



AMERICAN SOCIETY OF CRIME LABORATORY DIRECTORS
LABORATORY ACCREDITATION BOARD

June 27, 2011

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COUNTY ATTORNEY
JO ANNE BERNAL

Sergeant David Hernandez
El Paso Police Department
Crime Laboratory
911 N. Raynor Street
El Paso, Texas 79903

Dear Sgt. Hernandez:

During a June 24, 2011 meeting of the ASCLD/LAB Board of Directors, the findings issued during the recent assessment of the El Paso Police Department Crime Laboratory were considered. Several of the findings of the assessment team raised serious concerns about the preparedness of personnel in your laboratory to conduct the full gamut of forensic controlled substances analyses.

As a result of the Board's concern resulting from the findings of the assessment team, the El Paso Police Department Crime Laboratory's accreditation was placed on probation until September 2, 2011, with the condition that the laboratory suspend all casework involving instrumental analysis until such time that the laboratory demonstrates, to ASCLD/LAB, that all personnel performing drug chemistry are competent in extraction theory, instrumental analysis, and data interpretation and that they are competent in the methods used by the laboratory.

As a second condition, the laboratory must have an external review of the past six (6) months of casework involving instrumental analysis by competent personnel from an ASCLD/LAB accredited laboratory.

As a third condition, within 14 calendar days of this notification, the lab must provide the ASCLD/LAB Executive Director with a plan of action to address the concerns related to the work in the laboratory.

Failure to meet any of the stated conditions may result in suspension or revocation of accreditation. Please be assured that the Board wishes to assist the El Paso Police Department Crime Laboratory in maintaining a quality forensic program and to continue the accreditation of your laboratory.

If you wish to appeal the decision of the Board, you must do so in writing to me and clearly state the basis for the appeal.

If you have any questions or concerns, please feel free to contact us.

Sincerely,

Ralph M. Keaton

Ralph M. Keaton
Executive Director

cc: ASCLD/LAB Board of Directors
ASCLD/LAB Office
Harry Fox, ASCLD/LAB Lead Assessor

ASCLD/LAB-*International*

Full Assessment Report

**El Paso Police Department
Crime Laboratory
El Paso, Texas**

PART 1 – GENERAL INFORMATION

INTRODUCTION

This is the *ASCLD/LAB-International Full Assessment Report* of the El Paso Police Department Crime Laboratory. The on-site assessment was conducted during the period May 24-26, 2011.

The *ASCLD/LAB-International* assessment team consisted of the following members:

Lead Assessor:

Harry A. Fox, III - Staff Inspector, ASCLD/LAB / Annville, Pennsylvania

Technical Assessors:

Chris Bryant – Virginia Department of Forensic Science / Roanoke, Virginia

Observer:

Glen Johnson - Staff Inspector, ASCLD/LAB / Round Rock, Texas

OBJECTIVES OF ASSESSMENT

The assessment was conducted to assess the management and technical operations of the laboratory in accordance with the accreditation requirements specified below, and to report the findings of the assessment in a fair and impartial manner to the laboratory and to the ASCLD/LAB Board of Directors for the purpose of accreditation in accordance with the scope of the assessment.

ACCREDITATION REQUIREMENTS

The assessment was performed using the requirements of ISO/IEC 17025:2005; the *ASCLD/LAB-International Supplemental Requirements for Testing Laboratories* (2011) and the laboratory's own documented management system.

SCOPE OF ASSESSMENT

The laboratory is seeking accreditation in and was assessed in the following areas:

Field	
Forensic Science Testing	
Discipline(s)	Categories of Testing
Drug Chemistry	Controlled Substances

LABORATORY OVERVIEW

The El Paso Police Department Crime Laboratory is a local government laboratory and provides services and assistance to law enforcement agencies in and around El Paso, Texas. The laboratory is located at 911 N. Raynor Street, El Paso, Texas. Sergeant David Hernandez is the laboratory director and, at the time of the assessment, the laboratory had a staff of 3 proficiency tested personnel and 2 non-proficiency tested personnel.

ASSESSMENT TEAM FINDINGS

The laboratory was found to be in conformance with all ASCLD/LAB-*International* accreditation requirements except for those requirements cited in Part 2 of this report, or the assessment team found that the requirement was not applicable to the operations of this program.

Each requirement for which the assessment team found the laboratory to not be in total conformance was marked "No." A *Preliminary Assessment Report*, listing specific nonconformities cited by the assessment team, was provided at the on-site, closing meeting.

COMMENTS

Comments include recommendations, suggestions, or other observations documented by the assessment team that are not supported by sufficient objective evidence of non-compliance. The laboratory is not required to respond to comments. The following comment(s) were documented by the assessment team during the on-site assessment:

- None

RIGHT TO APPEAL

The laboratory director has the right to appeal at any time during the accreditation process. Further information about the appeals process may be obtained by contacting the ASCLD/LAB Executive Director at 919-773-2600.

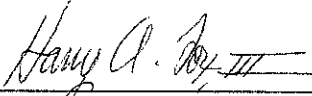
STATUS OF REPORT

This *Full Assessment Report* and the findings and corrective action requests are provided for pre-decisional purposes only.

REPORT AUTHORIZATION

This *Full Assessment Report* of the El Paso Police Department Crime Laboratory is issued by Lead Assessor Harry Fox. As Lead Assessor, Mr. Fox has reviewed the contents of this report and affirms that the report represents a true and accurate accounting of the findings of the ASCLD/LAB-*International* assessment team.

Lead Assessor Harry A. Fox, III


Signature

June 17, 2011
Date

DISTRIBUTION LIST

Sergeant David Hernandez, Laboratory Director

Mr. Ralph M. Keaton, ASCLD/LAB Executive Director

Mr. John K. Neuner, ASCLD/LAB-*International* Program Manager

Ms. Tracy Cheaney-Plummer, ASCLD/LAB Program Manager

PART 2 – CORRECTIVE ACTION REQUESTS

A quality review of the nonconformities cited by the assessment team at the on-site closing meeting was conducted by an ASCLD/LAB Quality Review Panel. The purposes of the ASCLD/LAB quality review included considering consistency of interpretations, appropriate relationships between findings and the clause(s) to which those findings are assigned, and to consider the recommended level assigned to each finding by the assessment team.

Following the completion of the quality review, formal *Corrective Action Requests* were prepared by the Lead Assessor and are issued to the El Paso Police Department Crime Laboratory in this *Full Assessment Report*.

Also, please be aware that in accordance with ASCLD/LAB-*International* policy, no specific *Corrective Action Request* (CAR) will be issued against 4.1.2 of ISO/IEC 17025:2005; however, the response to this clause will be marked “No” until appropriate corrective actions have been completed and accepted by the Lead Assessor for each Level 1 CAR.

The laboratory has thirty (30) calendar days from the date of release of this *Full Assessment Report* to provide the Lead Assessor with a proposed corrective action plan for each CAR issued with the report. The laboratory should refrain from implementing proposed corrective actions until the Lead Assessor’s acceptance of the proposed corrective actions.

For any Level 1 CAR contained in this *Full Assessment Report*, the laboratory will have 180 calendar days from the release date of the *Full Assessment Report* to complete corrective actions (including the initial 30 calendar days to submit a corrective action plan), provide the Lead Assessor with objective evidence of completed corrective actions, and to have the Lead Assessor accept the action as complete. The 180 calendar day completion date is December 26, 2011.

For any Level 2 CAR contained in this *Full Assessment Report*, the El Paso Police Department Crime Laboratory may elect to complete corrective actions prior to the next surveillance visit. However, should the laboratory choose that option, the laboratory will still have thirty (30) calendar days from the release date of the *Full Assessment Report* to provide the Lead Assessor with a proposed corrective action plan for each Level 2 CAR issued with the report.

Alternatively, for any Level 2 CAR, the laboratory may elect to respond to the request in accordance with the provisions for a Level 1 CAR as indicated above.

Continued on Next Page

CORRECTIVE ACTION REQUEST (CAR) Number 1 of 18

Laboratory Name: El Paso Police Department Crime Laboratory
 Laboratory Location: El Paso, TX
 Laboratory Contact Name: Sgt. David Hernandez
 Contact Number: (915) 564-7202
 Summation Conference Date: May 26, 2011

FINDING

Clause No.:	5.10.1 Paragraph 3.19	Source:	ISO 17025:2005 EPPD Crime Lab ISO Controlled Substance Analysis Manual (Effective 2/14/11)	Level:	1
Requirement:	<p>5.10.1 - The results of each test, calibration, or series of tests or calibrations carried out by the laboratory shall be reported accurately, clearly, unambiguously and objectively, and in accordance with any specific instructions in the test.</p> <p>3.19 - When sampling is used, the language in the report must make it clear to the reader that the results are based on a sampling plan. Details about the sampling plan are not required in the report, but must be clearly recorded in the examination.</p>				
Finding:	<p>Controlled substance reports do not state that a sampling plan was used to arrive at the result that was reported in 8 of the 16 reports reviewed. For example: The laboratory examined a case that contained 129 tablets. The controlled substance in only one of the tablets was confirmed by instrumental analysis. The report was not clear that only one of the 129 tablets was tested.</p>				
Corrective Action Due By:			On or before December 26, 2011		

CORRECTIVE ACTION REQUEST (CAR) Number 2 of 18

Laboratory Name: El Paso Police Department Crime Laboratory
 Laboratory Location: El Paso, TX
 Laboratory Contact Name: Sgt. David Hernandez
 Contact Number: (915) 564-7202
 Summation Conference Date: May 26, 2011

FINDING

Clause No.:	4.2.1	Source:	ISO 17025:2005	Level:	1
	4.13.2.5		2011 Supplemental - Testing		
	6.6.64		EPPD Crime Lab ISO Controlled Substance Analysis Manual – Results of Analysis (Effective 2/14/11)		
Requirement:	<p>4.2.1 - The laboratory shall establish, implement and maintain a management system appropriate to the scope of its activities. The laboratory shall document its policies, systems, programmes, procedures and instructions to the extent necessary to assure the quality of the test and/or calibration results. The system's documentation shall be communicated to, understood by, available to, and implemented by the appropriate personnel.</p> <p>4.13.2.5 - Records to support conclusions shall be such that in the absence of the analyst (however named), another competent reviewer could evaluate what was done and interpret the data.</p> <p>6.6.64 - Compare mass spectrum and retention time of analyte(s) to mass spectrum and retention times of standards stored in the compound table and to Standard (positive control) analyzed on the same day (24hrs) and under the same analytical conditions. In order to positively identify an analyte using GC/MS, it is widely accepted that the full scan spectrum have a minimum of three characteristic ions whose ratios are within 20% of the same ion ratios run on standards on the same instrument. A recommendation of a three kilocount, minimum or more, peak is suitable for comparison. [<i>The Handbook of Forensic Drug Analysis</i>, pg 113.]</p>				
Finding:	<p>The peak intensity displayed in library spectra used for comparison on one of the laboratory's mass spectrometers was so limited in detail that it was not possible to differentiate positional isomers of common drugs reported in 6 of the 16 cases reviewed. For example: Methamphetamine identification was made based on the three ions of greatest abundance. Many compounds in the same class (phenethylamines) are indistinguishable when compared using these three ions.</p>				

	<p>Mass spectral <u>sample</u> data reviewed in the case files had insufficient peak intensity to support the identification of the substance reported in 2 of the 16 cases reviewed. For example: An Alprazolam mass spectral identification was based on the three ions of greatest abundance that matched to the standard. The sample spectrum had additional significant ions not attributable to the compound identified.</p> <p>Review of case records and interviews revealed that retention time data was not taken into account when comparing sample and standard data, as required by laboratory policy.</p>
Corrective Action Due By:	On or before December 26, 2011

CORRECTIVE ACTION REQUEST (CAR) Number 3 of 18

Laboratory Name: El Paso Police Department Crime Laboratory
 Laboratory Location: El Paso, TX
 Laboratory Contact Name: Sgt. David Hernandez
 Contact Number: (915) 564-7202
 Summation Conference Date: May 26, 2011

FINDING

Clause No.:	5.4.1 6.6.64	Source:	ISO 17025:2005 EPPD Crime Lab ISO Controlled Substance Analysis Manual – Results of Analysis (Effective 2/14/11)	Level:	1
Requirement:	<p>5.4.1 - The laboratory shall use appropriate methods and procedures for all tests and/or calibrations within its scope. These include sampling, handling, transport, storage and preparation of items to be tested and/or calibrated, and, where appropriate, an estimation of the measurement uncertainty as well as statistical techniques for analysis of test and/or calibration data.</p> <p>6.6.64 - Compare mass spectrum and retention time of analyte(s) to mass spectrum and retention times of standards stored in the compound table and to Standard (positive control) analyzed on the same day (24hrs) and under the same analytical conditions. In order to positively identify an analyte using GC/MS, it is widely accepted that the full scan spectrum have a minimum of three characteristic ions whose ratios are within 20% of the same ion ratios run on standards on the same instrument. A recommendation of a three kilocount, minimum or more, peak is suitable for comparison. [<i>The Handbook of Forensic Drug Analysis</i>, pg 113.]</p>				
Finding:	<p>The laboratory procedure states “In order to positively identify an analyte using GC/MS, it is widely accepted that the full scan spectrum have a minimum of three characteristic ions whose ratios are within 20% of the same ion ratios run on standards on the same instrument. A recommendation of a three kilocount, minimum or more, peak is suitable for comparison. [<i>The Handbook of Forensic Drug Analysis</i>, pg 113.]”. These criteria for identification are not acceptable for the analysis of solid dosage form drug substances. The procedure the laboratory employs has been taken from a procedure for analysis for toxicology samples.</p> <p>The laboratory procedure does not define acceptable ranges for retention time comparisons with known standards.</p>				
Corrective Action Due By:			On or before December 26, 2011		

CORRECTIVE ACTION REQUEST (CAR) Number 4 of 18

Laboratory Name: El Paso Police Department Crime Laboratory
 Laboratory Location: El Paso, TX
 Laboratory Contact Name: Sgt. David Hernandez
 Contact Number: (915) 564-7202
 Summation Conference Date: May 26, 2011

FINDING

Clause No.:	5.2.1 5.2.5	Source:	ISO 17025:2005	Level:	1
Requirement:	<p>5.2.1 - The laboratory management shall ensure the competence of all who operate specific equipment, perform tests and/or calibrations, evaluate results, and sign test reports and calibration certificates. When using staff who are undergoing training, appropriate supervision shall be provided. Personnel performing specific tasks shall be qualified on the basis of appropriate education, training, experience and/or demonstrated skills, as required.</p> <p>5.2.5 - The management shall authorize specific personnel to perform particular types of sampling, test and/or calibration, to issue test reports and calibration certificates, to give opinions and interpretations and to operate particular types of equipment. The laboratory shall maintain records of the relevant authorization(s), competence, educational and professional qualifications, training, skills and experience of all technical personnel, including contracted personnel. This information shall be readily available and shall include the date on which authorization and/or competence is confirmed.</p>				
Finding:	<p>In two of 16 controlled substances cases reviewed, mass spectral data from samples was insufficient in detail to support making an identification of the substance present. Review of this work raises concerns about the competency of the analysts.</p>				
Corrective Action Due By:			On or before December 26, 2011		

CORRECTIVE ACTION REQUEST (CAR) Number 5 of 18

Laboratory Name: El Paso Police Department Crime Laboratory
 Laboratory Location: El Paso, TX
 Laboratory Contact Name: Sgt. David Hernandez
 Contact Number: (915) 564-7202
 Summation Conference Date: May 26, 2011

FINDING

Clause No.:	5.10.1	Source:	ISO 17025:2005	Level:	1
	Section 7.c.		EPPD Crime Lab Operations Manual (Reporting Guidelines)		
Requirement:	<p>5.10.1 - The results of each test, calibration, or series of tests or calibrations carried out by the laboratory shall be reported accurately, clearly, unambiguously and objectively, and in accordance with any specific instructions in the test or calibration methods.</p> <p>7. Each test report will include the following information:</p> <p>c. The name and address of the customer; identification of the method used (sampling plan); a description of, the condition of, and unambiguous identification of the item(s) tested (comments in footnote or in controlled substance worksheet); the date of receipt of the test where this is critical to the validity and application of the results, and the date(s) of performance of the test or; reference to the sampling plan or procedures used by the laboratory or other bodies where these are relevant to the validity or application of the results (standards and samples are run within a 24-hour clock and recorded in the instrument retention time log (Binders C and F found in the laboratory) and the 2011 Analysis Primary Standard Binder (G); the type of test, where appropriate, the units of measurement; the name(s), function(s) and signature(s) or equivalent identification of person(s) authorizing the test report (technical review signatures); and where relevant, a statement to the effect that the results relate only to the items tested or calibrated. (Revised 04/25/2011).</p>				
Finding:	Controlled substance reports do not contain a description of the items tested in 15 of the 16 cases reviewed.				
Corrective Action Due By:			On or before December 26, 2011		

CORRECTIVE ACTION REQUEST (CAR) Number 6 of 18

Laboratory Name: El Paso Police Department Crime Laboratory
 Laboratory Location: El Paso, TX
 Laboratory Contact Name: Sgt. David Hernandez
 Contact Number: (915) 564-7202
 Summation Conference Date: May 26, 2011

FINDING

Clause No.:	4.2.1 5.3.4 Section 3.1	Source:	ISO 17025:2005 EPPD Crime Lab Operations Manual	Level:	1
Requirement:	<p>4.2.1 - The laboratory shall establish, implement and maintain a management system appropriate to the scope of its activities. The laboratory shall document its policies, systems, programmes, procedures and instructions to the extent necessary to assure the quality of the test and/or calibration results. The system's documentation shall be communicated to, understood by, available to, and implemented by the appropriate personnel.</p> <p>5.3.4 - Access to and use of areas affecting the quality of the tests and/or calibrations shall be controlled. The laboratory shall determine the extent of control based on its particular circumstances.</p> <p>3.1 - Access to the crime laboratory is restricted. This is in effect to protect the integrity of the evidence, the confidentiality of case reports and to avoid exposing untrained persons to hazardous substances used in the laboratory. Doors to the crime laboratory will remain closed when authorized personnel are not present in the lab.</p>				
Finding:	<p>The entrance to the Controlled Substance laboratory is accessed through the Crime Scene laboratory which is secured with an electronic lock system that was malfunctioning during the assessment. If the door to the Controlled Substance laboratory is open, Crime Scene and other police department personnel have access both to the laboratory and the evidence/report storage room located in the laboratory. During the assessment both the laboratory and evidence/storage room doors were observed to be opened when no personnel authorized by the laboratory director were present.</p>				
Corrective Action Due By:			On or before December 26, 2011		

CORRECTIVE ACTION REQUEST (CAR) Number 7 of 18

Laboratory Name: El Paso Police Department Crime Laboratory
 Laboratory Location: El Paso, TX
 Laboratory Contact Name: Sgt. David Hernandez
 Contact Number: (915) 564-7202
 Summation Conference Date: May 26, 2011

FINDING

Clause No.:	5.6.2.1.1	Source:	ISO 17025:2005	Level:	1
Requirement:	<p>“..... When using external calibration services, traceability of measurement shall be assured by the use of calibration services from laboratories that can demonstrate competence, measurement capability and traceability. The calibration certificates issued by these laboratories shall contain the measurement results, including the measurement uncertainty and/or a statement of compliance with an identified metrological specification (see also 5.10.4.2).”</p>				
Finding:	<p>Texas sentencing statutes for controlled substances include escalating penalties for quantities of controlled substances from 50 to 250 pounds and above 250 pounds. A balance used for weighing controlled substance evidence in quantities of 50 pounds or more was found to have a calibration traceability certificate that stated the following: “This certificate is NOT ISO 17025 compliant and should not be used as a substitute for an ISO 17025 certificate.” The measurement results on the certificate did not include measurement uncertainty or a statement of compliance with an identified metrological specification.</p>				
Corrective Action Due By:			On or before December 26, 2011		

CORRECTIVE ACTION REQUEST (CAR) Number 8 of 18

Laboratory Name: El Paso Police Department Crime Laboratory
 Laboratory Location: El Paso, TX
 Laboratory Contact Name: Sgt. David Hernandez
 Contact Number: (915) 564-7202
 Summation Conference Date: May 26, 2011

FINDING

Clause No.:	4.1.5 (g, h) 4.1.5.h.1	Source:	ISO 17025:2005 2011 Supplemental - Testing	Level:	1
Requirement:	<p>4.1.5 - The laboratory shall:</p> <p>g) provide adequate supervision of testing and calibration staff, including trainees, by persons familiar with methods and procedures, purpose of each test and/or calibration, and with the assessment of the test or calibration results;</p> <p>h) have technical management which has overall responsibility for the technical operations and the provision of the resources needed to ensure the required quality of laboratory operations;</p> <p>4.1.5.h.1 - The laboratory shall designate technical responsibility for each discipline. Each designee shall have appropriate technical training and technical experience in the discipline.</p>				
Finding:	<p>Laboratory management has failed to provide objective evidence that technical responsibility in the Drug Chemistry discipline has been delegated to an individual with the appropriate technical training and technical experience.</p>				
Corrective Action Due By:			On or before December 26, 2011		

CORRECTIVE ACTION REQUEST (CAR) Number 9 of 18

Laboratory Name: El Paso Police Department Crime Laboratory
 Laboratory Location: El Paso, TX
 Laboratory Contact Name: Sgt. David Hernandez
 Contact Number: (915) 564-7202
 Summation Conference Date: May 26, 2011

FINDING

Clause No.:	5.5.3	Source:	2011 Supplemental - Testing	Level:	1
Requirement:	Equipment shall be operated by authorized personnel.				
Finding:	For two of three personnel utilizing laboratory equipment for Controlled Substance testing, there is no objective evidence to demonstrate that authorization has been given to these individuals to utilize laboratory equipment.				
Corrective Action Due By:			On or before December 26, 2011		

CORRECTIVE ACTION REQUEST (CAR) Number 10 of 18

Laboratory Name: El Paso Police Department Crime Laboratory
 Laboratory Location: El Paso, TX
 Laboratory Contact Name: Sgt. David Hernandez
 Contact Number: (915) 564-7202
 Summation Conference Date: May 26, 2011

FINDING

Clause No.:	4.2.4	Source:	ISO 17025:2005	Level:	2
Requirement:	Top management shall communicate to the organization the importance of meeting customer requirements as well as statutory and regulatory requirements.				
Finding:	The laboratory provided no objective evidence to demonstrate that top management has communicated the importance of meeting customer requirements to the laboratory organization.				
Corrective Action Due By:			On or before first surveillance visit		

CORRECTIVE ACTION REQUEST (CAR) Number 11 of 18

Laboratory Name: El Paso Police Department Crime Laboratory
 Laboratory Location: El Paso, TX
 Laboratory Contact Name: Sgt. David Hernandez
 Contact Number: (915) 564-7202
 Summation Conference Date: May 26, 2011

FINDING

Clause No.:	4.2.7	Source:	ISO 17025:2005	Level:	1
	Section 4.8		Operations Manual – Document Implementation		
Requirement:	<p>4.2.7 - Top management shall ensure that the integrity of the management system is maintained when changes to the management system are planned and implemented.</p> <p>4.8 - Document Implementation</p> <ol style="list-style-type: none"> Upon approval to changes to a controlled document(s), staff will be provided with a copy of the revised controlled document, outlining the changes. Employees will sign a acknowledge receipt in writing. Permanent changes to a controlled document will be done at the time the annual review is conducted and a revised controlled document will be issued. Implementation of new or revised documents will be in accordance with the revision issue or approval date on the document. The laboratory's director will ensure that approved versions of documents are available to lab personnel and in use by the effective date. 				
Finding:	Two dates are identified on each management system document; the issue date and the effective date. Based on laboratory procedures, it is unclear when a new or revised document is authorized for usage.				
Corrective Action Due By:			On or before December 26, 2011		

CORRECTIVE ACTION REQUEST (CAR) Number 12 of 18

Laboratory Name: El Paso Police Department Crime Laboratory
 Laboratory Location: El Paso, TX
 Laboratory Contact Name: Sgt. David Hernandez
 Contact Number: (915) 564-7202
 Summation Conference Date: May 26, 2011

FINDING

Clause No.:	5.2.5	Source:	ISO 17025:2005	Level:	2
Requirement:	The management shall authorize specific personnel to perform particular types of sampling, test and/or calibration, to issue test reports and calibration certificates, to give opinions and interpretations and to operate particular types of equipment.				
Finding:	For two of three personnel performing Controlled Substances testing, there is no objective evidence that demonstrates authorization has been given to these individuals to perform sampling, testing, issuing test reports, giving opinions and interpretations and operating laboratory equipment.				
Corrective Action Due By:			On or before first surveillance visit		

CORRECTIVE ACTION REQUEST (CAR) Number 13 of 18

Laboratory Name: El Paso Police Department Crime Laboratory
 Laboratory Location: El Paso, TX
 Laboratory Contact Name: Sgt. David Hernandez
 Contact Number: (915) 564-7202
 Summation Conference Date: May 26, 2011

FINDING

Clause No.:	5.10.1 Section 2.7.D	Source:	ISO 17025:2005 EPPD Crime Lab ISO Controlled Substance Analysis Manual (Effective 2/14/11)	Level:	1
Requirement:	<p>5.10.1 - The results of each test, calibration, or series of tests or calibrations carried out by the laboratory shall be reported accurately, clearly, unambiguously and objectively, and in accordance with any specific instructions in the test or calibration methods.</p> <p>2.7.D - Volumes: liquids greater than one milliliter shall be approximated using a graduated cylinder or appropriate measuring device.</p>				
Finding:	<p>For Controlled Substances testing, liquids are recorded in approximate volumes using graduated cylinders; however, in one case that was reviewed, the volume reported was not referenced as an approximate volume. Subsequent interview of the analyst revealed that the laboratory practice when reporting the volume of a liquid is not to state the volume as "approximate".</p>				
Corrective Action Due By:			On or before December 26, 2011		

CORRECTIVE ACTION REQUEST (CAR) Number 14 of 18

Laboratory Name: El Paso Police Department Crime Laboratory
 Laboratory Location: El Paso, TX
 Laboratory Contact Name: Sgt. David Hernandez
 Contact Number: (915) 564-7202
 Summation Conference Date: May 26, 2011

FINDING

Clause No.:	5.4.1 Section II.1	Source:	ISO 17025:2005 Operations Manual – Service Overview	Level:	1
Requirement:	<p>5.4.1 - The laboratory shall use appropriate methods and procedures for all tests and/or calibrations within its scope. These include sampling, handling, transport, storage and preparation of items to be tested and/or calibrated, and, where appropriate, an estimation of the measurement uncertainty as well as statistical techniques for analysis of test and/or calibration data.</p> <p>II.1 - At this time, the El Paso Police Department Crime Laboratory does NOT provide quantitative analysis of controlled substance or trace samples less than 0.1 milligrams.</p>				
Finding:	<p>In one Controlled Substances case where a volume measurement was made, the analyst used the volume of liquid found in the evidence (a bottle) to calculate the quantity of the controlled substance present. The quantity of controlled substance reported was calculated using the manufacturer's dosage (milligrams/milliliter) listed on the bottle and the volume of liquid measured by the analyst. The analyst did not use accepted quantitative analysis methods nor did the analyst take into account the possibility that the liquid in the bottle was a dilution of the original preparation identified on the label of the bottle. Furthermore, the analyst did not follow the laboratory's quantitative analysis of controlled substances policy.</p>				
Corrective Action Due By:			On or before December 26, 2011		

CORRECTIVE ACTION REQUEST (CAR) Number 15 of 18

Laboratory Name: El Paso Police Department Crime Laboratory
 Laboratory Location: El Paso, TX
 Laboratory Contact Name: Sgt. David Hernandez
 Contact Number: (915) 564-7202
 Summation Conference Date: May 26, 2011

FINDING

Clause No.:	5.2.6.2.2	Source:	2011 Supplemental - Testing	Level:	2
Requirement:	For any laboratory personnel whose job responsibility includes test report writing, a competency test shall include, at a minimum: A written test report to demonstrate the individual's ability to properly convey results and/or conclusions and the significance of those results/conclusions.				
Finding:	The laboratory's Controlled Substances training manual does not require a written test report as part of the final test to determine competency.				
Corrective Action Due By:			On or before first surveillance visit		

CORRECTIVE ACTION REQUEST (CAR) Number 16 of 18

Laboratory Name: El Paso Police Department Crime Laboratory
 Laboratory Location: El Paso, TX
 Laboratory Contact Name: Sgt. David Hernandez
 Contact Number: (915) 564-7202
 Summation Conference Date: May 26, 2011

FINDING

Clause No.:	5.5.6	Source:	ISO 17025:2005	Level:	1
Requirement:	The laboratory shall have procedures for safe handling, transport, storage, use and planned maintenance of measuring equipment to ensure proper functioning and in order to prevent contamination or deterioration.				
Finding:	Mass spectrometers used for Controlled Substances testing are tuned regularly but key values that define the criteria for an acceptable tune have not been documented.				
Corrective Action Due By:			On or before December 26, 2011		

CORRECTIVE ACTION REQUEST (CAR) Number 17 of 18

Laboratory Name: El Paso Police Department Crime Laboratory
 Laboratory Location: El Paso, TX
 Laboratory Contact Name: Sgt. David Hernandez
 Contact Number: (915) 564-7202
 Summation Conference Date: May 26, 2011

FINDING

Clause No.:	4.11.3	Source:	ISO 17025:2005	Level:	1
Requirement:	Where corrective action is needed, the laboratory shall identify potential corrective actions. It shall select and implement the action(s) most likely to eliminate the problem and to prevent recurrence. Corrective actions shall be to a degree appropriate to the magnitude and the risk of the problem. The laboratory shall document and implement any required changes resulting from corrective action investigations.				
Finding:	A cause analysis conducted by the laboratory determined one root cause for an incorrect proficiency test result. Review of the same proficiency test file and an interview of the analyst revealed that flawed analytical deduction was another root cause. The examiner was unable to come to a reasonable analytical conclusion based a series of tests that included one presumptive (color) test and one confirmatory (gas chromatograph/mass spectrum) test yielding a positive result for Cocaine and 44 negative confirmatory (gas chromatograph/mass spectrum) tests from a re-sampling of the same item.				
Corrective Action Due By:			On or before December 26, 2011		

CORRECTIVE ACTION REQUEST (CAR) Number 18 of 18

Laboratory Name: El Paso Police Department Crime Laboratory
 Laboratory Location: El Paso, TX
 Laboratory Contact Name: Sgt. David Hernandez
 Contact Number: (915) 564-7202
 Summation Conference Date: May 26, 2011

FINDING

Clause No.:	5.2.1	Source:	ISO 17025:2005	Level:	1
Requirement:	<p>The laboratory management shall ensure the competence of all who operate specific equipment, perform tests and/or calibrations, evaluate results, and sign test reports and calibration certificates. When using staff who are undergoing training, appropriate supervision shall be provided. Personnel performing specific tasks shall be qualified on the basis of appropriate education, training, experience and/or demonstrated skills, as required.</p>				
Finding:	<p>Review of a proficiency test file in which the analyst failed to report the expected and consensus value (No Controlled Substance) and subsequent interview of the analyst revealed that the root cause determination by laboratory management of "switched samples" by the analyst was not the root cause for the failed proficiency. The assessment team found that the analyst was incapable of coming to a reasonable analytical conclusion after performing one presumptive and 45 confirmatory tests on the same substance. Forty-four of 45 confirmatory tests yielded the correct "No Controlled Substance" result yet the analyst reported the presence of Cocaine based on single positive presumptive and confirmatory tests. The root cause for this proficiency was clearly the analyst's significantly flawed deductive reasoning capabilities. Furthermore, corrective action taken by laboratory management to address the failed proficiency did not include suspension from performing casework, retraining or competency testing. Case file review by laboratory management did reveal one additional instance of "switched sample".</p>				
Corrective Action Due By:			On or before December 26, 2011		