# FORENSIC SCIENCE COMMISSION LICENSING ADVISORY COMMITTEE MEETING MINUTES

The Licensing Advisory Committee of the Texas Forensic Science Commission (Commission) met in person and via videoconference on January 30, 2025, at 10:00 a.m., at the Barbara Jordan State Office Building at 1601 Congress Avenue, Room 2.034, Austin, Texas 78701.

**Members Present:** Andrew Greenwood

Michelle Paulson Katherine Sanchez Kelly Wouters Carina Haynes Megan Rommel Deion Christophe

The following Licensing Advisory Committee members attended virtually via Zoom: Carina Haynes, Kelly Wouters.

**Members Absent:** Jessica Frazier

Angelica Cogliano

Staff Present: Lynn Garcia, General Counsel

Leigh Tomlin, Associate General Counsel Veena Mohan, Assistant General Counsel Robert Smith, Senior Staff Attorney Chelsea Estes, Commission Coordinator Rodney Soward, Program Specialist Maggie Sowatzka, Program Specialist Steve Miller, Multimedia Producer

Members conducted this meeting of the Texas Forensic Science Commission's Licensing Advisory Committee (Committee) as a videoconference and in-person meeting pursuant to the Texas Open Meetings Act, Government Code section 551.127. Members of the Committee and Staff appeared remotely and at the physical location set forth in these minutes.

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

Sanchez called the meeting to order at 10:00 am.

<u>MOTION AND VOTE:</u> Paulson moved to excuse Frazier's and Cogliano's absences. Greenwood seconded the motion. The Committee unanimously adopted the motion.

## 2. Review and adopt minutes from the October 24, 2024 meeting.

MOTION AND VOTE: Christophe moved to adopt the October 24, 2024 meeting minutes draft. Paulson seconded the motion. The Committee unanimously adopted the motion.

3. Administrative update, including the number of licenses issued and renewed. Discuss status of the implementation of new license application management program (ALiS). Introduction of new Commission Coordinator, Chelsea Estes. (General Counsel Garcia/Associate General Counsel Tomlin/Program Specialist Soward).

Licensing Program Specialist Soward updated members and staff on the current total number of licenses issued as of January 13, 2025 (1,315 total), as follows: non-interpreting, 241; provisional, 8; temporary, 5; uncommon 3; and regular analyst and technician licenses, 1,058; in addition to renewals processed to date.

Garcia introduced the new Commission Coordinator, Chelsea Estes.

The Commission currently utilizes a learning management system called TopClass customized to be an application portal for forensic licensing, while the Judicial Branch Certification Commission (JBCC) uses an application system called ALiS to process applications for interpreters, court reporters, process servers, and guardians, all of whom must apply for some form of certification or licensure from JBCC. The Office of Court Administration, which is the parent agency for both the JBCC and FSC, decided to transition the application process for all OCA licensing programs to ALiS for efficiency and budgeting purposes, and because the platform is a dedicated application system. Staff will continue working with ALiS developers to fully customize the licensing platform and landing pages for the Commission's use and will eventually transition all FSC applicants to ALiS.

#### 4. Review any outstanding coursework evaluations.

The Committee evaluated four outstanding coursework evaluations. Tomlin shared summaries of the four evaluations. For forensic biology/DNA analysts, the Commission's rules require compliance with coursework requirements from the 2011 Federal Bureau of Investigation's Quality Assurance Standard for Forensic DNA Testing Laboratories (QAS). The required courses include a minimum of 9 semester-credit hours covering the following topics: biochemistry, molecular biology, genetics, and statistics and/or population genetics. The standards require that each topic be an integral component of any course the Committee may consider qualifying. Members discussed that the FBI plans to release a revised QAS standard that may loosen the strict application required for evaluating whether a particular course counts towards one of the required components. The Committee will address the revised standard and decide whether to mirror the Commission's administrative rules with the current copy of the QAS at a future meeting.

Rommel assisted in evaluating each of the four course evaluation requests. Candidate 1 lacked biochemistry and molecular biology. This person had an introduction to biology I, introduction

to biology II, and a general chemistry II course. Rommel suggested that the introduction to biology I could possibly meet the requirement for biochemistry, but the other two courses were unrelated to the remaining standards. The Committee recommended the course substitution be denied.

MOTION AND VOTE: Rommel moved to recommend the Commission deny the candidate's coursework request because it fails to meet the minimum requirements for Forensic Biology/DNA analyst licensure. Greenwood seconded the motion. The Committee unanimously adopted the motion.

Candidate 2 asked the Committee to evaluate their geography statistics course for equivalency to the required statistics component for licensure. Rommel observed that the course covered the core components required by the Commission in its statistics guidance document.

<u>MOTION AND VOTE:</u> Rommel moved to recommend the Commission approve the candidate's coursework as equivalent to a three-semester credit hour college-level statistics course. Greenwood seconded the motion. The Committee unanimously adopted the motion.

Candidate 3 lacked the required molecular biology course for licensure as a forensic biology/DNA analyst. The candidate asked the Committee to consider a microbiology course and corresponding laboratory class as a replacement for the missing course. The candidate also presented a cell biology course, but the syllabus did not include any of the topics that should be covered in a molecular biology course.

MOTION AND VOTE: Rommel moved to recommend the Commission deny the candidate's coursework request because it fails to meet the minimum requirements for Forensic Biology/DNA analyst licensure. Greenwood seconded the motion. The Committee unanimously adopted the motion.

Candidate 4 requested that the Commission approve a molecular genetics course in fulfillment of the molecular biology component. Committee members felt the course covered a significant amount of molecular biology concepts sufficient to justify an approval for course substitution.

<u>MOTION AND VOTE:</u> Rommel moved to recommend the Commission approve the candidate's coursework request as meeting the minimum requirements for Forensic Biology/DNA analyst licensure. Greenwood seconded the motion. The Committee unanimously adopted the motion.

5. Review any outstanding criminal history evaluations and/or licensee conduct reports from licensing applications.

There were no outstanding criminal history evaluations or other license application conduct reviews for the Committee this quarter.

6. Update on development of a guidance document for intra/inter-agency proficiency monitoring programs and standard operating procedures, including discussion and

update on collaboration with the Texas Division of the International Association for Identification (TDIAI) and hosting of licensing exam at TDIAI's annual conference, June 10-14, 2025, in League City, Texas. (Paulson)

Committee member Paulson updated members on the working group developing guidance documents for a model intra/inter-agency proficiency monitoring program and standard operating procedures. Celestina Rossi, Crime Scene Analyst from Montgomery County Sheriff's Office, agreed to teach a course at the Texas Division of the International Association for Identification (TDIAI) June 2025 annual conference that will include topics such as the Commission's role in forensic oversight, requirements for voluntary licensing, and fulfillment of forensic service provider quality requirements. After the course, Rossi plans to facilitate breakout sessions for each voluntary licensing discipline. The group will address key components of a sufficient proficiency monitoring program and basic standard operating procedures focused on smaller laboratories that do not have these policies.

Paulson explained the working group (in collaboration with TDIAI) also plans to pilot a proficiency monitoring program at the June 2025 TDIAI annual conference. The proficiency test will consist of one large crime scene room with a checklist of all the different elements of crime scenes, including photography, evidence collection, and processing. Before entering the staged crime scene, participants will identify the topics applicable to them and complete components applicable to their discipline. TDIAI members would also like the Commission to administer the General Forensic Analyst and Technician Licensing Exams at the June 2025 TDIAI annual conference. Rossi shared that she intends to cover the test preparation material in her course as well, and that she has study materials compiled she can share with TDIAI members ahead of time.

# 7. Discuss the issue of the lack of available accredited firearms experts and possible resources for smaller laboratories to achieve accreditation in firearms.

Commission staff researched available resources for smaller laboratories and individual firearms experts to achieve accreditation in firearms. Garcia explained that there are resources available but typically focused on qualifying publicly funded entities. Smaller, private laboratories and practitioners are not eligible for federal grants. Garcia explained she plans to discuss the possibility of firearms experts partnering with the Texas Indigent Defense Commission (TIDC), the agency that manages assigned or court-appointed counsel for defendants in the State. Garcia will discuss the issue with TIDC's Executive Director.

8. Discuss and vote on recommended rule changes including, but not limited to, amendments to § 651.222, Voluntary Licensure Forensic Analyst and Forensic Technician Licensing Requirements, to qualify versions of the required Texas Commission on Law Enforcement (TCOLE) Course Number 2106 Intermediate Crime Scene Search taught by TCOLE- certified instructors, that were revised or established prior to 2019.

Tomlin explained the rulemaking expands the requirement for crime scene licensees to take Texas Commission on Law Enforcement Course (TCOLE) Number 2106 Intermediate Crime

Scene Search (2019) to include years prior to 2019 and beyond. The Commission's current rules only qualify the 2019 version, but there are applicants who have taken earlier versions. After a discussion with members of law enforcement, staff concluded that the courses should qualify *if* taught by either a TCOLE-certified instructor or an approved subject matter expert.

MOTION AND VOTE: Paulson moved to recommend the Commission propose changes to the rules discussed, subject to suggested non-substantive revisions from the Office of the Governor, Texas Register, and Commission staff. Haynes seconded the motion. The Committee unanimously adopted the motion.

9. Discuss FBI rule change announced during January 13, 2024 National Rapid DNA Webinar, including Texas impact, including possible vote on recommendation for Commission to create state working group for the purpose of recommending criteria for Rapid DNA Licensing Program.

Garcia gave a summary of the FBI rule change announced during a national Rapid DNA Webinar. There has been a rise in the use of rapid DNA instruments. They are most used to analyze samples from known arrestees at police stations. Samples are added to a nation-wide database maintained by the FBI known as CODIS. The FBI announced that crime scene samples may now be searched against Rapid DNA instruments, with profiles eventually being uploaded and searchable against CODIS, if the law enforcement agencies hosting the Rapid DNA instrument partners with an accredited laboratory. The FBI rule goes into effect on July 1, 2025. Many laboratories are concerned about chain of custody issues for biological evidence, specifically with where and how the samples get stored. The FBI recommends that every state develop its own working group to decide which rules and regulations would be best for each state. Law enforcement agents are eager to use the technology because it has tremendous promise for solving crimes.

Commission staff discussed a possible Rapid DNA operator license similar to the Commission's other licensing programs. Garcia gave a list of potential participants for a Texas Rapid DNA working group that will include representatives from the Sheriff's Association of Texas, the Texas Police Chiefs Association, the Texas Rangers, Texas Criminal Defense Lawyers Association, Texas District and County Attorneys Association, Texas Association of Crime Laboratory Directors, Texas Association of Forensic Quality Assurance Managers, ANSI National Accrediting Body (ANAB), American Association of Laboratory Accreditation (A2LA), and a representative from the Commission's Licensing Advisory Committee. Staff discussed adding a new provision for rapid DNA accreditation to its accredited laboratory database. Rommel explained that not all the samples collected would be quality enough to run through the rapid instruments. They would have to implement sufficient training to help employees identify when the samples should be sent to an analyst at the accredited partner laboratory.

MOTION AND VOTE: Paulson moved to recommend that the Commission establish a statewide working group for the purpose of recommending criteria for a Rapid DNA operator licensing program. Haynes seconded the motion. The Committee unanimously adopted the motion.

#### 10. Update from the Texas Association of Crime Laboratory Directors (TACLD).

The TACLD will meet today, after the Committee's meeting beginning at 1:00 p.m.

## 11. Consider possible agenda items for next quarterly committee meeting.

There were no additional agenda items suggested for the next quarterly committee meeting other than that noted above.

12. Schedule of future quarterly committee meetings including, but not limited to, scheduled meetings for April 10, 2025, July 24, 2025, and October 23, 2025.

<u>MOTION AND VOTE:</u> Paulson moved to instruct staff to schedule these meetings. Christophe seconded the motion. The Committee unanimously adopted the motion.

#### 13. Hear public comment.

Celestina Rossi gave an update on the statistics for law enforcement class being developed at Lone Star College. The course is on track to launch July 21 through July 25. The course will be held through the College's continuing education program. The course covers 48 hours and will cost \$16 per hour plus the cost of the book, bringing the total to approximately \$900. The course will be held at the conference center across the street from the college. The class will be open to about 15 students in its first session. The first two courses will be taught in person, but the following classes will be available remotely.

### 14. Adjourn.

MOTION AND VOTE: Paulson moved to adjourn the meeting. Greenwood seconded the motion. The Committee unanimously adjourned the meeting at 11:40 a.m.