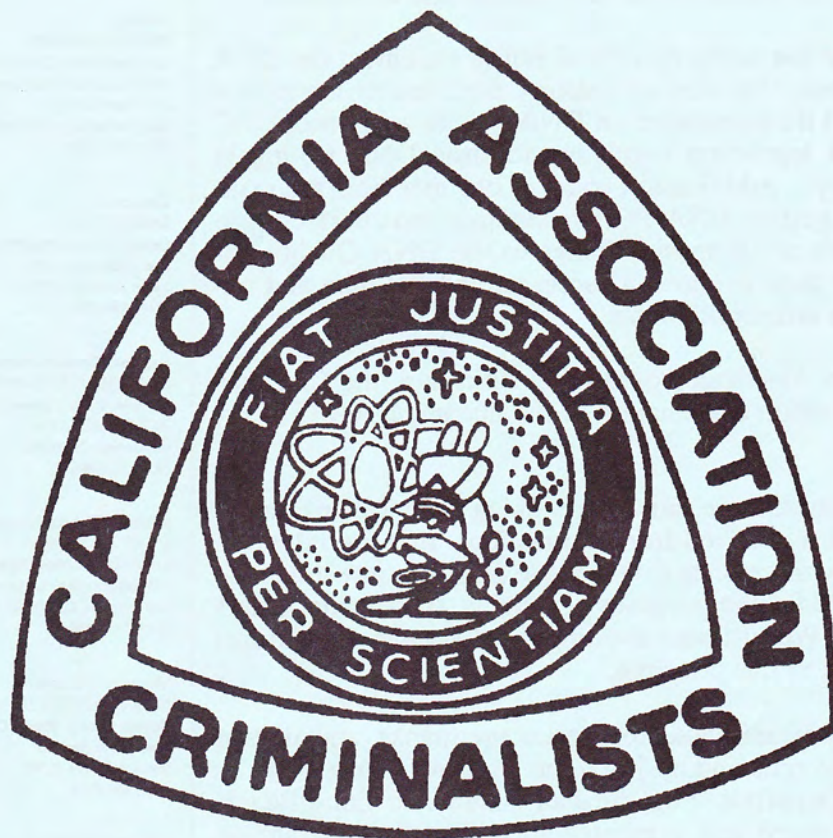


JB

NEWSLETTER



OCTOBER 1990

A MESSAGE FROM THE PRESIDENT

We are proceeding through an exciting year. The organization is grappling with various issues including DNA, certification and endowment.

The Board of Directors has made an official policy statement on DNA analyses. It is as follows: "In view of existing mechanisms for review established by CAC and its committee on DNA quality assurance, CAC holds the position that legislation regulating forensic DNA testing in California is unnecessary". Additionally, some of our members are making great strides toward getting DNA PCR techniques incorporated into the TWIGDAM guidelines. A special thanks to the DNA Quality Assurance Committee for their continuing successes and the time and energy necessary for these accomplishments.

In cooperation with the American Board of Certification, the CAC has agreed to offer a certification examination at the upcoming AAFS meeting.

The board and its committee are currently looking for mechanisms for investing the funds that it received from a donation. It is the intention of the board to use only the money that is made from the investment of the \$300,000.00 principle for the purposes of training, scholarship, grants and related programs. We are also awaiting word on some additional funds that may be added to this principle.

I'd like to take this opportunity also to express my thanks, and that of the organization for the outstanding job done by Dave Hong and the Los Angeles Sheriff's Department on the Fall Seminar in Long Beach. Everything was well planned and presented including the program on serial murders, the vendors, the hotel, the food and especially the entertainment.

Remember, please call your board members with any concerns or questions you have on matters we are addressing or those we have not noticed. Make your voice known, your thoughts are valuable to us all.

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SOCIETY FOR VECTOR ECOLOGY November 14, 1990 The 22nd Annual Society for Vector Ecology Conference will contain a **Forensic Entomology Seminar**. The seminar will be held at the Hilton Pavilion Hotel in Mesa, Arizona. For further information, please contact: Dr. James P. Webb, Jr., Orange County Vector Control District, P.O. Box 87, Santa Ana, CA 92702 (714) 971-2421

AMERICAN ACADEMY OF FORENSIC SCIENCES February 18-23, 1991 The 43rd Annual Meeting of the American Academy of Forensic Sciences will be held at the Marriott Hotel in Anaheim, CA. For further information, please contact: Anne H. Warren, AAFS, P.O. Box 669, Colorado Springs, CO 80901-0669 (719) 636-1100

CALIFORNIA ASSOCIATION OF CRIMINALISTS May 15-18, 1991 The Semi-Annual Seminar of the California Association of Criminalists will be held at the Hyatt Regency Hotel at the Embarcadero Center in San Francisco, CA. For further information, please contact: Debbie Madden, San Francisco Police Department, 850 Bryant Street, Room 435, San Francisco, CA 94103 (415) 553-1161

MIDWESTERN ASSOCIATION OF FORENSIC SCIENTISTS October 6-11, 1991 The Fall 1991 meeting of the Midwestern Association of Forensic Scientist will be held at the Adam's Mark Hotel in Kansas City, Missouri. For further information, please contact: Bill Chapin, Johnson County Crime Laboratory, 6000 Lamar, Mission, Kansas 66202 (913) 791-5623

UPCOMING PROFESSIONAL MEETINGS

CRIMINALIST III

The County of Ventura Sheriff's Department is seeking qualified applicants for two Criminalist III positions. Minimum qualifications include an appropriate Bachelor's degree and three years of forensic science experience. The openings are available in the Toxicology and Alcohol sectors. The salary ranges from \$3050 to \$3888 per month, with an additional 5% being paid for a relevant Master's degree or higher. For further information, contact Dr. Arne Bergh, Sheriff's Crime Laboratory, 800 South Victoria Avenue, Ventura, CA 93009, (805) 654-2332

SUPERVISING CRIMINALIST

The County of Ventura Sheriff's Department is seeking qualified applicants for a Supervising Criminalist (Criminalistics) position. Minimum qualifications include an appropriate Bachelor's degree and five years of forensic science experience. The salary ranges from \$3539 to \$4516 per month, with an additional 5% being paid for a relevant Master's degree or higher. For further information, contact Dr. Arne Bergh, Sheriff's Crime Laboratory, 800 South Victoria Avenue, Ventura, CA 93009, (805) 654-2332

CRIMINALIST

The Los Angeles Police Department is recruiting for the position of Criminalist. Qualifications include a Bachelor's degree in criminalistics, biological science or chemistry. Experience as a criminalist may be substituted for up to two years of the educational requirement, subject to certain course work restrictions. Salary ranges from \$2818 to \$4334 per month. For further information, contact the Personnel Department, Room 100, City Hall South, 111 E. First Street, Los Angeles, CA 90012, (213) 485-2442

FORENSIC SCIENTIST 2

The Washington State Patrol Crime Laboratory Division is seeking applicants to fill several positions within the division. Backgrounds in serology, firearms and toolmarks, and trace are needed. Educational requirements include a Bachelor's degree in forensic or natural science and two years experience in analytical research or forensic science. Monthly salary is \$2315 to \$2963. For further information, contact John F. Anderson, Washington State Patrol, Crime Laboratory Division, 400 East Union, ER-14, Olympia, WA 98504

FORENSIC SCIENTIST 3

The Washington State Patrol Crime Laboratory is also seeking applicants for Forensic Scientist 3. Qualifications are similar to those required of Forensic Scientist 2, except that three years of experience are required.

JOB OPENINGS

Certificate of Professional Competency in Criminalistics

Qualifying individuals are invited to apply for the Certificate of Professional Competency offered by the California Association of Criminalists

Qualification information and applications may be obtained from:

*Steve Renteria
Los Angeles Sheriff's Department
Crime Laboratory
2020 West Beverly Boulevard
Los Angeles, CA 90057*

**The next examination will be given on Tuesday, February 19, 1991
at the American Academy of Forensic Sciences Meeting
in Anaheim, California**

**Applications must be received by January 5, 1991
to be considered for the
February examination date**

CERTIFICATION

Mary Gibbons - *Chair*
Jim Bailey
Gary Cortner
Dan Gammie
Steve Renteria
Jim Stam

DNA QUALITY ASSURANCE

Carol Rhodes - *Chair*
Mary Gibbons
John Hartman
Barbara Johnson
Kenneth Konzak
Edward Rhodes
Rebecca Reynolds
Jennifer Super-Mihalovich

ENDOWMENT

Fred Tulleners - *Chair*
Jim Norris
John Murdock
Jim White
Sandy Wiersema

ETHICS

Karen Sheldon - *Chair*
Marty Blake
Linda Hartsrom

FOUNDERS' LECTURE

John DeHaan - *Chair*
Dave Hong
Rich Brown

HISTORICAL

Jack Cadman

TRAINING AND RESOURCES

Pam Smith - *Chair*
Peter Barnett
Steve Cooper
Kristin Garvin
Gary Sims
Lisa Skinner
Jeff Thompson

**1990 - 1991
COMMITTEE
ASSIGNMENTS**

ETHICAL DISCUSSION -- SERIES II, NUMBER 5

Section F of Article II of the C.A.C. Code of Ethics provides that, "The scientific mind is unbiased and refuses to be swayed by evidence or matters outside the specific materials under consideration. It is immune to suggestion, pressures and coercions inconsistent with the evidence at hand, being interested only in ascertaining facts." Unfortunately, a great number of the examinations that a criminalist makes require a subjective evaluation by the criminalist--how strong must the band be on the electrophoresis plate before a type is no longer inconclusive; how many striations must match on a bullet comparison, etc.? While we may all attempt to be immune from the impact of all considerations except the evidence itself, can we truly be free from the effects of other suggestions? If the serologist is told that the defendant has confessed and admitted that he left his blood at the scene, does that not make the band look a little stronger? In most areas of science, attempts will be made to create experiments that provide for a double blind study; i.e., the examiner will not know of the "correct" answer until after he reaches his own conclusion. The Ethical Discussion in this issue relates to the obligation of the criminalist to adhere to this principle.

Facts: In a burglary case the perpetrator cuts his arm on broken glass, and some of his arm hairs are cut off and left at the scene. The defendant is arrested a short time later with an injury to his arm. The police criminalist is later asked to remove some hairs from the defendant's arm and compare them to the questioned hairs from the scene. He then testifies at trial that he observed "overwhelming similarities" between the known and unknown hairs, although, "because hairs are a biological growth and can vary within individuals as well as between individuals, they cannot be used as a positive means of identification." The defense attorney then retains an independent criminalist. The defense criminalist indicates to defense counsel that, in his opinion, based on his reading, limb hairs have much less value for comparison than head hairs, but he has never personally conducted a study to determine the relative values of head and limb hair. He then collects fifteen samples of arm hair to compare to the questioned samples; these are random, in the sense that they were taken from the fifteen people from whom he could most easily collect them. He finds that he cannot eliminate the defendant's hair as a source of the questioned hairs, but he also cannot eliminate one of the fifteen other known samples. He then testifies at trial to his findings, indicating that he feels this validates his prior opinion that arm hairs have less value than head hairs for comparison. The district attorney then requests an order from the court requiring the defense criminalist to return the questioned samples and defendant's known hairs to the police criminalist and to turn over the known sample which the defense criminalist could not distinguish, indicating that if the police criminalist can distinguish all known samples except the defendant's from the questioned hairs, she will recall him to testify. The defense criminalist then requests permission from the court to code the samples so that when the police criminalist reexamines them, he will not know which known sample is the defendant's and which is not. Although he does not articulate it, the defense criminalist feels that the police criminalist will be swayed to some extent by the knowledge of which sample the prosecution wants to match, and he knows that the prosecutor is pressuring the police criminalist strongly to make such a finding. The police criminalist then refuses to examine the evidence under the conditions of a blind study. He argues that at the time the defense criminalist examined the hairs, he knew the identity of the person from whom the hairs were taken. He states that it would only be fair for him to make his own examination under the same conditions. As the district attorney phrases it to the court, "Why should our criminalist be blinded, when the defense criminalist was able to act with his eyes open?"

Issues: Is there any justification for the police criminalist's insistence on knowing the identities of the known hairs before he will compare them to the questioned hairs? For that matter, is it proper at all in making comparisons of this type to know the identities of the known samples? Certainly, if there is only one known sample to be compared to one questioned sample, it will be difficult to avoid disclosing to the examiner the identity of the sample. Would it be preferable, though, in all such cases to have a co-worker prepare additional negative controls and present them as blind samples to the examiner? If preferable, would it be ethically required under section C of Article II of the C.A.C. Code of Ethics? Since the vast majority of literature relating to hair examinations is restricted to head hair and pubic hair, is the police criminalist justified in stating his opinion that these samples exhibited "overwhelming similarities," or would this violate the spirit of Sections C and D of Article III?

John Nelson responded to the last Ethical Discussion (regarding the criminalist who did not know the "legal" definition of under the influence) as follows:

Criminalists should present testimony so the laymen juror understands the meaning of their work and opinions. Attorneys should apply this testimony to the "legal" definitions for the jury. When the criminalist is asked the definition of a keyword or phrase in the area of his expertise, he should state the source of the definition whether or not he is familiar with the legal definition or of its existence. This would clue the attorneys and judge that he may not be using the definition in which they are interested.

It should be appropriate for a criminalist to use his own definition, if it conveys the correct meaning. I have routinely testified in the area of alcohol impairment in driving under the influence cases and have not been able to state the "legal" definition of under the influence. When asked I have said, "I don't know." No longer will this be the case as of this writing. But if asked, a criminalist in this area should be able to give a definition of "under the influence" and indicate its source (i.e., personal, based on training and study within the area).

In the hypothetical, the D.A. blew it by using "under the influence." The definition uses "impairment" to define under the influence. The criminalist would be better able to discuss impairment since this is where scientific studies are aimed. It appears that the police criminalist does not know the difference between "under the influence" and "impairment" (there is a difference). He could be in violation of Article III, Section B: "The ethical expert does not take advantage of his privilege to express opinions by offering opinions on matters within his field of qualifications to which he has not given formal consideration, or D: "When circumstances indicate it to be proper, the expert will not hesitate to indicate that while he has an opinion, derived of study and judgment within his field, the opinion may lack the certainty of other opinions he might offer. By this or other means, he takes care to leave no false impressions in the minds of the jurors or the court."

It would not be proper for a criminalist to use the statutory level in forming his opinion as to the level at which all people are impaired for the purposes of driving. To do so could be violation of CAC Ethics Code, Section II F, "The scientific mind is unbiased and refuses to be swayed by evidence or matters outside the specific materials under consideration. It is immune to suggestion, pressures and coercions inconsistent with the evidence at hand, being interested only in ascertaining facts."

Webster defines "discussion" as consideration of a question in an open and usually informal debate. Such a debate requires the presentation of more than one side. The writer is happy to have received the above response, but a better discussion would develop if more responses are received. Therefore, please send in your own remarks on the issues presented in this discussion, or upon prior topics. Please indicate your reasoning and mail to:

V. Parker Bell
225 East Third Ave.
Escondido, CA 92025

CAC MERCHANDISE

Show your colors (or colours) at home, at work, or at play. Be the first (and probably the only) person on your street to have one of these. Limited stocks are on hand at CAC Seminars and by mail (via John DeHaan (California DOJ/CCI, in Sacramento). Special order items and colors are available on request. All CAC clothing items bear a specially embroidered emblem. These goodies are offered to you at cost, so you won't find a better deal.

The current offerings are listed here. if you would like to see a particular product offered, contact John DeHaan at BFS-CCI, 4949 Broadway, Room A-104A, Sacramento, California 95820, (916) 739-4380.

We are pleased to announce that the long-awaited **LADIES SCARVES** are available now and sale-priced at just \$12.00 each. White with red and blue trim, they have the CAC logo silk-screened at one end.

MEN'S TIES with the CAC logo embroidered in silk are also available for \$12.00 Choice of Blue or Burgundy.

We have, at last, gold **CAC NAME BADGES**. Get your own personalized one for just \$6.00. There are also **MUGS** (\$6.50), **SWEATSHIRTS** (Hooded for \$16.00, and Plain for \$12.50), **GOLF SHIRTS** (\$15.50), and **SWEATERS** (\$16.50 to \$17.50) in stock. We are also considering ordering **POLO SHIRTS** in blue and white. Contact John for more information.

A full range of **FORENSIC SCIENCE SOCIETY** items are also available. Many of them are listed below.

REMEMBER - We have gone to considerable trouble and expense to get these special items. Please show your support for the CAC!

Listed below are some of the other items that are available for sale:

Hats (one size fits all, mesh and foam, various colors with white: \$5.50

Patches: CAC logo only, black-on-white: \$5.00

Vests (sleeveless acrylic pullovers): \$16.50

Sweaters or Vests are available in: black, brown, burgundy, tan (camel), light blue, red and navy. (100% Orlon available at extra cost)

Forensic Science Society Ties: Embroidered FSS motif: \$6.50 (navy brown, burgundy) Woven multiple scale/microscope motif: \$6.50 (burgundy)

Plaques: \$20.00

Publications:

The following publications are available from the CAC. These are available at the CAC table at our semi-annual seminars. For further information, contact John DeHaan.

Explosion Investigation, Yallop \$25.00

Science Against Crime, Kind/Overman \$15.00

Eight Peak Index of Mass Spectra \$65.00

Measurement of Breath Alcohol \$13.00

Bibliography on Ethyl Alcohol, Holleyhead \$25.00

The Controlled Substances Act: A Resource Manual of the Current Status of the Federal Drug Laws, Alexander Shulgin \$25.00

CAC Policy Manual, complete with By-Laws, Officer Duty Statements, CAC Policy Statements, Ethics Enforcement Procedure with Binder: \$20.00

Index to CAC Seminars - free to members, \$10.00 to non-members.

CAC Abstracts (with index, in a three ring binder with the CAC logo) - \$25.00 for members, \$50.00 for non-members

Three Ring Binders: Blue & Grey with CAC Logo: \$10.00

Notice to Contributors

The California Association of Criminalists Newsletter is published four times a year (January, April, July, and October) by the California Association of Criminalists, a non-profit, professional society dedicated to the furtherance of forensic science in both the public and private sectors.

This newsletter publishes material of interest to its readers and is pleased to receive manuscripts from potential authors. Meeting announcements, employment opportunities, course announcements, etc. are also solicited.

Advertisements are also accepted, although a fee is charged for their inclusion in the Newsletter. The acceptance of any advertisement is at the sole discretion of the Editorial Secretary.

This Newsletter is prepared using Ventura Publisher™ Ver. 2.0, running on an IBM compatible 386/25MHz microcomputer and printed on an HP Laserjet™ II printer. Because of its mode of preparation, the Editorial Secretary requests that, if possible, all submissions to the Newsletter be made in the form of files contained on 5.25 inch IBM formatted diskettes (Either 360KB or 1.2MB) or on 3.5 inch IBM formatted diskettes (Either 720KB or 1.44MB). The following word processing programs can be accommodated: Wordperfect 4.2, 5.0 or 5.1; Wordstar 3.0, 4.0 and 5.0; Microsoft Word; XyWrite, and Multimate. Because of its widespread availability, Wordperfect 5.0 or 5.1 is preferred. Output from wordprocessing programs not listed above should be submitted in ASCII format. If possible, the submitted files should contain as few enhancements (bold, italic, centering, multiple type-faces) as possible. Drawing and images can also be directly imported, contact the Editorial Secretary for details and acceptable file formats. FAX submissions are also accepted. The FAX number for the Editorial Secretary is (415) 553-1483.

The deadlines for submissions to the newsletter are December 15, March 15, June 15, and September 15.