California Association of Criminalists

May 26, 2010

Position Statement Regarding Statewide Forensic Science Oversight

The California Association of Criminalists (CAC) is a professional association of public and private criminalists with a history of over 55 years. Although the overwhelming majority of members are from California, our membership includes scientists in 21 states and three countries. The CAC supports research, training, and continuing education through its A. Reed and Virginia McLaughlin Endowment. Our members include educators who have been instrumental in setting curricula and providing instruction at undergraduate and graduate programs in forensic science at California public and private universities and colleges. The CAC supports certification of criminalists and was the first group in the nation to create a certification test for criminalists, an effort which led to the present American Board of Criminalistics certification. The CAC has a code of ethics that has served as a model for other professional associations in forensic science.

The California Association of Criminalists wishes to express its gratitude to the members of the Crime Laboratory Review Task Force for their work reviewing the status of forensic science in California and detailing their results and recommendations in their report last November.

The Task Force reviewed the topic of "Statewide Forensic Science Oversight" in Chapter 6 of their report. While consideration of this topic is understandable, the Task Force admits that this was not included in their mandate; it is not present in AB1079, nor is it included in their mission statement. Since the beginning of this year, the Task Force has continued to meet to consider the composition, funding, organization, staffing, functions and reporting requirements of a proposed advisory body for forensic science in California. The Task Force has not yet defined the core function of a state forensic science body. Options which have been discussed include an advisory role with no regulatory powers, an oversight body with regulatory powers, a body to track and/or investigate allegations of serious negligence or misconduct, or a combination of these options.

The California Association of Criminalists recommends that the on-going efforts of the Crime Laboratory Review Task Force toward the creation of an oversight body with regulatory and/or investigatory functions be suspended for the following reasons:

1. The creation of such an oversight body was not a part of the mandate of the Task Force.
2. The state's oversight of forensic alcohol through the California Department of Public Health (CDPH) has not been effective or useful, nor has it been responsive to the community or to technological advances. The CAC has concerns that such an oversight body will be, or will evolve to a system similar to CDPH oversight.
3. The White House, through the National Science and Technology Council, Committee on Science, has established a Subcommittee on Forensic Science (SoFS), to address the same issues that the Task Force is currently investigating. The CAC is currently working with the SoFS, and it is possible that the work of the SoFS may lead to federal oversight that may be a duplication of proposed state oversight or may actually be in conflict with some of the proposed state oversight.

4. Congress is in the process of drafting legislation which, if passed, will create a federal Forensic Science Commission (FSC). The FSC will be tasked with establishing national standards for the delivery of forensic science services. The oversight provided by the FSC may be a duplication of proposed state oversight or may actually be in conflict with some of the proposed state oversight.
5. The CAC is concerned that an insufficiently funded oversight body will not serve the needs of any of the stakeholders in forensic science and that the creation of a state oversight body that duplicates federal oversight would not be in the interest of the taxpayers of California. The current financial situation of the State of California is grim and it is unlikely that sufficient money would be available to create and effectively support a state oversight body.

The CAC supports the creation of a non-regulatory advisory body that would serve as a liaison between the forensic science community and California State Legislature to ensure that future legislation impacting forensic science is realistic, fully funded, and meets the goal of the Task Force to improve the delivery of forensic science services in California.

The CAC thanks the Task Force for their work and consideration of our position on this matter.

For any questions or further information, please feel free to contact:

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