

MINUTES OF THE MEETING OF THE APPROPRIATIONS SUB-COMMITTEE ON
ELECTED OFFICIALS AND HIGHWAYS

January 14, 1983

(Tapes 12, 13 & 14)

(Exhibits 1 through 10)

The Appropriations Sub-committee on Elected Officials and Highways met at 8:00 a.m. on January 14, 1983 in Room 437 with Joe Quillici presiding. The following members were present:

Chairman Quillici
Rep. Connelly
Rep. Lory

Senator Dover
Senator Van Valkenburg

Senator Stimatz was excused.

The following were also present during part of the meeting or for its duration: Cliff Roessner, LFA, Leo O'Brien, LFA, Terry Cohea, OBPP, JanDee May, OBPP.

The following budget hearings were scheduled for this morning:

DEPT. OF JUSTICE: Data Processing

Forensic Science

Representing the Department of Justice, the following were present:

Mike Greely, Attorney General
Dr. Ron Rivers, State Medical Examiner &
Administrator of the Forensic
Science Division
Dawn Kangas, Administrative Assistant for Lab
Arnold Melnikoff, Lab Director
Bob Kuchenbrod, Administrator of Central Services
Division
Steve Kohrel, Administrator of Data Processing Division
Mike Lavin, Administrator of Crime Control Division

Attorney General Greely requested some scheduling changes. Monday, January 17th the committee will hear the Central Services, Extradition and Transportation of Prisoners and County Attorney Payroll portions of the Dept. of Justice. Tuesday, January 18th the committee will hear Field Services, LENS and Highway Traffic Safety. The Chairman said these changes had been discussed with the LFA and we would revise the agenda accordingly. The Chairman also asked for copies of the organization chart for the Department that would be small enough to fit into the notebooks and Mr. Greely said he would send some over today.

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Mr. Greely told the committee that the Crime Control Division and Traffic Safety Division are going to be heard later in the session. He said they are not directly administered by his department; he assists them in the preparation of their budgets but they control their own budgets, hire and fire their own employees and therefore have not been included under the bulk of the Dept. of Justice's budget hearings.

Data Processing Division

Mr. Greely introduced Steve Kohrel, the new administrator of the division. Mr. Greely said that since Mr. Kohrel is not as familiar with the budget as Bob Kuchenbrod, they will both be available for questions by the committee.

Mr. Kohrel addressed the committee. There are 7 FTE's in his division: one administrator, one secretary, two program managers and three systems program analysts. He said his division supports the entire LENS network in a technical way. Mr. Kohrel explained to the committee the functions of his division. He also displayed several graphs which showed how data processing intervention can lower or eliminate the need for added personnel while increasing the efficiency of the division.

(212) Bob Kuchenbrod addressed the committee. (Exhibit 1) He said that in the LFA's report it was noted that the Data Processing Division had spent money out of "Personal Services" for "Operating Costs". He said this was correct. The alternatives would have been (1) to come in for a supplemental (2) to go into a deficit mode or (3) going to some other program to pick up the funds. He requested that those be put back into the budget. The first would be as discussed under "Personal Services" adjustment, the second being "Contracted Services". He requested that the LFA budget be increased \$166 in 1984 and \$176 in 1985; "Supplies and Materials" be increased \$1,594 in 1984 and \$1,690 in 1985 and in "Travel" \$1,535 for each year of the biennium. This would bring them back to the level of expenditure for base in FY82. In addition, the division is located in the Scott Hart Building and there will have to be a decision made on the "Rent" figure.

In answer to a question by Senator Van Valkenburg, Mr. Kohrel replied that the travel listed in the data processing budget is due to the need for evaluation of soft and hard ware before it is implemented into the system. He explained that in order to make sound decisions on the purchase of expensive hard and soft ware, it was necessary to see how an existing installation is working. Thus, before any major change is made in their system, someone needs to travel (usually out-of-state) to see such a facility in operation.

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Mr. Kuchenbrod added that, in addition, Mr. Kohrel is closely working with the LENS Bureau that has the teletype installations and Data Processing throughout the state which includes 67 systems. Some of the travel expenses would be for Mr. Kohrel to visit these sites, working out problems in the systems and making sure these systems are operating efficiently.

In answer to a question by the Chairman, Mr. Kohrel explained the request for increases in "Supplies and Materials". The supplies and materials are used in their evaluation and analysis. This would include programming supplies, charts, documentation and copying expenses in providing documentation for a system for users.

It was noted that the "Personal Services" section of the budget would have to be worked out between the OBPP and the LFA.

Budget Modification

Mr. Kohrel presented a Budget Modification to the committee. (Exhibit 2) Mr. Kuchenbrod explained to the committee that there was one person in the Crime Control Division responsible for their function only. They are requesting that this FTE be transferred from the Crime Control Division to the Data Processing Division of the Department of Justice. He introduced Mike Lavin, Administrator of the Crime Control Division.

(417) Mr. Lavin told the committee they are requesting that the program analyst position be transferred from his division into the Data Processing Division. He explained that there has been turn-over in this position as individuals leave for higher paying positions. By the time another analyst is hired, the program is without any person knowledgeable to continue the functions of this position. This results in a great deal of "down-time" for the program. Mr. Lavin explained that this position would be supervised by Mr. Kohrel's division, would insure that there would be no gap in the program's services and that it would be a sound managerial change. (See Exhibit 1 for detailed breakdown) In answer to a question by the Chairman as to why the salary remained the same for each fiscal year, Mr. Kuchenbrod explained that when they prepared the budget, they used a static figure, not knowing what Pay Plan changes would be made, planning to make that adjustment when the salary figures were definite. This position is a Grade 15 step 7.

Senator Van Valkenburg asked Mr. Lavin about the funding source for this position. This position was 45% general fund and 55% federal fund. Mr. Lavin told the committee that this would result in \$12,565 from the general fund and \$15,359 from the

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federal funding source. They are requesting that it be a full-funded general fund position for FY84 and FY85. Mr. Greely pointed out that the Crime Control Division has lost all its federal funding. This will be presented to the committee when the budget for Crime Control is heard later in the session.

The Chairman asked what would happen if this FTE were eliminated and would the Data Processing Division be able to take over this function.

Mr. Kohrel told the committee that the work done for the Crime Control Division would be greatly reduced. He also told the committee that there is between \$145,000 and \$170,000 worth of programs, files and development work that has been put into the current level of data processing in the Board of Crime Control.

Mr. Lavin told the committee that they had the following options: (1) they could discontinue those services they are providing which count on that kind of system development support (2) the Data Processing Division could run an analysis to see how much they could support or (3) the committee could tell them to seek other sources of revenue to support that FTE.

(Tape 12, Side B)

Mr. Lavin told the committee that the systems supported by this program analyst support the product that they in turn provide to local governmental justice agencies for the benefit of local government. (42)

Forensic Science

Attorney General Greely introduced Dr. Ron Rivers, Administrator of the Forensic Science Division based in Missoula. He said they were fortunate to get Dr. Rivers who is a certified forensic pathologist with a nationwide reputation. By reputation he is one of the five most well known and efficient forensic pathologists in the United States.

Dr. Rivers gave the committee a history of the services which the lab provides as well as graphs to show the areas in which they get involved with the death investigations, lab analysis, and assistance which they give the local authorities. Dr. Rivers explained that part of the function of his staff is to testify as expert witnesses on evidence. This will explain why the travel budget is so large.

(35) Dawn Kangas, Administrative Assistant, explained the breakdown of the budget on Forensic Sciences. (Exhibit 3) Ms. Kangas noted that the "Personal Services" would be worked out with the Budget Office and the Fiscal Analyst's Office. There are some adjustments they would like to make. One is on "Supplies and

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Materials". They would like to see that increased to \$8,721 for FY84 and \$9,253 for FY85. The LFA has reduced their budget because they used "Personal Services" funds for "Operating Costs". If they had not done this they would have had to put in for a budget deficit or a supplemental. They would like "Other Expenses" to be increased \$3,422 for FY84 and \$3,629 for FY85. She explained that shipping and freight is taken out of this category. They are responsible for returning evidence, after it has been analyzed, to the agency which sent it. For FY82 this category expended \$3,500. They would like these increases put back into the budget so they could maintain services at current level.

Senator Van Valkenburg asked why the "Supplies and Materials" was increased so much. Ms. Kangas explained that they have an increase in workload of approximately 20% per year. There also is an increase of about 10% in the cost of the chemicals they use in the lab. (400)

In answer to a question from Senator Van Valkenburg, Ms. Kangas told the committee that \$11,900 was used from "Personal Services" for "Operating Costs".

In answer to a question Ms. Kangas told the committee that the freight and shipping costs were almost \$4,000. In this same category, "Other Expenses", there is \$1,200 for subscriptions for the resource library. In discussion about the freight and shipping expenses, Mr. Greely told the committee that they are shipping evidence which must have special handling and packaging. It has to be certified and it has to go directly to the person to whom it is addressed or it cannot be used as evidence.

Ms. Kangas told the committee that there is a revision in the agency request under "Equipment" (\$136,800). This has been revised to \$110,500 in FY84 and from \$58,020 to \$50,000 in FY85. They had been asked by the LFA to supply the sub-committee with a list of their equipment and explanations as far as reliability, maintenance costs, etc. (See Exhibit 4) (528)

Arnold Melnikoff, Director of the Lab, explained the equipment request to the committee. He took the committee page by page through the 14 pages of Exhibit 4.

Senator Dover asked why the Highway Safety Grant is not providing for the replacement of this equipment. Mr. Melnikoff said it was his understanding that federal money could only be used to begin programs and that it could not be used to replace existing equipment. Senator Dover felt this should be researched. Mr. Greely said he could get that information for the committee or they could wait until that particular budget was heard. The Chairman said he would like to go ahead as quickly as possible and

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Mr. Greely said he would get that information to the committee later today or Monday at the latest.

Mr. Melnikoff explained to the committee each item of equipment for which he was requesting replacement.

In answer to a question regarding the usage of this equipment, Mr. Melnikoff explained that all the equipment they had at the present time is being utilized. He expressed concern about equipment breaking down. Service and parts for the older equipment is unavailable in many cases. He told the committee that even though they had 7 gas chromatographs, they each had different capabilities so they could not necessarily replace each other.

Senator Van Valkenburg asked JanDee May on what basis the Budget Office cut \$50,000 a year from equipment for the lab. JanDee said their budget was not based on specific pieces of equipment but was merely a statement that the lab could prioritize their needs in either given year and they would have to make some trade-offs in doing so.

Senator Dover asked if it would be appropriate for them to prioritize their equipment needs at the Executive Budget level. The Chairman agreed this would be a good idea. Mr. Melnikoff said they would make an effort to respond to this request. The problem is that most of the money requested in this equipment category is for replacement of equipment in the field throughout the state. Senator Dover asked that the funding sources for equipment be checked out. Senator Van Valkenburg also said we should inquire about using gas tax funds. Senator Keating suggested that perhaps the counties themselves should replace their own equipment. \$70,000 is the amount requested to replace the Alco-Analyzers. (Breakdown is listed on page 8 of Exhibit 4.) The Chairman asked what counties own their own equipment in this category. Mr. Melnikoff said that Sheridan County owns their own, the Highway Patrol had one donated and the Columbia Falls Police Dept. has their own. These are the only instruments that are not state-owned.

Budget Modification (Exhibit 5)

Mr. Melnikoff distributed a Budget Modification Request for an additional forensic scientist. They have had a very large increase in the amount of court appearances in the DUI program. They have also had a large increase in the amount of drug samples they are requested to analyze. The majority of the increase has been in cocaine and other dangerous drugs. These tests cannot be run on a mass production basis such as was the case with testing marijuana and it takes much more time. Thus, the problem is (1) it takes more time and (2) they are getting a lot more material. This has resulted in a backlog. They are

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proposing that this new forensic scientist will spend approximately half his time on DUI samples and half with the actual caseload of arson cases and other chemical analysis.

In answer to a question from Senator Keating, Mr. Melnikoff said that the person doing the testing is also the person who does the testifying. After some discussion it was noted that because of the necessity to protect the chain of evidence, they have adopted the procedure of having one person handle the testing and testifying in each instance. In answer to a question from Senator Keating, Mr. Melnikoff said the backlog has been building up during the last year and a half. Senator Keating suggested that they might hire some temporary help to get caught up instead of hiring another FTE.

(Tape 13, Side B)

Mr. Greely told the committee that the lab tries to prioritize everything that comes into the lab. After much discussion about how to handle the backlog at the lab, Mr. Greely told the committee that this backlog is not a one-time thing. What has happened is that because of the increase in the caseload, this backlog is going to continue to carry on. They are having difficulty in getting current and all the while they are getting a larger caseload. The lab is a service organization and services can only be given if they have the capabilities to give this service. Mr. Greely said it is incumbent on the legislature to decide whether they will continue to do these things or whether they are to provide these services. Mr. Greely said two things have happened. Because of the increase in the DUI standards and the increase in the penalties which is going to increase during this legislative session the burden is on law enforcement to enforce the law more severely and they have the resulting increase in caseload. The second thing is that when the legislature puts in the half-way houses from the prison, they have a need for new drug screens on urine samples for all those people in the half-way houses. They will be going from 95 samples per month to 300 samples per month on drug screens that they will be doing for the Department of Institutions. Mr. Greely concluded that the legislature's responsibility is to make the decisions of what they want the lab to do and it is the lab's responsibility to do it.

Budget Modification (Exhibit 6)

Mr. Melnikoff then presented a Budget Modification Request for a Co-oximeter which is an instrument which, among other things, is used to determine the level of carbon monoxide in the blood. (173) With this instrument they could, instead of doing 30 cases per year, could also routinely do all the highway death cases to look for carbon monoxide. Mr. Melnikoff also told the committee that Dr. Rivers is often required to do autopsies at night and on the

weekends. With this machine he could do the carbon monoxide tests himself and make a quicker determination as to the cause of death. As it is now, it takes two or three days on the equipment they have to get this information. This piece of equipment would not only make the lab more efficient but could also conceivably save people's lives who might be in danger of carbon monoxide poisoning from the same source as the victim. In answer to Chairman Quilici's question, Mr. Melnikoff said this piece of equipment was not included in the original budget request because it is not a replacement; it is a new piece of equipment. This requires a budget modification. The cost of this piece of equipment is \$12,000. Dr. Rivers addressed the committee and said if they had this piece of equipment they would be able to prevent additional deaths from a source of contamination because this test would be complete in minutes instead of days. Rep. Lory suggested that this piece of equipment be included in the lab's priority list.

Budget Modification (253) (Exhibit 7)

Mr. Melnikoff presented the committee with a budget modification request for an Energy Dispersive X-ray Spectrophotometer (EDAX) which costs \$100,000. This piece of equipment is used to perform analyses on very small quantities of material such as glass fragments, soil, paint, etc. The EDAX can screen for more than 60 elements simultaneously and does not destroy the material under analysis. Mr. Melnikoff said this is also a good machine to use when you don't know what to test for. When there is no other physical evidence and no witnesses, the EDAX allows examination of soil, car oil and other material for possible clues to what other evidence to look for. He said that with other tests, when you are looking for a specific thing, you use up the material or destroy it by doing different tests. This machine can do all 60 tests on material without destroying it. After some discussion about sending samples to the FBI instead of purchasing this machine, Mr. Greely said that sending samples to the FBI is fine if you know what to look for. This machine would have the capabilities of finding evidence that they haven't been able to test for before. He did not know the impact this machine would have but he felt it would be significant.

In answer to a question from Chairman Quilici, Mr. Melnikoff said there are five or six manufacturers of this type of equipment. \$100,000 is about what it would cost, however, it would have to be put out on bid and they might be able to get one for \$85,000. (431) \$100,000 is the standard list price for the base equipment.

Budget Modification (466) (Exhibit 8)

Dr. Rivers presented a budget modification for training in the amount of \$14,790 for FY84 and \$15,254 for FY85. This would allow personnel to attend educational meetings and conferences in order to benefit from current research and technical progress

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within their respective fields. Dr. Rivers explained in detail where he would like to send the personnel according to their fields of expertise. Most of the conferences are out-of-state and he feels it is very important to attend these conferences in order to keep up to date within the forensic science area. He stressed that these were courses, workshops and academies that update the scientific capabilities of the people in the laboratory.

In answer to a question from the Chairman as to why this training couldn't come out of their travel budget for the biennium, Ms. Kangas explained that the money in the travel budget is for court room testimony and for training of other agencies throughout the state.

Budget Modification (683) (Exhibit 9)

This Budget Modification Request is for a position of Questioned Documents Examiner (QDE). Dr. Rivers explained that this person would complete the investigative services provided to local law enforcement by the Laboratory of Criminalistics. (Tape 14, Side A) Dr. Rivers explained that this examiner does not only handwriting analysis, but also examination of documents, burned documents, writing instruments such as typewriters and copy machines, different inks, chemical content of papers and official documents that have been tampered with. Dr. Rivers said they get 200 requests per year. They now have to refer them to private people out-of-state who charge \$100 per document. This is costing the counties a lot of money.

The funding for this position would be \$38,401 in FY84 and \$31,933 in FY85. The \$10,650 for equipment in this position is for camera equipment.

Dr. Rivers thanked the committee for their interest and invited them to come to Missoula to see the lab facility. The Chairman said he would like very much to arrange for individuals on the committee or the full sub-committee to visit the facility if they can find a period of time to spend an afternoon at the lab.

Dr. Rivers told the committee that with the Documents Examiner in the lab they would have a complete forensic facility which could provide all the professional capabilities for the state.

The committee discussed the problem of working the "Personal Services" portions of the budgets with the Executive figures and the LFA's figures. In order to be consistent it was felt that only one of these figures should be used. The Chairman said that after several meetings were held it was decided to use the LFA's figures. Since there is no Pay Plan at present it was felt it would be best to use the LFA's figures.

The meeting adjourned at 11:25 a.m.

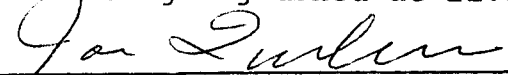

Joe Quilici, Chairman

EXHIBIT 1, Jan. 14, 1983

DEPARTMENT OF JUSTICE

PROGRAM: Data Processing

CURRENT LEVEL SERVICES

1984 REQUEST

1985 REQUEST

	Agency Request	Exec. Budget	LFA Budget	LFA-Ex Diff.	Agency Request	Exec. Budget	LFA Budget	LFA-Ex Diff.
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F.T.E.

7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0
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Personal Services

Salaries	179,895	179,895			179,211	179,211		
Employee Ben.	32,931	32,931			33,136	33,136		
Subtotal	<u>212,826</u>	<u>212,826</u>	215,502	2,676	<u>212,347</u>	<u>212,347</u>	215,194	2,847

Operating Expenses

Contracted Svcs.	842	842	651	(191)	893	893	688	(205)
Supplies & Mat.	2,602	2,602	808	(1,794)	2,758	2,758	853	(1,905)
Communications	3,246	2,618	3,180	562	3,738	3,017	3,659	642
Travel	3,688	2,043	1,960	(83)	3,840	2,136	2,008	(128)
Rent	22,980	6,888	8,102	1,214	24,359	7,623	8,588	965
Utilities	-	-	-	-	-	-	-	-
Rep. & Maint.	691	691	690	(1)	733	733	730	(3)
Other Exp.	338	316	335	19	358	335	354	19
Subtotal	<u>34,387</u>	<u>16,000</u>	<u>15,726</u>	<u>(274)</u>	<u>36,679</u>	<u>17,495</u>	<u>16,880</u>	<u>(615)</u>

Equipment

-	-	-	-	-	-	-	-	-
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Total Program

247,213	228,826	231,228	2,402	249,026	229,842	232,074	2,232
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Funding

General Fund	247,213	228,826	231,228	2,402	249,026	229,842	232,074	2,232
Other Funds	-	-	-	-	-	-	-	-

TOTAL

247,213	228,826	231,228	2,402	249,026	229,842	232,074	2,232
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ADJUSTMENTS TO LFA BUDGET RECOMMENDATIONS:

1. Personal Services - To be discussed by Agency/LFA/OBPP representatives.
2. Contracted Services - Increase LFA FY84 budget \$166. Increase LFA FY85 \$176. LFA decreased budget because program used Personal Services to pay for operating expenses.
3. Supplies and Materials - Increase LFA FY84 budget \$1,594. Increase LFA FY85 \$1,690. LFA decreased budget because program used Personal Services to pay for operating expenses.
4. Travel increase LFA budget FY84 \$1,535. Increase LFA FY85 \$1,535. LFA decreased budget because program used Personal Services to pay for operating expenses.

DATA PROCESSING STAFF (1.0 FTE)
BUDGET MODIFICATION - 1985 BIENNIUM

	<u>FY 84</u>	<u>FY 85</u>
FTE	1.0	1.0
<u>Personal Services:</u>		
Salaries	23,270	23,270
Employee Benefits	4,654	4,654
Total	<u>27,924</u>	<u>27,924</u>
<u>Operating Expense:</u>		
Contracted Services		
Supplies & Materials		
Communications		
Travel		
Rent		
Repairs & Maint		
Other Exp		
Total		
<u>Equipment:</u>		
Total Program:	27,924	27,924
<u>Funding:</u>		
General Fund	27,924	27,924
Other Funds		
Total	<u>27,924</u>	<u>27,924</u>

Narrative:

This modification would transfer a data processing FTE from the Crime Control Division to the Data Processing Division of the Department of Justice. The transfer would further consolidate the Department's data processing functions, resulting in improved management and efficiency.

Comments:

EXHIBIT 3
Jan. 14, 1983
1985 REQUEST

CURRENT LEVEL SERVICES

DEPARTMENT OF JUSTICE
PROGRAM: Forensic Science

1984 REQUEST

	Agency Request	Exec. Budget	LFA Budget	LFA-Ex Diff.	Agency Request	Exec. Budget	LFA Budget	LFA-Ex Diff.
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F.T.F.

14.0

14.0

14.0

14.0

14.0

14.0

Personal Services

Salaries	359,150	359,150			357,780	357,780		
Employee Ben.	62,284	62,284			62,635	62,635		
Subtotal	<u>421,434</u>	<u>421,434</u>	428,156	6,722	<u>420,415</u>	<u>420,415</u>	425,590	5,175

Operating Expenses

Contracted Svs.	13,192	11,290	12,553	1,263	13,984	11,958	13,302	1,344
Supplies & Mat.	58,403	56,888	48,167	(8,721)	62,870	61,264	52,011	(9,253)
Communications	14,618	17,066	16,362	(704)	17,041	20,129	19,377	(752)
Travel	22,301	22,301	22,292	(9)	23,132	23,132	23,120	(12)
Rent	24,283	27,999	27,967	(32)	24,343	30,878	29,644	(1,234)
Utilities	7,541	7,541	7,536	(5)	8,928	8,928	8,921	(7)
Rep. & Maint.	14,147	14,147	14,140	(7)	14,995	14,995	14,987	(8)
Other Exp.	8,315	6,035	2,613	(3,422)	8,813	6,396	2,767	(3,629)
Subtotal	<u>162,800</u>	<u>163,267</u>	<u>151,630</u>	<u>(11,637)</u>	<u>174,106</u>	<u>177,680</u>	<u>164,129</u>	<u>(13,551)</u>

Equipment

	<u>136,500</u>	50,000	-	(50,000)	<u>50,000</u>	50,000	-	(50,000)
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Total Program

	721,034	634,701	579,786	(54,915)	652,541	648,095	589,719	(58,376)
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Funding

General Fund	638,710	545,986	489,510	(56,476)	569,058	556,719	494,027	(62,692)
Other Funds	<u>82,324</u>	<u>88,715</u>	<u>90,276</u>	<u>1,561</u>	<u>83,483</u>	<u>91,376</u>	<u>95,692</u>	<u>4,316</u>

TOTAL

	721,034	634,701	579,786	(54,915)	652,541	648,095	589,719	(58,376)
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ADJUSTMENTS TO LFA BUDGET RECOMMENDATIONS:

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2. Supplies and Materials - Increase LFA FY84 budget \$8,721. Increase LFA FY85 budget \$9,253. LFA decreased budget because program used Personal Services to pay for operating expenses in FY82.
3. Other Expenses - Increase LFA FY84 budget \$3,422. Increase LFA FY85 budget \$3,629. LFA decreased budget because program used Personal Services to pay for operating expenses in FY82.
4. Equipment - Increase LFA FY84 budget \$110,500. Increase LFA FY85 budget \$50,000. Refer to handout for this list of equipment.

DEPARTMENT OF JUSTICE
DIVISION OF FORENSIC SCIENCE

1983 LEGISLATIVE BUDGET COMMITTEE HEARINGS

DEPARTMENT OF JUSTICE
DIVISION OF FORENSIC SCIENCE
TOXICOLOGY STATISTICS

2111 Toxicology Specimens Submitted in 1982

1606 Toxicology Specimens Submitted in 1981

3544 D.W.I. Specimens Submitted in 1982 (done at laboratory)

3210 D.W.I. Specimens Submitted in 1981 (done at laboratory)

TOTAL NON-BIOLOGICAL SAMPLES IN 1982 - 6,509 with an approximate backlog of 1,000 samples (based on completed statistics for 1st 8 months)

This reflects an approximate 30% increase over the 1981 figure of 5,006 samples.

			<u>1981</u>
1982	Drugs	Positive	1,223
		Negative	418
		Identified	
		(non-controlled)	89
			<u>1,730</u>
			1,787
	Arson	Positive	86
		Negative	106
		Comparison	30
			<u>242</u>
			261
	Hair & Fiber		3,001
	Serology		749
	Physical Evidence & Trace Evidence		320
	Firearms & Toolmarks		342
	All Others (contamination samples, etc.)		124
			1,931
			517
			148
			257
			105

Total days away from laboratory for court room testimony and travel for same:

1982	-	DWI	67 days
		Drugs	32 days
		Total	<u>99 days</u>

1981		DWI	23 days
		Drugs	18 days
		Total	<u>41 days</u>

DEPARTMENT OF JUSTICE
DIVISION OF FORENSIC SCIENCE
CURRENT LAB EQUIPMENT

<u>PURCHASE DATE</u>	<u>ITEM</u>	<u>PURCHASE PRICE</u>
4/80	Blower Motor 1/2 HP	669
4/80	Blower Motor 1/2 HP	669
4/80	Blower Motor 3/4 HP	661
4/80	Fume Hood	1,085
4/80	Fume Hood	1,480
6/77	Packard Model 421 Gas Chromatograph	10,362
6/75	Packard 421 Gas Chromatograph	8,350
	Dual Pen Recorder	1,250
3/73	Perkin-Elmer MPF 2A Fluorescence Spectrometer	7,450
10/81	Atomic Absorption Spectrometer	29,500
11/81	Liquid Nitrogen Refrigerator	736
6/81	B & L Stereomicroscope	1,409
3/81	Leitz Microscope	23,914
8/81	Packard 433 Gas Chromatograph	24,500
3/81	Packard 433 Gas Chromatograph	15,341
5/81	Bullet Trap	525
7/77	Varian Single Recorder	1,200
8/78	Linear 285 Dual Recorder	1,000
9/78	Pyroprobe Pyrolyzer	2,200
11/79	Beckman Dual Recorder	1,100
5/78	Forma Bath/Circulator	795
6/73	Mettler H-18 Balance	800
4/77	Mettler Model Pl200 Balance	1,100
5/73	Perkin Elmer 597 Infrared Spectrometer	9,000
6/73	Perkin-Elmer 727 Infrared Spectrometer	3,278
9/80	Stryker Saw	292
7/77	Hemco Fume Hood	1,000
2/77	Comparison Microscope	17,230
4/71	Chainomatic Balance	500
9/80	Stryker Saw	292
7/77	Varian A-25 Single Recorder	1,200

DEPARTMENT OF JUSTICE
DIVISION OF FORENSIC SCIENCE

<u>PURCHASE DATE</u>	<u>ITEM</u>	<u>PURCHASE PRICE</u>
6/82	Arbor Balance	2,945
6/82	Integrator	2,671
6/82	Rotator	351
6/82	76 Cubic Foot Refrigerator	2,710
8/78	Houston Omniscrite Recorder	825
4/78	Diamond Cell	3,225
6/77	Perkin-Elmer Model 200 UV Spectrophotometer	5,250
7/79	Silver King Refrigerator	923
7/77	Blue M Oven	400
7/79	Brinkmann Concentrator	1,272
3/80	Labconco Fume Hood	505
11/81	Centrifuge	319
11/81	Microtitration System	650
4/75	B & L Sterozoom and Scope	825
8/73	Sorvall Centrifuge	1,408
11/81	Oven/Incubator	215
12/79	Packard 428 Gas Chromatograph	5,819
8/76	Linear Dual Recorder	1,000
1/82	Packard Model 438 Gas Chromatograph	10,500
1/82	Bullet Recovery Tank	2,362
/77	40 Cu. Ft. Refrigerator	295
/81	Sears Freezer	339
7/78	Beckman Microfuge	600
3/82	EC-400 Power Supply	895
3/82	Gradient Former	235
3/82	PS500-200 Power Supply	600
4/82	Syva CP-5000 Emit Lab System	9,865
7/82	pH Meter	349
7/82	Water Bath	310
2/78	6 Alco-Analyzers	2,742/each
4/78	6 Alco-Analyzers	2,742/each
8/78	3 Alco-Analyzers	2,742/each
9/78	3 Alco-Analyzers	2,742/each
6/82	4 Alco-Analyzers	3,500/each

REPLACEMENT EQUIPMENT JUSTIFICATION

The experience of this laboratory has been that after five years the reliability of the equipment deteriorates markedly even when they have been properly maintained for that period. After eight years, replacement parts can become almost impossible to obtain independent of the ability to pay for the cost of the repairs which may be considerable. All our lab equipment is used on over a forty-hour basis every week of the year. If equipment fails, the loss of productivity becomes considerable over a short period of time. To insure that reliable equipment is available we properly maintain them and try to replace them every five years. For example, we have two Packard model 421 gas chromatographs which are eight and six years old respectively. Parts are no longer available to repair them. To keep one running we are forced to cannibalize the other. Soon there will be no parts left to cannibalize. The cost of maintaining one instrument for ten years after purchase compared to purchasing a new one every five years is only on the average 20% more for the ten year period. I feel this cost is justified to insure properly functioning equipment we can depend on rather than equipment which may not be repairable due to lack of parts or in need of repairs on a very frequent basis. When cost is adjusted so that inflation is taken into account this difference in cost is minimal.

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EQUIPMENT REPLACEMENT

FORMA SCIENTIFIC MODEL 2800 CIRCULATOR - (Purchased 5/78 - Cost \$795)

Model discontinued. Parts not available. Still works but has been down three (3) times (once for over one month). Has to be sent to factory for repair. No maintenance contract available. Eight out of nine (8 of 9) genetic marker tests used to determine frequency of population in victim or suspect's blood requires the use of electrophoresis equipment which needs the circulator to cool starch plates.

REPLACEMENT EQUIPMENT - Cost \$2,000 - Maintenance contract not available. Should last 5 years. Replacement cost at that time estimated at \$3,000.

REQUESTED AMOUNT: 2,000 FY 84

EQUIPMENT REPLACEMENT30 LUCKEY BREATH SIMULATORS - (Purchased in 1967 - Cost of \$125 each)

Simulators used to run .10% alcohol standards in Luckey Model 1000 gas chromatographs in the field for analysis of blood sample concentrations from breath samples. Constant temperature at 34°C required for accurate results. Simulators proving very unreliable. Do not maintain temperature well often erratic. Two simulators needed at each of the 27 present field locations.

Must replace at least one of the two presently used (54 total) so they have at least one reliable simulator.

Maintenance cost - over \$800 in the last two (2) years.

Replacement cost \$9,000 - will last at least 10 years. Maintenance contracts not available. Replacement cost in 10 years estimated at \$12,000.

REQUESTED AMOUNT: \$9,000 FY 84

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EQUIPMENT REPLACEMENT

ALCO-ANALYZERS - (All purchased with highway safety grant)

<u>PURCHASED</u>		<u>PURCHASE PRICE</u>
2/78	6 Alco-Analyzers	\$2,742 ea.
4/78	6 Alco-Analyzers	2,742 ea.
8/78	3 Alco-Analyzers	2,742 ea.
9/78	3 Alco-Analyzers	2,742 ea.
6/82	4 Alco-Analyzers	3,500 ea.

MAINTENANCE CONTRACT

None available.

REASONS FOR BREAKDOWNS:

1. IMPROPER MAINTENANCE - Since at field locations instruments cannot be maintained as routinely as lab equipment at our laboratory this results in:
 - a) Burned out motors - due to dust, etc. and results in:
 - b) Replacement of adjustment screws - due to calibration done by non-laboratory personnel.
2. WORN OUT PARTS - due to age of instrument and time period in service
 - a) Replacement of adjustment screws
 - b) Motors burned out by power surges
 - c) Replacement of columns - approx. every 4 years (Cost \$170)
 - d) Replacement of diaphragm for helium gauges
3. ADJUSTMENT PROBLEMS - Calibration must be done in most cases by non-laboratory personnel.
4. INSTRUMENTS DAMAGED BY SUSPECTS - DWI suspects must blow into instrument. In several cases they have damaged instruments by striking them.

COST OF REPAIRS (Factory Repair*)

1. FY 82 - Cost was approximately \$1,000
2. Through December 1982 - Repairs cost \$613
 - a) can take up to two months for instrument to be returned to the law enforcement agency.

* does not include cost of repairs made by lab personnel

DOWNTIME

On the average, 2 to 3 instruments are broken down each month. Without these instruments, mobats must be used and the analysis of these done at the lab. Time required to send sample to lab, analyze sample and return report to submitting agency averages 10 days. Only takes 15 minutes to run entire test when done directly at police or sheriff department.

REQUESTED AMOUNTED: \$35,000 FY 84
 \$35,000 FY 85

EQUIPMENT REPLACEMENTINFRARED SPECTROMETER - (Purchased 3/73 for \$9,000)

This model is no longer manufactured and many replacement parts are not available, such as monochromator drive mechanism, circuit boards, micro-switches, etc. Source and photomultiplier tubes are still available. Instrument not on maintenance contract as of this date. Instrument has never broken down.

Since model is no longer available and new generation instruments are now available with improved capabilities, we are requesting a FTIR (Fourier-Transform Infrared Spectrophotometer) for \$30,000. Instrument requires considerably less sample, less sample preparation and can do background subtraction. Background subtraction required for small samples, such as paint transfers in hit and run cases where one cannot physically separate the samples because there is a thin smear of paint from one car superimposed on the paint of another car.

Maintenance Contract - \$3,000 per year after 1st year.

Break downs - spectrophotometers tend to have less down time than other lab instruments, such as gas chromatographs.

REPLACEMENT

Eight to ten (8 to 10) years - Parts no longer available, equipment reliability after 8 years is questionable. Estimated cost \$40,000.

Maintenance Cost - Estimated at 10% of purchase price per year, or \$4,000. Maintenance contract not required for this instrument due to limited down time.

REQUESTED AMOUNT: \$30,000 FY84

EQUIPMENT REPLACEMENTMODEL MPF 2A FLUORESCENCE SPECTROMETER - (Purchased 3/73 - Cost \$7,450)

Model no longer available. All parts not available. Presently broken down. Not able to repair all vacuum tube instrument. Instrument has not been functional for 1½ years. Had been used to screen for LSD and other hallucinogenic drugs. Because instrument is not functional, we must use less efficient procedures which take considerably more time and require five times as much sample.

REPLACEMENT FLUORESCENCE SPECTROMETER

All solid state electronics, making instrument considerably more reliable. Replacement of instrument - 8 to 10 years. Estimated cost \$20,000.

Maintenance Contract - \$2,000 after 1st year. See no reason for maintenance contract for this instrument.

REQUESTED AMOUNT: \$15,000 FY84

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EQUIPMENT REPLACEMENT

PERKIN ELMER MODEL 200 UV-VIS SPECTROPHOTOMETER - (Purchased 6/77 - Cost \$5,250)

Instrument still works, replacement parts available only for source and photomultiplier tubes. Electronic parts such as circuit boards, mechanical switches not available.

REPLACEMENT UV-VIS SPECTROPHOTOMETER

Cost \$15,000, more sensitive with automated sampling capability and other useful more automated features not available on present instrument. Present instrument no longer manufactured.

Maintenance contract - \$1,500 after 1st year. Maintenance contract not needed because of reliability of instruments now available.

Replacement - Estimated 8 to 10 years at cost of \$20,000.

REQUESTED AMOUNT: \$15,000 FY 84

EQUIPMENT REPLACEMENT

SORVALL MODEL CC-1 CENTRIFUGE - (Purchased 8/77 - Cost \$1,408)

Present instrument still works, manufacturer no longer in business, parts not available.

REPLACEMENT INSTRUMENT - Cost \$4,500 - New instruments have higher centrifuge speed and capacity. Will last for 8-10 years - Estimated cost of replacement at that time, \$6,000.

Maintenance Contract - Cost \$400 per year after 1st year. Not needed, due to limited breakdown of this type of equipment.

REQUESTED AMOUNT: \$4,500 FY84

EQUIPMENT REPLACEMENT

421 GAS CHROMATOGRAPH - (PURCHASED 6/77 - COST \$10,362)

Over 3,000 DWI samples per year are run on this instrument. Due to the sample load, if this instrument is down samples are backlogged very quickly to over 60 a week. If these are not done quickly, evidence may not be available for court proceedings which may be as short as two weeks after the DWI arrest. This would be in Justice or Municipal courts. This instrument has been down several times for up to one week at a time resulting in a large backlog at the laboratory.

MAINTENANCE CONTRACT:

At present time, we do not have a maintenance contract.

If it is not replaced, we will have to obtain a contract which will cost approx. \$1,200 per year. It is an older generation instrument which they have stopped manufacturing as of last year. Part availability may become a problem in several years since parts are no longer manufactured.

Requested Amount: 15,000 FY 85'

NEW EQUIPMENT JUSTIFICATION

The demand of the judicial system that only the best evidence is acceptable criterion for presentation of evidence in court places a continuous scrutiny on the credibility of the analyses performed at our laboratory. Scientific equipment and procedures which were only commonplace in sophisticated research facilities of multi-million dollar corporations or university research laboratories are now commonly used in the analyses of routine evidence such as determination of blood alcohol levels in drunk driving and controlled drug cases. With only nine crime laboratory employees to service the analysis needs of 2,000 law enforcement officers throughout the State of Montana, personnel is a critical resource. Not only do laboratory personnel have to analyze thousands of diverse items each year, they have to spend considerable time away from the laboratory testifying to the results of their analyses. This new equipment will save precious time by being considerably faster than present methods now employed, will be more reliable, and will meet the best evidence mandate of the courts. The relatively high cost of the equipment is not the concern of the courts since the burden of the proof is on the state in criminal cases. Therefore the state must do everything necessary to meet this best evidence criteria which is used in the determination of guilt or innocence. Purchase of this type of equipment has been justified for use in university laboratories for teaching and research purposes. If it is available for that purpose there is no logical reason why it should not be purchased for the analysis of physical evidence in criminal cases. The success of law enforcement in solving and prosecuting these cases has a direct impact on the protection of lives and property throughout the entire state. In light of this need, \$112,000 for new equipment will cost each citizen of the state 2.8¢ per year for a five-year period, the minimum live span of this equipment.

LFA BOOK, PAGE #Not Discussed

OBPP BOOK, PAGE #142

FORENSIC SCIENCE DIVISION - FORENSIC SCIENTIST
BUDGET MODIFICATION - 1985 BIENNIUM

	<u>FY 84</u>	<u>FY 85</u>
FTE	1.00	1.00
<u>Personal Services:</u>		
Salaries	21,872	21,872
Employee Benefits	3,320	3,727
Total	25,192	25,599
<u>Operating Expense:</u>		
Contracted Services		
Supplies & Materials	3,716	1,620
Communications		
Travel	1,593	3,620
Rent		
Repairs & Maint		
Other Exp		
Total	5,309	5,240
<u>Equipment:</u>	400	-
<u>Total Program:</u>	30,901	30,839
<u>Funding:</u>		
General Fund	30,901	30,839
Other Funds		
Total	30,901	30,839

Description:

This modification would add one forensic scientist to the staff of the Laboratory of Criminalistics.

LFA BOOK, PAGE #Not Discussed

OBPP BOOK, PAGE #142

FORENSIC SCIENCE DIVISION - CO-OXIMETER
BUDGET MODIFICATION - 1985 BIENNIUM

	<u>FY 84</u>	<u>FY 85</u>
FTE		
<u>Personal Services:</u>		
Salaries		
Employee Benefits		
Total		
<u>Operating Expense:</u>		
Contracted Services		
Supplies & Materials		
Communications		
Travel		
Rent		
Repairs & Maint		
Other Exp		
Total		
<u>Equipment:</u>	12,000	
<u>Total Program:</u>	12,000	
<u>Funding:</u>		
General Fund	12,000	
Other Funds		
Total	<u>12,000</u>	

Description:

This modification would enable the Toxicology Section of the Laboratory of Criminalistics to acquire a co-oximeter, an instrument used for determining-among other things--the level of carbon monoxide in blood.

LFA BOOK, PAGE #Not Discussed

OBPP BOOK, PAGE #143

FORENSIC SCIENCE DIVISION - EDAX
BUDGET MODIFICATION - 1985 BIENNium

	<u>FY 84</u>	<u>FY 85</u>
FTE		
<u>Personal Services:</u>		
Salaries		
Employee Benefits		
Total		
<u>Operating Expense:</u>		
Contracted Services		
Supplies & Materials		
Communications		
Travel		
Rent		
Repairs & Maint		
Other Exp		
Total		
<u>Equipment:</u>	100,000	
<u>Total Program:</u>	100,000	
<u>Funding:</u>		
General Fund	100,000	
Other Funds		
Total	<u>100,000</u>	

Description:

This modification would enable the Laboratory of Criminalistics to acquire an Energy Dispersive X-Ray Spectrophotometer (EDAX). Using this instrument the Laboratory could perform analyses on very small quantities of material such as glass fragments, soil, paint, etc. EDAX can screen for more than 60 elements simultaneously and does not destroy the material under analysis.

LFA BOOK, PAGE #Not Discussed

OBPP BOOK, PAGE #142

FORENSIC SCIENCE DIVISION - TRAINING
BUDGET MODIFICATION - 1985 BIENNIUM

	<u>FY 84</u>	<u>FY 85</u>
FTE		
<u>Personal Services:</u>		
Salaries		
Employee Benefits		
Total		
<u>Operating Expense:</u>		
Contracted Services		
Supplies & Materials	240	288
Communications		
Travel	14,550	14,966
Rent		
Repairs & Maint		
Other Exp		
Total	<u>14,790</u>	<u>15,254</u>
<u>Equipment:</u>		
<u>Total Program:</u>		
<u>Funding:</u>		
General Fund	14,790	15,254
Other Funds		
Total	<u>14,790</u>	<u>15,254</u>

Description:

This modification would enable the Division of Forensic personnel to attend educational meetings and conferences in order to benefit from current research and technical progress within their respective fields.

LFA BOOK, PAGE #Not Discussed

OBPP BOOK, PAGE #142

FORENSIC SCIENCE DIVISION - QDE
BUDGET MODIFICATION - 1985 BIENNium

	<u>FY 84</u>	<u>FY 85</u>
FTE	1.00	1.00
<u>Personal Services:</u>		
Salaries	21,872	21,872
Employee Benefits	3,786	3,786
Total	25,658	25,658
<u>Operating Expense:</u>		
Contracted Services		
Supplies & Materials	1,019	2,140
Communications		
Travel	1,074	4,135
Rent		
Repairs & Maint		
Other Exp		
Total	2,093	6,275
<u>Equipment:</u>	10,650	-
<u>Total Program:</u>	38,401	31,933
<u>Funding:</u>		
General Fund	38,401	31,933
Other Funds		
Total	38,401	31,933

Description:

This modification would enable the Division of Forensic Science to establish the position of Questioned Documents Examiner (QDE) to complete the investigative services provided to local law enforcement by the Laboratory of Criminalistics. Presently, the lack of a questioned documents examiner's services is the only major absence of service in the array of scientific investigative capabilities that the Laboratory offers.

VISITOR'S REGISTER

HOUSE ELECTED OFFICIALS/HIGHWAYS COMMITTEE

~~BILLZ~~ DEPT. OF JUSTICE: Data Processing

DATE January 14, 1983

~~SPONSOR~~ Forensic Science

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