
**Texas Forensic Science Commission
Minutes from July 8, 2016 Meeting in Austin, Texas**

The Texas Forensic Science Commission met at 8:00 a.m. on Friday, July 8, 2016 at the Omni Austin Southpark, 4140 Governor's Row, Austin, Texas 78744

Members of the Commission were present as follows:

Members Present: Di Maio, Alpert, Hughes-Stamm, Mozayani, Peerwani

Members Absent: Eisenberg, Lerma, Kessler, Barnard

Staff Present: Lynn Garcia, General Counsel
Leigh Tomlin, Associate General Counsel
Kathryn Adams, Commission Coordinator

Review and adopt minutes from April 11, 2016 Complaint Screening Committee Meeting and April 12, 2015 Forensic Science Commission Quarterly meeting.

MOTION AND VOTE: *Peerwani moved to adopt the meeting minute drafts. Alpert seconded the motion. The FSC unanimously adopted the motion.*

Office administrative update (FY2016 budget status update; 85th Legislative Session Legislative Appropriations Request, including meetings with SHSU representatives and May 3, 2016 Legislative Committee call; review and adoption of new draft of policies and procedures based on legislative changes; technology/database/website improvements, including implementation of updated VoIP digital telephone system and purchase of server for required support; office staff reclassification). (Garcia/Tomlin/Adams)

Garcia provided an update regarding Vilbas's current part-time status with the Commission and pointed out that the State is asking for agencies to cut their budgets by 4%. In 2018, the FSC will need an additional high-level full time employee (FTE) and new software for administration of the licensing portion of the FSC's new legislation. FSC is asking for an additional \$138k in FY 2018. In FY 2019, fees collected from licensees should help cover the cost of administering the program so the need for state revenue funding will go down. Licensing fees have not yet been set, so currently there is no projection as to the revenue they will generate. Hilbig relates that the Licensing Advisory Committee (LAC) is considering \$50-\$100 annually per license.

FSC's Policies & Procedures were updated to reflect statutory changes, changes in its jurisdiction, and the staff discretion to dispose of complaints without presenting them to the full Commission when it is clear that the FSC has no jurisdiction over the allegations. Peerwani requested that all complaints filed still be tracked, including those dismissed at the discretion of the staff so that the FSC maintains a complete record of all complaints received.

Hughes-Stamm inquired as to whether it can be made more obvious on the website the types of cases that will not be considered by the Commission, such as autopsies. Garcia points out that this language is in bold on the cover letter that accompanies each complaint form.

The word “unilaterally” will be removed from the policy language concerning staff authority to dismiss cases. Language ensuring that the Commission may still choose to accept cases dismissed by staff if they so choose will be added.

MOTION AND VOTE: *Alpert moved to amend the language in FSC’s Policies & Procedures as discussed. Mozayani seconded the motion. The FSC unanimously adopted the motion.*

Garcia provided an update on installation of the new phone system that has been pending for 2 years; the work to accommodate the system is underway but the Department of Information Resources is progressing very slowly. The system that was purchased was recommended by FSC’s IT provider.

Review and discussion of further guidance on when negligence or misconduct disclosure is required of laboratories pursuant to TEX. CODE CRIM. PROC. art. 38.01 § 4(a)(2).

Garcia described factors constituting reportable incidents on the part of a lab. Garcia related that TACLD is having difficulty deciding on what constitutes a reportable incident; she suggests lawyers and scientists should meet to discuss (1) notifiable events to the FSC; and (2) Brady/Morton Act obligations for forensic labs.

Dawn Boswell described the discovery compliance oversight system in Tarrant County that works very well. Garcia pointed out to lab directors that the Commission is allowed to identify only what should be disclosed to it. On Brady/Morton Act issue, FSC can only make suggestions. Alpert talked about the language concerning reportable incidents and questioned whether or not every misstep by every person in lab should be disclosed.

Tim Fallon pointed out that disclosure policies between the Commission and a lab’s clientele may differ as to when a Brady notice is warranted. He requested clear delineation between what must be disclosed to the Commission and what to the lab’s clients. DA’s must be clear about what they want. A conversation between Fallon and Peerwani ensued. Peerwani used the example of his own lab’s disclosure to illustrate the lack of continuity regarding action taken as a result of a self-disclosure. ASCLD/LAB took no action at all and the Commission required that the lab go through cases that may have been affected by the nonconformity.

Mills reported that TCDLA drafted a document to submit to the Commission about Brady and Morton notification issues. The organization is seeking clarity regarding laboratories’ notice requirements.

Tom Allen from the Houston Forensic Science Center (HFSC) commented on Tex. Code Crim. Proc. 39.14(h)- HFSC posts everything on its website. He is not sure if this is helpful as attorneys must plow through all the posted information.

Garcia volunteered to work with TACLD to organize a committee to address notification issues.

MOTION AND VOTE: *Alpert moved to approve the creation of a committee within TACLD to work with the Commission as discussed. Peerwani seconded the motion. The FSC unanimously adopted the motion.*

Discuss and consider recommendations from complaint screening committee concerning pending complaints and laboratory self-disclosures and all complaints or self-disclosures received through June 24, 2016.

Disclosures Pending from April 12, 2016

#15.05, a self-disclosure by DPS (Weslaco) related to an incident in the laboratory's latent print section where an analyst excluded a suspect who was later identified as the source of a latent palm print.

MOTION AND VOTE: *Peerwani moved to table the disclosure pending conclusion of the lab's internal investigation and case review. Hughes-Stamm seconded the motion. The FSC unanimously adopted the motion.*

#15.04, a self-disclosure by DPS (Abilene) related to an incident in the laboratory's controlled substance section where the laboratory manager allegedly tampered with and stole drug evidence from 14 cases stored in the laboratory's evidence vault.

MOTION AND VOTE: *Peerwani moved to follow up with the lab for clarification regarding notification to affected prosecutors and issue "no further action" letter contingent upon closure of the pending criminal case, and completion of the lab's internal investigation and QAP. Alpert seconded the motion. The FSC unanimously adopted the motion.*

Disclosures Received from April 12, 2016

#15.06, a self-disclosure re-filed by the Corpus Christi Police Department Crime Laboratory related to significant errors and at least 9 misidentifications and/or eliminations in latent print casework discovered during the course of a case review conducted in response to a previously disclosed incident in the laboratory's latent print section where an analyst erroneously identified a latent print on a CTS Latent Print Proficiency Test.

Hornsby provided comments regarding the lab's ongoing investigation and stated that all of the analyst's cases are currently being reviewed. The examiner is no longer at the lab. December 7 is the date on which the lab is projected to complete its secondary CAR and will report back to the Commission with any necessary updates.

MOTION AND VOTE: *Mozayani moved to take no further action on this case based on the extensive corrective action taken by the laboratory. Alpert seconded the motion. The FSC unanimously adopted the motion.*

Complaints Pending from April 12, 2016

#16.09, a complaint by former Fort Worth Police Department firearms examiner, Victoria Kujala, alleging laboratory management tampered with the examiner's casework and engaged in unethical behavior in the firearms section of the laboratory.

Garcia related her concerns with the lab's response attributing all responsibility for the nonconformance to the Complainant. Hughes-Stamm pointed out that the lab has changed its

chain of custody forms. There is no record that the examiner's verifier ever took custody of the evidence and that person must have had it at some point. Mozayani summarized her observation that the lab did not have a proper chain of custody process in effect.

Boswell related her understanding that analysts in the lab were each assigned their own pieces of equipment and that this microscope was simply not used for a month.

Hughes-Stamm suggests that the Commission should make some kind of statement to the lab regarding the purpose of RCA and corrective action.

Garcia stated that she will contact the lab, draft a letter regarding RCA, and report back to the Commission next meeting.

MOTION AND VOTE: *Alpert moved to require the lab to do a more systemic root cause analysis and for Garcia to draft a letter to the lab regarding the root cause analysis. Peerwani seconded the motion. The FSC unanimously adopted the motion.*

#16.12, an anonymous complaint alleging a Houston Forensic Science Center analyst's error resulted in contamination of one of two vials of blood taken from a defendant with no notice provided to the defendant, and the same incident happened in two other (unidentified) cases where no notification was provided to the defendant or the Harris County District Attorney.

MOTION AND VOTE: *Alpert moved to dismiss the complaint based on the IG investigation and lab response. Mozayani seconded the motion. The FSC unanimously adopted the motion.*

Complaints Received as of June 24, 2016

#16.19, a complaint by inmate Eric Anderson, alleging McClennan County Child Advocacy Center Dr. Ann Sims gave scientifically invalid testimony related a to scar on the victim's hymen that indicated sexual abuse that led to his two false convictions for child sexual assault.

MOTION AND VOTE: *Alpert moved to dismiss the complaint for lack of jurisdiction and refer it to the Board of Nursing. Peerwani seconded the motion. The FSC unanimously adopted the motion.*

NOTE: Upon further review by staff, this complaint was determined to be against a physician. The complainant was provided with a Texas Medical Board complaint form (instead of the Board of Nursing) and a list of state innocence clinics.

#16.20, a complaint against SWIFS by inmate Isreal Leonard, convicted of murdering his girlfriend, requesting the Commission review toxicology findings associated with the autopsy in his case to determine whether the medical examiner should have made an "undetermined" finding instead of a "homicide" finding as the manner of death.

MOTION AND VOTE: *Alpert moved to dismiss the complaint due to lack of subject matter jurisdiction. Peerwani seconded the motion. The FSC unanimously adopted the motion.*

#16.21, a complaint by inmate Juan A. Moreno, alleging DNA testing should have been conducted to determine the paternity of the twins the victim gave birth to in his sexual assault, trafficking and prostitution case because the information may prove his innocence.

MOTION AND VOTE: *Peerwani moved to dismiss the complaint due to lack of authority to order DNA testing. Alpert seconded the motion. The FSC unanimously adopted the motion.*

#16.22, a complaint by inmate Christopher Furtado, alleging forensic odontologists gave scientifically invalid testimony related to bite mark comparison at his trial for injury to a child, indecency with a child and sexual assault of a child which was the only physical evidence that connected him to the victim and ultimately led to his conviction in the case.

MOTION AND VOTE: *Peerwani moved to forward the complaint for inclusion in the TFSC's Bite Mark Review project. Hughes-Stamm seconded the motion. The FSC unanimously adopted the motion.*

#16.24, a complaint against Children's Medical Center of Dallas by inmate Paulo de la Rosa convicted by a jury for indecency with a child and aggravated sexual assault of a child that details the allegations that support de la Rosa's charges and conviction, but fails to articulate any particular allegation or complaint to the Commission.

MOTION AND VOTE: *Alpert moved to dismiss the complaint for failure to state an allegation of negligence or misconduct in forensic analysis by an accredited lab or any other allegation for which the Commission has jurisdiction. Peerwani seconded the motion. The FSC unanimously adopted the motion.*

#16.25, a complaint against physician Dr. Leah Lamb-Cooks and a SANE by inmate Greg McCain, alleging prosecutorial misconduct that led to his conviction for aggravated assault with a deadly weapon. Alpert recused himself from the discussion and vote on this complaint because it is a Tarrant County case.

MOTION AND VOTE: *Peerwani moved to dismiss the complaint due to lack of commission jurisdiction over physicians and for failure to state an allegation of negligence or misconduct in forensic analysis by an accredited lab. Hughes Stamm seconded the motion. The FSC unanimously adopted the motion.*

#16.26, a complaint by inmate Ronnie Tienda, Jr., alleging investigators and the prosecution failed to 1) analyze the particular bullet found in the victim's body, and 2) ask the State's firearms expert, Southwestern Institute of Forensic Sciences examiner Charles Clow, at trial whether the bullet that killed the victim could have come from the gun prosecutors alleged was used to commit the homicide.

MOTION AND VOTE: *Alpert moved to dismiss the complaint for failure to state an allegation of negligence or misconduct in forensic analysis by an accredited lab. Hughes-Stamm seconded the motion. The FSC unanimously adopted the motion.*

#16.28, a complaint by inmate Cornell Drummer, alleging Bexar County Medical Examiners Dr. Di Maio and Dr. Stengels gave false and misleading firearms/ballistics testimony at his trial and conspired with the San Antonio Police Department to secure his conviction for murder. Di Maio recused himself from the discussion and vote on this complaint.

MOTION AND VOTE: *Peerwani moved to dismiss the complaint for lack of jurisdiction. Hughes-Stamm seconded the motion. The FSC unanimously adopted the motion.*

#16.29, a complaint by inmate Daniel Lopez Garcia, alleging misconduct and unqualified testimony by police officers, a firearms examiner and former Harris County Assistant Medical Examiner Marilyn Murr who performed the autopsies in the case, leading to Garcia's wrongful conviction for capital murder. Mozayani recused herself from the discussion and vote on this complaint because it involved the Harris County Institute of Forensic Sciences.

MOTION AND VOTE: *Peerwani moved to dismiss the complaint for lack of jurisdiction and failure to make any allegation of negligence or misconduct in forensic analysis by an accredited lab. Alpert seconded the motion. The FSC unanimously adopted the motion.*

#16.30, a complaint against DPS Austin by inmate Collin Smith, alleging the State used faulty firearms evidence that led to his conviction for murder.

MOTION AND VOTE: *Peerwani moved to dismiss the complaint for failure to state an allegation of negligence or misconduct in forensic analysis by an accredited lab. Hughes-Stamm seconded the motion. The FSC unanimously adopted the motion.*

#16.32, a complaint against DPS Tyler by Ray Dale Hooks, alleging law enforcement, the district attorney's office, pathologist Dr. Robert Palmer, and forensic drug chemists mishandled evidence in his case that led to his 1999 conviction for intoxication manslaughter.

MOTION AND VOTE: *Alpert moved to dismiss the complaint for failure to state an allegation of negligence or misconduct in forensic analysis by an accredited lab. Mozayani seconded the motion. The FSC unanimously adopted the motion.*

#16.33, a complaint against DPS Garland by Dennis Wayne Rogers, requesting further DNA testing that he alleges will prove his innocence of his 2010 conviction for sexual assault.

MOTION AND VOTE: *Peerwani moved to dismiss the complaint as the TFSC has no authority to order additional lab testing and no allegation of negligence or misconduct in forensic analysis by an accredited lab was made. Hughes-Stamm seconded the motion. The FSC unanimously adopted the motion.*

#16.34, a complaint against the Bexar County Crime Lab by inmate Reynaldo Reyes, requesting further DNA testing that would prove his innocence of his 2007 aggravated sexual assault of a child conviction.

MOTION AND VOTE: *Alpert moved to dismiss the complaint as the TFSC has no authority to order additional lab testing and no allegation of negligence or misconduct in forensic analysis by an accredited lab was made. Hughes-Stamm seconded the motion. The FSC unanimously adopted the motion.*

#16.36, a complaint by defense attorney Catherine Dunnivant, requesting that the Commission determine whether DPS Garland's and DPS Abilene's undocumented policy to first make an assumption for the presence of HCl and then apply the appropriate mathematical calculation when calculating an HCl amount is consistent with SWGDRUG and other recognized guidelines.

DPS is obtaining transcripts of the relevant testimony and pulling the relevant case records on quantitation. Mills is reviewing the cases and will formulate a response.

MOTION AND VOTE: *Alpert moved to table a decision on the complaint until the TFSC's next quarterly meeting pending a response from DPS. Hughes-Stamm seconded the motion. The FSC unanimously adopted the motion.*

#16.37, a complaint against OB Associates and Dr. Clarice Grimes by inmate Daniel Gruenfelder, alleging there was not enough medical evidence from the sexual assault nurse exam to support his 2000 conviction for sexual assault.

MOTION AND VOTE: *Peerwani moved to dismiss the complaint as no allegation of negligence or misconduct in forensic analysis by an accredited lab was made. Alpert seconded the motion. The FSC unanimously adopted the motion.*

#16.39, a complaint against DPS Houston by inmate Del Ray Sanders, requesting DNA testing on certain evidentiary items collected by law enforcement which Sanders believes will exonerate him from his 2010 conviction for murder.

MOTION AND VOTE: *Alpert moved to dismiss the complaint as the TFSC has no authority to order additional testing of evidence and no allegation of negligence or misconduct in forensic analysis by an accredited lab was made. Hughes-Stamm seconded the motion. The FSC unanimously adopted the motion.*

#16.40, a complaint by the Harris County Public Defender's Office Attorney requesting the Commission review forensic analysis and testimony related to blood spatter and gunshot residue in Norma Clark's cold case murder conviction. Mozayani recused herself from discussion and voting relative to this complaint.

MOTION AND VOTE: *Alpert moved to accept this complaint for investigation. Peerwani seconded the motion. The FSC unanimously adopted the motion.*

Following the vote an investigative panel including Peerwani, Alpert and DiMaio was formed. Garcia instructed the panel members to decide if they will need assistance from any subject matter experts. Peerwani suggested Ron Singer. Fallon will check with Mike Martinez to see if he would be willing to assist.

Discuss status and any updates for crime laboratory accreditation program, including review and discussion of forensic disciplines previously exempted by DPS, Attorney General Opinion request regarding reporting requirements for unaccredited disciplines under Texas Code of Criminal Procedure article 38.01, discussion of ASCLD/LAB merger with ANAB and potential new administrative rules regarding the merger. (Garcia/Tomlin)

Garcia is in the process of seeking an Attorney General opinion concerning which rules unaccredited disciplines fall under and whether laboratory self-disclosures from any of these disciplines need to be submitted to the Commission.

Discuss licensing advisory committee progress and updates, including May 10, 2016 and June 14, 2016 licensing advisory committee meetings and development of forensic discipline and sub-discipline categories for licensing, development of requirements to fulfill each component to obtain a license, acquisition of necessary software and other technology,

including discussions regarding iMIS content management system, scheduling of additional meetings and next steps. (Mozayani/Hilbig)

Garcia presented a PowerPoint regarding the work being done by the Licensing Advisory Committee (LAC). She introduced the LAC Chairman, Greg Hilbig and related specific educational requirements and examinations currently being studied by the Committee. A general forensic science exam is now being contemplated. Both Garcia and Hilbig related that trace evidence is the most challenging in which to develop licensing standards and testing requirements. January 1, 2019 is the effective date of the licensing requirement.

There will be a recommendation for a disciplinary process that includes license revocation for licensees who commit misconduct. The Committee is working on development of a process that would not entail issuance of a new license every time a person becomes authorized for independent casework in a new discipline.

Garcia, Hilbig and Commission members discussed the possibility of reciprocity of credentials with other state's analysts, however no other states currently offer forensic licensing so the issue is premature at this time. Licensing programs from other states would have to be studied to determine if Texas would reciprocate.

Peerwani thanked the LAC for their hard work and asks for a copy of Garcia's PowerPoint. Staff will upload it to the Commission's website and send a link to Peerwani.

Discuss Rio Grande Identification Project progress, including teleconferences and collaboration efforts with EAAF, UNT, pathologists and medical examiners (Farley, Stern, and Peerwani), status of comparison of EAAF reference samples to UNT local databank, execution of MOU with instruction and requirements about cross-referencing samples between BODE (which houses EAAF DNA databank) and UNT's local databank of missing person samples, organization of future collection of reference samples in each country to be submitted by an investigative agency that satisfies federal requirements, recent Police Executive Research Forum meeting in D.C. attended by Hughes-Stamm, collaboration with Thea Whalen at Texas Justice Court Training Center, including training at 72nd Annual Education Conference of Justice's of the Peace and Constables Association in San Antonio June 30 and other next steps. (Hughes-Stamm/Garcia/Tomlin)

The Memorandum of Understanding (MOU) between EAAF, UNTHSC is still being revised; Hughes-Stamm said that the process has been slow due to a variety of factors.

Garcia explained that some of the affected counties do not have funds available to pay for autopsies on unidentified remains. Senator Cornyn has sponsored legislation for federal funds to support the identification of human remains in some of these counties.

Peerwani inquired about the possibility of asking for pathologists to volunteer to autopsy remains. Hughes-Stamm mentioned that Dr. Norma Farley had the idea of setting up a regional medical examiner center in south Texas.

Di Maio related that at the NCFS meeting it was conveyed that processing DNA samples from existing remains were of paramount importance. Garcia will speak with the FBI again. This project has proven to be much more difficult than originally anticipated.

Update from Texas Association of Crime Laboratory Directors. (Kahn or designee)

There was no update for this agenda item.

Update on Retrograde Extrapolation Education Project. (Alpert)

Alpert has nothing to report at this time, but he will be attending a national seminar on the subject. He believes he will have an update on progress from around the country by the next quarterly Commission meeting.

Update from Hair Microscopy Panel, including notification recommendations from May 25, 2016 Hair Microscopy Panel Meeting, finalization of notification letters and communication of same to stakeholders; update on transcript review. (Garcia/Vilbas)

Garcia provided the Hair Microscopy Panel update in Vilbas's absence. She reviewed the number of cases looked at by the panel, transcripts obtained and notifications sent (17), and examples of notifiable testimony via a Power Point presentation.

MOTION AND VOTE: *Alpert moved to accept the Panel's recommendation to notify the Dallas County DA of the hair examiner's testimony in the State v. Pina case, and to recommend reviews for all cases in which Mr. Linch provided hair testimony. Peerwani seconded the motion. The FSC unanimously adopted the motion.*

The State v. Dunn case was given as an example of using the totality of the examiner's testimony. Some of the testimony was appropriate and some was not. The Panel felt that the overall effect of the testimony upon the jury was misleading regarding the limits of science and that notification to the DA was warranted.

MOTION AND VOTE: *Alpert moved to accept the Panel's recommendation to notify the DA in this case. Mozayai seconded the motion. The FSC unanimously adopted the motion.*

The transcript in the State v. Long case also contained notifiable statements. The Panel recommended notification of the DA in this case.

MOTION AND VOTE: *Alpert moved to accept the Panel's recommendation to notify the DA in this case. Peerwani seconded the motion. The FSC unanimously adopted the motion.*

MOTION AND VOTE: *Alpert moved to have all of this examiner's (Phyllis Marshall from Jefferson County Crime Lab) transcripts reviewed. Peerwani seconded the motion. The FSC unanimously adopted the motion.*

Garcia explained that all cases for HPD (Workington) have already been earmarked for review. The Panel recommended notification of the DA in the State v. Postell case, another case for which Workington was the examiner.

MOTION AND VOTE: *Alpert moved to accept the Panel's recommendation to notify the DA in this case. Peerwani seconded the motion. The FSC unanimously adopted the motion.*

Update regarding Bite Mark Panel (Chaney–National Innocence Project) #15-07, including record collection and review. (Garcia)

Chairman Kessler was unable to attend so Garcia provided a brief update. She stated that cases have proven very hard to obtain and described the process of acquiring them. The number of cases found to be reviewed currently totals 34. Vilbas found partial or full transcripts for all but 7 cases. A team such as that for hair microscopy should be set up, but members decided to wait for Dr. Kessler to return before doing so.

Status of DNA Mixture Interpretation Review, including:

a. Laboratory progress—(public and private);

The majority of the labs reviewed to date (all public labs in Texas that analyze DNA) had protocols for which Budowle made suggestions for improvement. He went through sample cases one by one. The process completed so far will allow for revised reports that may affect case outcomes to be issued, and allow criminal justice system to work through them. Some counties, Harris for example, have a huge volume of cases and will obviously require more time for review than other counties.

Budowle will be looking at private laboratories protocols and case samples next. The lab review process uncovered issues of concern with the APD DNA lab.

b. Update and review of report from May 27-28, 2016 audit at Austin Police Department crime laboratory and review of associated costs for budgeting;

Edits to the report were suggested by the DNA subcommittee to the copy in the meeting binder. Hughes-Stamm added clarifying language. An exhibit concerning PopStat research was also added. Garcia reviewed the contents of the report giving a short explanation of each section. She also summarized the DNA allele frequency issues that came down from the FBI.

Jody Koehler (the ASCLD/LAB representative for the APD audit) and Dr. Bruce Budowle (from UNTHSC's Institute of Investigative Genetics) who conducted the audit with Garcia provided comments about the audit process and explained issues with quantification based stochastic thresholds for DNA mixtures.

Garcia conveyed her impression that the lab had a misunderstanding of SWGDAM guidelines from 2010 and methods outlined in John Butler's book published in 2014.

Koehler commented that during the course of the APD audit she noticed that the ST validation study reflected transfers as small as .005 microliters, which is impossible to measure in a pipette. The smallest transfer that can accurately be made is .5 microliters according to the pipette manufacturer. This fact caused her to question whether there was even an understanding of how to use tools in the lab for casework as well as validation.

A specific case from the audit illustrating the carryover contamination issue was discussed at length, with both Budowle and Koehler providing input as to how the case should have been properly handled after discovery of the possible contamination.

Garcia pointed out the degree to which the public and stakeholders rely on “accreditation.” No negative findings at APD were made by any auditors during previous audits- this raises questions concerning the value and validity of assessors and audits.

Budowle agreed stating that the blame does not lay with just the lab but on the assessors as well, and asked how the lab should know there is a problem if its accrediting body’s report reflects that everything is fine.

Alpert expressed interest in inquiring of ASCLD/LAB as to why issues picked up in TFSC’s audit were overlooked in ASCLD/LAB’s previous audits. He would like for ASCLD/LAB to do their own root cause analysis (RCA) as he is definitely expecting to see a response from them. Many issues were overlooked by ASCLD/LAB and he would like an explanation for this fact.

Mozayani pointed out that the Quality Manager is the person whose job it is to ensure that the lab’s work producing work adhering to current standards and recommendations; this person must be well qualified.

Budowle said that an accrediting body that has not done a RCA is not good sign. Garcia reported that lab managers at yesterday’s TACLD meeting said a wide variance in the quality of assessors exists. Some assessors are very thorough and others do not even make a lab feel like it has been audited.

Garcia will ask for a response from ASCLD/LAB and will forward to everyone upon receipt.

MOTION AND VOTE: *Hughes-Stamm moved to adopt the report with edits as discussed. Mozayani seconded the motion. The FSC unanimously adopted the motion.*

c. Update on notification issues;

No update was provided for this agenda item.

d. Training for lawyers and scientists; and

Regional DNA Training for Attorneys will be held on August 12 at St. Mary’s School of Law in San Antonio.

e. Status of case review, including collection of DNA review forms, triage of cases and any expected retesting thus far. (Wicoff/Garcia)

There are two sources for DNA cases: prosecutor notice and inmate correspondence. The current list contains 550 cases. Galveston County just sent out 700 letters. Wicoff will be meeting with Inger Chandler to discuss handling of Harris County’s caseload. The case list is currently manageable but will get very large very soon. Wicoff has assembled a packet of information for lawyers explaining the science so they may assist with vetting cases. Lawyers

evaluating cases are asked to assess them in terms of whether or not the outcome would have been different if the DNA results were to change.

Dawn Boswell provided an update on the handling of Tarrant County's cases. Only 35 cases have come in requesting recalculation and representation by an attorney.

Report from presentation at Bode East conference. (Garcia)

Garcia was invited to give a talk on DNA mixtures. Garcia related a story from an analyst about trial testimony who said she would not testify the same way today. Reports and testimony provided today should be according to today's standards, not standards used at the time of the original analyses.

Report from presentation at Quattrone Center Spring 2016 Symposium Technology in Criminal Justice conference. (Garcia)

Garcia was on a panel with the author of the book "The Dark Side of DNA Analysis," Erin Murphy and Mark Perlin, creator of True Allele.

Report from Texas Division of International Association for Identification Conference in Galveston, Texas. (Mozayani/Tomlin)

Tomlin gave the same presentation about forensic analyst licensing twice in Galveston. Mozayani stated that it was a wonderful presentation and that Tomlin will be invited back next year.

Report from National Forensic Science Commission meeting. (Di Maio/Garcia)

Garcia gave a talk on analyst licensing at the National Commission on Forensic Science; it was well-received.

Consider proposed agenda items for next quarterly meeting. (Di Maio)

There was no discussion of this agenda item.

Schedule and location of future panel and quarterly meetings. (Di Maio)

Tomlin related several available meeting times at the Omni in October. Hughes-Stamm teaches Monday-Wednesday each week so she would not be available on those days. Alpert mentioned a trial setting that might conflict with some of the available dates.

Hear public comment. (Di Maio)

No public comment was given.

Adjourn.