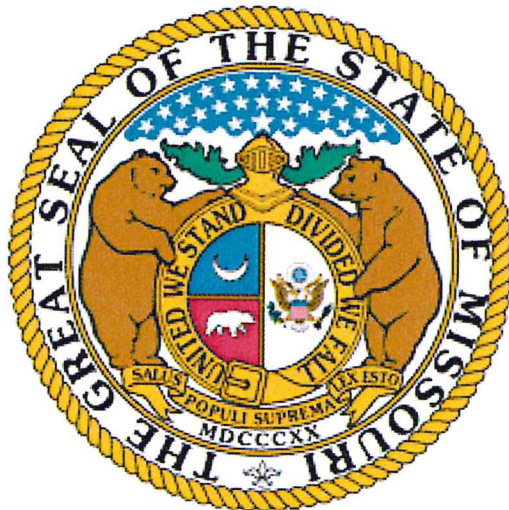


State of Missouri
Department of Public Safety

Crime Laboratory Review Commission



2016 Annual Report

March 2017

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FOREWARD

The Missouri Crime Laboratory Review Commission (hereafter “Commission”) was established within the Department of Public Safety to provide independent review of any state or local Missouri crime laboratory receiving state-administered funding. In addition, the Commission is tasked with assessing the capabilities and needs of Missouri’s crime laboratories, as well as their ability to deliver quality forensic services in a timely manner to the law enforcement agencies in the state of Missouri.

The 2016 Annual Report is a comprehensive report summarizing the activities of the Commission during calendar year 2016.

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SUMMARY OF ACTIVITIES

The Missouri Crime Lab Review Commission (hereafter “Commission”) was established in 2009, pursuant to House Bill 62, within the Department of Public Safety to provide independent review of any state or local Missouri crime laboratory receiving state-administered funding.

Pursuant to 690.059 RSMo, the Commission shall have the power to:

- (1) Assess the capabilities and needs of Missouri crime laboratories, as well as their ability to deliver quality forensic services in a timely manner to law enforcement agencies in the state of Missouri;
- (2) Authorize independent external investigations into allegations of serious negligence or misconduct committed by employees or contractors of a crime laboratory substantially affecting the integrity of forensic results. The commission shall solicit input and guidance from any appropriate expert as it deems necessary in the investigation process;
- (3) Appoint members to inspection or investigative teams to assist in carrying out the duties described in subdivisions (1) and (2) of this subsection;
- (4) Issue reprimands to crime laboratories and to employees or contractors of crime laboratories found to be negligent or engaging in misconduct in the execution of their responsibilities;
- (5) Make recommendations for changes in procedure of crime laboratories found to be negligent in the execution of their responsibilities; and
- (6) Issue reports to the director of the department of public safety summarizing any findings of negligence or misconduct of a crime laboratory or an employee or contractor of a crime laboratory and making recommendations regarding revocation or suspension of grant funding that the commission deems warranted.

During the 2016 calendar year, the Commission convened three (3) meetings.

The Commission conducted site visits to the following crime laboratories:

1. Missouri State Highway Patrol Troop E – Cape Girardeau Crime Lab – 3/4/2016

The MSHP Troop E – Cape Girardeau Crime Lab includes a total of 12 full-time and 2 part-time employees (including analysts, evidence technicians, and supervisors) and is accredited in the following disciplines: 1.0 - Drug Chemistry, 2.0 - Toxicology, 3.0 - Biology, and 6.0 - Latent Prints. The accreditation was re-issued on March 25, 2016 and expires March 31, 2020.

The building is owned by the Southeast Missouri (SEMO) State University, and the State of Missouri Office of Administration leases the building for the Crime Laboratory. The building has been occupied by the Crime Laboratory since 2003 and is approximately 8,000 square feet (as compared to the 2,000 square feet house previously occupied).

2. Kansas City Police Department Crime Lab – 8/19/2016

The Kansas City Crime Lab is accredited in the following disciplines: 1.0 – Drug Chemistry, 2.0 – Toxicology, 3.0 – Biology, 4.0 – Trace Evidence, 5.0 – Firearms/Toolmarks, 6.0 – Latent Prints, 8.0 – Crime Scene, 9.0 – Digital & Multimedia Evidence, and 10.0 – Other - Impression Evidence (footwear/tires) and Serial Number Restoration. The accreditation was issued on September 3, 2014 and expires September 2, 2018.

The location visited was newly constructed and opened Spring 2016 in a space approximately 56,000 square feet (as compared to 20,000 square feet at the previous location). The laboratory director displayed the many efficiency and expansion opportunities that were considered when designing the layout of the facility, in addition to security measures that were added.

Another matter of business included the Commission hearing a disclosure from the St. Louis County Police Department Crime Laboratory as it relates to a potential ethical violation by one of its DNA analysts. The matter was submitted to the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) by the St. Louis County Police

Department Crime Laboratory on April 11, 2016 and to the Commission for review on April 13, 2016. The Crime Laboratory indicated that the matter was under review by the St. Louis County Police Department Bureau of Professional Standards and that an external assessment by NFSTC was scheduled. Upon initial reporting, the Commission decided not to impede the pending investigations and to wait for the results of those investigating bodies before determining how to proceed. The NFSTC conducted its Quality Assurance Standards (QAS) audit of DNA on June 20, 2016 – June 21, 2016 with the final report citing no findings. The ASCLD/LAB released its report dated July 12, 2016 from a regular scheduled ISO surveillance visit on March 23, 2016 with no issues cited for the DNA section. The St. Louis County Police Department Bureau of Professional Standards has not concluded its investigation. The matter is still ongoing as of the publication of this report.

In addition, on August 19, 2016, the Commission met with the crime laboratory directors (or their representatives) in Kansas City, MO. The Commission heard discussions on a draft DNA sample policy created by the Missouri State Highway Patrol Crime Laboratory. The Commission also heard discussions on the sexual assault backlog and the review that was being completed at both the state and national level. The Commission had representation on the State Sexual Assault Response (SSAR) Task Force and the National Institute of Justice (NIJ) Sexual Assault Forensic Evidence Report Act (SAFER) Working Group so it was suggested to collaborate on best practices between the two groups.

Finally, the Commission discussed the scheduling of future meetings and decided to continue on its plan to conduct two (2) site visits each year – one in the Spring and one in the Fall. One visit would be conducted to a Missouri State Highway Patrol Crime Laboratory (GHQ or one of its satellite labs), and one visit would be conducted to either the Kansas City Police Department Crime Laboratory on the western side of the state or to the St. Charles County Police Department Crime Laboratory, St. Louis County Police Department Crime Laboratory, and St. Louis Metropolitan Police Department Crime Laboratory on the eastern side of the state (alternating west or east each year).

RECOMMENDATIONS

The following recommendations were previously included in the 2015 Annual Report, but the Commission is re-including them in this 2016 Annual Report because they are still relevant and require attention:

1) The Need for Better Communication and Coordination Between Missouri Crime Laboratories, Law Enforcement, and Prosecuting Attorneys

The Commission identified the need to improve communication and coordination between Missouri's crime laboratories, law enforcement, and prosecuting attorneys to help the state's labs make the most efficient and effective use of their limited resources while making real progress toward the long-term reduction of testing backlogs.

Progress on this issue will require 1) law enforcement agencies that submit evidence analysis requests to more precisely identify the investigative questions that forensic analysis of submitted items may help answer in the factual context of each case; 2) better communication between law enforcement, prosecutors, and laboratories at the inception of major cases to more effectively "triage" submitted evidence and make reasoned and targeted requests for analysis of the most probative items of evidence in light of case context; 3) ongoing communication between prosecutors and laboratories after criminal charges have been filed to facilitate timely supplemental analysis requests as contested issues and case theories evolve; 4) timely notification by prosecuting attorneys to laboratories that cases in which evidence was submitted for analysis have been disposed of by declination of charges, dismissal, or other judicial disposition; and 5) regular meetings between top management of crime laboratories and their regional customers to discuss ways in which to enhance the overall ability of Missouri's crime laboratories to most efficiently and effectively deliver high quality outputs to the criminal justice system.

The Commission believes that the statewide and consistent implementation of these five recommendations will help maximize available resources while improving the timeliness and quality of laboratory services.

2) The Need for More Funding to Reduce the Backlog and Assist With Case Triage

The Commission identified the need for additional funding for Missouri's crime laboratories to reduce case backlogs and assist with case triage. Additional funding will enable crime laboratories to more effectively process backlogged cases. While limited federal funding is available to reduce DNA backlogs, sustainable funding is needed to address the backlogs in other forensic disciplines such as firearms, drugs and toxicology. Funding to improve communication and coordination between submitting agencies, prosecutors, and laboratories when evidence is submitted from major cases will enable laboratories to better evaluate requests for forensic analysis.

The Commission believes that additional funding for backlog reduction and case triage will improve the effectiveness and timeliness of the forensic services provided by Missouri's crime laboratories.