

## Corrective Action Response

### BCCL-21-0744: Unapproved Method & Personal Commentary

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

**Date of Corrective Action:** August 25, 2022 – September 15, 2022

#### **Description of Corrective Action(s) Taken:**

1. The analyst was removed from casework and technical review starting August 25, 2022.
2. Any cases completed by the analyst which were in the technical review process were reviewed by both Seized Drug analysts, the Quality Assurance Manager, and the Laboratory Director to ensure everyone was on the same page prior to a report being issued.
3. A formal complaint was issued regarding the unprofessional behavior of the analyst.
4. The analyst was required to pass in-house created proficiency exams prior to continuing analysis of casework and technical review. Three proficiency tests, SD-22-0001 to -0003, were created for the analyst to perform and one to technical review. The three proficiency exams created were designed using different exhibits from five previous externally provided proficiency tests with known results. Out of the five, only one external proficiency tests had been completed by the analyst previously. In order to pass, the analyst had to demonstrate best Laboratory practices while following the Laboratory's standard operating procedures, which included but was not limited to the following:
  - a. Keeping a clean workstation
  - b. Wearing PPE when appropriate
  - c. Proper labeling of TIC and printouts
  - d. Completing casework in a timely manner
  - e. Demonstrating consistency in analysis
  - f. Open communication when questions or concerns arise

Based on the review of the three proficiency exams by the Jr. Seized Drug Analyst, Quality Assurance Manager, and Laboratory Director, the analyst achieved the correct results by correctly identifying all samples. However, there were several findings in which the analyst could improve upon, including the following:

- a. Any additional worksheet pages being used besides the one already in the folder was the wrong worksheet due to making copies versus printing out new copies from the shared drive.
- b. Consistency of information between the worksheet and JusticeTrax was not always present.
- c. There were no run numbers or notes on the TIC, in the case file, or in JusticeTrax regarding GC/MS runs.

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- d. Blanks used in GC/MS runs did not always mirror the solvent used in the sample.
- e. The same blank was used even though blanks should be changed on a daily basis.
- f. Consistency was not present with presenting background subtraction.
- g. Terms were not always consistent between the TIC and MS.
- h. Retention time was not labeled on all peaks identified.
- i. The use of No Controlled Substance (NCS) or Non Analytical Match (NAM) or Insufficient Ions for Comparison (IIFC) was missing on data.
- j. Standard information was put in the case file instead of at the instrument.
- k. Wearing PPE when appropriate.

These findings were reviewed with the analyst. Due to the analyst achieving the correct results, the analyst has been approved to continue with casework.

5. In order to observe improvement in consistency, cases analyzed will be spot checked for the next 90 days.
6. Outstanding cases were reviewed with the analyst, and the analyst notified of which cases were to take priority upon passing of the proficiency exams.
7. Upon passing of the proficiency exams, the analyst was given a three week timeframe with a due date of October 7, 2022, to complete all prioritized, open cases and a five week timeframe with a due date of October 21, 2022, to complete the remainder of their open cases. This would include technical review.
8. All Seized Drug analysts have been notified of the priority of cases with an expected turn-around time of two weeks, unless waiting for a standard that was ordered.
  - a. Priority of Casework
    - 1.) In-jail requested cases
    - 2.) Cases which require reanalysis
    - 3.) All remaining assigned cases

**Laboratory Number(s) (if applicable):** BCCL-21-0744 (analysis started 12/29/2021)

**Comment(s):** This is the first part of a continued corrective action response as the casework produced by the analyst is monitored and before technical review begins.

The analyst has passed the three proficiency exams and is now allowed to continue with casework. The analyst has yet to be given the proficiency exam in which they will only be performing technical review. Therefore, the analyst is not yet authorized to continue technical review.

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The findings from the three proficiency exams has also presenting an opportunity to expand and improve the Seized Drugs standard operating procedures.

**Date of Resolution:** continuous

Bill Judd Seized Drugs  
Applicable Analyst / Discipline

9/15/22  
Date

Ally Kay Seized Drugs  
Applicable Analyst / Discipline

09/15/22  
Date

Ami White  
Lab Quality Manager

15 Sept. 2022  
Date

Derek Salazar  
Laboratory Director

15 Sept 2022  
Date