



TEXAS FORENSIC SCIENCE COMMISSION

Justice Through Science

MEETING AGENDA

August 18, 2017 at 8:00 AM

Stephen F. Austin Building

1700 N. Congress Avenue, Room 170

Austin, Texas 78701

The Commission may meet in closed session on any item listed below, if authorized by the Texas Open Meetings Act, Texas Government Code Annotated, Chapter 551. During this meeting, the Commission may consider and take action on the following items. The Commission may take breaks as necessary.

1. Review and adopt minutes from May 26, 2017 Forensic Science Commission Quarterly meeting. (Barnard) (*5 min*)
2. Office administrative update (FY2017 budget close; adoption of FY2018 budget; discussion of transition from Sam Houston State University to the Office of Court Administration including introduction of David Slayton to Commissioners; change to content management software required for the FSC Licensing Program). (Garcia) (*15 min*)
3. Discuss and consider pending complaints and laboratory self-disclosures as well as new complaints and self-disclosures received through August 4, 2017. (Daniel) (*60 min*)

Disclosures Pending from May 26, 2017

1. No. 17.26; DPS El Paso (DNA Evidence Handling)

Disclosures Received as of August 4, 2017

2. No. 17.38; Jefferson Co. Regional Crime Lab (Seized Drugs)
3. No. 17.44; DPS Tyler (Seized Drugs)
4. No. 17.45; DPS Tyler (Seized Drugs/LIMS)
5. No. 17.47; Houston Forensic Science Center (Toxicology)
6. No. 17.48; Houston Forensic Science Center (DNA Evidence Handling)
7. No. 17.50; Houston Forensic Science Center (CODIS)

Complaints Pending from May 26, 2017

8. No. 16.54; Gulley, Britney (SWIFS; Firearms/Toolmarks)

9. No. 17.04; Gefrides, Lisa (Houston Forensic Science Center; Biology/DNA)
10. No. 17.05; IPOT (DPS Austin/Orchid Cellmark; DNA/CODIS)
11. No. 17.13; Hill, Anthony (Max Courtney; Crime Scene Reconstruction)
12. No. 17.23; Ghant, Travis (Scott & White – Temple Sexual Assault Nurse Examiner Alice Lindner; S.A.N.E)
13. No. 17.24; Smithwick, Roy (Bexar Co. Criminal Investigation Lab; Serology and Firearms/Toolmarks)

Complaints Received as of August 4, 2017

14. No. 13.06; Mireles, Gustavo (DPS McAllen; DNA/Blood Spatter)
 15. No. 17.34; Radke, Christopher (SWIFS; DNA/Serology)
 16. No. 17.36; Whitlock, Tarrance (SWIFS; GSR)
 17. No. 17.46; Tran, Quang (SWIFS; Firearms/Tool Marks)
 18. No. 17.49; Isenhower, David Wayne (Harris Co. Sheriff; Blood Spatter)
4. Discuss status of crime laboratory accreditation program, including accreditation non-conformances received since May quarterly meeting. Follow up from discussion on rule proposal to add footwear and tire tread comparison to trace evidence subdisciplines subject to Commission accreditation requirements. Discuss whether to exempt crime scene reconstruction analytical disciplines (including but not limited to blood spatter analysis) from the accreditation requirements. (Garcia) *(15 min)*
 5. Discuss licensing advisory committee program, including adjudication of public comments received since May quarterly meeting. Review, discuss and adopt proposed rules (including changes resulting from comments) for licensing program. Consider TACDL nomination for replacement candidate on Licensing Advisory Committee. (Hilbig/Garcia) *(60 min)*
 6. Update from investigative panel regarding Harris Co. Institute of Forensic Sciences (Toxicology, Blood Alcohol) #16.48. (Drake/Kerrigan/Daniel) *(20 min)*
 7. Update from investigative panel regarding combined Clark (Harris Co. IFS, HPD, Harris Co. Sheriff's Department; GSR, DNA, Blood Spatter) #16-40 case and Bryan (Robert Thorman; Blood Spatter) #16.56 case, including August 1, 2017 panel meeting at Brazos Co. District Attorney's Office as well as addition to complaint regarding serology filed by Bryan's attorney. (Johnson/Hughes-Stamm/Parsons) *(30 min)*
 8. Update from investigative panel regarding Houston Forensic Science Center Self-Disclosure (Crime Scene) #17.22. (Garcia) *(5 min)*
 9. Update from investigative panel regarding DPS Garland (Blood Alcohol) #17.28 (Garcia) *(5 min)*

10. Discussion with ANAB Vice President Pamela Sales regarding issues identified in Austin Police Department DNA Laboratory including accrediting body's response to Commission inquiry. (Garcia/Budowle/Koehler/Sales) (60 min)
11. Discussion regarding findings of fact, conclusions of law and order by Judge Herbert B. Dixon in *United States v. Torney* and response regarding same from NMS including consideration of appropriate action under art. 38.01 Tex. Code Crim. Proc. (Hughes-Stamm/Garcia) (45 min)
12. Consideration of microbial DNA issues identified by SWIFS with Qiagen Investigator 24-plex kit, response from manufacturer and resolution (Hughes-Stamm/Budowle/Sliter). (20 min)
13. Discussion regarding introduction, scope and legal issues regarding Rapid DNA technology in Texas. (Garcia/Budowle) (15 min)
14. Update on statewide & Co.-based defense triage projects for DNA mixture review. (Wicoff/Boswell/Strassburger) (10 min).
15. Discuss rape kit storage issue and receive update from Chief Gay or designee on APD review of quality system for non-DNA sections under contract with the National Forensic Science Technology Center (NFSTC) (Garcia/Chief Gay) (15 min).
16. Update on Hair Microscopy Panel. (Garcia) (20 min)
17. Update from panel on Commission reporting requirements, including disclosure guidance per statute and possible revisions to rules. (Garcia) (5 min)
18. Discuss progress on project to standardize sexual assault kits. (Downing) (10 min)
19. Update from Texas Association of Crime Laboratory Directors. (Kahn or designee) (5 min)
20. Report on National Association of Attorneys General Forensic Symposium and NIST International Forensic Science Error Management Symposium. (Garcia) (5 min)
21. Consider proposed agenda items for next quarterly meeting. (Barnard)
22. Schedule and location of future panel and quarterly meetings. (Barnard)
23. Hear public comment. (Barnard)
24. Adjourn.

To increase public access to meetings, the Commission will endeavor to live-stream all quarterly meetings on its website at www.fsc.texas.gov. However, the Commission's

decision to live-stream any particular meeting should not be interpreted as a guarantee that all meetings will be live-streamed. Our ability to live-stream depends on budgetary constraints and logistical considerations at any given meeting. If you have any questions, please contact the Commission Coordinator, Kathryn Adams, at (512) 936-0770 or kathryn.adams@fsc.texas.gov.