

HOUSE FINANCE COMMITTEE  
April 9, 2009  
8:42 a.m.

[8:42:28 AM](#)

CALL TO ORDER

Co-Chair Hawker called the House Finance Committee meeting to order at 8:42 a.m.

MEMBERS PRESENT

Representative Mike Hawker, Co-Chair  
Representative Bill Stoltze, Co-Chair  
Representative Bill Thomas, Jr., Vice-Chair  
Representative Allan Austerman  
Representative Harry Crawford  
Representative Les Gara  
Representative Mike Kelly  
Representative Woodie Salmon

MEMBERS ABSENT

Representative Anna Fairclough  
Representative Richard Foster  
Representative Reggie Joule

ALSO PRESENT

Orin Dym, Forensic Laboratory Supervisor, Crime Laboratory Supervisor, Department of Public Safety; Leo von Scheben, Commissioner, Department of Transportation; Randall Ruaro, Deputy Chief of Staff, Office of the Governor

PRESENT VIA TELECONFERENCE

Joel St. Aubin, Chief of Public Facilities, Director of Public Facilities; Matt Tanaka, Engineer, Construction and Operations, Department of Transportation and Public Facilities; Bill Lawrie, Architect, McClaren, Wilson, & Lawrie

SUMMARY

[8:48:23 AM](#)

**^State Crime Laboratory Proposal - Update**

ORIN DYM, FORENSIC LABORATORY MANAGER, CRIME LABORATORY SUPERVISOR, DEPARTMENT OF PUBLIC SAFETY, was available to answer questions.

Representative Gara suggested that cost was the primary issue in regards to building a new crime laboratory.

Representative Kelly noted that he had concerns about how the state could make best use of the private sector. He acknowledged the need for a crime laboratory.

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Representative Gara voiced concern about the square footage of the proposed laboratory and the construction cost of \$10 million per 380 square feet. He wondered if options were looked at regarding expansion of the existing laboratory.

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Representative Crawford did not question the need for a new crime laboratory. He wondered if there were areas of the laboratory that were working well.

Representative Austerman pointed out that he was not present at previous discussions regarding the issue.

[8:55:33 AM](#)

Co-Chair Hawker shared concerns brought up by the committee during previous hearings. He was interested in finding out more information about the functional aspect of the crime laboratory and how domestic abuse ties into its mission.

Co-Chair Hawker asked for more information regarding the activities of the crime laboratory and asked why a new building is needed.

Mr. Dym shared his history with crime laboratories in Arizona before coming to Alaska in 2007. He related that the laboratory had already grown past its planned expansion (34,000 square feet) and had a total staff of 41 when he began his job. The laboratory has a multiple of service or sections: control substance, blood alcohol, breath alcohol, DNA, firearm tool mark, and latent print analysis; but there is no section for toxicology analysis of drugs in blood. Currently, severe cases are sent to the Washington state toxicology laboratory and are paid for through a highway safety grant. Toxicology samples related to sexual assault or violent crimes are not eligible under the grant, which only covers samples related to traffic incidences. There are limited trace analysis capabilities for hair and fiber comparisons; there is a whole world of trace analysis that cannot occur. Document analysis is another area that is absent.

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Mr. Dym observed that as a rule of thumb crime laboratories are designed with a 1,000 square feet per analyst. This ratio was derived by a group of forensic laboratory directors approximately 25 years ago. While informal, it has proved to be a fairly adequate estimate. With 39 staff (2 staff members operate remotely), a minimum of 39,000 square feet would be appropriate to cover the current functions without expansion. The mission statement used for the design was to look at the state's needs and design a full service crime laboratory that meets the needs of the state with a 20 year horizon and capacity for expansion.

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Mr. Dym reported that the design was in progress when he came on board. He scaled down the head count by 10 people because he felt the initial staff projections were high. He thought that toxicology analysis was important and should be brought into the laboratory. He noted that toxicology requests tend to mirror requests for blood alcohol analysis. Most of the state of Alaska's alcohol analysis is done through breath alcohol. The state receives about 600 blood alcohol requests per year; he estimated there should also be approximately 600 toxicology requests per year. The state only receives between 300 and 350 toxicology samples; he questioned where the other 300 samples are. He concluded that there is a hesitancy to submit toxicology samples because it is not a locally offered service.

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Mr. Dym related that trace analyses are currently sent out to federal laboratories for analysis. The Federal Bureau of Investigation is more backed up than the state of Alaska. These cases have to compete nationally for attention. It can be several years before results from trace analyses are seen.

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Mr. Dym reported that the crime laboratory would be an 84,000 square foot facility, with 20,000 of mechanical space. He discussed options to expand the facility.

Co-Chair Hawker asked if he was referring to a modular expansion to the existing facility plan. Mr. Dym affirmed.

Mr. Dym reported that he has analyzed the possibility of expanding the current facility. The DNA section could be expanded, but he stressed that the laboratory must be functional during the expansion. The expansion would cost approximately \$40 million, take three years to complete and would only buy about seven years' use.

[9:09:24 AM](#)

Mr. Dym emphasized that expanding the existing facility does not account for the outdated laboratory equipment, which is over 20 years old. It is not possible to maintain an environment that is safe from contamination in the current building. The current building does not have the mechanical equipment need to examine DNA samples.

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Representative Gara thought that 1,000 square feet per person was excessive. He wondered if there were laboratories that worked efficiently in less space. Mr. Dym acknowledged the current laboratory works in 600 square feet and does a great job.

Representative Gara wondered why the larger space was needed if the laboratory was currently doing a great job. Mr. Dym shared a personal story to show that working in a small space works, but "does not make it right". He pointed out that the integrity of the laboratory work is compromised by the current small space. A large amount of space is used for storing evidence. He gave examples of why a larger space is needed for samples.

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Mr. Dym emphasized that it is not possible to maintain the integrity of evidence in the current laboratory. There is danger of contamination. He described, in particular, the issues surrounding DNA. The techniques are validated by the limits of detection, which is limited by space.

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Co-Chair Hawker pointed out that technology has advanced significantly and questioned if a new crime laboratory would be advantageous to criminal prosecutions. Mr. Dym affirmed and explained that the current laboratory's limitations are seen most clearly when the sample size is small, such as in a DNA evidenced rape case. There are cases where the evidence is not able to be analyzed as thoroughly as needed.

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Co-Chair Hawker asked if there were outsources available. Mr. Dym pointed to 1982 when all samples were sent out of state. Turnaround time was slow and it was an unacceptable situation. There are times today when samples have to be outsourced, such as DNA samples, and the results were not acceptable due to contaminations. It is also difficult to find a quality outside laboratory due to contamination

issues. When profit is involved, quality is often compromised.

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Mr. Dym reported that toxicology results are obtained by contracting out with another crime laboratory. The biggest difficulty is requiring testifiers from the outside laboratory to travel to Alaska, which is very expensive. Those analysts must cross validate the data. He discussed the different types of laboratories and the quality control.

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Mr. Dym spoke of problems when sending samples to a private laboratory. He opined that sending samples out of state is not the best solution.

[9:28:31 AM](#)

Mr. Dym addressed Representative Crawford's question about which areas are working well. Mr. Dym observed that the laboratory had a backlog of 8,000 criminal samples. Additional personnel were hired and trained for a minimum of six month, per federal guidelines. With these newly trained technicians, the laboratory is processing 1,500 samples a month. He expects the backlog to be eliminated by July 1, 2009. The outsourced laboratory could only handle 500 samples a month. He described the crowded work stations and lack of space for a second robot or a sink. Employees are working under non-optimal conditions. Certain work cannot be done due to the facility shortcomings.

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Mr. Dym reiterated that some work cannot be done at the laboratory for lack of space. He described how difficult it is to analyze a vehicle in the laboratory. The breath alcohol work has to be stopped when a vehicle is brought into the room. He addressed drug analysis and the problems of contamination.

[9:32:54 AM](#)

Representative Salmon gave an example of how a suspicious death in a village is handled. He wondered if the increased space would address the problem. Mr. Dym reported that the medical examiner's office handles suspicious deaths. The laboratory would deal with the evidence of the crime. The crime laboratory is aware of the sensitivity of collecting evidence.

Representative Salmon asked if the crime laboratory contracts with a medical facility. Mr. Dym reported that the

state's medical examiner's facility is next door to the crime laboratory and they work collaboratively.

Representative Salmon asked if the medical examiner's site would be increased. Mr. Dym clarified that only the crime laboratory would be increased.

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Co-Chair Hawker wondered if any legislator could tour the laboratory. Mr. Dym said that with some notice, the laboratory can be visited. Co-Chair Hawker reported that he had toured the laboratory and he praised the work they did there.

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Co-Chair Hawker asked the consequence of not expanding the laboratory or providing the full scope of services. Mr. Dym replied that the laboratory would continue operating at the current level. Mr. Dym reported that all positions have been filled. He pointed to the doubling of alcohol arrests due to more enforcement in Anchorage.

Mr. Dym stressed that with more enforcement there is more evidence. There would be an increase in backlogs. More work would have to be outsourced. He listed statistics about subpoena results. He saw the problem amplifying.

[9:42:50 AM](#)

Representative Austerman spoke of additional police officers on the street. He pointed out that half the population lives in Anchorage. He wondered if there had been discussions about the creation of an Anchorage police department crime laboratory.

Mr. Dym shared statistics about Anchorage crime. The Anchorage police department currently processes fingerprints. One problem with the proliferation of laboratory services is that those laboratories are not certified. He gave an example. He predicted that there would be more laboratories with less quality control if the crime laboratory is not built.

[9:47:00 AM](#)

Mr. Dym talked about intensive annual inspections and maintained that a commitment to science should follow a standard.

Representative Austerman referred to other states, which often have county as well as state facilities. He observed that Fairbanks and Anchorage are the only communities in

Alaska with their own misdemeanor laws. All other Alaskan communities are based on state law, which points to the necessity of a state laboratory.

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Representative Gara asked if additional staff would be needed. Mr. Dym estimated a doubling of demand for services would require 16 additional staff over 20 years. One immediate position would be needed to bring toxicology on line. He pointed out that there could be a cost savings from the position since they would not need to outsource. Another maintenance person would also be required. He stressed that he is not anticipating an immediate build up of staff. An increase in staff would be tied to an increase in service requests. Representative Gara suggested additional staff would be needed to cover the additional services. Mr. Dym concluded that there may be a need for one more position. He emphasized the ability to provide cross training. Staff has several responsibilities within the laboratory. Some positions would be cross trained; he pointed out that there is insufficient work for a full time document examiner.

[9:53:03 AM](#)

Representative Gara summarized that there would be a need for one toxicologist and some additional space to provide the service that currently costs \$75,000 in out of state contracts. He suggested it would cost more than \$75,000 for an in state position. Mr. Dym clarified that Alaska does not pay its toxicology analyst \$75,000 a year, even with benefits. In addition, there are more than financial costs. Currently, the state has no ability to prioritize high priority cases. He stressed the difficulty of prosecuting cases requiring toxicology evidence in Alaska.

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LEO VON SCHEBEN, COMMISSIONER, DEPARTMENT OF TRANSPORTATION, provided information. He observed that the Department of Transportation and Public Facilities received a request to manage the \$100 million crime laboratory project.

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JOEL ST. AUBIN, CHIEF OF PUBLIC FACILITIES, DIRECTOR OF PUBLIC FACILITIES, via teleconference, provided a brief overview of the Department of Transportation and Public Facilities' participation. The department was brought onto the project in 2005 and initiated a contract to do a study to determine if the existing site could be expanded. The study, which was completed in a six week period in 2005, determined that the existing site was not expandable. In 2006, legislation was brought forward for appropriation of

\$4.8 million to design a 38,000 square foot building. The design and programming (to determine services and size) review began in 2006. The design process was completed in the fall of 2007, with a recommendation for a 84,000 square foot facility. The Department of Transportation and Public Facilities looked at what would be the best contracting method for the best value. A construction general manager contractor construction contract was deemed the best approach. A request for proposal (RFP) for services was issued July 2007. Nesser Construction was selected in October 2007 to provide constructability reviews, schedule analysis and independent cost estimates of the project during the design phase. The design is expected to be finished by the end of the month.

[10:02:52 AM](#)

MATT TANAKA, ENGINEER, CONSTRUCTION AND OPERATIONS, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, via teleconference, explained that Estimation Incorporated was hired by the Department of Transportation and Public Facilities to do an additional the cost estimation for the entire project along with the architect, Livingston Slone Incorporated (LSI).

Mr. St. Aubin reiterated that there were two independent cost estimates during the design stage: Estimation Incorporated and Neeser Construction. Costs are reconciled at each design stage to discuss quantities and scope of the project. Another cost estimating firm in Anchorage, HMS, was contracted at the end of January 2009, based on the 65 percent cost estimate, to review the work done by the other two firms. The costs were deemed by HMS to be consistent with the degree of difficulty of the project and cost of work in Anchorage.

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Representative Kelly pointed out that there the current facility is 19,000 square feet; the first recommendation was for 38,000 square feet; and the current proposal is for 84,000 square feet. Mr. St. Aubin agreed that the current square footage is 19,000 and reported that the 38,000 square foot number comes from the 2005 preliminary study. The current plan calls for 83,000 square feet.

Mr. Tanaka addressed the need for additional footage. He explained that the initial study was not a determination of need. The intent of the 2005 study was to determine the possibility of expanding the existing laboratory. The 2005 study projected a need of 38,000 feet to meet the needs of the staff to 2020. The study was completed in a little over a week, with inadequate resources to determine the need for a state laboratory. Current staff is at the projected 2020

level, which underscores the deficiency of the projection. An industry level of effort estimated that a 84,000 square foot facility would be needed by 2020.

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Representative Kelly understood that the estimates had changed. Commissioner Von Scheben acknowledged his concerns.

[10:11:58 AM](#)

Representative Gara thought the project was too expensive at \$100 million. He asked if the existing space could be refurbished and a warehouse built.

Mr. Tanaka explained that the initial study looked at renovation. However, the existing laboratory cannot be renovated while it is in use. A temporary laboratory would have to be built during the renovation. He concluded that it would be more feasible to build a new laboratory than to build a temporary laboratory during renovations. He addressed the issue of expense and cost effectiveness. A large storage area is needed to meet DNA standards and storage space.

[10:16:05 AM](#)

BILL LAWRIE, ARCHITECT, MCCLAREN, WILSON & LAWRIE, provided information via teleconference. He recounted his experience working as an architect on crime laboratories. He counseled not to cut programs that will have to be redesigned and rebuilt when costs are higher. He stressed that the current laboratory has reached the limit of how much space can be compressed. The needs assessment, considered the need to decompress the space for personnel and equipment. Additional space for new programs was also considered and projections were made for future needs.

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Mr. Lawrie was comfortable with the program and the long-range plan. He concluded that the site should be good for the next 50 years.

Co-Chair Hawker asked if the project was over-designed. Mr. Lawrie thought not. He related that the building can be expanded if needed in the future.

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In response to a question by Representative Kelly, Mr. Lawrie noted that they designed a 40,000 laboratory that covers the eastern area in the state of Washington. Co-Chair Hawker asked how Alaska compares to out-of-state facilities.

Mr. Lawrie reported that there are many more crime laboratories in other states at the state and local levels. This laboratory is the only laboratory in the state of Alaska and it is difficult to compare. Co-Chair Hawker concluded that there are fixed costs regardless of the numbers served. Mr. Lawrie agreed.

[10:27:31 AM](#)

Co-Chair Hawker observed that the executive branch introduced a general obligation bond request to the legislature for \$100 million in the previous legislative session. The legislature raised several questions and asked for explanations of need. The executive branch has not made a similar request in the current year.

RANDALL RUARO, DEPUTY CHIEF OF STAFF, OFFICE OF THE GOVERNOR, recalled that concerns were raised in regards to size, scope and cost. The administration has obtained the lease, which took five months of negotiations with the municipality. The administration has advanced toward the ultimate goal, while completing a thorough review of the cost and scope. There are still questions regarding the most efficient use of the building, whether shift work could alleviate crowding, and ways to fill unused space built in anticipation of future need. He reiterated that the lease agreement had been reach, and noted that site preparation is occurring. The administration is close to finishing up the due diligence process.

[10:31:14 AM](#)

Co-Chair Hawker wondered what process the administration underwent for due diligence. Mr. Ruaro reported that questions were raised regarding size and scope of the project. The administration entered into an independent review. The review left some unanswered questions and was returned with a request for more information, which he believes is forthcoming. However, the review will not delve into the question of shift work or use of current space.

Co-Chair Hawker pointed out it has been over a year. He asked when the legislature would have a chance to evaluate the independent review of the project again. Mr. Ruaro thought that the follow up questions would be answered in the next 30 - 60 days and the full report would be released at that time. The follow up questions will address size and scope.

[10:34:01 AM](#)

Representative Gara was not satisfied that there had been sufficient cost estimates done to upgrade the existing facility as opposed to building a new 84,000 square foot

facility, or shipping out evidence. Mr. Ruaro noted that the review would cover all the options.

Representative Gara suggested a parking garage for additional parking space. He remained dubious about the cost.

[10:37:12 AM](#)

Representative Crawford stood convinced in regards to the need for a new facility, but stressed that Alaskans also need to be convinced that the money is being spent wisely. He suggested that parts of the project might be phased in but did not want to endanger the bigger goal of getting the proper facility.

Mr. Ruaro reported that the administration shares those concerns. The review is on-going and thorough.

Representative Kelly was convinced the project should go forth. He asked about site preparation.

Mr. Ruaro related that there was a lease addendum regarding site preparation. The lease addendum allows for reimbursement to the state if the laboratory were not built.

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Representative Kelly asked about the chain of evidence technology. He hoped that available technology was being clearly considered.

[10:42:29 AM](#)

Co-Chair Hawker addressed delay costs. A one-year delay would cost over \$11 million. He wondered if the evaluation takes the cost of delay into consideration. Mr. Ruaro viewed it as a potential cost, not a fixed cost. He reported a downward trend in construction costs.

Co-Chair Hawker observed that the legislature would continue its due diligence.

[10:43:58 AM](#)

Co-Chair Hawker referred to a joint meeting with the governor in the previous week. He recalled a statement by the governor's chief of staff, which indicated that the building was too big and cost too much. He wondered if it was a conclusive statement or a statement of concern.

Mr. Ruaro felt it was a statement of concern. A thorough analysis is forthcoming. Co-Chair Hawker looked forward to receiving the report and moving the project forward.

#  
ADJOURNMENT

The meeting was adjourned at 10:45 AM.