

Texas Forensic Science Commission – Licensing Advisory Committee Minutes from October 21, 2021, Meeting

The Licensing Advisory Committee of the Texas Forensic Science Commission met at 11:00 a.m. on October 21, 2021, at the Tom C. Clark Building, 205 West 14th Street, 1st Floor Conference Room, Austin, Texas.

Members of the Committee were present as follows:

Members Present: Deborah Smith
Sandy Parent
Erin Reat
Emily Esquivel
Donna Eudaley
Crystina Vachon
Alicia Watts
Calli Bailey

Members Absent: Bill Hines

Staff Present: Lynn Garcia, General Counsel
Leigh Tomlin, Associate General Counsel
Robert Smith, Senior Staff Attorney
Maggie Sowatska, Program Specialist

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

1. Call meeting to order. Roll call for members. (Reat)

Reat called the meeting to order and called roll.

2. Review and adoption of minutes from July 15, 2021, and August 30, 2021, meetings. (Reat)

MOTION AND VOTE: *Smith moved to adopt the minutes drafts by staff. Esquivel seconded the motion. The Committee unanimously adopted the motion.*

3. Administrative update, including update on number of licenses issued and number of renewals processed, update on database project with Office Court Administration IT. (Garcia/Tomlin/Soward)

Soward gave an update on the number of licenses and renewals to date. The Commission currently licenses a total of 1306 forensic analysts and technicians who perform forensic analysis on Texas criminal cases. Tomlin gave an update on the database project. With respect to the Commission's database project, Garcia explained the team is going into more depth with the information than

originally anticipated. The project is moving along but is behind schedule. Staff expects parts of the project to be released before the end of the year with more features available early next year.

4. Review any outstanding statistics course evaluation requests; discuss available statistics course options.

Garcia gave an update on the prospective statistics course options, including a course offered through Iowa State and NIST and an online platform offered by Sam Houston State University (SHSU). Garcia expects registration for the SHSU course to be available very soon. The SHSU online statistics is a self-paced course that is 40 hours long. As soon as it is available, staff will post the registration link to its statistics for licensing page on the Commission's website.

5. Discuss and evaluate any outstanding continuing forensic education (CFE) requests.

Tomlin gave an update on the outstanding CFE requests. There were no new requests at the time. Tomlin evaluates continuing forensic education submissions and approves them as they are received.

6. Discuss exam evaluation committee and progress on development of new study materials and test questions; discuss exam options for technicians transitioning to full analysts and conference with psychometricians.

Garcia gave an update on the development of new study materials for the Commission's second version of the General Forensic Analyst Licensing Exam. All the study materials are ready to release except for the videos that need to be recorded. Sowatzka has created Prezi presentations for video presentations that still need to be recorded. Staff will send materials and outlines to Committee members who have volunteered to create scripts for certain domains on the exam. Staff hopes to have the study materials finalized very soon. Staff plans to distribute the materials to forensic practitioners in disciplines not subject to accreditation requirements for a pilot version of the exam that will assist the Commission's psychometricians in gathering data about the success of the exam.

Committee members who volunteered to write questions for the second version of the exam will receive specific instructions from the Commission's psychometricians that they can use as guidance in drafting questions for each topic. Staff will organize the study materials and question drafting instructions for distribution to volunteers in the next month.

Garcia discussed the issue of technicians changing their license status to full analyst and having to take the exam domains (Statistics and Expert Testimony) that were not taken when the candidate took the technician's exam. Staff gives these candidates the option to take either the full analyst exam or just the two domains the candidate has not yet passed. Because the exams are graded (no matter the number of questions) at a 70% cut-off, candidates who opt take only the two domains have to get more questions correct in those domains compared to candidates who take the full exam. Garcia proposed the Committee discuss the idea that test-takers must get a certain number of questions correct in each section of the next version of the test in addition to earning an

acceptable overall score, rather than an overall 70% cut-off. The concept will be assessed by the Commission's psychometricians once exam data is evaluated, and the psychometricians will provide a recommendation on how to proceed.

7. Discuss voluntary licensure for unaccredited forensic disciplines, including discussion and update on the crime scene working group's proposed components for voluntary licensure. (20 min)

The committee discussed proposed components for licensure for the Commission's voluntary licensing disciplines, including Latent Print Examination, Latent Print Processing, Document Examination, Forensic Anthropology, Digital/Multimedia, Crime Scene Investigation and Crime Scene Reconstruction.

Among the different components discussed, members addressed education requirements (high school diploma/GED, bachelor's, or graduate degree) for each forensic discipline. Members also discussed in great detail how to address missing quality assurance components in each forensic discipline where the employing laboratory for the candidate is not accredited or accreditation is not available. Proposed requirements for these laboratories include proof of external routine proficiency testing and inter-laboratory comparison exercise(s) established with at least one other laboratory to verify the laboratory's quality of work. Members also discussed what specific college-level courses should be required for each forensic discipline's voluntary license. Members agreed statistics should be required for all disciplines as it is for accredited/mandatorily licensed forensic disciplines with a grandfathering period of one year (the same offered to mandatory licensees). To establish appropriate education requirements (both traditional degree requirements and required specific coursework), members discussed establishing subject matter groups to address what the requirements should be. Staff will work with a list of experts to set up calls for discussion of voluntary licensure requirements and bring feedback to the Committee's January 20, 2022, meeting.

Members discussed that any proficiency tests required for voluntary licensure should mimic actual casework. Members discussed what math and sciences courses should be required (physics, fluid dynamics, trigonometry, statistics, etc.) in each discipline. For crime scene reconstruction, members felt trigonometry, physics, and geometry should be required. Staff will update the proposed chart of requirements listing each voluntary license forensic discipline with suggestions by members from today's meeting. Staff will continue to work on the chart of proposed requirements after discussing what the requirements should be with the subject matter groups.

8. Discuss and review draft glossary of scientific terms for non-scientists to be published with Commission database.

Committee members discussed a current draft glossary of scientific terms staff hopes will be helpful to non-scientists using the Commission's new database and trying to discern what certain terms on a laboratory's accreditation scope actually mean. Members corrected the definitions of several terms that offered a general scientific explanation of the meaning to definitions that were specific to different forensic disciplines. Staff will make the updates accordingly.

9. Review chart of current licensing advisory committee member terms. (Tomlin)

Tomlin reviewed the chart of Licensing Committee members. Five members have terms that expired August 31, 2021. Four of those members will seek reappointment. Aliece Watts is stepping down due to her retirement. The Commission will decide on a new person to fill Watt's position, likely someone representing the private laboratory sector, during the Commission's quarterly meeting tomorrow.

10. Update and discussion of new OSAC Registry standards, including the development of collaborative work groups to discuss new standards. (Garcia)

Garcia gave an update on new OSAC Registry standards. She also addressed that the ASB has a grant to help train laboratories around the country on implementation of standards and the ASB and OSAC have asked the FSC to partner with them in this effort.

11. Update from the Texas Association of Crime Laboratory Directors. (Watts/Stout)

Watts let the Committee know the TACLD will meet again the week of the Commission's next quarterly meeting that will occur on January 21, 2022.

12. Schedule and location of future meetings, including January 20, 2022, meeting.

Staff will work on time and room scheduled for the next meeting of the Licensing Advisory Committee, January 20, 2022. The Commission's next quarterly meeting will occur on January 21, 2022.

13. Hear public comment.

Members did not address any public comment other than that noted above.

14. Adjourn.

15. MOTION AND VOTE: *Watts moved to adjourn the meeting. Vachon seconded the motion. The Commission unanimously adjourned at 11:50 a.m.*