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INDIVIDUAL TECHNICAL ASSISTANCE REPORT

in response to a request for technical assistance by the

Governor's Commission on Law Enforcement
and the Administration of Justice
of the State of Maryland

June 29, 1972

Prepared by

Public Administration Service
1313 East 60th Street
Chicago, Illinois 60637

(Per Contract J-LEAA-015-72)

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I. PRELIMINARY INFORMATION

A. Consultant Assigned:

Henry L. Guttenplan
Professor of Community Affairs
Pennsylvania State University

B. Date Assignment Received:

May 19, 1972

C. Date of Contact with LEAA Regional Coordinator:

May 19, 1972

D. Dates of On-Site Consultation:

May 31, June 12, 18, and 21, 1972

E. Individuals Interviewed:

Richard C. Wertz, Executive Director
Governor's Commission

John E. O'Donnell, Deputy Director
Governor's Commission

Robert H. Bendler, Director of Planning
Governor's Commission

Edwin R. Tully, Deputy Director for Public Safety
State of Maryland

Howard W. Dashiells, Commander
Maryland State Police Laboratory

John O'Neill, Research Analyst
Maryland State Police

Dr. Thomas M. Muller, Director
Baltimore City Police Laboratory

II. STATEMENT OF THE PROBLEM**A. Problem as per Technical Instruction:**

Determine the need and appropriateness for expanding the capabilities of the Maryland State Police Laboratory as set forth in a pending grant proposal and relate this proposed expansion to overall laboratory needs of the State of Maryland.

B. Problem as Actually Observed:

Not applicable.

III. FACTS BEARING ON THE PROBLEM

For information under this and other headings of the usual report format, see Dr. Guttenplan's letter to Mr. Bendler in Appendix I.

APPENDIX I

June 20, 1972

Robert H. Bendler
Director of Planning
Governor's Commission on Law Enforcement
and Administration of Justice
The State of Maryland
Executive Plaza One
Cockeysville, Maryland 21030

Dear Mr. Bendler:

I have reviewed all the correspondence, statistics and reports relating to the grant application of the Maryland State Police for the expansion of their laboratory facilities and services. In addition, I have visited their present facilities and conferred with the Commanding Officer of the Laboratory Services Section, Lieutenant Howard W. Dashiells.

The Laboratory is presently providing the following types of services to other municipalities in Maryland, excluding Baltimore City, Baltimore County and the Sparrow Point Police Department:

- Polygraph examinations with the consent of suspects and persons arrested for criminal behavior in an attempt to establish the truthfulness of statements, so that investigations may be successfully concluded; frequently such examinations assist in establishing the innocence of suspects.
- Examinations of firearms, shells, cartridge cases and bullets relating to crime and submitted as evidence in criminal cases, for the purpose of establishing criminal possession and use, and aiding investigators in on-going investigations of crime.
- Processing of evidence at crime scenes and returned from crime scenes for identification characteristics relating to:
 - Tool markings and their subsequent comparison with tools found in the possession of suspects, capable of linking suspects to crime scenes, particularly in burglaries.
 - Presence of body fluids; when properly collected these samples are forwarded to other laboratories for processing.

- Latent fingerprints, visible fingerprints, palm prints, footprints, shoe impressions and tire marks.
- Examination and comparison of handwriting, typewritten documents and other writing when submitted as evidence in criminal cases.

The laboratory desires to increase its capability for analysis of narcotics and dangerous drugs, and subsequently provide a full range of scientific services for the analysis of trace evidence. It is intended that the resources of the Baltimore City Police Laboratory, the Baltimore City Medical Examiner's Laboratory, the resources of the University of Maryland Medical School, and the research capabilities of John Hopkins Medical School will be utilized in complex cases requiring sophisticated and costly instrumentation. It is also the desire of the Maryland State Police to enlist the efforts of these scientific resources in on-going forensic research. The Maryland State Police do not wish to acquire costly instrumentation beyond the needs of their anticipated requirements for laboratory services.

Donald D. Pomerleau, Commissioner of the Baltimore City Police Department, and Colonel Thomas S. Smith, Superintendent of the Maryland State Police, have formally agreed to cooperate in joint efforts to improve services and provide back-up assistance to each other in cases of laboratory request overloads.

Analysis of State Police Request

The Maryland State Police are desirous of expanding their scientific laboratory capabilities, and locating their facility at the Regimental Headquarters for the following reasons:

- They are presently providing statewide services from this facility, and a statewide survey conducted by the State Police indicates that 95 of the police agencies queried have expressed a desire to utilize these facilities for services.
- Edwin R. Tully, Deputy Secretary for Public Safety, states "Most of the requests from local police departments arrive at the laboratories via the U.S. mail so proximity is not a significant factor."
- Five fully equipped mobile crime laboratory vehicles have been in operation for several months and are located at troop headquarters throughout the state; these locations have been selected on the basis of population density and experience with requests for assistance in criminal investigation in these areas. Two additional

mobile crime scene investigation vehicles are scheduled to be placed in operation shortly. These vehicles will be assigned to more distant areas, so that services will be available to all areas of the State. Technicians assigned to these vehicles have received crime scene investigation instruction and provide coverage on a 24-hour basis.

- The Superintendent of State Police has made a commitment to utilize the entire building presently housing the limited police laboratory operation. Expansion to proceed in accordance with the need for additional facilities, and as rapidly as new quarters can be provided for units in the building.
- State Police experience with the utilization of other law enforcement laboratories for analysis of narcotics and dangerous drugs submitted as evidence in criminal cases has not been favorable; delays in receipt of analysis results have been frequent, causing friction with county prosecutors; frequently, cases have been dismissed because analysis results were not available for trial dates. Page 11 of the Maryland State Police grant request notes:

... In further support of this conclusion it should be noted that certain violations of the narcotics laws have been reduced from felonies to misdemeanors by the 1970 session of the Maryland Legislature. Many cases formerly tried by the circuit courts of the various counties are now being tried in magistrate's courts requiring a lesser waiting period for prosecution to begin since the time consuming element of a preliminary hearing, grand jury indictment hearing and a backlog of circuit court cases has been eliminated. Immediate analysis results will be needed for evidence in order to prosecute these cases or a higher dismissal rate will be forthcoming.

- The present location is central to the volume of major criminal activity in the State, and is contiguous to the administrative operations of the State Police. Such availability to the Superintendent of Police and to internal and other investigative units is particularly desirable for the conduct of sensitive, confidential investigations relating to State Police or other state agency operations.

- Although the Baltimore City Police Laboratory is located in the same area, the Baltimore Laboratory provides services to the metropolitan area (Baltimore City, Anne Arundel and Howard Counties); the State Police Laboratory is required by policy and commitment to receive and process evidence for the remainder of the State. Baltimore City Laboratory does not have such a commitment; particularly, since services provided by the State Police are without cost to the submitting municipality.
- Deputy Secretary of Public Safety, Edwin Tully, indicates that although Baltimore City Police Laboratory is presently providing laboratory services for State Police in narcotics and dangerous drug cases, they would prefer State Police to develop the capability to process their own cases.
- The contiguous location of the Baltimore City Laboratory is viewed as a positive factor since complex cases may be referred to that laboratory by State Police; also, technical assistance will be forthcoming in the initial stages of expanded operations.

A Discussion and Recommendations

The Maryland State Police are moving rapidly to expand the scientific services they are presently providing for their own and other law enforcement agencies within the State. They have acquired and staffed five mobile crime scene vehicles, and are in the process of adding two more. These vehicles are assigned to troop areas so that they may respond to requests for service on a 24-hour basis. Requests for service are increasing; it is anticipated that this trend will continue.

Plans have been developed for acquiring new equipment and additional qualified professionals to process narcotics, dangerous drugs and other trace evidence; this capability does not now exist within the Maryland State Police Laboratory; these types of evidence must now be forwarded to other laboratories. Contingent upon approval of the grant request, the Maryland State Police expects to become completely operational with expanded services within a two-month period of time. The Laboratory Director intends to rely upon the professional support of the Baltimore City Police Laboratory for backup, assistance and support during the initial stages of expansion, and subsequently for complex cases.

The motivations of the Maryland State Police are professional and appropriate. Questions may be raised as to the extent of expansion deemed desirable, and the most appropriate approach. Optimally, available resources should be utilized most effectively without duplication of costly, sophisticated instrumentation and salaries for professional staff.

Several courses of action are possible. They include:

- Continuation of the present procedures utilized by the Maryland State Police for the analysis of evidence; this requires the forwarding of narcotics, dangerous drugs and other trace evidence to other laboratories for analysis, and the resulting dysfunctions.
- Development of expanded, professional capability to process all types of evidence, as detailed in the grant request; and provide these services for all law enforcement agencies within the State, at their request, without cost to the agency.
- The Maryland State Police to negotiate a contract for technical services for all municipalities within the State, from the Baltimore City Police Department, or from a major university.
- The Maryland State Police to initiate and participate in a statewide plan to develop a new organizational and administrative forensic science laboratory model with the cooperation and concurrence of the Baltimore City Police Department, the Medical Examiner's Office of Baltimore City and major universities in the State of Maryland. Such model should incorporate research, professional instruction in science, instrumentation and forensic applications, and service to all components of the administration of justice system, including the public defender and the various courts within the State.

The most desirable approach is to develop long-range plans to provide for satellite laboratories in several areas of the State so that rapid, effective, professional analyses of evidence may be available on a regional basis; two or more mobile crime scene vehicles may provide services under the professional supervision of the satellite laboratory director. The location of these laboratories and their personnel complement may be determined on the basis of demand and need.

Optimally, these regional laboratories should be located in universities or colleges desirous of participating in forensic science research, education of forensic scientists and service. The details for such a plan should be developed through a statewide study. Various organizational and operational models, presently operational in other states, and presently under study may serve as a guide. Such approach would minimize the need to purchase expensive, sophisticated instrumentation since nuclear reactors, mass spectrometers, scanning electron microscopes, atom probes and other major scientific instruments frequently are utilized in research and teaching in universities.

Until such time as a comprehensive state program is developed, the Maryland State Police should proceed with its interim plan to develop expanded capabilities for the scientific processing of evidence. However, it should respond to requests by the Governor's Commission on Law Enforcement and the Administration of Justice to provide operational satellite laboratories in those areas of the State where larger law enforcement agencies request scientific laboratories of their own on the basis of justifiable volume of criminal cases requiring scientific processing of evidence.

Under such an approach, forensic scientists and technicians, sworn and unsworn, could be employed to process all requests for service from all components of the administration of justice system, under professional supervision.

(Signed) Henry L. Guttenplan

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