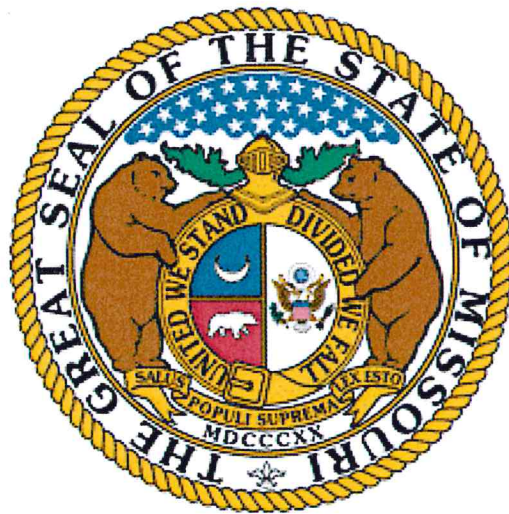


State of Missouri
Department of Public Safety

Crime Laboratory Review Commission



2018 Annual Report

January 2019

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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 2018 Annual Report is a comprehensive report summarizing the activities of the Commission during calendar year 2018.

Submitted by:



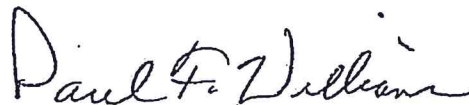
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SUMMARY OF ACTIVITIES

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 2018 calendar year, the Commission convened five (5) meetings.

One matter of business included 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 04/11/2016 and to the Commission for review on 04/13/2016. 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 06/20/2016 – 06/21/2016 with the final report citing no findings. The ASCLD/LAB released its report dated 07/12/2016 from a regular scheduled ISO surveillance visit on 03/23/2016 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 DNA analyst was terminated on 12/06/2017. Based on the external reviews that had been completed and the subsequent action taken by the Crime Laboratory, the Commission voted on 02/16/2018 to not pursue any further review or investigation of the matter.

The Commission also conducted site visits to the following crime laboratories:

1. Missouri State Highway Patrol Troop D (Carthage) Crime Laboratory – 04/13/2018

The Missouri State Highway Patrol Troop D (Carthage) Crime Laboratory is accredited under the ISO/IEC 17025:2005 standards in the following fields: Drug Chemistry and Latent Prints. The accreditation was issued on 01/11/2018 and is valid to 03/31/2020.

The Crime Laboratory is spacious and is not currently facing any capacity issues within its evidence vault. The Crime Laboratory informed the Commission that it experiences little to no turnover at its location.

The Crime Laboratory indicated its drug chemistry backlog is approximately 350 cases and its turnaround time is approximately 2 months.

The Crime Laboratory indicated its latent print backlog is approximately 250 cases and its turnaround time is approximately 2-3 months for crimes against persons and up to 1 year for crimes against property.

2. Kansas City Police Department Crime Laboratory – 09/14/2018

The Kansas City Police Department Crime Laboratory is accredited under the ISO/IEC 17025:2005 standards in the following fields: Biology, Bloodstain Pattern Analysis, Crime Scene Investigation, Digital Evidence, Fire Debris and Explosives, Firearms and Toolmarks, Footwear and Tire, Friction Ridge, Materials (Trace), Seized Drugs, and Video/Imaging. The accreditation was issued on 07/26/2018 and is valid to 09/30/2022.

The Commission was informed that the Police Department's property and evidence room had been transferred to the Crime Laboratory.

The Crime Laboratory also informed the Commission that personnel retention is a concern for the laboratory. The Crime Scene Unit has experienced the highest turnover of personnel. The turnover is not believed to be a result of job transfer but rather of burnout and higher stress and expectation from the public and jurors as a result of the popular television series "CSI: Crime Scene Investigations".

On 08/17/2018, the Commission also met with the crime laboratory directors (or their representatives) in Jefferson City, MO. The Commission received reports from each director (or their representative) regarding changes, issues, and concerns being experienced by each crime laboratory.

Finally, the Commission discussed the vacant prosecuting attorney position on the Commission. Ted Hunt submitted his resignation letter on 06/20/2017, effective 07/24/2017. The notification was forwarded to the Missouri Boards and Commissions on 06/21/2017 and communications continued with the Missouri Boards and Commissions for the remainder of 2017 and throughout 2018. The position is still vacant as of the publication of this report.

RECOMMENDATIONS

The following recommendations were previously included in the 2015, 2016, and 2017 Annual Reports, but the Commission is re-including them in this 2018 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.