

**Texas Forensic Science Commission
Minutes from April 14, 2011 and April 15, 2011 Meeting in Austin, Texas**

The Texas Forensic Science Commission met at 1:00 p.m. on Thursday, April 14, 2011, and continued their meeting at 9:30 a.m. April 15, 2011 at the Central Services Building, 1711 San Jacinto, Room 402, in Austin, TX. Members of the Commission were present as follows:

Members Present April 14th: Bradley, Kerrigan, Adams, Hamilton, Evans, Peerwani, Eisenberg

Members Absent April 14th: Hampton, Farley

Members Present April 15th: Bradley, Kerrigan, Adams, Hamilton, Evans, Farley, Eisenberg, Peerwani

Members Absent April 15th: Hampton

Staff Present April 14th and 15th: Lynn Robitaille, FSC General Counsel
Leigh Tomlin, Commission Coordinator

Review and adopt minutes from 1/21/11 meeting

MOTION AND VOTE: *Kerrigan moved to adopt a draft of the 1/21/11 meeting minutes. Adams seconded the motion. The minutes were unanimously adopted by the FSC.*

Update on status of Austin office space

Staff presented an update on the FSC office move to the Capitol complex in the Stephen F. Austin building. The move is expected to occur early to mid-June 2011.

Update on status of Attorney General opinion request

Bradley announced the submission of an Attorney General opinion request regarding jurisdictional issues as voted on unanimously at the 1/21/2011 FSC meeting. The Attorney General is expected to issue an opinion on or before July 30, 2011.

Update from Legislative Committee

Evans and Robitaille provided an update on introduced FSC legislation and budget cut concerns, encouraging members to submit any comments or input they may have on the legislation and to be prepared to be called by the legislature in the upcoming weeks to provide input and/or testimony.

Update from Forensic Development Committee

Kerrigan explained there is no update from the Forensic Development Committee, as all activities have been tabled in light of more time-sensitive FSC activities and will resume once those are addressed.

Discuss and consider recommendations from Complaint Screening Committee

CACY (Complaint #10-27, GC/MS Test)

MOTION AND VOTE: *Eisenberg moved to direct staff and commission members to conduct a thorough review of any documentation received from the lab and ME's office. Adams seconded the motion. The FSC unanimously adopted the motion.*

The complaint screening committee will develop additional recommendations for the complaint at their next meeting prior to the next quarterly meeting.

SWIFS SAO (Complaint #10-24, Broad-based allegations)

MOTION AND VOTE: *Bradley moved to dismiss the consolidated complaint because it contains no specific case or specific test to evaluate. Eisenberg seconded the motion. The FSC unanimously adopted the motion.*

WHITLOCK (Complaint #11-01, Gun-shot residue, firearms)

MOTION AND VOTE: *Bradley moved to dismiss the complaint due to lack of jurisdiction. Adams seconded the motion. The FSC unanimously adopted the motion.*

HELM (Complaint #11-02, Trace evidence (gun-shot residue and firearms))

MOTION AND VOTE: *Bradley moved to dismiss the complaint due to lack of jurisdiction. Evans seconded the motion. The FSC unanimously adopted the motion.*

WEEKS (Complaint #11-03, DNA analysis)

MOTION AND VOTE: *Kerrigan moved to dismiss the complaint due to lack of jurisdiction. Eisenberg seconded the motion. The FSC unanimously adopted the motion.*

GIBSON (Complaint #11-04, arson)

MOTION AND VOTE: *Bradley moved to table the complaint pending the Attorney General's opinion, but to also direct counsel to conduct basic legal research on the status of any pending or completed litigation for the case. Adams seconded the motion. The FSC unanimously adopted the motion.*

MOLE (Complaint #11-05, request for information)

MOTION AND VOTE: *Bradley moved to dismiss the complaint, as it does not name any specific allegation, but merely requests information from the FSC. Eisenberg seconded the motion. The FSC unanimously adopted the motion.*

COCKERHAM (Complaint #11-06, Dog-sniff lineup)

MOTION AND VOTE: *Bradley moved to dismiss the complaint due to pending litigation. Eisenberg seconded the motion. The FSC unanimously adopted the motion.*

The staff was instructed to indicate the reason for dismissal to the complainant in the notification letter.

CARAWAY (Complaint#11-07)

MOTION AND VOTE: *Bradley moved to table the complaint until the next FSC meeting to give members and staff time to conduct a thorough review of the material. Eisenberg seconded the motion. The FSC unanimously adopted the motion.*

Amendment to policies and procedures 3.0 Processing of Complaints

MOTION AND VOTE: *Adams moved to adopt the amendment to FSC policies and procedures 3.0. Bradley seconded the motion. The FSC unanimously adopted the amendment.*

Update on anonymous complaint form

FSC's general counsel advised the form was posted as voted on at the FSC's last quarterly meeting.

Consider proposed agenda items for July 2011 meeting

FSC members agreed they would send suggested meeting dates and availability information to staff.

Schedule and location of future meetings

Bradley instructed staff to organize a schedule and proposed dates for future FSC meetings.

Public Comment

Members of the public provided comment to FSC members on agenda topics.

Update on APD complaint from investigative panel

MOTION AND VOTE: *Bradley moved to dismiss the complaint, but to direct staff to begin developing a memo describing the various investigations and best practices related to the complaint. Eisenberg seconded the motion. The FSC unanimously adopted the motion.*

MOTION AND VOTE: *Bradley moved to allow a panel of three members and FSC staff to meet via teleconference to review the memorandum prior the FSC's quarterly meeting. Peerwani seconded the motion. The FSC unanimously adopted the motion.*

Consider Willis/Willingham (#09-01) report draft and adopt final report

MOTION AND VOTE: *Kerrigan moved to give the FSC General Counsel authority to make any non-substantive changes, including re-numbering and re-lettering the final draft. Bradley seconded the motion. The FSC unanimously adopted the motion.*

MOTION AND VOTE: *Bradley moved to adopt the report as amended, incorporating changes, and to direct staff to complete, print and distribute the report. Peerwani seconded the motion. The report was unanimously adopted by an 8-member panel of the FSC as one member, Hampton, was absent.*

During deliberation of the Willis/Willingham final investigative findings report, FSC members discussed, edited and amended the content of the report for several hours on both April 14 and April 15, 2011. The FSC broke for an executive session once on the afternoon of April 15.

Adjourn