



HFSC Changes Policies, Protocols to Address Problems

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The Texas Forensic Science Commission (<http://www.fsc.texas.gov/>) and the City of Houston's [Office of Inspector General](#) have completed separate investigations into an incident that occurred in the Houston Forensic Science Center. HFSC has cooperated with the Commission and OIG investigations. HFSC requested the OIG investigation after it discovered the mistake. Even before the investigations were completed, through its own process of fact-checking and root-cause analysis, HFSC started changing policies and protocols to ensure that the incident that began in October 2013 will not reoccur.

The incident began when a Houston Police Department officer submitted evidence _ vials of blood _ and put an incorrect incident number and suspect name on the submission form. The incident number and suspect name actually belonged to a breath alcohol test, not a blood sample. At the time the evidence was submitted in October 2013, the crime lab, including the Toxicology Section, were still part of the Houston Police Department. An analyst in the Toxicology Section noticed the discrepancy and contacted the police officer, putting a note on the evidence to refrain from testing. A second analyst, not noticing the note or the discrepancy, later analyzed the blood sample and wrote a report. The analyst who tested the vials and wrote the report submitted it to her supervisor for review. An interim manager reviewed the testing and the report and also failed to notice the discrepancy. In January 2014, the manager approved

the report. In the meantime, a prosecutor with the District Attorney's Office had been looking for test results in the database for the suspect whose blood was in the vial, but was unable to find it because the case was never entered correctly. The lab, for the same reason, was unable to find any reference to the case, and did not know why. In April 2014, the analyst who had worked the case came across a blood vial with an incident number, and she realized she had made a mistake. The Houston Forensic Science Center had taken over management of HPD's forensic operations a few days earlier. The analyst reported the error to her manager, who determined the report had been uploaded to the database with the wrong name and incident number. After confirming no one outside the corporation had accessed the report, the manager removed the report from the database. The analyst was removed from casework the following day. Over a three-month period, the analyst underwent further training and testing. Once it was determined that her abilities were sufficient for sensitive casework, HFSC returned her to her former duties.

The Houston Forensic Science Center understands that several errors followed the initial mislabeling of the evidence, including a delay in correcting the report. The Center has taken corrective action to ensure such errors do not occur again.

- 1) The corporation has implemented a written policy stating that evidence submitted with incorrect information will not be analyzed until all the data has been corrected.
- 2) HFSC has provided and will continue to provide root-cause analysis training to analysts and staff.
- 3) HFSC is providing training to enhance writing and editing of scientific reports and documents.
- 4) HFSC's Quality Division reviewed 26 percent of case records previously approved by the Interim Toxicology Manager to confirm no other errors had occurred. No major problems were found.
- 5) HFSC is changing its protocols for reviewing cases in the Toxicology Section.
- 6) HFSC has added experienced staff in the Toxicology Section and the Quality Division. Hiring in both departments continues.
- 7) In November, HFSC adopted a Progressive Corrective Action Policy that is separate from the Center's Corrective Action Preventive Action (CAPA) program. The Progressive Corrective Action Policy ensures that behavior and performance are equitably managed.
- 8) HFSC has contracted with NMS Labs to ensure proper technical, managerial and training support of the Toxicology Section.

- 9) HFSC has hired Dr. Peter Stout, a nationally renowned toxicologist, as its Chief Operations Officer. Dr. Stout will begin working for the Center on Feb. 15.
- 10) At the directive of HFSC's Board of Directors, the Center is working with the Harris County District Attorney's Office and HPD to efficiently communicate irregularities and to ensure that upper-level police management is made aware when evidence is submitted incorrectly.

While the investigations by the Texas Forensic Science Commission and the OIG reached somewhat different conclusions, there are at least two indisputable facts: HFSC made a mistake that should, and could, have been avoided; and changes to the Center's protocols and policies were essential. Of the roughly 2,500 cases the Toxicology Section handled in 2014 this was the only complaint filed. The Houston Forensic Science Center accepts responsibility for mistakes made after the corporation assumed management of the forensic operations, and has taken necessary action to ensure such errors do not reoccur.

Laboratories are staffed by people, and mistakes will occur. The question is always how mistakes are addressed, and what lessons are learned. HFSC was established as a science-based organization independent of law enforcement to ensure the corporation's focus is on science. As the Center expands its size and staff, it is also working toward accreditation in all disciplines, including those not required by law. These and other steps are being taken to make HFSC a model for forensic operations nationwide. HFSC thanks the Commission and the OIG for the time they have invested in their respective investigations, as well as for their recommendations.

Further information regarding HFSC is available at www.houstonforensicscience.org.

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