

Corrective Action Response Biological Specimen Storage

Date of Incident: Identified September 14, 2022.

Date of Corrective Action: September 16, 2022 – October 26, 2022

Description of Corrective Action(s) Taken:

1. The LOG-25 Evidence Control standard operating procedure (SOP) has been revised to the following:
 - a. After analysis, evidence shall be stored in a refrigerator for a minimum of one year. Afterwards, it may be stored in a room-temperature location, or in a temperature controlled environment for cases requiring a longer retention.
 - b. The following cases shall be kept two years in a refrigerator, followed by three years in a temperature controlled environment, before being transferred to a room-temperature location. Best practice would be to keep evidence for two years in a refrigerator and then three years in a freezer before being placed in a room-temperature location; however, evidence may be kept in a refrigerator instead of a freezer for the three year period:
 - i. Intoxication Manslaughter
 - ii. Intoxication Assault
 - iii. DWI 3rd or more
 - iv. DWI with Child Passenger
 - v. Boat Intoxication
 - c. All other cases shall be refrigerated approximately one year after the date of analysis before being transferred to a room-temperature location.
2. All Laboratory personnel acknowledged the changes to LOG-25 Evidence Control through PowerDMS.
3. Biological evidence, with the exception of those in the freezers which could be stored at room temperature, was moved to the appropriate location based on the revised LOG-25 Evidence Control SOP.
4. Evidence was consolidated in each location and attempted to be placed in numerical order.
5. In an attempt to free up more space, the last Friday of every month will be aimed towards completing destructions.
6. The Toxicologist has the current responsibility of notifying other laboratory personnel when refrigerator and freezer space becomes an issues.

Laboratory Number(s) (if applicable): See attached spreadsheet for further information. DPS Houston (DPS) and Quality Forensics Toxicology (QFT) are contracted laboratories the Brazoria County Crime Laboratory (BCCL) is using to outsource blood drug and blood

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alcohol analysis. DPS tests for blood alcohol only while QFT may test for blood alcohol and/or blood drugs. Shipments sent to QFT have more than likely been previously analyzed by BCCL, whether analysis remains in Draft Complete (DC) or a final report issued.

I. There were 84 cases in which analysis, neither blood alcohol nor blood drug, never occurred at BCCL prior to the evidence being stored to a freezer:

BCCL-21-1123	BCCL-21-1413	BCCL-21-1670	BCCL-21-1831
BCCL-21-1146	BCCL-21-1457	BCCL-21-1681	BCCL-21-1832
BCCL-21-1156	BCCL-21-1458	BCCL-21-1695	BCCL-21-1833
BCCL-21-1159	BCCL-21-1460	BCCL-21-1717	BCCL-21-1834
BCCL-21-1161	BCCL-21-1491	BCCL-21-1767	BCCL-21-1835
BCCL-21-1216	BCCL-21-1492	BCCL-21-1768	BCCL-21-1836
BCCL-21-1279	BCCL-21-1507	BCCL-21-1780	BCCL-21-1840
BCCL-21-1280	BCCL-21-1515	BCCL-21-1781	BCCL-21-1843
BCCL-21-1312	BCCL-21-1517	BCCL-21-1787	BCCL-21-1855
BCCL-21-1313	BCCL-21-1519	BCCL-21-1789	BCCL-21-1859
BCCL-21-1319	BCCL-21-1527	BCCL-21-1790	BCCL-21-1870
BCCL-21-1320	BCCL-21-1528	BCCL-21-1791	BCCL-21-1878
BCCL-21-1321	BCCL-21-1529	BCCL-21-1793	BCCL-21-1879
BCCL-21-1322	BCCL-21-1536	BCCL-21-1803	BCCL-21-1880
BCCL-21-1340	BCCL-21-1549	BCCL-21-1804	BCCL-21-2276
BCCL-21-1341	BCCL-21-1551	BCCL-21-1810	BCCL-21-2277
BCCL-21-1360	BCCL-21-1552	BCCL-21-1814	BCCL-21-2284
BCCL-21-1387	BCCL-21-1571	BCCL-21-1815	BCCL-21-2295
BCCL-21-1410	BCCL-21-1603	BCCL-21-1820	BCCL-21-2296
BCCL-21-1411	BCCL-21-1664	BCCL-21-1829	BCCL-21-2315
BCCL-21-1412	BCCL-21-1668	BCCL-21-1830	BCCL-21-2349

a. Of these, 22 cases were sent to DPS in which BCCL did not perform analysis:

i. The following 15 cases were analyzed by DPS after being stored in a freezer:

BCCL-21-1216	BCCL-21-1507	BCCL-21-1859
BCCL-21-1279	BCCL-21-1603	BCCL-21-1878
BCCL-21-1280	BCCL-21-1810	BCCL-21-2277
BCCL-21-1319	BCCL-21-1820	BCCL-21-2284
BCCL-21-1340	BCCL-21-1832	BCCL-21-2349

ii. The following 7 cases were analyzed by DPS and placed in a freezer after return from analysis:

BCCL-21-1322	BCCL-21-1529	BCCL-21-1781
BCCL-21-1411	BCCL-21-1664	BCCL-21-1790

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BCCL-21-1880

- b. Of these, six cases were sent to QFT in which BCCL did not perform analysis:
 - i. The following three cases were analyzed by QFT after being stored in a freezer:
BCCL-21-1804 BCCL-21-1834 BCCL-21-1855
 - ii. The following three cases were analyzed by QFT and placed in a freezer after return from analysis:
BCCL-21-1668 BCCL-21-1681 BCCL-21-1695

II. There were 94 BCCL cases in which analysis, blood alcohol and/or blood drug, had started prior to the evidence being moved to a freezer and, if completed, had not passed the required refrigeration time.

- a. The following case was administratively reviewed and a BCCL report issued for blood drug analysis: BCCL-20-1098.
- b. The following 52 cases were administratively reviewed and a BCCL report issued for blood alcohol analysis:

BCCL-21-1116	BCCL-21-1365	BCCL-21-1594
BCCL-21-1124	BCCL-21-1374	BCCL-21-1600
BCCL-21-1158	BCCL-21-1375	BCCL-21-1602
BCCL-21-1160	BCCL-21-1386	BCCL-21-1617
BCCL-21-1162	BCCL-21-1393	BCCL-21-1618
BCCL-21-1224	BCCL-21-1416	BCCL-21-1619
BCCL-21-1225	BCCL-21-1442	BCCL-21-1620
BCCL-21-1226	BCCL-21-1444	BCCL-21-1632
BCCL-21-1237	BCCL-21-1449	BCCL-21-1633
BCCL-21-1246	BCCL-21-1485	BCCL-21-1645
BCCL-21-1261	BCCL-21-1488	BCCL-21-1648
BCCL-21-1262	BCCL-21-1518	BCCL-21-1649
BCCL-21-1314	BCCL-21-1550	BCCL-21-1661
BCCL-21-1315	BCCL-21-1553	BCCL-21-1667
BCCL-21-1316	BCCL-21-1556	BCCL-21-1669
BCCL-21-1317	BCCL-21-1572	BCCL-21-1677
BCCL-21-1331	BCCL-21-1574	
BCCL-21-1342	BCCL-21-1591	

- c. The following two cases were analyzed by QFT after being stored in a freezer. A BCCL report was previously issued for blood alcohol analysis:
BCCL-21-1245 BCCL-21-1290
- d. The following two cases were analyzed by QFT after being stored in a freezer. A BCCL blood alcohol request remains in DC:

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- BCCL-21-1294 BCCL-21-1856
- e. The following two cases were analyzed by QFT after being stored in a freezer. A BCCL report was previously issued for blood alcohol analysis and a BCCL blood drug request remains in DC:
- BCCL-21-1400 BCCL-21-1472
- f. The following two cases were analyzed by QFT after being stored in a freezer. BCCL blood alcohol and blood drug requests remain in DC:
- BCCL-21-1459 BCCL-21-1871
- g. The following two cases were analyzed by QFT and placed in a freezer after return from analysis. A BCCL blood alcohol report was previously issued and a Toxicology request remain in DC :
- BCCL-21-1537 BCCL-21-1540
- h. The following five blood alcohol requests remain in DC:
- BCCL-21-1676 BCCL-21-1685 BCCL-21-1694
 BCCL-21-1678 BCCL-21-1692
- i. The following 14 blood drug requests remain in DC:
- BCCL-21-1131 BCCL-21-1293 BCCL-21-1662
 BCCL-21-1135 BCCL-21-1318 BCCL-21-1722
 BCCL-21-1155 BCCL-21-1426 BCCL-21-1805
 BCCL-21-1223 BCCL-21-1535 BCCL-21-1828
 BCCL-21-1227 BCCL-21-1573
- j. The following case has both blood alcohol and blood drug requests that remain in DC: BCCL-21-1693.
- k. The following 11 cases were previously issued a BCCL blood alcohol report and a blood drug request remains in DC:
- BCCL-21-1119 BCCL-21-1298 BCCL-21-1500
 BCCL-21-1147 BCCL-21-1330 BCCL-21-1684
 BCCL-21-1174 BCCL-21-1361 BCCL-21-1792
 BCCL-21-1202 BCCL-21-1394

Comment(s): While the standard operating procedure was not followed, freezing samples prior to analysis does not harm the sample – it further preserves it. The only deterrent to placing samples in a freezer is that the blood vial(s) may break when brought to room temperature for analysis. Upon speaking with the Toxicologist, who prepares the outgoing samples, no evidence was lost due to freezing the evidence prematurely.

Date of Resolution: October 26, 2022

Corrective Action Response
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Summer Swaino
Evidence Technician

11.1.22
Date

A. Ashe
Applicable Analyst / Discipline

10-31-22
Date

Am. Watters
Lab Quality Manager

01 Nov. 2022
Date

Derek Sloan
Laboratory Director

30 Oct 2021
Date