

**California Crime Laboratory Review Task Force**

Minutes, April 1, 2010

Department of Justice

1300 I Street, Sacramento, CA 95814

Members Present: Dane Gillette (Chair), Jennifer Mihalovich, Robert Jarzen, Jeff Rodzen, Jennifer Friedman, Greg Matheson, David Lynch

Staff Present: Colleen Higgins (DOJ - Admin)

Members of the Public: Stacy Mason-Vegna (CalEMA, Chief Crime Suppression Unit); Elizabeth Wictum (UC Davis, Associate Director Forensic Unit, School of Veterinary Medicine); Jill Spriggs (Chief, DOJ – BFS); Bill Phillips (Criminalist Manager, BFS, Toxicology); Joe Fabini (Santa Clara County Crime Lab)

Speaker: Mike Grubb (Director, San Diego PD Crime Lab; Chair ASCLD/LAB – accreditation procedures)

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Meeting called to order at 10:40 a.m. by Chair Gillette. The Chair welcomed attendees and new task force member, David Lynch, replacing former member, Elizabeth Johnson. Colleen Higgins will take the minutes in place of Michael Chamberlain.

Minutes

The February 4, 2010 meeting minutes, after discussion, were approved without amendments by motion and vote.

Review and Discussion of Five Commissions

Dane reviewed the status of the five commissions selected for interviews and reports.

- NEW YORK: Jennifer Friedman (Barry Fisher) provided a three part report on the New York Commission for discussion (below.)

-ARIZONA: Dane Gillette/Bob Jarzen will present their report on the Arizona Commission by next meeting. (Dane will personally interview Arizona Commissioners during a visit to Arizona this month.)

-TEXAS: Jeff Rodzen/Greg Matheson provided an outline of the Texas Commission for discussion (below.)

- ILLINOIS: Jennifer Mihalovich (Kevin Davis) briefly discussed her preliminary findings and will provide final report by next meeting.

-MINNESOTA: (Arturo Castro/Charlotte Wacker) will present their report at the next meeting.

NEW YORK (Jennifer Friedman/Barry Fisher)

All three NY Commission members (John Hicks, Dr. Kathleen Corrado and Barry Scheck) generally held similar views, mostly favorable. Purpose of Commission is to track what occurs and provide remedies/resolutions for improvement. All felt the Commission provided transparency for New York. Meetings are webcast and confidential matters

(i.e. personnel, etc.) are discussed in executive session. There was uniform agreement that the Commission should include a few more forensic scientists. All expressed pluses and minuses regarding limited terms versus permanent appointments with regard to continuity and political appointments. A shared concern (Hicks, Corrado) regards the independent sub-committee on DNA issues, staffed by out-of-state members, which operates without the approval of the Commission. All three identified their primary concern that all entities doing forensic science should fall under the Commission. The commissioners are not paid but reimbursed for travel and per diem expenses.

Presentation by Michael Grubb: The power point presentation by Michael Grubb, Director, San Diego PD Crime Lab and Chair, ASCLD/LAB on accreditation generated much interest and discussion by the members and public and continued during lunch. A copy of the power point and related narrative will be posted on the website.

#### TEXAS (Greg Matheson/Jeff Rodzen)

An overview was presented which provided the authorizing legislation (35 pages), timelines and general focus. The Commission became active in 2007 to investigate crime lab misconduct and fraud (Coverdell) in direct response to the Houston Crime Lab investigation in 2006. Their focus has been on figuring out how to operate without funding, subpoena power, or regulatory power. In 2009 the Chair and two members were not reappointed. A big challenge is the inherent conflict between confidential investigations and Public Records Act disclosures. To date, the Texas commission has not completed any investigations. All nine members are appointed by the Governor, Lt. Governor and Attorney General and can be removed at will. Three members of the commission must have forensic science experience, four are specified as coming from academia, and two are attorneys. Presently the Commission has an interactive website soliciting issues of concern within crime labs and is hoping to do outreach via town hall meetings to solicit interest in and knowledge of their corrective goals. The Commissioners receive no compensation but are reimbursed for travel and per diem expenses. Greg has interviewed three of the current members of the Commission. The current and past Chairs will also be interviewed before the June CLTF meeting.

#### ILLINIOS (Jennifer Mihalovich/Kevin Davis)

The report is largely complete and will be presented at the next meeting. Jennifer provided a brief overview. The 15 member Commission advises all labs in the state, including toxicology, forensic science, agricultural labs, etc. The members are attorneys, forensic scientists, academia and other experts representing the Attorney General, Department of Agriculture, Public Health, Department of Personnel Administration, Department of Transportation, Public Defender and District Attorney organizations. Only two members have forensic science expertise. The Commission has had difficulty in forming a quorum. All investigations are conducted by the Office of the Inspector General, which is separate from the Commission.

### Public Comments

-It was clarified that the California Crime Lab Review Task Force was created solely to review state and government crime labs, not private labs.

-Greg Matheson and Jeff Rodzen indicated they presented a power point discussion to the CAC recently and would share their presentation with other members who may be presenting on a similar topic.

### June Meeting

The June 3rd meeting will be in LA and the Commission reports will be more fully reviewed and discussed to identify the strengths and weaknesses of the various programs.

An outline of the California recommendations will be drafted.

Chair Gillette adjourned the meeting at 2:30 p.m.