

# TEXAS FORENSIC SCIENCE COMMISSION

*Justice Through Science*

FINAL REPORT ON FT. WORTH POLICE DEPARTMENT  
CRIME LABORATORY SELF-DISCLOSURE NO. 21.49  
(FORENSIC BIOLOGY/DNA)

April 22, 2022



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## **I. COMMISSION BACKGROUND**

### **A. History and Mission of the Texas Forensic Science Commission**

The Texas Forensic Science Commission (“Commission”) was created during the 79<sup>th</sup> Legislative Session in 2005 with the passage of HB-1068. The Act amended the Code of Criminal Procedure to add Article 38.01, which describes the composition and authority of the Commission.<sup>1</sup> During subsequent legislative sessions, the Texas Legislature further amended the Code of Criminal Procedure to clarify and expand the Commission’s jurisdictional responsibilities and authority.<sup>2</sup>

Texas law requires the Commission to “investigate, in a timely manner, any allegation of professional negligence or professional misconduct that would substantially affect the integrity of the results of a forensic analysis conducted by crime laboratory.”<sup>3</sup> The Act also requires the Commission to develop and implement a reporting system through which a crime laboratory must report professional negligence or professional misconduct and require crime laboratories that conduct forensic analyses to report professional negligence or professional misconduct to the Commission.<sup>4</sup>

The Commission has nine members appointed by the Governor of Texas.<sup>5</sup> Seven of the nine commissioners are scientists or medical doctors and two are attorneys (one prosecutor nominated by the Texas District and County Attorney’s Association and one criminal defense

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<sup>1</sup> See, Act of May 30, 2005, 79th Leg., R.S., ch. 1224, § 1 (2005).

<sup>2</sup> See e.g., Acts 2013, 83rd Leg. ch. 782 (S.B. 1238) §§ 1-4 (2013); Acts 2015, 84th Leg. ch. 1276 (S.B. 1287) §§ 1-7 (2015); TEX. CODE CRIM. PROC. art 38.01 § 4-a(b).

<sup>3</sup> TEX. CODE CRIM. PROC. art. 38.01 § 4(a)(3).

<sup>4</sup> *Id.* at § 4(a)(1)-(2) (2019). Additionally, pursuant to the Forensic Analyst Licensing Program Code of Professional Responsibility, members of crime lab management shall make timely and full disclosure to the Texas Forensic Science Commission of any non-conformance that may rise to the level of professional negligence or professional misconduct. See, 37 Tex. Admin. Code § 651.219(c)(5) (2018).

<sup>5</sup> TEX. CODE OF CRIM. PROC. art. 38.01 § 3.

attorney nominated by the Texas Criminal Defense Lawyer’s Association).<sup>6</sup> The Commission’s Presiding Officer is Jeffrey Barnard, M.D. Dr. Barnard is the Chief Medical Examiner of Dallas County and Director of the Southwestern Institute of Forensic Sciences in Dallas.

### **B. Investigative Process**

The Commission’s administrative rules set forth the process by which it determines whether to accept a complaint or self-disclosure for investigation as well as the process used to conduct the investigation.<sup>7</sup> The ultimate result is the issuance of a final report. The Commission’s administrative rules include the process for appealing final investigative reports by the Commission and, separately, disciplinary actions by the Commission against a license holder or applicant.<sup>8</sup>

### **C. Accreditation and Licensing Jurisdiction**

The Texas Code of Criminal Procedure prohibits forensic analysis from being admitted in criminal cases if the crime laboratory conducting the analysis is not accredited by the Commission.<sup>9</sup> The term “forensic analysis” is defined as follows:

“Forensic analysis” means a medical, chemical, toxicological, ballistic, or other expert examination or test performed on physical evidence, including DNA evidence, for the purpose of determining the connection of the evidence to a criminal action (except that the term does not include the portion of an autopsy conducted by a medical examiner or other forensic pathologist who is a licensed physician).<sup>10</sup>

The term “crime laboratory” includes a public or private laboratory or other entity that conducts a forensic analysis subject to Article 38.35 of the Texas Code of Criminal Procedure.<sup>11</sup> As part of

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<sup>6</sup> *Id.*

<sup>7</sup> *See*, 37 Tex. Admin. Code § 651.304-307 (2019).

<sup>8</sup> 37 Tex. Admin. Code § 651.309; *Id.* at § 651.216.

<sup>9</sup> TEX. CODE CRIM. PROC. art. 38.35 § (d)(1).

<sup>10</sup> TEX. CODE CRIM. PROC. art. 38.01 § 2(4).

<sup>11</sup> TEX. CODE CRIM. PROC. art. 38.35 § (a)(1).

its accreditation authority, the Commission may establish minimum standards relating to the timely production of forensic analysis; validate or approve specific forensic methods or methodologies; and establish procedures, policies, and practices to improve the quality of forensic analysis in the state.<sup>12</sup> The Commission is permitted, at any reasonable time, to enter and inspect the premises or audit the records, reports, or other quality assurance matters of a crime laboratory that is accredited.<sup>13</sup> The Commission has adopted a Code of Professional Responsibility for Forensic Analysts and Crime Laboratory Management (“Code”).<sup>14</sup>

In addition to its crime laboratory accreditation authority, the 84th Texas Legislature expanded the Commission’s responsibilities by creating a forensic analyst licensing program that: (1) establishes the qualifications for a license; (2) sets fees for the issuance and renewal of a license; and (3) establishes the term of a forensic analyst license.<sup>15</sup> The law also defines the term “forensic analyst” as “a person who on behalf of a crime laboratory [accredited by the Commission] that technically reviews or performs a forensic analysis or draws conclusions from or interprets a forensic analysis for a court or crime laboratory.”<sup>16</sup> The law further requires that any person who on behalf of a crime laboratory accredited by the Commission “technically reviews or performs a forensic analysis or draws conclusions from or interprets a forensic analysis for a court or crime laboratory” must hold a forensic analyst license issued by the Commission, effective January 1, 2019.<sup>17</sup>

Pursuant to its licensing authority, the Commission may take disciplinary action against a license holder or applicant for a license on a determination by the Commission that a license holder

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<sup>12</sup> TEX. CODE CRIM. PROC. art. 38.01 § 4-d(b-1).

<sup>13</sup> TEX. CODE CRIM. PROC. art. 38.01 § 4-d(d).

<sup>14</sup> See, Tex. Admin. Code § 651.219 (2020).

<sup>15</sup> TEX. CODE CRIM. PROC. art. 38.01 § 4-a(d).

<sup>16</sup> TEX. CODE CRIM. PROC. art. 38.01 § 4-a(a)(2).

<sup>17</sup> *Id.* at § 4-a(b).

or applicant for a license has committed professional misconduct or has violated Texas Code of Criminal Procedure Article 38.01 or an administrative rule or other order by the Commission.<sup>18</sup> If the Commission determines a license holder has committed professional misconduct or has violated an administrative rule or order by the Commission, the Commission may, (1) revoke or suspend the person’s license; (2) refuse to renew the person’s license; (3) reprimand the license holder; or (4) deny the person a license.<sup>19</sup> The Commission may place on probation a person whose license is suspended.<sup>20</sup> Disciplinary proceedings and the process for appealing a disciplinary action by the Commission are governed by the Judicial Branch Certification Commission.<sup>21</sup>

#### **D. Jurisdiction Applicable to this Disclosure**

The forensic discipline discussed in this final investigative report—Forensic Biology (DNA)—is subject to the accreditation and licensing authority of the Commission. The analyst involved in the complaint, Andrea Morrison, is currently licensed by the Commission. The Fort Worth Police Department Laboratory (“FWPDCL”) is accredited by the Commission and the ANSI National Accreditation Board (“ANAB”) under the International Organization for Standardization (“ISO”) accreditation standard 17025: 2017.<sup>22</sup>

#### **E. Limitations of this Report**

The Commission’s authority contains important statutory limitations. For example, no finding by the Commission constitutes a comment upon the guilt or innocence of any individual.<sup>23</sup> The Commission’s written reports are not admissible in civil or criminal

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<sup>18</sup> TEX. CODE CRIM. PROC. art. 38.01 §4-c; 37 Tex. Admin Code § 651.216(b) (2019).

<sup>19</sup> *Id.* at 651.216(b)(1)-(4).

<sup>20</sup> *Id.* at (c).

<sup>21</sup> TEX. CODE CRIM. PROC. art. 38.01 § 4-c(e); 37 Tex. Admin. Code § 651.216(d) (2019).

<sup>22</sup> *See*, <http://www.txcourts.gov/fsc/accreditation/> for a list of accredited laboratories.

<sup>23</sup> *Id.* at § 4(g).

actions.<sup>24</sup> The Commission has no authority to subpoena documents or testimony. The information gathered in this report has not been subject to the standards for admission of evidence in a courtroom. For example, no individual testified under oath, was limited by either the Texas or Federal Rules of Evidence (*e.g.*, against the admission of hearsay) or was subject to cross-examination under a judge’s supervision.

## **II. INVESTIGATIVE PROCESS**

### **A. Investigative Panel**

The Commission’s administrative rules set forth the procedure by which it determines whether to accept a complaint or self-disclosure for investigation as well as the process used to conduct the investigation.<sup>25</sup> The rules include the process for appealing investigative reports by the Commission and, separately, disciplinary actions by the Commission against a license holder or applicant.<sup>26</sup>

At its October 22, 2021, quarterly meeting, the Commission voted to form an investigative panel (“Panel”) to assist in determining whether the allegations in the disclosure(s) are supported by the facts and circumstances, available data, and related documents. The Panel included Dr. Jeffery Barnard, Dr. Sarah Kerrigan, and Brazos County Elected District Attorney Jarvis Parsons.

### **B. Document Review and Interviews**

Once an investigative panel is created, the Commission investigation includes: (1) relevant document review; (2) interviews with members of the laboratory as needed to assess the facts and issues raised; (3) collaboration with the accrediting body and any other relevant agency; (4)

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<sup>24</sup> *Id.* at § 11.

<sup>25</sup> *See*, 37 Tex. Admin. Code § 651.304-307 (2018).

<sup>26</sup> 37 Tex. Admin. Code § 651.309 (2020); *Id.* at § 651.216 (2021).

requests for follow-up information as necessary; (5) hiring subject matter experts where necessary; and (6) any other steps needed to meet the Commission’s statutory obligation.

The Commission interviewed the following individuals: (1) the DNA Analyst who is the subject of the disclosure, Andrea Morrison (“Morrison”).<sup>27</sup> (2) Latent Prints Analyst Pat Wertheim (“Wertheim”); (3) Former Technical Leader/Biology Unit Supervisor, now Assistant Forensic Division Manager, Cassie Johnson (“Johnson”); (4) Quality Manager Phil Aviles (“Aviles”); and (5) Laboratory Forensic Science Division Manager Michael Ward (“Ward”). Commission staff also spoke with the former FWPDC CODIS Administrator Uvonna Alexander (“Alexander”).

Commission staff reviewed relevant documents as well as the original and supplemental disclosures. Staff also spoke with Assistant District Attorney (“ADA”) Dan Monte from the Tarrant County Criminal District Attorney’s Office (“TCCDAO”) and Pamela Sale, Vice President for Forensics at ANAB.

### **III. GENERAL SUMMARY OF THE DISCLOSURES**

#### **A. First Disclosure**

On September 8, 2021, Aviles submitted a self-disclosure to the Commission (“First Disclosure” **Exhibit A**) concerning events that occurred during and after the employment application and hiring process for Morrison. In August 2021, Johnson reported to Aviles her concern that during the hiring process, Morrison knowingly provided an incorrect answer on her City of Forth Worth Application for Employment (“Application”). The First Disclosure alleges Morrison answered the question falsely to ensure her application survived the Human Resources (“HR”) screening process, and that the interview panel was “aware of the answer on the application.” The First Disclosure also states that during his investigation, Aviles contacted Ward

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<sup>27</sup> Morrison is in training and has not yet been authorized to perform independent DNA analysis.

and Johnson, and they discussed the circumstances surrounding the application. According to the First Disclosure,” [i]t is obvious from the e-mail correspondence that they [the hiring committee] all agreed to offer the position to [Morrison], *knowing she had misrepresented her qualifications on the application*, but requiring her to complete the required course as a condition of employment.”

### **B. Supplemental Disclosure**

On October 5, 2021, Aviles submitted a second disclosure (“Supplemental Disclosure” **Exhibit B**) following an internal meeting between Morrison, Ward, Johnson, Wertheim and himself on September 21, 2021. The Supplemental Disclosure changes course to state that, even though the interview panel was aware that Morrison lacked one of the required courses for employment consideration, the *interview panel was not aware there had been a misrepresentation on the application*. According to the Supplemental Disclosure, members of the interview panel assumed HR “would have done their due diligence” in verifying answers during the screening process.

## **IV. TIMELINE OF THE KEY DISCLOSURE EVENTS**

### **A. TCCDAO Legal Disclosure Training that Triggered the Disclosures**

On August 6, 2021, TCCDAO ADA Dan Monte (“Monte”) gave a presentation to laboratory staff regarding the legal disclosure compliance obligations of forensic laboratories under *Brady v. Maryland* and the Michael Morton Act.<sup>28</sup> Monte presented the example of a false statement on an employment application as the type of information that would be subject to disclosure. This example caused Johnson to realize there might be an issue with respect to Morrison’s application. At some point in mid-July 2021, she heard Morrison make an “offhand

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<sup>28</sup> *Brady v. Maryland*, 373 US 83 (1963); TEX. CODE CRIM. PROC. art. 39.14.

comment” about answering a question regarding completed coursework on her application “yes” instead of “no” in order to avoid being screened out by HR. The comment did not immediately register with Johnson as problematic, but it raised questions in her mind within the context of Monte’s legal disclosure training.

Immediately after the presentation concluded, Johnson asked to meet with Ward, Aviles and Monte. She posed a hypothetical question regarding the information she knew about Morrison's application. In response, Monte stated that the laboratory needed to ascertain the facts and report any disclosable information (such as lying on an application) to the TCCDAO.

Aviles investigated the matter beginning with an August 25, 2021, interview of Morrison. Wertheim attended this interview as a witness. Aviles spoke with Ward and Johnson but did not formally interview them. He submitted the First Disclosure to the Commission and the TCCDAO without notifying Ward, Johnson, or Morrison. He did not seek input regarding the contents of the document. When asked why, Aviles explained he wanted to ensure his review and assessment were independent, especially with respect to undue influence from Ward whom he believed would not respond well to information that could reflect negatively on him. When asked, Wertheim concurred that Aviles’ concerns were well-founded.

### **B. Facts Not in Dispute**

The following facts contained in the First Disclosure are not in dispute.

Morrison applied for a FWPDCL DNA analyst position on October 2, 2020. On the City of Fort Worth employment application, applicants for the DNA analyst position were asked the following question:

Have you successfully completed college coursework in ALL of the following areas: Genetics, biochemistry, molecular biology, and statistics or population genetics? (Emphasis in original).

Morrison answered this question “yes” knowing she had not completed a college course in molecular biology.

On November 6, 2020, Morrison was interviewed by a hiring committee consisting of Johnson and Alexander. Morrison disclosed at this time that she had not completed the required course in molecular biology. FWPDCCL continued with the hiring process.

On November 12, 2020, Morrison was interviewed by the hiring committee a second time. During this interview, all three members of the committee were present (Ward, Johnson and Alexander). Morrison again stated clearly that she had not completed the molecular biology course.

FWPDCL formally offered Morrison the DNA position through the City of Fort Worth’s HR Department on November 24, 2020, conditioned upon her successful completion of the molecular biology course within a specified timeframe.

On December 8, 2020, Morrison sent her college transcripts to Johnson for review. On March 1, 2021, Morrison began work. She passed the Texas Forensic Analyst General Forensic Examination (“GFE”) three weeks later, on March 22, 2021. The GFE has seven domains including Professional Responsibility pursuant to which examinees read and become familiar with the Texas Code of Professional Responsibility for Forensic Analysts, Forensic Technicians, and Crime Laboratory Management.<sup>29</sup>

In June 2021, Morrison completed the required molecular biology course. Shortly thereafter, Johnson formally documented Morrison’s education review on the “Review of Education/Degree Requirements–DNA Analyst” form required under the Federal Bureau of Investigation’s Quality Assurance Standards for Forensic DNA Testing Laboratories (“QAS”).

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<sup>29</sup> Other domains covered by the exam include evidence handling, human factors, *Brady*/Michael Morton Act, expert testimony, statistics in forensic applications, and root cause analysis.

### **C. Fact in Dispute**

The First Disclosure states that the hiring committee “all agreed with the decision to offer the position to [Morrison] knowing she had misrepresented her qualifications on the application ...” Ward and Johnson dispute this assertion, stating they did not realize Morrison had provided false information on the application when they offered her the position.

Ward learned the contents of the First Disclosure at some point after it was submitted to the Commission and the TCCDAO. He requested a copy of the First Disclosure via email to Aviles on September 15, 2021. (**Exhibit C.**) On September 16, 2021, Ward informed Aviles via email that a key fact in the First Disclosure was incorrect; the hiring panel was unaware of Morrison’s misrepresentation on her job application. (**Exhibit D.**)

On September 21, 2021, Ward convened an in-person meeting with Morrison, Johnson, Aviles to address the contents of the First Disclosure. Wertheim also attended the meeting as a witness. Ward and Johnson stated they were aware Morrison did not have the molecular biology course but did not realize she made a false statement on her application for purposes of surviving the HR screening process. During the meeting, Morrison also stated that she did not remember proactively disclosing to the hiring committee that she had answered the application question “yes,” to avoid being screened out. She was certain, however, that she made the hiring committee aware that she still needed to complete a course in molecular biology.

### **D. Supplemental Disclosure**

Aviles filed a supplemental disclosure with the Commission on October 5, 2021. (“Supplemental Disclosure”) The Supplemental Disclosure corrects the misimpression that the hiring committee knew Morrison provided inaccurate information on her application. Additionally, the Supplemental Disclosure recounts statements made by Ward and Johnson during

the September meeting where “they” stated their belief “that HR would have done their due diligence in verifying the answers by comparing them to her college transcripts.” Aviles submitted the Supplemental Disclosure without notifying management of the filing or its contents, for the same reason he declined to do so with the First Disclosure. He believed his work product needed to be independent from any influence by Ward.

#### **E. The Role of HR in Vetting DNA Analyst Applications**

On October 6, 2021, in response to the Supplemental Disclosure blaming HR for failing to properly vet the application, Commission staff contacted Aviles and Ward via email to seek clarification. Aviles deferred the question to Johnson. Johnson was clear (and accurate) in her assertion that HR would simply review the “yes” or “no” answer to the required coursework screening question and take the answer at face value. It was also her understanding that HR performs a limited “education verification” including confirmation of the degree conferred, the major, and the start/end dates, but she would never expect HR to vet college transcripts.

On October 7, 2021, Ward responded to the Commission stating he was “in complete agreement” with the information provided by Johnson. Ward also informed the Commission that Aviles independently submitted his reports to the Commission without sharing the contents with him. Ward indicated his belief that this was due to the Commission’s prior recommendation regarding the need for the Lab Manager to allow the quality division independence in conducting investigations.<sup>30</sup>

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<sup>30</sup> In a July 2021 report, the Commission recommended the “Lab Manager should refrain from assuming the Quality Manager role at any point because this leads to confusion among laboratory staff regarding roles and responsibilities. The Quality Division’s independence from the Lab Manager should be sacrosanct.” *See*, Final Report on Complaint No. 20.47 Crutcher, Trisa (Fort Worth Police Department Crime Lab: Multiple) dated July 16, 2021.

## V. COMMISSION OBSERVATIONS AND FINDINGS

### A. Difficulties in the FWPDCCL Biology Unit and Accreditation Repercussions

In August 2019, a FWPDCCL DNA analyst resigned her employment and her forensic analyst license due to an incident of professional misconduct involving dishonesty.<sup>31</sup> The analyst failed to run a routine performance check. Instead of admitting this fact and correcting the oversight, she lied and took various steps to conceal her mistake, including trying to pass off an unused plate for one that had been discarded in a trash receptacle. The laboratory performed an internal investigation and disclosed all facts related to the incident to stakeholders.

Approximately one year later, another FWPDCCL DNA analyst filed a complaint with the Commission alleging a host of problems at the laboratory, including allegations of a hostile work environment and management retaliatory acts.<sup>32</sup> Factual allegations in this complaint were unrelated to the first disclosure.

Between August 2020 and February 2021, the Biology Unit experienced a series of departures of qualified DNA analysts. On April 1, 2021, the analyst who filed the complaint was terminated by the City of Fort Worth Police Department, thereby leaving the Biology Supervisor as the only qualified DNA analyst left in the Biology Unit.

On May 14, 2021, ANAB limited the scope of the FWPDCCL's Biology Unit's activities due to the shortage of staff. E-mail correspondence shows the laboratory was eager to hire DNA analysts and get the laboratory's accreditation scope returned to full capacity in the DNA unit. Morrison was an attractive candidate because she had biology screening experience, thereby

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<sup>31</sup> See, Final Report on Self Disclosure by the Fort Worth Police Department Crime Laboratory Regarding Amanda Schaffner (Forensic Biology/DNA) dated August 16, 2019.

<sup>32</sup> See, *infra* n.31.

shortening some aspects of what is typically a lengthy training process to be approved for independent casework as a DNA analyst.

ANAB conducted an off-site surveillance assessment of the laboratory and reinstated the Biology Unit's scope of accreditation on October 6, 2021. Commission staff asked ANAB whether the representatives responsible for the accreditation decision considered the contents of the First Disclosure and Supplemental Disclosure in reinstating the full scope of accreditation. While considered, both International and ANAB accreditation requirements related to personnel focus on education, training, and competence; they are silent on hiring practices. ANAB shares the Commission's concerns regarding the hiring decisions described in this report, but under the accreditation standards, it is the laboratory's responsibility to evaluate risks as part of its management system and mitigate or accept risks based on its tolerance for the potential outcome.

#### **B. Finding Regarding Morrison's Decision to Provide False Information**

The Commission finds that Morrison knowingly submitted a false entry on her application.

The question was clear:

“Have you successfully completed college course work in ALL of the following areas: genetics, biochemistry, molecular biology, and statistics or population genetics?”

Morrison answered this question “yes” knowing she had not completed a college course in molecular biology. Her reason for doing so was to ensure her application was not screened out during the hiring process. Morrison explained she intended to complete the molecular biology course but could not complete it as planned because of a microbiology prerequisite at the University of Central Florida. She later found an online molecular biology course offered at the University of California at Berkeley and completed it successfully after being hired.

Morrison correctly perceived her application would have been screened out by HR if she answered the employment application question truthfully. The Commission reviewed internal

FWPDCL documentation revealing several applicants were not selected for interviews with the notation, “application indicates candidate does not have all the required courses.” However, Morrison had options available to her that did not involve dishonesty if she wanted to increase the likelihood her application would be considered, including reaching out to the HR department, the Lab Manager or both with a request for consideration on the condition the molecular biology course be completed before the end of her training program.

Regardless of her motive or her intention to complete the course, Morrison’s answer on the application was knowingly false when made.

### **C. Finding Regarding Management’s Knowledge at the Time of Hiring**

The First Disclosure stated management was aware Morrison answered the application question falsely before they offered her a job. Interviews with the participants of the hiring committee, Morrison and Aviles revealed an initial disagreement regarding whether management appreciated the fact that Morrison must have answered the application question incorrectly prior to offering her a position.

It is undisputed she told the hiring committee that she had not completed the molecular biology course. Ward and Johnson explained it did not occur to them she must have responded to the employment screening question with information she knew was inaccurate. Former CODIS Administrator Alexander agreed the panel did not realize she had given false information on her application, in part because they did not have candidate applications, but rather focused on CV’s during the interview process. Morrison also asserted that she never specifically mentioned the application during her interviews, and there must have been a misunderstanding during her interview with Aviles.

Aviles believed the hiring committee knew she had submitted incorrect information based on questions he asked during his August 25, 2021 interview of Morrison. The confusion may be attributable to the following series of questions:

Q. If you were aware of the fact that you had not completed [the] molecular biology course, why did you answer the question in the affirmative?

A. Yes – To get the interview.

Q. Did you answer “yes” because you were concerned that you would not get an interview if you answered the question “no”?

A. Yes.

Q. Did you disclose *this answer* to the committee prior to the interview, or during the interview? [emphasis added]

A. 2<sup>nd</sup> int. – MW [Ward] asked. 1<sup>st</sup> phone w/ Cassie [Johnson].

There appears to have been a disconnect between the question Aviles believed he was asking and the question Morrison heard. She believed the phrase “this answer” referred to the substance of the underlying question (whether she had the molecular biology course), not the fact that she answered an application question “yes,” when the correct answer was “no.” Johnson supplied the Commission with notes she took during both employment interviews. There is nothing in the notes to indicate Morrison told the panel she answered an application question dishonestly.

Aviles also believed the fact that Ward and Johnson knew the course was required for the position should have led them to conclude she could not possibly have answered the question accurately. Considering the question originated from the Biology Unit in the first place, one could make a reasonable deduction that Johnson and Ward must have—or at the very least should have—been aware she provided incorrect information during the application process.

On August 25, 2021, Wertheim served as a witness to the interview of Morrison. After the interview, he created a memorandum of record documenting his observations (**Exhibit E**). His memorandum states that Morrison told the hiring committee members she did not have the

molecular biology course, but “she did not remember whether she mentioned the misstatement [on her application] during the preliminary phone interview or even prior to the beginning of the formal interview.”

Viewing the e-mail correspondence, disclosure documents, Wertheim memorandum and various interviews in their totality, the Commission finds the hiring committee did not realize that Morrison had knowingly provided a false answer to an application question at the time they offered her a position as a DNA Analyst. Notwithstanding this, by failing to read her application before extending an offer of employment, the FWPDCCL management<sup>33</sup> missed an opportunity to identify a red flag bearing directly on her credibility and veracity.

#### **D. Finding Regarding Attempts to Shift Responsibility to HR**

Both the Supplemental Disclosure and a contemporaneous memorandum Wertheim prepared after the September 21, 2021 meeting indicate that FWPDCCL management claimed they had relied on HR to screen applicants. Both documents state that this screening included a college transcript review. The issue is relevant because it indicates an attempt by FWPDCCL management to shift blame to the HR screening process rather than accept responsibility for their failure to flag Morrison’s false statement. This explanation of events was especially curious to the Commission knowing it is not possible for most HR departments to screen for forensic science coursework compliance due to HR’s lack of subject matter expertise.

Pursuant to an inquiry by Commission staff immediately following receipt of the Supplemental Disclosure, Johnson advised that she was not totally familiar with the process HR undertakes when screening applications, but she believed they would simply be looking for a “yes”

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<sup>33</sup> By FWPDCCL management, we refer to those individuals with the authority to make both hiring and disciplinary recommendations to the Fort Worth Police Department. In this scenario those individuals include the laboratory manager and assistant manager/biology unit supervisor.

or “no” response to the position-specific screening question and had no expectation they would review transcripts for coursework compliance. Ward subsequently sent the Commission an email stating he was in “complete agreement” with the information provided by Johnson.

Johnson also told the investigative panel she had no recollection of stating that HR would review and compare transcripts to the application during the September 21 meeting. In his interview, Ward also maintained he made no such comment. Ward speculated that since he and Johnson may have said “something about HR screening” Aviles and Wertheim may have inferred this meant HR would compare the transcript to the application to ensure accuracy. During interviews with the Commission, Johnson and Ward both stated they had no expectation HR would review transcripts and expressed their doubt that HR even had Morrison’s transcripts; this was later confirmed to be the case by HR.

Regardless of whether specific mention was made of a transcript review by HR, it is clear from Wertheim’s memorandum, interviews with both Wertheim and Aviles, and the Supplemental Disclosure, that FWPDCCL management placed significant emphasis during the September 21<sup>st</sup> meeting on the fact that the hiring committee relied on HR to screen applications. At no point in any document or during any interview did Ward or Johnson accept personal responsibility for failing to identify Morrison’s dishonesty despite being on the hiring committee and having access to her application. While it is understandable that most of the focus would be on the CV, even the most basic, cursory review of the application would have revealed that Morrison provided incorrect information in response to a direct question.

#### **E. Observations Regarding Management and the Quality System**

The current relationship between laboratory management and quality assurance at FWPDCCL is deeply concerning. In a well-functioning laboratory, roles are understood, and

members of the organization work together in a respectful and collaborative manner. Here, Aviles, who is responsible for what is a critical component of any well-functioning laboratory (the quality division) did not share two laboratory self-disclosures with Ward based on his belief that Ward would exert undue influence on him to change information that may reflect poorly on Ward or the laboratory.

In the Commission’s July 2021 report, the Commission was critical of Ward for having assumed the role of quality manager in taking over drafting of a Nonconformance Report that included personal attacks against the complaining DNA analyst. We described the quality manager’s need for independence from the lab manager as “sacrosanct.” While the principle stands, it is not meant to imply that a quality manager should operate on an island without seeking input from those who have relevant factual information regarding a given situation. In a well-functioning organization, the quality manager would seek input from others within the organization regarding the contents of a self-disclosure, ensuring the factual accuracy of the information. The fact that Aviles was hesitant to show the disclosures to Ward due to concerns about what level of pressure might be exerted is extremely problematic. This dysfunctional dynamic is a major area of risk for the FWPDCL going forward and must be addressed.<sup>34</sup>

## **VI. PROFESSIONAL MISCONDUCT BY MORRISON**

### **A. Misconduct Finding**

The Commission shall investigate, in a timely manner, any allegation of professional negligence or professional misconduct that would substantially affect the integrity of the results of a forensic analysis conducted by the crime laboratory.<sup>35</sup> Professional Misconduct means “the

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<sup>34</sup> During the investigation the Commission heard witnesses describe Aviles raising his voice during phone initial conversations with management regarding the first disclosure. Others described Ward as pointing his finger at Aviles while threatening to “take the issue up the chain of command” if Aviles did not correct the first disclosure.

<sup>35</sup> TEX. CODE CRIM. PROC. art. 38.01 §4(a)(3).

forensic analyst, through a material act or omission, deliberately failed to follow the standard of practice that an ordinary forensic analyst would have followed, and the deliberate act or omission would substantially affect the results of a forensic analysis. An act or omission was deliberate if the forensic analyst was aware of and consciously disregarded an accepted standard.”<sup>36</sup>

The Commission has long maintained the phrase “would substantially affect the integrity of the results of a forensic analysis” does not necessarily require adverse impact on a criminal case, or that a report be issued to a customer in error. The term includes acts or omissions that would “call into question the integrity of the forensic analysis, the forensic analyst, or the crime laboratory as a whole” regardless of the ultimate outcome in the underlying criminal case.<sup>37</sup>

Morrison was in training at the FWPDCCL and had not yet been authorized to perform independent casework at the time of this incident. The deliberate act of falsifying an answer on her employment application calls into question her integrity as a forensic analyst, as well as the integrity of the crime laboratory as a whole. Perhaps the most troubling aspect of the Commission’s investigation was Morrison’s response to Commissioner Parsons’ question regarding whether she “would have done anything differently.” She replied:

Obviously, I would prefer to answer properly on my application. However, the outcome could have been different, so at this point, I would say no because I do enjoy having a job and doing the job I have, but I would also like to represent myself properly.

This response shows a fundamental lack of understanding of the principles set forth in the Code of Professional Responsibility, which she was tested on in order to fulfill the exam component of her forensic analyst license.<sup>38</sup> The Commission draws specific attention to provisions (b)(1) and (b)(16) of the Code, requiring the forensic analyst to:

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<sup>36</sup> 37 Tex. Admin. Code §651.302(7) (2020).

<sup>37</sup> 37 Tex. Admin. Code §651.302(10) (2020).

<sup>38</sup> 37 Tex. Admin. Code §651.219 (2020).

- Accurately represent his/her education, training, experience, and areas of expertise.
- Document and notify management or quality assurance personnel of adverse events, such as an unintended mistake or a breach of ethical, legal, scientific standards, or questionable conduct.

The Code does not require honesty only when convenient and allow for dishonesty when it leads to a desired personal outcome. It does not require ethical breaches to be reported when they pertain to others, but not to the analyst herself. The Commission finds Morrison committed Professional Misconduct when she deliberately submitted a false answer to a direct question related to her formal education on the City of Fort Worth employment application, and subsequently showed no real regret or understanding of her related disclosure obligations.

### **B. Disciplinary Action**

On a determination by the Commission that a license holder has committed Professional Misconduct, or violated a rule or order of the Commission under Article 38.01, Code of Criminal Procedure, the Commission may: (1) revoke or suspend the person's license; (2) refuse to renew the person's license; (3) reprimand the license holder; or (4) deny the person a license.

Factors considered in determining the appropriate disciplinary action against a license holder may include: (1) the seriousness of the violation; (2) the prevalence of misconduct by the individual; (3) the individual's conduct history, including any investigative history by the Commission; (4) the harm or potential harm to the laboratory or criminal justice system as a whole; (5) attempts to conceal the act by the individual; and (6) any other relevant factors.

The Commission also may decide one following factors warrants less severe or less restrictive disciplinary action in a particular investigation: (1) candor in addressing the violation, including self-reported and voluntary admissions of the misconduct or violation; (2) acknowledgement of wrongdoing and willingness to cooperate with the Commission; (3) changes

made by the individual to ensure compliance and prevent future misconduct; (4) rehabilitative potential; (5) other relevant circumstances reducing the seriousness of the misconduct; or (6) other relevant circumstances lessening the responsibility for the misconduct.

The application question Morrison answered falsely was clear in asking whether Morrison had a college course in molecular biology and Morrison answered “yes” to having the course when in fact she did not. Morrison’s reason for doing so was to ensure her application was not screened out during the hiring process. While Morrison does not have any known disciplinary or conduct history, her deliberate act of falsifying her application is severe in terms of its impact and the level of harm or potential harm both to the laboratory and the criminal justice system as a whole. Her credibility is clearly undermined by her false statement on the application. Her future forensic casework and subsequent courtroom testimony would be subject to attack even in cases where the analytical work was otherwise of high quality. This is a very weighty concern that should not be borne by the victims of crime, the defendants accused of serious offenses, or the other participants in the criminal justice system. Additionally, the mere potential for Morrison to repeat the same poor decision-making in forensic casework is an unacceptable risk for the criminal justice system to bear given the stakes involved in the adjudication of violent felony offenses which represent the majority of DNA casework. In her interview with the investigative panel, Morrison exhibited candor and cooperated with Commissioners in responding to their questions, but still showed a fundamental lack of understanding of the principles set forth in the Code of Professional Responsibility. In its investigation and interviews with Morrison, the Commission found no evidence Morrison understood the impact of her dishonesty.

Because the Commission finds sufficient evidence to support the conclusion that Morrison committed Professional Misconduct when she deliberately submitted a false answer to a direct

question related to satisfaction of coursework required by the Federal Bureau of Investigation's Quality Assurance Standards on a City of Fort Worth employment application, and subsequently showed no regret or understanding of her obligations as a licensed forensic analyst under the Code of Professional Responsibility, the Commission finds license revocation to be the appropriate disciplinary action. The revocation will be in effect for two years following the adoption of this report.

## **VII. OBSERVATIONS REGARDING MANAGEMENT RESPONSE TO PROFESSIONAL MISCONDUCT**

In August 2021, FWPDCL management became aware that Morrison knowingly submitted a false answer regarding her QAS-required coursework on her application, and that the event was significant enough to merit disclosure to the TCCDAO.

Ward and Johnson told the investigative panel they would not have hired Morrison if they knew upfront that she lied on her application because it would have been a "red flag." When asked whether they have any concerns about her serving in this capacity *now*, they both said it is less of a concern because she is hard-working and gets along well with others. They expressed the view that it would be unfortunate for a new DNA analyst's career to be severely impacted by a "mistake." They recognized that Morrison would need to face the "mistake" whenever she testified but have not observed anything that would raise concerns about her honesty or integrity since she has been a member of the Biology Unit.

Ward also conveyed his belief that the TCCDAO would not exclude Morrison from testifying, relaying his understanding that "this is not going to be an issue." This understanding was based on statements Aviles and Wertheim made to Morrison during the August 25, 2021 interview and the September 21, 2021 meeting. Despite being the leader of the organization, Ward has not spoken with anyone from the TCCDAO regarding the issue himself, and thus has no

firsthand knowledge of TCCDAO's concerns or the potential ramifications within the criminal justice system. His rationale for not participating in conversations with the TCCDAO was that he did not want to be perceived by Aviles as inserting himself into quality assurance matters.

FYPDCL management misunderstands the position of the TCCDAO. While it is true the TCCDAO does not maintain a "Do Not Sponsor" list, they consider the issue of Morrison's credibility and prospective testimony to be highly problematic and deeply concerning. The Commission shares this view.

FYPDCL management (specifically Ward and Johnson) expressed the view that Morrison's "mistake," was something that could impact testimony, but did not express concerns about the integrity of her work product. While Morrison's decision can certainly be described as a mistake, it is much more than that. It calls her character and credibility into question, not just with respect to testimony but also with respect to the decision-making that is a necessary component of forensic DNA analysis. What is particularly baffling is the fact that the FYPDCL DNA Unit *has recent experience with an analyst who lied about a performance check to avoid disciplinary action*. This experience alone begs the question: if an analyst would provide false information to obtain a position in the Biology Unit, how can FYPDCL management be sure she would not provide false information to keep it?

In response to questioning by Commissioner Parsons on whether Ward still considers Morrison's lie a "red flag," Ward responded that he considers it "less of a red flag" because everything he hears about her is positive, such as she works hard and is easy to get along with. But "maybe if she was a horrible employee, maybe if she was giving everybody grief and wasn't following policies and wasn't doing what she's supposed to" his view might be different.

A forensic analyst's capacity to be honest cannot be measured by how hard the analyst works or whether the analyst gets along with co-workers. Indeed, the Commission refers FWPDCCL management to the example of Jonathan Salvador, a well-liked analyst at the Texas Department of Public Safety in Houston who dry-labbed a case involving the analysis of alprazolam. By all accounts, Salvador related well with co-workers. In fact, they described him as the person in the laboratory most likely to show kindness to newcomers or those celebrating a special occasion. He also showed a willingness to perform the most tedious tasks in the laboratory without complaint. Yet, none of this prevented him from making a poor decision that resulted in thousands of cases being called into question, and countless hours of review work by DPS with resulting upheaval in the criminal justice system.<sup>39</sup>

Shortly after the Commission's January 22, 2022 quarterly meeting, on January 25, 2022, after reviewing the Commission's draft report related to this matter, the FWPDCCL notified the Commission that Morrison submitted her resignation to the laboratory effective February 7, 2022. She was placed on paid administrative leave until the effective date of her resignation. While the Commission agrees it is tragic for a junior analyst to face extreme consequences due to a poor decision, the seriousness of this work demands the utmost in honesty and integrity. The lives of Texas citizens—both victims of crime and those accused—are at stake.

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<sup>39</sup> See, *Ex parte Coty*, 418 S.W.3d 597 (Tex. Crim. App. 2014).

# **EXHIBIT A**

*Inter-Office Correspondence*  
Fort Worth Police Department



**Quality Assurance/Risk Assessment Investigation Report**

**Reference: Disclosure of a Reportable Event In Accordance with ANAB MA 3033, Section 4.6**

**Preface:**

This investigation and report is the result of a disclosure given to the Quality Manager by the Supervisor of the Biology Unit of the Fort Worth Crime Laboratory. This investigation and report is not intended to be disciplinary in any way. It is strictly administrative in nature, and an attempt to elicit the facts as presented by interviews and associated documentation. Any subsequent inquiries or procedural requirements will be initiated by the appropriate authority.

**Introduction:**

On August 6, 2021, ADA Dan Monte of the Tarrant County District Attorney's Office delivered a presentation to the Fort Worth Police Dept Crime Laboratory employees covering the subject of Discovery/Compliance in criminal cases. This presentation emphasized the importance of complete transparency in dealing with the results and conclusions from forensic analyses, as well as several other subjects related to professional competence, qualification, and integrity in the field of the application of science to physical evidence analysis.

Following Mr. Monte's presentation, I was approached by Cassie Johnson, Supervisor of the Biology Unit in the crime laboratory. Ms Johnson requested a private conversation, which we held immediately after the meeting. During the conversation, Ms Johnson disclosed an issue that she felt needed to be addressed. In late 2020 and early 2021, several positions in the Biology unit were available and applications were received over a period of time. As the process evolved, several individuals were interviewed, and eventually, two applicants were selected for positions. The pool of applicants was screened by Human Resources, and the best qualified applicants were submitted for possible consideration.

Ms Johnson disclosed that one of the applicants, Andrea Morrison, revealed that she had provided an answer to one of the questions on the application that was not correct. The question is related to the requirements for the position of Forensic Scientist I, and requires applicants to have completed four specific college courses to be eligible for the position. Ms Morrison admitted that she had intentionally answered the question "yes" in order to help to ensure that her application would be considered, when she had not completed one of the required courses. Ms Morrison revealed this fact prior to her interview, and therefore the panel was well aware of this issue prior to the second interview. A review of e-mail correspondence from the time confirms the fact that the interview panel was aware of the answer on the application. According to e-mail records from the process, there were 7 interviews conducted, and Ms Morrison's score was 2<sup>nd</sup> overall in the scoring. Eventually, a decision was made to

offer the position to Ms Morrison, with the requirement that she must complete the one course as a condition of continued employment. This procedure was approved by Human Resources, and the offer letter was sent to her by Victor Escobedo, Sr. Recruiter.

In an attempt to obtain some guidance on this issue from Human Resources, Jennifer Navarro was contacted on 8/11/2021, and we discussed the situation and possible resolutions. Jennifer had no specific recommendations, but did emphasize that we should investigate to confirm the facts. Due to various delays, it was a few days before we could arrange an interview with Andrea Morrison. On 8/25/2021, Andrea was interviewed with specific questions related to the facts that had been revealed. Andrea was totally open and agreeable to the interview. She fully acknowledged that she had intentionally answered the question about the four courses in the affirmative in an attempt to guarantee that her application would be passed along and not screened out. She offered this information prior to the interview, and it is obvious from the e-mail correspondence that the panel was aware of this fact.

Two members of the interview panel, Michael Ward and Cassie Johnson were contacted and a discussion was held concerning the actions and reasoning that was used during the hiring process. The third member, Uvonna Alexander is no longer employed by the crime lab, and therefore was not contacted for comment. It is obvious from the e-mail correspondence that they all agreed with the decision to offer the position to Andrea, knowing that she had misrepresented her qualifications on the application, but requiring her to complete the required course as a condition of employment. This was acknowledged by Human Resources, and approved. Therefore, Andrea accepted the position and has been employed in the crime lab since March 1, 2021. Since that time, Andrea has met all of the requirements of the position, and has completed the required coursework well in advance of the due date. Andrea also has received her license to perform forensic analysis from the Texas Forensic Science Commission.

### **Potential Long Range Consequences/Risks**

Andrea Morrison was hired as a Forensic Scientist I, with some experience in the area of Serology from her previous employer. While this is valuable experience, she faces a rather long training period, and will not be performing DNA casework for many months. Eventually though she will face that day when she is sitting on the witness stand testifying to her results and conclusions, which may have some influence on the outcome of a major trial. While her expertise may never be seriously questioned, she will find herself open to cross examination, which could include questions about honesty, integrity, transparency, and objectivity to just name a few. Could it be that this one intentional act may come back to haunt her later on? We can't be certain of this, but one of the most important, if not the most important issue for a forensic scientist is complete honesty and truth. Our goal is not to prosecute or defend. It's simply to look at the physical evidence and come to a conclusion about the significance or the lack of significance based on our examinations. In order to accomplish this task, we must put aside all bias, and concentrate on what we see, and what our tests tell us, always emphasizing total and complete objectivity and truth.

Unfortunately, this kind of error cannot be erased. It can be acknowledged and hopefully explained, but never denied. There is no doubt about Andrea's intent, and from all indications, she has become a valuable member of the Biology unit. However, the potential burden of explanation will always be present, and Andrea will have to be ready to acknowledge and explain. This lack of judgement, with the best intention, was a decision that was made without consideration of the eventual consequences. To her credit, the immediate disclosure of the decision reflects on her integrity and honesty. It therefore displayed to the panel the commitment to reveal the truth, and to accept the outcome of their decision.

## Summary and Closing

A review of this report reveals that the following facts are not in dispute:

Andrea Morrison applied for the Forensic Science Position sometime around August 2020.

Andrea intentionally answered the question about completing the four courses with “yes” when she had not taken the Molecular Biology course, fearing that her application would be screened out if she answered “no” to that question.

Subsequently, Andrea’s application was forwarded to the hiring authority for review and possible interview.

Andrea disclosed the discrepancy to the panel prior to the interview.

The panel decided to proceed with the interview, and eventually selected Andrea for one of the positions.

It was made clear in the offer letter that continued employment in the position was contingent on completing a Molecular Biology course by the end of September 2021.

Andrea began employment on March 1, 2021.

Andrea completed the Molecular Biology course in June 2021.

Andrea is now in training to fulfill the requirements for the position of DNA Analyst.

Andrea has successfully completed all assignments to date, and is on schedule with the training.

Due to the nature of this incident, it was decided that no Non-Conformance or Corrective Action Reports would be issued. It is obvious that this procedure was monitored and controlled by the City of Fort Worth Human Resources. Any decisions made at the Department level were approved by the hiring authority before any offer was presented to the applicant.

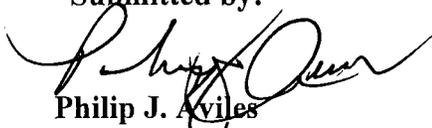
This investigation is considered closed, and any additional discussion or required documentation will be made available upon request.

In accordance with policy, this report is being provided to the following:

Tarrant County District Attorney’s Office  
ANAB National Accreditation Board  
Texas Forensic Science Commission

Submitted by:

Date: September 7, 2021

  
Philip J. Aviles  
Quality Manager  
FWPD Crime Lab

# **EXHIBIT B**



**Quality Assurance/Risk Assessment Investigation Report**

**Supplemental**

**Reference: Disclosure of a Reportable Event In Accordance with ANAB MA 3033, Section 4.6**

**Preface:**

This supplemental report is the result of disclosure of additional information related to the original investigation and subsequent report dated September 7, 2021.

**Introduction:**

Following submission of the original investigation report, certain statements related to specific actions and knowledge, attributed to individuals involved in the hiring process, were challenged by members of the original interview panel. It was pointed out that there may have been a misunderstanding of the process as originally described. Therefore, after some discussion, it was decided that the best way to resolve this issue was to initiate a meeting with everyone involved. On September 21, 2021 a meeting was held with the following individuals:

Michael Ward, Forensic Division Manager  
Cassie Johnson, Biology Supervisor  
Andrea Morrison, Biology Analyst  
Philip Aviles, Quality Manager  
Pat Wertheim, Latent Print Examiner (Witness to the original investigation interview)

During the meeting, certain facts were revealed that further clarified some of the questionable areas of concern which had been originally reported.

The main issue discussed was the fact that the applicant, Andrea Morrison, had answered one of the questions on the application related to the required education, with "yes", when she had not successfully completed one of the required courses. During the initial investigation interview, Andrea fully admitted that she had answered this question in the affirmative to ensure that her application would not be screened out. At the 9/21/2021 meeting, the hiring panel members stated that they were aware of the fact that Andrea did not have the required Molecular Biology course, because she had disclosed this to the panel prior to the hiring interview. However, Andrea had not explicitly stated that she had made a misstatement on the application, even though she knew that she had. At some point in the hiring process, everyone had assumed that her application had been screened, and therefore there was no reason to believe that the answer to the education question was incorrect. This was determined

to not be the case. Therefore, the hiring process proceeded as usual, and Andrea was offered the position, which she accepted.

As Mr. Wertheim observed, there seems to have been a misunderstanding over whether the panel knew of the wording of that question on the application, and the fact that Andrea's answer was deceptive. They believed that her application had been screened, and proceeded accordingly. They also believed that Human Resources would have done their due diligence in verifying the answers by comparing them to her college transcript, which was a requirement of the application process. This was determined to not be the case. Therefore, the hiring panel did not perform a comparison of the application documents, and the interview proceeded as usual.

As Mr. Wertheim points out, it wasn't until the presentation by Mr. Monte that the question arose in Cassie Johnson's mind concerning the disclosure of the answer on the application. E-mail messages from the time of the hiring process disclose the fact that the hiring panel was aware that Andrea needed to complete the Biology course, and eventually this became a requirement of continued employment, and was stipulated in the acceptance letter. The issue then, as outlined in the original investigation report was prior notification of an intentional misrepresentation on Andrea's application. While it is true that she answered the question "yes", it certainly was logical for her to assume that her application had been screened and accepted. Also, in disclosing the fact that she didn't have the required course, she was making it clear to the panel that she recognized this fact, and would accept the consequences.

### **Summary and Closing:**

A thorough analysis of this situation reveals the following:

Andrea's application was forwarded to the hiring panel for consideration prior to the end of 2020.

Andrea was contacted for an interview, and sometime prior to the interview, Andrea disclosed the fact that she did not have the Molecular Biology course.

If Andrea's application had been screened and compared to her college transcript, the fact that she claimed to have all of the required courses, when she actually didn't have the Biology course, would have been discovered.

The hiring panel proceeded as required, assuming that HR had screened the application for the necessary requirements.

There was no reason to believe that there had been any misrepresentation on the application prior to the interview process. Therefore, it is clear from the statements of the hiring panel that they were not aware of any misrepresentations on Andrea's application during the hiring process.

It was made clear in the offer letter that continued employment was contingent on completing the Molecular Biology course by the end of September 2021.

Andrea completed the Molecular Biology course in June 2021.

The facts as presented above hopefully will serve to further clarify this issue. It is important to point out that the process worked as designed, and the proper disclosures were made. It wasn't until later that a possible discrepancy was revealed, with a subsequent investigation.

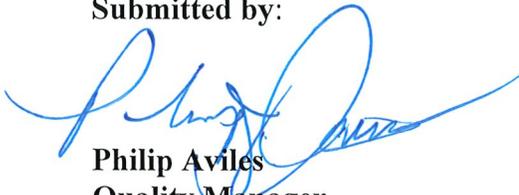
Attached to this report is the Memorandum of Record, prepared by Mr. Pat Wertheim, which is a summary of his recollection of the September 21st meeting. Mr. Wertheim consented to act as a witness during the initial investigation, and also during this subsequent meeting and discussion. Hopefully, his comments will further define and clarify the important aspects of this issue.

In accordance with policy, this supplemental report is being provided to the following:

Tarrant county District Attorney's Office  
ANAB National Accreditation Board  
Texas Forensic Science Commission

**Submitted by:**

**Date: October 4, 2021**



**Philip Aviles**  
**Quality Manager**  
**FWPD Crime Lab**

## **Memorandum of Record**

Written by: Pat A. Wertheim, City ID # 605145, FWPD Crime Lab ID# M737

Date: Memo written 09/21/2021

Subject: Meeting between Michael Ward, Cassie Johnson, Phil Aviles, Andrea Morrison, and myself.

On Tuesday, September 21, a meeting was held because of the argument by Michael and Cassie that a report written by Phil was incorrect in its statement that Michael and Cassie were aware prior to and during the employment interview with Andrea that she had been deceptive on her job application.

When questioned in more detail at the beginning of this meeting, Andrea confirmed that from her very first contact with Cassie she made sure that Cassie knew she did not have any classes or training in molecular biology. A question on Andrea's job application had been whether she had completed this class and she had answered "Yes" when, in fact, the correct answer would have been "No." However, in telling Cassie that she had not taken that training and in discussing the fact during the formal interview process, Andrea never explicitly stated that she had made a misstatement on the application, even though she knew she had.

Cassie said that she did not go back and read Andrea's application. Cassie further confirmed my speculation that even if she had written the job application test herself, she would not necessarily have remembered the exact wording of every question. She and Michael had both assumed that HR would have done their due diligence in verifying the answers on the job application prior to sending Andrea's name forward for an interview. They especially believed that since HR had the job application, the job requirements, and Andrea's college transcripts that HR would have checked the application questions and the job requirements against the college transcripts and that in forwarding Andrea's name for interview, HR would have ensured that all of the questions had been answered correctly.

There seems to have been a misunderstanding over whether Michael and Cassie (and Uvonna, who was on the interview board but no longer works here) knew of the wording of that question and the fact that Andrea's answer on the job application was deceptive. Michael and Cassie were not aware of that fact until the question arose in Cassie's mind during the meeting with Dan Monte of the Tarrant County Attorney's Office on disclosure issues. The increased emphasis and awareness of disclosure requirements triggered the connecting of some dots in Cassie's mind that since Andrea had not had that molecular biology class when she was hired, there might be a disclosure issue.

Immediately following the meeting with Dan Monte and the Lab members and before Dan even left the lab, Cassie went to Phil, Michael, and Dan and advised them that there may have been an issue with Andrea's application. Dan indicated that the lab should investigate the question and advise him after determining the facts, but he did not feel he should be a part of the investigation itself at that point.

The disagreement between Michael and Cassie with Phil's report was only over the issue of whether they had known prior to or during Andrea's job interview that she had been deceptive or lied on her job application. It became clear that they were unaware that Andrea had answered the application question about molecular biology "Yes" in error at the time of the interview because they had relied on HR to have confirmed the accuracy of the answers on the application. They were aware of Andrea's lack of the class because she was right up front about that and it was discussed in the initial phone interview and the formal in-person job interview. But the interview board was not specifically aware of the deceptive answer on the job application until the question came up in Cassie's mind during Dan Monte's presentation on disclosure.

Phil agreed to write an addendum to his formal report correcting the misunderstanding and the meeting was adjourned.

# **EXHIBIT C**

**Aviles, Phil J.**

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**From:** Ward, Michael S.  
**Sent:** Wednesday, September 15, 2021 6:10 AM  
**To:** Aviles, Phil J.  
**Subject:** Report on Andrea Morrison

**Importance:** High

Wednesday, September 15, 2021

Phil,

Good morning. Please send me your report on Andrea Morrison that you forwarded to the Tarrant County Criminal District Attorney's Office.

Whenever you release a report to anyone outside of the Laboratory please share it with me so I will be aware of your findings. Thank you.

*Michael S. Ward, M.S., FA-AFTE*

Forensic Science Division Manager  
Fort Worth Police Crime Laboratory  
3616 East Lancaster Avenue  
Fort Worth, Texas 76103

Office: (817) 392-4519  
Mobile: (817) 454-5895  
FAX: (817) 392-4517  
Email: [Michael.Ward@fortworthtexas.gov](mailto:Michael.Ward@fortworthtexas.gov)

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# **EXHIBIT D**

**Aviles, Phil J.**

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**From:** Ward, Michael S.  
**Sent:** Thursday, September 16, 2021 8:30 AM  
**To:** Aviles, Phil J.  
**Subject:** RE: Report on Andrea Morrison

**Importance:** High

Thursday, September 16, 2021

Phil,

Good morning sir. Please call me when you arrive to work today.

The following sentences are in the last paragraph on page one of your IOC: Ms. Morrison admitted that she had intentionally answered the question "yes" in order to help to ensure that her application would be considered, when she had not completed one of the required courses. Ms. Morrison revealed this fact prior to her interview, and therefore the panel was well aware of this issue prior to the second interview. The following sentences are in the second paragraph on page two of your IOC: She fully acknowledged that she had intentionally answered the question about the four courses in the affirmative in an attempt to guarantee that her application would be passed along and not screened out. She offered this information prior to the interview, and it is obvious from the e-mail correspondence that the panel was aware of this fact. The aforementioned sentences are factually incorrect.

When we spoke about this issue I advised you that I was aware that Ms. Morrison needed to complete a class, but I was not aware that she had stated on her employment application that she had already taken the class. The first time that I learned there was a potential issue was on August 6, 2021, when Cassie advised both you and me that there may be an issue. It is my understanding from speaking with Cassie that during Mr. Monte's presentation something that Andrea had said to her several weeks prior occurred to her, and made her think that there may be a potential issue. I cannot speak for Uvonna, but the interview panel as a whole knew that Ms. Morrison needed an additional class; however, I did not know that Ms. Morrison had claimed that she had taken a class that she had not. The panelist were not aware of the discrepancy at the time of the interviews. Your IOC, which has been distributed to ANAB, the Tarrant County Criminal District Attorney's Office, and the Texas Forensic Science Commission, outlines that the interview panel was aware during the interview process that Ms. Morrison was untruthful, and that is simply wrong.

During your investigation you advised me that you intended to formally interview me regarding this issue, but you never interviewed me prior to completing your report. Did you formally interview Cassie Johnson? I believe that two issues have arisen out of your IOC. First, you will need to release a revised IOC to the District Attorney's Office and our accrediting bodies because of the inaccurate information contained within the document. Second, in the future before you release a report like this, it would be prudent to have the personnel that you interviewed or spoke with review the information that they provided you to check your findings for accuracy. This is the practice that the Texas Forensic Science Commission follows.

*Michael S. Ward, M.S., FA-AFTE*

# **EXHIBIT E**

## Memorandum of Record

Written by: Pat A. Wertheim, City ID# 605145, FWPB Crime Lab ID# M737

Date: Memo written 08/25/2021

Subject: witness observations on interview of Andrea Morrison by Phil Aviles on 08/25/2021

I was asked to witness an interview between Phil Aviles and Andrea Morrison to take place on 08/25/2021 regarding a reported misrepresentation of an educational qualification on Ms. Morrison's original job application. The report was that a question on that application asked specifically about four required college courses in order to qualify for the trainee's position in DNA. One of those courses was in Molecular Biology. Ms. Morrison had answered "Yes" on the job application to the question of whether she had completed all four courses, including one on Molecular Biology.

She realized that in answering "Yes," she was being deceptive. At that point, she had had no Molecular biology courses or training at all, nor was she enrolled in such a course. But she said she unsure whether the question was just a screening question instead of a job requirement. At the time she gave that answer, she intended to complete a qualifying course ASAP. Unfortunately, for one reason or another, she had not yet done so when she received the call to come in for a formal face-to-face interview.

Prior to the face to face interview, she had not submitted a college transcript, which would have clearly documented the fact that she had not taken any Molecular Biology classes in college. She only submitted the transcript after the formal job interview.

She did not remember whether she had mentioned her misstatement during the preliminary phone interview or even prior to the beginning of the formal interview. She did recall that Lab Director Michael Ward specifically asked her during the interview whether she had successfully completed all four of the requisite courses and she answered honestly at that time. There was some discussion among the interview board and her, and it was decided by the board to go ahead with the hiring process anyway.

Ms. Morrison said that the formal job offer letter contained a provision that she would be required to complete the Molecular Biology course before the end of her probationary period. Her start date was March 1 and she had completed the course by the end of June, well before the end of her probationary period 09/01/2021.

At the outset of the interview, Mr. Aviles clearly stated that Ms. Morrison was not in trouble and her job was not in jeopardy. But in compliance of full disclosure requirements to any defense attorneys in possible trials in her future, once he became aware of the misstatement, he was required to investigate and send a report up the chain of command, plus to Dan Monte, the disclosure attorney at the District Attorney's office.

Mr. Aviles was professional and reassuring throughout the interview, which yielded the basic information in the paragraphs above. Ms. Morrison was respectful, courteous, and cooperative during the entire interview, answering all questions in apparent effort to be helpful and honest..

She was never defensive, nor did she try to justify or rationalize her actions, except for her initial statement that she wasn't sure whether the question was merely a screening question or represented a real job requirement. I would characterize the entire interview as professional, but cordial.

At the end of the interview, Mr. Aviles asked Ms. Morrison if she could provide him with a copy of the formal job offer letter in which it states that completion of the course would be a condition of employment and she must successfully complete it before the end of probation. She said she would do so.

I spoke up and cautioned Ms. Morrison that if she is ever asked whether she has misstated her qualifications, she must answer yes and explain how and why. I went a step further to advise her that especially on the witness stand under oath, if an opposing attorney were to have a copy of our job requirements and her college transcript, it could result in charges of felony perjury to give a false answer. She should answer "Yes, and let me explain," then go on to explain the reason she misrepresented her training, the fact that she disclosed it and it was discussed during the job interview, that the formal job offer reflected the requirement that she complete the class deficiency during probation, and the fact that she successfully completed the class well ahead of the end of probation. Mr. Aviles added further that she should keep a copy of her formal job offer that recognized the fact she had not yet had the class in her court brief in case she is ever asked about the incident in court.

The interview was terminated about noon. At no time during or at the end was there any tension in the room. The atmosphere was relaxed, yet polite throughout the meeting. My feeling is that the matter has been resolved to the satisfaction of both Ms. Morrison and the FWPD Crime Lab.