

**Texas Forensic Science Commission – Licensing Advisory Committee
Minutes from April 11, 2016 Meeting in Austin, Texas**

The Licensing Advisory Committee of the Texas Forensic Science Commission met at 9:30 AM on Monday, April 11, 2016, at the Omni Austin Southpark Hotel, 4140 Governor’s Row, Austin, Texas 78744.

Members of the Committee were present as follows:

Members Present: Greg Hilbig, Chair
Inger Chandler
James Miller
Robert Sailors
Timothy Sliter
Robert Middleberg*

Members Absent: Michael Ward
Chris Heartsill
Mark Daniel

Staff Present: Lynn Garcia, General Counsel
Leigh Tomlin, Associate General Counsel
Nick Vilbas, Assistant General Counsel
Kathryn Adams, Commission Coordinator

*Licensing Advisory Committee member Dr. Robert Middleberg attended the meeting via two-way video conference arranged by Commission staff.

General updates from February 12, 2016 Licensing Advisory Committee meeting.

Hilbig gave a brief update on activities and progress since the Committee’s last meeting on February 12, 2016.

Garcia provided an introduction and explanation of the forensic examiner licensing law in Texas to provide background information to members and invited certification body presenters.

Administrative update (reimbursements, distribution of materials and any other outstanding orientation items).

Members and staff briefly addressed outstanding orientation items, including reimbursements and the process for distribution of meeting materials and presentations.

Presentations from various invited guests from different forensic examiner certification bodies.

Garcia introduced each presenter invited to provide background and other information on currently existing forensic examiner certification bodies.

Dr. Robert Middleberg, member of the Licensing Advisory Committee and member of the Board of Directors for both the American Board of Forensic Toxicology (ABFT) and the American Board of Clinical Chemistry (ABCC), joined the discussion via two-way video conference call.

American Board of Forensic Toxicology

Dr. Middleberg presented background and other historical information related to the development of ABFT's certification program. As outlined by Middleberg, the objectives of ABFT are to establish, enhance and revise as necessary the standards of qualification for those who practice forensic toxicology, and to certify as qualified scientists those voluntary applicants who comply with the requirements of ABFT. The ABFT aims to establish a practical and equitable system of readily identifying those who possess the requisite qualifications and competence in forensic toxicology.

Certification is based upon the candidate's personal and professional record of education and training, experience, achievement and a formal written examination. The application fee, including the sitting fee for the exam is \$250.00 with a \$100 continuing education fee required each year to maintain the certification. Certification may be achieved at different levels— Fellow, Diplomate – Forensic Toxicology, Diplomate – Forensic Alcohol Toxicology, Diplomate – Forensic Drug Toxicology, and Forensic Toxicology Analyst. Middleberg explained ABFT is also adding an additional certification category for those examiners who only testify and report results but do not issue an opinion related to the results.

Middleberg reviewed current guidelines developed by the national organization that develops standards and guidelines for toxicologists, the Scientific Working Group for Forensic Toxicology (SWGTOX). ABFT's qualifications/requirements for certification will eventually track current SWGTOX guidelines. SWGTOX guidelines require ISO 17024 accreditation from certification bodies and ABFT is working towards achieving ISO 17024 accreditation.

Members discussed that ABFT's toxicologist certification will likely be a relevant certification body in Texas and ABFT certification may be required of toxicologists to fulfill the January 2019 effective forensic examiner requirements.

American Board of Clinical Chemistry

Dr. Middleberg followed with a discussion and presentation of the requirements for ABCC certification. ABCC certification is difficult and less commonly achieved. The certification requires a Ph.D. or equivalent degree, tests an examiner's clinical chemistry competency and requires a 5-year practicum period before an examiner can sit for the exam. ABCC's mission is to advance science by establishing standards of competence for those who practice clinical laboratory medicine, and to certify as Diplomates those qualified specialists who comply with its requirements.

The exam requires a \$500 application fee and a \$200/section exam sitting fee. Committee members discussed that the program is well developed and should certainly be recognized in Texas, but will likely not become a requirement for any particular forensic examiner in Texas.

During the Committee's discussion regarding the 5-year practicum requirement for ABCC certification, members discussed the issue of provisional certification. Many of the current certification bodies require a practicum period where forensic examiners must practice or remain in training before they become eligible to sit for the exam to become certified. Most of the recognized certification bodies available for forensic examiners do not offer any provisional accreditation. Members discussed the need for some kind of provisional license or fellowship period for examiners to address the gap in time between the practicum period and certification eligibility.

American Board of Criminalistics

Chris Taylor, past president of the American Board of Criminalistics (ABC), gave a presentation on the background and requirements to become certified by ABC. Taylor explained ABC's mission is to raise the level of competence in Forensic Science through peer-based certification and promotion of professional development. The ABC is dedicated to the highest standards and programs for scientists involved in the administration of justice. An ABC exam measures knowledge and reasoning and examiners demonstrate general knowledge in addition to some specialization. The certification also requires continuing professional development and proficiency testing.

Current exams offered by ABC include Molecular Biology, Comprehensive Criminalistics, Paint and Polymer, Drug Analysis, Fire Debris, and Hair and Fiber. There are three levels of certification—Affiliate, Diplomate and Fellow. Each requires a different level of experience and/or education. Each exam requires a \$250 sitting fee plus \$50/year to maintain.

One of ABC's main goals at this time is achieving ISO 17024 accreditation, and the organization began the process recently. The process is extremely expensive and time consuming. Molecular Biology will be the first certification category to be ISO 17024 accreditation.

Members discussed whether the Comprehensive Criminalistics exam was relevant to any particular discipline subject to the licensing requirement in Texas. Most agreed the comprehensive criminalistics exam was heavier in basic forensics, but not particularly specialized in any discipline subject to the licensing requirement.

Association of Firearm and Tool Mark Examiners

Eric Collins, the Association of Firearm and Tool Mark Examiners (AFTE) Program Chair, gave a presentation on the background and historical development of AFTE's examiner certification program. The purpose of AFTE's certification program is to demonstrate to interested parties that successful applicants have met a standard of excellence in knowledge and skill for a qualified firearms/tool mark examiner and also to promote professionalism among firearm and tool mark examiners by establishing certification as a level of accomplishment.

Certification subject areas of evidence examination and identification offered by AFTE include firearm, tool mark and gunshot residue (distance determination). The program requires a two-year course study and three years paid experience as an examiner following competency and authorization to perform casework, for a total of five years before an examiner may be eligible for AFTE certification. Examiners must also have a 4-year college degree or equivalent (unless certified or began the certification program before 2006). Examiners take a written and practical exam before passing. Total exam fees for written and practical are \$250.00. Maintenance is \$25.00 for recertification per subject area and certifications are good for five years.

Members discussed with Collins the fact that elemental GSR testing is not covered by any of the firearms/tool mark certifications offered by AFTE. This type of testing falls more under “trace” than firearms testing. Elemental GSR is also not covered by ABC unless considered under ABC’s Comprehensive Criminalistics exam. Collins also explained that AFTE’s exam only covers traditional pattern matching in firearm and tool mark examination, not quantitative methods.

Collins explained ISO 17024 certification is not yet on the table for AFTE but may be in the near future.

International Association for Identification

Bob Garrett, Director of the Professional Programs Quality Assurance Governing Board for the International Association for Identification (IAI), gave a presentation and historical background on the development of IAI’s certification programs. The IAI is a professional membership organization comprised of individuals worldwide who work in the field of forensic identification. The IAI is the oldest and largest forensic science/identification association in the world. The IAI’s has certification programs each with a separate exam in the following areas: Crime Scene, Latent Print, Tenprint, Footwear, Forensic Art, Forensic Photography, Forensic Video, and Bloodstain pattern.

The Crime Scene Certification program has the largest participation of IAI’s certification programs. Is it the only one of the programs that has multiple levels of certification—crime scene investigator, crime scene analyst, senior crime scene analyst and crime scene reconstructionist. The second largest is latent prints. Latent print certification is the oldest and most developed certification program by IAI.

Cost of certification by IAI for members is \$200. Recertification for members is \$200 annually. Non-members pay \$300 for both.

IAI is working towards ISO 17024 accreditation at this time. The target date for completion of ISO 17024 accreditation is early 2018.

Presentations Wrap-up

After each presenter, the organization representatives fielded questions from Licensing Advisory Committee members. At the conclusion of the presentations, members discussed several issues and/or gaps between certifications for forensic disciplines currently available and the particular disciplines that will be required to get a licensing under Texas law by 2019.

Discussion of legislative recommendations, revisions and/or clarifications to the statutory licensing requirement.

Committee Members discussed the frequency of their meetings and decided to meet more often than the Commission's quarterly meetings as originally planned due to impending legislative deadlines for developing the requirements for forensic examiner licensing in Texas.

Development and discussion of next steps to fulfill statutory requirements contained in Tex. Code Crim. Proc. art. 38.01 § 4-a (b)-(f), including questions received from community.

Committee members will continue to develop recommendations for fulfillment of the Forensic Science Commission's statutory mandate to develop licensing program requirements for forensic examiners in Texas.

Consider proposed agenda items for next meeting.

Schedule and location of future meetings.

The Licensing Advisory Committee will meet once in May and once in June and then again before the Forensic Science Commission's quarterly meeting July 8 (most likely July 7).

Hear public comment.

No public comment other than the invited guest comments described in agenda item 3 above was offered at the meeting.

Adjourn.