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**JOINT STATEMENT OF DAKOTA, RAMSEY AND WASHINGTON COUNTY ATTORNEYS
CONCERNING ST. PAUL POLICE DEPARTMENT CRIME LAB**

Since the issue of problems associated with the St. Paul Police Department's Crime Lab (Crime Lab) testing process first came to our attention last summer, we have been working diligently to address these problems and we will continue to do so.

First of all, upon learning of the extent of the problem, we immediately took action to stop the testing of any suspected controlled substance by the Crime Lab in pending and future cases. We also requested all law enforcement agencies and drug task forces operating within our jurisdictions to preserve all suspected controlled substances within their control in past and present cases for retesting purposes. We also requested the Minnesota Bureau of Criminal Apprehension (BCA) to immediately begin retesting samples of suspected controlled substances previously tested by the Crime Lab in all pending cases.

The results of this retesting process by the BCA to date has fortunately not shown that widespread misidentification of controlled substances previously tested by the Crime Lab occurred. To date, 192 retests have occurred in all three of our counties. Of these retests, 189 have confirmed the existence of the controlled substance previously found by the Crime Lab. Two retests actually confirmed the existence of a controlled substance when the Crime Lab had not found this to have been the case. The remaining retest in a Ramsey County case did not find the existence of methamphetamine when the Crime Lab's testing had done so. This case was promptly dismissed by the Ramsey County Attorney's Office on September 27, 2012.

Despite the positive retesting outcomes in the vast majority of retests which have occurred to date, we remain troubled by the reports recently issued by two independent forensic laboratories retained by the St. Paul Police Department to review its Crime Lab operations. These reports documented numerous problems in the Crime Lab's processing techniques.

As a result of the conclusions in these reports, we have determined to begin a proactive review process of all cases within our respective offices which resulted in prior convictions by jury or court trial since July 1, 2010.* This review will determine if the seized substances tested by the Crime Lab in these

* We are informed that no such jury or court trials occurred in Washington County.

cases continue to be available for retesting. If so, such retests will be commenced as soon as possible. If the retest leads to a negative result, we will agree to vacate the conviction. If the seized substances have been destroyed or are otherwise not available for retesting, we will review the file to determine if a preliminary field test of the substance occurred and if other corroborating evidence exists to support the conviction. If there is no positive preliminary test or insufficient corroborating evidence exists, we will agree to vacate the conviction.


We recognize that the State Public Defender's Office has the responsibility to review prior cases involving convictions obtained in which testing was done by the Crime Lab to determine if grounds exist for post-conviction relief. We remain open to working with the Public Defender's Office to address such motions on a case-by-case basis (see our attached letter to State Public Defender John Stuart). However, we believe under current Minnesota law and the facts of this situation, such motions must be made within two years and that a strong argument can be made that in most cases where the defendant has pled guilty, their acknowledgement under oath that he/she was involved in the possession or sale of an illegal controlled substance would preclude the seeking of post-conviction relief.

As we have previously stated, we believe it is important for the public to keep in mind that the deficits and problems which have to date been identified in the St. Paul Police Department's Crime Lab have not yet been shown to have resulted in the widespread misidentification of substances believed to be illegal drugs, as has been confirmed by the retesting process to date. This is not intended to minimize the seriousness of the problems identified at the Crime Lab. These are very serious problems which in many ways undermine the public's confidence in the operation of our justice system.

We commend the St. Paul Police Department for taking quick and decisive action to address these serious problems and we know they remain committed, as we do, to ensuring these problems are corrected and will not occur again. We are also grateful to the BCA for its ongoing assistance to us as we have worked to address these problems. Public confidence in our system of justice and the assurance that no one has been or will be unjustly convicted as the result of faulty forensic testing remain the paramount considerations of each of us in this matter.



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