

**Texas Forensic Science Commission
Minutes from April 11, 2008 Meeting in Austin, Texas**

Members Present: Kerrigan, Watts, Bassett, Hamilton, Adams, Levy and Hampton
Members Absent: Natarajan, Eisenberg

(2 representatives from the AG's office also attended in lieu of Barbara Deane; SHSU staff member Christie Davidson was also present. Ed Colfax and Gabriel Oberfield also attended)

The minutes from the February 2008 meeting were approved with some amendments.

Dr. Kerrigan reported that progress toward setting up our website is progressing nicely. The domain name www.fsc.state.tx.us has been secured and the staff at SHSU is working to deal with "load balancing" issues among other issues to get the website up and running. It was discussed that we have the funds to purchase our own server, if necessary, and that will be conveyed to SHSU staff. Apparently, the email address to be used to contact the Commission will be fsc@shsu.edu but that will be finalized by the next meeting.

Christie agreed to work with SHSU staff toward purchasing a regular computer, scanner, printer and facsimile machine. She will report on this at the next meeting and/or will pass this along to our paralegal/administrator, Leigh Tomlin, before the next meeting.

We should also have a phone number operational by June, 2008 for the Commission.

Drs. Hamilton and Hampton reported that they had interviews with two (2) potential applicants in Huntsville in May. Their strong recommendation was for the Commission to approve making an offer to Leigh Tomlin as they felt she was by far the strongest candidate. The Commission unanimously approved an offer to hire Ms. Tomlin at a \$36,432 per annum salary. June 1st should be her starting date.

There was discussion regarding the complaint form and issues of "whistleblower" concern. This discussion centered around the issue of the requirement of possible disclosure to the public of complaints and repercussions which might be suffered by complainants. The AG's office representatives agreed to look into this issue and determine if there were any exceptions known to the Public Information Act which might protect a "whistleblower" in this context. It was discussed generally that it was unlikely that this situation might be an exception to the PIA.

Amendments to the Complaint Form and to the letter to be sent to complainants requesting that they complete form were discussed and approved unanimously. Bassett agreed to draft a proposed letter to be sent to those persons who are the authors of complaints which are summarily dismissed as well as those we decide to investigate. The drafts of these letters will be discussed, corrected and hopefully completed in June.

There was a discussion of “complaint processing” and other issues. The Commission discussed that we would soon be moving into the “investigatory” stage of our statutory duties later in 2008.

Alan Levy and Gabriel Oberfield initiated a discussion regarding the use of definitions and decisions/standards about what the TFSC will elect to investigate. Duties and limitations were discussed.

Oberfield and Colfax discussed their correspondence to the Commission regarding issues of definitions for “professional negligence.” There was follow up discussion and a sense that not every laboratory error would constitute negligence or professional misconduct.

There was a discussion of a federal grant which may or may not apply to the Commission and Mr. Oberfield agreed to follow up on this and disseminate information to the Commission members.

The Commission unanimously approved letterhead for TFSC.

Dr. Kerrigan agreed to draft a letter to be sent to accredited laboratories disseminating information regarding the existence of TFSC and its duties/availability.

Bassett agreed to draft a notice to be posted in the State Bar Journal, Voice for the Defense and TDCAA publications.

Kerrigan reported that Irma Rios of the Houston Crime Lab might be willing to participate in a voluntary inclusion of the TFSC notice on her lab reports.

Members were told to review existing complaints and be prepared to discuss at the meeting on June 20th with regard to those that might warrant investigation and those that will not warrant investigation

There was discussion on public access to deliberations and discussions regarding complaints being investigated as well as accessibility to investigative records. The AG’s office representatives agreed to provide us with advice on these issues at the next meeting. There was further discussion about the sensitivity of these investigation and professional reputation(s) of those involved.

The next meeting for the Commission is to be held in Austin on June 20, 2008, beginning at 9:30 a.m.

The meeting following the June meeting shall take place on August 15, 2008 in Houston.