

HOUSE JUDICIARY COMMITTEE
SUBCOMMITTEE ON CRIME

“Department of Justice, Office of Justice Programs Oversight”

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Testimony from Peter Marone

Chairman, Consortium of Forensic Science Organizations

Mr. Chairman and Members of the Committee, thank you for inviting me to testify before your Committee today. I testify today not as the Crime Lab Director for the Commonwealth of Virginia but as the Chairman of the Consortium of Forensic Science Organizations. The CFSO was founded in 2000 and represents members of the forensic science community which are comprised of the American Academy of Forensic Sciences, The American Society of Crime Laboratory Directors, the International Association for Identification, the National Association of Medical Examiners, the American Society of Crime Laboratory Directors/Laboratory Accreditation Board, and Forensic Quality Services. Our goal is to educate the public and policy-makers on the truth of how the forensic community works and what our needs and requirements are.

What I'd like to bring to your attention today are two things. First the lack of funding that we are receiving in disciplines other than DNA and second, the problems that our labs are working under with increased restrictions on our funding and unrealistic turnaround expectations.

Our community has clearly gone through a technology revolution but it has been singularly focused. While the use of forensic science dates back nearly 100 years in the U.S., our community has not prospered from the benefit of many of the technological advancements, except in the discipline of DNA, primarily due to lack of funding and visibility as well as the “newness” and impact of the science. As I stated earlier, there are numerous examinations that our labs perform such as the processing of controlled substances, firearms and toolmarks, latent prints, trace evidence, toxicology, and computer crimes to name a few. In fact, these disciplines have a larger backlog and we receive more of these types of cases than we do cases with DNA.

According to the 2005 Bureau of Justice Statistics Report, which was released in 2008, our country’s 389 State and Local crime labs received 2.7 million cases in 2005 and ended the year with a backlog of 435,879 cases versus 252,810 at the beginning of the year. Of that backlog the largest number was not DNA. DNA was our third largest backlogged discipline and fourth largest discipline in case receptions. Some of that can be attributed to the fact that with the increased visibility of this science we have received DNA samples on an increased number of crimes, such as touch evidence on packaging of drug evidence and firearms. To provide perspective, the **median** number of forensic requests each lab received in 2005 were 2,716 for controlled substance, 1,234 for toxicology, 909 for latent print, 358 for Biology screening, 337 for DNA analysis, and 257 for firearms and toolmarks. Our backlog numbers showed similar relative statistics. The controlled substances discipline was the largest with a median backlog accounting for 51% of our backlog, with latent print identification being 16% and DNA analysis being 9%.

Yet the funding we have received from the government to process these cases has consistently remained at 100% for DNA requested by the Department of Justice. Fortunately,

Congress, particularly the US Senate, has funded the Paul Coverdell Act which allows the Crime Labs the flexibility to apply the funds where they have the most need. However, that has never been funded by the Congress for more than \$20 million a year and has never been requested by the Department of Justice in their budget.

Mr. Chairman, we support the funding of the DNA initiatives and have been very excited by the continued advances in the science, but we cannot support this to the exclusion of the other disciplines. There are still many crimes that do not have DNA involved and those victims also deserve to have their cases be a priority. Solving crimes means more than solving cases with DNA. We need to address all of the disciplines of forensic science. On the many occasions that we have discussed this with the Department of Justice we have heard responses ranging from “there is no data to support your claims of backlog in other disciplines”, to, “only DNA has political support”. As a result, our association requested a Commission to examine the needs and requirement of all the disciplines. We were very pleased when the Senate Appropriations Committee asked the National Academy of Sciences to conduct this study and we eagerly await its release and findings later this year. We hope that this Committee will take that study and work toward comprehensive forensic legislation that give us resources to complete the processing of all untested evidence a priority.

However, with the dawn of DNA, we have also seen a revolution occur and it has changed the way we can solve and potentially prevent crimes. BUT what has come with that are unrealistic expectations from the public and the government as to what our capacity and capabilities are and ever changing rules put upon us by the policy makers. We have found ourselves in a situation of increased visibility due to the dawn of popular television series, like CSI. Many expect that we can have a turn-around of a case in the hour it takes for CSI to air

their show. In fact, it can take us from days to weeks, depending on the number of samples and the types of examinations to process evidence. But it takes personnel, financial resources, and an environment that permits an understanding of what we face and what our requirements are to ensure timely processing of evidence. Not all labs have the same capabilities and the number and types of cases vary each month. However, we are seeing our funding having such onerous restrictions placed on them that some labs do not even apply. Quite often, requirements in solicitations for DNA funding change annually which require laboratories to reprioritize their case approach to comply with the requirements. Requirements for the Bloodsworth Act were such that even the few agencies which applied were told they did not meet the requirements. These were later changed, but with a delay of almost a year. Mr. Chairman, we would like to work with this Committee to shape the funding from Congress so that it is representative of the needs of the laboratories and not reflective of what the perceived needs are from outside influences.

Again, I thank you for inviting me to speak and I look forward to your questions.