



TEXAS FORENSIC SCIENCE COMMISSION

Justice Through Science

MEETING AGENDA

May 26, 2017 at 8:00 AM

Omni Austin Southpark
4140 Governor's Row
Austin, Texas 78744
(512) 448-2222

The Commission may meet in closed session on any item listed below, if authorized by the Texas Open Meetings Act, Texas Government Code Annotated, Chapter 551. 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 February 10, 2017 Forensic Science Commission Quarterly meeting. (Barnard) (5 min)
2. Office administrative update (FY2017 budget status report; 85th Legislative Session Legislative Appropriations Request; SB-298 and SB-1124; report on collaboration with Judge Hervey on NIJ training grant; discuss Garcia participation in FBI root cause project; and acquisition of content management software required for the FSC Licensing Program). (Garcia/Savage) (10 min)
3. Discuss and consider pending complaints and laboratory self-disclosures and all new complaints or self-disclosures received through May 11, 2017. (Daniel) (75 min)

Disclosures Pending from February 10, 2017

1. No. 17.01; Houston Forensic Science Center (Biological Screening/DNA)
2. No. 17.03; Houston Forensic Science Center (Toxicology)

Disclosures Received as of May 11, 2017

1. No. 17.12; NMS (Toxicology – Signature Issue)
2. No. 17.17; NMS (Toxicology – Cannabinoids)
3. No. 17.18; Tarrant County Medical Examiner's Office (Toxicology)
4. No. 17.22; Houston Forensic Science Center (Crime Scene Unit)
5. No. 17.25; Jefferson County Regional Crime Lab (Drug Chemistry)
6. No. 17.26; DPS El Paso (Lost DNA Evidence)
7. No. 17.27; DPS Midland (Barcode Issue/Lost Evidence)
8. No. 17.28; DPS Garland (Blood Alcohol)

Complaints Pending from February 10, 2017

1. No. 16.54; Gulley, Britney (SWIFS; Firearms/Toolmarks)
2. No. 16.69; Richards, Dylan (DPS Garland; Blood Alcohol)
3. No. 17.04; Gefrides, Lisa (Houston Forensic Science Center; Biology/DNA)
4. No. 17.05; Innocence Project of Texas (DPS Austin; DNA-CODIS)

Complaints Received as of May 11, 2017

1. No. 16.41; Moreno, Jr., Valentin (Dr. A. J. Alamia; Forensic Psychology Testimony)
 2. No. 16.52; Resendez, Eustorgio (DPS Austin; Firearm/Toolmark)
 3. No. 17.07; Turner, Bronwen (Harris County Institute of Forensic Sciences; Firearm/Toolmark)
 4. No. 17.09; Washington, Kenneth Wayne (Harris County Institute of Forensic Sciences; Serology/DNA)
 5. No. 17.13; Hill, Anthony (Max Courtney; Crime Scene Reconstruction)
 6. No. 17.16; Booker, Billy Joe (NMS/IFL Bedford; Blood Alcohol)
 7. No. 17.19; Thain, Blake Allen (Harris County Sheriff's Office; Firearm/Toolmark)
 8. No. 17.21; Cervantes, Reynaldo (DPS McAllen; Serology)
 9. No. 17.23; Ghant, Travis (Scott & White – Temple Sexual Assault Nurse Examiner Alice Lindner; S.A.N.E).
 10. No. 17.24; Smithwick, Roy (Bexar County Criminal Investigation Lab; Serology and Ballistic)
 11. No. 17.29; Drummer, Cornell (Bexar County Criminal Investigation Lab; Firearm/Toolmark)
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4. Discuss granting staff discretion to dismiss complaints that are requests for DNA testing and complaints related to non-physical evidence, such as forensic psychology and forensic hypnosis because these disciplines fall outside the Commission's jurisdiction as they are not "forensic analysis" in accordance with Tex. Code Crim. Proc. art 38.35 (a)(4). (5 min)
 5. Discuss status of crime laboratory accreditation program, including accreditation non-conformances received since February 10, 2017 meeting, discussion of comments and responses on proposal and final adoption of rule for removal of forensic hypnosis from exempted forensic disciplines list, exemption regarding age assessment and human identification, and exemption regarding testing for sexually transmitted diseases. Discussion of rule proposals to add footwear and tire tread comparison to trace evidence subdisciplines subject to Commission accreditation requirements, remove serial number restoration from exempted forensic disciplines list, correct citations and other non-substantive edits to adopted accreditation rules, and add fire investigation to exempted forensic disciplines list. (Garcia/Savage) (15 min)
 6. Discuss licensing advisory committee program and progress to date, including recent licensing advisory committee meetings (3/3/2017 and 4/24/2017) and review, discuss and adopt proposed draft rules for licensing program. (Hilbig/Garcia/Savage) (75 min)

7. Discuss Commission reporting requirements, including Commission disclosure guidance per statute and possible revisions to policies and procedures. (Garcia) (20 min)
8. Discuss transfer of policies and procedures related to the filing and processing of complaints and disclosures to the Texas Administrative Code. (Garcia/Savage) (10 min)
9. Discuss revisions to complaint and disclosure forms and requiring laboratories to identify name of examiner(s) involved in a particular disclosure. (Daniel/Garcia) (20 min)
10. Update on Rio Grande Identification Project. (Hughes-Stamm/Garcia/Savage) (10 min)
11. Update from Texas Association of Crime Laboratory Directors. (Kahn or designee) (5 min)
12. Review recommendations in HB-34 and SB-1579 from Tim Cole Exoneration Review Commission as they relate to Forensic Science Commission activities. (Garcia) (5 min)
13. Discuss progress on project to standardize sexual assault kits statewide. (Downing) (15 min)
14. Discuss Retrograde Extrapolation Guidance Document. (Kerrigan) (10 min)
15. Update from investigative panel regarding Harris County Institute of Forensic Sciences (Toxicology, Blood Alcohol) #16.48, including March 7, 2017 panel teleconference. (Drake, Kerrigan, Daniel) (20 min)
16. Update from investigative panel regarding combined Clark (Harris County IFS, HPD, Harris County Sheriff's Department; GSR, DNA, Blood Spatter) #16-40 case and Bryan (Robert Thorman; Blood Spatter) #16.56 case, including March 6, 2017 teleconference. (Johnson, Hughes-Stamm, Parsons) (15 min)
17. Update from Hair Microscopy Panel, including case review status and discussion of whether additional cases should be reviewed. (Garcia) (20 min)
18. Update and review regarding Bite Mark Panel (Chaney–National Innocence Project) #15-07, including record collection and March 10, 2017 case review meeting in Austin. Discussion of recommended notifications. (Garcia) (20 min)
19. Presentation from the Quattrone Center for the Fair Administration of Justice. (Garcia/Hollway) (30 min)
20. Update, review and discussion of DNA Mixture Interpretation Review and Austin PD DNA Lab progress. (Budowle/Hughes-Stamm/Koehler/Garcia) (30 min)
 - a. Statewide & county-based defense triage projects (Wicoff/Boswell/Strassburger).

- b. Progress regarding recommendations in Austin Police Department DNA Lab Report approved at July quarterly meeting as well as DPS addition of Capital area facility.
 - c. Correspondence with ASCLD/LAB dba ANAB regarding accrediting body root cause analysis.
 - d. Update on DPS review of quality system.
21. Discussion regarding NIST July 24-28, 2017 International Forensic Science Error Management Symposium. (Garcia) (5 min)
 22. Consider proposed agenda items for next quarterly meeting. (Barnard)
 23. Schedule and location of future panel and quarterly meetings. (Barnard)
 24. Hear public comment. (Barnard)
 25. 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.