



September 11, 2017

Mr. Gregory Carroll
ATF Records Officer
Bureau of Alcohol, Tobacco, Firearms and Explosives
Office of Science and Technology
99 New York Ave., NE
Washington DC 20226

Mr. Carroll:

Thank you for your letter of August 31, 2017, regarding the unauthorized destruction of laboratory case files generated between 1976 and 1991 at the Bureau of Alcohol, Tobacco & Firearms (ATF), Forensic Science Laboratory, San Francisco (FSL_SF) facility located in Walnut Creek, CA.

You identified that between 2001 until 2004, at the direction of then FSL-SF Lab Director, old laboratory case files, prior to 1992, were shredded using a commercial shredding company to make room for new case files. The actual number of cases destroyed cannot be determined though it could be more than 3,700 based upon data for cases handled between 1986 and 1991.

Actions taken by ATF to minimize the risk of future occurrences of unauthorized disposal include updating mandatory Federal records training and freezing all Lab records until a records control schedule (RCS) is approved for laboratory case files.

This case will remain open until the RCS has been signed by the Archivist of the United States. Please notify the below POC when the schedule has been approved.

Thank you for your cooperation. If you have questions, please contact Dawn Sherman-Fells, Archivist & Senior Records Analyst, at 301.837.2083 or dawn.sherman@nara.gov.

Sincerely,



LAURENCE BREWER
Chief Records Officer
for the U.S. Government



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Office of Science and Technology

Washington, DC 20226

www.atf.gov

300010
GTC

Date: 8/31/17
To: National Archives and Records Administration, Modern Records Programs
From: Gregory Carroll, Records Officer
Subject: Accidental Destruction of Records

In accordance with **36 CFR Part 1230.14** – *Unlawful or Accidental Removal, Defacing, Alteration, or Destruction of Records*, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is providing the information below to inform NARA of an accidental destruction of records.

In February of 2017, the Chief of the ATF Forensic Science Laboratory San Francisco (FSL-SF) located in Walnut Creek, CA informed me that there was an unauthorized destruction of Federal Records at some point between 2001 and 2004. These records consisted entirely of ATF Laboratory Case files generated between 1976 and 1991. These were the work product of ATF's FSL-SF.

The records included notes, photographs, instrument readouts and copies of the final laboratory report that are contained in individual laboratory case files associated with ATF investigations. Adjudicated Case files have a 20-year retention after closure, but not all investigations are prosecuted. ATF does not currently have a Records Control Schedule (RCS) for laboratory case files that are not adjudicated, but the FSL-SF stored all of them in the access controlled evidence vault.

At some point between 2001 until 2004, at the direction of the then FSL-SF Lab Director, old laboratory case files, prior to 1992, were shredded using a commercial shredding company to make room for new case files. ATF's Internal Affairs conducted an investigation into this matter.

The FSL-SF cannot determine the actual number of cases examined by the laboratory between 1976 and 1991, but an electronic database used by the FSL-SF suggests that there were approximately 3,759 cases handled by the FSL-SF from 1986-1991. ATF knows of only one instance where the destruction of these records may hamper an investigation or possibly a court case: A laboratory report issued by the FSL-SF in 1982 regarding the examination of ammunition cartridge cases and bullets from a firearms related case in 1981. The local police recently reopened this case, and requested the results of the FSL-SF examination, which were unavailable. For this case, the evidence will be re-examined. A similar course of action would be followed to the extent practicable in the unlikely (based on the fact that over a quarter-century has passed) event that any additional cases are reopened.

ATF understands that all laboratory case files must be preserved as federal records. We recognize that federal records, not covered by either a NARA general records schedule or the ATF RCS, must not be destroyed until an RCS is put in place and they have met the disposition requirement. This requirement is now part of the mandatory Federal Records Training every ATF employee and contractor is required to take. As a final point, ATF has put a hold on all Lab records and is writing an RCS for laboratory case files.