



TEXAS FORENSIC SCIENCE COMMISSION

Justice Through Science

MEETING AGENDA

May 03, 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. Introduction of newly appointed commissioner Dr. Patrick Buzzini and update on appointments. (Garcia/Buzzini) *(3 min)*
2. Review and adopt minutes from January 25, 2019 Forensic Science Commission Quarterly meeting. (Barnard) *(3 min)*
3. Office administrative update (FY2019 budget status report third quarter; TopClass improvements to continuing forensic education platform; Florence litigation). (Garcia/Savage) *(5 min)*
4. Update from Legislative Committee and legislative activities. (Garcia) *(15 min)*
5. Discuss and revise definitions for professional negligence and professional misconduct. (Garcia/Savage) *(15 min)*
6. Discuss and consider pending complaints and laboratory self-disclosures as well as new complaints and self-disclosures received through April 12, 2019 (Daniel) *(60 min)*

Disclosures Received as of April 12, 2019

1. No. 19.05; Southwestern Institute of Forensic Sciences (Forensic Biology)
2. No. 19.09; Bexar County Criminal Investigation Laboratory (Firearms/Toolmarks)
3. No. 19.12; Fort Worth Police Department Crime Laboratory (Forensic Biology)

Complaints Pending from January 25, 2019 Quarterly Meeting

4. No. 18.53; Spence, Michael (Department of Public Safety – Weslaco; Forensic Biology)

Complaints Received as of April 12, 2019

5. No. 19.04; Collins, Robert (Department of Public Safety – Houston; Forensic Biology)

6. No. 19.06; Pentland, Irwin (Department of Public Safety – Austin; Forensic Biology)

7. No. 19.07; Collins, Robert (Montgomery County Sheriff’s Department; Crime Scene Investigation)

8. No. 19.10; Peucker, Ryan (NMS; Seized Drugs)

9. No. 19.11; Horinek, Warren R. (Tom Bevel; Bloodstain Pattern Analysis)

10. No. 19.13; Amaro-Solis, Domingo (Houston Forensic Science Center; Forensic Biology)

11. No. 19.15; Moore, Adam K. (Texas Tech Physicians of Lubbock; Sexual Assault Examination)

7. Presentation from NIST representatives on implementation possibilities for OSAC standards and guidelines in Texas and discussion regarding same. (Garcia) (60 minutes)
8. Discuss status of crime laboratory accreditation program, including:
 - a. Accreditation non-conformances and reports received since January 25, 2019 quarterly meeting;
 - b. Report on availability of document examination expert inquiry/research; discuss and adopt rule exempting the forensic discipline Document Examination from accreditation requirements; and
 - c. Update on final publication of accreditation rules, including the following:
 - i. CAP forensic drug testing program clarification; and
 - ii. Exemption for human specimen testing in a CLIA lab.
 - d. Discuss inquiry regarding genome sequencing from Ortham, Inc. laboratory. (Savage/Koehler/Budowle) (30 min)
9. Discuss licensing advisory committee, including:
 - a. Update on licenses issued;
 - b. Update on final publication of licensing rules including the following:
 - 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 revisions to rule for provisional licenses and fourth exam requests.
 - iii. Rule regarding Presiding Officer or Designee authority on criminal history reviews/denials; and
 - iv. Rule revision to technical reviewers license.
 - c. Review outstanding draft licensing rules and proposed rule concepts for approval, including:
 - i. Continuing forensic education rule updates, including number of discipline-specific training hours required for multiple disciplines, roll-over of hours from previous license cycle and clarification of credit for “date-delivered”;

- ii. Rule regarding authority to deny for conduct on initial application; and
 - iii. Revisions to rules post-January 1 requirements.
 - d. Discuss Agreed Order pursuant to outstanding license denial due to criminal history;
 - e. Update from March 26, 2019 Blanket Rule Task Group and discussion of action items; and
 - f. Review licensing advisory board appointments and August 31 expirations; discuss soliciting applications from TACLD. (Garcia/Savage) (30 minutes)
10. Presentation concerning Federal and State Legal Developments with respect to Quantitation on THC and Hemp vs. Marijuana (Miller/Cline) (30 minutes)
 11. Discuss the creation of a forensic bench book for judges. (Garcia) (5 min)
 12. Discuss use of Rapid DNA technology. (Garcia) (15 min)
 13. Update on final consulting expert final report and closure of NMS *Torney* DNA review. (Garcia/Koehler) (10 min)
 14. Review and adopt final report from investigative panel regarding Sorenson DNA Quality Incident Reviews (Forensic Biology) #18.30. (Budowle/Koehler) (10 min)
 15. Update from investigative panel regarding Culbertson Complaint (DPS El Paso; Blood Alcohol) #18.21. (Kerrigan/Drake/Daniel) (15 min)
 16. Update from outside investigative panel regarding *Criner* case (DPS Austin; Forensic Biology) #19.03. (Boswell/Coble/Capt) (10 min)
 17. Update from Crime Scene Investigation Working Group. (Garcia) (5 min)
 18. Review draft guidelines from statistical sampling committee. (Drake/Kerrigan/Parsons) (10 min)
 19. Update from Probabilistic Genotyping Review Committee and discussion of support for laboratories on validation and implementation of probabilistic genotyping software. (Budowle/Coble) (10 min)
 20. Update on triage projects for DNA mixture review; update on Austin Police Department cases under review by UNTHSC-CHI. (Budowle/Wicoff/Boswell) (10 min)
 21. Discuss developments with respect to kit backlog reduction and standardization efforts. (Downing) (15 min)
 22. Update on Raman Spectroscopy Texas State Bar working group. (Garcia/Buzzini) (15 min)
 23. Update on Rio Grande Identification Project. (Budowle) (5 min)

24. Update from Texas Association of Crime Laboratory Directors. (Stout) (5 min)
25. Report from various recent and upcoming conference presentations by staff. (Garcia) (5 min)
26. Consider proposed agenda items for next quarterly meeting. (Barnard)
27. Schedule and location of future panel and quarterly meetings. (Barnard)
28. Hear public comment. (Barnard)
29. 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.