

Testimony of
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Commander, Crime Laboratory Bureau
Miami-Dade Police Department
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Ensuring the Effective Use of DNA Evidence to Solve Rape Cases Nationwide
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American Society of Crime Laboratory Directors Board Member

Good morning Mr. Chairman and Members of the Committee. My name is Stephanie Stoiloff. I am the Crime Laboratory Director at the Miami-Dade Police Department and I am responsible for managing the operation of a full service crime laboratory. In addition to my duties as a crime laboratory director, I am also on the Board of Directors of the American Society of Crime Laboratory Directors (ASCLD), which represents the interests of over 500 crime laboratory directors throughout the United States and overseas and plays an active role in ensuring the quality, integrity and credibility of forensic laboratories. I appreciate the opportunity to testify before your committee today and I am honored to be asked to speak to you about ensuring the effective use of DNA evidence to solve rape cases nationwide.

Crime laboratories and forensic scientists play a critical role in the criminal justice system by ensuring the proper collection, preservation, and scientific analysis of crime scene evidence. The successful investigation and prosecution of crimes is dependent upon quality forensic services. Crime laboratories also provide scientific analysis services in areas such as Controlled Substances, Crime Scene Investigation, Firearms, Latent Prints, and Trace Evidence. It is estimated that these additional (non-DNA) forensic service areas comprise almost 90% of a crime laboratory's annual caseload. A significant backlog exists in all areas of forensic science, not just DNA. Crime laboratories are facing great difficulties in their attempts to find the funding, staffing and other resources to analyze cases in all forensic disciplines.

DNA is a powerful investigative tool to solve many cases including sexual crimes. Federal funding has been a driving force in enabling laboratories nationwide to increase their capacity for DNA analysis. In fact, according to figures from the National Institute of Justice DNA Program, the capacity to process DNA cases has increased by 280% nationwide from 2005 to 2008. Unfortunately, the demand for testing has also increased by 260% over this same time period. While crime laboratories nationwide are working to reduce backlogs and increase their capacity to analyze the maximum number of cases possible, crime laboratories are also facing great

difficulties in obtaining the resources necessary to analyze DNA as well as all other forensic disciplines.

The role of crime laboratories is two-fold: to provide investigative leads in order to remove dangerous offenders from the streets or exonerate an innocent suspect and to provide the results and interpretations resulting from these scientific examinations in a court of law. Crime laboratories face different challenges in order to provide this information in a timely manner. It is our practice at the Miami-Dade Police Department Crime Laboratory Bureau and many crime laboratories nationwide to prioritize cases. For the Miami-Dade Police Department, this prioritization begins at the Central Evidence Reception Facility. Cases are screened to determine if all evidence and standards have been submitted for a complete analysis. If the case is complete, the case is then forwarded to a Criminalist within the Forensic Biology Section for analysis. The Miami-Dade Police Department Crime Laboratory Bureau has a written prioritization policy and the highest priorities are violent crimes cases involving stranger offenders; that is, homicides, police shootings or sexual assault cases where the subject is unknown. All sexual assault cases are immediately assigned. If necessary, the Forensic Biology Criminalist then contacts the submitting investigator(s) to set up a meeting to clarify the details of the case in order for the Criminalist to determine which items are the most critical to the investigation. The Crime Laboratory Bureau makes every attempt to analyze the items most likely to yield information essential to the investigation first. The initial analysis of priority items enables the laboratory to work more efficiently and provide information in a timely manner, typically within a few days. After any/all items submitted as priority have been analyzed, additional items may need to be submitted for examination. The request of analysis of additional items could be critical to the identification of a subject or they can be items that are necessary for trial. The DNA analysis conducted to identify a subject who is an immediate threat to society has a higher priority than the analysis of samples for a trial that is years down the road.

In Miami-Dade County, the Crime Laboratory Bureau analyzes the evidence submitted by over thirty-five municipal agencies as well as federal agencies upon request. When faced with the decision of what to collect at a crime scene, the Crime Laboratory Bureau instructs submitting agencies to collect everything. As a result, evidence is collected that does not need to be analyzed because the analysis does not provide information critical to the case at that time; however, in the future, the analysis might be necessary and the evidence has been preserved. In large cases, particularly homicides, the determination of which items will be analyzed first will be decided in collaboration with the assigned Criminalist, the detective and the prosecutor. Any issues that arise as a result of submission are handled at the Central Evidence Reception Facility. The submitting entity is provided with a clear explanation of what information and/or sample(s) is needed before the laboratory will accept the case. The Miami-Dade Police Department Crime Laboratory Bureau also provides training as to evidence collection, packaging and submission. This training is provided in-house, at local trainings such as the Medical Examiner's Death Investigation Course, Crime Scene courses as well as other specific training provided for municipal agencies. These trainings provide valuable interactive sessions to improve the quality of evidence collection.

Crime laboratories are faced with insufficient personnel, facilities, equipment, training, and funding to meet the service needs and expectations of investigators, courts, and citizens. Forensic

science has become an increasingly critical component of the successful investigation and prosecution of criminal cases. However, the timely disposition of cases is impacted by a lack of funding to support the staffing, equipment, training, and facility needs of forensic laboratories nationwide.

As a result of the glamorization of forensic science on television, DNA requests are made of the crime laboratory because the jury expects the evidence to be tested. There are many, many requests that are made of the lab to perform DNA testing when the identity of the subject is not in question. If identity is not in question, why drain precious laboratory resources? Prosecutors need to explain that television drama is just that: a dramatization of fictitious events and capabilities. In a perfect world with unlimited resources including staffing, space and supplies, every lab could analyze every sample from every case. However, the reality is quite different. There are resource issues nationwide that preclude the analysis of every item and of every case. Each case is evaluated separately and each case is different. For example, if a consensual sexual assault is submitted for analysis with an underage female and her adult boyfriend, should this receive the same level of attention as a stranger rape? Crime laboratories, as a whole, do not treat these cases the same way. We clearly understand the value of analyzing sexual assault evidence. This does NOT mean that a consensual sex case would not ever be analyzed but it does mean that the prioritization is necessarily different. If crime laboratories were to examine every case as they are submitted, then other cases would go unexamined.

The primary challenges that face crime laboratories? Backlogs exist within a crime laboratory. There is no single explanation that defines what makes up a backlog. Is it cases in-house that have not been opened? Cases that have not been assigned? Cases in progress but not yet complete? Cases never submitted to the laboratory? Crime laboratories can only manage the cases that exist. In our experience, a written prioritization policy allows the Miami-Dade Police Department to manage the backlog and triage the analysis of cases. This translates to a constant re-prioritization and continual juggling of priorities to meet the needs of the judicial system. This juggling is not performed in an arbitrary manner; there are defined priorities for all cases that enter a crime laboratory. Incoming priorities are the violent crimes; however, the cases that go to trial fastest are property crimes. The question is then posed as to why valuable resources are spent on the DNA analysis of property crimes. Data collected by the Florida Department of Law Enforcement revealed that 52% of violent offenders had a burglary in their past. The sooner the DNA from these subjects can be collected, the quicker the identifications are made and the offenders are convicted. The idea here is prevention. The earlier they are removed from society, the less opportunity they have to progress to violent crimes. Crime laboratories are actually victims of our own successes. At the Miami-Dade Police Department, we have made over 2,900 DNA hits; approximately 74% of these are to residential and commercial burglaries or auto thefts.

Training is essential to every aspect from collection of evidence to submission of evidence to analysis. The Miami-Dade Police Department Crime Laboratory Bureau provides training to investigators, attorneys and judges. Publications such as "Guidelines for the Collection and Preservation of DNA Evidence," and the more recent brochure and training CD entitled "What Every Law Enforcement Officer Should Know About DNA," developed by the Commission on the Future of DNA Evidence, explain the importance of DNA evidence; this information should

be common knowledge among law enforcement and criminal justice personnel. Training curricula for every law enforcement recruit should include, as a matter of routine, procedures for the proper collection and storage of DNA evidence. In addition, cold case squads exist in many jurisdictions to review old unsolved cases for any biological evidence and, if available, submission to the forensic laboratory for analysis and entry into the Combined DNA Index System (CODIS).

Cold case violent crimes are important and Congress has repeatedly allocated funding to use current technological advancements to re-examine cold cases. The Miami-Dade Police Department has actively pursued federal funding under the Solving Cold Cases with DNA grant program and has successfully obtained over \$1.1M to re-examine cold case violent crimes. Of the first 100 cold sexual crimes cases submitted to the laboratory, 68 DNA profiles were developed and uploaded into CODIS and 32 hits were made (47%). Forensic scientists apply for this funding to do more, to use our capabilities to identify subjects in cases where all other leads have been exhausted. The Miami-Dade Police Department Crime Laboratory has a cold case team consisting of members representing most forensic disciplines provided by the lab including DNA, Firearms and Trace Evidence. In addition, the Miami-Dade Police Department has cold case squads in both the Homicide and Sexual Crimes Bureaus; the combined experience of the detectives on these squads with regard to types of evidence that can now be analyzed for the possible presence of biological material has enabled the Miami-Dade Police Department to research and close many cases utilizing this funding. For example, one case involved a sexual assault/homicide of a victim from the 1980s; the subject was scheduled for release in 2013 but has since been sentenced to an additional 35 years as a result of a cold case that was re-submitted for DNA analysis. In another case, at least 8 sexual assaults were associated by DNA in the early 1990s. The cases were re-analyzed using current DNA technology several years ago; in 2009, almost 20 years later, the unknown male DNA profile matched to the DNA profile from an offender convicted of burglary in 2008.

The management of casework submitted to a crime laboratory is not only a law enforcement problem; it is an issue that must be addressed within the entire judicial system. Submission of every case to the crime laboratory with the expectation that every case can be worked is unrealistic. Every case needs to be evaluated separately and not every case needs to be analyzed. In addition, crime laboratories do not have the resources to evaluate every case or every sample from every case. The answer to case management does not lie in the hands of the Criminalists across the country who analyze these cases on a daily basis or in the hands of Crime Laboratory Directors. The responsibility for case management lies in the hands of the judicial system. If the cases are not going to be prosecuted, why expend the law enforcement and laboratory resources? The efforts within a crime laboratory should focus on how to produce results in a timely manner for cases where forensic science can provide critical investigative information. There is no effective "one size fits all" approach to case management; this is an ever-changing re-prioritization that must be fluid to meet the demands of the judicial system.

I appreciate the opportunity to appear before this Committee to provide this information. Thank you.