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Assembly Budget Committee, Robert Blumenfield, Chair - (Room 6011)
Senate Budget Committee, Denise Ducheny, Chair - (Room 5035)
Assembly Public Safety Committee, Tom Ammiano, Chair - (Room 2175)
Senate Public Safety Committee, Mark Leno, Chair - (Room 4061)
Senate Pro Tem, Darrell Steinberg - (Room 205)
Speaker, John A. Perez - (Room 219)
State Capitol
Sacramento, CA 95814

Jennifer Osborn, Principal Program Budget Analyst
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Re: California Crime Laboratory Review Task Force

In October 2007 the Legislature created the California Crime Laboratory Review Task Force to “review and make recommendations as to how best to configure, fund, and improve the delivery of state and local crime laboratory services in the future.” (Pen. Code, § 1106(c).) The membership drew from a wide range of participants and stakeholders in the criminal justice system, including prosecutors, defense counsel, crime lab directors, criminalists, the judicial council, and educators. The Attorney General was ordered to establish and chair the Task Force.

Beginning in December 2007 the Task Force met once a month. We conducted a comprehensive survey of California’s state, county, and local crime labs, consulted with experts from across the country, and heard presentations on many issues pertaining to the operation and management of government crime labs. Interested stakeholders and members of the public regularly attended the meetings. Our final report, *An Examination of Forensic Science in California*, was completed in November 2009 and submitted to the Legislature in early December. It provides an in-depth snapshot of the current conditions of government-funded forensic science services in California and recommends steps that state and local policymakers can undertake to correct perceived deficiencies while continuing to support the achievements of the labs. Despite our diverse backgrounds and sometimes sharp differences of opinion, the

members unanimously agreed upon the recommendations. With the completion of our report the Task Force fully satisfied its statutory mandate.

Throughout our deliberations the Task Force repeatedly debated the potential advantages and disadvantages of creating a permanent statewide advisory or regulatory body related to forensic science services. There was no consensus among the members as to what shape that body should take, what its composition or responsibilities should be, or even what to call it. The issues relating to statewide forensic oversight were discussed in Chapter 6 of the report, which also included a summary of existing entities in other states. Although we recommended that “California should establish a statewide body to consider issues related to forensic science” (Report at 91), we also recognized that the issue was not expressly included in, and therefore supplemental to, the Task Force’s mandate. Accordingly, and although the Task Force had arguably ceased to exist with the filing of its report, the members unanimously agreed to continue deliberating for up to one more year about potential approaches to statewide forensic science coordination. Although not specifically authorized, there were no objections from the Legislature to our proposed continuation.

The Task Force met again in February and April 2010. We heard additional presentations on existing procedures for laboratory accreditation and assigned members to more fully explore some of the existing statewide bodies with the goal of preparing a further report and recommendations by the end of the year.

As these discussions continued related events were occurring on a national level. In February 2009, a few months before the Task Force report was released, the National Academy of Sciences’ (NAS) National Research Council released its long-awaited report on forensic science, *Strengthening Forensic Science in the United States: A Path Forward*. This publication generated widespread debate and discussion and was referenced throughout our report. Among the recommendations in the NAS report was the creation of a National Institute of Forensic Science. The Senate Judiciary Committee is in the process of drafting legislation to create a similarly designed Forensic Science Commission. In addition, the President’s Office of Science and Technology Policy, through the National Science and Technology Council, has created interagency working groups to discuss and plan a coordinated national approach to the delivery of forensic services and operation of crime labs. In light of these developments, the California Association of Crime Laboratory Directors (CACLD) and the California Association of Criminalists (CAC) issued position papers in May opposing continued discussions of forensic science oversight in California until a federal response becomes clearer. Specifically, both organizations expressed concerns about the possibility of conflicts and redundancy with Congressional mandates or a national commission. (Copies of both position statements are attached.)

At its regularly scheduled June 3, 2010, meeting, and pursuant to that meeting’s published agenda, the Task Force considered the CACLD and CAC position papers. The two position papers had been circulated to Task Force members prior to the meeting. After lengthy discussion of the issues raised by the papers as well as some of the approaches taken by other states, a motion was introduced to suspend future meetings and activities and to request legislative authorization to reconvene in 2011 in order to assess federal efforts on forensic

science oversight. The motion passed by a vote of 6-3, and the Task Force has accordingly suspended its activities. We did not, as some press reports have erroneously asserted, disband.

There is, nonetheless, some question about the continued existence of the Task Force. We voluntarily decided to work beyond the statutory deadline on an issue not included in the statutory mandate. We did so without objection from the Legislature, but also without express authorization. It is my intention to reconvene the Task Force in mid-2011 unless advised otherwise, but the Legislature may wish to consider specifically approving this action.

After the vote to suspend the Task Force meetings I advised the members that my written update to the Legislature could include comments submitted separately by other members. Accordingly, attached is a statement from Task Force member Barry Fisher, a statement signed by four members who disagree with the current process, and a statement on behalf of CAC and CACLD. This letter and accompanying documents will be posted on the Attorney General's public website, as was the report and other Task Force documents.

Speaking only for myself and not on behalf of the Task Force, I believe that an ongoing dialogue among the various stakeholders about issues pertaining to forensic science and government crime labs is of great value. Whether those discussions should be in the context of the Task Force, or through the auspices of a policy forum sponsored by an existing forensic science organization such as the California Association of Crime Laboratory Directors, remains to be seen. Although the Task Force reached consensus on the issues it was instructed to consider, the statement of the four dissenting members suggests that such agreement may be harder, if not impossible, to reach on the question of ongoing statewide oversight, review, or supervision of crime labs. The difficulty of the task ahead does not, however, diminish its importance.

Forensic science is a crucial tool for solving crimes, convicting the guilty, protecting the innocent, and exonerating those who may have been wrongfully convicted. The dedicated staffs of state, county, and local crime labs of California are entitled to and deserve our respect and gratitude. The Task Force report pointed out areas in which crime labs can better meet their clients' needs and continue to provide the highest level of forensic services to the citizens of the state. We remain hopeful that the report will be of assistance when considering state or local legislation in this area.

Sincerely,

DANE R. GILLETTE
Chief Assistant Attorney General

For EDMUND G. BROWN JR.
Attorney General