



TEXAS JUDICIAL COUNCIL

205 WEST 14TH STREET, SUITE 600 - TOM C. CLARK BUILDING – (512) 463-1625 – FAX (512) 936-2423
P. O. BOX 12066 – AUSTIN, TEXAS 78711-2066

CHAIR:

HON. NATHAN L. HECHT
Chief Justice, Supreme Court

EXECUTIVE DIRECTOR:
DAVID SLAYTON

VICE CHAIR:

HON. SHARON KELLER
Presiding Judge, Court of Criminal Appeals

TIMOTHY COLE EXONERATION REVIEW COMMISSION AGENDA

September 15, 2016 - 1:00-4:00 P.M.

House Appropriations Committee Room, Extension E1.030, Texas State Capitol
1100 Congress Avenue, Austin, Texas 78701

Action and Discussion Items:

- I. Commencement of Meeting** – *Representative John Smithee, Presiding Officer*
- II. Attendance of Members** – *Wesley Shackelford*
- III. Approval of Minutes from June 28, 2016**
- IV. Opening Remarks**
- V. Forensic Evidence**
 - a. Overview of Texas Exonerations – *Alejandra Peña*
 - b. Report on Harris County drug case exonerations – *Inger Chandler, Conviction Integrity Unit, Harris County District Attorney's Office & Nicolas Hughes, Harris County Public Defender's Office*
 - c. Overview of forensic issues in criminal cases and potential reforms – *Lynn Garcia, Texas Forensic Science Commission*
 - d. Review and consider adoption of potential policy recommendations – *Wesley Shackelford*
- VI. Informants and False Accusations**
 - a. Review member survey results – *David Slayton*
 - b. Consider adoption of policy recommendations – *Representative John Smithee*
- VII. Faulty Eyewitness Identifications**
 - a. Review member survey results – *David Slayton*
 - b. Consider adoption of policy recommendations – *Representative John Smithee*
- VIII. Review Timeline and Draft Outline of Final Report** – *Alejandra Peña*
- IX. Public Comment**
- X. Other Business**
- XI. Next Meeting**
- XII. Adjournment**



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**TIMOTHY COLE EXONERATION REVIEW COMMISSION
MINUTES OF MEETING
June 28, 2016 - 1:00P.M.
Supreme Court of Texas Courtroom
201 West 14th Street, Austin, Texas 78701**

Commencement of Meeting

On March 22, 2016, Representative John T Smithee called the meeting of the [Timothy Cole Exoneration Review Commission](#) (TCERC) to order at approximately 1:30 p.m. in the courtroom of the [Supreme Court of Texas](#) (SCOT) in Austin, Texas

The following Commission members were present:

Representative John T Smithee, District 86, Amarillo
Senator John Whitmire, District 15, Houston
Mr. Sam Bassett, President, Texas Criminal Defense Lawyers Association
Mr. John Beauchamp, General Counsel, Texas Commission on Law Enforcement
Mr. Charles Eskridge, Quinn Emanuel Urquhart & Sullivan, LLP, Houston
Mr. Staley Heatley, President, Texas District and County Attorneys Association
Mr. Carol Vance, Retired, Houston (participated by phone)

Advisory Members in Attendance:

Mr. Anthony S. Haughton, Executive Director, Innocence Project at the Thurgood Marshall School of Law at Texas Southern University
Ms. Cassandra Jeu, Director, Texas Innocence Network, University of Houston Law Center
Mr. Mike Ware, Executive Director, the Innocence Project of Texas

Additional attendees:

David Slayton, Executive Director, Texas Judicial Council

Not in attendance:

The Honorable Sharon Keller, Chair, Texas Indigent Defense Commission
Senator Joan Huffman, District 17, Houston
Representative Abel Herrero, District 34, Corpus Christi
Dr. Vincent Di Maio, Presiding Officer, Texas Forensic Science Commission
Advisory member Tiffany J. Dowling, Director, Texas Center for Actual Innocence, University of Texas School of Law

Minutes

Without objection, the [March 22, 2016](#) meeting minutes were approved as submitted.

Opening Remarks

Presiding Officer, Representative John Smithee welcomed members and gave a brief overview of the meeting agenda.

Electronic Recording of Interrogations

David Slayton, Executive Director, Texas Judicial Council reviewed results from the member survey on electronic recording of interrogations. Staff was asked to provide additional information from the Law Enforcement survey on the sizes of the respondent departments.

Policy Recommendations for Recording of Interrogations

The Commission considered and approved six policy recommendations; additional requirements may be added later as staff was asked to compile additional information from the law enforcement survey as well as guidelines from other states.

Informants and False Accusations

Professor Alexandra Natapoff, Associate Dean for Research at Loyola Law School, Los Angeles provided testimony on criminal and jailhouse informants along with potential reforms for the Commission to consider.

Staff provided an overview of Texas exonerations where false accusation was a contributing factor along with potential policy recommendations.

Faulty Eyewitness Identifications

Staff provided an overview of Texas exonerations where mistaken eyewitness identification was a contributing factor along with potential policy recommendations. Professor Sandra G. Thompson, Alumnae College Professor of Law and Criminal Justice Institute Director, University of Houston Law Center, provided additional comments.

Staff will prepare a poll of potential policy recommendations on informants, false accusations, and faulty eyewitness identification for members to consider along with additional data as requested.

Review Timeline for Commission

Staff presented an updated timeline for future meetings and research topics.

Next Meeting

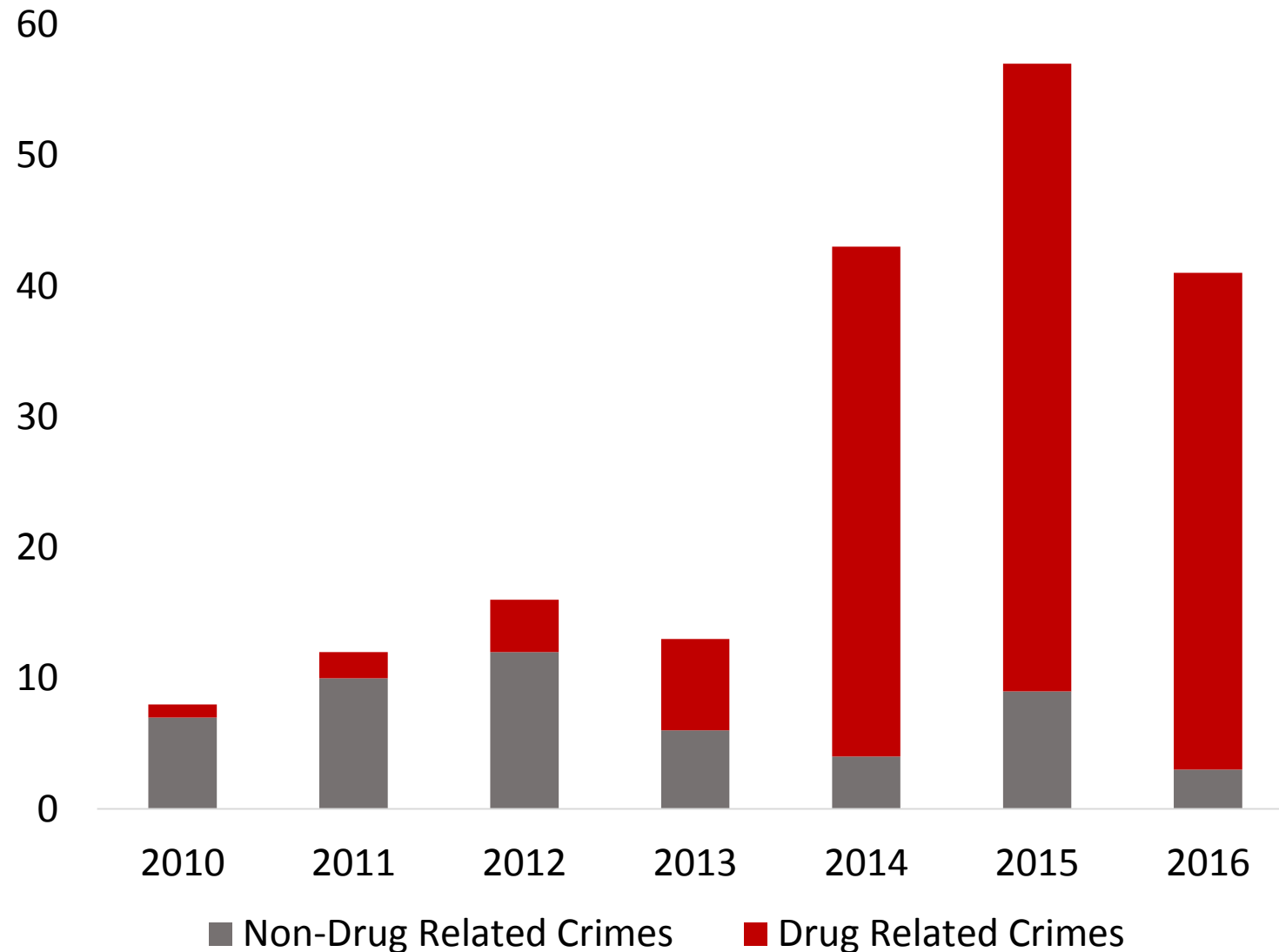
The next meeting will be held mid to late September. Staff will send out a poll with possible meeting dates.

Adjournment

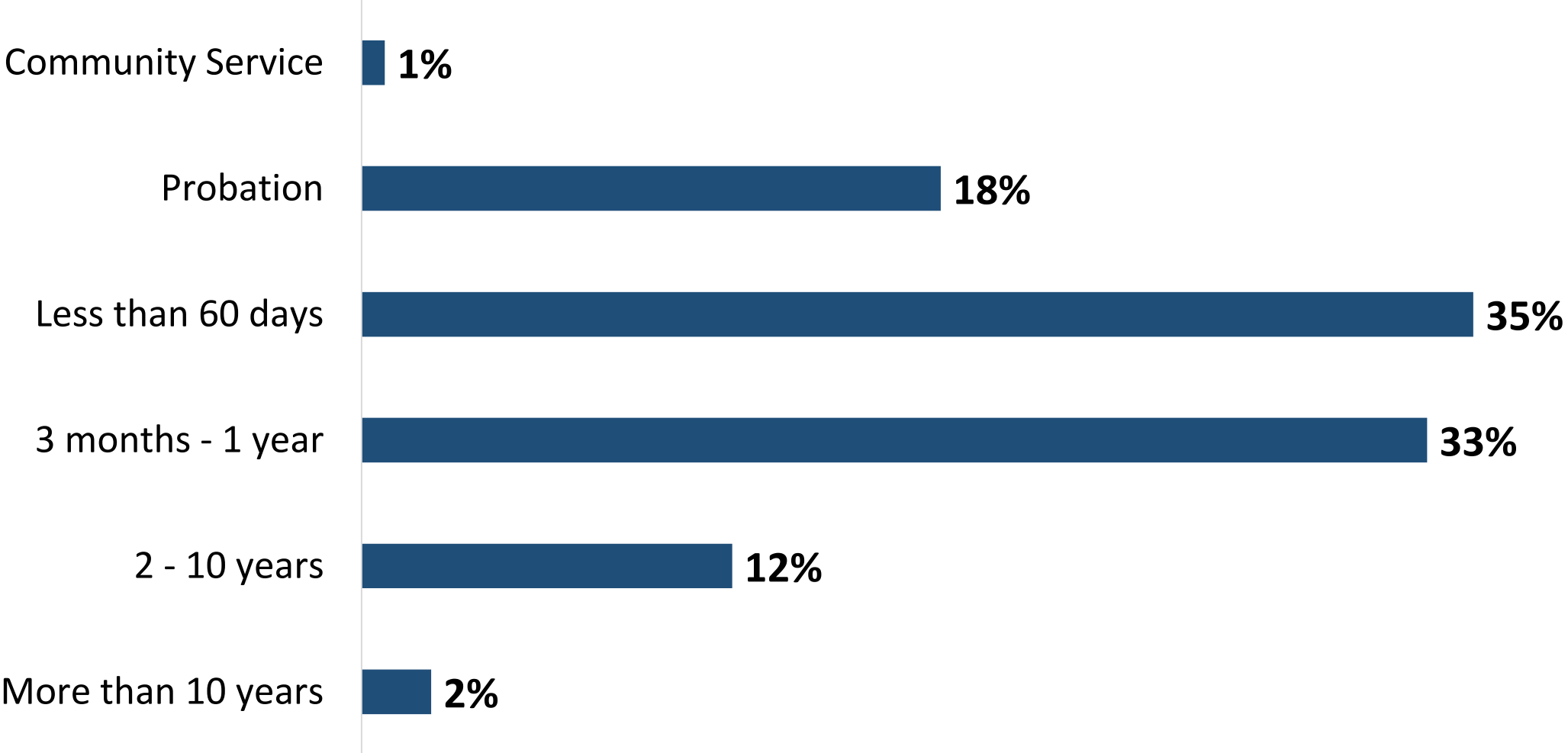
The meeting was adjourned at approximately 3:40 PM.

Drug Related Texas Exonerations (2010 – present)

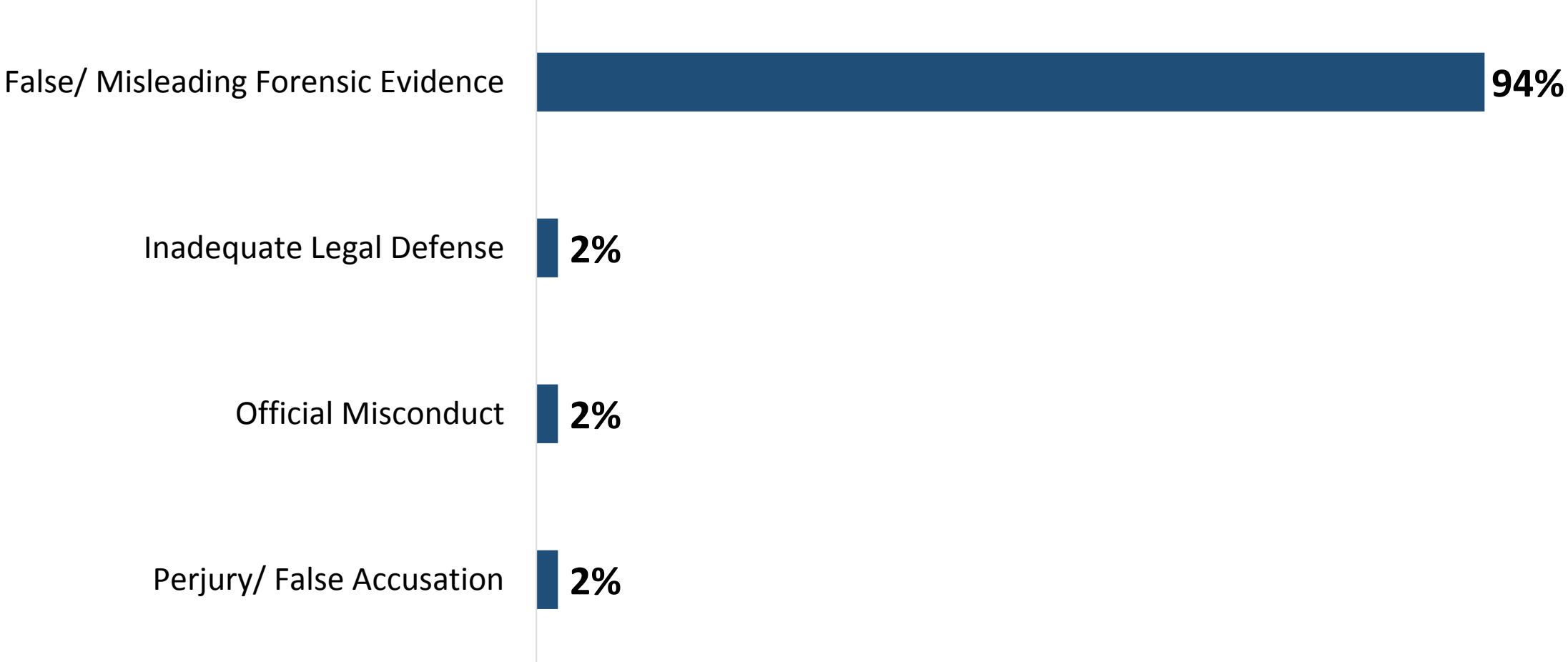
The number of drug related exonerations has increased significantly since 2014



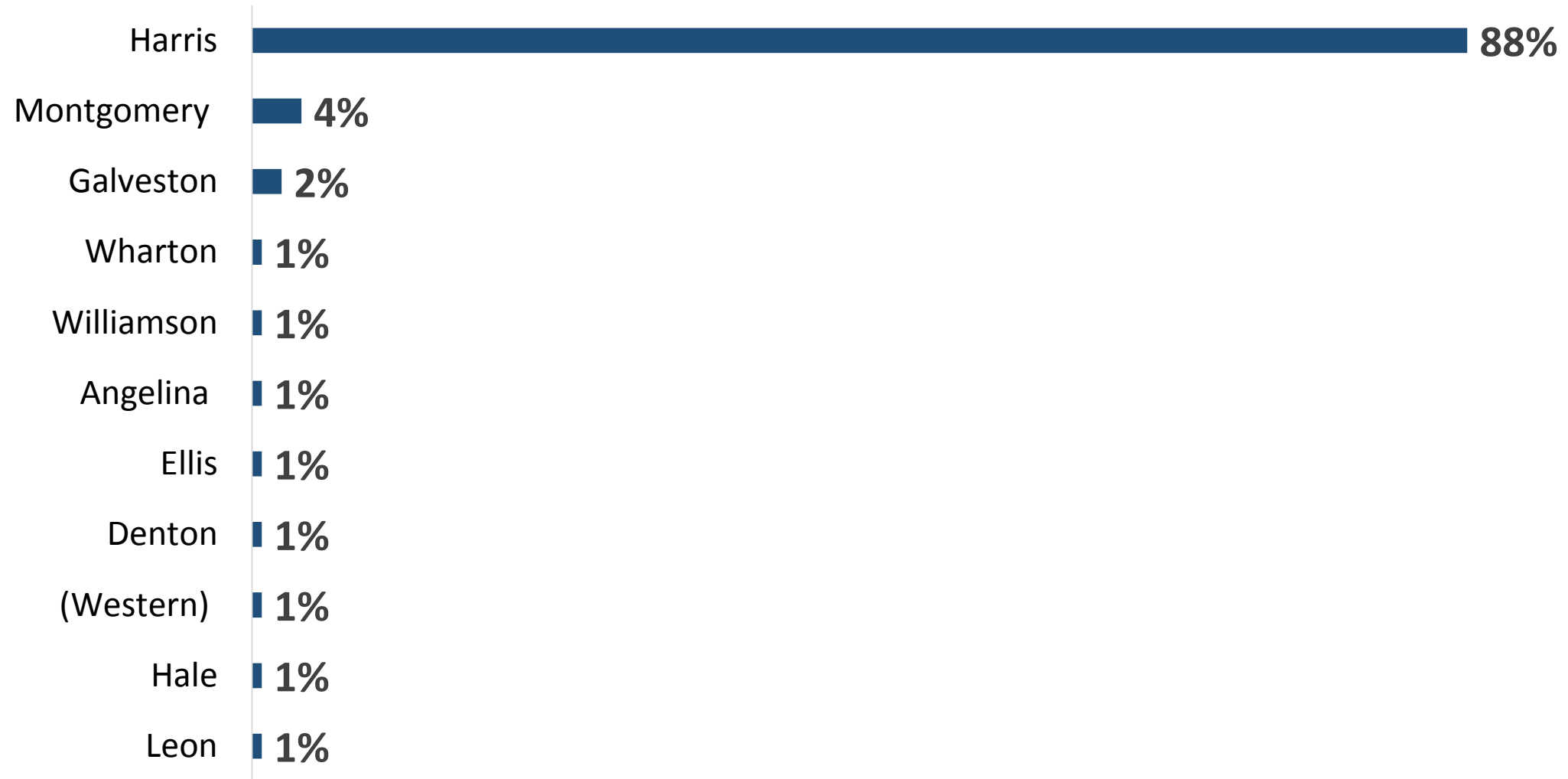
The largest share of drug related exonerees served less than 60 days



False/ Misleading Forensic Evidence is the leading contributing factor in drug related exonerations



Drug Related Exonerations by County (2010 to present)





Houston's Other Drug Problem

Inger Chandler,, District Attorney's Office
Nicolas Hughes, Assistant Public Defender

Chapter 1: A Failure to Communicate...



Laboratory testing in Houston

- Since 2003, the Houston Police Laboratory (now, the Houston Forensic Science Center) has tested drug evidence even after a plea
 - According to a 2013 federal survey, 62% of laboratories will not analyze a sample if there is a plea
- The Laboratory would send a letter to the District Attorney's Office...

The Maze





A problem split between 37 different courts

- Hundreds of Assistant District Attorneys and Staff Members
- Dozens of different courts
 - Each court its own kingdom
 - Each kingdom responded differently, many did not respond at all
- An enormous mess

Decidedly Inconvenient





Many wrongfully convicted remained incarcerated

- Inefficient notification system
- Many of the tests came too late to prevent any harm
- When the tests came back before the sentences discharged / terms of supervision ended, action was not always taken
- Many of the notifications arrived years too late

Chapter 2: The Reveal

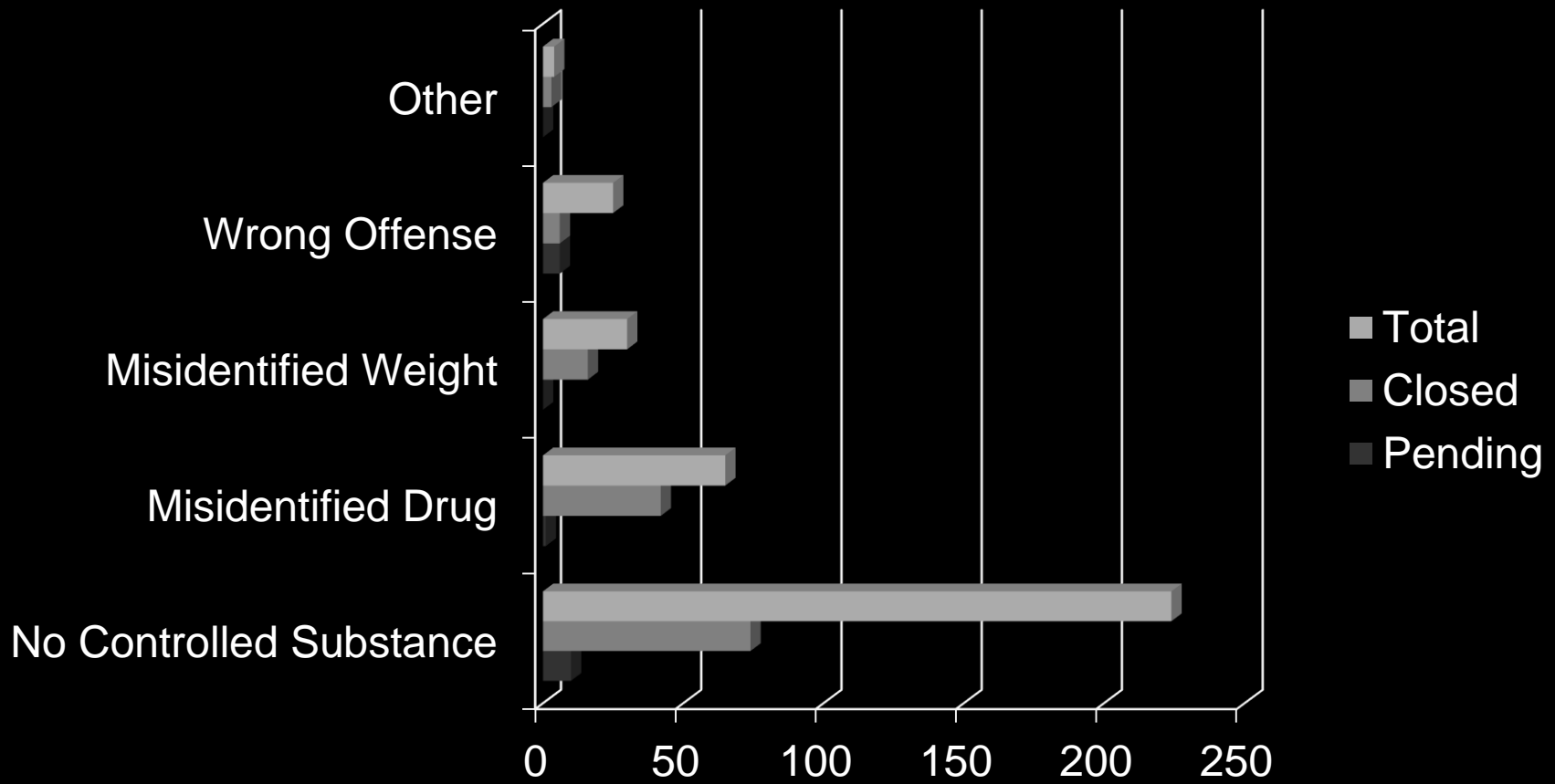




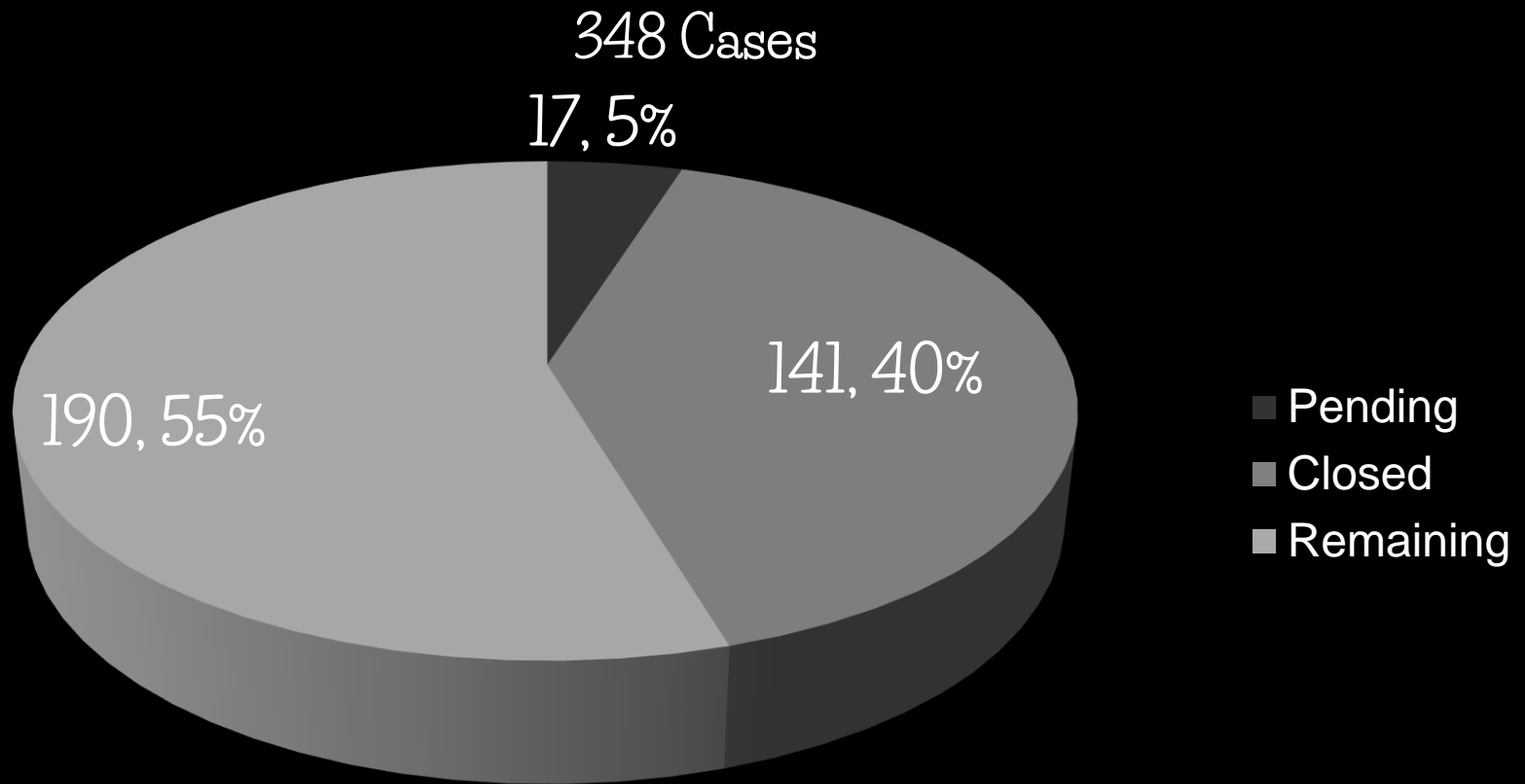
The Conviction Integrity Unit spots the problem

- In 2014, in response to an inquiry from the media, the Harris County District Attorney's Office CIU identifies the problem
- A contract attorney is hired to review the cases for the State
- The Public Defender's Office is notified, and attempts to locate the affected people

The breakdown



The problem, 2 years later



Difficulties faced

- Judicial difficulties
 - Not every Court agreed on how to solve the problem
 - Slow, drawn-out process
- Lack of a dedicated workforce on the defense side
- But the number one problem: locating the affected people

Chapter 3: Lessons Learned





Imperfect solutions to a stubborn problem

- Lack of funding is a stubborn issue
 - For both the lawyers and the wrongfully convicted
- The DAO's new policy – no lab, no plea (generally)
 - But this means innocent people may be incarcerated awaiting lab results
- Some cases still slip through the cracks
- Slow, tedious process



What we still need

- Dedicated lawyers to deal with emerging crises
- Quicker, less complicated procedure
- Better communication between all the parties involved
- A better way to notify people affected by a major justice system issue

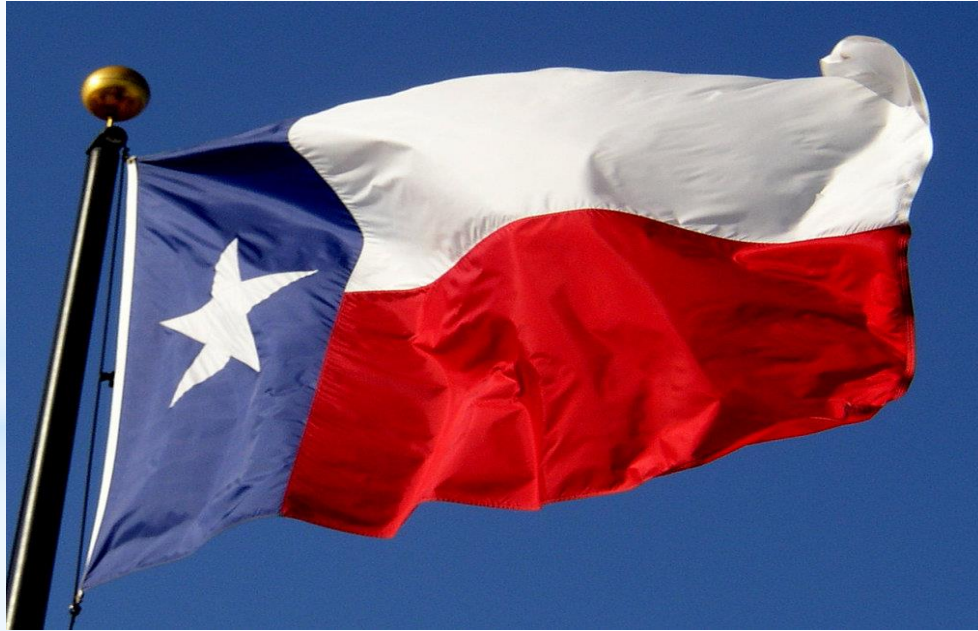


The End

Inger Chandler, 713-274-6040
Email: chandler_inger@dao.hctx.net

Nicolas Hughes, 713-368-0016
Email: nicolas.hughes@pdo.hctx.net

***IMPROVING THE FORENSIC SCIENCE
USED IN TEXAS COURTS***



**TIMOTHY COLE EXONERATION REVIEW COMMISSION
AUSTIN, TEXAS
SEPTEMBER 15, 2016**

TEXAS FORENSIC SCIENCE COMMISSION: THE ESSENTIALS

- 9 Commissioners appointed by Governor – 7 scientists & 2 lawyers & 3 full-time staff.
- We have four main responsibilities:
 1. conduct investigations and issue reports;
 2. manage crime lab accreditation program;
 3. develop analyst licensing program (2019); and
 4. establish a method for collecting DNA and other forensic evidence from unidentified bodies found within 120 miles of the Rio Grande River.

FSC Investigative Jurisdiction

- Commission's investigative jurisdiction is divided between accredited disciplines and unaccredited disciplines.
- In complaints involving accredited disciplines, the Commission examines allegations of professional negligence or misconduct.
- For complaints involving unaccredited disciplines, reports are limited to observations regarding the integrity and reliability of the forensic analysis conducted; best practices and other recommendations.
- Commission does not weigh in on guilt or innocence. Reports are **INADMISSIBLE** in civil & criminal actions. No authority to fine or subpoena. We rely on a collective desire to improve the system.

Accreditation

- Threshold question for admissibility of forensic analysis under the Code of Criminal Procedure is whether the type of analysis is subject to the accreditation requirement.
- Texas law prohibits “forensic analysis” from being admitted in criminal cases if the entity conducting the analysis is not accredited. (*but see* statutory and rule-based exemptions.)

“...a forensic analysis of physical evidence under this article and expert testimony relating to the evidence are not admissible in a criminal action if, at the time of the analysis, the crime laboratory conducting the analysis was not accredited by the commission under Article 38.01.” TEX. CODE CRIM. PROC. § 38.35(a)(4).

Key Terms for Accreditation

“Forensic analysis” means a medical, chemical, toxicologic, ballistic, or other expert examination or test performed on physical evidence, including DNA evidence, for the purpose of determining the connection of the evidence to a criminal action, except that the term does not include the portion of an autopsy conducted by a medical examiner or other forensic pathologist who is a licensed physician. TEX. CODE CRIM. PROC. 38.35 § (a)(4)

“Crime laboratory” includes a public or private laboratory or other entity that conducts a forensic analysis subject to this article. TEX. CODE CRIM. PROC. § 38.35(d)(1)

FSC Accreditation Jurisdiction

- The accreditation requirement applies to forensic disciplines unless an exemption is granted either by statute or rule.
- Accredited disciplines include: drug testing; toxicology; forensic biology; firearms/tool marks; questioned documents; trace evidence, including fire debris, explosives, hair, fiber, GSR, glass, paint, filaments.
- **Purpose of accreditation program is to help gatekeepers vet scientific issues by highlighting issues and providing a framework to ask questions.**

COMPLAINT/DISCLOSURE DATA

- 133 COMPLAINTS
- 20 SELF-DISCLOSURES
- 10 REPORTS ISSUED (FIRE INVESTIGATION; BLOOD ALCOHOL; DNA/FORENSIC BIOLOGY; FIREARMS/TOOL MARKS; DRUG CHEMISTRY; FORENSIC VIDEO ANALYSIS)
- 3 DISCIPLINE-BASED REVIEWS (HAIR MICROSCOPY; BITE MARK COMPARISONS; DNA)

SOME COMPLAINT/DISCLOSURE EXAMPLES

Accredited Discipline Examples:

- Drug chemistry cases (Houston DPS).
- Not performing the tests you said you were (TCME).
- Firearms case with mistaken Taurus Judge ID (SWIFS).
- Current complaint regarding GSR and blood spatter (HCIFS).

Unaccredited Discipline Examples:

- Complaint regarding forensic height determination (out of state expert).
- Complaint regarding bite mark comparison (out of state dentists).

DISCIPLINE-BASED REVIEWS: HAIR MICROSCOPY

- Spring 2013: Commission learns from FBI and ASCLD/LAB re: review of hair microscopy cases.
- FBI concerned about the way the results of microscopic hair comparisons were described to the trier of fact. Identified error in **90%** of cases.
- July 2013: Texas Commission initiates conversation about how to approach statewide review.
- January 2014 lab directors: “we have an ethical and professional obligation as scientists, to take appropriate action if there has been a miscarriage of justice.”

EXAMPLE: Clark, Ira (HPD)

- Sexual assault of a woman living in same neighborhood.
- Hairs recovered from crime scene.
- Analyzed by examiner at HPD.
- Case was 1985; Mr. Clark is still in prison.
- Other case facts (to be assessed by CJ system).

Q. Now, this comparison of hair certainly isn't accepted in the same range as fingerprints?

Clark, Ira (HPD) pg. 290

A. If you are asking me specifically to state that the origin of this hair is without a doubt from a specific individual forensically, I am prohibited from doing that. I cannot do that under the forensic guidelines of science. I can state that the characteristics that are present certainly do not indicate a source other than those of Mr. Clark.

EXAMPLE: Gomez, Ignacio (DPS El Paso)

Q. Did you make a comparison between some pubic hairs and some other pubic hairs?

A. Yes.

Q. And what were you trying to do?

A. Perform a hair comparison.

Q. Did you find any of those hair comparisons or matches that were, in fact, matches?

A. Yes.

Q. All right. Let's talk about the quality of that evidence, if we can, in those terms. What does that mean?

A. That means that the characteristics in a hair which are found in the proximal middle and distal of a hair of a known sample, questioned sample, were also found on a known sample.

Q. All right. With what certainty can you say that those two things came from the same person?.

A. Hair comparison is not an absolute exclusion of all individuals. Hair comparison you can only make an association.

Q. ...your opinion is that the hairs could have come from the same person?

A. Could have; yes sir.

Q. Could have. And there's no way that hair comparison would constitute a basis for a definite identification of a person?

A. That is correct.

Q. So there's no way you could say for sure, as a professional proposition, that the hairs [came from the same person]?

A. That is correct.

- * 287 Positive Probative Association cases from 693 Lab Reports

- * 120 LexisNexis/Westlaw Cases

- * Of 813 total, 79 total cases for record review (trial convictions)

- * **Transcript Review**

- * 62 where record either received or reviewed; 13 where no record obtained or available or reviewed; 4 transcript requests pending

- * 44 records reviewed to date by Hair Review Team

- * 17 notifications (38%)

- * 24 cases with no notification

- * 10 cases pending (Latham & Watkins or transcripts)

DISCIPLINE-BASED: BITE MARK COMPARISON

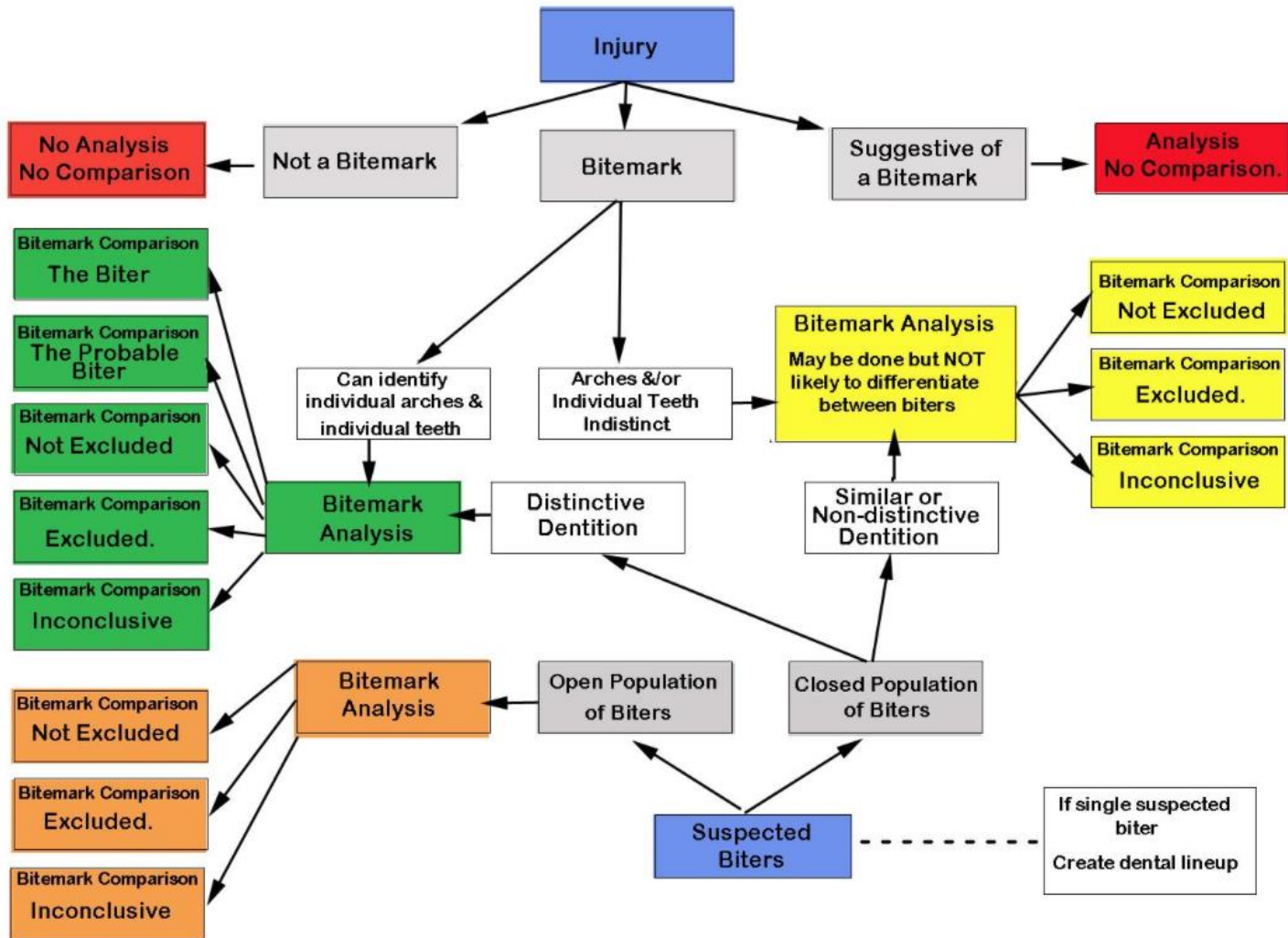


DISCIPLINE-BASED: BITE MARK COMPARISON

- Dentist testified that defendant was “the biter” and there was a “1 to a million” chance that anyone other than defendant left the bite mark.
- Individual identification and use of statistical associations no longer accepted in the forensic odontology community.
- Commission reviewed the science to determine what are the appropriate limits. Is human dentition unique enough to perform a comparison? Is skin a good enough medium for recording the marks?

Bitemark Panels: Sept. 16 & Nov. 16

- Panel heard from members of ABFO and others in community.
- Scientific basis for two key questions was the focus:
 - Uniqueness of human dentition (less important)
 - Ability of human skin to record bitemarks sufficiently (very important)
- Commission asked for scientific research from ABFO and other stakeholders to assess integrity and reliability.



Key Research

2014—The Pretty/Freeman Study at the AAFS Annual Meeting in Seattle (Concerns re: Publication)

100 cases were selected to represent a wide spread of anatomical location, presentation and evidence quality. Three questions asked of Diplomates: was there sufficient evidence to render an opinion on whether injury was a human bitemark? Using newly proposed (draft form) ABFO decision tree as a guide, was the injury a human bitemark? If a human bitemark, did it have distinct, identifiable arches and individual tooth marks?

Inter-examiner reliability was assessed but not validity (this was to be second phase).

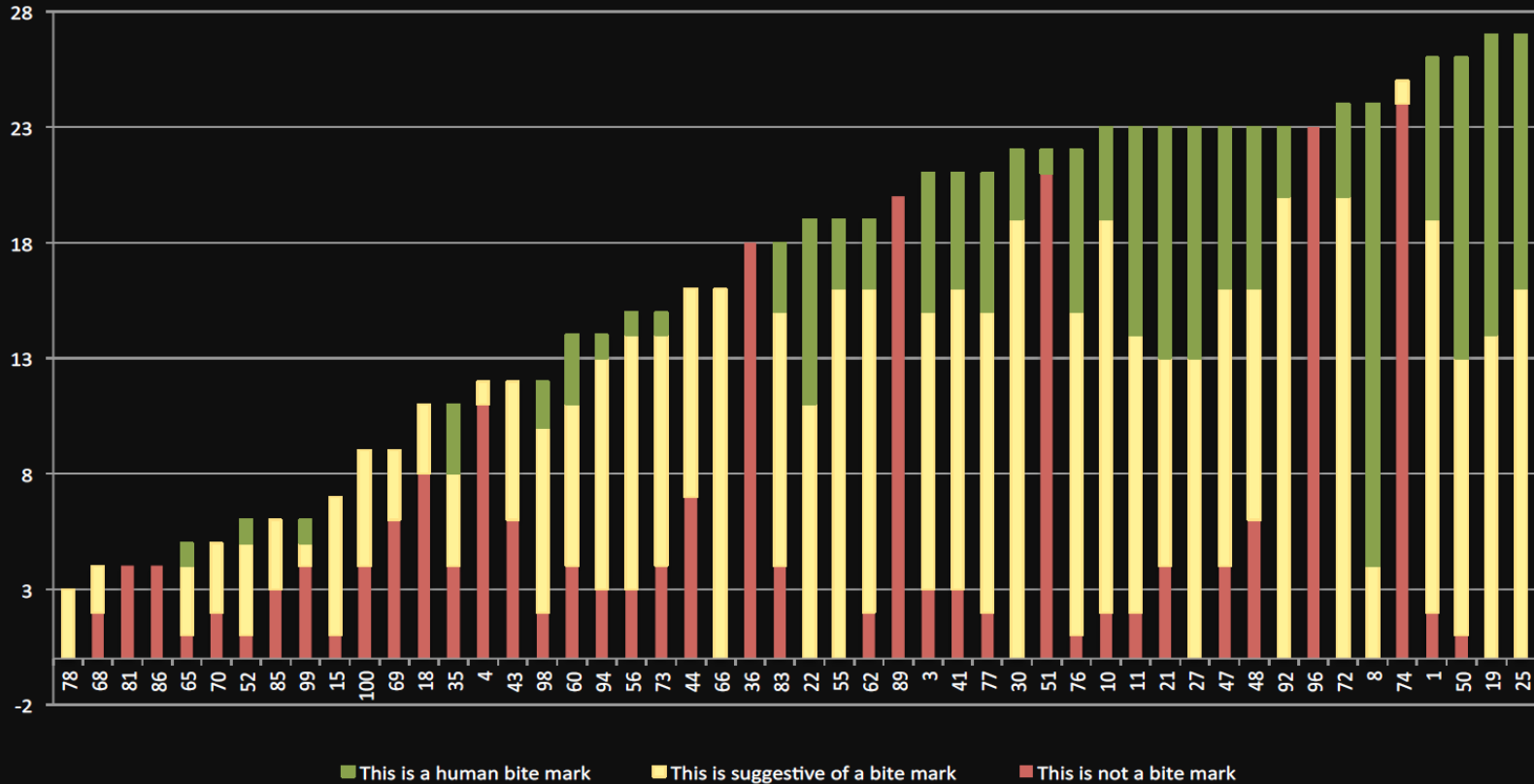
38 ABFO Diplomates completed the whole study; 44 completed partially. Authors are themselves forensic dentists—one is President Elect of the ABFO

Significant spread of decisions for individual cases. Diplomates were unanimous on 4 of 100 cases, and in 8 of the 100 cases were 90% of the analysts in agreement.

Agreement was highest in cases where the quality of the evidence was highest.

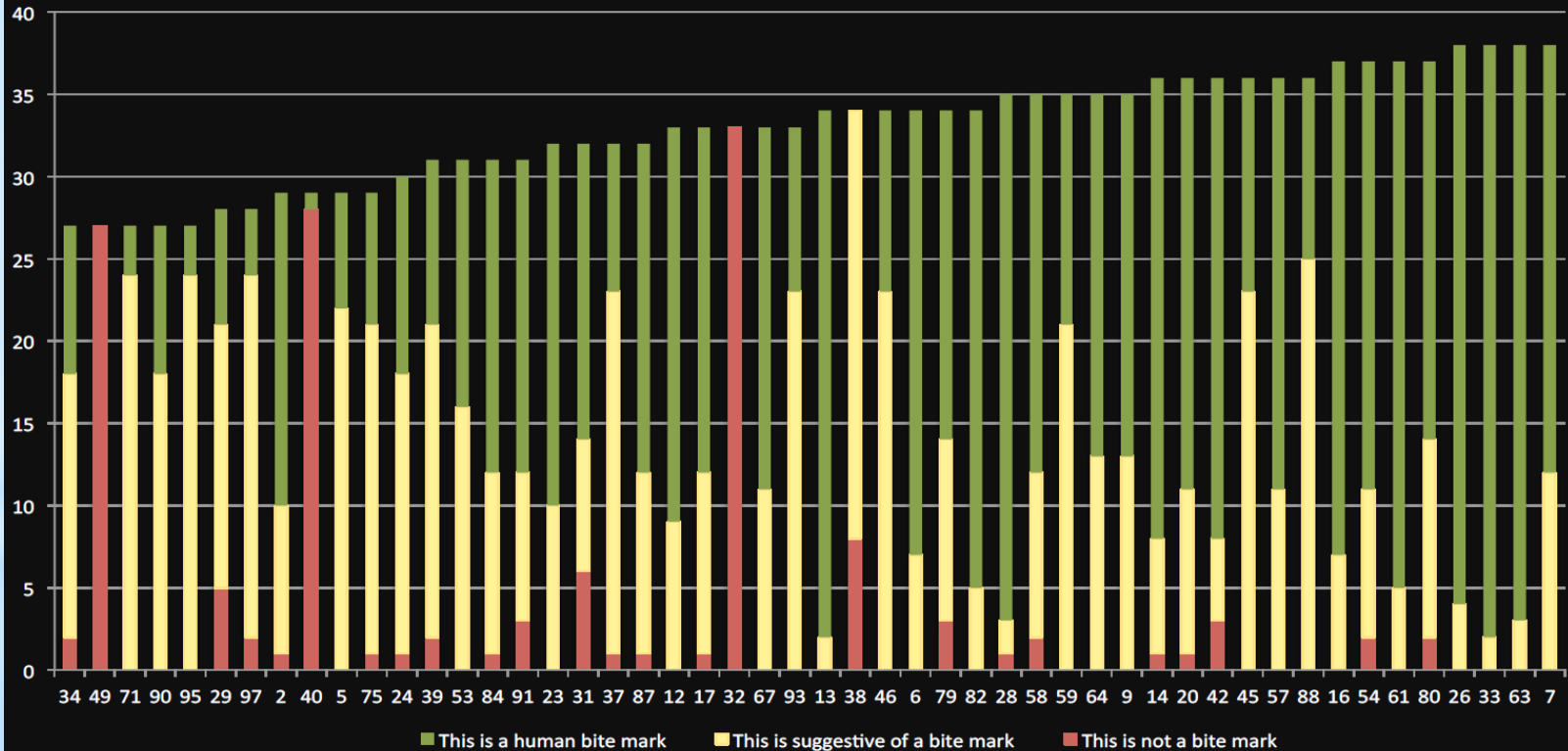
Results – decision spread

Look at the spread of decisions for individual cases.



Results – decision spread

Look at the spread of decisions for individual cases.



Recommendations re: Research

- First—must establish clear criteria/guidelines for identifying when a pattern injury constitutes a human bite mark on skin accompanied by empirical testing to demonstrate sufficient inter and intra-examiner reliability and validity when those criteria are applied.
- Second—to address major issue in child abuse cases, must establish clear criteria/guidelines for identifying when a pattern injury constitutes an adult bite mark versus a child bite mark accompanied by empirical testing to demonstrate sufficient inter and intra-examiner reliability and validity when those criteria are applied.
- Revised decision tree contemplates possibility of an “exclude” versus “cannot exclude” identification once injury is established as a human bite mark. Some Commissioners have expressed concern that an exclusion can be used as a *de facto* inclusion for those not excluded. Staff recommends waiting for results from first two categories before proceeding to discuss the possibility of exclusions.
- Research should be conducted by community (academics, etc.) and supported by ABFO.

Is the pattern caused by human teeth?

Inconclusive

STOP

YES-
IS a human
bitemark

NO-
IS Not a
human
bitemark

STOP

Could the questioned dentition have made the bitemark?

Inconclusive

STOP

Dentition
CAN BE
EXCLUDED
as having
made the
bitemark

Dentition
CANNOT BE
EXCLUDED
as having
made the
bitemark

DISCIPLINE-BASED: DNA MIXTURE ANALYSIS



SOME ISSUES THE TCERC MAY CONSIDER

- Encouraging the FSC to consider state of field tests for drug cases. What (if anything) can be done to improve the reliability of those tests? What other recommendations can be made from a scientific perspective?
- Encourage the FSC to work with CCA (training grant) to establish best practices for crime scene evidence collection and provide training to stakeholders.

WHAT WE HAVE LEARNED ABOUT JUSTICE THROUGH SCIENCE

It is never the wrong time to do the right thing.

Resist blame and tunnel vision, encourage dialogue, seek common ground.

We have an obligation to get the science right.

We must be willing to admit what we don't know, and be courageous when we make mistakes.



Lynn Garcia, General Counsel
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Timothy Cole Exoneration Review Commission Potential Recommendations Related to Forensics

- I. The TCERC encourages the Texas Forensic Science Commission to investigate the use of drug field tests used by law enforcement agencies.
 - a. Evaluate the kits used for these field tests
 - i. What is the quality of the kits?
 - ii. How accurate/ reliable are they?
 - iii. What are the problems with the kits?
 - iv. Are officers trained on how to use and interpret them? Is the training adequate?
 - b. That the Forensic Science Commission look into the feasibility of documenting the use of the field test kits to see if officers are using and interpreting them properly.
 - i. i.e. review videos taken from body and/or dash cameras.
 - c. The Texas Forensic Science Commission issue a report with its findings on drug field tests.

- II. The TCERC encourages the Texas Forensic Science Commission to investigate the process of crime scene investigations.
 - a. Evaluate the standard procedures followed when processing a scene.
 - i. How are crime scenes being processed?
 - ii. What is the quality of the work?
 - b. Training
 - i. What trainings are provided to crime scene investigators?
 1. Overall processing
 2. Evidence collection/ Preservation
 3. Chain of custody, etc.
 - ii. Is continuing education required and/or provided?
 1. If so, to what capacity?
 2. Is the training adequate?

- III. The TCERC recommends that crime labs complete testing of substances in all drug cases regardless of the results of a drug field test. This would include going back through previous cases in which the collected substance was not confirmed by lab testing and all cases moving forward.

- IV. The TCERC recommends legislation that provides for a “State’s Writ.” This vehicle for post-conviction relief would allow a prosecutor’s office to seek habeas relief from the convicting court on cases involving wrongful convictions and/or actual innocence (where the State plans to dismiss the underlying case once relief is granted). The convicting court would retain jurisdiction over these habeas petitions (as they do in 11.09 and 11.072), eliminating the need for CCA review. Neither the express consent of the convicted person nor defense attorney participation would be required for this type of writ (there should, however, be a notice provision).
 - a. Additionally, or in the alternative, the TCERC recommends legislation that allows the convicting court to retain jurisdiction over habeas petitions where the State and the

Defense agree that relief should be granted (whether involving actual innocence or not), eliminating the need for CCA review.

- b. In the alternative, the TCERC recommends that the Texas Rules of Appellate Procedure be amended to provide for an out-of-time Motion for New Trial in cases where both the State and the Defense agree that a new trial should be granted.

TCERC Member Poll Results on:

False accusation, informant regulation and faulty eyewitness identification

Total number of poll respondents: 6

*Recommendations in blue scored a majority agreement.

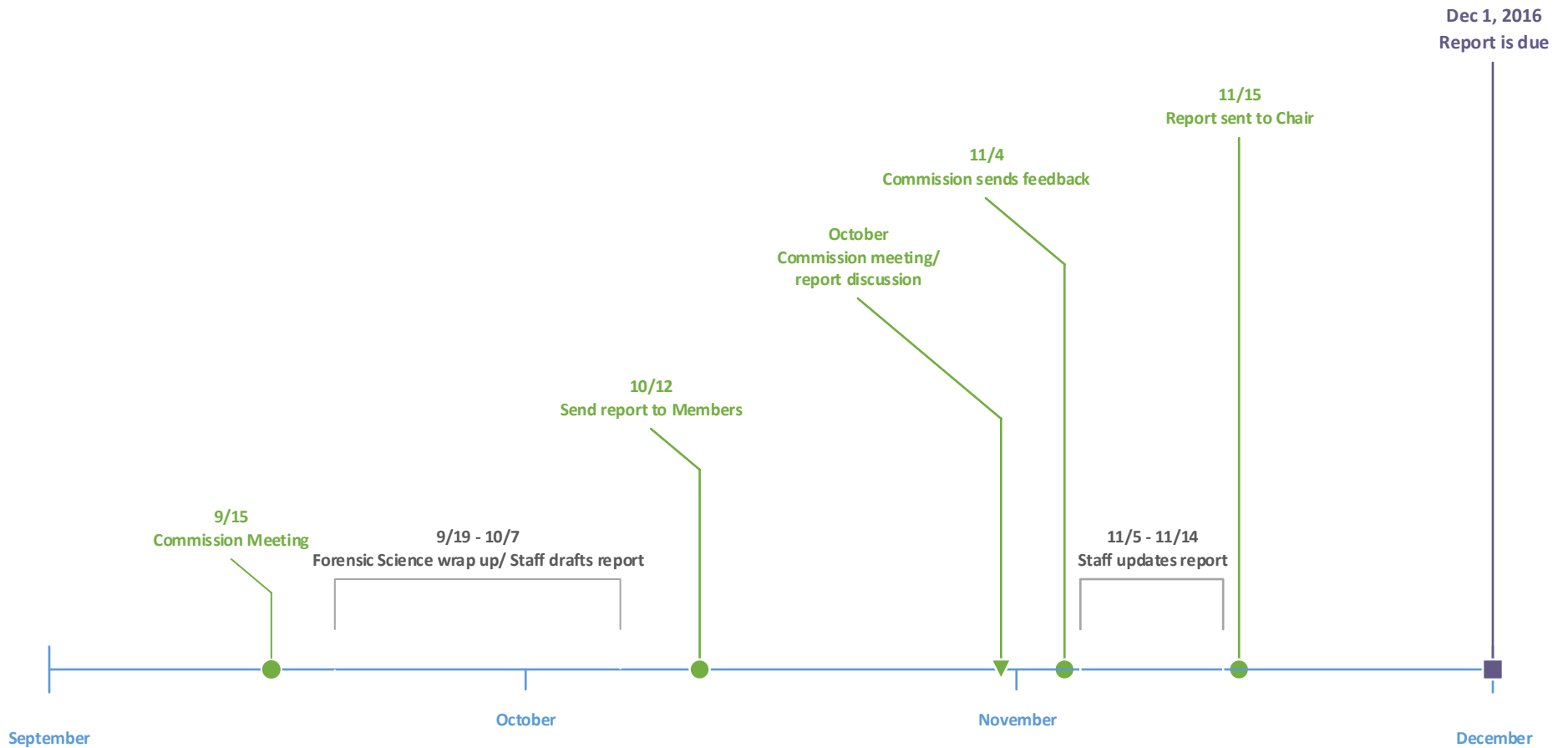
False accusation/ Informant regulation

The Timothy Cole Exoneration Review Commission should recommend a policy that:	Disagree	Neither agree nor disagree	Agree
Requires prosecutor offices to have written policies on tracking and disclosure of impeaching information on jailhouse informants. <ul style="list-style-type: none"> • This requirement would clarify the types of information that must be disclosed under <i>Michael Morton Act</i> including: benefits provided in exchange for jailhouse informant testimony, complete criminal history, other cases in which jailhouse informant testified and benefits provided in those cases, and other evidence related to credibility. 	1	1	4
Requires courts to hold pre-trial reliability hearings when prosecution seeks to introduce jailhouse informant testimony. <ul style="list-style-type: none"> • Judge makes determination on jailhouse informant testimony admission • Similar to <i>Daubert</i> hearings to screen expert testimony 	2	3	1
Permitting the admissibility of jailhouse informants' complete criminal history, including criminal charges that were dismissed or reduced as part of a plea bargain. <ul style="list-style-type: none"> • Currently, only final felony convictions or crimes of moral turpitude are admissible to impeach a jailhouse informant witness and jurors do not hear about previous charges that may have been dismissed or modified in as part of a plea bargain. 	1	2	3
Provides access to counsel for accusers and grand jury witnesses (14 states and federal government allow access to counsel)	1	3	2
Requires the establishment of a model policy for delivering jury instruction on special reliability issues of jailhouse informant testimony	2	4	0
Establish internal system to track the use of jailhouse informants including cases in which the jailhouse informant offered testimony and benefits provided in those cases.	0	3	3
Requires a statewide informant tracking system that collects aggregate data in jailhouse informant use	3	1	2

Faulty Eyewitness Identification

The Timothy Cole Exoneration Review Commission should recommend a policy that:	Disagree	Neither agree nor disagree	Agree
Requires training for officers on eyewitness identification procedures	0	1	5
Requires a pre-trial judicial inquiry <ul style="list-style-type: none"> • A judge should make inquires when eyewitness id evidence is offered, review the reliability and admissibility of the evidence, and ensure jury is provided with a scientific framework 	2	3	1
Requires making juries aware of prior identification of the suspect by the witness when an in-court identification is made. <ul style="list-style-type: none"> • Manner in procedure was conducted • Witness confidence level 	0	1	5
Requires the use of scientific framework expert testimony on factors that may influence the accuracy of eyewitness identification. <ul style="list-style-type: none"> • Judges have the discretion to allow testimony based on best practices • Funding for defendants to obtain experts should be secured 	2	3	1
Requires the use of jury instructions when defendant contests eyewitness identification regarding the factors that jurors should consider regarding eyewitness identification.	2	2	2
Require law enforcement agencies to adopt the LEMIT Model Policy.	1	1	4

Potential Timeline for Timothy Cole Exoneration Review Commission



Timothy Cole Exoneration Review Commission Report DRAFT Outline

- Executive Summary
- Membership
 - o TCERC Recommendations
 - Electronic Recording of Interrogations
 - *False Accusations and Jailhouse Informant Regulation
 - *Faulty Eyewitness Identification
 - *Forensics
- Letter from Presiding Officer
- Acknowledgements
- Table of Contents
- Introduction
 - o Charge
 - Short statement on Timothy Cole
 - o Overall breakdown of the cases studied by the Commission
 - How the Commission chose the research topic areas and how they approached them
 - o Brief overview of meetings held
- Chapter One: Review and update research, reports, and recommendations of the Timothy Cole Advisory Panel on Wrongful Convictions and degree to which recommendations were implemented
- **Electronic Recording of Interrogations**
 - o Current law
 - Tex. Code Crim. Proc., Ann., art. 38.22
 - Admits written statements that result from unrecorded oral interrogations...
 - o Past proposed bills which did not pass
 - Senate Bill 181
 - 84th legislative session
 - House Bill 541
 - 84th legislative session
 - o Research Highlights
 - o Recommended policies
 - List each policy recommendation with supporting data including potential implementation plans, costs, cost savings, and the impact on the criminal justice system
- **False Accusations and Jailhouse Informant Regulation**
 - o Current law
 - Tex. Code Crim. Pro. Art. 38.075
 - o Past proposed bills which did not pass
 - None to our knowledge
 - o Research Highlights
 - o Recommended policies
 - List each policy recommendation with supporting data including potential implementation plans, costs, cost savings, and the impact on the criminal justice system
- **Faulty Eyewitness Identification**
 - o Current law
 - Tex. Code Crim. Proc., Ann., art. 38.20
 - Directs LEMIT to develop a state model policy on eyewitness identification...
 - o Past proposed bills which did not pass
 - None to our knowledge

- Research highlights
- Recommended policies
 - List each policy recommendation with supporting data including potential implementation plans, costs, cost savings, and the impact on the criminal justice system
- **Forensic Science Practices**
 - Current law
 - Establishment of the Texas Forensic Science Commission in 2005
 - Provide brief background on the Commission's responsibilities
 - Past proposed bills which did not pass
 - None to our knowledge
 - Research Highlights
 - Recommended policies
 - List each policy recommendation with supporting data including potential implementation plans, costs, cost savings, and the impact on the criminal justice system
- **Advisory Board Actual Innocence Exoneration from state-funded innocence project:**
 - Report on Christopher Scott & Claude Simmons case by Michael Ware
- Conclusion/ Closing Remarks
- Appendix
 - Commission research on selected topics
 - Electronic Recording of Interrogations
 - Analysis of other states' practices
 - Texas law enforcement survey
 - Results/ findings
 - False Accusations and Jailhouse Informant Regulation
 - Analysis of other states' practices
 - Analysis of Texas current practices
 - Stats on cases with false accusation and informant regulation as a contributing factor
 - Expert insights
 - Faulty Eyewitness Identification
 - Analysis of other states' practices
 - Analysis of Texas current practices
 - Stats on cases with mistaken eyewitness identification as a contributing factor
 - Results/ findings
 - Survey to law enforcement
 - Are lineups electronically recorded?
 - Findings
 - Discussions with field experts
 - Forensic Science Practices
 - Analysis of Texas forensic related exoneration cases
 - Stats on drug related versus other types of forensic exonerations
 - Contributing factors
 - Analysis of Harris County
 - Field tests
 - Discussions with field experts