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TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

House Bill No. 6229

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE – STATE CRIME LABORATORY COMMISSION

Chairman Craven and Members of the Judiciary Committee:

The Office of the Public Defender strongly opposes HB6229, which would give the Department of Attorney General control of *all* forensic testing conducted in the State of Rhode Island and would eliminate the neutral body that currently oversees the operation of the existing State Crime Laboratory (the “Crime Lab”).

The bill proposes a repeal of section 1.2 of Chapter 12 of the General Laws, thus eliminating the Crime Lab currently housed at the University of Rhode Island.¹ In addition, the bill would repeal section 1.1, dismantling the State Crime Laboratory Commission (the “Commission”), which operates as the oversight board responsible for monitoring the Crime Lab’s operations. In its place, the bill proposes establishing a new Crime Lab within the Department of Attorney General—noticeably, without a designated oversight entity. Further, the bill gives the Attorney General control of all forensic testing currently conducted by the department of health.

Transparency, accountability, and public trust are essential to the integrity of the Crime Lab’s important work. HB5664, a bill the Office of Public Defender supports, aims to achieve many of those goals by diversifying the composition of the Commission. HB6229, on the other hand, does the opposite, completely eliminating the Commission, removing a key mechanism for independent oversight.

Accountability and transparency are particularly important now, considering the Crime Lab’s recent challenges, most notably in the wake of issues regarding forensic testing procedures

¹ The Crime Lab as it currently exists is funded through the University of Rhode Island’s budget, pursuant to General Laws § 12-1.2-4. We would note that the proposed bill, which would repeal the entire section pertaining to the existing Crime Lab, does not contain a funding provision.

and the suspension of certain firearms-related analyses in August 2024.² To its credit, after noticing the nonconformity in a firearms identification case, the Crime Lab notified several agencies immediately and suspended firearms and toolmark examinations. Those agencies included the ANSI National Accreditation Board, the department of attorney general, and the Commission.³ It is difficult not to question whether a lab operating under the prosecuting authority, without an independent oversight body, would have responded with the same degree of transparency and urgency.

The Crime Lab is currently a neutral body whose stated customer base includes “all appropriate agencies investigating evidence relating to federal, state or local crimes.”⁴ Housing the Crime Lab within the Department of Attorney General could undermine the impartiality that forensic science must maintain to serve both the prosecution and the defense equally. HB6229 provides that the Crime Lab’s director, forensic scientists, and support personnel “shall be appointed by the attorney general and shall serve at the pleasure of the attorney general.” As forensic evidence carries significant weight in court proceedings, placing the lab under prosecutorial control may erode public confidence in the objectivity of forensic findings.

The elimination of the Commission will only further damage that public trust. After all, the purpose of having a state crime lab commission is to “help ensure complete, accurate, and timely evidence collection, forensic analysis, and transparent, efficient and effective operation of publicly funded crime laboratories,”⁵ goals that are equally important to both sides of the criminal justice system. The proposed bill notes that whenever the words “state crime lab commission” appear in any law or regulation, it “shall be deemed to refer to and mean the director of the Rhode Island state crime laboratory.” There can be no doubt from this language that the bill aims to eliminate neutral oversight.

The proposed legislation represents a marked deviation from best practices. Nationally recognized standards emphasize the importance of independent forensic laboratories. At a November 2024 Conference of the National Association of Forensics Science Boards (“NAFSB”), a panel discussed collaboration and diversity of membership on forensic science boards and how to put the NAFSB’s Best Practices in play. The NAFSB clearly endorses the inclusion of both prosecution and defense lawyers in the makeup of forensic science stakeholder and oversight

²Shea, Christopher. “What Will it Take to Exonerate the R.I. State Crime Lab?” Rhode Island Current, 18 Mar. 2025, <https://rhodeislandcurrent.com/2025/03/18/what-will-it-take-to-exonerate-the-r-i-state-crime-lab/> (last accessed 3/20/25).

³ These challenges have led to a review of the Crime Lab by the ANSI National Accreditation Board this week, two years ahead of when such a review would be required. The accelerated review occurred at the request of the crime lab’s director, Dennis Hilliard.

⁴ Home page of Rhode Island State Crime Lab, <https://web.uri.edu/riscsl/>, (last accessed 3/20/25).

⁵ Roper-Miller, J.D., and N. Jones. Forensic Science State Commissions and Oversight Bodies—A 2022 Update. Research Triangle Park, NC: RTI International, p. 8, available at: [Forensic Science State Commissions and Oversight Bodies—A 2022 Update](#), (last accessed 3/20/25).

boards like the Commission.⁶ A 2022 Report from the National Institute of Justice's Forensic Technology Center of Excellence ("FTCoE") notes that "[s]tate forensic science commissions and oversight boards provide a forum for robust discussions between forensic science stakeholders to improve communication and coordination."⁷

HB6229 threatens to weaken the integrity and impartiality of the state's forensic investigation procedures and to potentially eliminate transparency and accountability, at a time when both are needed more than ever. The Office of the Public Defender urges the Committee to reject this bill and to instead preserve the Commission, and vote in favor of diversifying its membership as proposed in HB5664.

Sincerely,



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⁶ NAFSB Guide to Best Practices for Development of State Forensic Science Boards, p.5-6, 24 Apr. 2024, available at: [Guide to Best Practices for Development of State Forensic Science Boards](#), (last accessed 3/20/25).

⁷ Roper-Miller, J.D., and N. Jones. Forensic Science State Commissions and Oversight Bodies—A 2022 Update. Research Triangle Park, NC: RTI International, p. 11, available at: [Forensic Science State Commissions and Oversight Bodies—A 2022 Update](#), (last accessed 3/20/25).