

Testimony of  
**The Honorable Patrick Leahy**

July 31, 2003

Statement Of Senator Patrick Leahy  
Senate Committee On The Judiciary  
Subcommittee On Administrative Oversight And The Courts  
Hearing On "Funding Forensics Science: DNA And Beyond"  
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I thank Chairman Sessions and Ranking Member Schumer for holding this subcommittee hearing on the current conditions of forensics science services, as well as their future role in the enforcement of justice.

The use of quality forensic science services is widely established as a key to effective crime fighting, especially with advanced technologies such as DNA testing. Over the past decade, DNA testing has emerged as the most reliable forensic technique for identifying criminals when biological material is left at a crime scene. Because of its scientific precision, DNA testing can, in some cases, conclusively establish a suspect's guilt or innocence. In other cases, DNA testing may not conclusively establish guilt or innocence, but may have significant probative value for investigators. While DNA's potential to root out the truth has been a boon to law enforcement, it has also been the salvation of law enforcement's mistakes for those who, for one reason or another, are prosecuted and convicted of crimes that they did not commit.

Clearly, forensic science services are critical to the effective administration of justice in 21st Century America.

With that popularity and reliability, however, forensics science workloads have dramatically increased in both number and complexity over the past decade, while funding for those services has failed to keep pace with this increasing demand. In fact, the Bush Administration has repeatedly failed to request adequate funding for programs authorized on a bipartisan basis to provide critical federal support for our nation's forensic labs.

For example, I worked with Senator Sessions, the American Society of Crime Lab Directors, and others to authorize the Paul Coverdell National Forensics Sciences Improvement Act of 2000 to provide \$465 million in federal support for public and private forensic laboratories in every state in the country from 2001 to 2006. Under our bipartisan legislation, our nation's forensic labs should receive \$128 million this coming year for improvements. But the Bush Administration has refused to request any funding for this bipartisan grant program for this year. Indeed the Bush Administration has never requested funding for the Paul Coverdell Forensic Sciences Improvement Grant Act even though Congress has authorized more than \$250 million in the last two years for forensic lab improvements.

When this administration does request federal funding to support our nation's forensic labs, the requests are woefully inadequate. For example, for the coming fiscal year, President Bush has proposed funding totaling only \$235 million for 2 programs that involve forensics science: the DNA Initiative, which would be funded at \$177 million, and the National Criminal Records History Improvement Program, which would be funded at \$58 million. For FY 2003, Congress appropriated over \$400.5 million in grants for projects focusing on crime identification technology, DNA analysis backlog elimination, and forensic sciences improvements.

Backlogs in many state and local laboratories have impeded the use of new technologies in solving cases without suspects - and re-examining cases in which strong claims of innocence exist - as laboratories are required to give priority status to those cases in which a suspect is known. In some parts of the country, investigators must wait several months - and sometimes more than a year - to get DNA test results from rape and other violent crime evidence. Solely for lack of funding, critical evidence remains untested while rapists and killers remain at large, victims continue to anguish, and statutes of limitations on prosecution expire.

Timeliness and quality concerns in the forensic science services threaten the administration of justice in the United States.

Let me describe the situation in my home State. The Vermont Forensics Laboratory is housed on the third floor of a building constructed in 1941 as part of a state mental hospital designed to house mental health patients. A 2000 study detailed many problems with the existing facility. In short, the building was never designed to house a laboratory and lacks, for instance, proper ventilation, space, and environmentally controlled rooms for instrumentation. The lab staff must often repeat DNA analytical testing since room temperature fluctuations cause quality assurance problems with their instruments. This results in time delays for court-required casework, reduces the number of total cases that may be completed, and increases the overall cost per DNA analysis.

Health and safety problems also exist. The laboratory has about half the space it needs to do the work currently performed let alone allowance for growth. The American Society of Crime Laboratory Directors accreditation team recently informed the head of the Vermont Forensics Lab that the facility probably would not pass the expected inspection standards in 2004, its reaccreditation date.

Forensics sciences in Vermont face a predicament. I commend the scientists and lab personnel at the Vermont Forensics Laboratory for the fine work they do everyday under difficult circumstances. But the people of the State of Vermont deserve better.

Forensics science and DNA analysis grant programs - if and when they are fully funded - would give states like Vermont the help they desperately need to handle the increased workloads placed upon their forensic science systems. My colleagues and I have worked hard to create and authorize programs and appropriations for programs that would improve the quality, timeliness and credibility of state and local forensic science capabilities to improve their criminal justice systems. If we truly want to take advantage of what forensics science and DNA analysis offer to

enrich the administration of justice in the United States, then we must ensure that the funds are available to support such programs.

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