

## CHAPTER 165.

## STATE CRIME LABORATORY.

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**165.01 State crime laboratory.** (1) Unless the context clearly requires otherwise the words used in this chapter shall have the meaning ascribed to them in this subsection as follows:

- (a) "Laboratory" means the state crime laboratory.
- (b) "Board" means the state crime laboratory board.
- (c) "Superintendent" means the superintendent of the state crime laboratory.
- (d) "Employee" means any person in the service of the laboratory other than the superintendent.

(2) There is created a state crime laboratory under the control of the state crime laboratory board, which shall be located in the city of Madison. The personnel of such laboratory shall consist of one superintendent and such employes as are provided for under section 14.71, and for such purpose the state crime laboratory and such superintendent shall be deemed incorporated into such section.

(3) (a) The purpose of the laboratory is to establish, maintain and operate a state crime laboratory in order to provide technical assistance to local law enforcement officers in the various fields of scientific investigation in the aid of law enforcement. Without limitation because of enumeration the laboratory shall maintain services for the preservation and scientific analysis of evidence material to the investigation and prosecution of crimes in such fields as ballistics, chemistry, handwriting comparison, metallurgy, comparative micrography, lie-detector or deception test operations, finger printing, toxicology and pathology.

(b) The superintendent and employes of the laboratory are not peace officers and shall have no power of arrest or to serve or execute criminal process, nor shall they be appointed as deputy sheriffs nor in any manner clothed with police powers by appointment or election to any office. They shall not undertake investigation of criminal conduct except upon the request of a sheriff, coroner, chief of police, village marshal, district attorney, attorney-general or governor. The head of any state department may request investigations but in such cases the services shall be limited to the field of health, welfare and law enforcement responsibility which has by statute been vested in the particular state department.

(c) Upon such request the laboratory shall collaborate fully in the complete investigation of criminal conduct including field investigation at the scene of the crime and for this purpose may equip a mobile unit or units including lie detectors or deception test equipment.

(d) The services of the laboratory available to such officers shall include appearances in court as expert witnesses free of charge to the municipalities or state officers or departments.

(4) The operation of the laboratory shall conform to the rules and policies established by the board. The board shall consist of 7 members, 5 of whom shall be appointed by the governor with the consent and advice of the senate. Of the appointees by the governor at least a majority shall be actively engaged in law enforcement work. The attorney-general and a staff member of such department of the university as shall be designated annually by the president of the state university shall be ex officio members. Of those members initially appointed 3 shall be appointed for a term of 2 years, and 2 for a term of 4 years. Thereafter the term of office for each appointive member shall be 4 years, and appointees shall hold office until their respective successors shall be appointed and qualify; the term of office for the appointive members shall commence with the second Monday of March of the year of appointment. Ex officio members shall have the same authority as other members. A member of the board shall be elected chairman for such terms as the board shall fix. The superintendent shall act as secretary of the board and shall keep and preserve its records and minutes and have custody of its property, except that in his absence the board shall elect a secretary pro tem from its own

number or otherwise. The board shall hold regular meetings at least 4 times annually. Special meetings may be called at the request of a majority of the board or on the chairman's own initiative on 5 days' notice.

(5) Members of the board shall receive no compensation for their services as such, but shall be reimbursed for their necessary expenses. Every person appointed a member of the board shall, before entering upon the duties of his office, take and subscribe the oath of office prescribed by the constitution and file the same, duly certified by the officer administering it, in the office of the secretary of state.

(6) As soon as possible after the first members of the board shall enter upon the duties of their office, they shall appoint as superintendent of the laboratory, after making proper investigation and ascertainment to their own satisfaction, a person who is acceptable as to physical and mental qualifications, character, reputation, technical training, education and competency to perform efficiently the duties required of such office. The provisions of chapter 16 shall not apply to such superintendent and he may be removed for cause on affirmative vote of two-thirds of the members of the board. The board shall fill any vacancy in such office.

(7) The superintendent shall devote his entire time to his duties, shall be accountable to the board and shall file a bond of \$5,000 conditioned upon the faithful performance of the duties of his office. [1947 c. 509, 614]

**165.02 Employees; civil service; compensation.** (1) The superintendent is authorized to appoint and remove as provided by chapter 16, and to prescribe the duties of employees within the bureau other than scientific personnel.

(2) The board shall determine, within the limitations of the appropriation, the number of expert scientific employees to be employed within the laboratory and within each field in which the laboratory can feasibly render service to law enforcement agencies, such as ballistics and handwriting experts, chemists, toxicologists, pathologists, lie-detector operators, identification experts, finger print experts, and within such other fields as the board may from time to time determine to be necessary. The appointment of such employees shall be made by the superintendent and in the discretion of the board may be without regard to the provisions of chapter 16.

(a) The board may establish salary ranges for the superintendent and scientific employees of the laboratory and may by contract arrange on a fee basis for services of experts in fields where part-time services are more economical or more readily available geographically for prompt services.

(3) The superintendent may make temporary appointments of expert scientific employees subject to approval of the board. The board may remove any expert scientific employee with or without the recommendation of the superintendent. The superintendent may, subject to board approval, suspend any expert employee. [1947 c. 509]

**165.03 Intelligence center.** (1) The laboratory shall act as an intelligence center for the clearance of information between law enforcement officers. In furtherance of this purpose it shall issue bulletins weekly or more often if occasion may require by mail, wire or radio, including information on property stolen and property recovered in communities of the state and in addition, shall operate a current modus operandi file on criminals operating in the state and such interstate criminals as will be likely to operate in the state or seek refuge in the state. The laboratory shall at all times collaborate and co-operate fully with the federal bureau of investigation in its clearance of intelligence matters between law enforcement officers in the state and to that end shall at all times keep the federal bureau of investigation fully informed of intelligence matters cleared through the laboratory.

(2) The laboratory shall co-operate and exchange information and intelligence with other similar organizations in other states. [1947 c. 509]

**165.04 Evidence privileged.** (1) Evidence, information, and analyses of evidence obtained by the superintendent or employees of the laboratory shall be privileged and not available to persons other than law enforcement officers, but in criminal proceedings either the state or the defense may subpoena the superintendent or employees of the laboratory. Upon request of a defendant in a criminal action, approved by the presiding judge, the laboratory shall conduct analyses of evidence upon behalf of such defendant.

(2) Upon the termination or cessation of the criminal proceedings, the privilege of the testimony obtained by the laboratory may be waived by the superintendent. Thereafter the superintendent and employees of the laboratory may be subpoenaed in civil actions in regard to any information and analysis of evidence previously obtained in such criminal investigation, but the laboratory shall not be engaged in any investigation requested solely for the preparation for trial of a civil matter. On appearance as a wit-

ness in a civil action, either with or without subpoena, the experts shall be compensated by the party at whose request the appearance was made in a reasonable amount to be determined by the trial judge, which witness fee shall be paid into the state treasury and is reappropriated therefrom to the laboratory for the execution of its functions. [1947 c. 509]

**165.05 Co-operation with other state departments.** For the purpose of co-ordinating the work of the laboratory with the research departments located in the state university, the board and the university may agree for the use of laboratories and physical facilities in the university and the exchange and utilization of personnel between the laboratory and the university. A committee shall be appointed by the president of the university consisting of staff members of such university departments as the president may determine are engaged in fields interrelated with the work of the laboratory, which committee shall act in an advisory capacity to the board. [1947 c. 509]