POLICE LAB FACES CASE LOGJAM

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The one-year anniversary of their murders passed and still there was no trial.

Two Pike County, Ind., paramedics -- Brad Maxwell and Marsha Rainey -- were found dead April 19, 2001, at a Petersburg, Ind., ambulance shelter. Both had close-range gunshot wounds.

A co-worker, Christopher Helsley, was arrested and charged with the murders. Investigators found part of the murder weapon, a .45-caliber handgun, in Helsley's Pontiac Grand Prix. The trial was scheduled to begin in December but was delayed six months because the Indiana State Police Crime Lab in Evansville needed more time to test evidence.

"We couldn't understand why they were so far behind in their work," said Maxwell's grandfather, Charles Maxwell Jr.

Maxwell didn't know that the crime lab had a backlog of thousands of cases. Understaffed and underfunded, forensic scientists scrambled to meet court dates. Some left the state police to join private labs that doubled their salaries.

The crime lab became known as "the logjam of the criminal justice system," said Eric Lawrence, director of Forensic Analysis for the Indiana State Police Crime Lab System.

To speed up the process, police submitted fewer items for testing. Judges set trial dates early to give the labs a deadline. Prosecutors, in some cases, faced a tough dilemma: wait for evidence to return from the lab and risk violating a defendant's rights to a speedy trial or proceed without it.

Delay hard on victims

The murders of two public servants rattled Petersburg, a city of about 2,500, said Lee Baker, the former Pike County Circuit Court judge who tried the case. Baker described the mood as "a lot of anger, a lot of confusion and a lot of suspicion"

Maxwell, 22, of Otwell, Ind., was engaged. Rainey, 44, of Petersburg, was married and had two children and a stepson. Her family considered Helsley a friend.

As the December trial date approached, the state police warned Baker that the evidence wouldn't be ready. Baker scheduled a hearing to discuss the delay.

"I sympathized with their situation, but I had different issues that I needed to be concerned with," said Baker, now a personal injury lawyer in Bloomington, Ind.

A defendant charged in a capital murder case must be tried within a year of his arrest. Only an emergency can delay the trial.

"You don't want to say any one case is more important than another, but there were some drug cases and some rape cases that were in front of this double homicide, which was extremely important to the people in my county," Baker said.

The Evansville crime lab, one of four regional labs in the state, had just two forensic biologists at the time.

"They were just frantic because they couldn't keep up," said Jeffrey Biesterveld, who prosecuted Helsley. Biesterveld is now the Pike County Circuit Court judge. "I know most of the local prosecutors at the time wrote letters in support of them getting some additional staff."

Baker continued the trial for six months and threatened to hold the state police in contempt if they did not meet the deadline.

"If I'm faced with the choice of allowing a person accused of a double homicide going free ... or putting the weight of my judicial authority against (the state police) to force these things to get done, well the call is easy," he said.

Biesterveld met with the families to discuss the delay. "They had to wait until the anniversary date of the crime" before the trial began, he said. "They had to go through all that and then get ready for the trial ... it was very hard on the victims."

Helsley was convicted of both murders and sentenced to life in prison. But the backlog continued to cause delays in other cases, Biesterveld said.

Baker feared that he had offended the state police. But to his surprise, their relationship improved.

"They knew that if I set a trial date, I intended to go forward."

Meth comes east

The backlog started years before the Helsley trial. When the state police crime lab began testing DNA evidence in the mid-1990s, the technology was considered innovative.

Investigators used to relying on fingerprints and eyewitness accounts had a new tool to solve crimes. For the first few years, the lab received 400 to 500 cases a year, each with an average of six to eight items, Lawrence said.

As DNA testing evolved, police took advantage of it. They sent everything they could find at a crime scene. Blood. Gum. Postage stamps. Earrings. Toothpicks. Anything that could tie a suspect to a homicide, rape or burglary was sent. The case load tripled and the number of items sent doubled.

"Our Police Department alone could keep them busy 24 hours a day, seven days a week," said Tony Walker, a crime scene detective for the Evansville Police Department. "We have to be very selective about what we send them."

Some agencies relied too heavily on forensic evidence, said state police Sgt. Todd Ringle, spokesman for the Evansville post.

"They don't really investigate like they used to," he said. "In a way that's bad because we're depending so much on that forensic evidence, when a lot of these crimes can be solved by going out and doing hard police work."

To keep up with the demand, state police outsourced some of the DNA tests to private labs. Outsourcing is expensive. Private labs charged up to $800 per sample. But the state police had no choice. Some of their forensic biologists were busy with complicated murder cases, which can tie up one analyst for up to a year, said 1st Sgt. Joe Vetter, who manages the Evansville lab.

Drug chemists were even more overwhelmed. Meth labs that had been common in California and Mexico were spreading east. In 1994, police in Indiana sent 401 meth items to the lab for testing. By 2001, that number had increased to 2,047.

The tests for meth are complicated and time consuming compared with other drugs. Meth samples, unlike marijuana and cocaine, which are usually consistent, vary from lab to lab because most cooks don't follow a strict recipe.

"Plus our chemists were going out in the field and helping process and dismantle them," Lawrence said.

The state police crime lab investigated three meth labs in 1994. In 2004, they investigated 1,113.

The analysts who test the samples must later testify in court. Employees at the Evansville laboratory have made 202 courtroom appearances since Jan. 1, 2003. The court commitments can be tough to juggle.

"I average 20 subpoenas a month and 22 work days, so do the math," said Bill Bowls, a senior forensic scientist.

Bowls, who has more than 25 years of experience, still works late nights, overtime and weekends. Many with his experience leave for the private sector, where they can double their salaries. Entry level forensic scientists earn around $25,000 a year, Vetter said.

Working under the constant pressure of meeting court dates is stressful, but people like Bowls never rush to meet a deadline. "We'd like to be efficient," Vetter said. "But it's never going to be at the expense of quality."

Backlog is nationwide

The Indiana State Police Crime Lab isn't alone. Crime labs nationwide face similar backlogs. In February, the U.S. Department of Justice released a 2002 census of all 351 publicly funded forensic crime laboratories.

The labs ended the year with more than 500,000 backlogged requests for forensic tests, a 70 percent increase compared with the beginning of the year.

The census found that the labs would have to hire an additional 1,900 full-time staff to meet a 30-day turnaround time - considered a standard in the industry - for requests.

The largest lab, the FBI Laboratory Division in Quantico, Va., began 2003 with a backlog of 3,062 requests for forensic services. About two-thirds of those were for latent fingerprints. The FBI receives twice as many DNA requests as in past years, said Special Agent Ann Todd, a lab spokeswoman.

Part of the increased demand for DNA evidence can be attributed to a popular television show, many say.

The `CSI' effect

They make it look easy. Two cops converge on a fresh crime scene. They use fancy gadgets to gather evidence. Ten minutes later, they're testing the evidence in a lab. And like a one-hour photo shop, the results are available the same day.

Many police officers and prosecutors say the popular television show "CSI" creates unfair expectations of crime labs.

"I think shows like `CSI' make people think this stuff is easy to get," said Vanderbrugh County Deputy Prosecutor Donita Farr. "Perfect example:. I was watching `CSI' the other night, and they saw some kind of metal shavings on the ground. They hold up this piece of equipment, and this piece of equipment can automatically tell you what type of metal it was and what it originated from. It was so fantastic, so unrealistic it makes me laugh. I laugh at that show constantly."

Today's juries expect to see forensic evidence, said Baker, who has interviewed hundreds of juries.

"They are receptive to it because they're seeing it on television," he said.

Juries can convict someone on victim testimony alone."

Defense attorneys expect it too, said Farr, who prosecutes sex and theft crimes. But because of the backlog, forensic evidence isn't always available, she said.

"I've had to proceed to trial on a case or two where I just didn't have it," Farr said. "Is that a big deal? Apparently to the juries it is."

* Monday: What are police and government officials doing to resolve the backlog?

Caption: Photos, 3
BOB GWALTNEY / Courier & Press
Dismantling a meth lab
Methamphetamine labs, such as the one being dismantled here, have contributed to the backlog at the state police crime lab. In 1994, police in Indiana sent 401 meth items to the lab for testing. By 2001, that number had increased to 2,047. First Sgt. Joe Vetter is in charge of the Indiana State Police Lab in Evansville, where he is working to reduce the backlog of cases. Mike

Spence prepares to extract DNA in the Indiana State Police Crime Lab's Evansville branch.

Edition: *Final*
Section: *Metro*
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Correction: *(Publ. 11/4/05, pg. A3) - Indiana State Police Crime Lab technician Michael Spence pictured on Page A15 in the Oct. 30 Evansville Courier & Press has a Ph.D. in molecular biology. (Publ. 11/1/05, pg. A3) - Bill Bowles is a senior forensic scientist at the Indiana State Police Evansville Regional Laboratory. His last name was spelled incorrectly Sunday in a story on Page A1.*
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