



Jurisprudence Section - 2014

E19 Improving Forensic Science Through State Oversight: The Texas Model

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After attending this presentation, attendees will understand how state forensic oversight bodies such as the Texas Forensic Science Commission ("Commission") can play a critical role in improving the integrity and reliability of forensic science in a state's criminal justice system. The history and legal authority of the Commission and the critical nature of its make-up (seven scientists, one prosecutor, and one defense attorney) will be presented. Attendees will also understand the Commission's approach to investigating complaints and self-disclosures. It will be demonstrated how the Commission's ability to be flexible and adapt quickly to developments in the forensic community are key to successful oversight, especially when contrasted with the relatively slow pace of reform at the national level.

This presentation will impact the forensic science community by demonstrating the tremendous potential for state leadership in forensic science oversight and by encouraging attorneys, forensic scientists, policymakers, and other attendees to be creative and proactive in tailoring state-based forensic science oversight programs. This presentation will provide concrete examples of how states can move reform initiatives forward in a flexible and collaborative manner and at a robust pace.

The importance of a strong crime laboratory self-disclosure program will be demonstrated, including ways to encourage laboratories to come forward with facts that may form the basis of negligence or misconduct in a crime laboratory. The presentation will discuss how shared statewide expectations regarding the role of a forensic science commission can increase transparency and improve organizational culture. This presentation will emphasize how much progress can be made when a forensic oversight commission insists upon comprehensive yet fair investigations, resists external political agendas, and adopts a collaborative approach to reform with all affected stakeholders.

The presentation will also discuss the importance of proactive interaction between a state commission and the national accrediting bodies, using ASCLD-LAB as an example. There will be an emphasis on the critical nature of distinguishing between the role of an accrediting body and the role of a commission that conducts investigations into negligence and misconduct. By using examples of cases investigated by the Commission in various forensic disciplines (e.g., controlled substance analysis, forensic biology, etc.) as well as institutional broad-based reviews (e.g., arson investigation, hair comparison, etc.) attendees will better understand how state commissions can facilitate meaningful forensic review when scientific developments and ethical obligations require it.

This presentation will also focus on the importance of a state commission's outreach to affected prosecutors, local government officials, and the defense bar *during the course of a given investigation* to ensure the lawyers and responsible government officials understand the implications of a particular forensic nonconformance. Attendees will better understand the Commission's efforts to develop a statewide notice protocol to ensure potentially affected defendants receive notice in the wake of a major forensic failure involving a high-volume discipline such as controlled substance analysis.

Finally, by highlighting the Commission's collaborative training efforts with the Texas Criminal Justice Integrity Unit, it will be demonstrated how targeted training initiatives can improve the long-term understanding and integrity of forensic science throughout the criminal justice community.

Forensic, Commission, Model