



# Forensics Legal Sample Handling Protocol and Client Responsibilities Guide

AGAT Laboratories is dedicated to providing comprehensive practices for handling samples that have been identified by the client as potentially being used in litigation, ensuring that our protocols are admissible and defensible in court. When dealing with submissions for legal sampling, it is crucial to meet the requirements for legal proceedings and ensure that our protocol's key components are clearly identified and transparent.

Given the critical role sample analysis results often play in legal proceedings, the level of service within our sample handling protocol is paramount. These samples must adhere to specific procedures to maintain their integrity, and the chain of custody must be monitored and documented to ensure that the results are admissible in court or other legal contexts.

Samples collected and handled as evidence in a court of law are known as legal samples. Legal samples are used as physical evidence regarding sample origin, type and composition. Analytical results generated by the laboratory are considered scientific evidence, and are subject to similar requirements for protection and security. Physical and scientific evidence are used to support claims that an individual, party, organization, or company

has not met regulatory requirements or has been involved in unlawful act(s), which may result in legal proceedings for prosecution.

Our commitment to the highest standards of integrity, accuracy, and compliance is reflected in this guide and conditions, which outline the procedures for handling legal samples once an AGAT facility has taken custody. This protocol has been designed to ensure that all samples identified as legal are processed, stored, and analyzed in accordance with relevant legal and regulatory requirements. By adhering to the following protocol, we aim to preserve the integrity of client samples and the reliability of results, thereby supporting legal processes.

- 1. Chain of Custody Management:** AGAT implements a strict chain of custody (CoC) management system to document the chronological history of the sample. Our part of the process begins when samples are submitted to the lab. Our documentation includes recording every person who handles the sample, the date and time of any transfers, the collection location, image capturing of samples prior to analysis being performed, and any changes in custody status. Samples may be collected by a client field sampler,

investigator, government officer or officer of the law and submitted to the laboratory for analysis. When samples are identified as legal samples, accurate written records of custody and handling are required from receipt to sample disposition and disposal. Since field evidence collection and documentation are carried out by others, control of field activities are considered beyond the scope of this document. Samples are submitted on a Legal chain of custody form and a Sample Receipt Notice email is provided to the client confirming analysis.

**2. Legal Sample Custodian:** To ensure limited and authorized handling of legal samples, AGAT Forensics is a limited access facility with increased security provisions. Only assigned Forensics staff are permitted to handle legal samples. A Legal Custodian or designate is only assigned when heightened security is deemed necessary or requested. Forensics staff are able to testify that the samples were secured in the laboratory at all times – from receipt through final disposal. A sample is considered to be in true possession or custody when it is:

- i. In a person's actual physical possession; In view of one person after having been in their physical possession;
- ii. In physical possession and then safeguarded against tampering; any auxiliary lab equipment or apparatus in use for Legal samples will have 'Legal
- iii. Samples in Progress, Authorized Personnel Only' signage posted.
- iv. Kept in a secured area restricted to authorized personnel only.

**3. Sample Receipt and Verification:** When legal samples are submitted to the laboratory, an inspection of the packaging, custody seals and samples is performed to assess for possible tampering and to identify factors that may compromise integrity of the samples.

Photographs may or may not be taken during inspection, but encouraged for inclusion in work order/case files. Photos will be securely stored with restricted access. In addition, any notable observations regarding sample integrity should be recorded. A minimum of three temperature measurements are taken and recorded. Confirmation of receipt of legal samples is completed by sign-off (print name, signature, date/time) on the LCOC form. When custody is relinquished, laboratory personnel are responsible for the care and security of the legal samples.

**4. Security Measures:** Enhanced security measures will be conducted to protect the integrity and confidentiality of legal samples. This includes restricted access to the Forensics facility with authorized personnel only being the AGAT employees whose work base is in the building where forensics testing is carried out. Building access outside of office hours is limited to management personnel. Legal samples and document storage are restricted with only designated key holders having access.

**5. Documentation and Record-Keeping:** AGAT will ensure comprehensive documentation of all sample-related information, including but not limited to submission details, chain of custody records, laboratory analyses performed, results obtained, and any deviations or non-conformances encountered during handling or analysis. Documentation may be electronic and/or hard-copy, with appropriate measures taken to safeguard access and traceability of either format. Forensics legal files are contained on a restricted access Shared drive folder.

**6. Sample Preservation and Storage:** AGAT will adhere to strict protocols for sample preservation and follow appropriate procedures to maintain sample integrity and prevent contamination or degradation. This includes maintaining appropriate temperature storage

conditions, using tamper-evident seals for coolers and sample containers when necessary, and conducting periodic inventory checks. Legal samples stored within the Forensics facility have limited access through designated key holders.

**7. Sample Handling Procedures:** Standardized procedures will be followed for legal sample handling, processing, and analysis to ensure consistency, accuracy, and reproducibility of results. Special emphasis is placed on minimizing the risk of cross-contamination or sample misidentification. Legal samples are analyzed separately from other unrelated case files, routine client samples and proficiency test (PT) samples to ensure isolated data sets are maintained. Laboratory staff make record of custody transfer each and every time the sample(s) is/are removed from, and returned to, the designated storage location.

**8. Disposition and Disposal of Legal Samples:** When analytical results are completed, the client can decide to have the samples stored in AGAT's secure storage, returned to their custody, or to dispose. A formal request must be submitted to AGAT with clear instructions on how to proceed. Documentation of the disposal or storage will be maintained for traceability.

**9. Quality Control and Assurance:** Rigorous quality control measures will be applied throughout the sample handling process. This includes calibration and validation of analytical instruments, use of certified reference materials (where available), participation in proficiency testing programs, and adherence to relevant accreditation standards. For samples classified as legal, custom QA/QC batching will be performed. These legal samples will be processed in separate batches, distinct from other client and internal samples. Extracts are segregated by project to prevent potential cross contamination and follow the same handling and traceability requirements as the original samples. Each batch will include QA/

QC samples bracketing the legal samples in sequence, with a maximum of 20 samples per batch, as outlined in the individual method standard operating procedures. This approach ensures unrelated samples will not affect the results of the legal samples.

**10. Data Management and Reporting:** AGAT will utilize secure and traceable data management systems for recording, storing, and analyzing sample-related data. Safeguards will be in place to ensure data integrity, confidentiality, and traceability. Forensics legal files are contained on a restricted access Shared drive folder. Results will be reported to clients (and/or legal authorities, as required) in a timely and accurate manner. The Forensics reporting checklist is completed for each legal file to ensure all details for the project are captured. When data/report/information is requested by law enforcement/Legal representation/etc written formal consent from the client on the COC is required before release of any information. When a Legal report is provided the entire paginated document is locked with password access. The file is transferred to requester by Servu and transfer of legal file report form is completed.

**11. Personnel Training and Competency:** Laboratory staff involved in legal sample handling and analysis will undergo comprehensive training covering relevant legal requirements, standard operating procedures, ethical considerations, and safety protocols. Ongoing competency assessments will ensure staff proficiency. Forensics staff also undergo mock testimony training in preparation for potential expert witness testimony.

**12. Audit and Compliance Monitoring:** Regular audits and inspections of laboratory operations will be conducted, including internal audits, external assessments by accreditation bodies or regulatory agencies, and compliance checks against applicable legal, regulatory, and accreditation requirements.

### 13. Documentation of Legal and Ethical

**Compliance:** AGAT will document compliance with all legal and ethical standards governing the handling of legal samples. This includes adherence to chain of custody protocols, informed consent procedures, and relevant laws and regulations (e.g., data protection, privacy, forensic standards).

Unless otherwise specified in a written agreement between the client and AGAT Laboratories, AGAT's Standard Terms and Conditions of Service apply to all sample submissions, including those identified as legal samples. In the event of a conflict between this protocol and a client-specific contract, the terms of the individual contract shall prevail.

### | Client Responsibilities

The indisputable integrity of legal sample results begins with the supplies used and sampling protocols followed prior to transferring custody to AGAT Laboratories. In this manner, AGAT's ability to ensure an unbreakable chain of custody relies on the cooperation of our Clients in the initial stages of the legal sample process.

Clients must complete the legal sample chain of custody upon submission of legal samples. A sample receipt notification (SRN) email is sent and this notification confirms legal sample protocol will be implemented. The SRN also contains any non-conformances noted on the samples.

It is the responsibility of the client to ensure samples are collected such that integrity of the sample is maintained. To ensure sample integrity during sample collection, AGAT can provide supplies such

as pre-cleaned sampling containers (paint cans, nylon bags, glass jars), custody seals, and trip blanks. It is the responsibility of the client to ensure samples are collected such that integrity of the sample is maintained.

### | Fees

Legal sample handling, documentation, storage and disposal surcharges may apply. Additional charges for services provided by the Forensics division may vary based on the specific services rendered or requested.

By incorporating these elements into AGAT's legal sample handling procedures we ensure robust systems are in place to monitor and safeguard the integrity, reliability, and legality of the samples and the data derived from them, thereby ensuring trust and confidence in AGAT's services. AGAT is a Forensically accredited location for the analysis of Ignitable Liquid Residues in Fire Debris (IHF-60-25001). .

To further discuss your project specifications and requirements, please contact your AGAT representative.