

From: Jerry Uelmen
To: Fitzpatrick, Frank
Date: 1/5/2007 1:20:00 PM
Subject: Re: Commission on Fair Admin of Justice - Upcoming Hearing

Dear Mr. Fitzpatrick:

Thank you for your thoughtful comments on the questions being addressed by the Commission at the Sacramento hearing next Wednesday. Your comments will be circulated to the Commissioners and posted on the Commission's Website. We deeply appreciate your advice.

Sincerely,

Gerald F. Uelmen,

Executive Director,

California Commission on the Fair Administration of Justice

>>> "Frank Fitzpatrick" <frankfitz@cox.net> 1/5/2007 12:49 PM >>>

I would like to offer some perspective concerning the focus questions for the upcoming hearing on the availability and reliability of forensic evidence.

I retired after 30 years from the Orange County Sheriff-Coroner Department as Director of Forensic Science Services Division. I was president of the American Society of Crime Laboratory Directors as well as the president of the California Association of Crime Laboratory Directors. I am past chair of the ASCLD/Laboratory Accreditation Board and currently I am a management consultant in the area of quality assurance for forensic science providers.

I would like to address several of the focus questions which are pertinent to my area of expertise.

Should statewide standards for accreditation of forensic laboratories and certification of criminalists be established?

The success of the New York model of a "Commission" rests with the carrot and stick approach. Accreditation is not just "required"; rather, state funds are available to help an agency maintain accreditation. Any mandatory requirement for accreditation should include some funding component.

The deficiency in the New York model is that it limits mandatory accreditation to traditional forensic laboratories only. Forensic science providers in California, as well as throughout the United States, are more than DNA laboratories. Latent Print service providers may or may not be associated with traditional forensic laboratories, yet provide results to the criminal justice system as definitive as DNA results. Latent print analysis providers are often standalone units in police agencies throughout California yet are not required to have any external review.

Any accreditation proposal should include all forensic science providers, be it latent prints, digital evidence or crime scene investigation.

Any certification requirement should not be limited to criminalists. Certification programs exist for all forensic science practitioners. However, a vigorous accreditation program obviates the need for certification since a review of the competency and proficiency of practitioners is a part of ISO accreditation programs.

Is the forensic delivery system in California supported at an adequate level to provide accurate, timely testing results?

Despite federal grant funding, DNA cases and database samples continue to be backlogged in the state. DNA analysis is requested in many cases because the visibility of DNA is high on the horizon. A basic principle in forensic science is that success begets success. Timely, successful DNA analysis begets more cases - this is the case for DNA, and all forensic disciplines. As case submissions increase, the timeliness of these results will decrease.

Just as definitive as DNA, however, latent prints are just as an important of an evidence type. While good data doesn't exist, anecdotal information indicates that backlogs approaching six to nine months are not unusual. Yet there is not an outrage at these backlogs. This is curious since fingerprint databases- locally, statewide and federally- are hundreds of times larger than DNA databases. Indeed in a recent revelation that Oakland Police Department can no longer analyze latent prints because of inadequate staffing, the OPD spokesman was hardly alarmed.

The lack of timely latent print analysis, which fails to identify suspects, allows these perpetrators to continue to victimize California citizens. This problem will continue since there is no statewide, or national, effort to insure that an adequate supply of trained, competent latent print examiners exists.

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?

The California Criminalistics Institute is a model for educational opportunity for criminalists and some other forensic disciplines. It's funding, however, needs to be stable and adequate to meet the needs of all forensic practitioners, not just criminalists. Substantial POST funding should be available to provide agencies with funding to backfill positions for practitioners who are undergoing training.

Funding should also be available for an "academy" type training program for latent print analysts since this training is not typically available in academic training.

Thank you for this opportunity to bring these issues to your attention. I applaud your Commission and wish you success in your endeavors.

Frank Fitzpatrick