



SOURCE MATERIAL PROVIDED HOUSE AND SENATE JUDICIARY COMMITTEES

In Support of:

2025—S 0535

2025—H 5664

In Opposition to:

2025—S 0951

2025—H 6229

The source material described here can be accessed at:

<https://www.dropbox.com/scl/fo/xfe3yq5nrtyiovnfr3n/ABpdyPhjVjnkzhgj5E3W9es?rlkey=c021glz0tp9v50c5ktz7xc7to&st=08k0fg85&dl=0>

- **Legislation**

- 2025—S 0535

<https://webserver.rilegislature.gov/BillText/BillText25/SenateText25/S0535.pdf>

- 2025—H 5664

<https://webserver.rilegislature.gov/BillText/BillText25/HouseText25/H5664.pdf>

- 2025—H 6229

<https://webserver.rilegislature.gov/BillText/BillText25/HouseText25/H6229.pdf>

- 2025—S 0951

<https://webserver.rilegislature.gov/BillText/BillText25/SenateText25/S0951.pdf>

- **The Nichols Report:**

- Contains the findings and recommendations of Ronald Nichols, President, Nichols Forensic Science Consulting, Inc. regarding the problems being experienced in the Toolmark / Firearms Section of the Rhode Island State Crime Laboratory (Lab) (10/9/24). Summarized in the article that follows.

- **Detailed discussion of problems being experienced in the Lab, the responses thereto, and the impact on pending and past cases in Superior Court (utilizes information current as of 11/15/24).**
 - Lessons Learned From A Not So Public ‘Mismatch’: Firearms, Toolmark Analysis, and Rhode Island’s Publicly Funded Crime Laboratories, The Rhode Island Bar Journal, January / February 2025, pp. 13-18.
- **Analyzes and analogizes the problems being experienced in the Lab to a prominent wrongful conviction case in Illinois.**
 - The Cranston Herald: What does a senseless murder more than 30 years ago in Rockford, Illinois, have to do with recent events at the Toolmark Analysis/Firearms Identification Section of the Rhode Island State Crime Laboratory? More than you might think...
 - PART I. Crime-lab firearms ID can miss the mark (January 9, 2025)
 - PART II. In 2 states, accuracy of gun forensics challenged (January 29, 2025)
- **Recent opinion piece from a national scientific entity discussing the situation at the Lab**
 - Scientific American: Opinion – Firearms Forensics Is Still Troubled by Forensic Failure (2/11/25)
- **“Best Practices” for the composition of boards and commissions tasked with oversight of state crime laboratories:**
 - Forensic Science State Commissions and Oversight Bodies - A 2022 Update, National Association of Forensic Science Boards (NAFSB), June 2022 (see especially ‘Legislative Models’ at p.15)
 - 2024 American Academy of Forensic Science ABSTRACT: The National Association of Forensic Science Boards: A Collaborative Effort for State Level Forensic Oversight
 - Guide to Best Practices for Development of State Forensic Science Boards (NAFSB 4/24/24)

- Testimony of the Rhode Island Association of Criminal Defense Lawyers in opposition to 2009--H 5983 - BUDGET ARTICLE 12 (cites the then recently promulgated and recommended ‘Best Practices’ contained in the *National Research Council Report, Strengthening Forensic Science in the United States: A Path Forward (2009)*ⁱ; submitted in opposition to a prior attempt to consolidate the RI Department of Health’s forensic laboratories with the RI Department of Public Safety; ultimately rejected by the legislature)
- **News stories about the Lab:**
 - Mark Reynolds, Legislative proposal calls for revamp of state crime lab oversight. Providence Journal 3/26/25
 - Christopher Shea, What will it take to exonerate the R.I. State Crime Lab? Accreditation review, staffing up, reform legislation all happening now. Rhode Island Current (3/18/25)
 - Mark Reynolds, Rhode Island state crime lab faces full accreditation review amid forensic errors. Providence Journal (3/14/25)
- **STATE CRIME LABORATORY COMMISSION MEETING MINUTES (meetings relevant to the commission’s decision to go into executive session to discuss the toolmark / firearms identification issue thereby limiting public access to this information)ⁱⁱ**

April 11, 2024	October 23, 2024
August 21, 2024	January 23, 2025
August 27, 2024	
- **The Texas Forensic Science Commission (acknowledged by many as the “Gold Standard” for the delivery of forensic science services to the criminal justice system)**
 - Homepage: <https://www.txcourts.gov/fsc/about-us/>

- Established in May 2013 by the TX State Legislature to investigate complaints involving forensic disciplines that are not subject to accreditation under Texas law, with the exception of autopsies.
- In June, 2015, the TX State Legislature passed SB-1287 which transferred Texas' Crime Laboratory Accreditation Program oversight from the Texas Department of Public Safety to the Texas Forensic Science Commission which then established an accreditation process for crime laboratories and other entities conducting forensic analyses for use in criminal proceedings. As part of its accreditation mandate, the Commission is responsible for establishing procedures, policies, and practices to improve the quality of forensic analyses conducted in Texas. Please see our Accreditation page for more information.
- The Commission has nine members, all appointed by the Governor of Texas. Seven of the members are scientists and two are attorneys (one prosecutor and one defense attorney). The Commission's presiding officer is designated by the Governor.

Michael A. DiLauro, Esq.
The Just Criminal Justice Group, L.L.C.
P.O. Box 7000
Warwick, RI 02887-7000
401-487-3644
madpd2001@yahoo.com

April 24, 2025 – Revised II

March 27, 2025 - Revised

March 20, 2025

ⁱ Recommendation #4 of the report states that “To improve the scientific bases of forensic science examinations and to maximize independence from or autonomy within the law enforcement community, Congress should authorize and appropriate incentive funds to the National Institute of Forensic Science (NIFS) for allocation to state and local jurisdictions for the purpose of removing all public forensic laboratories and facilities from the administrative control of law enforcement agencies or prosecutors’ offices.” (emphasis added)

ⁱⁱ The State Crime Lab Commission (Commission) created by statute to oversee the Rhode Island State Crime Laboratory (RICL) met twice in August and once in October, 2024, to discuss the toolmark / firearms. issue. Although subject to the Open Meetings Law (OML), the Commission labeled the issue as a “personnel matter,” which allowed its discussions to be shielded from public scrutiny. Curiously, however, at a Commission meeting on April 11, 2024, the Commission disclosed information relating to a non-conformity issue that appears to be nearly identical to the one that is the subject of the current controversy.