



TEXAS FORENSIC SCIENCE COMMISSION

Justice Through Science

TEXAS FORENSIC SCIENCE COMMISSION

MEETING AGENDA

JUNE 12, 2020 at 9:00 AM

Virtual Meeting via GoTo Meeting, Instructions Below

Due to Governor Greg Abbott's March 13, 2020 proclamation of a state of disaster affecting all counties in Texas due to the Coronavirus (COVID-19) and the Governor's March 16, 2020 suspension of certain provisions of the Texas Open Meetings Act, the June 12, 2020 meeting of the Texas Forensic Science Commission will be held by virtual and telephonic conference call as authorized under Texas Government Code section 551.125.

Members of the public will have access and a means to participate in this meeting, by two-way audio, using the following web login or dial-in instructions:

[Please register for the meeting at the following link:](#)

<https://attendee.gotowebinar.com/register/6748855555063547151>

After registering, you will automatically receive a confirmation email containing information to join the webinar, including instructions for logging in via your computer, smartphone or tablet. You will also receive instructions for dialing in telephonically with a unique access code if you prefer to dial-in. Although you may connect telephonically at the number provided after you register, we strongly recommend you connect via a computer or your smartphone (or tablet) where you can see documents shared or displayed by the Commission, access the chat feature, and virtually "raise your hand."

Public Participant Instructions:

If you wish to provide public comment during the meeting on a topic being discussed by Commissioners, please either type your question or comment in the chat box or virtually "raise your hand." The meeting facilitator will mute and unmute participants at the direction of the Chairperson. If you are not able to provide public comment during the meeting and still wish to provide public comment, the Commission will have a public comment period at the end of its agenda to address any remaining questions or comments. You may also fill out and email Kathryn Adams the attached Public Testimony Form to info@fsc.texas.gov in advance of the meeting to ensure your public comment is addressed. All public comments are limited to 5 minutes with adjustments as necessary.

A recording of the meeting will be available after June 12, 2020. To obtain a recording, please contact Kathryn Adams at (512) 936-0770 or email kathryn.adams@fsc.texas.gov.

During this meeting, the Commission may consider and take action on the following items. The Commission may take breaks as necessary. The timing of agenda items provided below are estimates.

1. Call meeting to order. Roll call for members. (Barnard) (2 min)
2. Instructions for public participation and meeting process. (Savage) (3 min)
3. Review and adopt minutes from January 31, 2020 Forensic Science Commission Quarterly meeting. (Barnard) (3 min)
4. Office administrative update (FY2020 budget status report third quarter, including discussion of budget reductions requested by Governor, Lieutenant Governor and Speaker of the House, update on staff work and travel policies pursuant to the Governor's orders; update on Office of Court Administration ransomware attack). (Garcia/Savage) (5 min)
5. Moment of silence for Dr. Cliff Spiegelman; discuss possibilities for statistics coursework offerings. (Barnard) (2 min)
6. Discuss and consider pending complaints and laboratory self-disclosures as well as new complaints and self-disclosures received through March 31, 2020. (Daniel) (75 min)

Disclosures Pending from January 31, 2020

1. No. 19.26; Department of Public Safety – Austin (Toxicology)

Disclosures Received as of May 29, 2020

2. No. 20.03; Harris County Institute of Forensic Sciences (Toxicology)
3. No. 20.11; NMS Labs – Winston-Salem, NC (Blood Alcohol)
4. No. 20.13; Signature Science, LLC (Forensic Biology/DNA)
5. No. 20.14; Fort Worth Police Department Crime Laboratory (Seized Drugs)
6. No. 20.15; Department of Public Safety – Austin (Toxicology)
7. No. 20.17; Jefferson County Regional Crime Laboratory (Seized Drugs)
8. No. 20.18; NMS Labs – Horsham, PA (Toxicology)
9. No. 20.25; Jefferson County Regional Crime Laboratory (Seized Drugs)

Complaints Received as of May 29, 2020

10. No. 20.05; Cochran, Antonio (Southwestern Institute of Forensic Sciences; Forensic Biology/DNA, Serology)
11. No. 20.10; Rangel, Jerry (Bryan Police Department, Department of Public Safety - Austin; Bloodstain Pattern Analysis, Forensic Biology/DNA)

12. No. 20.24; Schmucker, Margaret (Tom Green Co. Prosecutors; Bloodstain Pattern Analysis)
 13. No. 20.26; Gonzales, Joe (SANE Cynthia Garcia, Bexar Co. Criminal Investigation Laboratory; Trial Testimony, Forensic Biology)
 14. No. 20.28; Therrell, John (Texas Department of Public Safety – Houston; Blood Alcohol)
 15. No. 20.29; Tawater, Royce W. (Department of Public Safety – Garland/Forensic Biology/DNA; Southwestern Institute of Forensic Science Forensic Biology/GSR)
7. Update on collaboration with the Standards Coordination Office at the National Institute for Standards and Technology regarding pathways for improving accreditation for forensic science service providers in Texas. (Garcia) (10 min)
 8. Review outstanding general rulemakings and proposed rule concepts for approval, including, procedure for appeal of final investigative reports by the Commission pursuant to its investigative authority. (Garcia/Savage) (10 min)
 9. Discuss status of crime laboratory accreditation program, including:
 - a. Accreditation non-conformances and reports received since January 31, 2020 quarterly meeting; and
 - b. Review outstanding accreditation rules and proposed rule concepts for approval, including:
 - i. Procedure regarding revocation of accreditation and appeal of accreditation actions and findings; and
 - ii. Correction to definition of “Crime Scene Reconstruction” in accreditation rule exemptions to remove the terms "bloodstain pattern and trajectory" to match exam eligibility for unaccredited discipline licensing rule changes. (15 min)
 10. Discuss licensing advisory committee update, including:
 - a. Update on licenses issued and renewed;
 - b. Review outstanding licensing rules and proposed rule concepts for approval, including:
 - i. Clarifying language re: scope of expectations for analysts under Code of Professional Responsibility; and
 - ii. *De minimis* blanket rule revisions, including rule on blanket transfers. (Garcia/Savage) (15 min)
 11. Update on development of licensee-required Mandatory Legal and Professional Responsibility Training. (Garcia/Smith) (5 min)
 12. Update on statewide validation of qualitative method to distinguish hemp from marijuana. (Kerrigan) (10 min)

13. Update regarding NMS Labs–Grand Prairie (Seized Drugs) disclosure #19.46 investigative panel. (Daniel/Kerrigan/Johnson) *(10 min)*
14. Update regarding Collins, Robert (DPS Houston; Forensic Biology) complaint #19.04 investigative panel. (Garcia/Nelson) *(15 min)*
15. Update on Quattrone Report regarding Austin Police Department DNA Lab. (Budowle/Garcia) *(5 min)*
16. Update on the development of collaborative work groups to discuss impending OSAC Registry standards, including implementation. *(5 min)*
17. Consider proposed agenda items for next quarterly meeting. (Barnard)
18. Schedule and location of future panel and quarterly meetings, including July 24, 2020 quarterly meeting. (Barnard)
19. Hear public comment. (Barnard)
20. Adjourn.

TEXAS FORENSIC SCIENCE COMMISSION
PUBLIC TESTIMONY FORM

DATE:

NAME OF SPEAKER:

AGENCY AFFILIATION:

ADDRESS:

TELEPHONE: _____ EMAIL: _____

ITEM TO BE ADDRESSED:

Please indicate any specific agenda item for which your comment pertains:

During the public comment period, any member of the public, subject to the restrictions of this policy, may address the Commission regarding any matter related to the business of the Commission. Persons who attend or participate in the Commission meeting are expected to act in a manner that is respectful of the conduct of public business and conducive to orderly and polite public discourse. Public comment will typically occur at the end of the FSC meeting.

Members of the public shall complete this public participation form before the FSC meeting and deliver the form to the FSC coordinator.

Each speaker generally shall be provided three minutes to present public comment. The Commission reserves the right to expand or reduce the time allotted to each speaker and/or to set an overall time limit for the public comment period, dependent upon the particular circumstances and requirements of each meeting.

Pursuant to Chapter 551 of the Texas Government Code, relating to open meetings, the Commission may respond to an inquiry regarding a subject not listed on the agenda only with:

- (1) a statement of specific factual information in response to the inquiry; or
- (2) a recitation of existing policy in response to the inquiry.

Any deliberation or of decision about a subject not listed on the agenda must be limited to a proposal to place the subject on the agenda for a subsequent meeting.

Members of the public are encouraged to submit written comments to the FSC at any time.

During the public comment period, any member of the public, subject to the restrictions of this policy, may address the Commission regarding any matter related to the business of the Commission

SIGNATURE OF SPEAKER _____