



EVENT OR TREND ?



Regional Evidence Storage Solutions Sought

The Clarion-Ledger reports on July 13, 2009 that Mississippi law enforcement agencies lack both the space and expertise to store DNA evidence that a new state law requires them to preserve. The law that went into effect in March says the evidence from criminal cases must be kept – but doesn't say where.

The Mississippi Crime Lab was the location agencies hoped would preserve and store DNA evidence for them after their cases were resolved, but the lab also lacks storage capacity.

Holmes County Sheriff Willie March, newly installed president of the Mississippi Sheriffs Association, believes that a regional state warehouse is the best location to properly store long term dormant DNA evidence. Each of Mississippi's 82 counties handle DNA evidence in different ways. Some may not collect DNA in all investigations because it is too costly.

The new law says that if DNA evidence is collected as part of the regular investigation into a criminal case, it is to be preserved. The evidence would be kept while the felony crime remains unresolved or the time the person convicted of the crime remains in custody.

Taylor said Jackson has always sent certain items to the state Crime Lab for testing and receive them back once the testing is complete.

Will McIntosh, staff attorney for the Mississippi Innocence Project, said he can understand law enforcement's concern about DNA or other biological evidence piling up and becoming unmanageable, but he said it shouldn't be a worry because the law allows for only samples room items to be kept. He cited as an example a mattress with DNA evidence. He said the entire mattress wouldn't have to be kept, only a sample. The bill also allows DNA evidence to be destroyed after a period of time if notice is given to all parties and they agree to it, McIntosh said.

The task force report didn't mandate a centralized location for storing DNA evidence but suggested the state Crime Lab in Jackson as the most suitable location.

This article is interesting because it illustrates the effect of an unfunded State mandate upon local and county government. The State passes a law with good intentions without considering the consequences of its actions. Many agencies are already dysfunctional or out of room, and the added long-term storage of DNA evidence in cold storage, or storage in a room temperature controlled environment may be a huge issue.

The idea of a central repository run by the state is an interesting concept Every agency in the state could then submit closed cases for long-term storage in an approved manner without being held responsible for mishandling or losing it.

An interesting note is the Mississippi Innocence Project's spokesman who thought that just keeping a sample of the large item would suffice. Is he willing to waive his client's right to search the whole item for additional evidence? - Ed.

