



STATE OF MINNESOTA

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

January 14, 2011

Legislative Report:

This report responds to Minnesota Statutes section 299C.156, subdivision 6, which mandates that the Forensic Laboratory Advisory Board annually provide the governor and the legislature any report generated from investigations conducted by the Board relating to alleged negligence or misconduct of forensic laboratories.

Board response:

The Board conducted no investigations during this reporting period. There also were no reports to the Board for matters calling for the Board's investigation of negligence or misconduct. And the Board has not invited the public to report to the Board any concerns about negligence or misconduct because the Board continues to lack any funds to undertake any substantive investigation of those concerns.

This report also responds to Minnesota Statutes section 299C.156, subdivision 7, which mandates that the Board annually report to the legislature on recommendations to improve the turnaround time of forensic laboratory analysis services.

The Board issued its **Report on the Appropriateness of Additional Regional Forensic Crime Laboratories** (attached) to the legislature on February 1, 2008. The Board is aware of no state or local action undertaken since that report in the development or modification of crime laboratories, and the Board continues to stand behind the recommendations in that report as a means to improve turnaround times and forensic science services. The Board has also attached state, county, and municipal laboratory statistics that may help in assessing laboratory response times. The statistical report includes recommendations.

The Board continues to lack the financial resources necessary to carry out its principal missions. At a minimum, the Board believes that legislative funding for the Board's administrative and investigative services, secured either through employment or contract, is essential for the Board to provide the investigative

and other services contemplated by statute as codified in section 299C.156, subdivision 2. These discretionary services include the following: (1) developing and implementing a statewide misconduct or negligence reporting system for all laboratories, facilities, or entities that conduct forensic analyses; (2) encouraging all such entities to report professional negligence or misconduct to the Board; (3) investigating any entity upon allegations of negligence or misconduct; and (4) encouraging these entities to become accredited by an appropriate accrediting body and implementing a process for them to report their accreditation to the Board. Even our capacity to provide meaningful, mandatory reports as directed by statute is inhibited without funding.

Respectively submitted,

A handwritten signature in blue ink, appearing to read "Brian Kasbohm". The signature is fluid and cursive, with a large initial "B" and "K".

Brian Kasbohm
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

Local Crime Laboratory case backlog & turnaround time data

Bureau of Criminal Apprehension – Forensic Science Services Lab

Section - Cases Submitted	CY 2005	CY 2006	CY 2007	CY 2008	CY 2009	CY 2010
Alcohol	6509	6432	6626	10216	12798	14899
Arson	167	241	230	223	170	191
Nuclear DNA	2118	2451	2931	3330	3410	3515
Drugs	4429	4068	3725	3064	2876	3673
Firearms	928	952	731	526	470	460
Latent Prints	1435	1462	1464	1361	1264	1260
Documents	95	98	95	80	63	48
Toxicology	2597	2549	2424	2123	2405	2594
Trace	140	111	139	164	234	196
Mito Trace	8	21	30	9	26	28
Mito DNA	42	65	192	78	93	101
Crime Scene	81	72	82	68	76	106
Missing Persons New 2010	0	0	0	0	0	220
Total	18549	18522	18669	21242	23885	27291

Time	# of Cases 2009	% Completed 2009	Aggregate % 2009	# of Cases 2010	% Completed 2010	Aggregate % 2010
Alcohol						
0 to 7 days	1325	11%	11%	3455	23%	23%
8 to 14 days	2395	20%	31%	6638	44%	68%
15 to 30 days	4219	35%	65%	4215	28%	96%
31 to 60 days	4052	33%	99%	620	4%	100%
61 to 90 days	135	1%	100%	2	0%	100%
91 to 120 days	1	0%	100%	0	0%	100%
121 to 150 days	1	0%	100%	1	0%	100%
Nuclear DNA						
0 to 7 days	216	7%	7%	228	6%	6%
8 to 14 days	177	6%	13%	326	8%	14%
15 to 30 days	386	12%	25%	735	19%	34%
31 to 60 days	855	27%	52%	890	23%	57%
61 to 90 days	583	18%	70%	478	12%	69%
91 to 120 days	376	12%	82%	357	9%	79%

121 to 150 days	262	8%	90%	213	6%	85%
151 to 180 days	155	5%	95%	168	4%	88%
Over 180 days	155	5%	100%	444	12%	100%
Latent Prints						
0 to 7 days	41	3%	3%	96	7%	7%
8 to 14 days	44	3%	7%	45	3%	10%
15 to 30 days	102	8%	15%	128	9%	19%
31 to 60 days	268	21%	36%	355	26%	45%
61 to 90 days	207	16%	52%	214	15%	60%
91 to 120 days	228	18%	70%	163	12%	72%
121 to 150 days	112	9%	79%	190	14%	86%
151 to 180 days	122	10%	89%	122	9%	94%
Over 180 days	141	11%	100%	76	5%	100%

Crimes Against Persons

Case Type	# of Reports	TAT (days)
Attempted Homicide	83	61
Assault	526	63
Child Endangerment	17	22
Criminal Sexual Conduct	2759	42
Death Investigation	322	45
Fatality Study	149	30
Homicide	395	58
Hit and Run	38	45
Kidnapping	51	40
Robbery	262	74
Terroristics Threats	69	71
Criminal Vehicular Homicide	51	36
Stalking/Harrassment	12	62
Child Endangerment/DWI	7	11
Total	4741	48

Property Crimes

Case Type	# of Reports	TAT (days)
Auto Theft	206	105
Burglary	1511	116
Fire Investigation	204	74
Forgery	43	104
Fraud	11	75
Theft	347	100
Vandalism	106	135
Total	2428	110

Drug Related

Case Type	# of Reports	TAT (days)
Controlled Substances	4280	32

Various

Case Type	# of Reports	TAT (days)
Missing Person	104	116
Officer Inv Shooting/Death	66	33
Officer Involved Shooting	36	35
Other Criminal	76	61

Traffic Related

Case Type	# of Reports	TAT (days)
Criminal Vehicular Operation	619	32
DWI	14504	20
Open Bottle	65	11
Total	15188	20

Weapons	477	79
Game Laws	1	49
Total	760	

Hennepin County Sheriff's Crime Lab 2010

<u>Cases Submitted</u>	<u>Backlog</u>	<u>Report TAT</u>
1,262	Biology/DNA Total 296 cases	51.85% under 60 days (73.17 day avg)
	Violent 44 cases	52.81% under 60 days
	Property 227 cases	34.10% under 60 days
	Other 24 cases	68.64% under 60 days
2,915	Crime Scene 0 cases	19.85 day average
196	Firearm & Toolmark 44 cases	12.98% under 60 days (105.99 day avg)
	Violent 8 cases	23.08% under 60 days
	Property 11 cases	4.17% under 60 days
	Other 25 cases	11.70% under 60 days
1,321	Latent Prints Total 456 cases	64.37% under 60 days (51.76 day avg)
	Violent 10 cases	up to 60 days (53% in 30 days)
	Property 399 cases	up to 195 days (7% in 30 days)
	Other 47 cases	up to 195 days (38% in 30 days)
34	Multimedia 8 cases	69.32% under 60 days (56.60 day avg)
	Violent 0 cases	62.50% under 60 days
	Property 7 cases	45.45% under 60 days
	Other 1 case	100% under 60 days

Note: DNA case backlog was reduced 70% from January 1, 2010 to December 31, 2010, and on average, biology case report turn around time was reduced 55.6% during the same period. Additional capacity provided in great part by an American Recovery & Reinvestment Act Grant funding seven additional employees, and a 'flat' annual case submission rate are the two biggest factors effecting the dramatic reductions.

Minneapolis Police Department Crime Lab

<u>Discipline</u>	<u>Avg Backlog</u>	<u>Avg Report TAT</u>	<u>Stats</u>
Video/audio	8 cases	6 days	1,535 video copies made 404 DVD/CDs analyzed 1,391 still prints created 539 guns examined 4,047 DCCs examined 993 IBIS entries 1,890 positive IDs
Firearm & Toolmark	17 cases	5 days	48,093 photo evid developed 8.116 digital prints created
Photo Lab	none	1 day	

<u>Field Operations</u>	30 cases	13 days	60,832 photos printed 22,986 items processed 79,527 photos taken 1,384 bio samples taken 47,546 latents compared 244 suspects ID'd 1,053 prints ID'd 1,582 MAFIN entries made 1,650 crime scenes processed
<u>Computer Forensics</u>	24 cases	18 days	244 digital exam requests 556 items examined 207 cell phones examined 128 internet child porn cases 40.7 terabytes data processed
<u>MAFIN</u>	none	1 day	104,391 latents compared 109 prints ID's 71,560 reverse searches run 733 cards added to MAFIN
<u>Forensic Garage</u>	5 cases	5 days	211 vehicles processed 30 VINs checked

In 2010, computer forensics average case backlog was reduced by about 28% compared to 2009. This decrease is attributed to the addition of one examiner to this section (for a total of three).

Tri County Regional Forensic Lab

Forensic Services Provided:

- Drug Chemistry
- Blood & Urine Alcohol
- Latent Prints
- MAFIN

Drug Chemistry:

- Testing Backlog = 71 cases
- Turn around Time = 26 days
- Drug Cases Tested = 663
- Blood/Urine Cases Tested = 318

Latent Prints:

- Testing Backlog = 79 cases
- Turn Around Time = 44 days
- Latent Cases Analyzed = 331 cases
- MAFIN Searches = 111 cases (MAFIN effective since March, 2010)

Notes:

- There has been a slight decrease in the number of blood and urine kit submissions for alcohol analysis likely due to an increased reliance on breath testing

- Plans are underway to commence with DNA analysis. The hiring process for the position of technical leader began in December, 2010
- The laboratory continues to work towards the goal of accreditation

St. Cloud Police Department Crime Lab

<u>Type of Exam</u>	<u>Number of Requests</u>	<u>Avg TAT</u>	<u>Avg Time</u>
Drug Analysis and Latent Prints	99	26.8 days	2.5 hours
Crime Scene Call Out	71	0.6 days	2.9 hours
DNA/Blood Collection	16	28.7 days	1.2 hours
Drug Analysis	58	10.2 days	1.3 hours
Latent Print-Compare	15	72.7 days	2.6 hours
Latent Print-Detect	84	27.8 days	1.3 hours
Multiple Exams	12	21.1 days	2.8 hours
Other	39	12.4 days	0.9 hours
Phone Data Recovery	77	5.4 days	1.8 hours
Photography	1	0.2 days	0.5 hours
Process for BCA	34	12.9 days	0.7 hours
Video Analysis	49	16.0 days	1.8 hours
Warrant	1	1.3 days	6.0 hours
Total Cases Received For Examination	602		
Number of Items Examined	2,992		