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*Ranking Member
House Judiciary Committee
Subcommittee on Crime, Terrorism, Homeland Security, and
Investigations*

SUBCOMMITTEE ON CRIME, TERRORISM, HOMELAND SECURITY, AND INVESTIGATIONS

HEARING TO:

**“EXAMINE THE STATE OF FORENSIC SCIENCE IN
THE UNITED STATES”**

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MARCH 28, 2017

- Thank you, Mr. Chairman.
- We are here today to examine forensic science and find ways to improve forensic science skills across the country, so that law enforcement officials may better solve crimes, investigate deaths, and protect public life.

- There are scores of talented and dedicated people in the forensic science community, and the work that they perform is vitally important.
- I would like to thank the witnesses here this afternoon:
 - Dr. Victor Weedn, MD, JD, *Professor of Forensic Sciences*, George Washington University;
 - Mr. Matthew Gamette, *Lab System Director*, Idaho State Police Forensic Services;
 - Dr. David Baldwin, *Special Technologies Laboratory*, National Security Technologies, LLC; and,
 - Ms. Sandra Guerra Thompson, *Professor*, University of Houston Law Center, and *Chair*, Houston Forensic Science Center.
- Numerous examples of incidents exist where men and women in law enforcement have been better served by improved forensic science.
- They are often strapped in their work, however, for lack of adequate resources, sound policies, and national support.
- It is clear that change and advancements, both systemic and scientific, are needed in a number of forensic science disciplines—to ensure the reliability of the disciplines, establish enforceable standards, and promote best practices and their consistent application.

- The aim of our committee today is to chart an agenda for progress in the forensic science community and its scientific disciplines in evaluating its path thus far.
- In my home city of Houston, one such cardinal incident led to the creation of the Houston Forensic Science Center (HFSC)—which my constituent and our distinguished guest, Professor Sandra Guerra Thompson chairs as the preeminent national model for forensic science practices.
- The HFSC became a distinguished model as a result of the willingness of the law enforcement and judicial community of Harris County to collectively recalibrate outdated practices relied upon during the George Rodriguez case and so many other wrongful convictions.
- Mr. Rodriguez was sentenced to 60 years in prison in 1987 for sexual assault.
- His conviction was based on inaccurate Body fluid evidence and hair analysis.
- We are here today to acknowledge and correct the calamities of our judicial system's failure to attain the ends of justice in claiming as casualties wrongfully convicted citizens of our community.
- In 2001, the *Innocence Project* took on the Rodriguez case and a judge ordered DNA testing on the remaining evidence.
- A showing was made that the Houston Police Department's (HPD) Crime Laboratory, as has been found common among investigatory facilities in many jurisdictions, mishandled the re-testing of biological materials and was ultimately shut down

due to the insecure integrity of the laboratory's work in numerous cases.

- Subsequent laboratory re-testing excluded Mr. Rodriguez from all DNA evidence and **after 17 years in prison, his conviction was vacated, and his innocence affirmed.**
- Following this miscarriage of justice, at its low point, the HPD Crime Laboratory lacked evidentiary standards and regularly offered unreliable scientific testimony in court.
- The Houston community recognized that steps had to be taken to strengthen existing forensic disciplines and ensure the validity of forensic evidence used in the legal system.
- Today, that laboratory no longer exists, and has been replaced by the **HFSC which operates: (1) independently of law enforcement; and (2) with full transparency.**
- **The HFSC is overseen by a board of directors of community volunteers and now serves as a national model for forensic science practices.**
- **The HFSC began operating in 2014 with a mission “to receive, analyze and preserve physical and digital evidence while adhering to the highest standards of quality, objectivity and ethics.”**
- Not only has the HFSC met these high standards, but it has exceeded the standards.
- This has been accomplished by improving the underlying science through assisting with research needed to address the issues with accuracy, reliability, and validity in forensic science

disciplines in collaboration with a forensic science research center established by the National Institute of Standards and Technology (NIST).

- Additionally, the HFSC has exceeded standard expectations by going beyond accreditation—ensuring that the laboratory meets minimal requirements.
- As I understand it, the HFSC is the **only crime lab in the nation to implement blind proficiency testing**, which is *recommended* but, *not required* by accreditation standards.
- Through blind proficiency testing, examiners do not know that they are being tested, yielding the most accurate assessment of protocol adherence.
- The HFSC has also gone beyond accreditation by ensuring all laboratory information which can be made public is available on the laboratory's website, ensuring transparency and accountability.
- Ms. Sandra Guerra Thompson, professor of law at the University of Houston Law Center and Vice Chair of the Board of Directors of the HFSC, will testify before us today about how the HFSC has further exceeded standard expectations by utilizing cutting edge practices to safeguard justice.
- For example, the HFSC revealed wrongful convictions and the degree of discrepancy between drug field test results and laboratory confirmatory testing by assessing all evidence regardless of how a case was adjudicated.

- As a result, **119 convictions have been overturned** and a protective policy is now in place that prohibits plea deals in drug-possession cases prior to the HFSC issuing a report.
- The George Rodriguez case demonstrates that forensic science can assist in ensuring an innocent person goes free.
- **Improvements in forensic science will strengthen the criminal justice system by preventing wrongful convictions of innocent people and bolstering correct identification, prosecution, and conviction of those who commit crime.**
- I am hopeful that as technology advances, forensic science will improve, as we have seen in Houston at the HFSC's model facility.
- I am proud that my home city of Houston is a leader in this regard and that Ms. Guerra Thompson is here to illuminate the progress made.
- When the innocent are jailed for crimes they have not committed or attackers go free because of misapplied forensic science, the public's trust and belief in the criminal justice system is compromised, causing the principles of our constitutional democracy to atrophy as confidence erodes.
- It is my hope that today's hearing will help refine outstanding forensic science concerns and I look forward to hearing from all the witnesses.
- Thank you, Mr. Chairman, and I yield back the balance of my time.