



TEXAS FORENSIC SCIENCE COMMISSION

Justice Through Science

MEETING AGENDA

January 25, 2019 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.

1. Review and adopt minutes from October 5, 2018 Forensic Science Commission Quarterly meeting. (Barnard) *(5 min)*
2. Office administrative update (FY2019 budget status report second quarter). (Garcia/Adams) *(5 min)*
3. Discuss and consider pending complaints and laboratory self-disclosures as well as new complaints and self-disclosures received through January 11, 2019 (Daniel) *(90 min)*

Disclosures Pending from October 5, 2018 Quarterly Meeting

1. No. 19.02; Department of Public Safety – Garland (Seized Drugs)

Disclosures Received as of January 11, 2019

2. No. 18.45; Houston Forensic Science Center (Latent Prints)
3. No. 18.48; Department of Public Safety – Lubbock (Blood Alcohol)
4. No. 18.51; Department of Public Safety – Lubbock (Seized Drugs)
5. No. 18.52; Houston Forensic Science Center (Crime Scene)
6. No. 18.56; Department of Public Safety – Midland (Seized Drugs)
7. No. 19.03; Department of Public Safety – Austin (Forensic Biology)

Complaints Pending from October 5, 2018 Quarterly Meeting

8. No. 18.25; Keller, Chance D. (Department of Public Safety – Waco; Firearms/Toolmarks)
9. No. 18.40; Tyler Flood & Associates (Department of Public Safety – Houston; Blood Alcohol)

Complaints Received as of January 11, 2019

10. No. 18.42; Richard, Tyrone D. (Houston Forensic Science Center/HPD; Toxicology)
 11. No. 18.43; Davis, Tommy W. (SANE K. Tarl-Rash; SA Exam)
 12. No. 18.47; Mediano, Jacob (UNTHSC-CHI; DNA Paternity- Criminal)
 13. No. 18.49; Scharmen, George for Patel & Guzman (Department of Public Safety – Austin; Blood Alcohol)
 14. No. 18.50; Scharmen, George for Seaman (Department of Public Safety – Austin; Blood Alcohol)
 15. No. 18.53; Spence, Michael (Department of Public Safety – Weslaco; Forensic Biology)
 16. No. 18.54; Morgan, Brandon Ray (HCIFS; Toxicology)
 17. No. 18.57; O'Brien, George (Houston Forensic Science Center; Latent Prints)
 18. No. 19.01; Warterfield, Robert T. (SWIFS/Dallas PD; DNA)
 19. No. 19.02; Benson, Sam (Department of Public Safety – Weslaco; Maintenance Issue)
4. Discuss status of crime laboratory accreditation program, including:
 - a. Accreditation non-conformances and reports received since October 5, 2018 quarterly meeting;
 - b. Discuss and adopt rule exempting the forensic discipline Document Examination from accreditation requirements;
 - c. Discussion and consideration of laboratory requests to recognize CLIA certification and PJLA accreditation;
 - d. Rule revision to limit CAP accreditation to CAP's Forensic Drug Testing accreditation program. (Savage/Kerrigan/Johnson) (30 min)
 5. Discuss licensing advisory committee, including:
 - a. Update on licenses issued;
 - b. Update on final publication of licensing rules including the following:
 - i. Continuing Forensic Education Requirements;
 - ii. Harmonization of Accreditation and Licensing Rules;
 - iii. Removal of Knowledge-based Competency Requirements;
 - iv. Military Licensing Fee Waiver;
 - v. Exemption for Work Prior to January 1, 2019; and
 - vi. Blanket License for Out-of-State Labs.
 - c. Discuss possible future revisions to blanket rule;
 - d. Review outstanding draft licensing rules and proposed rule concepts for approval, including:
 - i. Rule expanding pre-Jan 1 exemption to include forensic disciplines later subject to accreditation requirements (e.g., bloodstain pattern analysis);
 - ii. Rule allowing university students to take forensic analyst and/or technician exam and revision to rule for fourth exam requests to require a letter of support from laboratory director;

- iii. Discuss rule regarding Presiding Officer or Designee authority on criminal history reviews/denials;
 - iv. Rule revision to provide clarification with regard to the applicability of the technical reviewers license;
 - v. Discuss rule regarding provisional licenses and exam attempts.
 - e. Deliberate regarding criminal case evaluation and table for licensees. (Garcia/Savage) (30 minutes)
6. Update on NMS *Torney* DNA review. (Garcia) (5 min)
 7. Presentation from NIST representatives on implementation possibilities for OSAC standards and guidelines in Texas and discussion regarding same. (Garcia) (60 minutes)
 8. Update from investigative panel regarding Culbertson (DPS El Paso; Blood Alcohol) #18.21, including report from November 2, 2018 panel call and January 8, 2019 online presentation. (Kerrigan/Drake/Daniel) (15 minutes)
 9. Update from investigative panel regarding Sorenson (Forensic Biology) #18.30, including report from on-site laboratory audit. (Budowle) (10 min)
 10. Update from Crime Scene Investigation Working Group, including report from November 13, 2018 meeting in Austin. (Garcia) (5 min)
 11. Report from statistical sampling committee meeting in Bryan, TX on November 30, 2018 and discussion of draft guidelines. (Drake/Kerrigan/Parsons) (10 min)
 12. Update on publication of HB-34 report on crime scene and field drug testing. (Garcia) (5 min)
 13. Discuss support for laboratories on validation and implementation of probabilistic genotyping software. (Budowle) (10 min)
 14. Update on triage projects for DNA mixture review; update on Austin Police Department cases under review by UNTHSC-CHI. (Budowle/Wicoff/Boswell/Mills) (10 min)
 15. Legislative update and committee re-activation. (Garcia) (5 min).
 16. Update from Governor's Appointee Training. (Downing/Drake) (5 min).
 17. Discuss developments with respect to kit backlog reduction and standardization efforts. (Downing) (15 min)
 18. Update from Texas Association of Crime Laboratory Directors. (Stout) (10 min)
 19. Report from various recent and upcoming conference presentations by staff (Garcia) (5 min)

20. Consider proposed agenda items for next quarterly meeting. (Barnard)
21. Schedule and location of future panel and quarterly meetings. (Barnard)
22. Hear public comment. (Barnard)
23. 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.