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

Following the commencement of litigation in Dakota County concerning the operations of the St. Paul Police Department Crime Lab, we have learned that significant deficits exist in the operating procedures related to the testing of substances believed to be illegal drugs. The Dakota County litigation has not been completed and the full extent of these problems remains unknown at this time. It is unfortunate that we are in the position of having to take corrective action due to the troubling issues that have come to light in the St. Paul Police Department Crime Lab as it relates to drug cases.

We believe that our responsibilities as prosecutors require us to take appropriate actions to enable justice in past, pending and future cases. In addition we seek to ensure the public confidence in the criminal justice system and provide leadership when it is appropriate. We will continue to assist our partners in law enforcement as they develop new procedures to ensure proper analytical testing of evidence.

This matter came to light because of the adversarial criminal justice system. As difficult as it may be, as ministers of justice we accept the challenge in these cases and embrace the opportunity to improve the system. To that end, we have determined to immediately take the following actions:

1. We have instructed drug task forces and law enforcement agencies in our jurisdictions to discontinue sending any suspected controlled substances to the St. Paul Police Department Crime Lab for testing in pending or future drug cases.
2. Requests have been or will be made to all appropriate law enforcement agencies and task forces within our jurisdictions asking such organizations to preserve all suspected controlled substances within their control for retesting purposes, if necessary.
3. We have requested the Minnesota Bureau of Criminal Apprehension (BCA) to retest **all** samples in pending cases previously tested by the St. Paul Police Department Crime Lab and they have agreed to do so. Continuances will be sought in all pending drug cases to allow this retesting to occur. The St. Paul Police Department has agreed to pay any overtime costs associated with the retesting process by the BCA. We appreciate the assistance of both of these agencies.

4. In the interest of justice, priority for retesting will be given to individuals in custody. Additional retesting will be prioritized based upon the level of the offense and the offense date.
5. If retesting is not possible in pending cases due to the lack of a sufficient sample of the suspected substances (this may be applicable in 5th Degree trace cases), a reduced charge of possession of drug paraphernalia will be pursued, if the facts support this occurring, or the case will be dismissed.
6. Any postconviction motions will be reviewed on a case-by-case basis at this time. Any relief will be dependent upon the individual facts of each case and the applicable postconviction relief statute in Minnesota¹.
7. With respect to past cases, our actions as prosecutors will depend upon the results of the retesting of hundreds of pending narcotics cases that were initially handled by the St. Paul Police Department Crime Lab. As discussed above, retesting by the BCA will begin immediately. In addition, we believe that the results and conclusions of the review being undertaken by the St. Paul Police Department at the direction of Mayor Chris Coleman will provide important information to appropriately calibrate our future response in the interests of justice. We will seek more information about St. Paul's review and communicate some specific recommendations and preferences around the scope and nature of the St. Paul review to Chief Smith and Mayor Coleman.

It is important to keep in mind that the deficits identified to date in the St. Paul Police Department's Crime Lab relate primarily to the lack of adequate operating policies and procedures of this laboratory's drug testing process. It has not yet been shown that these deficits actually resulted in the widespread misidentification of substances believed to be illegal drugs. The retesting process of all pending cases will provide critical evidence concerning this issue. In the event that retesting of suspected controlled substances in all pending cases shows widespread misidentification of controlled substances has occurred by the St. Paul Police Department Crime Lab, we will consider undertaking additional actions in respect to past convictions.



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¹ Under Minnesota law, postconviction relief petitions must be filed within two years of the date of entry of the judgment of conviction or sentence (if no appeal is filed) or the date of an appellate court's disposition of an appeal, unless: (1) the petitioner establishes that a physical disability or mental disease precluded a timely assertion of the claim; or (2) the petitioner alleges the existence of newly discovered evidence (including scientific evidence) that could not have been ascertained by the exercise of due diligence by the petitioner or the petitioner's attorney within the two-year time period for filing a postconviction petition, and the evidence is not cumulative to evidence presented at trial, is not for impeachment purposes, and establishes by a clear and convincing standard that the petitioner is innocent of the offense or offenses for which the petitioner was convicted; or (3) the petitioner asserts a new interpretation of federal or state constitutional or statutory law and the petitioner establishes that this interpretation is retroactively applicable to the petitioner's case; or (4) the petitioner establishes to the satisfaction to the court that the petition is not frivolous and is in the interests of justice.