

CALIFORNIA CRIME LABORATORY REVIEW TASK FORCE

Minutes, July 2, 2008

Orange County Sheriff-Coroner Forensic Science Services Laboratory

320 N. Flower Street, Santa Ana, CA 92703

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

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

Members of the Public: Mary Gibbons (Director, Oakland Police Crime Lab); Jill Spriggs (Chief, DOJ Bureau of Forensic Services); Kevin Davis (CHP); Erin Morris (Los Angeles County Deputy Public Defender's Office); Bill Phillips (DOJ, Bureau of Forensic Science, Sacramento); Gary Asbury (DOJ – Riverside); Pennie Laferty (Orange County Forensic Sciences Services)

The meeting was called to order at 11:45 a.m., following a lab tour graciously hosted by Dean Gialamas. Thank you to Director Gialamas for an informative tour of an impressive facility.

Chair's Welcome

Chair Dane Gillette welcomed attendees and thanked Dean Gialamas and the Orange County Sheriff's Crime Laboratory for hosting the meeting. He reminded the Task Force that the final report is due in one year, and encouraged expeditious efforts. The student assistant position has been filled by a very capable candidate, whose starting date is pending. Chair Gillette also acknowledged Jill Spriggs as the new Chief of California's Bureau of Forensic Services.

June Minutes

Approved by motion and vote as revised. Will be posted.

Survey Update

Seven lab surveys have been returned thus far, and a number of the 150+ law enforcement surveys have also been received. Dane Gillette will contact non-responding agencies this month, and will encourage DA and law enforcement participation at this month's CDAA meeting.

Barry Fisher recommended re-naming the survey files to identify submitting agency.

Data Compilation

The Task Force discussed the best way(s) to compile the survey data collected, e.g., Excel spreadsheet format; handwritten responses transcribed into database that allows word/phrase searches; organization/search capability by agency and by question

number; creation of three CD-Roms (labs, law enforcement, attorney surveys) with link-based table of contents; link based agency references to each laboratory.

The student assistant may need to conduct follow-up with labs to complete client agency identification fields.

Interview Process & Protocol

Laboratory interview assignments were finalized with two sets of switches for convenience. Several large medical examiners' offices have been added given their forensic toxicology and blood alcohol units (San Francisco, Los Angeles, San Diego).

The letter of introduction for the lab visits was discussed and finalized. Jennifer Friedman's proposed language was inserted, and ASCLD/LAB language regarding selection of Task Force representative was removed. It was agreed that the language precluding photocopies and document requests will remain so as not to make the process more "audit-like." In addition, it will be important that the Task Force interviews are relatively standardized in scope, with little topical divergence.

Mike Chamberlain will draft an interview template script based on the Task Force's legislative mandates, and will address both local and statewide concerns. The script will be flexible enough to accommodate inquiry into other topics as need be.

Scope, Process, and Time Line of Final Report

Although the only express statutory reference to "oversight" in Penal Code section 11062 relates to the management of consolidated laboratories, the Task Force agreed to consider the additional issue of statewide forensic oversight in its final report. The Task Force viewed the Legislature's "including but not limited to" phraseology as an implied grant of authority to do so. Given the controversial nature of the topic, the question of a statewide forensic oversight commission, in conjunction with laboratory consolidation and decentralization, and other states' approaches to these issues, will be a group topic and not relegated to a two-person subcommittee. Barry Scheck will speak on this topic, and Barry Fisher will provide his thoughts regarding Virginia's experience. Mike Chamberlain will research other state crime lab organizational structures. The Innocence Project has already provided a summary of other states' approaches to forensic oversight commissions.

Mike Chamberlain will re-format the two-person subcommittee topic areas and redistribute for sign-ups.

Other topics were suggested for meeting presentations by Task Force members, including:

- University-run crime labs
- Law enforcement-run crime labs (Bob Jarzen & Dolores Carr)
- Non-law enforcement government-run crime labs (Dean Gialamas)
- Fee for service operations

Mike Chamberlain will draft a list of presentation topics and send around for volunteer presenters to sign up.

Barry Fisher pointed out that a steady stream of funding is one of the most fundamental issues facing California forensic laboratories, although police labs tend to have more reliable funding given their law enforcement mandate.

It was suggested that standardization (i.e., one size fits all) brings its own set of problems, given political, economic, and demographic considerations

Bill Thompson suggested holding an ongoing “on-line meeting” in an internet list-serve forum to discuss state oversight and consolidation issues. Mike Chamberlain will research Bagley-Keene implications.

The two-person subcommittees will collect data and write summaries of their findings. Recommendations will be decided by the Task Force as a whole.

Next Meeting

The August meeting will be held at 1300 I Street (7th floor), Sacramento, at 10:30 a.m. Barry Scheck of the Innocence Project will be the speaker.

Meeting adjourned 3:30 p.m.