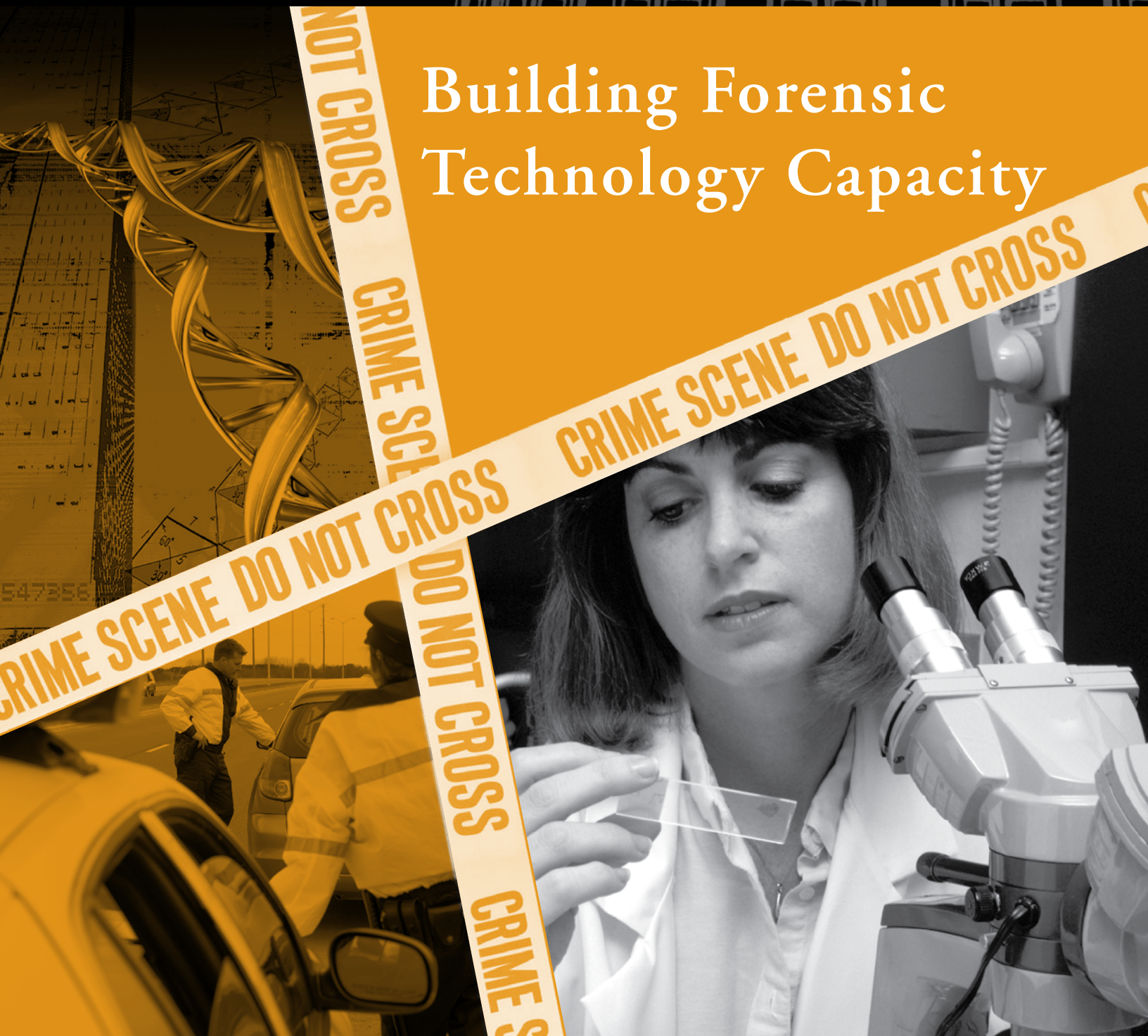




NATIONAL CONFERENCE *of* STATE LEGISLATURES

The Forum for America's Ideas

Building Forensic Technology Capacity



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By
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INTRODUCTION

Advancements in forensic science are revolutionizing America's criminal justice system. From collection of evidence at crime scenes to presentation of analyzed results in courtrooms, forensic technology has improved the quality and accuracy of criminal investigations. Forensic techniques include latent fingerprint examination, controlled substance identification and DNA analysis. Investigators who use these tools to evaluate evidence can solve cases that otherwise would have remained mysteries.

The success of forensic analysis has prompted lawmakers to expand existing state policies. Examples of emerging forensic applications include expansion of DNA databases, dynamic property crimes investigation and creation of cold case units.

Forensics' potential benefits for the criminal justice system currently are hampered by practical concerns about lab capacity, insufficient funding and a scarcity of appropriately trained personnel. According to the U.S. Department of Justice (DOJ), 2.7 million cases sent evidence through America's forensic labs in 2005. At year end, a backlog of 359,000 samples existed. A sample is backlogged if it has not been completed within 30 days of receipt. DOJ data suggests that the problem is worsening; average backlogged requests nationwide increased from 86 to 152 between 2004 and 2005.

Two main components are at the heart of the backlog issue for crime laboratories. The first, casework sample backlog, consists of samples collected from crime scenes, victims and suspects in criminal cases. Backlogged casework samples delay analysis for all kinds of forensic evidence. In 2005, controlled substance identification accounted for 51 percent of all

laboratory backlogs; DNA samples were 9 percent. Latent fingerprint examination, firearm and tool mark examination, toxicology analysis, and biology screenings also account for significant portions of the backlogged requests.

The second major source of backlog results from under-funded efforts to expand DNA databases. According to the National Institute of Justice, the convicted offender backlog includes as many as 300,000 unanalyzed DNA samples, with more than 500,000 samples yet to be taken. The convicted offender backlog consists of samples from those arrested and incarcerated for qualifying crimes. As the number of DNA samples submitted has increased, the ability of crime labs to analyze those samples has not kept pace. Backlogs of forensic samples increase when labs are unable to meet the demand created by expansive policies for forensic testing. Supplemental funding from sources such as the National Institute of Justice has helped many states reduce—and, in Vermont, eliminate—backlog. As forensic collection policies continue to expand, it is important for state legislatures to become active partners in the intergovernmental effort to provide adequate funding for the effective application of forensic science in criminal justice.

HOW STATES USE FORENSIC DNA TECHNOLOGIES

DNA Databases

In 47 states, laws require collection of DNA samples from all convicted felons, and all states require samples be taken from at least some felons. In a growing number of states, certain classes of arrestees now are

required to submit DNA samples. Once collected, the samples are added into databases as the law dictates.

The Federal Bureau of Investigation (FBI) Laboratory's Combined DNA Index System (CODIS) is computer software that allows forensic laboratories at the national, state and local levels to compare DNA samples. CODIS enables state and local laboratories to use the database in accordance with state and local laws (Table 1).

CODIS compares a newly secured sample of forensic evidence against two distinct indexes. The first, the convicted offender index, contains DNA profiles of people who have been convicted of crimes. The second, the forensic index, contains DNA profiles obtained from crime scene evidence, such as semen, saliva or blood. CODIS computer software searches these indexes to link new samples to those already loaded in the database.

A match to the new sample is referred to as a "hit." These include samples that successfully match crime scenes to offenders, offenders to crime scenes, and crime scenes to each other when the offender re-

mains unknown. Each "hit" represents a new lead that may help investigators solve a crime.

The success of CODIS is evidenced by the thousands of hits it produces each year. Hits rose from 731 in 2000 to 66,783 in 2008 (Table 2). CODIS becomes more effective as the number of DNA samples in the database increase. Policies that include more convicted offenders and arrestees in state databases contribute greatly to the success of CODIS. The benefits of broad inclusion policies further highlight the need for adequate funding to reduce backlogs.

Table 2. Trends in Forensic Profile Investigation

Categories	2006	2007	2008*
Offender Profiles	3,977,433	5,372,773	6,539,919
Forensic Profiles	160,582	203,401	248,943
Investigations Aided	43,156	62,059	80,948
Forensic Hits	9,529	11,750	14,122
National	4,276	6,508	8,479
State	28,163	43,305	58,304
Offender Hits Total	32,436	49,813	66,783

*Through December 2008.

Source: FBI, September 2009; www.fbi.gov/hq/lab/html/codisbrochure_text.htm.

Table 1. CODIS

LDIS - Local Laboratories	SDIS - State Laboratories	NDIS - National Laboratories
Typically, the Local DNA Index System (LDIS) installed at crime laboratories is operated by police departments or sheriffs' offices. DNA profiles originated at the local level can be transmitted to the state and national levels.	Each state has a designated laboratory that operates its DNA Index System (SDIS). SDIS allows local laboratories within each state to compare DNA profiles. SDIS also is the communication path between local and national tiers. SDIS is typically operated by the agency responsible for monitoring compliance with the state's convicted offender statute.	The National DNA Index System (NDIS), the highest level of the CODIS hierarchy, enables qualified state laboratories that actively participate in CODIS to compare DNA profiles.

Source: DNA Initiative, May 2009; www.dna.gov/solving-crimes/cold-cases/howdatabasesaid/ldisndisdis/.

INCREASED DNA SAMPLING

DNA sampling laws vary from state to state and their breadth increases with every legislative session. California is one of many states expanding its DNA collection policies. Voter Proposition 69, passed in 2004, calls for collection of DNA samples from all convicted felons and certain classes of arrestees. Beginning in 2009, all adults arrested or charged with any felony must submit a sample for testing.

California also is among the states that are battling backlogs. In 2005, California completed analysis of 67,000 samples, but ended the year with a backlog of 235,000. As of Nov. 30, 2008, however, California had reduced its backlog to 35,664 samples, illustrating significant progress. The effects of collecting DNA samples from all felony arrestees on California's backlog remains to be seen.

Expansive DNA collection policies in other states have created challenges for state and local crime labs to build commensurate capacity for sample profiling. For an overview of each states stance on DNA sampling, see the appendix.

As of June 2009, laws in 21 states require DNA samples from certain arrestees. Maryland, Michigan, South Carolina and South Dakota enacted such requirements in 2008, and Arkansas and Vermont, among others, have done so in 2009. Many arrestee laws include probable cause requirements and provide for the destruction and removal of samples from those whose charges are dismissed. At the federal level, 42 U.S.C.A. §14132 requires that, once claims against an arrestee are dismissed or he or she is otherwise found to be innocent, the DNA sample provided must be expunged from the databases. Table 3 details state arrestee sampling laws.

Table 3. States That Have DNA Arrestee Collection Policies

State	Citation	Qualifying Offenses	When Samples Can Be Expunged	Other
Alabama	HB146 §36-18-24 §36-18-25 §36-18-32	All felony arrests; any sex crime arrests	Upon order of the circuit court handling the arrest	Effective Oct. 1, 2010
Alaska	§44.41.035	All felony arrests and crimes against a person	Automatically upon discharge of arresting offense	
Arizona	§A.R.S. §13-610	Various offenses; felony and misdemeanor including indecent exposure, public sexual indecency, sexual abuse, burglary, etc.	Expunged upon request of arrestee	
Arkansas	HB1473/ ACT 974 §12-12-1006 §12-12-1105	Murder and sex crime arrests	Expunged upon request of arrestee	

State	Citation	Qualifying Offenses	When Samples Can Be Expunged	Other
California	§§Cal. Pen. Code §296 §296.1 §299	Certain felony offenses listed in statute; sex-related offenses, murder, manslaughter etc.	When no legal basis exists for maintaining sample the person can request his record to be expunged upon request	
Colorado	S.B.09-241 C.R.S. §16-23-101 through105	All felony arrests	Expunged upon request of arrestee	
Florida	S.B. 2276 Title XLVII F.S.s.943.325	All felony arrests	Expunged upon request of arrestee	
Kansas	§K.S.A. 21-2511	All felony arrests	If a court later determines there was no probable cause for the arrest, the arrestee can petition for the sample to be expunged upon request	
Louisiana	§LSA-R.S. §15:609 §15:614	All felony arrests and some other offenses, including conspiracy, criminal solicitation, or accessory to such offenses	If the arrest did not result in a conviction or plea agreement or it was reversed or dismissed, the sample can be expunged upon request of arrestee	
Maryland	Md. Public Safety Code Ann. §2-504	Any person charged with or who attempts a violent crime or burglary	If all criminal charges are unsupported, DNA sample will be automatically destroyed	
Michigan	§M.C.L.A. 750.520m	A violent felony	Expunged upon request of arrestee	The director of the Department of State Police shall report the rate of DNA sample collection, DNA identification profiling, etc.
Minnesota	§M.S.A. §299C.155 §299C.11	Anyone convicted of a felony, gross misdemeanor, or targeted misdemeanor within the 10 years immediately preceding their arrest	Automatically upon discharge of arresting offense	Samples shall not be destroyed pursuant to claim supported by probable cause

Table 3. States That Have DNA Arrestee Collection Policies (continued)

State	Citation	Qualifying Offenses	When Samples Can Be Expunged	Other
Missouri	HB 152 §§Mo.Rev. Statutes 650.050, 650.052, 650.055.	Murder, sex crime and burglary arrests	Automatically upon discharge of arresting offense	
New Mexico	§§N. M. S. A. 1978, §29-16-10 §29-3-10 §29-16-7 §29-16-8.1	Any felony from this state or any other jurisdiction	If arrest resulted in a dismissal, misdemeanor conviction or acquittal or does not result in a felony charge within one year of arrest, then it can be expunged upon request of arrestee	
North Dakota	§31-13-03 §31-13-07	All felony arrests	Disposed of upon request if a felony conviction is not reached or the case is otherwise dismissed	
South Carolina	§§Code 1976 §23-3-620 § 23-3-630 §23-3-640	All felony arrests; an offense punishable by a sentence of five years or more; or eavesdropping, peeping or stalking	Upon acquittal or dismissal, the DNA sample shall be destroyed automatically	
South Dakota	§§D.C.L. §23-5A-5.2 §23-5A generally §23-5B generally	Any qualifying offense determined by the supervising agency; includes all felony arrests	Expunged upon request of arrestee	
Tennessee	§T. C. A. §40-35-321	Violent felonies	Upon acquittal or dismissal, the DNA sample shall be destroyed automatically	A magistrate or grand jury must determine that there was probable cause for the arrest before the sample is taken
Texas	§V.T.C.A., Government Code §411.1471	If previously convicted for a certain class of felonies, arrestees for this class of felonies must submit a DNA sample	Upon acquittal or dismissal, the DNA sample shall be destroyed automatically	Director cannot authorize taking a blood sample to create a DNA record

Table 3. States That Have DNA Arrestee Collection Policies (continued)

State	Citation	Qualifying Offenses	When Samples Can Be Expunged	Other
Vermont	20 V.S.A. §1932 Sec. 23 through 25	All felony arrests	Automatically upon discharge of arresting offense	
Virginia	§Va. Code Ann. §19.2-310.2:1	Violent felony; murder; rape; arson; breaking and entering with intent to commit misdemeanor	If the arrest for which the sample was taken for is dismissed, the sample will be disposed of automatically	A magistrate or grand jury must determine that there was probable cause for the arrest before the sample is taken

Source: NCSL, June 2009.

DYNAMIC USES FOR FORENSIC TECHNIQUES

In addition to expanding their DNA collection laws, states have used forensic technology to make other advancements to their criminal justice systems. Notable innovations include post-conviction testing to exonerate the wrongly convicted, solving “cold cases”, and identifying missing persons and human remains.

Post-Conviction Testing

The potential for forensic science to exonerate those wrongly convicted has prompted a growing number of states to enact laws that allow post-conviction testing. These laws allow evidence relevant to the case to be considered even after a defendant has been convicted and exhausted all appeals. Post-

conviction testing laws also grant judges broader authority to order and admit forensic evidence.

Most post-conviction testing laws focus on DNA evidence. As of December 2008, laws in 39 states provide post-conviction motions for DNA testing. Some require that a defendant simply show that post-conviction DNA testing could provide new, relevant evidence, while others require the defendant prove the results would conclusively demonstrate innocence. Such statutes also differ in who can apply for post-conviction DNA testing and who will pay for testing costs. Several laws authorize the state to pay, others require the petitioner to pay, and still others create a fund for indigent petitioners.

Related laws in states require preservation of biological evidence, which is an important aspect of forensic examination. Forensic evidence can erode over time if not stored and cataloged properly. If ev-

idence is lost or not preserved, then post-conviction action becomes impossible. Many post-conviction DNA laws require states to preserve and store DNA evidence for a set time. States continue to study this issue as they expand DNA policies. In 2008, a Missouri law created a task force to improve preservation and testing of biological evidence.

Case Work

Forensic technology and properly preserved evidence also are used to investigate cold cases—those that remain unsolved and have been shelved after all leads have been exhausted. Advances in forensic technology, such as the ability to test evidence once considered insufficient for analysis, allows some cases to be reopened. Most big city police departments have units that are devoted to unsolved homicides; they boast a growing list of success stories. In Sacramento, Calif., for example, the police department put an offender behind bars in 2007 after reanalyzing evidence from a 2003 sexual assault. Such offenders would remain free if not for cold case investigations.

Using DNA to investigate property crimes is another emerging area of forensic science; research supports its value. According to the FBI, property crimes cost Americans an estimated \$17.6 billion in 2007. Those who commit property crimes often are serial offenders who also commit more serious crimes.

A field experiment in five local jurisdictions, funded by the National Institute of Justice and conducted by the Urban Institute, found that DNA collected from burglary crime scenes significantly increased suspect identification and prosecution. Further, burglary suspects arrested as a result of DNA evidence

in the field studies were twice as likely as other property crime arrestees to have a criminal history.

Compared to traditional fingerprint evidence, DNA evidence more often leads to suspects and results in more arrests. These findings suggest that using DNA evidence to solve property crimes is a viable way to make communities safer.

The study findings prompted two of the five jurisdictions involved, Denver and Los Angeles, to appropriate state and local funds to continue using DNA to investigate property crimes.

Identification of Missing or Unidentified Persons

The missing persons problem in the United States is one that cannot be ignored. Linking missing persons to human remains provides closure for the friends and families of the victims. DNA analysis helps technicians catalogue unidentified human remains and link them to missing persons. At any given time approximately 100,000 people are reported missing in the United States. By using residual DNA on toothbrushes and cigarette butts and collecting samples from familial DNA donors, the DNA of those reported missing can be uploaded into the CODIS missing persons database.

There also are 40,000 sets of unidentified human remains in property rooms throughout the country, but only 6,000 of those have been analyzed and added to the CODIS missing persons database.

Some states have enhanced their ability to identify human remains. Texas created a state missing persons database with heightened concern for privacy issues. The legislation requires that samples remain

confidential and be destroyed after positive identification.

Raising funds to pay for such programs can be difficult. To meet the financial demands of its missing persons legislation, California increased the price of obtaining a death certificate by \$2 and subsequently has raised \$3 million per year.

FEDERAL SYSTEMS AND INITIATIVES

Reducing backlogs of convicted offender profiles and casework has been an important priority in the field of forensic science. At the direction of the U.S. attorney general, the National Institute of Justice commissioned a team of forensic experts in 2001 to assess the causes of, and find solutions to, forensic backlogs. The team's recommendations became the basis for the President's DNA Initiative.

The initiative called for increased funding, training and assistance for forensic laboratories, law enforcement agencies, medical professionals, victim service providers, prosecutors, defense lawyers and judges. Federal funds have been committed to develop new DNA technologies, eliminate backlogs, train forensic professionals and solve cold cases.

Federal DNA Backlog Reduction Programs

- The Forensic DNA Backlog Reduction Program has been the centerpiece of the federal initiative. Eligible states and local governments can request funds to expand crime laboratories that conduct DNA analysis. Applicants also can request funds to handle, screen and

analyze backlogged forensic DNA casework samples.

Federal funding for this program is provided through several sources, including the Debbie Smith Act of 2003. On May 3, 1989, Debbie Smith was abducted from her Williamsburg, Va., home and raped in a nearby wooded area. Six years after she reported the crime and forensic evidence was collected, she learned from a forensic scientist that her assailant was in a Virginia prison for a separate offense he committed only a few months after attacking her. For six years she needlessly lived in fear of her attacker returning because her rape kit was among the backlog at Virginia's forensic laboratory.

In hopes of eliminating backlog at America's forensic labs, the Debbie Smith Act increased spending under the previous DNA Backlog Elimination Program to \$151 million for five years starting in 2004. Reauthorization of the act in 2008 continued funding through 2014. Accreditation standards for forensic labs also were addressed in the act, to help ensure that state and local labs meet federal quality assurance standards. Labs that receive funding must undergo regular audits, and the state or locality is required to immediately remedy any deficiencies.

- Another federal funding mechanism available to states is the Paul Coverdell Forensic Science Improvement Grant Program. Coverdell grants fund state and local government improvements to their forensic science and medical examiner services. Enhancements funded through these grants, such as training new per-

sonnel, will help meet the growing demand for forensic services at public crime laboratories. Grant applicants must present both a certified plan describing forensic costs and practices as well as a documented process currently in place for external investigation into allegations of negligence and misconduct against the lab.

- Federal assistance also is available for post-conviction testing through the 2004 Innocence Project Act. The law includes the Kirk Bloodworth Post-Conviction DNA Testing Program, which provides funding for states to test prisoners who claim innocence. The program is

named for Kirk Bloodworth, the first person sentenced to death row to be exonerated by DNA testing.

NIJ BACKLOG REDUCTION AWARDS— STATE TOTALS

Table 4 illustrates National Institute of Justice funds awarded to states for backlog reduction, 2004-2008.

Table 4. National Institute of Justice Funds for Backlog Reduction, 2004-2008

State/ Jurisdiction	Total Federal Funding (2004-2008)	Offender Profiles (Aug. 2009)	Forensic Samples (Aug. 2009)	Investigations Aided (Aug. 2009)	Number of CODIS Labs (Aug. 2009)
Alabama	\$4,403,482	174,132	4,732	2,692	4
Alaska	\$969,800	16,713	721	256	1
Arizona	\$5,553,255	171,528	8,385	3,084	7
Arkansas	\$2,277,241	99,396	2,780	678	1
California	\$34,295,759	1,173,435	22,007	7,814	20
Colorado	\$4,058,681	110,592	4,749	1,196	5
Connecticut	\$2,071,368	51,757	2,711	907	1
Delaware	\$834,675	3,884	297	10	1
Florida	\$21,728,483	617,943	24,035	9,973	10
Georgia	\$8,061,940	182,480	8,002	2,465	4
Hawaii	\$453,241	14,485	248	79	1
Idaho	\$847,712	3,614	215	8	1
Illinois	\$14,293,707	342,449	19,119	9,436	9
Indiana	\$5,133,026	135,286	4,449	1,406	5
Iowa	\$353,784	53,341	2,639	484	1
Kansas	\$2,260,204	50,016	3,135	808	5
Kentucky	\$3,009,583	18,473	2,864	420	1
Louisiana	\$5,687,177	98,289	4,402	1,184	7
Maine	\$724,360	12,346	1,741	71	1
Maryland	\$5,762,468	80,328	4,982	1,464	6

State/ Jurisdiction	Total Federal Funding (2004-2008)	Offender Profiles (2009)	Forensic Samples (2009)	Investigations Aided (2009)	Number of CODIS Labs (2009)
Massachusetts	\$5,671,298	69,170	4,052	1,156	2
Michigan	\$14,210,590	267,610	8,248	3,264	3
Minnesota	\$3,495,364	91,189	5,028	1,480	2
Mississippi	\$2,386,196	39,172	315	107	1
Missouri	\$5,744,650	185,873	9,088	3,502	7
Montana	\$674,831	15,136	293	61	1
Nebraska	\$1,256,928	4,611	538	16	1
Nevada	\$2,743,286	41,495	2,973	971	2
New Hampshire	\$763,958	2,910	579	31	1
New Jersey	\$4,071,504	194,801	7,729	2,763	1
New Mexico	\$2,160,088	50,247	2,138	984	3
New York	\$13,908,176	317,120	27,090	8,389	9
North Carolina	\$7,740,531	164,815	4,096	1,087	2
North Dakota	\$508,388	6,720	311	55	1
Ohio	\$10,195,685	323,802	16,791	4,838	11
Oklahoma	\$3,534,452	82,488	1,354	215	3
Oregon	\$2,352,724	108,060	5,801	2,404	1
Pennsylvania	\$9,630,377	202,695	7,215	2,768	4
Rhode Island	\$682,513	9,405	376	26	1
South Carolina	\$6,287,644	137,123	5,354	2,110	2
South Dakota	\$788,295	23,854	266	34	1
Tennessee	\$1,596,259	103,221	2,461	266	3
Texas	\$24,450,995	465,394	21,942	4,435	16
Utah	\$1,177,495	35,500	379	51	1
Vermont	\$483,148	10,735	292	71	1
Virginia	\$5,504,979	293,351	10,864	5,364	4
Washington	\$5,921,335	157,755	2,224	788	6
West Virginia	\$1,080,059	7,281	395	17	1
Wisconsin	\$3,302,142	121,113	6,429	2,041	3
Wyoming	\$400,658	13,202	151	11	1
District of Columbia	\$1,033,206	86,437	1,872	317	4
Totals	\$241,053,499	7,042,772	278,857	94,057	190

Sources: DNA Initiative website, www.dna.gov/funding/backlog-reduction/backlog-reduction-funding, August 2009; Federal Bureau of Investigation website, www.fbi.gov/hq/lab/codis/stats.htm#, August 2009.

REDUCING BACKLOG AND ENHANCING CAPACITY

Although increased financial and human resources help address backlogs, progress also can be achieved by reviewing and reallocating current assets. The National Forensic Science Technology Center (NFSTC) in Largo, Fla., offers a wide variety of training opportunities for analysts and other specialists involved in collecting and handling forensic evidence. One such program, the Forensic Technology Center of Excellence (FTCE), recruits and trains forensic staff in a method called “process mapping” to enhance lab performance. The programs allow consultants to determine the quality, efficiency and effectiveness of lab operations.

A process mapping analysis at the Palm Beach County Sheriff’s Office Crime Laboratory found that forensic scientists spent an average of 16 days per month on clerical work. When the lab hired an evidence coordinator to conduct day-to-day clerical tasks, forensic scientists increased their output by 100 analyzed DNA cases per year, a number slightly higher than average.

The Florida Department of Law Enforcement’s (FDLE) DNA database also eliminated backlogs after it adapted procedures recommended by a consultant hired with NIJ funds. A backlog of 12,000 samples in 2000 had been eliminated by 2002 as a result of these changes. The lab continued to operate more efficiently and by 2006 the lab’s DNA sample testing time decreased from 30 days to eight.

Another program, The NIJ Technical Assistance Program at Marshall University, assigns graduate-level forensic science students to forensic laboratories free of charge. The technical assistance provided helps state and local labs improve the reliability and quality of forensic analysis.

Other Efforts to Address Backlogs

Audits of state crime labs have helped to improve lab efficiency and reduce backlog. Lawmakers in Arizona, California, Colorado, Illinois, Kansas, Louisiana, Maryland, Michigan, Texas and Wisconsin have authorized such audits to study the timeliness of work, workload and cost of analysis and to pinpoint deficiencies and determine how to improve lab efficiency.

In 2003, a review by the Michigan Office of the Auditor General of the state’s Police Forensic Science Division identified that a sizeable backlog of DNA samples awaited processing. The audit report generated legislative interest, and additional funding and staff were provided to help eliminate the backlog. Another audit of the division is scheduled in 2009. Audits in other states have revealed similar backlogs and record keeping deficiencies, resulting in recommendations to correct and improve state lab efficiency and effectiveness.

Outsourcing to meet growing forensic demands is another strategy that is helping overburdened crime labs manage workloads. In 1999, New York City faced a crisis in backlogged rape kits; 16,000 kits remained untested in the medical examiner’s office. Four years and \$12 million later, the backlog was eliminated. This effort represents one of the most

successful and aggressive attempts in the nation to solve old rape cases. Since then, New York City has taken steps to ensure there is no backlog; rape kit tests now are completed within an average of 60 days.

CONCLUSION

Advancements in forensic science have helped states increase the effectiveness of their criminal justice systems. Forensic laboratories that are adequately equipped and staffed with well-trained personnel are able to make the best use of these technologies. Federal funding combined with a monetary and regulatory commitment from state and local governments will help to ensure the appropriate application of forensic technology.



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Appendix. State Laws on DNA Data Banks, Qualifying Offenses, Others Who Must Provide Sample (as of June 2009)

State	All Felonies	Some Juveniles	Some Misdemeanors	Other
Alabama	X	X	X - Sex Crime Misdemeanors	
Alaska	X	X	X - Sex Crime Misdemeanors	
Arizona	X	X	X - Sex Crime Misdemeanors	Includes residential and criminal burglary.
Arkansas	X		X - Sex Crime Misdemeanors	
California	X	X	X - Sex Crime Misdemeanors	Includes those convicted of terrorist activity in violation of weapons of mass destruction provisions and those convicted of a qualifying offense in another state.
Colorado	X	X	X - Sex Crime Misdemeanors	Includes anyone who has a duty to register as a sex offender, including probationers, habitual offenders as condition of parole, and those released without parole supervision.
Connecticut	X		X - Sex Crime Misdemeanors	Includes people on probation or parole prior to discharge from supervision.
Delaware	X		X - Sex Crime Misdemeanors	
Florida	X	X	X - Sex Crime Misdemeanors	Includes people on probation, parole, release or supervision following conviction of certain offenses.
Georgia	X	X	X - Sex Crime Misdemeanors	Includes probationers convicted of a qualifying offense.
Hawaii	X		X - Sex Crime Misdemeanors	Includes qualifying people in prison, on probation or parole and parole violators.
Idaho				Includes most felons.
Illinois	X	X	X - Sex Crime Misdemeanors	Includes people held under civil commitment law; those found guilty but mentally ill for a sex offense and those seeking transfer to state under interstate compact; stalking; and residential burglary.
Indiana	X			Includes qualifying offenders on probation or parole.

Appendix. State Laws on DNA Data Banks, Qualifying Offenses, Others Who Must Provide Sample (as of June 2009) (continued)

State	All Felonies	Some Juveniles	Some Misdemeanors	Other
Iowa	X	X	X - Sex Crime Misdemeanors	Includes qualifying parolees and offenders on work release and offenders who receive a deferred judgment of felony.
Kansas	X	X	X - Sex Crime Misdemeanors	Includes any crime covered under offender registration law, many serious felonies, and some drug offenses.
Kentucky	X	X		Includes those convicted of unlawful transaction with a minor, promoting sexual performance of a minor, burglary I and II and class A and B felonies involving death or serious injury to the victim.
Louisiana	X	X	X - Sex Crime Misdemeanors	
Maine	X	X		Includes all class A, B, C serious crimes and class D and E convictions if the person had a prior felony conviction for which DNA was not collected.
Maryland	X		X - Sex Crime Misdemeanors	Includes some misdemeanors.
Massachusetts	X	X		
Michigan	X	X	X - Sex Crime Misdemeanors	
Minnesota	X	X	X - Sex Crime Misdemeanors	
Mississippi	X			
Missouri	X		X - Sex Crime Misdemeanors	
Montana	X	X		
Nebraska			X - Sex Crime Misdemeanors	
Nevada	X		X - Sex Crime Misdemeanors	Includes all class A or B felonies or a category C felony that involved use or threatened use of force; also includes some drug offenses.
New Hampshire		X		Includes violent crimes.
New Jersey	X	X	X - Numerous Misdemeanors	
New Mexico	X	X		
New York	X		X - Numerous Misdemeanors	Includes many serious felonies and some controlled substance offenses.

Appendix. State Laws on DNA Data Banks, Qualifying Offenses, Others Who Must Provide Sample (as of June 2009) (continued)

State	All Felonies	Some Juveniles	Some Misdemeanors	Other
North Carolina	X		X - Sex Crime Misdemeanors	Includes people in community supervision.
North Dakota	X			Many serious felonies, including burglary.
Ohio	X	X	X - Sex Crime Misdemeanors	
Oklahoma	X		X - Numerous Misdemeanors	
Oregon	X	X	X - Sex Crime Misdemeanors	
Pennsylvania		X	X - Sex Crime Misdemeanors	Includes violent and sexual offenders.
Rhode Island	X			
South Carolina	X	X	X - Sex Crime Misdemeanors	Includes qualifying offenders on community supervision.
South Dakota	X	X	X - Sex Crime Misdemeanors	
Tennessee	X	X	X - Sex Crime Misdemeanors	Includes people seeking transfer to the state under an interstate compact who have committed a qualifying offense.
Texas	X	X	X - Sex Crime Misdemeanors	It's expanding to all felons contingent upon federal funds.
Utah	X	X	X - Numerous Misdemeanors	Includes people convicted in another state of a qualifying offense.
Vermont	X		X - Sex Crime Misdemeanors	
Virginia	X	X		
Washington	X	X	X - Numerous Misdemeanors	Includes those who have been convicted out of state or under federal law of a violent offense.
West Virginia	X		X - Sex Crime Misdemeanors	
Wisconsin	X	X		
Wyoming	X	X	X - Sex Crime Misdemeanors	Includes all people required to register as a sex offender.

Source: DNAresource, www.dnaresource.com/documents/statequalifyingoffenses2009.pdf, June 2009. See Table 3 for arrestee sampling laws.



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