

Quality Forensics Toxicology Outsourcing Part 8 Deviation from Documented Procedures Form

Date of Deviation: 08/17/2022 – 09/22/2022

Type of Deviation: Procedural. Quality Forensics Toxicology Outsourcing Part 8

Describe the Deviation: Since April of 2021, there has not been a second Toxicologist employed by the BCSO Crime Laboratory. Therefore, there was no analyst available for technical and administrative review of blood drug analysis. The current toxicologist ceased performing analysis, with the exception of urine specimens, after 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. BCSO Crime Laboratory could not find an outside laboratory willing to only technical and administratively review cases. All draft complete biological specimens will be sent for reanalysis by an outside laboratory. Since accreditation withdrawal, the laboratory has still been accepting biological specimens. 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. Upon completion of analysis, a report is emailed to both the BCSO Crime Laboratory and a contact at the District Attorney's office. 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.*

Reason for Deviation: The Toxicology department is understaffed, and the Laboratory was unable to find a subcontractor to review casework. The BCSO Crime Laboratory has voluntarily suspended operations and withdrawn our scope of accreditation pertaining to Toxicology, both blood alcohol and blood drug, while we develop new methods. We are still currently accepting biological evidence but not testing at this time. According to the *Texas Administrative Code Title 37 Part 15 Chapter 651 Subchapter A*, accreditation is required of analysis that involves use in a criminal proceeding. Evidence is typically submitted with an offense listed. The BCSO Crime Laboratory could no longer produce reports viable for criminal proceedings.

Quality Forensics Toxicology Outsourcing Part 8

Laboratory Number(s) (if applicable):

The following cases were previously analyzed for blood alcohol or blood drug and a BCCL Draft Complete report issued in conjunction with the Quality Forensics Toxicology report:

BCCL-21-0612 BCCL-21-1691

The following cases was analyzed for blood alcohol only:

BCCL-21-1691 BCCL-22-0002

The following were analyzed for blood drug only:

BCCL-21-0612 BCCL-21-2340 BCCL-22-1007
BCCL-21-0808 BCCL-22-0403 BCCL-22-1107

The following cases were analyzed for both blood alcohol and blood drug:

BCCL-21-1786 BCCL-21-2330
BCCL-21-2138 BCCL-22-0944

Brazoria County Sheriff's Office Crime Laboratory

Summer Swango
Evidence Technician

9.26.22
Date

A. J. Wylie
Toxicologist

9.26.22
Date

Ann White
Quality Assurance Manager

26 Sept. 2022
Date

Debra Stess
Laboratory Director

26 Sept 2022
Date