

JUL 11 2012



Idaho State Police

Service Since 1939



Colonel G. Jerry Russell
Director

C.L. "Butch" Otter
Governor

Patricia Tobias
Administrative Director of the Courts
Idaho Supreme Court
451 W. State Street
P.O. Box 83720
Boise, ID 83720-0101

July 9, 2012

Dear Ms Tobias:

ISP Forensic Services (ISPFS) recently received your request for information regarding blood analysis performed in our laboratories. In May 2012, the ISPFS laboratories analyzed two hundred and fourteen (214) blood alcohol samples, sixty-six (66) blood toxicology cases, and thirty (30) urine toxicology cases in support of state, county, and municipal law enforcement in Idaho. I included urine toxicology analysis because DUI challenges in Idaho often require urine toxicology analysis. The average turnaround time for a blood alcohol case was twenty-one (21) days, twenty-two (72) days for a blood toxicology case, and forty-one (41) days for a urine toxicology case. The ISPFS strategic turnaround time goal for alcohol analysis is thirty (30) days, and the goal for toxicology cases is forty-five (45) days. It is important to note that ISPFS measures all turnaround times from the time the evidence arrives at the laboratory. There can be a significant time delay from the arrest to the laboratory evidence submission. Even when prosecutors request testing quickly, it can take several days or weeks for the evidence to get to the lab. Shipping delays and scheduled agency courier days often delay agencies getting the evidence to the lab.

While the blood alcohol and urine toxicology turnaround times are within the strategic plan goal for the laboratory, ISPFS management is actively working on ways to decrease turnaround times in all forensic disciplines. ISPFS fielded a few concerns from prosecutors in the last few months over blood alcohol turnaround times. The turnaround times were slightly longer than normal due to equipment/instrument issues in all three blood alcohol laboratories. ISPFS worked out the instrument problems, and the turnaround times are returning to normal. ISPFS also recently put the Meridian laboratory online as a new blood alcohol analysis laboratory. The Meridian lab will increase our overall capacity, decrease turnaround times, and provide analysts closer in proximity to the court.

The optimal average turnaround time for blood alcohol cases is fourteen (14) days. The laboratory batches samples to provide an optimal cost of scale. We try to balance financial accountability with timely results. Usually the laboratory accumulates enough samples in fourteen (14) days to make the instrument run cost effective. The nature of batching holds some samples in the lab for two weeks before we start processing them, while we may process others on their submission day. ISPFS bases the strategic goal on the average for all samples. Time is also required at the end of the process for the compilation of results and paperwork, typing of the report, technical review of all the results, and posting of the results. The laboratory is currently implementing several process improvements that should optimize this average turnaround time.

700 South Stratford Drive, Meridian, Idaho 83642-6202

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Samples requiring blood alcohol and blood toxicology analysis are another significant delay. The blood alcohol analysis time is additive to the blood toxicology analysis time, sometimes with additional transit time between laboratories. If both tests are required on the sample, the ISPFS strategic goal is to complete the blood toxicology analysis in an average of forty-five (45) days after the blood alcohol analysis.

The blood toxicology turnaround time is currently twenty-seven (27) days above the strategic goal. The blood toxicology turnaround time has been higher than the strategic goal because of a lack of staffing in that discipline. There are two FTPs assigned to blood toxicology analysis. ISPFS had one of the two blood toxicologists resign last year, and it has taken about a year to train a new employee in that discipline. The experienced analyst divides her time between training a new employee and case analysis. The new analyst should finish training this month, and her training completion should alleviate the longer turnaround times in that discipline. We anticipate operating within the strategic goal shortly, but we do not anticipate lowering the strategic turnaround time goal for the blood toxicology discipline. The advent of new instrumentation and methods in the discipline will keep them very busy in the next few years. The addition of synthetic drug laws in Idaho is particularly difficult for the blood toxicology discipline. ISPFS purchased new instruments to assist in the detection of these substances, but ISPFS must validate each instrument to meet accreditation standards. This is a necessary, but timely process.

One of the biggest challenges in our smaller staffed disciplines is court testimony. We estimate that ISPFS spends the equivalent of 1.5 FTPs each year traveling and waiting to testify in court. Blood toxicology is an excellent case study of the court testimony issue. The two analysts in this discipline are constantly required to testify in courts all over Idaho. The more cases they process, the more often they testify. These scientists occasionally testify in several counties in a single day. They are often under several subpoenas each day. Unfortunately, ISPFS is not able to process blood toxicology cases when these analysts are out of the lab to testify. ISPFS proactively worked with prosecutors in Ada County to pass a judicial rule and obtain the equipment for video testimony. We will test this system in August and hope to implement in Ada County this fall. The support of the judiciary is critical to the success of this program. Prosecution, defense, judges, and courts must all agree to use this system as much as possible to allow the scientists more time in the lab. This video testimony system will be a great benefit to the courts because scientists will have the potential to testify in several locations in the same day while still processing samples in the lab. This will also avoid court delays when the scientist is not available due to a competing subpoena. Each ISPFS lab has video testimony equipment available, and we are currently asking counties to make the investment for their courtrooms to have video testimony ability. Three thousand additional hours of analytical time per year is extremely significant to our efficient operation.

ISPFS encourages prosecutors with specific questions, needs, or concerns to call their regional laboratory and discuss the case directly with the analyst or lab manager. Our scientists and support staff will do everything possible to meet the deadlines required by the Idaho courts. We are committed to timely, professional, and scientifically accurate forensic testing in every case. We also request that officers of the court communicate regularly with the Forensic Services Major and Quality Manager regarding the impact of strategic goal turnaround times on court proceedings. This communication allows our management team to evaluate services, adjust priorities, and articulate our resource needs to the Idaho legislature.

Sincerely,



Colonel G. Jerry Russell
Director