

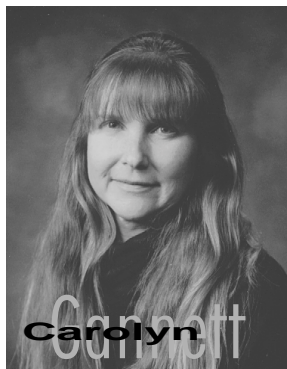
The CACNews

News of the California Association of Criminalists • Second Quarter 1998



The President's Desk

As the TWG is Bent, So Grows the Profession



A Technical Working Group (TWG) is a group of individuals from labs throughout a region, be it the US, Europe, or the world. Although each may determine precisely what their mission is, in general their purpose is to develop minimum standards in their area of expertise within the Forensic Science community.

TWG's first came into existence approximately 10 years ago when TWGDAM (DNA Analysis Methods) was formed by the FBI. Although any organization or individual may form a TWG, the FBI and NIJ can be credited with taking the initiative to implement and administer most of the TWG's in the United States.

Here is a rundown of the TWG's of which I am currently aware. Apologies are extended to any I may have missed. **TWGBAAM Bomb and Arson Analytical Methods**. Funded by: NIJ, ATF, and FBI. Administered by: National Center for Forensic Science in Orlando, FL. Inception: August 1997. **TWGDAM DNA Analysis Methods**. Funded and administered by: FBI. Inception: 1989. **TWGDOC Document Examination**. Funded by: FBI. Inception: 1997. **TWGDRUG Drug Analysis**. Funded by: Office of National Drug Control Policy (ONDCP), administered by DEA. Representatives are from laboratories throughout the world. Inception: September, 1997. **TWGEAST Friction ridge Analysis, Study and Technology**. Funded by: FBI. Inception: June, 1995. **TWGMAT MATERIALS Examination**. Subgroups: Paint, Fiber, Glass, Hair. Funded by: FBI. Inception: 1992. **TWGDIE Death Investigation**. Funded by: NIJ. Inception: 1994. Published "National Guidelines for Death Investigations," to be released soon with a "How-To" CD.

NIJ is funding a group to work on developing guidelines for crime scene processing.

There is also the European Network of Forensic Science Institutes (ENFSI) founded in 1995. This organization has begun development of working groups and committees within Europe.

Most forensic scientists would agree that development of minimum standards is a desirable and necessary thing. Now that the forensic science community has had almost a decade of experience developing and putting into practice the concept of a TWG, it is a good time to step back and reflect. How well is it working? Are there any areas the community feels we should concentrate on improving?

On December 9, 1997 a meeting was held in Chicago to discuss these questions. It was attended by representatives from; AAFS/Criminalistics, ASCLD and CACLD, ASCLD/LAB, ASQDE,

CAC, CLIC, FBI, IAI, MAFS, NEAFS, NIJ, NWAFFS, SAFFS, and SWAFFS. Those present came to a consensus on areas of concern and developed the following list of suggestions.

REPRESENTATION

- Membership in each TWG should be representative of its discipline with respect to: type of laboratory (local, state, federal or private); geographic location; size of laboratory and level within the lab (practitioner and management). Regional, national and international professional organizations may be used to solicit members.
- Members should have current subject-specific expertise.
- Members should have an open mind.
- Members and their laboratory managers should be willing to commit the time and resources necessary to fulfill responsibilities of membership (i.e. bench or administrative time; phones; postage; copiers; clerical assistance).
- The size of a TWG should be manageable. The number of people supported for membership/travel may be determined by sponsoring organization. Consideration may be given to a two-tiered membership. The first tier might be those who attend meetings, donate time to projects, construct and edit drafts of documents and vote. The second tier's participation might be limited to editing drafts of documents and voting.

COMMUNICATION

To assist in the following Dick Rau offers a home page for TWG's on the NIJ system. They can use it to publish information or to link to another site where information can be found. It is important that information get to the practitioners rapidly and that coverage include people who can not be active members, but who have something to contribute.

Electronic Communication

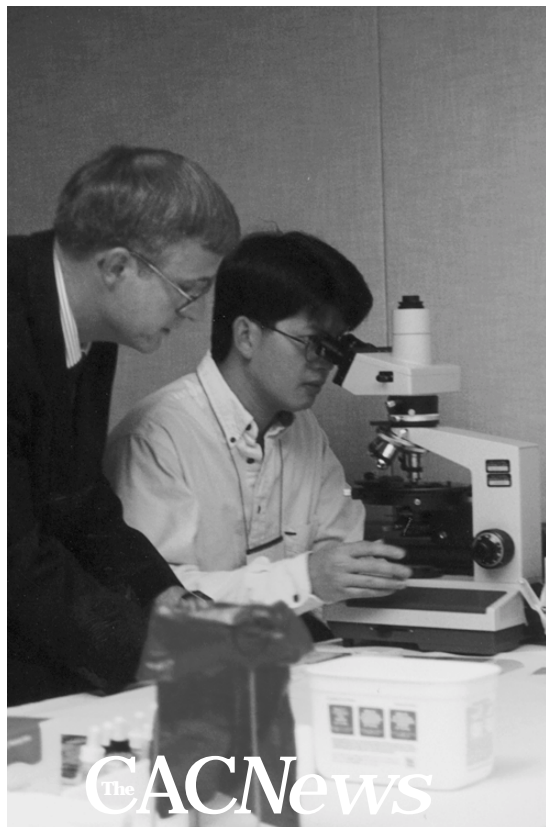
- Publish tentative agendas before meetings and solicit input for additional agenda items.
- Publish minutes within 30 days.
- Publish draft and final documents within 30 days after the document is produced.
- Each entry on a web page should include the name of a contact person. All inquiries concerning a document should be addressed to the person who serves as a conduit between the forensic community and the TWG. The contact's name may be a hyperlink to an e-mail address.

Nonelectronic communication

- Members should be held responsible for reporting back to their professional associations.
- Information should be disseminated through association newsletters; and presentations could be made at regional and national meetings.
- Any documents disseminated should contain the name

Second Quarter 1998

C O N T E N T S



P U B L I C A T I O N S T A F F

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On the cover...

Edwin L. Jones, Jr. demonstrates the analysis of sexual assault evidence to Yeung Kung at the recent meeting of the American Academy in San Francisco.

The CACNews is published Quarterly (January, April, July, and October) by the California Association of Criminalists, a private foundation dedicated to the furtherance of forensic science in both the public and private sectors. Please direct editorial correspondence to the Editorial Secretary.
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NOTICE: The use of the CAC logo is restricted to official communications and by other authorization of the CAC Board.

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Insider Report

New Hires

San Bernardino Sheriff: Monica Hoops, Dennis Key and Mike Maccoca as Criminalists I (Narcotics). *Washoe County Sheriff:* Diane Bowman from Oakland, Kevin Lattyak from New Mexico State Police, Jeff Riolo from the University of Nevada. *Long Beach Police Department:* Greg Gossage as a Criminalist I. *Contra Costa County:* David Stockwell, Sherrie Post and Jason Kwast. *Orange County Sheriff-Coroner:* Mehul Anjana, Tony Casper, Ed Mann, Merrick Myers, Michelle Stevens and Frank Yancy

Promotions

San Bernardino Sheriff: Daniel Gregonis, Technical Leader of DNA. *Long Beach Police Department:* Troy Ward to Criminalist II. *Orange County Sheriff-Coroner:* Margaret Kuo to Deputy Director and Nathan Cross to Assistant Director.

Transfers

San Bernardino Sheriff: Craig Ogino to Quality Assurance Officer. Ron Nichols to Forensic Analytical Spec., Inc.

Resignations

San Bernardino Sheriff: Dave Stockwell, 1-98 to work for Contra Costa. *Washoe County Sheriff:* Berch Henry to Alabama Dept. of Forensic Science.

Retirements

Los Angeles Police Department: Ed Mann (hired by Orange County), Sam Bassett

Misc good news department:

Fresno County Sheriff's Criminalistics Laboratory is looking forward to a move from their current 2000 square foot facility to a new 11,000 square foot laboratory to occur July 1, 1998.

San Bernardino Sheriff's: Congratulations to Dan Gregonis and Don Jones on the completion of their Master's in Biology.

Long Beach Police Department: Laboratory Director Steve Frich was selected as Department Employee of the Year.

Huntington Beach Police Department reported that they had not many, but a few, sometimes one or maybe two, could be a lot or a little, but usually none at all (?).

CAC Minutes Short-Form Proposal

Providing the minutes of the CAC Board of Director's meetings has evolved considerably. My predecessors have established an exemplary record of detailed and thorough compilations of the activities and reports of each director's meeting. These minutes serve a necessary purpose in recording important policies and procedures as decided by each board as well as preserving the history of decisions and activities. Unfortunately, this has also led to the minutes becoming so lengthy that most members polled said that they do not read them.

It has been past procedure for the recording secretary to send each CAC member a copy of each set of minutes. The reproduction and mailing cost for the last set of minutes sent to each member exceeded \$1000. Therefore, eliminating four individual mailings will save the CAC as much as \$4000 per year. In light of the increasing costs of this service and the fact that most members do not seem to want a personal copy of the minutes, the Board of Directors has researched this issue and come up with the following. While there is a requirement that the minutes be taken, there does not appear to be any bylaw requiring that each member receive a copy of the minutes. The cost of reproducing and sending so many copies has become prohibitive and these monies might be

better spent or saved for other projects or for keeping the dues down. Therefore, the following motion was passed by the Board on August 11, 1997:

MOTION: That beginning with the minutes of the May 27, 1997 Board of Directors meeting, there will be a short form of minutes in the CACNews along with a statement that any member requesting a full set of minutes may contact the recording secretary to have a set mailed directly to them. A write-up of this policy will be distributed in the CACNews informing the membership of the change and how they can get a copy of the minutes.

The full minutes of each Board of Directors meeting will continue to be taken and permanently documented as before. These minutes are available to any member upon request and may be ordered singly or as an ongoing subscription wherein the member will be put on a mailing list to automatically be sent a copy of each set of minutes as they are approved. Each issue of the CACNews will contain a detachable mailing card which can be filled out and sent to the current recording secretary.

The CAC Board of Directors hopes that this will be a means of conserving valuable CAC resources while providing for those members who value receiving each set of minutes.

Laurie E. Rawlinson,
Recording Secretary

IAFS Coming to LA

The world comes to Los Angeles in August, 1999 when the International Association of Forensic Sciences holds their tri-annual meeting on the campus of UCLA. Contact Barry Fisher (213) 974.4510 or bajfisher@earthlink.net for more information.

John Houde, your CACNews Art Director, hard at work on this exciting issue, deep within the confines of Calico Press, LLC.



Web Digest

Northwest Fire Classes

The Northwest Association of Forensic Scientists is hosting the NFSTC Advanced Fire Debris Course in conjunction with our spring meeting. The dates for the NFSTC Advanced Fire Debris Course will be Sunday May 3, 1998 to Wednesday May 6, 1998. Rooms have been set aside for hotel accommodations at The Benson Hotel, Portland, Oregon. The number at the hotel is (503)-228-2000. The room rate for the class is \$109/night, (single or double). This rate is good from the Saturday before the class to the Sunday after the class. This is an extensive 4-day workshop that will include many hands-on practical exercises, including MS data interpretation, adsorption theory, ASTM classification, and analysis protocols. Classes are scheduled to run from 8 a.m. - 5 p.m. Sunday through Wednesday and at least one night session can be expected. Lunches will be provided. The fee for the class is \$550.00. For registration information call Dave Earl at 813-341-4497. For information on the class contact Kevin Lothridge at 813-582-6810. For information about the NWAFS Meeting or local arrangements contact Tom Barnes at 503-229-5017.

RCMP Course Offerings

The Royal Canadian Mounted Police (RCMP) and Carleton University extend an invitation for you to attend courses in the inaugural session of the Summer Institute of Forensic Sciences (SIFS). This unique program of study, offered for the first time in Canada, combines the internationally recognized expertise of the RCMP with the facilities and resources for scientific teaching and research of Carleton University.

The Summer Institute of Forensic Sciences Brochure Introduction Course Descriptions Instructor Profiles Registration Information

WHO SHOULD ATTEND:

* forensic scientists, pathologists, peace officers, members of the legal community * courses offered will include studies of interest to police identification officers, crime scene investigators and lawyers

COURSES INCLUDE:

* Introduction to Forensic Toxicology, June 20-21 (\$450 CDN) * Forensic Hair Examination, July 6-10 (\$975 CDN) * Internal Auditing for Forensic Laboratories, July 6-8 (\$875 CDN) * Forensic Wound Ballistics, July 20-21 (\$755 CDN) * Bloodstain Pattern Recognition, June 22-26 (\$975 CDN) * Recovery and Analysis of Human Skeletal Remains, June 15 - 19 (\$975 CDN) * Forensic Entomology, June 19 (\$250 CDN) * Forensic Odontology, July 13-15 (\$935 CDN) * Chemical and Fluorescent Techniques for the Recovery of Fingerprint and Trace Evidence, June 10- 12 (\$725 CDN) * Facial Identification, June 8-12 (\$950 CDN) * Application of DNA STR Analysis in Forensic Science, June 22-25 (\$850 CDN) * Forensic Aspects of Alcohol, June 1999 (tba)

THE INSTRUCTORS:

* experts in their fields from the RCMP's Directorate of Laboratory Services, The Canadian Police College and the private sector.

FOR MORE INFORMATION CONTACT:

School of Continuing Education
Carleton University 302 Robertson Hall
1125 Colonel By Drive Ottawa, Ontario
Canada K1S 5B6 Tel: (613) 520-3500 Fax:
(613) 520-4456 Email: conted@carleton.ca
or visit <http://www.carleton.ca/prinfo/forens>

Criminalist I

Salary range: 3406—4119

Santa Clara County District Attorney's Crime Laboratory has openings for criminalists. Application deadline is continuous. For information please contact Benny Del Re at (408) 299-2220 or e-mail: bdelre@crime.lab.co.santa-clara.ca.us

NWAFS Meeting Set

The Northwest Association of Forensic Scientists has scheduled its Spring 1998 Meeting in Portland, Oregon. The

dates are May 4 through May 8, 1998. The Oregon State Police Portland Forensic Laboratory is hosting the seminar and workshops.

Workshops will tentatively include: digital imaging, solid phase extractions, pyrolysis gas chromatography, advanced arson analysis, forensic anthropology / scattered remains, laboratory information management systems, underwater death investigations, digital imaging, DNA (TWGDAM / DAB users' group meeting, population statistics, STR typing), and time management.

ABC Certification Examinations will be held in the General and Specialty categories.

If you would like to present a paper, please contact Beth Carpenter. If you have additional ideas for workshops, please contact Tom Barnes.

The meeting will be held at the historic and elegant Benson Hotel, in downtown Portland. A block of rooms has been reserved at \$109 per night single/double.


Portland offers many attractions for attendees and their accompanying non-member: theater, concerts, night-life, parks, scenery, museums, the Zoo, shopping, movies, dining. The area surrounding the metropolis affords fabulous geographical attractions including the Columbia River Gorge, Mt. Hood, Mt. Bachelor, (spring skiing) and the Willamette Valley. Winery / brewery tours may be organized if interest is indicated. Please contact us at (503) 229-5017. Or, send e-mail to <deborah.newville@state.or.us>.

Ed Jones'

Face Game

Fictional Forensics

Ans. in back.





Quo Vadis? Building Your Career

When we received our undergraduate degree we did so because we fulfilled the requirements set forth by the university department of our particular science. We completed what they told us we needed to do in order to get that degree. Although we had some latitude during this process we by and large went along with their program.

Otherwise, no degree. Some of the latitude available to students was in selecting the instructor we wanted by signing up for the same course twice and then dropping like a hot potato if we got the professor from hell. We could also decide when to take that P.Chem class: In the spring or fall, morning or afternoon, or never at all (you lucky biology majors). Our college curriculum and goal was pretty much mapped out for us with some slight exceptions. Then one day we got our degree(s) and headed for the job market. After a long/short search we landed in this profession. I remember the day I started with the Department of Justice. My first thought was not: *This is the day I begin my new career.* Instead, my first thought was: *This is the day I begin a new job.* Another 8-5 job this time working in the crime lab. There is a world of difference between these two statements the significance of which I would not fully appreciate until almost 4 years later. In a previous editorials I said that I expected DOJ to contribute to my continuing education and career development. That was their job not mine.

Then I began to have a change of attitude. I got tired of doing blood alcohol and drug analysis. I wanted to do different things such as firearms, trace, serology etc. My challenge was in determining what curriculum I should employ to become more involved in my career. There was no set course of instruction, no mentor to show me the way. It was tough in the beginning. Taking whatever course came along that DOJ said I could attend and my laboratory manager letting me go, casework permitting. I went to study group meetings just because they were being held somewhere. In my seven years with DOJ I attended only 5 seminars. In the next 5 years, I attended 11 seminars. There was little direction being provided from the directors. Now, my question to you is this: Do you have a job or do you have a career? What's the difference, you ask. Well, a job is something you do to keep the wolf from the door. It gives you the opportunity to enjoy your life without a lot of the worries associated with being poor. It gives you the opportunity to buy a new car, a home, a trip to Peru, you get the picture. The one nice thing about a job is that at 5 p.m. you get to leave your job at work. Never having to worry, think, plan or wonder where you are going with it. Hey, it's just a job. Although a very good one, it's still just a job. On the other hand your career does not permit you to leave it at the door when 5 p.m. rolls around. You do worry, think, plan and wonder where you're headed. You try to picture yourself 5-10 years in the future and plan accordingly. There is nothing wrong about someone who views their profession as a job as long as they continue to do good work. It's a conscious decision, but in my opinion, not a great strategy. So if you see your profession as just a job you can skip over the rest of my soap box oratory and read another article in this issue.

For the career minded I would like to offer my encouragement and advice. I want to give you a strategy that will assist you in realizing your long term goals. **First:** Decide that you want a fulfilling career plan that will allow you to specialize in a particular area. Then look at the training options available to you. Training can be found through state universities, the California Criminalistics Institute, forensic seminar workshops and the CAC and other study group meetings. I've had the opportunity this past year to attend many study group and dinner meetings. One of the strategies I

developed early was to attend as many regional and international meetings as possible and mostly used personal resources to attend. These meetings included attendance at four regional associations, four national associations, and two international associations. In all I have attended 37 forensic seminars in my career. While these meetings were invaluable, I have found that the informal, small study group and dinner meetings provided a great deal more information and career advances than the larger more formal settings. The informal settings afforded me the opportunity to learn specific topics in a collegial atmosphere. There I felt free to ask questions I might feel hesitant to ask at a seminar. Don't wait for your agency to send you to a seminar or study group meeting. There's only so much money and time to go around. Besides, your agency doesn't owe you anything where your

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career is concerned. However, you owe it to yourself to pursue your professional growth. It's up to you. If you have to take vacation time and use your own resources to attend a seminar you believe vital to your career, make a personal commitment and go. Spending \$300-\$400 a year on your career is the best financial investment you'll ever make. Others who invest a great deal more might add, "Wouldn't it be great if it was only \$300-\$400."

Second: Decide what you want to do and where you want to go in this profession. Do you want to be the best at what you do at the bench level? Great! We all admire and appreciate that special "go to" person everyone looks up to when we're in a jam. Or maybe you want to be a supervisor because you have the talent

and desire to lead and inspire others or maybe you want to be the leader, to become the Laboratory Director. Maybe you want to teach and become an instructor. Whatever you wish to do, Plan your career and then follow your plan.

Third: Seek the council of others. Talk to people who are currently doing work in the area you're interested in pursuing. Get their advice and any information they are willing to share with you. Also, talk to your friends, family and peers. They are a great resource for determining the strategy you will employ as you continue to grow professionally. Find a mentor. It doesn't have to be someone who is in your profession. It could be an uncle, a colleague, a former professor or that favorite high school teacher you admired so much. Your mentor should have two important characteristics: First, that they want to be your mentor and second that they will have your best interest at heart. Sometimes the advice they give you won't seem like they do but that kick in the southern region may just be the thing you need to get moving in a particular direction. Motivation is just as good as perspiration. A lot nicer too.

In summary, chart your career, commence the training, invest in yourself and in time you will be doing precisely the work you want to do. See you in Monterey!



From the Reader

Advertising Pays

Editor:

Thank you for including our criminalist position opening in your publication. We had a good response, held interviews and now will hire. We have no other openings, so our announcement can be removed.

The Tulsa Police Department and I appreciate your kindness.

Carla M. Noziglia
Laboratory Director

DEA Requests Clandestine Literature

The Special Testing and Research Laboratory in McLean, VA, is initiating the CLIPPERS project (Clandestine Laboratory Image and Publication Retrieval System), a computerized, searchable database of clandestine drug literature and images and related information which will be accessible on-line to law enforcement personnel. The primary purpose of this project is to assist investigators and forensic chemists with the identification of clandestine laboratory notes, in order to help establish probable cause, aid in the assessment of clandestine laboratory operations, and assist in the prosecution of clandestine laboratory operators.

This system will be similar to the AIRSTED Program for explosives literature. Any investigator or forensic chemist with a computer will be able to directly link on-line to the CLIPPERS program to conduct comparative searches of seized clandestine laboratory notes against a comprehensive database of clandestine drug literature. (Access will be password controlled.) Searches may be entered either by typing a few keywords or sentences from the seized notes or via scanner. Successful search results will include the citations of the probable sources from which the clandestine notes derived, a full copy of the closest probable source (by default, or other sources by keyed request), photos/schematics of similar labs (if available) and safety alerts/MSDS's or similar data (also if available). Successful search results will forensic chemists to immediately debunk the common claim by clandestine laboratory operators that they were producing non-controlled substances.

We are requesting the assistance of the entire forensic community, in acquiring excellent to mint condition copies of drug manufacturing literature, including books, scientific literature, internet print-offs, electronic files, typed or handwritten recipes, figures and schematic diagrams, and photos. Please note that the actual books are preferred; photocopies are less desirable due to increased error rates during scanning. We are asking for direct donation of all materials; however, items will be returned upon request.

The acquisition of older editions of "underground" publications which are no longer in press or available through commercial sources will be extremely important. If you have two or more copies of an item, please send the best copy in order to ensure successful scanning. In subsequent updates to this general solicitation, we will publish current lists of "already acquired" and "still needed" materials. All items should be mailed to: "The Clippers Project", DEA/Special Testing and Research Laboratory, 7700 Old Springhouse Road, McLean, VA, 22102-3494.

Questions should be directed to the Special Testing and Research Laboratory, at 703 285-2583. Thank you for your assistance.

Already Acquired: *The Anarchist's Cookbook*, 2nd Edition; *Growing the Hallucinogens*, 1991 Printing, Hudson Grubber; *Growing Wild Mushrooms*, Revised Edition, 1989 Printing, Bob Harris; *Peyote - The Divine Cactus*, 1980, Edward F. Anderson; *Psychedelic Chemistry*, 1981 Printing, Michael Valentine Smith; *Recreational Drugs*, 1989 Printing, "Professor Buzz;" *Secrets of Methamphetamine Manufacture*, both 3rd and 4th Eds., "Uncle Fester.

Quality Assured

QUALITY ASSURANCE SURVEY TEAM

Things are happening in QA! The Southern Section is starting a QA study group at the next CAC dinner meeting. QA is not just for accredited labs. It affects all of us and every lab should attend these study groups. Keep an eye out for the spring CAC dinner meeting announcement. The CAC president, Carolyn Gannett, is also calling the Northern section to get a group started there. The content of this column has taken definite shape. I will be operating a round-table discussion with a team of various Forensic Science experts. Participants include Jim White (OCSO), Carolyn Gannett (SDSO), Ed Blake (Forensic Science Associates), Pete Barnett (Forensic Science Associates), Henry Lee (Connecticut State Lab), Pete DeForest (New York). This survey team covers public and private (local to State agencies), with coast to coast representation. There may be others that join the survey team from time to time. I will pose a question to the team, and correlate their answers into a hopefully coherent viewpoint.

QA. vs. EFFICIENCY

The heart of this particular column comes from a conversation I had with a colleague from Los Angeles. I happened to mention QA and efficiency in the same sentence. My colleague scoffed, and then asked, "Aren't they mutually exclusive?" I have also given presentations to labs just starting, or already in the accreditation process and have been asked a similar question: Doesn't accreditation just mean less casework? I asked the survey team to consider this issue and here is their response.

The feelings on QA were very strong. It is a vital part of our daily operation. In fact, it should not even be considered a thing that can be started or stopped. It is an overall process that starts with the individual and follows through every step of processing the

case and testifying in court. Without QA, how can anyone have any reliance on the results?

While QA is absolutely an essential top priority, efficiency comes in a close second. We owe it to our customers to put out a timely product but we also owe it to our customers to make sure it is a quality product. It is argued that many of the QA steps of documentation, review, etc. are a part of the overall efficiency.

The overall impact of any QA program on the output of casework will certainly be greatest in the early stages of formation and implementation, but as QA procedures become routine, or almost second nature to us, the impact will lessen. In fact, a strong QA program can save work in the long run by not having to deal with sloppy, erroneous, or incomplete results i.e. better results under QA means better efficiency.

QA AND BETTER RESULTS

QA does not guarantee perfect results, but the results are better with QA than without. It is becoming a common experience in accredited labs where someone goes to testify on an old case pre-accreditation era, and they just cringe at their old documentation as compared to cases being done under a new QA program.

A lot of people have decried accreditation and QA as a needless waste of time and effort (diplomatic phrasing), but those same people are now hailing the new process as something that really did help them. One of the team member's viewpoints is that there are only correct results and incorrect results. Inconclusive results come from scientific or intellectual laziness and should not have any role in the discharge of duties of a scientific investigator.

One of the other points is that while QA may not directly guarantee better results, it does guarantee a better road map to follow for review if something goes wrong.

INVOLVEMENT OF QAM IN DISCREPANCIES

Exactly when does the QA Manager (QAM) get involved with case work discrepancies? There is no real consensus on this issue. But the viewpoints were as follows:

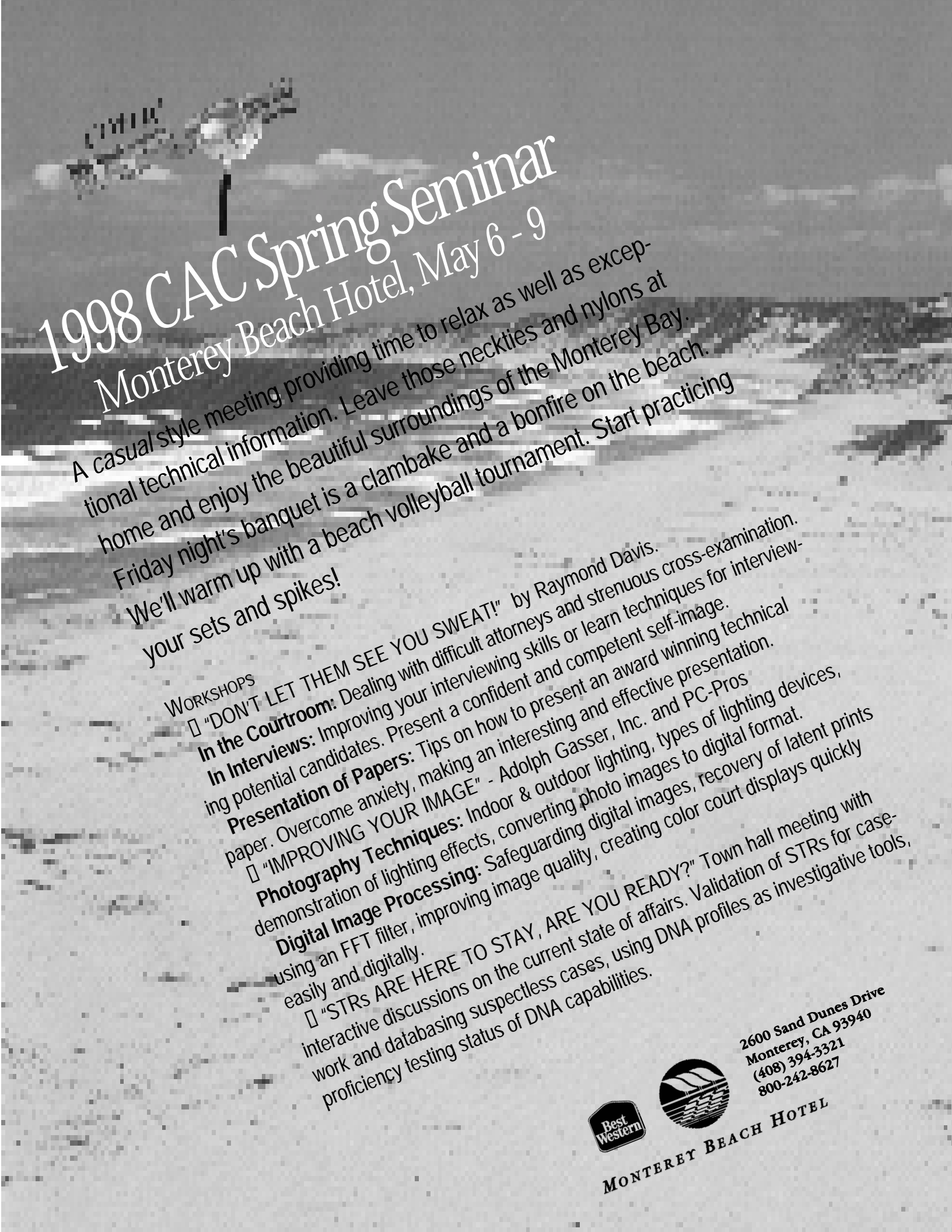
Involvement of the QAM depends on the type of discrepancy. The QAM might need to get involved right away because the employee and/or supervisor may be part of the problem and not ever see it.

One of the labs has a running log of QA issues not requiring a full review although some kind of attention is needed. This log is maintained for review by the Lab Manager.

Our lab has the same kind of log mentioned above. Interestingly, within our own lab survey, notions on QAM involvement ranged from either not at all, to reviewing the supervisor's discrepancy report, to being involved from the beginning of the problem. Our Lab Manager is currently reshaping lab policy on QAM and casework discrepancies. It is important to have a review process clearly defined so that if the QAM does not get involved until the end, such as in reviewing the discrepancy report, assurances can be made that a rigorous review protocol was followed.

In quick review, then, QA is a top priority, above and beyond efficiency. A good QA program will have both quality and efficiency as benefits. QA will help bring about either better results or at least a better trail to follow in case something goes wrong. Finally, there is no consensus on when QA should be involved with a casework discrepancy except that earlier, rather than later, is indicated.

Thank you to my survey team. If you have any questions, comments or topics you would like to see covered in this format, please call me 619-531-2576, fax me 619-531-2950, or E-mail me at dracula@tns.net.



1998 CAC Spring Seminar

Monterey Beach Hotel, May 6 - 9

A casual style meeting providing time to relax as well as exceptional technical information. Leave those neckties and nylons at home and enjoy the beautiful surroundings of the Monterey Bay. Friday night's banquet is a clambake and a bonfire on the beach. We'll warm up with a beach volleyball tournament. Start practicing your sets and spikes!

WORKSHOPS

□ "DON'T LET THEM SEE YOU SWEAT!" by Raymond Davis.
In the Courtroom: Dealing with difficult attorneys and strenuous cross-examination.
In Interviews: Improving your interviewing skills or learn techniques for interviewing potential candidates. Present a confident and competent self-image.

Presentation of Papers: Tips on how to present an award winning technical paper. Overcome anxiety, making an interesting and effective presentation.
□ "IMPROVING YOUR IMAGE" - Adolph Gasser, Inc. and PC-Pros
Photography Techniques: Indoor & outdoor lighting, types of lighting devices, demonstration of lighting effects, converting photo images to digital format.

Digital Image Processing: Safeguarding digital images, recovery of latent prints using an FFT filter, improving image quality, creating color court displays quickly and digitally.
□ "STRs ARE HERE TO STAY, ARE YOU READY?" Town hall meeting with interactive discussions on the current state of affairs. Validation of STRs for casework and databasing suspectless cases, using DNA profiles as investigative tools, proficiency testing status of DNA capabilities.



MONTEREY BEACH HOTEL

2600 Sand Dunes Drive
Monterey, CA 93940
(408) 394-3321
800-242-8627

Ron Nichols

Integrity—The Key to Leadership



Forensic science has undergone a remarkable transformation over the decades especially in the short time that I have been a participant in the field. Dr. DeForest gave a wonderful talk at the recent CAC

Semi-Annual seminar in Orange County in which he discussed all

the changes that have come about, some of which have helped forensic science and others which have hampered the cause of forensic science. He addressed many issues which are confronting forensic science, internal and external. He expressed disappointment that as a whole forensic science has taken on a reactive rather than a proactive role in criminal investigation. Gone are the classic days of Kirk et al. Enter the days of fee for services public laboratories.

The media has heightened public awareness of forensics through Court TV and tabloid television. Local news outlets such as radio and newspapers seek out experts to help them with their feature articles. Ever wonder how these various media groups find their experts? Most of it is likely on name recognition. There are no doubt hundreds of qualified forensic scientists in this country and abroad who's names aren't anywhere to be found in the Who's Who of Media Appeal. Qualifications don't necessarily sell, but image does. Sadly, one can have image and absolutely no qualifications.

Through evolution and heightened public awareness, forensic science has entered into a new era of certification, accreditation and standardization. Various regional and national organizations have established certification programs for individual scientists for the purpose of establishing some minimal level of acceptable knowledge, skills and abilities. Two accreditation programs currently exist for forensic labs who wish to publicly demonstrate that they meet nationally recognized standard levels of performance. On the heels of technical working groups such as TWGDAM we are witnessing the

development of TWGMAT, TWGDRUG and other similar groups with the goal of establishing standard methodology and training that will define the various forensic disciplines. All of these are well intentioned efforts to solidify our credibility as forensic scientists. Unfortunately, too many people feel and publicize that these are efforts to either *bring* or *establish* credibility to our profession. Of course, this would imply that they were bringing credibility to a place where none had existed.

All in all, this paints a pretty bleak picture. What can be done to turn the tide? Are certification, accreditation and method standardization really the true answers? Or, do they fall short by addressing only the symptoms and not the cause? Are we building a simple facade or we constructing something with substance? Through our good intentions, are we actually turning this profession into a "whited sepulcher?"¹ I would venture to say that while the intentions of these different solutions are honorable, they fall far short of what is really needed to turn the tide. More than anything else, this profession needs leadership, strong leadership. Want laboratories to become proactive again? We need leadership. Want to put an end to the negative publicity? We need leadership. Want certification, accreditation and standardization to work right? We need leadership.

At its very core, leadership is the ability to exert influence. We recognize certain positions as leadership positions, CEO's, presidents, committee chairs, but those positions were never meant to be the all and end-all for leadership. Each and every one of us has a sphere of influence, some larger than others. Unfortunately, successful leadership is not bestowed upon an individual either at birth or when they are elected to a position. It is a developed and acquired skill. For this reason we need to look to develop leadership abilities in all those in our profes-

sion. My purpose over the coming months is to stimulate interest and discussion in the area of leadership development. I will present various aspects of leadership development that I have learned, some of which have proved successful and some which have not. But, before I can do that, I need to address the foundational element that every successful leader must possess. That element is integrity.

Dwight Eisenhower once said, "In order to be a leader a man must have followers. And to have followers, a man must have their confidence. Hence, the supreme quality for a leader is unquestionably integrity. Without it, no real success is possible, no matter whether it is on a section gang, a football field, in an army or in an office. If a man's associates find him guilty of being phony, if they find that he lacks forthright integrity, he will fail. His teachings and actions must square with each other. The first great need, therefore, is integrity and high purpose."²

The key word in Eisenhower's statement is integrity. He said it is the "supreme quality for a leader." The question is, what is meant by integrity? In order for us to come to a common consensus that integrity is a foundational element for successful leadership as Eisenhower indicated, we must be certain of our terms. Recently my son commented to me, "That's tight dad." I started looking at my slightly bulging waistline and was trying to figure out if I had just been insulted. Noticing my befuddled look, he reassured me by saying, "Tight means cool." Now that's a term with which I am familiar! In order to effectively communicate, we need to develop a common understanding of key terms with regards to leadership. While it is not my contention that "integrity" has undergone a transformation as drastically as "tight" I do feel that there does exist a less stringent meaning of the word "integrity" and that if leadership is built on that lesser concept, it will fail.

In the American Heritage Dictionary, integrity is listed as meaning, "1) rigid adherence to a code or standard of values, probity; 2) the state of being unimpaired, soundness; 3) the quality or con-

dition of being whole or undivided, completeness.” While these all appear to be very similar, I would venture to say that definitions 2 and 3 are more correct while definition 1 is a diluted definition, more “fit” to today’s society. “Rigid adherence to a code or standard of values,” [emphasis added] implies that there is more than one code or standard. Yet, the other two definitions imply that there is only one state or condition of integrity. Which is it, several or one?

Integrity has been used to describe the soundness of a structure such as a bridge or skyscraper. It implies that the structure has met certain minimum safety standards. Those standards are set through building codes, a single set of codes established for everyone’s well being. Now, a builder can establish for himself and his company a set of codes which they rigidly adhere to. Yet, you would not set foot on that bridge if their codes call for simple two by four braces for a freeway overpass. In this analogy, it is apparent that a better meaning for integrity involves more than adherence to “a code or standard of values.” It is much better defined in the terms “unimpaired,” “undivided” and “whole.” Someone once told me that truth is a relative term. Philosophically he stated, “One man’s truth is another man’s lie.” Metaphysical, yes. Grounded in logic, no. Truth is not a relative term and, if it is to have any significant meaning, integrity cannot be a relative term either.

The various definitions of integrity imply that a decision is made. You either choose to adhere to a code or you don’t. You choose to be either unimpaired or impaired. You choose to be either undivided or you are divided. You choose. You have a choice. Therefore, if you are to have integrity as a leader you should take responsibility for that choice. Everyone in society has a moral responsibility. Yet, today’s society has tried to help us build our self-esteem by saying, it wasn’t your fault, you are a “victim of society.” I truly believe that there can be “victims of society.” An example would be the child born into a poverty stricken household who has to work at an early age just to make ends meet and never gets the opportunity to improve his lot in life. But, society has gone beyond that and labeled many of society’s convicts as “victims of society.” They are not victims. They are criminals. They did not choose to be poor, but they chose to hold a gun to someone’s head. They made a choice. We need to avoid the trend of not accepting responsibility for the choices that we make and

take responsibility. Only then can we even begin to address whether or not we are acting with integrity.

Integrity involves more than outward appearance. It is possible to build a structure that looks like it has integrity but when you look inside, it doesn’t have the supports it needs to sustain it in times of stress or disaster. John Maxwell has said that, “Image is what people think we are. Integrity is what we really are.”³ Another way of putting it is, “Integrity involves what you do when no one else is looking.” A leader needs to address this issue. What is your image among those that you influence? Is that how you really are? If not, when times of stress come along your true colors are likely to show. More often than not, your leadership will collapse and failure is certain to follow.

Facades are built with cleverness but have very little substance behind them. Many fraud investigators will marvel at the skill with which a counterfeiter did their work. But, the bottom line is a counterfeit is nothing more than a worthless document. Integrity helps a leader to be recognized as someone who is genuine and credible and not just clever. It is very easy for a skilled speaker to cause their audience to react in particular ways. It is easy for a skilled salesman to sell someone something that they don’t need. Yet, it doesn’t take long before these skilled manipulators are found out for what they really are — phonies. As a criminalist, I recognize the need to be able to communicate effectively to our audience. Sometimes that requires skills of wit and charm. However, if I tried to rely solely on my cleverness rather than my credibility it wouldn’t be long before I was exposed as a fraud, someone who can no longer

**Image is what people think
we are. Integrity is what we
really are . . .**

**Integrity involves what you
do when no one else
is looking.**

be trusted. The boy who cried wolf figured out a clever way to get some companionship. But, when he really needed help, no one was forthcoming. To be credible a leader needs to be honest and open in all that he or she does. This must be part of the integrity of that leader.

Integrity is not something that is bestowed upon an individual or inherited. Therefore, it qualifies as an achievement. It is an achievement that can be acquired but is not easily earned. One must work hard to gain the confidence of their followers. Maxwell feels that, “It is a result of self-discipline, inner trust, and a decision to be relentlessly honest in all situations in our lives.”⁴ Hmm, “relentlessly honest.” Sounds more befitting to the terms “unimpaired,” “undivided” or “wholeness,” than to one of the many codes or standards around today. When I look back at those leaders who have influenced me and impacted my life, they earned my respect and it did not come easily. They proved themselves time and time again. In fact, they continue to do so. And the reason they do so is not to keep me as a follower but because it is such a part of their inner being that I want to follow them. They have established integrity.

Some of my colleagues may know of my avid interest in history. Prior to pursuing a degree in Criminalistics, I had already finished the necessary core course work for a dual degree in history and political-science. I truly believe in that saying that those who do not learn from history are destined to repeat it. I am certain that those of you who have children have said, “I am just telling you so that you don’t have the same difficulties I had. Learn from my mistakes.” There is much we can learn from a study of history such as the effects of actions either taken or not taken; the future implications of our attitudes and actions; and how our integrity may or may not impact future generations of leaders.

I was struck in particular by this one story as it dealt with integrity in the home. There was this young Jewish boy who was brought up in a very religious household. He had a tremendous amount of respect and admiration for his father who saw to it that the life of the family revolved around the religious devotion of the family. No matter the circumstances, he saw to it that the family faithfully attended the synagogue on a regular basis. When this boy became a teen, his family was forced out of their community into one in which there was no synagogue. In

fact, the entire life of the community was centered on a Lutheran church as all the best people in the community attended there. This same father, who had for so many years devoutly held to the traditions and devotions of a Jewish life-style, joined that Lutheran church taking his family with him. When asked by his family why, he said it would be good for business. Bewildered and confused, this young teen suffered a great letdown in his view of his father. This disappointment developed into bitterness and anger that consumed him and his ideals. Later this young man left Germany and studied in England where he conceived and adopted a view of society that was destined to change the very face of society. This view of society developed by Karl Marx has dominated world political issues for nearly the entire century.⁵

I think that we all recognize integrity in its most stringent form as a necessary characteristic of a criminalist. Just look at our Code of Ethics. But, we need to extend integrity in that same form to all the other issues that we deal with. Many of you know of my near militant stand on the topic of microcrystalline tests. But do you know why I have taken that stand? Sure, it has to do with the development of critical thought. But that is not the foundational issue which got me started. The foundational issue had to do with integrity. Scientists who have been leaders in the development of standardized methodology have had microcrystalline testing on their chopping block for years. Is it because there is something scientifically unsound about the methodology? Well, they imply that there is but when asked for substantive proof they have not been forthcoming. I have had the opportunity to listen and evaluate their arguments for several years and it all boils down to one thing, they have a preference for instrumental tests over microcrystalline tests. I don't have a problem with that. In fact I could really care less. But, when they try to substantiate their preference with what amounts to nothing more than non-substantive, bogus reasoning I do have a problem with that because it places a very large blemish on this profession. In one sense of the word, these scientists have integrity as they certainly appear to be "rigidly adhering to a code or standard of values." However, it appears to be a more politically motivated code than that to which they would hold their casework. We would never (I hope) compromise our casework to the pressures of politics, but we more than readily hand over our

methodology to the same pressures.

There are many different skills that a leader must develop to be successful. But, those skills must be built on a foundation of integrity. Integrity is a necessary foundational element of successful leadership. So much so I believe that one can take all the leadership development courses one can and it won't do them a lick of good if they don't possess the integrity necessary to lay the foundation for all those other skills. Go ahead, learn to motivate. If they find out you're a phony they see you were trying to manipulate not motivate. Go ahead, learn those communication skills. If you don't have integrity they won't even listen to how well you can talk. Go ahead, learn how to deal with difficult people. If you don't have integrity, you'll have more of them than you can handle. Billy Graham has said, "When wealth is lost, nothing is lost; when health is lost, something is lost; when character is lost, all is lost."⁶

We often glorify the good old days when "a man's word was his bond" and "contracts consisted of nothing more than a handshake." Why? Because those days of uncompromising principles hold a tre-

mendous amount of appeal for us, especially in the current era of political expediency. I don't know if we'll ever get back to those days and I am not sure we should be looking back. But I do know that if we are to successfully take forensic science into the future we need leaders that demonstrate this old fashioned, uncompromised integrity. It does not take much effort to adhere to "a code or standard of values" but it does take a tremendous amount of effort and courage to be "unimpaired," "undivided" and "whole." That is a foundation we can build on.

¹A "whited sepulcher" is a term used to describe a whitewashed tomb — all pretty on the outside, nothing but dead man's bones on the inside. (Matt 23:27)

²Dwight Eisenhower, *Great Quotes From Great Leaders*, Peggy Anderson, ed. (Lombard: Great Quotations, 1989).

³John Maxwell, *Developing the Leader Within You*. (Nashville: Thomas Nelson, 1993).

⁴Ibid.

⁵Ibid.

⁶Newsweek, August 24, 1987, p.11.

O.J. Simpson: Not Guilty by Reason of Inanity by Robert R. Ogle, Jr.

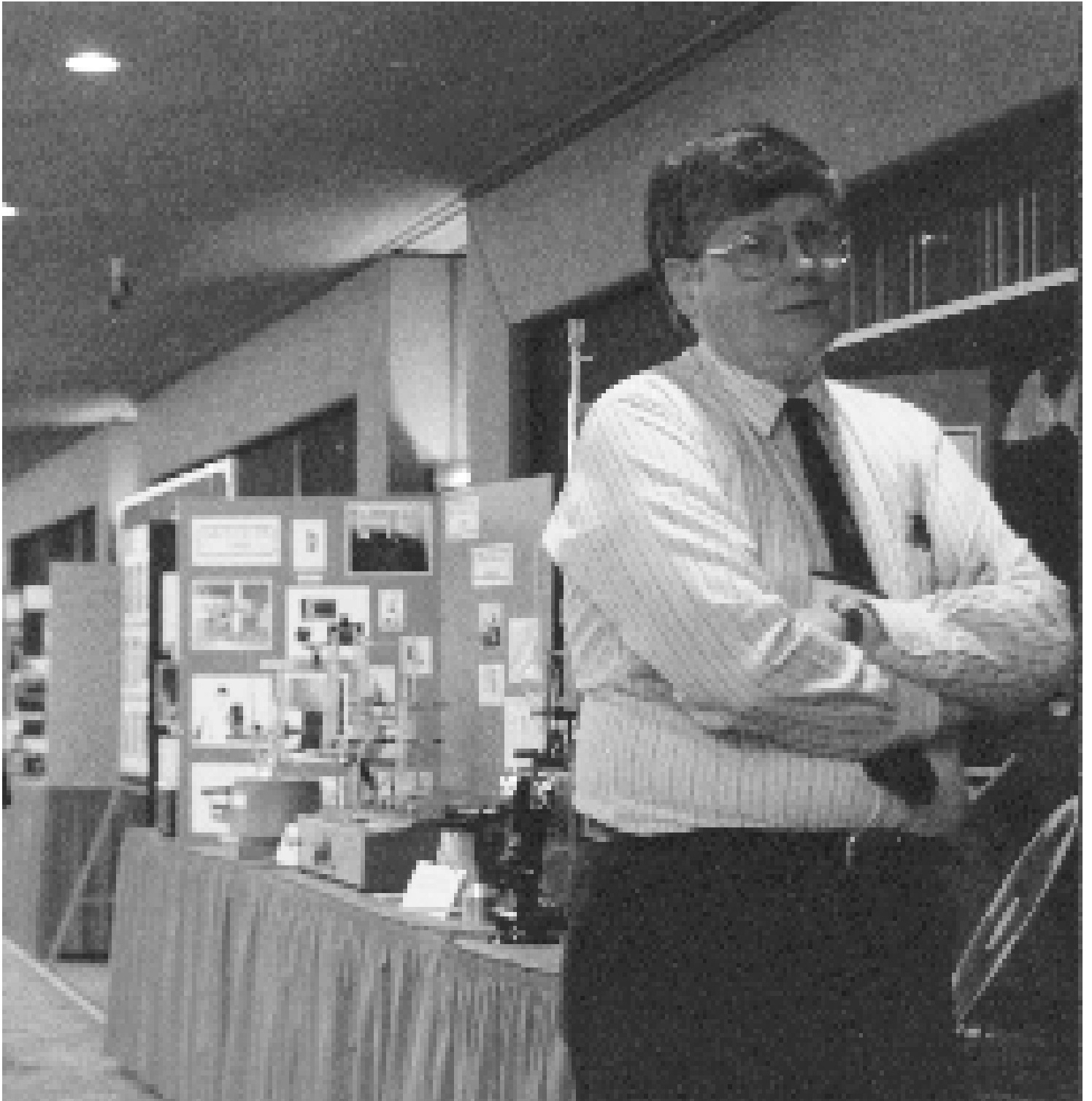


The case of *Peo. vs. O.J. Simpson* was "analyzed" by a large army of media pundits and a smaller army of writers as to how the criminal case was lost. All of these pundits and writers were dead wrong in their assessment of the reasons for the loss of the criminal case. The writers and pundits selected scapegoats such as Dennis Fung, Mark Furhman, the jury, the judge and the prosecution as the reasons why the case was lost by the prosecution. None identified the true reasons why the case was lost and the culprits responsible for the debacle of the century, known as the "O.J." case. The author of this book identifies the true reasons for the loss of this case—the disdain of the LAPD high command for physical evidence in general and criminalists in particular, and offers remedies for the shortcomings such as happened in this case which should avoid such debacles in future investigations.

To order a copy:

Send a check payable to Robert Ogle for \$29.76 (\$24.95 plus CA tax and shipping) to Robert Ogle, 124 Valley Oak Lane, Vallejo, CA 94591. Please allow 3-5 working days. Or, request a free brochure via FAX at (707) 554-0587 or E-Mail at Oglerojr@AOL.COM.

CAC History at the
AAFS '98



Dr. John DeHaan presides over the CAC history exhibit at the AAFS meeting in San Francisco.



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***"The Last Fifty Years
and the Next Fifty Years"***

When the American Academy of Forensic Sciences (AAFS) held their annual meeting in San Francisco this year, the rich history of the CAC was very much in evidence. Posters and actual, original crime lab equipment were displayed for the attendees.



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In Their Own Words...



Keith Inman



Ann Murphy



Hiram Evans



Kevin Andera



Pennie Laferty

For President-Elect: Hiram Evans

I have been a member of the CAC since 1978, participating in the Trace and Drug Study Groups, serving on the Training & Resources, Historical, Awards, Nominating, Endowment, and Ethics Committees. I had the honor of serving 6 years on the board of directors as Recording Secretary from 1986 to 1992. I am a fellow of the American Academy of Forensic Sciences criminalistics section, a member of the Midwestern Association of Forensic Scientists, and a charter member of the Clandestine Laboratory Investigating Chemists Association. I support accreditation and certification, serving as an ASCLD/LAB inspector, have held CAC Certification in general criminalistics and am presently a fellow of the American Board of Criminalistics, certified in drug identification. I view with some reservations the move toward "standardization" in so far as it limits criminalists to 'cookbook' methods and stifles the creative problem-solving, which I view as the heart of the profession. I invite you to share your views with me, work on behalf of our profession through the association, and ask for your vote for CAC President-Elect.

Regional Director North: Ann Murphy

I have been a member of the CAC since 1991. During this time I have served as Chairperson on the Awards Committee for two years, from 1994 and 1996. I also served as CAC Seminar Chair in the Spring of 1997.

I am a graduate of California State University, Sacramento with a B.S. degree in forensic science and a minor in chemistry. During my junior year in college I interned with the Department of Justice Crime Lab in Sacramento, under Faye Springer. I began working in the field of forensic science in 1989 at Valley Toxicology. I was employed by the Sacramento County Laboratory of Forensic Services in November of 1991. I am currently assigned to the forensic biology unit.

The position of Regional Director North involves the coordination and recording of various activities within the CAC such as, dinner meetings, study group meetings and some seminar planning. I feel that my past committee experiences with the CAC qualify me for this position. I look forward to this opportunity to serve on the Board of Directors and to continue the standard of quality already established for this position. Thank you.

For Recording Secretary: Kevin Andera

I graduated from the UC Berkeley 1996 with a degree in chemistry and have been working at the San Bernardino County Sheriffs Department as a criminalist. Since then I have been involved with the CAC prior to my graduation when I had the opportunity to present some research at a seminar, and that experience helped me to choose my career as a criminalist. I would like to be able to contribute more to the CAC, and I have the time, resources and experience to commit to working as Recording Secretary. Recently

I designed the Abstract Access Survey for the Training and Resources Committee. I am also a member of several professional organizations including the Clandestine Laboratory Investigating Chemists and the Alpha Chi Sigma Professional Chemistry Fraternity, where I have served as a local officer.

For Membership Secretary: Pennie Laferty Keith Inman

Pennie Laferty: I have been your Membership Secretary for the last two years, and have enjoyed this important and challenging job. I have tried to bring a personal touch to the office and hope that I have succeeded.

Criminalistics is not just a job, but is a profession. Membership in the CAC promotes professionalism and provides a forum for the exchange of ideas. It also provides an opportunity for communication between criminalists from public and private laboratories in a non-adversarial environment. The main goal I would like to accomplish, as I said two years ago, is to increase our membership, and actively involve new members in the Association.

I would like the opportunity to serve again as Membership Secretary on the board of the CAC, and would appreciate your vote. Thank you.

* * *

Please turn to page 16

Keith Inman: Many times we make decisions long before we realize we have made them. For many years, I was con-

The Inanity Defense



Greg Matheson

A recent book to hit the streets about the trial of O. J. Simpson is the first to be written by a criminalist and the one with the longest title: *O.J. Simpson: Not Guilty By Reason of Inanity—How the LAPD Guaranteed His Acquittal—A Forensic Scientist's View of the Case Called "The Trial of The Century,"* by Robert Ogle.

I was made aware of the existence of the book through a photocopy of a review found on the bulletin board at CCI by an LAPD criminalist. Because of apparent derogatory views about the LAPD, the review was quickly distributed throughout our laboratory. It was seen as just one more uninformed slam against us. It really came as no surprise because books prepared by jurors, defense attorneys, prosecuting attorneys, detectives and many third parties have accused the laboratory of everything from felonious evidence tampering to total incompetence. Why shouldn't a criminalist get a shot at an all to obvious target. But, without reading the book, we would be just as guilty of making uninformed statements as those other authors. So, I got out my checkbook, called Bob Ogle and quickly received my own personalized,

There were instances where he relied on media reports rather than determine the facts from those directly involved.

autographed copy of*Not Guilty by Reason of Inanity*....

Sitting down to read the book, I was prepared to, once again, be thoroughly disgusted and upset with an "outsider" passing judgment on a situation of which he knew very little. But to my surprise, his attacks were not against the laboratory, but rather the department. Particularly department upper management with a history of sworn conceit and civilian disdain. A whole new concept of what went wrong with the "trial of the century" was being presented.

In addition to those described below the book has many pluses that make it worth its purchase price. For example, Bob said many things about department policy and field issues LAPD criminalists have long felt. He gives an excellent description of the two purposes of a crime scene—apprehension and prosecution and how they are usually in conflict. He clearly describes the dangers associated with giving criminalists the responsibility

to do the right job with none of the authority. He does not hesitate to be critical of defense experts and their weaknesses, even those previously held in high esteem.

However, no book is perfect.

Bob sometimes goes too far in the use of inflammatory language. This can turn off the reader and a good message can be lost in the emotional response. An example is the term "from first to worst" when referring to the LAPD Criminalistics Laboratory. It is inaccurate and unnecessary. He removes too much personal and professional responsibility from the involved criminalists. I appreciated the many good things he said about me, but there were several unmentioned LAPD criminalists that performed at equal or higher levels of technical and testimonial skill. His inclusion of technically inaccurate statements about portions of the search and analysis of physical evidence was disappointing. There were instances where he relied on media reports rather than determine the facts from those directly involved.

If you can look past the inflammatory and many times repetitive language and technical inaccuracies, you will find a unique perspective that illustrates a problem faced by many criminalists and crime laboratories housed within law enforcement agencies. Mr. Ogle deserves to be recognized for the time and effort to prepare and publish a book that goes counter to many previously expressed opinions.

In the next issue of the *CACNews* I will be reviewing many of the specific technical and policy issues raised by Mr. Ogle.

Candidate's Statements, cont'd

sidered the "Life Non-member" of the CAC, since I was constantly at meetings and holding training sessions, but had never taken the time to join. I think subconsciously I had decided to join and make it all official, but it took some time for that decision to become a fait accompli. Such seems to be the case with the CAC and the need for a permanent home. This professional organization has so many assets in the form of training materials, a library (presently sitting in boxes and unavailable), a twice-annual meeting, archives of meetings and decisions (to name but a very few), that a central, organized center is now essential. While there has been talking, longing, and yearning for many years for such a place, it is time to work purposely toward making this a reality. This is surely the next step in maturing as a profession. My desire to serve on the Board of Directors at this time is to help find a creative way for this to happen. I hope that you allow me to serve the profession by bringing to life a decision that seems to have been made several years ago. For, as I have told you, I have some experience in making subconscious decisions real!

Q & A: A Fiber Transfer Problem

*A Forens-I Discussion
Compiled by Peter D. Barnett*

A fiber transfer problem was described, and several questions posed about what opinions could be offered by a criminalist who examined the evidence. The responses of the forens-I members who wrote to me are collated below. The first three sections are responses that did not follow the question format that I used, so these responses are simply stated as they were given. The following section collates the responses to the separate questions that I posed. The responses have been edited to the extent of combining separate paragraphs from an answer by a single correspondent into one paragraph.

I hope anyone reading this document will find it interesting and thought provoking. I always appreciate comments and questions. Send such to
pbarnett@crl.com.

The problem: Indistinguishable fibers are found on two objects. There are several such fibers of different colors and types. The origin of these fibers is not known. Can a criminalist say that "it is likely" these two objects came into contact?

Responses:

I think the criminalist could say "indistinguishable" or "that they have matching characteristics," but should NOT say they came in contact with each other and probably should not get into some sort of guessing game as to it is likely. He could say the evidence make that a possibility....

Other possibilities are: they came into contact with a single common object which left the combo of "indistinguishable" fibers; ...or, they came into contact with separate objects having the common trait of the combo of indistinguishable fibers; ...or they each came into contact with the same series of objects (or like objects) which contributed one or more of the types of fibers with these indistinguishable traits (since there are multiple colors & types).

Since you did not address whether any of the traits were unique traits (unusual damage or rare fibers) I would think one is somewhat limited in what could be said about the likelihood (particularly if all the fibers are relatively common fibers). I do think this "common thread" of the

foreign fibers [sorry] would be an important piece of associative evidence, but the criminalist should not make suppositions as to how the fibers came to be there.

To make the point of how unlikely some of the possibilities may be, I am sure an attorney could and would make the point that object #1 has XX number of different foreign fibers and that object #2 has XX number of different foreign fibers and surprise, these XX foreign fibers from the two objects are indistinguishable (probably would say match) and geez, isn't that a big coincidence? Alone this isn't necessarily a lot (depending on how many different matching fibers and any rare or unique fibers)... but I would hope there would be at least one or two other things to tie it together...

I think a jury could properly weigh this type of evidence if clearly presented, and other evidence in the case should enhance (or detract from) the likelihood of a common source of the fibers (or that they came into contact themselves).

Two key statements are made here:
1. Several fibers are of different colors and types. Many of the previous replies are responding like there is only one fiber. 2. The origin is not known

We have the old argument: Is the forensic scientist serving justice by just stating the facts? Or should the expert, based on training, education and experience interpret the evidence? It is the basis of the training, education and experience for the qualification as an expert. Is the expert not fulfilling his/her role by not offering an opinion? The opinion can certainly be qualified.

By leaving the Court with just the facts, that there are similar fibers on both objects, you let the lawyers argue the significance. Lawyers have their own agendas (to win) and the facts get blown out of proportion to their significance or downplayed with similar misleading of the jury.

The jury does not have the experience, training or education to judge the significance. That is why the expert is called in the first place. It is the responsibility of the expert to ensure that the testimony is correct scientifically and IS NOT MISLEADING to the jury.

Additional knowledge regarding the history of the objects would allow a

strengthening or weakening of the expert's opinion. For example, the objects were sent to the same cleaners at the same time.

In this case the opinion could be stated: There is fiber evidence which indicates that these two objects were in contact with the same or similar objects. The time and location at which they came in contact may not be the same.

Of course, the expert must truly understand the subject matter prior to testifying. The subject matter being the understanding of fiber transfer not just the chemical/microscopic comparison/analysis of the fibers.

The Court and the Jury does not rely on just the expert's opinion in reaching a decision regarding the guilt or innocence. You are only one of the players in the courtroom drama, sometimes, but not always, a significant one. There is more to every case than just the object(s) examined by the laboratory.

I prefer to report that the fibers are the same in whatever physical or chemical property was examined. That way, someone reading the report knows exactly to what extent the fibers are the same. If I simply do a microscopic examination and report that they indistinguishable, it is a true statement but ethically suspect. However, in testimony, as long as you explain the limitations of your examinations, I would have no problem with using indistinguishable.

Answers to the specific questions I posed:

Q1. Can the criminalist say that "it is likely" these two objects came into contact?

I'd say it is just as likely the two objects acquired the fibers from a third object.

Well, I'm not a fiber-guy (or fiber-gal), but if all it takes is some indistinguishable fibers then every military person in the world wearing BDU's could be assumed to simultaneously brushing up against the same things

It is my opinion that the only conclusion that would accurately and objectively portray this set of circumstances is as follows: The fibers found on item #1 and the fibers found on item #2 could have originated from the same source. That, barring any fracture matches, is the limit to what a fiber examiner can say. Anything more specific is delving beyond the scope of a forensic scientist's responsibilities.

He/she can certainly offer that unsupported opinion but it is meaningless

How could that judgment be made? The two objects may have come into contact with different sources of the different fibres at different times. All depends on additional information

I do not like the term “it is likely” because it provides a probabilistic statement on the fact itself (here the contact) whereas the evidence can only provide support for one hypothesis versus another. This leads me to a second question: What is the alternative hypothesis to weigh against the contact hypothesis? As long as at least two alternatives for assessing the evidence are not provided by the court, no conclusion can be drawn. In any case, any conclusion—based ONLY on the fiber evidence—will not be in the form “it is probable, likely, very likely, etc.” format. I would extend this opinion to all forensic evidence, what do you think of the proposed ASTM standard for conclusion in the handwriting expertise?).

PDB: I don’t think it is appropriate to say that “it is likely” without some articulated basis for this probabilistic statement. The only basis for this opinion which was given in an actual case on which this exercise was based is that the criminalist had seen many cases in which there were no fibers associations, so that seeing some in this case made him think the associations were significant. I think this is not sufficient basis for the opinion.

Q2. In order to make that statement, what additional information (if any) does the criminalist need?

I would assume that there should be something that makes that set of fibers unique.

Good reasons to believe that the two objects could not have come in contact with other sources of the same class of fibers, e.g., the sweater of the technician who took the samples

Evidence as to the “relative uniqueness” of the source of the fibres.... and more importantly, evidence that the fibres were available for transfer onto the two individual objects in a unique event: for example, the director of the zoological gardens gives credible evidence that the purple and orange dyed llama was only made available in the petting corner on the 25th Dec. 1998, or something such.

In order to interpret this evidence, the scientist needs (as in every case!) to know exactly the circumstances of the

case, the alleged facts and all the technical information in relation to the items examined (collection, preservation, etc.). Moreover if a statement on the fact are asked, there is a need to estimate the number of potential source of the material in this case (generally, it is outside the province of the expert—it is like providing an estimation of the number of potential offenders in DNA case for example).

PDB: Fiber frequency data in the relevant environment, alternative hypotheses to explain the existence of the similar fibers, data to demonstrate that the nature of the result is predictable with what is known about the various phenomena associated with fiber transfer (e.g., persistence, tenacity, prevalence, and uniqueness of the evidence fibers).

Q3. Should the criminalist be limited to stating that the fibers are indistinguishable?

He/she SHOULD be limited to stating that he/she is unable to distinguish between the fibers. This caveat should give even the dumbest defense attorney a clue as to what to ask on cross-examination. The fibers are not indistinguishable except within the context of the ability of the particular examiner and his instruments. The value of the similarity depends *inter alia* on the rarity of the class of fibers. If the fibers are blue and white cotton found on the yellow T-shirts of two employees at the Levi denim plant, they will have less significance than yak wool and emu feathers

NO, the evidence must be interpreted in the case. Simply stating that the fibers are indistinguishable can be provided by an analyst. In most judicial systems (the Swiss at least), the court is asking for an interpretation of the findings. Here is a line of difference between an analyst and a criminalist.

PDB: I agree entirely with the preceding paragraph. Anyone can say that two fibers are indistinguishable—even a myopic, color-blind person. The expert should be able to assess the power of the tests he has performed and provide some measure of the power of his tests to the person who needs to utilize the information to make a decision. If not the criminalist, who?

Q4. Is it to correct to say that there are “matching fibers” on the two objects?

Certainly not! It is never sufficient to state that “two items match... or “agree with each other”...or are “consistent with the allegation.” A forensic scientist has to state the *value* of the evidence; taking into account both the denominator and numerator of the likelihood ratio! Do we want forensic scientists to be allowed to state that both victim and defendant have matching indigo blue dyed cotton fibres on their clothing, these two populations of fibres being indistinguishable—and to leave it at that? Without stating that indigo dyed blue cotton fibres are ubiquitous

I think that this statement is correct, it describes the analytical results. No evidential value of the match is given, even if we must be aware that lay people may have another interpretation of the term “match” (generally meaning something of strong evidential value). This is another reason why I would not like to provide only that statement in a report.

PDB: Semantics is the name of the game. It is my feeling that most laymen consider the term “match” to be a highly positive term connoting a strong link between the matching objects. Certainly the lawyers presenting such evidence will encourage such a belief in the jury. I do not believe there is a simple solution to this problem. Any term (similar to, consistent with, indistinguishable from, identical to, indicative of common origin, etc., etc.) can be misunderstood. There is no easy way around this problem. The DNA solution - the use of impossibly large numbers - does not seem to me a very satisfactory solution, besides which generating such numbers in the case of fiber evidence is a daunting problem.

Q5. If the criminalist says there are “matching” or “indistinguishable” fibers on the two objects, can the lawyers argue that the two objects came into contact?

I would understand “matching” to mean “there is no difference” and “indistinguishable” to mean “I can’t find a difference”. The value of both terms depends on the examiner’s qualifications and methods. Assume the fiber examiner is qualified to the point where a reasonable person says “If there were a difference in the fibers, this examiner would find it”. Lawyers would then have a basis for arguing contact between the objects.

Lawyers can argue anything, methinks.

Q & A:

He/she can and probably will at least in closing arguments. Lawyers are not sworn witnesses and do not have any obligation to believe the theories they expound

No. I seem to remember that Jack Fish, ex-director of the Home Office lab in Birmingham, was involved in an Appeal Court case in Australia where multi-layered paint flakes were found on the clothing of both victim and defendant in a sexual assault case. As I recall, this evidence was presented at the original trial to suggest that the defendant and victim had been in contact with each other. I understand the paint flakes originated from a boat which was being stripped on a part of the beach which both the defendant and victim had visited at different times.

Of course he can, but this doesn't mean that this inference is correct. A report have to go further than a conclusion like "matching" or "indistinguishable" or the well known "consistent with", our report must (if the court is asking for) weight the evidence in the light of the competing issues (generally a "story" proposed by the accusation vis-à-vis a "story" proposed by the defence).

PDB: One of the basic inequities of the system is that as experts we are limited in what we can say by the oath we take, the limitations of our science, and, oftentimes, the information we have. The lawyers have no such limitations. Lawyers

can argue positions that can be inferred from the evidence that has been presented. But who is to judge what is correctly inferred from technical evidence. It seems to me the only real solution to this is to assure that the juries, who are generally at least as smart as the lawyers, have all of the information at their disposal to enable them to evaluate the inferences suggested to them by the lawyers. Then, a lawyer suggesting an inference that lacks credibility will himself lose credibility with the jury—something that no lawyer can afford to do.

Q6. Does the jury have the ability to reach a conclusion based on the criminalist's statement of "matching" or "indistinguishable" fibers being present?

It is the job of the lawyers on both sides to make sure the expert is precise in explaining the limitations of a conclusion.

Yes, they are the finders of fact. The court may reverse the jury based on lack or insufficiency of evidence to support the verdict, depending on how the judge feels about his/her career

I suppose they might have specialized knowledge about the occurrence of these particular fibres as a random chance on clothing items, and would be better placed than the forensic scientist to assess the value of the evidence! On the other

hand they might be "blinded by science", and take the view that there's "no smoke without fire."

A jury will always reach a conclusion, the fiber evidence is not and must not be seen as the only evidence presented. I share the opinion that the fiber evidence will be more useful if the scientist is trying to explain how it provides support for one or the other hypothesis than if the scientist provides only a match conclusion.

PDB: I doubt that the jury does. This problem is hard enough for experts, much less for juries who don't very often microscopically examine foreign fibers removed from various surfaces. I guess that's why they invented criminalists.

(*"Forens-I"* refers to the Forensic list server, a worldwide e-mail discussion group on the internet)

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President Gannett, cont'd

of a contact person to whom all queries should be addressed.

- Completion of final documents should be announced in major journals and regional, national and international meetings along with information on how to obtain a copy.

ADMINISTRATION

- Documents should be the result of a consensus-building process.

- A written mission statement and goals should be clearly defined at the first meeting.

Goals should include the following:

- Provide a scientific basis for the examination and validation of methods.

- Provide guidelines, protocols and procedures for conducting examinations.

- Identify and administer "projects" for participating labs (validation, production of new methods, review of existing methods, etc.)

- Set criteria for the initial and continued competency of analysts with regard to training, experience, proficiency auditing and certification.

- Provide a basis for the interpretation of results and presentation in court.

- An agenda should be published for all meetings.

- Written voting procedures should be delineated, including a definition of who is a member, who can vote and protocols for voting in person and by proxy.

- Written procedures for the generation, revision and publication of documents should be developed.

- The internal structure of the TWG should be clearly defined in writing.

Consideration should be given to rotation of the chairmanship and to setting terms for members.

These recommendations are currently submitted for approval to the boards or memberships of the participating organizations. This process will not be completed until May of 1998. At that time the recommendations will be sent to TWG chairs with a cover letter indicating ratification by the supporting organizations. The CAC Board has voted to support the recommendations.

Many thanks go to Nancy Daerr and McCrone Research Institute in Chicago for graciously allowing use of their facility.

Carolyn

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- S 5 **ABO**—Thompson
- S 6 **Saliva**—Spear (incl DNA Kelly-Frye/Howard Decision)
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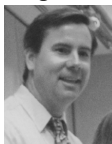
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SOUND COMMUNICATION



Richard Konieczka

"We had an average of 3 careers. Today's young workers will have 5 and 3 of them don't exist yet."

All of us have found ourselves swept up in the 'winds of change' and the ability to cope with these powerful forces determines the difference between success and failure in our industries and lives. Change comes at us in three waves, globally, locally, and personally. We can either accept change and harness its many advantages, or we can resist and waste energy in the traditional

grieving patterns of denial, anger, depression, and bargaining. If its change we truly embrace or even initiate, we can dramatically increase our energy and results through definite commitment. No matter how unpleasant the change, all of us can look back on our experiences and find the silver lining I call "The Wins of Change."

I was once fired, although given an honorable discharge by my employer. This may be the one career move we all fear most. I took stock of my situation and realized I chose a company for its rapid promotion potential and they in turn told me where I would live each year. After spending time in Terre Haute, Minneapolis, and Buffalo, I was to shuffle off next to either Springfield or Grand Forks, neither of which are destination resorts. I decided to relocate to Seattle and find work, never having to move my family again. Prospective employers, not knowing I was terminated, marveled at my courage. That was 23 years ago and the decision has added immeasurably to my quality of life, living in such a beautiful area of the country and not having to move. I never would have made this move except for my premature retirement. All of us have our own stories. Recognizing the unforeseen benefits of unpleasant events can help us meet them head on with elan. This minimizes their negative effects, and hasten their passage. That was not the end of change in store for me, it just led me to my next chapter:

Having made several times my annual salary in commodities, I felt safe enough to leave the corporate womb to start my own investment firm. My commitment to marketing my investment strategy allowed line to exceed my goal of raising \$2 million by 50%. But instead of making money for my clients I lost it, again proving commodities are a bad idea. After suffering three years of depression, I realized the value of the skills and lessons I learned. This led me to pursue my real passion as a provider of high leverage tools for businesses. I came in touch with what is truly important, and found that part of myself that never changes. It seems adversity has been the catalyst for changes I need to make, but would never select. Looking at my changes, I have committed to ideas that truly make a difference in my life and the lives of others.

More to follow...

(Richard is a facilitator at CCI)

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California
Association of
Criminalists

A Final Word

Subject: Chance of a Lifetime

Fellow Scientists,

Ah, the existential dilemma. We are "thrown" into the world...a world in which we attempt to find external validation and purpose or become 'damned to be free.' Free to define ourselves, our work, our relationships, and our very existence. For most, this too is an impossible task. For many, life becomes the meaningless, tedious, and insidious world that Sartre, Camus, and others describe. Worse, it becomes the world of Beckett's "Waiting for Godot," in which all of life is reduced to waiting. We wait to graduate high school, then college, then to get married, then (if we're smart) to get divorced, to be hired to a good job, to be promoted...the only thing we truly experience is not life itself, but only the waiting.

But lo! Upon the horizon of our menial lives looms Meaning itself, transiently exposing its Face and beckoning to us! This is the Existential Moment; Meaning, Being, Purpose...all are now within our grasp! The satisfaction of

monthly meetings, four walk-throughs per year...dare I add even the possibility of speaking briefly at a departmental meeting. The Self becomes drunk with such self-indulgence: yes, you can become the team safety committee representatives! This is truly a rare moment. While few of you will want to let this opportunity pass by, unfortunately we will only be able to select one fortunate individual. So get your bid in quickly; by next Tuesday.

While it seems inconceivable that we may not have multiple candidates, if we don't, we will be forced to indulge in a complex ritual. Alex and Dave will flip a coin. Whomever loses will have to pick a safety rep, thus making an enemy for all Eternity. In private both of us will swear on all that is holy that in fact, the other person made the choice.

Someone please volunteer (if this doesn't sound like outright begging to you, please restructure the sentence so that does).

Eagerly awaiting your call,

—Alex/Dave

(Submitted by Bob Blackledge)

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Fictional Forensics answers: (*l-r, top*) Patricia Cornwell; Tomas Nogouchi; Ken Goddard; (*bottom*) Conan Doyle; H. Ashton-Wolfe; P.D. James.

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