

TEXAS FORENSIC SCIENCE COMMISSION

TEXAS FORENSIC SCIENCE COMMISSION INVESTIGATIVE PANEL **MEETING MINUTES**

Disclosure 24.32 DNA Reference Laboratory (Forensic Biology/DNA)

The Texas Forensic Science Commission (Commission) investigative panel (Panel) met in person and by video conference on May 14, 2025, at the University of North Texas Interdisciplinary Research and Education Building Room 250, 3430 Camp Bowie Blvd., Fort Worth, Texas 76107.

Panel Members Present:

Michael Coble, Ph.D.
Mark Daniel, J.D.
Erika Ziemak, M.S.

Staff Present:

Lynn Garcia, General Counsel
Robert Smith, Senior Staff Attorney
Leigh Tomlin, Associate General Counsel (Via Zoom)

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

1. Discuss the allegations and evidence related to the initial disclosure.

On August 26, 2024, DNA Reference Laboratory's Director reported several ambiguous misconduct allegations against an analyst who recently resigned employment with the laboratory. The analyst responded to the allegations and described several issues that raised concerns about the laboratory's quality system. The laboratory director (Dr. Salih) alleged that he witnessed the analyst delete files several times on May 14, 2024. Dr. Salih also alleged that the analyst had a personal relationship with an individual who works for a competitor, and she therefore had an undisclosed conflict of interest. The analyst denied the allegations.

2. Discuss the allegations and evidence related to the answer filed by the analyst.

Panel Interviews

Panel members and staff discussed interviews with key employees at DNA Reference Laboratory. The Panel and staff members interviewed the analyst on March 3, 2025. She is a licensed Forensic Biology/DNA analyst who now works for Signature Science. Panel members and staff interviewed the Lab Director on March 24, 2025. He is a formerly licensed Forensic/Biology DNA analyst, but his license became inactive when American Association



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of Crime Laboratory Accreditation (A2LA) and the Commission suspended the laboratory's accreditation effective November 28, 2022. The Panel and staff interviewed another former employee at DNA Reference Laboratory, Jun Lee, on May 8, 2025. Lee had not yet completed his training to competency for full licensure as a DNA analyst. In his interview, Lee corroborated many of the analyst's responsive allegations that raised concerns about quality issues in the laboratory.

Proficiency Testing Concerns

Members of the Panel and staff discussed the quality concerns raised in the analyst's responses to the allegations by the director. Specifically, the analyst alleged that Dr. Salih never completed a forensic biology proficiency test on his own. She alleged that the lab received two of the exact same exams (A and B) and that Dr. Salih required her to complete both tests and input one of the results into his account, so that it seemed like he was the one completing the test. Dr. Salih was not acting in a technical review capacity but was having her upload the work under his name as if he had taken the test himself. The analyst explained that an A2LA assessor told Dr. Salih to either stop extracting or to do the proficiency testing himself. However, the issue was not cited as a non-conformity at the assessment. The analyst also alleged that another unlicensed analyst, Jun Lee, completed proficiency tests for Dr. Salih and results were reported under Dr. Salih's CTS account.

According to Dr. Salih, for a 2023 proficiency test, the analyst did the extraction using Promega system and generated the DNA profiles. The proficiency test did not have Dr. Salih's handwriting on it, but he ultimately signed it. In 2024, the proficiency test has the analyst's handwriting on the paperwork. Dr. Salih, however, denies the allegation that the analyst took the proficiency test for him. He says he contributed to the entire thing, and she physically did the entry into the CTS portal. He does admit, however, that sometimes 90% of his proficiency test is done by someone else.

Validation Concerns

Members and staff discussed the allegation that Salih refused to do a proper validation on a new reagent "POP-7." The analyst highlighted several serious issues such as samples not running properly, spectral and spatial calibration would not pass, and an allelic ladder failing due to extreme shifting. The analyst claims that Dr. Salih said he did not want to waste time on an entire validation. Both the analyst and the other employee interviewed, Jun Lee, indicated they were instructed to vary the injection times until allelic ladder passed (in place of a proper validation). Jun Lee provided recordings of the same. The analyst also alleged the laboratory used a new kit called the New England Monarch DNA Genomic DNA Purification kit without any type of validation being done.



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Expired Reagents

The analyst also stated that there were several instances where Dr. Salih instructed analysts to use expired reagents. The laboratory does not keep documentation for expired reagents. The analyst stated in her interview that she always checked the dates and brought the issue up with Dr. Salih. The laboratory's standard operating procedure instructed analysts to not use expired reagents. Dr. Salih denied using expired reagents in his interview.

Conflict of Interest Allegations

Members and staff discussed the conflict-of-interest allegations. The analyst explained she was previously dating a person working at Quality Forensic Toxicology (QFT) in San Antonio but never shared any confidential information with him. QFT does not perform forensic biology/DNA analysis. DNA Reference Laboratory does not perform toxicology testing.

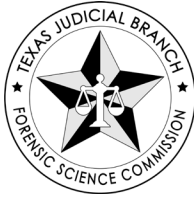
3. Discuss the status of the investigation by A2LA.

Members discussed that the evidence of the use of expired reagents by the laboratory is conflicting and best resolved by the national accrediting body (A2LA) during the next assessment. A2LA recently closed the investigation into Dr. Salih's claims against the analyst. A2LA is now investigating claims made by the analyst and Jun Lee (including review of the recordings he provided) and tentatively plans to announce further action in mid-June. The Commission's laboratory accreditation for the laboratory is currently suspended.

Members and staff discussed that the Commission only has jurisdiction over criminal cases, and DNA Reference Laboratory does very few criminal cases. Dr. Salih's license is currently expired. He cannot renew his license until the Commission reinstates the laboratory's accreditation.

4. Discuss observations and recommendations for the Final Investigative Report.

Staff explained that the evidence does not support the claim that the analyst deleted computer files based on the initial report from the digital forensics firm. Staff requested but has not received a final report. The evidence also does not support the claim that Castro had any conflict of interest due to the fact that she was dating an individual who also happened to work in forensic science, though in a different discipline. Staff emphasized that proficiency testing can be segmented according to an analyst's competency, but proficiency testing should not be a collaborative effort. Staff further emphasized that the POP 7 performance checks and parameter changes did not constitute sufficient validation, as pointed out by the lab employees.



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Ziemak and Coble agreed with staff's conclusions and would like to move forward with a draft report. Garcia says the need to support validated methods as outlined in the Commission's Code of Professional Responsibility should be mentioned in the final report. Staff aims to have a report completed for consideration at the July 25, 2025 quarterly meeting.

5. Public comments.

No public comment occurred other than that noted above.

6. Schedule additional meeting if needed.

The Panel did not schedule an additional meeting.

7. Adjourn.

MOTION AND VOTE: *Coble moved to adjourn the meeting at 1:43 pm. Ziemak seconded the motion. The Commission unanimously adopted the motion.*