

**Texas Forensic Science Commission
Minutes from January 23, 2015 Meeting in Austin, Texas**

The Texas Forensic Science Commission met at 9:00 a.m. on Friday, January 23, 2015, at the Omni Austin Southpark, 4140 Governor's Row, Austin, Texas 78744.

Members of the Commission were present as follows:

Members Present: Alpert, Peerwani, Barnard, Eisenberg, Mozayani, Hughes-Stamm, Lerma, Di Maio, Kessler

Members Absent: None

Staff Present: Lynn Garcia, FSC General Counsel
Leigh Tomlin, Commission Coordinator

Introduction of Dr. Sheree Hughes-Stamm, newly appointed Commissioner from Sam Houston State University.

Review and adopt minutes from October 7, 2014 quarterly meeting.

MOTION AND VOTE: *Lerma moved to adopt the meeting minutes draft. Peerwani seconded the motion. The FSC unanimously adopted the draft.*

Office administrative update.

Staff discussed the remaining FY2015 budget categories, developments in database management, an upgrade for the office copy machine, hiring additional administrative staff, and publication of the annual report.

MOTION AND VOTE: *Lerma moved to approve the FY2015 budget as currently set forth in the meeting materials for this meeting. Alpert seconded the motion. The FSC unanimously adopted the motion.*

Discuss and consider recommendations from Complaint Screening Committee concerning pending complaints and self-disclosures.

1. #14-16 HPD/HFSC - Lentz (DNA)

MOTION AND VOTE: *After discussion regarding the nonconformance and corrective action taken by the laboratory, Kessler moved to dismiss the complaint and notify the laboratory no further action is necessary, with the understanding the laboratory will continue to follow through on corrective actions as described and honor any re-testing requests. Mozayani seconded the motion. The FSC unanimously adopted the motion.*

2. #14-21 Department of Public Safety – El Paso (Controlled Substance)

MOTION AND VOTE: *After deliberation including a presentation by DPS on the nonconformance and related corrective action taken, Eisenberg moved to dismiss the complaint and notify the laboratory no further action is necessary at this time. Commissioners requested a copy of any information submitted to ASCLD/LAB regarding the matter. Mozayani seconded the motion. The FSC unanimously adopted the motion.*

3. #14-22 Bowman NMS (Toxicology)

MOTION AND VOTE: *After discussion regarding the main elements of the complaint including the interaction between the autopsy results and toxicology performed, Lerma moved to table the complaint until the Commission's April 2015 meeting pending Dr. Barnard's review of a response received from the laboratory. Peerwani seconded the motion. The FSC unanimously adopted the motion.*

4. #15-01 Dean – Orchid Cellmark Laboratories (DNA Testing)

MOTION AND VOTE: *Barnard moved to dismiss the complaint, because the complaint contains no allegation of negligence or misconduct related to a forensic analysis and to send a letter to the complainant directing him to the various innocence clinics in Texas. Alpert seconded the motion. The FSC unanimously adopted the motion.*

Update on arson case review and implementation of recommendations.

Nick Vilbas (Executive Director of the Innocence Project of Texas) provided an update on the ongoing arson case review.

Collin County Fire & Arson Investigation Association – Fire Death Investigations/Post Blast: “Positive Identification of Burned Remains: Resources for Investigators” – program feedback and resources necessary for 2015 program.

MOTION AND VOTE: *After extensive discussion with Steve Seddig, the program sponsor, Lerma moved to approve \$10,0000 to fund the fire death investigation development hosted by CCF&AIA, contingent upon the approval of a written proposal and budget from the agency which will be reviewed by Di Maio and Peerwani before funds are released. Peerwani seconded the motion. The FSC unanimously adopted the motion.*

Update from Hair Microscopy Panel.

Garcia, Lind and Vilbas provided an update to the Commission regarding the status of the hair microscopy review and the panel's request for a change to the review process flow chart to eliminate the "significance" analysis by the Innocence Project of Texas.

MOTION AND VOTE: *After discussion, Alpert moved to approve a revised flow chart drafted by the Hair Microscopy Review Team. Eisenberg seconded the motion. The FSC unanimously adopted the motion.*

MOTION AND VOTE: *Peerwani moved to appoint Eisenberg Chair of the FSC's Hair Microscopy Panel. Alpert seconded the motion. The FSC unanimously adopted the motion.*

Update on Texas Department of Public Safety ("DPS") Houston regional crime laboratory self-disclosure #12-06, including latest re-test results from DPS.

Garcia provided an update from the DPS Houston regional crime laboratory's latest re-testing results provided by the laboratory. No additional nonconformances were identified during the last quarterly period.

Update from Blazek (SWIFS - Firearms/Tool Marks) #14-08 investigative panel.

Panel members reported they contracted for the services of firearms/tool marks expert John Murdock to assist in the investigation and are awaiting his findings. Relevant physical and documentary evidence has been provided to Mr. Murdock by SWIFS and the Grimes County DA's office. A report from Mr. Murdock is expected by the next quarterly meeting.

Update from IFL (Firearms/Tool Marks) #14-07 investigative panel.

Panel members reported they contracted for the services of firearms/tool marks expert John Murdock to assist in the investigation and are awaiting his findings. Relevant documentary evidence has been provided to Mr. Murdock by IFL. A report from Mr. Murdock is expected by the next quarterly meeting.

Update from Bell County (Digital Video Evidence) #14-1 investigative panel.

Panel members reported they contracted for the services of digital forensics expert Grant Fredericks to review the case materials and report his findings. Relevant video evidence has been transferred to Mr. Fredericks by the Bell County DA's office. Members will discuss the expert's findings at its next quarterly meeting.

Update from forensic development committee.

Garcia discussed several forensic development items, including:

- a. Status of Blackboard-based forensic training programs in collaboration with New York Office of Forensic Services and SHSU;
- b. Status of scenario-based ethics training program;
- c. Development of Michael Morton/*Brady* training project with TCJIU;
- d. Need for root cause analysis training as addition to online course offering;
- e. Update on Foresight support for Texas laboratories;
- f. Upcoming AAFS meeting in Orlando; and
- g. Upcoming ASCLD meeting in Washington.

MOTION AND VOTE: *Alpert moved to elect Sheree Hughes-Stamm to the forensic development committee. Lerma seconded the motion. The FSC unanimously adopted the motion.*

MOTION AND VOTE: *Barnard moved to approve \$20,000 in Commission funds to support a specialized hair/fiber training program for Texas laboratory employees given by Microtrace. Lerma seconded the motion. The FSC unanimously adopted the motion.*

Discussion of certification/licensure initiative and legislative developments regarding same.

Members discussed proposed bill for certification/licensure of forensic examiners in Texas.

Discussion of other potential legislative issues on horizon impacting the Commission, including “Office of Forensic Writs” bill and possible change to Commission’s administrative attachment.

Members discussed legislative issues, including the formation of an Office of Forensic Writs and possible changes to the Commission’s administrative attachment to Sam Houston State University.

Development of guidance for judges and lawyers on forensic discovery issues in collaboration with Judge Hervey.

Pat Johnson addressed the Commission on guidelines for judges and lawyers on forensic discovery issues in DUI and other toxicology and/or blood alcohol related cases.

Report from Texas Association of Crime Laboratory Directors Association President Bill Gibbens on the organization’s January 22, 2015 meeting.

Bill Gibbens briefly addressed the Commission regarding the organization's January 22 meeting.

Update from Houston Forensic Science Center (Toxicology) #14-13 investigative panel.

MOTION AND VOTE: *After extended deliberations including comment from the laboratory's acting general counsel, Alpert moved to adopt the draft report and direct FSC staff to publish with comments and revisions as discussed. Eisenberg seconded the motion. The FSC unanimously adopted the motion.*

Elect new Vice Chair for the Texas Forensic Science Commission.

MOTION AND VOTE: *Alpert moved to appoint Barnard as Vice Chair of the FSC. Peerwani seconded the motion. The FSC unanimously adopted the motion.*

Review and fill any vacancies on Commission committees and investigative panels.

MOTION AND VOTE: *Alpert moved to appoint Hughes-Stamm to the Blazek (Firearms/Tool marks) #14-08 investigative panel. Peerwani seconded the motion. The FSC unanimously adopted the motion.*

Report from National Commission on Forensic Science October Meeting in Washington, D.C.

Di Maio gave a brief report from the National Commission on Forensic Science meeting.

Report from meeting of Scientific Area Committees in Norman, Oklahoma.

Garcia provide comments on the status of NIST/DOJ's OSACs.

Consider proposed agenda items for next quarterly meeting.

Schedule and location of future meetings.

The Commission's next meeting will be held in April 2015.

Hear public comment.

None.

Adjourn.