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Kentucky crime lab struggles to keep up with DNA testing

By Mark Schnyder

(FRANKFORT, Ky.) -- Hundreds of pieces of evidence from crime scenes all over Kentucky are sitting untouched at the state's forensics lab in Frankfort. The backlog can delay justice while the courts await the results of DNA tests that often hold the key to a suspect's guilt or innocence. WAVE 3 Investigator [Mark Schnyder](#) visited the state's only DNA lab to find out why it takes at least four months to get results for criminal cases.



During our visit to the DNA lab, forensic biologist Lyle Hall was looking for blood. He wasn't finding any on the first piece of evidence he checked, but there was still a box full of evidence to go through from a murder that happened in July 2006.



His colleague, Alison Tunstill was doing a saliva test from a sexual assault that happened in October of 2006. Both biologists got their cases the week of Feb. 19th, months after the crimes. There were another 40 or so cases additional cases for each of them to check during our visit.

"You've got to do as thorough (a job) as you can," says Tunstill. "When you rush, that's when you're going to mess something up, so the best thing to do, I think, is stay calm and do what you can do when you can do it."

"Right now, there are about 425 cases awaiting potential DNA testing at the lab," Tunstill said. "Forensic biologists will take on about 125 of those a month. Meanwhile, about the same number of new cases will come in."

The problem is too many cases and too few resources to process them. Ideally, DNA test results would take four to six weeks instead of four to six months.

"What would help would be being able to have additional personnel, but at the current status there's no room for additional people," said Whitney Collins, the Kentucky State Police lab supervisor.

People's lives are at stake based on the results coming out of DNA labs: crime victims are waiting for justice, some of the accused are waiting for exoneration -- and sometimes DNA even gives the wrongly convicted a shot a freedom.

That's exactly what happened to William Gregory. "When the judge said 'Mr. Gregory, you can go out any door, I did not know what to do. Basically somebody had to lead me out of that courthouse."

Gregory served seven years in prison for a rape he didn't commit. A privately-run lab took microscopic pieces of DNA evidence to free the Louisville man in 2000. Biologists were incapable of this type of testing when Gregory was convicted in 1993.

"I was saying I hope they didn't lose it, I hope they can clone enough of it and they were successful," Gregory said. "But I was on pins and needles for three months."

Another cause of the backlog in Kentucky, and most other states, is new technology. The better it gets, the more evidence comes in. Judges, defense lawyers and prosecutors know they have to be patient. But often, they're able to get evidence looked at sooner if time is a major factor.

"I think the lab does an incredible job with the personnel and the resources they've been allocated and I think they do more than you'd probably think they'd be able to accomplish," said Assistant Commonwealth's Attorney Tom Van de Rostyne.

But the wait is especially long for crime victims and their families. And it likely won't get shorter unless lawmakers fund a new DNA lab and then hire more forensic biologists.

"Until that happens," said Collins, "we have our hands tied with the capabilities we have here and we do the best that we can."

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