

AMENDED IN ASSEMBLY APRIL 27, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 239

Introduced by Assembly Member Ammiano

February 3, 2011

An act to amend Section 11062 of the Penal Code, relating to law enforcement.

LEGISLATIVE COUNSEL'S DIGEST

AB 239, as amended, Ammiano. Crime laboratories: oversight.

Existing law requires the Department of Justice to establish and chair a task force known as the Crime Laboratory Review Task Force to review and make recommendations as to how best to configure, fund, and improve the delivery of state and local crime laboratory services in the future and to report its findings to the Department of Finance and specified legislative committees by July 1, 2009.

This bill would require the task force to *be reconvened and to submit to the Legislature a supplemental report, by on or before July 1, 2013, that includes a proposal to establish regarding the composition of a statewide oversight body to oversee perform tasks relating to crime laboratories, including overseeing investigations into acts of misconduct or negligence committed by any employee or contractor of a crime laboratory, as specified. The bill would include a statement of legislative findings and declarations.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. The Legislature hereby finds and declares all of*
 2 *the following:*

3 *(a) The State of California has benefited from having a large*
 4 *number of publicly operated crime laboratories, some operated*
 5 *by the state and others by local government.*

6 *(b) The state is also served by a number of forensic units housed*
 7 *in local law enforcement agencies.*

8 *(c) Currently there is no statewide oversight of publicly operated*
 9 *crime laboratories in California.*

10 *(d) The Crime Laboratory Review Task Force was established*
 11 *by the Department of Justice and made recommendations to the*
 12 *Department of Finance and to the Legislature regarding the role*
 13 *a statewide oversight body would play in California. The task force*
 14 *did not, however, make a recommendation regarding the*
 15 *composition of that oversight body.*

16 **SECTION 1.**

17 **SEC. 2.** Section 11062 of the Penal Code is amended to read:

18 11062. (a) The Department of Justice shall establish and chair
 19 a task force to conduct a review of California’s crime laboratory
 20 system.

21 (b) The task force shall be known as the “Crime Laboratory
 22 Review Task Force.” The composition of the task force shall,
 23 except as specified in paragraph (16), be comprised of one
 24 representative of each of the following entities:

- 25 (1) The Department of Justice.
- 26 (2) The California Association of Crime Laboratory Directors.
- 27 (3) The California Association of Criminalists.
- 28 (4) The International Association for Identification.
- 29 (5) The American Society of Crime Laboratory Directors.
- 30 (6) The Department of the California Highway Patrol.
- 31 (7) The California State Sheriffs’ Association, from a department
 32 with a crime laboratory.
- 33 (8) The California District Attorneys Association, from an office
 34 with a crime laboratory.
- 35 (9) The California Police Chiefs Association, from a department
 36 with a crime laboratory.
- 37 (10) The California Peace Officers’ Association.
- 38 (11) The California Public Defenders Association.

- 1 (12) A private criminal defense attorney organization.
- 2 (13) The Judicial Council, to be appointed by the Chief Justice.
- 3 (14) The Office of the Speaker of the Assembly.
- 4 (15) The Office of the President pro Tempore of the Senate.
- 5 (16) Two representatives to be appointed by the Governor.
- 6 (c) (1) The task force shall review and make recommendations
- 7 as to how best to configure, fund, and improve the delivery of state
- 8 and local crime laboratory services in the future. ~~To the extent~~
- 9 ~~feasible, the review and recommendations shall include, but are~~
- 10 ~~not limited to, addressing the following issues:~~
- 11 ~~(1) With respect to organization and management of crime~~
- 12 ~~laboratory services, consideration of the following:~~
- 13 ~~(A) If the existing mix of state and local crime laboratories is~~
- 14 ~~the most effective and efficient means to meet California's future~~
- 15 ~~needs.~~
- 16 ~~(B) Whether laboratories should be further consolidated. If~~
- 17 ~~consolidation occurs, who should have oversight of crime~~
- 18 ~~laboratories.~~
- 19 ~~(C) If management responsibilities for some laboratories should~~
- 20 ~~be transferred.~~
- 21 ~~(D) Whether all laboratories should provide similar services.~~
- 22 ~~(E) How other states have addressed similar issues.~~
- 23 ~~(2) With respect to staff and training, consideration of the~~
- 24 ~~following:~~
- 25 ~~(A) How to address recruiting and retention problems of~~
- 26 ~~laboratory staff.~~
- 27 ~~(B) Whether educational and training opportunities are adequate~~
- 28 ~~to supply the needs of fully trained forensic criminalists in the~~
- 29 ~~future.~~
- 30 ~~(C) Whether continuing education is available to ensure that~~
- 31 ~~forensic science personnel are up-to-date in their fields of expertise.~~
- 32 ~~(D) If crime laboratory personnel should be certified, and, if so,~~
- 33 ~~the appropriate agency to assume this responsibility.~~
- 34 ~~(E) The future educational role, if any, for the University of~~
- 35 ~~California or the California State University.~~
- 36 ~~(3) With respect to funding, consideration of the following:~~
- 37 ~~(A) Whether the current method of funding laboratories is~~
- 38 ~~predictable, stable, and adequate to meet future growth demands~~
- 39 ~~and to provide accurate and timely testing results.~~

- 1 ~~(B) The adequacy of salary structures to attract and retain~~
2 ~~competent analysts and examiners.~~
- 3 ~~(4) With respect to performance standards and equipment,~~
4 ~~consideration of the following:~~
- 5 ~~(A) Whether workload demands are being prioritized properly~~
6 ~~and whether there are important workload issues not being~~
7 ~~addressed.~~
- 8 ~~(B) If existing laboratories have the necessary capabilities,~~
9 ~~staffing, and equipment.~~
- 10 ~~(C) If statewide standards should be developed for the~~
11 ~~accreditation of forensic laboratories, including minimum staffing~~
12 ~~levels, and if so, a determination regarding what entity should~~
13 ~~serve as the sanctioning body.~~
- 14 ~~(d) The task force also shall seek input from specialized law~~
15 ~~enforcement disciplines, other state and local agencies, relevant~~
16 ~~advocacy groups, and the public. The final report also shall include~~
17 ~~a complete inventory of existing California crime laboratories.~~
18 ~~This inventory shall contain sufficient details on staffing, workload,~~
19 ~~budget, major instrumentation, and organizational placement within~~
20 ~~the controlling agency.~~
- 21 ~~(e) The first meeting of the task force shall occur no later than~~
22 ~~December 9, 2007.~~
- 23 ~~(f) On or before July 1, 2009, the task force shall submit a final~~
24 ~~report of its findings to the Department of Finance and to the~~
25 ~~budget and public safety committees of both houses of the~~
26 ~~Legislature.~~
- 27 ~~(g) (1) The task force also shall prepare a supplemental report~~
28 ~~that includes a proposal to establish a statewide body to oversee~~
29 ~~crime laboratories. In preparing the supplemental report, the task~~
30 ~~force shall consider the following:~~
- 31 ~~(A) The composition of the oversight body, including the~~
32 ~~number of members, process of appointment of the members, and~~
33 ~~terms of their membership.~~
- 34 ~~(B) The funding, organization, and staffing of the oversight~~
35 ~~body.~~
- 36 ~~(C) The functions of the oversight body.~~
- 37 ~~(D) The reporting requirements of the oversight body. *The task*~~
38 ~~*force shall be reconvened for the purpose of preparing a*~~
39 ~~*supplemental report to be submitted to the Legislature containing*~~

1 *recommendations regarding the composition of a statewide*
2 *oversight body that would perform the following tasks:*

3 (A) *Implement federal legislation or guidelines imposed directly*
4 *on crime laboratories or imposed indirectly as a requirement for*
5 *receiving a grant.*

6 (B) *Oversee investigations into acts of misconduct or negligence*
7 *committed by any employee or contractor of a crime laboratory.*

8 (C) *Collect data generated by investigations in order to*
9 *determine the root causes of crimes.*

10 (D) *Identify systemic failures and make recommendations for*
11 *preventing future problems.*

12 (E) *Study methods to facilitate communication between*
13 *laboratories and stakeholders and draft guideline for disclosure*
14 *and discovery of crime laboratory documents.*

15 (F) *Make recommendations to the Legislature and local*
16 *governmental entities regarding the allocation of resources to*
17 *crime laboratories throughout the state to ensure that taxpayers'*
18 *funds are maximized and distributed in a more equitable manner.*

19 (2) *On or before July 1, 2013, the task force shall submit to the*
20 *Legislature its supplemental report required under paragraph (1).*

21 (3) (A) *The requirement for submitting a report imposed under*
22 *this subdivision is inoperative on July 1, 2017, pursuant to Section*
23 *10231.5 of the Government Code.*

24 (B) *A report to be submitted pursuant to this subdivision shall*
25 *be submitted in compliance with Section 9795 of the Government*
26 *Code.*