



TEXAS FORENSIC SCIENCE COMMISSION

Justice Through Science

1700 North Congress Ave., Suite 445
Austin, Texas 78701

TEXAS FORENSIC SCIENCE COMMISSION LAB DISCLOSURE FORM

Please complete this form and return to:

Texas Forensic Science Commission
1700 North Congress Avenue, Suite 445
Austin, Texas 78701
Email: info@fsc.texas.gov
[P] 1.888.296.4232
[F] 1.888.305.2432

The Texas Forensic Science Commission (“FSC”) is legislatively mandated to require crime laboratories that conduct forensic analyses to report professional negligence or professional misconduct to the Commission. (See Tex. Code Crim. Proc. 38.01 as amended by Tex. S.B. 1238, 83rd Leg., R.S. (2013)).

Please keep in mind that the FSC investigates matters subject to its statutory authority only. The term “forensic analysis” includes any medical, chemical, toxicological, ballistic, or other examination or test performed on physical evidence, including DNA evidence, for the purpose of determining the connection of the evidence to a criminal action. The term does not include the portion of an autopsy conducted by a medical examiner or other forensic pathologist who is a licensed physician. The term “crime laboratory” is defined in Article 38.35 of the Texas Code of Criminal Procedure to include “a public or private laboratory or other entity that conducts a forensic analysis subject to this article.”

The FSC will examine the details of your disclosure to determine what level of review to perform, if any. All disclosures are taken seriously. Because of the complex nature and number of complaints and disclosures received by the FSC, we cannot give you any specific date by which that review may be completed. However, we aim to resolve all disclosures in a timely and expeditious manner, and to minimize disruption in the laboratory.

The Commission’s statute allows it to withhold from disclosure information submitted in the context of an investigation but only until the final report is released. Upon release of the final report, all information provided to the Commission is subject to disclosure under the Texas Public Information Act (“PIA”) (Texas Government Code Chapter 552).

IMPORTANT: If your disclosure involves a pending criminal matter(s), please be sure to indicate that on the form below because certain PIA exceptions may apply.

TEXAS FORENSIC SCIENCE COMMISSION • LAB DISCLOSURE FORM (Cont.)

1. PERSON COMPLETING THIS FORM

Name: _____
Laboratory: _____
Address: _____
City: _____
State: _____ Zip Code: _____
Home Phone: _____
Work Phone: _____
Email Address (if any): _____

2. SUBJECT OF DISCLOSURE

List the full name, address of the laboratory, facility or individual that is the subject of this disclosure:

Individual/Laboratory: _____
Address: _____
City: _____
State: _____ Zip Code: _____
Year Laboratory Accreditation Obtained: _____
Name of National Accrediting Agency: _____
Date of Examination, Analysis, or Report: _____
Type of Forensic Analysis: _____
Laboratory Case Number (if known): _____

Is the forensic analysis associated with any law enforcement investigation, prosecution or criminal litigation?

Yes _____ No _____

* If you answered "Yes" above, provide the following information (if possible):

* Name of Defendant: _____

* Case Number/Cause Number: _____
(if unknown, leave blank)

* Nature of Case: _____
(e.g. burglary, murder, etc.)

* The county where case was investigated, prosecuted or filed: _____

* The Court: _____

* The Outcome of Case: _____

* Names of attorneys in case on both sides (if known): _____

3. WITNESSES

Provide the following about any person with factual knowledge or expertise regarding the facts of the disclosure. Attach separate sheet(s), if necessary.

First Witness (if any): _____
Name: _____
Address: _____
Daytime Phone: _____
Evening Phone: _____
Fax: _____
Email Address: _____

Second Witness (if any): _____
Name: _____
Address: _____
Daytime Phone: _____
Evening Phone: _____
Fax: _____
Email Address: _____

Third Witness (if any): _____
Name: _____
Address: _____
Daytime Phone: _____
Evening Phone: _____
Fax: _____
Email Address: _____

TEXAS FORENSIC SCIENCE COMMISSION
GUIDELINES FOR LABORATORY SELF-DISCLOSURE

One of the Commission's statutory duties is to "require a crime laboratory that conducts forensic analyses to report professional negligence or professional misconduct to the Commission." TEX. CODE CRIM. PROC. § 38.01, Sec. 4(a)(2).

This document is designed to provide guidance to laboratories in determining whether they should disclose particular events to the Commission under the statute. Any questions regarding these guidelines should be directed to the Commission's General Counsel at (512) 936-0770.

Self-Disclosure Categories:

- Probation: If the national accrediting body responsible for accrediting your laboratory and/or the Department of Public Safety notifies you that it intends to put your laboratory on probation, you should inform the Commission as soon as possible, but no later than five (5) business days from receiving notification from the accrediting body.
- Suspension of Accreditation: If the national accrediting body responsible for accrediting your laboratory and/or the Department of Public Safety notifies you that it intends to suspend your laboratory's accreditation for any reason, you should inform the Commission as soon as possible, but no later than five (5) business days from receiving notification from the accrediting body.
- Significant Irregularity in the Laboratory: Laboratories shall disclose any irregularity that may rise to the level of professional negligence or misconduct using the disclosure form on the Commission's website. **The disclosure should be submitted to the Commission as soon as possible, but no later than thirty (30) days after the irregularity is discovered.** If the laboratory needs a longer period to submit its disclosure, it should contact the Commission's General Counsel with an explanation and a request for additional time.

Please note that the outcome of any particular criminal case should not be a consideration in your decision regarding whether to disclose an issue to the Commission. You should disclose any significant laboratory irregularity regardless of the criminal case outcome, and regardless of whether the quality controls in the laboratory caught the issue of concern before a final report was issued to the customer. When using the term "significant irregularity," we refer to facts that *if true*, would indicate the existence of negligence or misconduct such that the integrity of the forensic examination, the individual forensic examiner, or the laboratory as a whole would be called into question.

If your self-disclosure involves a pending criminal case, or you believe that anyone involved in the disclosure may be the subject of criminal investigation, please alert the Commission when submitting your disclosure, as certain law enforcement exceptions to the Public Information Act may apply to the information submitted.