



Latent Print Section
Procedure for Judgement and Sentencing
Phase Comparisons
Comparative & Analytical Division



1. Scope

This document delineates the procedure for conducting the judgement and sentencing (J&S) phase comparisons as requested by the Harris County District Attorney's Office once a finding of guilt has been established.

2. Definitions

- 2.1. Collected known prints - prints that are collected from a known individual for the purposes of comparison to J&S packets
- 2.2. Judgement and Sentence prints - prints that have been previously collected and purported to be from a specific known individual

3. Overview

- 3.1. There may be instances where HFSC staff must print defendants in order to assist in the "proving up" process once a finding of guilt has been established.
- 3.2. This procedure addresses the collection of known prints at a location other than the laboratory's business address and the comparison of those known prints to J&S prints previously collected and documented as being from the same known individual.
- 3.3. This procedure was written to allow for flexibility as each circumstance presents unique challenges and to allow for forensic services to be provided at a location outside of HFSC's direct control.
- 3.4. While certain elements of this procedure occur at a location outside of HFSC's direct control, the intent of this procedure is to require forensic services to occur within HFSC's quality management system whenever possible.

4. Responsibilities

- 4.1. The Harris County District Attorney's Office will subpoena HFSC and provide the Latent Print section with the appropriate historical documents associated with previous criminal charges.
- 4.2. Latent Print examiners will respond to the courthouse, jury selection location (regardless of address) or any agreed upon alternate location to collect known record prints.
- 4.3. Latent Print examiners will compare the collected known record prints to the historical documents, render conclusions in a report and testify in a court of law, where applicable.
- 4.4. Latent Print examiners shall follow the HFSC Quality Manual and section specific SOPs while providing forensic services at locations outside of HFSC's direct control.

5. Mitigation of Identified Risks

- 5.1. HFSC is accredited by the American National Standard Institute (ANSI) National Accreditation Board and the Texas Forensic Science Commission (TFSC) and therefore must demonstrate compliance with the ISO/IEC 17025 standard and applicable ANAB supplemental requirements as well as the relevant portions of Article 38.01(2)(4), Article 38.35(a)(5) and Article 38.35 (a)(2) of the Texas Code of Criminal Procedure and Section 651.219 (b)(7), Section 651.219 (c)(2) and Section 651.219 (c)(3) of the Code of Professional Responsibility.
- 5.2. Latent Print examiners shall not perform forensic comparisons while at the courthouse, jury selection location (regardless of address) or any alternate location that prevents the comparisons from being performed within HFSC's quality management system.
- 5.3. Latent Print examiners shall be subpoenaed prior to appearing at an agreed upon location for the



- purposes of collecting known record prints.
- 5.4. In order to ensure the highest quality of forensic services, Latent Print examiners shall be afforded an appropriate amount of time to complete the required assessment and potential comparisons of J&S prints as dictated by the Latent Print Manager, Technical Leader and/or designee. An appropriate amount of time shall also be afforded to complete the required assessment of and potential comparisons between the collected known prints and the J&S prints.
 - 5.5. Under no circumstances should the latent print examiner be left alone with the defendant. If the latent print examiner is left alone, they may cease the taking of known prints.
 - 5.6. Judgement and sentencing phase comparison results shall not be verbally released prior to the required verification, technical/administrative review and issuance of a report.
- 6. Procedure for Comparison of Historically Collected Known Prints**
- 6.1. If a request for the comparison of J&S prints is made by the Harris County District Attorney's Office, a Latent Print examiner will be provided the documentation for comparison prior to the collection of known prints
 - 6.2. Examination shall include the overall assessment of each J&S print.
- 7. Procedure for Judgement and Sentencing Phase Comparisons**
- 7.1. If a request for the collection of known prints is made by the Harris County District Attorney's Office, a Latent Print examiner will respond to the designated location for collection. Collection should occur at the jury selection phase of the trial; however, exceptions may need to be made.
 - 7.1.1. Collection will not occur at any jail location.
 - 7.1.2. Latent Print examiner safety must be considered at all times. Collection may be refused if a Latent Print examiner is presented with safety concerns. All refusals will be documented and communicated to the Harris County District Attorney's Office. Alternate arrangements can be agreed upon where appropriate.
 - 7.1.3. Wherever possible an agreement of the intended procedure should be communicated to the defense attorney, court coordinator, the bailiff and appropriate judge. This communication is generally owned by the Assistant District Attorney, but confirmation of the communication should be sought by the Latent Print examiner.
 - 7.1.4. If collection cannot occur due to circumstances outside of the Latent Print examiner's control, this shall be documented as part of the case record. If no case record exists, documentation of the attempted collection should be maintained in a designated storage location for purposes of tracking and potential follow up.
 - 7.1.4.1. Collection can be rescheduled; however, rescheduling must allow for an appropriate amount of time to complete the required assessment and potential comparisons of historically collected known prints.
 - 7.2. Latent Print examiners are required to respond to the collection site with the appropriate equipment to include the fingerprint kit and fingerprint cards. A copy or multiple copies of this standard operating procedure should also be printed in hardcopy and be available for distribution at time of collection of known prints.
 - 7.2.1. The known prints should be collected while in the presence of the assigned Assistant District Attorney and/or defense attorney whenever possible. The presence of the Assistant District Attorney and/or defense attorney during the collection of known prints shall be documented.
 - 7.2.2. The record prints shall be collected from the defendant ensuring prints are of reasonable quality and suitable for comparison. If multiple known prints are collected (or partially



collected) all will be retained as part of the case record.

7.2.3. A form of identification of the defendant should be provided/ utilized. Forms of identification include a driver's license, identification card, jail bracelet, etc. The Latent Print examiner should document what form(s) of identification were provided. If none are available documentation of that should be noted in the case record.

7.2.4. If possible, the Latent Print examiner should have the defendant sign the collected known prints.

7.2.5. Once the known prints have been collected, they will be maintained in the Latent Print examiner's personal custody until which time they are brought to HFSC.