



TEXAS FORENSIC  
SCIENCE COMMISSION

*Justice Through Science*

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

March 22, 2021

Via email to [testntx@gmail.com](mailto:testntx@gmail.com)

Mr. Steven Cooper  
705 8<sup>th</sup> St., Ste. 120  
Wichita Falls, TX 76301

Re: TFSC Complaint No. 20.36; Cooper, Steven (United States Drug Testing Lab; Nail Testing)

Dear Mr. Cooper,

This letter is to inform you that the referenced complaint was dismissed by commission staff for lack of jurisdiction. The definition of “forensic analysis” set forth in Texas Code of Criminal Procedure Art. 38.35 includes certain limitations. The analysis must be conducted “for the purpose of determining the connection of the evidence to a criminal action.” Child Protective Service cases are administrative proceedings and therefore are not considered “criminal actions.” Additionally, the statute specifically provides the term “forensic analysis” **does not include** “a presumptive test performed for the purpose of determining compliance with a term or condition of community supervision or parole and conducted by or under contract with a community supervision and corrections department....”

The testing that is the subject of your complaint does not fall within the Commission’s jurisdiction. General concerns about the reliability of a type of forensic testing and the related concern that a result **might** end up in criminal court are insufficient grounds for the Commission to initiate an investigation given the jurisdictional limitations set forth under Article 38.35.

Thank you and please feel free to contact TFSC staff with any questions or concerns.

Sincerely,  
*Kathryn Adams*  
Kathryn Adams  
Commission Coordinator

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