



TEXAS FORENSIC SCIENCE COMMISSION

Justice Through Science

MEETING AGENDA

August 16, 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. Review and adopt minutes from May 3, 2019 Forensic Science Commission Quarterly meeting. (Barnard) *(3 min)*
2. Office administrative update (FY2019 budget status report fourth quarter; review of budget for FY2020). (Garcia/Savage) *(5 min)*
3. Update from 86th Legislative Session, including HB-1325 (hemp) passage and implementation, forensic education funding/collaboration between UNTHSC, SHSU and DPS, HB-8 (sexual assault kits) and implementation of SB-284 (appeals to disciplinary action for licensees). (Garcia) *(15 min)*
4. Discuss and consider pending complaints and laboratory self-disclosures as well as new complaints and self-disclosures received through July 26, 2019 (Daniel) *(60 min)*

Disclosures Received as of July 26, 2019

1. No. 19.17; Southwestern Institute of Forensic Sciences (Seized Drugs)
2. No. 19.18; Department of Public Safety – Waco (DNA, Seized Drugs, Blood Alcohol)
3. No. 19.19; Department of Public Safety – Lubbock (Toxicology)
4. No. 19.20; Corpus Christi Police Department Crime Laboratory (Latent Prints)
5. No. 19.23; Harris County Institute of Forensic Sciences (Serology)
6. No. 19.26; Department of Public Safety – Austin (Toxicology)

Complaints Received as of July 26, 2019

7. No. 19.16; Hughes, Nicholas (Harris County Institute of Forensic Sciences; Seized Drugs)
 8. No. 19.22; Gowans, Sr., Rodney D. (Department of Public Safety – Austin; Blood Alcohol)
 9. No. 19.24; Frederick, Charles Lorey (Orange County Sheriff’s Office, Investigation Division; Crime Scene)
 - 10.No. 19.25; Green, Jimmy D. (University of North Texas Health Science Center; Forensic Biology)
 - 11.No. 19.27; Abbott, Frederick R. (Department of Public Safety – Waco; Serology, Forensic Biology)
 - 12.No. 19.28; Innocence Project, Inc. for Larry Swearingen (Department of Public Safety – Austin/Serology, Forensic Biology)
5. Presentation and discussion with Gordon Gillerman and Warren Merkel of the Standards Coordination Office at the National Institute for Standards and Technology regarding possible pathways for improving accreditation for forensic science service providers in Texas. (Garcia) *(45 minutes)*
 6. Discuss status of crime laboratory accreditation program, including:
 - a. Accreditation non-conformances and reports received since May 3, 2019 quarterly meeting;
 - b. Update on final publication of accreditation rules, including the following:
 - i. Document examination exemption;
 - ii. Professional negligence and professional misconduct clarifications; and
 - c. Review outstanding accreditation rules and proposed rule concepts for approval, including SAMHSA correction.
 - d. Discuss inquiries from laboratories serving the agricultural industry for the purpose of quantitating THC that have also expressed an interest in seeking Texas accreditation for criminal actions. (Savage) *(20 min)*
 7. Discuss licensing advisory committee update, including:
 - a. Update on licenses issued;
 - b. Update on final publication of licensing rules including the following:
 - 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.
 - c. Review outstanding licensing rules and proposed rule concepts for approval, including:
 - i. Clarifications to Professional Misconduct definition in licensing rules;
 - ii. Expansion of exemption for retired examiners and forensic discipline changes;
 - iii. Removal of document examination references from licensing rules;
 - iv. SB-284 and SB-1342 appeals process changes;
 - v. SB-1200 reciprocity for military spouses changes;

- vi. SB-1342 changes to criminal history eligibility pre-determinations;
 - vii. Discussion of provisional license changes to eligibility; and
 - viii. Discussion of CFE for Technicians.
- d. Discuss Agreed Order pursuant to outstanding license denial due to criminal history;
 - e. Update from July 17, 2019 Blanket Rule Task Group and discussion of action items; and
 - f. Review applications from TACLD and vote on appointments to licensing advisory board to fill 5 seats expiring August 31. (Garcia/Savage) (30 minutes)
8. Update from investigative panel regarding Sorenson DNA Quality Incident Reviews (Forensic Biology) #18.30. (Budowle/Garcia) (10 min)
 9. Review and adopt final report from investigative panel regarding Culbertson Complaint (DPS El Paso; Blood Alcohol) #18.21. (Kerrigan/Drake/Daniel) (20 min)
 10. Update from Fort Worth Police Department Crime Laboratory (Forensic Biology) self-disclosure #19.12 investigative panel. (Parsons/Budowle/Kerrigan) (10 min)
 11. Update from Collins, Robert (DPS Houston; Forensic Biology) complaint #19.04 investigative panel. (Daniel/Budowle/Buzzini) (10 min)
 12. Update from outside investigative panel regarding *Criner* case (DPS Austin; Forensic Biology) #19.03. (Boswell/Coble/Capt) (30 min)
 13. Update from July 15, 2019 Crime Scene Investigation Working Group meeting. (Garcia) (10 min)
 14. Adopt draft guidelines from statistical sampling committee. (Garcia) (10 min)
 15. Discuss Becton Dickenson (BD) recall of BD Vacutainer® Fluoride Tubes for Blood Alcohol Determinations. (Kerrigan) (10 min)
 16. Discuss use of Rapid DNA technology and letter to ANDE. (Garcia) (5 min)
 17. Report from July 29 STRmix Working Group Meeting. (Budowle/Garcia) (10 min)
 18. Update on triage projects for DNA mixture review; update on Austin Police Department cases under review by UNTHSC-CHI. (Budowle/Wicoff/Boswell) (10 min)
 19. Discuss developments with respect to kit backlog reduction and standardization efforts. (Downing) (15 min)
 20. Update on Raman Spectroscopy Texas State Bar working group. (Garcia/Buzzini) (5 min)
 21. Update on Rio Grande Identification Project. (Budowle) (5 min)

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