

FORENSIC SCIENCE OVERSIGHT BOARD

Boston Police Department Crime Laboratory

Status Update

February 14, 2025



On 10/31/24, Sabra Jones and Cliff Goodband returned to the Boston Police Department Crime Laboratory (BPDCL) at 1 Schroeder Plaza and met with Civilian Directors Kevin Larade, Rachel Camper and Sgt.-Detective/Director Nina Jefferson. The purpose of the visit was to address concerns raised by Councilor Edward Flynn in a letter sent to the Forensic Science Oversight Board (FSOB) dated June 28, 2024. The FSOB was provided this letter on September 19th, 2024. The letter focused on “mandated deadline of testing sexual assault kits within 30 days”, “not using the most advanced DNA testing technology”, and “a void in leadership that negatively impacts the operations of the lab”¹.

The BPD Directors provided an updated organizational chart and explained former Crime Laboratory Director Kevin Kosiorek had been reassigned to the vacant Quality Manager position. The Crime Laboratory Unit Director position is now vacant. It has been posted, they are reviewing applicants as they are received and are waiting for a qualified group of applicants before beginning interviews. There are currently three open positions in the DNA unit. The Directors noted that the City of Boston / Boston Police Department’s hiring requirements and benefits package has made it difficult to fill these positions because the starting salaries are not as high as what other organizations, to include private laboratories in the Boston area offer. Furthermore, the City of Boston’s ten-year residency requirement often makes it more difficult to attract the most qualified candidates due to the high cost of living within the city and again competing against private laboratories and biotech firms.

We asked about current staffing and processes specifically related to DNA analysis. The directors stated that they are looking to fill the three open DNA positions at the same time to streamline onboarding and training processes. They stated that it may be easier to hire Criminalist 1 positions (an analyst with no laboratory experience), as they are typically recruiting analysts often right out of college. Training of a DNA analyst without forensic experience takes at minimum 6 months. It has been seen that employee turnover has been higher with experienced analysts identifying the need to balance work and family. Experienced staff may find they no longer want to live within the required area of Boston, where affordable housing is limited. While this is not unique to the Crime Laboratory, turnover can be more impactful due to the training requirements.

When asked about the Track-Kit compliance with the legislative mandate of a 30-day deadline², the Directors noted that they believe 30 days is the shortest turn-around in the

¹ Letter from Ed Flynn, Boston City Council dated June 28, 2024 to Undersecretary Kerry Collins, Chair, Forensic Science Oversight Board.

² General Laws Chapter 41, Section 97B1/2, 193rd General court of the Commonwealth of Massachusetts, Access November 1, 2024.

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter41/Section97B1~2>

nation. For example, in a review of other states (TX³, AK⁴, WA⁵, etc.) the time frames mandated for analysis of sexual assault kits ranged from 45 days to 1 year with a typical mandated time of between 90 to 180 days. To meet the MA legislative mandate, they are prioritizing sexual assault cases ahead of other important casework. This has resulted in the shift of resources, as well as case changes in how the evidence is processed, where, again, sexual assault cases are prioritized. This has changed since our initial on-site audit in 2022 where the FSOB made several recommendations⁶. In the 2022 Audit, it was identified that the DNA Section prioritizes cases into tiers for processing. Although the tiered process is still in place, they prioritize the Track-Kit cases to meet the 30-day turnaround. These are:

- Tier 1 – All sexual assault samples including Track-Kit2 samples
- Tier 2 – Homicides and assaults
- Tier 3 – Property crimes and other case types

The Directors all agreed that with current staffing levels, keeping up this pace may not be sustainable. They provided us with documentation about Track-Kit compliance, and they stated that in their most recent period, only 1 case was not completed within 30 days and that it was completed in 34 days. It must be noted that 97B1/2⁷ mandates that the work be completed in 30 business days. While law enforcement has 7 business days to submit the sample to the laboratory, the laboratory has 30 calendar days to complete the testing. If the laboratories were provided 30 business days, it would provide them two extra weeks to complete the testing. While law enforcement is a 24-hour operation they have 7 business days to submit evidence, the laboratory works on an administrative schedule which is tied to business days, thus losing critical analysis time.

It was noted in Councilor Flynn's letter, "A recent report also indicated that the Crime Lab had left new DNA evidence from old sexual assault kits unsubmitted to a national database for months." This was referring to SAKI where older or "Cold Case" evidence was sent to a private laboratory for testing as DNA technology has advanced since the period of the original investigation. In these types of cases, the results of the additional analysis are provided to BPDCL, however, before incorporating the information into the case, it must be reviewed by BPDCL analysts. While the private laboratory conducts the analysis, the

³ Texas Legislature Online, H.B. 8. Accessed November 1, 2024
<https://capitol.texas.gov/tlodocs/86R/billtext/html/HB00008H.htm>.

⁴ Alaska State Legislature, HB 49. Accessed November 1, 2024
<https://www.akleg.gov/basis/bill/Text/31?Hsid=HB0049Z>.

⁵ Washington State Legislature, H.B. 1166. Accessed November 1, 2024
<https://lawfilesexternal.wa.gov/biennium/2019-20/Pdf/Bill%20Reports/House/1166%20HBR%20APP%2019.pdf>.

⁶ Forensic Science Oversight Board, July 2022 Boston Police Department Forensic Laboratories Audit Report. Accessed November 1, 2024 <https://www.mass.gov/doc/fsob-boston-police-audit-report-42723/download>

⁷ General Laws Chapter 41, Section 97B1/2, 193rd General court of the Commonwealth of Massachusetts, Accessed November 1, 2024
<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter41/Section97B1~2>.

second review adds to the existing workload of the BPDCL analysts. Councilor Flynn may not be aware that external analysis of older cases for analysis with new technology does not relieve BPDCL of all the additional work the analysts must do on the case prior to it being reported. This additional work is added to the ongoing work being conducted on newly submitted evidence.

Regarding the statement that BPDCL is “not using the most advanced DNA testing technology”, they have applied for a grant to obtain the necessary instrumentation to perform Y-Screening. They all agreed that with the current staffing, budget, and facilities, they would not be able to accommodate the change to Y-screening without additional funding, staffing and support. If the grant is obtained, the laboratory must validate the procedure and train the analysts prior to being able to use the new technology on casework.

During our initial audit of the BPD Firearms Analysis Unit (FAU), staffing and retaining qualified firearm examiners proved challenging. Since the firearms staff includes sworn officers, promotions, transfers, and retirements of those officers results in constant turnover of staff. To note, a new firearms examiner training may take up to 2 years due to the complexity of the analysis. This leads to backlogs and longer turnaround times⁸. We followed up on vacancies in the FAU, unrelated to the letter, to determine how their staffing levels have changed. Sgt. Det Jefferson was promoted and remains in the FAU, which was in limbo at the time of our first visit. Another FAU analyst retired, which left a position open. The BPD FAU has a line item in its annual budget for the hiring of a contractor to help with casework. Although the money has been allocated, Boston City Hall has not allowed the hiring of the contractor for the past several years. Sgt.-Det Jefferson is currently working on a minimum manning staffing plan to ensure they have adequate staff needed to support their caseload.

One of the primary reasons for this visit was to determine how the two-year investigation and absence of the Director of the BPDCL impacted laboratory operations and staff. In addition to speaking with the three Directors, we were able to speak with four analysts about their experiences. Every employee asked stated that while it was difficult, they did not feel the quality of their work was compromised. Further, each analyst spoke highly of the interim directors, Rachel Camper, Latent Print Unit, Sgt. Det./Director Nina Jefferson, Firearms Analysis Unit, and Kevin Larade, PhD, Quality Assurance Forensic Division.

All acknowledged a trickle-down effect where the Laboratory Director’s responsibilities fell to other employees. The acting directors had to shift from their typical duties to add the additional responsibilities of the Crime Laboratory Unit. The staff holding the positions of Criminalist 4’s stated they found themselves having to take on some of the supervisory and administrative work that would normally be handled by the Laboratory Director. This

⁸ Forensic Science Oversight Board, July 2022 Boston Police Department Forensic Laboratories Audit Report. Accessed November 1, 2024 <https://www.mass.gov/doc/fsob-boston-police-audit-report-42723/download>.

included discussions/communication with command staff, grant administration, and staff coordination. They all agreed that the length of the investigation process was unreasonable, and although some were interviewed within the first 1-3 months of the investigation, BPD 's Internal Affairs Division did not communicate with them for over a year and a half.

During this time, morale suffered, as they felt there was nobody advocating for them or looking out for their best interests. In essence, the casework was being completed and is scientifically sound, however other aspects such as a positive work environment suffered. The lack of communication during the investigation for such an extended period led to a sense of uncertainty, overextension of staff, lack of advocacy, and a need to shift resources.

The BPDCL continues to meet its mandate to perform quality forensic analysis with current resources they have been provided. The lack of a dedicated Crime Laboratory Director had an impact on operations. The BPDCL has qualified staff to complete the work. It should be noted that the individuals who stepped in when needed demonstrated their dedication to BPDCL and the people of Boston to strive to provide quality work without the required support. However, the BPDCL should be a leader in the Nation not merely getting by.

The FSOB continues to support the key recommendations from the July 2022 Boston Police Department Forensic Laboratories Audit Report. Further, we highlight recommendations made based on continuing challenges the organization faces.

1. A review of current space availability and evaluation of options to increase the laboratory working space to meet recommended gross square footage.
2. Increased resources for training opportunities throughout the entire forensic services division, to include continuing education for certification maintenance, testimonial training, and advanced forensic techniques.
3. Expansion of budget and/or grant funding pursuits, where applicable, to allow for replacement and/or purchase of upgraded equipment in a timely fashion to increase efficiency. The Boston Police Crime Lab has already made great strides in supplementing their approved budget through the successful awards of the Capacity Enhancement for Backlog Reduction (CEBR) grant program, and the Paul Coverdell Forensic Science Improvement Grants Program (Coverdell).
4. Consider an exemption to the City of Boston's residency requirement for non-sworn laboratory personnel which makes it difficult to attract and retain the most qualified candidates due to the high cost of living within the city and competition against private laboratories and biotech firms.