Spring 2013 Edition

the SOURCE

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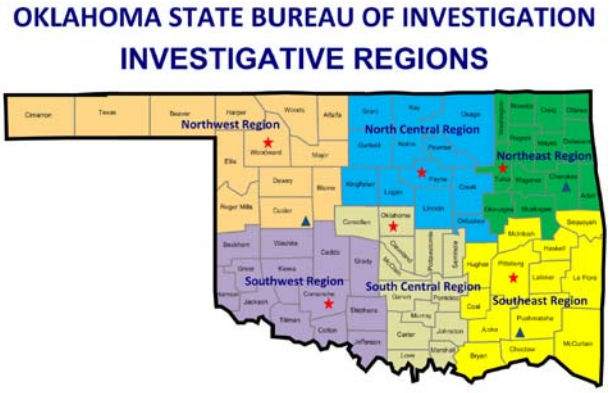
OSBI REORGANIZES INVESTIGATIVE REGIONS



Effective April 1, 2013, the OSBI consolidated eight investigative regions across the state into six regions. This change naturally adjusts some regional boundaries and service areas. It also provides for a more equitable allotment of geographic size of regions, while keeping span of control at a reasonable number.

In addition to this new six region format, OSBI also launched a new statewide Crime Scene Investigation Unit (CSI). This new unit will standardize procedures and training and enhance the services we provide in this specialized area.

OSBI Victims' Support Group to Meet for First Time

In the past couple of years, OSBI Director Stan Florence has focused on enhancing the dialogue between the Bureau and victims/families of victims, especially as it relates to the Director's office. Shortly after he was named OSBI Director, Florence began regular and ongoing conversations with family members that seemed to resolve many concerns. Such inquiries have subsided dramatically since Director Florence took office; however, he is still working to keep lines of communication open with families. Part of this ongoing effort has included the formulation of an OSBI Victim Support Group that has been meeting regularly under the guidance of Assistant Director Andrea Swiech. Members of this group include OSBI staff, Attorney General Victim Support Services, family members of victims, and OSBI Chaplain Tim Richardson.

As a result of these meetings, OSBI will host the first OSBI Victims' Symposium. This day-long seminar is set for May 29th at the Forensic Science Center in Edmond and is specifically geared toward family members of OSBI-related cases. Topics will include: The Investigative Process, Crime Laboratory Analysis, Victim Witness Services, The Process of Prosecution, The Role of the Medical Examiner, and After the Crime – What Now? At the end of the day, a Victims' Impact Panel will convene.

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Victims' Group Meetings continued

The purpose of this symposium is to educate families of victims on how the overall investigative and criminal justice process works. OSBI hopes to answer questions that may exist and to encourage ongoing communication with the appropriate source. OSBI wants to create an opportunity and encourage families to support one another during times of tragedy and uncertainty.

Did You Get the Right Guy?

By Andrea Swiech/OSBI Criminalistic Div. Dir.

A law enforcement officer dedicates countless hours to investigating crimes, identifying potential suspects, and collecting evidence to eventually aid a jury in determining a defendant's guilt or innocence. The OSBI Criminalistic Services Division (CSD) works diligently to support law enforcement and the criminal justice system by ensuring accurate and timely analysis of evidence. Often, DNA analysis of crime scene samples and reference samples from suspects and victims provide critical information to aid jurors in determining guilt or innocence. But has law enforcement considered how the collection, labeling, and submission of suspect and victim reference DNA samples impact the final report?

Recently, a case was identified where it appeared the reference samples from two suspects were either switched or mislabeled at some point. This potential error was identified when a Combined DNA Index System (CODIS) hit matched a suspect reference sample from a 2008 rape case to an unknown profile from a 2012 rape case and to a convicted offender DNA profile. When following the procedure for verifying CODIS hits, OSBI CSD personnel realized that the identity (name, DOB, etc) associated with the 2008 suspect known did not match the identity associated with the convicted offender sample, despite the fact that both DNA profiles were identical. After further investigation, it was determined that the identity associated with the convicted offender sample matched that of an individual listed as a second suspect in the 2008 rape case.

In accordance with the OSBI CSD Quality System, an investigation was conducted to determine the root cause of the discrepancy. Through this investigation, which included a re-analysis of affected samples and a re-examination of evidence packaging and labeling, it was determined that the reference samples had been mislabeled at the point of collection. In other words, John Doe's DNA sample was labeled as Jack Smith and vice versa. As a result, the DNA report issued in the 2008 rape case matched DNA recovered from the victim to the wrong suspect. The wrong suspect was also implicated through a CODIS hit to the 2012 rape case.
The OSBI strives to continually improve our practices. We evaluated the circumstances of this case to identify ways in which we can minimize or eliminate this type of event from recurring. In this scenario, there was no way to detect the labeling error until after the CODIS hit occurred. However, it was noted when reviewing the evidence packaging that there were two swab boxes each containing two swabs. Each swab box was labeled with a suspect name (e.g. one swab box per suspect). Then, both swab boxes were placed into the same evidence envelope for submission. The swab boxes were both labeled with the same date, although the specific time of collection was only listed on one of the swab boxes. The handwriting on the swab boxes appeared to be from the same individual.

In order to help prevent the analysis of mislabeled reference samples, the OSBI CSD will no longer conduct analysis of reference samples if there are samples from multiple individuals which appear to have been collected and packaged at the same time and by the same officer. The OSBI CSD encourages departments to evaluate their agency's procedure for collecting reference DNA samples from individuals and ensure that it includes appropriate measures to prevent mislabeling or switching of samples.

Oklahomans Feel Safe, Survey Shows

by Angie Baker, Director of the Oklahoma Statistical Analysis Center

The Oklahoma Statistical Analysis Center (SAC) completed the second statewide crime victimization survey. The purpose of the Oklahoma Crime Victimization Survey (OCVS) is to generate statewide crime estimates for Oklahoma. Victimization Surveys are designed to elicit information from citizens about crime – both reported and unreported; survey results are often used to complement data collected by the Uniform Crime Reporting Program, administered by the Federal Bureau of Investigation.

Survey results are based on 794 completed phone interviews; of the 794 participants, 258 (32.5%) reported they were a victim of crime in 2011. Survey participants reported overall satisfaction with the efforts of law enforcement. The majority of participants felt safe in their communities. When asked, the majority of participants identified "the economy" as the biggest contributor to crime in 2011 (compared to "drug, alcohol or other substance abuse" in 2010). Additional findings included:

- In 2011, 37.6% of all incidents captured by the survey occurred in Oklahoma and Tulsa counties;
- A third of all incidents (32.9%) occurred in the summer - 16% occurred in July alone;
- Almost half of all crimes (49.4%) occurred at night (6:00 pm to 6:00 am);
- The majority (92.2%) of reported incidents were property crimes;
- Eight percent of respondents reported they were the victim of a violent crime;
- Fifty-two percent of respondents stated they reported the incident to law enforcement;
- Of those who did not report the crime, the most common reason was because they believed law enforcement would be "ineffective or inefficient" (30.2% of crimes);
- Most respondents (90%) reported feeling safe in their community;
- The majority (62.7%) of respondents rated local law enforcement's performance as "excellent" (15.6%) or "good" (47.1%);
- The majority of respondents supported capital punishment (71.3%);
- One-third of respondents believed the majority of criminal justice funds should be focused on "stopping the flow of illegal drugs into the state and country";
- More than half (54%) of participants reported they kept a gun(s) in their home;
- Approximately 15% of respondents reported they had carried a gun outside their home for protection in 2011;
- Nearly all of the respondents (99.9%) reported taking deliberate steps to prevent becoming the victim of a crime.

The 2011 Oklahoma Crime Victimization Survey report can be accessed on the SAC link on the main OSBI Website at http://www.ok.gov/osbi/Statistical_Analysis_Center.

OSBI Quality Manager Selected for Board Position

Erin Henry

OSBI Quality Manager Erin Henry has been selected to serve on the ASCLD/LAB Board. Erin was hand-selected by the Board to serve in this role. This selection speaks very highly of Erin's reputation among the ASCLD/LAB and forensic community.

As a Board member, Erin will play an important role in the quality of work performed by forensic laboratories around the world. One of the most vital responsibilities that Erin will carry is to review the accreditation packets of laboratories being assessed by ASCLD/LAB and vote whether the lab will receive/retain accreditation. Through her experience, Erin will gain invaluable insight into ASCLD/LAB standards and processes. Her experience will also undoubtedly improve our own processes as she brings best practices to our lab.

Erin started with OSBI as a temporary employee in the Toxicology Unit in 1999. She also did support work in the Biology Unit for a short period. She was hired full-time as a Biologist and worked Serology/DNA cases for several years. Erin was promoted to CODIS Supervisor and held the position as the State CODIS Administrator until she was promoted to the Criminalistics Administrator (CA) position. As a CA today, she serves the agency as the Quality Manager. In this role, she oversees all aspects of quality for the Criminalistics Division and ensures that the lab maintains national accreditation through ASCLD/LAB