

Testimony of  
**Ms. Susan Narveson**

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Introduction:

Good morning Mr. Chairman and Members of the Committee. I appreciate the opportunity to sit before your committee today and testify on behalf of the forensics community. My name is Susan Narveson. I am the Administrator of the Phoenix Police Department Laboratory Services Bureau and responsible for managing the operation of a full service crime laboratory. In addition to my duties as a crime laboratory director, I am also the President of the American Society of Crime Laboratory Directors (ASCLD), and represent the interests of over 475 crime laboratory directors throughout the United States and overseas. I am honored to be present and to be asked to speak in regard to the Debbie Smith Act and its impact on crime laboratories nationwide.

Overview:

Crime laboratories and forensic scientists play a critical role in the criminal justice system by ensuring the proper collection, preservation, and scientific analysis of crime scene evidence. The successful investigation and prosecution of crimes is contingent on the providing of quality forensic service in a timely manner. DNA analysis, however, is not the only service we provide. Crime laboratories also provide scientific analysis services in areas such as Controlled Substances, Crime Scene Investigation, Firearms, Latent Prints, Questioned Documents, Serology, Toxicology, and Trace Evidence. It is estimated that these additional service areas comprise more than 90% of the crime laboratory's annual caseload.

The American Society of Crime Laboratory Directors is the spokes-agency for crime laboratories and crime laboratory directors throughout the U.S. and abroad. ASCLD has taken an active role in ensuring the quality, integrity and credibility of forensic laboratories by:

Advocating for the needs and interests of forensic laboratories

Developing guidelines for forensic science education and training

Establishing an accreditation program for forensic science education programs

Supporting the delivery of quality forensic service by mentoring laboratories seeking accreditation by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB)

Partnering with other forensic science organizations through the Consortium of Forensic Science Organizations (CFSO) in order to "speak with one voice" on legislative issues of mutual importance

Comments on Debbie Smith Act:

While ASCLD strongly supports any legislation aimed at providing resources to support the work of public crime laboratories and increase their capacity to process cases, it must be noted that we are severely hampered by a lag of funding and a significant backlog in all areas of

forensic science, not just DNA. As you know, DNA offers a powerful investigative and identification tool to solve many sexual assault cases and it needs to be applied to the maximum number of cases possible. However, this is also true of the other areas of forensic services provided by crime laboratories. Unfortunately, crime laboratories are facing great difficulties in their attempts to find the resources to analyze DNA and the other cases. With national estimates for unanalyzed sexual assault kits ranging as high as 500,000 cases, it has certainly become an issue of critical importance that deserves further attention.

ASCLD gratefully acknowledges the concern of this Committee for the victims of sexual assault and appreciates the recognition that crime laboratories are facing overwhelming backlogs of sexual assault cases. It should be noted however, that sexual assault cases comprise only 5-10% of the total backlog of cases confronting crime laboratory directors nationwide.

In addition to sexual assault cases, DNA is also essential to the investigation and prosecution of other violent crimes against persons and property crimes. Data from states that have the resources to conduct DNA analysis on biological evidence associated with drug cases, burglaries, and home invasions are finding a very high "hit rate" against CODIS, the national DNA database of convicted offenders. In many cases, the likelihood of developing an investigative lead in a sexual assault case may be just as high by analyzing evidence from burglaries as by analyzing evidence from other sexual assault cases.

DNA has been used to identify investigative leads in a wide array of cases in addition to sexual assaults. DNA profiles have been obtained from the grip of a handgun used in a homicide, from the seal of an envelope containing a threatening note associated with a series of multi-million dollar arson fires, and even from gum, biological material or latent prints left at burglary scenes.

Although no data is currently available for the total number of backlogged cases for all forensic service areas, it is reasonable to expect that the numbers are staggering. ASCLD has partnered with the University of Illinois - Chicago on a grant proposal to conduct a 2002 Census of Public Crime Laboratories in order to determine the current status of forensic laboratories and their backlogs.

Crime laboratories are faced with a crisis of enormous proportions, with insufficient personnel, facilities, equipment, training, and funding to meet the service needs and expectations of investigators, courts, and citizens. Forensic science technology has become an increasingly critical component of the successful investigation and prosecution of criminal cases. However, the timely disposition of felony cases has been adversely impacted by a lack of funding to support the staffing, equipment, training, and facility needs of forensic laboratories nationwide.

Having said this, I would like to specifically address the provisions of the Debbie Smith Act: ASCLD strongly supports the timely analysis of all forensic cases; however, the provision of the Debbie Smith Act that calls for a 10-day turn around time for the DNA analysis of sexual assault kits sets an unrealistic time requirement for completion of these cases.

Taking into consideration the current DNA backlogs, the time requirements for collection and submission of evidence to the laboratory, the DNA analysis time requirements, and the quality assurance measures that must be conducted to ensure the integrity of the data, completion of DNA analysis of all sexual assault cases within 10 days of the incident is impossible. The

capacity of laboratories to handle the increasing number of requests for service and backlogged cases must be dramatically increased before a noticeable decrease in the turn-around time will be realized. At that point, a more reasonable and realistic turn-around time would be 30 days.

A number of laboratories have utilized the outsourcing of DNA cases in order to maximize the benefits of finite personnel resources. However, their experience has shown that even though outsourcing is successful in producing a large number of profiles in a relatively short period of time, it does not come without cost to the laboratory. Personnel resources must be dedicated to identifying the cases, documenting evidence prior to shipment, tracking cases, analyzing and interpreting the data produced by the outsourcing laboratory, entering data into CODIS, and conducting quality assurance reviews of the outsourcing laboratory.

While very effective, outsourcing should not be seen as an end in itself, but rather as a means to an end. It should be the mechanism, the "stop gap measure", that enables laboratories to build the infrastructure and capacity needed to handle all incoming cases and backlogged cases in a timely manner.

ASCLD strongly supports efforts to ensure the quality and integrity of evidence collected for forensic analysis purposes. ASCLD also supports the establishment of quality assurance standards by the relevant scientific community for the collection and processing of evidence.

The FBI is an important member of the forensic community and ASCLD would support their involvement in the development of these standards if the FBI feels that this action is compatible with its core mission. Likewise, ASCLD would also support the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) as a means to monitor and ensure compliance with quality standards.

ASCLD strongly support efforts to improve the quality of training provided to individuals charged with the collection of evidence for forensic analysis purposes.

ASCLD supports the development of these training programs by individuals with the requisite forensic experience in order to ensure that all critical parameters of the collection and preservation of evidence from sexual assault cases are addressed.

The Debbie Smith Act calls for grant funds to train Sexual Assault Nurse Examiners, law enforcement personnel, and first responders in the handling of sexual assault cases. It should be noted that the Sexual Assault Nurse Examiner (SANE) program can vary significantly from state to state. SANE nurses may be affiliated with hospitals, Family Advocacy Centers, Child Help Centers, various other facilities, or be non-existent. Their acceptance by the forensic community has been largely dependent on how closely they work with forensic laboratories in the development and implementation of their sexual assault victim exams and evidence collection and preservation procedures.

ASCLD would support a thorough assessment of successful SANE programs nationwide in an effort to develop a model(s) that can be used by states to establish an effective evidence collection and training program. At this time, many states do not have a state-wide SANE program and would be precluded from applying for grant funds under the Debbie Smith Act.

ASCLD will continue to support federal funding legislation that focuses on the necessity to increase the capacity of forensic laboratories to process all forensic cases, including sexual assaults, in a timely, accurate, and reliable manner. Forensic laboratories throughout the country need and appreciate your support of their efforts to "apply the best science to the best evidence in every case" .

Mr. Chairman and Members of the Committee, I would like to thank you for the opportunity to provide testimony in regard to the impact of the Debbie Smith Act on Crime Laboratories throughout the United States.