



TEXAS FORENSIC SCIENCE COMMISSION

Justice Through Science

MEETING AGENDA

October 25, 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 August 16, 2019 Forensic Science Commission Quarterly meeting. (Barnard) (*3 min*)
2. Office administrative update (FY2019 budget status report first quarter; update on staff attorney job posting). (Garcia/Savage) (*5 min*)
3. Update on statewide validation of qualitative method to distinguish hemp from marihuana. (Garcia) (*15 min*)
4. Discuss and consider pending complaints and laboratory self-disclosures as well as new complaints and self-disclosures received through October 4, 2019 (Daniel) (*45 min*)

Disclosures Pending from August 16, 2019

1. No. 19.18; Department of Public Safety – Waco (DNA, Seized Drugs, Blood Alcohol)
2. No. 19.23; Harris County Institute of Forensic Sciences (Serology)
3. No. 19.26; Department of Public Safety – Austin (Toxicology)

Disclosures Received as of October 4, 2019

4. No. 19.30; Bexar County Criminal Investigation Laboratory (Body Fluid Identification)
5. No. 19.33; Department of Public Safety – Laredo (Seized Drugs)
6. No. 19.34; Department of Public Safety – Houston (Forensic Biology)
7. No. 19.37; Department of Public Safety – Lubbock (Forensic Biology)
8. No. 19.38; Houston Forensic Science Center (Firearms/Toolmarks)
9. No. 19.39; Houston Forensic Science Center (Toxicology)

Complaints Received as of October 4, 2019

10. No. 19.29; Blair, Randy (Department of Public Safety – Abilene; Seized Drugs)
 11. No. 19.31 Jones, Lee Charles (Tarrant County Medical Examiner’s Office; Fort Worth Police Department Crime Laboratory; Ballistics)
 12. No. 19.32 Striblin, James (Bexar County Forensic Toxicology Laboratory; Toxicology)
 13. No. 19.35 Green, Brandon (Quest Diagnostics; Hair Follicle Drug Test)
 14. No. 19.36 Wallace, Misty (Texas Alcohol and Drug Testing; Hair Follicle Drug Test)
5. Update on collaboration with 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 August 16, 2019 quarterly meeting;
 - b. Review Expertox responses to cited nonconformances;
 - c. Discuss the Commission’s recognition of the College of American Pathologists (CAP) – Forensic Drug Testing program;
 - d. Review outstanding accreditation rules and proposed rule concepts for approval, including the rule recognizing the merger of ABFT and ANAB; and
 - e. Discussion of inquiries from companies with field drug identification tools, including Detectachem mobile phone drug identification tool, DART drug identification tool, Draeger saliva field test, and CANN-ID technology for distinguishing marijuana from hemp. (Garcia/Savage) *(20 min)*
 7. Discuss licensing advisory committee update, including:
 - a. Update on licenses issued;
 - b. Update on roll-out of renewal process, including CFE reporting for licensees;
 - c. Review outstanding licensing rules and proposed rule concepts for approval:
 - i. Clarifications to provisional license eligibility;
 - ii. Specification of CFE for Technicians;
 - iii. Blanket rule revisions, including discussion of continuing forensic education requirements for blanket licensees and responses to any comments; and
 - d. Review recommendation from TDCAA and vote on prosecutor appointment to licensing advisory board to fill prosecutor seat. (Garcia/Savage) *(30 min)*
 8. Discuss proposed rule giving staff authority to dismiss complaints that are not forensic analysis and edits to the Commission’s policies and procedures regarding the same. (Savage) *(5 min)*

9. Discuss four-year administrative rule review. (Savage) (5 min)
10. Update regarding Collins, Robert (DPS Houston; Forensic Biology) complaint #19.04 investigative panel. (Daniel/Budowle/Buzzini) (10 min)
11. Update from Crime Scene Investigation Working Group. (Garcia) (10 min)
12. Review and adopt draft guidelines from statistical sampling committee. (Garcia) (10 min)
13. Discuss and consider recommendation regarding the FBI's Non-CODIS Rapid DNA Best Practices/Outreach and Courtroom Considerations Task Group's guidance document for law enforcement agencies implementing Rapid DNA technology. (Garcia) (5 min)
14. Discuss and adopt recommendations regarding the following OSAC Registry standards:
 - a. Materials (Trace)
 - i. ASTM E3085-17
 - ii. ASTM E1610-18
 - iii. ASTM E2937-18
 - iv. ASTM E2927-16e1
 - v. ASTM E2926-17
 - b. Seized Drugs
 - i. ASTM E2329-17
 - ii. ASTM E2548-11e1
 - c. Toxicology
 - i. ANSI/ASB Standard 017
 - d. Interdisciplinary
 - i. ISO/IEC 17025:2017
 - ii. ISO/IEC 17020:2012
 - iii. ISO/IEC 17025/2005 (Garcia) (15 min)
15. Update from Task Group on Analytical Methods for Marijuana Cases. (Parsons/Drake/Daniel/Johnson/Kerrigan/Hughes/Boswell) (5 min)
16. Update on triage projects for DNA mixture review; update on Austin Police Department cases under review by UNTHSC-CHI. (Budowle/Wicoff/Boswell) (5 min)
17. Discuss plans for February 2020 DNA training for criminal lawyers at Bexar County Central Jury Room. (Garcia/Savage) (5 min)
18. Update from September 17, 2019 staff meeting with State Auditor's Office regarding the 86th Legislature's budget rider requiring the State Auditor's Office to develop a plan to evaluate and identify barriers in the processing of sexual assault kits in Texas. (Garcia/Savage) (5 min)

19. Discuss developments with respect to kit backlog reduction and standardization efforts. (Downing) (5 min)
20. Discussion of United States House of Representatives Committee on Science, Space, & Technology September 10, 2019 hearing on forensic science and standards and October 16 CSAFE Congressional briefing. (Garcia) (5 min)
21. Update on Raman Spectroscopy Texas State Bar working group. (Garcia/Buzzini) (5 min)
22. Update on Rio Grande Identification Project. (Budowle) (5 min)
23. Update from Texas Association of Crime Laboratory Directors, including update on establishment of task group to address issues with analysts returning to testify after employment. (Stout) (5 min)
24. Report from Bitemark “thinkshop” sponsored by NIST. (Garcia/Savage) (5 min)
25. Consider proposed agenda items for next quarterly meeting. (Barnard)
26. Schedule and location of future panel and quarterly meetings. (Barnard)
27. Hear public comment. (Barnard)
28. 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.