

# TEXAS FORENSIC SCIENCE COMMISSION

## **TEXAS FORENSIC SCIENCE COMMISSION** **QUARTERLY MEETING MINUTES**

The Texas Forensic Science Commission (Commission) met in person and by videoconference on April 11, 2025, at the Barbara Jordan State Office Building at 1601 Congress Avenue, Room 2.035, Austin, Texas 78701.

**Members Present:** Jeffrey Barnard, M.D., Presiding Officer  
Michael Coble, Ph.D.  
Mark Daniel, J.D.  
Nancy Downing, Ph.D.  
Jasmine Drake, Ph.D.  
Sarah Kerrigan, Ph.D.  
Erika Ziemak, M.S.  
Patrick Buzzini, Ph.D.  
Jarvis Parsons, J.D.

**The following members attended the meeting via Zoom video conference: Dr. Nancy Downing, Dr. Patrick Buzzini, Mr. Jarvis Parsons, Dr. Michael Coble, and Dr. Jasmine Drake.**

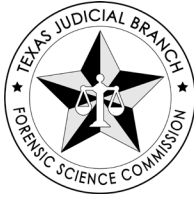
**Members Absent:** None

**Staff Present:** Lynn Garcia, General Counsel  
Leigh Tomlin, Associate General Counsel  
Robert Smith, Senior Staff Attorney  
Chelsea Estes, Commission Coordinator  
Veena Mohan, Assistant General Counsel  
Steve Miller, Multimedia Producer  
Maggie Sowatzka, Program Specialist

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

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

Barnard called the meeting to order at 9:17 a.m. Commissioners were present as indicated above.



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### 2. Review and adopt minutes from the January 31, 2025 quarterly commission meeting.

**MOTION AND VOTE:** *Daniel moved to approve the January 31, 2025 quarterly commission meeting minutes. Kerrigan seconded the motion. The Commission unanimously adopted the motion.*

### 3. Office administrative update (FY2025 budget status report; update on implementation of ALiS licensing platform).

Garcia gave a status update on the Commission's FY2025 budget approved at the Commission's January 31, 2025 meeting. The current budget tracks with ongoing expected revenue and expenditures.

Tomlin provided an update on the staff's progress in transitioning the forensic analyst licensing program's application process from TopClass to ALiS. Staff members are regularly meeting with the programmers and the Office of Court Administration's coordinating project manager to facilitate the implementation of the new system. The base for the new application platform is expected by May 31, 2025. The target date for full implementation of the new application system by ALiS is August 31, 2025.

### 4. Discuss and consider complaints and laboratory self-disclosures pending from the January 31, 2025 quarterly commission meeting and new complaints and laboratory self-disclosures received through March 21, 2025 as detailed below.

#### **Self-Disclosures Received as of March 21, 2025:**

#### 1. **No. 24.59;** Austin Forensic Science Department (Evidence Storage)

A self-disclosure by the Austin Forensic Science Department reporting an incident in its evidence receiving section where an evidence specialist noticed an item of evidence from a sexual assault showed signs of mold growth due to improper packaging.

**MOTION AND VOTE:** *Daniel moved to take no further action on the self-disclosure based on the root cause analysis and corrective actions by the laboratory. Ziemak seconded the motion. The Commission unanimously adopted the motion.*

#### 2. **No. 25.06;** Bexar County Criminal Investigation Laboratory (Seized Drugs)

A self-disclosure by the Bexar County Criminal Investigation Laboratory reporting an incident where an analyst claimed overtime but did not perform any work during that time.



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**MOTION AND VOTE:** *Daniel moved to table the self-disclosure. Ziemak seconded the motion. The Commission unanimously adopted the motion.*

### 3. **No. 25.10; Quality Forensic Toxicology (Toxicology—Blood Alcohol)**

A self-disclosure by Quality Forensic Toxicology reporting an incident where the laboratory discovered its BAC1 and BAC2 columns were reinstalled into the incorrect outlets by an Agilent field service technician.

**MOTION AND VOTE:** *Kerrigan moved to table the self-disclosure pending further review of information provided by the laboratory and to request 1) a copy of the laboratory's amended procedure in the matter; and 2) a revised corrective action document fully describing the identified root cause analysis in the matter. Daniel seconded the motion. The Commission unanimously adopted the motion.*

### 4. **No. 25.11; Houston Forensic Science Center (Forensic Biology/DNA)**

A self-disclosure by the Houston Forensic Science Center (HFSC) reporting an incident in its forensic biology/DNA section where the laboratory accidentally uploaded two blind quality control DNA profiles into CODIS.

**MOTION AND VOTE:** *Daniel moved to take no further action based on the root cause analysis and corrective actions by the laboratory. Ziemak seconded the motion. The Commission unanimously adopted the motion.*

### 5. **No. 25.12; Houston Forensic Science Center (Crime Scene Investigation)**

A self-disclosure by the HFSC reporting an incident in its crime scene investigation (CSI) unit where a CSI trainee conducted unauthorized, unsupervised casework involving latent print processing and comparative quality photographs of a gun magazine that did not meet quality standards outlined in the laboratory's procedures.

**MOTION AND VOTE:** *Daniel moved to take no further action based on the root cause analysis, corrective actions by the laboratory, and case review by the laboratory. Kerrigan seconded the motion. The Commission unanimously adopted the motion.*

### 6. **No. 25.13; Corpus Christi Police Department Crime Laboratory (Latent Prints/Friction Ridge)**



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A self-disclosure by the Corpus Christi Police Department Crime Laboratory reporting an incident in its latent prints/friction ridge section where an examiner misidentified a print.

**MOTION AND VOTE:** *Daniel moved to take no further action based on the root cause analysis and corrective actions by the laboratory and to commend the laboratory for its thorough root cause analysis in the matter. Kerrigan seconded the motion. The Commission unanimously adopted the motion.*

### **7. No. 25.14; Dallas Police Department Crime Laboratory (Crime Scene Investigation)**

A self-disclosure by the Dallas Police Department Crime Laboratory reporting an incident in its crime scene unit where, after cleaning out the analyst's desk (after her untimely death), supervisors found case notes with no reports and crime scene sketches never completed or uploaded in the laboratory's reporting management system.

**MOTION AND VOTE:** *Daniel moved to take no further action based on the root cause analysis, corrective actions, and case review by the laboratory. Downing seconded the motion. The Commission unanimously adopted the motion.*

**Following is a summary of one missing drug sample self-disclosure received as of March 21, 2025.**

### **8. No. 25.05; Department of Public Safety — Midland (Seized Drugs)**

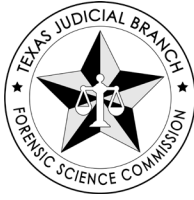
A self-disclosure by the Department of Public Safety – Midland reporting an incident in the laboratory's seized drugs section where a customer (police agency) informed the laboratory of a missing case containing a one-dollar bill with 0.16 grams of methamphetamine.

**MOTION AND VOTE:** *Daniel moved to take no further action based on the root cause analysis and corrective actions by the laboratory. Ziemak seconded the motion. The Commission unanimously adopted the motion.*

### **Complaint Pending from January 31, 2025, Quarterly Meeting**

### **9. No. 24.46; Nilles, Patrick (Forensic Forgery Experts; Document Examination)**

A complaint by Patrick Nilles alleging handwriting analyst, Patricia Hale, issued a report falsely implicating him in handwriting he did not produce. The complaint asserts the report



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(dated October 28, 2024) is plagued by methodological flaws, unsupported conclusions, and a lack of adherence to professional and ethical standards.

**MOTION AND VOTE:** *Daniel moved to accept complaint for investigation for the limited purposes of making observations regarding the integrity and reliability of forensic handwriting examination; offering best practices in the discipline; and making any other observations the Commission deems appropriate as necessary pursuant to the Texas Code of Criminal Procedure, Article 38.01(a)(3)(b-1). Buzzini seconded the motion. The Commission unanimously adopted the motion.*

### **Reconsideration of Complaint from January 31, 2025, Meeting Pursuant to 37 Texas Administrative Code § 651.305(h)**

#### **10. No. 24.58; Schuette, Kevin (Department of Public Safety- Tyler Seized Drugs)**

A complaint by defendant Kevin Schuette alleging the laboratory's method of analyzing suspected tetrahydrocannabinol (THC) through gas chromatography converted legal THCA to illegal Delta-9-THC resulting in his prosecution and conviction, despite the fact he bought the legal THCA pen from a local establishment.

**MOTION AND VOTE:** *Daniel moved to withdraw Commission's January 31, 2025 motion dismissing the complaint. Coble seconded the motion. The Commission unanimously adopted the motion.*

**MOTION AND VOTE:** *Daniel moved to reopen the complaint for investigation pursuant to the Texas Administrative Code Section 651.205(h). Kerrigan seconded the motion. The Commission unanimously adopted the motion.*

**MOTION AND VOTE:** *Daniel moved to accept the complaint for investigation by staff pursuant to Texas Administrative Code Section 651.205(b). Kerrigan seconded the motion. The Commission unanimously adopted the motion.*

#### **Staff Dismissals:**

#### **11. No. 25.07; Wraymon, Hill (Environmental Testing)**

A complaint filed by defendant Wraymon Hill alleging a company named Polaris Forensics misdiagnosed a claim of water intrusion when in fact the area inspected was not discolored



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by water intrusion. The complaint alleges the company did not test as requested and supplied them with incorrect information.

**MOTION AND VOTE:** *Daniel moved to approve staff's recommendation to dismiss the complaint because it does not involve a forensic analysis of physical evidence for the purposes of determining the connection of the evidence to a criminal action. Ziemak seconded the motion. The Commission unanimously adopted the motion.*

### **12. No. 25.08; Vela, Alvaro (Harris County Institute of Forensic Sciences; Autopsy)**

A complaint by Monica Vela alleging she has not received a response from the Harris County Institute of Forensic Sciences regarding an autopsy of her husband, Alvaro Vela, who died over 7 months ago. According to the complaint, the manner of death is still pending, and the autopsy report is still incomplete.

**MOTION AND VOTE:** *Daniel moved to approve staff's recommendation to dismiss the complaint because the Commission has no jurisdiction over an autopsy conducted by a medical examiner or other forensic pathologist who is a licensed physician. Ziemak seconded the motion. The Commission unanimously adopted the motion.*

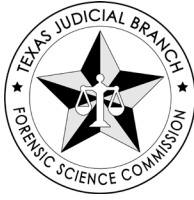
### **13. No. 25.15; Taylor, Rhonda (Southwestern Institute of Forensic Science; Autopsy)**

A complaint by Rhonda Taylor alleging negligence and misconduct by the Southwestern Institute of Forensic Science in the analysis, investigation, and collection of evidence related to the hit and run death of her son, Kevin Gordon, II. The complaint alleges the laboratory failed to "reveal any specific crime scene information reporting the collection of physical evidence such as clothing or vehicle tire treads." The complaint includes a list of evidence received by the toxicology section which includes only body fluids and a biohazard bag.

**MOTION AND VOTE:** *Daniel moved to approve staff's recommendation to dismiss the complaint because the Commission has no jurisdiction over an autopsy conducted by a medical examiner or other forensic pathologist who is a licensed physician and because there has been no showing that law enforcement submitted any evidence "such as clothing or vehicle tire treads" for a forensic analysis. Ziemak seconded the motion. The Commission unanimously adopted the motion.*

**RECUSAL:** Dr. Barnard recused from discussion and vote on this item.

- 5. Update from staff and review and possible adoption of final investigative report for complaint No. 24.58; Schuette, Kevin (Department of Public Safety – Tyler; Seized Drugs)**



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Garcia reviewed the findings in a draft final investigative report for the complaint. Garcia recommended the Commission refer the defendant's case to the Office of Capital and Forensic Writs.

**MOTION AND VOTE:** *Kerrigan moved to adopt the proposed draft report by staff providing guidance on the THC/THC-A reporting issues raised in the complaint. Drake seconded the motion. The Commission unanimously adopted the motion.*

**MOTION AND VOTE:** *Daniel moved to refer the complainant's case and similarly affected cases to the Office of Capitol and Forensic Writs pursuant to Code of Criminal Procedure, Article 38.01, Section 3(h) as well as Texas Government Code, Section 78.0545(b). Ziemak seconded the motion. The Commission unanimously adopted the motion.*

### **6. Discuss status of crime accreditation program, including:**

#### **a. Summary of accreditation activities, communications, and reports received since January 31, 2025 quarterly meeting; and**

Tomlin reported 16 accreditation related events before the Commission this quarter. Two events were audits pending from the January 31, 2025, meeting and are still being reviewed by the corresponding accrediting body and staff. There were 9 surveillance assessments and continuations of accreditation, 3 surveillance assessments that included scope extensions and a continuation of accreditation, and 1 full accreditation reassessment and renewal.

#### **b. Summary of reported nonconsensus proficiency testing results from accredited crime laboratories.**

Staff reported 19 proficiency monitoring nonconsensus communications from laboratories this quarter. In one matter, Commissioner Kerrigan requested additional documents to review. In a second matter, Garcia requested a revised nonconformity document from the laboratory. In a third matter, staff is still working with the laboratory to determine the resolution. These three matters will be addressed by the Commission again at its July 25, 2025 quarterly meeting.



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- c. **Discuss and vote on rule changes including, but not limited to, amendments to § 651.5, to add Rapid DNA to the list of forensic disciplines subject to Commission accreditation requirements.**

**MOTION AND VOTE:** *Daniel moved to propose changes to the rules discussed, subject to nonsubstantive revisions from the Office of the Governor, Texas Register, and Commission staff. Kerrigan seconded the motion. The Commission unanimously adopted the motion.*

### **7. Discuss updates from Licensing Advisory Committee, including:**

- a. **Report on licenses issued and renewed;**

Tomlin reported there are currently 1,339 total licenses. The Commission currently received 5-6 new licensee applications a month.

- b. **Report and discussion of items from April 10, 2025, Licensing Advisory Committee meeting;**

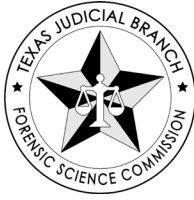
Tomlin reported the Licensing Advisory Committee (LAC) met April 10, 2025. The Committee discussed draft guidance documents and a checklist for an intra/inter-agency mock proficiency monitoring program and corresponding model standard operating procedures. The Texas Division of the International Association for Identification plans to host the pilot proficiency monitoring program for crime scene investigation licensees at its annual conference in June 2025. The Committee also issued a directive to staff to form topic-based working groups to update the General Forensic Analyst and Technician Licensing Exams, including a review of the tested domains on the exam and the reading materials. The Committee also discussed further developing an updated version of the Mandatory Legal and Professional Responsibility Course required for licensees.

- c. **Review and possibly adopt any coursework recommendations from Licensing Advisory Committee;**

There were no coursework evaluations this quarter.

- d. **Discuss and vote on recommended rule changes including, but not limited to, amendments to § 651.222, Voluntary Licensure Forensic Analyst and Forensic Technician Licensing Requirements, to qualify versions of the required Texas Commission on Law Enforcement (TCOLE) Course 2106 Intermediate Crime Scene Search that were revised or established prior to 2019 and taught by**





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either a TCOLE-certified instructor or a Commission-qualified subject matter expert;

**MOTION AND VOTE:** *Daniel moved to adopt changes to the rules discussed, subject to suggested non-substantive revisions by the Office of the Governor, Texas Register, and Commission staff. Kerrigan seconded the motion. The Commission unanimously adopted the motion.*

- e. **Discuss and vote on recommended rule changes, including but not limited to, amendments to § 651.207, Forensic Analyst and Forensic Technician Licensing Requirements, Including Initial License Term and Fee, Minimum Education and Coursework, General Forensic Examination, Proficiency Monitoring and Mandatory Legal and Professional Responsibility Training, to require forensic biology/DNA analyst compliance with current coursework requirements of the Federal Bureau of Investigation's Quality Assurance Standards for Forensic DNA Testing rather than the older, 2011 requirements; and**

**MOTION AND VOTE:** *Kerrigan moved to propose changes to the rules discussed, subject to suggested non-substantive revisions by the Office of the Governor, Texas Register, and Commission staff. Drake seconded the motion. The Commission unanimously adopted the motion.*

- f. **Report on licensing issues identified by laboratories.**

Tomlin reported one licensing issue disclosed by a laboratory this quarter. The laboratory reported terminating the analyst and licensing staff updated the licensee's profile in the Commission licensee database accordingly.

- 8. **Update from investigative panel for self-disclosure No. 24.32; (DNA Reference Laboratory; Forensic Biology/DNA).**

Garcia reported that staff expects a draft final investigative report in the matter at the Commission's July 25, 2025 quarterly meeting. The investigative panel is awaiting feedback from the American Association of Laboratory Accreditation (A2LA).

- 9. **Update from investigative panel on complaint No. 24.45; (Thiessen, Mark (Department of Public Safety Houston; Toxicology).**



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Staff plans to interview the subject of the complaint and to have an in-person panel meeting before the Commission's next quarterly meeting. The panel expects to present a draft investigative report at the Commission's July 25, 2025 quarterly meeting.

### **10. Update from staff and review and possible adoption of final investigative report for self-disclosure No. 25.01; (Harris County Institute of Forensic Sciences; Toxicology).**

Smith presented a summary of the self-disclosure and staff's findings and recommendations in the matter.

**MOTION AND VOTE:** *Ziemak moved to adopt the draft investigative report subject to non-substantive revisions by staff. Downing seconded the motion. The Commission unanimously adopted the motion.*

**RECUSALS:** Commissioners Kerrigan and Drake recused from discussion and vote on the matter.

**MOTION AND VOTE:** *Daniel moved to adopt the draft investigative report, subject to non-substantive revisions by the staff. Dr. Downing seconded the motion. The Commission unanimously adopted the motion.*

### **11. Report from the Commission's Firearm/Toolmark Working Group meetings, including the February 10, 2025, March 11, 2025, and April 2, 2025, Firearm/Toolmark Method Conformance Working Group meetings, and the February 14, 2025, March 7, 2025, and April 4, 2025, Firearm/Toolmark Blind Verification Working Group meetings. Review, discuss and possibly adopt recommended Firearm/Toolmark blind verification policy.**

**MOTION AND VOTE:** *Daniel moved to adopt the draft firearm/toolmark blind verification policy, subject to non-substantive revisions by the staff and the accrediting bodies. Ziemak seconded the motion. The Commission unanimously adopted the motion.*

### **12. Update and discuss the Commission's upcoming April 17, 2025, statewide task force on Rapid DNA meeting.**

Garcia reported the Commission plans to host the first meeting of the statewide taskforce on Rapid DNA on April 17, 2025. The agenda includes a presentation from Brady Mills, Director of the Department of Public Safety Crime Laboratory System, on the evolution and potential for Rapid DNA technology. DPS will also present an overview of CODIS and corresponding regulatory rules. Key challenges include geography and funding for the necessary instruments. The meeting will also cover Texas legislative efforts for a pilot program for the technology that may include funding of Rapid DNA instrumentation.



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### **13. Update on manufacturing issues with Qiagen EZ1/EZ2 investigator kits.**

Commissioner Ziemak (Center for Human Identification) and the Texas Association of Crime Laboratory Directors President, Peter Stout (Houston Forensic Science Center), addressed the Commission to describe manufacturing issues identified by forensic DNA laboratories in Texas and nationally regarding Qiagen's EZ1 and EZ2 investigator kits. Commission staff posted a copy of the presentation slides on the Commission's website here: <https://www.txcourts.gov/fsc/bulletins/>.

### **14. Discuss recent and upcoming forensic development training and education projects, including the Commission's March 27-28, 2025, DNA Technical Leader meeting in Waco.**

Garcia reported on the statewide DNA technical leader meeting held at the Texas Rangers' training facility in Waco, March 27-28, 2025. The group focused its discussion on activity-level analysis, fostering productive dialogue between legal professionals and scientific experts. The event marked the beginning of a series of meetings aimed at developing guidance for testifying analysts on key topics such as transfer, persistence, prevalence, and recovery of DNA evidence.

### **15. Update from Department of Public Safety on Crime Laboratory Records Connect portal.**

Kevin Callahan, Records Portal Program Supervisor, Department of Public Safety Crime Laboratory System, delivered an update on the Crime Laboratory Records Connect (CLR Connect) portal initiative mandated by Senate Bill 991. The initiative seeks to create a centralized portal for requesting and transferring forensic records between crime laboratories, prosecutors, and defense attorneys in criminal cases. Callahan covered major developments over the past week, including rulemaking progress for the program, final selection of a vendor, outreach efforts, resource availability for local laboratories, and a focus on stakeholder engagement as the program continues to develop.

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

Peter Stout noted two key legislative developments affecting Texas forensic science service providers, including bills related to the legality or testing of THC-containing products. Stout also reviewed Senate Bill 1620, which proposes a forensic analyst apprenticeship program, and reported the bill passed out of Senate Finance unanimously and is awaiting a vote by the full Senate. A companion bill has been filed in the House by Representative Bonnen,



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with apparent support from appropriators in both chambers. Stout believes the chances of the forensic apprenticeship program being enacted are encouraging.

### **17. Consider possible agenda items for next quarterly meeting.**

No additional items were discussed other than those noted throughout the agenda.

### **18. Schedule and location of future panel and quarterly commission meetings, including but not limited to the July 25, 2025, October 24, 2025, January 30, 2026, and April 24, 2026 quarterly commission meetings.**

**MOTION AND VOTE:** *Barnard moved to direct staff to schedule the July 25, 2025, October 24, 2025, January 20, 2026, and April 24, 2026 quarterly meetings. Parsons seconded the motion. The Commission unanimously adopted the motion.*

### **19. Public comment.**

There were no public comments other than that noted above.

### **20. Adjourn.**

**MOTION AND VOTE:** *Barnard moved to adjourn the meeting. Ziemak seconded the motion. The Commission unanimously adjourned the meeting at 11:54 a.m.*