

Texas Forensic Science Commission – Licensing Advisory Committee Minutes from January 20, 2022, Meeting

The Licensing Advisory Committee of the Texas Forensic Science Commission met at 10:30 a.m. on January 20, 2022, at the Tom C. Clark Building, 205 West 14th Street, 1st Floor Conference Room, Austin, Texas.

Members of the Committee were present as follows:

Members Present: Deborah Smith
Sandy Parent
Erin Reat
Emily Esquivel
Donna Eudaley
Crystina Vachon
Kelly Wouters
Calli Bailey (attended virtually via video conference)
Bill Hines

Members Absent: None

Staff Present: Lynn Garcia, General Counsel
Leigh Tomlin, Associate General Counsel
Robert Smith, Senior Staff Attorney
Maggie Sowatzka, Program Specialist

During this meeting, the LAC considered and took action on the following items. The LAC took breaks as necessary.

1. Call meeting to order. Roll call for members. (Reat) (2 min)

Reat called the meeting to order and called roll.

2. Review and adoption of minutes from October 21, 2021 meeting. (Reat) (1 min)

MOTION AND VOTE: *Eudaley moved to adopt the minutes draft by staff. Smith seconded the motion. The Committee unanimously adopted the motion.*

3. Administrative update, including update on number of licenses issued and number of renewals processed, introduction of new member Dr. Kelly Wouters, update on database project with Office Court Administration IT, discuss full Commission appointment of TDCLA nominee for open seat on the Licensing Advisory Committee. (Garcia/Tomlin/Soward) (5 min)

Soward gave an update on the current number of licenses and renewals to date. The Commission currently licenses 1309 forensic analysts and technicians. Garcia and Tomlin gave an update on the database project. The Office of Court Administration is currently working on the database.

Once the team is finished coding, internal testing will begin. After that, the Commission will test the site before sending it to laboratories for their approval. Piloting of the website is expected to begin in mid-April.

Wouters introduced himself and gave a brief background. The Commission will consider at its quarterly meeting January 21, 2022 the appointment of a Texas Criminal Defense Lawyer's Association's (TCDLA) nominee for the open defense bar seat on the Committee. TCDLA has nominated Angelica Cogliano. Bill Hines introduced Cogliano and Cogliano gave a brief background on her experience in criminal law and forensics.

4. Review any outstanding statistics course evaluation requests; discuss available statistics course options, including the Institute for Forensic Research Training and Innovation statistics course launch. (Tomlin) (2 min)

There are currently no statistics course qualification determinations before the Committee at this time. Staff has reviewed several requests for statistics course qualification since the last meeting. Staff reported that Sam Houston State University's Institute for Forensic Research Training and Innovation has launched its statistics course. Information and details for registering for the course are posted on the Commission's website. The course costs \$500 and is a self-paced web-based program. Staff indicated that the Commission may have funding available to assist people in paying for the course where there is a need.

5. Discuss progress on development of new study materials and test questions for piloting the General Forensic Analyst Licensing Exam II; discuss and make recommendations regarding the exam analysis by ACS psychometricians. (Garcia/Tomlin) (10 min)

Garcia and Tomlin gave an update on the new study materials. All of the study materials are ready to be sent out, except for three voiceover videos. Staff and the different domain committees are currently in the process of developing questions for the new exam based on the selected study materials. Garcia suggested that the different domain committees discuss their thoughts over secure platforms to brainstorm new questions and answer choices. Staff and Committee members proposed establishing a minimum requirement for success in passing each domain on the exam.

MOTION AND VOTE: *Parent moved to recommend the full Commission adopt a minimum percentage of correct answers for each individual domain with an overall cut rate of 70%. Eudaley seconded the motion. The Committee unanimously adopted the motion.*

6. Discuss voluntary licensure for unaccredited forensic disciplines, including November 17, 2021 Anthropology call and discussion and update on proposed rules for voluntary licensure of forensic anthropologists and document examiners. (20 min) (Garcia/Tomlin)

Staff and the Committee discussed a call with anthropologists regarding the requirements for voluntary licensure. Staff plans to propose a rulemaking outlining the rules for voluntary licensure of forensic anthropologists and forensic document examiners at the Commission's quarterly

meeting tomorrow. Rules for anthropologists are based on the rules for certification by the American Board of Forensic Anthropologists (ABFA). The ABFS is currently in the process of developing education and other minimum requirements for its certification. Staff expects each voluntary discipline would need to, at a minimum, comply with any designated education requirements published in standards on the Organization of Scientific Area Committees (OSAC) registry.

MOTION AND VOTE: *Smith moved to recommend the full Commission approve the proposed voluntary licensure rules for forensic anthropologists. Eudaley seconded the motion. The Committee unanimously adopted the motion.*

MOTION AND VOTE: *Parent moved to recommend the full Commission approve the proposed voluntary licensure rules for document examiners. Smith seconded the motion. The Committee unanimously adopted the motion.*

7. Update and discussion of any new OSAC Registry standards, including the development of collaborative work groups to discuss new standards. (Garcia) (5 min)

Garcia explained that there were no major updates regarding OSAC Registry standards.

8. Discuss Forensic Science Commission statement regarding alternate firearms opinion terminology. (Garcia) (10 min)

Garcia summarized a statement the Commission issued in response to a document authored by an assistant general counsel for the Federal Bureau of Investigation Laboratory titled, "Dealing with Alternate Firearms Opinion Terminology."

9. Update from the Texas Association of Crime Laboratory Directors (TACLD). (Stout)

Stout gave an update from the TACLD. Stout informed the Commission that TACLD is currently discussing an appropriate organizational structure (such as an LLC). The group also plans to develop a website. Stout also discussed the development of training regarding remote expert witness testimony and the current issues regarding the backlog of cases across the state.

10. Schedule and location of future meetings, including April 21, 2022 meeting.

The next Licensing Advisory meeting will take place in the same room on April 21, 2022. The next Commission meeting will take place on April 22, 2022.

11. Hear public comment.

Members did not address any public comment other than that noted above.

12. Adjourn.

MOTION AND VOTE: *Hines moved to adjourn the meeting. Eudaley seconded the motion. The Commission unanimously adjourned.*