

**BOARD of SUPERVISORS**



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San Francisco 94102-4689  
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October 14, 2016

The Honorable John K. Stewart  
Presiding Judge  
Superior Court of California, County of San Francisco  
400 McAllister Street  
San Francisco, CA 94102

Dear Judge Stewart:

The following is a status report on the 2015-2016 Civil Grand Jury Report (Report), "San Francisco's Crime Lab - Promoting Confidence and Building Credibility."

The Board of Supervisors Government Audit and Oversight Committee conducted a public hearing on September 1, 2016, to discuss the findings and recommendations of the Civil Grand Jury and the departments' responses to the Report.


The following City departments submitted a response to the Civil Grand Jury (copies enclosed):

- Mayor's Office submitted a consolidated response for the Mayor's Office of Public Policy and Finance, Police Department, and the Office of the City Administrator, received on August 1, 2016
- Office of the Controller, received on August 5, 2016

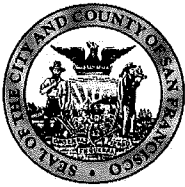
The Report was heard in Committee, and Resolution No. 382-16 was prepared for the Board of Supervisors' approval that formally accepted or rejected the findings and recommendations. The Board of Supervisors provided the required response on September 6, 2016 (copy enclosed).

If you have any questions, please contact Erica Major at (415) 554-4441.

Sincerely,

  
Angela Calvillo  
Clerk of the Board

c:     Members, Board of Supervisors  
          Honorable John K. Stewart, Presiding Judge  
          Kathie Lowry, 2016-2017 San Francisco Civil Grand Jury  
          Kitsaun King, 2016-2017 San Francisco Civil Grand Jury  
          Jay Cunningham, 2015-2016 San Francisco Civil Grand Jury  
          Alison Scott, 2015-2016 San Francisco Civil Grand Jury  
          Kate Howard, Mayor's Office  
          Kelly Kirkpatrick, Mayor's Office  
          Nicole Elliott, Mayor's Office  
          Ben Rosenfield, Office of the Controller  
          Todd Rydstrom, Office of the Controller  
          Asja Steeves, Office of the Controller  
          Jon Givner, City Attorney's Office  
          Toney D. Chaplin, Police Department  
          Christine Fountain, Police Department  
          Severin Campbell, Budget and Legislative Analyst  
          Debra Newman, Budget and Legislative Analyst  
          Jadie Wasilco, Budget and Legislative Analyst



City and County of San Francisco

Certified Copy

Resolution

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

160610

**[ Board Response - Civil Grand Jury - San Francisco's Crime Lab - Promoting Confidence and Building Credibility ]**

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2015-2016 Civil Grand Jury Report, entitled "San Francisco's Crime Lab - Promoting Confidence and Building Credibility," and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget. (Government Audit and Oversight Committee)

9/6/2016 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

9/14/2016 Mayor - APPROVED

STATE OF CALIFORNIA  
CITY AND COUNTY OF SAN FRANCISCO

CLERK'S CERTIFICATE

I do hereby certify that the foregoing Resolution is a full, true, and correct copy of the original thereof on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City and County of San Francisco.

October 12, 2016

Date

Angela Calvillo  
Clerk of the Board

1 [Board Response - Civil Grand Jury - San Francisco's Crime Lab - Promoting Confidence and  
2 Building Credibility]

3 **Resolution responding to the Presiding Judge of the Superior Court on the findings**  
4 **and recommendations contained in the 2015-2016 Civil Grand Jury Report, entitled**  
5 **"San Francisco's Crime Lab - Promoting Confidence and Building Credibility;" and**  
6 **urging the Mayor to cause the implementation of accepted findings and**  
7 **recommendations through his/her department heads and through the development of**  
8 **the annual budget.**

9  
10 WHEREAS, Under California Penal Code, Section 933 et seq., the Board of  
11 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior  
12 Court on the findings and recommendations contained in Civil Grand Jury Reports; and

13 WHEREAS, In accordance with California Penal Code, Section 933.05(c), if a finding or  
14 recommendation of the Civil Grand Jury addresses budgetary or personnel matters of a  
15 county agency or a department headed by an elected officer, the agency or department head  
16 and the Board of Supervisors shall respond if requested by the Civil Grand Jury, but the  
17 response of the Board of Supervisors shall address only budgetary or personnel matters over  
18 which it has some decision making authority; and

19 WHEREAS, Under San Francisco Administrative Code, Section 2.10(a), the Board of  
20 Supervisors must conduct a public hearing by a committee to consider a final report of the  
21 findings and recommendations submitted, and notify the current foreperson and immediate  
22 past foreperson of the civil grand jury when such hearing is scheduled; and

23 WHEREAS, In accordance with San Francisco Administrative Code, Section 2.10(b),  
24 the Controller must report to the Board of Supervisors on the implementation of  
25

1 recommendations that pertain to fiscal matters that were considered at a public hearing held  
2 by a Board of Supervisors Committee; and

3 WHEREAS, The 2015-2016 Civil Grand Jury Report, entitled "San Francisco's Crime  
4 Lab - Promoting Confidence and Building Credibility" (Report) is on file with the Clerk of the  
5 Board of Supervisors in File No. 160610, which is hereby declared to be a part of this  
6 Resolution as if set forth fully herein; and

7 WHEREAS, The Civil Grand Jury has requested that the Board of Supervisors respond  
8 to Recommendation Nos. R.A.2 and R.B.1 contained in the subject Report; and

9 WHEREAS, Recommendation No. R.A.2 states: "The Mayor should direct, the Board of  
10 Supervisors (BOS) should approve, and the Controller should facilitate a transfer of budget,  
11 facilities, assets, personnel, and management of the Crime Lab from the SFPD [San  
12 Francisco Police Department] to the General Services Agency, Department of Administrative  
13 Services;" and

14 WHEREAS, Recommendation No. R.B.1 states: "The Crime Lab and the Police  
15 Department's Office of Technology should devote all necessary resources to install and  
16 implement a user friendly laboratory information management system (LIMS) that will track  
17 cases, increase laboratory efficiency, facilitate outcomes evaluation, and allow real time  
18 sharing of information;" and

19 WHEREAS, In accordance with California Penal Code, Section 933.05(c), the Board of  
20 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior  
21 Court on Recommendation Nos. R.A.2 and R.B.1 contained in the Report; now, therefore, be  
22 it

23 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation  
24 No. R.A.2 requires further analysis because the Board of Supervisors requires the San  
25 Francisco Police Department and the General Services Agency to formulate a proposal,

1 timeline and feasibility of how the transfer of budget, facilities, assets, personnel and  
2 management would be handled. The Board requests the proposal be presented to the  
3 Government Audit and Oversight Committee by October 6, 2016; and, be it

4 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation  
5 No. R.B.1 has not yet been fully implemented but will be implemented in the future as  
6 reported by the Mayor, Police Department and the City Administrator in their responses to the  
7 Civil Grand Jury for reasons as follows: The Laboratory Information Management System  
8 (LIMS) contract was finalized and the system purchased in the spring of 2016. It is currently  
9 being customized and implemented through interactions between the vendor and the Crime  
10 Lab. The LIMS system will be fully operational in the spring of 2017 and will allow improved  
11 operations of and effective communications for the Forensics Services Division; and, be it

12 FURTHER RESOLVED, That the Board of Supervisors urges the Mayor to cause the  
13 implementation of the accepted findings and recommendations through his/her department  
14 heads and through the development of the annual budget.



City and County of San Francisco

Tails

Resolution

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

File Number: 160610

Date Passed: September 06, 2016

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2015-2016 Civil Grand Jury Report, entitled "San Francisco's Crime Lab - Promoting Confidence and Building Credibility," and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget.

September 01, 2016 Government Audit and Oversight Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE


September 01, 2016 Government Audit and Oversight Committee - RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

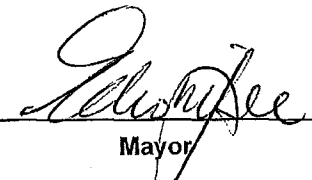
September 06, 2016 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 160610

I hereby certify that the foregoing  
Resolution was ADOPTED on 9/6/2016 by  
the Board of Supervisors of the City and  
County of San Francisco.

  
Angela Calvillo  
Clerk of the Board

  
Mayor

9/14/2016  
Date Approved

OFFICE OF THE MAYOR  
SAN FRANCISCO



EDWIN M. LEE  
MAYOR

Received Via Email  
8/1/2016  
File Nos. 160609  
160610

July 31, 2016

The Honorable John K. Stewart  
Presiding Judge  
Superior Court of California, County of San Francisco  
400 McAllister Street  
San Francisco, CA 94102

Dear Judge Stewart:

Pursuant to Penal Code sections 933 and 933.05, the following is in reply to the 2015-16 Civil Grand Jury report, *San Francisco's Crime Lab: Promoting Confidence and Building Credibility*. We would like to thank the members of the Civil Grand Jury for their interest in the City's Criminalistics Laboratory (Crime Lab) and their efforts to improve operations of the Crime Lab.

The Crime Lab has been a continuing focus of improvement for the Police Department and the City. Over the last five years, the Crime Lab has completed ongoing upgrades to its Forensic DNA Management System (FMS) and will complete implementation of an updated laboratory information management system (LIMS) in spring 2017; improved its Quality Assurance practices and management; maintained accreditation; and adopted and implemented best practices in the forensic sciences disciplines.

The American Society of Crime Laboratory Directors / Laboratory Accreditation Board (ASCLD/LAB) accredited the Crime Lab on August 17, 2015 and determined the Crime Lab met all of the ASCLD/LAB program requirements. ASCLD/LAB updated the accreditation on March 28, 2016 for a three year period ending August 16, 2019.

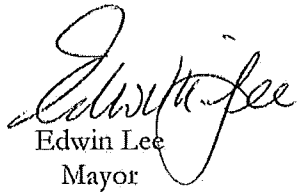
Furthermore, the voters of San Francisco approved the Earthquake Safety and Emergency Response Bond in 2014 to relocate the Crime Lab to a new three-story, 107,000 square foot facility located at 1995 Evans Avenue. The SFPD Forensic Science Division is currently housed in two facilities: Administration, Crime Scene Investigations, and Identification units are housed at the Hall of Justice at 850 Bryant and the Crime Lab is at Building 606 in the Hunters Point Shipyard. When complete in summer 2020, the new consolidated Forensic Science Division facilities will provide uninterrupted Crime Lab services to residents, space for new employees, maintain national accreditation, modernize facilities to accommodate evolving technologies, practices, and science, and enhance the processing of caseloads and sharing of important data results.

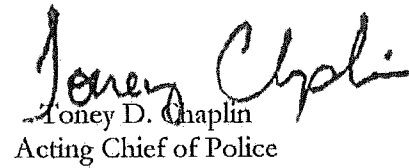


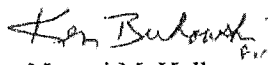
A detailed response from the Mayor's Office, the Police Department, and the Office of the City Administrator to the Civil Grand Jury's findings and recommendations follows.

Thank you again for the opportunity to comment on this Civil Grand Jury report.

Sincerely,

  
Edwin Lee  
Mayor

  
Toney D. Chaplin  
Acting Chief of Police

  
Naomi M. Kelly  
City Administrator

**Findings:**

Finding F.A.1: The position of the police captain Director has been a high turnover position, and the learning curve for the Crime Lab steep. Putting a police captain in charge of day to day management has in the past resulted the sworn Director having difficulty in understanding the challenges of the Crime Lab and dealing with them appropriately.

**Agree with finding.**

The top leadership position for the lab independently needs to have a strong background in Forensics and experience managing scientific resources to provide objective evidence in support of un-biased investigations. This manager needs to advise the Chief on the capabilities, equipment, staffing, training, and growth needs for the Police Department (SFPD) from a business perspective. The scientific knowledge base of the Chief of Police (COP) and creation of a long term plan reflective of evolving, cutting edge scientific practices would be enhanced with a civilian staff.

Finding F.A.2: Under police management discipline has often been handled using a police model. Investigations of scientific errors have been conducted secretly under the cover of police Internal Affairs and give the impression that the Crime Lab is covering up.

**Disagree wholly with this finding.**

Two scientifically accepted best practice models are used to investigate and remedy these matters: remediation of scientific work errors and investigation of alleged criminal or civil misconduct.

The Crime Lab utilizes the full remediation process outlined by American Society of Crime Laboratory Directors (ASCLD) to address errors in scientific work and represents best practices for the industry. Corrective training and measures are taken to ensure integrity of results. All retraining is documented and performance standards met. Scientific experts oversee this process. When warranted, a separate investigation under the Risk Management Division is conducted into alleged criminal acts or administrative misconduct. Discipline can be the result of this separate investigation. Should an employee avail themselves of their rights during the course of the Internal Affairs investigations, the scientific corrective measures continue with additional steps in place to ensure full review of all work is done.

The Chief of Police is fully briefed on the progress of both processes and has the ultimate authority to reassign personnel to ensure the integrity of these independent investigations.

Finding F.A.3: Once the disciplinary process goes to Internal Affairs we observed an immediate halt to dialogue between staff and management aimed at resolving technical issues in a scientific manner.

**Disagree wholly with this finding.**

The process for scientific correction remains under the authority of Crime Lab management. They must proceed with mandated corrective measures and ensure the quality of the process. Failure to do so could delay potential discovery of similar instances and compromise the lab's work product. Technical issues must be identified and addressed immediately. In some cases, where staff members fell under a secondary discipline process and availed themselves of procedural rights, the Crime Lab instituted alternate means of

verifying scientific integrity. Specifically, an audit of all cases was undertaken to identify the scope of errors and implement complete corrective steps.

Finding F.A.4: The positioning of San Francisco's Crime Lab within the police department is inconsistent with the National Academy of Science's 2009 recommendation that the Crime Lab scientist be distanced from law enforcement.

**Disagree partially with finding.**

The National Academy of Sciences report recommends distancing crime labs from law enforcement to reduce bias in analysis. The current organizational structure of the Crime Lab provides checks and balances to reduce bias, effectively separating scientists from law enforcement. The SFPD has taken aggressive training steps to ensure that all Crime Lab personnel are trained in the risks of potential bias as well as the reward for fair and impartial, objective policing. For example, the SFPD, in conjunction with the U.S. Department of Justice and the City's Department of Human Resources, has taken the lead on deploying Implicit Bias training to its sworn and civilian staff to ensure staff are aware of the risk of unconscious biases to effective policing.

Finding F.B.1: The computer management system of the Crime Lab is outdated and lacks many analytic functions. It impedes tracking of cases by all users, evaluating turnaround times, and identifying at which points case progression through the Crime Lab is bottlenecked. It does not increase the efficiency of the Lab.

**Disagree partially with finding.**

The laboratory information management system (LIMS) is both within the customization process and on schedule for pending improvements to address the tracking of cases and case progression. The system will be on line and operational in Spring of 2017.

Finding F.B.2: State AB 1517, the Sexual Assault Victim's DNA Bill of Rights, took effect in January 2016. This mandate puts additional pressure on the Crime Lab to complete and track DNA analysis from sexual assault victims in an expedient time frame and to notify, if requested by the victim, that the analysis has been done.

**Agree with finding.**

The legislation was formalized as an amendment to California Penal Code Section 680, which mandates that crime labs process evidence and meet uploading deadlines. It further mandates communication of results with survivors if requested. Through a combination of additional staff, Grant Funded supplement, and management of out sourcing, the Crime Lab is meeting the turnaround times for results, with limited exceptions for extenuating circumstances. The current average turnaround for processing of sexual assault evidence kit (SAEK) time is 92 days.

SFPD is respectful of the traumatic effects of these incidents on survivors. Through the Special Victims Unit protocols, SFPD has established regular communication streamlined through one point of contact, that being assigned case investigators. This ensures that information is delivered with sensitivity and personally so that the context and impact on the investigation is made clear to survivors. Investigators work with

members of the District Attorney’s Victims Assistance Program to ensure that the delivery of this information is handled with sensitivity in a supportive environment. To automate this process for expediency poses a great risk of re-traumatizing survivors.

Finding F.C.1: Outsourcing is a useful tool to reduce case backlog and lower turnaround times during the current period of staffing shortages.

**Agree with finding.**

Outsourcing is used effectively to ensure the Crime Lab meets legally mandated timeframes. However, it is not a long term solution for efficient management of evidence. Developing a staffing plan under the guidance of a Forensic Services Director that addresses current needs and anticipated growth is critical to efficient outsourcing.

Finding F.C.2: Outsourcing incurs additional cost for the DA and the City because the expenses of trial testimony given by expert witnesses from outside the area must be paid.

**Disagree partially with finding.**

The driver for the decision to outsource rests with the scientific experts tasked with completing all the work requested of the Crime Lab. Trial testimony costs are covered within the scope of the outsourcing contract.

Finding F.C.3: Better utilization and evaluation of Crime Lab personnel can be accomplished by re-opening the Drug Analysis Laboratory.

**Agree with finding.**

While drug analysis workload is greatly reduced in volume as a result of decriminalization, it has not been completely eliminated. The scientific community is in agreement that the benefits to the Crime Lab of maintaining this function (in house) is critical to developing skills and ensuring evidentiary integrity. Re-opening the Drug Analysis Laboratory will be a step for consideration by the newly selected Forensics Services Director in the overall plan for development of disciplines, staffing, and equipment necessary.

Finding F.D.2: Accreditation alone is not enough. A mistake may happen years before an accreditation review is due. Or, as it did during the accreditation review in 2010, a problem may not be addressed because it is not on a standard checklist.

**Agree with finding.**

The current ASCLD/LAB, International Organization for Standardization (ISO) standards (ISO-17025) for accreditation added a requirement that the Crime Lab conduct more in-depth and meaningful internal audits. Additionally, the new ISO-17025 mandates that the accrediting body (ASCLD/LAB) enforce annual assessment updates of the Crime Lab. Layered upon this is the more restrictive Federal Bureau of Investigations (FBI) Quality Assurance Standards (QAS) audit requirements for DNA. The Crime Lab meets each of these auditing standards and has developed additional internal measures such as randomized reanalysis, quality checks and case review. ASCLD/LAB updated the Crime Lab accreditation on March 28, 2016 for a three year period ending August 16, 2019.

Finding F.D.3: The Crime Lab lacked a person other than the Manager specifically assigned to QA for over two years.

**Disagree partially with finding.**

The Crime Lab actively tried to fill the position after the previous Quality Assurance Manager (QAM) vacated. During the hiring process the Crime Lab Manager relied upon other staff with Quality Assurance experience (including someone who was a previous Quality Assurance Manager in a different laboratory) and other Crime Lab Managers in the Bay Area forensic community to maintain continuity towards ISO accreditation. A full-time QAM was selected in March of 2015 and serves in that role today.

Finding F.E.1: Training modules for policy and procedural change in the Crime Lab seem well designed and thorough.

**Agree with finding.**

Finding F.E.2: Individual competency assessment prior to starting casework is not well defined, and the bar of “passing” is set too low.

**Disagree wholly with finding.**

Federal Bureau of Investigation (FBI) Quality Assurance Standards and ASCLD/LAB mandates establish the process utilized by the Crime Lab for individual competency testing. Pursuant to those mandates, the Crime Lab is required to set competency levels using ISO standards. These internationally recognized standards are adhered to industry-wide. The process was reviewed during the most recent ASCLD/LAB certification process. ASCLD/LAB updated the Crime Lab accreditation on March 28, 2016 for a three year period ending August 16, 2019.

Finding F.E.3: Faulty analysis of DNA mixtures by other crime labs has had serious consequences.

**Agree with finding.**

Finding F.F.1: Approximately 2000 cases have been reviewed by the Crime Lab in two internal audits. Errors have been found and are being addressed.

**Agree with finding.**

The Crime Lab undertook both a full Federal Bureau of Investigation’s Combined DNA Index System (CODIS) audit and a separate audit of 2000 cases. The District Attorney was briefed throughout the audit. All errors discovered during the two audits were corrected by May of 2016.

Finding F.F.2: Internal audits are not sufficient to restore stakeholders’ trust in the Crime Lab.

**Agree with finding.**

The Crime Lab is fully accredited to the most recent standards. It has fully adopted and complies with ISO-17025 standards. The Crime Lab conducts multiple audits; utilizes random quality assurance assessments and case review; and is in the process of developing a long-term staffing and hiring plan to ensure that we are able to meet the increasing demand for services.

Finding F.G.1: Communication by stakeholders with Crime Lab supervisors has improved on a personal basis, but formal real-time electronic communication has not yet been established. This has contributed to frustration by the users when they try to obtain results.

**Disagree partially with finding.**

Formal, real-time communication has been established and will be improved going forward. In May of 2016, the CODIS Hit Outcome Project (CHOP) was launched to stakeholders in investigations and the District Attorney’s Office. The CHOP allows stakeholders to track the progress of requested work in real time. With the full implementation of the Laboratory Information Management System (LIMS), stakeholders can expect even greater improvement to SFPD’s ability to communicate between stakeholders. These electronic communication systems complement the established and continuing personal communication carried out in stakeholder meetings.

Finding F.G.2: Stakeholders currently lack adequate input into the goals of the Crime Lab.

**Disagree wholly with finding.**

The Crime Lab is committed to outreach to stakeholders to ensure operational decisions are made that meet the balance of their needs. Examples of this outreach include personal meetings with investigations and prosecutorial staff, working groups formed for the development and implementation of new communications technology, and the use of surveys for identified stakeholders. Both positive and negative feedback are received throughout the process of testing, results, and legal process and integrated into the development of the goals for the Forensics Division. Moreover, the Crime Lab collaborates with national, state and local forensics associations to explore best practices in this area. For example in 2015, the Crime Lab issued surveys to identified stakeholders and regularly solicited feedback (both positive and negative) from stakeholders and their representatives. Formal meetings are held quarterly.

Finding F.G.3: Some Crime Lab users have unrealistic expectations of some aspects of DNA forensics. Touch DNA is an example.

**Agree with finding.**

In response to some of the feedback received in stakeholder meetings, the Crime Lab has developed lesson plans, which give end users a more realistic understanding of the potentialities and limitations of DNA forensics. Presentations have been made to investigators and prosecutors. Additionally, the Crime Lab has established a working group to develop content for SFPD’s web site as a means to reach a wider base.

Finding F.H.1: The Crime Lab has a mostly empty, outdated website that prevents public recognition of its official presence and accomplishments.

**Agree with finding.**

SFPD centralized its web presence and is in the process of a major overhaul and redesign of its website. The Crime Lab formed a web content working group in July 2016, which is developing and providing content to the IT Division for posting.

Finding F.I.1: Universities, other forensic institutions, and individuals are rich sources of local talent and advice that could be utilized by the Crime Lab.

**Agree with finding.**

Forensics is a unique application of science for the directed purposes of establishing investigative leads, determining innocence, establishing association with a particular crime or crime scene and confirming or refuting statements. The disciplines involved are broad. Crime Lab personnel have benefitted from association with the larger local forensics community and regularly meet with representatives of outside forensics institutions with the shared goal of improving the industry through evaluating, developing and implementing best practices. Association with local universities through regulated grant-funded projects is one means by which the Crime Lab could leverage local educational talent for improved operations.

**Recommendations:**

**Recommendation R.A.1:** The Crime Lab should be separated from the SFPD and function as an independent entity in the General Services Agency.

**Requires further analysis.**

The City has one Criminalistics Laboratory that primarily services the law enforcement agencies in San Francisco. The Crime Lab is responsible for impartially analyzing evidence items associated with criminal investigations for local law enforcement agencies in San Francisco.

The Crime Lab works with the law enforcement community to set its own priorities with respect to cases, expenditures, and other important issues. The Crime Lab is distanced from pressures caused by the differing missions of law enforcement agencies through a civilian Deputy Director V who reports to the Deputy Chief of Administration and implements Crime Lab policies and procedures. Upon selection of the Forensic Services Director and development of staffing and operational plan, staff will evaluate the feasibility of transferring the Crime Lab to another City entity.

**Recommendation R.A.2:** The Mayor should direct, the Board of Supervisors (BOS) should approve, and the Controller should facilitate a transfer of budget, facilities, assets, personnel, and management of the Crime Lab from the SFPD to the General Services Agency, Department of Administrative Services.

**Requires further analysis.**

The City has one criminalistics laboratory that primarily services the law enforcement agencies in San Francisco. The Crime Lab is responsible for impartially analyzing evidence items associated with criminal investigations for local law enforcement agencies in San Francisco. The Crime Lab works with the law enforcement community to set its own priorities with respect to cases, expenditures, and other important issues.

**Recommendation R.A.3:** Because establishing an independent Crime Lab will no doubt be a lengthy process, we recommend an interim step for the Crime Lab to achieve greater separation from the SFPD: The sworn police captain should be removed as the head of the Crime Lab and replaced by the current civilian scientist lab manager.

**Requires further analysis.**

Consistent leadership at the Crime Lab has never been more critical than at this time of developing and implementing a science led structure. SFPD has been working with the Mayor's Office to identify, recruit, and proceed with the selection of a civilian scientist to lead the Forensic Services Division. A supportive infrastructure will be necessary when the Forensics Services Director assumes that role. The current Crime Lab Manager has a broad scope of duties and relies on the sworn Captain to ensure the operation of the lab and Crime Scene Investigation (CSI) continues to integrate smoothly. Both the Captain and the Crime Lab Manager are necessary to ensure that the Forensic Services Division continues to move forward during this process of evolution.



Recommendation R.A.4: As long as the Crime Lab remains part of the SFPD, we recommend that the civilian head of the Crime Lab report directly to the Chief without the intermediate layer of a captain as singular oversight assigned to the Crime Lab.

**Recommendation will not be implemented.**

The mission and daily operations of the Forensic Services Division are broad and complex. They require the full support of the Technology, Fiscal, Training, and Staff Services Divisions all of which are housed under the Deputy Chief of Administration, a direct report to the Chief of Police. The newly selected Forensic Services Director will report directly to the Deputy Chief of Administration. Until such time as that sound structure is in place, the current Crime Lab Manager and Captain of Forensic Services will utilize a team approach and report directly to the Deputy Chief of Administration. The model going forward will evolve as SFPD identifies and adds the appropriate supportive staff for the newly selected Forensic Services Director. The Chief of Police meets monthly with command staff and civilian directors, including the Forensic Services Director.

Recommendation R.B.1: The Crime Lab and the Police Department’s Office of Technology should devote all necessary resources to install and implement a user friendly laboratory information management system (LIMS) that will track cases, increase laboratory efficiency, facilitate outcomes evaluation, and allow real time sharing of information.

**Recommendation has been implemented.**

The Laboratory Information Management System (LIMS) contract was finalized and the system purchased in the Spring of 2016. It is currently being customized and implemented through interactions between the vendor and the Crime Lab. The LIMS system will be fully operational in Spring 2017 and will allow improved operations of and effective communications for the Forensics Services Division.

Recommendation R.B.2: When the LIMS is installed and customized for the Lab, the DA’s office, the defense community, and Police Inspectors should have input as to the features that will help them obtain the information they need in their own work.

**Recommendation will be implemented in the future.**

It is the intention of the Crime Lab to extend password protected limited access to features such as discovery and published laboratory reports to the District Attorney’s Office and the defense community but the extent of access must be securely customized. We expect these features to be available by the end of 2016.

Recommendation R.B.3: The Crime Lab should conform to the mandate of AB 1517, the Sexual Assault Victim’s DNA Bill of Rights, by analyzing evidence within 120 days and notifying the victim, if requested, that the evidence has been processed. It should publish the statistics of its compliance quarterly.

**Requires further analysis.**

AB 1517 was passed and incorporated as an update to the California Penal Code Section 680(b)(7)(B)(i), “The Sexual Assault Victims DNA Bill of Rights”. The Crime Lab conforms to the mandates regarding

timelines for analyzing and uploading results in the Federal Bureau of Investigation's Combined DNA Index System (CODIS). The current turnaround time for sexual assault evidence kits is 92 days.

The Crime Lab further adheres to the recent resolution passed by the Police Commission. Victim notification is carried out by assigned case investigators out of sensitivity to the risk of re-traumatizing survivors by delivering information in a non-personal setting. This is carried out under mandated timelines as outlined in the Special Victims Unit Order #16-01. The SFPD reports on these statistics of compliance bi-annually through the Police Commission in a public, televised meeting.

Recommendation R.C.1: The Crime Lab should continue to use flexible outsourcing when in-house staffing is insufficient to keep up with the work load.

**Recommendation has been implemented.**

The Crime Lab is currently outsourcing and the Fiscal budget has additional funds identified for this purpose.

Recommendation R.C.2: The Crime Lab should continue with its efforts to staff the Lab fully so that the expense incurred by using outsourced expert witnesses can be reduced.

**Requires further analysis.**

Under the new Forensic Services Director, a multi-year hiring plan will be developed to address the staffing needs of the Crime Lab. Currently there are 6 new Forensic Analysts in various stages of the hiring process. Job offers have been extended to 3 of the 6 with an anticipated start date in August of 2016. The remaining 3 are in the background process. Additional positions in the Fingerprint Examination Unit are in process with input from the Crime Lab Manager and the Identification Section Manager.

Recommendation R.C.3: The Drug Analysis Lab should be re-established in the Crime Lab.

**Requires further analysis.**

The equipment and infrastructure necessary to re-open the Drug Analysis Unit is in place. In order to ensure this takes place in a systematic manner that supports the overall operations of the Forensic Services Division, the Chief of Police has directed that the newly selected Forensic Services Director develop the staffing and operational plan for the unit upon assuming control of the Division. It is expected that the selection of the new Director will be completed by January of 2017.

Recommendation R.D.2: A robust quality assurance program is need to address day- to- day problems and go beyond the basic check list of accreditation.

**Recommendation has been implemented.**

A quality assurance program is a requirement for national accreditation, which the SFPD Crime Lab has held for more than a decade. A full-time Quality Assurance Manager (QAM) oversees this program. With the adoption and implementation of the ISO 17025 standards in 2014, the quality assurance program has continued to evolve and expand to support a system of continuous improvement. This program includes a

stringent documentation and monitoring system with well-defined action plans for preventative and corrective improvements and time-delineated action responses and follow-up measures.

Recommendation R.D.3: We recommend initial outside consultation to provide the new Quality Assurance Manager access to mentoring, training in the process of root cause analysis and general oversight. The QAM should be required to visit other Bay Area Crime Labs with well-established QA programs to learn from them.

**Recommendation has been implemented.**

The current QAM underwent training in accreditation requirements and technical assessment of quality systems under the ISO 17025 standards in 2013. This training included the requirements on how to implement and manage the technical, administrative and quality management system of a forensic laboratory. Topics included a focus on root cause analysis, document control and corrective action. The class roster included other crime lab directors, analysts and QAMs from the Bay Area. Regular contact with other agencies is, and has always been, a practice of the SFPD Crime Lab QAM. The current QAM has access to procedural manuals from other accredited laboratories and has incorporated elements from other laboratories into our quality assurance program. In addition, the current QAM is a member of forensic Quality Assurance groups and attends regional Quality Assurance study meetings to assist in a continuity of information exchange between other Crime labs and provide daily opportunities for collaboration and feedback from Forensic QAMs across the country.

Recommendation R.E.1: After a change in protocol, the technical review of a completed case should be done only by a supervisor Criminalist III.

**Recommendation has been implemented.**

After a change in protocol, the Crime Lab uses Supervisor, Criminalist III personnel to conduct the technical review of completed cases. A progress report will be submitted to the Grand Jury in December 2016.

Recommendation R.E.2: Given the potentially disastrous impact of flawed mixture interpretation, intensive training in mixture analysis should be a high priority.

**Recommendation has been implemented.**

Improvements in the training of mixture analysis have been a major focus in the Crime Lab, and in the global forensic community, for the past five years following the publication of revised Interpretation Guidelines by the Scientific Working Group on DNA Analysis Methods. The current training includes intensive modules on mixture interpretation of 2-person, 3-person and 4-person mixtures. One software program has already been purchased to increase accuracy and standardization of analysis documentation of simple mixtures, and a second supplemental software program is currently being purchased to assist in the analysis of complex mixture. In addition to in-house validation projects and procedures, SFPD fully supports on-going training to keep analysts abreast of current advancements in the field of forensic DNA analysis.

Recommendation R.F.1: As cases from 2008-2013 come up for trial, the Crime Lab should review each case again and make an amended report if indicated.

**Recommendation has been implemented.**

In Spring 2013 the Crime Lab met with members of the San Francisco District Attorney's Trial Integrity Unit to discuss the topic of reviewing cases and issuing supplemental reports following the publication of revised Interpretation Guidelines by the Scientific Working Group on DNA Analysis Methods. The DA's office in turn informed the Crime Lab they extended this offer to the defense community. The Crime Lab maintained the offer to review and issue any appropriate amended reports after the FBI published an erratum to their statistical frequencies used in casework country-wide. With these previous agreements to review and issue new reports in place, the Crime Lab routinely reviews cases prior to trial and issues new reports as appropriate. In addition, during the 2015 – 2016 fiscal year, as a result of the Crime Lab's internal review, the District Attorney's office and the Crime Lab have had continued open communication on the topic of issuing new reports for old cases and to date all requests have been fulfilled.

Recommendation R.F.2: An external review by forensic experts trusted by all stakeholders of the Crime Lab should be made to assure that the internal audits as well as the policies and procedures of the Crime Lab are correct.

**Recommendation has been implemented.**

In Spring 2015 the Crime Lab met with representatives of the SF District Attorney's office, SF Public Defender's office, a private defense attorney and a representative from a center for the Fair Administration of Justice. During that meeting an external review was discussed and individuals were identified as trustworthy to all stakeholders. Contact was initiated by SFPD to those individuals, and the Police Chief invited all stakeholders to submit suggested areas to incorporate into the scope of this proposed external review, with the goal of forming a meaningful and constructive review that would benefit all stakeholders in the criminal justice system of San Francisco. In early 2016, SFPD issued an RFP bidding process to pursue an external review by forensic experts. To date, there have been no bidders for this project. This type of review is welcomed by the Crime Lab.

Recommendation R.F.3: The external review should be conducted by experts who have been identified as trustworthy to all stakeholders rather than selected by a competitive bidding process based on cost.

**Requires further analysis.**

In Spring 2015 the Crime Lab met with representatives of the District Attorney's office, Public Defender's office, a private defense attorney, and a representative from a center for the Fair Administration of Justice. During that meeting an external review was discussed and individuals were identified trustworthy to all stakeholders. Contact was initiated by SFPD to those individuals, and the Police Chief invited the District Attorney, the Public Defender and a private defense attorney to submit suggested areas of "concern" from their offices to incorporate into the scope of this proposed external review with the goal of forming a meaningful and constructive review that would benefit all stakeholders in the criminal justice system of San Francisco. If a request for proposals is issued again, trustworthiness will be a key criterion for selection.

Recommendation R.G.1: A new LIMS is needed. When it is installed it should allow confidential, restricted real-time access to allow the District Attorney, the Police Inspectors, and the Defense to follow the progress of their own cases.

**Requires further analysis.**

The Laboratory Information Management System (LIMS) has been purchased and is in the process of being customized with full-implementation expected in Spring of 2017. It is the intention of the Crime Lab to extend password protected limited access to features such as discovery and published laboratory reports that allow for real-time access customized on a “right to know” basis to the District Attorney’s office, defense community, and other stakeholders.

Recommendation R.G.2: The Crime Lab should solicit input from its users regarding its goals, including acceptable turnaround time and a “not to exceed number” of backlogged case.

**Recommendation has been implemented.**

In 2015 the Crime Lab issued surveys to identified stakeholders which included their expectations for realistic and ideal turn-around times, basic understanding of reports, and desires for more training from the Crime Lab. In addition, the Crime Lab regularly solicits feedback from attorneys following testimony (prosecution and defense), and following training sessions and meetings with Crime Lab staff. Crime Lab personnel share and discuss this feedback with the local, state and national forensics community to ensure that best practices and models evolve to support the needs of stakeholders.

Recommendation R.G.3: The Crime Lab needs to educate police inspectors and attorneys on the limitations and hazards of some aspects of DNA forensics, such as Touch DNA.

**Recommendation has been implemented.**

DNA forensics education has been implemented through infrequent training for all parties at the Crime Lab and DA’s office. The Crime Lab has a fully prepared training session regarding these issues and the goal and desire of the Crime Lab is to have more frequent regularly scheduled training sessions. The Crime Lab Manager will submit a proposed training schedule in November of 2016 outlining presentations to be conducted throughout 2017. A progress report will be submitted to the Grand Jury by December 2016.

Recommendation R.H.1: The Crime Lab should produce a website that will spell out its mission, outline its organizational structure, publicize accomplishments, and educate the public.

**Recommendation will be implemented in the future.**

SFPD’s website is undergoing a major redesign, which includes an overhaul of the entire site. For its part, the Crime Lab Manager created a working group in July 2017 to develop content and material for the IT Department to use on the redesigned website. The Crime Lab Manager will meet with the Chief Information Officer (CIO) to identify the scope of this project and staff assigned to create and maintain the content of the web site. The crime lab manager will submit a Unit Order outlining the process for members of the Crime Lab to submit content proposals and the vetting of the content. The updated website will be functional by the January 2017.

Recommendation R.I.1: Local experts should be used to form a scientific advisory board to serve as a technological resource, both supporting the staff and strengthening the Crime Lab's technological foundation.

**Requires further analysis.**

While the region is certainly rich in scientific knowledge, the Crime Lab will seek guidance from ASCLD, International Association of Chiefs of Police, the FBI and the City Attorney's Office regarding the potential risks to affiliating with private sector individuals in an advisory capacity. The crime lab will survey its identified stakeholders for suggestions on credible individuals and companies that might make up the foundation of such a board. A progress report on these discussions will be submitted in January 2017.



**CITY AND COUNTY OF SAN FRANCISCO**  
**OFFICE OF THE CONTROLLER**

**Ben Rosenfield**  
**Controller**

**Todd Rydstrom**  
**Deputy Controller**

August 1, 2016

The Honorable John K. Stewart  
Presiding Judge  
Superior Court of California, County of San Francisco  
400 McAllister Street, Room 008  
San Francisco, CA 94102

**Re: Controller's Office response to the 2015-16 Civil Grand Jury Report entitled  
"San Francisco's Crime Lab: Promoting Confidence and Building Credibility"**

Dear Judge Stewart:

Pursuant to Penal Code Section 933 and 933.05, the following is in response to the Civil Grand Jury report issued on June 1, 2016.

**Recommendation # R.A.2 :** The Mayor should direct, the Board of Supervisors (BOS) should approve, and the Controller should facilitate a transfer of budget, facilities, assets, personnel, and management of the Crime Lab from the SFPD to the General Services Agency, Department of Administrative Services.

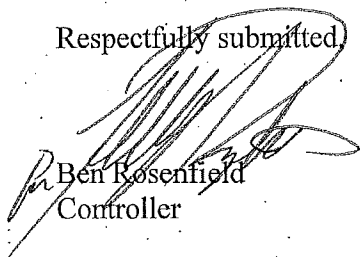
**Controller's Response:**

The recommendation will not be implemented.

As written by the Civil Grand Jury, the recommendation depends on the Mayor and the Board to implement a policy decision in order for the Controller to facilitate the transfer of budget relating to facilities, assets, personnel and management of the Crime Lab to GSA. In accordance with the Mayor's response, the Controller is unable to implement this recommendation at this time. However, following action taken by the Mayor and the Board, the Controller's Office will timely ensure the budgetary and accounting transactions necessary to implement this policy decision.

If you have any questions about this response, please contact Deputy Controller Todd Rydstrom or me at 415-554-7500.

Respectfully submitted,



Ben Rosenfield  
Controller

cc: Todd Rydstrom, Deputy Controller, City and County of San Francisco  
Angela Calvillo, Clerk of the Board, City and County of San Francisco