



# NEWSLETTER

## California Association of Criminalists

# NEWSLETTER

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SEPTEMBER 1984

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This mailing also includes the following items:

1. CAC 1984-85 Membership Roster
2. Proxy for Fall Seminar in San Diego
3. Business Meeting Minutes, May 11, 1984 (FOR APPROVAL).
4. Board Meeting Minutes, May 9, 1984 (Approved).
5. Board Meeting Minutes, May 11, 1984 (Approved).
6. Board Meeting Minutes, June 22, 1984 (Approved).
7. Seminar Abstracts - Spring 1983 at San Francisco.
8. Seminar Abstracts - Fall 1983 at Ontario.
9. Seminar Abstracts - Spring 1984 at Monterey.

Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position of the California Association of Criminalists.



## UPCOMING MEETINGS

## CALIFORNIA ASSOCIATION OF CRIMINALISTS - FALL SEMINAR 1984

October 24-27, 1984. San Diego, CA. Hosted by the San Diego Police Department Crime Laboratory. Town and Country Hotel in Mission Valley. Contact: Jim Stam; San Diego Police Department; 801 Market St.; San Diego, CA 92101. (619) 236-6505.

## Northeastern Association of Forensic Scientists

October 25, 26 & 27, 1984. Uniondale, NY. Marriot Uniondale Hotel. Contact: Lowell Mark; NJSP Lab; Route 46; Little Falls, NJ 07090 (201) 256-7790.

## American Academy of Forensic Sciences

February 11-15, 1985. Las Vegas, Nevada. Riviera Hotel. Contact: AAFS; 225 S Academy Boulevard; Colorado Springs, Colorado 80910. (303) 596-6006.

## Association of Firearm &amp; Tool Mark Examiners

May 13-17, 1985. Michigan State Police Academy. Contact: James Berglund (517) 348-5449.

## CALIFORNIA ASSOCIATION OF CRIMINALISTS - SPRING SEMINAR 1985

May 17, 18, 19 (Friday, Saturday, Sunday). Oakland, CA. Hyatt Regency Hotel. Hosted Jointly by the Oakland Police Department Crime Laboratory and the University of California, Berkeley. Contact: Jan Bashinski; Oakland Police Department Crime Lab; 455 7th Street, Rm 608; Oakland, CA 94607. (415) 273-3386.

## EMPLOYMENT OPPORTUNITIES

(Members actively seeking employment are encouraged to contact the Editorial Secretary to keep informed of employment opportunities arising between Newsletters. This is most important for those considering positions outside California. Also, for those positions listed there is often additional information which may be obtained from the Editorial Secretary.)

## CRIMINALIST I. Washington State Patrol Crime Laboratory.

A register will be opening for two entry-level criminalists (Criminalist I) at the Washington State Patrol Crime Laboratory in Seattle. Opening and closing dates have not been set as of 9/14/84. Interested parties may obtain information and applications from the Washington State Department of Personnel; 600 S Franklin; Olympia, Washington 98504. Their general number is (206) 753-5368.



## ANNOUNCEMENTS

### CACLD Meeting Information

To further communication between the California Association of Crime Laboratory Directors and the CAC, the participation of CAC members as observers at CACLD meetings has been encouraged. The CAC Board of Directors has assigned responsibility to attend these meetings to the Regional Directors. Regional Directors will attend meetings within their area and report to the Board.

### CACLD Meeting

On July 13, 1984 the CACLD met at the Oakland Hyatt. Grady Goldman was in attendance as the CAC representative and was officially welcomed by President Robert Drake. Two issues were discussed which are of particular interest to the CAC: 1) A recommendation that the CAC code of ethics be strongly supported at the management level, and 2) The importance of both the CAC and CACLD monitoring current and potential legislation which affects the profession.

### Newsletter Publication Schedual - Deadlines for Submission

The CAC Newsletter is published quarterly on the first day of March, June, September, and December. Materials submitted for publication should be received by the Editorial Secretary 15 days prior to the publication date. From time to time contingencies delay publication and materials may be included which are received after this date. Please contact the Editorial Secretary if you need information regarding upcoming Newsletters.

The March and September Newsletters contain information and agenda for the upcoming Semi-Annual Seminar. Abstracts from the preceeding Seminar normally appear in the June and December Newsletters, and the annual CAC Salary Survey appears in the December Newsletter.

## ASSOCIATION ACTIVITIES

## Northern Section Meetings

The Contra Costa County Sheriff's Criminalistics Laboratory hosted a dinner meeting on July 26, 1984, at Margarita's Restaurant in Martinez. Dr. Roger Heglar, a Forensic Anthropologist from the University of California at San Francisco, spoke and presented a slide show on Forensic Anthropology. The meeting was attended by about 60 people.

The Oakland Police Department Criminalistics Laboratory hosted a dinner meeting on August 17, 1984, at Francesco's Restaurant in Oakland. George Lewis of the U.S. Postal Inspector's Laboratory and Lloyd Cunningham of the San Francisco Police Department Criminalistics Laboratory spoke on aspects of document examination. Thirty-three people attended.

## Southern Section Meeting - June 7, 1984

The Santa Ana Police Department Laboratory hosted the meeting on August 16, 1984 at Michael's Restaurant in the City of Commerce. The speaker was Mr. George Garratty, the Scientific Director of the American Red Cross Blood Services. Mr. Garratty discussed theories on the medical purposes of blood group substances. There were 60 attendees.

## STUDY GROUP MEETINGS

(The following Study Groups are currently active. For further information regarding one of these groups, or to be placed on a mailing list, contact the member listed.)

## South:

Arson/Explosive	Mel Kong
Drug	Darryll Clardy
Serology	Barbara Johnson, Carol Rhodes, Dave Sugiyama
Trace Evidence	Ed Rhodes, Sandy Wiersema

## North:

Serology	Jan Bashinski
Trace Evidence	Marty Blake, Terry Spear



Trace Evidence Study Group - South (S. Wiersema, E. Rhodes)

8/16/84. The group met prior to the dinner meeting in the City of Commerce. There was a general topic discussion of fibrous evidence and planning of future group activities.

Trace Evidence Study Group - North (T. Spear, M. Blake)

7/26/84. The group met at the George Gordon Center in Martinez prior to the dinner meeting. The three-hour meeting included discussion of papers presented at the Intermicro meeting in Chicago and discussion of plans to compile a resource list of contacts in private industry.

Drug Study Group (D. Clardy)

8/16/84. The group met prior to the dinner meeting in the City of Commerce. Topics of discussion included 1) Procedures for Psilocyn/Psilocybin Analysis (Bob Lee); 2) Yield of New P-Z-P Procedures and Needed Safety Requirements (Tom Abercrombie); 3) Fourier IR (Terry Fickies); 4) An Update by the Legislative Subgroup; 5) Synthesis of d-Cocaine, Isomers of Cocaine, their Analytical Identification, and the Pharmacological Activity of these Compounds.

Serology Study Group - South (B. Johnson, D. Sugiyama, C. Rhodes)

7/12/84. The Serology Study Group met at the Orange County Sheriff's Criminalistics Laboratory. Twenty-four people attended the meeting which was co-chaired by Barbara Johnson, Carol Rhodes and Dave Sugiyama. The meeting was devoted to discussion of the Federal Bureau of Investigation's Electrophoresis Symposium.

8/16/84. The group met prior to the dinner meeting. There were three topics of discussion among the 27 attendees: 1) Biochemistry and Genetics of ABH antigens (follow-up of Mr. Garratty's dinner presentation); 2) Continuation of the discussion of the papers given at the FBI Electrophoresis Symposium; 3) Hypothetical case discussion.

Serology Study Group - North (J. Bashinski)

7/26/84 The Northern Serology Study Group held a meeting at the George Gordon Center in Martinez prior to the dinner meeting. Discussion topics included the Medical Protocol Committee's proposed revisions to Title 22 and court issues relating to Serology testimony.

8/17/84. The group met and continued discussion of the use of genetic frequency data in testimony.



SYMPOSIUM ON RECENT ADVANCES IN ARSON ANALYSIS AND DETECTION BY  
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

Background

The Bureau of Alcohol, Tobacco and Firearms (ATF) Laboratories have been assisting state and local agencies in investigating fires since 1970. ATF special agents have been involved in the fight against arson since 1977. Within the framework of statutory authority provided by Title II of the Gun Control Act of 1968 and Title XI of the Organized Crime Control Act of 1970 (commonly known as the Explosives Control Act), ATF's enforcement approach has been structured toward the investigation of arson for profit schemes involving commercial or industrial interstate activities, especially those schemes perpetrated by members of organized crime, white-collar criminals, members of organized "arson rings," or violent criminals.

Working hand-in-hand with state and local investigators and other Federal law enforcement agencies in arson task forces, ATF has both initiated and assisted in arson investigations. While arson is basically a local problem, a coordinated effort among Federal, State and local agencies is imperative if the continuing arson epidemic is to be curtailed.

In addition to its participation in arson task forces, ATF has developed and provided training to state and local agencies in two major areas:

1) State-of-the-Art Arson Laboratory techniques for chemists and 2) Arson-for-Profit Investigation for investigators. During the past three years ATF has trained approximately 150 chemists and 1300 investigators.

To continue the training of state and local chemists, ATF is offering a Symposium on Recent Advances in Arson Analysis and Detection. The one-day workshop will be held at the American Academy of Forensic Sciences Meeting in Las Vegas on Tuesday, February 12, 1985.

#### Symposium Topics

During the one-day seminar, attendees will participate in discussions ranging from cause and origin to pre-analysis clean-up and GC/MS techniques.

Some of the topics to be discussed are:

- Basic Cause and Origin - it's importance to laboratory analysis
- Clandestine Drug Laboratories - Hazards/Incendiary Devices/Boobytraps
- Accelerant Detection Dogs
- GC/MS Applications
- Pre-analysis Clean-up Techniques
- Survey of Sorption/Elution Techniques

#### Attendance

Registration will be coordinated with the American Academy of Forensic Sciences, 225 S. Academy Boulevard, Colorado Springs, CO. A modest registration fee will be charged, to cover costs (final cost to be determined). Luncheon and refreshments at breaks will be included with registration.

#### More Information

For additional information and pre-registration, please contact Rick Tontarski, ATF-National Laboratory Center, 1401 Research Boulevard, Rockville, Maryland 20850 [(202)294-0420].



## ETHICAL DILEMMAS

Peter D. Barnett  
Forensic Science Associates

Four years ago I was involved in a situation in which I was not sure of my ethical or legal responsibility to alert the prosecution to a piece of evidence which they had not found. Inquiring of my client, the defense attorney, I was advised not only not to divulge the information to the prosecutor, but not to return the evidence (a fiber) when I returned the rest of the evidence to the investigating agency. Other lawyers gave me advice based on their own perspectives as either defense or prosecuting lawyers. The lawyers response was based on their own understanding of the law, and, to no small extent, their personal philosophy about the duties and prerogatives of the various participants in the justice system. I then turned to the criminalistics community for advice: Some argued that I could have actually consumed the evidence during testing and been under no obligation to divulge the information to the prosecution, others argued that I had an obligation to alert the prosecution of the existence of the evidence. Both arguments were reasonable, based on various sections of the Code of Ethics of the California Association of Criminalists.

That incident made one thing clear: Questions of proper ethical conduct are not matters which are clear cut and about which everyone agrees. Indeed, the history of ethical issues within the CAC, and the responses to the articles I have written over the past four years, demonstrate that there are many different views of what constitutes proper ethical conduct. In those articles I tried to present situations in which the proper ethical conduct of the criminalist was not clear. I tried to separate issues of technical competence from questions of ethics, and I tried to separate issues of legal obligation and ethical obligation.

From the responses of many readers over the past several years, I am sure that all criminalists are faced on a regular basis with situations in which their ethical obligations are not clear. Indeed, in many instances the legal, ethical, and technical obligations may not be the same and criminalists are called upon to strike a balance between conflicting interests. It has been my primary goal in writing these vignettes to point out that criminalists have an obligation to their employer (or "client"-which is an equivalent relationship), the principals in a lawsuit, the justice system, and society in general. This obligation is to deliver criminalistics services in a manner which correctly balances the sometimes conflicting requirements, desires, and goals of these different groups.

A profession has as one of its hallmarks the delivery of a service to the public who cannot evaluate the quality of the service it receives. This implies an obligation of the profession to insure that the services that are provided are in the best interests of the public.

Technical competence cannot be the only professional requirement for the criminalist. There are many situations that arise in which the criminalist must make a decision which is not technical, but is critical to the way in which the services provided by the criminalist are used. I have tried to write about some of these situations over the past several years. I hope that the cases I have described, and the comments I have reported, are the beginning of an effort to consider the broader questions of how the scientific and legal communities can more effectively take advantage of each other's skills and knowledge.



It is important that criminalists not abdicate the responsibility for decisions. That is not to say that consultation with interested persons outside the profession is unnecessary, but we should take primary responsibility for determining how our services are used and what we should or should not do. Since we work closely with members of the legal profession, there is a natural inclination to defer to lawyers, or legal rules when criminalists are faced with questions of a non-technical nature in their daily practice.

The combination of the enterprises of law and science is a relatively new endeavor. More precisely, the attempts to combine the two disciplines that have been made over the past 60 years (since *U.S. vs. Fry*) are a renewal of an effort in the same direction that was made several hundred years earlier without notable success in the trials of Galileo and Copernicus. The mechanisms by which the law can utilize science, or science can influence the law, are not clearly defined. Indeed, even if it is assumed that the ultimate goals desired by scientists and lawyers are the same, the two professions frequently appear to approach the fact finding process in entirely different ways. The goal of the lawyer is to logically arrive at a conclusion based on certain assumptions. The scientist has the same goal, with two exceptions: There is usually no requirement to arrive at the conclusion or risk having the issue settled some other way, and the scientist wants a correct answer and assumes that a logically reasoned argument will get the correct answer. The lawyer assumes that the logically reasoned answer is correct. There is a distinct difference.

Because of this difference, lawyers and scientists often have difficulty working together. In situations where the proper course of action is unclear, the response of many criminalists is "let the lawyers figure it out, and then we'll do whatever they say." In this situation, the lawyers then decide what they want to do and then determine a logical way to justify doing it. They find precedent which can be argued to be in support of their stated goals. Generally, both sides, or all sides in some cases, can pose a credible argument. The correct answer is not so important as who has the most credible argument.

The "application of science to law-science matters", as the CAC definition of criminalistics describes the function of a criminalist, is not only to do a laboratory analysis and write a report. The obligation of the criminalist is to ensure that scientific techniques and methods are used to further the legitimate interests of the justice system. But what are the "legitimate interests" of the justice system, and just what should the criminalist do to further those interests? It is at this point that questions of ethics arise. As criminalists, we certainly have a right to have a large impact on how our services are provided and used. These questions frequently require consideration of issues that are called "ethics", and we should not retreat from them, nor abdicate their resolution to lawyers, supervisors, investigators, or any other group.

As a profession we need to develop mechanisms for the resolution of conflicts which arise in our practice. We recognize that in many situations there may be conflicts in our legal, technical, ethical, and personal responsibilities. We must be willing to address these conflicts frankly and without rancor. I hope that over the past four years I have presented some interesting situations which highlight the dilemmas faced by criminalists in their daily practice.

In conclusion, I have, for the last four years, enjoyed describing the ethical dilemmas and have particularly enjoyed the responses of colleagues from both within and outside the field of criminalistics. There comes a time, however, when the task of writing becomes too arduous, and the repeated calls from the editorial secretary suggest that there is a certain lack of spontaneity. The time has come to stop before the calls asking for the manuscript stop coming. I hope that this will not be the last of the articles in the CAC Newsletter on this subject.