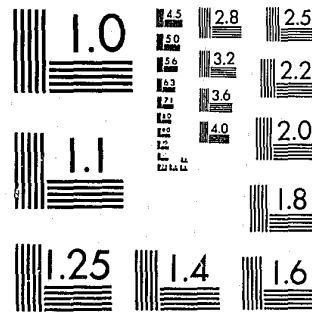


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National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

Date Filmed

3/02/81

REPORT BY THE U.S.

General Accounting Office

Federal Crime Laboratories Lack A Clear Policy For Assisting State And Local Jurisdictions

The Government encourages and assists States to develop their own crime laboratory capabilities and to decrease their reliance on Federal laboratories. However, Federal crime labs have accepted virtually all requests for analyses from State and local law enforcement agencies, a practice which deters the development of State and local laboratory capabilities.

Federal funds for laboratory assistance are being reduced. An abrupt change in the availability of Federal laboratory services will have a detrimental effect among States and on their criminal justice systems. A clear Federal policy and a plan for achieving a phased reduction need to be developed and communicated to State and local officials. They need time to prepare for the increased workload from the reduced Federal as-

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OFFICE

GGD-80-92
SEPTEMBER 12, 1980



UNITED STATES GENERAL ACCOUNTING OFFICE

WASHINGTON, D.C. 20548

GENERAL GOVERNMENT
DIVISION

B-199048

The Honorable Benjamin R. Civiletti
The Attorney General

The Honorable G. William Miller
The Secretary of the Treasury

This is our report on how the crime laboratories of the Federal Bureau of Investigation, the Drug Enforcement Administration, and the Bureau of Alcohol, Tobacco and Firearms are currently providing evidence examination assistance to State and local crime laboratories. This practice conflicts with the Government's goal of helping States and localities develop their own laboratory capabilities. On page 18 you will find a recommendation that you jointly develop a plan to gradually reduce this Federal assistance.

As you know, section 236 of the Legislative Reorganization Act of 1970 requires the head of a Federal agency to submit a written statement on actions taken on our recommendations to the House Committee on Government Operations and the Senate Committee on Governmental Affairs not later than 60 days after the date of the report and to the House and Senate Committees on Appropriations with the agency's first request for appropriations made more than 60 days after the date of the report.

We are also sending copies of this report to the House and Senate Committees on the Judiciary; the House and Senate Committees on Appropriations; the House Committee on Government Operations; the Senate Committee on Governmental Affairs; the Subcommittee on Civil and Constitutional Rights, House Committee on the Judiciary; the Director, Office of Management and Budget; the Director, Federal Bureau of Investigation; the Administrator, Drug Enforcement Administration; and the Director, Bureau of Alcohol, Tobacco and Firearms.

NCJRS

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REPORT BY THE U.S. GENERAL
ACCOUNTING OFFICE

FEDERAL CRIME LABORATORIES
LACK A CLEAR POLICY FOR
ASSISTING STATE AND LOCAL
JURISDICTIONS

D I G E S T

The Government provides free crime laboratory services to State and local law enforcement agencies, a practice which is in direct conflict with Federal policy of encouraging State and local laboratories to develop their own capabilities and decrease their reliance on Federal laboratories.

Each of the three Federal law enforcement agencies GAO reviewed--Federal Bureau of Investigation, Drug Enforcement Administration, and Bureau of Alcohol, Tobacco and Firearms--has crime laboratories which provide direct support to the agencies' missions and, in varying degrees, also provide evidence examinations to State and local law enforcement agencies.

Since December 1978, restricted budgets have forced the Bureau of Alcohol, Tobacco and Firearms and Federal Bureau of Investigation laboratories to curtail some services previously provided and reductions in services at all three laboratories are likely in fiscal year 1981. A clear, coordinated strategy is needed to properly focus and balance Federal efforts to reduce Federal outlays and to encourage the development of independent State and local laboratories.

Although Federal agencies have provided substantial financial assistance and training to State and local laboratories over the past 10 years, Federal laboratories continue to provide extensive examination services at the request of State and local law enforcement agencies. Some States rely extensively on the free services; others appear to be almost totally self-sufficient.

^a State and local law enforcement agencies can bypass their laboratories and submit evidence for analysis directly to Federal laboratories. With certain exceptions, Federal laboratories have performed all examinations requested by State and local law enforcement agencies without regard to the complexity of the analyses required or the technical capabilities of local laboratories.^a GAO's analysis of a sample of these requests showed that the majority of the analyses performed were within the State and local laboratories' technical capabilities.

^b State and local law enforcement agencies use Federal laboratories for a variety of reasons, ranging from normal procedures and personal preference to real or perceived problems at State and local crime laboratories.^b More often than not, inadequate resources have detrimentally affected State and local laboratories.

Free examination services from the highly respected Federal laboratories quite often are the most desirable alternative law enforcement agencies have. In effect, the current Federal operating practice of accepting requests for laboratory services from State and local law enforcement agencies is directly at odds with the goal of making local jurisdictions less reliant on the Federal laboratories. Continued availability of free Federal laboratory services will only serve to postpone actions needed at the State and local level to improve the quality and quantity of laboratory services.

^c State and local laboratory directors generally prefer that Federal laboratories concentrate on providing research and training rather than accepting State and local law enforcement agency requests for laboratory analysis. However, Federal laboratories are reluctant

to restrict examination services to local law enforcement agencies, as they serve to strengthen the bonds between law enforcement groups.^c

Federal budget cutting efforts have reduced laboratory examination services to State and local jurisdictions and threaten to further reduce services. A clear Federal policy and a plan for achieving a phased reduction is needed to allow State and local jurisdictions time to prepare for the increased workload that the reduction of Federal services will cause.^c

RECOMMENDATIONS

GAO recommends that the Attorney General and the Secretary of the Treasury require the Federal Bureau of Investigation, Drug Enforcement Administration, and Bureau of Alcohol, Tobacco and Firearms crime laboratory directors to develop a coordinated plan providing for a phased reduction in Federal crime laboratory assistance to State and local law enforcement agencies. Such a plan should

^d --provide a time schedule which will enable the States to prepare for the phased reduction in Federal laboratory assistance;

--discontinue the practice of accepting routine requests from local law enforcement agencies, thereby bypassing laboratories where the capability exists or should be developed; and

--define the complex or sophisticated analyses which the Federal laboratories should continue to perform.

AGENCY COMMENTS

The findings in this report were discussed with officials of the Federal Bureau of Investigation, the Drug Enforcement Administration, and the Bureau of Alcohol, Tobacco and Firearms. They recognize the existing dilemma but generally see some value to their own operations in the present arrangements. While conceding that there are benefits, GAO does not believe that they overcome the factors arguing for change--a view apparently shared by the Administration, as evidenced by reductions in the budgets for providing laboratory services. The principal needs now are to provide for an orderly phasing down of these services and the development of plans regarding long-term assistance.

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| | <u>ABBREVIATIONS</u> | |
| ATF | Bureau of Alcohol, Tobacco and Firearms | |
| DEA | Drug Enforcement Administration | |
| FBI | Federal Bureau of Investigation | |
| GAO | General Accounting Office | |
| LEAA | Law Enforcement Assistance Administration | |

CHAPTER 1

INTRODUCTION

Three major Federal law enforcement agencies--the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA), and the Bureau of Alcohol, Tobacco and Firearms (ATF)--have extensive crime laboratories which provide criminalistics 1/ services to their own agencies and, in varying degrees, also provide such services to State and local law enforcement agencies. These services include: the examination of bloodstains, clothing, glass, hair, bullets, and other trace evidence; and document examination, which generally consists of a side-by-side comparison of handwriting, typewriting, and other written or printed matter for identification purposes.

The FBI crime laboratory offers the most complete examination services among Federal crime laboratories. The ATF crime laboratory system also provides a range of examination services. The drug analysis specialization of the DEA crime laboratory is unique among the three crime laboratories. The examination capabilities demonstrated in our review of the case work in the three crime laboratories are shown in the following table. 2/

1/That profession and scientific discipline directed to the recognition, identification, individualization, and evaluation of physical evidence by application of the natural sciences in law-science matters.

2/Because the Federal crime laboratories use different terminology, we have assigned uniform definitions to avoid confusion. In this report, an "examination" is the general category of work conducted in a particular laboratory unit; and "tests" are the actual analyses performed on a specimen. For example, a weapon identification examination in the Firearms and Toolmarks Unit may include a number of comparison tests involving several pieces of evidence.

| Examination category | Agency | | |
|-------------------------------|--------|-----|-----------------|
| | FBI | ATF | DEA (note a) |
| Chemistry-toxicology (note b) | X | X | X |
| Microscopic analysis | X | X | |
| Mineralogy | X | | |
| Serology | X | X | |
| Explosives | X | X | |
| Firearms/toolmarks | X | X | |
| Instrumental analysis | X | X | |
| Elemental analysis | X | X | |
| Questioned document | X | X | |

a/Although not appearing in our sample, the DEA laboratory also performs microscopic, instrumental, and elemental analyses.

b/Among the three laboratories, only the FBI performs toxicology analysis.

REVIEW OBJECTIVES, SCOPE, AND METHODOLOGY

Because Federal policy has been to encourage and assist development of crime laboratory capabilities within the States, we sought to determine the type of evidence analysis work Federal crime laboratories perform for State and local jurisdictions and how this ties into Federal efforts to develop State and local laboratory capabilities. To explore these issues, we randomly selected and reviewed requests for laboratory analysis at the three Federal laboratories. We interviewed the laboratory examiners who performed the requested tests and the law enforcement officials who requested the tests. We also interviewed officials at 15 State and local crime laboratories regarding their operations. A complete presentation of our scope and methodology for this review is presented in chapter 3.

CHAPTER 2

A COORDINATED FEDERAL STRATEGY FOR DEVELOPING

STATE AND LOCAL CRIME LABORATORIES IS NEEDED

Federal policy has been to encourage and assist States in developing their own crime laboratories and thereby lessen their reliance on Federal law enforcement agencies' laboratories except for complex analyses that are beyond the capabilities of State and local laboratories. However, Federal assistance has not yet appreciably affected the request workload from State and local law enforcement agencies. Some States rely extensively on the free Federal laboratory services; however, others appear to be almost totally self-sufficient.

Although their objective is to provide sophisticated examination support beyond the capabilities of State and local crime laboratories, the ATF, DEA, and FBI crime laboratories are performing many analyses which could be performed at the State and local level. This results from their willingness to accept evidence submissions directly from local law enforcement without regard for State and local laboratory capabilities.

State and local law enforcement agencies submit evidence to Federal laboratories for a variety of reasons, ranging from normal procedures and personal preference to real or perceived problems at their local laboratories. More often than not, inadequate resources have detrimentally affected State and local laboratory capabilities. Continued availability of free Federal laboratory services, however, will only postpone funding decisions that have to be made at the State and local levels.

The willingness of Federal laboratories to accept virtually all requests for laboratory analyses directly from State and local law enforcement agencies has unnecessarily increased the Federal workload and inhibited the development of State and local laboratories.

State and local crime laboratory directors generally prefer that Federal laboratories (1) discontinue the present policy of accepting routine evidence submissions for analysis from State and local law enforcement agencies, (2) provide examination support only in areas beyond the capabilities

of the State and local laboratories, and (3) concentrate their assistance on training State and local examiners and performing research.

Proposed reductions in the budgets of the three Federal laboratories will result in reduced examination assistance to State and local jurisdictions. However, this does not substitute for a clear policy on the proper roles and relationship of Federal, State, and local crime laboratories.

FEDERAL POLICY IS DIRECTED TOWARD DEVELOPING CRIME LABORATORIES WITHIN STATES

The long range Federal goal has been to encourage and assist in the development of State and local crime laboratory capabilities to lessen their reliance on Federal agencies, except for complex analyses beyond normal State and local capabilities. This has been done through Law Enforcement Assistance Administration (LEAA) grants to States and through free training of examiners in the various laboratory disciplines.

Between fiscal years 1969 and 1979, LEAA provided over \$81 million in block and discretionary grants for the development of State crime laboratory capabilities. These funds were crucial to developing and expanding State and local crime laboratories.

In addition, LEAA, DEA, ATF, and the FBI provide training to State and local crime laboratory examiners to improve their technical capabilities. Training has been given to an estimated 3,343 students. Also, the Congress appropriated \$3.5 million in fiscal year 1979 for construction of a National Forensic Science Research and Training facility at the FBI Academy.

FEDERAL EXAMINATION ASSISTANCE REMAINS HIGH BUT VARIES BY STATE

Despite the substantial Federal financial and training assistance provided over the last 10 years to develop laboratories within States, Federal laboratories continue to provide extensive examination services at the request of State and local agencies. Some States rely heavily on Federal assistance, while others appear to be almost totally self-sufficient.

The extent to which Federal crime laboratories are used varies by State. To illustrate, Florida and Pennsylvania made 1,231 and 809 requests, respectively, to the FBI during fiscal year 1979, while Alabama submitted 21 requests, and Michigan submitted only 10. Those relatively few submissions from each State add up to an extensive workload for Federal crime laboratories, particularly the FBI. The appendix contains a listing, by State, of the physical examination requests to the FBI for fiscal years 1978 and 1979.

The FBI provides the most extensive examination services to State and local agencies. State and local requests accounted for 79 percent of the FBI's Scientific Analysis Section's workload and 25 percent of the Document Section's workload during calendar year 1978. Over the course of the past 5 years, the requests from State and local law enforcement have dropped off but not as much as FBI officials anticipated.

State and Local Requests to the FBI Laboratory in Fiscal Years 1975 to 1979

| | <u>1975</u> | <u>1976</u> | <u>1977</u> | <u>1978</u> | <u>1979</u> |
|-----------------------------|---------------|--------------|--------------|--------------|--------------|
| Scientific Analysis Section | 5,847 | 5,487 | 5,073 | 5,146 | 6,125 |
| Document Section | <u>4,335</u> | <u>4,463</u> | <u>3,235</u> | <u>3,139</u> | <u>2,442</u> |
| Total | <u>10,182</u> | <u>9,950</u> | <u>8,308</u> | <u>8,285</u> | <u>8,567</u> |

DEA and ATF also examine evidence submitted to them by State and local jurisdictions. However, this work constitutes a much smaller portion of their total caseload. Approximately 21 percent of the requests for analyses submitted to DEA laboratories during fiscal year 1979 came from State and local jurisdictions. ^{1/}

^{1/}This excludes requests from the Washington, D.C., police. DEA's Mid-Atlantic laboratory has served as the drug laboratory for the District of Columbia since the President's Anti-Crime Proposals of January 31, 1969.

Requests to the DEA Laboratory System
in Fiscal Years 1978 and 1979

| | 1978 | | 1979 | |
|-----------------|-----------------|----------------|-----------------|----------------|
| | <u>Requests</u> | <u>Percent</u> | <u>Requests</u> | <u>Percent</u> |
| DEA | 18,264 | 78 | 18,692 | 79 |
| State and local | <u>5,070</u> | <u>22</u> | <u>4,839</u> | <u>21</u> |
| Total | <u>23,334</u> | <u>100</u> | <u>23,531</u> | <u>100</u> |

About 9 percent of the ATF laboratory's forensic science caseload was provided by State and local requests in fiscal year 1979. Examination support to State and local jurisdictions declined by nearly 50 percent between fiscal years 1978 and 1979 as a result of a November 1978 decision to reduce resources expended for gunshot residue analysis, the examination most commonly requested by State and local agencies.

Requests to the ATF Laboratory System
in Fiscal Years 1978 and 1979

| | 1978 | | 1979 | |
|-----------------|-----------------|----------------|-----------------|----------------|
| | <u>Requests</u> | <u>Percent</u> | <u>Requests</u> | <u>Percent</u> |
| ATF | 11,345 | 86 | 10,380 | 91 |
| State and local | <u>1,879</u> | <u>14</u> | <u>979</u> | <u>9</u> |
| Total | <u>13,224</u> | <u>100</u> | <u>11,359</u> | <u>100</u> |

State and local laboratories have the technical capability to perform most examinations

Although their objective is to provide sophisticated examination support beyond the capabilities of State and local crime laboratories, the ATF, DEA, and FBI crime laboratories are performing many analyses which could be performed at the State and local level. This results from their willingness to accept evidence submissions directly from local law enforcement agencies regardless of their laboratories' capabilities.

State and local crime laboratory officials told us they had the technical capability to perform the analyses for 67 percent of the cases in our sample. That is, ATF, DEA, and FBI crime laboratories performed the analyses at the request of State and local law enforcement agencies, even though the technical capability to conduct such analyses existed at the State and/or local laboratory. Federal work which duplicated State and local capabilities was highest at DEA (96 percent) and lowest at ATF (25 percent).

Were Analytical Capabilities Available
at the State and Local Crime Laboratory?

| <u>Agency</u> | <u>Yes</u> | | <u>No</u> | | <u>Total</u> | |
|------------------------|---------------------|----------------|---------------------|----------------|---------------------|----------------|
| | <u>Number of</u> | <u>Percent</u> | <u>Number of</u> | <u>Percent</u> | <u>Number of</u> | <u>Percent</u> |
| | <u>examinations</u> | | <u>examinations</u> | | <u>examinations</u> | |
| <u>FBI</u> | | | | | | |
| Submissions from: | | | | | | |
| Florida | 1,104 | 82 | 240 | 18 | 1,344 | 100 |
| Connecticut, Georgia | | | | | | |
| Illinois, Maryland, | | | | | | |
| Minnesota, New York | <u>836</u> | <u>51</u> | <u>809</u> | <u>49</u> | <u>1,645</u> | <u>100</u> |
| Total | <u>1,940</u> | <u>65</u> | <u>1,049</u> | <u>35</u> | <u>2,989</u> | <u>100</u> |
| <u>ATF</u> | <u>162</u> | <u>25</u> | <u>484</u> | <u>75</u> | <u>646</u> | <u>100</u> |
| <u>DEA</u> | | | | | | |
| Submissions from: | | | | | | |
| Florida, Illinois, and | | | | | | |
| Maryland | <u>1,133</u> | <u>96</u> | <u>42</u> | <u>4</u> | <u>1,175</u> | <u>100</u> |

WHY LOCAL LAW ENFORCEMENT AGENCIES
USE THE FEDERAL CRIME LABORATORIES

The vast majority of requests for Federal examination services come directly from local law enforcement agencies. These agencies submit evidence to Federal laboratories for a variety of reasons, ranging from normal procedures and personal preferences to real or perceived problems at their State or local crime laboratories. More often than not, inadequate resources have detrimentally affected State and local laboratories. Free examination services from the highly respected Federal laboratories quite often are the most desirable alternative these local agencies have.

State and local law enforcement agencies sent 76 percent of our sample cases directly to the Federal laboratories. In 48 percent of our sample cases, law enforcement officials said they preferred Federal laboratories over the available State and local crime laboratories. This preference was described as a combination of normal procedures, good experiences with Federal crime laboratories, or bad experiences with State and local laboratories. Of the 24 percent of our sampled cases submitted by State or local laboratories, the majority were submitted to relieve case backlogs.

**Reasons State/Local Law Enforcement
Used Federal Crime Laboratories**

| Percent | | | | | | |
|---------|-------------------|------------------------------|--|--|-----------------------|-------|
| Agency | Agency preference | Backlogged cases at S/L labs | S/L lab sent cases for which it lacked analytical capability | Law enforcement agency believed S/L lab did not have the analytical capability | Miscellaneous reasons | Total |
| FBI | 38.2 | 20.0 | 14.4 | 19.6 | 7.8 | 100 |
| DEA | 91.3 | 3.5 | 1.7 | — | 3.5 | 100 |
| ATF | 14.2 | 4.8 | 4.8 | 76.2 | — | 100 |
| Total | 48 | 14 | 10 | 23 | 5.0 | 100 |

Discussions with local law enforcement officials and crime laboratory directors identified a variety of reasons why local law enforcement agencies use Federal laboratories. Some of these reasons are unrelated to the capability of the State and/or local laboratory. For example, friction between State and local police is one reason why some local police submit evidence directly to Federal laboratories. Other local law enforcement officials claimed not to know what capabilities existed at State laboratories. Some local officials use Federal laboratories in part because Federal laboratories accept evidence through the mail while State laboratories require evidence to be hand delivered.

However, the three major reasons given for using Federal laboratories are

- faster service by Federal laboratories,
- greater confidence in Federal laboratories, and
- a lack of technical capability at the State and local laboratory.

These problems are largely tied to resource and management decisions at the State and local level.

More often than not, inadequate resources have detrimentally affected State and local laboratories. Free examination services from the highly respected Federal laboratories quite often are the most desirable alternative these local agencies have. Continuing the Federal laboratories' practice of accepting requests directly from law enforcement agencies and conducting free examinations can only serve to postpone decisions by those that have yet to make the requisite commitment to develop competently staffed and adequately equipped crime laboratories at the State and local level.

A clearer role for the Federal laboratories must be articulated and plans prepared for the phased reduction of Federal handling of routine laboratory work. Federal agencies cannot be expected to solve all of the problems which confront State and local laboratories and which prevent State and local law enforcement officials from working together

effectively. However, changes in Federal laboratory policies can do much to insure that these officials begin to work their problems out by removing Federal laboratories as an alternative.

Crime laboratory resource problems must
be resolved at the State and local level

Resource problems have an impact on State and local laboratories' ability to acquire the necessary equipment, train the necessary personnel, or retain trained personnel to acquire or maintain technical capabilities. Additionally, some State and local laboratories have had to develop priorities for evidence analysis in response to caseloads which exceeded their limited resources. The resource decisions required to solve the problems of untimely service and unavailable examination capabilities must be resolved at the State and local level.

Generally, crime laboratory officials believe they have suffered from inadequate resources. This was the conclusion of an LEAA-sponsored forensic science workshop in March 1978. The conference, attended by persons representing the judiciary, police, prosecution, defense, and the forensic sciences, concluded that the forensic sciences suffered from grossly inadequate resources for providing reliable examinations and testimony. The conference noted that variances in laboratory capabilities exist from jurisdiction to jurisdiction. The conference also concluded that the value of the forensic sciences is not adequately comprehended or appreciated among the elements of the criminal justice system.

Our interviews with crime laboratory officials supported the conference's conclusions. For instance:

--The Director of the forensic sciences department in one State said that financial difficulties over the past several years have severely restricted equipment purchases and thus seriously jeopardized programmed equipment replacement. Reductions in Federal funds forced the laboratory system to apply equipment funds toward salaries in an effort to maintain personnel. Additionally, employee training has been limited, equipment replacement postponed, and equipment repair neglected.

--The chief of a State police laboratory said that as a unit of the State police, the laboratory must compete for scarce resources. The laboratory suffered from insufficient resources to adequately compensate and train its personnel or acquire adequate equipment. The crime laboratory has a sizable case backlog and problems with providing timely evidence analysis.

--Officials in one State provided a 1979 study of forensic science services within the State which found them to be " * * * in highly underdeveloped condition and [to] suffer from inadequate facilities, too few and poorly trained personnel, and the absence of the most modern instrumentation and technologies which are in use in many forensic laboratories nationwide." The study concluded that "Criminalistics services are a direct reflection of the inadequate budgets and resources allotted them by their parent law enforcement and scientific agencies and by the various organizational and budgeting constraints faced by the laboratories and their parent agencies."

--The chief of another State crime laboratory said that for several years his laboratory had a scanning electron microscope to perform gunshot residue analysis but did not have a trained examiner. Also, the laboratory had an examiner trained to do in-depth serology analysis but did not have the necessary equipment.

--Although one State's crime laboratory bureau was described as full-service, an official stated that this did not mean that all of these services were readily available at all times. The unavailability of services was due to personnel shortages caused by the State's inability to hire new personnel and/or loss of personnel because of low salaries. Case turnaround time was a problem and backlog was primarily caused by staff shortages.

To cope with limited resources, State and local laboratories, which bear the major responsibility for serving State and local law enforcement agencies have, in some instances, adopted case screening procedures such as:

--In an effort to concentrate scarce resources on meaningful cases, one State crime laboratory system instituted case screening procedures which have caused case submissions to level off at 12,000 per year over the course of 3 years.

--Faced with an increasing caseload and the ability to do more and more complicated examinations, yet suffering from a decrease in staff, the regional crime laboratory in another State had established progressively tighter priorities for evidence analysis. Cases which are not routinely worked include

- (1) recovered narcotics without suspects,
- (2) burglaries and robberies without biological materials or suspects,
- (3) dead bodies and suicides,
- (4) aggravated assaults without suspects,
- (5) justifiable homicides, and
- (6) aggravated assaults with charges in municipal court.

--A county crime laboratory in a third State screened evidence submissions using the criteria of the nature of the offense and the nature of the evidence. The crime laboratory routinely will not examine

- (1) evidence submitted in rape cases without defendants;
- (2) illegal drugs confiscated from first offenders, since these cases are not prosecuted;
- (3) questioned documents without comparison materials of sufficient amounts and quality;

(4) toolmarks without suspect tools; and

(5) burglaries without readily apparent physical evidence.

--The sheriff's office crime laboratory in one large city reduced narcotics case backlog from between 500 and 600 cases to 100 cases by adopting a policy of performing only partial analyses of drugs. These analyses are sufficient to permit district attorneys to file cases. Evidence can be examined fully if required for prosecution.

FEDERAL EFFORT SHOULD BE BETTER DEFINED

The current Federal operating policy of accepting most requests for examination services from State and local law enforcement agencies is at odds with the long-range goal of making State and local jurisdictions less reliant on Federal laboratories. Two national commissions--the President's Commission on Law Enforcement and the Administration of Justice (1967) and the National Advisory Commission on Criminal Justice Standards and Goals (1974)--called for the establishment within each State of crime laboratories capable of providing the most advanced forensic science services to police agencies. Both commissions recommended that the FBI laboratory continue to receive and analyze evidence from the States when sophisticated analyses are required.

Officials in all three Federal laboratories say this is the type of examination support they want to provide to State and local agencies. Also, State and local crime laboratory directors generally prefer that Federal laboratories concentrate on providing research and training rather than accepting routine State and local requests for laboratory analysis. However, Federal crime laboratories have been reluctant to restrict examination services to local law enforcement agencies.

The differing capabilities among State and local jurisdictions make it difficult to implement the expressed Federal policy. Although the 15 State and local laboratories we visited consider themselves full service laboratories, their capabilities vary, as does their use of Federal laboratory services to supplement their technical capabilities. What is

considered a sophisticated analysis in one laboratory can be well within the capabilities of another.

Much needs to be done to define the appropriate Federal role and to break the cycle where readily available Federal laboratory services prevent State and local laboratories from obtaining the needed resources and capabilities. The prospect of reduced budgets for Federal laboratories makes such an effort imperative.

Federal laboratories are reluctant to curtail services to law enforcement agencies

The Federal laboratories are reluctant to discontinue accepting examination requests directly from local law enforcement agencies. Officials in these laboratories see such laboratory services as a means of cementing cooperation with State and local law enforcement agencies that assist Federal investigators.

The former Assistant Director of the FBI laboratory recognized that continued acceptance of direct requests from local law enforcement agencies conflicts with the FBI policy of aiding in the development of State and local laboratories. He felt, however, that this must continue until these laboratories are able to gain the confidence of local law enforcement agencies.

Federal laboratory officials recognize that variations in examiner competence exist in the Nation's laboratories. These officials are therefore reluctant to force local law enforcement agencies to use State and local laboratories where there may be a question of incompetence or political conflict. In addition, Federal laboratory officials believe their operations benefit from the services they provide other law enforcement agencies. ATF and FBI officials said the State and local workload permits their examiners to maintain and expand their expertise. DEA officials said examination of State and local evidence provides them with intelligence on the price and purity of street drugs.

In contrast to the situation in many State and local laboratories, Federal laboratories generally have not had to restrict examination services. ^{1/} Their reluctance to do so results in their performing routine examination services for local law enforcement agencies, such as the following.

- The FBI examined a waterskiing rope used to tie the victims of a house burglary. The examiner found the rope to be of a very common material widely distributed at hardware stores. He said there was very little value to his work in the absence of a suspect and another rope to compare the evidence.
- In a vandalism case, the FBI matched a can of spray paint with paint sprayed on a synagogue. The examination was made even though the suspect admitted the defacing and voluntarily surrendered the can of paint he said he used.
- In a forgery case, an FBI questioned document examiner attempted to compare a suspect's handwriting with the handwriting on some forged checks, despite not having what he considered to be sufficient specimens to make a match. He said he did not ask the police agency to obtain more handwriting samples from the suspect, because he did not want to tell the police how to run their investigation. His report was inconclusive.

Crime laboratory directors attending the May 1979 Board of Governors meeting of the American Society of Crime Laboratory Directors generally felt that the FBI laboratory should basically discontinue examination of all routine State and local physical evidence requests after a transition period possibly extending as long as 2 to 3 years. This period would enable them to prepare for the added workload resulting from reduced Federal assistance.

^{1/}An exception is the FBI's Mineralogy/Metallurgy Unit which conducts examinations often cited as being beyond State/local laboratory capabilities. Despite the unique services it provides, it is the one FBI laboratory unit which has had to reduce examination services because of insufficient personnel to meet caseload.

State and local crime laboratory directors look to the Federal laboratories, particularly the FBI, to provide badly needed training for State and local examiners and to concentrate on research. They note that waiting lists for FBI training courses are long. Heavy caseloads have caused cancellation of FBI courses in the past.

Budget cuts force Federal laboratories to curtail services

Federal budget cutting efforts have reduced examination services to State and local jurisdictions and threaten to further reduce services. These abrupt cutbacks will have an uneven effect among the States and an uncertain effect on their criminal justice systems. A clear Federal policy and a plan for achieving a phased reduction in Federal involvement in routine laboratory assistance need to be developed and communicated to State and local officials so that they can prepare to assume the increased workload that will follow the reduced Federal effort.

In November 1978, ATF eliminated most gunshot residue analyses, the most commonly performed work the laboratory was doing for State and local requesters. This action was prompted by budget cuts, a hiring freeze, and a desire to shift resources to higher priority programs, such as arson and explosives. The Assistant Director, Technical and Scientific Services Division, said that he felt State and local laboratories should be able to pick up the work no longer performed by ATF since the necessary equipment would only cost approximately \$20,000. Otherwise, gunshot residue cases could be referred to the FBI.

For fiscal year 1980, the Attorney General called upon the DEA and FBI crime laboratories to reduce examination services to State and local jurisdictions. FBI laboratory officials, faced with a rising workload and consequently an extended turnaround time in all case categories, adopted a policy in June 1979 of no longer routinely accepting for analysis backlogs of physical evidence submitted by State and local crime laboratories with the capability of conducting the requested examinations. Until that time, the FBI had generally accepted all State and local requests.

The President's fiscal year 1981 budget proposes further cuts in the area of Federal assistance to State and local laboratories. Specifically, 31 FBI positions, 7 DEA positions, and 3 ATF positions previously devoted to examination of physical evidence submitted by State and local jurisdictions would be eliminated.

In addition, LEAA's grant programs will either be eliminated or greatly curtailed. This no doubt will affect both the States' and the localities' ability to upgrade their laboratories and to fill the void created by Federal laboratory cutbacks.

CONCLUSIONS

The Federal law enforcement agencies' practice of providing free laboratory analyses for State and local law enforcement agencies has been a disincentive to the development of laboratory capabilities at the State and local levels. This practice is at odds with the Federal goal of encouraging and assisting in the development of State and local laboratory capabilities to lessen their reliance on Federal laboratories.

The majority of laboratory analyses performed by Federal laboratories has been within the technical capabilities of State and local laboratories. However, resource problems have detrimentally affected the development of State and local laboratories, some more so than others. The continued availability of free Federal laboratory services will only postpone the funding decisions that must be made at the State and local levels.

Federal funds for laboratory assistance to State and local law enforcement agencies are being reduced. An abrupt change in the availability of Federal laboratory services will have an uneven effect among States and an uncertain effect on their criminal justice systems. A clear Federal policy and a plan for achieving a phased reduction in Federal laboratory assistance need to be developed and communicated to State and local officials. They need time to prepare for the increased workload that will result from the reduced Federal assistance.

RECOMMENDATIONS

We recommend that the Attorney General and the Secretary of the Treasury require the FBI, DEA, and ATF crime laboratory directors to develop a coordinated plan providing for a phased reduction in Federal crime laboratory assistance to State and local law enforcement agencies. Such a plan should

- provide a time schedule which will enable the States to prepare for the phased reduction in Federal laboratory assistance;
- discontinue the practice of accepting routine requests from local law enforcement agencies, thereby bypassing laboratories where the capability exists or should be developed; and
- define the complex or sophisticated analyses which the Federal laboratories will continue to perform.

As an alternative, the Federal laboratories should also consider the possibility of continuing Federal laboratory assistance to local law enforcement agencies after the phased reduction period, but only on a reimbursable basis. This would permit States to make economic decisions regarding the level of crime laboratory development they wish to fund. It would also continue to provide an alternative source of service for local law enforcement agencies dissatisfied with the services provided by the State crime laboratories.

AGENCY COMMENTS

The findings in this report were discussed with officials of the Federal Bureau of Investigation, the Drug Enforcement Administration, and the Bureau of Alcohol, Tobacco and Firearms. They recognize the existing dilemma but generally see some value to their own operations in the present arrangements. While conceding that there are benefits, GAO does not believe that they overcome the factors arguing for change--a view apparently shared by the Administration, as evidenced by reductions in the budgets for providing laboratory services. The principal needs now are to provide for an orderly phasing down of these services and the development of plans regarding long-term assistance.

CHAPTER 3

SCOPE OF REVIEW

This report is the result of a comprehensive review of the management of three Federal crime laboratory systems--ATF, DEA, and the FBI. This report addresses the relationship of Federal and State and local crime laboratories and Federal efforts to assist the development of State and local crime laboratory capabilities.

Our work included analyzing requests for physical evidence analysis, interviewing management officials and examiners in the 3 Federal laboratories and 15 State and local laboratories, reviewing policies and procedures manuals and management reports, and interviewing law enforcement officials.

We reviewed a stratified sample of requests made to Federal crime laboratories by State and local jurisdictions. For State and local requests to the ATF laboratory, only requests regarding cases closed during fiscal year 1978 were sampled. Our samples of requests made by State and local jurisdictions to the FBI and DEA laboratories included both pending and closed cases. Our samples at these two agencies were drawn from requests processed during calendar year 1978. Our strata were as follows:

| <u>Crime laboratory</u> | <u>Origin of request</u> |
|-------------------------|---|
| FBI | 1. Florida law enforcement agencies |
| | 2. Connecticut, Georgia, Illinois, Maryland, Minnesota, and New York law enforcement agencies |
| ATF | 3. State and local law enforcement agencies |
| DEA | 4. Florida law enforcement agencies |
| | 5. Illinois law enforcement agencies |
| | 6. Maryland law enforcement agencies |

The basis of stratification was the agency and geographic location of the laboratory. The purpose of geographic stratification was to provide broad geographic coverage of laboratory operations and to provide a cross section of the type of examinations performed. At the FBI, the requests from the seven States represented 38 percent of the State and local workload. At DEA, the three States reviewed provided 25 percent of that agency's State and local workload. At ATF, the sampled State and local cases came principally from ATF's Rockville laboratory, which handles the majority of State and local work for the ATF laboratory system.

We used different selection procedures at the various laboratories depending upon how the request files were kept, but all samples were randomly selected. The total number of requests reviewed was 171. Our analysis is subject to an overall maximum sampling error of plus or minus 7.5 percent at the 95 percent confidence level.

We conducted additional interviews with the Federal and State and local law enforcement officers at the requesting agency pertaining to the sampled cases. Finally, we interviewed officials in 18 State or district attorneys' offices in 6 States regarding sampled cases which were presented for prosecution.

APPENDIX

APPENDIX

STATE AND LOCAL REQUESTS RECEIVED BY THE FBI

FISCAL YEARS 1978 AND 1979

| State | Requests | |
|----------------------|----------|-------|
| | FY 78 | FY 79 |
| Alabama | 16 | 21 |
| Alaska | 169 | 175 |
| Arizona | 37 | 60 |
| Arkansas | 69 | 55 |
| California | 152 | 231 |
| Colorado | 34 | 51 |
| Connecticut | 257 | 283 |
| Delaware | 155 | 175 |
| District of Columbia | 234 | 287 |
| Florida | 1,223 | 1,231 |
| Georgia | 92 | 89 |
| Hawaii | 43 | 71 |
| Idaho | 69 | 67 |
| Illinois | 625 | 423 |
| Indiana | 125 | 112 |
| Iowa | 31 | 35 |
| Kansas | 44 | 86 |
| Kentucky | 74 | 160 |
| Louisiana | 141 | 162 |
| Maine | 61 | 61 |
| Maryland | 446 | 628 |
| Massachusetts | 98 | 79 |
| Michigan | 17 | 10 |
| Minnesota | 100 | 111 |
| Mississippi | 191 | 121 |
| Missouri | 54 | 44 |

APPENDIX

APPENDIX

STATE AND LOCAL REQUESTS RECEIVED BY THE FBIFISCAL YEARS 1978 AND 1979

| <u>State</u> | <u>Requests</u> | |
|----------------|-----------------|--------------|
| | <u>FY 78</u> | <u>FY 79</u> |
| Montana | 83 | 94 |
| Nebraska | 37 | 47 |
| Nevada | 19 | 27 |
| New Hampshire | 78 | 47 |
| New Jersey | 247 | 209 |
| New Mexico | 58 | 84 |
| New York | 252 | 230 |
| North Carolina | 317 | 306 |
| North Dakota | 55 | 50 |
| Ohio | 189 | 173 |
| Oklahoma | 49 | 87 |
| Oregon | 21 | 25 |
| Pennsylvania | 1,012 | 809 |
| Rhode Island | 89 | 91 |
| South Carolina | 155 | 132 |
| South Dakota | 81 | 49 |
| Tennessee | 359 | 271 |
| Texas | 144 | 150 |
| Utah | 42 | 72 |
| Vermont | 16 | 77 |
| Virginia | 152 | 173 |
| Washington | 196 | 192 |
| West Virginia | 64 | 56 |
| Wisconsin | 27 | 172 |
| Wyoming | 33 | 37 |
| Total | <u>8,332</u> | <u>8,488</u> |

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