



**Quality Division Use Only**

Quality Tracking #:	2020-107	Classification:	Corrective Action
Non-Conformance Level:	Class II	Section:	Biology/DNA
Date of Discovery:	12/15/20	Date of Incident:	11/20/17

Forensic Case Number(s), if applicable:	Agency Case Number(s), if applicable:
2017-17852 2019-18785 085298788 140813409 147175707 117947907	119510217 151737219 085298788 140813409 147175707 117947907

**Description of Non-conformance:**

The CODIS Unit identified that a 2017 CODIS hit was incorrectly dispositioned in the CODIS software as a “no match” even though the HFSC evidence profile was a true hit to an offender sample and two other HFSC cases.

**Additional Information/Follow-Up:**

In 2020, the CODIS Unit entered an eligible profile from case 2019-18785 into the CODIS software and received a match to case 2017-17852. Upon further review, it was determined that 2019-18785 also hit to an offender sample and two additional HFSC cases: 140813409 (a 2009 case) and 085298788 (a 1988 case). Once the CODIS Unit determined the match between 2019-18785 and 2017-17852 to be a hit (indicating that the source of the DNA in both cases was consistent), they noticed there was no notification in case 2017-17852 regarding the previous association to the offender sample or HFSC cases 140813409 and 085298788.

The CODIS Unit searched the CODIS software for case 2017-17852 to determine if the sample had previously hit to the offender sample and the 140813409 and 085298788 cases. Through this search the CODIS Unit discovered that 2017-17852 had originally hit to both 140813409 and 085298788 upon entry into the CODIS software in 2017, but these associations had been incorrectly dispositioned in the CODIS software as a “no match”. A “no match” is the disposition assigned to a candidate match when two profiles are determined by the CODIS software to have similarities, but once reviewed, ultimately determined to not be a true association or hit.

When the candidate matches occurred in case 2017-17852 in 2017 the case analyst presumably recommended the “no match” disposition to the CODIS Administrator at the time and in 2017 it was not standard operating procedure to require a secondary review.



#### Summary of Root Cause Analysis:

Note: Incidents are documented for tracking purposes and trend analysis. Root Cause Analysis is not required for incidents.

Upon interview the analyst had no direct recollection of the 2017 candidate matches but confirmed that it should have been dispositioned as a hit. He was not able to articulate a potential cause for the mistaken disposition.

In 2017 when this occurred, moderate stringency CODIS matches were provided to the case analyst to review. Historically, it was the Forensic Biology section's practice to print the match paperwork and provide it to the case analyst who was then tasked with determining if the match was a true hit or if the match should be dispositioned as a "no match". This determination was the sole responsibility of the case analyst. The decision was then documented on the paperwork, provided to the CODIS Administrator to make the appropriate disposition updates in the CODIS software and retained. As a result of the 2018 Lean Six Sigma CODIS improvement project, the process of assigning an appropriate disposition has since been revised to include a review by two members of the CODIS Unit that is then documented on the CODIS Candidate Match Checklist.

In addition, an attempt was made to review the "no match" paperwork because it could have potentially served as confirmation that the case analyst from 2017-17852 was conclusively the person who reviewed the match and made the "no match" determination. As is in accordance with NDIS procedures the "no match" paperwork is retained separately from the casefile; however the current CODIS Administrator was unable to locate the match paperwork during the course of this investigation nor was she able to locate the "no match" paperwork from before she assumed full responsibility as CODIS Administrator.

#### Actions Taken:

At a meeting on December 17, 2020, the details of the incorrect dispositions as well as a plan of action to correct the dispositions were discussed.

On December 28, 2020, the current CODIS Administrator contacted the State CODIS Administrator to inform him of the disposition discrepancy. The dispositions for all three matches were changed to "pending" at that time. The matches were then reviewed through the normal CODIS review process. Once the CODIS hits were confirmed, hit notifications were issued to the appropriate agencies.

On December 30, 2020, the CODIS Administrator contacted the Houston Police Department to inform them of the incorrect dispositioning and detailed information regarding the hits and the convicted offender's name. The CODIS Administrator also addressed questions they had regarding the situation.

The Houston Police Department reached out to the CODIS Administrator to discuss the impact of the missed notification on the case. After a discussion, it was determined the case was not impacted by the missed notification. The investigator indicated the case had been inactivated twice due to unrelated factors early in the investigation. The CODIS Administrator was informed that HPD intended to assign the case to an investigator based on the new hit information.

In order to confirm no other profiles were incorrectly dispositioned by the involved analyst, the CODIS Administrator queried cases that were entered into the CODIS software by this analyst and had a subsequent hit that was dispositioned as a "no match". A total of 79 matches were identified as being entered by this analyst and



dispositioned as no matches. All 79 matches were reviewed, and one additional match was found that was dispositioned as a no match but was a true CODIS hit.

The additional incorrect disposition was for an internal match between two HFSC cases (147175707 and 117947907) that occurred in 2014. In each case a suspect reference sample had been previously submitted and a DNA comparison report associating the suspect to the evidence had already been issued. The incorrect disposition delayed the notification that the cases hit to each other, but the suspect was already known in each case.

The analyst was interviewed again to discuss this additional incorrect no match disposition. Again, while he was not able to specifically recall if he made the "no match" determination and if so, why he would have dispositioned this as a no match. But, overall, he agreed that looking at the profile today it should have been dispositioned as a match.

Section Manager: Courtney Head

Date: 06/28/22

Division Director: Amy Castillo

Date: 07/11/22

Incidents or Corrective Actions that involve the Biology/DNA section are reviewed by the Technical Leader and CODIS Administrator.

Technical Leader: Cheron Maxwell

Date: 06/27/2022

CODIS Administrator: Jennifer Clay

Date: 06/27/2022

Quality Director: Erika Ziemak

Date Closed: 07/14/22