

Testimony of  
**Mr. Randall Hillman**

July 31, 2003

Testimony of Randall Hillman,  
Executive Director  
of the Alabama District Attorney's Association

Before the Senate Judiciary Subcommittee on Administrative Oversight and the Courts

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Dirksen Senate Office Building  
Room 226

Mr. Chairman and other distinguished members of this Committee,

I thank you for the opportunity to testify this afternoon in front of the Senate Judiciary Subcommittee on Administrative Oversight and the Courts, about the need to fund forensic evidence analysis. I bring a unique perspective to the hearing today. I have been involved in many investigations and prosecutions during my three years as an Assistant District Attorney in Alabama and my nine years as a Chief Assistant District Attorney in Shelby County, Alabama. I am now the Executive Director of the Alabama District Attorney's Association an organization which represents all 42 elected District Attorneys in the state of Alabama.

As a prosecutor, I am familiar with forensic sciences evidence analysis. It is a subject about which I think the country should be educated and that affects thousands of lives each year. Having been in the courtroom and the trenches of the criminal justice system, I have seen the chaos that occurs when a crime has been committed. I have also seen a victim or victim's family experience some measure of relief and sense of peace when their perpetrator has been apprehended, convicted, and sentenced to prison.

It is estimated that approximately 75 percent of all cases in the criminal justice system are touched by forensic science evidence analysis. Without this service, our criminal justice system would effectively come to a halt.

Funding for all forms of forensic sciences is essential -- let me be clear about that. Our state and local crime labs are in serious need of funding in all areas of forensic science, including drug chemistry, trace evidence, toxicology, firearms examination, questioned document examination, and others. In Alabama, between 1990 and 2000, felony cases alone rose some 54 percent. The current Director of the Alabama Department of Forensic Sciences has stated that his department has more work than it can possibly handle. This excessive workload has a substantial ripple effect.

As you well know, prosecutors cannot take a case to trial without evidence. I, and my fellow prosecutors in Alabama and across the country, suffer greatly because crime labs do not have the resources to analyze evidence in a timely manner. An example of this is: In Alabama, over 40 percent of our total number of cases are drug offenses, including the possession, distribution, trafficking, and manufacture of controlled substances. In each of these cases, the Department of Forensic Sciences must issue a report to confirm that the substance was, in fact, an illegal drug, and how much of the drug was present. Alabama currently has a backlog of almost 12,000 drug analysis cases at the Department of Forensic Sciences.

Prosecutors routinely have to delay cases for long periods of time, while awaiting drug and other evidence analysis. Thus, our dockets become severely backlogged. Offenders have to wait in prison or out on bond for their cases to go to trial, and more importantly, victims and their families must wait for justice to be served. Mr. Chairman, this is unfair to the victims and it is unfair to our society.

There are some instances in which the wait becomes tragically unfair. For instance, last August, in Crenshaw County, Alabama, a defendant systematically murdered six members of his girlfriend's family. One by one, he executed these people. This began in the morning and continued until evening. At the time, this defendant was out of jail on a \$15,000 bond on a pending distribution of cocaine charge. The tragic part of this story is that he had actually been out of jail on bond for a year because the prosecutor in Crenshaw County had to wait for a toxicology report before going to trial on that case. The Alabama Department of Forensic Sciences received the cocaine sample in August of 2001, but because of their overwhelming backlog of drug cases, they were not able to analyze it until June of 2002. The murders happened on August 27, 2002 -- practically one year from the date of the defendant's drug arrest. Perhaps if the drug sample had been analyzed more quickly, this defendant would not have been out on the street -- he would have been in prison -- and those six innocent victims would be alive today.

On October 14, 2001, in Covington County, Alabama, a defendant was arrested for capital murder. He placed a plastic garbage bag over the head of his 7-year-old daughter and suffocated her to death. At the time of the murder, this defendant had a pending charge of trafficking in methamphetamine in a neighboring county. The case had been at the Department of Forensic Sciences for almost seven months awaiting analysis. Ultimately, it took 16 months for the report to be returned. Here, too, had these results been given to the prosecutor faster, the life of a 7-year-old child might have been spared. I could continue with more examples, as I am sure there are many more horrendous stories like these around our nation.

Also, criminal investigations are regularly put on hold for long periods of time while we wait for analysis of a particular piece of evidence. DUI murder, DUI manslaughter and vehicular homicide cases are an example. Currently, it takes nine to 12 months to receive a toxicological analysis of a blood sample or other sample submitted to the Alabama Department of Forensic Sciences. Because of the nature of the charge, many times an arrest is not made nor an indictment issued because the critical element of the offense - intoxication, can not be established without the forensic analysis. Even in cases where a charge is levied shortly after the commission of the crime, prosecutors routinely have to re-indict or amend the original charge because of something new that the forensic analysis reveals.

Mr. Chairman, this committee is in a unique position. You have an opportunity that prosecutors and law enforcement rarely have. By helping to adequately fund all areas of forensic sciences, you can possibly stop some of these tragedies before they happen. By doing this, all of society will benefit.

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