



TEXAS DEPARTMENT OF PUBLIC SAFETY  
CRIME LABORATORY

**Quality Incident Report**

LAB-QA-04-Deviation (03/2017)p.1 Issued by: QAC

<b>Tracking ID</b> <b>QI-GAR-2016-1012-BA</b>
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Lab	Garland	Discipline	BA	Date Discovered	10/12/2016	Page 1 of 2
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Date of Incident:	07/15-16/2015	End Date of Incident (if applicable):	10/24/2016
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Related Policy, Procedure, and/or Specification:	LOG-03-02
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Related Work # (case, batch, or instrument#):	GAR-1211-13135 (Testimony on July 15, 2015 in Tarrant County); GAR-1303-03440 (Testimony on July 16, 2015 in Ellis County); GAR-1511-12948 (Testimony on October 12, 20116 in Collin County)
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**Incident Description:**

On October 12, 2016, Mr. Youngkin testified at a hearing in Collin County in which he invoked his 5<sup>th</sup> Amendment right in response to questions related to a Quality Action Plan from 2013. On October 24, 2016, Mr. Youngkin withdrew his invocation and testified in a deposition to resume the hearing from the 12<sup>th</sup>. As a result of the deposition, concerns were raised regarding the consistency of Mr. Youngkin's testimony on the 2013 issue. On October 28, 2016, Mr. Youngkin was removed from conducting casework.

**Cause Analysis:**

The testimony given by Chris Youngkin violated the following policy:

LOG-03-02 2.1 Testimony Expectations of Witnesses

- B. Testify in a manner which is clear, straightforward, and objective;
- D. Avoid phrasing testimony in an ambiguous, biased, or misleading manner

There were occasions in which the testimony provided by Chris Youngkin was ambiguous and misleading in his answers to questions from defense attorneys. The questions posed by the defense attorneys were related to the event in May 2013 in which two case samples were switched and reported incorrectly by Chris Youngkin.

A Director's Inquiry was conducted by the DPS Office of the Inspector General. The Office of the Inspector General determined through the Director's inquiry that Mr. Youngkin did violate the crime lab service policy (LOG-03-02).

Neither the laboratory's training program nor Mr. Youngkin's technical training and abilities were causal factors in the incident. The violation was related only to the presentation of his testimony. His individual practice was the causal factor for the policy violation.

Involved Parties (who by direct actions were involved in the quality incident):

Chris Youngkin

**Corrections**

Corrected report issued?: No

Correction(s) to the Original Work (Indicate if not performed at this time):

Chris Youngkin was removed from conducting case work and his job duties have been modified.

As a preventive measure, the policy LOG-03-02 for testimony monitoring requirements were revised to require direct observation by a Quality Manager, Supervisor, Team Lead, or Quality Assurance Specialist on an annual basis.

In an effort to improve the delivery of testimony, additional courtroom testimony training is being developed for forensic scientists.

Customer Notification (Indicate if not performed at this time or not applicable):

On November 10, 2016, a letter from DPS was delivered to the elected District Attorneys to inform them of the status of Chris Youngkin and transcripts of his previous testimony were provided.

**Corrective Action Necessary? Yes**

**Significant Disclosure? Yes**



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Approval		
Requestor	<u>James Nichols, Quality Manager, Garland</u> <i>JN</i>	Date: <u>05/25/2017</u>
TL/TPOC	<u>Andrew Macey, Section Supervisor, Garland</u> <i>AM</i>	Date: <u>05/25/2017</u>
Lab QA	<u>Uyen Henson, Lab QA Specialist, Garland (via email)</u> <i>UH</i> <u>05-25-17</u>	Date: <u>05/25/2017</u>
Management	<u>Brady Mills, Deputy Assistant Director</u> <i>B. Mills</i>	Date: <u>05/25/2017</u>
System QA	<u>Katherine G. Sanchez</u>	Date: <u>05/25/17</u>