



TEXAS FORENSIC
SCIENCE COMMISSION

Justice Through Science

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

October 26, 2016

Via E-mail

Ms. Victoria Kujala
8505 Prairie Rose Lane
Fort Worth, Texas 76123

Re: FSC Complaint 16.09 Kujala (Fort Worth Police Department Crime Lab,
Firearm/Toolmark)

Dear Ms. Kujala:

At its April 12, 2016 meeting, the Commission tabled your complaint pending receipt of supplemental information from the laboratory. The Commission reviewed the complaint and supplemental information provided by the laboratory at its July 8, 2016 meeting and directed Commission staff to issue a letter to the laboratory addressing some of the concerns observed by commissioners related to the complaint. At its October 5 meeting, the Commission dismissed your complaint and directed staff to send the enclosed letter to laboratory management.

In large part, your complaint alleges human resource issues that are beyond the scope of the Commission's jurisdiction. However, the allegations regarding management's handling of the "missing evidence" raised questions among commissioners regarding the focus of the laboratory's quality program and laboratory staff's understanding of the purpose of corrective action and root cause analysis that commissioners felt merited follow-up with lab management.

We thank you for filing your complaint with the Commission and bringing these issues to our attention. If we can be of further assistance, please do not hesitate to contact our office.

Best regards.

Sincerely,

A handwritten signature in blue ink that reads "Lynn R. Garcia".

Lynn R. Garcia
General Counsel



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October 26, 2016

Via E-mail

Mr. Christopher A. Troutt
Fort Worth City Attorney's Office
1000 Throckmorton Street
Fort Worth, Texas 76102

Re: FSC Complaint 16.09 Kujala (Fort Worth Police Department Crime Lab,
Firearm/Toolmark)

Dear Mr. Troutt:

At its April 12, 2016 meeting, the Commission tabled the above referenced complaint pending receipt of supplemental information from the laboratory. The Commission reviewed the complaint and supplemental information provided by the laboratory at its July 8, 2016 meeting and directed the Commission's General Counsel to issue a letter to the laboratory addressing some of the concerns observed by commissioners related to the complaint.

In large part, the complaint alleges human resource issues that are beyond the scope of the Commission's jurisdiction. However, the allegations regarding management's handling of the "missing evidence" raise questions regarding the focus of the laboratory's quality program and laboratory staff's understanding of the purpose of corrective action and root cause analysis.

Corrective Action and Root Cause Analysis

As part of ASCLD/LAB's accreditation requirements, the laboratory has a procedure for corrective action that must start with an investigation to determine the root cause of a non-conformance. Root cause analysis provides a mechanism to systematically identify and understand the underlying reason(s) for a particular non-conformity and implement corrective action to prevent the problem from recurring. A root cause analysis that assigns blame to a particular analyst or employee may prevent the laboratory from developing an open environment that fosters collaborative solutions to prevent non-conformances from recurring. A robust root cause analysis that identifies the underlying reasons for the problem establishes a problem-solving culture in which laboratory employees enjoy open communication that allows for continuous quality improvement.

In reviewing the laboratory's responsive documents for this complaint, commissioners observed that much of the root cause analysis unduly assigned blame to a single firearm/tool mark analyst who was "responsible" for the evidence at the time it went missing. A more comprehensive root cause analysis is encouraged, and would also consider any insufficiencies in documentation and procedures for ensuring the chain of custody of evidence *within* the section, and the verifier's role in ensuring evidence integrity, especially in light of the previous incident in which the verifier attempted to "teach the analysts a lesson" regarding computer workstation security. We would also like to express some concern regarding a possible counter-productive work culture within the firearm/tool mark section of the laboratory. Finally, as stated above the main focus of the root cause analysis should be on identifying areas for improvement from a systems perspective, particularly with respect to gaps in the internal chain of custody that resulted in the "missing evidence" incident. We understand the laboratory has implemented internal procedures to prevent this type of issue in the future.

We appreciate the responses and clarification you have provided us for this complaint and thank you for your cooperation in ensuring the integrity of forensic science in your laboratory. No further response is necessary from the laboratory at this time.

Sincerely,

A handwritten signature in black ink, appearing to read "Vincent J. M. Di Maio", is written over a thin horizontal line.

Vincent J. M. Di Maio, M.D.
Forensic Science Commission Chair