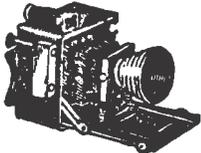




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## Oversight of Crime-lab Staff has often been Lax

(This article was downloaded from the July 23, 2004 issue of the Seattle Post-Intelligencer, at [www.seattlepi.nwsourc.com](http://www.seattlepi.nwsourc.com))

By **RUTH TEICHROEB**  
Seattle Post-Intelligencer Reporter

A crime lab chemist snorts heroin on the job for months, stealing the drug from evidence he was testing.

A senior DNA analyst lies to a defense attorney, fearing his testing error would be used to undermine a case against a suspected rapist.

A forensic scientist is accused of sloppy drug analysis, after a national watchdog group complains about his misleading court testimony.

In all of these cases, internal checks and balances failed. The system for double-checking work broke down in one case. In another, officials overlooked warning signs until faced with a crisis. And the work of discredited senior staffers was almost never audited, an investigation by the Seattle Post-Intelligencer found.

A close look at the Washington State Patrol crime labs reveals a stressed system in which officials have been slow to deal with misconduct by long-time employees -- dating back to one of the first scientists hired more than 30 years ago.

Crime lab officials say these are isolated incidents that don't reflect the high-quality work done by their 120 employees on thousands of cases a year, despite caseload and budget pressures.

"It's a constant process of learning from our mistakes and trying to do better," said Barry Logan, director of the State Patrol's Forensic Laboratory Services Bureau.

A single inept or dishonest forensic scientist, though, can undermine the integrity of the legal process, given the pivotal role the crime labs play in determining a suspect's guilt or innocence.

"It's only as good as the weakest link," said Steven Benjamin, co-chairman of the forensic evidence committee for the National Association of Criminal Defense Lawyers. "When a laboratory has an inept or dishonest examiner and an inadequate response, then that whole lab becomes the weakest link."

A review of two dozen crime lab disciplinary records also raised questions about the professionalism of some scientists on the state payroll. In the past five years, a lab supervisor was caught viewing pornography on his office computer, a lab manager was fired for sexually harassing female co-workers, and a DNA analyst was found sleeping on the job.

Crime labs are subject to minimal federal or state oversight. Even the last industry-led, voluntary accreditation review of Washington's system, however, found problems in all seven labs in 1999.

The lack of government scrutiny has become a national issue in the wake of high-profile scandals plaguing crime labs from Houston, where shoddy DNA work led to a wrongful conviction, to a string of problems at the FBI's pre-eminent facility in Quantico, Va.

Two months ago, Oregon attorney Brandon Mayfield was jailed for two weeks as a material witness after FBI fingerprint experts mistakenly linked him to the March 11 Madrid bombings that killed 191 people.

Over the objections of Spanish investigators, three veteran FBI fingerprint examiners declared they had a "100 percent" match with Mayfield -- a claim soon proved to be false.

The case not only prompted questions about the reliability of fingerprint evidence; it left people wondering whether experienced forensic scientists had let biases cloud their judgment.

And it lent credence to the complaint that too many crime lab staff see themselves as cops in white lab coats rather than objective scientists.

### **'I tried to conceal it'**

A simple error on a DNA test would lead to the undoing of 16-year forensic scientist John Brown. Embarrassed by his mistake, Brown made a decision that would shatter his credibility and impugn the integrity of the entire system.

It began when Seattle police submitted vaginal swabs in an unsolved rape case to the state crime lab. Brown came up with a DNA profile of a possible male suspect but didn't find a match the first time he searched the convicted-felon DNA databank in November 1997.

During an internal review, his boss, Don McLaren, noticed that Brown had missed one of the markers in the DNA test. Brown reran the correct profile and produced a match with Craig Barfield, then 35, who had served time for burglary convictions.

Brown issued a final report linking Barfield to the DNA profile, but made no mention of his first test. "A mistake like this is like leaving fresh salmon on the counter and ... leaving your cat in the kitchen," Brown, 54, said recently, speaking publicly for the first time.

"I saw it as much more harm that the defense would get hold of the data saying there's no match in the database, and they'd prance around and say it proves the innocence of their client."

He also destroyed his erroneous draft report, a common practice at that time, according to Brown and McLaren, but one that contradicted the legal system's basic tenet of full disclosure.

A few months later, in April 1998, Barfield's public defender, Stephanie Adraktas, grilled a nervous Brown about discrepancies in his lab notes during a pre-trial interview.

By then, Brown said he knew Barfield had been accused of a previous rape, and wanted to help bolster the case. "I didn't want this mistake to come up," he told the P-I. "So I tried to conceal it."

One of the founders of the lab's DNA section almost a decade earlier, Brown had testified in 40 DNA cases. He'd tested evidence in 300 DNA cases, according to his resume.

He said defense attorneys had begun personally attacking forensic scientists because they could no longer challenge irrefutable DNA evidence in court. They wanted to "destroy him."

"The legal stuff was a battlefield," he said.

During the interview with Adraktas, Brown was at first evasive, then lied about the existence of the draft report. As the hours ground on, Adraktas extracted the truth. "Every defense attorney wants to go out hunting and to capture a forensic scientist and I was the big buck with a full rack," Brown would later tell State Patrol investigators.

Brown's attitude stunned Adraktas. "I do find it disturbing and sad that someone whose job was to be objective and evaluate evidence fairly would do this," she said. "It wasn't his role to decide if the charged person was guilty. That was up to a jury."

To do damage control, King County Deputy Prosecutor Steven Fogg immediately sent the crucial DNA evidence to a private California lab, which confirmed the match with Barfield.

At Barfield's trial two years later, Brown, who had just been promoted to supervisor of the lab system's DNA program, admitted that he'd lied about his first test.

The State Patrol put Brown on administrative leave and launched an internal investigation. Administrators concluded Brown's credibility was tarnished, and his "untruthfulness" could be used to discredit his prior work -- and the entire system.

On the verge of being fired, Brown resigned in September 2000.

The lab, in response, began limiting defense attorneys to two-hour time blocks during pre-trial interviews to ease psychological pressures on forensic scientists.

"I'm not going to defend what John Brown did," said Logan, the crime labs chief. "He got into a difficult situation and made it worse by how he handled it."

Lab officials didn't audit Brown's other cases for problems after his resignation because his previous track record was "excellent," Logan said. They did write a policy requiring staff to keep all draft reports.

"I believe we have an excellent record in disclosing as much as we believe will be relevant," Logan said.

After Barfield was convicted of rape and burglary, however, the court fined the state \$5,000 for failing to disclose memos revealing Brown had been suspended during the trial.

"A fine was just an inadequate response to that," Adraktas said. "If that's all an agency will suffer as a result of withholding information in a serious case, what will prevent them from doing it again?"

The crime labs' habit of destroying erroneous draft reports was "chilling" and raises the possibility of wrongful convictions, she said.

Adraktas also questions why the agency waited two years to investigate Brown's conduct, even promoting him. She said she submitted a transcript of Brown's false statements to the State Patrol's legal counsel soon after the interview.

Logan said he didn't know about Brown's dishonesty until the trial, and isn't sure if anyone else did. Officials did know he'd destroyed the draft report, which wasn't against policy at the time. Logan said they took action as soon as Brown testified to lying.

Today, Brown in part blames what happened on the stress of dealing with defense attorneys -- something police agencies discount, because employees are expected to "handle this stuff."

"We were facing on a monthly basis people who were trying to destroy our reputations," Brown said. "There was no acceptance of that."

### Scientist falsified his report

From the earliest days of the state system, crime lab officials have floundered at reining in problem employees.

One glaring example is Donald K. Phillips, a forensic scientist hired in 1971 after a brief stint in the Seattle Police Department lab.

Phillips' skills were soon called into question, but those concerns had little effect on what would be a 15-year career with the State Patrol.

"They let him through probation even though they knew he was a problem," recalled Kay Sweeney, a former crime lab quality assurance manager for the State Patrol. "Once you passed probation, it's very hard to be terminated."

In August 1973, Phillips failed an 11-month trial run as a supervisor. His job evaluation, while praising his loyalty, cited poor communication with fellow employees and "an inability to properly perceive the necessary approach" to casework. It recommended he not be put in charge of cases.

Over the next two years, Phillips was promoted twice. By 1977, he was regularly collecting evidence at major crime scenes. Four years later, he was supervising homicide and rape crime-scene investigations.

It became clear in the mid-'80s that Phillips had misrepresented his credentials. On the witness stand, he'd testified more than once to having a chemistry major. In reality, he had majored in agricultural science at Ohio State University.

"I just didn't tell them what kind of chemistry," Phillips said in a recent interview.

In April 1985, lab officials fired Phillips for misconduct after he frightened a hotel maid by showing her gruesome crime scene photos in his room while out of town for a trial. The maid told police she feared he might be the Green River Killer.

Phillips said he was really fired for filing too much overtime. Eight months later, he won an appeal and was reinstated. Lab officials at first restricted him to drug cases.

Phillips said he was surprised when his boss, Sweeney, sent him to collect evidence at a Kitsap County crime scene on Sept. 29, 1986. After reminding Phillips about proper procedures, Sweeney gave him the green light to search garage where police believed 16-year-old Tracy Parker had been bludgeoned to death two weeks earlier. It would become a capital case, ultimately putting the killer -- Brian Keith Lord -- behind bars for life.

Police soon reported that Phillips had sprayed a claw hammer with too much of a chemical used to detect blood, preventing further testing.

Phillips denies doing anything wrong. "To this day, I believe there was enough blood to get a typing."

The real problem wasn't Phillips' mistake but his attempt to cover it up by denying he'd sprayed the hammer -- to the point of stating that in his lab report, according to Sweeney and State Patrol documents.

"He chose to falsify what he'd done. If he was going to do that to me, his supervisor, I couldn't trust him," Sweeney said.

When the State Patrol launched an internal investigation, Phillips resigned in December 1986.

"I still dream about it -- I loved the lab," said Phillips, 65, who moved to Oklahoma and started a business -- his own perennial greenhouse. "I thought I'd be there forever."

Despite Phillips' turbulent history, lab officials did not audit any of the thousands of cases he'd handled, or review his testimony in more than 50 cases.

### Flaws on proficiency tests

Lab officials often point to proficiency tests as proof of forensic scientists' competence.

Crime lab workers must pass one test annually in each specialty to satisfy voluntary rules set by the American Society of Crime Laboratory Directors' Laboratory Accreditation Board. Staff know they're being tested, rather than having exams slipped in with regular casework.

Some say the system needs tightening.

Tacoma lab forensic scientist Charles Vaughan took a routine proficiency exam in September 1998, testing his ability to interpret footprint evidence.

When accreditation inspectors visited the Tacoma lab in September 1999, they couldn't find any record of Vaughan's exam.

It soon became apparent that Vaughan's supervisor, Terry McAdam, had never reviewed the test -- or realized that Vaughan failed to correctly match all of the footprints with the right shoe.

Vaughan was pulled off that type of casework for about six weeks until he could redo the test, plus pass another exam.

The same year Vaughan bungled his proficiency test, he mistakenly linked hairs found at a Thurston County burglary to a suspect, according to the suspect's attorney, Richard Woodrow.

Woodrow said he hired a private Seattle forensic scientist who concluded the hairs didn't match. The prosecutor dismissed the burglary charge in September 1998.

During the lab system's last accreditation, inspectors identified two other forensic scientists whose proficiency testing was not up to date. They also noted that technicians doing DNA work for the convicted felon databank had never taken a proficiency test, although that was not mandatory.

Since the last accreditation, several lab employees have made mistakes on proficiency tests, according to internal lab documents.

In the past year, a firearms examiner in Spokane and one in Seattle both flunked tests. The year before, a Seattle forensic scientist failed a shoeprint exam.

When employees fail a test, they're taken off casework until they can pass another exam. If problems persist, a supervisor monitors their work or puts them on a work-improvement plan.

"The work is being done by human beings and human beings sometimes make mistakes," Logan said.

That doesn't reassure critics who say proficiency testing is already too easy.

"It's such a hokey test," said Dan Krane, a biology professor at Wright State University in Ohio who runs a forensic consulting firm. "They all do it at the same time and use pristine samples which aren't anything like casework."

What Phillips said happened in the early 1980s was even worse.

"Everybody would put their heads together and get the right answers," he recalled. "We wanted to be right."

### **Drug analyst under surveillance**

The chemist's odd behavior raised co-workers' suspicions as far back as 1998. Yet two years would pass before the State Patrol intervened.

After starting work at the Marysville lab in April 1997, James Boaz noticed that his colleague, Michael Hoover, handled an inordinate number of heroin cases.

Sometimes Hoover even took over Boaz's cases without permission.

Boaz began locking up his files in his drawer when he wasn't at his desk. He also heard "loud snorting" coming from Hoover's desk, Boaz would later tell State Patrol investigators.

Chemist David Northrop said he first noticed problems in 1999 when Hoover posted a note soliciting heroin cases from the intake clerks. Northrop complained to his boss, Erik Neilson. By summer 2000, Boaz and Northrop reported that Hoover was secretive when handling heroin cases and assigned himself too many. They suspected he was making up results.

When Neilson confronted Hoover in September 2000, the 11-year employee claimed he was stashing heroin for police to use in training drug-sniffing dogs. Neilson warned him to stop.

Two months later, Boaz and Northrop reiterated their suspicions and Neilson contacted the State Patrol to report that Hoover might be stealing heroin from evidence.

The State Patrol immediately launched an internal investigation, installed a hidden video camera above Hoover's desk and later questioned him.

Hoover confessed, saying he sniffed heroin in the lab to ease chronic back pain.

"I don't want anything bad to reflect on the State Patrol," Hoover told investigators on Dec. 22, 2000. "I found that if I sniff a little bit of heroin once in a while, it makes the pain go away where I can sleep at night."

Snohomish County prosecutors charged him with one count of tampering with evidence and one count of official misconduct, both misdemeanors. Felony charges weren't filed because no heroin was found in Hoover's possession.

Hoover resigned, pleaded guilty to the charges and received an 11-month jail sentence in November 2001. The scandal led to the dismissal of hundreds of pending drug cases in Snohomish, Island, Skagit, Whatcom, Jefferson and Clallam counties. The state Court of Appeals also overturned convictions in two drug cases because Hoover had tested the evidence.

"He stands by his test results," said Hoover's former attorney, Stephen Garvey. "I suspect juries would have still convicted."

The State Patrol did its best to minimize the damage, emphasizing that "the system worked" because lab employees turned Hoover in.

Asked about the delay in investigating Hoover's suspicious behavior, Logan said he and others have thought long and hard about what might have led to earlier detection and are now more likely to see the red flags: "They were seeing these things and they never wanted to put two and two together about someone who was a colleague and a friend."

### **Official concedes safeguards lax**

The State Patrol lab relies on peer review as its primary safeguard for catching mistakes. Lab notes and reports for every case must be reviewed by at least one other forensic scientist before being released.

While effective to a point, peer review has its limits.

Interpersonal conflicts get played out during reviews. Overloaded scientists do only cursory looks. Errors are missed due to inexperience.

A troubling breakdown in that system came to light during an internal audit of the work of Spokane forensic scientist Arnold Melnikoff.

Lab officials decided to review his work after Melnikoff was accused of helping wrongfully convict a Montana man of rape based on erroneous hair-analysis work he did for that state's lab in the 1980s.

The April 2003 audit examined 100 of Melnikoff's felony drug cases dating back four years and found troubling flaws in 30, ranging from insufficient data to identify substances to mistakes in documentation. The report described Melnikoff's drug-analysis work as "sloppy" and "built around speed and short-cuts."

Melnikoff, who had been on paid leave since November 2002, contested every finding in the audit. In a written rebuttal, he wrote that he'd never failed a proficiency test or had a negative performance review in his 14-year employment.

And he pointed out that every drug case he'd analyzed had passed peer review: "If there was a 'problem,' it was a state-wide laboratory problem," Melnikoff wrote.

The State Patrol fired Melnikoff in March, saying his 1990 testimony in a Montana rape trial had undermined his credibility. Melnikoff is appealing his firing.

Logan conceded that Melnikoff's case revealed employees had become lax about peer review, especially when dealing with a difficult co-worker. "The people doing peer review were only taking him on on the major errors," said Logan, who now requires supervisors to do spot checks as well.

What's really needed is more rigorous science, said Edward Blake, a California forensic scientist whose work has helped free dozens of wrongly convicted prisoners.

"This is an operation like 'I'm OK, you're OK,'" Blake said.

### **Lab workers violate conduct code**

Moral integrity and honesty are key qualities for crime lab employees whose work will help convict or exonerate suspects.

Job applicants take lie-detector tests that include questions about illegal drug use. One-third of applicants are disqualified because they've smoked marijuana in the previous three years.

Once hired, crime lab scientists are supposed to follow the State Patrol's code of conduct. But over the last five years, 25 of them have been disciplined for violating those rules. Complaints included everything from arguing with co-workers or leaving a loaded rifle propped against a workbench to lying about travel and releasing confidential documents to a family member.

One-third of the scientists received a written reprimand. Others were suspended briefly or counseled. Seven were fired, although one of them won back his job.

Timothy Nishimura, then manager of the Marysville lab, was fired in September 2000 for misconduct, including sexual harassment of female employees dating back to 1991, according to State Patrol documents.

Nishimura appealed his firing, and was reinstated with back pay in March 2002. He was demoted to a document-examiner job in the Seattle lab. He refused comment for this story.

In another case, Kevin Fortney, supervisor in the Spokane lab, was investigated in December 2000 for cruising Internet porn sites at work. Fortney admitted his behavior and was suspended for two days. He has since been promoted to manager of that lab. Fortney didn't respond to requests for comment.

Crime labs seem hard-pressed to find scientists who are not only well-educated but can analyze complex cases, said Blake, the California expert. "Just because they can extract DNA doesn't mean they can think through problems," he said.

The most common problem isn't testing errors but incorrect interpretation of the data, said Ray Grimsbo, a Portland forensic scientist who runs a private lab.

"It's what they do with the results that gets them into trouble," said Grimsbo, attributing that to lack of experience or arrogance.

Pushing evidence too far is what some critics say happened when former Seattle crime lab manager Mike Grubb testified in a Vancouver, Wash., murder case.

Grubb told the court an earprint found at the scene in 1994 likely belonged to the accused, David Kunze. An expert from the Netherlands went further, testifying that the earprint was definitely left by Kunze's left ear.

The earprint evidence convinced a jury, who convicted Kunze in July 1997 of aggravated murder in the beating death of his ex-wife's fiancé. Kunze was sentenced to life in prison.

Two years later, the Court of Appeals overturned Kunze's conviction, criticizing the earprint testimony as "not generally accepted as reliable in the relevant scientific community."

"It was junk science," said John Henry Browne, Kunze's attorney. Kunze was set free in 2001 after a second trial ended in a mistrial.

It wasn't the first time an appeals court had taken issue with Grubb's conclusions. His testimony in a 1994 rape-murder trial, in which he claimed he could determine the age of semen found in the body of the teenage victim, was criticized as scientifically unsound.

Grubb stands behind his conclusions in both cases, saying he based his findings on years of experience and forensic studies.

"My testimony was well within the bounds of reasonableness," said Grubb, who left the lab in 1998 to run the San Diego Police Department crime lab.

### **Experts say reforms needed**

Some critics believe a host of reforms are needed, including weeding out incompetent or dishonest crime lab employees, and requiring more rigorous outside reviews.

Washington's crime labs are inspected once every five years to retain voluntary accreditation. During the last review, in September 1999, all of the labs initially fell short of meeting key standards, records show.

Inspectors cited problems ranging from proficiency tests that weren't up to date to an unlocked evidence freezer. Those problems were soon corrected.

Said Logan: "They didn't come up with anything that they felt was a problem with the quality of the work."

Failing to meet voluntary standards, however, is a red flag because accreditation is done by former crime lab insiders who set the bar low, experts say.

"It's an old boys' network," said William C. Thompson, a criminology and law professor at the University of California-Irvine. "It's the absolute bare bones that's needed to run a lab. It isn't the best scientific work that can be done."

"The labs have manufactured credentials for themselves," said Blake, who won't accredit his California lab. "If you have people who are willing to manufacture credentials, what else are they making up?"

Unlike most critics, Frederick Whitehurst has been on the other side.

Whitehurst, an attorney and former FBI explosives expert, went public in 1995 about flaws in that lab.

He now heads the non-profit Forensic Justice Project.

While he favors requiring the nation's crime labs to undergo independent audits, he also remembers what it was like to have a two-year backlog of cases on his desk.

He hasn't forgotten the frustration of trying to do his best in the face of unrelenting demand.

"They can't go back and check. There's no time, there's no money," he said. "...And they will fall to the pressures."

## President's Message

The fourth SCAFO meeting this year was held at Steven's Steak and Seafood House in the City of Commerce. Over 80 members and their guest attended the meeting. Dinner was served at 6:30 pm to give some of our distant commuters that were delayed in traffic an extra 30 minutes to arrive. However, the delay did not hamper the quality of the dinner. My hats off to the chief and serving staff that delivered a fine dish of filet mignon and chicken breast combo topped off with shrimp over rice for the main course.

Our Speaker for the evening was Mr. Joshua Evarts. He introduced and demonstrated a computer aided crime scene documentation software program from Trancite Logic Systems. The program called "ScenePD & Easy Street Draw" brings to the desktop or lap top computer easy to use and powerful tools for reconstructive drawings. Easy Street Draw is a crash scene drawing application, which is vector-based that allows for numerous sizing adjustments with no loss of resolution.

ScenePD is a complete affordable drawing tool designed to address specialized drawing requirements of law enforcement. It has templates in the form of common shapes familiar to law enforcement and logic tools to draw rapid crime/domestic violence scenes. Mr. Evarts is a great presenter making it easy to understand the workings of the program. The demonstration was so good I felt as if I could start using the program right away. Mr. Evarts provided demonstration copies of the program on CD so that those members in attendance could take the information learned and put it to use reinforcing new concepts. Mr. Evarts also donated a working software disk as a door prize valued at \$299.

As members of a great organization we get together from time to time to learn new techniques and ideas. It's not just for the meal but when it is A1-quality like the one Steven's Steak and Seafood House dishes out it makes for a great evening. I want to thank Susan Garcia, Mari Johnson and others who contributed their time and effort in putting together a successful meeting.

I want to congratulate new members sworn in at the August meeting and thank all members and guest in attendance for making our dinner meeting a success. Through attendance you demonstrate your commitment of allegiance to your profession. You express to me, your coworkers, and your supervisors (many I know who also attend SCAFO meetings) your willingness to be open minded, to move forward with new ideas, and grasp new technologies to build higher skills and enhance your profession not to mention the organization you represent at the meetings. I know also they to acknowledge your commitment.

With that said, I want to encourage and invite our membership to the 13th Annual Training Seminar held on October 1st and 2nd at the Embassy Suites, 1211

East Garvey St., Covina, California. As with past annual training seminars, this year our training coordinator Past President George Durgin and your Board of Directors have worked hard behind the scenes to bring the membership another great list of Speakers and Exhibitors. This is only made possible through your support. It's truly an honor to bring to Southern California some of the top name speakers that presented at the recent IAI 89th International Education Conference held this August in St. Louis, Missouri commemorating 100th years of fingerprint identification in the United States. Don't miss the October two day seminar. Make your reservations as soon as possible.

In closing, it's that time of the year that nomination for Executive Board Members need to be submitted before the October meeting. As an active member you may nominate yourself or another member to seek an elected position as a Board Member. SCAFO is seeking to fill positions for Secretary and two Board of Directors positions, which will be voted on by the membership at the upcoming October meeting. If you would like a position in this outstanding organization, provide leadership and support goals of the membership I urge you to get involved. Accepting nominations this year is Past President Steve Tillman. You may contact Steve with your nominations at (213) 974-4605 or Tillmann@scafo.org All nominees should provide Steve with biographical information and reason why the membership should elect you to the Executive Board. Until we meet again;

*Fraternally Yours,  
Ed Palma, President*



**SCAFO's 13th  
Annual Seminar  
October 1 & 2, 2004**

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# Police Admit 3 Year Fingerprint Backlog

*(This article was downloaded from a Fox News website. Thanks to Mr. Troy Merrick, of the Cuyahoga County Coroner's Office in Cleveland, OH for the submission.)*

Kansas City - Frustrated crime victims claim thieves are getting away with committing crimes because police aren't checking fingerprints quickly enough. Police say they have a backlog of 4,800 cases where fingerprints are waiting to be matched.

Mark Beeley is fed up after learning that it may take police three years to examine fingerprints lifted from a series of thefts at coin-operated laundries he oversees. "I was really surprised it took that long," Beeley said. "I've been in communication with federal authorities and, for them, it's normally two to four weeks."

Police say, so far this year, there are nearly 800 cases where fingerprints have yet to be examined. There are more than 2,000 crimes from last year that are still waiting for fingerprint analysis. And, more than 2,000 cases from 2002 have fingerprints taken, but have not been matched to the database of criminals on file. "We try to prioritize them," Deputy Chief Rachel Whipple, commander of the investigations bureau, said. "Of course homicides, rapes and armed robberies are the first priority to be done."

Police say fingerprints aren't as easy to check as many people think. And the crime lab has only 4 specialists to do the job. "Somewhere, they're in the system, some system," Beeley said of the thieves who ripped him off. "Everyone is frustrated."

Police commissioners also are frustrated. They've ordered commanders to find a way to cut the fingerprint backlog. Whipple says the best solution is for the city to provide more money to hire more fingerprint examiners. But police may face replacing a DNA analyst or firearms examiner with an additional fingerprint examiner.

## Law Enforcement Officers Safety Act of 2004

In January 2004 Congressman Randy "Duke" Cunningham (R) of San Diego introduced a bill (H.R. 218) to exempt qualified law enforcement officers and qualified retired law enforcement officers from state laws prohibiting the carrying of concealed firearms. On July 22, 2004, President Bush signed the bill as Public Law 108-277.

The law, which adds to Chapter 44 of Title 18 of the United States Code, sections 926B and 926C, does not allow carrying a firearm where it is prohibited by private entities on their property or possession on state or local government property, installations, buildings, bases, or parks. Active duty law enforcement officers must regularly qualify and have their identification.

Retired officers must have retired in good standing, qualified within the last twelve months, and "been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm."

As a retired officer I obtained a copy of the bill from <http://thomas.loc.gov> by typing "HR 218" in the search query and submitted it to my former agency. Local agencies will now have to decide how retired officers will qualify and how it will be documented (e.g., on the retired ID card, etc.).

This is an excellent piece of legislation that lifts state boundaries on law enforcement officers carrying concealed weapons. I encourage all officers to read the bill and make sure you know whether you are qualified before you go into another state. This has been a long time coming; let's not blow it.

*George Durgin*

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***"Every man owes a part of his time and money to the business or industry in which he is engaged. No man has a moral right to withhold his support from an organization that is striving to improve conditions within his sphere."***

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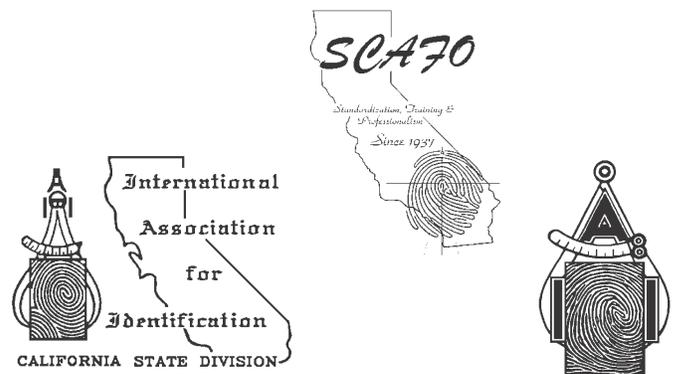
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**- President Theodore Roosevelt, 1908**



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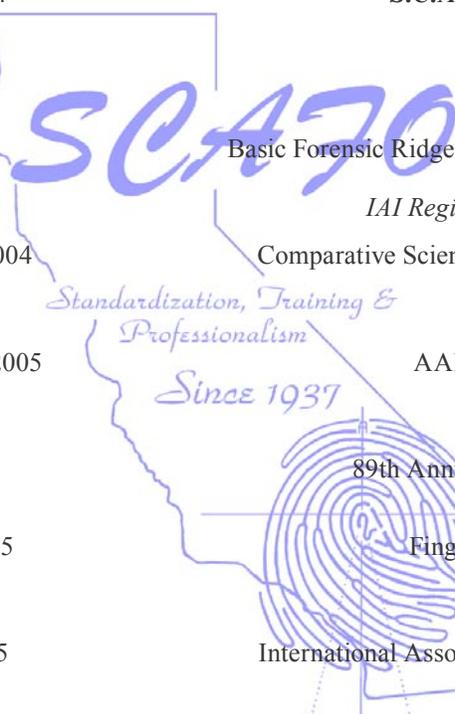
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See instructions on the  
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*-- Upcoming Events/Schools/Seminars--*

- |                        |                                                                                                        |
|------------------------|--------------------------------------------------------------------------------------------------------|
| October 1 - 2, 2004    | <i>S.C.A.F.O. Training Seminar</i>                                                                     |
| December (TBA)         | <i>S.C.A.F.O. Meeting</i><br>Dennis Uyeda<br>CAL-DOJ                                                   |
| October 4 -8, 2004     | Basic Forensic Ridgeology (David Ashbaugh)<br>Los Angeles, CA<br><i>IAI Regional Education Seminar</i> |
| October 26 - 30, 2004  | Comparative Science in the Daubert World<br>Las Vegas, NV<br>ABFDE                                     |
| February 21 - 26, 2005 | AAFS 57th Annual Meeting<br>New Orleans, LA                                                            |
| May 22 - 26, 2005      | C.S.D.I.A.I.<br>89th Annual Educational Seminar<br>San Jose, CA                                        |
| March 18 - 20, 2005    | Fingerprint Society Lectures<br>30th Annual Conference<br>Brighton, Sussex, UK                         |
| August 7 - 13, 2005    | International Association for Identification<br>Dallas, TX                                             |



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