

**Joint Legislative Committee on Performance  
Evaluation and Expenditure Review (PEER)**

Report to  
the Mississippi Legislature



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## **A Review of the Department of Public Safety's Mississippi Crime Laboratory**

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In response to complaints from legislators and citizens, the PEER Committee conducted an efficiency review of the Mississippi Crime Lab. PEER focused its review on:

- determining whether requests for forensic analysis are processed in a timely manner at the Mississippi Crime Lab;
- identifying barriers that could prevent timely forensic analysis; and,
- identifying the potential impact of untimely analysis on customers of the Mississippi Crime Lab.

Because the Crime Lab has set a thirty-day turnaround goal for forensic requests and PEER's review of selected states' reports on crime labs confirms this is a reasonable goal, PEER defined thirty days as a reasonable goal of timeliness for completion of requests for forensic analysis. In FY 2004, each forensic section's average turnaround time for requests exceeded the thirty-day turnaround goal.

Regarding barriers that could prevent the Crime Lab from conducting timely forensic analysis, factors affecting the lab's processing time include the manner in which the lab administers its training program, failure to maximize use of the management information system, organizational structure that does not ensure efficient operations, and staff vacancies. PEER also identified case management issues that could affect timeliness, including lack of a system for request prioritization, insufficient communication regarding cross-over requests, incorrect submission of evidence by law enforcement entities and coroners, and lack of communication between the Crime Lab and customers regarding the need for analysis on aged cases.

Timely completion of forensic analysis is essential to the proper functioning of the criminal justice system. Both the U. S. Constitution and state law guarantee the accused's right to a speedy trial. The Mississippi Crime Lab's failure to provide timely analysis of forensic requests may affect grand jury proceedings and jurisdictions' compliance with the speedy trial law.

**December 21, 2004**

## **PEER: The Mississippi Legislature's Oversight Agency**

The Mississippi Legislature created the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER Committee) by statute in 1973. A joint committee, the PEER Committee is composed of seven members of the House of Representatives appointed by the Speaker and seven members of the Senate appointed by the Lieutenant Governor. Appointments are made for four-year terms with one Senator and one Representative appointed from each of the U. S. Congressional Districts. Committee officers are elected by the membership with officers alternating annually between the two houses. All Committee actions by statute require a majority vote of four Representatives and four Senators voting in the affirmative.

Mississippi's constitution gives the Legislature broad power to conduct examinations and investigations. PEER is authorized by law to review any public entity, including contractors supported in whole or in part by public funds, and to address any issues that may require legislative action. PEER has statutory access to all state and local records and has subpoena power to compel testimony or the production of documents.

PEER provides a variety of services to the Legislature, including program evaluations, economy and efficiency reviews, financial audits, limited scope evaluations, fiscal notes, special investigations, briefings to individual legislators, testimony, and other governmental research and assistance. The Committee identifies inefficiency or ineffectiveness or a failure to accomplish legislative objectives, and makes recommendations for redefinition, redirection, redistribution and/or restructuring of Mississippi government. As directed by and subject to the prior approval of the PEER Committee, the Committee's professional staff executes audit and evaluation projects obtaining information and developing options for consideration by the Committee. The PEER Committee releases reports to the Legislature, Governor, Lieutenant Governor, and the agency examined.

The Committee assigns top priority to written requests from individual legislators and legislative committees. The Committee also considers PEER staff proposals and written requests from state officials and others.

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The Mississippi Legislature

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December 21, 2004

Honorable Haley Barbour, Governor  
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Honorable Billy McCoy, Speaker of the House  
Members of the Mississippi State Legislature

On December 21, 2004, the PEER Committee authorized release of the report entitled **A Review of the Department of Public Safety's Mississippi Crime Laboratory.**

A handwritten signature in black ink, appearing to be "L. Posey", written over a horizontal line.

Senator Lynn Posey, Chair

**This report does not recommend increased funding or additional staff.**



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# A Review of the Department of Public Safety's Mississippi Crime Laboratory

## Executive Summary

### Introduction

In response to complaints from legislators and citizens, the PEER Committee conducted an efficiency review of the Mississippi Crime Lab.

PEER focused its review on:

- determining whether requests for forensic analysis are processed in a timely manner at the Mississippi Crime Lab;
- identifying barriers that could prevent timely forensic analysis; and,
- identifying the potential impact of untimely analysis on customers of the Mississippi Crime Lab.

### Background

The Mississippi Legislature authorized creation of the Mississippi Crime Lab in 1956. MISS. CODE ANN. §45-1-2 (2)(d) (1972) places responsibility for oversight of the Crime Lab with the Mississippi Department of Public Safety. The Commissioner of Public Safety has the authority to staff, equip, and operate the crime laboratory and is responsible for appointing the Crime Lab Director.

According to the *Mississippi Crime Lab Administration Manual*, the mission of the Mississippi Crime Lab is:

*To provide the highest quality, objective services in the recognition, collection, preservation, scientific analysis and interpretation of physical evidence in the pursuit of truth within the criminal justice system.*

The Crime Lab operates a central laboratory in Jackson and three regional laboratories in Batesville, Biloxi, and Meridian. While the Jackson laboratory is a full-service crime lab, the regional offices only provide services in specialized areas. As of December 1, 2004, the labs had a total of seventy-two employees, with twenty-eight vacancies.

The Mississippi Crime Lab received the majority (69%) of its FY 2004 funding from general funds. In FY 2004, the Crime Lab received a general fund appropriation of \$4,200,308. Other sources of funds in FY 2004 included federal grants (\$779,478) and special funds (\$1,084,567), composed of analytical fees and Implied Consent fees.

## Does the Mississippi Crime Lab process forensic requests in a timely manner?

**Based on data extracted by the Mississippi Crime Lab for PEER, the average turnaround time for all types of forensic requests exceeded the lab's thirty-day turnaround goal in FY 2004.**

A case submitted to the Crime Lab for forensic analysis may consist of one or more requests. A request is for a specific type of analysis (e.g., DNA testing) to be performed on one or more pieces of evidence. Factors impacting the amount of time required to complete a request include the number of tests required and the amount of time required to conduct that specific type of test. The numerous documentation procedures and cross checks involved in handling and processing a request, while necessary for purposes of quality assurance, add significantly to the time required to complete a request. In FY 2004, the Mississippi Crime Lab received 19,957 requests for analysis and received 48,389 pieces of evidence associated with those requests.

Timely completion of forensic analysis is essential to the proper functioning of the criminal justice system. Both the U. S. Constitution and state law guarantee the accused's right to a speedy trial. Failure to conduct analysis on a timely basis can result in dismissal of an indictment. Because the Crime Lab has set a thirty-day turnaround goal for forensic requests and a review of selected states' reports on crime labs confirms this is a reasonable goal, PEER defines thirty days as a reasonable goal of timeliness for completion of requests for forensic analysis.

Each forensic section's average turnaround time for requests exceeded the Crime Lab's thirty-day turnaround goal in FY 2004. The Meridian lab had the shortest average turnaround time, even though it experienced an increase in requests received and in pieces of evidence received in FY 2004. The Batesville and Biloxi labs had the longest average turnaround time of 112 days, even though they received fewer requests and worked fewer requests.

## **Do barriers exist to prevent the Mississippi Crime Lab from processing forensic requests in a timely manner?**

**Yes. Factors affecting the lab's processing time include administration of the training program, utilization of the management information system, organizational structure, staff vacancies, and case management.**

### **Administration of the Training Program**

Because the Mississippi Crime Laboratory utilizes a self-paced training program without time limits for completion, new employees' training periods can extend indefinitely. This reduces the amount of time available for experienced employees who oversee the training to work their own cases and delays the productivity of new employees. This condition exists, in part, because the Mississippi Crime Lab has not had formal, written training guidelines for the final technical assessment and communication training phase, which should serve as a guide for the administration of the training program (including timely completion), since February 2004. Also, according to PEER's interviews with Crime Lab staff, because so many levels of administration are involved in training program administration, Crime Lab staff members are confused as to roles and responsibilities for training.

### **Utilization of the Management Information System**

The Crime Lab does not utilize its management information system to its fullest capability. The Crime Lab does not have a full-time position dedicated to information management, which limits the lab's ability to retrieve and analyze valuable data. Also, the Crime Lab utilizes only summary reports from the management information system, which do not provide managers with useful information for managing day-to-day operations and do not alert managers to potential problems.

### **Organizational Structure**

The Mississippi Crime Lab's organizational structure does not ensure efficient lab operations through use of staff resources. The Commissioner of Public Safety has not made an appointment to the Crime Lab Director's position since the position became vacant in May 2004. According to interviews with Crime Lab staff, they believe that having an acting director for an extended period of time promotes an unhealthy work environment because staff members are hesitant to accept changes made by the acting director in anticipation that a new director will make his/her own changes. Also, Crime Lab staff members believe strongly that the

Crime Lab Director should be hired through a competitive process and should not be subject to changes in administration.

PEER also found that the Crime Lab has not made the best use of its available staff resources, including the following:

- The Crime Lab has not used existing staff resources to ensure efficient and effective operations of the Trace Section.
- Regional lab managers exercise no authority over regional lab staff, other than the signing of leave slips. The majority of regional lab staff report to a section chief who is located in another lab.
- The Crime Lab Analytical Division Coordinator is also responsible for managing the operations of the Medical Examiner's office, which reduces the time he has to devote to Crime Lab duties.

## **Staff Vacancies**

The Crime Lab's Latent Print Section experienced a fifty percent decrease in staff from FY 2001 to FY 2004. Also, several staff members have other duties that affect their ability to provide timely analysis. Two of the five Latent Print Examiners have responsibilities for crime scene response and one of them also serves as the Acting Director of the Meridian Regional Laboratory and as the Latent Print Section Chief.

In the DNA Section, staff turnover has prohibited maintaining sufficient numbers of forensic biologists to provide timely analysis of DNA samples. The DNA Section has had to contract out technical review services or send requests to private labs six times since 1999 in order to remain operational. Compounding the problem of staff vacancies in this section is the fact that state law now requires felony offenders in the state correctional system to have their DNA analyzed and entered into the Combined DNA Index System (CODIS) for analysis. Due to terms of a grant agreement with the federal government, the Crime Lab must give CODIS match analyses priority over the lab's other cases.

## **Case Management Issues**

Through interviews with Crime Lab staff, PEER identified several case management issues that could affect the timeliness of processing forensic requests: no system for request prioritization, insufficient communication regarding cross-over requests (i.e., a request that involves one piece of evidence that must be examined by more than one forensic section); incorrect submission of evidence by law enforcement entities and coroners; and lack of communication between the Crime Lab and customers regarding the need for analysis on aged cases.

**The Mississippi Crime Lab does not charge fees that are commensurate with services as required by state law and has no enforcement tools available to assist with collection of fees.**

The Crime Lab does not charge fees that are commensurate with services as required by state law. Presently, the Crime Lab charges \$50 for each case an entity submits to the Crime Lab and \$100 for each DNA sample. This flat fee per case does not take into account the significant variation in workload that exists between cases.

The Crime Lab has no enforcement tools available to assist with collection of fees. As of December 31, 2004, customers owed a balance of \$593,836 in fees for forensic services provided, with \$445,986 over 120 days past due. The Crime Lab uses the analytical fees to help cover operating costs, but there is no punitive measure in place to assist the lab in collecting these fees from its customers.

## **What is the impact of the Mississippi Crime Lab's failure to provide timely forensic analysis?**

**The Mississippi Crime Lab's failure to provide timely analysis of forensic requests may affect grand jury proceedings and jurisdictions' compliance with the speedy trial law.**

In interviews with PEER, district attorneys stated that grand juries have expressed concerns when told that evidence is still awaiting analysis at the Crime Lab and have failed to return true bills of indictment for criminal cases that did not have this supporting evidence. District attorneys also stated that compliance with the speedy trial law may be affected as a result of the Crime Lab's failure to provide timely forensic analysis.

PEER also interviewed representatives of a sample of law enforcement entities that submitted requests to the Crime Lab from FY 2002 through FY 2004 to determine if they were satisfied with Crime Lab services. Of the twenty-six representatives of law enforcement entities, none were satisfied with the turnaround time for receipt of results. Sixteen of the representatives stated that they have used higher-cost, private laboratories in order to ensure that they could receive timely results.

## **Recommendations**

1. The Mississippi Crime Lab should establish reasonable time limits for each section or each discipline within a section based on the requirements for independent casework to ensure that training programs are completed in a timely manner.

2. The Mississippi Crime Lab should clarify the training roles as assigned in the MS Crime Lab Quality Assurance Manual, MCL Administrative Manual, and MCL Training Guidelines and should ensure that staff adhere to these defined roles.
3. The Mississippi Crime Lab should reincorporate training guidelines into the training program to ensure that all trainees understand how they will be evaluated and to provide a standard for objective evaluation.
4. The Mississippi Crime Lab should create and analyze management reports, including detail and exception reports, that identify roadblocks to timely analysis and identify opportunities for process improvement.
5. The Mississippi Crime Lab should run management reports at least monthly and should distribute these reports to all levels of Crime Lab management and incorporate their use into the Crime Lab's performance appraisal system.
6. Using existing resources, the Mississippi Crime Lab should provide Justice Trax training to at least one Crime Lab staff member through on-site consulting to ensure full utilization of the Justice Trax system for workload management.
7. The Mississippi Crime Lab staff should initiate a data clean-up project, including an audit of the data maintained by Justice Trax to ensure that data fields contain accurate data based on the status of the request, to ensure that users are entering data in the appropriate fields, and to update and/or correct any fields that were not populated when Justice Trax was implemented.
8. In an effort to reduce turnover in the Mississippi Crime Lab Director's position, the Mississippi Legislature should amend MISS. CODE ANN. §45-1-2 (4) (1972) and MISS. CODE ANN. §45-1-25 (1972) to exclude that position from those appointed by the Commissioner of Public Safety. The Legislature should require the Commissioner of Public Safety to hire a Crime Lab Director who meets qualifications specified by the State Personnel Board and should make the position a member of state service.
9. In order to utilize staff resources more efficiently, the Mississippi Crime Lab should abolish the Jackson Regional Lab Manager PIN as soon as practicable and use those available funds to fund the Trace Section Chief's position.
10. The Mississippi Crime Lab should incorporate assessments of staff by regional lab managers into its performance appraisal review system.
11. The Mississippi Crime Lab should conduct a cost/benefit analysis of its DNA Section to determine whether it should pursue contracting these services to private laboratories.

12. The Mississippi Crime Lab should work forensic requests on a first-come, first-served basis but should develop a system for prioritizing those exceptional requests that may need to be worked on an urgent basis, such as those for serial rapists or serial murderers.
13. The Mississippi Crime Lab should require the Technical Assistance Section to develop a system of notification for cross-over requests to ensure that Crime Lab staff is notified when evidence is available for analysis.
14. In order to improve evidence submission to the Crime Lab, the Mississippi Crime Lab should work with law enforcement entities, coroners, and the law enforcement academy to increase training hours in evidence collection during new recruit training and in continuing education.
15. The Mississippi Crime Lab should work with law enforcement entities to develop a formal, written procedure for notifying the Crime Lab when forensic analysis is no longer needed on a criminal case.
16. The Mississippi Crime Lab should determine the true costs of providing each type of forensic service and make recommendations to the Commissioner of Public Safety as to reasonable fees to charge for each type of service based on actual cost.
17. The Mississippi Crime Lab should not accept requests for forensic analysis from law enforcement entities with outstanding fee balances older than two months. Also, the Mississippi Legislature should amend MISS. CODE ANN. Section 45-1-29 (1972) to allow the Commissioner of Public Safety to present monetary claims against motor fuel tax distributions of those local jurisdictions that have not paid for Crime Lab services and amend MISS. CODE ANN. Section 27-5-101 and 27-5-103 (1972) to conform.

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# A Review of the Department of Public Safety's Mississippi Crime Laboratory

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## Introduction

### Authority

In response to complaints from legislators and citizens, the PEER Committee conducted an efficiency review of the Mississippi Crime Lab. PEER conducted the review pursuant to the authority granted by MISS. CODE ANN. Section 5-3-57 et seq. (1972).

### Scope and Purpose

The complainants alleged that the Mississippi Crime Lab does not process requests for forensic analysis on a timely basis. Complainants expressed concern that the Crime Lab's failure to process requests for forensic analysis on a timely basis could compromise the effectiveness of the criminal justice system in prosecuting cases.

In response to these complaints, PEER focused its review on:

- determining whether requests for forensic analysis are processed in a timely manner at the Mississippi Crime Lab;
- identifying barriers that could prevent timely forensic analysis; and,
- identifying the potential impact of untimely analysis on customers of the Mississippi Crime Lab.

Although PEER acknowledges the critical importance of ensuring quality in forensic laboratory work, this review did not include a review of the quality of the forensic analyses conducted by the Mississippi Crime Lab. The lab utilizes numerous internal checks on the quality of its work, including a technical review of every test performed in the lab. The Mississippi Crime Lab is accredited by the American Society of Crime Laboratory Directors (ASCLD), whose primary focus is to promote the quality of work performed in crime laboratories. The Crime Lab's DNA Section follows quality assurance standards promulgated by the Federal Bureau of Investigation.

## Method

In conducting this review, PEER:

- reviewed relevant sections of state law and the lab's policies and procedures regarding programs, finances, and oversight;
- reviewed requirements for accreditation by the American Society of Crime Laboratory Directors;
- interviewed selected Mississippi Crime Lab personnel, Department of Public Safety staff, and personnel from other state crime labs;
- interviewed a sample of Crime Lab customers, including representatives of police departments, sheriff's departments, the Mississippi Bureau of Narcotics, the Mississippi Highway Patrol, and district attorneys' offices; and,
- examined reports and documents compiled by the lab regarding performance and organizational structure.

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# Background

## Role of Crime Labs in the Criminal Justice System

The examination of crime scene evidence is a critical component of the American justice system. Crime laboratories across the United States are tasked with providing impartial scientific analysis of evidence collected at crime scenes or related to crime scenes that assists in the identification, apprehension, and adjudication of individuals involved in criminal activity. A crime lab may perform various functions, including:

- assisting law enforcement officers with evidence collection;
- training law enforcement officers on proper evidence collection techniques and proper evidence handling;
- receiving, storing, handling, and disposing of evidence;
- performing scientific analysis of evidence; and,
- providing court testimony.

In addition to the Mississippi Crime Laboratory (which includes a main laboratory in Jackson and satellite laboratories in Batesville, Biloxi, and Meridian), the Jackson Police Department and the Tupelo Police Department operate crime labs that provide limited forensic services. Law enforcement entities sometimes contract with private laboratories in other states to provide analysis of criminal evidence.

Appendix A, page 41, contains a glossary of terms related to crime labs and forensic science.

## Creation and Purpose of the Mississippi Crime Lab

### Creation and Mission of the Lab

The Mississippi Legislature authorized creation of the Mississippi Crime Lab in 1956. MISS. CODE ANN. §45-1-2 (2) (d) (1972) places responsibility for oversight of the Crime Lab with the Mississippi Department of Public Safety. The Commissioner of Public Safety has the authority to staff, equip, and operate the Crime Laboratory and is responsible for appointing the Crime Lab Director.

According to the *Mississippi Crime Lab Administration Manual*, the mission of the Mississippi Crime Lab is:

*To provide the highest quality, objective services in the recognition, collection, preservation, scientific and interpretation of physical evidence in the pursuit of truth within the criminal justice system.*

## **Oversight and Accreditation**

The Federal Bureau of Investigation requires DNA laboratories receiving federal funding (including the Mississippi Crime Lab in Jackson) to adhere to its guidelines. The DNA guidelines include quality assurance standards, such as the use of appropriate analytical procedures, administrative review of work to ensure consistency with laboratory policies, proper educational credentials of staff, and a facility with adequate security to minimize contamination.

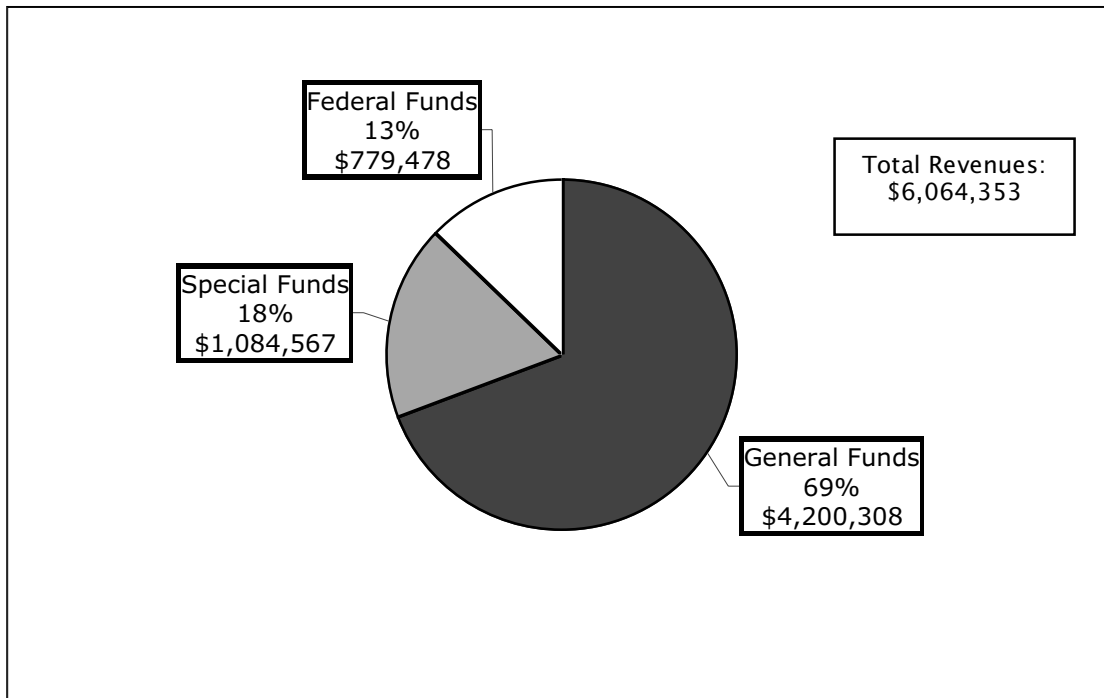
The American Society of Crime Laboratory Directors (ASCLD) provides the only other ongoing oversight of criminal laboratories through its voluntary accreditation program. In order to be accredited by ASCLD, a crime lab must meet the organization's standards for management, operations, personnel, procedures, equipment, physical plant, security, and health and safety. The primary focus of ASCLD's accreditation program is on quality. For example, ASCLD requires that crime laboratories implement a quality assurance program that includes, but is not limited to, requirements for evidence handling, validation and verification of testing procedures used by the lab, calibration and maintenance of equipment, and annual proficiency testing of lab personnel. While ASCLD encourages laboratories to work efficiently, it does not promulgate standards for timeliness. ASCLD accreditation is granted for a period of five years.

The Mississippi Crime Lab received ASCLD accreditation in 2003 and is scheduled for an on-site inspection for re-certification in 2008. During this period, the Mississippi Crime Lab must complete an Annual Accreditation Review Report and must participate in ASCLD's proficiency testing programs. According to the Acting Crime Lab Director, the Mississippi Crime Lab paid a \$26,000 fee for accreditation in 2003, funded through a federal grant. The Crime Lab must pay an annual fee based on its total number of employees in order to maintain its accreditation. If fully staffed, this fee would range from \$12,000 to \$15,000. A separate fee will be due to ASCLD in FY 2008 when the lab undergoes recertification.

## Funding of the Mississippi Crime Lab

MISS. CODE ANN. §45-1-29 (1972) requires the Mississippi Crime Lab to be funded separately from the Department of Public Safety. As shown in Exhibit 1, below, the Mississippi Crime Lab received the majority (69%) of its FY 2004 funding from general funds.

### Exhibit 1: FY 2004 Sources of Revenue for the Mississippi Crime Lab



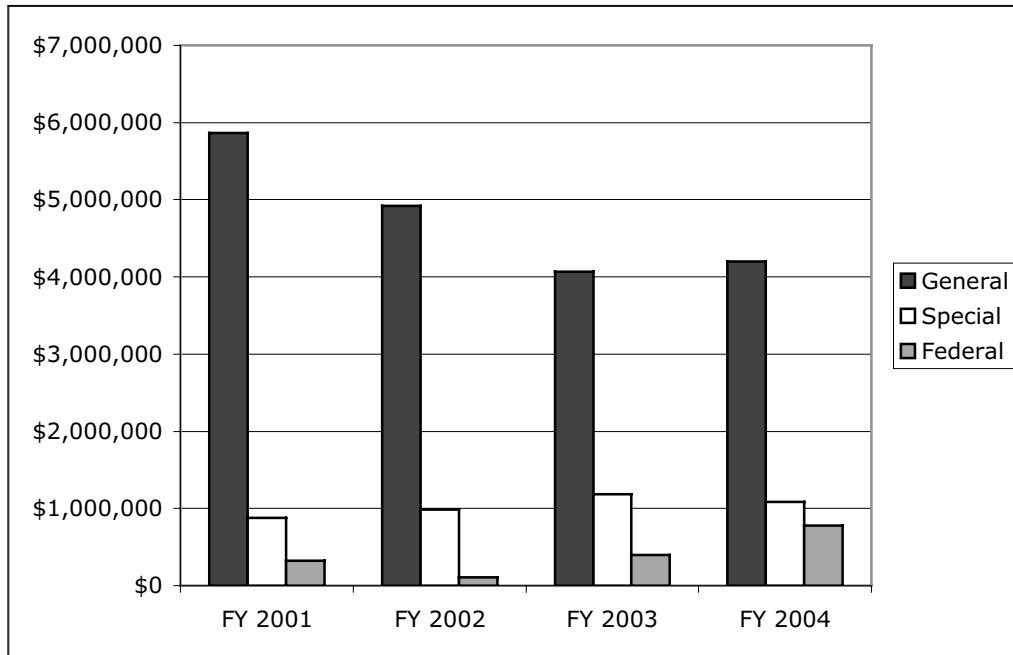
SOURCE: Mississippi Department of Public Safety, Office of the Controller

Other sources of funds in FY 2004 included federal grants (13%) and special funds (18%). The Crime Lab has two sources of special funds--analytical fees and Implied Consent fees.

### General Funds

Exhibit 2, page 6, compares funding levels of the Crime Lab from FY 2001 through FY 2004. General fund appropriations decreased from FY 2001 through FY 2003 and increased by \$136,793 from FY 2003 to FY 2004. According to the Acting Director of the Crime Lab, the FY 2001 appropriation included funding for 100 positions; however, the Legislature did not sustain this level of funding in subsequent appropriations.

## Exhibit 2: Mississippi Crime Lab Funding, FY 2001–FY 2004



	FY 2001	FY 2002	FY 2003	FY 2004
General	\$5,868,104	\$4,971,886	\$4,063,515	\$4,200,308
Special	875,652	987,221	1,183,514	1,084,567
Federal	326,215	105,170	396,851	779,478
<b>Total</b>	<b>\$7,069,971</b>	<b>\$6,064,277</b>	<b>\$5,643,880</b>	<b>\$6,064,353</b>

SOURCE: Mississippi Department of Public Safety, Office of the Comptroller

### Federal Funds

The total federal funds received by the Mississippi Crime Lab fluctuated from FY 2001 to FY 2003, but the Crime Lab experienced a 96% increase in federal funds from FY 2003 to FY 2004. Federal grants include several awarded by the National Institute of Justice for the purchase of equipment and supplies for the DNA Section, for the outsourcing of DNA analysis for offenders, the purchase of the laboratory management information system (Justice Trax), and time-limited positions and equipment for the Controlled Substances Section.

### Special Funds

Funds collected through the Implied Consent Program and through analytical fees increased from FY 2001 to FY 2003, but decreased in FY 2004 by \$98,947.

### ***Analytical Fees***

MISS. CODE ANN. §45-1-29 (3) (1972) requires the Commissioner of Public Safety to establish fees commensurate with the services rendered by the Crime Lab. Although fees range from \$50 to \$700, the most common fees include \$50 for each case an entity submits to the Crime Lab and a \$100 fee for each DNA sample an entity submits for analysis. In addition, the lab charges fees for other services, such as providing additional copies of analytical reports, expert witness at civil trial or hearing, and evidence storage for completed cases not retrieved from MCL within sixty days of completion. (See Appendix B, page 43, for the MCL Fee Schedule). According to MISS. CODE ANN. §45-1-29 (3) (1972), these fees may be used on any authorized expenditures except for salaries, wages, and fringe benefits.

### ***Implied Consent Fund Fees***

The Mississippi Implied Consent Law (MISS. CODE ANN. §63-11-1 et seq. [1972]) prohibits individuals from operating motor vehicles on public streets or highways in Mississippi while under the influence of intoxicating liquor or any other substance that may impair their ability to operate a vehicle. MISS. CODE ANN. §99-19-73 (1972) requires that persons convicted of violation of the Implied Consent Law pay a state assessment of \$178 in addition to other monetary penalties.<sup>1</sup> These assessments are placed in the Implied Consent Fund and distributed according to MISS. CODE ANN. §99-19-73 (1972).

As shown in Appendix C, page 45, the Mississippi Crime Lab receives \$25 of each collection from the Implied Consent Law. The Crime Lab uses these funds exclusively to provide the services that support the Implied Consent Program, including breath-alcohol testing, blood alcohol testing, and traffic-related drug testing.

## **Organizational Structure of the Mississippi Crime Lab**

The Mississippi Crime Lab operates a central laboratory in Jackson and three regional laboratories in Batesville, Biloxi, and Meridian. As of December 1, 2004, the labs had a total of seventy-two employees and twenty-eight vacant positions (refer to discussion on page 27). According to the Department of Public Safety, no funds were available to fill vacant positions from FY 2002 through FY 2004. However, the Department of Public Safety's Research and Planning Director and the Comptroller confirmed that funding is currently available to fill the Crime Lab Director's position and stated that rough projections for FY 2005 suggest the Crime Lab may be able to fill five forensic

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<sup>1</sup> Although MISS. CODE ANN. Section 99-19-73 (1972) refers to a total state assessment of \$178, the actual total of the individual penalty amounts is \$182.

scientist/biologist positions depending on the level of hire. (The forensic scientist/biologist series extends from a Forensic Scientist/Biologist I to a Forensic Scientist/Biologist V.)

## **Central Laboratory**

As of December 1, 2004, the central laboratory, located in Jackson, had forty-six employees: Acting Crime Lab Director, Technical Deputy Director, Quality Assurance Manager (who is also serving as Acting Administrative Deputy Director), two division coordinators, one BioScience Technical Leader, the Jackson Lab Manager, four section chiefs, twenty-three forensic scientists/biologists, nine forensic scientist/biologist trainees, and three support staff.

## **Regional Laboratories**

The three regional labs are located in Batesville, Meridian, and Biloxi. The regional offices employ a total of twenty-six workers—eighteen forensic scientists, four forensic scientist trainees, two section chiefs, one regional lab manager, and one support staff person. Three regional lab managers are responsible for regional lab safety and security. Two of these lab managers are serving as “acting” regional lab managers and serve the Crime Lab in other capacities as well.

While the Jackson laboratory is a full-service crime lab, the regional offices only provide services in specialized areas: controlled substances, blood alcohol content (Batesville and Meridian only), latent prints examinations, and crime scene response. In addition to these specialized areas of service, Biloxi recently acquired the equipment and staff through a federal grant to provide access to the Integrated Ballistics Identification System (IBIS). This is a service that only the Jackson lab has been able to provide. Evidence requiring examination in forensic fields not provided by regional laboratories is transported weekly by technical assistance section staff to the Jackson laboratory and returned to the appropriate regional laboratory when the examination is complete.

## **Divisions**

Mississippi Crime Lab services are divided into three divisions: Impression Evidence, Analytical, and Bioscience. (See Appendix D on page 46 for a more detailed description of each division's activities.)

The Impression Evidence and Analytical divisions are managed by division coordinators, while the BioScience Unit is managed by a Bioscience Technical Leader. In FY 2004, the Crime Lab's Analytical Division handled the majority of requests (74%), followed by the Impression Evidence Division (19%), with the



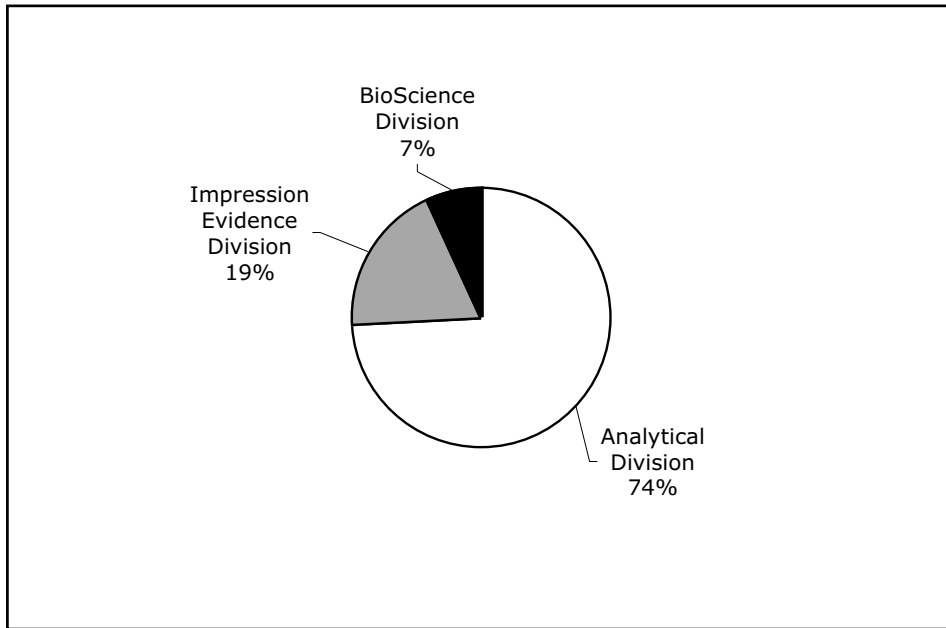
Bioscience Division handling the fewest requests (7%). Exhibit 3, page 10, summarizes FY 2004 requests received by division.

## **Sections**

Each division of the Crime Lab is divided into sections according to the type of forensic analysis conducted. A section chief oversees each section, which is composed of forensic scientists. The section chiefs are primarily located in the Jackson office, except for the Section Chief of Controlled Substances, who is located in the Batesville regional lab and the Section Chief of Latent Prints, who is located in the Meridian regional lab. Exhibit 4, page 10, summarizes FY 2004 requests by section.

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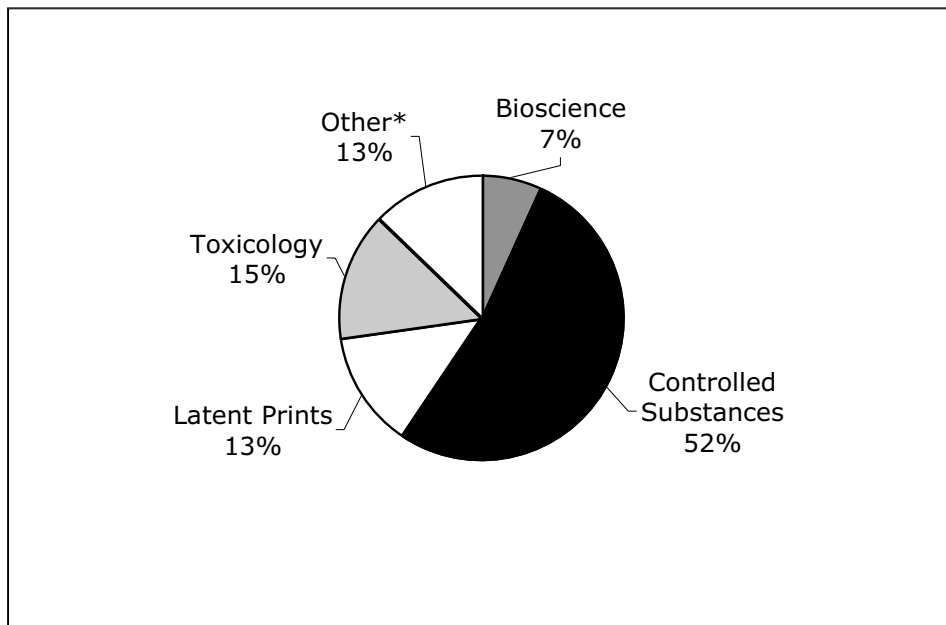
### Exhibit 3: Summary of Requests Received By Division-FY 2004



SOURCE: Mississippi Crime Lab Statistics Report, FY 2004

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### Exhibit 4: Summary of Requests Received By Section-FY 2004



\*Other includes Implied Consent, Trace, Firearms and Toolmarks, Technical Assistance and Questioned Documents  
SOURCE: Mississippi Crime Lab Statistics Report, FY 2004

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# Does the Mississippi Crime Lab process forensic requests in a timely manner?

**Based on data extracted by the Mississippi Crime Lab for PEER, the average turnaround time for all types of forensic requests exceeded the lab's thirty-day turnaround goal in FY 2004.**

The timeliness data contained in this chapter showing average time to completion for requests by major category of analysis performed was the result of a special request by PEER. This chapter begins with a description of the varying complexities of forensic requests, followed by a discussion of how requests flow through the Crime Lab, concluding with a discussion of the timeliness of the Crime Lab's processing of requests.

## Importance of Timeliness to Forensic Analysis

**Failure to conduct analysis on a timely basis can result in dismissal of an indictment.**

Timely completion of forensic analysis is essential to the proper functioning of the criminal justice system. Both the U. S. Constitution and Mississippi state law guarantee the accused's right to a speedy trial. MISS. CODE ANN. Section 99-17-1 (1972) states that all offenses for which indictments are presented to the court shall be tried no less than 270 days after arraignment. Failure to conduct analysis on a timely basis can result in dismissal of an indictment.

## Definition of a Forensic Request and Factors Affecting Processing Time

**In FY 2004, the Mississippi Crime Lab received 19,957 requests for analysis and received 48,389 pieces of evidence associated with those requests.**

A request for forensic analysis is a request for a specific type of analysis (e.g., DNA testing) to be performed on one or more pieces of evidence. A case submitted to the Mississippi Crime Lab for analysis may consist of one or more requests. In FY 2004, the Mississippi Crime Lab received 19,957 requests for analysis and received 48,389 pieces of evidence associated with those requests.

Factors impacting the amount of time required to complete a request include the number of tests required and the amount of time required to complete a test. The amount of testing required can vary significantly from one request to another. For example, one request may include numerous pieces of evidence, all of which must be tested. Some requests involve an unknown number of tests on one piece of evidence--e.g., a request for analysis of a sample of blood to determine if a drug is present, where there is no available medical history of the victim or evidence of drugs at the crime scene, in which case the analyst must keep retesting the blood sample until all possible drug

matches have either been confirmed or ruled out. Also, one piece of evidence may be the object of multiple requests for different types of analysis, which involves transferring the evidence from section to section. The amount of time required for a single test also varies significantly by type of test.

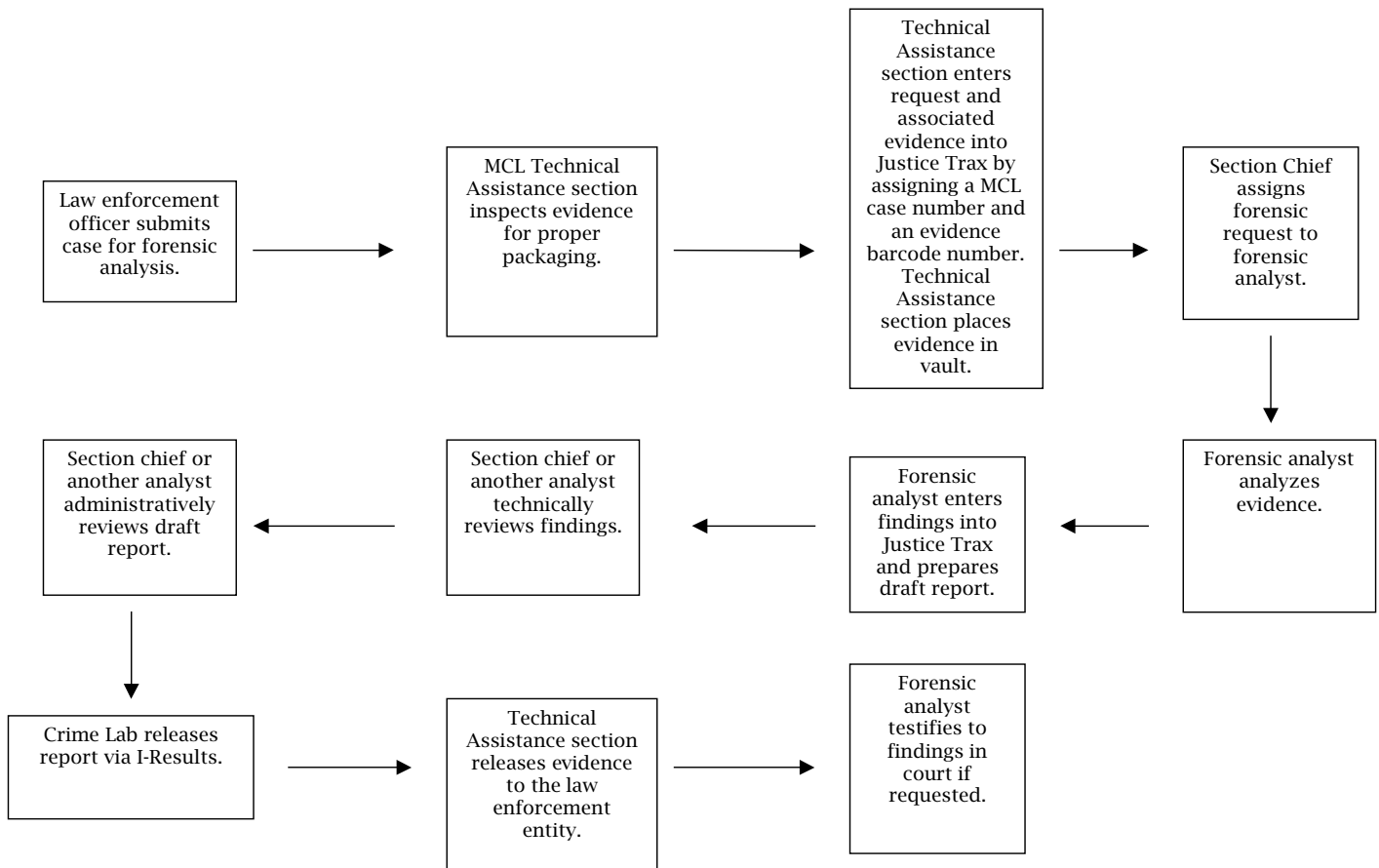
As discussed in the next section, the numerous documentation procedures and cross checks involved in handling and processing a request, while necessary for purposes of quality assurance, add significantly to the time required to complete a request. For example, some technical reviews involve a review of the data used in order to reach a conclusion about a piece of evidence, while others involve a second analysis of the evidence to ensure that another forensic scientist reaches the same conclusion.

## Process Flow of a Forensic Request at the Mississippi Crime Lab

As illustrated in Exhibit 5 on page 13, when the law enforcement entity (e.g., police departments, sheriff's departments, the Mississippi Bureau of Narcotics, the Mississippi Highway Patrol, or district attorneys) brings a case to the Crime Lab, the Technical Assistance Section inspects the evidence to ensure that it has been properly packaged, collects information about the request, and enters this information into the Crime Lab's management information system, Justice Trax. The appropriate section chief or senior forensic analyst then assigns the request to a forensic analyst, who analyzes the evidence, enters his or her findings into Justice Trax, and prepares a draft report of the findings.

According to Crime Lab staff, requests for analysis of controlled substances and latent prints are sometimes transferred between the four labs due to staffing shortages and lower productivity within specific labs. Crime Lab staff certified in the specific discipline review the reported findings to make sure that the analyst drew the correct conclusions from the scientific data presented in the report (referred to as a technical review). A section chief or forensic analyst conducts an administrative review of the report to make sure that all administrative rules have been adhered to in producing the report (e.g., consistency with lab policy and editorial correctness). Justice Trax downloads completed reports to I-Results nightly. (I-Results is a password-protected component of Justice Trax that allows Crime Lab customers to access completed reports through the Mississippi Crime Lab web site.) The Technical Assistance Section returns the evidence to the requesting party once the analysis is complete or destroys it when appropriate. If requested by the court, the analyst testifies concerning his or her findings.

## Exhibit 5: Process Flow of Forensic Requests at the Mississippi Crime Lab



SOURCE: PEER analysis of laboratory procedures from the Mississippi Crime Lab Administration Manual, Mississippi Crime Lab Quality Assurance Manual, Mississippi Crime Lab Standard Operating Procedures Manuals and interviews with Mississippi Crime Lab staff.

### Definition of “Timely” Forensic Analysis

*Because the Crime Lab has set a thirty-day turnaround goal for forensic requests and crime labs in other states use the same standard for timeliness, PEER defines thirty days as a reasonable goal of timeliness for the Crime Lab’s completion of requests for forensic analysis.*

The Program Narrative of the Mississippi Crime Lab’s FY 2005 Budget Request to the Legislature states that the objective of the Mississippi Crime Lab is:

*...to provide competent, timely forensic services to the criminal justice community in Mississippi.*

Mississippi's Crime Lab, as do other labs, tracks cases at the request level and has set a request completion goal of thirty days, regardless of the complexity of the request.

**The Mississippi Crime Lab has set a request completion goal of thirty days, regardless of the complexity of the request.**

According to a review of selected states' reports on crime labs and an interview with crime lab staff in another state, the thirty-day turnaround goal is a reasonable standard. In fact, the Legislative Auditor for the State of Louisiana cited a 2001 ASCLD survey in its 2004 report that defined a timely manner for quality evidence analysis as thirty days. Some states have set turnaround goals for specific types of analysis. For example, Florida uses a thirty-day turnaround goal for all types of analysis, except for serology and DNA, which have a 115-day turnaround goal.

### **Timeliness of the Mississippi Crime Lab's Processing of Requests**

*Each forensic section's average turnaround time for requests exceeded the Crime Lab's thirty-day turnaround goal in FY 2004.*

**The average request processing time for the Crime Lab's regional laboratories in FY 2004 exceeded thirty days.**

As shown in Exhibit 6, below, the average request processing time for each forensic section exceeded thirty days, ranging from forty-six days for toxicology to 203 days for conventional serology analysis. PEER also found that the average request processing times for each regional laboratory exceeded thirty days, ranging from thirty-five days for drug analysis for the Meridian lab to 228 days for clandestine laboratory analysis by the Biloxi lab. Processing times for latent prints ranged from 58 days at the Jackson lab to 84 at the Batesville lab. Although it is not considered a regional laboratory, the Jackson lab was included in this analysis since it conducts latent print and controlled substance analysis.

#### **Exhibit 6: Average Number of Days to Complete a Forensic Request in FY 2004**

<b>Section</b>	<b>Average Number of Days to Completion</b>
DNA Examination	98
Conventional Serology Analysis	203
Toxicology	46
Trace Evidence	157
Firearms and Toolmarks	144
Latent Prints	71
Controlled Substances	80

SOURCE: Mississippi Crime Lab Ad Hoc Report

The Meridian lab has the shortest average turnaround time, even though it experienced an increase in requests received and pieces of evidence received in FY 2004.

As shown in Exhibit 7 on page 16, the Meridian Regional Laboratory processes controlled substance cases more quickly than the other laboratories responsible for this service, with an FY 2004 average turnaround time of thirty-five days, while experiencing a twelve percent increase in the number of requests received and a forty-four percent increase in the number of pieces of evidence received for those requests from FY 2001 through FY 2004.

**When compared to the other laboratories, the Meridian regional lab processes forensic requests for controlled substances much closer to the goal of a thirty-day turnaround.**

When compared to the other laboratories, the Meridian regional lab processes forensic requests for controlled substances much closer to the goal of a thirty-day turnaround. The Jackson lab is closest to Meridian in the ability to process cases in a timely manner, with an average turnaround of ninety days for controlled substance requests. The Jackson regional lab experienced an increase of twenty-one percent in number of requests received and an increase of thirty-seven percent of number of pieces of evidence received. Both Meridian and Jackson have seen an increase in the number of requests they are completing annually. The number of requests completed by the Meridian lab increased by two percent, while the number of pieces of evidence examined increased by thirty-two percent from FY 2001 to FY 2004, while the number of requests completed by the Jackson lab increased by fifty-four percent and the number of pieces of evidence examined increased by ninety percent.

***The Batesville and Biloxi labs had the longest average turnaround time of 112 days, even though they received fewer requests and completed fewer requests.***

Both the Batesville and Biloxi labs experienced a decrease in the number of requests received, but they had different results regarding the number of pieces of evidence received with those requests. The Batesville lab had a five percent increase in the evidence submitted from FY 2001 through FY 2004 and the Biloxi lab had a decrease of thirty-nine percent for the same time frame. Although Batesville and Biloxi received fewer requests, they completed fewer requests from FY 2001 to FY 2004. The Batesville lab saw a decrease of thirty-five percent in number of requests completed but did have an increase of seven percent in the number of pieces of evidence examined. The Biloxi lab completed forty-seven percent fewer requests and examined thirty-five percent fewer pieces of evidence.

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**Exhibit 7: Average Number of Days to Complete a Forensic Request by Regional Lab in FY 2004**

Section	Average Number of Days to Completion
<b>Latent Prints</b>	
Batesville	84
Biloxi	74
Jackson	58
Meridian	67
<b>Controlled Substances</b>	
Drug Analysis	
Batesville	111
Biloxi	107
Jackson	89
Meridian	35
Clandestine Laboratories	
Batesville	134
Biloxi	228
Jackson	111
Meridian	43

SOURCE: Mississippi Crime Lab ad hoc report



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## Do barriers exist to prevent the Mississippi Crime Lab from processing forensic requests in a timely manner?

**Yes. Factors affecting the lab's processing time include administration of the training program, utilization of the management information system, organizational structure, staff vacancies, and case management issues.**

**The Crime Lab is not maximizing its available resources in order to ensure that the lab reaches its objective of timely analysis of evidence.**

The Mississippi Crime Lab is not maximizing its available resources in order to ensure that the lab reaches its objective of timely analysis of evidence. Barriers to timely analysis exist within the Crime Lab's training program, the use of the management information system, the organizational structure of the lab, number of staff vacancies in particular sections, and in case management. As noted earlier in this report, failure of the Crime Lab to provide timely forensic analysis can negatively impact the criminal justice system. (See discussion of impact on customers, page 36).

Also, the Mississippi Crime Lab does not charge fees that are commensurate with services as required by state law and has no enforcement tools available to assist with collection of fees.

### Administration of the Lab's Training Program

#### Training and Proficiency Requirements

**Through its training requirements, the Crime Lab attempts to ensure the quality of the forensic analysis performed by the lab.**

When the Mississippi Crime Lab hires new forensic scientists/biologists, the new employees are placed in the section where need exists or in the section in which they have previous experience in the field. According to the Mississippi Crime Lab Administration manual, all employees must have either successfully completed the approved competency-based training program or have the equivalent in prior forensic experience and must have successfully completed the approved Crime Lab assessment prior to being eligible to conduct independent analysis on casework. Through these requirements, the Mississippi Crime Lab attempts to ensure the quality of the forensic analysis performed by the lab.

### ***Competency-Based Training Program***

The Crime Lab requires that a written competency-based training program be established for each forensic section and requires that training programs be consistent with the knowledge, skills, and abilities required to conduct independent analysis on items of evidence. According to PEER interviews with Crime Lab staff, a trainee is assigned a primary instructor, either the section chief or a senior forensic scientist within the section, who oversees the training modules. Once all training modules have been completed, the competency-based training program includes a final technical assessment and a communication assessment.

### ***Assessment of Experienced Trainees***

The Mississippi Crime Lab also hires individuals with previous work experience. New employees that have completed a formal training program with another forensic laboratory must have their technical proficiency and testimonial ability assessed by the Mississippi Crime Lab prior to beginning independent casework. The assessment determines if a full or modified training program is needed.

## **Management of the Training Program**

***The Mississippi Crime Lab does not manage its training program to ensure that staff members are trained in a timely manner.***

PEER found that the Crime Lab's training program does not have time limits for completion; has no formal, written training guidelines for the final technical assessment and communication assessment; and staff members are confused as to roles and responsibilities for training. According to interviews with Crime Lab staff, improvement in the administration of the lab's training programs could assist the lab in reaching its goal of timely forensic analysis.

### ***Lack of Time Limits for Completion***

*Because the Mississippi Crime Laboratory utilizes a self-paced training program without time limits for completion, new employees' training periods can extend indefinitely. This reduces the amount of time available for experienced employees who oversee the training to work their own cases and delays the productivity of new employees.*

**From FY 2001 through FY 2004, the Crime Lab's trainees averaged one and one-half years to complete the training program.**

As noted on page 17, the Crime Lab's self-paced training program consists of a series of competency-based training modules, with training overseen by an experienced staff member, with a final technical assessment and a communication assessment administered after completion of the modules. From FY 2001 through FY 2004, the Crime Lab's trainees averaged one and one-half years to complete the training program. Current trainees are

taking from just over one year to over four years to complete the program. This condition has occurred because the Crime Lab does not have specified time frames for completion of the training program. In some cases training is not completed in a timely manner due to the intermittent stopping and starting of the training program and in some cases it is due to failure of training assessments.

**Because the experienced staff person responsible for training has his/her own caseload and he/she must place training others above that caseload, the number of cases worked is reduced.**

The result of this situation is that because the experienced staff person responsible for training is often a senior forensic scientist with his/her own caseload, he/she must place training others above his or her caseload, thus reducing the number of cases that person can work. Also, the trainee is not allowed to perform casework until he or she is fully trained and lengthy training periods delay the productivity of that individual in conducting independent forensic analysis.

PEER identified several crime labs in other states that utilize time limits on training programs, with time limits ranging from six months to two years, and one lab that establishes a specific time limit for each forensic discipline. Extenuating circumstances could arise that would prevent timely completion, but a time limit would assist in management of a training program so that “perpetual” training would not occur and would also provide managers with the tools necessary to remove incompetent trainees from the training program.

#### ***No Formal, Written Training Guidelines for the Final Technical Assessment and Communication Assessment***

*The Mississippi Crime Lab has not had formal, written training guidelines, which should serve as a guide for the administration of the training program (including timely completion) and should identify how the final technical assessment and the communication training phase should be carried out, since February 2004.*

In reviewing the training section of the Quality Assurance Manual, PEER identified references to “MCL Training Guidelines,” which have not been used by the Crime Lab since February 2004 and were deleted from the manual in August 2004.

**An absence of training guidelines creates an opportunity for additional objectives to be added to the training curriculum, which hinders the ability of the Crime Lab personnel to complete training programs in a timely manner.**

According to the Mississippi Crime Laboratory’s Quality Assurance Manual and interviews with Crime Lab staff, these guidelines should provide detailed information about how the final technical assessment and the communication training will be conducted, which includes courtroom training and the analysis of samples of forensic evidence. PEER reviewed the training manuals for each section to determine whether guidelines were included and found that none identified the criteria for communication assessments.

Absent any formal guidelines for the administration of the training program, a trainee may not know how he/she will be evaluated in the final technical assessment and in the communication training phase of the training program. Without guidelines, Crime Lab management cannot ensure that staff

members are evaluated objectively. Interviews with Mississippi Crime Lab staff confirmed that an absence of training guidelines creates an opportunity for additional objectives to be added to the training curriculum, which hinders the ability of the Crime Lab personnel to complete training programs in a timely manner.

### ***Confusion Regarding Roles and Responsibilities***

*According to interviews, because so many levels of administration are involved in training program administration, Crime Lab staff members are confused as to roles and responsibilities for training. This condition could affect trainees' timely completion of the training program.*

**The lack of a clearly defined chain of command or clear sense of responsibility and control could confuse employees who supervise training activities, as well as trainees.**

As seen in Exhibit 8, page 21, according to the Mississippi Crime Laboratory Quality Assurance Manual and the Mississippi Crime Lab Administrative Manual, several levels of Crime Lab administration have training responsibilities. However, in interviews with PEER, Crime Lab staff expressed concern about micromanagement of the training program by the upper levels of the administration, thus reducing the primary instructor's or the section chief's control of the program. Staff further cited examples where someone other than a section chief made changes to an approved training program.

The lack of a clearly defined chain of command or clear sense of responsibility and control could confuse employees who supervise training activities, as well as trainees. This condition could affect trainees' timely completion of the training program.

## **Failure to Maximize Use of the Management Information System**

### **Purpose of a Management Information System**

**A management information system gives managers at all levels of an organization the ability to collect, analyze, and summarize the diverse types of information they need to perform effectively.**

In order to achieve the Crime Lab's goals of timely analysis, Crime Lab managers must be able to plan, organize, and control organizational resources. They must also be able to identify strengths, weaknesses, opportunities, and threats that can prevent them from reaching their organizational goals. This requires the collection and analysis of internal and external data.

A management information system gives managers at all levels of an organization the ability to collect, analyze, and summarize the diverse types of information they need to perform effectively. Management information systems help top-level managers in formulating strategy and policies and help mid-level managers increase employee performance, product quality, and customer service. A management information system gives front-line managers access to information that ensures the effective conduct of the organization's daily activities.

## Exhibit 8: Training Responsibilities by Level of Management

7.4.1	The Director is responsible for approving all training programs and for certifying all analysts to conduct independent casework within the Mississippi Crime Laboratory.
7.4.2	The Administrative Deputy Director is responsible for the overall management of training activities within the laboratory. These duties include periodic monitoring of the training process to ensure compliance with training protocol, compiling training information into a central repository and developing statistical reports as needed.
7.4.3	The QA Manager is responsible for auditing the training manual and employee development files for compliance with standard operating procedures.
7.4.4	The Division Coordinators and the Bioscience Technical Leader are responsible for ensuring consistency among all sections under his/her supervision in the application of training programs. This includes monitoring development files on a periodic basis to assess documentation of applied training and ensuring that deficiencies are addressed by the appropriate Section Chief. The Division Coordinator will provide an annual report to the Administrative Deputy Director with a copy going to the QA Manager detailing the status of all trainees in their particular division. This report will be complete no later than the first day of April of each year.
7.4.5A	A primary Instructor will be assigned to all trainees.
	Developing each training program will be the responsibility of the appropriate Section Chief.

SOURCE: Mississippi Crime Laboratory Quality Assurance Manual, Mississippi Crime Laboratory Administration Manual and interviews with Crime Lab staff

**According to ASCLD, a crime lab's management information system should provide meaningful statistical data such as caseload distribution, case turnaround time, and information for budgetary planning and allocation of personnel and resources.**

According to the American Society of Crime Lab Directors, laboratory managers are responsible for developing management information systems that provide information to assist managers in decisionmaking. This technology allows for the flattening of organizational hierarchies and reduction in the number of managers, which is generally regarded as a good business practice. ASCLD states that a management information system should provide lab management with meaningful statistical data such as caseload distribution, case turnaround time, and information that is helpful in budgetary planning and allocation of personnel and resources.

Managers generally use detail reports, summary reports, and exception reports to monitor organizational performance and identify problems. These reports can provide the following information:

- *Detail Reports*--provide managers with information useful in overseeing the day-to-day operations of a department or working group.

- *Summary Reports*--statistical reports that show totals, averages, maximums, minimums, or other statistical data aggregated over time, personnel, products, or some other quantity.
- *Exception Reports*--alert managers to potential problems by showing only data that fall outside an accepted or expected range.

## The Crime Lab's Justice Trax System

The Mississippi Crime Laboratory purchased Justice Trax software through a federal grant in 2000. This software provides forensic case management capabilities, including evidence tracking, final report production, and the ability to generate statistical reports.

**The Crime Lab uses Justice Trax primarily for evidence management and not for managing productivity or monitoring individual, section, or division performance.**

According to interviews with Crime Lab staff, the lab uses this software package primarily for evidence management and not for managing productivity or monitoring individual, section, or division performance. The system maintains all information about a forensic request and when a request is completed, the requesting entity may obtain the results of its forensic request through I-Results, which is a component of Justice Trax. I-Results allows the requesting agency to access its results through the Mississippi Crime Lab web site.

Justice Trax provides the Crime Lab with a twenty-four-hour help desk through the Crime Lab's annual maintenance agreement and also provides custom reports consulting to its customers, which allows crime laboratories to receive assistance in building custom reports that will assist them in managing their caseloads and improving lab operations. The fee for building custom reports varies according to the complexity of the report and the number of hours required to complete a report template. For a fee, Justice Trax also provides on-site consulting for assistance.

## Utilization of Management Information Capabilities

***The Mississippi Crime Lab does not utilize its management information system to its fullest capability.***

### ***No Full-Time Position Dedicated to Information Management***

*The Mississippi Crime Lab does not have a full-time position dedicated to information management, which limits the lab's ability to retrieve and analyze valuable data from Justice Trax.*

The Impression Evidence Division Coordinator and a Forensic Scientist III in the Controlled Substances Section have part-time responsibilities related to Justice Trax. The Impression Evidence Division Coordinator, who has been employed with the Crime Lab for over twenty years, has managed the hardware side of the

management information systems the Crime Lab has used since the 1980s, in addition to the other responsibilities. His main responsibility is computer server management for the four crime laboratories.

The Crime Lab also has a Forensic Scientist III who had previous experience working with Justice Trax in another state's crime lab. She was hired as a drug analyst, but based on her previous experience with Justice Trax, was given the responsibility for writing and running reports for lab management using Crystal Reports. Crystal Reports software allows retrieval of data from any data source, such as Justice Trax, and allows the user to generate reports in any format from the data source.

As noted on page 24, PEER asked the Mississippi Crime Lab to create a report that identified the number of active forensic requests that were older than thirty days as of June 30, 2004. This report showed that 1,777 of the 5,510 active requests for FY 2004 were older than thirty days. This suggests that the remaining 3,733 active requests were received within thirty days of June 30, 2004, which is more than twice the average number of cases received each month. When PEER questioned the Crime Lab about these remaining active requests, staff confirmed that the number of active requests older than thirty days looked "too low" and there may have been errors in the formula used to pull this data from Justice Trax. Additionally, Crime Lab staff stated that in reviewing the reports requested by PEER, they saw data that did not appear to be accurate and they believe there is a need for a data clean-up project to ensure that Justice Trax can generate reliable reports.

### ***Failure to Maximize Use of Justice Trax's Capabilities***

*The Mississippi Crime Lab utilizes only summary reports from the management information system, which do not provide managers with useful information for managing day-to-day operations and do not alert managers to potential problems.*

Current summary reports utilized by the Crime Lab do not identify the cause of productivity issues. For example, the Crime Lab does not analyze data to determine why sections cannot meet their thirty-day turnaround goals for forensic requests.

PEER asked Mississippi Crime Lab staff for copies of reports utilized to measure performance and received copies of statistics reports that may be produced for specific date ranges and a list of reports that may be generated from Justice Trax via Crystal Reports. These reports provide summary information for each section within the Crime Lab and include data for specific services within certain sections. For example, the Controlled Substance Section is categorized by drug analysis and by analysis of clandestine laboratories that allows lab management to compare these two services.

The Crime Lab's Statistics Report provides statistical information about the number of requests received and the number of pieces of evidence received by each section for a particular year. It also depicts the number of requests that were completed and the number of pieces of evidence that staff examined, as well as the number of subpoenas received for court testimony and the number of court appearances. Additional information provided in these reports, such as the number of cases received and the number of cases worked, has limited utility. When monitoring productivity, the number of cases received and the number of cases worked is not an indication of the actual amount of work completed because a particular case could have multiple requests with multiple pieces of evidence or simply one request and one piece of evidence.

**The data is available to track turnaround times within the management information system, but the Crime Lab does not produce reports on a routine basis that can be used to analyze this information.**

At PEER's request, the Crime Lab produced an ad hoc report to identify variance among the services provided in the regional laboratories and to identify those sections that may have difficulty meeting the thirty-day turnaround goal for a forensic request. The Crime Lab computed the average length of time from the date of a forensic request to the date that the administrative review for that request was completed and the report was released. Exhibit 6, page 14, shows the average number of days it took to complete a forensic request by section. Thus the data is available to track turnaround times within the management information system, but the Crime Lab does not produce reports on a routine basis that can be used to analyze this information.

Although summary reports provide descriptive information to the Crime Lab regarding the volume of requests received and worked for a particular time frame, they do not provide lab managers with data that could assist them in improving productivity, allocating resources, and identifying root causes of problems.

The Crime Lab does not use Justice Trax to assist lab managers in identifying causes of unusually high or low productivity.

As discussed on page 14, productivity varied among the regional laboratories for the analysis of controlled substances. A more efficient use of Justice Trax could identify potential barriers that could have led to the low productivity of the Biloxi and Batesville labs.

**A more efficient use of Justice Trax could identify potential barriers that could have led to the low productivity of the Biloxi and Batesville labs.**

Justice Trax maintains a milestones report for each request entered into the system. PEER requested an ad hoc report from the Crime Lab that could provide the length of time that elapsed between each milestone for each request captured in Justice Trax in an effort to identify where bottlenecks may occur that could affect the timely processing of requests. Although the Crime Lab provided some of the information requested, the Acting Director stated that if staff is working toward a goal of thirty days for the turnaround of a request, the steps between the request date and the date a report is released are inconsequential. PEER believes that the steps between the request date and date of the report are important and that this report could be valuable to the Crime Lab when monitoring productivity.



The Mississippi Crime Lab has not implemented any reporting requirements for staff since the implementation of Justice Trax in January 2000.

According to interviews with Crime Lab staff and through reviews of the MCL Quality Assurance Manual and the MCL Administrative Manual, PEER learned that the Crime Lab has no reporting requirements for the various levels of Crime Lab management. Any reports that are prepared by lab management are voluntary and only provide summary information. The Mississippi Crime Lab has not identified those data fields within Justice Trax that would be most beneficial to monitoring the performance of the lab and for identifying the root causes of performance and incorporate those fields into reports that are scheduled and run at regular intervals.

## Organizational Structure Does Not Ensure Efficient Lab Operations

*The Mississippi Crime Lab's organizational structure does not ensure efficient lab operations through use of staff resources.*

### Director's Position

*The Commissioner of Public Safety has not made a permanent appointment to the Crime Lab Director's position that has been vacant since May 2004.*

Although the Mississippi Crime Lab has been overseen by an Acting Director since the position became vacant in May 2004, Crime Lab staff expressed concern that the Director's position is one that is appointed by the Commissioner of Public Safety, who is appointed by the Governor, and believes that the lab has endured hardships, including staff turnover and low morale, as a result of what they perceive to be inconsistent leadership.

**The Crime Lab staff believes strongly that the Director's position should be one that is hired through a competitive process and should not be subject to changes in administration.**

The Crime Lab staff believes strongly that this position should be one that is hired through a competitive process and should not be subject to changes in administration. As an appointed position, staff suggested that in the past the Crime Lab Director has succumbed to political pressure and has made decisions that were not in the best interest of the lab. Crime Lab staff also believe that having an acting director for an extended period of time promotes an unhealthy work environment because staff members are hesitant to accept changes made by an acting director, anticipating that a new director will make his/her own changes.

The Crime Lab has had an acting director twice in the past four years. The Director of Programs for the Department of Public Safety could not provide PEER with a timeline of when the Commissioner of Public Safety would appoint a permanent director.

PEER surveyed surrounding states to identify whether they appoint their Crime Lab directors. Of the seven states surveyed, four states appoint their directors, while three states allow the director of the agency who oversees the Crime Lab to hire the director.

## Use of Existing Staff Resources

*The Mississippi Crime Lab has not used existing staff resources to ensure efficient and effective operations of the Trace Section.*

The Jackson Regional Lab Manager is the only individual in the lab who is certified in all areas of the Trace Section. The Trace Section includes the examination and comparison of physical evidence such as hair, fibers, paint, glass, lamps, light filaments, and gunshot residue. The Trace Section currently has no section chief to provide assistance and expertise to staff and assist with working the active caseload. The current Regional Lab Manager for the Jackson lab assists the Trace Section, although he did not carry a full caseload as of the date of PEER's interview on October 19, 2004. During that interview he stated that he conducted technical reviews and worked cases which accounted for approximately fifty percent of his time. However, since that interview one member of the Trace Section has resigned, resulting in the section's inability to function without full-time assistance from the Jackson Regional Lab Manager.

In theory, the duties of the Jackson Regional Lab Manager are similar to those of the other regional lab managers and include supervising the day-to-day operations of the lab, ensuring the lab is adequately staffed, and ensuring the building is maintained in a safe and secure manner. However, the Jackson lab is different from other regional laboratories because the lab administration is located in this lab, providing an opportunity for an administrator to take over these responsibilities. In the Plan of Operation drafted by the Acting Lab Director, which identifies goals for the lab over the next year, this position is mentioned as one whose responsibilities could be provided by other administrative staff.

*Regional lab managers exercise no authority over regional lab staff other than the signing of leave requests.*

**The majority of regional lab staff report to a section chief who is located in another lab.**

The Batesville, Biloxi, and Meridian regional lab managers exercise no authority over regional lab staff, except for approval or denial of leave requests. Each forensic scientist reports to a section chief who is responsible for oversight of his or her area of expertise. The majority of regional lab staff report to a section chief who is located in another lab. For example, the Controlled Substances Section Chief is located in the Batesville Regional Lab and oversees the controlled substances staff who are located in Batesville, Biloxi, Jackson, and Meridian. The Latent Print Section Chief and the Technical Assistance Section Chief also oversee staff in multiple locations.

PEER contends that the regional lab managers are in the best position to monitor productivity of the staff who work in their labs because they observe their work on a daily basis. Although the regional lab managers may not be certified to perform forensic tests within each of the forensic services provided by the lab, they are in a better position to assess the work habits and timely completion of analysis by lab staff.

*The Crime Lab Analytical Division Coordinator is also responsible for managing the operations of Medical Examiner's office, which reduces the time he has to devote to Crime Lab duties.*

The Medical Examiner reports to the Director of the Mississippi Crime Lab, even though the Medical Examiner's office is not a division of the Crime Lab. The position of Medical Examiner has been vacant since 1995 and contract pathologists currently provide services such as autopsies. The Crime Lab Analytical Division Coordinator currently oversees the daily operations of the Medical Examiner's office and its two-member staff.

**The time dedicated to oversight of the Medical Examiner's office does not allow adequate time for the Analytical Division Coordinator to oversee the analytical division, which receives seventy-five percent of the total requests received by the Crime Lab.**

PEER reviewed documentation identifying some of the tasks that the Analytical Division Coordinator completed on behalf of the Medical Examiner's office. These tasks include coroner training, attending coroners' conferences and district meetings, meeting with officials about Sudden Infant Death Syndrome (SIDS) cases, meeting with the University of Mississippi Medical Center about potential grants, and communicating with district attorneys and other law enforcement officials about cause of death determinations. The time dedicated to the oversight of the Medical Examiner's office does not allow adequate time for the Analytical Division Coordinator to oversee all of the duties for the analytical division, which receives seventy-five percent of the total requests received by the Crime Lab.

## Vacancies May Affect Timeliness

*Vacancies in the Latent Print Section and the DNA Section may have affected the timeliness of the Crime Lab's analysis of forensic requests.*

### Latent Print Section

*The Latent Print section experienced a fifty percent decrease in staff from FY 2001 to FY 2004.*

From FY 2001 to FY 2004, the Latent Print Section has experienced a decrease in staff of fifty percent. As noted on page 13, it takes two qualified latent print examiners in each lab to provide for technical and administrative review of latent print examinations. The Latent Print Section has experienced a decrease of twenty-four percent in forensic requests received since FY 2001 and a decrease of fourteen percent for pieces of evidence associated with those requests. This section has experienced a decrease of twenty-two percent in the number of requests

completed and a decrease of twelve percent in the number of pieces of evidence examined for the same period.

*Two of the five Latent Print Examiners have responsibilities for crime scene response and one of them also serves as the Acting Director of the Meridian Regional Laboratory and as the Latent Print Section Chief.*

**In addition to vacancies, several latent print examiners have other duties, which may also impact their ability to process forensic requests.**

While vacancies may affect the timeliness of analysis, other duties that several latent print examiners have may also impact their ability to process forensic requests within the thirty-day turnaround goal. For example, the Section Chief of the Latent Print Section also serves as the Acting Regional Lab Director for the Meridian lab and is one of only four primary responders in the state for crime scene assistance. This means that he is on call for crime scene response every other week, twenty-four hours, seven days a week and is responsible for overseeing lab operations in the Meridian lab, preventing him from working the latent prints requests received by the Meridian lab in a timely manner. The average number of days to complete a latent print examination in the Meridian lab was sixty-seven days in FY 2004.

Several latent print examiners currently have or previously had crime scene response duties. The Latent Print Examiners in the Biloxi Regional lab and in the Jackson Regional lab previously had crime scene responsibilities, but were removed from that unit as a result of a growing number of active requests in their labs. The average number of days to complete a latent print examination in the Biloxi lab in FY 2004 was seventy-four days and was fifty-eight days in the Jackson lab. One latent print examiner in the Batesville Regional lab also serves as one of four primary responders in the state for crime scene response, in addition to maintaining a latent print caseload. The average number of days it took to complete a latent print examination in the Batesville lab in FY 2004 was eighty-four days.

Crime Lab staff have stated that there are three individuals who should complete training in January 2005 to become primary responders for crime scenes and that this will alleviate some of the burden on these latent print examiners and allow them more time to work their requests.

## **DNA Section**

*Staff turnover has prohibited maintaining sufficient numbers of forensic biologists to provide timely analysis of DNA samples.*

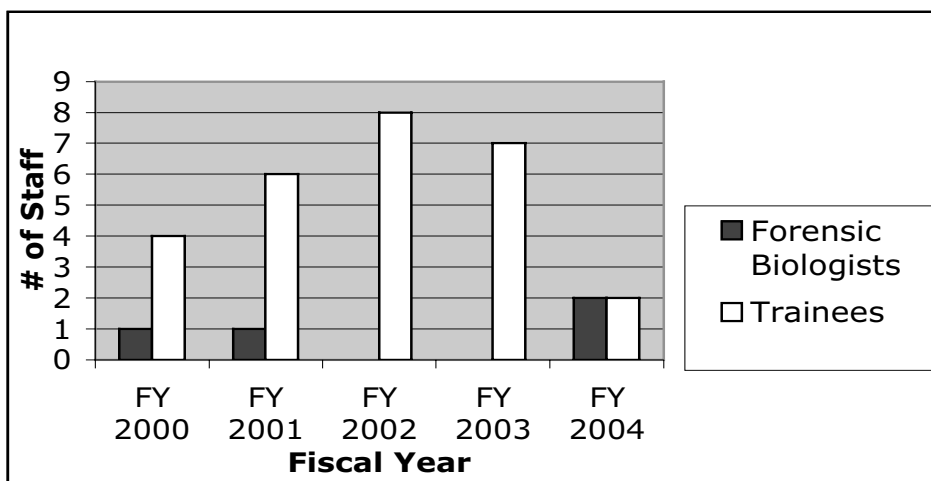
DNA analysis is a vital aspect of forensic science and to the criminal justice system. DNA analysis is becoming more and more crucial to the prosecution of criminal cases and as technology advances, what can be tested and revealed through DNA testing continues to develop beyond what has been attempted in the past. During the past decade, crime labs across the nation have expanded their role from simply conducting DNA analyses of

identified suspects in individual cases through the examination of blood, semen, hair, and other types of human samples to developing databases of convicted offenders. These databases help law enforcement officers identify repeat offenders or establish links or patterns among crimes. Some states are beginning to experience success in matching DNA profiles to crime-scene evidence. These offender databases can help prosecutors solve other crimes or possibly prevent them from occurring.

*The Mississippi Crime Lab's DNA Section has had to contract out technical review services or send requests to private labs six times since 1999 in order to remain operational.*

The Mississippi Crime Lab has experienced turnover in the DNA section and attributes problems with timeliness to this staffing issue. Exhibit 9, below, shows the turnover for forensic biologists and trainees in the DNA Section from FY 2000 to FY 2004.

**Exhibit 9: Turnover in DNA Section, FY 2000–FY 2004**



SOURCE: Mississippi Crime Laboratory

**With peer case review as an ASCLD requirement, the Crime Lab had to contract for technical case review services.**

The DNA section currently has four vacancies for forensic biologists and only one forensic biologist trainee for DNA analysis. DNA analysis is currently being performed by the bioscience technical leader and a contractor is reviewing the lab's DNA analysis. With peer case review as an ASCLD requirement, the Crime Lab had to contract for technical case review services. The BioScience Technical Leader is the only person in-house who has the certification to conduct DNA testing. However, she is also responsible for conducting technical reviews on serology cases, which prevents the timely processing of both serology and DNA cases.

**The standards of ASCLD imply that there should be at least two qualified DNA analysts per laboratory.**

According to a December 1998 report issued by the California State Auditor that utilized the expertise of consultants with expertise in forensic science testing, laboratory operations, and the ASCLD/LAB accreditation program, the average caseloads for DNA analysts should range from five to ten cases per analyst per month or at least sixty cases annually for a laboratory with one DNA analyst. However, the standards of ASCLD imply that there should be at least two qualified DNA analysts per laboratory.

*As of June 30, 2004, state law began requiring 19,000 felony offenders in the state correctional system to have their DNA analyzed and entered into the Combined DNA Index System (CODIS). This legal requirement will further impact the workload of the DNA Section.*

In 2003, the Mississippi Crime Lab joined the national offender database through CODIS. CODIS, or the Combined DNA Index System, is a computer software program that operates state and national databases of DNA profiles from convicted offenders, crime scene evidence, and missing persons. CODIS software enables state and national law enforcement crime laboratories to compare DNA profiles electronically, thereby possibly linking serial crimes to each other and identifying suspects by matching DNA profiles from crime scenes with profiles from convicted offenders.

**The Department of Corrections draws blood from felony offenders and the offenders' DNA is analyzed and entered into the CODIS database.**

CODIS uses two indexes to generate leads in an investigation for which biological evidence is recovered from a crime scene. The convicted offender index contains DNA profiles of individuals convicted of certain crimes. The forensic index contains DNA profiles obtained from crime scene evidence, such as semen, saliva, or blood believed to be from the perpetrator. CODIS uses computer software to search automatically across these indexes for potential matches.

The Mississippi Crime Lab has implemented CODIS on both the state and national levels. The Mississippi Crime Laboratory is the designated laboratory that operates the State DNA Index System (SDID) and the state CODIS administrator runs CODIS at the Jackson lab. The National DNA Index System (NDIS) is the highest level of CODIS and enables qualified state laboratories that are actively participating in CODIS to compare DNA profiles. The FBI maintains the National DNA Index System.

The Department of Corrections draws blood from felony offenders and the offenders' DNA is analyzed and entered into the CODIS database. Samples and information concerning the convicted offender will be stored for an indefinite period of time at the MCL laboratory unless instructed otherwise by a court order--i.e., expungement order.

*Due to terms of a grant with the National Institute of Justice and requirements of the Federal Bureau of Investigation, the Mississippi Crime Lab must make any CODIS match analyses priority over the lab's other cases.*

The National Institute of Justice DNA grant and a DNA Block Grant provided funds for outsourcing some of the offender samples that were sent to private DNA laboratories selected by the Federal Bureau of Investigation to assist in the reduction of requests awaiting DNA analysis. Once the results were received, the Crime Lab entered them into the CODIS database and stored the DNA sample until a match is made. If there is a match at any point in the future, the Mississippi Crime Lab is required by the FBI to perform an in-house DNA analysis on the sample previously analyzed by the private lab to ensure the results are accurate. The FBI allows the Mississippi Crime Laboratory thirty days to complete the analysis, which often results in the Crime Lab ceasing work on active requests and working the CODIS match requests. This of course, impacts the lab's ability to process active requests in a timely manner.

**The FBI allows the Crime Lab thirty days to complete DNA analysis on a CODIS match request, which often results in the lab ceasing work on active requests and working the CODIS match requests.**

According to an administrator at the Mississippi Department of Corrections, as of June 30, 2004, 99.987% of all sex-offender DNA samples had been drawn and entered into the offender database. Under Senate Bill 2348, 2003 Regular Session, all inmates are to be DNA tested, thus leaving approximately 19,000 more inmates to be sampled.

*According to interviews with Mississippi Crime Lab customers, their dissatisfaction with the Crime Lab's ability to provide timely results has resulted in the use of private labs for DNA analysis.*

According to information provided by the Mississippi Crime Lab, the lab received twenty-four requests for tests and ninety-four submissions of evidence in Fiscal Year 2002. The lab only completed seven of the requests (29%) and twenty-five (26.6%) of the submissions that year. In Fiscal Year 2003, the lab completed forty out of seventy-two (55.56%) requests and 200 out of 346 (57.8%) of the submissions. In FY 2004, the MCL received seventy-eight requests and 307 submissions, and completed forty-two, or 53.8%, of the requests and 166, or 54%, of the submissions.

**Due to the increased value of DNA evidence in criminal trials, law enforcement officers and prosecutors pay high costs the private labs charge just to have the evidence with them at trial.**

Through interviews with individuals from twenty-six law enforcement entities, PEER learned that many are becoming frustrated with MCL's failure to produce DNA results in a timely manner and using private labs for these services. Due to the increased value of DNA evidence to jurors in criminal trials, these law enforcement officers and prosecutors say they feel forced to spend the high costs the private labs charge just to have the evidence with them at trial. Sixteen of the law enforcement investigators presently use private labs for their DNA analysis instead of the Mississippi Crime Lab.

*The Mississippi Crime Lab does not track the costs of operating its DNA lab.*

The previously mentioned California State Auditor's report expressed concern regarding cost-effectiveness of implementing DNA testing at many laboratories. According to the California State Auditor's report, some laboratories have considered totally outsourcing DNA to private laboratories to be more cost-effective. ReliaGene, an ASCLD accredited forensic DNA lab in Metairie, Louisiana, used by the majority of the law enforcement entities PEER spoke with, already has an agreement with the Mississippi Crime Lab and Mississippi law enforcement agencies to provide a 25% discount on forensic DNA services, effective until December 31, 2005. This agreement stemmed from the fact that the Mississippi Crime Lab and Mississippi law enforcement agencies already outsource much of their work to ReliaGene. The current cost charged by ReliaGene for most types of DNA examinations, including the discount, averages \$760 per sample of evidence tested (each case has a minimum of three samples), \$200 per hour plus expenses for court testimony and \$200 per hour for case review and depositions. Considering most law enforcement entities usually need more than one piece of evidence tested per case, costs could climb to thousands of dollars per case.

**Although the Crime Lab could not provide PEER with information on the cost of performing DNA analysis, lab staff have stated that the cost of DNA analysis far exceeds the cost of \$500 per sample as reported in the Crime Lab's budget request.**

PEER inquired about the Mississippi Crime Lab's current costs to perform DNA analysis in-house, but the Crime Lab was unable to provide information on the cost of performing DNA analysis. However, the Crime Lab has confirmed that DNA testing is an expensive process as a result of the technology required. Crime Lab staff further stated that the cost of DNA analysis far exceeds the cost of \$500 per sample as reported in Program Efficiencies section of the Crime Lab's budget request.

## Case Management Issues

***Through interviews with Crime Lab staff, PEER identified several case management issues that could affect the timeliness of processing forensic requests.***

PEER identified several opportunities for process improvement within the Crime Lab that would impact the processing of forensic requests and would be relatively easy to implement. These include prioritization of requests, improved communication for cross-over requests, improved communication between the Crime Lab and its customers, and appropriate submission of evidence.



## Internal Management of Requests

*The Crime Lab has no consistent method for prioritizing requests that it receives.*

**The lack of consistency in prioritizing requests means that cases do not receive equal treatment in caseload consideration.**

The Crime Lab currently prioritizes forensic requests in several different ways. According to interviews with Crime Lab staff, section chiefs and in some cases, individual forensic scientists/biologists, may prioritize cases according to the nature of the crime or the date of receipt (i.e., older cases are worked first). They may also work cases according to urgency such as complaint or rush cases. Some sections and forensic scientists/biologists said they work single-exhibit cases first because they can complete those cases first. This lack of consistency means that cases do not receive equal treatment in caseload consideration.

*The Crime Lab has insufficient communication regarding its cross-over requests (i.e., requests involving a piece of evidence that must be examined by more than one forensic section).*

A cross-over request is one that involves one piece of evidence that must be examined by more than one forensic section. For example, a gun that is used in an alleged murder may need to be examined by the Latent Prints Section to determine if it has any fingerprints of value, by the Firearms Section to determine if the bullet found at the crime scene came from the gun, and by the BioScience Section to determine if there is any blood on the gun that needs to be analyzed by DNA.

**No system of notification alerts a forensic scientist/biologist when a piece of evidence is available to be analyzed.**

Crime Lab staff explained to PEER that there is no system of notification that alerts a forensic scientist/biologist when the piece of evidence is available to be analyzed. Therefore, a piece of evidence may be waiting for analysis, but the forensic analyst/biologist is unaware that it is available. Crime Lab staff also said that there have been times when the piece of evidence has been returned to the requesting agency without completion of the requests because there is no management of these crossover requests.

## Relationships with Local Law Enforcement Officials

*The Crime Lab does not have a formal method of notification to be used when local law enforcement officials no longer have a need for forensic analysis on pieces of evidence previously submitted.*

**Absent a method of notification, the Crime Lab may expend its resources conducting analysis on forensic requests that are no longer needed.**

According to interviews with law enforcement officials and Crime Lab staff, there is no formal system of communication whereby district attorneys and other law enforcement officials notify the Crime Lab that forensic analysis is no longer needed when cases are plea bargained or experience any other significant developments that terminate the need for forensic analysis on the evidence submitted. Absent a method of notification, the Crime Lab may expend its resources conducting analysis on forensic requests that are no longer needed, which prevents staff from working those requests associated with active criminal cases. This results in an inefficient use of laboratory resources and impacts the lab's ability to provide timely analysis of forensic requests.

*Local law enforcement officials sometimes submit duplicate or inappropriate evidence samples to the Crime Lab for forensic analysis, thus unnecessarily increasing the workload.*

**Crime Lab staff suggested that additional training may be necessary to ensure only that evidence that has a high potential for yielding valuable results is submitted to the lab and to prevent duplication of samples.**

Crime Lab staff expressed concern regarding the number of pieces of evidence submitted to the Crime Lab for forensic analysis. Although law enforcement officers and coroners are required to complete training programs that include curriculum on the collection of evidence, Crime Lab staff suggested that additional training may be necessary to ensure that only evidence that has a high potential for yielding valuable results is submitted to the lab and to prevent duplication of samples. For example, Crime Lab staff cited an example where a law enforcement entity found one jar of liquid at a crime scene and poured the entire jar into multiple containers and then submitted each container to the Crime Lab for analysis. This resulted in the Crime Lab testing each container, which contained the same substance, instead of only submitting a sample of the liquid. The submission of evidence that has no opportunity for yielding valuable results or submitting multiple samples of the same substance impacts the timely processing of requests.

## Collection of Fees

*The Mississippi Crime Lab does not charge fees that are commensurate with services, as required by MISS. CODE ANN. §45-1-29 (3) (1972), and has no enforcement tools available to assist with collection of fees.*

**As of December 31, 2004, customers owed the Crime Lab \$445,986 in fees that were over 120 days past due.**

As of December 31, 2004, customers owed a balance of \$593,836 in analytical fees to the Mississippi Crime Lab for forensic services provided, with \$445,986 over 120 days past due. The Mississippi Crime Lab uses the analytical fees to help cover operating costs, but there is no punitive measure in place to assist the lab in collecting these fees from its customers.

Also, as previously noted (refer to discussion on page 6), MISS. CODE ANN. §45-1-29 (3) (1972) requires the Commissioner of Public Safety to establish fees commensurate with the services rendered by the Crime Lab. The lab only charges \$50 for each case an entity submits to the Crime Lab and \$100 for each DNA sample. A flat fee per case does not take into account the significant variation in workload that exists between cases.

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## What is the impact of the Mississippi Crime Lab's failure to provide timely forensic analysis?

**The Mississippi Crime Lab's failure to provide timely analysis of forensic requests may affect grand jury proceedings and jurisdictions' compliance with the speedy trial law.**

PEER interviewed a sample of law enforcement entities that submitted requests to the Crime Lab from FY 2002 through FY 2004 to determine if they were satisfied with Crime Lab services. Of the twenty-six law enforcement entities surveyed, none were satisfied with the turnaround time for receipt of results.

**PEER surveyed twenty-six law enforcement entities that submitted requests to the Crime Lab from FY 2002 through FY 2004. None were satisfied with the turnaround time for receipt of results.**

Although law enforcement entities do not capture data to measure the impact of the lab's failure to provide timely forensic analysis, they did state that an absence of forensic results may impact grand jury proceedings and compliance with the speedy trial law. PEER learned through interviews with district attorneys that grand juries have expressed concerns when told that the evidence is still awaiting analysis at the Crime Lab and have failed to return true bills of indictment for criminal cases that did not have this supporting evidence.

District attorneys also stated that compliance with the speedy trial law may be impacted as a result of the Crime Lab's failure to provide timely forensic analysis. MISS. CODE ANN. §99-17-1 (1972) states that all offenses for which indictments are presented to the court shall be tried no less than 270 days after arraignment. PEER learned through interviews with the district attorneys that continuances on these criminal cases are at the discretion of the judge and many will not allow multiple continuances while waiting on results of the Crime Lab, resulting in dismissals of cases.

**Sixteen of these twenty-six law enforcement entities have used higher-cost, private laboratories in order to ensure that they received their results in a timely manner.**

As stated on page 31, sixteen of the twenty-six law enforcement entities interviewed by PEER stated that they have used higher-cost, private laboratories in order to ensure that they received their results in a timely manner.

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## Recommendations

### Training

1. The Mississippi Crime Lab should establish reasonable time limits for each section or each discipline within a section based on the requirements for independent casework to ensure that training programs are completed in a timely manner.
2. The Mississippi Crime Lab should clarify the training roles as assigned in the MS Crime Lab Quality Assurance Manual, MCL Administrative Manual, and MCL Training Guidelines and should ensure that staff adhere to these defined roles.
3. The Mississippi Crime Lab should reincorporate training guidelines into the training program to ensure that all trainees understand how they will be evaluated and to provide a standard for objective evaluation.

### Management information

4. The Mississippi Crime Lab should create and analyze management reports, including detail and exception reports, that identify roadblocks to timely analysis and identify opportunities for process improvement.
5. The Mississippi Crime Lab should run management reports at least monthly and should distribute these reports to all levels of Crime Lab management and incorporate their use into the Crime Lab's performance appraisal system.
6. Using existing resources, the Mississippi Crime Lab should provide Justice Trax training to at least one Crime Lab staff member through on-site consulting to ensure full utilization of the Justice Trax system for workload management.
7. Mississippi Crime Lab staff should initiate a data clean-up project, including an audit of the data maintained by Justice Trax to ensure that data fields contain accurate data based on the status of the request, to ensure that users are entering data in the appropriate fields, and to update and/or correct any fields that were not populated when Justice Trax was implemented.

## Organizational Structure

8. In an effort to reduce turnover in the Crime Lab Director's position, the Mississippi Legislature should amend MISS. CODE ANN. §45-1-2 (4) (1972) and MISS. CODE ANN. §45-1-25 (1972) to exclude that position from those appointed by the Commissioner of Public Safety. The Legislature should require the Commissioner of Public Safety to hire a Crime Lab Director who meets qualifications specified by the State Personnel Board and should make the position a member of state service.
9. In order to utilize staff resources more efficiently, the Mississippi Crime Lab should abolish the Jackson Regional Lab Manager PIN as soon as practicable and use those available funds to fund the Trace Section Chief's position.
10. The Mississippi Crime Lab should incorporate assessments of staff by regional lab managers into its performance appraisal review system.
11. The Mississippi Crime Lab should conduct a cost/benefit analysis of its DNA Section to determine whether it should pursue contracting these services to private laboratories.

## Case Management

12. The Mississippi Crime Lab should work forensic requests on a first-come, first-served basis but should develop a system for prioritizing those exceptional requests that may need to be worked on an urgent basis, such as those for serial rapists or serial murderers.
13. The Mississippi Crime Lab should require the Technical Assistance Section to develop a system of notification for cross-over requests to ensure that Crime Lab staff is notified when evidence is available for analysis.
14. In order to improve evidence submission to the Crime Lab, the Mississippi Crime Lab should work with law enforcement entities, coroners, and the law enforcement academy to increase training hours in evidence collection during new recruit training and in continuing education.
15. The Mississippi Crime Lab should work with law enforcement entities to develop a formal, written procedure for notifying the Crime Lab when forensic analysis is no longer needed on a criminal case.

16. The Mississippi Crime Lab should determine the true costs of providing each type of forensic service and make recommendations to the Commissioner of Public Safety as to reasonable fees to charge for each type of service based on actual cost.
17. The Mississippi Crime Lab should not accept requests for forensic analysis from law enforcement entities with outstanding fee balances older than two months. Also, the Mississippi Legislature should amend MISS. CODE ANN. Section 45-1-29 (1972) to allow the Commissioner of Public Safety to present monetary claims against motor fuel tax distributions of those local jurisdictions that have not paid for Crime Lab services and amend MISS. CODE ANN. Section 27-5-101 and 27-5-103 (1972) to conform.





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# Appendix A: Glossary of Crime Lab Terms

## **Administrative Review**

A procedure used to check for consistency with laboratory policy and for editorial correctness.

## **Ballistics**

The study of objects in motion.

## **Cause of Death**

The injury or disease responsible for initiating the sequence of physical disturbances that produce death.

## **Clandestine Drug Lab**

A lab for the illicit manufacture of drugs.

## **CODIS**

Combined DNA Index System, which is a nationwide investigative database tool that compares DNA profiles from violent crimes to DNA profiles from convicted offenders.

## **Coroner**

An elected county official provided for in the Mississippi Constitution. This individual also serves as the county medical examiner investigator who investigates and certifies deaths affecting the public interest.

## **Crime Scene Response**

Officially named the Technical Assistance Section. It assists law enforcement agencies through crime scene assistance, major case consultation, field instruction, academy instruction, and courtroom testimony.

## **Cross-Over Examinations**

Requests made for more than one forensic unit to examine a piece of physical evidence. There is a specified order in which these services must be performed.

## **Evidence**

Anything that is legally submitted to a tribunal as a means of ascertaining the truth of matters under investigation. A law enforcement representative declares a "thing" as evidence when it is

believed that the item may yield possible investigative or forensic information leading to the discovery of unknown events occurring during the commission of a crime.

### **Forensic**

Forensic science is described as the application of science to those criminal and civil laws that are enforced by police agencies in a criminal justice system. Forensic analysis corroborates and supports investigative information that is collected by law enforcement officials. Ultimately, the forensic analysis can link the suspect either to the crime scene, an object from the crime scene, to the victim, or to all three.

### **Pathologist**

A physician specializing in post-mortem examinations in order to determine the cause of death.

### **Physical evidence**

Any items that have been declared as evidence by a law enforcement entity.

### **Request for Analysis**

A request for the type of forensic analysis needed by the law enforcement entity--for example, DNA analysis, latent print examination, or identification of a controlled substance. A request may be associated with multiple pieces of evidence.

### **State Medical Examiner System**

A regulatory system of maintaining records of death investigations (violent, unnatural, sudden, suspicious circumstances, inmates, contagious or hazardous) as well as provider and resource of county coroner training and certification.

### **Technical Review**

A review of notes, data and other documents that form the basis for a scientific conclusion.

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SOURCE: Mississippi Crime Laboratory Handbook of Crime Scene Evidence and the Mississippi Crime Lab Quality Assurance Manual, MISS. CODE ANN. §19-21-105 and §41-61-53 (c).

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## Appendix B: Mississippi Crime Laboratory Fee Schedule

A. Copy of Analytical Report (non-criminal) - \$100

This is a fee for any report provided to any party for use in a civil case or for any purpose other than use in a criminal trial or investigation.

B. Expert Witness Fee (Civil Trial or Hearing) - \$500 per day plus travel expenses

This fee is for any Crime Lab personnel subpoenaed or otherwise required to appear in any civil case or hearing as a result of their duties as a lab analyst.

This fee will apply whether the person so subpoenaed or otherwise required to appear actually testifies or not.

C. Photographic Services - will be assessed

This fee, which applies for slide, negative development and printing fees, will be assessed on an actual cost per service basis.

Estimate of cost will be provided prior to performance of service.

D. Reimbursement for Costs of Non-Standard Toxicological and Clinical Laboratory Services - will be assessed

This amount will be charged on a reimbursement basis to the agency requesting such examination.

Applicable shipping and handling charges are included.

E. Analytical Fee Per Case Submitted - \$50

This fee will be assessed to the requesting agency upon completion of each case by the Mississippi Crime Laboratory regardless of the number of analyses performed on the case.

F. Analytical Fee Upon the Defendant - \$300

This fee is assessed to the defendant upon his/her conviction, guilty plea or forfeiture of any nature in any criminal case in which the results of any analysis, operation, function or activity of the Mississippi Crime Laboratory were used as a portion of the basis of the charge against the defendant.

Such fees shall be applied and collected by circuit clerks of the court of jurisdiction or the clerk of any other court which may have jurisdiction in the manner as prescribed in statutory law and paid to the Mississippi Crime Laboratory.

G. DNA Analysis Fees - \$100 per sample analyzed

H. Training Course Fees - will be assessed

Reimbursement for actual expenses for materials and travel expenses of instructors will be assessed to any specialized course provided by the Mississippi Crime Laboratory.

I. Evidence Storage Fees - \$100 per month

This evidence storage fee will be assessed to any agency storing completed evidence at the Mississippi Crime Laboratory. This fee will be assessed on any completed case not retrieved within sixty days of completion. Submitting agencies will be notified in writing of completed cases that need to be collected from the laboratory prior to fees being assessed.

J. Witness Fees for Analyst - \$500

This fee is for any Mississippi Crime Laboratory analyst subpoenaed or otherwise required to appear or give testimony in any case involving a misdemeanor in which a certified report has been issued.

K. Expert Witness Fee (other) - \$700 per day plus travel

This is for any Mississippi Crime Laboratory analyst subpoenaed or otherwise required to appear in any trial, hearing or other action of jurisprudence wherein the analyst called to appear does not have personal knowledge or involvement in the cause or circumstances of the action before the court. This fee will be assessed to the individual counsel issuing the subpoena and will apply whether the analyst testifies or not.

L. Miscellaneous Fees

In addition to the fees described in sections A through K, the Director of the Mississippi Crime Laboratory shall have the discretion to apply additional fees for any other area in which the laboratory participates. Such fees shall be assessed to the agency receiving the service or, as the case may dictate, the individual making the request.

SOURCE: The Mississippi Crime Laboratory Fee Schedule- Revised 2001

## Appendix C: Breakdown of State Assessment for Violation of the Implied Consent Law

Crime Victims Compensation Fund	\$10.00
State Court Education Fund	1.50
State Prosecutor Education Fund	1.00
Driver Training Penalty Assessment Fund	22.00
Law Enforcement Officers Training Fund	11.00
Emergency Medical Services Operating Fund	10.00
Mississippi Alcohol Safety Education Program Fund	5.00
Federal-State Alcohol Program Fund	10.00
<b>Mississippi Crime Laboratory Implied Consent Law Fund</b>	<b>25.00</b>
Spinal Cord and Head Injury Trust Fund	25.00
Capital Defense Counsel Special Fund	1.00
State General Fund	35.00
Law Enforcement Officers/Fire Fighters Death Benefits Trust Fund	4.50
State Prosecutor Compensation Fund	1.00
Crisis Intervention Mental Health Fund	10.00
Drug Court Fund	10.00
<b>Total State Assessment</b>	<b>\$178.00<sup>2</sup></b>

SOURCE: MISS. CODE ANN. § 99-19-73 (2) (1972)

<sup>2</sup> Although MISS. CODE ANN. Section 99-19-73 (1972) refers to a total state assessment of \$178, the actual total of the individual penalty amounts is \$182.

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# Appendix D: Description of Services Provided by the Mississippi Crime Lab

## Impression Evidence Division

This division includes the following sections and services:

### Latent Prints

This section is responsible for examining evidence for the absence or presence of latent fingerprints. Latent print examiners are tasked with lifting prints from evidence and comparing them to known inked prints or only comparing prints to known inked samples that law enforcement entities have lifted at crime scenes. All information gathered in the examination is entered into the Automated Fingerprint Identification System (A.F.I.S.), a nationwide fingerprint database that maintains data through electronic image storage and allows latent print examiners to enter findings and conduct latent print searches for known fingerprints. The Latent Print Section handled 13% of the Crime Lab's total caseload in FY 2004.

### Firearms and Toolmarks

Four percent of the Crime Lab's total caseload was firearms and toolmark cases in FY 2004. This section examines physical evidence from firearms or tools which involves microscopic comparisons of known test samples to questioned samples, including guns, projectiles, cartridge cases, shotgun hulls, and toolmarks to determine if they can be positively linked. They are also responsible for functional testing of firearms, distance determinations, serial number restorations, and entry of data into the Integrated Ballistics Identification System (IBIS). This database is jointly operated by Alcohol, Tobacco, and Firearms (ATF) and the Federal Bureau of Investigation (FBI) and stores information gathered from evidence for possible matches across the country.

### Technical Assistance

The Technical Assistance Section is responsible for crime scene response and evidence management. This section provides around-the-clock assistance to law enforcement agencies across the state for crime scene response for violent crimes. The section is also responsible for evidence management at each lab within the Mississippi Crime Lab system. The Technical Assistance staff receives evidence, ensures it is stored properly, manages the evidence vault at each lab, and ensures evidence is returned to law enforcement entities or destroyed according to lab protocol.

In FY 2004, the Technical Assistance Section responded to 162 crime scenes.

### **Questioned Documents**

This is a service that the Mississippi Crime Lab terminated in mid-2004 due to a lack of staff. The Questioned Documents Section was responsible for examining any document about which a question has been raised concerning its authenticity. These services included handwriting examinations, photocopy examinations to determine their source, examination of typewriting and typewriter ribbons, examination of altered documents, examination of indentations on paper, restoration of burned paper, and examination of inks. Law enforcement entities that need any of these services are currently referred to the Federal Bureau of Investigation laboratory.

## **Analytical Division**

The Analytical Division accounted for 75% of total requests received by the Mississippi Crime Lab from FY 2000 through FY 2004, with the highest percentage of requests received for the Controlled Substances Section. This division includes the following sections and services:

### **Toxicology**

The Toxicology section is responsible for identifying the presence or absence of alcohol or drugs in blood samples, urine samples, and vitreous fluid samples. These examinations may assist in determining the cause and manner of death and whether an individual was under the influence of drugs and/or alcohol. The Toxicology Section also analyzes beverages for ethyl alcohol content and examines blood for the presence of carbon monoxide.

### **Controlled Substances**

This section received the majority of requests from FY 2000 through FY 2004. In FY 2004, this section received 53 percent of the total requests received by the Crime Lab. The Controlled Substances Identification Section seeks to identify controlled substances such as marijuana, pharmaceuticals, and powder material. This section is also responsible for classifying and identifying miscellaneous substances used in clandestine laboratories for illegal manufacture of controlled substances.

## **Implied Consent**

MISS. CODE ANN. Title 63, Chapter 11 (1972) requires the Mississippi Crime Lab to administer the Implied Consent Program. This section is responsible for the technical oversight of the program, which includes maintenance and calibration of the Intoxilizer breath testing instruments, training of Mississippi Highway Patrol staff who certify the instruments, and training of instrument operators. The testing of blood or urine samples for the presence or absence of alcohol or drugs in Implied Consent cases is actually performed by the staff in the Toxicology Section.

## **Trace Evidence**

The Trace Section is responsible for the examination of trace evidence and fire debris and accounted for two percent of the total requests received in FY 2004. Trace evidence includes hair, fibers, paint, and glass as well as gunshot residue. Examinations also include fracture matches of automobile headlamps, tail lights, and speedometers. Fire debris is inspected for arson cases to identify and classify the accelerant used in the fire.

## **BioScience Division**

This section includes deoxyribonucleic acid (DNA) examinations and conventional serology examinations, which accounted for seven percent of total requests in FY 2004.

### **DNA Analysis**

DNA examinations include the examination of evidence for biological material in order to determine the source of the DNA. The BioScience Section is also responsible for maintaining the Combined DNA Indexing System (CODIS). CODIS is a computer software program that operates state and national databases of DNA profiles from convicted offenders, crime scene evidence, and missing persons. CODIS software enables state and national law enforcement crime laboratories to compare DNA profiles electronically, thereby possibly linking serial crimes to each other and identifying suspects by matching DNA profiles from crime scenes with profiles from convicted offenders. (See page 30 for further discussion of the CODIS.)

### **Serology**

Conventional serology includes the examination of evidence for the presence or absence of bodily fluids, including sexual assault kits. Forensic biologists also preserve the identified stains for DNA analysis if it is requested.

SOURCE: Mississippi Crime Laboratory website, interviews with Mississippi Crime Lab staff, Mississippi Crime Lab FY 2004 Statistics Report, and the Mississippi Crime Laboratory Handbook of Crime Scene Evidence



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# Agency Response

STATE OF MISSISSIPPI  
HALEY BARBOUR, GOVERNOR  
DEPARTMENT OF PUBLIC SAFETY  
RUSTY FORTENBERRY  
COMMISSIONER

February 3, 2005

Max K. Arinder, Ph.D.  
Executive Director  
PEER Committee  
P.O. Box 1204  
Jackson, MS 39215-1204

Dear Dr. Arinder:

The following information is in response to the review by the PEER Committee of the Mississippi Crime Laboratory (MCL).

The time frame reviewed by PEER was FY 2001 through FY2004. The current administrative structure was in place only two months of that period. Therefore, many of the areas mentioned are not representative of the current state of operation.

May 1, 2004, in an effort to improve the efficiency of the Mississippi Crime Laboratory, Commissioner Fortenberry tasked the Crime Lab management staff with identifying areas of concern. The first goal was to view cases in terms of turn-around time versus production numbers. Through this action the emphasis would be to focus on the responsiveness of the Crime Lab to our clients. In accordance with the standards established by the American Society of Crime Laboratory Directors (ASCLD), a 30 day turn-around goal was established for all analytical areas. This was with the full realization that some areas that are drastically understaffed and others that have a significant active caseload backlog would require additional time to achieve this target goal. As long as the Crime Lab remains at the current staffing level with a 28% vacancy rate, it is difficult (and in some laboratory sections impossible) to analyze in a month the number of cases received in a month. With a backlog of older active cases, a section may complete the same number of requests received but not achieve the goal because the cases completed were not the cases received during that month. Since May 1, 2004, the Crime Lab has achieved the 30 day turnaround goal in routine drug cases and fire debris cases. By May 1, 2005 this goal should be reached in three other service areas of the laboratory.

PEER reported several case management issues between the Crime Lab and our clients that could affect timeliness of response. The current Crime Lab administration is very aware that inadequate communication within the criminal justice system is responsible for delays in forensic analyses. To initially improve communication, the current Crime Lab administration has met with the Sheriffs, District Attorneys, Circuit Judges, and County Judges of the state at their annual conferences. The Crime Lab implemented I-Results through our Laboratory Information System (LIMS) so that all reports of the Crime Lab are now produced electronically, making this information available to the appropriate parties via a secured website 24-hours a day 7 days a week. Coordination of information and efforts among all the parties involved will help to secure the best outcome with a minimum of

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resources as communication of information is vital not only to update the status of active cases but to effectively manage requests submitted on current cases. As case investigations proceed and requests are added or modified, coordination and communication of information becomes even more critical.

With the existing shortage of laboratory personnel and lack of funding to hire new staff, support to establish a system of case coordination must come from outside the agency. The Crime Lab has requested and been awarded funding in the form of a grant from the National Institute of Justice to address this need.

This program provides funding for three case coordinator positions. These individuals would be responsible for: (1) forensic counseling prior to evidence submission; (2) application of protocols for physical evidence services; (3) prioritizing, tracking and case finalization upon adjudication; (4) coordinating pre-trial conferencing; and (5) coordinating court testimony.

PEER reports that the Crime Lab does not utilize the Management Information System to its fullest capability. They further state that the Crime Lab does not generate meaningful reports that would "alert managers to potential problems." In 1999, the Crime Lab procured a Laboratory Information System (LIMS), JusticeTrax®, to create an electronic tracking system for all cases in the system creating for the first time real-time connectivity between all four laboratory locations. First and foremost, this software program is for maintaining the chain of custody for evidence while it is in laboratory custody. Updated versions since that time have included capabilities to collect and compile statistical data for management purposes. PEER requested data from JusticeTrax® that was not a feature of the earliest versions or that the Crime Lab chose not to capture initially while the staff was learning the basic evidence tracking functions. Additionally, to compile a statistical report, a Crystal Report must be written to pull the data from the appropriate fields. PEER requested information in some instances that the Crime Lab could not produce in the format requested. The information present in JusticeTrax® is reviewed on a case by case basis. It would be inappropriate to interpret that this information does not exist and is not considered when managing personnel and caseloads.

As demonstrated to PEER, the Crime Lab does create and analyze monthly reports outlining the following information both on a section level and an individual level. Current reports include: status or current milestone of cases, cases received, court testimony, travel times, leave taken or earned, as well as other activities may be entered by each analyst such as training. Cases received prior to current month (greater than thirty days old) are also monitored. Such reports are available to all management staff through the local area network on a moment's notice for viewing. The most evident proof of the Crime Lab usage of this information is the fact that 2,700 active drug cases were identified, evaluated, redistributed system-wide to achieve the current 30 day turn around time. It would have been impossible to achieve that task without utilizing the LIMS.

In terms of monitoring employee production through usage of the laboratory information system, monthly reports are produced by each section and evaluated by the appropriate administrative staff. It should be noted that in sections such as DNA where there is currently only one employee or trace evidence which also has one employee, a management report is not necessary to determine if those employees are productive as they are responding to court dates only. Additionally, the Crime Lab did

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provide copies of performance appraisal reviews that clearly reflect the use of data collected from the information management system to determine employee performance.

As pointed out by PEER's own assessment, the amount of testing required may vary significantly from one request to another and may involve an unknown number of tests. In sections where the backlog far exceeds the capabilities of the current level of staffing, statistical reports provide little relief for the enhancement of response to analyzing forensic requests. In such sections, case output is already largely determined by court dates.

The role of training is assigned in all ASCLD accredited laboratories to the Quality Assurance Manager. The Crime Lab earned ASCLD accredited in December of 2003. The staff is fully aware of the training guidelines required as each section must have an approved training program and these programs reference the final communication training required. Evaluation forms are present in the administrative manuals that all employees are assigned.

Each section of the Crime Lab has a performance based training program. The current administration evaluated the training programs in May 2004 and identified one section where the training was not being completed in a timely manner. In that section steps were undertaken to address the delays. Yet the PEER report also recognizes that "However, in interviews with PEER, Crime Lab staff expressed concern about micromanagement of the training program by the upper levels of the administration, thus reducing the primary instructor's or the section chief's control of the program. Staff further cited examples where someone other than a section chief made changes to an approved training program." PEER does not report that since the involvement of the current administration, three individuals that previously had no stated completion date will successfully complete their training by February 2005. Certainly this seems contradictory to the stated report of PEER that laboratory training programs are not monitored for completion dates.

The implication that DNA analysis might be more cost beneficial provided through private laboratories reflects a complete disregard of this powerful service to the law enforcement community of Mississippi. Since the DNA laboratory was established in 1994, all consumables and equipment have been funded through federal dollars. The State of Mississippi has contributed funding only in the category of personnel. There are currently nine authorized positions yet funding is not available for all nine. As stated previously, we have one DNA analyst. In order for Mississippi to be a member the Combined DNA Indexing System (CODIS), which is the DNA profile database of all felons to include sex-offenders, we must perform DNA testing. Additionally, for the Crime Lab to be considered for federal funding, we must perform DNA testing and be a member of CODIS.

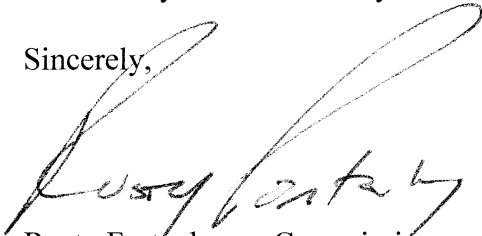
Despite the statements of not meeting our established turn-around goals on case-work, PEER recommended that we increase training hours to law enforcement officers. If the assessment cited by PEER that training new analysts impedes completing casework then this recommendation would impede casework to a larger extent. We do not dispute that law enforcement could benefit from additional training, yet at the current staffing level an increase in this training would be counterproductive to expeditious casework.

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PEER also cites that “the Crime Lab has not made the best use of its available staff resources.” The fact that the Crime Lab has at least eight individuals performing the responsibilities of two or more full-time equivalent positions and that all management staff has assigned casework responsibilities clearly demonstrate otherwise.

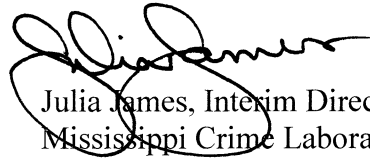
In conclusion, PEER’s report defines instances of purported inefficiency, yet does not fully address the fact that the Crime Lab has lost 60 employees in the past four years, does not have general fund appropriations for current payroll, has lost all analysts in the questioned document section, has one DNA analyst, has one trace analyst, has temporarily suspended services in the area of blood stain pattern analysis due to a lack of trained personnel, nor that the average salary of a Crime Lab analyst is \$15,000 to \$20,000 dollars lower than surrounding states. This may be more indicative of process inefficiency than an inability to develop a statistical report for a PEER audit.

Sincerely,



Rusty Fortenberry, Commissioner  
Department of Public Safety

Sincerely,



Julia James, Interim Director  
Mississippi Crime Laboratory

cc: Senator Lynn Posey, Vice Chair  
Senator Richard White, Secretary  
Senator Merle Flowers  
Senator Bunky Huggins  
Senator Sampson Jackson  
Senator Dean Kirby  
Senator Ezell Lee  
Representative Dirk Dedeaux, Chair  
Representative Willie Bailey  
Representative Alyce Clarke  
Representative Joey Hudson  
Representative Harvey Moss  
Representative Walter Robinson  
Representative Ray Rogers

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