

StarTribune

Washington County offers deals in cases tainted by crime lab

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Star Tribune

July 30, 2012 - 9:12 PM

Prosecutors in Washington County said Monday that they are offering favorable deals to offenders in roughly 160 drug cases that might be tainted because of shoddy work at the St. Paul police crime lab.

"We're going to try and settle as many as we can in a favorable way," said Pete Orput, Washington County attorney. "Those who possess small amounts, we're going to deal with them."

Orput said his office has reached plea bargains on dozens of such cases -- nearly all simple possession charges -- at a rate that is higher than normal. He said his office has settled about a third of the roughly 160 cases identified as possibly being tainted by the work at the lab.

The office of Ramsey County Attorney John Choi, which also has more than 100 cases pending involving the St. Paul lab, is not yet pursuing such a tactic, but a spokesman said Monday that it's an option.

The two county attorneys will meet with their counterpart in Dakota County, James Backstrom, on Wednesday morning to discuss the pending cases, as well as what to do about future drug testing and what to do about thousands and thousands of closed cases that could be reopened due to the lab's poor standards.

Backstrom's prosecutors discovered potential problems with the crime lab on March 30. A subsequent meeting with lab officials in early April led to assurances from St. Paul.

"We were informed at that time by crime lab officials that there were no significant problems at their lab for us to be concerned about," Backstrom said in a statement last week.

Those assurances blew up in Dakota County District Court during a hearing this month in which two defense attorneys called into question the methods and competence of the lab's personnel. The director of the lab was subsequently replaced and the three counties, along with other police departments and the State Patrol, stopped sending samples and evidence to the St. Paul lab for testing.

One unanswered question is the scope of the possible mistakes, such as how many years to go back to review cases and whether drug cases are the only ones that will be reviewed.

"You're looking at unprecedented territory," Dennis Gerhardstein, a spokesman for Choi, said Monday.

The concern among prosecutors is that going to trial on cases tested by the St. Paul lab might mean they'd need to flood the lab at the state Bureau of Criminal Apprehension and cause further delays in getting test results.

Gerhardstein said Ramsey County has not started to do aggressive plea bargaining, but it is an option along with seeking continuances or granting the dismissal of charges in some cases.

"That is one option, but there are a lot of options," he said of the push to plea-bargain the affected cases.

Backstrom on Monday did not provide numbers or comments regarding pending cases or what his office might do in coming weeks.

Orput, who does not believe that the court system will be flooded with requests to reopen closed cases, nevertheless said he felt it necessary to clear as many of the pending cases as possible to relieve pressure on the judicial system.

"We have to recognize the reality that there were problems with the lab," Orput said. "It doesn't mean I'm getting soft on crime. But time is of the essence. It could take a long time to resolve any issues. There are more than 100 cases, so why not resolve those?"

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