



Janet T. Mills
Governor

STATE OF MAINE
Maine State Police Crime Laboratory
26 Hospital Street
133 State House Station
Augusta, Maine
04333-0133

A Nationally Accredited Laboratory



Lt. Michael Zabarsky
Director

Testimony of Lieutenant Michael Zabarsky
Maine State Police

In Opposition To LD 340

An Act Regarding Speedy Trials
Joint Standing Committee on Judiciary

Senator Carney and Representative Kuhn, and other honorable members of the Judiciary Committee, my name is Lieutenant Mike Zabarsky, and also the Director of the Maine State Police Crime Laboratory. I am here today to testify on behalf of the Crime Lab and the Department of Public Safety in opposition to LD 340, An Act Regarding Speedy Trials.

While we understand the spirit behind this bill to establish standards for the timely resolution of criminal cases, this bill establishes time limits without consideration for the complexity of many cases requiring forensic science analysis. For example, evidence in a homicide case is likely going to be analyzed at the lab by multiple sections and disciplines, thereby compounding the time needed to complete all the various analyses, because each section will process evidence in sequence - not in parallel - due to nature of it and the susceptibility to contamination and perishability.

The Lab is internationally accredited and follows stringent standards and protocols to meet our mission of processing, analyzing, and drawing scientific conclusions in an unbiased and objective manner. We strive to prioritize violent crimes against people and each step in the process takes time to draw scientific conclusions and create expert reports. These reports are technically and administratively reviewed before discovery is distributed. In the most complex cases, all reports, including those from the Office of the Chief Medical

INTEGRITY

*

FAIRNESS

*

COMPASSION

*

EXCELLENCE



Janet T. Mills
Governor

STATE OF MAINE
Maine State Police Crime Laboratory
26 Hospital Street
133 State House Station
Augusta, Maine
04333-0133

A Nationally Accredited Laboratory



Lt. Michael Zabarsky
Director

Examiner, must be completed before our bloodstain pattern analysis or ballistics and trajectory analysis experts can draw conclusions and complete their reports. Both prosecutor and defense counsel need time to review the discovery and consult with their own expert witnesses.

In order to meet the bill's criteria for speedy trials, we would have to re-prioritize property crimes over violent crimes against people. This would create more delays preventing us from meeting scheduling criteria proposed in the bill. In addition, not all delays are the result of evidence processing, analysis or writing reports; prosecutors and defense need time to evaluate the case, consult outside experts and prepare for trial.

Quite simply, if we rush the forensic analysis of evidence and our expert reports, this can lead to errors and create injustice.

As part of our protocol, it is not uncommon for principal stakeholders in a homicide case to regroup within 180 days at which time requests for the examination of additional evidence may be made. The Crime Lab's current capacity and persistent backlog, much of which lies with property crimes evidence, makes it impossible for us to provide accredited forensic science services in a manner that meets the criteria provided in this bill. In our view, this bill necessitates a significant increase in lab staffing, resources, and a larger facility than we currently have.

For these reasons, we strongly urge you to vote Ought Not To Pass on this bill. On behalf of the Department of Public Safety and the Maine State Police Crime Laboratory, I thank you for your time and would be happy to try and answer any questions that you might have.

INTEGRITY

*

FAIRNESS

*

COMPASSION

*

EXCELLENCE