



LEGISLATIVE BUDGET BOARD

Department of Public Safety Crime Labs

**PRESENTED TO HOUSE APPROPRIATIONS SUBCOMMITTEE, ARTICLES I, IV, V
LEGISLATIVE BUDGET BOARD STAFF**

APRIL 2018

Statement of Interim Charge

Study the state crime lab operational structure and recommend strategies to increase efficiency, including the possibility of establishing a fee for certain services to minimize duplication and encourage timely processing.

Overview of the State Crime Lab Program

- The Department of Public Safety (DPS) operates 13 crime labs across the state that provide forensic analysis to Texas law enforcement agencies.
- The labs' employees assist peace officers with crime scene investigations, analyze physical evidence in criminal cases, present results of analyses in courtroom testimony, and provide instruction at peace officer training seminars.

DPS Crime Lab Cases Requested

The number of forensic evidence requests from law enforcement entities submitted to DPS increased 21 percent over the last two biennia:

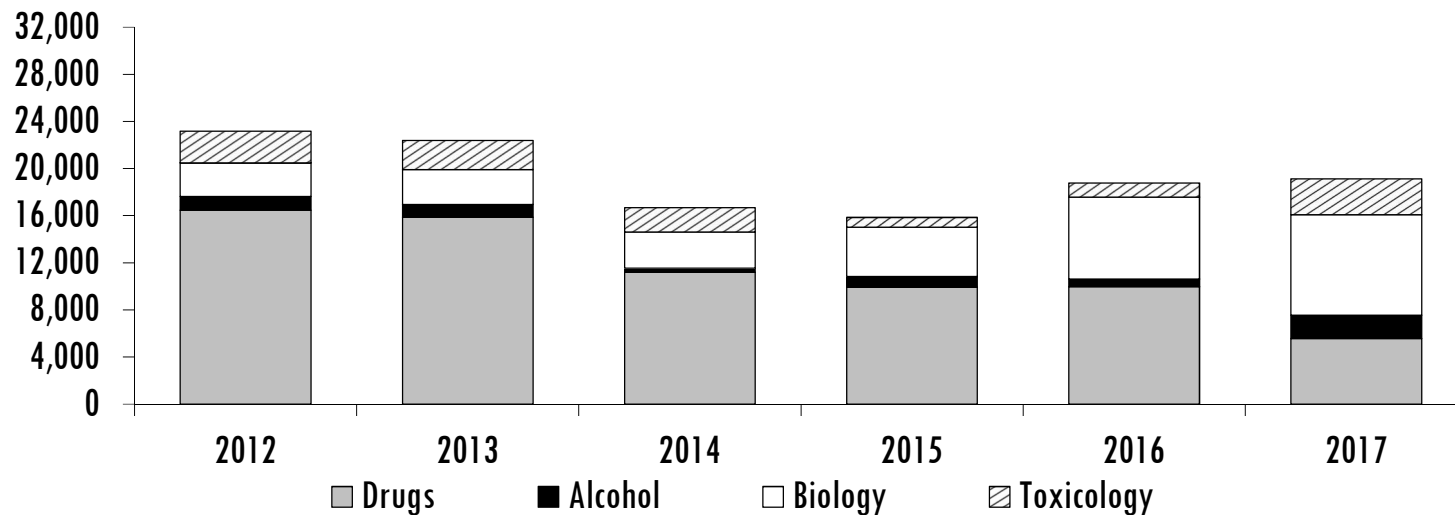
- FY 2014 – 88,623 from 1,427 entities
- FY 2015 – 93,364 from 1,437 entities
- FY 2016 – 103,401 from 1,434 entities
- FY 2017 – 107,143 from 1,475 entities

The entities that submit the most forensic evidence requests to DPS are:

- Corpus Christi Police Department
- Lubbock Police Department
- Montgomery County Sherriff's Office
- Plano Police Department
- Midland Police Department

DPS Crime Lab Backlog

- DPS uses the following timeframes to determine backlogged cases by discipline:
 - More than 30 days – Drugs and Alcohol;
 - More than 60 days –Firearm, Trace/Criminalistics, Latent, Toxicology, QD, AFIS, GSR, and Digital Imaging; and
 - More than 90 days – Biology and DNA (Forensic Biology)
- DPS Crime Laboratory Backlogged Cases, Fiscal Years 2012 to 2017:



2017 LBB Staff Report

Modify State Crime Lab Case Management Practices to Optimize Workload

Findings:

- DPS' crime labs did not have formal procedures to ensure all forensic testing was necessary at the time testing occurred and that no policy existed to allow labs to halt testing determined to be unnecessary.
- Unnecessary testing may occur if circumstances in the criminal case have changed and DPS is not notified, or if a local jurisdiction requests all evidence be tested even though it would not affect the level of the offense charged.
- Resources used for unnecessary testing could have been used to address backlogs.

Actions by 85th Legislature: Crime Lab Cost Containment

The 85th Legislature adopted **DPS Rider 57, Crime Lab Cost Containment** in the 2018-19 GAA.

Rider 57 requires that DPS track the efficiency and output of crime lab services and develop cost containment measures to include:

- 1) maintaining communication with agencies requesting forensic evidence testing on the status of cases before forensic testing occurs; and
- 2) **stopping work** on a forensic test in accordance with applicable accreditation standards for instances in which a crime lab has begun testing that is determined to be unnecessary.

Actions of the 85th Legislature: Forensic Analysis Fee Revenue

The 85th Legislature also increased appropriations from forensic analysis fees, a portion of which offset a decrease in General Revenue, and added **DPS Rider 58, Revenue Collected from Forensic Analysis of Physical Evidence Fees Applied to Law Enforcement Agencies**, which directs the use of fee revenues collected, pursuant to existing authority granted in Code of Criminal Procedure, Section 38.35.

Rider 58:

- authorizes use of funds to inform law enforcement agencies of the policy to charge forensic analysis fees;
- limits use of fee revenues to only the cost of conducting forensic analysis;
- requires a report on fees collected and forensic analysis data by November 1 each fiscal year; and
- authorizes expenditure of fees collected in excess of estimated amounts

Actions of the 85th Legislature: Crime Lab Services Appropriations

2018-19 All Funds appropriation for Crime Lab Services is \$76.1 million, an increase of \$1.6 million as compared to 2016-17 expenditures.

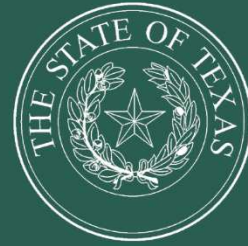
Appropriations assumed \$11.5 million in forensic analysis fees, based on historical trends of applicable cases and prevailing fee rates. General Revenue appropriations were reduced by half this amount -- \$5.8 million.

Other funding changes:

- **Sexual Assault Kit (SAK) testing.** GR also decreased \$3.8 million due to \$8.0 million in one-time expenditures for SAK backlog testing (for kits submitted prior to FY2012) in the 16-17 biennium, partially offset by \$4.2 million in new funds for SAK backlog testing (for kits submitted during/after FY2012).
- **Statewide electronic tracking for evidence of a sex offense.** GR increased by \$1.6 million due to enactment of HB 281, to implement this system.
- **Federal/Other Funds.** DPS also estimated \$4.8 million in Federal Funds and \$1.3 million in Other Funds related to various Interagency Contracts for crime labs, a net increase of \$1.5 million over the 16-17 biennium.

Actions Taken After the 85th Legislature: Forensic Analysis Fees

- On July 20, 2017 DPS notified local entities of the Rider 58 requirement to collect forensic analysis fees and provided a fee schedule as well as information about a voucher system it intended to implement.
- On July 28, 2017, Governor Abbott requested that DPS retract the notification letter and cease the implementation of forensic analysis fee collection.
- DPS agreed to assess and collect no forensic analysis fees in the 2018-19 biennium.
- The result is a \$5.8 million General Revenue decrease to Crime Lab Services which will not be supplanted by forensic analysis fee collections (Appropriated Receipts) in the 2018-19 biennium.



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Contact the LBB

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