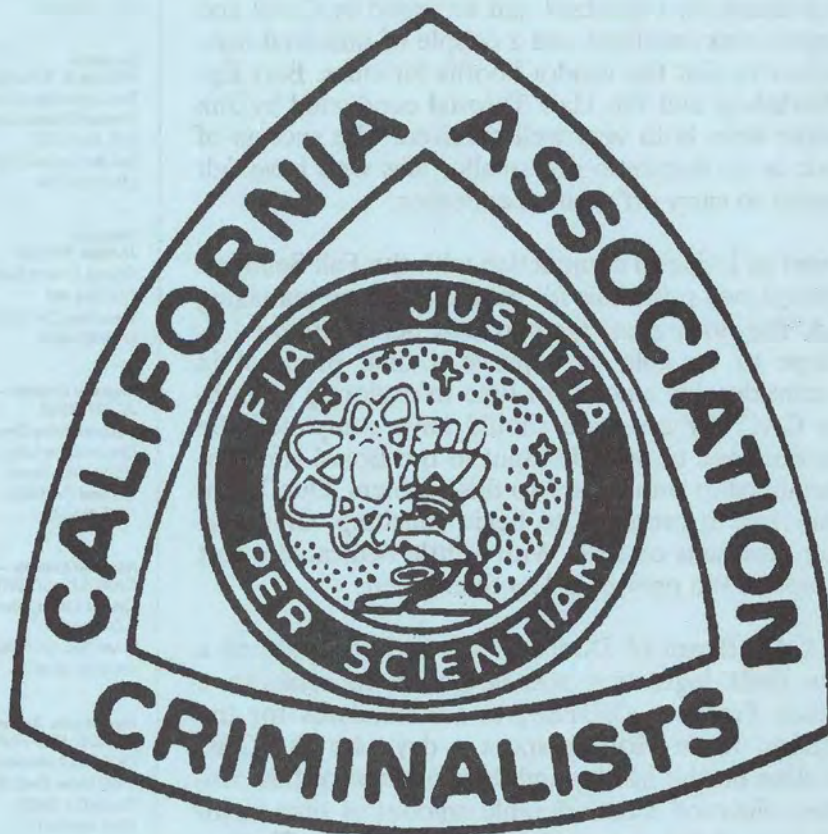


# Newsletter

California Association of Criminalists



JANUARY 1990

## A MESSAGE FROM THE PRESIDENT

The past three months have been busy ones for the CAC. In October we held our Fall Seminar in Irvine. The meeting was hosted by Cal Lab and was almost singlehandedly organized and arranged by Carol and Ed Rhodes. Vendor support was excellent and a couple of unsolved mysteries encouraged attendees to visit the vendor booths for clues. Bart Epstein's Blood Spatter Workshop and the Hair Tutorial conducted by Jim Bailey and Steve Schaeffer were both very well received. The success of this seminar should serve as an inspiration to smaller labs who have felt that they lack the personnel to carry off such an endeavor.

The CAC Board met in Irvine in conjunction with the Fall Seminar. At this meeting we reviewed two proposals for establishing and managing a CAC endowment fund. The documents are currently being reviewed by an attorney and we hope to be able to approve a final proposal in January. We devoted a considerable amount of time to exploring publishing alternatives for the CAC. By now you should have completed the questionnaire which was designed to provide input to the Board concerning the desires of the membership with regard to this problem. Our Training and Resources Committee is prepared to begin soliciting volunteers to put all of our Seminar Abstracts on disc. With a little dedicated effort we should be able to complete the project in less than a year.

In November the CAC Board of Directors was invited to attend a CACLD meeting where draft legislation was voted on to establish a Board of Forensic Science Practices (BOFSP) to set standards for the practice of forensic science. Kathi Holmes spent a day with the CAC Board to bring us up to date on the history and development of this concept. Many CAC members devoted a considerable amount of time to investigating the pros and cons of this proposal and its perceived effect on all of us at the bench. After much discussion, CACLD voted not to pursue legislation at this time to establish the BOFSP. This topic is not dead. All of us need to think about standards, quality assurance and quality control as they relate to the practice of criminalistics. Our Certification Program is just the first step that we have taken to ensure minimum levels of knowledge for practitioners. Where should we go from here?

Our next Board Meeting is scheduled for January 19, 1990. I look forward to the challenges of the coming year and the continued role of the CAC as a leader in the field of criminalistics.

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Contra Costa Sheriff's Office  
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**THE AMERICAN ACADEMY OF FORENSIC SCIENCES** February 19-24, 1990 The 42nd Annual Meeting to be held at the Clarion/Hyatt Regency Hotels and the Cincinnati Convention Center in Cincinnati, OH. For Further information contact Anne H. Warren, P.O. Box 669, Colorado Springs, CO 80901-0669

**THE NATIONAL ORGANIZATION FOR THE ADVANCEMENT OF BLACK CHEMISTS AND CHEMICAL ENGINEERS** April 9-14, 1990 The NOBCCChE's 17th annual national meeting to be held at the San Diego Hilton Beach and Tennis Resort. For further information contact Mr. Robert L. Countryman (619) 482-2041

**SOUTHWESTERN ASSOCIATION OF FORENSIC SCIENTISTS** April 24-28, 1990 The Spring Meeting of the Southwestern Association of Forensic Scientists will be held in Breckenridge, Colorado at Beaver Run Resort. For further information contact Laurel Farrell, Colorado Department of Health, 4210 E. 11th Avenue, Denver, CO 80220, (303) 331-4707

**CALIFORNIA ASSOCIATION OF CRIMINALISTS** May 10-12, 1990 The Semi-annual Seminar of the California Association of Criminalists will be held at the Westin Hotel in Millbrae, California (Near San Francisco International Airport). For further information contact Nick Stumbaugh, San Mateo County Sheriff's Office, Forensic Laboratory, 31 Tower Road, San Mateo, CA, (415) 573-2906

**CANADIAN SOCIETY OF FORENSIC SCIENCE** October 1-5, 1990 The Annual Conference of the Canadian Society of Forensic Science will be held at the Skyline Hotel in Ottawa, Ontario, Canada. The theme of the conference is FORENSICS 90. For further information contact Fredricka Monti, Canadian Society of Forensic Science, Suite 215 - 2660 Southvale Crescent, Ottawa, Ontario, Canada K1B 4W5, (613) 731-2096.

**INTERNATIONAL ASSOCIATION OF FORENSIC SCIENCES** October 24-31, 1990 The IAFS meeting will be held in Adelaide, Australia, in October, 1989. For further information, contact Dr. W. J. Tilstone, President IAFS, Forensic Science Center, 21 Divett Place, Adelaide SA 5000. (08) 226-7715 FAX (08) 224-0174

## UPCOMING PROFESSIONAL MEETINGS

**CRIMINALIST**

The **City of San Diego** is currently seeking qualified applicants for the position of Criminalist. Qualifications include a Bachelor's degree in Criminalistics, Forensic Science, a physical or a biological science and two years of professional criminalistics experience in at least three of the following areas: bloodstain analysis, firearms identification, crime scene processing, narcotics analysis, blood alcohol analysis. Experience in the first six areas must have been performed in a crime laboratory. Experience in firearms identification or serology is desirable. The monthly salary is \$3339 - \$4035. For further information contact: Employment Information Counter, City Administration Building Lobby, 202 "C" Street, San Diego, CA 92101, (619) 236-5753

**LABORATORY MANAGER**

The **Illinois State Police** are seeking qualified applicants for the position of Joliet Laboratory Manager. Monthly salary is \$2647 - \$4481. For further information, contact Bruce W. Vander Kolk, Illinois State Police, Bureau of Forensic Sciences, 511 West Capitol, Suite 301, Springfield, IL 62704

**FORENSIC TOXICOLOGIST PROGRAM MANAGER II**

The **Illinois State Police** are seeking qualified applicants for the position of Forensic Toxicologist Program Manager II. The monthly salary is \$3024 - \$5158. For further information contact Bruce W. Vander Kolk at the address listed above.

**ASSISTANT LABORATORY DIRECTOR**

The **Santa Clara County District Attorney's Crime Laboratory** is seeking qualified applicants for the position of Assistant Laboratory Director. Qualification include five years of experience in forensic science. The monthly salary is \$4022 - \$4893. For further information, contact Benny Del Re, 1557 Berger Drive, Suite B2, San Jose, CA 95112, (408) 299-222

**CRIMINALIST/SENIOR CRIMINALIST**

The **Orange County Sheriff's Department** has several openings at the Criminalist and Senior Criminalist levels. Qualifications include a Bachelor's Degree in Criminalistics, Chemistry, Biology or a related field. The Senior Criminalist requires two years of experience in a forensic laboratory. The monthly salary range is \$2,206 - 2,966 (Criminalist) and \$2,881 - 3,881 (Senior Criminalist). For further information, contact Margaret Kuo, Forensic Science Services, Sheriff's Department, P.O. Box 449, Santa Ana CA 92702, (714) 834-4549

## **JOB OPENINGS**

An Educational Exchange Program with the Soviet Forensic Specialists has been recently established. Dr. Ilya Zeldes of the South Dakota Forensic Laboratory is coordinating the trip to the All-Union Scientific Research Institute of Forensic Expertise (AUSRIFE) in Moscow, USSR.

The group will consist of about 15 to 20 professionals from various fields of forensic science from the USA and other countries. The group will travel to Moscow and stay there for two weeks in July 1990. The Ministry of Justice of the USSR and the AUSRIFE will provide ground transportation, lodging and meals free of charge.

Participants will share experience and ideas while working side-by-side with their Soviet counterparts on real casework in progress at the time. Numerous extracurricular activities are planned as well.

For further information, please contact:

Ilya Zeldes, Ph.D.  
Forensic Scientists Exchange  
631 N. Huron Ave.  
Pierre, SD 57501  
(605) 224-9627

Nominations are being welcomed from now until January 31, 1990 for the California Association of Criminalists 1990 Distinguished Member award. This is an annual award presented at the Spring Seminar to a member for significant contributions to the Association.

In December, each laboratory was mailed a letter which outlines the criteria for selecting a candidate, as well as a nomination form. If you have any questions call Mary Graves, the Awards Committee chairman at (714) 834-4510.

## **FORENSIC SCIENTISTS TO GO TO THE SOVIET UNION!**

## **WHY NOT YOU?**

## **DISTINGUISHED MEMBER AWARD**

The following statement on CONTROLLED SUBSTANCE ANALYSIS was recently adopted by the CAC Board of Directors:

The California Association of Criminalists (CAC) has long recognized controlled substance analysis as a specialty area of criminalistics requiring the same level of scientific training and expertise as other areas of physical evidence examination.

Although many aspects of any laboratory endeavor, including drug analysis, may appear to be routine, the qualified forensic analyst must have the training and ability to recognize that which is not routine.

In the area of drug identification, some of the necessary basic areas of formal training include, but are not limited to:

1. Analytical Chemistry
2. Quantitative Analysis
3. Organic Chemistry
4. Instrumental Analysis
5. Organic Synthesis
6. Additional basic science (Physics, Mathematics, Statistics, etc.)

The CAC requires that its professional scientific members have "demonstrated ability to conduct work requiring college level education in appropriate physico-chemical sciences". This has long been interpreted to mean an education equivalent to that necessary to earn a Bachelor's degree.

When faced on one hand with the sophistication of many clandestine drug chemists, and on the other hand with the crudeness of others, the forensic drug analyst must be the master of both. This requires knowledge and skills that are based on a solid foundation of scientific training.

## **CAC POLICY ON DRUG ANALYSIS**

Dr. Walter C. McCrone, noted Microscopist, has agreed to present the Founder's Lecture at the Spring 1990 Seminar at San Mateo.

It is apparent to Dr. McCrone that polarized light microscopy and its related techniques have fallen into a state of disuse and misuse. His presentation will highlight the contributions our founding members made through the skillful use of polarized light microscopy and is expected to "challenge to present generation of forensic scientists to return the microscope to its deserved position for the identification and comparison of trace evidence." We are tempted to offer Dr. McCrone the title "Forensic Microscopy - To Be or Not to Be".

As in the past, the Founder's Lecture is going to be a special event. It is presented only once in every three Seminars and will be a keynote for the entire proceedings. We are very pleased that someone of Dr. McCrone's reputation and experience has agreed to appear and hope that his busy schedule will allow him time to take part in the general scientific sessions as well. His talents as a forensic microscopist and teacher are almost legendary. Don't miss this Seminar!

The Founder's Lecture Committee is always interested in receiving suggestions as to suitable presenters. The person need not be a forensic scientist, but must be someone whose experience and knowledge touch upon criminalistics in its broadest sense. Criminalistics is not just a comparison of chips of glass, toolmarks, or smears of blood, but the interaction between scientific reasoning and the criminal justice system. These lectures are intended as a memorial to those people whose vision of a community of forensic scientists was realized with the formation of the CAC. Lectures in the past have reminded us of this sense of involvement in the large picture. We would like to continue that invaluable trend. Feel free to contact any member of the Committee with your ideas.

John DeHaan, Chair  
Mary Hong,  
David Hong  
, Rich Brown

## **MC CRONE TO PRESENT SPRING 1990 FOUNDER'S LECTURE**

## ETHICAL DISCUSSION--SERIES II, PART 2

The ethical discussion presented in the last issue of the newsletter dealt with the obligation of criminalists to try to resolve differences of opinions before trial. The hypothetical presented below includes this same issue in a different context, along with a number of other issues.

**Facts:** A homicide occurs in which the victim was killed by a shotgun blast; there was no eyewitness to the killing. Cardboard wads are removed from the victim at autopsy and are turned over to the police where they are examined by Police Criminalist No. 1. These wads are in good condition, except for being blood soaked. Criminalist No. 1 submits a report, indicating that the wads originated from a 12 gauge shot shell. The evidence is subsequently examined by a criminalist retained by the defense, who examines the wads and realizes that they were originally fired from a 20 gauge shell. The defense attorney instructs the criminalist not to disclose the error made by Police Criminalist No. 1. The criminalist retained by the defense agrees, in part because he believes that Police Criminalist No. 1 is incompetent, and he feels that if there were a significant embarrassment, it might end the career of Police Criminalist No. 1, thereby advancing the long range interests of justice. The defense criminalist, however, is also advised by the defense attorney that the defendant had a 20 gauge shotgun available, as well as the 12 gauge shotgun. The defense attorney also intimates that he believes the defendant did fire the fatal shot.

The defendant is a suspect in a separate case, and the district attorney requests that the evidence in the second case be compared to the evidence in the first case, seeking to find a common link. He lacks confidence in Police Criminalist No. 1 and makes a specific request that the comparison be made by Police Criminalist No. 2, who was originally assigned to the second case. In examining the evidence, Police Criminalist No. 2 realizes that Police Criminalist No. 1 has made an error in identifying the size of the cardboard wads. He first obtains a second opinion from another criminalist within the laboratory and both go to Criminalist No. 1. Criminalist No. 1 disagrees with the opinion of Criminalist No. 2. Criminalist No. 2 then informs his supervisor of the error. The supervisor discusses the matter with Criminalist No. 1, who voices the opinion that the blood on the wads has caused them to shrink--i.e., as the blood dried, it contracted, pulling the wad with it. The supervisor decides that Criminalist No. 1 should have the opportunity to prove the theory. However, all experiments contradict Criminalist No. 1's theory; all manipulations with the wads cause them to expand rather than to contract. Criminalist No. 1 still refuses to change the report. The supervisor then instructs Criminalist No. 2 not to disclose this error. The supervisor specifically orders Criminalist No. 2 not to discuss the size of the wads with any representative of the defense or with the district attorney; he states that the error might never come to light.

Police Criminalist No. 2 is afraid of the consequences of disobeying the order of his supervisor. He is aware that the evidence has been reexamined by a criminalist for the defense. He therefore feels confident that the error is known to the defense. Believing that his silence about the error will therefore not prejudice the defendant, he does not disobey his supervisor, nor does he go to a higher authority.

The error made by Police Criminalist No. 1 is the type which we would normally describe as that upon which reasonable minds would not disagree.

**Issues:** The facts of this hypothetical presents a multitude of issues. The reader may identify others, but the following are those that are the most obvious to the writer:

1. Has Police Criminalist No. 1 acted unethically in attempting to render opinions in an area in which he/she is incompetent? Is competency an ethical issue? (See Article II, Section H of the Code of Ethics)
2. Has the criminalist for the defense acted unethically in not advising Police Criminalist No. 1 of the error? (See Article IV, Section C) Is he excused from this obligation because he is instructed by the defense attorney not to do so, even though he would not have wanted to do so, even if the attorney were

to allow him to? If the ultimate purpose of the Code of Ethics is to serve the ends of justice, is each criminalist free to determine what ends of justice will be served? In this case, the criminalist retained by the defense unilaterally decided that the ultimate ends of justice would be served if Police Criminalist No. 1 did not examine evidence in the future, even though the short range ends of justice might not be served by allowing a defendant who is probably guilty to go free. If he is obligated to advise Police Criminalist No. 1 of the error, what check is there on future cases that Police Criminalist No. 1 will work on that will not be reexamined?

3. Is the action of the supervisor in ordering Police Criminalist No. 2 not to disclose the error a violation of the Code of Ethics? If so, what section or sections were violated? No section of the Code of Ethics appears to address this specific problem. Should the Code of Ethics be read like the Penal Code, where a specific section must be cited, or does it instead set a broad standard for conduct for which we can condemn actions that violate the spirit of the code, even though we may not be able to cite a specific section of the code? (See Preamble)

4. Has Police Criminalist No. 2. acted unethically in obeying the order of his supervisor? Recognizing that his supervisor will still remain his supervisor after this case, regardless of his actions, is he excused from disclosure of the error by his (correct) belief that the defense is aware of the error? Is the district attorney entitled to the same consideration as the defendant?

One's first response to this hypothetical fact situation is probably to observe that there is a severe problem of supervision in this laboratory. While that may be true, the observation of a problem of supervision does not answer the question of the ethical responsibilities of the individuals involved. Nor does it answer the question of how to protect the system from future problems of the same type. For example, would laboratory licensing solve such a problem? If so, what type of licensing examination could determine that individual criminalists would not act within areas where they are incompetent? What type of licensing would insure that supervisors would correct errors rather than cover them up? Would aggressive enforcement of the Code of Ethics serve better?

Hopefully, this hypothetical case will generate more feedback than did the one in the last newsletter. Only two responses were received. John Murdock indicated that the refusal of the prosecution criminalist to meet with the defense criminalist was a breach of the Article IV, Section C. This section applies equally to analytical and reconstruction efforts. He also did not see the letter from the defense criminalist as a set up. "It makes perfect sense to document efforts to meet and resolve differences." He saw no violation of Section III-H. "The fact that the case will or may be retried makes it even more important to try and resolve differences. The prosecuting criminalist can explain in court why he/she wouldn't discuss the case."

Lowell Bradford, on the other hand, felt that the scenario posed was flawed, in that the arrangement for discussions between criminalists should be the result of an agreement between both attorneys, not just one. "If there is such an agreement, then the prosecution criminalist would be obliged to enter the discussion because he is responsible to his client attorney. If any subsequent problems occur, the remedy is to pursue them through attorney channels. Criminalists have no business making contact between themselves unless specifically authorized by the respective attorneys. Article IV, Section C of the Ethics Code is not explicit as to the attorney role; however it is implicit that all examinations and evaluations are conducted at the request of parties in interest through their respective attorneys. Criminalists do not practice law, they assist those who do by furnishing scientific knowledge applicable to law problems. They should always try to reconcile differences of opinion, but within the context of the rules of law.

"All forensic scientists must constantly realize that they are working in two systems, each with its own rules, scientific rules and the rules of law."

Please send your thoughts on the issues raised by this issue's hypothetical case, along with your suggestions and your reasoning to:

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

## **An Open Letter to the Association Membership Regarding Certification**

In February of 1989 the California Association of Criminalists held its first written examination for a Certificate of Professional Competency in Criminalistics. This first group was limited in size, and the results were heavily analyzed by both the Board of Examination and Cooperative Personnel Services (the company hired to consult and assist with the production of the certification examination). The results were favorable and the examination has been offered to the general criminalistics community twice, once in May 1989 and again in October 1989. To date over 80 people have received a Certificate of Professional Competency in Criminalistics from the California Association of Criminalists.

Criminalistics is not a profession of one homogeneous discipline, but rather many knowledge areas intertwined into co-dependant sections. This certification program was designed to demonstrate that the practitioner has a basic understanding of the underlying concepts, principles, and inherent interdependency of one area of criminalistics to another.

Even in its infancy, this program is considered a model. I have received requests for information regarding our program from many interested professionals from across the country. Along with the requests have come calls of support from criminalists just wishing to let me know that they are grateful for the lead taken by the CAC. I must also state that I have heard from the dissenters, or those people that think the whole process is a waste of time and energy, however, they are definitely in the minority.

Rather than sitting on it's collective hands and allowing the program to be discussed in committee and left in the perpetual planning stage, the CAC took the initiative and created a viable and valid program to increase the professionalism of Criminalistics.

I would now like to suggesting that every qualified criminalist follow the lead of the pioneers who took the examination in 1989 and support our Association and yourself by applying for the California Association of Criminalists Certificate of Professional Competency in Criminalistics. Also, spread the word to your colleagues that don't receive this newsletter, membership in the CAC is not a requirement to apply.

Thank you for your participation

Greg Matheson  
Certification Committee Chairman

To request application Information contact:

Steve Renteria  
Los Angeles County Sheriff Office  
Criminalistics Laboratory  
2020 W. Beverly Blvd.  
Los Angeles, CA 90057  
(818)960-1846

## Procedure for Certification

Whereas, the application of the natural sciences to the examination of physical evidence and the interpretation of the law-science matters is of fundamental importance to the administration of justice, and;

Whereas, the membership of the California Association of Criminalists has expressed a desire to develop a program for the Certification of Criminalists, Be it, therefore, resolved that the members of the California Association of Criminalists shall establish, as set forth below, a procedure for formally establishing a Certificate of Professional Competency to be granted to those individuals who meet the qualifications and requirements herein set forth;

### Article I: Organization

A. The President of the California Association of Criminalists (hereinafter referred to as the President) shall appoint, subject to the approval of the Board of Directors, a Committee (hereinafter called the Certification Committee) to be a standing committee of the Association. And to fill any subsequent vacancies in the committee.

B. The Certification Committee shall consist of six members of the Association, three from the north and three from the south, serving three-year terms. The position of Chairman of the Certification Committee shall be determined by the members of the committee as that position is vacated.

C. A member of the Certification Committee can only be removed from the Committee by termination of membership under Article II, Section 6, paragraphs (a), (b) and (c) of the by-laws of the Association. Termination of Association membership pursuant to those sections shall include termination of Certification Committee membership and the President shall, with the approval of the Board of Directors, appoint a new Certification Committee member to fill the vacant seat.

D. The Certification Committee shall have the general responsibility of administering the Certification program, in addition to those specific responsibilities designed in Articles II through VII below.

E. Members of the Certification Committee and the Board of Examination shall serve without compensation, except for actual expenses.

F. The Certification Committee may, on its own initiative, or at the request of the Board of Examination, and with the approval of the Board of Directors, retain such professional, technical or clerical assistance as it deems necessary to perform its function as outlined below.

### Article II: Qualifications of Applicants for General Criminalistics Certification

A. While membership in a professional forensic science organization is to be encouraged, it is not a requirement of certification.

#### B. Occupational Qualifications

All applicants shall be employed in a paid professional capacity primarily engaged in the examination of physical evidence, interpretation of data, and/or technical consultation for litigation purposes.

#### C. Educational Qualifications and Experience

1. Applicants shall hold an earned baccalaureate or higher degree in a natural science from an accredited college or university.

2. In addition, all applicants shall have a minimum of two years paid experience pursuant to Article II, Section B above, or equivalent experience acceptable to the Certification Committee.

3. The Certification Committee may, with the approval of the Board of Directors, establish such additional and/or alternate criteria for education and/or experience as they deem necessary.

#### D. The Certification Application

1. The application for certification must be received at least forty five (45) days prior to the scheduled examination date to be eligible for that examination.

2. The Certification Committee shall review the applicant's qualifications under section A, B, and C above, and shall accept or reject the application for Certification based upon the criteria in these sections.

3. In the event the application for Certification is rejected, the Certification Committee shall provide the applicant with a written statement outlining the reason for such rejection.

4. If the application is accepted, the applicant thereby becomes a candidate for the Certification Examination, pursuant to Article III, below.

#### Article III: Certification Examination

A. Board of Examination: This Board shall be composed of six members of the Association (three from the south and three from the north) serving three year terms, who meet the guidelines set forth in Article II.

1. Composition: The composition of the Board of Examination shall be determined as follows:

a. Each member of the association may nominate no more than six Members for the Board of Examination (three from the south and three from the north).

b. From the list of nominees the Certification Committee shall prepare a ballot which contains twelve nominees (six from the south and six from the north). These nominees will be selected based on the total number of nominations a candidate receives. In a secret ballot, each member shall vote for no more than three nominees from the south and three from the north. The Board of Examination shall be composed of those nominees with the most votes.

c. The candidate receiving the most votes shall be named the chair. Subsequent chair selection shall be based on a vote of the Board of Examination.

d. At the spring seminar the Association membership shall replace the most senior member of each region of the Board of Examination by election from a list of six names (three from the south and three from the north) prepared by the Certification Committee in a manner similar to that described in Article III, 1, a, and b

(1) For the first two years of its existence no periodic replacement shall be made of the members of the Board of Examination.

(2) For the third and fourth year of the Board's existence, a member from each region (based on the least number of the original vote) shall be replaced in the manner described.

(3) Other vacancies shall be filled by appointment of the Certification Committee, based on the preceding list of nominees where possible.

2. Function: The function of the Board of Examination will be to define the level of competence to be certified and to devise the written examination necessary to measure that level of competence.

B. The certification examination shall include the following general subject areas:

1. The philosophical, conceptual, and scientific basis of Criminalistics.
2. Basic technical subjects of criminalistics
3. Ethics
4. Those appropriate areas of Civil and Criminal Law

C. The examinations shall be given to qualified applicants, as determined by the Certification Committee, by members of the Board of Examination, meeting at such locations and frequency determined by the Certification Committee.

D. Members of the Board of Examination shall score the test of each candidate. Any section of the test not scorable on a strictly objective basis shall be scored independently by at least three members of the Board of Examination.

E. The results (pass or fail) of each candidate's examination shall be forwarded to the Certification Committee within sixty days of the administration of the examination. Upon receipt of the results, the Certification Committee shall notify the candidate of his/her result (pass or fail) (notification of failure by return receipt mail).

F. Custody of the examinations shall lie with the Board of Examination. The Board of Examination shall make available to any candidate who fails to pass the examination a copy of the examination, together with the Candidate's answers and scores on each section. This review shall occur under supervision of one of the members of the Board of Examination at a time and location acceptable to all parties. The Candidate shall have forty five days from the time of notification of results to request a review of his/her examination.

G. The Board of Examination shall automatically destroy all participant test answer sheets sixty days from time of notification of results to the candidate, unless otherwise instructed by the Certification Committee.

H. Unsuccessful candidates may re-apply for the examination at any time it is scheduled, provided all requirements of Article II, above, are still met. Such candidates are subject to the same fee structure as first time candidates.

I. Recertification: Shall be required every five years by submission of a recertification application. Retesting will not be required unless the Certification Committee, after reviewing the application, deems it necessary.

#### Article IV: Granting of Certification

A. The Certification Committee shall have the authority to issue or cause to be issued an appropriate certification certificate to all applicants who successfully complete the requirements of Article II and III above.

B. The Certification Committee shall maintain a list of all those applicants who have been granted a Certificate of Professional Competency in Criminalistics. The records of all applicants who did not qualify as a candidate for examination or who did not pass the examination shall be destroyed following expiration of appeal time limits.

C. Each certificate shall be and remain the property of the Certification Committee, but every person to whom a Certificate has been properly issued shall be entitled to its continued possession unless and until such certificate is revoked.

D. The right to deny Certification and to suspend or revoke certificates shall reside with the Certification Committee. Suspension or revocation of a certificate shall be governed by the dictates of the Rules of Professional Conduct and its enforcement policy.

E. A Certificate of Professional Competency in Criminalistics will be required for certification in a specialty.

#### Article V: Appeals

A. Any applicant whose application is rejected under Article II above, has the right to appeal such rejection at the next meeting of the Certification Committee, which shall be no longer than six months after the date of such rejection. The applicant must present his appeal personally, to at least two members of the Certification Committee, together with any necessary documentation. If the appeal is rejected by the Certification Committee, the reasons for such rejection shall be provided in writing to the applicant.

B. The applicant who fails to successfully complete the Certification Examination may not appeal, unless a clerical error in the computation of the score has been made. Such appeal shall be made to the Certification Committee.

C. All decisions of the Board of Examination and the Certification Committee shall be considered final.

#### Article VI: Fees

A. The fees to be charged for application, examination and recertification shall be set by the Certification Committee and approved by the Board of Directors.

B. The examination portion of the fee (as determined by the Certification Committee) will be refunded if the application is rejected.

## Certification Rules of Professional Conduct

These rules are intended as a guide to the ethical conduct of individual workers in the field of criminalistics. It is not to be construed that these principles are immutable laws nor that they are all-inclusive. Instead, they represent general standards which each worker should strive to meet. It is to be realized that each individual case may vary, just as does the evidence with which the criminalist is concerned, and no set of guide or rules will precisely fit every occasion. At the same time the fundamentals set forth here are to be regarded as indicating, to a considerable extent, the conduct requirements expected of members of the profession. A failure to meet or maintain certain of these standards will justifiably cast doubt upon an individual's fitness for this type of work. Serious or repeated infractions of these principles may be regarded as inconsistent with certification

### General Rules.

Criminalistics is that professional occupation concerned with the scientific analysis and examination of physical evidence, its interpretation, and its presentation in court. It involves the application of principles, techniques and methods of the physical sciences, and has as its primary objective a determination of physical facts which may be significant in legal cases.

It is the duty of any person practicing the profession of Criminalistics to serve the interests of justice to the best of his/her ability at all times. In fulfilling this duty, use will be made of available scientific means to ascertain all of the physical facts relative to the matters under investigation. Having made factual determinations, the criminalist must interpret and evaluate the findings. In this he/she will be guided by experience and knowledge which, coupled with a serious consideration of the findings and the application of sound judgement, may enable him/her to arrive at the opinions and conclusions pertaining to matters under study. These findings of fact and the conclusions and opinions should then be reported, with all the accuracy and skill of which the criminalist is capable, to the end that all may fully understand and be able to place the findings in their proper relationship to the problem at issue.

In carrying out these functions, the criminalist will be guided by those practices and procedures which are generally recognized within the profession to be consistent with a high level of professional ethics. The motives, methods and actions of the criminalist shall be at all times above reproach, in good taste and consistent with proper moral conduct.

### I. Conduct Related to Scientific Method:

A. The criminalist has a scientific spirit and should be inquiring, progressive, logical and unbiased.

B. The criminalist shall make adequate examination of the materials, but will not conduct unwarranted tests in an attempt to give greater weight to the results. Nor will the criminalist employ or draw conclusions from unreliable procedures or materials which are unrepresentative or unreliable.

C. No scientific analysis will be conducted by Secret process, nor will conclusions in case work be based upon such tests and experiments as will not be revealed to the profession.

D. The criminalist will critically evaluate every method he/she employs. He/she will not employ untried or unproven methods. He/she will recognize superior methods when they are introduced and, if appropriate incorporate them.

### II. CONDUCT RELATED TO OPINIONS AND CONCLUSIONS:

A. Any conclusions drawn from the evidence shall be unbiased, and will not be influenced by suggestion, pressures, and coercions inconsistent with the evidence at hand.

B. Where test results are capable of being interpreted to the advantage of either side of a case, the criminalist will not choose the interpretation favoring the side by which he is employed merely as a means of justifying his employment.

C. Tests should be designed to disclose true facts and all interpretations shall be consistent with that purpose and will not be distorted. All conclusions drawn shall be fully explained.

D. Where appropriate to the correct interpretation of a test, experimental controls shall be made for verification.

E. Where reasonable, analytical results should be verified by re-testing or the application of additional techniques.

F. The criminalist will scrupulously avoid confusing scientific fact with investigative theory in his/her interpretations. He/she will clearly distinguish between that which may be regarded as scientifically demonstrated fact and that which is speculative.

G. The criminalist shall be aware of his/her own limitations and refuse to extend beyond them. Although it is desirable that the criminalist seek knowledge in new fields, he/she will not apply such knowledge to casework until he/she has adequate training and experience in that area.

### III. CONDUCT RELATED TO COURT PRESENTATION:

A. The expert witness is one who has substantially greater knowledge of a given subject than the average person. The Expert opinion is one derived only from formal consideration within his/her knowledge and experience. The criminalist will not take advantage of this privilege to express opinions by offering opinions on matters within his/her field of qualification to which he has not given formal consideration. Nor will he/she extend opinions beyond his/her field of competence.

B. The criminalist will not take advantage of his/her privilege to offer opinions by assigning greater significance to an interpretation than is justified by the available data. By this or other means, he/she will take care to leave no false impression in the mind of the jurors or the court.

C. In all respects, the criminalist will avoid the use of terms and opinions which will be assigned greater weight than are due them. The criminalist will make every effort to give the jury a true and valid concept of the testimony. The use of unclear, misleading, circuitous, or ambiguous language with the view of confusing an issue in the minds of the court or the jury is unethical.

D. It is not the object of the criminalist's appearance in court to present only the evidence that supports the view of the side which employs him. He/she has a moral obligation to see to it that the court understands the evidence as it exists and to present it in an impartial manner.

E. The criminalist will not by implication, knowingly or intentionally, assist the contestants in a case through such tactics as will implant a false impression in the minds of the jury.

### IV. CONDUCT RELATED TO THE GENERAL PRACTICE OF CRIMINALISTICS:

A. It is appropriate that a criminalist set a reasonable fee for services, however, no services shall ever be rendered on a contingency fee basis.

B. It is appropriate for one criminalist to re-examine evidence previously submitted to or examined by another. Where a difference of opinion arises, however, as to the significance of the evidence or to test results, it is in the interest of the profession to resolve their conflict before trial, whenever possible.

C. Generally, the principle of "attorney-client" relationship is considered to apply to the work of a physical evidence consultant, except in a situation where a miscarriage of justice might occur. Justice should be the guiding principle.

D. It is appropriate for a criminalist to serve in an advisory capacity regarding the interrogation of another expert who may be presenting testimony. This service should be performed in good faith and not maliciously. Its purpose is to prevent incompetent testimony but not to thwart justice.

#### V. RESPONSIBILITIES TO THE PROFESSION:

In order to advance the profession of criminalistics, to promote the purposes for which certification was instituted, and encourage harmonious relationships between all criminalists, each criminalist has an obligation to conduct himself according to certain principles. These principles are no less matters of professional conduct and ethics than those above. They differ primarily in existing for the benefit of the profession rather than specific obligations to society. They therefore concern individuals and departments in their relationship with one another, business policies, and similar matters.

A. It is in the interest of the profession that information concerning any new discoveries, developments or techniques applicable to the field of criminalistics generally. A reasonable attempt should be made by any criminalist having knowledge of such developments to publicize or otherwise inform the profession of them.

B. Consistent with this and like objectives, it is expected that the attention of the profession will be directed toward any tests or methods in use which appear invalid or unreliable in order that they may be properly investigated.

C. The criminalist will discourage the association of his/her name with developments, publications, or organizations in which he has played no significant part, merely as a means of gaining personal publicity or prestige.

D. It shall be proper for one criminalist to bring to the attention of the Certification Committee a violation of any of these matters of conduct and ethical principles; indeed it shall be mandatory where it appears that a serious infraction or repeated violations have been committed, and where appropriate corrective measures (if pursued) have failed.

E. This code may be used by any criminalist in justification of his conduct in a given case with the understanding that he will have the full support of the Certification Committee.

## 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.

We also have just two copies of Kind's "*The Scientific Investigation of Crime*", left at just \$60.00. Future copies may be hard to get and higher priced. Order yours today.

We have, at last, gold **CAC NAME BADGES**. Get your own personalized one for just \$6.00

**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:*

**Ties** with a custom embroidered CAC logo, in navy or burgundy: \$12.00

**Sweatshirts** in various colors (50/50 blend): \$11.00, hooded \$12.50

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

**Mugs:** Glazed ceramic: \$6.50

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

**Golf Shirts** (Hanes Cotton/Polyester, short sleeve): \$15.50 Available in: black burgundy, slate grey, ecru, navy, kelly green, red, yellow, light blue, silver and white

**Sweaters** (long-sleeve acrylic pullovers): \$17.50

**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:**

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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 AT-type 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). The following word processing programs can be accommodated: Wordperfect 4.2 and 5.0, Wordstar 3.0, 4.0 and 5.0, Microsoft Word, XyWrite, Writer, and Multimate. Because of its widespread availability, Wordperfect 5.0 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 typefaces) as possible. Drawing and images can also be directly imported, contact the Editorial Secretary for details and acceptable file formats.

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