

**Texas Forensic Science Commission  
Minutes from October 1, 2015 DNA Mixture Interpretation Panel Meeting in Austin, Texas**

The Texas Forensic Science Commission's DNA Mixture Interpretation Panel met at 3:30 p.m. on Thursday, October 1, 2015, at the Omni Austin Southpark, 4140 Governor's Row, Austin, Texas 78744.

Members of the Panel were present as follows:

Members Present: Eisenberg, Barnard, Alpert, Hughes-Stamm, Lerma

Members Absent: None

Other Members Present: Di Maio

Staff Present: Lynn Garcia, General Counsel  
Leigh Tomlin, Commission Coordinator  
Kathryn Adams, Legal Assistant

**Update/Report from September 18, 2015 meeting at SWIFS in Dallas.**

Members provided a brief update on action items developed from the September 18, 2015 meeting in Dallas. Garcia presented an action items list. Members used the action items list throughout the meeting for development of process as the panel continues to move forward in its inquiry. The list included: 1) an assessment of current mixture interpretation protocols from laboratories; 2) a plan for a sample case review; 3) an intensive teaching plan for mixture interpretations; 4) a mixture case list compilation and strategies for narrowing the list; 5) an assessment of conviction status for mixture case lists; 6) notification to defendants and other interested parties; and 7) development of a process for providing writ lawyers to defendants where necessary.

**Developments in DNA mixture interpretation over the last few weeks.**

Garcia gave an overview of the various DNA mixture interpretation statistical approaches and explained to attendees that the Commission will focus on Combined Probability of Inclusion/Exclusion (CPI/CPE) cases.

**What the Commission has recommended regarding currently pending cases and how the laboratories and stakeholders are responding.**

Garcia explained the Commission's evaluation is limited to determining whether a Texas laboratory issued a CPI/CPE statistic to the criminal justice system without considering the possibility of allele dropout or the presence of other stochastic effects. If so, those cases should be reviewed to assess the possibility of missing genetic data. It is also possible a laboratory could have considered the possibility of allele dropout without having a stochastic threshold in place, but the laboratory will need to articulate how it did so by using some type of stochastic range or other approach that may not have been expressly called a stochastic threshold but had the same practical purpose.

Commissioners will proceed with obtaining current protocols from all laboratories to determine whether the protocols meet current mixture interpretation standards. Each laboratory will provide the Commission with its current protocols for DNA mixture interpretation. Laboratories will also provide a list of 10 current and pending cases for review.

**Discuss ASCLD/LAB mandate for validating 3-4 person mixtures by December 1, 2015 and possible Commission response.**

Garcia explained ASCLD/LAB is reviewing questions from the Commission related to ASCLD/LAB's mixture validation mandate and deadline, and Commissioners expect an answer from ASCLD/LAB in time for laboratories to have realistic expectations for what is expected of them in order to fulfill any of those requirements.

**Prosecutor constitutional and state law disclosure obligations and perspective.**

Members and attendees discussed disclosure obligations related to the DNA mixture interpretation review.

**Identifying resources needed and potential funding sources.**

Members discussed potential resources and funds for a case review.

**Identifying education and training needs and possible resources to ensure current and proper protocols.**

Members and attendees discussed the need for education and training related to DNA mixture interpretation and current standards.

**The implications of moving to probabilistic genotyping and how to successfully transition.**

Members and attendees discussed whether cases should be put on hold until probabilistic genotyping can be implemented. Members decided in recalculating cases, the original case calculation should be submitted, along with any re-calculation, and in cases where probabilistic genotyping is available, all three may be submitted to a court for review and assessment.

**A discussion of which stakeholders to include in the process (when and how) and how best to communicate issues (FAQ's, webinars, in-person meetings, etc.).**

Members discussed creating a panel to develop a process for notification issues related to the DNA mixture interpretation review.

**MOTION AND VOTE:** *Alpert moved recommend the full Commission contact various organizations such as the Texas District and County Attorneys Association, Texas Criminal Defense Lawyers Association, the various Conviction Integrity Units, the Texas State Bar, and Innocence Project of Texas, requesting nominations for a notification panel. Lerma seconded the motion. The panel unanimously adopted the motion.*

**A discussion of process going forward including establishment of sub-committees and task forces as needed.**

**MOTION AND VOTE:** *Eisenberg moved to elect Hughes-Stamm Chair of the DNA Mixture Interpretation Panel. Alpert seconded the motion. The panel unanimously adopted the motion.*

**Recommendations for Commission at October 2 Quarterly Meeting.**

The Commission will take any recommendations discussed above to the full Commission's meeting October 2, 2015 and request a vote on any action items.

**Action items for staff.**

**Public comment.**

No one commented during this particular portion of the agenda; however, the following individuals provided input throughout the discussion at the meeting.

Jeff Sailus  
Inger Chandler  
Dawn Boswell  
Roger Kahn, Ph.D.  
Tim Sliter, Ph.D.  
Patricia Cummings  
Jack Roady