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## Panel calls for funding to speed DNA processing

### Commission cites backlog of samples, gap in state database

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Inside Bay Area

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California's crime labs are facing huge delays in processing DNA samples that could help identify the guilty and free the innocent, says a state commission that is recommending emergency funding to hire more technicians.

While the sleuths on "CSI" and other TV crime dramas get their lab results in a matter of minutes, the Commission on the Fair Administration of Justice says that, in real life, the process can take up to six months in California.

"This is an issue where people are remaining in custody who shouldn't be, and people who should be in custody are out on the streets," said Gerald Uelmen, a Santa Clara University law professor and the commission's executive director.

The panel urged the Legislature to provide more funds for the state crime lab in Richmond, which has a backlog of 150,000 samples taken from convicted felons under a 2004 law that mandated a vast expansion of the state's DNA database.

The state lab also processes crime scene evidence for smaller cities and counties that don't have their own labs. But the lab currently takes an average of six months to analyze DNA evidence from rapes, homicides and other crimes.

The picture is mixed at other crime labs operated by major cities and counties in the state. Santa Clara County's lab, which is run by the district attorney's office, says it processes a majority of DNA samples in 60 days or less. But Oakland officials recently reported that their lab, which is operated by the Oakland police department, was able to analyze only a third of the samples obtained from rape investigations in that city in 2005.

"Most laboratories are not adequately staffed to provide timely information on investigative level cases," according to Thomas Nasser, director of Orange County's crime lab and president of a statewide organization for crime lab chiefs.

The commission, which has been examining a variety of criminal justice issues on behalf of the Legislature, said the delays occur at both state and local crime labs. In addition to more funding, the commission urged newly elected Attorney General Jerry Brown to look for solutions at the state and local level.

The state Department of Justice has fallen behind in building a statewide database that is supposed to help local police identify the source of DNA from unsolved crimes. Local detectives can submit DNA samples from crime scenes to compare with the state's database, in the hope of finding a match.

The new technology of DNA comparison has helped local police solve some long-cold cases, including the 1977 murder of Santa Clara teenager Mary Quigley. Richard Armand Archibeque was arrested in December after authorities recently matched DNA from the crime scene to a sample taken from Archibeque after he was convicted of an unrelated assault.

A 2004 ballot initiative known as Proposition 69 sought to provide more such matches by requiring authorities to obtain a sample whenever someone is convicted of a felony, or arrested on suspicion of homicide or sexual assault.

While officials say they are gradually reducing the backlog, their workload will increase in 2009, when the law requires that samples be taken from everyone who is arrested or charged with any felony offense. Without more staff, state officials say the backlog will grow again at that point.

Critics say that every sample that's not added to the database is potentially a missed opportunity to identify a felon who has committed a new crime. They are critical of local labs that are slow to process samples from unsolved crimes.

At a hearing last month, the director of a Southern California rape treatment center told the commission about a Southern California case in which a DNA sample taken from a rape case was not examined for several months. When it was finally analyzed and compared to the state's database, technicians found a match to a man convicted of a previous rape. The man had committed two more sexual assaults during the delay.

In another case, according to Gail Abarbanel of the University of California, Los Angeles, Medical Center's rape treatment center, a Southern California man accused of raping a child was held in jail for seven months before DNA tests exonerated him.

The director of Santa Clara County's crime lab said his staff handles most cases more promptly than that, adding that he can complete an analysis in two to three days if there is an urgent need.

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