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## Curiosity and some luck exposed St. Paul crime lab

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Public defender Lauri Traub wanted to know more about her client's drug file when she went to the St. Paul crime lab in March. Instead she stumbled upon systemic failings that are now forcing major overhauls while casting widespread skepticism regarding the lab.

How did a public defender who moonlights as a waitress on weekends, a colleague better versed in DNA than drugs, and an unpaid college intern take down a crime lab responsible for thousands of cases?

"I think sometimes people have the impression we set about doing this to take down the crime lab, or we set about doing this because defense attorneys are trying to get their clients off," Traub said. "We went down there thinking the science was good."

The attorneys are challenging the lab's results in eight drug cases in Dakota County District Court, where testimony last week by lab staff revealed a lack of oversight, training and documentation of evidence-handling and testing procedures. Basic scientific standards were not followed, defense experts testified.

The discovery that has three county attorneys scrambling to review pending and past drug cases was part accident, part attorney savvy.

Traub said she and colleague Christine Funk didn't intend to investigate the lab, but attorneys have grown more science-conscious as DNA and forensic evidence play a larger role in court. They're demanding full access to a client's file and thorough explanations of the results and scientific process, calling for face time with the people who conduct the tests that land people in court.

Defense attorneys are used to receiving a one- or two-page "summary report" from crime labs when the full file could be up to 80 pages in a DNA case and 20 pages in a drug case, said private attorney John Conard. Much of the file is comprised of step-by-step descriptions of evidence handling and the testing process.

"It's just recently that we started demanding the more complete lab file," said Conard, who also has worked as a prosecutor in Ramsey County District Court and as a public defender. "Unless you go to some effort, you don't get the rest of the file."

Funk had been taking such steps for years in DNA cases, and the public defender's office started the DNA Institute to encourage others to follow suit.

"I totally fell into it," said Funk, whose path to forensics started with a 1995 double-homicide case. "This isn't something we learn in law school. It is intimidating."

Traub, whose undergraduate degree is in business administration, joined a group of about 30 public defenders who meet regularly to discuss a range of forensic evidence.

"I had no idea what anything was," Traub said of her visit to the St. Paul crime lab. "Christine had no idea what anything was. We just went down and said, 'What's this page?' And, 'What's this page?' "



Dakota County public defenders Lauri Traub, left, and Christine Funk are responsible for discovering widespread problems with the St. Paul crime lab.

Glen Stubbe, Star Tribune

Red flags were quickly raised. A crime lab criminalist told them that the lab didn't run a solvent through an instrument after every test of suspected drugs, which is meant to prevent contamination.

There were more questions, so the attorneys submitted a list to then-lab director Sgt. Shay Shackle, who has since been replaced, to gauge the extent of the problems.

"They came to me and said, 'Gee, we think we really should be examining this,' " said Steve Holmgren, chief public defender of the First Judicial District, which covers Dakota, Scott, Carver, Goodhue, Le Sueur, McLeod and Sibley counties. "I didn't have a sense it was this big."

The answers came in mid-June, and a meeting with experts confirmed their suspicions. "People must think we did the happy dance," Traub said. "That's not it at all."

Traub had represented many clients convicted on evidence that came out of St. Paul, which conducted drug testing for cases in Dakota, Ramsey and Washington counties.

"You just feel that sick feeling," Traub said.

Law intern Peder Ell pored over the manual for a testing instrument and identified an issue that played an important role: The lab was using a set of parameters to test drugs that staff could not trace or verify scientifically.

The revelations prompted all three county attorneys to redirect drug testing to the Minnesota Bureau of Criminal Apprehension, and St. Paul Police Chief Thomas Smith to suspend the lab's drug testing.

Testimony will resume in August and September, with a judge's decision expected later this year.

"If at the end of the day it results in good science, that's all I really want," Traub said. "That's all any of us really want."

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