



# Review and Status of Corrective Actions

Alka B. Lohmann

Director of Technical Services



# Western Firearms

- The initial corrective action (2024-W01) was opened following unexpected results for CTS proficiency test 23-5262.
  - Western Firearms Supervisor (W-FX Sup) reported an incorrect result for one of the four items from the sample set.
  - DFS initiated the corrective action (CA) on 2/27/2024, and the W-FX Sup, as well as the verifier (W-FX FS), were temporarily removed from comparison casework. Both were placed on a retraining plan.



**Table 1: Summary of all responses for CTS Test 23-5262**

	Item 2	Item 3	Item 4 <sup>5</sup>	Item 5
Yes (Identification)	57 (20.4%)	51 (18.2%)	1 (0.4%)	53 (18.9%)
No (Elimination)	88 (31.4%)	92 (32.9%)	275 (98.2%)	92 (32.9%)
Inconclusive	135 (48.2%)	137 (48.9%)	3 (1.1%)	135 (48.2%)

Report of the  
 Association of Firearm and Tool Mark Examiners  
 Proficiency Test Review Ad-Hoc Committee  
 on the Results of the  
 Collaborative Testing Service (CTS)  
 Firearms Examination Proficiency Test 23-5262

November 25, 2024



**Collaborative Testing Services**

*Your Trusted Partner in Proficiency Testing Since 1971, 100% Employee-Owned*

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Collaborative Testing Services  
 AFTE PTRC Report Statement  
 3 December 2024

Collaborative Testing Services (CTS) would like to thank the Association of Firearm and Tool Mark Examiners (AFTE) for conducting a root cause analysis of the results of CTS Test 23-5262: Firearms Examination. The creation of the Proficiency Test Review Committee (PTRC) to focus specifically on the results of this proficiency test is a clear indication of AFTE's dedication to the community that makes up their membership, and we are grateful for both their hard work and the opportunity to be involved with their review.

We would also like to directly thank the members of the committee for the thoughtful questions and concerns they raised, as well as for conducting their inquiries in a manner that was fully respectful of our client confidentiality policy and proprietary information, which allowed us to assist with their work to the best of our ability.



# Western Firearms

- Initially, it appeared that the root cause was contextual bias, in combination with the poor and inconsistent quality of the known and questioned bullets provided for the tests.
- The Retraining Plans included:
  - Trainings on cognitive bias (independently supplemented with more), counseling by Laboratory Director, assessing known same source (KSS) and known different source (KDS) bullets, review of bullet comparison cases dating back to September 1, 2023.
    - The W-FX Sup retired before the retraining plan was completed.
    - The verifier, W-FX Forensic Scientist (W- FX FS), successfully completed the retraining plan and returned to casework (July 16, 2024).



# Disclosure – Western Firearms

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- Monitoring Activity – Unexpected Result
- Proficiency Test - CTS 23-5262
- Corrective Action initiated
- Temporarily suspended firearms comparisons
- Resumed comparisons July 16, 2024
  
- ANAB Heads Up – March 15, 2023 -  
<https://anab.qualtraxcloud.com/ShowDocument.aspx?ID=29808>

October 2024 SAC Meeting



# Western Firearms Update

- A second CA (2025-W01) was opened when a review of case file documentation raised concerns that there was insufficient support for an identification reached on two bullets in a case. DFS asked for the evidence to be resubmitted.
  - Upon reexamination, W-FX FS agreed that the identification conclusion was not supported, and the reported result should have been inconclusive.
  - W-FX FS indicated that they utilized a “composite ID” process to make the original identification conclusion. They have since acknowledged that the “composite ID process” is not a recognized practice in the discipline.
  - As part of the corrective action, W-FX FS’s work authorization for firearms comparison casework was rescinded and they began a retraining program.



# Western Firearms Update

- As the investigation by the CA team has continued, the root cause for 2024-W01 has been expanded.
- The Department has also identified the root cause as drift in both examiners' criteria for sufficiency of marks for source origin.



# Disclosure – Western Firearms

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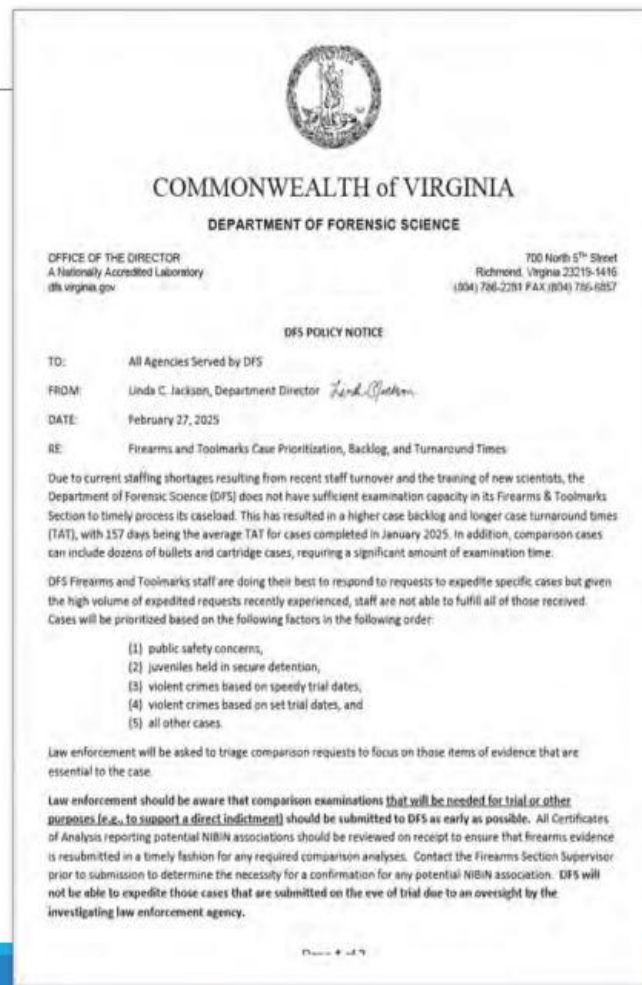
- Monitoring Activity – Unexpected Result
- Proficiency Test - CTS 23-5262
- Corrective Action initiated
- Temporarily suspended firearms comparisons
- Resumed comparisons July 16, 2024
- 2 additional Corrective Actions have been opened
- Currently no authorized comparison examiners
- ANAB Heads Up – March 15, 2023 - <https://anab.qualtraxcloud.com/ShowDocument.aspx?ID=29808>

April 2025 SAC Meeting



# Firearms Customer Notice

- Staffing shortages
- Case prioritization
  1. Public safety concerns
  2. Juveniles held in secure detention
  3. Violent crimes based on speedy trial dates
  4. Violent cases based on set trial dates
  5. All other cases
- Item triage
- Potential NIBIN associations need to be confirmed for trial
- Temporarily suspended comparisons in the Western Laboratory



April 2025 FSB Meeting

# Firearms Customer Notice

- Firearms comparisons suspended in the Western Laboratory and removed from the scope of accreditation
- Cases are being transferred to other regional laboratories
- See case prioritization from prior Notice
- Discusses enabling examiners to be "on call" and potential for video testimony to minimize time out of the laboratory

<https://dfs.virginia.gov/wp-content/uploads/NOTICE-Western-Firearms-Comparison-Capabilities.pdf>



COMMONWEALTH of VIRGINIA

DEPARTMENT OF FORENSIC SCIENCE

OFFICE OF THE DIRECTOR  
A Nationally Accredited Laboratory  
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Richmond, Virginia 23219-1416  
(804) 786-2281 FAX (804) 786-6857

#### DFS POLICY NOTICE

TO: All Agencies Served by DFS  
FROM: Linda C. Jackson, Department Director *Linda Jackson*  
DATE: June 12, 2025  
RE: Suspension of Western Firearms Comparison Capabilities

Recently the Department of Forensic Science (DFS) notified its accrediting body, the ANSI National Accreditation Board (ANAB), that it has halted firearms comparisons in our Western Laboratory and removed firearms and toolmark comparison analysis and other associated components from the Western Laboratory's scope of accreditation. Comparison cases are currently being transferred from the Western Laboratory to other regional laboratories for analysis. National Integrated Ballistic Information Network (NIBIN) entry and function evaluations are still being performed at the Western Laboratory.

In a previous [DFS Policy Notice](#) issued on February 27, 2025, DFS notified its stakeholders of the significant strain on the Firearms & Toolmarks Section due to staffing shortages. With this loss of capacity, DFS anticipates an additional impact to its firearms comparison case backlog and turnaround times. Please review the previous DFS Policy Notice for the Department's case prioritization factors. Law enforcement is reminded to triage comparison requests to focus on those items of evidence that are essential to each case.

To the extent feasible, DFS would ask that its firearms forensic scientists be "on call" for testimony to allow them to continue their work in the laboratory. If agreed to by the parties and the court, video testimony can be utilized and would reduce travel time for examiners, as they are currently analyzing cases from across the state.

For additional information, contact Western Laboratory Director Kevin Patrick ([kevin.patrick@dfs.virginia.gov](mailto:kevin.patrick@dfs.virginia.gov) or 540-283-5966). To notify a regional laboratory regarding a speedy trial or trial date for a firearms case, please contact the Firearms & Toolmarks Section Supervisor:

Laboratory	Supervisor	Phone	Email
Central (Richmond)	Stephen Atkinson	(804) 588-4141	<a href="mailto:stephen.atkinson@dfs.virginia.gov">stephen.atkinson@dfs.virginia.gov</a>
Eastern (Norfolk)	Allison Milam	(757) 355-5965	<a href="mailto:allison.milam@dfs.virginia.gov">allison.milam@dfs.virginia.gov</a>
Northern (Manassas)	Cara McCarthy	(703) 334-9723	<a href="mailto:cara.mccarthy@dfs.virginia.gov">cara.mccarthy@dfs.virginia.gov</a>

July 2025 FSB Meeting




# Western Firearms Update

- On April 21, 2025, DFS notified ANAB that it had suspended firearms comparisons at its Western Laboratory, and it was later removed from the Western Laboratory's Scope of Accreditation.
  - Ron Smith & Associates was contracted to review a sampling of cases.

# Firearms Customer Notice

- Firearms comparisons suspended in the Western Laboratory and removed from the scope of accreditation
- Cases are being transferred to other regional laboratories
- Case prioritization:
  1. Public safety concerns
  2. Juveniles held in secure detention
  3. Violent crimes based on speedy trial dates
  4. Violent crimes based on set trial dates
  5. All other cases



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October 2025 SAC Meeting

# Western Firearms Update



- A case was resubmitted for reexamination by a qualified examiner following the rescission of W-FX FS's work authorization for firearms comparisons.
  - A DFS FX Examiner (FX-A) reworked that case and came to different conclusions in November 2025.



# Western Firearms Update

- W-FX FS had originally determined that a submitted bullet recovered at autopsy exhibited general rifling characteristics similar to the other submitted bullets also recovered at autopsy but determined that it was "not suitable for further comparisons."
  - On reexamination, FX-A determined that the bullet was eliminated from having been fired from the same firearm as the other bullets due to a difference in class characteristics, specifically rifling.
  - This was a significant change from the originally reported results and indicated the need for considerable additional case investigation by the Department's customer very close to trial.



# Western Firearms Update

- The contract with Ron Smith & Associates was signed April 2025. DFS worked to have firearms evidence resubmitted in cases and identify a suitable consultant for the review.
  - First review of six cases worked by the W-FX Sup occurred in December 2025.
  - For one of the cases (Case X), the consultant came to different suitability and comparison conclusions for several items of evidence.



# Western Firearms Review

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- Firearms comparisons were halted in April 2025
- Firearms comparisons are not on the Scope of Accreditation for the Western Laboratory
- Corrective Action resulting from proficiency test
- Case reviews by external provider

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January 7, 2026 FSB Meeting



# Western Firearms Update

- W-FX FS was retrained and qualified as a FS-NIBIN in November 2025.
- A new work authorization was issued for FS-NIBIN duties.
  - In January 2026, W-FX FS was decertified as a firearms comparison examiner by Director Jackson.

# Western Firearms Update



- March 2026, a reexamination was completed in another case (Case Y) where a DFS Forensic Scientist (FX-B) reached different suitability and comparison conclusions for the same items of evidence.
- Based on the other evidence, the case disposition is likely not impacted, although disclosures were made by the Commonwealth to the defense.



# Western Firearms Update

- Ron Smith & Associates has continued to review cases (also onsite in February 2026). DFS is modifying and expanding the contract to include remote case file review due to the difficulty in getting firearms evidence for older cases resubmitted.



# Disclosure Process

Amy C. Jenkins  
Chief Deputy Director



# Disclosures

- After its initiation in February 2024, both examiners were required to disclose the pending corrective action involving the CTS proficiency test as Giglio information prior to testifying.
- Following the W-FX Sup's retirement, a Giglio notice was released by the Department on July 2, 2024, notifying the prosecutors of the corrective action. The notice indicated that the W-FX Sup had retired prior to completing the retraining plan, and that she had not been reauthorized to perform comparison casework.
- The Giglio notice further explained that, while DFS was not aware of indications of other issues, we were reviewing a sampling of cases of the W-FX Sup's cases to ascertain if there were any concerns.



# Disclosures

- Following the second corrective action involving the "composite ID," two Giglio notices were sent to prosecutors:
  - On April 25, 2025, a notice was sent to those Commonwealth's Attorneys that had the W-FX FS under subpoena detailing both corrective actions.
  - On May 23, 2025, a notice was sent to selected Commonwealth's Attorneys and law enforcement agencies with a list of firearms comparison cases worked by the W-FX FS (497 total cases) for their jurisdiction where an identification was reported.



# Disclosures

- On March 13, 2026, a new Giglio notice was sent to prosecutors regarding the W-FX Sup, notifying them of the following:
  - Reminding them of the previous Giglio notice sent in July 2024 regarding the CTS proficiency test;
  - That two cases had been identified by DFS where the W-FX Sup had verified results and, upon re-examination, DFS had determined that the original identification conclusions were not sufficiently supported; and
  - The noted change in results regarding suitability for comparison following the re-examination of the case that had been reviewed by the Ron Smith & Associates consultant.



# Disclosures

- On March 23, 2026, DFS issued a second notice to affected customers providing a list of comparison cases worked by the W-FX Sup during her tenure at the Western Laboratory (2,173 cases).
- Customers will be reviewing cases to determine if re-examinations are needed. We have indicated that they will need to be prioritized and worked, if needed, based on available resources.



Questions?