


PUBLIC DEFENSE REFORM INTERIM COMMITTEE

"Role of Forensic Services in Serving Prosecution and Defense"

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Overview



- Organization and Services of ISPFs
- Accreditation and Certification
- Transparency
- Ethics, Neutrality, Relationships
- Neutrality in a Prosecutorial based evidence system
- Private versus Public Defenders
- Reshaping Landscape
- Bias

Introduction to ISPFs

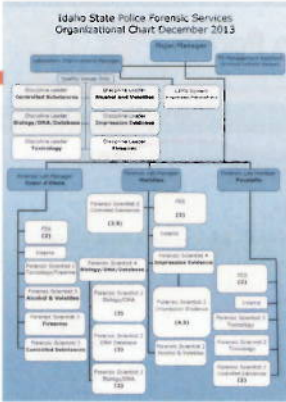


<http://www.isp.idaho.gov/forensics/index.html>

Introduction to ISPFs

Service	Coeur d'Alene	Meridian	Pocatello
Controlled Substances Analysis	X	X	X
Crime Scene General	X	X	X
Crime Scene Clon Labs	X	X	X
Fire/Arson Evidence Analysis	X		
Firearms/Toolmarks	X		
Footwear/Tiretrack		X	
DNA		X	
Biology Screening		X	
DNA Database		X	
Latent Print Processing		X	
Latent Print Comparison		X	
Blood Alcohol	X	X	X
Breath Alcohol Instrument Calibration	X		X
Drugs in Blood	Limited		X
Drugs in Urine	X		X



Idaho State Police Forensic Services Organizational Chart December 2013



Equivalent Staffing	
Controlled Substances	6
Toxicology	3
Biology/DNA	4
DNA Database	3
Biology Technical Staff	1
Blood Alcohol	3
Breath Alcohol	1
Latent Prints	5.5
Shoe/Tire	0.5
Firearms	1
Evidence Staff	7

Stuart Jacobson—
•Firearms
•Blood Alcohol
•Controlled Substances


Accreditation

- First accreditation 1987
- First ISO 17025:2005 accreditation in 2007
 - Reaccreditation every 5 years
 - Current accreditation through 2017
- Over **500** management and analytical requirements
- Yearly internal audit and external assessment of each lab
- Annual report of corrective actions, personnel changes, proficiency testing

Certification

Idaho is the only lab system in the country that requires analysts to be certified by a recognized certification program



Productivity:

- FY 2014—10,366 assignments worked
- FY 2014—9,274 DNA database samples processed
 - 1276 Blood Alcohol assignments completed
 - 188 Biology Screening assignments completed
 - 113 DNA assignments completed
 - 6803 Controlled Substance assignments completed
 - 30 Firearms assignments completed
 - 16 Fire/Arson assignments completed
 - 10 Footwear/Tire Impression assignments completed
 - 669 Latent Print assignments completed
 - 719 Blood Toxicology assignments completed
 - 542 Urine Toxicology assignments completed

Not reported:

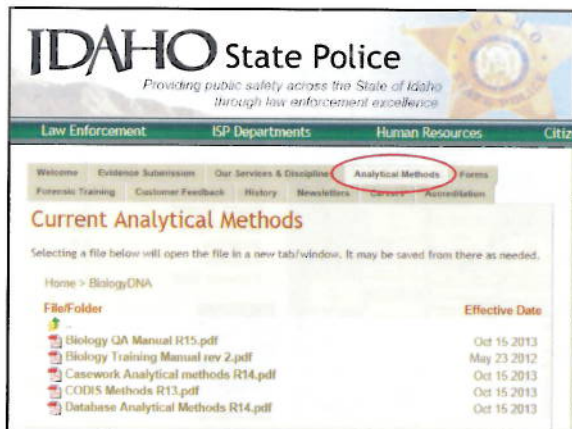
- Court testimony (including travel and waiting)
- Training (introductory, annual, continuing education)
- Training provided to customers and stakeholders
- Consultations on cases and general questions
- Tours, community events, recruiting
- HR tasks (hiring, evaluations, other...)
- Discoveries, PRR, legislation
- Quality related activities

Turnaround Times:

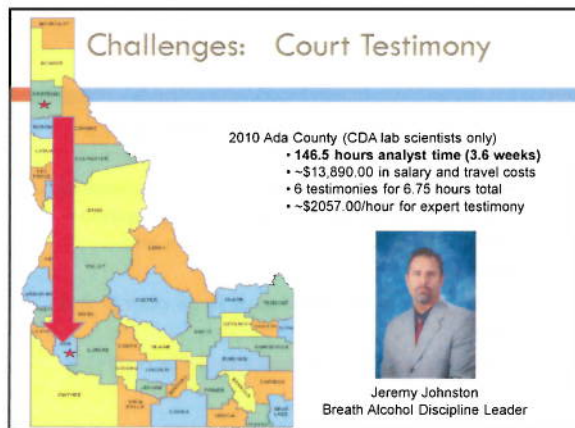
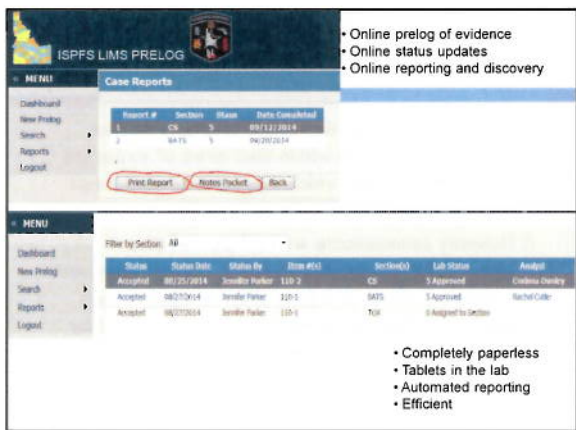
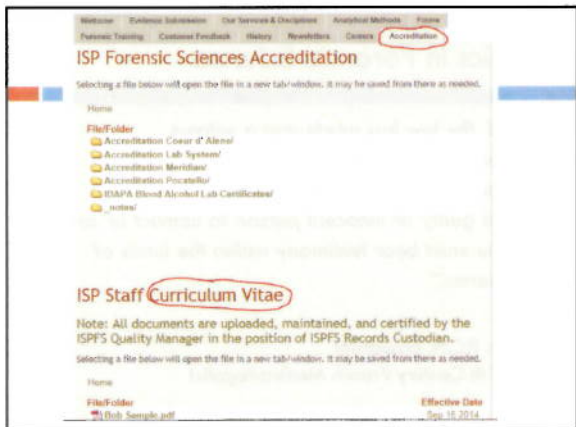
Strategic Goal	Discipline	Current Average Turnaround
60 days	Biology Screening	27 days
60 days	DNA	77 days
90 days	DNA Database	<30 days
30 days	Blood Alcohol	22 days
30 days	Controlled Substances	16 days
90 days	Fingerprints	68 days
60 days	Firearms/Toolmarks	7 cases >60 days
45 days	Fire Debris	48 days
90 days	Shoe/Tire Analysis	No cases in the lab
45 days	Blood Toxicology	31 days
45 days	Urine Toxicology	21 days

****Due to funding limitations the lab is not able to offer services like trace analysis**

New Website

File/Folder	Effective Date
Biology QA Manual R15.pdf	Oct 15 2013
Biology Training Manual rev 2.pdf	May 23 2012
Casework Analytical methods R14.pdf	Oct 15 2013
CODIS Methods R13.pdf	Oct 15 2013
Database Analytical Methods R14.pdf	Oct 15 2013



Solutions: Video Testimony

New Rule 43.3. Forensic Testimony by Video Teleconference. This new rule allows forensic testimony to be submitted in court proceedings via simultaneous video teleconference. **Everyone must be able to see and hear each other and simultaneously communicate.**

The party wishing to present by video teleconference must give the other party 28 days notice and the other party must object or agree in writing no later than 14 days before the proceeding. The video testimony is recorded in the same manner as any other testimony, and it is up to the party offering the testimony to coordinate the audio visual feed into the courtroom.

There is no duty placed on the court.



Ethics in Forensic Science

*"If the law has made you a witness,
Remain a man of science.
You have no victim to avenge,
No guilty or innocent person to convict or save –
You must bear testimony within the limits of
science."*

---Dr. P.C.H. Brouardel
19th Century French Medico-legalist

Ethics and Neutrality

- Are **independent, impartial, detached, and objective**, approaching all examinations with due diligence and an open mind.
- Conduct full and fair examinations. **Conclusions are based on the evidence** and reference material relevant to the evidence, not on extraneous information, political pressure, or other outside influences.

Ethics

- Are aware of their limitations and only render conclusions that are **within their area of expertise** and about matters which they have given formal consideration.
- Honestly communicate with **all parties** (the investigator, prosecutor, **defense**, and other expert witnesses) about **all information relating to their analyses**, when communications are permitted by law and agency practice.

Ethics

- Present accurate and complete data in **reports, testimony**, publications and oral presentations.
- Testify to results obtained and conclusions reached only when they have confidence that the opinions are based on good scientific principles and methods.
- **Opinions** are to be stated so as to be clear in their meaning.
- Attempt to **qualify their responses** while testifying

Independent, Impartial, Detached, and Objective

- Relationship with ISP
- Relationship with Investigators
- Relationship with Prosecutors
- Relationship with Defense
- Relationship with Courts
- Relationship with Suspects/Victims

Policy, Procedure, Practice!

Burden of Proof

- Prosecutors and Investigators build the case and submit most of the evidence to the lab
- ISPFS accepts evidence on criminal cases from:
 - Law Enforcement Agencies
 - Prosecutors
 - Public Defenders
 - Court Order
 - Education
- Retesting Resources available to defense
 - Do they want to use ISPFS??
 - We recommend they use an accredited lab

Defense Experts:

- New Idaho State Law
- Reasonable accommodation
- Accreditation
- Security
- Contamination
- Efficiency



Private and Public Defenders

- Heavily case dependent (e.g. DUI)
- MONEY
 - Testing ISPFS does not perform (trace, Y-STR, quant)
 - Expert witnesses in specialty disciplines
 - Retesting of evidence in accredited labs
- TIME
 - Discussions with the lab or experts
 - Reviewing the increased documentation available
 - Subpoenas and discovery process (see next slide)

Lab Challenge: Extensive Discovery

- Requests for documents not applicable to the case (boilerplate)
- Requests for information outside the rules of discovery
- Overbearing requests slow down lab personnel



Lab Response:

- Provided in email PDF or on ILIMS as a PDF
- Available on our website
- Available for review at the lab
- Seemingly outside the scope of ICR 16
- Not applicable to this case

Current Issues:

- National Commission on Forensic Science (DOJ/NIST)
- Organization of Scientific Area Committees (NIST)
 - Quality Infrastructure Committee
 - Human Factors Committee (Human Bias)
 - Legal Resource Committee

Issues Addressing: Bias, blind testing, standard report language, standard protocols, validation, code of practice, ethics

Bias

- Research just starting
- Education of analysts and management
- How much information is needed at what time during the analysis

Human Factors

- Is blind testing advisable or even possible?
 - Submission decision education process with investigators
 - Processing decisions based on case details
 - SA kits, blood alcohol/tox, shooting reconstruction
 - Database entry based on collection location
 - Controlled release to lab takes management and time
 - Some disciplines easier than others

Summary

- Labs and public prosecutors and defenders need more resources to improve the current process
- Labs should be accredited, follow national standards, and focus on continual improvement
- Forensic Science is currently engaged in a huge restructuring and critical analysis