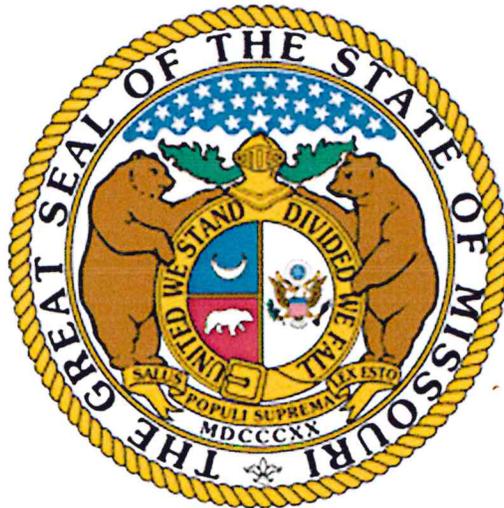


**State of Missouri**  
**Department of Public Safety**

**Crime Laboratory Review Commission**



**2017 Annual Report**

**February 2018**

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## FOREWORD

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 2017 Annual Report is a comprehensive report summarizing the activities of the Commission during calendar year 2017.

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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 2017 calendar year, the Commission convened five (5) meetings (3 of which were on the same date).

The Commission conducted site visits to the following crime laboratories:

1. St. Charles County Police Department Crime Lab – 3/31/2017

The St. Charles County Police Department 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, and 10.0 – Other. The accreditation was issued on February 28, 2014 and is valid to February 27, 2019.

A review of the Crime Laboratory’s 2016 Annual Report provided to the Commission detailed that the Crime Laboratory had received 2,223 cases, had analyzed/completed 2,192 cases, and had 762 cases backlogged/pending at the end of 2016. The report reflected 75 subpoenas were received and 4 court appearances were made. The DNA case turn-around time was 210 days, the Drug Chemistry case turn-around time was 18 days, and the CODIS hits equaled 60.

The Crime Laboratory created a Laboratory Clerk position, which has assisted with outbound communications to its law enforcement customers and has improved the triaging of DNA cases, but the Crime Laboratory was also drafting a DNA submission policy to improve its submission acceptance practice.

2. St. Louis Metropolitan Police Department Crime Lab – 3/31/2017

The St. Louis Metropolitan Police Department Crime Lab is accredited in the following disciplines: 1.0 – Drug Chemistry, 3.0 – Biology, 5.0 – Firearms/Toolmarks, 8.0 – Crime Scene, and 10.0 – Other. The accreditation was re-issued on September 14, 2017 and is valid to September 30, 2021.

The Crime Laboratory completed the requirements for the new Fusion 6c DNA testing kits and anticipated beginning casework with the new kits in 2018. In addition, the Crime Laboratory indicated it was going to discontinue its long-term freezer storage following research that the change in storage doesn’t have a negative impact and had

been working backlogged DNA cases dating to the 1980s based on statute of limitations applicable to the case acceptance date.

The Crime Laboratory informed the Commission of personnel issues following the change in local control to the City in September 2013. The change resulted in overtime being prohibited, delays in filling vacant employment positions, staff shortages, lower graduation rates from the academy, a decrease in salary and benefits, and a residency policy for newly hired employees. The Crime Laboratory indicated that these changes are making it increasingly more difficult to fill personnel vacancies, retain employees, and maintain desirable turnaround and backlog numbers.

3. St. Louis County Police Department Crime Lab – 3/31/2017

The St. Louis County Police Department Crime Lab is accredited in the following disciplines: 1.0 – Drug Chemistry, 3.0 – Biology, 4.0 – Trace Evidence, 5.0 – Firearms/Toolmarks, and 10.0 – Other. The accreditation was issued on July 11, 2015 and is valid to July 10, 2019.

The Crime Laboratory implemented a new Laboratory Information Management System (LIMS) called JusticeTrax in January 2017.

The Crime Laboratory indicated that the Biology section had an approximate 7 month backlog, the Firearms section had an approximate 2.5 year backlog, and the Drug Chemistry section had an approximate 4 month backlog. The Firearms backlog was credited partly because the St. Louis County Police Department has a requirement for processing firearms from non-criminal cases and partly because of a staff shortage. The Drug Chemistry backlog was credited partly to the fact that they are having the chemists conduct prep work within Firearms and DNA, which distracts from their discipline-specific casework.

4. Missouri State Highway Patrol GHQ Crime Lab – 8/18/2017

The Missouri State Highway Patrol General Headquarters (GHQ) 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, and 10.0 – Other. The accreditation was issued on January 2, 2018 and is valid to March 31, 2020.

The Commission was informed of renovations completed at the Missouri State Highway Patrol General Headquarters Crime Laboratory.

On August 18, 2017, the Commission also met with the crime laboratory directors (or their representatives) in Jefferson City, MO. The Commission had discussion on the benefit and meaningfulness of the Commission to the crime laboratories.

In addition, the Commission continued to monitor a disclosure filed in 2016 by the St. Louis County Police Department Crime Laboratory relating 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. At the time of notification, 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 the National Forensic Science Technology Center (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 20-21, 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 concluded its investigation in November 2017, recommending the analyst in question be terminated. The matter is still under review by the Commission as of the publication of this report.

## RECOMMENDATIONS

The following recommendations were previously included in the 2015 and 2016 Annual Reports, but the Commission is re-including them in this 2017 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.

