

Corrective Action Plan

BCCL-21-0744: Unapproved Method & Personal Commentary

Incident Date: December 29, 2021 – August 19, 2022

Incident Type: Method; Analyst

Incident Description: The analyst first started analysis of BCCL-21-0744 on December 29, 2021. Upon reviewing the Gas Chromatography/Mass Spectrometry (GC/MS) data, the analyst found they did not complete the base extraction for multiple sub-exhibits. The case remained untouched until August of 2022. On August 16, 2022, the analyst created new samples and ran them on GC/MS Instrument #4 using a new method. However, this new method was unapproved for use in casework on Instrument #4. A communication was sent out by the Quality Manager on August 2, 2022, stating that the new method was approved for use. At the time, this method was only loaded and approved for use on GC/MS Instrument #1. This was not clear per the email though it had been discussed at multiple meetings. After the analyst turned in their case file for technical review, the analyst was informed that the method used in GC/MS analysis had not yet been approved for casework on that instrument and that they would have to rerun their samples using a different, approved method. Due to verbal communication of the method not yet approved for use in casework on Instrument #4, the use of the unapproved method may or may not have been deliberate. The analyst then re-ran the samples for a third time on August 18, 2022, using a previously approved method on Instrument #4. During the technical review, it was found the analyst proceeded to write personal sentiment on the first page of Run 2 regarding the second run and method used. While there is no procedure limiting the analyst from inserting personal commentary, the comment made was unbecoming, especially coming from a seasoned analyst. There have been few minor incidents with this analyst in the past; however, none have risen to this level of severity and unprofessionalism. During the root cause investigation, it was discovered that there were various areas where the analyst was found to be lacking in participation of best Laboratory practices. The analyst had multiple cases still open from the previous year in which analysis was never completed, a number of which had been requested by the District Attorney's office. There have been inconsistencies in the way the analyst labeled their data, not only between cases but also between and within runs. There have also been recurring instances of the analyst not engaging in meetings and communication with their colleagues, which may have led to the use of the new method on GC/MS Instrument #4.

LOG-14-03 Validation

3.3.1 Prior to use in casework, it shall be demonstrated that the procedure or method modification does not negatively impact the interpretation of results or integrity of the evidence.

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BCCL Quality Manual v. 2.3

7.5.1.1.2 RECORDING OR TECHNICAL RECORDS

Observations, data, and calculations shall be recorded at the time they are made and shall be identifiable to the specific task. The technical record of any case is the foundation for testimony for that case. Therefore, the case notes taken during evidence analysis are crucial to the needs of the Laboratory customer. The functions of note taking shall be to support the conclusions in the Laboratory report, to permit internal review of the work product, to allow re-evaluation of the data by outside scientific observers, and to provide a foundation for the introduction of the work product into court...

LOG-36-02 Laboratory Ethics

The Brazoria County Crime Lab "Ethical Oath"

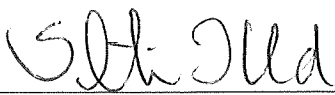
• I shall uphold myself to the highest ethical standards, and shall never allow myself to be pressured into doing anything that could affect the quality of the testing and/or the outcome of a judicial proceeding.

Proposed Corrective Action(s):

1. Immediate removal of analyst from any new casework.
2. Any cases completed by the analyst in the technical review process will be reviewed by both Seized Drug analysts, the Laboratory Director, and the Quality Assurance Manager to ensure everyone is on the same page.
3. Review with the analyst all cases outstanding over 30 days.

Timeframe for Corrective Action(s): Immediate (August 25, 2022)

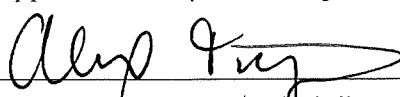
Comment(s): It was brought to my attention at a later date that the analyst also ran the unapproved method on two other cases: BCCL-20-1400 and BCCL-22-1100. These were also given back to the analyst to re-run using an approved method. These cases also had personal commentary of wasted time on the first data set when returned for technical review. The details of this corrective action are included as part of the first formal complaint lodged against this analyst.



Applicable Analyst / Discipline

9/16/22


Date



Applicable Analyst / Discipline

09/06/22

Date



Lab Quality Manager

06 Sept. 2022

Date

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Laboratory Director



Date