the laboratory analysis and / or expert forensic testimony? Yes ? No ? N/A ?

5. On a scale of 1 to 5 (with 1 being poor and 5 being excellent), how would you rate the overall quality of the forensic service(s) you received from DEA? ____

If you wish to provide additional comments about laboratory services, please do so on the back or on a separate sheet, and cite case and exhibit numbers, if appropriate.

PERSON COMPLETING QUESTIONNAIRE: _____

TITLE: _____ OFFICE: _____

_____ _____
Name of a Contact Person for Follow-up Phone Number

REDACTED VERSION

APPENDIX III

DRUG ENFORCEMENT ADMINISTRATION'S RESPONSE TO THE DRAFT AUDIT REPORT

U. S. Department of Justice
Drug Enforcement Administration

www.dea.gov

FEB 04 2004

MEMORANDUM FOR THE OFFICE OF THE INSPECTOR GENERAL

TO: Guy K. Zimmerman
Assistant Inspector General for Audit

FROM: Karen P. Tandy
Administrator

SUBJECT: Draft Audit Report: *Follow-up Audit of the Drug Enforcement Administration's Laboratory Operations*

The Drug Enforcement Administration (DEA) has reviewed the Department of Justice, Office of the Inspector General's (OIG) draft audit report entitled, *Follow-up Audit of the Drug Enforcement Administration's Laboratory Operations*. DEA provides the following comments, as requested in your memorandum dated January 14, 2004.

DEA agrees with all recommendations resulting from this audit. I concur with your assessment that DEA laboratory services are effective overall and the quality of work is well-managed. As the report accurately reflects, DEA has been independently working to resolve most of the recommendations identified by OIG auditors. Successful implementation of the attached action plan to resolve several of these recommendations is contingent upon enhancements to DEA's available resources, which DEA has requested and is committed to pursuing, in furtherance of its drug law enforcement mission. I am confident that completed actions to resolve OIG's recommendations will strengthen our laboratory operations.

DEA has completed a sensitivity review of the draft audit report. This information will be provided under separate cover.

Documentation detailing DEA's efforts to implement the action plan will be provided to OIG until all corrective actions are employed. If you have any questions regarding this information, please contact Audit Liaison Sheldon Shoemaker at (202) 307-4205.

Attachment

ACTION PLAN

Follow-up Audit of the Drug Enforcement Administration's Laboratory Operations

Recommendations	Action Planned	Projected Completion Date
1. Consider allocating DEA resources for additional fingerprint and digital evidence positions that would support turnaround times comparable to those for drug services.	DEA's Office of Forensic Sciences (SF) will continue to pursue additional positions for both programs.	3/31/2007
2. Ensure that supervisors of fingerprint specialists are qualified and experienced in the analysis of latent fingerprints.	Pursue positions for this purpose. In the interim, more technical oversight responsibilities will be given to the Senior Fingerprint Specialists in each laboratory.	3/31/2007
3. Provide direct access to additional local, state, and regional latent print databases for matching latent prints.	Finalize the identification of local databases to determine which would be most beneficial, obtain funding and complete the connection.	12/31/2005
4. Provide detailed instructions and training for agents to ensure they properly handle and describe exhibits critical for developing latent prints.	Review and revise curriculum used to train agents regarding fingerprint evidence handling, as appropriate.	12/31/2004
5. Increase the use of DEA fingerprint specialists at appropriate crime scences.	Continue to pursue additional positions for the program.	3/30/2007
6. Ensure that potential latent print residues are protected when drug exhibits that will also be analyzed for latent prints are opened and separated. This may involve additional training for chemists and increasing the use of joint decision-making or handling by chemists and fingerprint specialists when exhibits identified as high priority for print analysis are opened and separated.	Review and revise policy in this area, as appropriate, to maximize the preservation of potential latent print evidence. Provide additional training to chemist staffs regarding the handling of drug packaging to protect latent prints.	9/30/2004
7. Ensure that laboratories use standardized procedures for recording information in data systems to ensure that all types of exhibits are tracked appropriately, and that the new information system will clearly track analysis data and turnaround times for all types of exhibits and analyses.	Continue to pursue implementation of a Laboratory Information Management System that will track analytical results and provide management reports for all types of evidence.	9/30/2006

ACTION PLAN

Follow-up Audit of the Drug Enforcement Administration's Laboratory Operations

Recommendations	Action Planned	Projected Completion Date
8. Ensure that exhibits are destroyed within the 90-day standard.	Monitor compliance over the next 12 months. Take additional action, if necessary.	3/31/2005
9. Ensure the Southeast Laboratory is relocated to a suitable facility as soon as possible.	Continue to monitor the progress of the building prospectus that General Services Administration (GSA) submitted to OMB. Additional action will be taken as needed.	3/31/2007
10. Ensure that improvements are made to correct the ventilation [DELETED] problems at the Southeast Laboratory pending relocation.	Action has been taken by the property manager to correct the ventilation problem. A security survey will be conducted in February 2004 by the Office of Security Programs. Solutions to resolve identified security issues will be explored with the intent of alleviating them prior to the laboratory relocation.	12/31/2004
11. Ensure the ventilation system and fume hood improvements in the Western Laboratory are effective.	Obtain and review the final report of the industrial hygiene survey that was conducted in March 2003. Additional action will be taken, if necessary.	9/30/2004
12. Ensure that the Southeast Laboratory maintains complete records of requests for services from the leaseholder.	The Southeast Laboratory Director has been maintaining a complete record of requests for services from the leaseholder.	1/31/2004
13. Press the GSA to enforce all terms of the lease for the Southeast Laboratory.	GSA has taken action to ensure compliance with the terms of the lease.	1/31/2004
14. [DELETED]	[DELETED]	6/30/2004
15. [DELETED]	[DELETED]	10/31/2004

APPENDIX IV

OFFICE OF THE INSPECTOR GENERAL, AUDIT DIVISION ANALYSIS AND SUMMARY OF ACTIONS NEEDED TO CLOSE THE REPORT

The Drug Enforcement Administration (DEA) agreed with all of the audit recommendations in its response of February 4, 2004, and provided an Action Plan statement for each recommendation.

Recommendation Number

1. **Resolved.** In response to the recommendation that the DEA consider allocating resources for fingerprint and digital evidence positions that would support turnaround times comparable to those for drug services, the Action Plan indicates that the DEA's Office of Forensic Sciences will continue to pursue additional positions for the latent print and digital evidence programs. The cover memorandum dated February 4, 2004, contains the DEA'S commitment to pursuing enhancements to resources.

   We can close this recommendation when the DEA provides evidence that additional fingerprint and digital evidence analyst positions have been funded, or of reasonable attempts to identify resources to increase the number of latent print and digital evidence positions.

2. **Resolved.** To ensure that supervisors of fingerprint specialists are qualified and experienced in the analysis of latent prints, the DEA plans to pursue supervisory latent print positions and to assign more technical oversight responsibilities to the Senior Fingerprint Specialists in each laboratory until positions are obtained.

   We can close this recommendation when the DEA: 1) provides a description of the technical oversight responsibilities that have been assigned to Senior Fingerprint Specialists, and how they have been implemented; and, 2) provides notice that supervisory positions have been established.

3. **Resolved.** The DEA plans to provide direct access to additional local, state, and regional latent print databases by finalizing the identification of databases to determine which would be most beneficial, obtaining funding, and implementing the connections by December 31, 2005.

We can close this recommendation when the DEA provides a list of databases to which direct access has been implemented since July 2003.

4. **Resolved.** In response to the recommendation that the DEA provide detailed instructions and training for agents to ensure the proper handling of exhibits critical for latent print analysis, the Action Plan indicates that the DEA will review and revise the curriculum used to train agents regarding the handling of fingerprint evidence.

   We can close this recommendation when the DEA provides documentation of the revised curriculum, a statement regarding its adequacy by the Office of Forensic Sciences, and its implementation.

5. **Resolved.** To address the recommendation that the use of DEA fingerprint specialists at crime scenes be increased, the Action Plan indicates only that additional positions will be pursued. (These positions will be pursued in recommendation 1.) We agree that increased staffing is an important part of the solution, but also believe additional coordination with targeted Field Offices might increase the use of existing fingerprint specialists at selected crimes scenes independent of obtaining additional positions. Increased coordination with field offices may be needed even after any new positions have been filled.

   We can close this recommendation when the DEA provides evidence that additional fingerprint positions have been funded, and of outreach to targeted Field Offices to increase the participation of available fingerprint specialists at crime scenes as resources permit.

6. **Resolved.** The actions DEA has planned to ensure that potential latent print residues are protected at the laboratories are to review and revise policy and provide additional training to chemists regarding the handling of drug packaging to protect latent prints.

   We can close this recommendation when the DEA provides revised policy guidelines and information on training provided to chemists.

7. **Resolved.** In response to the recommendation that laboratories use standardized procedures for recording information in data systems to ensure that all types of exhibits are tracked appropriately, and that the new information system will clearly track analysis data and turnaround time for all types of exhibits and analyses, the Action Plan indicates that the DEA will continue to pursue implementation of a new information

system that will track analytical results and provide management reports for all types of evidence.

We can close this recommendation when the DEA provides 1) a statement that all laboratories now record the Southeast Laboratory records all fingerprint exhibits in STRIDE, and 2) documentation showing that the new system has been implemented and tracks analysis results and turnaround times for all types of exhibits and analyses.

8. **Resolved.** The Action Plan states that the DEA will monitor compliance with the 90-day destruction policy over the next 12 months and take additional action, if necessary.

   We can close this recommendation when the DEA reports the results of the compliance monitoring, including additional actions planned, if appropriate.

9. **Resolved.** The DEA plans to monitor the progress of the building prospectus that the General Services Administration has submitted to the Office of Management and Budget to ensure the Southeast Laboratory is relocated to a suitable facility as soon as possible.

   We can close this recommendation when the DEA provides documentation that the laboratory has been relocated to a suitable facility.

10. **Resolved.** [DELETED]

11. **Resolved.** To ensure that the ventilation system and fume hood improvements at the Western Laboratory were effective, the DEA plans

to obtain and review the final report of the industrial hygiene survey that was conducted in March 2003, and take any additional action that may be necessary.

We can close this recommendation when DEA provides the report of the industrial hygiene survey showing the problem was corrected, and documentation of the results of any additional actions that may be needed to correct the situation.

12. **Resolved.** The DEA responded to the recommendation that the Southeast Laboratory maintain complete records of requests for leaseholder services by indicating that the Director of the Southeast Laboratory has been maintaining a complete record of requests for services from the leaseholder.

    We can close this recommendation when we receive a copy of the documentation of requests for services being maintained by the Southeast Laboratory.

13. **Resolved.** The Action Plan indicates that the GSA has taken action to ensure compliance with the terms of the lease for the Southeast Laboratory. This needs to be a continuing effort on the part of GSA to ensure that systems are maintained adequately.

    We can close this recommendation when we receive a description of actions by the GSA since our site visit in March 2003.

14. **Resolved.** [DELETED]

15. **Resolved.** [DELETED]