

TEXAS FORENSIC SCIENCE COMMISSION

Justice Through Science

FINAL REPORT ON SELF-DISCLOSURE OF PROFESSIONAL MISCONDUCT AND EVIDENCE HANDLING BY SIGNATURE SCIENCE, LLC

October 23, 2020



TABLE OF CONTENTS

I. COMMISSION BACKGROUND.....	1
History and Mission of the Texas Forensic Science Commission.....	1
Investigative Process.....	2
Accreditation and Licensing Jurisdiction.....	3
Jurisdiction Applicable to this Self-Disclosure.....	5
Limitations of this Report	5
II. BACKGROUND AND SUMMARY OF SELF-DISCLOSURE	6
Self-Disclosure and Investigative Decision by the Commission.....	6
General Summary of Reported Incident	6
Key Facts	7
III. COMMISSION INVESTIGATION	8
Investigative Notice to Analyst and Interview Request.....	8
Additional Inquires of Signature Science	9
IV. COMMISSION OBSERVATIONS AND FINDINGS	11
Basis of Commission Findings	10
Assessment Regarding Professional Misconduct	11

TABLE OF EXHIBITS

- A. Signature Science, LLC Incident Report, January 30, 2020
- B. Mercer's Response to Commissioners, April 3, 2020
- C. Notification of Investigation to Caitlyn Mercer; June 26, 2020.

I. COMMISSION BACKGROUND

A. History and Mission of the Texas Forensic Science Commission

In May 2005, the Texas Legislature created the Texas Forensic Science Commission (“FSC” or “Commission”) during the 79th Legislative Session by passing House Bill 1068 (the “Act”). The Act amended the Texas Code of Criminal Procedure to add Article 38.01, which describes the composition and authority of the Commission.¹ 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.²

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.”³ 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.⁴

The term “forensic analysis” is defined as a medical, chemical, toxicological, ballistic, or other examination or test performed on physical evidence, including DNA evidence, for the purpose of determining the connection of the evidence to a criminal action.⁵ The statute excludes certain types of analyses from the “forensic analysis” definition, such as latent fingerprint analysis, a breath test specimen, and the portion of an autopsy conducted by a medical examiner or licensed

¹ *See*, Act of May 30, 2005, 79th Leg., R.S., ch. 1224, § 1 (2005).

² *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) (2019).

³ TEX. CODE CRIM. PROC. art. 38.01 § 4(a)(3) (2019).

⁴ *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).

⁵ TEX. CODE CRIM. PROC. art. § 38.35(a)(4) (2015).

physician.⁶ The statute does not define the terms “professional negligence” and “professional misconduct.” The Commission has defined those terms in its administrative rules.⁷

The Commission has nine members appointed by the Governor of Texas.⁸ 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 attorney nominated by the Texas Criminal Defense Lawyer’s Association).⁹ The Commission’s Presiding Officer is Jeffrey Barnard, MD. 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 criteria by which it determines whether to conduct a formal investigation in response to a complaint or laboratory self-disclosure as well as the process used to conduct the investigation.¹⁰ The ultimate result is the issuance of a final report that under certain circumstances may result in disciplinary action against a forensic analyst license holder or applicant. 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.¹¹

⁶ For a complete list of statutory exclusions see TEX. CODE CRIM. PROC. art. 38.35 (a)(4)(A)-(F) and (f) (2015).

⁷ “Professional misconduct” means the forensic analyst or crime laboratory, through a material act or omission, deliberately failed to follow the standard of practice that an ordinary forensic analyst or crime laboratory would have followed, and the deliberate act or omission would substantially affect the integrity of the results of a forensic analysis. An act or omission was deliberate if the forensic analyst or crime laboratory was aware of and consciously disregarded an accepted standard of practice required for a forensic analysis. “Professional negligence means the forensic analyst or crime laboratory, through a material act or omission, negligently failed to follow the standard of practice that an ordinary forensic analyst or crime laboratory would have followed, and the negligent act or omission would substantially affect the integrity of the results of a forensic analysis. An act or omission was negligent if the forensic analyst or crime laboratory should have been but was not aware of an accepted standard of practice. 37 Tex. Admin. Code § 651.302 (7) and (8) (2020).

⁸ TEX. CODE CRIM. PROC. art. 38.01 § 3 (2019).

⁹ *Id.*

¹⁰ *See*, 37 Tex. Admin. Code § 651.304-307 (2019).

¹¹ 37 Tex. Admin. Code § 651.309; *Id.* at § 651.216.

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.¹² 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).¹³

The term “crime laboratory” includes a public or private laboratory or other entity that conducts a forensic analysis.¹⁴

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.¹⁵ 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.¹⁶ 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, 2019.¹⁷

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

¹² TEX. CODE CRIM. PROC. art. 38.35 § (d)(1) (2015).

¹³ TEX. CODE CRIM. PROC. art. 38.01 § 2(4) (2019).

¹⁴ TEX. CODE CRIM. PROC. art. 38.35 § (a)(1) (2015).

¹⁵ TEX. CODE CRIM. PROC. art. 38.01 § 4-a(d) (2019).

¹⁶ TEX. CODE CRIM. PROC. art. 38.01 § 4-a(a)(2) (2019).

¹⁷ *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.¹⁸ 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.¹⁹ The Commission may place on probation a person whose license is suspended.²⁰

In reaching a decision regarding disciplinary action against a licensee, the Commission considers certain mitigating factors such as the seriousness of the violation, including the impact the violation has with respect to the integrity of the analyst’s future forensic casework; the analyst’s experience level and level of licensure; the analyst’s candor in addressing the incident or error; the analyst’s conduct history, including any investigative history by the Commission, if any; and other factors specific to the case facts. Disciplinary proceedings and the process for appealing a disciplinary action by the Commission are governed by the Judicial Branch Certification Commission.²¹

D. Jurisdiction Applicable to this Self-Disclosure

The forensic discipline at issue in this final investigative report is Forensic Biology—a forensic discipline subject to accreditation and licensing requirements by the Commission. The submitting laboratory in this case, Signature Science, LLC (“Signature Science”) is accredited by the Commission and the ANSI-ASQ National Accreditation Board (“ANAB”) under the

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

¹⁹ *Id.* at 651.216(b)(1)-(4).

²⁰ *Id.* at (c).

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

International Organization for Standardization accreditation standard 17025 (“ISO”).²² Caitlyn Mercer, the individual who is the subject of the self-disclosure submitted by Signature Science, is not licensed by the Commission. Mercer was an evidence technician in the Forensic Biology section of Signature Science at the time of the incident described herein. Based on the description of Mercer’s job duties as provided by the laboratory and Mercer, her position as evidence technician was not subject to licensing requirements by the Commission.

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.²³ The Commission’s written reports are not admissible in civil or criminal actions.²⁴ The Commission has no authority to subpoena documents or testimony. The information the Commission receives during the course of any investigation is dependent on the willingness of stakeholders to submit relevant documents and respond to questions posed. 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. BACKGROUND AND SUMMARY OF SELF-DISCLOSURE

A. Self-Disclosure and Investigative Decision by the Commission

At its June 12, 2020 quarterly meeting, the Commission voted to form an investigative panel (“Panel”) to assist the Commission in determining whether Signature Science’s conclusion regarding professional misconduct by its employee, Caitlyn Mercer, is supported by the facts and

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

²³ *Id.* at § 4(g) (2019).

²⁴ *Id.* at § 11 (2019).

circumstances of the incident and any available documentation. The Panel included Commissioners Jasmine Drake, Ph.D., Dennis “Pat” Johnson, M.S. and Mark Daniel, Esq.

B. General Summary of Reported Incident

The self-disclosure reports that Caitlyn Mercer, an evidence technician at Signature Science, failed to open a sexual assault kit for evidence processing, and to cover up her mistake, initialed and back dated evidence tape on the sexual assault kit to make it appear as though the kit had been opened the day she initially processed it. Further, Mercer falsified a back dated note added to the Chain of Custody Master Sheet that stated “SAK opened upon receipt to check the presence of liquid blood” to support the cover-up of the error. Mercer admitted the described events when questioned by laboratory management and when interviewed by the Panel as described in Section III-A below. Mercer’s actions were detected within one day of the incident. The incident did not impact any DNA analysis but rather raised serious questions regarding the integrity of the laboratory’s evidence handling practices in light of the employee’s decision to falsify case documentation to conceal a mistake. The laboratory notified the appropriate criminal justice stakeholders and the Texas Forensic Science Commission within one day of the incident. (*See, Exhibit A*)

C. Key Facts

Signature Science received the sexual assault kit in question on January 23, 2020. In accordance with standard operating procedure, an evidence technician is required to open the sexual assault kit upon receipt to check for the presence of liquid blood so the evidence can be refrigerated if present. The action is then noted on the Chain of Custody Master Sheet by the evidence technician once complete.

On January 28, 2020, the DNA analyst performing triage on the sexual assault kit in question noticed there was no note on the Chain of Custody Master Sheet indicating the evidence

technician had opened the kit to check for the presence of blood. The DNA analyst looked at the kit to see if it had been opened and discovered it had not. The kit still contained the original evidence tape from the submitting agency. The DNA analyst sent an email to Mercer inquiring about the issue.

The next day, January 29, 2020, the DNA analyst observed that a note dated January 23, 2020 indicating the kit was opened had been added to the Chain of Custody Master Sheet and initialed by Caitlyn Mercer. Additionally, the DNA Analyst noticed new evidence tape that was not present the day before. The new piece of tape was also initialed by Mercer and back dated to January 23rd as if the kit had been opened on that date.

Laboratory management met with Mercer to discuss these events and Mercer admitted to the described events. The laboratory immediately terminated Mercer. The laboratory self-disclosed the incident to the Texas Forensic Science Commission on January 30, 2020. Commission staff notified Ms. Mercer of the self-disclosure on February 4, 2020.

Ms. Mercer submitted a written response to the self-disclosure on April 3, 2020. (*See, Exhibit B*). In her response, Ms. Mercer characterizes her conduct as a mistake and a lapse in judgment, and accepts responsibility for her actions. She describes the work environment at Signature Science as “very toxic” and states her role at the lab and the expectations of her were unclear. She describes some of her negative prior performance feedback at the lab. Regarding the incident in question, Mercer states she went into a “panic mode” when she received an after-hours email from the DNA analyst about the unopened sexual assault kit. The email copied three of her supervisors. The next day, when she discovered the sexual assault kit was not opened as it should have been, she opened the kit and added tape to incorrectly reflect the kit was opened on the date received. There were no blood samples in the kit. Ms. Mercer included an apology for her actions.

III. COMMISSION INVESTIGATION

A. Investigative Notice to Analyst and Interview Request

On June 12, 2020, the Commission notified Ms. Mercer the self-disclosure was accepted for investigation and requested to interview Ms. Mercer. (*See, Exhibit C*). On July 14, 2020, Ms. Mercer spoke with the Panel by teleconference. The Panel and staff reviewed the description of the incident. The Panel explained the laboratory alleged Mercer misrepresented that she opened a sexual assault kit to check for blood evidence and further revised the chain of custody documentation to make it appear as if she had opened the kit. The Panel asked Mercer to describe her perspective, and she did not disagree with any of the key facts as reported by the laboratory. Panel members inquired about Ms. Mercer's training history in evidence processing, including any training on the limitations of her job duties and training with respect to quality incidents in the laboratory. Mercer described how quality incidents are typically handled by the laboratory—an employee discovering the error immediately reports to her supervisor and the supervisor reports the error to the quality director or management as necessary. Mercer confirmed this is the normal standard of practice in the laboratory for disclosing mistakes discovered such as the unopened kit in this incident. Mercer confirmed she was aware of the standard practice and procedure at the time, and that she failed to follow the standard procedure. Mercer understood how her actions in the incident could impact the integrity of the results and the credibility of the laboratory in the criminal justice system. Mercer confirmed there are no other incidents in which she deviated from the standard of practice and failed to report the incident. Mercer described certain organizational contributing factors (systemic pressures and conditions) that were present in the circumstances of the incident that impacted her decision to cover up her mistake. She feared being reprimanded for her mistake. Mercer took responsibility for her falsification of the record in the case and appeared to regret her decision not to report the mistake. Mercer expressed concern over her future eligibility for licensure by the Commission as she planned to become a DNA Analyst and pursue a career in

forensic science. The Panel explained her license eligibility is considered at the time she applies for licensure and that the issue regarding her licensure is not before the Commission at this time.

B. Additional Inquires of Signature Science

On August 27, 2020, the Panel and Commission staff met virtually with representatives of Signature Science to discuss the details of the disclosure. Interviews were conducted separately with the following Signature Science employees involved in the incident—Laboratory Director Leslie Parke, DNA Technical Leader Jaime Haas, DNA Analyst Ashley Foster, and Evidence Technician Haylee Baca.

Generally, all four interviewees confirmed the facts reported in the disclosure—that Ms. Mercer failed to follow the standard of practice for reporting a mistake and falsified the case record to cover up her mistake.

Ms. Parke described the training Ms. Mercer received at Signature Science, including the process of supervision before being cleared to work independently. Regarding Ms. Mercer’s allegation of a toxic work environment, the lab director noted a number of previous issues with Ms. Mercer that resulted in counseling sessions and a personal improvement plan. Parke stated her believe that the incident in question was an isolated event by Ms. Mercer. She identified the root cause as an intentional act due to a lapse in judgment by Mercer, addressed by her termination.

DNA Technical Leader Haas described her discussion with Ms. Mercer about the incident. From Haas’ perspective, Ms. Mercer’s main concern seemed to be that she would be “in trouble” for not opening the sexual assault kit to check for blood. It appeared to Haas Ms. Mercer may not understood the implications of her conduct.

DNA Analyst Foster discovered the unopened kit error by Mercer and described her observations of the sexual assault kit both before and after her email to Ms. Mercer. She immediately notified her supervisors in the lab of the issue.

Evidence Technician and peer of Ms. Mercer, Haylee Baca, reported the laboratory trained its employees to notify management of errors and to seek guidance. Regarding allegations of a toxic work environment, the technician observed the job can be stressful and occasional conflicts arise, but these factors should not affect mistake recognition, reporting and appropriate corrective action.

IV. COMMISSION OBSERVATIONS AND FINDINGS

A. Basis of Commission Findings

The Panel and Commission staff reviewed and considered all documents provided by Signature Science. The Panel and Commission also considered written and oral responses submitted by Mercer and the comments provided in the Signature Science staff interviews as described in Section III. B. above. Following is a list of documents considered by the Panel:

- Self-Disclosure by Signature Science
- Mercer’s Written Letter to Commissioners
- Materials submitted by Caitlyn Mercer
- Caitlyn Mercer’s Tasks, Job Description, and Prior Performance Improvement Plan
- Interview with Caitlyn Mercer on July 14, 2020
- Interviews with Signature Science Staff on August 27, 2020

B. Assessment Regarding Professional Misconduct

“Professional Misconduct” means the forensic analyst or crime laboratory, through a material act or omission, deliberately failed to follow a standard of practice that an ordinary forensic analyst or crime laboratory would have followed, and the deliberate act or omission would substantially affect the integrity of the results of a forensic analysis. An act or omission is

deliberate if the forensic analyst or crime laboratory was aware of and consciously disregarded an accepted standard of practice.²⁵

The phrase “would substantially affect the integrity of the results of a forensic analysis” does not necessarily require that a criminal case be impacted or a report be issued to a customer in error.²⁶ The phrase includes acts 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.²⁷

In Texas, “forensic analyst” means a person who on behalf of a crime laboratory accredited under Article 38.01 §4-d, Code of Criminal Procedure, technically reviews or performs a forensic analysis or draws conclusions from or interprets a forensic analysis for a court or crime laboratory. At the time of the incident, Ms. Mercer was an evidence technician whose job duties did not require licensure as a forensic analyst.”²⁸ She was, however, an employee of the crime laboratory and thus was expected to perform her duties in accordance with the laboratory’s policies and procedures.

The Commission agrees with Signature Science that the act of making a false entry on the Chain of Custody Master Sheet and the placing of back dated evidence tape on the sexual assault kit constitutes professional misconduct, because it violates the standard of practice an ordinary forensic analyst *or crime laboratory* would have followed. In this context, Ms. Mercer was acting under the supervision and on behalf of the crime laboratory as its employee. The Commission finds the actions taken by Ms. Mercer in this incident were deliberate and could call into question the integrity of the crime laboratory as a whole. As such, while Ms. Mercer is not a licensed forensic analyst and thus the disciplinary provisions of the licensing rules do not apply to her, Signature Science’s disclosure of the incident was appropriate considering the importance of evidence

²⁵ 37 Tex. Admin. Code § 651.302 (7) (2019).

²⁶ 37 Tex. Admin. Code § 651.302 (10) (2019).

²⁷ *See, Id.*

²⁸ TEX. CODE CRIM. PROC. art. 38.01 § 4-(a)(2).

handling to the integrity of the laboratory's results. Should Ms. Mercer decide to apply for a forensic analyst license at a future date, the Commission will consider applicable mitigating and aggravating factors at that time in determining whether to grant a license and under what conditions, if any.

EXHIBIT A

INCIDENT REPORT #20200129-01

To: ADA Matt Campbell, Travis County District Attorney's Office
Detective Brian Miller, Pflugerville Police Department

From: Leslie Parke, Director

Copy: Jamie Haas, Technical Leader; Leah Allen, Unit Manager

Date: 30 January 2020

Subject: Falsification of Record for Case LSS2020-00131

Case LSS2020-00131 (agency case #17080485, DA case #2018-302951) involved a sexual assault kit that was received on 23 January 2020. On 28 January, the DNA analyst performing triage on the case noted that there was no comment on the Chain of Custody Master Sheet indicating that the Evidence Technician had opened the kit to check for liquid blood. The analyst looked at the kit to see if the kit had been opened, and it had not. Only the original evidence tape from the submitting agency was present at that time.

On 29 January, the analyst observed that the note had been added to the Chain of Custody Master Sheet and the note was dated 23 January. The analyst looked at the kit on 29 January, and new evidence tape was observed that was not there the previous day. One piece of tape was initialed and back dated as 23 January as though the kit had been opened that day.

The Director, the Supervisor, and the employee in question met to discuss these events in the presence of the Human Resources Manager. The employee admitted to the described events and was terminated immediately.

On 30 January, ADA Matt Campbell was notified by phone and this IR was provided to Mr. Campbell and to Detective Brian Miller of the Pflugerville Police Department (the submitting agency representative). Also that day, a note was added to the Chain of Custody Master Sheet to clarify the actual date that the kit was opened and checked for liquid blood.



Leslie Parke
Director, SigSci Forensic Lab

Chain-of-Custody Master Sheet

Shipment #: 20200123-02 Submitting Agency: TCDA
yyyyymmdd-xx

INITIAL RECEIPT OF PACKAGE:

Item(s)	Received from		Accepted by	
1 bag	Printed Name:	Tanya C Walling	Printed Name:	Allison Lohn
	Signature:	<i>[Signature]</i>	Signature:	<i>[Signature]</i>
	Agency/Courier:	Hugerville PD	Unit/Department:	Reception
	Date:	1/23/20	Date:	1/23/20
Tracking # (if applicable):		Condition of package(s):		
n/a		good, sealed		

RECEIPT INTO SIGSCI FORENSIC LAB:

Item(s)	Delivered by	Accepted by	Date
1 bag	Signature:	<i>[Signature]</i>	1-23-20
	Unit/Department:	Reception	
	Signature:	<i>[Signature]</i>	
	Unit/Department:	SSLIC-FL	

PACKAGE DETAILS:

SSLIC Case(s)	Item(s)
LSS2020-00131 2 ^{cm 012320}	1 SAK, 1 envelope

* SAK opened upon receipt to check the presence of liquid blood cm 012320 ⊕

⊕ upon ^{1/29/20} further clarification with CM, the SAK was opened on 1/29/20 and checked for blood - not on 1/23/20. TP 1/30/20.

EXHIBIT B

I am writing this letter in response to the allegations forwarded to the commission regarding my actions in January, 2020. It is important to establish up front that my mistake was the result of an error of judgment, and that is what I conveyed to my supervisor upon my return to work the following day. Again, I take full responsibility for my lapse in judgment. Having said that, I kindly ask that you take into consideration the context behind the episode. This is in no way designed to diminish the severity of my action, but perhaps will shed some light on a systematic flaw in a very toxic workplace environment. My hope in providing this context is to hopefully prevent a future employee from facing a similar work environment.

Before addressing specific events, I would like for you to understand the culture at Signature Science. On August 13, 2018, I began my journey at Signature Science, eager and excited to launch my Forensics career as an Evidence Technician after recently graduating with my Masters in Forensic Science from the University of Florida.

My initial impression of the work environment at Signature Science was generally positive, and the first several months were good. I felt like I demonstrated a steady learning pace, great co-workers and leadership, and received a very positive quarterly performance review. There were, however, a few co-workers that candidly warned me very early on about what they described as a "toxic work environment," which they said stemmed from "extreme favoritism" from the management to a few select employees. My initial reaction was to respond that 'every work place experiences some negatives.' Since I tend to avoid drama, I felt optimistic that I would not get dragged into it as long as I worked hard and gave my best effort. In hindsight I wish I had paid more attention to these warnings rather than dismissing them.

It wasn't until roles started changing that I became personally and negatively affected by the culture at Signature Science. The serologist resigned, causing the Evidence Manager with whom I'd been working closely to quickly finish her training and move on to a new role. At that

point my role and expectations were not made clear, in spite of my repeated requests for clarity. suddenly I found myself being chastised by the Director after being told that "all of the analysts had lost trust" in me, and that I wasn't meeting expectations. This was completely shocking to me as I had only received a very positive performance appraisal, and had not heard a single negative comment from any of the analysts themselves. Nevertheless I took this as constructive criticism, since I've always tried to live my life as if there is always room for improvement. After conveying again that I needed to be clear on what, exactly, was expected of me, the Director finally gave me a specific task list. This helped me feel much more secure in knowing what my duties and expectations were. My mission then revolved around re-gaining the trust of the analysts, even though the director decided to post pone my training.

As time passed, the Evidence Manager became significantly less involved in the evidence process, and assumed a more technical role. A new Evidence Technician

was hired, and then the case load began to increase dramatically. Through this transition I continued to stay aware of the perception of the analysts, and would approach them directly if I felt they were questioning my decision-making process. While the environment remained somewhat passive-aggressive, it felt like it was at least improving. At that point I began training again.

Around early August 2019, I received an unexpected meeting request from the Director. I immediately went into the director's office to ask if everything was okay and she said that "some of the analysts have concerns and we will discuss further in the meeting." I felt completely blindsighted. While I was aware of an occasional typographical error, I was under the impression that they had been addressed. The meeting involved the director, the technical leader and the lead in Human Resources (I have attached the concerns they had addressed in the meeting along with my given tasks). While I acknowledge that I did make a rare typographical error, it is important to note that I was not the only

employee with access or responsibility for entering data into the database. Furthermore a new Evidence Technician had just started and would frequently utilize the database as well. Even if these errors could have been correctly assigned to me, each of these accusations were either:

1. Not a task assigned to me, but one in which I assumed for the sole purpose of helping out an overworked, understaffed team (e.g. picking up packages that someone else ordered)

2. Mistakes that were already addressed and had already been given direction on handling in future instances.

The first meeting with my director I took as constructive criticism and knew I could and would improve. However I was in complete, yet respectful disagreement with the accusations made in this meeting. The decision was already determined to postpone my training once again for 60 days. I was distraught yet again determined to prove myself. I also voiced to the director at this time that I was confused about why I had not been made aware of the disconnect

between myself and the analysts. I explained to her that I am approachable and would really appreciate the analysts coming to me if they had an issue instead of feeling blindsighted again. The Director assured me that she was in full agreement, and stated that a communication problem existed and promised to speak with the analysts to ensure direct communication moving forward. In other words, the Director herself acknowledged the communication problem, which is a core part of the toxic work environment at Signature Science. Over the course of the next 60 days I met with the director weekly to check in on my progress. Each weekly check-in was very short because she confirmed I had been doing well and there were no errors to discuss. During this time we received a large shipment at an unexpected time when the other Evidence Technician was out of the office. The Director personally helped me, and observed first-hand (for the first time) how I handle evidence intake. She expressed that she was very impressed. At this point she allowed me to resume

training, following the 60-day probationary period that ended in October, 2019. My title changed to the new Acting Evidence Manager in November, 2019. My training, however, which I absolutely depended on, continued to be delayed due to lack of adequate personnel to train me. I did everything on my end but was left with no one to run my samples through.

I had been employed for almost a year and a half and as more responsibilities were added to my plate, and earning the new title as the Evidence Manager, I believed it was reasonable to ask my boss for the pay to be reflected. She declined. I asked to be approved overtime hours with a higher case load and more responsibilities. She declined. While I was disappointed, I was respectful toward her and continued to keep up my progress.

On January 28, 2020, I received an e-mail through my phone after hours. A co-worker had copied all of my supervisors (the director, the unit manager and

the technical leader) addressing mistakes on a case received January 23, 2020 that I was just becoming aware of. I went into panic mode, thinking that all of the progress I had made would be erased. As this was after-hours and I received this e-mail on my personal time, I did my best to recall events accurately. The next morning I went to double-check the case in question and realized that my recollection the prior night was in fact wrong. I was so upset with myself because no matter how high the case load was, I had never once failed to open a Sexual Assault kit upon receipt. I acknowledge that at this point I went into a complete panic mode. I felt that I had two choices, which were to let the analyst and my three supervisors know what had happened, which would erase all of the work I had done, or to reflect my initial e-mail response. In that moment of panic I chose the latter. This is a decision I will forever regret as this went against my character. I apologize for any impact this may have had on the case. I opened the kit twice that day with tape to also reflect

initial opening on the date received. There was nothing in the kit that needed to be refrigerated or frozen (no blood samples) and the paperwork was scanned and placed back in the kit per usual procedure.

If I could go back in time and admit to the mistake regardless of any repercussion, I absolutely would. I believe the outcome would have been different had the analyst approached me one-on-one, during office hours, which is something that the Director assured me would happen from the point at which she acknowledged the toxic environment (lack of communication) in the office; or even in this case, the Director's communication herself. I was in complete shock to find out that she was aware that the kit had not been opened before I knew myself and she decided not to bring it to my attention which ultimately placed me in my ethical dilemma. The environment at Signature Science is such that mistakes are not proactively brought to light and discussed, as in "how can we

ensure this doesn't happen again?" or "what resources do you need to ensure this error isn't repeated?" Again, the environment of analysts back-channeling to leadership in order to "catch" someone they do not evidently like, does not lead to an open discussion of process accuracy.

It is my sincere hope that this letter is read with the understanding that I sincerely regret how I responded to the career stress of that moment. As I mentioned previously, my performance evaluations have all been very positive, and the toxic environment that leads to mistrust and dangerous lack of transparency had been acknowledged by Signature Science leadership. I hope that this context is considered when addressing my personal failure to stand up and accept the consequences of the moment. I also hope that the environment at Signature Science changes quickly so that no other young, aspiring forensics professional faces the stress of that type of work atmosphere. I sincerely hope that I will be given another

opportunity to work in the field of forensics, and offer my heart felt apology for my action this past January.

Sincerely,

Caitlyn Mercer

[Please note that Jamie Haas has shown support, leadership and no political stance in the workplace, not only toward me but all of the department. She was also on Family Medical Leave during many of these events.]

EXHIBIT C



TEXAS FORENSIC
SCIENCE COMMISSION

Justice Through Science

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

June 26, 2020

Via Federal Express 7708 1350 0961 and e-mail to caitie.mercer@yahoo.com

Ms. Caitlyn Mercer
1300 East Riverside Dr.
APT A514
Austin, Texas 78741

Re: Forensic Science Commission Laboratory Self-Disclosure No. 20.13 Signature Science
(Forensic Biology/DNA) – Requested Action by July 28, 2020

Dear Ms. Mercer,

The Commission voted at its June 12, 2020 quarterly meeting to investigate the laboratory self-disclosure referenced above regarding an incident related to your work at Signature Science, LLC. Specifically, the Commission is investigating Signature Science's determination that you committed professional misconduct in the incident described in the enclosed materials provided by the laboratory.

Pursuant to Code of Criminal Procedure, Article 38.01 § 4, the Commission is required to investigate allegations of professional negligence or professional misconduct that would substantially affect the integrity of the results of a forensic analysis conducted by an accredited crime laboratory and issue a written report on its findings.¹ Complaints are investigated by an Investigative Panel of three or four Commissioners in preparation of a completed, written report.² The Commission appointed commissioners Dr. Jasmine Drake, Mr. Pat Johnson, and Mr. Mark Daniel to investigate the allegations of professional misconduct against you. Commission investigations may include collection and review of documents, case records, review by subject matter experts, interviews with individuals involved in the incident and other action as appropriate.³

Please be aware that the outcome of the Commission investigation may have an impact on your ability to obtain a forensic analyst or technician license in the future. On a determination by the Commission that a license holder or applicant for a license has committed professional misconduct, the Commission may (1) revoke or suspend the person's license; (2)

¹ TEX. CODE CRIM. PROC. art. 38.01 § 4(a)(3); *Id.* at § 4(b).

² [Tex. Admin. Code § 651.304.](#)

³ [Tex. Admin. Code § 651.307.](#)

refuse to renew the person's license; (3) reprimand the license holder; (4) deny the person a license; or (5) place the license holder on a probationary period.⁴

The investigative panel requests an opportunity to interview you with respect to the events and circumstances described in the enclosed self-disclosure. The Commission has received your April 7, 2020 "Written Letter to Commissioners" and attached supporting materials. We welcome any further written response either in addition to or in lieu of an interview with you. The Commission strongly encourages your input, particularly if you disagree with the professional misconduct finding by Signature Science. Absent other information, the Commission may accept the misconduct finding by Signature Science which could result in the denial of your forensic analyst or technician license should you choose to apply. If you wish to respond in writing or otherwise, the Commission requests your response by **July 28, 2020**.

The Commission's investigative process may take several months to complete. A final written report will be published on the Commission's website at www.fsc.texas.gov concluding the investigation. Final investigative reports by the Commission issued pursuant to the Commission's investigative authority under Code of Criminal Procedure, Article 38.01 §4(b) that concern an individual not licensed by the Commission are governed by Chapter 2001, Government Code.⁵ A written request for a hearing before the State Office of Administrative Hearings must be received by the Commission within thirty (30) days of the date you receive notice of the Commission's final investigative report, or the right to a hearing is waived and the final investigative report by the Commission stands.

To schedule an interview, you may reach me directly by telephone at (512) 936-0661 or via email at leigh@fsc.texas.gov. You may submit written responses to me electronically or via regular mail to the address on this letterhead. You may also address the investigative panel personally if you wish. If you would like to speak to panel members, please let me know so I can provide you with meeting details and information to facilitate your appearance.

Sincerely,
Leigh M. Savage
Leigh M. Savage
Associate General Counsel

encl.

⁴ [Tex. Admin. Code § 651.216](#).

⁵ Tex. Gov't Code Ch. 2001.

INCIDENT REPORT #20200129-01

To: ADA Matt Campbell, Travis County District Attorney's Office
Detective Brian Miller, Pflugerville Police Department

From: Leslie Parke, Director

Copy: Jamie Haas, Technical Leader; Leah Allen, Unit Manager

Date: 30 January 2020


Subject: Falsification of Record for Case LSS2020-00131

Case LSS2020-00131 (agency case #17080485, DA case #2018-302951) involved a sexual assault kit that was received on 23 January 2020. On 28 January, the DNA analyst performing triage on the case noted that there was no comment on the Chain of Custody Master Sheet indicating that the Evidence Technician had opened the kit to check for liquid blood. The analyst looked at the kit to see if the kit had been opened, and it had not. Only the original evidence tape from the submitting agency was present at that time.

On 29 January, the analyst observed that the note had been added to the Chain of Custody Master Sheet and the note was dated 23 January. The analyst looked at the kit on 29 January, and new evidence tape was observed that was not there the previous day. One piece of tape was initialed and back dated as 23 January as though the kit had been opened that day.

The Director, the Supervisor, and the employee in question met to discuss these events in the presence of the Human Resources Manager. The employee admitted to the described events and was terminated immediately.

On 30 January, ADA Matt Campbell was notified by phone and this IR was provided to Mr. Campbell and to Detective Brian Miller of the Pflugerville Police Department (the submitting agency representative). Also that day, a note was added to the Chain of Custody Master Sheet to clarify the actual date that the kit was opened and checked for liquid blood.



Leslie Parke
Director, SigSci Forensic Lab

Chain-of-Custody Master Sheet

Shipment #: 20200123-02 Submitting Agency: TCDA
yyyyymmdd-xx

INITIAL RECEIPT OF PACKAGE:

Item(s)	Received from		Accepted by	
1 bag	Printed Name: Tanya C Walling		Printed Name: Allison Lohn	
	Signature: <i>[Signature]</i>		Signature: <i>[Signature]</i>	
	Agency/Courier: Hugerville PD	Date: 11/23/20	Unit/Department: Reception	Date: 11/23/20
Tracking # (if applicable): n/a		Condition of package(s): good, sealed		

RECEIPT INTO SIGSCI FORENSIC LAB:

Item(s)	Delivered by	Accepted by	Date
1 bag	Signature: <i>[Signature]</i>	Signature: <i>[Signature]</i>	1-23-20
	Unit/Department: Reception	Unit/Department: SSLLC-FL	

PACKAGE DETAILS:

SSLLC Case(s)	Item(s)
LSS2020-00131 2 ^{cm 012320}	1 SAK, 1 envelope

* SAK opened upon receipt to check the presence of liquid blood cm 012320 ⊕

⊕ upon ^{11/30/20} further clarification with CM, the SAK was opened on 1/29/20 and checked for blood - not on 1/23/20. TP 1/30/20.