



# NEWLETTER California Association of Criminalists NEWLETTER

OFFICERS 1982-83

MARCH 1983

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This mailing includes the following items:

1. Abstracts from other regional meetings
2. Board Meeting Minutes, 4 Nov., 1982
3. Business Meeting Minutes, 5 Nov., 1982
4. Scientific Sleuthing Newsletter Announcement
5. Proxy for Spring Seminar

## CAC SPRING SEMINAR - May 12-14

Union Square Holiday Inn, San Francisco. Debbie Wakida has arranged a good technical program. In addition, new officers are to be elected. For further information, contact Debbie Wakida, San Francisco Police Department Laboratory, 850 Bryant St., San Francisco, CA 94103 (415) 553-1161.

Duayne Dillon's retirement dinner will be on Saturday, May 14, at the Concord Inn in Concord. Transportation from San Francisco will be arranged.



## ASSOCIATION ACTIVITIES

### Northern Section Meeting

A dinner meeting was held in March hosted by George Sensabaugh of the University of California, Berkeley. Dr. Dennis Lindley, a visiting scholar from England, gave an entertaining and provocative talk on the use of probabilistic statements in court.

### Southern Section Meetings

Amy Wong of the Ventura County Sheriff Crime Laboratory deserves the credit for the organization and planning of a very successful meeting hosted by her laboratory on December 16, 1982. The meeting was preceded by a tour of Ventura's new laboratory facilities and meetings of the Serology, Drug and Trace Evidence Study Groups. The guest speaker for the dinner meeting was Attorney Richard E. Erwin, author of DEFENSE OF DRUNK DRIVING CASES. Mr. Erwin spoke on "Changing Technology" as it relates to blood alcohol analysis and the shortcomings (from the view point of the defense) of the various instruments that have been employed through the years.

Los Angeles County Sheriff's Crime Laboratory hosted the meeting on Thursday, March 3, 1983 at the Saddleback Inn in Norwalk. The guest speaker was Mr. Al Lyter who has recently moved to Southern California from Washington, D.C. where he was employed by ATF as an ink and paper analyst. Mr. Lyter spoke on methods of analysis and sources of information and standards relating to ink and paper.

### Trace Evidence Study Group - North

Meetings were held in January and February at Forensic Science Associates. The trace evidence key classification system was the principal topic of discussion at both meetings. Bruce Moran prepared a trace evidence sample set which was distributed for analysis. Anyone wishing to look at the sample set or the key system should contact Bruce Moran or Pete Barnett.

### Trace Evidence Study Group - South

The trace Evidence Study Group met on December 16, 1982 at the Ventura County Sheriff Crime Lab. Loren Sugarman, Frank Cassidy, Ernie Kuo, Duane Mauzey and Craig Ogino each presented cases and/or helpful hints for trace evidence analysis.

The Study Group met again on March 3, 1983 at the Saddleback Inn in Norwalk. Carol Rhodes demonstrated a method for preparing wood samples for microscopic examination. Everyone had an opportunity for hands on experimentation with the technique. Jim White led a discussion on glass comparison methodologies currently being used by Southern Section Laboratories.

### Serology Study Group - South

The Serology Study Group met on December 16, 1982 at the Ventura County Sheriff Crime Lab. Dan Gregonis from San Bernardino County Crime Lab volunteered to be the new chairman of the study group. Arnie Bergh spoke about "Rocket Electrophoresis" and the remainder of the meeting was spent discussing techniques currently in use in various labs and choosing topics for future meetings.



The Study Group met again on April 7, 1983 at Orange County Sheriff Crime Lab. The guest speaker was Attorney John Barnett. Mr. Barnett was a public defender for 6 years and has spent the past 3 years in private practice specializing in criminal defense. He spoke about his approach to the defense of cases involving Forensic Serology.

#### Drug Study Group - South

The Drug Study Group met on December 16, 1982 at the Ventura County Sheriff Crime Lab. Darrell Clardy, Orange County Sheriff's Department and Ray Wells, Los Angeles Sheriff's Department agreed to co-chair this group. The following topics were discussed:

1. analytical approaches to recent cases of contaminated foods and drugs
2. recent drug preparations encountered in Southern California and the new drugs to be scheduled under H&S 11357 in January 1983.
3. Duane Mauzey spoke on "Derivative Spectroscopy: Theory and Application to Controlled Substance Analysis"

The Study Group met again on April 7, 1983 at the Orange County Sheriff Crime Lab. Ray Wells and Darrell Clardy spoke on the "Takedown of Clandestine Methaqualone Labs".

### EMPLOYMENT OPPORTUNITIES

#### Evidence Technician - El Cajon

Requires two years of college with course work in criminalistics or related areas. Contact Personnel Department, 200 E. Main St., El Cajon, CA 92020 before 31 May, 1983.

#### Criminalist II - Santa Ana

Requires BS or BA in criminalistics, chemistry, biochemistry, biology or related field plus two years forensic laboratory experience. Contact Personnel Dept. M24, 20 Civic Center Plaza, Santa Ana, CA 92701 (714) 834-4154.

#### Criminalist III - Santa Ana

Requires BS or BA in criminalistics, chemistry, biochemistry, biology or related field, plus four years field and forensic laboratory experience. A master's degree may be substituted for 1 year experience. Contact Personnel Dept. M24, 20 Civic Center Plaza, Santa Ana CA 92701. (714) 834-4154.

#### Criminalist Consultants (2 Positions) - Seattle, Wash.

One position is for a serologist, the other for a general criminalist. Both positions require a BS or BA in criminalistics or a natural or physical science plus five years bench experience. A master's degree may be substituted for one year experience. In addition, the positions require formal training and practical experience in microscopy and competency in toxicology (blood alcohols). Contact Director, Quantum Analytical Laboratory, 507 Third Ave. #1164, Seattle WA 98104.

Criminalists (2-7 Positions) - Oregon State System

Inquire Capt. Roger Dingeman. OSP Crime Laboratory, 222 S.W. Pine St.,  
5th Floor Portland, Oregon, 97204.

Serologist, Criminalist, Chemist, QD Examiner - Suffolk County, New York

Inquire Andrew Varanelli, Suffolk County Criminalistics Laboratory,  
Veterans Memorial Highway, Hauppauge, NY 11788.

Criminalist I - Connecticut State Laboratory

Inquire Henry Lee, Chief, Forensic Science Laboratory, 294 Colony St.,  
Meriden, CT 06450.

Criminalist - Toledo, Ohio

Inquire Richard Kwiatkowski, Toledo Police Division, 525 N. Erie St.,  
Toledo, OH 43624.

Forensic Chemist - DEA, New York City

Inquire Phillip Porto, Lab Chief, DEA Northeast Regional Lab, 555 W.  
57th St. Suite 1886, New York, N.Y. 10019.

Assistant Forensic Chemist - Westfield, New Jersey

Inquire Dorothy Gordimer, Chief Forensic Chemist, Union County  
Prosecutors Office Laboratory, 300 North Ave., East West Field  
New Jersey 07090.

Forensic Toxicologist - Jackson, Mississippi

Requires Ph.D. in analytical chemistry, biochemistry or toxicology  
plust three years experience in analysis of drugs of abuse including  
MS, RIA, and HPLC. Contact Leo Van Pringle, Mississippi Employment  
Service, 502 Yazoo Street, Jackson, Mississippi 39205.

Criminalist II (Trace or Drug) - Fort Lauderdale, Florida

Requires BA or BS in a chemical or physical science. Trace evidence  
analyst position requires three years experience in trace analysis.  
Drug chemist position requires three years experience in drug analysis  
including GC/MS. Inquire Personnel Division, Broward County Sheriff's  
Office, 2660 SW 4th Ave. Fort Lauderdale, FL 33315.

Toxicologist - Palm Beach, Florida

Requires BA or BS in chemistry or biology plus 4 years experience in  
forensic or clinical toxicology. Inquire Jay Pintacuda, Crime Laboratory,  
Palm Beach County Sheriff's Office, 3228 Gun Club Road, West Palm Beach,  
FL 33406.



UPCOMING MEETINGSNorthwest Association of Forensic Scientists

May 4-6, 1983. Missoula, Montana, Contact Arnold Melnikoff, Office of Attorney General, Criminal Investigation Laboratory, 275 West Fron St., Missoula, MT 59801.

California Association of Toxicologists

May 7, 1983. Newport Beach, California. Contact Vina Spiehler, Orange County Sheriff-Coroner, P.O.Box 449, Santa Ana, CA 92702.

International Conference on Legal Medicine

May 7-12, Kona, Hawaii. American College of Legal Medicine, 213 W. Institute Place Suite 412, Chicago, Illinois, 60610.

Inter/Micro 83

19-21 July 1983, Cambridge, England. Contact Nancy Duerr, McCrone Research Institute, 2508 S. Michigan Ave. Chicago, Ill. 60616. (312) 842-7105.

Canadian Society of Forensic Sciences - Northwest Association of Forensic Scientists - Joint Meeting

August 13-19, Vancouver British Columbia, at the Hotel Georgia. The Theme of the meeting is "Current Challenges in Forensic Science." Contact Jeff Kaughlin, RCMP Laboratory, 5201 Heather St., Vancouver V5Z 3L7, British Columbia or Gary Shutler, RCMP Laboratory, Box 5650 Winnipeg, Manitoba. RBC 3K2

Scandanavian Conference on Forensic Science

August 16-18, 1983, University of Linkoping, Linkoping, Sweden, Contact Ewa Altebo, Short Course Office, University of Linkoping, S-581 83 Linkoping, Sweden.

Southern Association of Forensic Scientists

Sept. 8-10, 1983. Chattanooga Choo-Choo Hilton, Chattanooga, Tenn.

Northeastern Association of Forensic Scientists

October 7-18, 1983, Hasbrouck Heights, New Jersey. Contact Richard Saferstein, New Jersey State Police Forensic Science Bureau P.O.Box 7068. W. Trenton, N.J. 08625 (609) 882-2000.

Asian Pacific Congress on Legal Medicine and Forensic Sciences

Sept. 18-22, 1983. Singapore. Contact Dr. Wee Keng Ph, Medico-Legal Society, 4-A College Rd., Singapore 0316.

International Association of Forensic Sciences

18-25 Sept. 1984. Oxford, England. Contact IAFS, c/o Forensic Science Society, P.O.Box 41, Clarke House, Harrogate, North Yorkshire, GH1 1BX, England.



ETHICAL DILEMMA

Peter D. Barnett  
Forensic Science Associates

In last months ethical dilemma the issue of the courtroom conduct of a Criminalist was raised in what, I hoped, was a somewhat lighthearted fashion appropriate to the holiday mood prevailing at the time the last column was written. (Unfortunately, it seems that many of the readers do not share my own rather obscure sense of humor as is apparent in some of the replies which are quoted below.) This month I would like to address a related issue: The question of the credentials given by an expert witness in giving his qualifications in Court.

Technically, a witness must establish his qualifications, first, for the Court to allow the judge to bestow the magical title of "expert" on the witness. This, however, is merely a pro forma exercise since, with rare exceptions, a witness who has either (1) previously testified as an expert somewhere, or (2) is employed in a crime laboratory will be qualified by the Court as an expert. The expert's qualifications, then, which are given in so much detail are not for the Court's review, but to impress the Jury with the breadth and depth of the witness' training and experience.

One of the primary pieces of information which is elicited from the witness concerns his College or University training and degrees. The witness is expected to recite a course of study ultimately leading to one or more degrees which, it is presumed, make him more expert than the ordinary person in the examination of evidence. The witness' obligation in outlining his educational achievements for the jury is to do so in a way so as to not mislead the jury. It is, of course, entirely appropriate and advisable for the witness to "put his best foot forward" and to state his qualifications in the most favorable manner which does not give rise to a false impression as to the nature or extent of the witness' experience or training.

There are, of course, college degrees of many sorts. In the State of California nearly anyone can start a school and give degrees for whatever reason they want. This is permitted specifically by the Education Code of the State of California. Other institutions may grant degrees such as the Doctor of Divinity degree offered by the Universal Life Church. More legitimately, there are institutions of higher education which are accredited by various accrediting bodies. Recently, there have been a large number of so-called alternative colleges established. These institutions generally offer various advanced degrees which give credit for "life experience" of the student and which are tailored to meet the specific requests of the student. Generally, the student pays a fee ranging from a few hundred to a few thousand dollars, proposes a "course of study" which is accepted by the school, and, after completion of the course of study, is granted the degree called for in the students contract with the school.



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It is possible, for example, to get a "Ph. D. in Forensic Science" from such a school. The course of study would never include attending classes at the school, the faculty of the school would not include anyone who is even remotely familiar with the field of forensic science, no specific course work would be required, and the "dissertation" would be far below what would be considered acceptable in an accredited institution. The student would get credit for work experience which would fulfill all of the degree requirements except for writing the dissertation. The dissertation would not be reviewed and accepted by a critical panel of referees. Nevertheless, the student would hold a degree, legally granted by the school, of "Ph. D.". When testifying, then, the witness could state that he had a "doctorate degree in forensic science" from such-and-such an institution. This is bound to sound fairly impressive to the naive jury.

Assuming the above situation, what are the ethical responsibilities of the witness, and what are the ethical responsibilities of the witness' laboratory supervisor. Is it misleading for the witness to state that he holds a doctorate in forensic science when that degree is legally granted but would not be recognized in the academic community as having been granted by an academically accredited institution? Does the supervisor have a responsibility to ensure that the criminalist does not claim to have a degree which the supervisor realizes is not a legitimate degree? Would it be proper for the criminalist to sign reports as "John Q. Criminalist, Ph. D."?

As indicated in the introduction to this column, the last column produced a flurry of responses. Most of the respondents felt that there was nothing improper about the criminalist taking his daughter to court. One anonymous response stated, "If the defense lawyer takes the child's presence as a tactic by the prosecution that is his problem and not the criminalist's or the court's." Dave Sanchez said, "The courts are open to spectators whether children or adults. I can see no good reason to deny these rights to children of criminalists. The child does not prevent a thorough and complete cross-examination. The defense attorney's attitude prevents it."

Margaret Kuo commented, "It's preposterous to suggest that a criminalist would bring a child to court solely as a defense mechanism. Then if the defense attorney should be intimidated by a 4 year old, (then) he's in the wrong business." Art Terkelson took a somewhat different view: "It is rather remarkable that a criminalist should resort to a trick to keep off the hot seat, but if he did take his child with that expectation it shows a deeper problem. (He) needs to look at his job expectations and set new goals so he can be prepared for cross examination."

A number of the writers suggested that the problem must have been one of a lack of a babysitter. In the particular case, however, the witness

## Ethical Dilemma

was testifying hundreds of miles from home in a different state so the inability to locate a babysitter was probably not the reason the child was in court.

Some writers doubted that the presence of the child in the court would have an intimidating affect on the lawyers. Chet Young stated, "Lawyers and judges are intelligent and skilled people who can easily have the child removed if the child is viewed as a potential hazard to their cases....It is my feeling that the witness has little to worry about if a good job was done on the case and if the lawyer asks relevant technical questions and does not engage in a vitriolic personal attack on the character of the witness." Jim Starrs commented, "I sincerely doubt that a seasoned defense attorney could be taken in so handily. First, the 4 year old would probably be such a nuisance...that the judge would take action on his own to exclude her from the courtroom. Dogs are excluded from courtrooms for similar reasons of decorum".

Starrs continues, suggesting that "the defense attorney could hoist the Criminalist and the prosecutor by their own petard--the 4 year old. (The defense attorney) could point out that her presence suggests some inherent weakness in the criminalist's testimony which needs bolstering."

Finally, several respondents, while denying that the presence of the child was intended to or could have intimidated the defense attorney, offered the services of their children and, in one case a pregnant wife, for such intimidation.



Response to the April Ethical Dilemma

The criminalist is entitled to use the degree in establishing his qualifications in court and in his reports.

The criminalist would violate section \_\_\_\_\_ of the CAC Code of Ethics if he uses the degree to bolster his opinion.

The criminalist's supervisor has an ethical responsibility to prevent the criminalist from using the degree.

Comments:

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