

TEXAS HOUSE OF REPRESENTATIVES



July 22, 2010

John Bradley, Chairman
Texas Forensic Science Commission
Sam Houston State University
College of Criminal Justice
Box 2296
816 17th Street
Huntsville, Texas 77341-2296

Dear Chairman Bradley and the members of the Texas Forensic Science Commission:

As members of the House Committee on Public Safety with jurisdiction over the Texas Forensic Science Commission ("FSC"), we are concerned about recent communications from the Commission pertaining to the jurisdiction of FSC.

While evaluation or reevaluation of an agency's work with respect to its mission or statutory purpose can be constructive, we are concerned that the memo distributed last week represents an attempt to narrow the scope of the Commission's jurisdiction and preclude it from completing vital tasks currently before the Commission.

As you are aware, the Commission was created to ensure the integrity of forensic science used in criminal proceedings in the state of Texas. It is our belief that the Commission's work is essential to instill confidence in our state's criminal justice system.

The "Author's Statement of Intent" in the Bill Analysis for Senate Bill 1263, the original legislation creating the FSC that was amended onto House Bill 1068 that became law in 2005, indicates that the purpose of the new Commission is "*...to conduct independent external investigation(s) into allegations of serious negligence or misconduct substantially affecting the integrity of any forensic laboratory system...in the state that processes criminal forensic science used in criminal proceedings.*"

The memo recently released by the Commission, on the other hand, relies on an overly restrictive interpretation of the intent of the legislation that created the FSC and thus arrives at conclusions inconsistent with the purpose of FSC.

In focusing on the definition of the term "accredited" and the accreditation function assigned to the Department of Public Safety, the memo fails to distinguish between the parameters of forensic analysis for the purposes of admissibility of evidence in court from such analysis as it relates to the duties of the FSC. **Indeed, if the memo's interpretation of the intent of the statute were correct, the Commission would lack**

the jurisdiction to review analyses conducted by the very laboratory whose failures and abuses the legislation was intended to address.

It is our view that the Commission properly decided to accept complaints and to conduct its own, independent investigations into the two cases currently before the FSC.

Furthermore, it is our hope that the FSC will put these matters aside and promptly resume its crucial work investigating complaints, reviewing forensic science, and providing Texans with the confidence they deserve in our state's criminal justice system.

Sincerely,



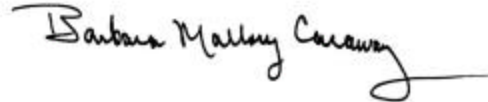
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