OKLAHOMA STATE BUREAU OF INVESTIGATION
Criminalistics Services Division

*****NOTICE TO STAKEHOLDERS*****

ANAB accreditation requirements require that laboratories must notify stakeholders (investigators, prosecuting attorneys, etc.) in certain circumstances listed below. ANAB has established that labs may conduct these notifications on a case-by-case basis or through a general notification made available to all stakeholders. This notice will serve as a general notification to stakeholders for these areas. Submitting evidence to the OSBI Criminalistics Services Division (OSBI CSD) indicates written consent with these terms.

Additionally, when agreed upon with the stakeholders, the ANAB accreditation requirements allow for the issuance of "simplified reports". Simplified reports will not result in the reduction of information currently (or previously) provided in OSBI Criminalistics Examination Reports. The OSBI CSD seeks to pursue simplified reporting (as specified below) and requests acceptance from each of our stakeholders in an effort to keep the reports clear and concise for our stakeholders.

Written agreement to receive simplified reports by signing the Request for Laboratory Examination (RFLE)/Officer's Affidavit form at the time of evidence submission will mean that the following information will be retained in the OSBI CSD laboratory case records for each case, and can be provided to stakeholders upon request, but may not be routinely provided in all OSBI Criminalistics Examination Reports.

- The identification of the methods used;
- The date(s) of performance of the laboratory activity; and/or
- Additions to, deviations, or exclusions from the method.

Please reference the section on **Simplified Reporting** on pages 3 and 4 as well.

Review of Requests for Analysis (ISO/IEC 17025:2017 Standard 7.1.1):

Each request for forensic analysis is reviewed by OSBI CSD personnel. The OSBI CSD will use the review process to ensure:

1. that the stakeholder's needs are understood (ex: which items need to be processed by the Latent Evidence Unit, etc.), and
2. that the OSBI CSD has the capability and resources to meet those needs.

However, the OSBI CSD will determine the most appropriate method(s) of analysis (ex: which chemical processing would best develop latent prints on an item submitted for latent processing) based on the information provided by the stakeholder. Once the OSBI CSD accepts a request for analysis, the accepted request is considered a contract between the requestor and the OSBI.

Subcontracting Analysis (ISO/IEC 17025:2017 Standard 7.1.1.c)):

The OSBI CSD may transfer evidence between OSBI CSD laboratories in order to accommodate efficient analysis. This is not considered subcontracting.

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In limited circumstances, the OSBI CSD may send items for contract analysis, if the OSBI CSD cannot provide the service necessary. This includes sending out samples for mitochondrial DNA (mtDNA) analysis and for the DNA identification of human remains and/or associated reference samples.

Any unidentified human remains and/or any reference samples associated with missing persons or unidentified remains that are subcontracted will be sent to an OSBI approved private laboratory. Any other evidence requiring mtDNA analysis will be sent to the Federal Bureau of Investigation (FBI) or one of their regional mtDNA labs.

Where external providers are used, the OSBI CSD will advise the customer of the specific laboratory activities to be performed by the external provider and will gain the stakeholder's approval.

The OSBI CSD may also refer stakeholders to appropriate private laboratories that can provide services the OSBI CSD cannot. This is not considered subcontracting.

Changes to Contracts (ISO/IEC 17025:2017 Standard 7.1.5):
In addition, the OSBI CSD may select the item(s) most appropriate for analysis and/or elect to not analyze all items submitted based on the needs and circumstances of the case. The OSBI does not consider this a change to the "contract," and this may be done without additional notice to the stakeholder.

The OSBI CSD does strive to provide the highest quality and most valuable forensic analysis possible. For that reason, if analysts conducting testing identify alternate and/or additional testing that may prove beneficial to our stakeholders, the OSBI CSD may notify the stakeholder on a case-by-case basis. This notification will always be done if the proposed analysis will require consumption of the evidence and/or limit future examinations.

Database Searches (AR 3125 7.1.9):
OSBI CSD staff enter eligible samples in available databases such as CODIS, AFIS, and NIBIN to search for potential investigative leads. Guidelines for determining eligibility and circumstances when eligibility can change are explained in OSBI CSD **QMA 4.1**. Please note, OSBI CSD reports will reflect when samples are entered into a database and subsequent reports or notifications will be issued as needed to communicate when a potential database match has been made. However, under normal circumstances, OSBI CSD will not issue amended reports if changes to eligibility guidelines require removing sample(s) from a database. Stakeholders should contact the reporting analyst or a section supervisor to verify whether or not a specific sample remains in a particular database.

Selection of Methods (ISO/IEC 17025:2017 Standard 7.2.1.4):
OSBI CSD analytical methods are documented in written protocols and, in some circumstances, the analytical method used is also referenced in the case file and/or case record. In addition, a list of current services and/or analytical methods currently in use by the OSBI CSD is located in OSBI CSD **QMA 4.1.**

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Deviations from Analytical Procedures (ISO/IEC 17025:2017 Standard 7.2.1.7):
The OSBI CSD utilizes analytical methods that are generally accepted in the forensic science community and that have been validated by OSBI CSD personnel and documented in written protocols. In addition, the OSBI CSD maintains a policy to allow for suggesting, evaluating, approving, and documenting deviations to policy and procedure when necessary. These deviations are agreed to at the time of case submission and are not communicated on a case-by-case basis, but are documented according to policy and can be discussed with stakeholders upon request.

Communicating Disposition of Evidence (AR 3125 7.4.1.1.e):
In most cases, the OSBI CSD returns all evidence to the requesting agency upon completion of analysis. However, blood samples submitted for alcohol and drug analysis in DUI cases are retained for at least 60 days from the date of collection. Following analysis and the specified retention period, these samples may be destroyed by the OSBI CSD, pursuant to Oklahoma Administrative Code 40:20-1-3(c).3.A. Upon receipt of a legal request or court order, the OSBI CSD will also release some or all of an evidence item to an outside entity such as an independent laboratory.

OSBI CSD reports shall identify when evidence has been transferred between OSBI CSD Units or retained by the OSBI CSD. All other items, with the exception of DUI evidence eligible for destruction or items released to an outside entity, will be released to the requesting agency unless otherwise indicated in the report.

Simplified Reporting (AR 3125 7.8.1.3.1)
OSBI CSD reports and notifications may contain results that are reported in a simplified manner. An example would be the reporting of confirmed associations (such as CODIS hits) that may be reported in a simplified format, such as a “hit letter”.

ISO/IEC 17025 Standards 7.8.2 through 7.8.7
Each OSBI CSD report shall include the following information unless the CSD has valid reasons for not including one of the required components in order to minimize any possibility of misunderstanding or misuse:

Simplified Reporting - Reporting the Method(s) Used (ISO/IEC 17025:2017 Standard 7.8.2.1.f): In some cases, such as DNA reports, the method(s) used for analysis is included in the OSBI CSD Examination Report. However, in many disciplines, this information is not included in the Examination Report in an effort to make reports more concise. Instead, the methods used are documented in the case record and can be provided to the stakeholder or added to the Examination Report upon request.

Simplified Reporting - Reporting Dates of Testing (ISO/IEC 17025:2017 Standard 7.8.2.1.h and i): The date(s) of receipt of the test item(s) will be included in each report header. The date of any sampling (where it is critical to the validity of the results) and the date(s) of the performance of laboratory activities (analysis) are documented in the case record and can be provided to the stakeholder or added to the Examination Report upon request.

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Simplified Reporting – Reporting Additions to, Deviation, or Exclusions from the Method (ISO/IEC 17025:2017 Standards 7.8.2.1.n)

Any additions to, deviation(s), or exclusion(s) from the test methods are documented in the case record and can be provided to the stakeholder or added to the Examination Report upon request.

Simplified Reporting - Reporting Sampling (ISO/IEC 17025:2017 Standard 7.8.5)

If a sampling plan is used to analyze evidence, the following information will be included in the case record and available upon request:

a) data of sampling;
b) unique identification of the item sampled;
c) the location of the sampling (diagrams, sketches, photos);
d) reference to the plan and procedures used;
e) details of any environmental conditions during sampling that may affect the test results;
f) any standard or other specification for the sampling method and any deviations, additions to, or exclusions from the specification; and/or
g) information required to evaluate measurement uncertainty for subsequent testing.