

# Sampling for Evidence

Presented at the HGAC  
Environmental Sampling  
Workshop

July 14, 2005

Roger A. Haseman  
Assistant District Attorney  
Harris County, Texas

# DOs and DON'Ts, mainly DOs

- Take samples as if case will go to trial
- Dress in protective gear (gloves)
  - Not so much for safety, but for photos to be used in front of jury to show contamination/harm

# Sampling Plan

- Document extensively
  - Offense Report
  - Sample Containers
  - Photographs (flags to mark location of sample)
  - Scene Diagrams (location of sample, distance from landmarks, distance between samples)
  - Charts
  - Etc.

# Sampling Protocol

- Chain of Custody (Properly label samples)
- Ice Samples
- Do not exceed hold times
- Keep samples secure/locked while in possession (document in O/R)
- Have Lab sign for samples (name/date/time)
- Use secure Lab (avoids issues at trial)

# Sampling Protocol

- Use proper methods/guidelines
- Take multiple samples, if possible
  - The more the better
  - Sample contaminated areas and migration path
  - Take a background sample
  - Sample the source (waste stream)
  - Sample waste storage area
  - Look for Accumulation Start Drum (if hazardous waste case)

# Sampling Protocol????

- If necessary, take sample in whatever container available
- Take at least one sample of pure waste/pollutant/contaminant, if possible
- Split samples (If so, document )

# Documentation

- Create a sample diagram
- Fill out sample ticket for each sample
  - Have to know how much sample to take (Lab has to have sufficient quantity to run test, but if too much, lab has to store and/or dispose)
  - Have to know what test(s) to tell lab to run
- Photograph sample jar on ground at location where sample taken

# Trial Testimony/Preparation

- Bring clean sample jars to court
- Bring clean copy of offense report to court  
(take to witness stand)



# Handouts

- Sample questions from a scenario
  - Plating Company, Tanker truck
- Direct Examination/Cross Examination
  - Team Leader
  - Investigator

# Handouts

- Predicate Questions
  - Photographs
  - Diagrams
  - Charts
- City of Houston Lab sheets