

CALIFORNIA COMMISSION ON THE FAIR ADMINISTRATION OF JUSTICE

Focus Questions for Hearing on Forensic Science Issues.

On Wednesday, January 10, 2007, from 9:30 a.m. to 12:30 p.m., the California Commission on the Fair Administration of Justice will convene a public hearing on issues surrounding the availability and reliability of forensic scientific evidence in California criminal investigations and trials. The hearing will take place in Hearing Room 4203 of the State Capitol Building in Sacramento, California.

The Commission has met with Barry Fisher, Director of the Crime Laboratory for the Los Angeles County Sheriff Department, and Lance Gima, the Chief of the Bureau of Forensic Services for the California Department of Justice, to familiarize itself with the challenges currently facing forensic laboratories in California. The Commission has reviewed reports of a number of controversies surrounding the use of questionable scientific evidence, both in California and around the country. The Commissioners have read the 2004 recommendations of the American Bar Association Ad Hoc Innocence Committee regarding Forensic Evidence issues, as well as the 2004 Report to Congress by the National Institute of Justice regarding the Status and Needs of Forensic Science Service Providers. It is readily apparent that the issues we are addressing are not confined to California. Rather than issue tentative recommendations at this time, the Commission would like to focus the public hearing on the following questions, of particular relevance to California:

1. What steps must be taken to reduce the current backlog of untested DNA samples taken from convicted felons pursuant to Proposition 69, enacted in 2004? The backlog will grow dramatically in 2009 when all those arrested for felonies will be required to provide DNA samples. There are currently approximately 225,000 untested samples, and the expansion of the program to felony arrests creates a potential for over 500,000 more samples per year being added. The California Department of Justice DNA Laboratory currently has approximately 34 unfilled vacancies for criminalists, and outsourcing to private laboratories is limited by the FBI requirement that only public laboratories may enter DNA data into CODIS, the national database.
2. Although California law provides for post-conviction DNA testing to be ordered by a Court, California Innocence Projects report mixed results in

- obtaining the cooperation of police and prosecutorial agencies in locating and identifying evidence which might be available for testing. What steps should be taken to encourage greater cooperation in the evaluation of post conviction claims of innocence?
3. Should statewide standards for the accreditation of forensic laboratories and the certification of criminalists be established? Should a state commission on forensic science be established in California, similar to the New York State Commission on Forensic Science? See: <http://www.criminaljustice.state.ny.us/forensic/aboutofs.htm>.
 4. Are California judges, prosecutors and defense lawyers adequately trained with regard to the use of forensic evidence in the criminal justice system?
 5. Are California criminal defendants given sufficient access to experts in forensic evidence and testing in crime labs to assure the fairness of their trials?
 6. Is the forensic delivery system in California supported at an adequate level to provide accurate and timely testing results?
 7. Are California educational opportunities sufficient to supply future needs for fully trained forensic criminalists in California? Is adequate continuing education available to ensure that forensic science personnel are up-to-date in their fields of expertise?