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ENHANCING THE OVERSIGHT OF STATE CRIME LABS

SUPPORT SENATE BILL 6340

The criminal justice system in the United States is the best in the world. However, it is not perfect. We must continue to find ways to correct problems and seek to find solutions that promote fairness and justice. One step in that process is addressed in a bill currently before our State legislature, Proposed Substitute Senate Bill (PSSB) 6340. PSSB 6340 would add two members to the State Forensic Investigation Council, the agency which oversees the work of our State crime laboratories.

The genesis of this bill lies in the development of forensic DNA and the improvements in DNA technology over the past two decades. Forensic DNA has resulted in many positive changes in the criminal justice system and its elusive search for the truth. One important lesson learned from the advances in forensic DNA technology comes from the work of the Innocence Project. Because of forensic DNA, we know that innocent people have been wrongfully convicted of serious crimes, such as robbery, rape, and murder. 249 exonerated, after serving an average of over 12 years for a crime they did not commit. About 70% of the wrongful convictions involved faulty eyewitness identifications. Approximately 60% involved faulty or fraudulent forensic scientific evidence, including pseudo-sciences such as hair analysis and bitemark analysis.

In response to the work of the Innocence Project and the case of Brandon Mayfield (the Portland attorney wrongfully accused in the Madrid terrorist bombings based on faulty fingerprint analysis by the FBI), Congress requested a study of the state of forensic sciences in the United States. In June 2009, the National Academy of Sciences published a landmark report, *Strengthening Forensic Science in the United States: A Path Forward*. The report included several recommendations, one of which was improving the oversight of crime labs.

PSSB 6340 is consistent with the recommendations in the NAS report. In Washington, the Forensic Investigations Council is the agency responsible for oversight of our State's crime labs. There are currently 12 members on the FIC, including two prosecutors, a police chief, and a county sheriff. One third of the FIC members are directly affiliated with law enforcement and prosecution. PSSB 6340 would add a criminal defense lawyer and a university professor with expertise in forensic science and laboratory standards and quality assurance. The process is strengthened by having all relevant perspectives at the table.

The Washington Association of Prosecuting Attorneys endorse the addition of a defense lawyer to the FIC. Even though adversaries in court, prosecutors and defense lawyers agree that we want only the most valid and reliable science introduced as evidence in court. We also agree that having a well-rounded council, with all the stakeholders being heard, will strengthen the FIC and increase public confidence in the work product that comes out of our State's crime labs.

Other States have defense lawyers and scientists from academia and the private sector on their oversight agencies. Similar legislation is pending in other States as well. Please contact your legislators and urge them to support PSSB 6340.