

Corrective Action Plan

DPS September 8, 2022 Blood Submissions

Incident Date: September 8 – 9, 2022

Incident Type: External; near miss

Incident Description: The Laboratory has contracted with DPS Houston (DPS) to perform blood alcohol analysis on submitted casework due to voluntarily suspending blood alcohol accreditation. The Laboratory typically sends 20 or 30 samples to DPS every two weeks. An investigator from the District Attorney's office picks up the samples from the Laboratory and takes them to DPS. If DPS has any samples to return, the investigator brings them back to the Laboratory. With each transaction, there is an evidence receipt. On this particular day, the investigator took a batch of 20 samples, and DPS had 40 cases to return. However, 42 were returned to the Laboratory with two being from the batch sent and submitted that day. The evidence return receipt only listed 40 cases. The investigator called DPS to inform them that two additional cases, BCCL-22-0909 and BCCL-22-1021, had been returned in which we did not possess a return receipt. After receipt, our chain of custody reflects the evidence going back and forth between the Evidence Technician and the investigator due to the investigator wanting to take the evidence back the following day but then remembering they did not have a temperature-controlled environment to store the sample overnight.

The Laboratory Director and Quality Manager reached out to DPS's Quality Manager to inquire about the two cases. We were able to obtain DPS's chain of custody for the two cases. It appears that DPS was unaware the evidence was not in their possession for a period of time. The chain of custody for both samples demonstrates that the samples were only released from DPS custody after the investigator made DPS aware that the evidence was in our possession. This leaves roughly a two-hour gap of when DPS claimed to have the evidence in their custody, but it was actually in transport.

The root cause remains undetermined. DPS agrees that the evidence was accidentally returned. They will not be initializing a quality incident report as their chain of custody reflects the evidence was returned the same day. However, the two newly submitted samples were not listed on the evidence return receipt that the investigator brought back with the expected returned samples, and the times listed on the chain of custody are not accurate.

Proposed Corrective Action(s):

1. Include a recount of what happened from the Evidence Technician in the electronic case file.
2. Reach out to DPS Houston for further information.

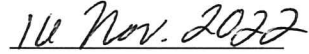
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Timeframe for Corrective Action(s): dependent upon information released from DPS

Comment(s): Due to DPS not creating an incident report, we are using this corrective action to record this incident as a near miss.



Lab Quality Manager



Date



Laboratory Director



Date