



TEXAS FORENSIC  
SCIENCE COMMISSION

*Justice Through Science*

1700 North Congress Ave., Suite 445  
Austin, Texas 78701

October 25, 2021

Via e-mail to [pstout@houstonforensicscience.org](mailto:pstout@houstonforensicscience.org)

Peter Stout, Ph.D.  
President & CEO  
Houston Forensic Science Center  
500 Jefferson Street, 13<sup>th</sup> Floor  
Houston, Texas 77002

Re: Texas Forensic Science Commission (“the Commission”) Case No. 21.21; Houston Forensic Science Center (Crime Scene Unit)

Dear Dr. Stout:

At its October 22, 2021 quarterly meeting, the Commission reviewed the referenced self-disclosure and voted to take no further action in the matter given the root cause analysis and corrective actions taken by the laboratory.

Should the laboratory identify any material changes to the information provided in connection with this self-disclosure, please notify the Commission. Thank you and feel free to contact Commission staff with any questions you may have.

Sincerely,  
*Leigh M. Tomlin*  
Leigh M. Tomlin  
Associate General Counsel

LMT/mka

cc: Erika Ziemak, via email to [eziemak@houstonforensicscience.org](mailto:eziemak@houstonforensicscience.org)



Quality Division Use Only

Quality Tracking #:	2021-017	Classification:	Corrective Action
Non-Conformance Level:	Class I	Section:	Crime Scene
Date of Discovery:	03/23/21	Date of Incident:	03/16/21

Forensic Case Number(s), if applicable:	Agency Case Number(s), if applicable:
N/A	029433721

Description of Non-conformance:

The Crime Scene Unit (CSU) released a vehicle to the owner without the vehicle being processed by a crime scene investigator (CSI).

A CSU supervisor had assigned a CSI to process vehicle 1 at the Vehicle Examination Building (VEB) on 03/12/2021. The agency case number (ACN) for vehicle 1 was 029040821. The CSI was accompanied to the VEB by a second CSI, and, because there was another vehicle at the VEB ready to be processed (ACN 029433721), the second CSI decided to process the second vehicle, vehicle 2. The first CSI notified the supervisor about the plan to process both vehicles and provided the supervisor with the ACN of vehicle 2 (ACN 029433721). The second CSI fully intended to process vehicle 2; however, she was required to respond to a crime scene before she could start processing it.

The first CSI began processing vehicle 1 (ACN 029040821) but was then required to respond to a separate crime scene before she could finish processing it. She returned the next day (3/13/2021) and completed processing vehicle 1. CSU uses a log to specifically track the status of vehicles at the VEB (referred to as the VEB Log). When the CSI completed processing vehicle 1 (ACN 029040821), she did not mark it as complete in the VEB Log. Instead, one of the CSU supervisors updated the VEB Log on the CSI's behalf, but inadvertently marked vehicle 2 (ACN 029433721) as completed instead of vehicle 1 (ACN 029040821).

The VEB is run by the VEB Office Associate. The VEB Office Associate is responsible for intaking vehicles from and releasing completed vehicles to the Houston Police Department (HPD). As part of her daily responsibilities, she checks the VEB Log to see which vehicles have been marked as "complete" and then verifies that the assigned CSI marked the vehicle as "complete" on the white board that hangs in the VEB office and has filled out the required tow slip. In this instance, the VEB Office Associate checked the VEB Log and saw that vehicle 2 (ACN 029433721) was marked as being "complete". When she discovered that the tow slip had not been filled out by the CSI, she assumed the CSI had forgotten, and completed it on the CSI's behalf.

After the VEB Office Associate completed the tow slip, she notified HPD that the vehicle was ready to be released. HPD retrieved the vehicle on 03/16/2021 and released it to the owner prior to HFSC discovering that the vehicle had not been processed.

This nonconformance was discovered on 3/23/2021 when the VEB Office Associate handed vehicle processing paperwork from HPD for vehicle 2 (ACN 029433721) to a CSU supervisor and informed the supervisor that the



vehicle had been released. The VEB Office Associate told the supervisor that the CSI who processed the vehicle forgot to take the paperwork. The supervisor did not think a CSI would have left the paperwork at the VEB and questioned what had occurred. The supervisor notified the CSU Director who reviewed the case information and confirmed that the vehicle had been released prior to processing.

#### Additional Information/Follow-Up:

The VEB process for releasing a vehicle includes three sources of information: the VEB Log, a white board that hangs in the VEB office, and tow slips. The process is designed to require redundancies in all three sources of information in order for a vehicle to be released. When the VEB Log and the white board both indicate that a vehicle has been completed and tow slip has been completed, a vehicle is ready to be released to HPD.

The VEB Log is electronically shared with the VEB Office Associate. The VEB Log is also used by CSU supervisors to assign vehicles to CSIs for processing. When a CSI has completed processing a vehicle, the CSI marks it as "complete" in the VEB Log. However, if supervisors had reason to believe that a vehicle has been completed, it was common practice for them to update the VEB Log on behalf of CSIs.

#### Summary of Root Cause Analysis:

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

There were several contributing factors to this nonconformance: a significant increase in the number of vehicles requiring processing at the VEB, a lack of role clarity between CSIs and CSU supervisors as it pertains to documenting when vehicle processing has been completed, and a lack of clear instruction to and oversight of the VEB Office Associate regarding her duties and responsibilities.

#### Increase in the Number of Vehicles

CSU has seen a significant increase in vehicle processing requests. They processed 488 vehicles in 2019, 649 in 2020, and between January 1 and August 31, 2021, they processed 518 vehicles, putting them on track to process approximately 777 vehicles in 2021. This projection is a 59% increase from the number of vehicles processed in 2019. CSU management is researching information technology options to allow for the efficient and automated tracking of vehicles at the VEB; however, they also acknowledge they do not have the resources to dedicate to such an investment at this time. The improvements made to the current process should allow for consistent and standardized vehicle tracking until such investment can be made.

#### Lack of Role Clarity

Prior to this nonconformance, CSU supervisors often updated the VEB Log on behalf of CSIs due to scheduling challenges, the need for efficient vehicle turnover, and habit. Before the high influx of vehicles requiring processing at the VEB, the practice of supervisors updating the VEB Log on behalf of a CSI was common and had not been recognized as introducing significant risk into the process. However, because the number of vehicles has increased significantly, the need to rapidly determine vehicle status has become increasingly important. CSU supervisors have been updating the VEB Log in an attempt to help facilitate VEB operations; however, having CSU



supervisors update information on behalf of another person has now been identified as being a flawed practice. Further, there was historically no attempt made to verify any of the information being provided by supervisors.

#### VEB Office Associate

The VEB Office Associate has managed the VEB since 2006 and has historically had very little oversight. At the time of this nonconformance, she was confident in her ability to make appropriate decisions regarding the status of vehicles and had completed tow slips in the past when she determined it to be appropriate. CSU management had not advised against this practice nor had they clearly delineated her duties, responsibilities or restrictions to her authority.

#### Actions Taken:

CSU notified HPD as soon as it discovered that the vehicle had been released prior to processing. The vehicle was allegedly used during an armed robbery of a pawn shop, and the alleged suspects were apprehended shortly after the robbery occurred. HPD recovered stolen property from the vehicle and then had the vehicle towed to the VEB for additional processing. The vehicle's owner resides in Florida, and when the vehicle was released to her, she took it back to Florida prior to this nonconformance being discovered. Because the vehicle is no longer available for processing, the technical impact on the investigation cannot be ascertained.

When interviewed by a Quality Specialist regarding the release of the vehicle, the VEB Office Associate did not recollect checking the white board and stated it did not occur to her to ask a CSU supervisor or the CSI why the tow slip had not been completed. The CSU Deputy Director also met with the VEB Office Associate to discuss the vehicle release. The Deputy Director informed her that moving forward CSIs would be required to complete their own tow slips, and that she was not to complete them on their behalf. The CSU Director also met with the VEB Office Associate. During their meeting the VEB Office Associate was able to articulate her duties and responsibilities and the Director was confident that the VEB Office Associate would notify CSU management if she encountered a similar situation in the future.

#### CSU Management Oversight

The CSU management team had recognized that there were issues with their vehicle logistics prior to discovering this nonconformance. They had met on 03/18/2021 to clarify duties and discuss ways to improve the VEB process. It was decided that vehicle processing assignments would be the sole responsibility of two supervisors who would notify the management team when vehicles were assigned. CSI supervisors would also note the status of vehicles at the end of their shifts in the CSU supervisor's Teams site. Additionally, they agreed that CSIs would be responsible for completing the VEB Log, and that supervisors would not do so on their behalf. This information was provided to all CSIs in an email sent by the director on 3/18/2021.

Prior to this nonconformance a CSU supervisor had recently been assigned to oversee operations, including vehicle processing assignments, at the VEB from Sunday through Wednesday. It was this supervisor who identified the nonconformance. Vehicle assignments are made on Thursday through Saturday by the other day-shift CSU supervisor.



Starting 6/08/2021, the CSU Deputy Director was assigned to oversee operations at the VEB Monday through Friday. The assignment of the Deputy Director to oversee operations at the VEB allowed the CSU supervisors to resume other necessary supervisory tasks and aimed to create a single point of oversight at the VEB. The CSU Director discussed the Deputy Director's assignment to the VEB during meetings on 6/8/2021 and 6/9/2021. CSU management recognizes that it would be ideal to have one supervisor dedicated full-time to oversee operations at the VEB, however they also acknowledge they do not have the resources for the appropriate staffing structure at this time and therefore opted for the Deputy Director to fulfill this role.

On 6/11/2021 a second vehicle was released to HPD prior to processing. This vehicle was released by the Deputy Director during his training on VEB responsibilities. During training the Deputy Director used information that had been communicated from a CSU supervisor to determine that vehicle processing had been completed. Based on this information the Deputy Director completed a tow slip on the CSI's behalf even though he had been previously instructed not to complete tow slips on behalf of CSIs and had advised the Office Associate not to complete tow slips on behalf of CSIs. Because this release was discovered shortly after it occurred, and the vehicle was returned to the VEB for processing and there was no technical impact to the investigation.

Because of the second occurrence of a vehicle release, the CSU Director outlined the following three criteria that must be verified prior to vehicle release in an email to all CSU staff on 6/24/2021. The white board must be updated by the CSI, the VEB Log must be updated by the CSI to indicate that the vehicle has been completed, and the associated tow slip must be completed by the CSI. This information was also communicated to all CSU staff in a video message sent from the CSU Director on the same day.

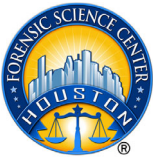
On 6/22/21 the Quality Director interviewed both the Deputy Director and VEB Office Associate about the second vehicle release. During his interview the Deputy Director stated that he believed completing the tow slip was permissible because he was doing so under the direction of the VEB Office Associate during his training. During her interview the VEB Office Associate stated that she believed the tow slip completion to be permissible because it was being done at the Deputy Director's behest.

This miscommunication was discussed with both the VEB Office Associate and the Deputy Director and both acknowledged the miscommunication and confirmed that they would adhere to the above-mentioned outlined criteria and would not complete tow slips on behalf of CSIs nor would they use any information other than the VEB Log to determine if a vehicle's processing was completed. In addition, the Deputy Director and VEB Office Associate were both able to demonstrate their understanding of these criteria when posed with hypothetical situations during each of their interviews.

As of 9/3/21, the Deputy Director is no longer employed at HFSC, and vehicles are currently being assigned by the day-shift supervisors.

#### VEB Administrative SOP

After the second instance of a vehicle being released prior to processing, CSU created an SOP specific to the administrative functions at the VEB. The SOP outlines the processes for vehicle intake and release and specifically requires CSIs to complete the VEB Log and the white board that hangs in the VEB office with updated information. It also prohibits tow slips from being completed by anyone other than the responsible CSI. This SOP was issued on



9/28/2021 and an accompanying test required all CSIs to demonstrate their knowledge of these responsibilities/process redundancies.

In addition, this SOP clearly delineates the VEB Office Associate's duties and responsibilities and prohibits her from completing tow slips on behalf of CSIs. The SOP designates the only appropriate circumstances in which the VEB Office Associate is permitted to complete tow slips as being on occasions where no forensic services are required for a particular vehicle and/or infotainment analysis is requested, but the specific infotainment system is not supported.

Section Manager: Carina Haynes

Date: 09/30/21

Division Director: Carina Haynes

Date: 09/30/21

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

Technical Leader: N/A

Date: N/A

CODIS Administrator: N/A

Date: N/A

Quality Director: Erika Ziemak

Date Closed: 09/30/21