Texas Forensic

Science Commission

***1700 North Congress Ave., Suite 445***

***Austin, Texas 78701***

**QUARTERLY MEETING MINUTES**

**January 26, 2024**

The Texas Forensic Science Commission (Commission) met in person and by video conference on January 26, 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

 Patrick Buzzini

 Michael Coble

 Mark Daniel

 Nancy Downing

 Jasmine Drake

 Sarah Kerrigan

 Jarvis Parsons

 Erika Ziemak

**The following members attended the Quarterly Commission meeting through a Zoom video conference: Dr. Patrick Buzzini, Dr. Michael Coble, Dr. Nancy Downing, Dr. Jasmine Drake, Dr. Sarah Kerrigan, and District Attorney Jarvis Parsons.**

**Members Absent:** None

**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

Rodney Soward, Program Specialist

Cristabel Bodden, Executive Assistant

**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 9:05 a.m. Members were present as indicated above.

1. **Review and adopt minutes from October 20, 2023 Commission quarterly meeting.**

**MOTION AND VOTE:** *Daniel moved to adopt the meeting minutes draft. Ziemak seconded the motion. The Commission adopted the motion by a unanimous vote.*

1. **Office administrative update (FY2024 second quarter budget status report; update on status of launch of database functions). (General Counsel Garcia/Associate General Counsel Tomlin)**

Garcia reviewed the budget report provided in the meeting materials and provided an update on office administrative, budget, and database developments. Staff continues to work with database developers at the Office of Court Administration in further developing the OSAC Registry implementer search function of the Commission’s database. The OSAC standards implementation, accredited laboratory profiles, and the licensee profile sections have launched. However, the Commission is waiting on the complaints and disclosures filing sections and the quality incident sections of the database. Garcia stated that she has asked a representative from OCA to address the Commission at the April 2024 quarterly meeting to provide an update on these sections and give the Commission a sense of the timeline for release.

1. **Discuss and consider complaints and laboratory self-disclosures pending from October 20, 2023 quarterly meeting and new complaints and laboratory self-disclosures received through January 5, 2024, as detailed below.**

**Self-disclosures pending from October 20, 2023**:

1. **No. 23.18; City of Austin Forensic Science Department (Firearms/**

 **Toolmarks)**

A self-disclosure by the City of Austin Forensic Science Department (AFSD) reporting three instances where an analyst released a firearm trajectory PowerPoint presentation without the conclusions in the presentations undergoing technical or administrative review. The self-disclosure asserts the analyst reached an “incorrect” inconclusive opinion during the initial examination of a bullet fragment in a case. After the verifier alerted her to the “incorrect” conclusion, she reported the conclusion as an identification in the released report.  The laboratory suspended the analyst from casework in August of 2022, and she subsequently resigned effective July 9, 2023.

**MOTION AND VOTE:** *Daniel moved to instruct the City of Austin Forensic Science Department (AFSD) to retain an independent subject matter expert to review the AFSD firearm/toolmark section’s work focusing on the robustness of the current training program, the historical maintenance of contemporaneous training records sufficient for compliance with accreditation standards, and a sampling of completed prior bullet examinations and comparisons and report to the findings back to staff. The Commission also moved to instruct AFSD create a plan for this review and report back to the Commission before the April meeting. Ziemak seconded the motion. The Commission unanimously adopted the motion.*

**Self-disclosures received as of January 5, 2024:**

1. **No. 23.40; Houston Forensic Science Center (Forensic Biology/DNA)**

A self-disclosure by the Houston Forensic Science Center reporting six previously reported cases (identified to date) involving certain rare alleles, where the lower bound highest posterior density likelihood ratio (HPD LR) and the point estimate LR values calculated as part of the STRmix report may support different propositions.

**MOTION AND VOTE:** *Daniel moved to table the self-disclosure pending receipt of the laboratory’s final corrective action in the matter and directed Commission Staff to organize a training for Texas STRmix users to discuss the issue. Parsons seconded the motion. Ziemak recused. The Commission unanimously adopted the motion.*

1. **No. 23.51; Houston Forensic Science Center (Latent Prints)**

A self-disclosure by the Houston Forensic Science Center reporting an FBI notification to the laboratory concerning Automated Fingerprint Identification System (AFIS). When a particular area/location filter is selected for palm prints, the FBI observed a problem in the system that prevents the print from being continuously searched against new record prints, leading to potential hits being missed.

**MOTION AND VOTE:** *Daniel moved to take no further action given the root cause analysis and corrective actions taken by the laboratory. Coble seconded the motion. Ziemak recused. The Commission unanimously adopted the motion.*

1. **No 23.61; Jefferson County Regional Crime Laboratory (Seized Drugs)**

A self-disclosure by the Jefferson County Regional Crime Laboratory reporting an unvalidated default temperature applied to a gas chromatography/mass spectrometry (GC/MS) instrument after a power outage in January 2023. The laboratory did not discover the unvalidated temperature until September 2023. The laboratory notified stakeholders of the issue and validated the temperature used. The laboratory determined the temperature change did not alter the ion fragmentation pattern or affect any drug identifications. The laboratory put procedures in place to prevent recurrence.

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

1. **No. 23.62; City of Austin Forensic Science Department (Crime Scene)**

A self-disclosure by the AFSD reporting two quality incidents and a minor documentation issue by the same crime scene specialist in June and August of 2022. The specialist initially requested a demotion for personal reasons and subsequently voluntarily resigned.

**MOTION AND VOTE:** *Daniel moved to take no further action based on the stakeholder notifications made by the laboratory and the fact that the person is no longer employed as a crime scene specialist. Ziemak seconded the motion. The Commission unanimously adopted the motion.*

1. **No. 23.68; Bexar County (Seized Drugs)**

A self-disclosure by the Bexar County Criminal Investigation Laboratory in its seized drugs section reporting three aberrant peaks (Benzyl Benzoate, Cocaethylene, and Testosterone Cypionate) detected in its performance standard used as a positive quality control. The laboratory halted casework and determined the plastic graduated cylinders in the seized drugs section were discolored and had visual internal scratches. The presence of Benzyl Benzoate was most likely from a dishwashing detergent residue. The Testosterone Cypionate may have come from prior cases utilizing the plastic cylinders for measurement. The presence of Cocaethylene is a known byproduct of cocaine breakdown. The laboratory is replacing the plastic cylinders with glass cylinders and investigating a test kit for detecting dishwashing detergent.

**MOTION AND VOTE:** *Daniel moved to take no further action based on the investigation and corrective actions taken. Ziemak seconded the motion. The Commission unanimously adopted the motion.*

1. **No. 23.70; City of Austin Forensic Science Department (ProCard Misuse)**

A self-disclosure by the AFSD reporting misuse of the Department’s procurement card.

**MOTION AND VOTE:** *Daniel moved to take no further action given the results of the casework and quality records review directed by the laboratory’s accrediting body, ANAB. Ziemak seconded the motion. The Commission unanimously adopted the motion.*

1. **No. 23.71; Bexar County (Management/Human Resources)**

A self-disclosure by the Bexar County Criminal Investigation Laboratory concerning a memorandum written and disseminated to Bexar County officials by the departing drug chemistry section supervisor detailing allegations of inept and incompetent management of the laboratory. The complaint alleges several issues with the drug sections backlog, management style, and laboratory resource allocation. The disclosure does not allege any issue with the forensic analysis of physical evidence.

**MOTION AND VOTE:** *Daniel moved to take no further action as the disclosure concerns management and human resource issues and not the forensic analysis of physical evidence. Ziemak seconded the motion. The Commission unanimously adopted the motion.*

1. **No. 23.69; Department of Public Safety–Weslaco (Seized Drugs)**

A self-disclosure by DPS Weslaco reporting an incident where the laboratory discovered missing seized drug evidence the laboratory suspects was chewed by rodents.

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

**Complaints received as of January 5, 2024**

1. **No. 23.63; Gibson, Chaquita (Southwestern Institute of Forensic Sciences; Gunshot Residue)**

A complaint filed by Chaquita Gibson on behalf of defendant Avery Cook, convicted of various crimes in the 1990s after a joint trial with three other defendants, alleging testimony by Southwestern Institute of Forensic Science analyst Vicki Hall inaccurately alluded to his involvement as a party to the offense based on gunshot residue results from hand swabs after his arrest in 1994.

 **MOTION AND VOTE:** *Daniel moved to take no further action. Parsons seconded the motion. Barnard recused. The Commission unanimously adopted the motion.*

1. **No. 23.67; Roy, Tiffany (Timothy Kalafut; Forensic Biology/DNA)**

A complaint filed by Tiffany Roy concerning the testimony of Dr. Timothy Kalafut in a November 2023 Travis County homicide. The complaint alleges Dr. Kalafut provided an opinion on the probability of the evidence given proposed activities that did not comport with established best practices requiring the preparation of a written report, research of relevant literature, assigning probabilities based on the literature, delineating the specific studies relied upon, and selecting balanced propositions. The complaint further alleges that the expert for the defense was unaware that Dr. Kalafut would be called and was unable to evaluate Dr. Kalafut’s opinion.

Garcia stated that this was an interesting case for the Commission because activity level analysis and testimony is something that has been going on Europe, the UK and Australia for quite some time. The Organization of Scientific Area Committees (OSAC) is also in the process of considering how best to address activity-level testimony. Garcia explained activity level testimony pertains to questions regarding *how* DNA might have ended up on an evidentiary sample, as opposed to *whose* DNA might be on an evidentiary sample.

Garcia stated that the three transcripts the Commission has in this case are the sub-source testimony by the analyst at DPS, which is the first time questions are asked about activity. Additionally, there is the defense expert’s transcript and then Dr. Kalafut’s testimony.

Garcia added a Commission report could be helpful to the DNA analysts who are practicing every day doing their best to clearly communicate DNA results to end users in the criminal justice system. The Commission can help shed light on this issue, even if the Commission does not have all the answers. A deep dive into the issues can help highlight the key areas of concern and give feedback to OSAC on what direction they can take. A report can focus on the testimony with an eye toward both observations about what was done in this case and recommendations about how the community may proceed forward.

Dr. Kalafut addressed the Commission and encouraged the Commission to take this complaint on and investigate. Dr. Kalafut believes that this is a timely topic as it is a topic of high interest in the forensic community. Dr. Kalafut made the following three points before the Commission:

First: Allegations made that his testimony was not appropriate, not done according to international guidelines, and done with no support whatsoever are incorrect. Dr. Kalafut stated that he used the case assessment interpretation approach that has been referenced in peer reviewed literature since last century.

Second: Kalafut explained he started with around three dozen papers and narrowed it down to data that he thought was somewhat applicable to the circumstances of the case and used that data to inform his opinion. He believes all his oral testimony meets a letter of the guidelines that exists, specifically the International Society for Forensic Genetics (ISFG) and the European Network of Forensic Science Institutes (ENFSI) guidelines.

Third: Kalafut believes that DNA testimony at large in the State of Texas and in the United States is an issue that needs to be dealt with but disputes that this is a new issue. Activity has been a part of forensic DNA from day one. He believes the very fact that we do a differential extraction because we expect to recover DNA from sperm cells implies an activity. If it is possible for DNA to get on an item that a person has not directly touched, that is an activity level inquiry at court and this happens in every case every day across this state, across the United States, and across the world.

Garcia stated that one of the key points in hearing the comments from Kalafut is that a lot of these questions really involve the intersection between science and the legal system. If a witness is called on rebuttal, the attorneys may have a different understanding of what that requires or entails and what the scientists may prefer. Garcia explained we see this all the time in all different kinds of disciplines, so that intersection between the realities of the criminal legal system and the communication of science is always a fascinating subject and something that this Commission has worked on for a very long time.

Garcia believes there is a great opportunity here and is grateful that Dr. Kalafut brought up several important points to consider.

**MOTION AND VOTE:** *Daniel moved to accept the complaint for investigation for purposes of making observations and recommendations regarding activity level testimony. Barnard seconded the motion. Buzzini, Kerrigan, and Parsons recused. The Commission unanimously adopted the motion.*

**MOTION AND VOTE:** *Daniel moved to create an investigative panel with Coble, Daniel, and Ziemak. Ziemak seconded the motion. Buzzini, Kerrigan, and Parsons recused. The Commission unanimously adopted the motion.*

1. **Update on preliminary interlaboratory research plans for examining risk of DNA transfer in the use of Sharpie® markers for forensic biology screening. (Coble/Ziemak)**

Coble updated the Commission on the preliminary interlaboratory research plans for examining risk of DNA transfer in the use of Sharpie®markers for forensic biology screening. Coble stated that, in the meeting materials, there is a research proposal between the research group at the University of North Texas Health Science Center and the Harris County Institute of Forensic Sciences. The two groups have been discussing a plan to determine how common or rare it may be and have put together a research study.

Coble stated the team held a meeting this week to refine its plan. Buzzini stated that he is glad to see there is a plan to do a research study and would like to include the recommendation from the International Society for Forensic Genetics (ISFG) in the research plan. Coble stated that the eventual plan is to publish this work and to make it available and the plan is concordant to the best practices from the ISFG.

1. **Discuss status of crime laboratory accreditation program, including:**
	1. **Accreditation activities, communications, and reports received since October 20, 2023 quarterly meeting;**

Tomlin reviewed a quarterly report of accreditation activities and communications from crime laboratories accredited by the Commission. The quarter included four surveillance document reviews and successful continuations of accreditation. On one assessment report, Coble and Ziemak reviewed the non-conformities and had no follow-up questions. One lab, the Houston Forensic Science Center, achieved AR 3181 property and evidence accreditation, and the Commission congratulated the laboratory on this achievement. One laboratory achieved a reassessment and renewal of their accreditation; one laboratory reported an interesting DNA issue they resolved; and one laboratory reported the accidental removal of testing of metal on objects in lead from their scope document. ANAB is working on adding it back to the laboratory’s scope.

* 1. **Summary of reported non-consensus proficiency testing results from accredited crime laboratories; and**

Tomlin reviewed the proficiency testing summary memo where a summary of reported non-consensus proficiency testing results is reported to Commissioners. Reports are divided into seven different categories. There were two reported non-consensus results in the category of method not used in casework. Six were considered answers outside of the laboratory’s validated reporting limits; four reports were test provider or manufacturer errors; three were clerical or data entry mistakes by the person taking the test; and two of them were results that may have indicated an issue with the proficiency of the actual person taking the test and required further root cause analysis. The two possibly impact the proficiency assessment of the analyst were related to a bloodstain pattern analysis proficiency test PT from the Montgomery County Sheriff’s Office. Smith provided detail on these reports including a description of discussions with the laboratory and ANAB.

* 1. **Discuss and vote on rule proposal related to changes to § 651.7 exempting from accreditation requirements, any CAP-accredited testing on human specimens conducted by or under contract with a community supervision or corrections department of a county or municipality, the parole division of the Texas Department of Criminal Justice, the Board of Pardons and Paroles, or any other government agency, and the results of such testing are subsequently entered into evidence in an action to revise or revoke the terms of an individual’s bail, bond, community supervision or parole. (General Counsel Garcia/Associate General Counsel Tomlin)**

Garcia began by explaining that with the implementation of the licensing program in 2019, the Commission gave the opportunity for accrediting bodies and laboratories to respond to the requirements with issues they anticipated. One laboratory in particular, Redwood Toxicology, which was accredited under the American Board of Forensic Toxicology (ABFT) standards approached the Commission and said that as it was considering licensure, it realized that a component of the work that it was doing (urine testing for community supervision and parole compliance) was under the Clinical Laboratory Improvement Amendments (CLIA) certification. It is a certification by the centers for Medicare and Medicaid services, which is a federal clinical lab improvement amendment act of 1988. Redwood asked the Commission to add CLIA as a recognized accreditation program to make their analysts eligible for licensure, but the CLIA program is not an accreditation program, it is a certification program for laboratories. The Commission declined to add CLIA as a recognized accrediting body. Redwood then explained that its contracts involve primarily referral of individuals for drug treatment services, and in some rare instances, those urine results are used for revocation proceedings. The laboratory suggested language for an exemption which the Commission adopted. The language adopted simply extended the already existing statutory exception for presumptive testing to *confirmatory testing* for purposes of community supervision, but at the time the Commission *did not expressly* delineate that the Commission meant to include *all* of the types of activities that are related to community supervision.

Later, during an investigation where the Commission issued a report that included a finding of professional negligence and professional misconduct, where the College of American Pathologists (CAP) was the accrediting body for the laboratory, the Commission decided to no longer recognize CAP as an accrediting body. Garcia stated that the Commission sent letters out to all the labs that were CAP-accredited and stated they were planning to remove CAP as a recognized accrediting body. However, the Commission’s understanding was that most of the work that CAP providers accredit is *urine testing* in connection with community supervision-type activities covered by the existing rule-based and statutory exemption. The Commission Staff also discussed the changes with CAP directly and showed the accrediting body the rule-based and statutory-based exemptions.

More recently, Commission Staff became aware of the fact that some judges and attorneys in Harris County were concerned about whether the language in that exception covered pre-trial diversion and pre-trial bond type activities. Today, the Commission is reviewing a revision to the original rule that is intended to make clear that *all* of those types of community supervision activities, *including pre-trial bond and pre-trial diversion* community supervision, parole, and probation, are covered by the exemption.

Daniel stated he concurred with Garcia.

Parsons asked if the labs would be in-state or out-of-state laboratories and what would be the impact on the number of licensees who would need to get licensed without the exemption. Garcia replied that they are all out-of-state and they would need to get licensed if they are accredited.

Natalie Michailides, Director of Harris County Pretrial Services, addressed the Commission. Michailides stated that they supervise over 20,000 individuals and complete thousands of drug tests annually Michailides offered the suggestion that in the future, the Commission may consider having an ad hoc committee or subcommittee of justice practitioners to review the rule changes pertaining to supervision-related testing and assess the impact on the justice community.

**MOTION AND VOTE:** *Daniel moved to adopt clarifications to Section 651.7 subject to suggested non-substantive revisions from the Office of the Governor, Texas Register, and Commission Staff. Ziemak seconded the motion. The Commission unanimously adopted the motion.*

1. **Discuss updates from licensing advisory committee, including:**
	1. **Report on licenses issued and renewed;**

Tomlin gave an update on the current number of licenses and renewals to date. The Commission currently has 1,293 licensees, and 685 licensees are expected to renew between 2024 and 2026.

* 1. **Report from January 25, 2024 Licensing Advisory Committee meeting action items;**

Tomlin reported on activities from the Licensing Advisory Committee’s meeting the day before the commission meeting. The Licensing Advisory Committee addressed the rule makings of agenda items 7c-7f.

The Committee also discussed one issue that has come up in the past regarding the lack of availability of accredited firearms providers and access to defense experts. Tomlin spoke with a retired firearms expert who was trying work for a defense expert in this area and could not afford to get accredited.

The Licensing Advisory Committee decided yesterday to consider this issue at its next meeting. Garcia expects to add it as an agenda item for the next meeting to discuss what options there are for the lack of availability of defense experts in firearms.

* 1. **Discuss and vote on proposed rule adoption reflecting changes to §§ 651.207, 651.208, and 651.209 transitioning the Commission’s forensic analyst and forensic technician license expiration dates to expire on the last day of the licensee’s birth month;**

Tomlin stated that the Commission has a rule proposal outstanding to transition to last-day-of-birth-month expirations for current licensees, which the Commission should adopt.

**MOTION AND VOTE:** *Ziemak moved to adopt changes to Sections 651.207 to 651.209. Downing seconded the motion. The Commission unanimously adopted the motion.*

* 1. **Discuss and vote on proposed rule adoption related to the addition of voluntary licenses for latent print processors and crime scene disciplines reflecting changes to §§ 651.202 and 651.222;**

Yesterday, the Licensing Advisory Committee discussed changes; took comments from the public; and ultimately decided to recommend to the Commission to add to the crime scene processing component requirements from the Texas Commission on Law Enforcement’s (TCOLE’s) 2106 course as a component requirement and to bring back a new rule proposal to the April Commission meeting.

**MOTION AND VOTE:** *Daniel moved to reject the rule adoption and direct Staff to repropose the rule with TCOLE 2106 course component added for crime scene processors. Ziemak seconded the motion. The Commission unanimously adopted the motion.*

* 1. **Discuss and vote on rule proposal related to changes to § 651.222 requirements for voluntary licensure including but not limited to changes to requirements for document examiners; and**

Tomlin explained the rule proposal elevates the education requirement for document examiners from a high school diploma to a bachelor’s degree.

**MOTION AND VOTE:** *Daniel moved to propose changes to Sections 651.202 and 651.222. Ziemak seconded the motion. The Commission unanimously adopted the motion.*

* 1. **Discuss and vote on updates to published required quality standards for employing laboratories of voluntary licensees. (General Counsel Garcia/Associate General Counsel Tomlin)**

Tomlin explained the current quality standards chart adds components for the addition of new voluntary license categories as recommended by the Licensing Advisory Committee. It is published on the Commission’s website.

**MOTION AND VOTE:** *Daniel moved to approve the updates and additions to the required quality standards for employing laboratories of voluntary licensees posted on the Commission’s website. Ziemak seconded the motion. The Commission unanimously adopted the motion.*

1. **Discuss and vote on proposed rule adoption reflecting changes to §§ 651.3, 651.8, 651.11, 651.101 – 651.104, and 651.305 – 651.308; adding new §§ 651.105 and 651.402; and repealing §§ 651.105, 651.106, 651.216, and 651.309 as published in the December 1, 2023 issue of the *Texas Register* (46 Tex Reg 7021 – 7028). Rule changes are responsive to the 88th Texas Legislature’s SB 991 and HB 3474 harmonization of the appeals process for license holders and crime laboratories.**

Tomlin explained the rule adoption harmonizes the appeals process responsive to the 88th Legislative sessions SB 991 and HB 3474 for crime laboratories and licensees.

**MOTION AND VOTE:** *Ziemak moved to adopt the following changes: amend sections 651.3, 651.8, 651.11, 651.101 to 651.104, and 651.305 to 651.308; add new sections 651.105 and 651.402; and repeal sections 651.105, 651.106, 651.216, and 651.309. Parsons seconded the motion. The Commission unanimously adopted the motion.*

1. **Discuss and vote on proposed rule adoption reflecting new rules §§ 651.501 – 651.503 responsive to the 88th Legislature’s HB 3506 concerning the timeline for removal of elimination samples from laboratory DNA QA databases.**

Tomlin explained the rule adoption includes a timeline for laboratories to remove elimination samples kept in their DNA QA databases as required by the 88th Legislature’s HB3506.

**MOTION AND VOTE:** *Daniel moved to adopt new rules §§ 651.501 to 651.503. Ziemak seconded the motion. The Commission unanimously adopted the motion.*

1. **Discuss and vote on proposed four-year rule review for Commission administrative rules in Texas Administrative Code, Title 37, Chapter 651, Subchapters A, B, C, and D.**

Tomlin explained the rule proposal is the four-year rule review that is required by statute.

**MOTION AND VOTE:** *Ziemak moved to propose the four-year rule review as described in this agenda item. Parsons seconded the motion. The Commission unanimously adopted the motion.*

**Barnard called for a break at 10:39 a.m. The meeting reconvened at 10:54 a.m. All Commission members were present.**

1. **Update regarding complaint #21.27 University of Colorado, National Innocence Project on behalf of Nanon Williams (Houston PD/Houston Forensic Science Center) (Firearms/Toolmarks).**

Barnard stated this complaint is from the University of Colorado, National Innocence Project on behalf of Nanon Williams.

Garcia gave the Commission a status update and discussed the direction the Commission would like to take given the fact that Staff does not have a foundational review from the National Institute of Standards and Technology (NIST) yet.

Garcia stated that the plan is for Staff to work on a draft to bring to the April meeting. Staff will get feedback from members and the investigative panel to review the draft and have an opportunity to comment.

Mr. Chris Fabricant, Director of Litigation at the Innocence Project in New York, addressed the Commission. Mr. Fabricant highlighted key components they would like the report to address concerning firearms. Fabricant also asserted that the distinction between handheld tools and forensic firearms analysis are particularly important because the variables at issue are completely different.

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

Garcia reported on several successful programs recently, including the DNA mixture program held in Waco, Texas. Garcia also reported on the DNA training for lawyers and judges at the Capitol, which was well received. Garcia expects the video will be available soon through the Institute for Research Training and Innovation at Sam Houston.

Garcia stated that the Tomlin will chair the jurisprudence section of the American Academy of Forensic Science in February 2024 in Denver, Colorado.

Garcia stated that DNA related trainings would continue. In particular, there will be a training on the Sharpie matter and the research being undertaken by the University of North Texas Health Science Center’s Center for Human Identification. Staff is also hosting Zoom and in-person trainings in DNA expanding the work done at the Capitol Auditorium.

Judge Hervey addressed the Commission and relayed the DNA conference at the Capitol was very successful. She will be in Denver and will use the same scenario used at the Capitol as part of her presentation and plans to do a survey of prosecutors from the defense bar, the judges, law enforcement, and some laboratory representatives. Garcia stated that Office of Court Administration offered to help with the survey development and dissemination as needed.

1. **Update from the Texas Association of Crime Laboratory Directors.**

Peter Stout, President of the Texas Association of Crime Lab Directors (TACLD), addressed the Commission. Stout stated TACLD re-elected him as President for another three years. TACLD also has a new secretary, Gwen Henson. Stout stated they now have 67 members between 22 agencies. Stout discussed highlights from the recent TACLD meeting.

1. **Consider proposed 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.

1. **Schedule and location of future panel and quarterly meetings, including April 26, 2024 and July 26, 2024 quarterly meetings.**

The next Commission meeting is April 26, 2024. The date for the July meeting is July 26, 2024.

**MOTION AND VOTE:** *Daniel moved to direct Staff to schedule the meetings. Parsons seconded the motion. The Commission unanimously adopted the motion.*

1. **Hear public comment.**

Staff noted no public comment other than that noted throughout the agenda.

1. **Adjourn.**

**MOTION AND VOTE:** *Ziemak moved to adjourn the meeting at 11:28 a.m. Parsons seconded the motion. The Commission unanimously voted to adjourn the meeting.*

Date Commission approved the minutes as submitted: April 26, 2024