ALASKA LEGISLATURE COMMITTEE FILES 1983-1984

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Specialized forensic photography includes on-scene highway accidents, additional crime scene photography, autopsies, surveillance photography, rape victims, arson scenes, and evidence photography such as shoe, boot, and tire impressions, microphotography involving fingerprints, questioned documents and other evidence of a comparative nature. Techniques utilized include close-up photography, special lighting techniques, various films and filters, ultraviolet and infrared photography.

The Laboratory Photographer indicates the need for training of law enforcement officers in the field of crime photography, citing photographs from the field that are inadequate for courtroom presentation.

One section of the laboratory, nominally under administrative responsibility, deals with the receipt and filing of a copy of all Drivers Licenses issued in the state, copies of state identification cards and copies of offender photographs, ("mug shots") from the jails of all persons who have been booked. These three sources serve as a photo-photograph pool from which law enforcement agencies in Alaska, both state and local, and other states, may obtain a copy of the latest photograph of an individual, or obtain copies of mug shots for use in a line-up.

A copy of the Operators License and ID cards are forwarded to the laboratory from the Division of Motor Vehicles when individuals apply for these cards.

A copy of offender photographs from local and state jails are supposed to be sent to the laboratory. However the laboratory receives photographs from only certain state institutions. Other state institutions apparently send their photographs to Records & Identification Section in

Juneau, where they are filed in the offender files. Still other jails apparently do not send pictures they take anywhere, and some of them may not be taking pictures at all.

Drivers licenses expire five years after issuance at which time a new license must be obtained. Their expired licenses at the laboratory are then destroyed. The state ID cards have no expiration, and may be renewed at any time by the individual. The mug shots, of course, have no expiration. They are extremely important since they may represent the only picture of persons who have no driver's license or ID card, which is quite common in bush areas.

Photographs for line-up purposes are made by copying pictures from outdated drivers licenses that have been grouped together by such identifiers as age, race, sex, beard, mustache, glasses, etc. Copies are made by Polaroid camera for about $1.00 per copy. The homogeneous groupings and copying procedures are both performed manually.

Two clerks now attempt to manually file some 11,000 mug shots alphabetically by name; almost 130,000 copies of drivers license cards by license number, and some 17,000 copies of identification cards by name per year.[9] In addition, they attempt to respond to requests by law enforcement agencies for copies of some 12,000 ID card photographs, about 18,000 drivers license photographs, and approximately 750 requests per year for four or five similar appearing individuals for line-up purposes.

These tasks, plus the accompanying clerical and administrative requirements combine to exceed the ability of the two clerks to manually file the incoming drivers license cards identification cards and mug shots in a timely manner. As

[9] Division of Motor Vehicles Annual Report 1981.

of mid May 1982, the two clerks were about eight weeks behind in filing the operators and ID cards, which translates into about 24,000 cards. Filing of the mug shots from the jails has progressed to filing those received in late 1980.

As a result, when requests are received from local, state and federal law enforcement agencies and police agencies from "Outside", for the latest picture of an individual, the laboratory has to reply that "there is no information on file" if his license or ID card, or photograph has not yet been filed or if he was photographed by jails not now forwarding their photos to the laboratory.

By any reckoning, law enforcement is not being well served.

RECOMMENDATIONS:

14. Hire Photograph Technician

The present situation of the Photographer spending a substantial part of his time in non-forensic related duties and consequently the very limited services he has time to perform for investigations can best be met by the hiring of a Photography Technician. A two man operation will enable the present Photographer to devote almost all of his time to forensic photography while the technician can handle the routine daily tasks in the laboratory and most of the non-laboratory activities.

15. Field Locations Determine Film Processing

The objective of the photography section, and indeed the entire laboratory, is to be a service oriented unit. However, this should not preclude the use of comparably priced local services in the private sector if such use is to the advantage of the individual officer involved. Thus field locations should continue to use commercial photography services, if available, providing it is advantageous to do so, rather than some policy being developed whereby everyone must use the laboratory for photography services solely for the sake of uniformity. It is therefore recommended that for routine film processing, field locations determine for themselves whether to use the laboratory or a commercial service.

16. Develop Feasibility Data for Automated Processing

Cost data should be developed by the laboratory whereby it would be possible to ascertain if an automated film processor, such as a Kodak Continuous Print Processor could be justified by the existing level of processing done by a commercial firm through the laboratory, or the projected level of future processing requirements of both State and local law enforcement. In addition to cost justification, the value of reduced turnaround time to the investigator must be considered which would likely be reduced to hours rather than days as is now the case. Also, with automated equipment, the photography personnel could obviously devote more time to both forensic and non-forensic photography, than is possible to do with the existing manual operation. In addition, a large part of the record keeping associated with the present system would be eliminated. The automated capability may also mean that a two man operation would be adequate for years to come.

17. Automate Operators License Photograph Section

Tests by Kodak confirm that it is possible to obtain a good quality photograph from a microfilmed copy of the drivers license, ID card and mug photographs, then enlarging it and obtaining hard copy by a viewer printer.[10] It is therefore recommended that the present labor-intensive procedures be abandoned in favor of microfilmed copies of the pictures coupled with a computer aided retrieval system. To utilize a modern system for this function, it will be necessary to:

a. Purchase a Kodak Planetary camera ($8700.00), accessories ($350.00), and an additional viewer/printer ($16,000), if the Photography Laboratory cannot use the same viewer/printer as is being installed in the White Collar Crime Unit.

b. Determine data entry information as is required for photograph retrieval, and the identifiers needed to obtain pictures for line-up purposes.

c. Establish 24 hour response time or less for mailing back the copy of the microfilmed picture to the inquiring law enforcement agency, an entirely reasonable goal, according to persons experienced in the microfilming process.

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[10]Testing program by Mike Penniston, Kodak rep., Anchorage, May 14, 1982.

d. Contact all law enforcement agencies in state to apprise them of the new service.

e. Contact the Division of Corrections and request all state correctional institutions send a copy of all mug shots at least weekly, which is the frequency that drivers license cards are forwarded from bush offices to DMV in Anchorage. In this way photographs issued from DMV locations and from jails in bush locations would be available for microfilming by the envisioned system within 10 days. The system would then never be more than 10 days from being current. Anchorage issued drivers license cards are available daily for entry into the system.

f. Contact R & I in Juneau to request that any pictures now being sent to them from jails be sent to Anchorage for microfilming.

g. Develop procedures to assure receipt of mug shots from the local jails, of which fifteen are on contract with the Department, and make receipt of the photographs a part of the jail contract the Department of Public Safety signs with the local community. The pictures should then be forwarded to the laboratory on a periodic basis in accordance with the procedures.

h. Since the drivers licenses expire in five years, and are the most numerous by far of the photographs to be microfilmed, it is recommended that only the existing backlog of drivers licenses and each day's receipt of new drivers licenses be microfilmed. Then at the end of five years all cards now on file can be destroyed, (other than those retained for line-up purposes). Thus a dual system of manual and automated retrieval would exist for five years relative to drivers licenses although each passing year would see a greater proportion of licenses in the automated system.

i. Since the ID cards and mug shots do not expire, it would be necessary to microfilm all of them "up-front". To do this, as well as microfilm the backlog of drivers licenses will require substantial effort to get the system operational. It is recommended that this work be contracted out to a local microfilming firm, to assure speed and archieval quality.

j. Coordinate this proposed system with the White Collar Crime unit to determine whether the equipment for both operations can be located together, and if so where, priority involving equipment to be used in common, and which unit would be nominally in charge of the two existing clerical positions in the laboratory, and how they might best be used to meet the best interests of both units.

k. However the foregoing in item "J" is decided, it is recommended that the two clerical positions be trained on-the-job with the Division of Motor Vehicles in the skills of microfilming and computer assisted retrieval. In addition both positions should be reclassified as a Microfilm Operator Trainee at Range 8, with later advancement to Microfilm Operator I, Range 10.

l. Since the microfilming section is more closely related to the photography section than administration, it is recommended that the Microfilm Operator(s) if they remain assigned to the laboratory, be included within the functional responsibility of the Photographer.

Conversion from the existing manual system to automated system, while initially requiring equipment purchases and data base development will also result in additional photographic capabilities as represented by the new planetary cameras and will assure law enforcement throughout the state, at all levels, of dependable and timely service, and interface with and permit common usage of equipment by the White Collar Crime Unit.

E. Management Policies

There are numerous laboratory related problems that can best be described as pertaining to the lack of continuity of management, due to rapid turnover of Laboratory Directors, and periods of time when there is no Director, or even an Acting Director.

Problems cited by field interviews encompass a wide spectrum, from poor to non-existent internal procedures, lack of confidentiality by laboratory personnel, lack of priorities, not knowing what the laboratory does and can do, not having or knowing about the laboratory manual, poor reputation in certain skills, interpersonal conflicts with laboratory personnel, re-shipping of evidence, lack of direction and supervision, lack of continuity of management, and related concerns.

Problems cited by laboratory personnel seem to almost echo field complaints. Laboratory personnel cite everyday problems as lack of standard procedures in the laboratory, lack of direction and objectives, lack of continuity of supervision and management, periods of times with no supervison, lack of clients knowing what the laboratory does and what it can do, outdated laboratory manual, friction among personnel, exclusion from involvement in management decisions, inadequate handling of evidence by client agencies, and so on.

In addition, although not voiced by field interviews, there is the obvious need for the laboratory to continue to improve its perception by the justice system of being impartial. Simply being impartial is not enough. The laboratory, its personnel, their activities, and all they do, must also impart the perception of impartiality as well. While not an overt problem at present, the laboratory must remain vigilant and take all actions needed to assume the continuance of impartiality.

It seems clear that the hiring of an experienced, competent, professional Laboratory Director will result in the solving of many, if not all the problems noted above. Therefore a detailed description of these numerous problems seems presumptuous at this time. Specific actions to

address the numerous management problems are properly left to the discretion of the new director. However certain recommendations about broad managerial aspects are of sufficient importance to be included here because of the extent of criticism received from the field during development of this plan, and from the overview of existing laboratory operations.

18. Laboratory Director be a Full Time Experienced Civilian

The laboratory director should be a full time, experienced, technically trained and competent civilian, since having a sworn officer as director has not proven to be effective, hinders the perception of impartiality, and would not be as effective in both the management and technical aspects needed for a successful forensic's laboratory. All staff positions should likewise be civilians.

19. Director have Authority Commensurate with his Responsibility

The laboratory director should have written confirmation of independent responsibility for professional results, and the authority to assure those results, as well as the authority to try new approaches and innovations.

20. Separate Division or Accountable only to Division Director

The laboratory should be a separate division within the Department of Public Safety, or at the least, be accountable only to the Director of the Division of State Troopers. Thus positioned, the Laboratory Director will be in a better position to make decisions, arrange functional responsibilities, personnel staffing, laboratory policies, and control of laboratory budget. He should also be considered a part of the management team of the State Troopers and should attend and participate in staff meetings called by the Director.

The recommendations for greater independence and responsibilities call for commensurate laboratory policy that while all laboratory employees work for and are responsible to the civilian director, the entire laboratory function is being developed as a resource for the police officer in the field. He must have every assurance of laboratory assistance when he needs it.

21. Laboratory Director Sign Analytical Reports

The laboratory director should sign all analytical reports, along with the analyst. The latter identifies whose opinion and work is being reported on, while the director authenticates the official status of the report and that it was conducted in accordance with official laboratory procedures.

22. Ensure Maximum Use of Laboratory

A periodic "breakout" of client use of the laboratory is highly desirable to assure that forensic examinations make the maximum contribution to the criminal justice system. Several approaches could be used. One is to tabulate the number of cases each client agency submits to the laboratory. These gross figures would yield a rough idea of relative use. This data can be refined over time to obtain a ratio of the average number of lab requests to the number of sworn officers. When a given agency falls substantially below the average, the decrease could signal a problem, perhaps with the laboratory, laboratory personnel, or the need for training of new personnel within the client agency or other circumstances.

Another approach to determine relative use is to compare the average number of Part I crimes over the preceeding several years, which are available in the annual "Crime in Alaska" to the number of sworn officers and the number of requests for assistance. Since Part I crimes may be assumed to usually involve evidence susceptible of forensic examination, such comparison could indicate the extent of laboratory utilization.

Whether the foregoing methods, or another is used, it is important to establish that all police agencies are making maximum use of forensic examinations. A personal visit either by the laboratory director to agencies which appear to be under-utilizing the laboratory or a visit by the agencies themselves to the laboratory would perhaps be the best ways to resolve any problems that may have risen, as well as make arrangements for training or whatever is needed.

23. Development of Workload Data

Workload data is an essential element of management information. Data should be gathered in a standardized, on-going manner relative to the number of incoming tests, number of completed tests and the backlog, which represent the number of tests awaiting

action. Over time, trends will become apparent relative to increases or decreases of backlogged cases. From this rough data, one can make projections about when to increase staff in order to assure backlog of tests do not exceed a pre-determined percentage of total cases.

A subset of the foregoing is to develop data showing number of cases, number of items submitted and the type and number of analyses performed, by client agency, as well as laboratory totals. Among other information, increases and decreases by type of analysis will yield trends that will indicate need for additional personnel and equipment.

It may also be desirable to develop a breakout of personnel time by function, thereby revealing time spent in actual tests at the bench, courtroom testimony, crime scene assistance, training of others, training received, vacation, etc. Such data can be used for predicting staffing levels needed in the future, deciding about changes in emphasis of employee activities, and related information.

Analysis of time spent in certain types of testing compared to later use of results of tests in court will suggest priorities of work activity. For example in drug cases, the laboratory might elect to cease testing after a controlled substance is identified on any one item. Any other items of the same type substance would undergo only screening procedures for presumptive identification. Quantitative analysis would only be performed in special circumstances, and so on.

Later, as experience with a broad array of analyses is gained, it may be possible to assign an arbitrary weight to each test, based on the average amount of time for completion, and thus be able to refine measurement of output productivity of the laboratory. This can be used as a predicator of when additional space, manpower, equipment and so on will be needed. If satellite labs are established, their output versus backlog will indicate the need for temporarily shifting manpower from one laboratory to another, and related decisions.

24. Development of Response Timetable

A response timetable is desirable to measure the time elapsed from receipt of given tests until the analyses are completed; i.e. so many days for drug testing, so

many for blood alcohols, etc. These "times to completion," or turnaround time can be determined in concert with the needs of the requesting police agencies, and should be viewed as an ideal to be strived for by the laboratory. At the end of each month measurements would be made to determine how close the laboratory achieved the ideal times. Thus if in a given month, perhaps 45 of the 50 drug tests were all completed within the pre-determined time of perhaps five days, as agreed upon by police and the laboratory, then the laboratory completed 90% of the drug tests within the agreed upon time. The percentage of completions of each type of test will show which category of tests is most delinquent. Resources and priorities can be shifted accordingly.

25. Develop Statistical Data

While most of the foregoing are primarily management tools, statistical data, such as total number of tests performed, total items and analyses performed, and listing of tests by client agencies, trends and projections must also be kept for overall use at budget time, and for client agency consumption. It is recommended that an annual report be developed and commercially printed showing overall lab usage and the numerous other data elements seen desirable for distribution to police, prosecutors, the judiciary and the legislature. Further it is recommended that the laboratory forward certain data of general interest to the Office of Criminal Justice Assistance for inclusion in their annual "Crime in Alaska" publication, thus carrying the word of laboratory operations to an even wider group of consumers. Distribution of both documents will help disseminate information about the lab and its capabilities, thereby helping to increase its image throughout the criminal justice system and the legislature.

26. Standard Operating Procedures

In the long term it is recommended that the laboratory prepare written Standard Operating Procedures to the extent deemed necessary. An obvious area in which written procedures would be appropriate is in the evidence room. The high turnover of clerks there creates the situation of a new person coming in with virtually no similar experience elsewhere, little or no overlapping time with the incumbent, and simply taking over. Confusion is bound to occur, both in the evidence room and to the officers submitting evidence as they are subjected to a new person unfamiliar with the new job, and accustomed procedures.

Written procedures would provide the necessary guide for a new employee in this job. Possibly other written procedures would be appropriate elsewhere in the laboratory as well.

The foregoing paragraphs about statistics and workload data not intended to be all inclusive or to suggest that each item is needed, but to suggest some of the analyses that may be of management value. The type and extent of data and statistics developed is properly the decision of the Director.

27. Laboratory Management Philosophy

Perhaps the key to successful management of a forensics laboratory is the rapport within the laboratory and the involvement of laboratory personnel in the decisions relating to laboratory operations. Management of professional, highly skilled scientists and technicians is substantially different than management of subordinate ranks by a superior officer as exists within the State Troopers. It is recommended that the Laboratory Director adopt at the outset a participatory management philosophy to assure the fullest utilization of staff ideas, consultations, and recommendations, although making the final decisions himself. Such philosophy might include among other aspects, the use of weekly staff sessions involving all professional, technical, and clerical employees in the decisional process, adoption of an "open-door" policy by the director, a policy of keeping staff fully informed and such other actions as will ensure a feeling of value, involvement, and participation by all laboratory employees. Within this environment will be the greatest opportunity to establish work priorities, develop critical objectives, set goals and direction and generally have a dynamic and responsive forensic laboratory. In addition to being good management over the long term, such management style is suggested here primarily because it is so badly needed now and holds such great potential for the successful immediate and long term development of a full-services laboratory.

28. Clientele Feedback

Obtaining information from client agencies about the degree of satisfaction experienced in dealing with the laboratory is important for early identification of existing and potential problems of service delivery. It is recommended that some system, or feedback loop, from client agencies be established for early appraisal of laboratory services. Several means might

be employed. A survey form, or postage paid postcard could be sent to each client agency following completion of the requested laboratory services. Several questions relative to timeliness of laboratory services, quality of work, cooperation of personnel etc., could be asked, as well as a place for general observations. A letter might be sent periodically to all client agencies asking their opinion of laboratory services to date and encouraging ideas and recommendations for better service delivery. The Laboratory Director could meet with Chiefs of Police at meetings of regional chiefs organizations and at statewide meetings. Similarly he could meet with judges at their annual judicial conferences, and with District Attorney's at the periodic meetings, and so on, in an effort to set up a continuing dialogue with users of laboratory services, and thereby assure the highest possible level of forensic services.

29. Cost Policies

Since the inception of the existing laboratory, the Departments policy has been to provide laboratory services at no cost, both for work provided in-house, and for tests performed elsewhere if the evidence was first sent to the laboratory. It is recommended that the provision of services at no cost be continued.

An additional cost consideration pertains to payment of travel and per diem of AST and speciality laboratory personnel to testify in court. Presently the District Attorney's pay these costs, but this is not an established uniform policy of the Department of Law. Most District Attorneys have sufficient funding, but not in every case. A major local law enforcement agency claims the local district attorney will not proceed with drug cases that do not "plead out," because he does not have funds for travel of laboratory personnel to testify in court. As a result, this major police department says they have had virtually no use of the laboratory for the past year. This problem may exist elsewhere for some of the smaller departments. To address this problem, it is recommended that the Department of Public Safety allocate additional funds to the laboratory for travel and per diem expenses for testimony by both AST and speciality laboratory personnel. This is an additional expense item, but the policy of the FBI laboratory which pays these costs for their personnel provides powerful precedent to justify such expenditures, and such policy is in accordance with the concept of a full-services crime laboratory.

Although the potential for abuse may exist, the Director of the Laboratory can develop overall management guidelines with the Chief Criminal Prosecutor if it appears that District Attorneys are requesting laboratory personnel to travel too frequently.

30. Standardization of Field Kits

At present, there is no standardized narcotics field test kit, arson investigation kit, rape or gunshot residue kits. State Trooper Detachments apparently purchase from vendors that differ from vendors used by local police departments. The result is a lack of uniformity that causes confusion in the field, endless questions to the laboratory, difficulties for training, and ultimately complaints from the field.

While the laboratory cannot control vendor selection of local police departments, it can, with assistance from major crimes investigators, laboratory personnel, and the Fire Marshals Office survey the available field kits on the market and decide which ones appear to be the best, and why. This information should become policy of the Department, and be sent to all other client agencies including local fire departments, as the recommended items for them to purchase, along with a summary of the advantages of standardizing field kits throughout the state.

31. Evaluation of Drug Testing Kits

The head chemist in the laboratory has already evaluated the drug testing kits and has found the ones most widely used to be generally unreliable. According to him, even experienced investigators are unaware of the false positive reactions which could be encountered. It is therefore further recommended that the laboratory prepare information concerning these tests for both the Troopers and local law enforcement agencies, leading to the recommended adoption of only the most reliable kits by the Troopers, with the same suggestion for local units of law enforcement.

32. Updating Laboratory Plan

It is recommended that additions and deletions to this plan be made as circumstances change, to show the accomplishments of certain objectives, changes in emphasis and priority and to provide long term budgeting forecasts, and rational.

F. Upgrading Personnel

At present (June 1982), the existing AST laboratory is staffed by three chemists, a photographer, two latent fingerprint examiners, two additional latent print examiners including the Section Supervisor in Juneau, an Evidence Custodian, two clerks and a clerk typist. The position of Laboratory Director has been unfilled for several months, and there has been no interim director.

With the exception of the Lab Director, who has always been a commissioned State Trooper, the balance of the laboratory positions have always been filled by civilian personnel.

Assigning a commissioned position to manage a forensic science laboratory has several disadvantages. Directing the laboratory is one of the many possible assignments available to a Lieutenant and above as the organization broadens and expands the background and experience of the personnel who will one day be in top managerial positions. While a brief stint in the laboratory helps accomplish this purpose, it poses several impediments to a laboratory that wants to expand its services and level of expertise. While the degree of personal interest and effectiveness among commissioned directors has varied, it is undeniably true that to date, none of the commissioned directors has previously managed a forensics lab, has a forensic background, a degree in one of the natural sciences, or has ever supervised civilian laboratory personnel. In addition, he has not been able to make policy decisions for the laboratory, since he must go through several higher levels of the organization. Moreover, commissioned directors have been assigned other additional duties that further dilutes their effectiveness. The last director spent a[illegible] half his time in other non-laboratory related tasks. Finally, with frequent changing of directors, there

is little opportunity for developing long-term objectives, setting priorities, hiring well-qualified personnel, or realizing the advantages of continuity of direction.

The present situation of having no one as full time director, and not having named anyone as acting director in the interim, has not improved morale among laboratory personnel who feel that their function is important enough to warrant someone being named in charge so that the daily problems and questions of both a technical and management nature can be addressed, and efficiency of their function maintained.

Salary for staff personnel in the laboratory can only be described as low. Virtually all laboratory personnel have an entry level salary that is less than a trooper recruit with no training. The chemists all have a required four year college degree in an appropriate scientific field. Similarly the Latent Print Examiners and the Photographer have completed technical training and are at the journeyman level before being hired. By comparison, a Trooper recruit needs only a GED which is less than a high school diploma, and typically has no experience in law enforcement.

Three of the four Latent Print Examiner I positions are at an entry level pay range 15, or $27,540.00 per year. The supervisor is paid a range 17, or $31,668.00 per year. By comparison, the fingerprint examiner at the Anchorage Police Department is paid $36,650.00 a year. His salary is the same as a Patrol Officer. Although the laboratory does not presently have a Questioned Documents Examiner, the Anchorage Police Department's Questioned Documents Examiner receives $34,392.00.

One common method of attempting to set equitable salaries for persons in state service in Alaska is to review the

salaries paid in private industry. An exact comparison doesn't exist, since there are no other forensic chemists in Alaska. However, there are numerous chemists in Alaska employed in the oil industry. Although the results of their tests do not have the potential of resulting in freedom or imprisonment of an individual, they receive a salary of $40,000.00 - $48,000.00 which is substantially more than is received by the Chemists in the crime lab, whose salary ranges from $29,556 to $38,988.

Within the support personnel the Evidence Room Custodian is classified as a Clerk IV, pay range nine, with an annual salary of $18,936, compared to the $26,720 received by the Evidence Specialist at the Anchorage Police Department. According to the position description, this clerk "implements office procedures, orders supplies, provides for training, prepares complex reports and acts as a source person for information that requires considerable interpretation, and explains policies." Skills required are "proper English useage, composition, and modern office practices", among others.

By comparison, the Evidence Room Custodian is responsible for the receipt and safekeeping of about one quarter of a million dollars in cash, some two million dollars worth of illicit drugs, thousands of dollars worth of guns, coins, jewels, electronic equipment and other items too numerous to list. He also receives, stores, maintains, and ships items of evidence. Of even greater importance is the responsibility to ensure an unbroken chain of custody of each item, the immediate retrieval of items of evidence, and a records system that assures nothing is misplaced, lost, or stolen. Failure to function successfully can mean an accused murderer or drug dealer will be set free. This very thing has happened in the past as the result of evidence being lost.

It seems clear that the functions of the Evidence Room Custodian are not well reflected in the existing clerical position description, and that a pay range nine is inadequate for the responsibilities involved. The incumbent can perhaps afford to receive this low rate of pay because he also receives retirement from a former employer. The skills of the next custodian may more nearly approximate the low rate of pay being offered.

Additional inappropriate job descriptions also apply to the forensic chemists. The chemist series does not adequately describe the forensic functions now being performed, nor would additional chemist positions be suitable for other skills in the area of criminalistics being contemplated for the future. Moreover, the wide range of background in criminalistics needed by applicants for future positions is not contained within the existing chemist job descriptions, nor does a chemist testify in Court. In short, the existing chemist classification is not appropriate to a forensics laboratory.

In addition to demonstratably low salaries, the laboratory staff personnel have substantial difficulty advancing to higher job classifications, since either a position vacancy must exist, or their existing position must be reclassified. In short, there is no career path. In a large organization such as the State Troopers, the large number of officer and field grade positions means substantial chance for advancement as personnel retire and resign. A vacancy near the top may mean that perhaps five or six openings occur as individuals move up to fill the vacancies above them created by the people who moved up to fill still higher level positions. Within the existing chemist and fingerprint job positions, the only way to advance to a higher level position is through a reclassification of the incumbent's present position, or to fill a higher level

position that becomes vacant. A position reclassification takes considerable time and effort and requires written justification, a rewritten job description, review by departmental personnel and final concurrence by the Department of Administration. The process may take six months or longer, and then there is no assurance that the reclassification will be granted.

The only other way to advance is for a vacancy to occur in a higher level position. Since there is only one higher level chemist, and one higher level Latent Print Examiner, vacancies in those positions require that the supervisor either dies, retires, or terminates. Even then, only one of the lower level individuals can advance. The others are still stuck where they are. That this situation is true is well illustrated by the Latent Print Examiners. One Examiner has been at a Range 15 for seven years. Another has been a Range 17 for nine years. Thus it appears that the only existing way for any kind of "career ladder" to be available is through the termination, in one way or another, of a supervisor, which is in itself directly in opposition to the goal of long-term retention of qualified forensic personnel. In a very real sense the existing structure of job classifications acts to block one of the goals of a professional organization. The combination of low salary and lack of a professional career path and consequent stagnation in grade has predictably resulted in short tenure for the professional laboratory employees. (The tenure of the commissioned directors has also been short, although for different reasons.) Although one chemist, the photographer, and two of the Latent Print Examiners have been employed since the laboratory began in 1978, other personnel have been employed and then terminated after only short periods of time. One chemist stayed for a year, another for nine months, and a third for four months. Of the present chemists, one has been employed for a year, a second for eight months. The

present Evidence Custodian with 15 months on the job has been employed the longest, since there were three prior custodians in as many years. There have been two other photographers and two other fingerprint personnel. There have been three directors since 1978, and the position is open again, and remains unfilled. The rapid turnover of commissioned troopers as Directors further contributes to the lack of continuity and effort, although the reasons for turnover are not for reasons of low salary and lack of career path, but rather reflect their upward mobility into higher ranks of management.

Other results of frequent turnover of professional personnel are that new employees must develop their forensic skills by experience, which is not available in colleges, in order to be accepted as expert witnesses in court. The development of forensic skills can only be learned by on-the-job experience, since there is no other forensic laboratory facility in the state from which to obtain experienced laboratory analysts. In addition, employees with no forensic background will not have experience in how to testify in court. Finally, the forensics arena has its own unique requirements. A graduate chemist, for example, coming to a laboratory to fill a criminalist position as a serologist does not know the tests and equipment utilized by the forensic serologist and will need further training to undertake the functions of a serologist. Any forensic-related skill must also include training in evidence handling and evidence custody and in writing laboratory reports that meet the requirements of the prosecutor and judge. By any measure, the loss of an experienced, capable criminalist in a crime laboratory has significant and long-term implications. Constant turnover of personnel means the laboratory never really progresses beyond a certain point, for it is continually obliged to stop and begin over again to meet the results of hiring inexperienced personnel.

RECOMMENDATIONS:

33. Professional Director

It is recommended that the position of Director of the Crime Laboratory be filled by an experienced criminalist and previous Laboratory Director or someone with proven administrative, fiscal and planning talents. The individual should be hired as a full-time civilian director, and have no unrelated responsibilities.

The advantages of an experienced or otherwise qualified Laboratory Director includes possible past experience on the bench, the more effective management of professional civilian staff, the knowledge of what constitutes a qualified applicant, the knowledge born of experience of how to solve common laboratory problems, knowing how to evaluate the effectiveness of laboratory services, the continuity of direction, and the setting and meeting of long term goals.

34. Name Acting Director

Until the hiring of a full-time professional Lab Director occurs, it is recommmended that someone be named as Acting Director in order that day to day operational decisions can be made. Many of the recommendations in this plan need not wait until a new Director is hired, but rather can begin to be implemented immediately. Moreover an Acting Director can give an immediate sense of direction, continuity, and routine decisions that the laboratory does not now have, and thus significantly improve laboratory morale.

35. Reclassify Existing Professional Positions and Upgrade Salaries

It is recommended that the existing professional positions - that is the Chemist, Latent Print Examiner, and the Photographer positions be deleted and replaced by two broad job descriptions entitled "Criminalist" and "Forensic Specialist." Within each of these broad job descriptions there should be subsets, relating to the several specialty disciplines either now existing in the laboratory or that may be needed in the future. The Criminalist Class would include all the existing and future criminalist positions, such as Forensic Chemist, Serologist, Toxicologist and related positions, generally characterized by extensive formal education requirements. The "Forensic Specialist" class would include all the existing and future positions such as Latent Fingerprint

Fingerprint Examiner, Photographer, Questioned Documents Examiner and related positions, generally characterized by not requiring extensive formal education.

By adopting this reclassification scheme, the Personnel System is spared the increasing prolification of new, very narrow job descriptions as the laboratory seeks to hire additional individuals for very specific fields found only in Alaska's Crime Laboratory. Moreover, the broad reclassification scheme would enable the laboratory to hire the expertise it requires without experiencing the delay and trauma attendant to obtaining a new job classification everytime a new skill is needed in the laboratory.

In addition it is further recommended that both job descriptions contain seven levels, beginning at a trainee level, entry level, through a technician, journeyman, section head, deputy laboratory director, culminating at the top with Laboratory Director position. By adopting a seven-level system within both classes, there is a provision for upward mobility for each employee as he attains the experience, education, and other requirements for each level. Such opportunity for career development does not now exist. The chart on the next page illustrates the recommended reclassification of laboratory job descriptions, as well as salary recommendations discussed in the following pages.

Closely related to the recommendation to adopt a new class specification is the issue of salaries of laboratory personnel.

The present low salaries of laboratory personnel should be increased to reflect the often crucial role the outcome of their tests have in criminal proceedings; address the problem of short term tenure now being experienced as the direct result of low salary; and to recognize the formal education and professional standing required before eligible for hire.

Comparison of the salaries paid laboratory personnel in several other states is not particulary useful since it is not known if the salaries in those states are nigh or low in comparison to the remaining states. In addition, the latest salary surveys proved to be dated. A more fruitful approach has been to determine salaries paid to chemists in the private sector in Anchorage, salaries paid by the Anchorage Police Department to their three personnel who perform

JOB DESCRIPTIONS

ALASKA STATE TROOPERS CRIME LAB

JOB TITLE	FORMAL EDUCATION	EXPERIENCE	SUBSTITUTIONS	OTHER REQUIREMENTS	SALARY RANGES	COMMISSIONED EQUIVALENCY
Criminalist 7 or Forensic Specialist 7 (Laboratory Director)	BS or BA in Criminalistics, Chemistry or Biochemistry or related physical or natural science. Advanced degree preferred or MPA or MBA degree.	8 years experience in a forensic science lab in Alaska or comparable experience elsewhere, including two years in supervisory capacity or five years experience as Director of a regional or state crime lab.	An advanced degree in an applicable field may be substituted for one year of required experience.	Qualifications as an Expert Witness and active membership in related Professional Society or Association.	23	Major
Criminalist 6 or Forensic Specialist 6 (Deputy Director)	BS, BA in Criminalistics, Chemistry, Biochemistry or closely related natural or physical science. Advanced degree preferred.	7 years experience in forensic science lab with demonstrated expertise in Criminalistics, two years of which has been supervisory experience of a technical section.	An advanced degree in Chemistry or a related field may be substituted for one year of experience. A four year degree in a related field may be substituted for two years of experience.	Qualifications as an Expert Witness and active membership in related Professional Society or Association.	21	Lt.
Criminalist 5 (Section Head)	BS or BA in Criminalistics, Chemistry, Biochemistry or closely related natural or physical science.	5 years in forensic science lab, with demonstrated experience and expertise in Criminalistics.	An advanced degree in Chemistry or a related field may be substituted for one year of experience.	Qualifications as an Expert Witness and active membership in related Professional Society or Association.	20	1st Sgt.
Forensic Specialist 5 (Section Head)	High School Diploma plus successful completion of FBI 80 hour course in fingerprint identification or equivalent. 2-4 year degree preferred.	7 years experience as Forensic Specialist in Alaska or comparable experience elsewhere.	A two year degree in a related field may be substituted for one year of experience.	Qualifications as an Expert Witness and active membership in related Professional Society or Association.	20	1st Sgt.
Criminalist 4 (Journeyman)	BS or BA in Criminalistics, Chemistry, Biochemistry or closely related natural or physical science.	3 years in a laboratory with demonstrated experience and expertise in appropriate field of criminalistics.	An advanced degree in Chemistry or related field may be substituted for one year of experience.	Qualifications as an Expert Witness and active membership in related Professional Society or Association.	19	Sergeant
Forensic Specialist 4 (Journeyman)	High School Diploma plus successful completion of FBI 80 hour training in fingerprint identification or equivalent elsewhere.	5 years experience as Forensic Specialist in Alaska or comparable experience elsewhere.	None	Qualifications as an Expert Witness and active membership in related Professional Society or Association.	19	Sergeant

JOB TITLE	FORMAL EDUCATION	EXPERIENCE	SUBSTITUTIONS	OTHER REQUIREMENTS	SALARY RANGES	COMMISSIONED EQUIVALENCY
Criminalist 3 (Technician)	BS or BA in Criminalistics, Chemistry, Biochemistry or closely related natural or physical science.	1 year professional lab experience at level of Criminalist 2 with Alaska or other relevant job experience to the specific area of expertise.	An advanced degree in appropriate graduate experience may be substituted for one year experience.	None	17	Trooper
Forensic Specialist 3	High School Graduate	3 years as Forensic Specialist in Alaska or comparable experience elsewhere.	None	None	17	Trooper
Criminalist 2 (Entry level)	BS or BA in Criminalistics, Chemistry, Biochemistry or closel, related natural or physica science.	None	None	None	15	Rookie
Forensic Specialist 2 (Entry level)	High School Graduate	1 year experience as Forensic Specialist in Alaska or comparable experience elsewhere.	None	None	15	Rookie
Criminalist 1 (Trainee)	2 year degree in Chemistry, Biochemistry or related science; or 60 semester hours within a course of study leading to related degree.	None	None	None	13	Less than a Rookie
Forensic Specialist 1 (Trainee)	High School Graduate	None	None	None	13	Less than a Rookie

laboratory related functions, and to equate existing salaries of laboratory personnel in one of the outstanding laboratories nationwide to the salaries of their commissioned officers. The following is a recap of these results:

A. The Tesoro Refinery on the Kenai employs chemists in the following jobs.[11]

1. Lab Technician — non degreed - $38,278
2. Chemical Engineer — degreed - $40,800
3. Chemistry Lab Supervisor — degreed - $55,200

B. A University of Alaska Chemistry major who had not completed his degree was employed by another refinery for $48,000.00 per year, in 1982.[12]

C. Nationally, the medium salary of chemists (that is, the salary which is exceeded by 50% of the chemists participating in the survey) employed by the petroleum industry in 1981 was $40,000.00.[13] This is a national figure involving median salaries of all the states, rather than an Alaska median which would be higher.

D. The Anchorage Police Department pays their personnel who perform lab-related functions the following annual salaries.[14]

1. Identification Technician - $35,650/year - same as Patrol Officer.
2. Identification Specialist - $41,900/year - same as Sergeant and Investigator.
3. Assistant ID Specialist - $23,670/year - same as Police Cadet.

E. The Dade Co. Florida, Crime Laboratory provided the following salary comparison with their Crime Laboratory personnel and their Commisioned police officers:

1. Criminalist I is approximately equivalent to a Corporal.
2. Criminalist II is approximately equivalent to a Sergeant.

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[11]Telephone conversation with Tesoro Petroleum, Anchorage, Alaska, June 4, 1982.
[12]University of Alaska, Chemistry Department.
[13]Chemical and Engineering News, June 22, 1981.
[14]Telephone conversation with Anchorage Police Department June 3, 1982.

3. Criminalist III is approximately equivalent to a Lieutenant.
4. Criminalist IV (not applicable in Dade Co.)
5. Criminalist V (Lab Director) is approximately equivalent to a Major.
6. Fingerprint Technician I is slightly below a police officer.
7. Fingerprint Technician II is approximately equivalent to a Corporal.
8. Fingerprint Supervisor is approximately equivalent to a First Sergeant.
9. Photographer is the same as a Fingerprint Technician I is slightly less than a police officer.
10. Police Property Custodian is slightly less than a Police Officer.

F. The Oregon State Police Crime Laboratory in Portland provided the following comparative salary information:

1. Criminalist I - Entry Level - equivalent to Patrolman.
2. Criminalist II - Trainee - equivalent to Corporal.
3. Criminalist III - Journeyman - equivalent to a Sergeant.
4. Criminalist IV - Supervisor - equivalent to First Sergeant.
5. Regional Laboratory Director - equivalent to Lieutenant.
6. Statewide Laboratory Director - equivalent to Captain.

In view of the foregoing, it is recommended that the proposed Criminalist and Forensic Specialist positions described earlier be equivalent to the salaries received by the following commissioned personnel:

Laboratory Positions	Commissioned Equivalency	Pay Range
Level Seven (Director)	Major	Range 23
Level Six (Deputy Director)	Lieutenant	Range 21
Level Five (Section Head)	First Sergeant	Range 20
Level Four(Journeyman)	Sergeant	Range 19
Level Three (Technician)	Trooper	Range 17
Level Two (Entry)	Trooper Recruit	Range 15
Level One (Trainee)	(No comp. Position)	Range 13

The foregoing chart portrays all the recommendations relative to position reclassifications, the seven levels within the proposed two new broad job

descriptions, salary equivalencies of lab personnel to commissioned officers, and the recommended State of Alaska pay ranges. In addition, job prerequisites in terms of formal education, experience and other qualifications are also presented.

The intent of this chart is to portray a concept of simplified job descriptions for the lab, the upward mobility possible with seven levels of proficiency, training and education, the improvement of salary levels to some reasonable figures, and the formal job requirements of each level of proficiency. It is expected that the prerequisites for each level may be changed, depending upon the best judgment of the new, professional Lab Director.

36. Reclassify Existing Clerk IV

It is recommended that the existing Clerk IV position for the Evidence Room Custodian be changed to a Storekeeper, which more nearly reflects the actual work performed by the Evidence Room Custodian. A Storekeeper, by the Personnel System definition "orders, receives, maintains, stores, issues and ships supplies, materials and equipment, and accounts for supplies issued and received." The position has to function independently since there is only one Evidence Room Custodian in what is the only crime lab in the state. Therefore, the proposed storekeeper position should reflect this fact, and not be a low level storekeeper who functions "under close supervision." Since the end result of professional criminal investigation is often a criminal court proceeding in which every possible avenue of defense is explored, it is foolheartedly to oefense is explored, it is foolheartedly to weaken the entire case and risk the possibility of many manhours of investigation, stakeout, and preparation being negated because an underclassed, underpaid employee could not locate a vital piece of evidence or is impeached upon the witness stand.

The existing photographer position, the proposed microfilm positions described with the photography section, and clerical position are not recommended for reclassification. None of the positions are unique to

state service, whereas undeniably the criminalist and identification specialist are unique, simply because there is only one crime lab within state service. There are numerous other state agencies have photographers, microfilmers and clerical personnel. Any attempt here to alter these existing positions, however desirable for the lab, would impact other persons in those same jobs elsewhere in the state government, and this would not likely be accepted by the Division of Personnel.

37. Develop Educational Incentive:

It is further recommended that a salary differential, based solely upon completion of academic requirements be developed, so that even if an individual cannot advance to a higher level position, he can at least advance in salary beyond the normal increases now available based upon tenure. Such a system might offer a five percent salary increase for completion of 15 semester hours of applicable academic coursework in the Upper Division and/or beyond the Bachelors level, and another five percent for completion of a Masters Degree, or a required minimum number of semester hours of undergraduate and graduate class work.

A similar approach could apply to the Technician positions that do not now require an academic degree. A 5% differential could be awarded for completion of a two year degree in a criminal justice program, with another 5% for either a combination of additional lower division course work and upper division course work, or the completion of a Bachelors Degree, or perhaps completion of formal training courses elsewhere.

Actual details of such a program would have to be developed in consonance with course offerings at the University. Part of the recommendation also involves reimbursement of tuition and related expenses to the employee upon his successful completion of each course.

This recommendation is nothing new to law enforcement agencies. The Anchorage Police Department has had a salary differential for academic achievement for more than ten years. More than a third of their sworn personnel now have either a two year or a four year degree. According to the Anchorage Police Department this program has had the effect of reducing employee turnover through an increase in professonalism and self-improvement.

G. Crime Scene Processing, Evidence Handling, Storage, and Disposition

A major problem voiced by local departments, some AST personnel, some district attorneys and judges, is the lack of consistent, skilled, professional handling of crime scenes. The reason for this problem is the lack of adequate numbers of well-trained and experienced personnel at both the state and local levels to respond to and process crime scenes.

On occasion, laboratory personnel are called to a scene to gather evidence and generally handle crime scene responsibilities. However, lacking the experience and training of an investigator, the technicians must essentially be told what to do at the scene of a crime by an investigator. The trained investigator surveys the crime scene and all items that appear to be evidence and tries to form an opinion as to what happened, the sequence of events as they happened, and the probable participants who had to be involved. Having formed a mental image of what likely occurred and how, the investigator is in a much better position to begin checking for evidence, both visible and invisible. If his idea of what happened is incomplete, or if the evidence doesn't verify his idea of what happened, he will change his opinion of what occurred. Perhaps certain evidence, insignificant in itself, is the key to filling in certain aspects of the investigators opinion of what happened. That in turn may suggest another avenue of inquiry that appears fruitful.

The laboratory technician, however, is at a distinct disadvantage at the crime scene. His expertise and experience is in the actual performance of certain tests in the laboratory. Not being trained as an investigator, he does

not think the same way as the investigator. Evidence that may appear to be inconsequential to him may be quite important to the investigator. What may appear important to photograph in the view of the investigator may not be recognized as important by the photographer.

Laboratory personnel themselves question their value at a crime scene. They acknowledge their lack of investigative expertise. They consider their biggest contribution to be made in the laboratory, performing the tests and analyses that they have been prepared academically and by experience, to do.

When laboratory personnel are called out to the scene, they are unsure of what support items other investigative agencies have. On one occasion, the laboratory and two other agencies were involved in a crime scene that included several bodies. None of the three agencies brought body bags. Each thought another would have them.

Calling laboratory personnel to the scene also reduces the output of tests they perform. One recent case resulted in three laboratory people being called out of town to a crime scene.

Although one tends to think of the need for crime scene expertise as relates to major crimes, the need extends beyond that to also include expertise in vehicle accident scene analysis, suspected arson fires, and a whole host of lesser crimes which are perceived to be quite important, particularly by the smaller local departments which experience relatively few major crimes. A crucial aspect of a hit and run automobile accident may be whether one car's headlights were on or not. Analysis of the headlamp filament may provide the answer. Paint transfers and

fibers from the victim's clothing and his hair may be important in identifying the hit and run car. The determination of the presence of accelerants may point to an arson fire. In every case, the collection of uncomtaminated evidence is needed for anaylsis and further investigation. The usefulness of a crime laboratory, however sophisticated it might be, is dependent upon receipt of physical evidence in an unchanged condition.

Several approaches to the overall problem of recognizing, gathering and transporting evidence to a crime laboratory seem possible:

(a) Theoretically, laboratory analysts with police investigator backgrounds could be hired. However, it's unlikely that an academically qualified analyst could be found who also happens to be an accomplished investigator. The reverse seems equally true.

(b) Laboratory specialists could be trained as an investigator. While some degree of cross training in both disciplines appears desirable so each has an appreciation of the problems of the other, it is unlikely a person can be a well-trained investigator and an academically qualified laboratory analyst and keep current in both fields.

(c) Assuming that in Alaska at least, the two professions can best complement each other by working closely together, but by remaining essentially separate, the only other approach seems to be someone or group of persons who can bridge the gap between the professional investigator and the laboratory specialist. Signifi-

cantly both the investigators and the laboratory personnel suggested essentially the same idea - Evidence Technicians in the words of the laboratory people, and a Crime Scene Team in the words of the investigators. This team, to be comprised of experienced investigators, for reasons already noted, would need to be sensitive to the needs of both the investigators and the analysts in the laboratory, perform tasks on behalf of both, and take other actions deemed appropriate to fill the need for a more professional handling of the crime and accident scene.

If such a team is to be developed, there are several questions that arise as to the composition of such a team and how it can be organized to be of optional value to law enforcement in Alaska.

Field interviews revealed almost 100% agreement with the idea of a Crime Scene Team, but ideas differed as to its structure. While many troopers and some local departments think a highly specialized, centralized Crime Scene Team should be developed that could respond to requests for assistance virtually anywhere in the state, others thought that a single team would not be available when needed because of weather, court appearances and other commitments. Then to, there is the matter of pride of organization and the desire of the smaller police agencies to increasingly be able to handle their own affairs and not to rely on the troopers.

Other authorities prefer the development of regional crime scene teams, perhaps one in each detachment which would be closer than a single team in Anchorage, and theoretically better able to respond. In addition there is the indisputable need to offer training to all police agencies through-

out the state in field analysis and evidence handling, to generally build better capabilities and develop additional expertise for solving crimes of whatever nature and better investigation of vehicle accidents.

Receipt of items of evidence at the laboratory from both local police departments and AST Detachments often involves improper procedures in the handling, labeling, packaging and shipment. Occasionally some items are received via regular mail which breaks the chain of custody. Some are received by certified mail rather than by registered mail. Flammables are sometimes received in plastic bags instead of tin cans, large items that are not flat are received in envelopes which may become torn in the mail and similar related problems. The situation has reached such proportions that the laboratory has had to develop a standard memorandum with places for check marks to describe the specific problems encountered which is then mailed back to the submitting agency.

Evidence received from the field is stored in two extremely crowded rooms in the laboratory. Red evidence tags with case-related information accompany most items of evidence. However, not all laboratory clients use this same tag. Although all Trooper evidence has these red tags, as well as some local police agencies, other local and regional police agencies use their own, and some local departments don't use any. [This situation necessitates the Evidence Technician preparing a red AST tags as a second tag, when local tags are insufficient to include all needed information.] In particular an AST tag is prepared when the local tag does not have enough spaces to record the complete Chain of Custody. This situation is not a serious problem since the Chain of Custody is maintained on the laboratory request. However, there is an obvious lack of standarization which is not desirable.

Evidence is stored in large manila envelopes or cardboard boxes of varying sizes depending upon size of the items. Because of cramped storage area, numerous items of evidence comprising several cases may be stored in a single box, whereas cases involving a large number of items may be stored in several boxes, some of which may have evidence from one or more different cases, thus posing the potential of mixed up or misplaced items of evidence.

Upon completion of testing, the items of evidence from client agencies are shipped back to those agencies. This evidence from local police departments does not accumulate to become part of the massive evidence storage problems confronting the laboratory. Clearly almost all evidence in the evidence room is from the State Troopers.

All evidence from Trooper cases dating from 1978 to the present is stored in a computer which involves a terminal in the evidence room. Thus all data can be retrieved by case number, description of items of evidence, the officer involved, and dates. A problem arises, however, if evidence is submitted to the laboratory independently by the investigating Troopers, without coordinating the numbers assigned each item on the ST-10 form. The computer will not accept duplicate numbering of items of evidence which may occur if more than one officer submits evidence and uses the same numbers, nor will the computer display any numbered items of evidence if there is a break in the sequence of the numbers used by the investigating officers.

The results cause additional work for the Evidence Technician who must assign the next sequential numbers following those already used for evidence submitted, change the numbers on the evidence tags, and then advise the submitting officer of the change. Confusion can obviously occur when the numbers assigned to items of evidence must be changed.

At present, the disposition of evidence from criminal cases is handled in various ways both within the several detachments, the crime laboratory and apparently by local police departments. Some Trooper evidence dates back to 1973. As a result, some locations are relatively up to date and do not have a significant amount of evidence from old cases, whereas other locations have a large amount of evidence in storage going back many years.

The age of a case, of course, is not the sole determinant of whether it should be disposed of. In homicide cases and other serious cases it is desirable to hold the evidence until sentences have been served, since any time less than that may involve an appeal and possible need for the evidence. However for cases in which the defendant has been found not guilty or the case dismissed or cases in which time has passed and prosecution does not appear likely, the evidence can probably be destroyed, returned or otherwise disposed of. A single "bunny book" containing a blood stain from an assault six years ago represents a case that probably will not be prosecuted nor is the evidence of any conceivable value. Evidence in the crime laboratory represents cases awaiting prosecution, cases already adjudicated involving sentences already served, to cases with no statute of limitations. Evidence has not been segregated and stored according to case status, severity, or other criteria, but rather reflects use of whatever space is available in the two extremely crowded evidence rooms.

At present, there are court orders pertaining to disposition of evidence on a case by case basis, and at least one order of about six years ago that authorizes disposition of evidence from all cases meeting certain criteria. However, that order is for only one Judicial District. Until recently, there apparently was no statewide authorization

for disposition of evidence from cases meeting certain criteria. Now, however, under legislation passed in 1982, (SB-535) provisions are made concerning disposition of property, but unfortunately the wording is too rigid, and problems may result.

Although the problem of accumulated evidence is serious, the Evidence Custodian has been contacting individual troopers on his own initiative, asking them for disposition instructions for evidence in old cases. That this particular approach can be fruitful is well illustrated by one trooper who cooperated fully in this effort. Originally he had four and one half pages of single spaced items of evidence on the computer for his cases. After his review and determination that numerous items would no longer be needed, his list of evidence was decreased to two pages. However a problem arises in that some troopers have not been cooperative, and have not responded to these requests.

The methods and means by which evidence is physically destroyed varies, both within AST and probably from one local department to another. The certification of destruction similarly varies, from the relatively informal approach to the well documented. Lack of good procedures in the destruction of evidence, particularly drugs, firearms, and cash exposes law enforcement agencies to possible criticism and embarrassment.

Adding to the clutter within the Troopers evidence rooms is the accummulation of "found property" of varying descriptions age, and value. Until passage of the earlier referred SB 535 there apparently nas been no uniform policy regarding such property and its eventual disposition. Some evidence rooms are relatively free of these items, usually reflecting a recent "cleaning out". Other evidence rooms

have significantly more. In any event, found property utilizes valuable storage space and contributes to the potential of mixed up or misplaced items of evidence from criminal cases.

As the result of on-going efforts by the Court System to dispose of items of evidence introduced into proceedings which they must store, the evidence storage problem at state and local law enforcement agencies throughout the state may be substantially increased. Court System evidence will soon be transferred to the investigating law enforcement agency. Some evidence dates back to statehood. Presently, in Anchorage at least, the court system is cleaning out old evidence from civil cases. They estimate they will begin returning evidence from criminal cases in late 1982. Absent any effort before then by law enforcement agencies to dispose of existing evidence, their evidence storage problems will likely get worse before they get better.

In addition, there appears to be no means by which items of evidence in the laboratory that are of value to the police are being retained for legitimate law enforcement purposes. Firearms, cartridges and related items could profitably be used as the laboratory expands it's capabilities to include firearms identification. Certain handguns and rifles could possibly be used as issued weapons for state and local police agencies and Fish and Wildlife Protection personnel. Displays could be constructed showing contraband and illegal articles for public presentation and viewing.

Finally there are items of evidence in the lab slated for destruction that are of use and have intrinsic value, such as stereo components, TV sets, fishing poles, and numerous

items that could be sold at auction, with the proceeds going to the State's General fund or to charitable organizations which might obtain them at no cost.

Following are the recommendations pertaining to evidence gathering, handling, storage, and disposition:

38. Investigators be Assigned to the Laboratory

The problem of spanning the gap between the investigators and the laboratory, in terms of working closer together, becoming familiar with each others problems, having better crime scene work performed, and obtaining better evidence for analysis may perhaps best be met by assigning two investigators from Major Crimes Unit to the laboratory on a rational basis to function as a Crime Scene Team.

In addition, at least one Trooper Detachment has an Investigative Sergeant who responds to vehicular homicides, rapes and related crimes. He has assigned to him a new Trooper for a period of six months, who receives training in investigations. Then, two to five years later the Trooper is probably transferred to the bush. The Investigative Sergeant could temporarily be assigned to the laboratory because he would then be in a better position to instruct the Troopers. The advantages of a better trained Trooper in the bush handling serious crimes are obvious.

These Investigators would be responsible for processing major crime and certain highway accident scenes, including the determination of what constitutes evidence, gathering, tagging and packaging it, and providing for its delivery to the laboratory, and all associated paperwork plus the photographs, fingerprinting, obtaining clothing, etc., at autopsies. This would permit the investigator assigned to the case to immediately begin interviewing witnesses, making the telephone calls and all the related investigative activities, without having to spend often considerable amounts of time at the scene. Particularly with homicides, the first day or so is crucial to the successful investigation of the case.

From time to time the Crime Scene Team would also take one or more of the laboratory staff with them to show them how the investigator approaches the crime scene, how they determine what constitutes evidence, what should be fingerprinted, what things should be photographed, and related aspects.

In rural areas, the local police officer and the trooper should also be involved with the team so that they can assist them, as well as become familiar with methods and techniques the "experts" use. Similarly, the team should establish good liaison with local police departments and offer to assist them as needed. Arrangements could also be worked out whereby local investigators could spend several days at the statewide laboratory, observing how the evidence is handled, inventoried, how tests are performed and why a certain amount of evidence is needed in an uncontaminated condition, and related aspects sufficient to show them why the laboratory has certain requirements pertaining to evidence. Other Trooper Investigators could also spend several days in the laboratory for the same purpose, thereby sharpening their own skills relating to crime scenes and evidence.

The proposed Crime Scene Team could also rotate with the proposed three man training team, as described in the training section, to travel with a prosecutor and a member of the laboratory, to conduct local and regional classes relative to evidence recognition, handling, identification, shipping and the supporting paperwork.

The investigators from CIB should be assigned to the laboratory on a rotating basis for perhaps six months with overlapping terms to assure continuity. In this way all the CIB investigators will eventually complete the laboratory tour. When personnel are in place, the Laboratory Director and the CIB Director should contact client agencies apprising them of this additional, improved capability. This recommendation should insure speedier investigation of major crimes, more professional handling of crime scenes, better quality evidence going into the laboratory, familiarization of both laboratory personnel and investigators with each others requirements and problems, better trained local and Trooper investigators, and more effective prosecution.

39. Standard Evidence Tags

The situation of lack of standardized evidence tags can best be met by offering all client agencies a supply of the red trooper evidence tags at no cost, and suggesting their use as a means whereby they can assist in standardizing laboratory operations and thereby improving laboratory services. It is recognized that some client agencies may decline the use of the troopers' evidence tags.

40. Standard Size Evidence Containers

The present system of the use of various sized cardboard boxes to store evidence at the laboratory should be changed to the extent that standard size boxes be used. These should be purchased commercially and be of a size that maximizes the space available in each bin. If possible two smaller boxes should total the same space as one large box to facilitate any stacking that may be required, and to conserve available space. Although space limitations at present may preclude immediate implementation, this recommendation should be viewed as a long term objective.

41. One Case per Container

Closely related is the recommendation that only one case be stored in one (or more) containers. This will further reduce the likelihood of misplaced items, or items inadvertently destroyed with items from another case that were in the same container, as well as enhance locating the evidence in the storage area. As with the standard size containers the existing space problems may not permit immediate implementation.

42. Evidence Information Entry Into the Computer

The problem of duplicate numbers being assigned to different items of evidence and breaks in the sequence of numbers used in a given case can best be met by the lead Trooper assigned to the case being responsible for assigning the numbers used for each item of evidence. Other investigators would need only to telephone the lead Trooper to obtain the next number for each item being submitted.

43. Determination of Evidence Disposition Policies

The lack of an overall statewide standardized policies and procedures relative to determining disposition of evidence by both state and local police agencies can best be addressed by a joint effort between the Department of Law and the State Troopers.[15] Such effort might also involve the Court System. Consideration should include cases in which the District Attorney declines prosecution, cases dismissed by the Court, cases in which the defendant is found not guilty, evidence that is contraband, cases in which

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[15]Letter from T.R. Anderson, Director, AST to Dan Hickey, Chief Prosecutor, Dept of Law, May 5, 1982, & letter from Dan Hickey to T.R. Anderson in response, May 28, 1982.

the defendant is found guilty, cases involving probability of post conviction relief, evidence introduced into proceedings and thereby held in storage by the court system, evidence that the DA determines will not be used in prosecutions evidence from cases in limbo for some time for which prosecution is not likely, evidence from cases in which the investigating police officers are no longer with their departments, evidence seized by search warrant which requires court order for disposition, and perhaps others. Procedures to implement the agreed upon policy should also be developed.

The results of such interagency effort should become policy guidance for the laboratory, AST detachments, and should be disseminated to local police agencies for their review and possible adoption as their policy. The policies adopted should also be included in the Lab Manual for continued reference by all client agencies. Operating Procedures Manuals of the Troopers and local police departments should likewise reflect these policies and procedures.

Such standardization of policies and procedures should substantially reduce problems of lost or misplaced evidence needed for trial, instances of theft, and related evidence problems that sooner or later plague every police department. It is further recommended that no additional computerization involving Trooper evidence prior to 1977 be undertaken until an evidence disposition policy is determined. This project will be an onerous and often frustrating job.

44. Immediate Disposition of Items of no Value

While standardized procedures need to be developed, court orders received and liaison developed with the District Attorney for long term policy about evidence retention/disposition, it is equally true that there are numerous items, in the laboratory many years old, of obviously no value or future use that should be destroyed.

45. Long Term Evidence Storage

Existing evidence in storage at the laboratory should be evaluated according to the severity of the case it represents. Evidence from homicides, forcible rapes and other heinous crimes may have to be stored for the length of the sentence, since any successful appeal may involve the need for this evidence. Such evidence should be transferred to secure, long term storage, thereby freeing space for more immediate use.

46. Convert Storage Space to Operational Use

Through a combination of the foregoing ways to reduce the present large volume of space devoted to storing evidence, it is recommended that one of the two storage rooms be emptied as quickly as possible. This space can then be used for expansion of lab services even before the completion of the new lab building.

47. Photographing Evidence

As part of the preceding recommendation it may be possible to expand the photographing of items of evidence, return the evidence to its owner and retain the photograph instead of the physical evidence. This is now being done in cases involving large items such as vehicles. Such a system has the advantages of allowing the owner the use of the evidence such as items stolen in a burglary and reducing the physical space that would have been required if the items themselves had to be stored. The Intake Officer for the District Attorneys office in Anchorage indicates that no universal guidelines can be set covering photographing versus storing the evidence.[16] It's clear however that this approach is possible only where cases have progressed to 60 to 90 days after convictions which allows substantial time beyond the 30 day time for filing an appeal. It is likely that the defendants consent may be needed to return evidence after photographing it. The final decision rests with the District Attorney who will have to review each case individually. The investigating officer also must be aware of what happens. Because of the case load in the District Attorneys office and the fact that evidence storage is really a problem of the police it seems reasonable that initiation of requests to the District Attorney to photograph and return evidence would best be made by the Evidence Custodian in the laboratory and the police in general. Some means is needed whereby the laboratory and police departments can track each case and thereby know when to initiate the request to the District Attorney. A recording and records management system will also be needed.

Since this approach seems feasible and beneficial to all concerned it is recommended that procedures be set up with the District Attorneys office in accordance with the terms of SB 535, to determine when retention of photographs, rather than the actual items of evidence can occur.

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[16]Conversation with Steve Branchflower, Department of Law, June 4, 1982.

48. Disposition Assistance by Troopers

Previous efforts by the Evidence Custodian to contact trooper personnel to obtain disposition of evidence from old cases has in some cases not elicted any response. It is recommended that in the absence of a Laboratory Director, the higher ranking commissioned officer ultimately responsible for the laboratory prepare and send the necessary memorandum commanding the response of troopers involved.

49. Destruction of Evidence

The actual destruction of evidence by all law enforcement agencies should not only be above reproach but should also have all appearances of being above reproach. Two recommendations:

a. Standardized policy be determined about the methods to be employed for destruction of the various types of evidence.

b. When evidence is to be destroyed, a disinterested third party witness the destruction. All persons should sign a form attesting to their witnessing the on-scene destruction of the evidence. Under no circumstances should signatures attesting to the destruction of evidence be made before the actual destruction occurs.

50. Evidence to be Returned by the Court System

To prevent a worsening of the evidence storage problem by the return of evidence by the Court System that has been used in proceedings, it is recommended that the policies determined for evidence disposition be applied to the evidence now being held by the Court System before it is sent back to the laboratory detachments and local departments. If delay occurs in policy determination, the additional evidence will have to be accepted and disposed of at a later time. It is also anticipated that evidence received from the Court may suffer from breaks in the Chain of Custody, which may be a problem if such evidence is used again in post-conviction relief.

51. Found Property

a. There are several implications in the new legislation relating to "found property" embodied in SB 535.

To the extent that "found property" contributes measurably to the problem of storage within evidence rooms, it is recommended that the influx of new items be reduced by keeping records of the property, but suggesting the property remain with the finder. The finder's report to a peace officer is apparently sufficient under the new statutes (11.46.160). He apparently can keep found property after reporting that fact to the police.

Policy and procedures should be developed concerning disposition of existing found property now in storage by AST and presumably local police departments, in accordance with the terms of SB 535, which now seem to require the police agency to hold the property for only two years, after which time it can be disposed of. Coordination should occur with the District Attorney concerning developing policy relating to found property.

52. Weapons Collection for Ballistics Purposes

Since it is reasonable to assume that a Firearms Identification/Tool Marks Examiner will be among the several additional staff positions hired for the lab, it is necessary that he have reference to a wide variety of firearms and cartridges. It is therefore recommended that the laboratory, all detachments, local police departments and the Court System be requested to not destroy any firearms without first contacting the laboratory to determine if the weapons in question are needed for laboratory purposes. This should also be carried out in coordination with the District Attorney and the terms of SB 535.

Until such person is hired it is recommended that the Administrative Officer for the troopers, a technically knowledgeable firearms and ammunitions collector, and author be given the responsibility for this aspect.

Although most firearms-related crimes involve handguns, it is equally true that big game violations investigated by the Division of Fish & Wildlife Protection include rifles and shotguns. The development of a weapons collection should therefore include these weapons as well.

53. Weapons for Law Enforcement

Part of the weapons collection concept should include the retention of all .38 caliber and .357 caliber handguns in good condition for future use by Troopers, Fish and Wildlife Protection, local police officers,

and for newly developed police departments. It makes little sense to destroy these weapons one day and have new ones ordered as part of the equipment for a uniformed officer the next day. Further, turning over such weapons to local police departments results in financial savings to them. Legislation may be needed to give handguns to local departments because the guns are state evidence if involved in a state offense. This issue should be researched.

54. Disposition of Evidence of Value

A substantial number of items of evidence slated for destruction represent some use and value, such as fishing poles, TV sets, stereo sets, and numerous other items. The destruction of those items represents a waste. Policy should be developed in coordination with the District Attorney whereby items of value could either be sold at auction or donated to charitable organizations.

H. TRAINING, EDUCATION, and PUBLIC INFORMATION

Training, education and information about criminalistics is one of the most often mentioned needs by Alaska State Troopers, local police departments, laboratory personnel, judges, and district attorneys.

A major need is information throughout the criminal justice system about what the crime laboratory does and will be able to do in the future. There is a need to convince client agencies about the value of forensic tests and the prominent place they have in a carefully conducted investigation and later prosecution. Some officers both within State Troopers and at the local level view the existing laboratory with skepticism while others simply will not refer certain tests to the laboratory since they do not think the laboratory does a good job in certain fields. The validity of these perceptions may or may not be accurate. The important thing is that they exist. They represent an impediment to both good police investigations and prosecution.

Training for police officers relative to crime scene work conducted at the Trooper Recruit Academy and the Municipal Police Academy, is viewed as inadequate by troopers and local officers, particularly when these skills may not be used within the ensuing months. After completing the field training, some trooper assignments are in Judicial Services and Traffic enforcement that do not involve crime scene investigation. Even when they become involved initially in a crime scene such as a burglary while working on patrol, investigators usually take over and the trooper resumes his patrol. In time, transfers and promotions occur. When assigned to a bush post the trooper may have had very little experience in crime scenes. He may even be assigned as an investigator with little prior experience in actually working a crime scene, and with only his recruit academy training as formal classwork.

Not only may the Trooper Academy training be inadequate, there appears to be no crime scene and forensic related courses available through the University of Alaska or the Community College System. However there are criminal justice related courses available leading to a degree in Police Science.

Training is also a concern of the laboratory personnel. Even though they may be fully qualified when hired, the state of the art advances in technology and methodology are continuously changing. To remain up to date they must be given the opportunity to regularly attend professional courses. Attendance at courses also enables them to exchange ideas with other professionals in their field, quite apart from information received in class. To not remain up to date may ultimately result in the use of outdated methods and approaches, and adversely affect their credibility as an expert witness.

Presently the laboratory has a limited professional reference library. The laboratory also has no library room or reading room where staff can retire quietly for researching information, or reading periodicals to keep abreast of developments in their field.

Following are the recommendations pertaining to the broad field of training, education and public information.

55. Improve Laboratory Manual Brochure

An excellent means to present information about forensic capabilities is through the existing Laboratory Manual and the small laboratory brochure. However, many police officers are unaware of these publications. Indeed two laboratory employees were unaware of the existence of these items. The manual is dated, incomplete and does not have a professional format. It should be updated, with provisions made for periodic changes to reflect the increasing capabilities in the years ahead, the format changed, and the publication professionally reprinted in sufficient quantity for distribution to all client agencies and others with a need for such information.

The small brochure should similarly be redone and used as a general means of presenting information of a non-technical nature for distribution to all interested individuals. This brochure will have to be reprinted periodically to reflect changes in the laboratory since it cannot easily be updated.

56. Communications With Clients

A major reason for the general ignorance of client agencies about the laboratory and its capabilities is that no one representing the laboratory has talked with many of them about the laboratory, obtained their ideas of the short-comings, recommendations for improvement, etc. As soon as possible after the hiring of the new Laboratory Director it is recommended he initiate a program of communications with all existing and potential client agencies by personally visiting each, talking with the agency head and establishing good rapport. This relationship should result in client agencies better understanding the laboratory and its capabilities, the resolution or explanation of problems that have or may develop, and an increased use of forensic tests in general. The director should also visit with district attorneys and judges to apprise them of laboratory operations.

57. Laboratory Publication

Perhaps the best way of keeping client agencies advised about the laboratory and also extending a degree of training is through the use of a monthly informational publication or newsletter. It could cover a wide range of topics including but not limited to information about new laboratory personnel, their field of expertise, general information about criminalistics, state of the art advances, new equipment obtained and it's capabilities and uses, schedules of training sessions in the field, legal decisions of interest, a recap of a particular case in which forensics played a prominent part and related topics. Ideas may be obtained from the series of bulletins published by the California Bureau of Forensic Services.[17]

These recommended informational bulletins while produced monthly should be three hole punched and retained in the field to form a growing forensics reference for criminal justice system agencies.

58. Director's Comments

The use of the "Director's Comments", the monthly videotaped messages from the Director to State Trooper field personnel can also assist in getting information about the laboratory at least to Troopers in the field. The Director can describe the latest information about new technical expertise, capabilities of forensic equipment, the outcome of a trial in which forensic tests were of significant value and so on.

59. Video Presentations

A related approach to training and information is the development of a series of video tapes pertaining to the laboratory and the broad subject of forensics. The entire series can then be duplicated and copies sent to detachments, local police departments, and other client agencies. One tape might be an overview of forensic sciences and the laboratory in general. The other tapes could deal with specific subjects, such as crime scene analysis, evidence gathering, shipment, actual laboratory analysis, and related topics. Major crimes investigators in the Troopers and local police departments as well as laboratory personnel could suggest topics for videotaping that would be of particular value.

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[17] "Physical Evidence Bulletin," Department of Justice.

60. Forensics Training Team

It is recommended that one or more of the major crimes investigators, district attorneys, and when possible, a member of the laboratory staff be designated to form a team to travel throughout the state to conduct courses to all law enforcement agencies about evidence recognition, collection, handling, preservation, shipping and related forensic topics. This three man team can structure their training about what the police can do in terms of gathering evidence for analysis; what the laboratory can do in terms of the tests and analyses of the evidence; and what the District Attorney can do with the crime laboratory analyses in the courtroom. The training should primarily be directed to law enforcement agencies, but special seminars could also be developed for prosecutors to fully apprise them of the value and use of forensic analyses in the courtroom.

One aspect of the training should be a presentation of methods of evidence analysis, in laymans terms, to explain the importance of certain evidence handling procedures in the field. The earlier referenced physical evidence bulletins from California might be used as a basis for such training.

The training team should establish a good relationship with the Anchorage Police Department training academy. As the client agency with the largest number of personnel and thus potentially the largest user of the laboratory, the Anchorage Police Department should be involved to the fullest extent with forensic training programs.

It may be appropriate to host training programs at regional centers for numerous smaller police agencies for which on-site training in each community would not be a cost effective approach. Partial costs might be paid by the State Troopers if local resources are not available.

Since the primary beneficiaries of the training program would be police officers, the coordinator of the team should be a major crimes investigator who enjoys conducting training and who has already proved to be a good educator.

Likewise it is recommended that the Director of the State Troopers meet with the Chief Prosecutor in the Department of Law to determine if an experienced District Attorney who has an appreciation of the

value, and potential of criminalistics, and is a good educator, could be assigned to work full time as a member of the training team. If necessary, the legislature should be asked to fund an additional District Attorney as part of the improvement of forensic services.

Funding would also be required for purchase of training accessories, such as films, film projector, expendable items for demonstration and related materials. Travel and per diem expenses are also needed.

Correct personnel selection with long term tenure is the key to the success of this recommendation. It will not succeed if the positions in the Troopers and Department of Law are used for other purposes, and the responsibility for training is shifted from one person to another, depending upon who is relatively free at the moment to try to conduct training. A full-time professional training team is needed with training as their only priority.

When the training offered by this team seems to have addressed the need in the field, the investigator and district attorney can be phased back into other duties, but must be continually available from time to time to conduct further training and refresher courses to assure a continuing high level of knowledge relative to forensics within the justice system in Alaska.

61. Review of Existing Academy Training

After spending several months presenting the training, the training team will have revised their course as they deem appropriate to meet field requirements. At this point, the team should review the curriculum and training aids for the Recruit Academy, Municipal Police Academy and VPSO training at Sitka to determine whether adequate time is devoted to forensics instruction. If determined inadequate, suitable recommendations for changes should be made. The team should also review the adequacy of reference materials in the Sitka Academy library.

It is recognized that any recommended increases in Academy training time may be met by the response that the curriculum is now full and that the recruits can absorb only so much. If this is the case, then serious thought should be given to requiring troopers to complete a specific training course relative to forensics before being sent to a bush post or other assignments involving responsibility for handling crime scenes.

62. Forensic Training For the Fire Service

Recommendations from the State Fire Marshals Office concerning the laboratory reveal the need for training in evidence gathering and handling for local fire departments which are invariably the first on the scene and upon whom rests the responsibility to determine cause and origin of a possible arson fire. Such training would of course await the labs capability to perform hydrocarbon analysis for traces of accelerants and would best fit as part of another fire service training program. Since arson is a crime, although discovered first by firemen rather than policemen, the law enforcement community should assist the fire service in training local fire fighters about evidence handling relative to suspected arson fires. The most appropriate approach would be to enlist the aid of the State Fire Marshal to help develop the arson related course work and through the Fire Marshal, offer to assist in instruction.

63. Training For Laboratory Personnel

Laboratory personnel should be offered opportunities to attend professional training courses, such as at the new FBI facility in Quantico. The Special Agent in Charge in Anchorage is willing to assist in the enrollment process. Other specialized forensic courses are held elsewhere in the United States that are of value to the personnel in the laboratory. Periodic training is needed to assure that personnel stay abreast of the latest techniques and methodologies, and to consult with other professionals from around the country, thereby establishing contacts of possible value in the future. A goal of each laboratory technician attending a minimum of one professional training course per year should be established.

A training course in courtroom procedures, testimony and personal decorum should be developed for all laboratory personnel who may be required to testify in court. The training should be develped by a major crimes investigator who has participated in numerous trials, and by an experienced criminal prosecutor. Both can use their own experience to develop the training. A Moot Court session can also be developed in which the prosecutor can play the part of the defense attorney. Completion of such training should improve the impact of testimony offered by laboratory personnel.

Additional training for laboratory personnel should occur through in-house training relative to procedures and techniques to be employed as well as to explain any new developments and approaches. Such training should be on-going, perhaps an hour or two a week, rather than on an irregular basis.

64. Laboratory Reference Library

A scientific library and reading room should be part of the new laboratory building, as noted later. For purposes of this section, periodicals, professional journals and reference texts should be subscribed to and purchased, as suggested by laboratory personnel.

65. Professional Associations

Laboratory personnel should also be encouraged to join their respective professional organizations and be afforded the opportunity to attend annual meetings. As is true with attending training courses, valuable contacts will be made by attending professional organization meetings. Attendance at such meetings and belonging to professional organizations also enhances personal credibility in court.

66. Reference Services

The laboratory should make arrangements to be able to obtain forensic related information from one or more automated resource services in order to obtain periodic reviews of articles.

67. University Courses

As time permits the laboratory and the Criminal Investigation Bureau should check with the University of Alaska to ascertain the possibility of setting up specified courses relating to criminalistics. Such courses may possibly be taught at regional centers in an intensive manner, whereby a semesters length course could be taught on a full time basis in perhaps one week. Such arrangement would make it possible for officers from several communities to attend, whereas a more lengthy, semester long course would not be feasible.

The training team could assist with instruction and training aids as requested by the University.

It may be possible that semester length courses be conducted through the Community College System in the larger communities whose law enforcement complement would justify conducting such a course. The

Laboratory Director could be a guest lecturer from time to time, or possibly even a full course instructor for the Community College or the University.

However it may all work out, the potential of the University and Community College system should be evaluated as one of the means used to further training and education for criminal justice system personnel in the field of forensics.

I. Proficiency Testing, Laboratory Accreditation, and Personnel Certification

Both the investigator and the laboratory analyst agree that the highest order of scientific analysis must be used if a suspect is to be properly judged regarding involvement in a crime. Anything less invites the possibility of a guilty person going free, and even worse an innocent person being falsely convicted. To provide less than the highest standards subjects the forensics profession to the consequences of rejected work and discredited testimony. There can be no substitute for quality in a crime laboratory.

Proficiency testing, personnel certification and laboratory accreditation all aid in quality assurance.

The laboratory currently participates in proficiency testing on both a regional and national basis with other crime labs around the country. The nationwide testing program which includes laboratories in some foreign countries is conducted on a voluntary basis. The laboratories periodically send each other a substance for analysis. Each laboratory is assigned a number for each test. The results of the tests are listed by number rather than the name of each laboratory.[18]

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[18]For additional information about the national testing Program, see "Crime Laboratory Proficiency Testing Research Program", by LEAA, 1978.

The laboratory also began a proficiency testing program with the specialty laboratories used to perform tests that could not be conducted in-house. The intent of such a program is to insure quality performance of these other labs. Periodically these other labs were sent items for analysis or testing. In this way the Statewide Crime Laboratory can identify those facilities that perform accurate work and those that do not. This is one means of identifying and maintaining satisfactory laboratories elsewhere for specialty work under a full services laboratory concept. However, this program has not continued beyond the initial steps.

At about the same time the laboratory began proficiency testing among its own personnel, but this effort has not been consistent nor is it yet a formalized policy of the laboratory.

Following almost as a natural consequence of the development of crime labs in the 1970's was the concern about quality assurance of these labs. Spurred on by LEAA, the several crime laboratory directors formed the American Society of Crime Laboratory Directors (ASCLD) which thereafter developed a voluntary program of accreditation standards by which a crime laboratory could have it's operations and procedures compared against a national norm.

ASCLD recently set up a Laboratory Accreditation Board which was to perform the actual on-site inspections. Four major objectives were seen as the outcome of the proposed accreditation program:[19]

- Improve the quality of the laboratory services.

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[19]"Accreditation Standards and Program," American Society of Crime Laboratory Directors, Laboratory Accreditation Board, August 1981, P. 2.

- Identify laboratories nationwide that would satisfy accreditation standards.

- Develop and maintain criteria which could be used by a laboratory to assess its performance and strengthen its operation.

- Provide an independent, impartial, and objective system by which laboratory facilities could be evaluated.

Laboratories are to be inspected by a team of two or more directors of already certified laboratories, who use an extensive and detailed inspection procedure. Certification is for a period of five years, with provision for recertification.

Not being accredited by the Society would not necessarily mean a laboratory is inadequate, since the accreditation program is entirely voluntary. Clearly, however, accreditation is assurance that a laboratory has met national standards.

Unfortunately, the entire issue of accreditation has not been fully accepted by the forensic community nation-wide. While conceptually the idea of national standards is a worthy good, the program has not been extensively used. Until adopted by all criminalists, its impact nationally will continue to be limited.

The existing laboratory has certain recognition attesting to high standards that has been extended by the Alaska Department of Health and Social Services concerning verification of the chemical composition and volume of ampoules used in the statewide breathalyzers, and by a review of the laboratory by the Drug Enforcement Administration.

Personnel certification is another means to assure quality performance as well as personal credibility in court, but this program has been initiated on only a partial basis nationwide, generally along a discipline by discipline approach. For example the Association of Firearm and Tool Marks Examiners has a personnel certification program as does the International Association for Identification for its Latent Fingerprint Examiners, among others. However certification for criminalists, such as forensic chemists, serologists, trace evidence specialists and others, although spurred on by LEAA funding has not yet been initiated due to several unresolved concerns by ASCLD membership. Thus within the existing laboratory most of the Latent Examiners are members of and have been certified by the International Association for Identification, whereas nocertification program has yet been accepted for the forensic chemists.[20]

Following are recommendations relating to Proficiency Testing, Laboratory Accreditation and Personnel Certification:

68. Laboratory Proficiency Testing

The Laboratory should continue its present participation in national proficiency testing, and should also formalize in-house proficiency testing.

69. Proficiency Testing of Resource Agencies

The laboratory should initiate a proficiency testing program for all the specialty laboratories used, for whatever purposes, whether such facilities are those used for relatively common testing at the present, or

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20 For additional information about crime laboratory proficiency and related management aspects, see "Barriers to Quality Achievement in Crime Laboratory Operations," by L.W. Bradford as presented at the Plenary Session, 32nd Annual Meeting of the American Academy of Forensic Sciences, New Orleans, La., Feb 20-23. 1980.

for the relatively infrequent tests that cannot be justified even when the full services laboratory is operational in the future.

70. Personnel Certification

Personnel certification should be pursued to the fullest extent possible. All laboratory personnel should seek and maintain certification from their respective professional organization.

VI. NEW LABORATORY FACILITY

The development of a full-services laboratory is dependent upon a new physical plant with the unique requirements for electrical, plumbing and ventilation systems characteristic of a forensic facility. It is these requirements that set a laboratory apart from commercial building space, make a laboratory more expensive to build and make it difficult to remodel an existing building to a forensics well functioning laboratory.

The state owns land adjacent to the existing Trooper headquarters building in Anchorage. This land has been tentatively identified as the site for a new lab for the past several years. Municipal utilities are available at this site. The close proximity to both the Trooper headquarters, the Anchorage Post, and Anchorage Police Department present obvious advantages.

The unique design requirements pertaining to a crime lab led to a visit to the Forensic Science Training and Research facility in Quantico, Virginia, the site of the FBI's National Academy, and also to the FBI's laboratory in downtown Washington. Information was obtained concerning the FBI's experience when they built their Training and Research Center in 1981. Although their facility involves training as well as forensic research, their opinion was that their experience would be applicable to just a forensic laboratory. The FBI's analysis of their costs for scientific instruments, and the costs for laboratory furnishings as a percentage of the final cost of the building, should generally hold true for constructing a new lab anywhere. Similarly their cost per square foot related to the cost of a commerical building should also provide good guidelines for estimating the cost of a local lab.

The FBI's experience indicated that:

- The total cost of a forensic lab building will be approximately 180% of constructing commercial building space, due to the unusual electrical, ventilation, plumbing, and structural requirements.
- The cost of scientific equipment will total about 75% of the cost of the building.
- The cost of furnishings will total about 15% of the cost of the building.
- Half the total laboratory space will be operational space, and half will be non-operational (such as hallways, storage areas, stairs, closets, etc.).

In an attempt to develop the approximate cost of a new laboratory in Alaska, the following assumptions have been used:

1. Total building cost will be about 180% of commercial building cost. (In Anchorage, as of August 1982, commercial space costs about $110.00/square foot according to the Alaska Department of Transportation and Public Facilities.)
2. The cost of fixed equipment-tables, chairs, benches etc., will total about 10% of the cost of the building, since certain items of fixed equipment are already available in the existing laboratory.
3. Approximately half the floor space will be non-functional areas, such as stairways, halls, storage areas, closets, etc.
4. Each lab analyst requires approximately 150 square feet of workspace which includes benches, tables, etc.
5. The Department of Transportation and Public Facilities will require 30% of total project cost as their overhead.
6. The laboratory will be built on state land. Therefore it is assumed that there will not be any cost for the land.
7. Emergency power required by the laboratory will be supplied at no cost as part of a project now underway to provide stand-by power to the Trooper headquarters building. This project includes an additional power plant specifically for the new laboratory.

8. Inflation will increase costs of construction, and purchase of equipment and furnishings by about 15% per year.

9. The recommended increase in professional staff occurs.

10. The fingerprint section in Juneau moves to Anchorage and the automated fingerprint identification system becomes part of the laboratory.

11. Although this plan is nominally for the next five years, the physical plant, many of the furnishings and most of the equipment will last far beyond five years. The useful life of many of these items will probably be 20 years and even longer for the building. In addition, the states' population will double or triple in 20 years and there is no indication that crime will diminish. The need for forensic testing will likewise increase. Therefore it is reasonable and prudent to plan now for circumstances beyond five years. Scientific equipment, for example, will become more sophisticated in the years ahead. While one could purchase an item of limited capabilities to handle existing needs, it seems prudent to purchase an instrument that costs more initially, but lasts longer, has a wider range of capabilities, and is of such design that permits modular retrofitting to keep it up-to-date.

In addition to these assumptions, a statewide laboratory in Alaska should also consider, and plan for expansion in the future, rather than move into a building that does not permit any expansion. While the determination of the extent of expansion is admittedly arbitrary, and one that can be changed, 50% of the initial floor space is used for planning purposes. In addition, suitable space should be included for a medical examiner system, although that is not considered in this plan.

A. Space Needs

Based upon the experience, and recommendations of the FBI concerning space requirements and allocations, the following are the space needs estimated for the new lab. They have been calculated on the basis of operational, non-operational, and future space requirements.

1. Office and Work Space: (Calculated at 150 sq. ft. per person unless otherwise indicated)

Existing Staff (12)

a.	Three forensic chemists	450 sq ft
b.	Four Fingerprint Exam.(2 moving from Juneau)	600
c.	Three photography (including OL Photo Tech's)	450
d.	Two clerical at 100 square feet	200
	Sub total	1700 sq ft

New Hires (11)

a.	Serologist	150 sq ft
b.	Trace Evidence Technician	150
c.	Firearm and Tool Marks Examiner	150
d.	Additional Forensic Chemist	150
e.	Administrative Assistant	150
f.	Laboratory Director	200
g.	Photo Technician	150
h.	Two Fingerprint Examiners	300
i.	Two Investigators (transfer from CIB)	300
	Sub Total	1700 sq ft

2. Other Operational Areas:

Central area for use of common equipment	1000 sq ft
Fingerprint Area - Automated system	600
Darkroom and Photography/OL Photo	750
Sub Total	2350 sq ft
Total Operational Area	5750 sq ft

3. Non-Operational Areas (Hallways, stairs, storage, closets etc.)

Non-operational areas are estimated to be about 5500 square feet.

4. Future Expansion

An additional 5500 square feet, or about half of the above total is proposed.

A recap of total spatial needs are:

Operational Space	5,750 sq ft
Non-operational Space	5,500
Expansion	5,500
Total	16,750 sq ft

Using the foregoing space figures and cost assumptions, it is possible to obtain an approximate cost figure for the proposed lab.

Total Space of approximately 17,000 square feet multiplied by the average cost of commercial space in Anchorage of $110/square foot x 180% yields a cost of $3.366 million.

B. Instrumentation Needs

The cost of scientific equipment needs to be determined on the basis of what each scientific discipline in the laboratory requires. Although the FBI's experience was that equipment costs about 75% of the building, this figure is not being used because substantial equipment already exists in the lab. Indeed, some equipment is not being fully utilized now due to lack of sufficient laboratory staff. In addition building costs in Alaska are higher than in the other states, whereas equipment costs will be increased by only the cost of shipment to Alaska. In addition some equipment can be used by more than one discipline in the laboratory.

Serology	Cost
Additional Incubator	$ 300
Additional Electrophoresis unit	1,200
Three large freezers	1,500
Medical Microscope	2,000
Balance	3,000
Subtotal	$ 8,000
Firearms and Tool Marks	
Stereomicroscope	$ 1,500
Bullets as reference samples	1,500
Subtotal	$ 3,000
Small Shop Area	
Hand tools, drill press, grinder, bench, firearms tools, etc.	$ 15,000

Toxicology (if located within the crime laboratory)

Additional Gas Chromatographs	$ 60,000
Coaximeter	5,000
Gas Chromatograph/Mass Spectrometer	225,000
Subtotal	$290,000

Trace Evidence

Polarizing Microscope	$ 20,000
Two Stereo Microscopes	12,000
Scanning Electron Microscope	115,000
Gas Chromatograph	15,000
Subtotal	$162,000

Forensic Chemistry

Liquid Chromatograph	$ 60,000
Ultraviolet Spectrophotometer	30,000
Infrared Spectrophotometer	30,000
Subtotal	120,000

Fingerprints (Automated system is funded through a separate appropriation)

Two Evidence Cameras	$ 1,000

Photography -(OL Photo Section upgrade funded through existing budget)

General Expansion-Additional cameras, related darkroom expansion Subtotal	$ 10,000
Instrumentation TOTAL	$609,000

C. Furnishings

The cost of furnishings of the FBI laboratory amounted to 15% of their total construction cost. Since some desks, cabinets, tables, etc., are already in the laboratory, a 10% of construction cost has been used.

Thus, $2.486 million construction cost times 10% yields approximately $.250 million.

D. Commodities - Estimated supplies to stock expanded laboratory $ 71,000

Recap of Estimated Costs
(In millions of dollars)

Construction	$3.366
30% DOTPF	1.100
Instrumentation	.609
Furnishings	.250
Commodities	.071
	5.396
12% Inflation per DOTPF	.647
Grant Total-New forensic facility	$6.043

E. Analysis

A proposed laboratory of about 17,000 square feet is a major undertaking. One may validate the size of the proposed laboratory by comparing it to the existing laboratory. The latter contains about 4,000 square feet for the present staff of 10 in Anchorage which is crowded and lacks certain essential areas. There is also additional space in the fingerprint section in Juneau. The space for these personnel and their operational area is approximately 1,000 square feet, including substantial file cabinet space, or a total of about 5,000 square feet of both operational and non-operational space at both locations.

The laboratory plan proposes an additional staff of eleven personnel, or essentially a doubling of the existing staff. By extension, a doubling of space is needed, plus the addition of a first aid room, library, computer room, firearms storage area and vehicle examination area. The existing laboratory has virtually none of these areas required of a full services laboratory.

Thus a doubling of the existing laboratory space of some 5,000 square feet to 10,000 square feet plus about 1,600 additional square feet for the above described additional non-operational areas, means the projected 11,250 square feet for a new laboratory is, if anything, conservative. This total area is seen as necessary for existing and proposed staff and support areas and makes no provision for expansion for future requirements.

It seems short sighted to not include space for future expansion. Such space would not be empty or lack for activity. This space could serve as a training center for police and prosecutors relative to forensic activities.

One can assume that the need for training is greatest now, simply because so little training now exists. Further into the future, as more police agencies receive training, the need for training should decrease, while as forensic examinations increase, the need for operational laboratory space will also increase.

It is acknowledged that the calculations of space and cost can only be estimates, by their very nature. However, they are based upon the known cost factors experienced by the FBI, with modifications for costs in Alaska and the values of existing laboratory equipment and furnishings.

F. Time Schedule

Construction of a Crime Laboratory obviously requires a legislative appropriation. Assuming a budget request is approved by the legislature for FY84 (July 1, 1983), there a number of phases or steps in the construction of a new building. Each can be expected to require a certain amount of time. The following is a rough estimate of the time required to complete construction:

Sept-Oct 1982	AST Project Director develops scope of the project with facility Planners of DOT/PF. Project scope reviewed and estimates of cost are completed. Submit for legislative approval.
Jan-May 1983	Legislative Session - approves or denies appropriation.
July 1, 1983	Assuming appropriation granted, DOT/PF prepares funding and project documents.
Oct 1983	Preliminary budget completed by DOT/PF.
Oct 1983	Advertise for design consultant.
Nov 1983	Select Consultant.
Feb 1984	Design completed and reviewed.

Feb	1984	Advertise for construction.
Apr	1984	Bid opening and award.
Apr-May	1984	Construction begins (may require more than one year).
Apr-May	1985	Constructed completed.
Jun	1985	Construction inspection.
Jul	1985	Construction deficiences resolved. Final inspection and approval. Acceptance by DOT/PF.
Jul-Aug	1985	Move-in and occupancy.

G. Recommendations:

71. It is recommended that the State Troopers develop and coordinate an aggressive program of support for constructing a full services statewide Crime Laboratory, leading to a legislative appropriation for FY84.

72. It is further recommended that a Project Director be named as soon as possible and that he be given written authority and responsibility for coordinating the entire project.

73. The Project Director should establish immediate contact with the State Department of Transportation and Public Facilities (DOT/PF) and work with their facility planners to develop the scope and estimated costs of the project, which according to DOT/PF must be completed in October 1982.

74. To the extent possible, the state should engage a design consultant who has had prior experience designing a forensic lab, or other laboratory related structure. Further, upon design completion and review by laboratory staff, it is recommended that the blueprints be reviewed by one or more lab directors and/or other authorities elsewhere to ensure the proposed structure will provide the most efficient and effective forensic laboratory for Alaska.

HB

34

HB 34

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

April 12, 1983

Post on Committee file for

MEMORANDUM

TO: Representative Walt Furnace

FROM: Deb Pomeroy, Research Aide

RE: Succession to the Offices of Governor and Lt. Governor
Research Request 83-119

Steve Levi of your office called requesting the following information regarding succession to the offices of Governor and Lt. Governor in other states:

1) What is the line of succession in other states?

2) Is succession decided constitutionally or by statute?

3) What is the term of the successor?

4) Is the successor appointed Acting Governor or Governor?

5) Does the Acting Governor have the same powers as the Governor?

6) Are there any states where Supreme Court Justices succeed to Governor?

As you are aware, Alaska does not have a constitutional line of succession after the Lt. Governor. AS 44.19 states that after the start of the initial term of office, the Governor appoints, and the Legislature confirms in a joint session, a person from a principal department of state government as the successor to the Lt. Governor. If the Lt. Governor succeeds to the Governor's office, the appointee becomes Lt. Governor and serves for the remainder of the term. If, however, the appointed successor succeeds to the Governor's office, (s)he serves only until a special election is held.

Thirty-six states decide the succession to the Governor's office by constitution; thirteen states either decide the succession or add to the line of succession by statute. In all of the states, the successor has the duties and powers of the Governor. In all states except Hawaii,

the successor is appointed Governor; in Hawaii, only the Governor and Lt. Governor may have the title of Governor, with other successors known as "Acting" Governor.

The majority of the states have direct succession to Governor. That is, if the Lt. Governor becomes Governor, his office remains vacant until the next election. Connecticut, Hawaii, Minnesota and Pennsylvania are the only states which have a successor to the office of Lt. Governor.

In 31 states, either the Senate President or House Speaker is next in line after the Lt. Governor to become Governor. Of the remaining 18 states, all but Delaware have an elected administrative official next in line for succession. Delaware has an appointed secretary of state in line after the Lt. Governor, although the next official for succession is elected. Nebraska is the only state in which the entire line of succession consists of legislative committee chairmen.

In reference to the term of the successor, most of the states have the successor serving for the remainder of the Governor's term, or until the next general election at which time a successor is elected for the unexpired portion of the term. A few states' constitutions or statutes vaguely state that the successor will serve "until the vacancy is filled."

I have prepared the attached chart listing the following information for each state:

1) the order of succession to either the Governor's or Lt. Governor's office and whether or not it is decided by statute or constitutionally;

2) whether the person in the line of succession is elected, appointed, or a legislative official; and

3) the length of the term the successor holds and any conditions which apply.

I hope this information is useful. If you have any questions, please call.

DP

Attachment

STATE	SUCCESSION TO	CONSTITUTION OR STATUTE	ORDER OF SUCCESSION	APPOINTED OR ELECTED	CONDITIONS
Alabama	Governor	Cons. Art.V	Lt. Governor Sen. Pres. pro tem House Speaker Attorney General State Auditor Secretary of State State Treasurer	Elected Sen. Elected Hse. Elected Elected Elected Elected Elected	If the Gov. & Lt. Gov. seats become vacant more than 60 days before a General Election, these seats are filled at that election for the unexpired term; otherwise successor serves for the remainder of the term.
Alaska	Governor Lt. Governor	Cons.Art.III AS 44.10	Lt. Governor Gov. appointee	Elected Appointed	Elected Lt. Gov. serves for remainder of term. Legislature confirms Gov. appointee as successor to Lt. Gov. If (s)he succeeds to Gov., (s)he serves only until a special election is held.
Arizona	Governor	Cons. Art.V	Sec. of State Attorney General State Treasurer Supt.of Pub. Instr.	Elected Elected Elected Elected	Successor holds office until a Governor is duly elected and qualified. Only elected officials may succeed, not those who have been appointed to fill a vacancy
Arkansas	Governor	Cons. Art. 6	Lt. Governor Senate President Assembly Speaker	Elected Sen. Elected Assm.Elected	The Governor's term is two years. Successor holds office until the vacancy has been filled.
California	Governor	Cons. Art.VI Govt 12058	Lt. Governor Sen. Pres. pro tem Assembly Speaker Sec. of State Attorney General Controller	Elected Sen. Elected Assm.Elected Elected Elected Elected	Successor serves full term.
Colorado	Governor	Cons. Art.IV	Lt. Governor Sen. Pres. pro tem House Speaker	Elected Sen. Elected Hse. Elected	Successor holds office until the vacancy has been filled.

STATE	SUCCESSION TO	CONSTITUTION OR STATUTE	ORDER OF SUCCESSION	APPOINTED OR ELECTED	CONDITIONS
Connecticut	Governor	Cons. Art.IV	Lt. Governor Sen. Pres. pro tem	Sen. Elected	Office is held until the next gen. election. When the Lt. Gov. succeeds to Gov., the Senate Pres. becomes Lt. Gov. Within 15 days of the Lt. Gov. taking his oath, the Sen. must select a new Pres. pro tem. If during an interim, a successor is required & there is no Pres. pro tem, the Sec. of State will convene Senate to elect one.
Delaware	Governor	Con. Art.III	Lt. Governor Sec. of State Attorney General Sen. Pres. pro tem House Speaker	Elected Appointed Elected Sen. Elected Hse. Elected	Successor holds office until a Governor is duly elected and qualified.
Florida	Governor	Cons. Art.IV FS 14.55	Lt. Governor Sec. of State Attorney General State Comptroller State Treasurer Comm.of Education Comm.of Agriculture	Elected Elected Elected Elected Elected Elected Elected	Successor serves for the remainder of the term.
Georgia	Governor	Cons. Art.V	Lt. Governor House Speaker	Elected Hse. Elected	Lt. Governor serves until next general election, at which time a Governor is elected for the unexpired term. If the House Speaker succeeds to Gov.,a special election must be held to elect a Gov. within 60 days of the Speaker taking office.
Hawaii	Governor	Cons. Art. V HS 26-2	Lt. Governor Senate President House Speaker Attorney General Director of Finance Comptroller Dir. of Taxation Dir. of Pers.Svces	Elected Sen. Elected Hse. Elected Appointed Appointed Appointed Appointed Appointed	Successor serves for the remainder of the term. When the Lt. Gov. succeeds to Gov., the Sen. Pres. becomes Lt. Gov. After that, succession leaves the Lt. Gov. office vacant. Only the Governor and Lt. Governor can hold the title of Governor; the others are known as Acting Governor. Although known as "Acting" Governor, the successor has all powers given to the Gov.

STATE	SUCCESSION TO	CONSTITUTION OR STATUTE	ORDER OF SUCCESSION	APPOINTED OR ELECTED	CONDITIONS
Idaho	Governor	Cons. Art.IV	Lt. Governor Sen. Pres. pro tem House Speaker	Elected Sen. Elected Hse. Elected	Lt. Gov. holds office for the remainder of the term; Sen. Pres. pro tem and House Speaker serve "until the vacancy is filled."
Illinois	Governor	Cons. Art. V IS127¶63b122	Lt. Governor. Attorney General Secretary of State Comptroller Treasurer Senate President House Speaker	Elected Elected Elected Elected Elected Sen. Elected Hse. Elected	Holds office for the remainder of the term. Elected officials only are eligible to succeed.
Indiana	Governor	Cons. Art. V	Lt. Governor	Elected	Serves until Governor is elected. Constitution states that further succession will be determined by law; however, no statutes were found.
Iowa	Governor	Cons. Art.IV	Lt. Governor Sen. Pres. pro tem House Speaker	Elected Sen. Elected Hse. Elected	Lt. Gov. serves remainder of term; Sen. Pres. and House Speaker serve "until the vacancy is filled."
Kansas	Governor	Cons. Art. 1 KS 48-12-4	Lt. Governor Senate President House Speaker Secretary of State Attorney General Chancellor, U.of K. Pres, Kansas State Univ. of Ag. and Applied Science	Elected Sen. Elected Hse. Elected Elected Elected	Serves until next election.
Kentucky	Governor	Cons. Art.84	Lt. Governor Sen. Pres. pro tem	Elected Sen. Elected	Lt. Governor serves until a Gov. is duly elected and qualified; if the Sen. Pres. pro tem succeeds, and vacates office before the first two years are over, a new election is held. If there is no Pres. pro tem, the Secretary of State, then Attorney General hold office until a President pro tem has been elected.

STATE	SUCCESSION TO	CONSTITUTION OR STATUTE	ORDER OF SUCCESSION	APPOINTED OR ELECTED	CONDITIONS
Louisiana	Governor	Cons. Art.IV	Lt. Governor Secretary of State Attorney General Treasurer Presiding Sen. Off. House Speaker	Elected Elected Elected Elected Sen. Elected Hse. Elected	Successor serves for the remainder of the term. The governor appoints and the legislature confirms a new Lt. Governor. He is not eligible to succeed however, to the Governor's position. The constitution states further succession may be determined by law; however no statute was found.
Maine	Governor	Cons. Art. V	Senate President	Sen. Elected	If the office becomes vacant more than 90 days before primary election for a bienniel election, a Governor is elected at that bienniel election and serves for the remainder of the term.
Maryland	Governor	Cons. Art.II	Lt. Governor	Elected	A Lt. Governor is appointed by the Governor and confirmed by the majority of a joint session. If both seats become empty, the assembly elects a new Governor. The Senate President serves as Acting Governor until that time.
Massachusetts	Governor	Cons. Ch. 2	Lt. Governor	Elected	Serves for remainder of the term.
Michigan	Governor	Cons. Art. V	Lt. Governor Sec. of State Attorney General	Elected Elected Elected	Successor serves for remainder of the term. Order of succession pertains to elected officials only, not those appointed to fill a vacancy. The constitution states that further succession may be determined by law; however, no statute was found.
Minnesota	Governor	Cons. Art. V MS 4.06	Lt. Governor Senate President House Speaker Secretary of State State Auditor State Treasurer Attorney General	Election Sen. Elected Hse. Elected Elected Elected Elected Elected	Successor serves for remainder of term. The Senate President succeeds to the Lt. Gov. office. After the Senate President, all successors are for the governor's office. If the Senate President succeeds to governor, the Lt. Governor office remains vacant.
Mississippi	Governor	Cons. Art. V	Lt. Governor Sen. Pres pro tem House Speaker	Elected Sen. Elected Hse. Elected	Successor serves for the remainder of the term. If all three mentioned seats are vacant, the Sec. of State convenes Senate to elect a Pres. pro tem.

STATE	SUCCESSION TO	CONSTITUTION OR STATUTE	ORDER OF SUCCESSION	APPOINTED OR ELECTED	CONDITIONS
Missouri	Governor	Cons. Art.IV	Lt. Governor	Elected	Successor serves for the remainder of the term.
			Sen. Pres.pro tem	Sen. Elected	
			House Speaker	Hse. Elected	
			Sec. of State	Elected	
			State Auditor	Elected	
			State Treasurer	Elected	
			Attorney General	Elected	
Montana	Governor	Cons. Art.VI	Lt. Governor	Elected	Successor serves for the remainder of the term.
		MS 2-16-514	Senate President	Sen. Elected	If the Lt. Gov. or Sen. President succeeds to
			House Speaker	Hse. Elected	Gov., they appoint a Lt. Gov.; if the House Speaker succeeds, the legislature elects a Lt. Governor in joint session.
Nebraska	Governor	Cons. Art.IV	Lt. Governor	Elected	Successor serves until vacancy is filled.
			Speaker of the Leg.	Leg. Elected	
		NS 84-120	Chair,Exec.Board of Leg. Council,	Leg. Elected	
			Chair,Comm.on Comm.	Leg. Elected	
			Chair, Judiciary	Leg. Elected	
			Chair, Government	Leg. Elected	
			Chair, Military & Veterans Affairs	Leg. Elected	
			Chair, Approp.	Leg. Elected	
			Chair, Revenue	Leg. Elected	
			Chair, Education	Leg. Elected	
			Chair, Banking,Commerce & Insurance	Leg. Elected	
			Chair, Public Work	Leg. Elected	
			Chair, Ag. & Envir.	Leg. Elected	
			Chair, Hlth&Welfare	Leg. Elected	
			Chair,Misc.Subjects	Leg. Elected	
			Chair, Urban Affair	Leg. Elected	
			Chair, Labor	Leg. Elected	
			Chair, Const.Rev.	Leg. Elected	

STATE	SUCCESSION TO	CONSTITUTION OR STATUTE	ORDER OF SUCCESSION	APPOINTED OR ELECTED	CONDITIONS
Nevada	Governor	Cons. Art. V	Lt. Governor	Elected	Serves for the remainder of the term.
New Hampshire	Governor	Cons. Art. 49	Senate President	Elected	Successor serves for the remainder of the term. The Secretary of State and State Auditor are entitled to serve only until the Senate or House elects a President or Speaker.
			House Speaker	Elected	
			Secretary of State	Leg. Elected	
			State Treasurer	Leg. Elected	
New Jersey	Governor	Cons. Art. V	Senate President	Sen. Elected	Successor serves until the next general election at which time a Governor is elected for the unexpired portion of the term. The constitution states further succession may be determined by statute; however, no statute was found.
			Assembly Speaker	Assm. Elected	
New Mexico	Governor	Cons. Art. V	Lt. Governor	Elected	Serves for the remainder of the term.
			Secretary of State	Elected	
			Sen. Pres. pro tem	Sen. Elected	
			House Speaker	Hse. Elected	
New York	Governor	Cons. Art. IV	Lt. Governor	Elected	Lt. Governor serves for remainder of the term. Sen. Pres. and Assembly Speaker serve until next general election to be held not more than 3 mo. after both Gov. & Lt. Gov. seats become vacant.
			Sen. Pres. pro tem	Sen. Elected	
			Assembly Speaker	Assm. Elected	
N. Carolina	Governor	NCS 174.11	Lt. Governor	Elected	Holds office for remainder of term.
			Sen. President	Sen. Elected	
			House Speaker	Hse. Elected	
			Secretary of State	Elected	
			State Auditor	Elected	
			State Treasurer	Elected	
			Supt. of Pub. Inst.	Elected	
			Attorney General	Elected	
			Agriculture Comm.	Elected	
			Labor Comm.	Elected	
			Insurance Comm.	Elected	

STATE	SUCCESSION TO	CONSTITUTION OR STATUTE	ORDER OF SUCCESSION	APPOINTED OR ELECTED	CONDITIONS
N. Dakota	Governor	NDS 44.2.3 NDS 54.47.3	Lt. Governor Secretary of State House Speaker Sen. Pres. pro tem Attorney General	Elected Elected Hse. Elected Sen. Elected Elected	Successor serves for remainder of term. Only elected officials are eligible for succession, not those appointed to fill a vacancy. If none of the listed officials may serve, line of succession moves to the ex-Governors, the most recent one serving first.
Ohio	Governor	Cons.Art.III	Lt. Governor Senate President House Speaker	Elected Sen. Elected Hse. Elected	Serves for the remainder of the term. When both Gov. & Lt. Gov. seats are vacant prior to the expiration of the the first 20 months of the term, the Gov. and Lt. Gov. are elected at the next gen. election held in an even numbered year.
Oklahoma	Governor	Cons. Art.VI	Lt. Govenor Sen. Pres. pro tem House Speaker	Elected Sen. Elected Hse. Elected	Lt. Governor serves for the remainder of the term. Sen. Pres. and House Speaker serves "until the vacancy is filled."
Oregon	Governor	Cons. Art. V	Secretary of State Treasurer Sen. Pres. pro tem House Speaker	Elected Elected Sen. Elected Sen. Elected	Serves until the next election. An appointed official may not succeed to office.
Pennsylvania	Governor	Cons. Art.IV	Lt. Governor Sen. Pres. pro tem	Elected Sen. Elected	Serves for the remainder of the term. The Sen. Pres. succeeds to Lt. Gov. office when the Lt. Gov. succeeds to Gov.
Rhode Island	Governor	Cons. Art. 7	Lt. Governor Presiding Sen.Off.	Elected Sen. Elected	Holds office until the next annual election.
S. Carolina	Governor	Cons. Art.IV	Lt. Governor Sen. Pres. Pro tem	Elected Sen. Elected	Holds office until the next general election. Constitution states that further succession may by determined by law; no statute was found.
S. Dakota	Governor	Cons. Art.IC SDS 1-7-4.1	Lt. Governor Hse. Speaker Sen. Pres. pro tem Hse.Spkr. pro tem Secretary of State	Elected Hse. Elected Sen. Elected Hse. Elected Sen. Elected	Successor serves for remainder of term. Governor appoints new Lt. Governor who is confirmed by the legislature, and is not eligible for succession.

STATE	SUCCESSION TO	CONSTITUTION OR STATUTE	ORDER OF SUCCESSION	APPOINTED OR ELECTED	CONDITIONS
Tennessee	Governor	Cons.Art.III	Senate Speaker House Speaker	Sen. Elected Hse. Elected	The Senate Speaker is by statute Lt. Governor. If succession occurs within the first 18 months, successor holds office until the next general election; after the 1st 18 mo. of the term, the successor serves for the remainder of the term.
Texas	Governor	Cons. Art.IV	Lt. Governor Senate President	Elected Sen. Elected	Holds office for the remainder of the term.
Utah	Governor	Cons.Art.VII	Secretary of State Sen. Pres. pro tem	Appointed Sen. Elected	Holds office until the next general election.
Vermont	Governor	VS 3.4	Lt. Governor House Speaker	Elected Hse. Elected	Holds office for the remainder of the term.
Virginia	Governor	Cons. Art. V	Lt. Governor Attorney General House Speaker	Elected Elected Hse. Elected	Holds office for the remainder of the term.
Washington	Governor	Cons. Ch.III	Lt. Governor Secretary of State State Treasurer State Auditor Attorney General Supt. of Pub. Inst. Comm. of Pub. Lands	Elected Elected Elected Elected Elected Elected Elected	If the vacancy occurs more than 30 days before a general election, then a new Governor is elected at that election.
W. Virginia	Governor	Cons.Art.VII	Senate President House Speaker	Sen. Elected Hse. Elected	If vacancy occurs before the first 3 years of term a new election must be held.
Wisconson	Governor	Cons. Art. V	Lt. Governor Secretary of State	Elected Elected	Holds office for the remainder of the term.

STATE	SUCCESSION TO	CONSTITUTION OR STATUTE	ORDER OF SUCCESSION	APPOINTED OR ELECTED	CONDITIONS
Wyoming	Governor	WS 9-1-211 9-1-212	Secretary of State Senate President House Speaker State Auditor State Treasurer Supt. of Pub. Inst. Senate Vice-Pres H. Speaker pro tem	Elected Sen. Elected Hse. Elected Elected Elected Elected Sen. Elected Hse. Elected	Serves until the end of the term if vacancy occurs less than 60 days before a general election. If it occurs more than 60 days before a general election, a Governor is elected for the unexpired term at that election.

STATE OF ALASKA

CHAIRMAN,
HOUSE LABOR AND
COMMERCE

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REPRESENTATIVE WALT FURNACE

To: Mitch Abood, Chairman
House Committee on State Affairs

From: Representative Walt Furnace

RE: SSHB 34

Date: March 25, 1983

Under current statute, the succession to the chair of Governor runs through the Lt. Governor and thereafter the Governor's appointed and legislatively confirmed successor.

This bill allows for the line of succession to continue thereafter to a lock step progression of administrators, whether they have been confirmed or not. Should the vacancy occur in the office of Governor-Elect and Lt. Governor-Elect, the outgoing Governor will become the Acting Governor for that period after his expired term until a special election is held and the new Governor inaugurated.

The important fact to keep in mind is that if the Governor and Lt. Governor are unable to fullfill the duties of their respective posts and the Governor's handpicked successor has not yet been confirmed, there must be someone who can step in immediately and assume the powers and duties of the Acting Governor.

any vetoed bill, with a statement of his objections, to the house of origin.

Action Upon Veto

SECTION 16. Upon receipt of a veto message during a regular session of the legislature, the legislature shall meet immediately in joint session and reconsider passage of the vetoed bill or item. Bills to raise revenue and appropriation bills or items, although vetoed, become law by affirmative vote of three-fourths of the membership of the legislature; other vetoed bills become law by affirmative vote of two-thirds of the membership of the legislature. Bills vetoed after adjournment of the first regular session of the legislature shall be reconsidered by the legislature sitting as one body no later than the fifth day of the next regular or special session of that legislature. Bills vetoed after adjournment of the second regular session shall be reconsidered by the legislature sitting as one body no later than the fifth day of a special session of that legislature, if one is called. The vote on reconsideration of a vetoed bill shall be entered on the journals of both houses.

(The amendment of this section was approved by the voters of the state November 2, 1976 and became effective December 23, 1976. This amendment inserted "during a regular session of the legislature" in the first sentence and added the present fourth and fifth sentences.)

Bills Not Signed

SECTION 17. A bill becomes law if, while the legislature is in session, the governor neither signs nor vetoes it within fifteen days, Sundays excepted, after its delivery to him. If the legislature is not in session and the governor neither signs nor vetoes a bill within twenty days, Sundays excepted, after its delivery to him, the bill becomes law.

Effective Date

SECTION 18. Laws passed by the legislature become effective ninety days after enactment. The legislature may, by concurrence of two-thirds of the membership of each house, provide for another effective date.

To: Representative Mitch Abood, Chairman
House Committee on State Affairs

Through: Walt Furnace, Representative

From: Steven C. Levi, Staff

Date: January 20, 1983

RE: ~~HB~~ 34

At the present time, the line of succession to the Governor's chair is limited to two (2) individuals: the elected Lt. Governor and the Governor's hand-picked, legislatively confirmed successor. Should the Governor's chair fall empty when there is no Lt. Governor, for whatever reason, the hand-picked, legislatively confirmed successor is only an acting governor and will hold this postion only until a special election may be held to fill the office with an elected governor.

There is, however, a gap in the succession process. Should the Governor and the Lt. Governor be unable to fill the chair and there is no hand-picked, legislatively confirmed successor, there is no procedure for succession.

Representative Furnace recommends, through HB 34, that in the hopefully unlikely case that the Governor's chair is vacant and there is no Lt. Governor or hand-picked, legislatively confirmed successor, that the President of the Senate and thereafter the Speaker of the House shall succeed to the chair of governor.

Legislative Counsel has assured Representative Furnace that the succession to the chair of Governor by the President of the Senate or the Speaker of the House is only in the capacity of Acting-Governor and only until such time as a special election may be held. Legislative intent is that the President or the Speaker shall be Acting-Governor only.

Lt. Governor (successor to)

HOUSE BILL NO. 34, by Furnace and Lindauer. Relates to appointment of a successor to the post of Lieutenant Governor (AS 44.19.040). Current law states: ". . .If the person designated and confirmed is removed from or vacates the appointment, the governor shall appoint a successor subject to confirmation in the same manner as the person initially appointed." This bill adds the following: "The president of the senate and the speaker of the house of representatives are next in line for succession to the office of lieutenant governor at any time that an appointee of the governor has not been confirmed under this section or the position is vacant for any other reason." Does not provide for an effective date (effective 90 days after Governor's signature).

Introduced January 17 and referred to State Affairs, then to Judiciary.

Appropriation (supplemental) (public schools)

HOUSE BILL NO. 35, by Malone, Clocksin, Zharoff. Wendte, Koponen, Davis, Shultz, Larson, Szymanski, Fritz, Goll, and McBride. (See SB 16, SB 22, and HB 3, and HB 73, this report, identical).

Introduced January 17 and referred to Health, Education and Social Services, then to Finance.

Longevity Bonus Program (residency requirements)

HOUSE BILL NO. 36, by Malone, Zharoff, Wendte and Szymanski. Would change the residency requirements of the Alaska Longevity Bonus Program (AS 47.45), in keeping with the recent Supreme Court decision on the Permanent Fund. Currently the Longevity Bonus Program gives a $250 monthly bonus to persons 65 years of age or over who were living in the Territory of Alaska on or before January 3, 1959 and who have maintained a continuous domicile in the Territory or State for 25 years. This bill would change those requirements, providing a person who is 65 years of age or over, who is a state resident and who has been a resident for not less than one year immediately preceding the date of application may apply to the Commissioner of Administration for qualification to receive the monthly $250 bonus.

Defines "resident" as one ". . .who, except for brief intervals, medical treatment, military service, attendance at an educational or training institution, or for absences for good cause shown, has resided in Alaska and who has maintained a domicile in Alaska; domicile is the true and permanent home of a person from which that person has no present intention of moving and to which that person intends to return whenever away;" (this definition would replace the current definition of "domicile": "'domicile' means the place with which a person has a settled connection for determination of his civil status or other legal purposes because it is actually or legally his permanent and principal home.")

Provides Act is retroactive to July 1, 1982, and states that a person who was eligible to receive the bonus as of that date is entitled to receive accrued retroactive bonuses from 7/1/82, and a person reaching the age of 65 after 7/1/82 is entitled to receive