



OIG Finds No Fault with CSU Director, HFSC Reinstates Director to Full Duty

December 9, 2016

FOR IMMEDIATE RELEASE

The Houston Forensic Science Center has reinstated to full duty the director of its Crime Scene Unit. The move came after the City of Houston's Office of Inspector General (OIG) found no fault with the director, who had been accused of sexually harassing a Crime Scene Investigator (CSI) on the scene and arriving there intoxicated.

"We have full confidence in the director of our Crime Scene Unit, whose experience and knowledge benefit HFSC and the citizens of Houston," said Dr. Peter Stout, HFSC's COO and vice president.

"However, this incident has provided us an opportunity to review our policies to ensure they guarantee the safety and security of our staff, the community and the investigations in which we participate," Stout said.

The OIG opened its investigation in July after an allegation that the director of the unit had violated HFSC's Workplace and Discrimination Policy by placing gloves in the pocket of a CSI at the scene of an investigation. The OIG ruled the allegation unfounded, noting the CSI admitted the director had not touched her inappropriately and that she had not been offended by his action.

At the same investigation, another staff member alleged the director smelled like alcohol. However, no other witness could support that allegation, and one person said they smelled only hand sanitizer. Another witness from the scene said the director looked fine, did not stumble or slur his words and appeared to be "fine to drive." As such, the OIG could not sustain the allegation.

However, the OIG has made three recommendations, which HFSC plans to adopt.

- 1) Amend the Drug Free Workplace Policy to clarify a timeframe between alcohol consumption and returning to work duty.
- 2) Draft a policy that would bar CSIs from bringing “tagalongs” to crime scenes. In this case, the person who accompanied the director is an HFSC staff member and a former crime scene investigator. However, he is not currently an HFSC crime scene investigator.
- 3) Consider a staffing model that provides a backup for any position that must attend specific events, such as officer-involved shooting scenes.

HFSC is currently reviewing and amending its policies.

HFSC is a local government corporation that provides forensic services to the City of Houston and other local agencies. HFSC is overseen by a Board of Directors appointed by the Mayor of Houston and confirmed by the Houston City Council. Its management structure is designed to be responsive to a 2009 recommendation by the National Academy of Sciences that called for crime laboratories to be independent of law enforcement and prosecutorial branches of government.

HFSC operates in eight forensic disciplines.

CONTACT INFORMATION:

Ramit Plushnick-Masti

Director of Communications/PIO

media@houstonforensicscience.org

<http://www.houstonforensicscience.org/>

713-929-6768 (office)

713-703-4898 (cell)

Follow us on Facebook <http://on.fb.me/1x1zap2>

Follow us on Twitter <https://twitter.com/HoustonForensic>

FINDINGS & RECOMMENDATIONS

Houston Forensic Science Center (HFSC) referred to OIG an allegation that Respondent (R#1) and Respondent (R#2) arrived intoxicated at a crime scene in violation of HFSC's Administrative Policy on Drug Free Workplace and also asked whether R#1 violated HFSC's policy against work place discrimination and harassment by placing gloves in the pocket of CSI.

HFSC Workplace Discrimination and Harassment Policy

CSI# I: (1) admits he touched no private areas; (2) did not think he was coming on to her sexually; and (3) was not offended. CSI#1 stated she just mentioned the gloves as "out of character" and part of the context of concern over whether or not he may have been intoxicated. Therefore, OIG finds unfounded HFSC's concern that R#1's return of the gloves to her pocket violated HFSC's Workplace and Discrimination and Harassment Policy.

HFSC Administrative Policy on Drug Free Workplace

R# I and R#2 state that after work they went to a pizza place and each had two beers between at most 6:00 p.m. and 10:00 p.m. OIG confirmed by the credit card statement the purchase of one pizza and four beers from Romano's Flying Pizza on July 8, 2016. CSI#1 described R#1 as smelling of "hand sanitizer." CSI#2, the only witness who stated R#1 smelled like alcohol at 1:30 a.m., did not: (1) confront R#1 or ask R#1 to exit the scene; (2) notify any of the additional police officers at the scene; or (3) otherwise take action at the scene. Both CSI#2 and CSI#1 admitted R#1 looked "fine," did not stumble, and did not slur his words. CSI#1 stated she thought R#1 was "fine to drive," but should not have taken a chance on arriving at the scene if he had had any alcohol. CSI#1 also stated that after returning to the office after completion of the scene, she told others about CSI#2's concern about alcohol and they may have understood her to have smelled it also. However, she remained firm that the only thing she smelled was the hand sanitizer.

OIG contacted witnesses who had contact with Respondents that night and none reported the smell of alcohol.

While both CSI#2 and CSI#1 stated R#1 acted out of character by standing within their personal space, speaking close, and CSI#1 reported he put gloves in her pocket, both admitted their experience with R#1 at a scene was extremely limited. CSI#1 had only worked a single other crime scene with him and CSI#2 stated he had never worked with him before that night.

These facts make it impossible to tell whether either R#1 or R#2 was impaired or over the legal limit for alcohol at the scene. Therefore, while OIG does not sustain the allegation that R#1 or R#2 was intoxicated or over the legal limit at the scene, OIG recommends that HFSC amend its

Drug Free Workplace policy to clarify its expectations about the amount of time that must pass after consumption of alcohol before an investigator is eligible to return to work. OIG also recommends HFSC consider a policy to exclude tagalongs like R#2. Finally, OIG recommends that HFSC consider a staffing model that provides a back-up for any position that must attend a specific event, such as an officer-involved shooting, to assure coverage when the primary is unavailable for any reason, including because he may have consumed alcohol.

Robin E. Curtis, Inspector General
Office of Inspector General