

# THE RHODE ISLAND ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

Weybosset Hill Station, P.O. Box 23101, Providence, RI 02903  
<http://www.riacdl.org>



**FOUNDED 1988 BY**  
**RICHARD M. CASPARIAN,**  
**PUBLIC DEFENDER**

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## **TESTIMONY OF THE RHODE ISLAND ASSOCIATION OF CRIMINAL** **DEFENSE LAWYERS (RIACDL) IN OPPOSITION TO** **2025—H 6229 & 2025—S 0951<sup>i</sup>**

RIACDL opposes the legislation referenced here which makes radical changes to the ways in which a wide variety of essential forensic science services are provided to law enforcement, the courts, and other criminal justice stakeholders. It would do so by 1) removing a wide variety of laboratory services from the Rhode Island Department of Health (RIDOH) and 2) abolish the commission responsible for the oversight of the Rhode Island State Crime Laboratory (RICL), then giving both to the Attorney General (RIAG). <sup>ii</sup> RIACDL's opposition is grounded in the following:

- The legislation is at odds with actions taken by the General Assembly in 2009 when it was asked to consider similar legislation consolidating the various forensic laboratories of the RIDOH 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. <sup>iii</sup>
- The legislation is also at odds with current recommendations for 'best practices' in this area recently made by the National Association of Forensic Science Boards (NAFSB). These 'best practices' are grounded in the careful consideration and input by those directly involved in providing these forensic science services across the country. <sup>iv</sup>
- Under current state law essential forensic science services are provided to a customer base (that includes a variety of criminal justice stakeholders including law enforcement, the courts, other appropriate agencies, as well as counsel for the parties) by neutral bodies that remain disinterested in the outcome of the case. Changing that critical dynamic, by giving complete and total control of these bodies to a law enforcement agency creates at best, a serious problem of perception, and at worst the possibility of undue influence in the analysis and reporting of critical test results essential to the fair and just resolution of a wide variety of criminal cases.

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<sup>i</sup> 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.

<sup>ii</sup> The Rhode Island criminal justice system has long enjoyed high quality services provided by two publicly funded entities, the RIDOH in Providence and the RICL at the University of Rhode Island. The RIDOH, compartmentalized into separate laboratory 'umbrellas,' provides often interrelated services such as the identification of controlled substances; DNA sequencing and testing; toxicology and serology analyses; and the regulation and certification of the operators and the equipment they use in DUI cases. The RICL analyzes fingerprint evidence; hair, fiber, and filament samples; toolmarks and other firearm components; footwear and tire impressions; and evidence in arson cases.

<sup>iii</sup> 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 RIDOH 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: A Path Forward, 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." (emphasis added).

<sup>iv</sup> *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)