



TEXAS FORENSIC SCIENCE COMMISSION

*Justice Through Science*

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**TEXAS FORENSIC SCIENCE COMMISSION**  
**MEETING AGENDA**  
**October 23, 2020 at 9:00 AM**

Virtual Meeting via Zoom, Instructions Below

Due to Governor Greg Abbott's March 13, 2020 proclamation of a state of disaster and September 7, 2020 extended 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 October 23, 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 use the following meeting dial-information:**

**Join Zoom Meeting**

<https://txcourts.zoom.us/j/97767417547>

**Meeting ID: 977 6741 7547**

**One tap mobile**

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**Join by Skype for Business**

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## **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](mailto: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 October 23, 2020. To obtain a recording, please contact Kathryn Adams at (512) 936-0770 or email [kathryn.adams@fsc.texas.gov](mailto: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. (Savage) (3 min)
3. Review and adopt minutes from July 24, 2020 Forensic Science Commission Quarterly meeting. (Barnard) (3 min)
4. Office administrative update (Budget items, including FY2021 first quarter budget status report, FY2020 budget closing report, discussion of final budget reductions and Legislative Appropriations Request for FY2022-FY2023 biennium; update on staff work and travel policies pursuant to the Governor’s orders; retirement of Commissioner Johnson; election of Commission Vice Chairperson). (Garcia/Savage) (5 min)
5. Discuss and consider pending complaints and laboratory self-disclosures as well as new complaints and self-disclosures received through October 9, 2020. (Daniel) (75 min)

### Disclosures Pending from July 24, 2020

1. No. 20.44; NMS Labs Horsham, PA (Forensic Biology/DNA)

### Disclosures Received as of October 9, 2020

2. No. 20.48; Department of Public Safety Austin (Seized Drugs)
3. No. 20.49; Tarrant County Medical Examiner’s Office Crime Laboratory (Toxicology Evidence Handling/Packaging)
4. No. 20.50; Tarrant County Medical Examiner’s Office Crime Laboratory (Toxicology Proficiency Test)

5. No. 20.54; Southwestern Institute of Forensic Sciences; (Toxicology)

Complaints Pending from July 24, 2020

6. No. 20.08; Day, Laura (Andrea Zafares; Homicidal Drowning Investigation)

Complaints Received as of October 9, 2020

7. No. 20.46; Coker, Bobby Dean (Bode; Forensic Biology/DNA)

8. No. 20.47; Crutcher, Trisha (Fort Worth Police Department Crime Laboratory/Multiple)

6. Discuss status of crime laboratory accreditation program, including:
  - a. Accreditation non-conformances and reports received since July 24, 2020 quarterly meeting;
  - b. Update on review of Expertox responses to cited nonconformances and renewal of accreditation; and
  - c. Discuss the Commission's recognition of the College of American Pathologists (CAP) – Forensic Drug Testing program, including CAP's responses to the Commission's questions.
  - d. Address outstanding pipetting issue cited for Quality Forensic Toxicology. (Savage/Kerrigan) (15 min)
7. 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. Rule addressing continuing education requirements for licensees upgrading their license at renewal;
    - ii. Rule addressing indefinite grace period for exemption from elevated coursework requirements for licensees with a gap in employment;
    - iii. Rule addressing mitigating factors to consider in Commission disciplinary actions; and
    - iv. Rule removing the laboratory license category "necessary to ensure the availability of timely forensic analyses in counties for which access to forensic analyses is limited." (Garcia/Savage) (15 min)
8. Update on development of licensee-required Mandatory Legal and Professional Responsibility Training. (Garcia/Smith) (5 min)
9. Update on statewide validation of qualitative method to distinguish hemp from marijuana. (Kerrigan) (10 min)
10. Update regarding Collins, Robert (DPS Houston; Forensic Biology) complaint #19.04 investigative panel. (Garcia/Nelson) (15 min)

11. Discuss and adopt final report from investigative panel regarding Signature Science (Forensic Biology/DNA) disclosure #20.13. (Johnson/Daniel/Drake) *(15 min)*
12. Update from investigative panel regarding DPS Austin (Materials (Trace)) disclosure #20.40. (Buzzini/Daniel/Parsons) *(10 min)*
13. Update on release of Quattrone Report regarding Austin Police Department DNA Lab and scheduling of special meeting to review report findings and recommendations. (Budowle/Garcia) *(5 min)*
14. Discuss developments by the committee addressing follow-up initiatives for pediatric sexual assault examinations.
15. Update from Crime Scene Working Group, including development of voluntary license requirements for crime scene reconstructionists and discussion of guidance document regarding the limitations of DNA analysis (especially mixtures) as a tool in scene reconstruction.
16. Update from the Texas Association of Crime Laboratory Directors, including an update on the collaborative work groups discussing implementation of OSAC Registry standards. *(5 min)*
17. Consider proposed agenda items for next quarterly meeting. (Barnard)
18. Schedule and location of future panel and quarterly meetings, including January 29, 2020 quarterly meeting. (Barnard)
19. Hear public comment. (Barnard)
20. Adjourn.

