

Deviation from Documented Procedures Form

Amended Deviation:

This is an amended deviation to the original Quality Forensics Toxicology Draft Complete Outsourcing Part 3 deviation dated 06/23/2022 to 07/01/2022 and signed 07/15/2022. This document reflects a correction to the name and identity of the first cited standard operating procedure. Changes made to LOG-11 Case Review that took effect June 20, 2022, are also reflected – the standard numbered 3.4.6 changed to 3.4.5, the standard 3.5.1 changed to allow any authorized laboratory personnel to be able to complete administrative review, and the standard 3.5.2 changed to remove the recommendation that the technical reviewer also perform the administrative review.

Date of Deviation: 06/23/2022 – 07/01/2022

Type of Deviation:

Procedural. Quality Forensics Toxicology Draft Complete Outsourcing Part 3

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being outside the 10% threshold, blood alcohol analysis halted and the identified cases in draft complete were withdrawn from review.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-11-04 Case Review

“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.

3.4.5 All BCCL cases in each discipline shall be technically reviewed.

3.5.1 An administrative review may be completed by any authorized Laboratory employee.

3.5.2 The administrative reviewer shall not review his/her own report.

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)

Quality Forensics Toxicology Draft Complete Outsourcing Part 3

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

Laboratory Number(s) (if applicable):

The following cases were previously analyzed for blood alcohol with an issued report. However, these cases were sent for reanalysis due to identification of being outside the 10% threshold in the blood alcohol self-disclosure to the Texas Forensic Science Commission and ANAB.

BCCL-19-1763

BCCL-20-1371

BCCL-20-1819

BCCL-20-1013

BCCL-20-1545

BCCL-21-0172

†We are currently still waiting for the report for BCCL-19-2089 from this batch.


The following cases were previously analyzed for blood alcohol and contracted for review. However, the reviewers were not able to review these cases to completion based on our protocols prior to our scope withdrawal. A BCCL Draft Complete report was issued:

BCCL-21-1245

BCCL-21-1290

BCCL-21-1856

Brazoria County Sheriff's Office Crime Laboratory



Evidence Technician

8.12.22
Date




Toxicologist

8/12/22
Date



Quality Assurance Manager

12 Aug. 2022
Date



Laboratory Director

15 Aug 2022
Date