

CALIFORNIA CRIME LABORATORY REVIEW TASK FORCE

Minutes, June 5, 2008

California Department of Justice

1300 I Street, Suite 730, Sacramento, CA 95814

Members Present: Dane Gillette (Chair), Wes Grose for Barry Fisher (Vice Chair), Greg Matheson, Arturo Castro, Dean Gialamas, Robert Jarzen, Dolores Carr, William Thompson, Jim McLaughlin, Jennifer Mihalovich, Sam Lucia, Jennifer Friedman, Charlotte Wacker, Jeff Rodzen.

Staff Present: Mike Chamberlain, Colleen Higgins

Members of the Public: Gabriel Oberfield (Research Analyst, Innocence Project); Mary Gibbons (Director of Oakland Police Crime Lab); Eva Steinberger (DOJ, Assistant Chief, DNA Programs); Kevin Davis (CHP); Clay Larson (Department of Public Health); Mike Vidmar (Chief Investigator, Santa Clara County)

The meeting was called to order at 10:45 a.m.

New Appointees & Staff

Chair Dane Gillette announced and congratulated the final appointments to the Task Force: Jeff Rodzen of California Fish and Game, and Charlotte Wacker of U.C. Davis.

DOJ has hired a student assistant to assist the Task Force via the DOJ Legislative Affairs Unit.

Minutes

The minutes of the May 2008 meeting were approved by motion and vote.

Survey Issues

The medical examiner laboratories in San Francisco, San Diego, and Los Angeles will be added to the laboratory survey. Each does substantial work in toxicology and blood alcohol.

The following fire departments have arson investigation units that use forensic laboratory services, and will be added to the law enforcement survey recipient list: Los Angeles City FD, Orange County Fire Authority, San Bernardino City FD, Sacramento Metro FD, Riverside City FD, State Fire Marshal.

Three surveys have been completed to date: Riverside BFS, Central Valley BFS, and San Diego Police Department. All completed surveys will be disseminated to Task Force members, but will not be considered for their substance at any meeting until the report drafting stage.

Dane Gillette will issue follow-up letters to lab directors at the appropriate time if surveys are not completed.

Several stylistic and typographical revisions to the attorney survey and law enforcement survey were agreed upon. An additional question regarding *Brady* obligation training was added to the attorney survey. Barring further changes, those surveys will be mailed before the next meeting.

Education Subcommittee

Bob Jarzen and Bill Thompson are looking into ways that the University of California and California State University systems can contribute to improving forensic science services in California. Bob and Bill will pursue the following steps:

- Compiled list of all UC and CSU faculty and programs related to forensic science (perhaps including law schools);
- Contact key staff and administrators regarding current opportunities for forensic science training and what other offerings could exist;
- Generate an internet discussion list regarding forensic science education;
- Identify out-of-state programs in forensic science;
- Look into ways to encourage government funding of forensic science education.

It was suggested that the California Criminalistics Institute be considered as a key component of forensic science education.

Max Houck (West Virginia University) and Bob Shalor (Penn. State University) were suggested as potential speakers about the role of education in training forensic scientists.

Other topics to be considered are continuing education opportunities and graduate offerings.

Lab Visit Procedures

The procedures for the upcoming laboratory visits were discussed. Visits will be conducted between September and November, 2008. It may be beneficial to begin the interviews with broad inquiries, followed by a narrowing discussion. A draft letter of introduction from Dane, describing the parameters of the visit, will be circulated for review. Interviewing the entire management team may be the best approach, and a copy of interview notes should be left with the lab director. In addition, the lab director should have the opportunity to review the interview report in draft form before it is submitted to the Task Force as formal information. The interview is anticipated to take two hours, followed by (or preceded by) a lab tour.

Dean Gialamas, Bob Jarzen, Dolores Carr, and Mary Gibbons all offered to conduct lab tours of their facilities as background and to provide context for the actual lab visits.

Future Meetings and Speakers

The next Task Force meeting will take place at the Orange County Sheriff's Crime Laboratory in Santa Ana, hosted by Dean Gialamas.

It was proposed that Nora Rudin speak to the group regarding her experiences on the Virginia Forensic Oversight Commission. Pete Marone of the Virginia State laboratory was also mentioned as a potential speaker, as was Mike Haas of the American Board of Criminalists (re. certification issues). Jennifer Mihalovich will generate other contacts for certifying bodies, and Jennifer Friedman will ask Barry Scheck about his availability to speak at the August meeting.

No speaker will attend the September meeting.

Laboratory Assignments and Report Topic Assignments

Adjustments to the laboratory assignments will be made before the next meeting to accommodate the addition of the medical examiner laboratories and Task Force member additions and substitutions.

Task Force staff will generate a list of substantive topics based on PC 11062, and will solicit Task Force members to form two-person teams taking responsibility for drafting those aspects of the final report.

General Discussion

Jennifer Friedman suggested that the Task Force may want to look at the issue of special units in prosecutor and defender offices that have direct and regular contact with forensic laboratories on behalf of their agencies.

Dean Gialamas discussed the potential consolidation of forensic services in Orange County.

Public Attendee Commentary

Clay Larsen of the California Department of Public Health spoke about the shortcomings of ASCLD/LAB audit reports. Mary Gibbons responded by describing the format and intended purposes of ASCLD/LAB reports.

Eva Steinberger discussed growing pressure on labs to substitute “technicians” for criminalists as a cost-saving measure, and how doing so would have a negative impact on the ability of attorneys to effectively present forensic test results in court.

The meeting was adjourned at 3:00 p.m.