



STATE OF MINNESOTA

FORENSIC LABORATORY ADVISORY BOARD
1430 Maryland Avenue East • St. Paul, MN 55106

January 15, 2010

Legislative Report:

Minn. Stat. 299C.156 Subd. 6 mandates that the Forensic Science Advisory Board provide the governor and the legislature reports generated as a result of any investigations conducted by the Board relating to alleged negligence or misconduct of Forensic Laboratories by January 15th of each year.

Board response:

There were no investigations to report under 299C156 Subd. 6.

Minn. Stat. 299C.156 Subd. 7 mandates a report to the legislature on recommendations to improve the turnaround time of forensic laboratory analysis services in Minnesota by January 15th of each year.

Minnesota Session Laws 2008- chapter 179, section 5, subd. 9: Subd. 9 Crime Labs Strategic Plan directed the commissioner of public safety to develop a long-term strategic plan for maintenance and staffing of existing state and regional crime labs and creation, maintenance, and staffing of new regional and local crime labs. The Commissioner issued the report on Jan. 30, 2009.

Board response:

The Advisory Board does agree with the following recommendations from that report:

Recommendation # 1: **Mandatory accreditation of all Minnesota governmental forensic laboratories.**

Recommendation # 2: **Continuation and expansion of the role of the forensic laboratory advisory board.** *The Board has no resources to carry out its mission. Funding for a part time Executive Director and contracts to carry out its legislatively mandated duties are essential if the Legislature desires a functional Board (italics are a comment from the Board).*

Recommendation # 3: **Forensic laboratory expansion, including regional labs**

Recommendation # 4: State's crime lab needs

A. **Staffing.** *The Board recommends an increase of scientists at the BCA*

Recommendation #5: Long range funding plans for state labs.

- A. DWI Reinstatement Fee. *The Board recommends an increase % for the BCA*
- B. Endowment-Gift Acceptance Amendment.
- C. Impose Drug Conviction Court Fines. *The Board recommends implementing this plan and creating a fund that would be shared by city/county and state crime labs.*

An assessment of BCA lab response times and recommendations for improvements is attached along with a brief status report of city and county crime laboratories.

SF963 is a bill that makes modifications to 299C.156 (Forensic Laboratory Advisory Board) that was passed by the Senate last session. It was referred to the House Finance committee on May 16, 2009. The Board strongly supports passage of this legislation.

The Board would also bring to the Legislatures attention a report issued by the National Academy of Sciences entitled "Strengthening Forensic Science in the United States – A Path Forward". The Report that was mandated by Congress calls for mandatory accreditation of crime laboratories along with other recommendations. <http://www.ncjrs.gov/pdffiles1/nij/grants/228091.pdf>

Respectively submitted,



Frank Dolejsi
Chairman
Forensic Laboratory Advisory Board

ASSESSMENT OF BCA LAB RESPONSE TIMES AND RECOMMENDATIONS FOR IMPROVEMENTS.

Improving laboratory response times, often referred to as turn-around time, is the primary issue that the criminal justice community has identified.¹ The forensic science laboratory plays an integral part in the criminal justice system and strives to maintain neutrality in a system that by its very design is adversarial. The primary factor influencing laboratory response times is capacity. Capacity is influenced by resources (staffing and equipment), the number of submissions (increase or decrease) and new analytical capability (for example DNA). The actual laboratory examination of physical evidence is just one aspect of laboratory operations.

Critical aspects that impact response times include:

1. Court
 - a. Cases that need to be taken out of order due to court dates
 - b. Rules of evidence (if the evidence will be consumed in analysis and a suspect is in custody the defense must be given an opportunity to have a defense expert witness the examinations).
 - c. Pre-trial conferences
 - d. Discovery
 - e. Scientists providing testimony as expert witnesses in courts
2. Crime scene responses
3. Training
 - a. New scientist specialty training
 - b. Scientist continuing education/training
 - c. Scientific conferences and meetings
 - d. Law enforcement training related to evidence collection and crime scene processing
4. Quality Assurance
5. Communications
6. Scientific specialization

There are several approaches that have been implemented to improve laboratory response times. They include:

- Increasing the use of computerized systems/ robotics and associated analytical technology
- Limitations on the scope of analytical services
- Increased support staff

As stated earlier the most substantial productivity improvements require additional resources. **The addition of scientific staff is the most critical element to improving turn- around time.**

¹ 2008 Online BCA Lab survey of Chiefs, Sheriffs and County Attorneys

The following chart provides an overview of caseload increases between fiscal year 2005 and 2009 and pending cases as of 12-31-09.

cases received

Section	FY05	FY06	FY07	FY08.	FY09	%increase FY5-9	Pending 12-31-09
Alcohol	6410	6512	6387	8833	10441	63%	1487
Arson	161	202	237	230	212	32%	25
Nuclear DNA	1941	2256	2792	2984	3526	82%	928
Drugs	4267	4210	4119	3308	2904		379
Firearms	814	958	910	567	535		121
Latent Prints	1230	1465	1521	1369	1367	11%	441
Documents	97	102	89	94	76		19
Toxicology	2481	2596	2554	2178	2231		582
Trace	141	129	148	164	225	60%	79
mt-DNA		75	111	159	94		28
Crime Scene	86	75	74	76	75		8
Total	17628	18580	18942	19962	21770	23%	4097

The following chart provides an overview to gauge turn-around time in FY2009.

Time	# of Cases	% Completed	Aggregate %
Alcohol			
0 to 7 days	1874	20%	20 %
8 to 14 days	4882	51%	71 %
15 to 30 days	2508	26%	98 %
Nuclear DNA			
0 to 7 days	237	7%	7 %
8 to 14 days	188	6%	13 %
15 to 30 days	472	15%	28 %
31 to 60 days	942	29%	57 %
61 to 90 days	611	19%	76 %
91 to 120 days	349	11%	87 %
121 to 150 days	197	6%	93 %
151 to 180 days	111	3%	97 %
Latent Prints			
0 to 7 days	26	2%	2 %
8 to 14 days	37	3%	5 %
15 to 30 days	100	8%	13 %
31 to 60 days	309	24%	36 %
61 to 90 days	289	22%	59 %
91 to 120 days	201	16%	74 %
121 to 150 days	112	9%	83 %
151 to 180 days	121	9%	92 %

Local Crime Laboratory case backlog & turnaround time data

Anoka County Sheriff's Crime Lab

Forensic Service	Backlog	Turnaround time
Drug Chemistry	20 cases	up to 23 days
Latent Prints	47 cases	up to 58 days

Carver County Sheriff's Office – did not provide information.

Crime Scene
Latent Prints

Hennepin County Sheriff's Crime Lab

Biology/DNA Total	696 cases	102 days (all crimes averaged)
Violent crimes	136 cases	up to 110 days (18% in 30 days)
Property “	516 cases	up to 180 days (2% in 30 days)
Other	44 cases	up to 117 days (2% in 30 days)
Crime Scene	0 cases	up to 30 days
Firearm & Tool Mark	25 cases	up to 45 days
Latent Prints Total	917 cases	114 days (all crimes averaged)
Violent crimes	27 cases	up to 60 days (53% in 30 days)
Property “	794 cases	up to 195 days (7% in 30 days)
Other	96 cases	up to 195 days (38% in 30 days)
Multimedia	15 cases	up to 120 days

Note: Latent print cases have increased over 50% in ; DNA cases increased over 68% in 2009.

Minneapolis Police Crime Lab

Computer Forensics	40 cases	up to 270 days
Crime Scene	0 cases	up to 21 days
Firearm & Tool Mark	12 cases	up to 75 days
Latent Prints	0 cases	14 days
Video/Audio	20 cases	not defined

Note: Computer Forensics – turn around time increased 94%

Minneapolis Public Health Lab

Drug Chemistry & Toxicology (blood Alcohol)

1200 cases annually 14 days

Note: closed in November 2009 – Minneapolis PD drug cases will go to the BCA

St. Cloud Police Crime Lab – information not received

Crime Scene
Drug Chemistry*
Cell Phone and Video*
*New services in 2009.

St. Paul Police Crime Lab

Crime Scene	0 cases	up to 7 days
Drug Chemistry	1 case	3 days
Latent Prints	43 cases	up to 46 days
Video Examination	2 cases	up to 8 days

Note: Backlogs and turnaround times have decreased about 50% in 2009.