

CALIFORNIA CRIME LABORATORY REVIEW TASK FORCE

Minutes: April 2, 2009

**Hertzberg-Davis Forensic Science Center
1800 Paseo Rancho Castilla, Los Angeles, CA 90032**

Member Present: Dane Gillette (Chair), Barry Fisher (Vice Chair), Dean Gialamas, Elizabeth Johnson, Jennifer Friedman, Jennifer Mihalovich, Robert Jarzen, William Thompson, Jeff Rodzen, Greg Matheson, Jim McLaughlin

Staff Present: Mike Chamberlain (DOJ - Staff Counsel), Colleen Higgins (DOJ-Admin.)

Members of the Public: Mary Gibbons (Director, Oakland Police Department Crime Lab); Bill Phillips (CA-DOJ, Toxicology); Jill Spriggs (Bureau Chief, Bureau of Forensic Services)

Chair Dane Gillette called the meeting to order at 10:45 a.m. and welcomed attendees.

Minutes

The minutes from the March 2009 meeting were approved as written by motion and vote.

General Business & Updates

Greg Matheson announced the CACLD meeting in Glendale on April 16-17, 2009, and described the presentations on the program.

The group congratulated Barry Fisher on his recent retirement.

Nearly all lab director interviews have been received. Only the Santa Clara DA Lab and the BFS Santa Rosa and Eureka labs remain outstanding.

The Legislature has been advised by telephone and letter of the Task Force's anticipated schedule, and an extension of the report deadline to October has been agreed upon.

Subcommittee Reports

The group discussed appropriate approaches to integrating subcommittee reports into the final report. Editorial care will be taken to avoid internal redundancy. The ordering of discussions in the report will remain flexible so as to produce the most logical and coherent narrative. DOJ's media print staff will do the graphic design, including photos.

As a general matter, the final report should include recommendations concerning disciplines outside the traditional laboratory context, such as latent prints and crime-scene processing. These topics will be on the May meeting agenda.

/////

(1) Staffing

Jim McLaughlin and Bob Jarzen presented the draft report on staffing issues.

At the outset, it was recommended that further data be collected in order to assess acceptable workloads for criminalists working in different disciplines, as well as acceptable turnaround times for lab analysis on a discipline-specific basis. Such data would aid targeted funding requests and backlog reduction policy development. Others observed, however, that a lab's backlog may not be an accurate measure of its productivity, operational capacity, or efficiency. All agreed that there is a need to adjust expectations of the law enforcement and prosecutor consumers of forensic science services.

Key concepts are: (1) Backlog; (2) Turnaround time; and (3) Capacity.

Some gaps exist in the available data concerning the number of criminalists per discipline per lab. To be useful, however, such data needs to account for the difficulty of a case and number of samples submitted. The concept of a "case" is elusive and defies a standardized definition. Standardization of terminology is difficult, but crucial. A future survey collecting further quantitative data would be useful, although the criteria would need to be very specific. Definitions such as "case" would need to be established carefully, with the goal of illuminating the ratios between lab services and client agencies. Perhaps the Attorney General could spearhead further and future research.

The group discussed how to define core disciplines. In a supplemental survey/inquiry, and concluded that deleting "Biology/Serology" in favor of a "Forensic Biology/DNA" category would be beneficial. Latent prints should be added back onto the list of core disciplines. An additional supplemental survey question should be whether labs offer personnel incentives such as job-sharing and flexible work-weeks. DOJ staff will follow-up with a supplemental survey e-mail.

The Task Force then discussed the phenomenon of law enforcement agencies "buying" dedicated criminalist positions at public labs. The potential down-side is the creation of uneven level of service between municipalities in the same county. The potential up-side is the creation of additional criminalist position(s) using freed funds, although the issue of support staff (reviewers, etc.) for the dedicated criminalists could be problematic. As an alternative to this approach, the Los Angeles Coroner's Office, City of Glendale, and Orange County District Attorney have announced plans to build their own forensic DNA laboratories. This highlights the issues of regionalization versus de-regionalization. Speed and control follow laboratories with smaller services areas, but the political fragmentation of laboratories may lead to geographic disparities in service. Are the benefits illusory because resources are redirected to better-funded user agencies? Discussion of this phenomenon will be included in the "Workload" segment of the final report.

While 79.5% of law enforcement survey responses indicated a need for more capacity or faster turnaround time, laboratory case volume may depend in part on the number of

cold cases being submitted, which in turn affects “backlog” calculations. A root cause of backlog may be that prosecutors and defense attorneys are relatively uneducated about laboratory functions, services, resources, and capacities.

(2) Certification

The group discussed the certification draft report and related issues. In addition, Jennifer Mihalovich will make a certification presentation at the May meeting.

The FSAT (Forensic Science Aptitude Test) is designed to be a comprehensive threshold examination/evaluation for students about to enter the field. Certification educational requirements and test-taking requirements were considered, along with requirements to maintain certified status, e.g., passing review examinations.

The group debated whether lab accreditation should be linked to criminalist certification. Currently lab accreditation procedures do not focus on individuals other than whether criminalists meet training and professional competency standards. It was argued that certification requirements, were they to be adopted, should apply equally to all forensic laboratories and not just government operations.

Labs take various approaches to providing paid study time to criminalists before sitting for certification exams. Examination pass/fail rates correspond generally to laboratory support for pursuing certification. There appeared to be some confusion on the part of survey respondents on questions related to support provides for staff seeking certification. Clarification through the supplemental e-mail inquiry may be necessary.

The final report should comment on the existence of bodies that grant relatively meaningless certification. Accreditation of certifying bodies themselves is an important feature in order to ensure legitimacy. The question of whether medical examiners’ offices’ staff should be certified as well was considered without resolution.

A fundamental question relating to certification is whether a mandatory or incentive-based system should exist. The forensic alcohol trainee/supervisor certification model in Title 17 was proposed as a programmatic example.

(3) Education/Training

An additional modification to the Education/Training Report was suggested. Namely, the text noting that criminalists in pattern recognition disciplines develop a “subjective sense” of matching and associations should be edited to reflect a more rigid analytical process. The subcommittee author responded that the language used in the draft report was consistent with the findings of the National Academy of Sciences in its recent report on forensic science, and should be accorded due deference. One Task Force member replied that the NAS report may not have been correct in all respects. Proposed edits to the report will be submitted to Chair Gillette for consideration.

Upcoming Schedule

May: The May meeting will be held at the Santa Clara District Attorney's Crime Laboratory. Certification discussions will continue in conjunction with a presentation on the topic.

June: Statewide accreditation, standards, and oversight issues will be discussed.

The July meeting will be rescheduled to mid-July in order to facilitate a comprehensive review of the draft report.

Chair Dane Gillette thanked participants and adjourned the meeting at 2:40 p.m.