

December 9, 2022

The Honorable John Whitmire
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Austin, Texas 78768



TACLD

Texas Association of
Crime Laboratory
Directors



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To the Members of the Senate Committee on Criminal Justice,

My name is Peter Stout and I serve as the CEO and President of the Houston Forensic Science Center as well as the President of the Texas Association of Crime Lab Directors (TACLD). Today I wanted to offer the following testimony on the best ways to reduce backlogs in the criminal justice system. Scarce Federal support, increasing complexity of testing and historic attrition are straining forensic labs¹. This, in turn, impacts the criminal justice system for everyone. The needs are multifaceted and go far beyond just the stuff in a white coat at the bench.

It helps to have an overview and idea of the scope of what crime labs are asked to provide.

- Accredited, public forensic labs receive approximately 200,000 requests for forensic services each year. **This is less than half what is expected per capita.**
- Statewide about \$140 million is spent by State, county and municipal governments. This is **less than 1/3 of what is needed compared to national statistics.**
- Texas forensic labs employ more than 1,300 personnel with about 80% of those staff working cases directly.
- There are more than 13,000 requests for service that are more than 30 days old across all the major request types.

Compared to national statistics², Texas is on the low end of requests for forensic service expected for the population of Texas. Based on the 75th percentile rates nationally, Texas should expect 500,000 requests annually. This is a common phenomenon in criminal justice that lack of capacity in forensic labs pushes stakeholders to proceed with investigations and prosecutions without the evidence they would prefer. Also, a common challenge nationwide when labs begin to improve capacity backlogs tend to increase because stakeholders begin to request work they previously did not when labs had less capacity.

¹[Report to Congress: Needs Assessment of Forensic Laboratories and Medical Examiner/Coroner Offices \(ojp.gov\)](#), May 2020,

² [Project FORESIGHT Annual Report, 2020-2021 \(wvu.edu\)](#), Table 2.

Lab disciplines and case volumes vary. Some disciplines are much less expensive than others. For instance, the national median cost per alcohol analysis³ is \$236 and the median for a trace evidence case is \$4,936. That median is drawn from nationwide data that includes many labs that are in dire straits and have catastrophic failures. Meaning the 75th percentile data are better estimates of a more sustainable cost.

Looking at the aggregate dollars available per request in Texas this is about \$650/request. Using estimates of the types and volumes of requests seen around Texas and the national 75th percentile estimate of costs per request, this means **Texas labs have only about half the \$1,203/request minimally needed.**

For Texas to be able to do the needed job for the criminal justice system with the needed quality at the likely volume of demand, **statewide spending needs to be about \$600M/year compared to the \$140M/year currently.**

Federal money is negligible for forensics. The *entire* Federal budget supporting forensics is about \$200 million per year. This is shared between all the 410+ labs in the country.

- About 75% of this money is dedicated to supporting DNA meaning there is effectively NO federal money available for any other discipline.

As the Legislature meets here next month, I would like to address potential action you can take to address these needs, including workforce development, loan forgiveness, and equipment. I will also address (and support!) the Department of Public Safety's Legislative Appropriation Request as well as emphasize the need for the forensic perspective in crafting legislation. The better DPS functions, the better all of us function.

Workforce development

Forensics, like other fields, is facing historical attrition rates. Couple that with the fact that it takes **2-4 years of training at the lab beyond a degree** to be able to produce casework and testify independently. Many labs estimate between \$300k and \$500k investment to train an analyst to the point of doing case work. We lose staff regularly to other private sector industries that pay better and offer less stress.

- TFSC has the authority and experience to manage continuing education for professionals but needs the resources for doing this at scale (like CCA for lawyers and judges). **Funding TFSC at an appropriate scale would help with continuing education demands of existing staff.**
- It may be awkward to hear a message from a guy in Houston, but please invest **resources to University of North Texas and Sam Houston State University to train more lab professionals. ESPECIALLY programs that are post graduate, discipline specific practical training such as professional certificate programs.**

³ [Project FORESIGHT Annual Report, 2020-2021 \(wvu.edu\)](#), Table 7

- **Fellowships** are golden –We have examples working with Army and academia, but having positions **funded statewide would be very impactful.**
- For a small investment, having **100 to 200 multi-year fellowships statewide would make a world of difference for crime labs across Texas.** Many of us are experiencing attrition rates of 15-20%. A sustained pipeline of 200 fellows a year would greatly improve the training cost impact to labs.

For example, our attrition rate at HFSC doubled during COVID. Attrition has meant training costs, and those costs take resources from cases. The City of Houston invested ARPA dollars with HFSC to help offset the cost of training. A similar means of offsetting training costs of new employees for labs with a state funded fellowship would allow labs to keep resources producing results.

Loan Forgiveness and Scholarships/Grants

Tying **loan forgiveness for years in public service** would also greatly help or similar funding to assist in paying off student loan debt for public lab staff.

- More scholarships and grants to students interested in forensics, in exchange for their commitment to serve in Texas public labs for a minimum term.

Equipment—capital investment

Federal money for forensic equipment is **ONLY** available for DNA. Federal money is insufficient for anything else..

- ALL disciplines need help but using state dollars to help in toxicology would be tremendous. Texas is THE most dangerous state for impaired driving deaths. We are seeing a generational shift to more drugged driving and less drunk driving. No one is prepared to handle this.
- DPS has funding requests, specifically in toxicology, these need to be supported
- Drug Recognition Expert (DRE) programs need expanding for law enforcement
- Prosecutors need resources as DWI often the training ground for ADAs.
- If it is a problem for Houston, it is a problem for every lab in Texas

DPS Legislative Appropriation Request

- The creation and use of a Forensic Lab Portal to permit access by stakeholders is critical. Infrastructure improvement is not sexy but it is crucial to ensuring the effective operation of the criminal justice system

and to enabling stakeholders to fulfill their legal and ethical duties of disclosure and effective representation.

Forensic Scientists need to be at the table for policy discussions

- Hemp example really caused confusion and huge cost to labs
- Efforts to address fentanyl concerns could create serious issues for labs
- Challenges of “drugged” driving.
- Labs are a choke point in almost all major public health and safety issues.
- Complexity in new processes and implementation also means increased needs for training for laboratories and stakeholders – especially since these methods must be present in trial. We should also be included in conversations relating to funding trainings.
- Disclosure obligations flow through prosecutors but have direct impacts on laboratories, the burdens placed on them, and infrastructure demands to meet those burdens. The legislature should consider the fiscal note to labs when legislation relating to disclosure and discovery are suggested and labs should be part of those conversations when applicable

Respectfully,

A handwritten signature in black ink, appearing to read 'Peter R. Stout', written in a cursive style.

Peter R. Stout, PhD, F-ABFT