

TBI Crime Lab Delays

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Pressures have risen inside Tennessee courts over the years—casting a dark cloud over the state's ability to process **crime** scene evidence at the Tennessee Bureau of Investigation's **crimelab**. Some argue a backlog there keeps cases in limbo too long and leaving taxpayers footing the bill for delayed trials. Others say the situation is getting better as TBI **crimelabs** catch up and turn a corner.

The right to a speedy trial may mean more to some than others—especially for those whose trials are delayed. Assistant Public Defender Andrew Gibbons says his defendants know it best, "Lots of times. It means people sit in jail."

Those who are not end up doing time sitting in court for hours waiting for their case to be heard. "It means cases are clogging the dockets in the courts," Gibbons says.

Gibbons adds many lives are put on hold in the meantime, "Sometimes people have their employment held up or lose employment because they can't get their cases resolved, so it is frustrating."

In the end months later, Gibbons says clients cases sometimes turn to dust, "I've had cases where people are charged with drug offenses that the **lab** determined they were not substances—drywall shavings, cheese cake in one case."

Critics say the delays have been stacking up over the years at TBI. Sullivan County District Attorney General Greeley Wells says when it happens he can only ask for delays. "It was a frustrating matter for the judges, the police officers, and for us too, although all we had to do is stand up and tell the judge we don't have a **lab** report back," Wells said and blames a shrinking TBI budget.

"They've lost over the years qualified, experienced **lab** personnel to other states because they pay higher salaries in other states," Wells said.

TBI spokesperson Jennifer Johnson says a heavy caseload isn't helping, "For a long time, we've been doing about 250,000 tests per year with 68 forensic scientists and that's pretty overwhelming."

NewsChannel 11 searched through TBI records and found:

- a year ago, drug chemistry test results took six months to return from the **lab** took six months.
- blood tests for drugs, eight, and
- five weeks for blood alcohol test.

And that's when the delays were bad.

Johnson says more money for overtime, new hires, and outsourcing backlogged cases is starting to show results now. "As recently as 2-3 months ago, we were looking at triple the turnaround time in drug chemistry and this is the most recent report," Johnson said.

Lab results may still take longer if multiple tests are requested. For example, testing blood for drugs and alcohol would mean the sample would have to go to two separate units—Alcohol on one side and drugs on the other."

"I think we are by in large where we want to be in Knoxville barring the DNA and I think we'll be where we want to be there when these cases come back from the outside **lab** where we outsourced them to," Johnson said.

Now, TBI reports show:

- drug chemistry tests back in four weeks
- blood tests for drugs in six weeks, and
- blood alcohol in 2-3 weeks.

But, Gibbons says they're still waiting much longer, "We have cases where some are 9 months or older and we're still waiting on reports from the **crimelab**."

Johnson says it may take some time before some notice, "it might be a situation where these people haven't started seeing the results yet or that they have cases they're still remembering from November."

TBI officials are hoping those memories will be short- term as 17 newly-hired **lab** technicians get up to speed and they prepare to open a new **lab** in Knoxville in 2008. Five of those **lab** technicians will be working in Knoxville—two in DNA, two in drug chemistry, and one in toxicology. The TBI credits the parents of murder victim Johnia Berry for bringing attention to the need for the new positions.

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