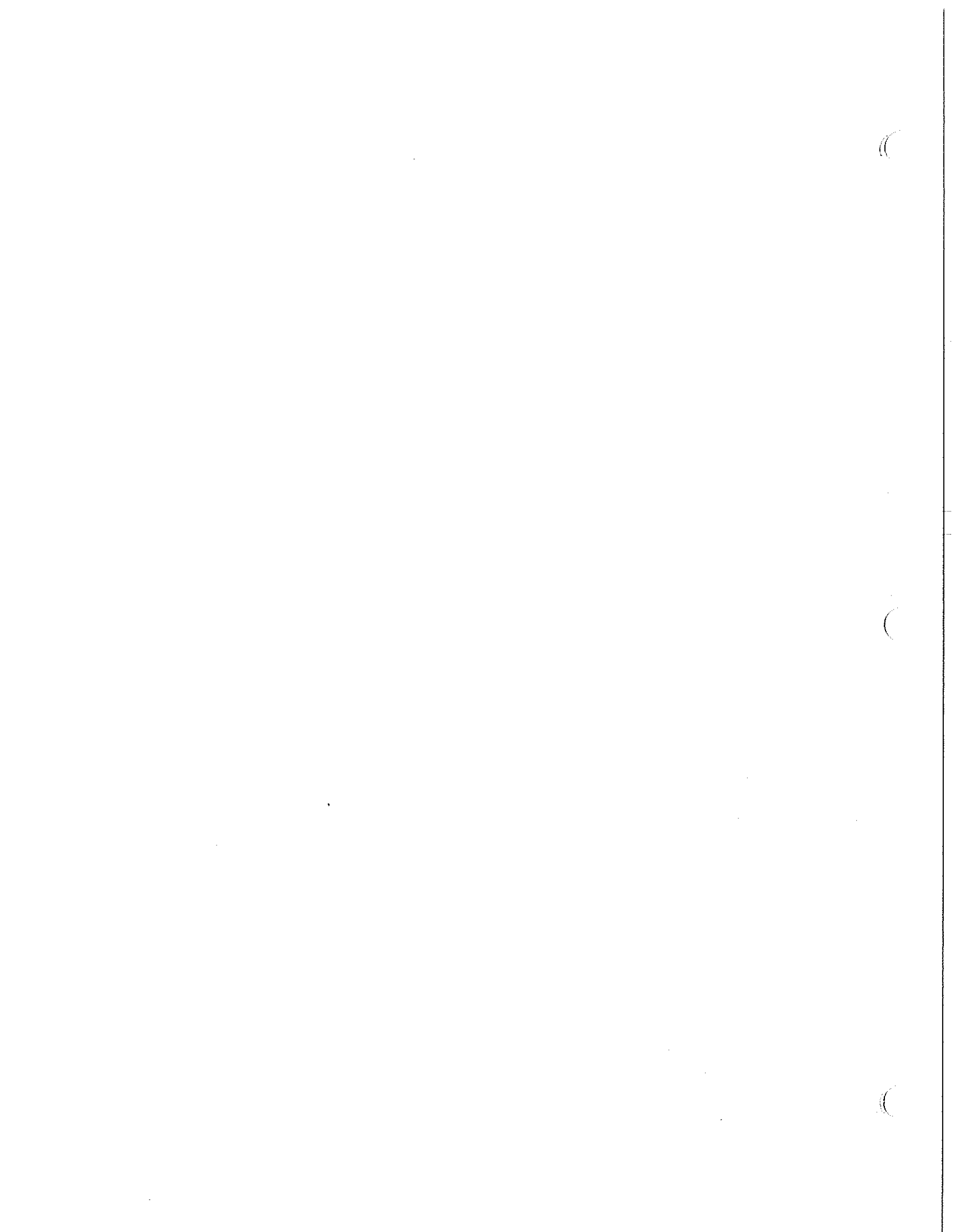


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From: "William C. Thompson" <wcthoms@uci.edu>
To: <guelmen@scu.edu>
Date: 12/12/2006 9:40:30 AM
Subject: Hearing on Forensic Science

Dear Professor Uelmen,

I would like to speak to the Commission on the Fair Administration of Justice about some concerns I have regarding the reliability of forensic science in California. I am a professor and Chair of the Department of Criminology, Law & Society at UC Irvine (my CV is attached). You may recall that we both served as co-counsel on a criminal trial in Los Angeles a few years ago.

I have written extensively about forensic science, particularly DNA testing, and have played a role in exposing crime laboratory problems in a number of jurisdictions. For example, it was my work with investigative reporters in Houston that first exposed the serious problems with the Houston Police Department Crime Laboratory. I personally discovered the error in forensic DNA testing that falsely incriminated a Houston man named Josiah Sutton, who was the first exoneree in the Houston scandal. I have also played a role in exposing crime laboratory problems in Washington, Virginia and Australia. I was the Reporter for the American Bar Association Study Group on DNA Evidence and was a member of the ABA Taskforce that drafted the recently approved national standards on DNA evidence.

If given the opportunity, I will speak to several of the issues on your list of focus questions for the January 10th hearing. In particular, I would like to speak to the need for externally administered proficiency testing and the need for "blind" interpretation of forensic test results. I will be happy to present examples of botched work by forensic laboratories in California to illustrate the need for greater rigor in these areas. I have attached an article from The Champion on errors in forensic DNA testing that will give you an idea of my perspective on the problem of laboratory error and an article from California Law Review that explains the need for "blind" testing procedures in forensic science. If given the opportunity, I will explain to the Commission that forensic scientists have failed to adopt adequately rigorous procedures in these areas and therefore that outside supervision by a state-level commission would be helpful (Focus Issue #3).

I would also like to comment on focus issue #5--whether criminal defendants in California have received adequate expert support and adequate access to forensic evidence. I am particularly concerned about the secrecy and lack of transparency of the state offender DNA database. I believe there is no persuasive privacy interest or other state interest to justify the current restrictions on defendant's access to the database and that those restrictions unfairly interfere with due process. Again, I will happily give examples from California cases.

Thank you for considering this request to include me on the Commission's agenda for the January 10th hearing. If the Commission does not have time to hear my comments in person, I will be happy to submit written materials for the Commission's consideration. Just let me know where (and to whom) I should send those materials.

Sincerely,

Bill Thompson

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