

Texas Forensic Science Commission
Minutes from December 7, 2007 Meeting in Houston, Texas

Members Present: Eisenberg, Bassett, Hamilton, Natarajan, Levy, Adams and Hampton
Members Absent: None
(Projected TFSC Commissioner Present: Dr. Sarah Kerrigan)

Amanda Bilnoski and Christie Davidson of SHSU provided an update regarding the search process for a staff legal assistant for TFSC. The posting of the job was to take place in December. The approximate pay is \$42k plus benefits. This will have to be posted as a “temporary position” since there is no guarantee TFSC will be funded beyond 2009. Drs. Hamilton and Hampton are authorized to receive initial applications and information as well as to conduct initial interviews. The rules regarding hiring and/or termination will be guided by SHSU personnel policies and human resources at SHSU. TFSC is hopeful we will have active applicants and/or potential candidates by the next meeting. Again, the physical office will be located in Hunstville, on the SHSU campus.

Next, there was discussion of the website and related issues. Dr. Eisenberg has agreed to work with the SHSU Director of Department Information Services to generate an initial website idea. There was discussion that the URL for the Commission is likely to be www.tfsc.state.tx.us. The logo created by SHSU was adopted and approved by vote of the commission. It was also decided that email addresses and phone numbers of individual commission members would not be made available on the website. The website is also not going to be an “interactive” website. The “complaint form,” will be available on the website for printing and submission via regular mail rather than having complaints submitted via electronic mail. Dr. Eisenberg also agreed to look for services for web hosting and other related necessities to maintain the site. Dr. Kerrigan agreed to assist on these issues.

Alan Levy is to finalize and provide a “complaint form” prior to the next meeting.

It was reiterated that Commission members need to complete their Open Meetings Act/Open Records act training via the Attorney General website.

Stephen Saloom of the Innocence Project in New York gave a briefing on the broader issues of similar commissions in other states. It was noted that TFSC is one of the few commissions of its type in the nation, especially since the commission is authorized by statute to both develop procedures relating to forensic labs in Texas AND conduct investigations of forensic laboratories in Texas.

There was discussion of the broader purposes of TFSC. The commission decided its first priority is to establish a reporting system prior to getting involved in any investigations of individual cases submitted to TFSC.

Alan Levy then discussed at length initial ideas and formatting of a proposed reporting system. The issue of what constitutes a “complaint” was raised. It was discussed that a complaint must provide sufficient information to TFSC for evaluation as to whether or not professional misconduct or negligence has occurred AND for the purpose of deciding if an investigation regarding the allegations should be conducted. Barbara Deane raised the issue of the lack of rule making authority of TFSC. In other words, we cannot compel a laboratory to provide the TFSC with information. Though we can set up procedures, we have no basis upon which to set up requirements for labs to cooperate with the commission. There was also lengthy discussion regarding form language to be added to all forensic laboratory reports with information regarding complaints to the TFSC. The exemption of medical examiners from the requirements of accreditation was also discussed.

TFSC needs to provide definitions of “professional negligence” and “misconduct.” Also, TFSC must define “forensic analysis” for purposes of complaints to be received.

TFSC doesn’t have staff or resources to retrieve information itself. Therefore, it must be emphasized to potential complainants that they provide a “substantiated allegation” of professional misconduct or negligence to TFSC.

Alan Levy and Sam Bassett discussed further what would constitute a “complaint.” Sam Bassett agreed to compose a proposed letter to be sent to all individuals or entities who contact TFSC regarding a “complaint.” TFSC needs to develop a form for complainants to fill out and Alan Levy has agreed to draft such a form for review at the next TFSC meeting. Drs. Natarajan and Kerrigan agreed to work together to draft a letter to be sent to accredited laboratories in Texas introducing them to the TFSC and the upcoming complaint process issues to ensure that directors may provide TFSC with feedback.

Dr. Eisenberg agreed to discuss the above issues with Pat Johnson of DPS.

The next meeting is to be held in Dallas on February 15, 2008, beginning at 9:30 a.m.