

Corrective Action Plan LN-11-1068

Incident Date: Identified October 4, 2022

Incident Type: Procedural

Incident Description: Externally stored case files were sent to the county clerk's office for electronic retention. The clerk's office came across what appeared to be evidence while scanning case file LN-11-1068. The evidence in the case file were swabs encased in a copy of the non-narcotic evidence form folded in half and taped along the edges. The Crime Laboratory did not start using JusticeTrax as their library information management system (LIMS) and start labeling cases with BCCL numbers until 2012. Even though there was a BCCL-11-0225 sticker on the submission form, there was no information regarding the electronic file in JusticeTrax.

The following information is based on the information given in the case file: The case was a DPS case, case number TX118Y0FWV006, in which BCSO performed an agency assist. Three exhibits of suspected controlled substance were submitted on November 22, 2011. The District Attorney's office requested that the submitted evidence be checked for prints and/or DNA. DNA swabs were taken and two exhibits, each containing two swabs each, were submitted on December 13, 2011. There was nothing to indicate that any of the evidence was ever analyzed. A motion for disposition of property was signed September 25, 2012, and an order for disposition of evidence was signed September 27, 2012. However, the motion only requested the baggies swabbed for DNA to be destroyed. It appears that this motion was mistakenly interpreted to mean all evidence be destroyed to include the suspected controlled substance. The Laboratory does not have access to the plea agreement to determine what evidence was named. The worksheet was stamped with the destroyed by stamp, dated July 1, 2013, and initialed by LJC and PVD.

The root cause remains undetermined. DPS and BCSO Identification Unit were both contacted and both referred back to the Laboratory. None of the personnel involved are still employed in the Laboratory, and the previous LIMS, if any, is unknown. Due to the destroyed by stamp, in addition to the date and Laboratory personnel initials, it is assumed that all of the other evidence was destroyed.

Proposed Corrective Action(s):

1. Have the clerk's office send the swabs back to the Laboratory.
2. Destroy the evidence at the first available opportunity.
3. Attach a copy of the CAP and CAR to the electronic case file.

Timeframe for Corrective Action(s): two weeks

Corrective Action Plan
LN-11-1068

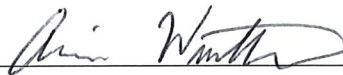
Comment(s): Currently, our Standard Operating Procedures (SOPs) are being revised. Under the proposed SOPs going forward, this would have been considered an incident and an incident form completed.



Evidence Technician

10.14.22

Date



Lab Quality Manager

14 Oct. 2022

Date



Laboratory Director

14 Oct 2022

Date