



DFS Evidence Submission Advisory Committee Meeting

Video Conference- Microsoft Teams

MEETING: 9/26/2024

ATTENDEES

Aaron Matson	N/A	Keith Alexander	X
Amber Rasmussen	X	Mark McGinnis	N/A
Angela Richards	X	Meghann McMahon	X
Bridget Krause	N/A	Mike Steffes	N/A
Brooke Brodzeller – proxy for Aaron Matson	X	Monica Hall	X
Corey Stephan	X	Nicole Roehm - Facilitator	X
David Poteat	X	Rachel Burg	X
Debbie Kaurala	N/A	Rachel Souther	X
Jennifer Naugle	X	Sara Thomas	N/A
Kathy Mahnke	X	Todd Delain (David Poteat)	X

Notice is hereby given that a virtual meeting of the Division of Forensic Sciences Advisory Committee on Thursday, September 26, 9:30am-11:00am will conduct the following business:

1. **Welcome and Introductions**

Nikki kicked off the meeting and welcome everyone. Everyone introduced themselves and stated their name and positions/place of employment.

2. **Meeting Announcement and agenda published on DOA Public Meeting website:**

As a reminder, this meeting is open to the public and subject to open meetings laws. Nikki shared that this is our 2nd meeting of 2024. This meeting has been very valuable and has helped us better understand the needs of the people we are here to serve. Thank you for taking the time to be here today.

3. **Trace Evidence Submission Guidelines (Kathy Mahnke/Meghann McMahon)**

Kathy shared that she sent everyone the new guidelines for each of the categories we are talking about today. In each document, Kathy highlighted the items that changed/or were updated.

For Trace Evidence, the largest change she wanted to point out is the added wording for the two-month turnaround time under evidence item acceptance. There were no questions about the trace evidence document. Please also note the change from using the word “policy” to now using the word “guideline”. You will see this change in all our documents.

Submission of items of evidence shall relate to felony investigations (Wis. Stat. §165.75(3)(e)). The WSCL requires at least two months to complete analysis prior to any anticipated deadline (e.g., jury trial, etc.). If testing results are needed by the court before the jury trial date, please submit the items at least two months earlier than that date and make a note on the transmittal of evidence. Additional time is necessary if a large number of items need to be tested or if multiple disciplines are requested

4. Forensic Imaging Evidence Submission Guidelines (Kathy Mahnke/Aaron Matson)

For Forensic imaging, Kathy shared that the same two-month turnaround time has been clarified. Another change, if you look under “packaging requirements”, you will see that we can receive evidence digitally now. Also noted was Nikki’s updated email address as well.

5. DNA Evidence Submission Guidelines (Kathy Mahnke/Amber Rasmussen)

For DNA, we again, changed “policy” to guidelines” and on the last page, we outline a section on touched DNA trying to make it clearer.

Monica shared a concern with uncharged cases and who can contact the lab directly. She shared they were under the impressions that Law Enforcement (instead of the DA’s office) could directly contact the lab and explain why DNA would be appropriate in uncharged cases. In charged cases, it isn’t an issue, but in uncharged cases it is.

Nikki shared she is open to giving law enforcement justification but that we need to identify criteria to allow for the justification. On this note, it was asked if we could provide clarification on testing baggies. It was also shared that DFS might need to educate law enforcement on when justification is needed. There have been submissions where justification was not necessary but was sent anyways. There is a learning/teaching opportunity here. *It was noted that there is an explanation of what touch is in the guidelines, but providing examples would be good to make sure we’re all on the same page.*

Action Item: DFS agreed to create a decision tree/flow chart or table that would be helpful for all parties to better understand touched DNA. Included should be example of cases identifying when justification is needed or a list of items.

CODIS, the DNA database software that is run by the FBI, has specific requirements and limitations related to DNA profiles obtained from items of evidence in a possession case. DNA profiles obtained from guns or drug baggies in a possession case are not allowed to be uploaded and searched in the system.

On the topic of touch, Amber shared that in possession cases, we (DFS) don’t know how many people touched an item, so there is a lot of analysis to be done, but the results might not be very useful if the item was handled by a lot of people.

The question was asked -- from a legal perspective; when it is necessary for court purposes, what are those case scenarios like? It was indicated that the expectation from juries is that DNA was at least attempted.

Corey asked: Pre-charging – what is the turnaround time when an agency submits prior to charging? Nikki shared that For DNA (the average) was 108 days, *median was 94*. We are working to improve this turnaround time and have asked for additional resources in our most recent budget request.

6. Sexual Assault Kit Evidence Submission Guidelines (Kathy Mahnke/Amber Rasmussen)

Kathy shared that we changed some wording throughout the document. We also reference the two-month turnaround time, and we added a paragraph about rushed cases and speedy trial demands (same verbiage in DNA).

Nikki talked a little bit about Act 58 and shared that public safety threats with no known assailants are always fast tracked. All others must be processed within 6 months.

Monica asked how the crime lab knows what type of case it is? Does the crime lab know if the DA is prosecuting vs not? If the victim chooses not to report, does the kit still get processed? It was shared that DFS does not know what type of case it is unless it’s called out on the transmittal.

It was shared that only some counties will call out if charges are going to be pursued. Is this something that we can start noting on the transmittal? Example: note that the DA's office has been consulted and that the DA is not going to prosecute (rather than requiring DA approval? This would eliminate testing when the DA doesn't need it to be tested and the listed suspect already has DNA on file. Maybe it will help move other testing along quicker.

Amber added a note about DNA expungements from the database. It is possible we may initially determine the putative perpetrator's DNA is in the database, but then it gets legally expunged.

There was some concern about the "reason why" a Sexual Assault Kit might not be tested. It was noted that the crime lab does test SAKs for certain populations such as elderly, children, those with mental disabilities that maybe can't protect or speak for themselves.

7. Discovery Packet Request Guidelines (Jen Naugle)

Jen shared that there is a lot of confusion between the Wisconsin State Lab of Hygiene and the Wisconsin State Crime Laboratories. The State Lab of Hygiene has their own litigation packet, and it was pointed out to us by one of our internal lawyers that we don't have our own discovery packet guidelines for the crime labs which was possibly adding to the confusion.

Everyone should have been sent our mock document for this call that outlines what we think are important items to note. We tried to match it to the state lab of hygiene, however, we are not accredited by the same accrediting body, so the terminology is different throughout.

We would like your opinion/feedback on this and hope this will eliminate the confusion.

There were two requests about this document:

- Please make it available in PDF format so that the document can easily be searched.
- Add additional language around batch information --will not be provided without special court order for every sample tested.

8. Symposium

Nikki shared that she hopes to see everyone at the 5th annual Crime Lab Symposium this year which will be held in Green Bay on October 8-9, 2024. Please sign up to register. It's a great networking opportunity and a great way to meet some of the staff behind the scenes at the crime lab.

9. Closing remarks

One final note; when we revised our bylaws, we added that members of this group would serve a two-year term. This is the end of our 4th year. If there are going to be adjustments made, please let us know.

Action Item: *Nikki and Jen will reach out to each of you individually to see if you are staying on this committee or if someone will be stepping in for you. They will also reach out to WCPA, State Courts and SPD. We'll meet again in March 2025.*