



# TEXAS FORENSIC SCIENCE COMMISSION

*1700 North Congress Ave., Suite 445  
Austin, Texas 78701*

## **TEXAS FORENSIC SCIENCE COMMISSION** **QUARTERLY MEETING MINUTES**

The Texas Forensic Science Commission (Commission) met in person and by video conference on October 25, 2024, at the Barbara Jordan State Office Building at 1601 Congress Avenue, Room 2.034, Austin, Texas 78701.

**Members Present:** Jeffrey Barnard, M.D., Presiding Officer  
Michael Coble, Ph.D.  
Mark Daniel, J.D.  
Nancy Downing, Ph.D.  
Jasmine Drake, Ph.D.  
Sarah Kerrigan, Ph.D.  
Erika Ziemak, M.S.

**The following members attended the meeting via Zoom video conference: Nancy Downing, and Jasmine Drake.**

**Members Absent:** Patrick Buzzini, Jarvis Parsons

**Staff Present:** Lynn Garcia, General Counsel  
Leigh Tomlin, Associate General Counsel  
Robert Smith, Senior Staff Attorney  
Veena Mohan, Assistant General Counsel  
Steve Miller, Multimedia Producer  
Maggie Sowatzka, Program Specialist

**During this meeting, the Commission considered and acted on the following items. The Commission took breaks as necessary.**

**1. Call meeting to order. Roll call for members. Excuse any absent board members.**

Barnard called the meeting to order at 9:00am. Commissioners were present as indicated above.

**2. Review and adopt minutes from the July 26, 2024, quarterly commission meeting.**

**MOTION AND VOTE:** *Daniel moved to adopt the July 26, 2024, meeting minutes draft. Downing seconded the motion. The Commission unanimously adopted the motion.*

**3. Office administrative update (FY2024 budget closing, FY2025 budget projections, and update on launch of database functions). (General Counsel Garcia/Associate General Counsel Tomlin)**

Garcia gave an update on the closing of the Commission's budget for FY2024. Garcia presented the proposed budget for FY2025 which includes the salary for a new administrative assistant/commission coordinator position. Staff is working with the Office of Court Administration (OCA) human resources to post the position and interview candidates.

The database team at OCA launched all six components of the database. Staff continues to work on populating each section in the database with as much information as possible. Laboratories are working on inputting quality incident information into the database.

**MOTION AND VOTE:** *Daniel moved to approve the FY2025 budget. Drake seconded the motion. The Commission unanimously adopted the motion.*

**4. Discuss and consider complaints and laboratory self-disclosures pending from the July 26, 2024, quarterly commission meeting and new complaints and laboratory self-disclosures received through October 4, 2024, as detailed below. (Commissioner Daniel)**

**Self-Disclosures Received as of October 4, 2024:**

**1. No. 24.16; Department of Public Safety – Austin (Toxicology)**

A self-disclosure by the Department of Public Safety – Austin reporting an incident in its toxicology section where analysts noticed several instances of the drug Alprazolam eluting before the Alprazolam-D5 internal standard.

**MOTION AND VOTE:** *Daniel moved to take no further action on the self-disclosure based on the root cause analysis and corrective actions by the laboratory. Kerrigan seconded the motion. The Commission unanimously adopted the motion.*

**2. No. 24.26; Serological Research Institute (Forensic Biology/DNA)**

A self-disclosure by Serological Research Institute reporting an incident where a defense expert's review of the metadata provided as part of a SERI discovery case file revealed that certain GlobalFiler reinjections programmed on the laboratory's 3500 instrument were not being performed at the validated 1.2 kV injection.

**MOTION AND VOTE:** *Daniel moved to table the motion pending review of the laboratory's answers to questions by commissioners. Barnard seconded the motion. The Commission unanimously adopted the motion.*

**3. No. 24.27; Department of Public Safety – Tyler (Toxicology)**

A self-disclosure by the Department of Public Safety – Tyler reporting an incident where a vault refrigerator in the laboratory experienced a mechanical failure that resulted in 299 blood kits being held at temperatures between 19 and 28 degrees Celsius (66-82 degrees Fahrenheit) over a weekend.

**MOTION AND VOTE:** *Daniel moved to take no further action on the self-disclosure based on the root cause analysis and corrective action by the laboratory. Drake seconded the motion. The Commission unanimously adopted the motion.*

**4. No. 24.29; Department of Public Safety – Weslaco (Seized Drugs)**

A self-disclosure by the Department of Public Safety – Weslaco reporting an incident in its seized drugs section where an analyst deliberately altered a random number generator (RNG) form required to be documented in the case file.

**MOTION AND VOTE:** *Daniel moved accept the self-disclosure for staff investigation under Section 651.307(d) of the Texas Administrative Code allowing investigations to be facilitated by staff in certain circumstances where a panel is deemed unnecessary. Drake seconded the motion. The Commission unanimously adopted the motion.*

**5. No. 24.31; Brazoria County Crime Laboratory (Seized Drugs)**

A self-disclosure by the Brazoria County Crime Laboratory reporting an incident in its seized drugs section where the laboratory inadvertently failed to reverify its formaldehyde chemical and used it beyond its reverification date.

**MOTION AND VOTE:** *Daniel moved to take no further action on the self-disclosure and to direct staff to emphasize the Commission's support for adequate funding and staffing of the laboratory to facilitate the quality of the work in laboratory. Ziemak seconded the motion. The Commission unanimously adopted the motion.*

**6. No. 24.32; DNA Reference Laboratory (Forensic Biology/DNA)**

A self-disclosure by DNA Reference Laboratory, Inc. reporting ambiguous misconduct allegations against an analyst who recently resigned employment with the laboratory. The analyst responded to each allegation by the laboratory and described several issues regarding the laboratory's management and quality system.

**MOTION AND VOTE:** *Daniel moved to table the self-disclosure pending further communication with the laboratory, the analyst, and the laboratory's accrediting body, A2LA. Ziemak seconded the motion. The Commission unanimously adopted the motion.*

**7. No. 24.34; DNA Labs International (Forensic Biology/DNA)**

A self-disclosure by DNA Labs International reporting an incident in its forensic biology/DNA section where the laboratory found typos in stutter files and kit settings for STRMix v2.6 for Globalfiler and Fusion 6C that were used for validation and all subsequent casework. The laboratory also found that 2-person runs were inadvertently omitted from both validations, directly affecting the reported highest Hd true likelihood ratio.

**MOTION AND VOTE:** *Daniel moved to take no further action on the self-disclosure based on the root cause analysis and corrective actions by the laboratory. Coble seconded the motion. The Commission unanimously adopted the motion.*

**8. No. 24.36; Southwestern Institute of Forensic Sciences (Toxicology)**

A self-disclosure by the Southwestern Institute of Forensic Science (SWIFS) reporting an incident where a drug chemist employee expressed concerns regarding certain administrative practices and technical issues in the forensic chemistry section of the laboratory.

**MOTION AND VOTE:** *Drake moved to take no further action on the self-disclosure based on the root cause analysis and corrective actions by the laboratory. Downing seconded the motion. The Commission unanimously adopted the motion.*

\*Kerrigan recused from discussion and vote on this agenda item.

**9. No. 24.38; Center for Human Identification (Forensic Biology/DNA)**

A self-disclosure by the Center for Human Identification (CHI) reporting an incident in its forensic biology/DNA section where the laboratory discovered a delay in reporting an SDIS association to an agency.

**MOTION AND VOTE:** *Daniel moved to take no further action on the self-disclosure based on the root cause analysis and corrective actions by the laboratory. Kerrigan seconded the motion. The Commission unanimously adopted the motion.*

\*Coble and Ziemak recused from discussion and vote on this agenda item.

**10. No. 24.39; Dallas Police Department Crime Laboratory (Latent Prints)**

A self-disclosure by the Dallas Police Department Crime Laboratory reporting an incident in its latent print section where the laboratory found an erroneous exclusion on a capital murder case worked in 2017 by a forensic latent print analyst and a verifier.

**MOTION AND VOTE:** *Daniel moved to take no further action on the self-disclosure based on the root cause analysis and corrective actions by the laboratory. Drake seconded the motion. The Commission unanimously adopted the motion.*

**11. No. 24.40; NMS, Inc. (Seized Drugs)**

A self-disclosure by NMS Labs, Inc. reporting an incident in its seized drugs section where the laboratory identified notable discrepancies between a chemist's results on a cannabinoid quantitation of gummy samples competency test that led the laboratory to reevaluate its cannabinoid quantitation method.

**MOTION AND VOTE:** *Daniel moved to take no further action on the self-disclosure based on the root cause analysis and corrective actions by the laboratory. Kerrigan seconded the motion. The Commission unanimously adopted the motion.*

**12. No. 24.41; Sorenson Forensics (Forensic Biology/DNA)**

A self-disclosure by Sorenson Forensics reporting an incident in its forensic biology/DNA section where the laboratory performed a deviation from its regular extraction method for a bullet and bullet casings without a validation being performed.

**MOTION AND VOTE:** *Daniel moved to take no further action on the self-disclosure based on the root cause analysis and corrective actions by the laboratory. Drake seconded the motion. The Commission unanimously adopted the motion.*

**13. No. 24.42; Austin Forensic Science Department (Seized Drugs)**

A self-disclosure by the Austin Forensic Science Department reporting an incident in its seized drugs section where the laboratory discovered two of four items in a case were reported under incorrect Laboratory Information System (LIMS).

**MOTION AND VOTE:** *Daniel moved to take no further action on the self-disclosure based on the root cause analysis and corrective actions by the laboratory. Drake seconded the motion. The Commission unanimously adopted the motion.*

**14. No. 24.28; Jefferson County Regional Crime Laboratory (Seized Drugs)**

A self-disclosure by the Jefferson County Regional Crime Laboratory reporting an incident in its seized drugs section where the laboratory discovered drug standard 1P-LSD missing.

**MOTION AND VOTE:** *Daniel moved to take no further action on the self-disclosure given the root cause analysis and corrective actions by the laboratory. Kerrigan seconded the motion. The Commission unanimously adopted the motion.*

**Complaints Received as of October 4, 2024:**

**15. No. 24.33; Lumsden, Raymond (University of North Texas Health Science Center – Center for Human Identification; Forensic Biology/DNA)**

A second complaint filed by defendant Raymond Lumsden alleging a DNA analyst from the Center for Human Identification provided misleading testimony about the possibility of secondary transfer.

**MOTION AND VOTE:** *Daniel moved to dismiss the complaint. Kerrigan seconded the motion. The Commission unanimously adopted the motion.*

\*Coble and Ziemak recused from discussion and vote on this agenda item.

**Staff dismissals:**

**16. No. 24.30; Ethridge, R.B. (*Quest Diagnostics; Toxicology*)**

A complaint filed by defendant RB Ethridge, alleging the urine drug test analyzed by Quest Laboratories was below the cutoff concentration and should have been reported as negative.

**MOTION AND VOTE:** *Daniel moved to approve staff's recommendation to dismiss the complaint. Coble seconded the motion. The Commission unanimously adopted the motion.*

**5. Discuss status of crime laboratory accreditation program, including:**

**a. Summary of accreditation activities, communications, and reports received since the July 26, 2024 quarterly commission meeting; and**

Commissioners reviewed ten (10) accreditation-related events this quarter, including seven (7) surveillance document reviews and continuations of accreditation; two (2) new accreditations; and one (1) reassessment and renewal of accreditation. Commissioner Kerrigan recommended additional follow up with Quality Forensic Toxicology given the number and nature of the cited nonconformities from the laboratory's last assessment and the inability of the accrediting body to resolve two (2) of the twenty-four (24) cited nonconformities at the last surveillance review. Kerrigan recommended follow up with the new quality manager at the laboratory as several of the nonconformities are largely attributed to turnover in the quality manager role at the laboratory.

**b. Summary of reported non-consensus proficiency testing results from accredited crime laboratories.**

Commissioners reviewed fourteen (14) reported non-consensus proficiency test results this quarter, including one (1) report where the method is not used in the laboratory's casework; five (5) reports where the answer was outside the laboratory's validated reporting limits; one (1) report where the test provider or manufacturer made an error; two (2) reports where the test taker made a clerical or data entry mistake; four (4) reports that may reflect the proficiency of the test taker;

and one (1) report related to forensic DNA interpretation. Commissioner Kerrigan directed staff to follow up on one item on the proficiency testing memorandum related to a reported proficiency nonconformity at NMS Labs. Staff will ask the laboratory for more information and report back at the January 31, 2025 quarterly meeting.

**6. Discuss updates from licensing advisory committee, including:**

**a. Report on licenses issued and renewed;**

Tomlin updated members and staff on the current total number of licenses issued as of October 25, 2025 (1,300 total). There are 348 licenses to renew before December 31<sup>st</sup>, 2024, and 40 pending applications. Staff has renewed all three de minimis laboratory licenses and updated corresponding non-interpreting analysts' licenses.

**b. Report on licensing changes identified by laboratories;**

Tomlin reviewed three (3) reported licensing changes with commissioners where employees departed laboratories for various reasons. Commissioners had no follow up on these items.

**c. Report and discussion of items from October 24, 2024 Licensing Advisory Committee; and**

The Licensing Advisory Committee met on October 24, 2024. Three newly appointed members joined the Committee—Deion Christophe, firearms analyst at the Plano Police Department Crime Laboratory, Megan Rommel, DNA technical leader at the Department of Public Safety – Austin lab, and Jessica Frazier, Comal County District Attorneys Office, Chief Civil Prosecutor. Tomlin reported on the main items discussed at the Committee's meeting, including the Committee's working group collaboration with the Texas Division of the International Association for Identification (TDIAI). The group is working to develop a proficiency monitoring guidance document particularly focused on crime scene and friction ridge disciplines to develop a model for creative collaboration on proficiency monitoring with other laboratories. The group will also develop effective guidance on how to develop a standard operating procedure. Committee member, Michelle Paulson, is leading the charge for the group. The Committee also discussed the issue of lack of available accredited firearms experts available to defense. The Committee directed staff to assemble guidance for resources to achieve accreditation in the discipline of firearms and toolmarks.

**d. Discuss and vote on recommended updates to published, required quality standards for employing laboratories of voluntary licensees including, but not limited to, the addition of quality standards for forensic anthropologists and any changes to the requirements chart related to other voluntary licenses.**

The Licensing Advisory Committee finalized recommended standards for employing laboratories of forensic anthropology licensees at its October 24, 2024 meeting.

**MOTION AND VOTE:** *Barnard moved to adopt the recommended quality standards. Drake seconded the motion. The Commission unanimously adopted the motion.*

**7. Discuss and vote on rule change to renumber § 651.402 to § 651.401, Notice and Hearing Request.**

This rule change renumbers § 651.402 to § 651.401.

**MOTION AND VOTE:** *Barnard moved to adopt new rule Section 651.401 subject to suggested non-substantive revisions from the Office of the Governor, Texas Register, and Commission staff. Kerrigan seconded the motion. The Commission unanimously adopted the motion.*

**8. Discuss and vote on rule changes to define “inactive” license status.**

Commissioners discussed a rule to define the “inactive” license status, including but not limited to changes to § 651.8, Full Commission Accreditation, § 651.202, Definitions, and §651.207, Forensic Analyst and Forensic Technician Licensing Requirements, Including Initial License Term and Fee, Minimum Education and Coursework, General Forensic Examination, Proficiency Monitoring and Mandatory Legal and Professional Responsibility Training.

**MOTION AND VOTE:** *Barnard moved to adopt the rule proposal. Drake seconded the motion. The Commission unanimously adopted the motion.*

**9. Discuss recent and upcoming forensic development training and education projects**

Garcia discussed collaboration with the Center for Human Identification and recent presentations to the Scientific Working Group on DNA Analysis Methods (SWGDM) on the future direction of evaluative reporting given activities in the United States following publication of the Commission’s final investigative report in Complaint #23.67 that includes guidance on the evaluation of biological/DNA results given activity level propositions. Commissioner Coble emphasized that the DNA community is eager for guidance in this area. SWGDAM and the Organization of Scientific Area Committees (OSAC) are in the process of developing guidance. The Commission is also working with the Center for Human Identification to plan a series of trainings focused on DNA issues attended by DNA technical leaders across the state to address current issues in the field.

**10. Update and discussion from the Commission’s Firearm/Toolmarks Working Group’s September 25, 2025 meeting.**

Garcia discussed the organization of a Firearm/Toolmarks working group meeting that includes practitioners, National Institute of Standards and Technology (NIST) representatives, and attorneys to gather direct input from those actively working in the field. The group is focused on implementing recommendations from a previously issued report.



**11. Update from the Texas Association of Crime Laboratory Directors (TACLD).**

Dr. Peter Stout, President of the Texas Association of Crime Laboratory Directors, provided an update on upcoming legislative developments, highlighting three key topics for discussion: a state-funded apprenticeship program for forensic analysts, the proper storage of old toxicology blood samples, and the ongoing challenges related to distinguishing hemp from illegal substances.

**12. Discuss membership in National Association of Forensic Science Boards.**

The National Association of Forensic Science Boards (NAFSB) is an organization designed to coordinate among the Commission’s counterparts in other states. Most oversight attempts at the federal level have failed, leaving the responsibility and oversight at the state level. NAFSB will host an annual meeting in November 2024 in Albany, NY. The Commission encourages anyone interested in the development and implementation of state level oversight or forensic science stakeholder coordination in general to be a part of the collaborative group.

**13. Consider possible agenda items for next quarterly meeting.**

Staff will include all discussed items on the next quarterly meeting agenda and circulate the proposed agenda for additions.

**14. Schedule and location of future panel and quarterly commission meetings for 2025**

Schedule and location of future panel and quarterly commission meetings including, but not limited to the January 31, 2025, April 11, 2025, July 25, 2025, and October 24, 2025 quarterly commission meetings.

**MOTION AND VOTE:** *Barnard moved to direct staff to schedule the January, April, July, and October 2025 meetings. Kerrigan seconded the motion. The Commission unanimously adopted the motion.*

**15. Public comment.**

Retiring Court of Criminal Appeals Judge Barbara Hervey expressed her gratitude to the commission for their dedicated work. She announced that her role in overseeing the training grant for lawyers in the state will conclude on November 1, 2024, and encouraged the Commission to maintain strong communication with grantees, offering her continued support even after her retirement. Garcia extended heartfelt thanks to Judge Hervey for her invaluable contributions. Additionally, Commissioner Daniel congratulated Commissioner Dr. Jeffrey Barnard on his well-deserved retirement as the Chief Medical Examiner for Dallas County Texas.

**16. Adjourn.**

**MOTION AND VOTE:** *Drake motioned to adjourn the meeting at 10:24. Ziemak seconded the motion. The Commission unanimously voted to adjourn the meeting.*