

THE RHODE ISLAND ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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FOUNDED 1988 BY
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TESTIMONY OF THE RHODE ISLAND ASSOCIATION OF CRIMINAL DEFENSE LAWYERS (RIACDL) IN SUPPORT OF 2025—H 5664 ⁱ

RIACDL strongly supports the legislation referenced here. The legislation would diversify the makeup of the Rhode Island Crime Lab Commission (RICLC) which is responsible for the oversight of the Rhode Island State Crime Laboratory (Lab). It does so by amending *RIGL Sec. 12-1.1-4* and *12-1.1-6* to add criminal justice stakeholders and others with relevant experience and expertise in the forensic sciences to the RICLC. The reasons for this support include the following:

- Although numerous criminal justice stakeholders (including the courts, law enforcement, victims of crime, parties to the litigation, judges, juries, and counsel) are the ‘customers’ receiving the products and services provided by the Lab, under current law, law enforcement makes up the overwhelming majority of the RICLC with the Attorney General serving as its chair. This legislation would address that oversight by diversifying the makeup of the RICLC. However, law enforcement would still retain a prominent role. The legislation further expands and improves the composition of the RICLC by adding additional members and by providing for more robust participation by academia, taking advantage of Rhode Island’s vast resources in that area as provided by its several excellent colleges and universities.
- Diversifying the composition of the RICLC is consistent with the recommendations for ‘best practices’ in this area recently made by the National Association of Forensic Science Boards (NAFSB) which makes specific recommendations that are consistent with the legislation under consideration. These ‘best practices’ are grounded in the careful consideration and input by those directly involved in providing these forensic science services across the country. ⁱⁱ

- The legislation is consistent with actions taken by the General Assembly in 2009 when it was asked to consider legislation consolidating the various forensic laboratories of the RI

Department of Health and transfer them to the Department of Public Safety. The General Assembly made the correct choice in rejecting the legislation, relying on national ‘best practices’ recently promulgated at that time. ⁱⁱⁱ

ⁱ RIACDL is an affiliate organization of the National Association of Criminal Defense Lawyers (NACDL). RIACDL was founded in 1988 by the late Richard M. Casparian, former Public Defender for the State of Rhode Island from 1988 until his death in 1997. RIACDL’s mission includes, “working toward achieving justice and dignity... for persons accused of crime and the criminal justice system, and to influence the criminal law for the betterment of the criminal justice system....” RIACDL is registered with the Rhode Island Secretary of State’s Office as a nonprofit organization.

ⁱⁱ *Guide to Best Practices for Development of State Forensic Science Boards*, NAFSB (4/24/24)
<https://static1.squarespace.com/static/657366013cc2bd7598dcbf05/t/6661a217f0b75a007f784561/1717674519202/Guide+to+Best+Practices+for+Development+of+State+Boards.pdf> (Last visited 3/19/25)

ⁱⁱⁱ In 2009 RIACDL provided oral and written testimony in opposition to House Bill #2009-H-5983-*BUDGET ARTICLE 12* which would have transferred the forensic laboratories of the RI Department of Health to the Department of Public Safety. RIACDL’s opposition was grounded primarily in the 2009 *National Academy of Science Report, Strengthening Forensic Science in the United States* which in Recommendation #6 states in part that “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.” A copy of that written testimony is available upon request. (emphasis added).