

Reducing the Drug Chemistry Backlog at the Minnesota Bureau of Criminal Apprehension Forensic Science Service

This information was presented by Susan Gross on February 25, 2013. Susan Gross is the Forensic Science Supervisor of the Chemistry Group at the Minnesota Bureau of Criminal Apprehension.

Brief Background

The BCA Drug Chemistry Section has thirteen scientists. Ten are in the Saint Paul Laboratory and three are at the Bemidji Laboratory.

The Drug Chemistry section saw the greatest number of cases received in 2012. In January of 2012, 250 cases had been received and the turnaround time was 21 days. In January of 2013, the section received 1,400 cases and the turnaround time was 120 days.

Factors contributing to this severe increase in turnaround time include:

- Steady increase in cases received since 2009
- As of August 2012, new legislation on synthetic drugs and the increase of the number of these cases
- Minor staffing lapses due to resignations and leaves of absences
- Significant increase since July 2012 when there was a suspension of drug cases at the Saint Paul Police Department Crime Laboratory
 - In addition to Ramsey County, we were receiving an increased amount of cases from Dakota and Washington counties
 - From July 2011 to January 2012, the Drug section had only received 58 cases from the three counties combined
 - From July 2012 to January 2013, the Drug section received 769 cases from the three counties combined
- More rush cases which are disruptive to workflow and slows overall process
- Increase caseload requires more time in court and completing discovery requests
- Additional resources will not fix the backlog immediately
 - Three to six month hiring process
 - Hiring an experience drug chemist will take two to three months to get online processing cases

- Hiring a trainee would take almost a year to get online
- Keeping in mind, an experienced scientist will be taken offline to train the new hire

Other issues contributing to the backlog

- Lack of communication between attorneys and agencies
- Extreme rush cases which arrive Thursday and are needed on Monday for court
- Agencies sending in unnecessary items or paraphernalia that will not be analyzed, but the scientist still needs to take the time to completely document it
- Misleading court dates given to the laboratory just to get a quicker turnaround time
- Attorney requests to analyze more items than needed for charging limits

Some 2012 Case Statistics from the Drug Chemistry Section

- Approximately fifteen percent or about 820 cases received by the Drug Chemistry section contained trace amounts
- Approximately seventeen percent or about 935 cases received by the Drug Chemistry section contained legitimate pharmaceutical tablets and or capsules
- Eight percent or about 400 cases received contained marijuana and of those, it is estimated that one third of them were not felony amounts
- Current Drug Chemistry backlog is at 1,400 cases
- Increase in caseload from 2011 to 2012 was 1,500 cases
- The average scientist can work 300 to 400 cases per year

Proposals to reduce the backlog

Proposal 1 Suspend Trace Amount Cases

Approximately fifteen percent of the reported cases in 2012 contained only trace amounts. We propose a temporary change in case acceptance policy from accepting all cases to not accepting drug paraphernalia, residue, and trace amount cases. Trace amounts are defined as residue that may or may not be visible and do not have a weight over 0.01 grams. With prior Laboratory Management approval cases with trace amounts would be accepted for extenuating circumstances.

Proposal 2 Suspend Legitimate Pharmaceuticals unless controlled and have a jury trial date

Approximately fifteen percent of the reported cases in 2012 contained pharmaceuticals that were identified by legitimate markings. Legitimate pharmaceuticals are tablets, capsules, and or pills that contain numeric and or letter designations that can be searched to identify the contents of the pharmaceutical. These markings can be searched by using a Physician Desk Reference Book or even online. We propose a temporary change in case acceptance from the

laboratory accepting all legitimate pharmaceutical cases to not accepting legitimate pharmaceutical cases unless the markings indicate a controlled substance and a jury trial date has been set.

Proposal 3 Suspend marijuana cases that will only lead to a misdemeanor charge

We propose a change in case acceptance policy to not accepting suspected marijuana cases that will only lead to a misdemeanor charge. The laboratory will continue to accept suspected marijuana cases that have a jury trial date set and have an estimated weight over 42.5 grams.

Predictions of the Drug Chemistry Turnaround Time in 2 Years

No Changes

- Greater than one year

Implementing all three proposed changes with no new hires

- Approximately 240 days

Hiring two experienced scientists

- Approximately 180 days

Hiring two trainees

- Approximately 240 days

Implementing all three proposed changes and hiring two experienced scientists

- Approximately 90 days. The only option leading to significant turnaround reduction from where we are today.

What the Drug Chemistry Section will continue to do

- Continue to provide the highest quality service in analysis and testimony
- Continue to only analyze to the highest charging limit and extremely limit requests to analyze beyond the limit
- Continue to prioritize jury trial cases
- Continue to look for resources and ideas to reduce the backlog