

Report Highlights

Louisiana State Police Crime Lab

June 2004

Louisiana Legislative Auditor



The Louisiana State Police (LSP) Crime Laboratory was established in 1937, under what is now the Department of Public Safety. The lab analyzes CODIS (Combined DNA Indexing System) and Forensic DNA, narcotics, physical evidence, and toxicology requests. In 2000, the LSP Crime Lab was accredited by the American Society of Crime Lab Directors/Laboratory Accreditation Board (ASCLD/LAB).

This audit examines whether the lab provides efficient analysis of evidence to law enforcement agencies in Louisiana. The audit examines efficiency by focusing on timeliness, workload, and cost of analysis. This audit does not examine the effectiveness or quality of the evidence analysis conducted by the LSP Crime Lab. Also, the audit reviews whether the lab's performance data present a clear, accurate evaluation of its functions.

Audit Results

LSP Crime Lab Efficiency

- While the LSP Crime Lab's customers did not indicate a problem with the quality of the evidence analysis, the LSP Crime Lab does not ensure efficient analysis of evidence when compared to two other labs in the state.
 - Overall, the LSP Crime Lab took longer to process evidence than the North Louisiana Crime Lab System (NLCL) and the Acadiana Crime Lab (ACL).
 - The LSP Crime Lab has improved its processing times from fiscal year 2001 to fiscal year 2003.
 - The LSP Crime Lab has more unanalyzed requests than the NLCL and the ACL. The average unanalyzed request at LSP is 312 days old.
 - The LSP Crime Lab processed fewer requests per analyst in toxicology, narcotics, and DNA than analysts at NLCL and the ACL in fiscal year 2003.
 - The LSP Crime Lab spent at least 62% more per analyzed request in fiscal year 2003 than the NLCL and the ACL.
 - The LSP Crime Lab's slow processing times have hindered the ability to prosecute cases according to some district attorneys.
 - Some parishes have chosen to leave the LSP Crime Lab's jurisdiction because of untimely performance.

Completeness and Accuracy of Performance Indicators

- The LSP Crime Lab data do not present a clear and accurate evaluation of the lab's functions.
 - Inadequate controls exist for the input, process, and review of the performance indicators.
 - Of the 12 indicators values reported in fiscal year 2003, six were reliable and three were unreliable. We were unable to determine the validity of three of the values.

Steve J. Theriot,
CPA

Legislative
Auditor

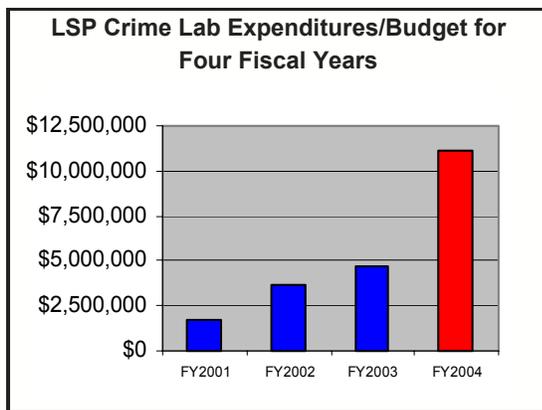
Background Information

- There are six crime labs in addition to the LSP Crime Lab that provide evidence analysis for state and local law enforcement agencies.
- The LSP Crime Lab primarily serves 27% of the population of Louisiana in 17 parishes.

| Percentage of Louisiana Population Served by Each Lab | | |
|-------------------------------------------------------|---------------------------|-------------------------------------|
| Crime Lab | Number of Parishes Served | Percentage of the Population Served |
| LSP Crime Lab | 17 | 27% |
| North Louisiana Crime Lab | 29 | 26% |
| Acadiana Crime Lab | 8 | 14% |
| NOPD Crime Lab | 1 | 11% |
| Jefferson Parish Crime Lab | 3 | 12% |
| Southwest Crime Lab | 5 | 6% |
| St. Tammany Crime Lab | 1* | 4% |

*Some law enforcement agencies in St. Tammany Parish send evidence to the LSP Crime Lab.

- The LSP Crime Lab expended \$4,729,912 in fiscal year 2003, an increase of 272% from fiscal year 2001. The lab has been appropriated \$11,089,117 for fiscal year 2004, \$4,000,000 of which was provided specifically for CODIS DNA, an increase of 134% from fiscal year 2003.

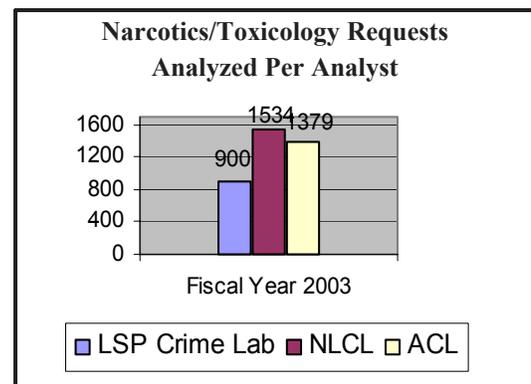


- The LSP Crime Lab dedicates a smaller percentage of its budget to personnel costs than the North Louisiana Crime Lab System and the Acadiana Crime Lab and more of its budget on supplies and acquisitions.
- The majority (77%) of evidence requests received by the LSP Crime Lab in fiscal year 2003 were for narcotics and toxicology.

Does the Louisiana State Police Crime Lab ensure efficient analysis of evidence for law enforcement agencies in Louisiana?

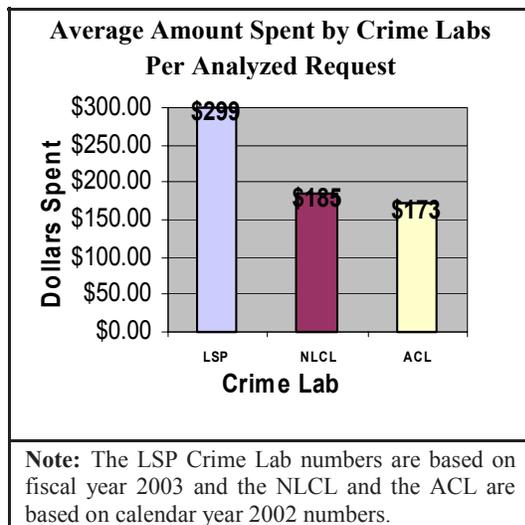
What We Found

- While the Louisiana State Police Crime Lab's customers did not indicate a problem with the quality of the analysis, the LSP Crime Lab does not ensure efficient analysis of evidence when compared to two other labs in the state.
 - The LSP Crime Lab took longer to process evidence for all types of analysis than the other crime labs. In fiscal year 2003, the lab processed only 63% of all requests within 30 days, while the other labs processed 71% and 94%. The LSP lab took on average of 49 days to process requests, while the other labs took an average of 38 days and 11 days.
 - Although the LSP Crime Lab took longer to process requests than the other labs, it has decreased the average number of days it takes to process narcotic and toxicology requests from fiscal year 2001 to fiscal year 2003 by 58% and 55%, respectively.
 - The LSP Crime Lab had a greater percentage of unanalyzed requests than the other labs. The LSP Crime Lab had 2,883 unanalyzed requests as of June 30, 2003, which is equal to 29% of the number of requests received in a year. The number of unanalyzed requests at the other labs equaled 5% (North Louisiana Crime Lab) and 12% (Acadiana Crime Lab) of the number of requests received in a year.
 - LSP analysts processed fewer narcotics, toxicology and DNA requests per analyst than the other labs in



fiscal year 2003. The other labs processed at least 53% more requests per analyst in narcotics and toxicology and approximately 15% more in DNA. Analysts at the LSP lab completed more physical evidence requests than analysts at the other labs, but had a larger gap between the requests received and the number of requests completed.

- The LSP Crime Lab management has lower expectations for its personnel than the other labs. For example, NLCL and ACL officials expect narcotics analysts to analyze all evidence that comes into the lab each month which is currently between 115 requests and 127 requests. LSP lab officials expect narcotics analysts to analyze 60 requests per month.
- The LSP Crime Lab spent 62% more in total operating costs per analyzed request in fiscal year 2003 than the other labs. The LSP lab spent \$299.44 per request, while the other labs spent \$185.11 and \$173.46.



- According to some district attorneys, LSP's slow processing times have hindered their ability to prosecute cases.
- Currently, law enforcement agencies in 47 parishes are primarily served by labs other than LSP. Even though the LSP Crime Lab analyzed evidence free of charge for all law enforcement in the state, agencies in these parishes have chosen to pay for evidence analysis in exchange for quicker analysis of evidence.

Recommendations

- ✓ The LSP Crime Lab management should evaluate its performance expectation levels for the number of requests analyzed per month and determine if they should be raised.
- ✓ The LSP Crime Lab management should evaluate unit staffing levels to determine if the Narcotics unit is overstaffed and physical evidence is understaffed. Staffing levels should be adjusted if necessary.
- ✓ The LSP Crime Lab management should coordinate with the other labs mentioned in the report to share best practices to increase their processing times, reduce the cost per analyzed request, and increase the production per analyst. Specifically, the lab should examine the number of analysis tests conducted and its quality assurance review process.

Do the Louisiana State Police Crime Lab's Performance Indicator data present a complete and accurate evaluation of the lab's functions?

What We Found

- The LSP Crime Lab performance indicator data do not provide a complete and accurate evaluation of the lab's functions.
 - For 12 indicator values reported for fiscal year 2003, six values were reliable, three values were unreliable and we were unable to determine the reliability of three indicators.
 - Of the six indicators that were reliable, the queries used to collect the data for two of the values were wrong. The reported values were reliable by chance.
 - Two indicators were unreliable because erroneous calculations were used to derive the indicator value.
 - One indicator was unreliable because crime lab officials were unclear about what to report. New indicators were developed for fiscal year 2004, to clear up the meaning of the indicator.
 - We could not determine the reliability of three indicator values because we could not replicate the methodology used to calculate the values and the current staff did not know how the values had been calculated.

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Questions?

Call Steve J. Theriot at 225-339-3800

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LEGISLATIVE AUDITOR

STATE OF LOUISIANA



DEPARTMENT OF PUBLIC SAFETY

LOUISIANA STATE POLICE

CRIME LAB

AUDIT REPORT
ISSUED JUNE 23, 2004

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June 23, 2004

The Honorable Donald E. Hines,
President of the Senate
The Honorable Joe R. Salter,
Speaker of the House of Representatives

Dear Senator Hines and Representative Salter:

This report gives the results of our performance audit of the Louisiana State Police Crime Lab within the Department of Public Safety. The audit was conducted under the provisions of Title 24 of the Louisiana Revised Statutes of 1950, as amended.

The report contains our findings, conclusions, and recommendations. Page 29 contains the agency's response. I hope this report will benefit you in your legislative decision-making process.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve J. Theriot", is written over a circular stamp or seal.

Steve J. Theriot, CPA
Legislative Auditor

SJT/ss

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EXECUTIVE SUMMARY

The Louisiana State Police (LSP) Crime Lab is responsible for the efficient analysis of evidence by providing timely information to law enforcement agencies in Louisiana. This audit did not examine the effectiveness or quality of the evidence analysis conducted by the LSP Crime Lab; it only examines the efficiency of the analysis. It also examines the reliability and validity of performance indicators relating to the LSP Crime Lab.

Performance Audit Findings

LSP Crime Lab Efficiency *(See pages 11 through 21 of the report.)*

- The LSP Crime Lab takes longer to process evidence than the North Louisiana Crime Lab System (NLCL) and the Acadiana Crime Lab (ACL). In fiscal year 2003, the LSP Crime Lab processed 63% of requests within 30 days. The NLCL processed 94% and the ACL processed 71% of requests within 30 days.
- The LSP Crime Lab has improved its processing times from fiscal year 2001 to fiscal year 2003.
- The LSP Crime Lab has more requests that have not been analyzed than the NLCL and the ACL. The average age of unanalyzed requests at LSP is 312 days.
- LSP Crime Lab analysts processed fewer requests per analyst in narcotics, toxicology, and DNA than analysts at the NLCL and the ACL in fiscal year 2003.
- The LSP Crime Lab spent at least 62% more in total operating costs per analyzed request in fiscal year 2003 than the NLCL and the ACL.
- The LSP Crime Lab has lower performance expectations for the number of evidence requests analyzed per analyst than management at the NLCL and the ACL.
- Although salaries at the LSP Crime Lab are lower than the other labs, we found similar turnover and vacancy rates between the LSP Crime Lab and the ACL.
- Some parishes have chosen not to use the LSP Crime Lab's services because of its untimely performance. As a result, these parishes are now paying for services they were receiving free of charge.

Reported Performance Indicators *(See pages 23 through 26 of the report.)*

- The LSP Crime Lab performance indicator data do not present a complete and accurate evaluation of the lab's functions. Inadequate controls exist for the input, process, and review of the performance indicators.
- For 12 performance indicators reported for fiscal year 2003, six values were reliable, three values were unreliable, and we were unable to determine the reliability of three indicators.

Legislative Auditor
339-3800





AUDIT INITIATION AND INTRODUCTION

Audit Initiation and Objectives

This performance audit was conducted under the provisions of Title 24 of the Louisiana Revised Statutes of 1950, as amended. Louisiana Revised Statute 24:522 requires, in part, that the legislative auditor establish a schedule of performance audits to ensure that at least one performance audit is completed and published for each executive department within a seven-year period beginning with the 1997-98 fiscal year. In accordance with this requirement, the Office of Legislative Auditor developed a plan scheduling a performance audit of the Department of Public Safety for fiscal year 2003. The scheduling of this audit was approved by the Legislative Audit Advisory Council in February 2002.

The objectives of this audit answer the following questions:

- Does the Louisiana State Police Crime Lab ensure efficient analysis of evidence for law enforcement agencies in Louisiana?
- Do the Louisiana State Police Crime Lab's performance indicator data present a complete and accurate evaluation of the lab's functions?

We did not look at the accuracy of evidence analysis results or quality of evidence analysis conducted by the LSP Crime Lab or any other lab mentioned in this audit. Instead, we focused on the efficiency, including timeliness, workload and cost of evidence analysis.

Overview of the Louisiana State Police Crime Laboratory

The overall mission of the LSP Crime Laboratory is to assist local, state, or federal law enforcement agencies in Louisiana in the investigation of criminal activity by providing scientific analytical services in a timely manner and expert assistance free of charge.

The Department of State Police was created in 1936 by the Louisiana legislature. In 1937, the Louisiana State Police Crime Laboratory (LSP Crime Lab) was established under the Louisiana Department of State Police. In 1942, the Department of State Police was abolished and formed into a division under the Department of Public Safety. The lab was accredited by the ASCLD/LAB in 2000. The LSP Crime Lab has the following evidence analysis units:

- **CODIS DNA** - the Combined DNA Indexing System (CODIS) is the analysis of DNA samples taken from convicted offenders and arrestees of certain crimes to be put into a national data bank.
- **Forensic DNA** - the analysis of biological material found at a crime scene or associated with a criminal investigation and attempts to include or exclude potential suspects or victims as the source of the biological material.

ASCLD/LAB

The American Society of Crime Laboratory Directors/Laboratory Accreditation Board accreditation program allows crime labs to participate in a voluntary accreditation process. The process focuses on a crime lab's management, operations, personnel, procedures, equipment, physical plant, security, and personnel safety procedures.



LOUISIANA STATE POLICE CRIME LAB

- **Narcotics** - the analysis of substances suspected of containing an illegal or controlled dangerous substance. The majority of requests are for this type of analysis.
- **Physical evidence** - the analysis of physical evidence from crime scenes for latent prints, firearms identification and trace evidence. This unit performs the most diverse types of analysis.
- **Toxicology** - simple toxicology requests include blood alcohol and alcohol content determination; complex toxicology requests include drug screens of blood and urine.

In addition to the LSP Crime Lab, seven other crime labs in Louisiana provide evidence analysis for state and local law enforcement agencies (see Exhibit 1). However, the other seven crime labs are not funded through the state general fund and receive their funding from the parishes that submit evidence to the labs.

| Exhibit 1 Crime Labs in Louisiana | | | | |
|------------------------------------------------------------------------------------------------------|---------------------------------------|------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------|
| Crime Lab | Authorization | Operating Entity | Evidence Analysis Units | ASCLD/LAB Accreditation Date |
| Acadiana Crime Lab | Established in 1972 by R.S. 40:2267.1 | Acadiana Criminalistics Laboratory Commission | Narcotics, Simple Toxicology, Forensic DNA, and Physical Evidence | 2001 |
| Jefferson Parish Crime Lab | Established in 1972 by R.S. 40:2266.3 | Jefferson Parish Sheriff's Office | Narcotics, Simple Toxicology, Forensic DNA, and Physical Evidence | Not accredited |
| New Orleans Police Department Crime Lab | Established in 1967 | New Orleans Police Department | Narcotics, Physical Evidence, and Forensic DNA | Not accredited |
| North Louisiana Crime Lab System | Established in 1971 by R.S. 40:2261 | North Louisiana Criminalistics Laboratory Commission | Narcotics, Simple Toxicology, Forensic DNA, and Physical Evidence | 1997 |
| Southeast Crime Lab¹ | Established in 1988 by R.S. 40:2268.1 | Southeast Criminalistics Laboratory Commission | Narcotics | Not accredited |
| Southwest Crime Lab | Established in 1972 by R.S. 40:2266.3 | Calcasieu Parish Sheriff's Office | Narcotics and Physical Evidence | Not accredited |
| St. Tammany Parish Crime Lab | Established in the early 1970s | St. Tammany Parish Sheriff's Office | Narcotics and Physical Evidence | Not accredited |
| Source: Prepared by legislative auditor's staff using information provided by the crime labs. | | | | |

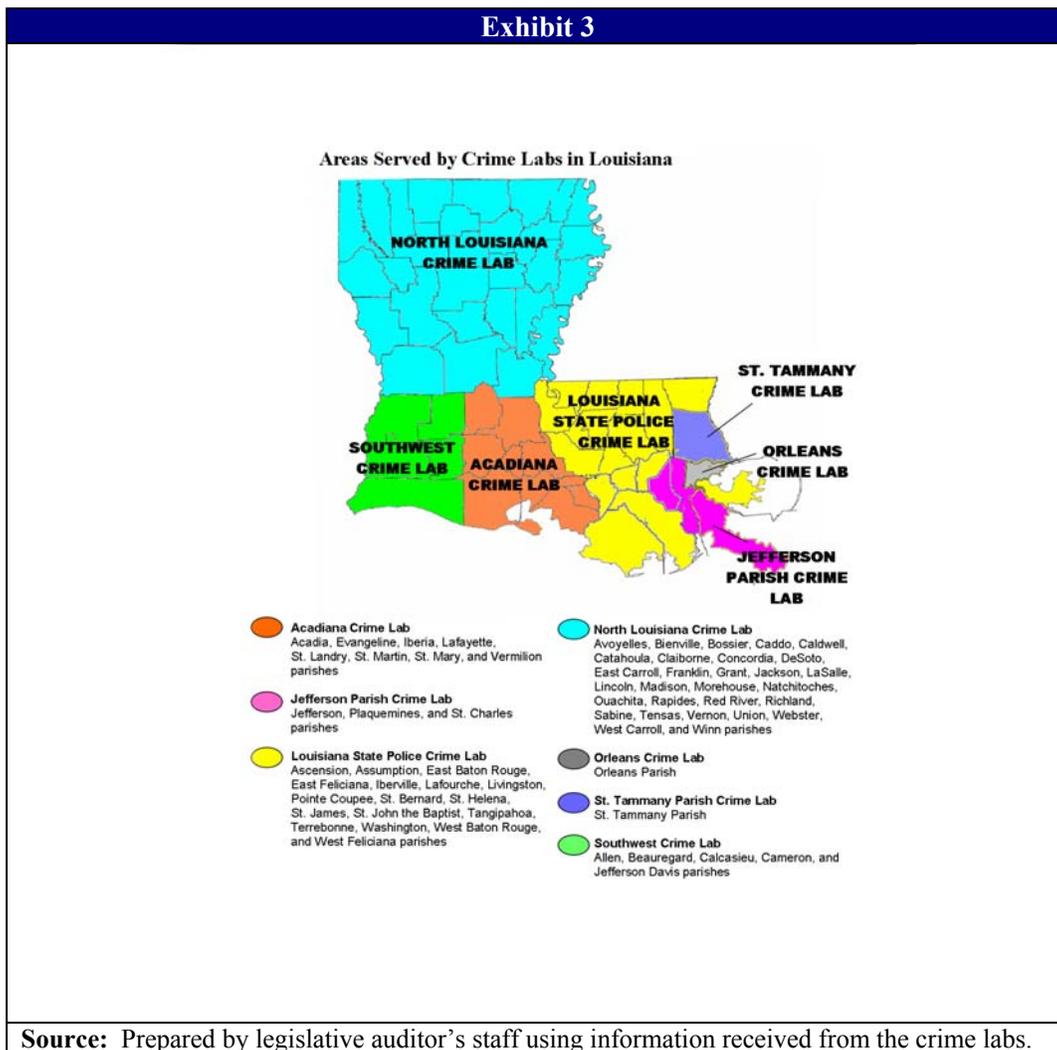
¹ The Southeast Crime Lab does not have a physical location in the state. Instead, it funds two positions located at the LSP Crime Lab to analyze narcotics requests from its participating member parishes (Lafourche, St. James, St. John the Baptist, and Terrebonne).



Parishes Served by the Labs: The LSP Crime Lab received 82% of its requests from 17 parishes, 27% of the state’s population, in fiscal year 2003. The other labs serve the remaining 73%. However, the LSP Crime Lab analyzes complex toxicology requests for most of the state. According to the LSP Crime Lab, it received requests from 63 parishes in fiscal year 2003. All parishes can submit evidence to the LSP Crime Lab to be analyzed at no charge. Exhibit 2 provides the percentage of the state’s population each lab serves. Exhibit 3 shows which parishes are served by each of the crime labs.

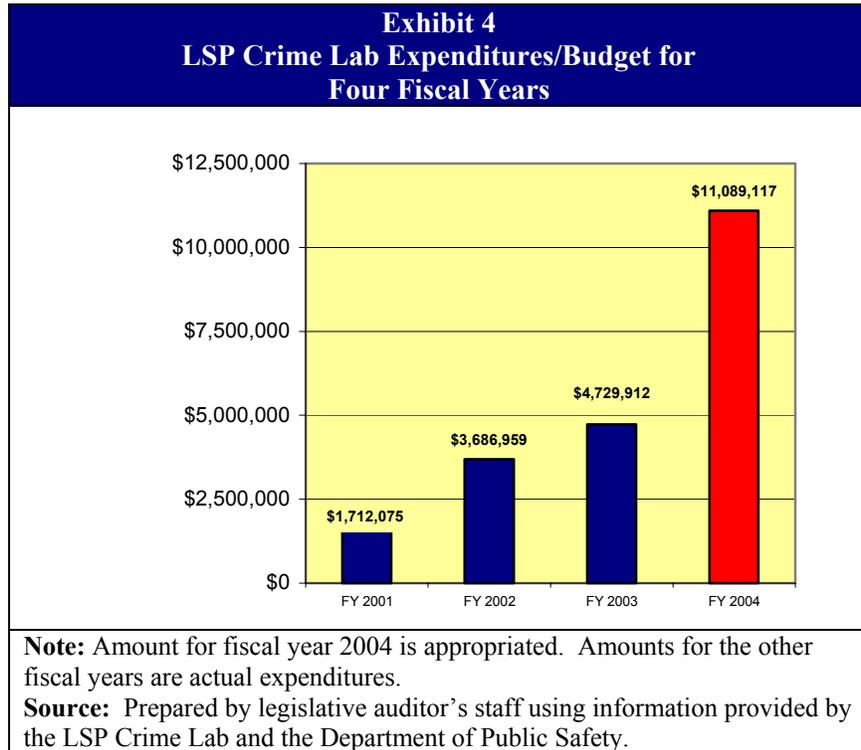
| Exhibit 2 Percentage of Louisiana Population Served by Each Lab | | |
|--------------------------------------------------------------------|---------------------------|---------------------------------|
| Crime Lab | Number of Parishes Served | Percentage of Population Served |
| LSP Crime Lab | 17 | 27% |
| North Louisiana Crime Lab | 29 | 26% |
| Acadiana Crime Lab | 8 | 14% |
| NOPD Crime Lab | 1 | 11% |
| Jefferson Parish Crime Lab | 3 | 12% |
| Southwest Crime Lab | 5 | 6% |
| St. Tammany Crime Lab | 1* | 4% |

*Some law enforcement agencies in St. Tammany Parish send evidence to the LSP Crime Lab.
Source: Prepared by legislative auditor’s staff using information obtained from the crime labs.



LSP Crime Lab Expenditures

The LSP Crime Lab’s expenditures increased 272% from fiscal year 2001 to fiscal year 2003, due largely to the addition of the CODIS and Forensic DNA units in fiscal year 2002. This increase includes approximately \$241,000 of capital acquisitions in fiscal year 2002 and \$295,000 in fiscal year 2003. Exhibit 4 shows the increase in the lab’s expenditures/budget for fiscal year 2001 to fiscal year 2004.



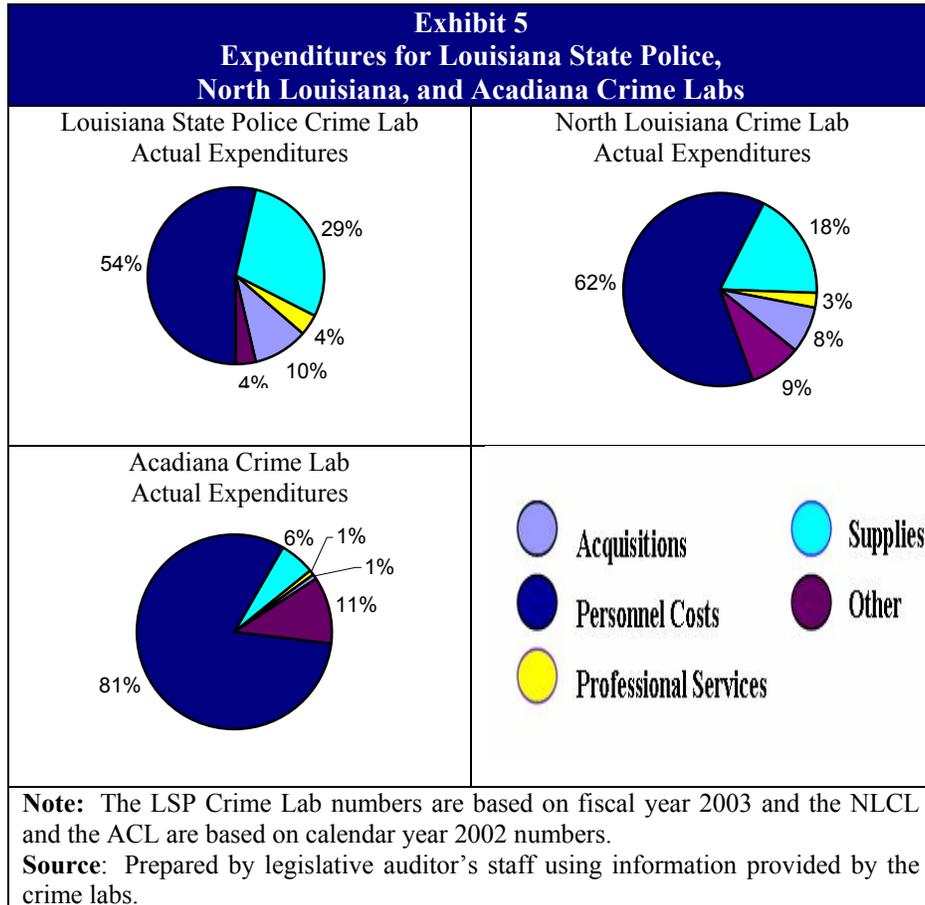
For fiscal year 2004, the LSP Crime Lab received an appropriation of \$11,089,117. As of June 23, 2004, over \$568,000 of this appropriation had been expended or encumbered for capital acquisitions. The \$11 million appropriation includes the LSP Crime Lab’s share of the following appropriations that are to be divided among crime labs in the state:

- \$334,800 of the \$650,000 in state monies to analyze no-suspect DNA cases
- \$519,999 of the \$2,485,000 in federal funds to analyze no-suspect DNA cases
- \$68,000 of the \$500,000 in state monies for operational costs

Included in the fiscal year 2004 appropriation is \$4,000,000 that the legislature provided specifically for DNA testing of arrestees and convicted offenders (CODIS DNA). With these appropriations, the LSP Crime Lab’s budget for fiscal year 2004 increased 134% from fiscal year 2003 and 548% from fiscal year 2001.



In addition, the LSP Crime Lab dedicates a smaller percentage of its budget to personnel costs than the North Louisiana Crime Lab System and the Acadiana Crime Lab. There is a significant difference in the resource allocation of the LSP Crime Lab and that of the other labs. In fiscal year 2003, the LSP Crime Lab spent 54% of its total expenditures on personnel costs, which include salaries and related benefits.² NLCL and ACL spent 63% and 81% of its total expenditures on personnel costs, as shown in Exhibit 5. The LSP Crime Lab spent a larger percentage of its monies on supplies and acquisitions than the other labs. The ACL spent 98% less on acquisitions than the LSP Crime Lab and the NLCL spent 56% less.



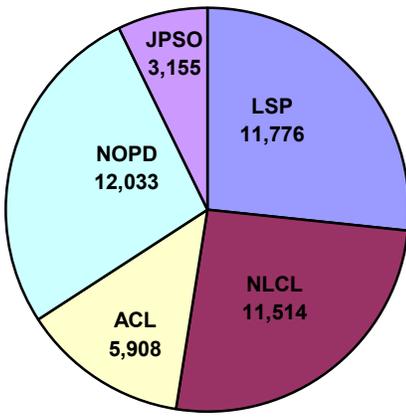
Also, the LSP Crime Lab did not pay some expenses through its operating budget that the other labs had to pay. For example, NLCL and ACL's risk management expenses such as building insurance are included in their operating budgets, while LSP's risk management expenses are not. LSP's expenditures totaled \$3,608,747, while the other labs expenditures totaled \$2,072,448 and \$1,087,435. If the LSP Crime Lab's budget included expenses that the other labs must pay out of their operating budgets, then the LSP Crime Lab would expend an even greater amount of funds than the other labs and an even smaller percentage of their dollars on personnel costs.

² For comparison purposes, we did not include the CODIS DNA money in the budget numbers for the LSP Crime Lab.



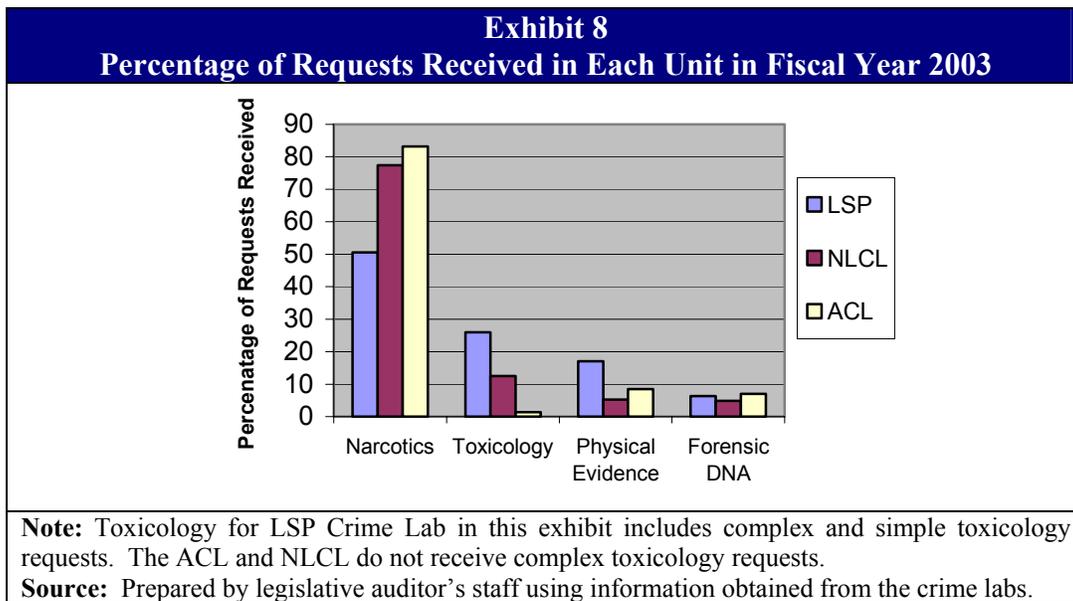
Requests Received and Analyzed

The LSP, NLCL, and NOPD crime labs receive and analyze the largest number of requests/cases of the labs in the state (see Exhibits 6 and 7).

| Exhibit 6 Cases/Requests Received by Crime Labs | | | | Exhibit 7 Cases/Requests Analyzed by Crime Labs in Fiscal Year 2003 | |
|----------------------------------------------------|------------|------------|------------|------------------------------------------------------------------------------------|--|
| | FY 2001 | FY 2002 | FY 2003 | | |
| LSP Crime Lab | 12,734 | 12,821 | 14,125 |  | |
| North La. Crime Lab (NLCL) | 10,381 | 11,763 | 11,862 | | |
| NOPD Crime Lab | 10,146 | 11,379 | 12,033 | | |
| Acadiana Crime Lab (ACL) | 5,848 | 6,850 | 6,471 | | |
| JPSO Crime Lab | 4,923 | 5,170 | 5,302 | | |

Source: Prepared by legislative auditor’s staff using information obtained from the crime labs.

For this audit we looked at the LSP Crime Lab, the Acadiana Crime Lab, and the North Louisiana Crime Lab System (which includes labs in Shreveport, Alexandria, and Monroe). Each of these labs receives most of its requests in narcotics. In fiscal year 2003, the LSP lab received 77% of requests in narcotics and toxicology. The other labs received 90% and 85% of their requests in narcotics and toxicology. Exhibit 8 shows the percentage of requests received in each unit for fiscal year 2003.



Does the Louisiana State Police Crime Lab Ensure Efficient Analysis of Evidence for Law Enforcement Agencies in Louisiana?

While the LSP Crime Lab's customers did not indicate a problem with the quality of the evidence analysis, the LSP Crime Lab does not ensure efficient analysis of evidence when compared to two other crime labs in the state. For the purpose of this audit, efficiency was defined in terms of processing times, workload per analyst, and cost per request. We did not examine the effectiveness or quality of evidence analysis conducted by the LSP Crime Lab other than surveying some LSP Crime Lab customers about their satisfaction with the quality of the analysis. This audit found the following during the examination of the crime lab:

- The LSP Crime Lab took longer to process evidence than the other crime labs examined.
- The LSP Crime Lab has more unanalyzed requests than the other labs.
- LSP Crime Lab analysts processed fewer requests in fiscal year 2002-03 than analysts at the other labs.
- The LSP Crime Lab spent at least 38% more money per analyzed request than the other crime labs.
- The LSP Crime Lab's performance has improved over the last three years. However, its performance is still not within the range of similar labs within the state.

According to LSP Crime Lab management, one of the reasons the lab takes longer to process evidence is because it conducts more analysis tests and more quality assurance reviews. However, LSP Crime Lab is conducting more tests and quality assurance reviews than required by ASCLD and more than the other labs conduct. In addition, we found that the LSP Crime Lab management has lower expectations for personnel than management at the other labs. LSP Crime Lab management suggested that staff turnover, vacancies, and complexity of cases could also be contributing to the low productivity levels; however, these reasons were not substantiated by our audit work. We did find that the LSP Crime Lab pays its analysts less than the other labs.

As a result of the slow processing times, some parishes have reported difficulty prosecuting criminals. In addition, some parishes have chosen to pay for evidence analysis at other labs rather than send evidence to the LSP Crime Lab. It is essential that the LSP Crime Lab continue to improve its evidence analysis procedures in all units to better serve the public by providing efficient analysis of evidence.

Recommendation 1: The LSP Crime Lab management should evaluate its performance expectation levels for the number of requests analyzed per month and determine if they should be raised.

Management's Response: The LSP Crime Lab agrees with this recommendation. Management is willing to examine performance expectation levels for the number of requests analyzed per month by the different disciplines within the Crime Lab to determine if they should be raised. (See Management's Response for the Department's full response.)



Recommendation 2: The LSP Crime Lab management should evaluate unit staffing levels to determine if the narcotics unit is overstaffed and physical evidence is understaffed. Staffing levels should be adjusted if necessary.

Management's Response: The LSP Crime Lab agrees with this recommendation. Management is willing to examine unit staffing levels to determine if optimum use of personnel is being achieved. Should this examination reveal that personnel can more efficiently serve law enforcement and the public, then resources will be re-distributed to accomplish this. (See Management's Response for the Department's full response.)

Recommendation 3: The LSP Crime Lab management should coordinate with the other labs mentioned in this report to share best practices to increase their processing times, reduce the cost per analyzed request, and increase the production per analyst. Specifically, the lab should examine the number of analysis tests conducted and its quality assurance review process.

Management's Response: LSP Crime Lab management agrees with this recommendation. Management will coordinate with other labs in the state to share best practices. Management will specifically examine the number of analytical tests conducted in the different disciplines. If it is possible to reduce the number of tests conducted without adversely impacting the quality of work, then policies will be revised to do this. Management has already considered the quality review process and decided not to make any changes to the process. (See Management's Response for the Department's full response.)

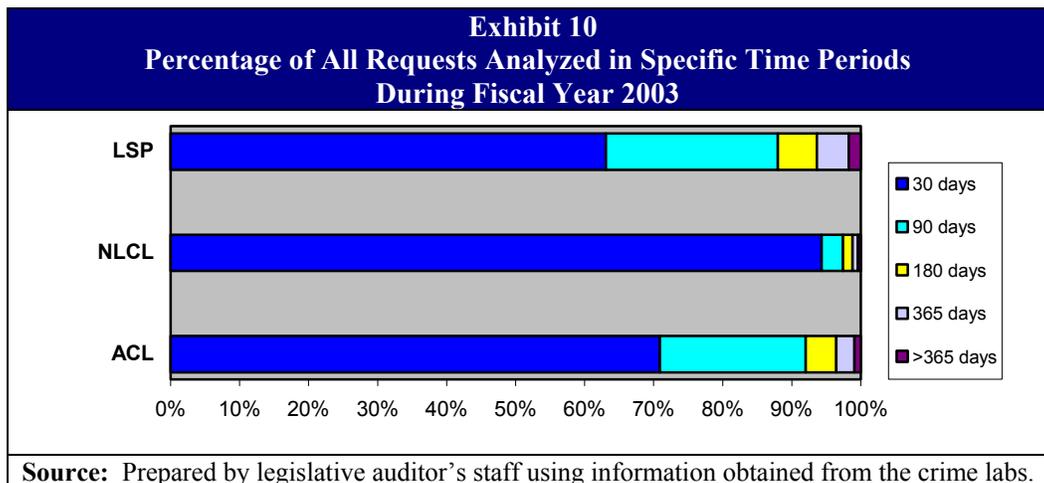


LSP Crime Lab Took Longer to Process Evidence Than the Other Crime Labs

In fiscal year 2003, the LSP Crime Lab processed a smaller percentage of all requests within 30 days than the other labs examined in this audit. The American Society of Crime Lab Directors (ASCLD) commissioned a survey in 2001 that included a question that defined a timely manner for quality evidence analysis as 30 days. We used 30 days as a point of comparison among the three labs for the analysis of processing times. However, we did not use the 30 day point of comparison as a standard for processing times. The LSP Crime Lab processed 63% of all requests within 30-days, while the other labs processed 71% and 94% (see Exhibit 10). As shown in Exhibit 9, the LSP Crime Lab took an average of 49 days to process requests, while the other labs took an average of 38 and 11 days. The NLCL is consistently the quickest lab.

In fiscal years 2001 and 2002, the LSP Crime Lab also processed a smaller percentage of all requests within 30 days than the other labs, and on average took longer to process evidence, as shown in Exhibit 10. For example, in fiscal year 2002 the LSP Crime Lab processed evidence in an average of 52 days, while the other labs processed evidence within an average of 34 and 9 days. While LSP Crime Lab management says that their overall longer turnaround time is due to more complex requests in physical evidence, we found that when the requests are broken out by unit, LSP has the slowest processing time in all areas, as shown in the following section.

| Exhibit 9 Average Processing Time by Year Fiscal Years 2001 - 2003 | | | |
|-----------------------------------------------------------------------------------------------|------------------------------------|---------------------------------------------------|-------------------------------------------------|
| | Number of Requests Analyzed | Average Number of Days to Analyze Requests | Percentage Analyzed in Less Than 30 Days |
| LSP Crime Lab | | | |
| 2001 | 8,907 | 75 | 46% |
| 2002 | 9,135 | 52 | 63% |
| 2003 | 10,738 | 49 | 63% |
| North Louisiana Crime Lab³ | | | |
| 2001 | 6,250 | 16 | 95% |
| 2002 | 7,733 | 9 | 96% |
| 2003 | 7,229 | 11 | 94% |
| Acadiana Crime Lab | | | |
| 2001 | 5,574 | 31 | 73% |
| 2002 | 6,461 | 34 | 73% |
| 2003 | 5,908 | 38 | 71% |
| Source: Prepared by legislative auditor's staff using information from the crime labs. | | | |



³ In this section of the report, the North Louisiana Crime Lab numbers only include the Shreveport and Alexandria facilities.



While the LSP Crime Lab took longer than the other labs to process evidence, it did shorten its processing times from fiscal year 2001 to fiscal year 2003. The lab went from analyzing 46% of requests within 30 days in fiscal year 2001 to analyzing 63% in fiscal year 2003. The lab also decreased the average number of days taken to process evidence by 33% between fiscal years 2001 and 2003. Although the LSP Crime Lab has shown an improvement, the result of the untimely analysis of evidence is that the lab is not ensuring that efficient analysis is provided to law enforcement agencies in Louisiana.

Processing Times for Each Type of Analysis

We determined the average number of days to complete analysis for the four main categories of analysis at the LSP Crime Lab. Compared to the other two crime labs, in fiscal year 2003, the State Police Crime Lab took on average longer to complete every type of analysis and completed less of the analysis within 30 days. Exhibit 11 provides a detailed comparison of the LSP Crime Lab to the other two Louisiana labs. The NLCL is the fastest lab to complete analysis in all categories.

From fiscal year 2001 to 2003, the LSP Crime Lab took longer on average to complete all types of analysis. The DNA section at the LSP Crime Lab began in fiscal year 2001, but did not begin receiving a significant number of DNA requests until fiscal year 2002. In fiscal year 2003, the LSP Crime Lab took on average 16 more days to complete DNA analysis than the ACL, but nearly 129 days longer than NLCL. Although the LSP Crime Lab has more physical evidence requests than the other labs, a larger percentage of these requests can be completed in a few days (see note in Exhibit 11). The physical evidence requests for the other labs have a much smaller percentage of these quick turnaround requests.

While the LSP Crime Lab has taken longer to complete analysis than the other labs, it has decreased the average number of days taken to process narcotic and toxicology requests from fiscal year 2001 to 2003. Over the three fiscal years, narcotic and toxicology requests have accounted for 83% to 86% of all requests. From fiscal year 2001 to 2003, the LSP Crime Lab has reduced the average time to complete narcotics and toxicology analysis by 58% and 55%, respectively.

The LSP Crime Lab management said that the reason it takes longer than the other labs to process evidence is because the lab runs more analysis tests and uses more quality assurance techniques than the other labs. For example, where one lab might run two types of tests for narcotics, the LSP Crime Lab runs three tests. The LSP Crime Lab management has said that the extra test is a quality of analysis issue. We spoke with representatives

| Exhibit 11 | | | |
|----------------------------------------------------|----------------------------------------------------------|------------------------------------------|-------------------------------------------------|
| Average Processing Time by Type of Analysis | | | |
| Fiscal Year 2003 | | | |
| | Number of Requests Analyzed (Percentage of total) | Average Days to Complete Analysis | Percentage Analyzed in Less Than 30 Days |
| <u>Narcotics</u> | | | |
| NLCL | 5,719 (79%) | 7 | 97% |
| ACL | 5,199 (88%) | 27 | 76% |
| LSP | 7,207 (67%) | 36 | 63% |
| <u>Toxicology⁴</u> | | | |
| NLCL | 924 (13%) | 2 | 100% |
| ACL | 83 (1%) | 6.6 | 99% |
| LSP | 1,791 (17%) | 12.4 | 93% |
| <u>Physical Evidence</u> | | | |
| NLCL | 330 (5%) | 73 | 47% |
| ACL | 388 (7%) | 104 | 37% |
| LSP | 1,562 (14%)* | 134 | 36% |
| <u>DNA</u> | | | |
| NLCL | 256 (4%) | 62 | 70% |
| ACL | 238 (4%) | 175 | 11% |
| LSP | 178 (2%) | 191 | 12% |

* **Note:** A total of 1,101 (70%) of these requests are fingerprint comparisons and processing. According to LSP Crime Lab management, these types of requests can be completed in an average of three days, a shorter amount of time than the other types of physical evidence requests.
Source: Prepared by legislative auditor’s staff using information from the crime labs.

⁴ We only compared blood alcohol and alcohol content determination requests. These are the only types of toxicology requests analyzed by all three labs.

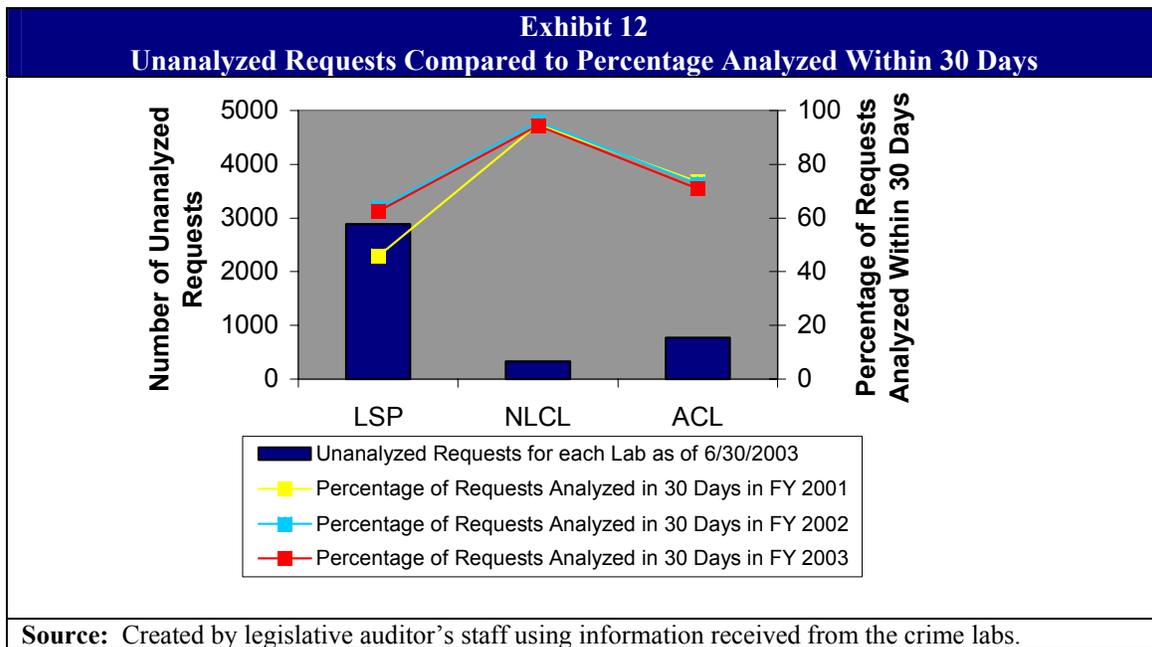


from 30 of the 41 district attorney offices in the state. No one has had a problem prosecuting cases because of the quality of narcotics evidence analysis done by any of the labs in the state, whether they use two tests or three and regardless of the number of requests that are technically reviewed.⁵ In addition, according to the LSP Crime Lab management, ASCLD accreditation standards require that the lab review 20% of analyzed requests for quality assurance purposes. However, the LSP Crime Lab reviews 100% of analyzed requests. According to ASCLD and the LSP Crime Lab, the percentage of analyzed requests that receive technical review can vary depending upon the lab's needs. For instance, if the majority of the staff is inexperienced, a lab might increase the number of technical reviews.

LSP Crime Lab Has More Unanalyzed Requests Than the Other Labs

As a result of the LSP Crime Lab's slower processing times, the lab had a greater percentage of requests that had not been analyzed than the other labs. We determined the total number of unanalyzed requests at each lab as of June 30, 2003. The LSP Crime Lab had 2,883 unanalyzed requests (excluding complex toxicology requests) dating back to 1997. This number of unanalyzed requests is equal to 29% of the number of requests received in a year. Comparatively, the number of unanalyzed requests at the North Louisiana Crime Lab equals 5% of its number of requests received in a year and 12% at the Acadiana Crime Lab.

LSP's unanalyzed requests were an average of 312 days old. Eight percent of the requests were over one year old. Exhibit 12 shows that the LSP Crime Lab had a much larger number of unanalyzed requests and a lower number of requests analyzed within 30 days than the other labs.



⁵ A technical review is a quality assurance technique where a supervisor reviews the analysis results to determine if he/she would come to the same conclusion as the original analyst.



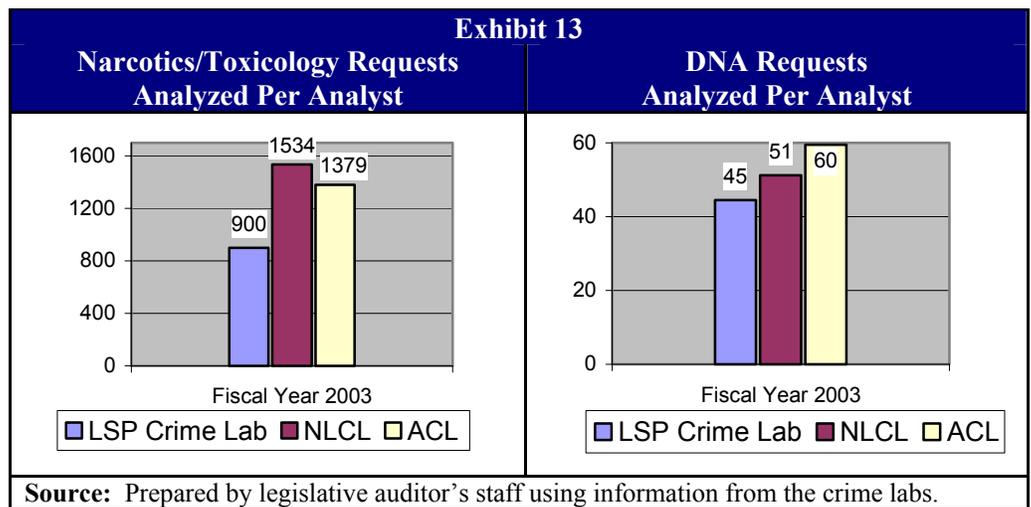
LSP Crime Lab Narcotics, Toxicology and DNA Analysts Processed Fewer Requests Than Analysts at the Other Labs and Physical Evidence Analysts Processed More Requests

LSP Crime Lab analysts processed fewer narcotics, toxicology and DNA requests per analyst than the other labs in fiscal year 2003. The other labs processed at least 53% more requests per analyst in narcotics and toxicology than LSP analysts and approximately 15% more DNA requests per analyst than LSP.

Narcotics/Toxicology⁶ and DNA

Exhibit 13 shows the difference in the number of requests analyzed per analyst by each lab. The LSP Crime Lab had over twice as many staff in these sections than the other labs.

Both the NLCL and the ACL completed nearly as many analysis requests as came in, but the LSP Crime Lab actually completed more analysis requests than it received in fiscal year 2003 as seen in Exhibit 14.



This situation is possible because some of the requests completed were from prior fiscal years.

In addition, the LSP Crime Lab's expectations for its personnel are generally lower than expectations at the other labs. For example, the LSP Crime Lab management expects narcotics analysts to process 60 requests a month. The ACL and NLCL management expect their narcotics/toxicology analysts to analyze everything that comes in, which is about 115 and 127 requests a month, respectively. In addition, the LSP Crime Lab management has established internal performance indicators for the time taken to analyze a request once it is received by the crime lab. For example, marijuana cases are to be analyzed within three months of receipt and other drug cases within five months. DNA requests are to be analyzed within six months of receipt. Low performance expectations can contribute to low production levels and increased time to analyze evidence.

⁶ We combined Narcotics and Toxicology requests in this section because the same staff at the NLCL and the ACL perform both types of analysis.



| Exhibit 14 | | | | |
|---------------------------------------------------------------------------------------------------------------------------------|------------------------------------|------------------------------------|-----------------------------------------------|----------------------------------------|
| Average Number of Requests Completed Per Analyst | | | | |
| Fiscal Year 2003 | | | | |
| | Number of Requests Received | Number of Requests Analyzed | Average Requests Completed Per Analyst | Number of Full-Time Equivalents |
| Narcotics/Toxicology | | | | |
| North Louisiana Crime Lab | 6,749 | 6,643 | 1,534 | 4.3 |
| Acadiana Crime Lab | 5,461 | 5,282 | 1,379 | 3.8 |
| LSP Crime Lab | 8,730 | 8,998 | 900 | 10 |
| DNA | | | | |
| North Louisiana Crime Lab | 364 | 256 | 51 | 5 |
| Acadiana Crime Lab | 396 | 238 | 60 | 4 |
| LSP Crime Lab | 1,009 | 178 | 45 | 4* |
| Source: Prepared by legislative auditor's staff using information from the LSP Crime Lab. | | | | |
| * LSP Crime Lab had 10 DNA analysts in fiscal year 2003. However, six were new staff in training that did not conduct analysis. | | | | |

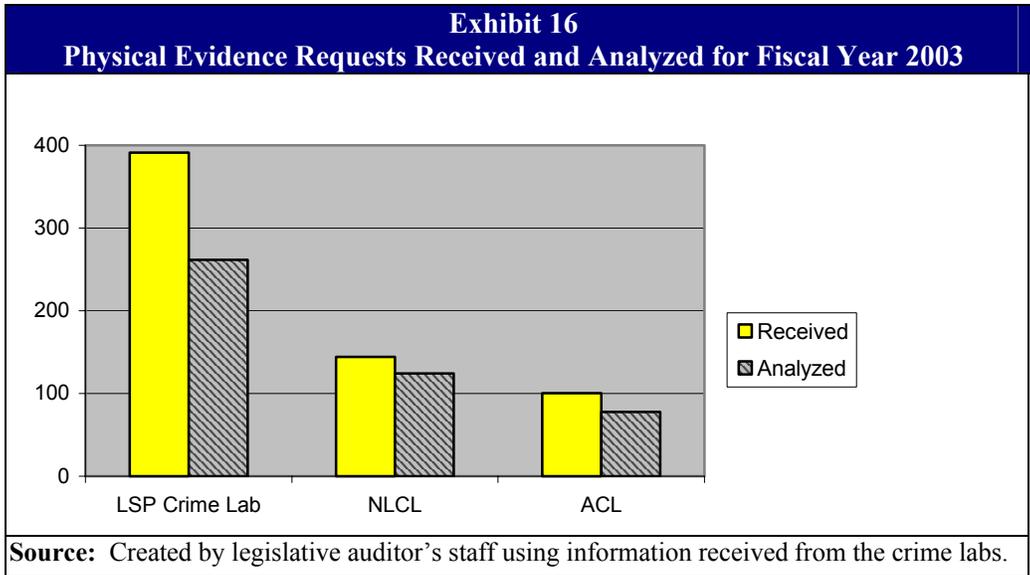
Physical Evidence

When compared to the other two labs, the LSP Crime Lab completed more physical evidence requests per analyst in fiscal year 2003. While each physical evidence request took on average longer to complete (nearly twice as long as in NLCL), each analyst completed 100% more requests than NLCL and over 200% more requests than ACL (see Exhibit 15).

| Exhibit 15 | | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|------------------------------------|-----------------------------------------------|----------------------------------------|
| Average Number of Physical Evidence Requests Completed | | | | |
| Per Analyst | | | | |
| Fiscal Year 2003 | | | | |
| | Number of Requests Received | Number of Requests Analyzed | Average Requests Completed Per Analyst | Number of Full-Time Equivalents |
| NLCL | 385 | 330 | 124 | 2.7 |
| ACL | 501 | 388 | 78 | 4.9 |
| LSP | 2,336 | 1,562* | 314 | 5.0 |
| * Note: A total of 1,101 (70%) of these requests are fingerprint comparisons and processing. According to the LSP Crime Lab management, these types of requests can be completed in an average of three days, a shorter amount of time than the other types of physical evidence requests. | | | | |
| Source: Prepared by legislative auditor's staff using information from the crime labs. | | | | |

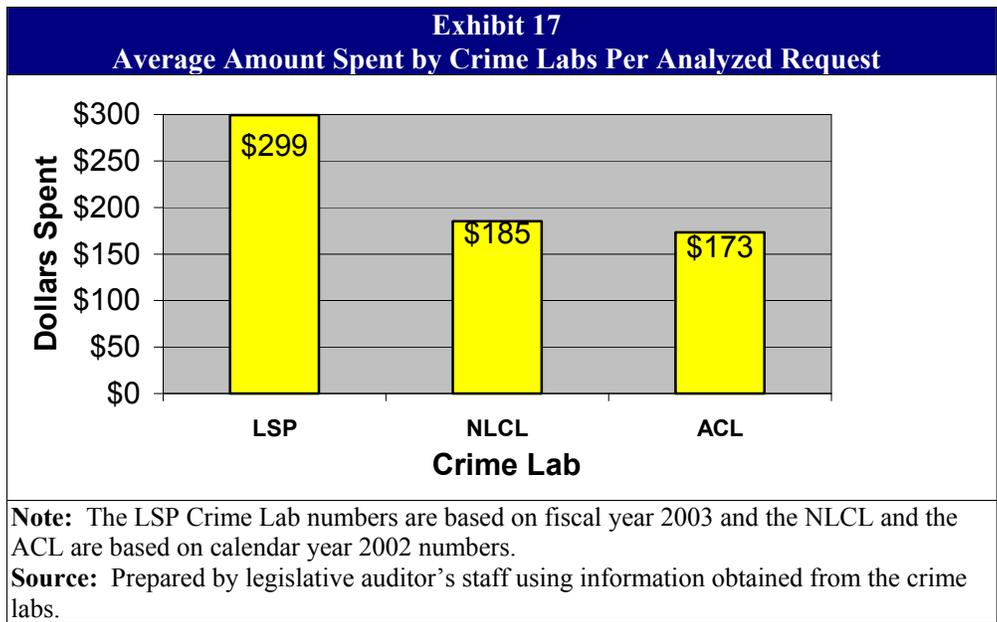
Even though each analyst completed more requests on average than the other labs, the LSP Crime Lab had a larger gap between the number of requests received and the number of requests completed as shown in Exhibit 16 on the following page.





Total Operating Costs for LSP Crime Lab Are Higher Per Actual Analyzed Request Than the Other Labs

The LSP Crime Lab spent at least 62% more in total operating costs per analyzed request in fiscal year 2003 than the other labs.⁷ LSP spent \$299.44 per analyzed request in fiscal year 2003. The other labs spent \$185.11 and \$173.46 per analyzed request. Exhibit 17 illustrates the difference in dollar amounts per request.



⁷ For analysis purposes, we did not include the CODIS DNA money spent by the LSP Crime Lab because the other labs do not have that analysis unit. The LSP numbers do not include the money that was passed through the LSP Crime Lab to other crime labs in the state.

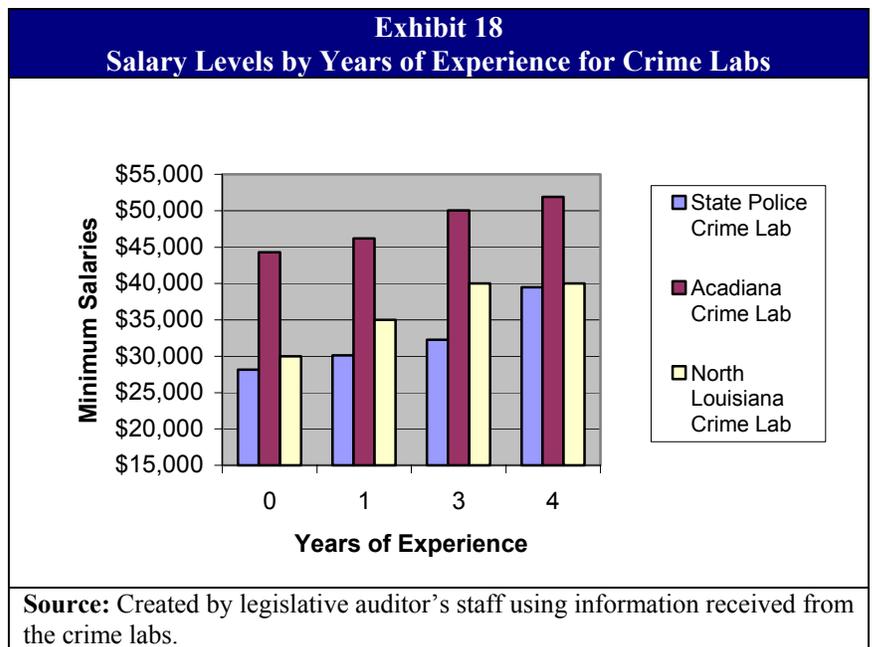


LSP Crime Lab Analysts Have Lower Salaries Than Analysts at the Other Labs. Turnover Rates Have Decreased at the LSP Crime Lab From Fiscal Years 2001 to 2003

The LSP Crime Lab pays analysts less than the other labs. Exhibit 18 shows the difference in salaries for varying levels of experience at each of the labs. While conducting background research for this audit, we were repeatedly given reasons for the LSP Crime Lab’s lesser performance. One of these reasons was low salaries.

Although the LSP Crime Lab has lower salaries than the other labs (see Exhibit 18), the lab had turnover rates similar to the Acadiana Crime Lab, which pays its analysts the highest salaries of the three labs. In addition, the LSP overall turnover rate decreased from fiscal years 2001 to 2003. The rate of turnover went from 18% to 7%. The Acadiana Lab had similar turnover rates for fiscal years 2002 and 2003.

Filling vacant positions did not appear to be a problem for the LSP Crime Lab with the exception of the DNA unit. The DNA unit was formed in 2001 and the lab did have trouble filling many of these positions in the beginning. However, by June 30, 2003, most of these positions had been filled. Therefore, turnover and vacancy problems do not appear to contribute to LSP’s slower processing times and low workloads compared to the other labs.



Slower Processing Times Hinder the Ability to Prosecute Cases

According to some district attorneys, LSP’s slow processing times have affected their ability to prosecute cases because evidence analysis results were not available and the case could not be brought to trial. We spoke with representatives from six district attorneys’ offices that cover 11 of the 17 parishes primarily served by the LSP Crime Lab. The results are presented as follows:

- Two representatives responsible for four parishes told us that slow processing times by the LSP Crime Lab, particularly with narcotics and toxicology requests, affected their ability to prosecute criminals. One representative said his office has had problems prosecuting toxicology cases and



the other said his office has had to dismiss drug cases because they did not receive timely evidence analysis results from the LSP Crime Lab.

- Two other representatives said that they do not receive timely analysis from the LSP lab, but they do not have a problem prosecuting cases because they are able to obtain continuances from the judge when they have not received the analysis report.
- The remaining two representatives indicated they do not have a problem prosecuting cases because of the timeliness of the LSP Crime Lab's analysis.

In addition, a representative of the Louisiana District Attorney's Association said that they often have to ask the LSP Crime Lab to put a "rush" on narcotics evidence analysis so that the analysis will be ready in time for trial.

We spoke with representatives from two district attorney offices that cover two parishes that recently left the LSP lab. They both said that slow processing times, particularly with narcotics requests, affected their ability to prosecute criminals. One said that untimely analysis resulted in waiting a year to receive reports. In some instances, untimely analysis led to witnesses leaving and prosecutors having vague memories of the case they were prosecuting.

We also spoke with district attorneys that cover parishes primarily served by other labs around the state. However, any parish in the state can send evidence to the LSP Crime Lab for analysis regardless of its primary lab. Five district attorneys or district attorney representatives from these parishes said that they have had problems with timely analysis of evidence submitted to the LSP Crime Lab from their parishes.

Another result of LSP's slow processing of narcotics requests is that a prosecutor may not be able to charge a habitual offender with multiple offenses. For example, a person cannot be charged with a second offense unless he has been convicted of the first offense. Therefore, if a person commits multiple offenses, but has not been convicted of the first offense, he/she continues to be charged as a first-time offender.

The LSP Crime Lab management said that the problems mentioned above may be partially attributed to the process it uses to report results. Currently, the LSP Crime Lab sends completed analysis reports to the submitting agency. The LSP Crime Lab management said that in some cases, the submitting agencies do not forward the completed analysis reports to the district attorneys prosecuting the case relating to the evidence in a timely manner. To help correct the problem of district attorneys not getting the lab results in a timely manner, the LSP Crime Lab will implement a new process to get the completed analysis reports directly to the district attorneys.

Some Law Enforcement Agencies Have Chosen Not to Use the LSP Crime Lab's Services

Currently, law enforcement agencies in 47 parishes are primarily served by labs other than LSP. In recent years, at least two parishes have left the jurisdiction of the LSP Crime Lab. As mentioned in the previous section, representatives from these parishes told us that slow processing times by the LSP Crime Lab, particularly with narcotics requests, affected their ability to prosecute criminals. These representatives include a former district attorney, a current assistant district attorney, and a current lab director.



In addition to the two parishes that recently left the LSP Crime Lab, four parishes formed the Southeast Regional Lab Commission. According to one law enforcement official and two district attorneys, the commission was formed as a result of the LSP Crime Lab not meeting the needs of its customers and the slow processing times for evidence analysis. However, the commission decided it was not feasible to build a crime lab and therefore decided to fund two full-time narcotics analyst positions under the direction of the LSP Crime Lab director. These two scientists analyze narcotics requests for four parishes. All other evidence from these parishes is also analyzed at the LSP Crime Lab.

Another parish that was being served by the LSP Crime Lab began a narcotics unit two years ago because of the LSP Crime Lab's untimely processing of narcotics requests. The lab, which receives the majority of its requests in narcotics, established its narcotics unit because it could process these requests in a more timely manner than the LSP Crime Lab, and have evidence ready when cases go to trial. The lab is mostly self-sustained and does not receive state funds to analyze these requests.

Even though the LSP Crime Lab analyzes evidence free of charge for all law enforcement agencies in the state, these parishes have chosen to pay for evidence analysis in exchange for quicker analysis of evidence. The other crime labs in the state are not funded through the state funds. The participating parishes pay for these labs. Their funding comes from local court costs, federal grants, and other funding provided by the parishes they serve. Despite this fact, some parishes have opted to leave the LSP Crime Lab and begin their own labs, or join other crime lab commissions that they pay to be a part of.





Do the Louisiana State Police Crime Lab's Performance Indicator Data Present a Complete and Accurate Evaluation of the Lab's Functions?

The LSP Crime Lab performance indicator data do not provide a complete and accurate evaluation of the lab's functions. The controls do not provide reasonable assurance that the indicator data are accurate and reliable. No written policies and procedures are in place for calculating or collecting the data for the indicators. In each instance where we found the indicator to be unreliable or were unable to determine reliability for the indicator, only one person was responsible for calculating the indicator value. Furthermore, no review process is in place to ensure that the individuals are calculating the correct indicator values. In some instances, the methodology for calculating the indicator value was flawed, and the indicator was reliable only by chance. Also, some indicators were unclear and misleading in what data they actually captured.

Performance Indicators are Suitable for Their Intended Use

The LSP Crime Lab's performance indicators are relevant to the Operational Support program's missions, goals, and objectives and are representative of the Operational Support program's legal authority. Also, the LSP Crime Lab's indicators can be linked to a major function of the program. Based upon these factors, the Office of State Police Crime Lab's indicators are valid.

Improvements in Presentation and Consistency of Performance Indicators Could Increase Their Value

For 12 performance indicator values for the LSP Crime Lab reported for fiscal year 2003, we found that six values were reliable, three values were unreliable, and we were unable to determine the reliability of three indicators. In addition, of the six indicator values that were reliable, the queries used to collect the data for two values were wrong. However, the reported value happened to be reliable. Exhibit 19 on the following page summarizes our evaluation of these indicator values.



Exhibit 19
Office of State Police Crime Lab
Objectives and Performance Indicators Reviewed and Summary of Results
Fiscal Year 2003

| Objectives | Performance Indicators | Value Reported in LaPas | Value Calculated by Auditor | Valid | Reliable |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|-------------------------|-----------------------------|-------|---------------------|
| 3. Through the Crime Lab, to maintain those criteria necessary to retain ASCLD/LAB accreditation and significantly improve laboratory operations by maintaining an Internal Quality Assurance Unit | • Percentage of ASCLD/LAB essential criteria met | 100 | 91 | YES | Unable to determine |
| | • Percentage of ASCLD/LAB important criteria met | 86 | 85 | YES | Unable to determine |
| | • Percentage of ASCLD/LAB desirable criteria met | 90 | 90 | YES | Unable to determine |
| | • Number of internal audits conducted | 11 | 11 | YES | YES |
| 4. Through the Crime Lab, to maintain an 80% analysis rate for all crime lab requests in FY 2002-03 | • Total Number of Lab Requests for Analysis | 14,254 | 13,719 | YES | YES* |
| | • Total Number of Lab Requests Analyzed | 11,795 | 11,780 | YES | YES |
| | • Percentage of Lab Requests Analyzed | 85.80 | 85.87 | YES | YES* |
| | • Percentage of Work Completed for Other Agencies | 93 | 83 | YES | NO |
| | • Number of Agencies on Pre-log | 0 | 0 | YES | YES |
| 5. Through the Crime Lab, to continue implementation of CODIS in order to comply with the 1997 state data banking law | • Number of CODIS DNA samples collected | 8,287 | 6,012 | YES | NO |
| | • Number of samples entered into CODIS | 11,995 | 10,455 | YES | NO |
| | • Backlog of cases to be entered into CODIS | 0 | 0 | YES | YES |

*The queries used to calculate these values were incorrect; however, the correct value happened to be within 4% of the reported value.

Note: Key Performance Indicators are shown in bold.

Source: Prepared by legislative auditor's staff using data obtained from the Louisiana Performance Accountability System and our analysis of the performance indicators.



We found that two indicator values were unreliable because of erroneous calculations. In addition, two indicator values were calculated using incorrect queries, but the values were reliable by chance.

- Percentage of work completed for other agencies - This performance indicator value was calculated by dividing the total number of cases analyzed by the number of requests analyzed for all agencies other than State Police. The indicator should be calculated by dividing the total number of requests analyzed by the number of requests analyzed for other agencies.
- Number of CODIS DNA samples collected - This indicator value was not reliable because we could not duplicate the value for this indicator that was recorded in LaPAS. The methodology used to obtain the value for this indicator consisted of a manual count taken from daily collection forms received from prisons. After duplicating the methodology used to derive the value for this indicator, we found the LaPAS value to be 27.45% higher than the value we calculated. LSP Crime Lab officials said that the discrepancy may be a result of counting the number of kits sent out and not the data on the daily collection forms. Also, they may have been counting duplicate kits and kits that were unused. A new system has been implemented for the current fiscal year that will scan the barcoded samples as they are returned to the lab. This system should eliminate the counting errors we encountered.
- Total number of lab requests for analysis - The query used to calculate this value included cancelled requests. However, cancelled requests are not for analysis and therefore should have been taken out of the value. Although this value was calculated incorrectly, there is only a 3.75% difference between the correct value and the reported value. Therefore, this indicator value is considered reliable.
- Percentage of lab requests analyzed - This value is calculated using the number from the above indicator. Although the above indicator was calculated using an incorrect query, the correct value for this indicator is only 0.08% different from what was reported in LaPAS and is therefore considered reliable.

LSP Crime Lab was unclear about what to report for one performance indicator value.

- Number of DNA samples entered into CODIS - The LSP Crime Lab could not provide us with reliable supporting data for this indicator value. The values for three quarters included only convicted offender samples and not all DNA samples entered into the CODIS database. The fourth quarter value included all DNA samples entered into the database, which the indicator name implies. The value we derived by replicating the methodology used to calculate the indicator value was 12.84% less than what was recorded in LaPAS. Crime lab officials stated that after the indicator value had been recorded in LaPAS, erroneous data found in the CODIS database were removed. In an effort to clear up the meaning of this indicator, lab officials implemented four new indicators for the current fiscal year under Objective 5.



We could not determine if three indicator values were reliable.

- Percentage of ASCLD/LAB essential criteria met, percentage of ASCLD/LAB important criteria met and percentage of ASCLD/LAB desirable criteria met - We were unable to replicate the methodology for calculating these indicator values because the sole employee responsible for the data collection for these indicators passed away in April 2003. No instructions or supporting documents were left by the employee on how to calculate the values for these three performance indicators. Neither the current employee responsible for calculating the value for these indicators nor any staff member had knowledge of the methodology used in the calculation. In addition, these indicators are misleading because they imply that all 61 essential, 45 important, and 20 desirable criteria are being reported in each quarter. However, only a portion of each criterion is reported in each quarter.



Audit Scope and Methodology

We conducted this performance audit under the provisions of Title 24 of the Louisiana Revised Statutes of 1950, as amended. We followed the applicable generally accepted government auditing standards as promulgated by the Comptroller General of the United States. Preliminary work on this audit began in April 2003.

Scope

This audit focused on the efficiency of evidence analysis processes at the Louisiana State Police Crime Lab. The audit covered fiscal year 2003; however, we expanded our scope to include fiscal years 2001 and 2002 to identify trends and anomalies. Our audit objective was to answer the following questions:

- **Does the Louisiana State Police Crime Lab ensure efficient analysis of evidence by providing timely analysis to law enforcement agencies in Louisiana?**
- **Do the Louisiana State Police Crime Lab's performance indicator data present a complete and accurate evaluation of the lab's functions?**

Methodology

To gain an overview of evidence analysis in Louisiana, we performed the following procedures:

- Researched state laws, rules, and regulations
- Reviewed the LSP Crime Lab Web site
- Interviewed staff at the Louisiana State Police, North Louisiana, and Acadiana Crime Labs and conducted physical site visits to these labs
- Surveyed the Jefferson Parish Crime Lab, New Orleans Police Department Crime Lab, and the Southwest Louisiana Crime Lab
- Determined the parishes and population served by each of the crime labs in Louisiana

To obtain information on whether the LSP Crime Lab ensures efficient analysis of evidence by providing timely analysis to law enforcement agencies in Louisiana, we performed the following procedures:

- Identified labs similar to the LSP Crime Lab to conduct a comparison of processing times, analyst workload, cost per request analyzed, budget comparison, and unanalyzed requests; identified the North Louisiana Crime Lab System and the Acadiana Crime Lab as being similar to LSP in function, all three accredited by ASCLD/LAB



- Interviewed crime lab and ASCLD/LAB staff to determine reasonable processing times for evidence analysis
- Obtained the electronic databases from all three labs to determine the processing times for each evidence unit
- Calculated the processing time for evidence requests by using the date the evidence was received by the lab and the date the analysis was completed (report was issued)
- Compared the processing times for each evidence unit among all three labs
- Determined the number of unanalyzed requests at each of the three labs
- Compared the number of requests analyzed per analyst in each unit at each lab
- Interviewed staff at each crime lab about salary ranges, vacancies and turnover rates in each unit
- Compared salary ranges and vacancy and turnover rates in each unit for all three labs
- Compared cost per analyzed request for all labs
- Compared expenditures for each lab, using the most recent expenditure data available
- Interviewed stakeholders and customers about the timeliness of the LSP Crime Lab's evidence analysis

To determine whether the LSP Crime Lab's performance indicator presents a complete and accurate evaluation of the lab's functions, we performed the following functions:

- Interviewed LSP Crime Lab staff and written policies and procedures to determine if internal controls offer assurance that the performance indicator data are valid
- Obtained source documentation to determine if the data used to calculate the performance indicator values were complete and accurate
- Obtained query definitions to determine if indicators were accurately computed
- Determined if the reported performance indicator values in LaPAS were factual
- Determined if the indicator and data are clearly portrayed and explained so that users can understand what the indicator information means









Department of Public Safety and Corrections
Public Safety Services

KATHLEEN BABINEAUX BLANCO
GOVERNOR

HENRY L. WHITEHORN, COLONEL
DEPUTY SECRETARY, PUBLIC SAFETY SERVICES
SUPERINTENDENT, OFFICE OF STATE POLICE

June 10, 2004
0220/0220/SG/073
HQ - 7 - 073

Mr. Steve J. Theriot, CPA
Legislative Auditor
1600 North Third Street
P.O. Box 94397
Baton Rouge, Louisiana 70804-9397

Dear Mr. Theriot:

Attached for your review is the response of the Office of State Police to the revised draft Performance Audit Report dated May 13, 2004 and amended on June 7, 2004.

I am submitting this response for inclusion as an appendix to the final Performance Audit Report issued by your office. I reserve the right to supplement this response if any further revisions are made to your report.

Sincerely,

Lt. Colonel Stanley Griffin
Deputy Superintendent - Support
Louisiana State Police

Attachment

c: Colonel Henry L. Whitehorn
Lt. Colonel Mark Oxley

Office of State Police

**Legislative Audit Response
Department of Public Safety
Louisiana State Police Crime Lab
Executive Summary**

It is important to stress that this performance audit in no way examined the accuracy of any analytical results or the quality of the work produced by the Louisiana State Police Crime Lab (LSPCL) during the audit period for fiscal year 2002-03, but rather the speed with which the LSP Crime Lab obtained results.

Further, it is important to emphasize that the LSP Crime Lab has steadily improved its performance beginning in fiscal year 2000-01. Under current management, the LSP Crime Lab has improved its overall performance by increasing the number of requests analyzed each year since 2000-01, reducing the time it takes to conduct this analysis and by decreasing staff turnover since 2001.

LSP Crime Lab Efficiency

- ❖ The LSP Crime Lab received the largest number of requests for analysis during fiscal year 2002-03 and completed the second most requests for analysis by crime labs in the state completing 83 percent of the requests received.
- ❖ There is no nationally established standard defining a reasonable turnaround time for crime laboratories. The LSP Crime Lab has implemented its own procedures to conduct analysis and to meet customer needs using current resources.
- ❖ The Crime Lab is developing written policies to better track the number of requests for analysis for management purposes and to ensure more accurate measurement of the amount of work performed by the Crime Lab.
- ❖ LSP Crime Lab analysts process fewer requests than analysts at other laboratories because they process a higher percentage of complex requests, perform additional analytical tests, perform additional technical reviews, and perform additional duties not performed by personnel at other labs. Much of the additional work is to ensure accuracy of results and a very high quality of work product.
- ❖ Crime Lab management has or will revise performance expectations to realistically keep up with workload demands.

Reported Performance Indicators

- ❖ Crime Lab management has taken corrective action to capture more reliable data regarding performance indicators in order to more accurately reflect the work performed at the Crime Lab. Additional language has also been added to three performance indicators to clarify exactly what they measure.
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Agency Response to Legislative Audit Report

INTRODUCTION

Parishes Served by the Labs:

LSP Crime Lab Response:

The audit report states "the LSP Crime Lab received 82 % of its requests from 17 parishes, 27% of the state's population, in fiscal year 2003." Crime Lab records indicate that 223 agencies in 63 parishes were served by the Crime Lab during this period which includes agencies or parishes which belong to other statutorily established crime labs. For instance, Avoyelles Parish, a statutory member of the North Louisiana Crime Lab Commission, submitted 22 requests to the LSP Crime Lab which were completed during 2002-03.

Of the 63 parishes referred to above, only one parish submitted requests for analysis in just a single discipline which was toxicology. The other parishes submitted multiple requests for more than one discipline. In this instance, parish is defined as parish of offense.

Since there are frequently multiple agencies in a parish, it is possible for more than one crime lab to provide service in a given parish. For example, St Tammany Parish was the seventh highest parish in the number of requests submitted to the LSP Crime Lab for analysis during fiscal year 2002-03. Some agencies in this parish did not submit evidence to the LSP Crime Lab but use the St. Tammany Crime Lab instead.

LSP Crime Lab Expenditures

LSP Crime Lab Response

The audit report states that the Crime Lab spends less on personnel costs than the North Louisiana Crime Lab system and the Acadiana Crime Lab and a larger percentage on supplies and acquisitions. The funds spent for supplies will always be high since these items are consumed during the analytical process. The cost for acquisitions is high since the Crime Lab has purchased a great deal of new equipment, much of which is proprietary and therefore quite expensive, in the establishment of the DNA Unit as well as upgraded a large number of instruments and equipment in other units that was either very old or no longer supported by its manufacturer.

It would appear that the only way to spend more on personnel costs would be to increase salaries or to increase the number of personnel. Crime Lab management is certainly willing to pursue both of these options. In fact, during each of the last several budget years, additional personnel have been requested and these requests have been denied.

LSP CRIME LAB EFFICIENCY

Does the Louisiana State Police Crime Lab ensure efficient analysis of evidence for law enforcement agencies in Louisiana?

Overall, the LSP Crime Lab took longer to process evidence than the other crime labs.

LSP Crime Lab Response:

It is important to stress that this performance audit in no way examined the accuracy of any analytical results or the quality of the work produced by the Louisiana State Police Crime Lab (LSPCL), during the audit period for fiscal year 2002-03, but rather the speed with which the LSPCL obtained results.

Further, it is just as important to stress that the LSP Crime Lab has steadily improved its performance beginning in 2001. Under current management, the LSP Crime Lab has increased the number of requests analyzed each year since 2001 and reduced the time it takes to conduct this analysis. Staff turnover has also decreased from 2001 to 2003.

The LSP Crime Lab received the largest number of requests for analysis during fiscal year 2002-03 compared to other crime labs. The LSP Crime Lab analyzed the second highest amount of requests for crime labs in the state completing 83 percent of the requests received.

Given that there is no established national standard for turnaround time for the completion of analysis, the management of the State Police Crime Lab focuses the application of available resources on efforts to complete work so that the end user (law enforcement agency and/or district attorney) of the work will be satisfied with the timely delivery of the service.

Toward this end, internal written procedures were implemented several years ago to establish time frames within which to complete work. Consideration in establishing the time frames was discipline-specific allowing for a variance in the complexity of the analysis requested.

In the event that the pre-established time frames do not meet the specific needs of a particular case, i.e. court dates, a mechanism was established to permit district attorneys and law enforcement agencies to submit rush letters seeking expedited service to meet a court imposed deadline. This has assisted the Crime Lab in better meeting customer needs.

Processing Times for Each Type of Analysis

LSP Crime Lab Response:

Percentage of Complex Requests Received

One factor effecting a lab's overall turnaround time in the analysis of evidence is the complexity of the analysis being conducted. That is, requests in some disciplines can be worked more quickly than requests in other disciplines, often because samples can be batched together and electronically analyzed on instruments after normal business hours.

For instance, a drug analyst can usually complete the analysis of multiple drug requests much more quickly than a fingerprint analyst can complete even one analysis in a fingerprint comparison case. Typically, narcotics requests can be worked much more quickly than any request submitted to a lab.

Exhibit 7, Percentage of Requests Received in Each Unit in Fiscal Year 2003, in the audit report clearly indicates that the LSP Crime Lab receives a significantly smaller percentage of drug requests than either the Acadiana Crime Lab or the North Louisiana Crime Lab.

Exhibit 7 also shows that the LSP Crime Lab receives a greater percentage of requests in Toxicology, Physical Evidence and Forensic DNA.

Therefore, if the other labs receive a higher percentage of drug requests, which can be worked much more quickly, and a lower percentage of other requests, which take much longer to complete, it would seem logical that their turnaround times would be much better than a lab which receives fewer drug requests and a greater number of more complex requests.

Number of Analytical Tests Performed

Another factor effecting the LSP Crime Lab's overall turnaround time in the analysis of evidence is the specific number of analytical tests conducted for a given request. For example, the LSP Crime Lab uses three types of tests for narcotics requests where other labs only use two tests. The LSP Crime Lab also uses more tests in basic toxicology (blood alcohol analysis) than other labs do.

Although slightly more time consuming, these additional tests provide the LSP Crime Lab and its clients with an increased level of confidence in the results that are obtained. It is absolutely essential that accurate results are obtained on every analysis that the LSP Crime Lab conducts.

The matter of quality is non-negotiable. There is no room for incorrect results. The ramifications, not only for the Crime Lab, but for the law enforcement agency, district attorney's office, and individual victims and suspects of an incorrect result being reported in any case would be devastating.

Technical Review

As a matter for strict quality control, the LSP Crime Lab conducts one hundred percent technical review of all case work completed by its analysts. This is a peer review of an analyst's work by another analyst qualified in the same discipline. As such, when an analyst is conducting a technical review of his peer's work, he is not spending time conducting analysis. This is a quality assurance measure that provides a high degree of confidence in the analytical results that are obtained.

The audit report indicates that ASCLD/LAB establishes 20% of case work as its acceptable standard for technical review. However, ASCLD/LAB only establishes this as

a minimum standard. ASCLD/LAB actually allows each lab to set their standard at whatever level the lab would like as long as it exceeds 20%. A lab is free to set this percentage as high as it likes. The requirement for accreditation is that the lab meets its self-imposed standard.

The LSP Crime Lab has successfully met this standard since the first time it was accredited by ASCLD/LAB in May, 2000. It has successfully met this standard during subsequent external audits conducted by both ASCLD/LAB and the National Forensic Science Technology Center (NFSTC).

Historically, the LSP Crime Lab has adhered to this standard for several years prior to this audit. To reduce the percentage of technical reviews conducted at this point, as recommended in the draft audit, might be viewed by some as lessening the quality standards established by the Crime Lab and thereby call into question the credibility and reliability of the Crime Lab's work.

It is foreseeable that defense attorneys will question analysts in court to explain why the Crime Lab has lowered its quality standards. This potentially creates a negative perception of the work performed at the Crime Lab.

In addition, both the Federal Quality Assurance Standards for Forensic DNA Testing Laboratories and the Federal Quality Assurance Standards for Convicted Offender Labs require that 100% of all DNA cases be reviewed by a qualified technical leader. As such, to maintain a consistent standard throughout the Crime Lab, management has elected to maintain its already established standard for other disciplines.

Finally, the LSP Crime Lab generally hires new analysts who have little or no experience in forensic case work which may be partially attributable to the low salaries that are offered. As such, it is critical to closely monitor the case work of new analysts to ensure the accuracy of all of their work. Not only does this ensure quality of work, but the continued review of all case work identifies any bad habits that might develop over time and permit immediate corrective action.

Additional Duties

Another factor which impacts the LSP Crime Lab's turnaround time is that some of its analysts perform additional duties that are not performed by analysts at other crime labs. For example, analysts in the Toxicology Unit are the only ones in the state who perform testing for the presence of alcohol or controlled dangerous substances (CDS) in blood, urine or other bodily fluids. This is very time consuming.

The analysts in the Toxicology Unit are also responsible for certification of the gas chromatographs used in each of the other labs in the state when conducting blood alcohol analysis. No one else in the state can conduct this certification. There are seven other labs throughout the state and certification of instruments is required once every 180 days which means that instruments be certified twice a year. Additionally, each individual analyst doing this type of analysis must also be certified once every two years. These

certification efforts are incorporated as much as possible into one trip, however the process results in the loss of at least one analyst from case work at the LSP Crime Lab for at least 14 work days per year.

The analysts in the Drug Unit are responsible for certifying the contents and weight of a variety of narcotics which are used by department personnel in the training of K-9 drug detection dogs. Ten sections within the department are required to submit K-9 training aids at least once per year for verification and/or replacement. It takes one analyst approximately two days to complete this work for one section. As such, there are at least 20 work days per year that one analyst is not performing case work. This will reduce the number of requests that will be completed for our law enforcement clients.

Finally, the analysts in the Physical Evidence Unit are responsible for providing crime scene response to any agency in the state requesting assistance. This is typically a time consuming request because of the travel involved. It is not uncommon to travel to the northern part of the state to work a crime scene. The LSP Crime Lab routinely works crime scenes for agencies that belong to other lab systems.

In addition to working the crime scene itself, physical evidence collected as a result of this work is usually brought to the Crime Lab where it results in additional requests for analysis. Results of these requests often require analysts to travel back to the jurisdiction for court at a later date. All this takes the analyst out of the Crime Lab and away from conducting case work which serves to increase the overall turnaround time of the Crime Lab. The other crime labs respond to crime scenes on a much more limited basis than the LSP Crime Lab and have much shorter distances to travel and therefore spend less time away from their workstation.

Hourly Employees v. Salaried Employees

As state employees, the analysts working at the LSP Crime Lab are hourly employees who must be compensated in accordance with civil service rules and regulations for each hour they work. Analysts are scheduled to work a 40-hour-work-week like all civilian employees of the department. Since limited overtime funds are available, Crime Lab supervisors, as a management tool, must limit the number of hours beyond 40 that an employee can work in a given week. Additional hours may be worked in emergency type situations, i.e. crime scene response or serious felony investigations, with supervisory approval. Employees who work more than 40 hours per week may be required to take leave to avoid the accrual of overtime or the accumulation of excessive compensatory time which will eventually have to be paid by the department

Analysts working at both the Acadiana Crime Lab and the North Louisiana Crime Lab are salaried employees who are not restricted by compensation issues from working as many hours as it takes in a week or month to complete the requests submitted to their lab. Theoretically, an analyst at another lab could work twice as many hours in a one-week period or a 30-day period as an analyst at the LSP Crime Lab and complete more requests and appear to be more productive, when he might not be if compared on an hour for hour

basis. A more meaningful comparison might be to compare the number of requests completed per analyst per hour.

Serial Killer Investigation

Realizing that this is an ongoing case with prosecution pending, and without going into specifics, the "South Louisiana Serial Killer Case" had an impact on the resources and supplies consumed by the Crime Lab and the overall output of the Crime Lab during the 2002-03 fiscal year. Several analysts from several different sections were involved in different aspects of these cases for an extended period of time which reduced the amount of time available to spend on completing other requests.

Overall Performance at the Crime Lab has Consistently Improved

Current LSP Crime Lab management has implemented several changes in the past to increase productivity and to reduce turnaround time. Several passages in the audit report support this. In fact, since 2001, the Crime Lab has increased the number of requests completed and reduced the time it takes to complete this analysis. In this regard, management is certainly willing to explore all avenues which will enhance the service delivered by the Crime Lab.

Crime Lab management is willing to examine performance expectation levels for the number of requests analyzed per month by the different disciplines within the Crime Lab to determine if they should be raised as suggested in Recommendation 1.

Crime Lab management is willing to examine unit staffing levels to determine if optimum use of personnel is being achieved as offered in Recommendation 2 of the audit report. Should this examination reveal that personnel can more efficiently serve law enforcement and the public, then resources will be re-distributed to accomplish this.

Crime Lab management is presently pursuing the hire of an in-house Technical Leader for the Forensic DNA Unit. However, there is a national shortage of qualified individuals for this position. This position is presently contracted to a qualified individual residing in north Louisiana. Delays in case completion are regularly encountered because DNA reports must be mailed back and forth for the necessary reviews to be completed. The hire of an in-house Technical Leader will reduce the time required to complete most DNA requests.

In addition, Crime Lab management agrees with Recommendation 3 in the audit report and will coordinate with the other labs in the state to share best practices in order to reduce processing times, to reduce the cost per analyzed request and to increase production per analyst. Crime Lab management will specifically examine the number of analytical tests conducted in the different disciplines. If it is possible to reduce the number of tests conducted without adversely impacting the quality of work, then policies will be revised to do this.

Crime Lab management has considered the recommendation in the audit report to reduce the number of technical reviews conducted under current Crime Lab quality standards.

Management feels that reducing the number of technical reviews would be a reduction in an important quality safeguard which would be detrimental to the best interests of all parties concerned.

LSP has more unanalyzed requests than the other labs

LSP Crime Lab Response:

The audit report indicates that the LSP Crime Lab has 2,883 unanalyzed requests as of June 30, 2003. Current Crime Lab records indicate that this amount is down to 2,458. The number of unanalyzed requests was captured from the database maintained by the Department's Data Center and contains requests dating to 1998. Many of the remaining requests are from 2001 to date. Some have been returned to the submitting agency unanalyzed. Some have been worked and some have not been worked. However, their status has not been properly updated in the data base, but will be in the near future.

To more accurately track the number of legitimate requests for analysis received at the LSP Crime Lab, a written directive is being developed to provide thorough guidance to evidence room personnel in the proper method of logging requests into the laboratory information management system. This will prevent duplicate entries from being made and will ensure that more accurate information is available in the data base.

In addition, a written policy will be implemented directing unit supervisors to cancel any request for analysis from the laboratory information management system when that request is either no longer needed by the submitting agency, is a duplicate request, or is a subsequent request which has been completed and merged with the initial request report. This will ensure that more accurate information is maintained in the data base concerning completed requests and those still pending.

Total Operating Costs for LSP Crime Lab Are Higher Per Actual Analyzed Request Than The Other Labs

LSP Crime Lab Response:

The audit report indicates that the LSP Crime Lab spent 38% in total operating costs per analyzed request in fiscal year 2003 than other labs. During 2003, the LSP Crime Lab was the forensic laboratory primarily responsible for analysis in the South Louisiana Serial Killer Investigation. During this investigation, numerous evidentiary samples were submitted to this laboratory for analysis in both the Physical Evidence and Forensic DNA Units. The Forensic DNA Unit alone received approximately 1300 suspect references requiring DNA analysis. The cost to the lab to process each of these samples was \$435.92 per sample. All chemicals and reagents associated with DNA analysis are patented and as such are quite expensive. The LSP Crime Lab analyzed each sample under existing protocols which included analysis of each sample using two patented DNA kits known as Profiler Plus and Cofiler. The other laboratory that was involved in this case only analyzed these samples utilizing one of these kits. It is much cheaper to analyze these samples using only one kit instead of both. Both kits are required to give a complete DNA profile. The LSP Crime Lab submitted a BA-7 as a result of this case to assist in the purchase of additional chemical supplies needed for sample analysis in this case.

LSP Crime Lab management has lower expectations for analysts than the other labs

LSP Crime Lab Response:

During the fall of 2001, a consultant was hired by the LSP Crime Lab to review established performance expectations. The consultant conducted an extensive study and determined that the existing performance expectations were unrealistically high given the variety of duties each analyst had to perform. Realistic, discipline-specific expectations were established given the complexity of requests analyzed and the amount of additional duties and responsibilities performed. These performance expectations were implemented in late 2001. In January, 2004, the performance expectations have been increased for the Drug Unit which receives the greatest number of requests for analysis.

Low salaries have not resulted in excessive turnover and vacancies

LSP Crime Lab Response:

The audit report states that "although the LSP Crime Lab has lower salaries than the other labs, the lab had turnover rates similar to the Acadiana Crime Lab, which pays its analysts the highest salaries of the three labs. In addition, the LSP overall turnover rate decreased from fiscal years 2001 to 2003."

In a job study conducted by a consultant hired by the LSP Crime Lab to secure adequate salary funding for newly created DNA analyst positions in 2001, the turnover rate for the entire Crime Lab for fiscal year 1999-2000 was 36 percent. Most of those who left during this period left for higher paying jobs.

Most of these vacancies were subsequently filled during the following fiscal year (2000-01). The individuals who filled these vacancies had to be completely trained by LSP staff. Depending on the discipline they were hired in, they would not be a fully productive analyst for at least one year. In addition, experienced staff members were assigned to train the new analysts and they could not be fully productive in performing analytical work.

Current Crime Lab management has secured two pay raises for Crime Lab analysts since October, 2000. During the tenure of the current management team at the Crime Lab productivity has increased, request backlog has decreased, turnaround time has decreased and turnover has declined.

Slower Processing Times Hinder the Ability to Prosecute Cases

LSP Crime Lab Response:

After the initial draft audit report was received, Crime Lab management conducted a survey of several of the customers it serves. It is important to note that the Crime Lab serves police departments, sheriffs' offices and district attorneys offices. Further, a primary duty is owed to the agency that directly submits evidence for analysis and not another agency which may ultimately use the analytical results obtained for prosecution.

The survey looked at the reliability and quality of work, customer satisfaction and turnaround time. Surveys were sent to police departments, sheriffs' offices and district attorneys offices. A total of 26 surveys were sent out and 20 responses were received.

The results indicated that the reliability and quality of the work performed by the Crime Lab was very good. Most customers were satisfied with the level of service they received. Turnaround time was acceptable to most respondents, but it was typically the lowest ratings received for the survey, especially from district attorneys. This may be partially attributable to the fact that the law enforcement agencies which submit evidence to the Crime Lab are initially the primary customer served by the Crime Lab and results are mailed directly to the submitting agency. Once a case proceeds to the prosecution stage this dynamic changes to include the district attorney who may not receive results in a timely fashion from the submitting agency even though a copy of results is provided by the Crime Lab.

As such, Crime Lab management intends to contact the respondents to identify specific problems and take action to address these problems. Further, Crime Lab management will consider implementing policies to send reports directly to the district attorneys offices instead of to the submitting law enforcement agency to forward. This should alleviate much of the delay in the district attorneys receiving reports on those requests that are completed.

Some Law Enforcement Agencies Have Chosen Not to Use the LSP Crime Lab's Services

LSP Crime Lab Response:

The district attorneys offices in eleven parishes routinely send RUSH letters to the LSP Crime Lab requesting that a drug analysis be performed for certain cases. Approximately 70% of these requests have already been completed when the RUSH letter is received.

It is important to note that the police department or sheriff's office submitting evidence for analysis is the primary client for the Crime Lab in any given case when evidence is submitted for analysis. As such, the report of analysis is owed to this submitting agency first and the prosecuting authority second. Once a request is analyzed and completed then the Crime Lab has two clients to serve whose interests may not always coincide.

Presently, the District Attorney's copy of the final report is sent to the submitting agency, and the submitting agency is responsible for forwarding the copy of the report to the appropriate district attorney's office. Apparently, the D.A.'s are not receiving their copies from the submitting agencies in a timely manner, if at all, which they incorrectly attribute to inefficiency on the part of the Crime Lab.

To correct this communication problem, Crime Lab management is considering revising its practice of mailing two reports to the submitting agency. Once internal policies and procedures are revised, the District Attorney's copy of each report will be mailed directly to that office provided there is no objection by the agency submitting the evidence for analysis. It is anticipated that this may solve many of the problems experienced by the different district attorneys offices.

Another 5% of the RUSH letters received are from agencies requesting a RUSH analysis on "cases or evidence" that the laboratory (Drug Unit) has not yet received from the appropriate submitting agency.

At a point of clarification, the Southeast Louisiana Regional Criminalistics Laboratory Commission (SLRCLC) was established by statute in 1988. Through a memorandum of understanding entered into by the SLRCLC and LSP Crime Lab in 2000, two analysts employed by SLRCLC are housed at the LSP Crime Lab to analyze narcotics requests for its four member parishes.

LSP Crime Lab records indicate that 140 cases submitted by member agencies of the SLRCLC were worked by LSP Crime Lab analysts during fiscal year 2002-03 and not by the two SLRCLC employees currently housed at the LSP Crime Lab. Conversely, only one drug case (a marijuana analysis) received from an agency that was not a member of SLRCLC was worked and completed by an SLRCLC employee during the 2002-03 fiscal year.

The audit report states that "another parish that was being served by the LSP Crime Lab began a Narcotics unit two years ago due to the LSP Crime Lab's untimely processing of narcotics requests. The lab, who receives the majority of its requests in narcotics, established its Narcotics unit because it could process these requests in a more timely manner than the LSP Crime Lab, and have evidence ready when cases go to trial."

The St. Tammany Parish Crime Lab is believed to be the lab that is referred to in the passage above. Their policy is to have the local district attorney's office submit a RUSH letter in order to have a case worked because of a current backlog of around 600 cases. It is because of this backlog that representatives from the District Attorney's Office visited the St. Tammany Crime Lab four times during the week of April 19, 2004 objecting to delays in the analysis of evidence.

A member of the LSP Crime Lab staff contacted a member of the St. Tammany Crime Lab on June 8, 2004 to see if the situation had changed any. According to this staff member, it had not. The St. Tammany Crime Lab still has a backlog of approximately 600 cases. In fact, they are seeking funding to establish an additional position to help reduce the case backlog.

At the time St. Tammany Parish stopped submitting drug cases to the LSP Crime Lab there was a case backlog and the cases were not being processed to the satisfaction of the St. Tammany District Attorney's Office. This would still seem to be the case even with the establishment of their own lab in St. Tammany Parish.

Further, LSP Crime Lab records indicate that the LSP Crime Lab completed in excess of 600 requests from agencies in St. Tammany Parish during fiscal year 2002-03. St. Tammany was the seventh highest parish in the number of requests submitted to the LSP Crime Lab during this period.

The audit report states "Even though the LSP Crime Lab analyzes evidence free of charge for all law enforcement agencies in the state, these parishes have chosen to pay for evidence analysis in exchange for quicker analysis of evidence . . . Despite this fact, some parishes have opted to leave the LSP Crime Lab and begin their own labs, or join other crime lab commissions which they pay to be a part of." This may be misleading as it suggests that many parishes just recently left the jurisdiction of the LSP Crime Lab because of inefficient turnaround time when in fact, as shown in Exhibit 1 of the audit report, the establishment of the majority of the other crime labs resulted from a myriad of reasons and took place over 30 years ago.

RELIABILITY AND VALIDITY OF PERFORMANCE INDICATOR DATA

LSP Crime Lab Response:

Exhibit 19, Objectives and Performance Indicators Reviewed and Summary of Results, of the audit report shows that three performance indicators are unreliable. Steps have already been taken by LSP Crime Lab staff to correct this.

The audit report states that the Performance Indicator measuring the percentage of work completed for other agencies has not been properly calculated. This indicator will now be calculated by dividing the number of requests analyzed for other agencies by the total number of requests analyzed.

The audit report states that the Performance Indicator measuring the number of CODIS DNA samples collected was calculated using a manual count of the kits sent out for sample collection. Crime Lab management has worked with IT consultants to develop a software program, known as LACATS, which has been specifically designed to track and count DNA databasing samples. This program was under development during the 2002-03 fiscal year so the DNA Unit was forced to arrive at this calculation manually. This software program has now been fully implemented and is currently being utilized by the DNA Unit to report these indicators on a quarterly basis. Specifically, the system electronically counts samples by using barcodes and barcode readers upon return to the lab after collection to ensure the accuracy of these numbers.

The audit report states that the Performance Indicator measuring the number of DNA samples entered into CODIS was not supported with reliable supporting data. Steps have been taken to collect reliable supporting data in the future. In addition, four new indicators have been established for the current fiscal year in an effort to clearly demonstrate accurate indicators for this unit based on its performance.

The audit team was not able to determine the reliability of the performance indicator values for the percentage of ASCLD/LAB essential criteria met, percentage of ASCLD/LAB important criteria met and the percentage of ASCLD/LAB desirable criteria met.

The audit report states "the sole employee responsible for the data collection for these indicators passed away in April, 2003. There were no instructions or supporting documents left by the employee on how to calculate the values for these three performance indicators. Neither the current employee responsible for calculating the value for these indicators nor any staff member had knowledge of the methodology used in the calculation. In addition, these indicators are misleading because they imply that all 61 essential, 45 important, and 20 desirable criteria are being reported in each quarter. However, only a portion of each criterion is reported each quarter."

The present Quality Manager, Howard Pentes, who replaced MarySue Trull after she passed away last year, each member of the internal audit team, and several additional lab staff members all know how to calculate these performance indicators. Written instructions for calculating these indicators are explained in the ASCLD/LAB manual, which is used by the lab audit team during audits to ensure continuing compliance with ASCLD/LAB requirements.

Originally, it was intended that the performance indicators related to accreditation would be measured with monthly audits conducted by the Crime Lab audit team. These audits would parallel the chapters of the ASCLD/LAB manual. Only a portion of all ASCLD/LAB criteria would be evaluated during each month and each quarter. Since the audit process is on-going, it is assumed that once an audit shows the Crime Lab to be in compliance with a given criteria, then it is assumed to remain in compliance until a future, regularly scheduled audit proves it is out of compliance.

Since the Legislative Audit Team and Crime Lab management had different interpretations of the performance indicators pertaining to accreditation, Crime Lab management has revised these performance indicators to clarify them and eliminate any potential misinterpretation.