

## Deviation from Documented Procedures Form

**Date of Deviation:** 06/23/2022 – 07/25/2022

**Type of Deviation:**

Procedural. Quality Forensics Toxicology Draft Complete Outsourcing Part 3.1

**Describe the Deviation:** Since April of 2021, there has not been a second Toxicologist employed by the BCSO Crime Laboratory. Jefferson County Regional Crime Laboratory was contracted for the technical and administrative review of blood alcohol analysis. In response to the corrective action identified November 14, 2021, regarding the blood alcohol sample variation being outside the 10% threshold, blood alcohol analysis halted and the identified cases in draft complete were withdrawn from review. Further investigation led to the voluntary withdrawal of Toxicological services from our scope of accreditation effective March 2, 2022. At the time of withdrawal, there were still cases in Draft Complete, as well as past cases identified related to the sample variation incident in which reanalysis needed to occur. These cases will be sent for reanalysis by an outside laboratory. We have found an outside laboratory, Quality Forensics Toxicology Laboratory in San Antonio, Texas, willing to test our biological evidence, both unanalyzed and previously analyzed. Our Toxicologist prepares the samples by filling out the Quality Forensics submission form, ensuring there is sufficient sample for analysis, and moving the evidence to the overflow refrigerator. Samples are prepared and shipped via FedEx. Any BCSO Crime Laboratory findings, in conjunction with the final report issued by the outside laboratory, will be available in each case file.

### LOG-25-03 Evidence Control

*“3.4.1 A technical review shall be performed by any authorized Laboratory employee with proper knowledge of the discipline to ensure all critical findings are accurate.*

*3.4.2 The technical reviewer shall not be the analyst who performed testing on the evidence.*

*3.4.6 All BCCL cases in each discipline shall be technically reviewed.*

*3.5.1 An administrative review should be completed by any authorized Laboratory employee with the proper knowledge of the discipline.*

*3.5.2 The administrative reviewer shall not review his/her own report. It is recommended that the technical reviewer also perform the administrative review.*

*3.5.6 All cases shall be administratively reviewed prior to report distribution.*

*3.6.3 If an outside Laboratory needs to be contacted, it shall be treated as a subcontractor.”*

### TOX-C-01-06 Analysis of Ethanol in Biological Specimens (Archived)

*“8.2.1 Individual case sample results from the triplicate injections shall agree within 10% of each other.*

*8.2.2 This 10% variation will be calculated using the highest and lowest results from a single column, truncated to no less than three decimal places and the following equation:  $[(\text{High value} - \text{Low value}) / \text{Low value}] \times 100$*

*8.3.1 If two of the three samples do not meet the above specifications, the sample preparation and analysis shall be repeated once.”*

**Reason for Deviation:** The Crime Laboratory has withdrawn its scope of accreditation in Toxicology. The cases related to the incident which led to the scope withdrawal and the

### Quality Forensics Toxicology Draft Complete Outsourcing Part 3.1

cases that were awaiting review at the time of withdrawal need to be reanalyzed by an outside laboratory.


**Laboratory Number(s) (if applicable):** BCCL-19-2089

The following case was previously analyzed for blood alcohol with an issued report. However, this case was sent for reanalysis due to being one of the cases identified outside the 10% threshold in the blood alcohol self-disclosure to the Texas Forensic Science Commission and ANAB. This case was the last of the third batch sent June 9, 2022.

#### Brazoria County Sheriff's Office Crime Laboratory

  
\_\_\_\_\_  
Evidence Technician

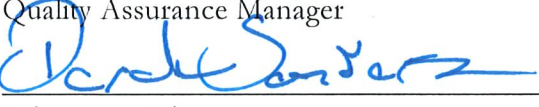
7.26.22  
Date

  
\_\_\_\_\_  
Toxicologist

7-26-22  
Date

  
\_\_\_\_\_  
Quality Assurance Manager

26 July 2022  
Date

  
\_\_\_\_\_  
Laboratory Director

26 July 2022  
Date