

CALIFORNIA CRIME LABORATORY REVIEW TASK FORCE

Minutes, August 7, 2008

California Department of Justice

1300 I Street, Suite 730, Sacramento, CA 95814

Members Present: Dane Gillette (Chair), Greg Matheson, Arturo Castro, Robert Jarzen, Steve Nash, Dolores Carr, William Thompson, Jim McLaughlin, Jennifer Mihalovich, Sam Lucia, Jennifer Friedman, Charlotte Wacker, Jeff Rodzen, Michael Burt, Elizabeth Johnson.

Staff Present: Michael Chamberlain (Staff Counsel), Colleen Higgins, Leah Barros.

Members of the Public: Mary Gibbons (Director of Oakland Police Crime Lab); Eva Steinberger (DOJ, Assistant Chief, DNA Programs); Jill Spriggs (DOJ, Chief of the Bureau of Forensic Services); Kevin Davis (CHP); Clay Larson (Department of Public Health); Mike Vidmar (Chief Investigator, Santa Clara County); Paul Holes; Bill Phillips (DOJ, Bureau of Forensic Science, Sacramento); Barry Sullivan; Delia Heredia; Edwin Vargas; John Yoshida; Steve Hayes; James Mudge; Kevin Miller; Norah Rudin; Joe Fabiny; Jacob Appelsmith; Kurtis Smith.

The meeting was called to order at 10:40 a.m. Chair Dane Gillette welcomed all attendees and introduced Jacob Appelsmith, a recently appointed Special Assistant Attorney General and liaison to the Division of Law Enforcement. Colleen Higgins introduced Leah Barros, the newly hired Task Force Assistant.

July Minutes

Approved by motion and vote.

Status of Surveys

Dane reported that the vast majority of laboratory surveys have been completed. Dane will place follow-up telephone calls to those lab directors who have not yet returned a survey. Colleen Higgins passed out sets of three indexed compact disks containing lab surveys, law enforcement surveys, and attorney surveys. Future returned surveys will be e-mailed to the Task Force, and can be "dragged and dropped" onto the appropriate CD.

Subcommittee Assignments

A revised topical subcommittee sign-up list was circulated. A finalized list of assignments will be circulated following the meeting.

Guest Speaker

Barry Scheck, of Cardozo Law School and the Innocence Project, gave an informative presentation about his experiences with the New York Commission on Forensic Science. His Power Point presentation is attached as an appendix to these Minutes. Following his presentation, Mr. Scheck took questions and discussed various issues

related to forensic science oversight commissions.

Nora Rudin provided a brief overview of her role as a member of Virginia's Scientific Advisory Committee. That group advises the Virginia Forensic Oversight Board, does not have subpoena power, reviews laboratory testing protocols, and advises on other scientific matters.

Data Collection Assignments & Letter of Introduction

The list of visits to laboratories was finalized. Any further changes will be communicated before the next meeting.

Task Force members discussed and agreed to the final wording in the letter of introduction to lab directors. Dane will see that letters are sent forthwith. Task Force members are cleared to initiate contact with lab directors to set up interview/tours.

Task Force Timeline

The following chronology was agreed upon following discussion and revision:

August 1, 2008: All lab director surveys completed and returned

November 1, 2008: Follow-up lab visits completed

December 1, 2008: Lab visit reports written, reviewed by lab directors, and returned to Task Force

January 1, 2009: Two-member subcommittees submit written summaries of data and findings on subject matter areas, including what works well, and why

Feb. 1, 2009: Two-member subcommittees prepare recommendations in draft/outline form for presentation to Task Force

Feb. 5, 2009: | Task Force debates and resolves recommendations for inclusion

March 2, 2009: | in final report; two-member subcommittees submit final drafts

April 7, 2009: | accordingly

May 1, 2009: Task Force staff distributes draft of final report for review and fine tuning at May and June meetings, including Executive Summary

Lab Interview Script

The draft scrip for the lab management interviews was discussed. It was agreed that the scripts would provide the template for the reports generated as a result. Jennifer Friedman proposed adding questions concerning laboratory communication with prosecutors and defense counsel, policies regarding monitoring testimony, whether labs experience pressure to make certain findings, the manner in which discovery is maintained and archived (e.g., validation studies available on-line?), and the scope of

discovery routinely provided. It may be beneficial to identify a list of the documents maintained by labs. If database document systems are to be used, issues of staffing and workload impact need to be addressed.

Based on discussions, a revised script will be disseminated the week following the meeting, with the final version settled at the September meeting. In September, the Task Force will also discuss the basic structure for the lab visit reports.

Next Meeting

The next meeting will take place in Los Angeles on September 4, 2008. It will be hosted by the Orange County Sheriff or the Los Angeles SO/PD, to be determined.

Meeting adjourned at 2:55 p.m.