

## Deviation from Documented Procedures Form Texas DPS Crime Laboratory Houston Blood Alcohol Submissions

**Dates of Deviation:** 08/29/2023 – 09/29/2023

**Type of Deviation:** DPS Crime Laboratory Blood Alcohol Outsourcing Part 31

**Describe the Deviation:**

The Texas Department of Public Safety (DPS) Crime Laboratory Houston offered to test our blood alcohol samples after the BCSO Crime Laboratory withdrew our scope of accreditation with ANAB. Thirty or less samples are selected at a time. This batch includes 19 samples. Laboratory staff prepare the samples by filling out the DPS Crime Laboratory submission form, ensuring there is sufficient sample for analysis, and moving the evidence to the overflow refrigerator. Investigators from the District Attorney's office are then picking up samples from the laboratory to submit to the DPS Crime Laboratory. Upon completion of analysis, a report is sent to the BCSO Crime Laboratory email and a contact at the District Attorney's office. If there are more cases to be submitted, the cycle repeats and the investigator picks up the previous set of samples, if available, upon submission of the next. A copy of the report from DPS Crime Laboratory Houston, this deviation, and a letter from the BCSO Crime Laboratory Director will be included in every case file.

**Reason for Deviation:**

The BCSO Crime Laboratory has voluntarily suspended operations and withdrawn our scope of accreditation pertaining to Toxicology, both blood alcohol and blood drug, while we develop new methods.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.

**Laboratory Number(s) (if applicable):**

BCCL-23-0369	BCCL-23-1203	BCCL-23-1292
BCCL-23-0710	BCCL-23-1262	BCCL-23-1301
BCCL-23-0878	BCCL-23-1265	BCCL-23-1314
BCCL-23-1101	BCCL-23-1266	BCCL-23-1371
BCCL-23-1130	BCCL-23-1280	BCCL-23-1379
BCCL-23-1175	BCCL-23-1290	
BCCL-23-1197	BCCL-23-1291	

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

  
Evidence Technician

11.29.23  
Date

Approval Date: October 26, 2021  
Effective Date: October 26, 2021

Issuing Authority: Upper Management  
Authorized for Distribution by Laboratory Director

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DPS Crime Laboratory Blood Alcohol Outsourcing Part 31

Melina Henny  
Toxicologist

11/29/2023  
Date

Kayla M. Bayler  
Toxicologist

11/29/2023  
Date

Airi Winters  
Quality Assurance Manager

20 Nov. 2023  
Date

Josh Wilson  
Laboratory Director

29 Nov 2023  
Date