



TEXAS FORENSIC SCIENCE COMMISSION

Justice Through Science

MEETING AGENDA

January 31, 2020 at 8:30 AM

Office of Court Administration

Tom C. Clark Building

1st Floor Conference Room

205 West 14th Street

Austin, Texas 78701

During this meeting, the Commission may consider and take action on the following items. The Commission may take breaks as necessary. The timing of agenda items provided below are estimates.

1. Review and adopt minutes from October 25, 2019 Forensic Science Commission Quarterly meeting. (Barnard) *(3 min)*
2. Office administrative update (FY2020 budget status report second quarter; introduction of Robert Smith, senior staff attorney). (Garcia/Savage) *(5 min)*
3. Discuss and consider pending complaints and laboratory self-disclosures as well as new complaints and self-disclosures received through January 10, 2019 (Daniel) *(45 min)*

Disclosures Pending from October 25, 2019

1. No. 19.26; Department of Public Safety – Austin (Toxicology)

Disclosures Received as of January 10, 2020

2. No. 19.42; Department of Public Safety - Midland (Seized Drugs)
3. No. 19.43; Bexar County Criminal Investigation Laboratory (Materials (Trace)
4. No. 19.45; Department of Public Safety – Amarillo (Seized Drugs)
5. No. 19.46; NMS Labs – Grand Prairie (Seized Drugs)
6. No. 19.51; Austin Police Department Crime Laboratory (Seized Drugs)
7. No. 19.52; Department of Public Safety – Abilene (Seized Drugs)
8. No. 19.54; Jefferson County Regional Crime Lab (Seized Drugs)

Complaints Received as of January 10, 2020

9. No. 19.40; Torres, Rolando (Harris County Institute of Forensic Sciences; Forensic Biology/DNA)
 10. No. 19.44; Scott, Joseph Pastquinel (Department of Public Safety – Waco; Forensic Biology/DNA)
 11. No. 19.47; Lee, Charles (Reliagene; Forensic Biology/DNA)
 12. No. 19.48; Durden, Gerald J. (Harris County Institute of Forensic Sciences; Forensic Biology/DNA)
 13. No. 19.49; Smiley, James A. (Department of Public Safety – Capitol Area; Forensic Biology; DNA)
 14. No. 19.53; Jackson, John H. (Houston Police Department/Houston Forensic Science Center; Serology)
 15. No. 20.01; Crowley, Inez (Department of Public Safety – Houston, Montgomery County Sheriff’s Office; Forensic Biology/DNA, Firearms/Toolmarks, Latent Prints)
4. Update on collaboration with the Standards Coordination Office at the National Institute for Standards and Technology regarding pathways for improving accreditation for forensic science service providers in Texas. (Garcia) *(5 minutes)*
 5. Discuss status of crime laboratory accreditation program, including:
 - a. Accreditation non-conformances and reports received since October 25, 2019 quarterly meeting;
 - b. Update on review of Expertox responses to cited nonconformances; and
 - c. Discuss the Commission’s recognition of the College of American Pathologists (CAP) – Forensic Drug Testing program. (Garcia/Savage) *(20 min)*
 6. Discuss licensing advisory committee update, including:
 - a. Update on licenses issued and renewed;
 - b. Review outstanding licensing rules and proposed rule concepts for approval, including:
 - i. Rule addressing exam eligibility for unaccredited forensic disciplines; removal of physical comparison from the Materials (Trace) categories of analysis under accreditation and licensing rules; and clarifications to provisional fees.
 - ii. Rule providing clarification for one-time provisional license; and
 - iii. Blanket rule revisions, including responses to any comments, withdrawal of initial blanket rule proposal and review and approval of new blanket rule proposal.
 - iv. Rule addressing exception from coursework requirements for Toxicology Analysts who applied for a license prior to January 1, 2019 and are now adding the Seized Drugs discipline to their license. (Garcia/Savage) *(30 min)*

7. Review and approve draft of policies and procedures addressing the incorporation of Director of Information Resources (DIR) rules for video conferencing. (Savage) (5 min)
8. Review outstanding general rulemaking proposed rule concepts, including:
 - a. development of procedures for referral of cases to the Office of Capital and Forensic Writs pursuant to Code of Criminal Procedure, Article 38.01§4(h); and
 - b. rule addressing statutory reference to the definition of forensic analysis in the Commission's investigative procedures. (Garcia/Savage) (10 minutes)
9. Update regarding Collins, Robert (DPS Houston; Forensic Biology) complaint #19.04 investigative panel. (Daniel/Budowle/Buzzini) (15 min)
10. Update regarding Crime Scene Investigation Working Group. (Garcia/Smith) (10 min)
11. Develop collaborative work groups to discuss the following new OSAC Registry standards, including implementation:
 - a. Toxicology
 - i. ANSI/ASB 037, Best Practice Recommendation, Guidelines for Opinions and Testimony in Forensic Toxicology, First Edition.
 - b. Interdisciplinary
 - i. ISO 21043-2 Forensic Sciences – Part 2 Recognition, recording, collecting transport and storage of items.
 - ii. ASTM E2917-19a Standard Practice for Forensic Science Practitioner Training, Continuing Education, and Professional Development Programs. (Garcia) (15 min)
12. Update on statewide validation of qualitative method to distinguish hemp from marihuana. (Kerrigan) (20 min)
13. Convene executive session pursuant to Government Code §551.071, Consultations with Attorney to seek advice about pending or contemplated litigation. (20 min)
14. Discussion of Lydell Grant exoneration, including DNA analysis, the role of probabilistic genotyping, CODIS issues and lessons learned for statewide application. (Garcia) (10 min)
15. Update on triage projects for DNA mixture review; update on Austin Police Department cases under review by UNTHSC-CHI. (Budowle/Wicoff) (5 min)
16. Discuss plans for March 27, 2020 DNA training for criminal lawyers at Bexar County Central Jury Room. (Garcia/Savage/Smith) (5 min)
17. Update from staff attendance at the December 12-13, 2019 Texas Attorney General's Office Government Law and Liability Conference. (Garcia/Savage/Smith) (5 min)

18. Discuss developments with respect to kit backlog reduction and standardization efforts as well as statewide sexual assault task force and state auditor's office developments. (Downing/Garcia) (5 min)
19. Update on Rio Grande Identification Project. (Budowle) (5 min)
20. Discuss NIST/RIT Working Group on DNA Analysis and Human Factors. (Garcia) (5 min)
21. Discuss Commission staff attendance at American Academy of Forensic Science 2020 Annual Scientific Meeting. (Garcia) (2 min)
22. Update from Texas Association of Crime Laboratory Directors. (Stout) (5 min)
23. Consider proposed agenda items for next quarterly meeting. (Barnard)
24. Schedule and location of future panel and quarterly meetings. (Barnard)
25. Hear public comment. (Barnard)
26. 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.