**FORENSIC SCIENCE COMMISSION**

**LICENSING ADVISORY COMMITTEE**

**MEETING MINUTES**

The Licensing Advisory Committee of the Texas Forensic Science Commission (Commission) met in person and via videoconference on January 25, 2024, at 10:00 a.m. at the Barbara Jordan State Office Building at 1601 Congress Avenue, Room 2.034, Austin, Texas 78701.

**Members Present:** Calli Bailey

Andrew Greenwood

Carina Haynes

Sandy Parent

Michelle Paulson

Katherine Sanchez

Kelly Wouters

**The following Licensing Advisory Committee members attended virtually via Zoom: Calli Bailey, Andrew Greenwood, Dr. Kelly Wouters.**

**Members Absent:** Angelica Cogliano

Ed Wallace

**Staff Present:** Lynn Garcia, General Counsel

Leigh Tomlin, Associate General Counsel

Robert Smith, Senior Staff Attorney

Veena Mohan, Assistant General Counsel

Steve Miller, Multimedia Producer

Rodney Soward, Program Specialist

Cristabel Bodden, Executive Assistant

**Members conducted this meeting of the Texas Forensic Science Commission’s Licensing Advisory Committee (Committee) as a videoconference and in-person meeting pursuant to the Texas Open Meetings Act, Government Code section 551.127. Members of the Committee and appeared remotely and at the physical location set forth in this agenda.**

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

1. **Call meeting to order. Roll call for members. Excuse any absent committee members.**

Committee members were present as indicated above.

**MOTION AND VOTE:** *Sanchez moved to excuse Wallace’s absence.  Paulson seconded the motion. The Committee unanimously adopted the motion.*

1. **Review and adoption of minutes from October 19, 2023 meeting.**

**MOTION AND VOTE:** *Haynes moved to adopt the October 19, 2023 meeting minutes draft.  Paulson seconded the motion. The Committee unanimously adopted the motion.*

1. **Administrative update, including update on number of licenses issued and renewed. (General Counsel Garcia/Associate General Counsel Tomlin/Program Specialist Soward).**

Licensing Program Specialist Soward gave an update to members and staff on the current total number of licenses issued as of January 10, 2024 (1,293 total), as follows: non-interpreting, 271; provisional, 13; temporary, 1; uncommon 4; and regular analyst and technician licenses, 1,004; in addition to renewals processed to date.

1. **Review any outstanding coursework evaluations, including review and evaluation of statistics course geared towards law enforcement.**

The Committee evaluated two statistics courses for equivalency to the required statistics component for licensure. The first, from Northwestern University, was previously approved for an individual license candidate. Staff suggests that the class be approved for law enforcement across the board. The course is tailored to law enforcement specifically. The second course is from the Center for Statistics and Applications in Forensic Science (CSAFE). Staff will add the classes to the existing list on the website, which currently lists two other courses. There were no public comments made on the classes.

**MOTION AND VOTE:** *Sanchez moved to approve the Northwestern University statistics course geared toward law enforcement personnel as equivalent to the required 3-hour college-level statistics component course required for licensure in the State of Texas. Paulson seconded the motion. The Committee unanimously adopted the motion.*

**MOTION AND VOTE:** *Sanchez moved to approve the CSAFE course as equivalent to the required 3-hour college-level statistics component course required for licensure in the State of Texas. Paulson seconded the motion. The Committee unanimously adopted the motion.*

The Committee also discussed the approval of a chemistry course for a potential license candidate. The Committee agreed they did not have enough information to make a decision on whether or not the course in question can be a substitute for the Analytical Chemistry coursework requirement for Toxicology (Interpretive) license. Staff will obtain the syllabus and try to resolve the question on their own and then readdress the class approval during the next quarterly meeting.

1. **Review any outstanding criminal history evaluation or other licensee application conduct requests.**

There were no outstanding criminal history evaluations this quarter.

1. **Discussion and vote to recommend to the Commission a rule proposal relating to the further development of the voluntary licensure program for unaccredited forensic disciplines, including recommended changes to § 651.222 related to voluntary licensing for document examination analysts and crime scene disciplines.**

The changes proposed before the licensing committee pertain to the education requirements for the voluntary license for document examiners. Those seeking licensure for document examination will be required to have a bachelor’s degree under elevated education requirements in the proposed rule. The rule proposal also clarifies the definition of what activities fall under the document examination classification. Quality components and standards are solidified in the new changes in the rule proposal.

Garcia gave some background information about the historical requirements for document examination examiners. Practitioners were previously subject to accreditation requirements that have since been removed. Staff is currently working to ensure the requirements are close to as robust as they were under the mandatory program, particularly with respect to the quality components required of the employing laboratory and educational components required for licensees, due to requests made from document examiners, primarily from the Department of Public Safety.

**MOTION AND VOTE:**  *Sanchez moved to recommend that the Commission adopt the proposal that includes changes to Sections 651.202 and 651.222, subject to suggested non-substantive revisions from the Office of the Governor, Texas Register, and commission staff.  Greenwood seconded the motion. The Committee unanimously adopted the motion.*

The Committee also discussed changes to the administrative rules regarding crime scene investigation and reconstruction. Staff presented a proposed rulemaking that adopts a higher number of required hours of training for crime scene reconstructionists in particular. There were multiple public comments made about the changes to the number of required hours. Brent Barina, Texas Ranger, from the Department of Public Safety, stated that 440 hours may be unattainable by some of the smaller law enforcement agencies. Barina suggested that the Texas Commission on Law Enforcement’s (TCOLE) 2106 course should be required component for crime scene practitioners to obtain a license. Celestina Rossi, from the Montgomery County Sheriff’s Office, believes that 440 hours is the minimum hours that should be required in order to be qualified to testify as an expert, particularly in the specialized crime scene reconstruction disciplines. Committee member Haynes, who is the director of Houston Forensic Science Center’s crime scene unit, agrees with Rossi that 440 hours is a necessary minimum for training if you will be testifying in court to crime scene reconstruction-related issues.

The Committee ultimately decided on a recommendation to the Commission not to adopt the crime scene portion of the rule and to direct staff to revise it for future rule proposal at the next quarterly meeting to include TCOLE’s Crime Scene 2106.

**MOTION AND VOTE**: *Haynes moved to recommend the Commission reject the rulemaking and direct staff to revise it and repropose the rule with suggested changes at the April quarterly meeting. Paulson seconded the motion. The Committee unanimously adopted the motion.*

1. **Discuss and vote to recommend to the Commission updates to publish required quality standards for employing laboratories of voluntary licensees, including addition of quality standards for document examination analysts.**

Staff outlined proposed changes and additions to basic quality component requirements that must be part of the employing laboratory’s policies for voluntary licensees, particularly for document examination analysts and crime scene analysts.

**MOTION AND VOTE:** *Sanchez moved to adopt the proposed updates. Greenwood seconded the motion. The Committee unanimously adopted the motion.*

1. **Update on status of rule adoption timeline for §§ 651.207, 651.208, and 651.209 changing license expiration dates to expiring on last day of birth month of licensee rather than each even-number year in the fall.**

The comment period for the rulemaking proposal has ended. There were no public comments made. Notices about the rule have been sent to the laboratories, as well as summaries about the expiration dates and expected fees for each individual licensee. There will be set renewal fees after the completion of the expiration date transition. Staff is currently working on writing FAQs to be posted on the website.

The next expiration date for each licensee can be found on the database. Reminders about expiration dates will be sent out via TopClass as normal. Once a licensee renews, they will be issued a new expiration date, which will be the last day of their birth month.

1. **Discuss concerns raised regarding lack of availability of accredited firearms providers to review/analyze defense casework and consider options for addressing same.**

Garcia explained that for certain forensic disciplines, pursuant to current legislation and law, if the Commission does not accredit the work, then the evidence is not admissible in court. There are very few providers outside of DPS that are accredited to review/analyze defense casework by firearms experts. Paper review, or evaluations done on photographs of the firearms, is not always possible. Occasionally, the analyst needs to take possession of the evidence, possibly to analyze it microscopically, but that piece is not admissible in court. Dawn Boswell, Director, Legal & Forensic Training at the University of North Texas Health Science Center- Center for Human Identification, commented that she thinks there is great value in the accreditation standards and the regulations set by the Commission and thinks it’s unwise to reduce these standards. She recommended creating a new license type, with requirements similar to the voluntary licenses, that would allow for the state to bring in experts that are not from an accredited laboratory. Staff and the Commission will consider the comments made and prepare a proposal for the next quarterly meeting.

1. **Update from the Texas Association of Crime Laboratory Directors (TACLD).**

Stout will give updates on the TACLD tomorrow at the Commission quarterly meeting.

1. **Consider proposed agenda items for next quarterly Committee meeting.**

Staff will include all discussed items on the next Committee meeting agenda and circulate the proposed agenda for additions. 

1. **Schedule of future Committee quarterly meetings: April 25, 2024 and July 25, 2024.**

The next Committee meetings will be held on April 25th, 2024, and July 25th, 2024.

1. **Hear public comment.**

Staff noted no public comment other than that noted throughout the agenda.

1. **Adjourn.**

**MOTION AND VOTE:** *Parent moved to adjourn the meeting. Sanchez seconded the motion. The committee unanimously adjourned the meeting at* 1:48:15.