

Joint Appropriations Subcommittee on  
Justice and Public Safety

# NC State Crime Laboratory

February 14, 2013



**FISCAL RESEARCH DIVISION**  
A Staff Agency of the North Carolina General Assembly

# Department of Justice

## Department of Justice (DOJ)

**Provides legal services for the State, assists local law enforcement agencies, and oversees law enforcement standards and training**

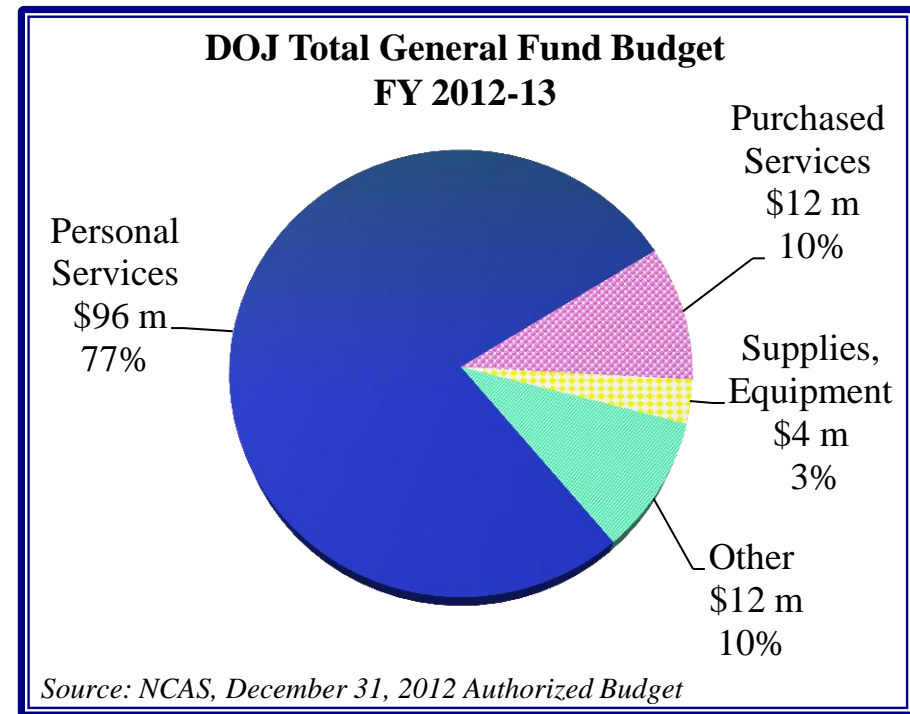
*Roy Cooper, Attorney General*

Includes:

- Legal services
- Consumer Protection
- Criminal Justice Training and Standards
- State Bureau of Investigation
- **NC State Crime Lab**

**Total General Fund Budget: \$125 million**

**Total FTE Employees: 1,234.40**



# NC State Crime Laboratory

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*Judge Joseph John, Assistant Director of SBI*

## **Statutory authorization in G.S. 114-16:**

- Establishes the lab within the State Bureau of Investigation
- Directs that a “sufficient number” of skilled people be employed to provide “a reasonable service to the public and the criminal justice system”.

**Total FY 2012-13 Authorized Budget: \$14.1 million**

**Total FTE: 180.80**

**Three lab facilities**

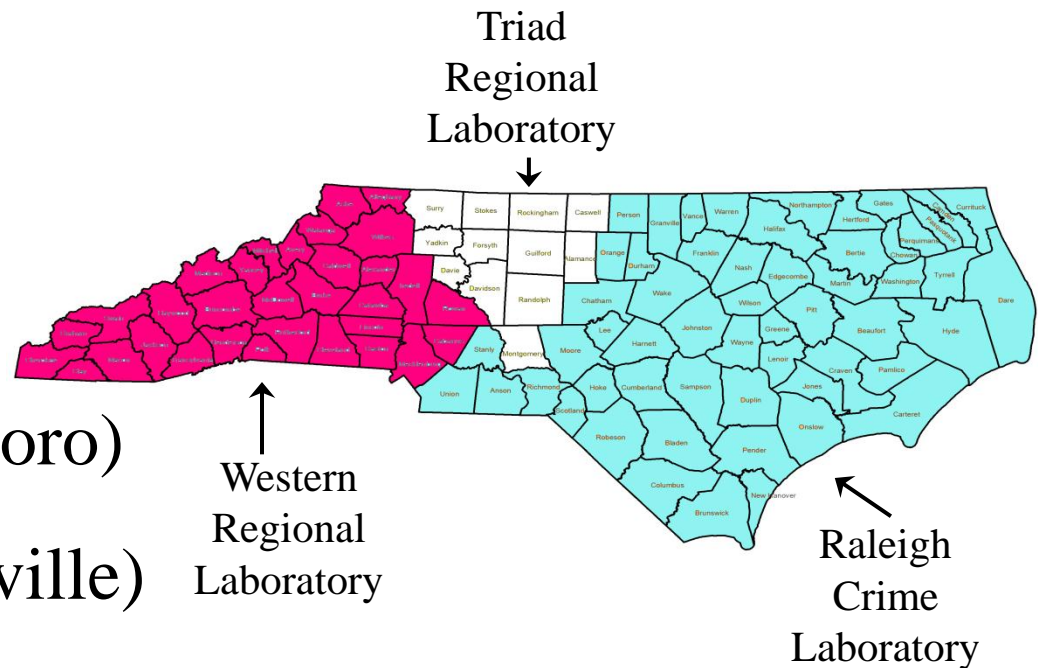


# Services

All law enforcement agencies in the State can submit evidence to the Lab for processing

## Three regional labs:

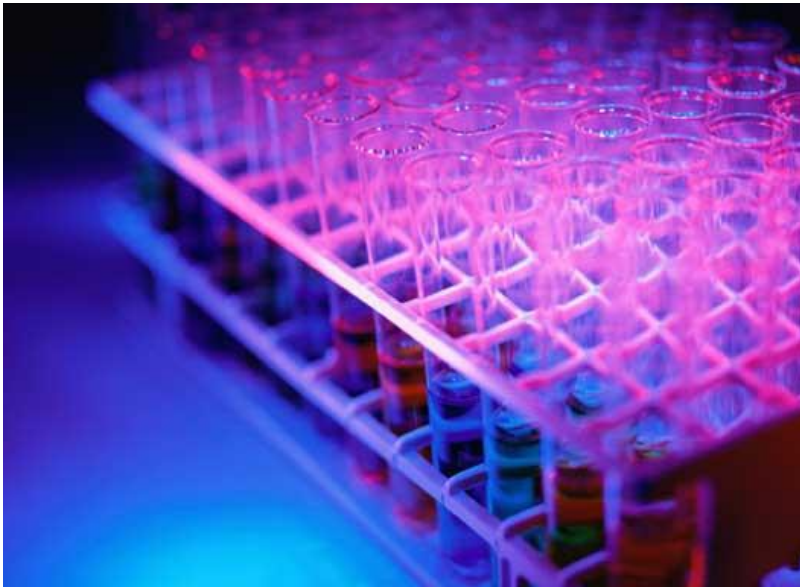
- Raleigh (main lab)
- Triad Lab (Greensboro)
- Western Lab (Asheville)



# Services: Drug Chemistry and Toxicology

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- Identification of controlled substances
- Clandestine lab response
- Blood or urine screening for controlled substances, including drugs and alcohol.



**FY 2012-13 FTE: 44 FTE**

**FY 2011-12 Submissions: 32,343**

Labs:

- Raleigh
- Triad
- Western (drug chemistry only)

# Services: Digital and Latent Evidence

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- Computers and digital media
- Audio/video evidence
- Latent prints and footwear and tire impressions

**FY 2012-13 FTE: 27**

**FY 2011-12 Submissions: 2,063**

Labs:

- Raleigh
- Triad
- Western (Latent evidence only)





# Services: Firearms and Tool Marks

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- Weapons and ammunition
- Matching tools to marks

**FY 2012-13 FTE: 16**

**FY 2011-12 Submissions: 1,098**

Labs:

- Raleigh
- Western



# Services: Trace Evidence

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- Hair, fibers, glass, paint, headlight filaments
- Gunshot residue
- Explosives
- Fire debris

**FY 2012-13 FTE: 13**

**FY 2011-12 Submissions: 1,624**

Labs:

- Raleigh
- Western (Fire debris only)





# Services: Forensic Biology

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- Blood and body fluids
- DNA testing
- State DNA database

**FY 2012-13 FTE: 51**

**FY 2011-12 Submissions: 3,915**

**FY 2011-12 CODIS Submissions: 18,729**

**FY 2011-12 DNA on Arrest Submissions: 10,843**

Labs:

- Raleigh



# Process

## Collection

- Certified law enforcement agency
- Official criminal investigation

## Submission

- In-person or mailed
- Goes to the Evidence Control Unit (13 FTE)

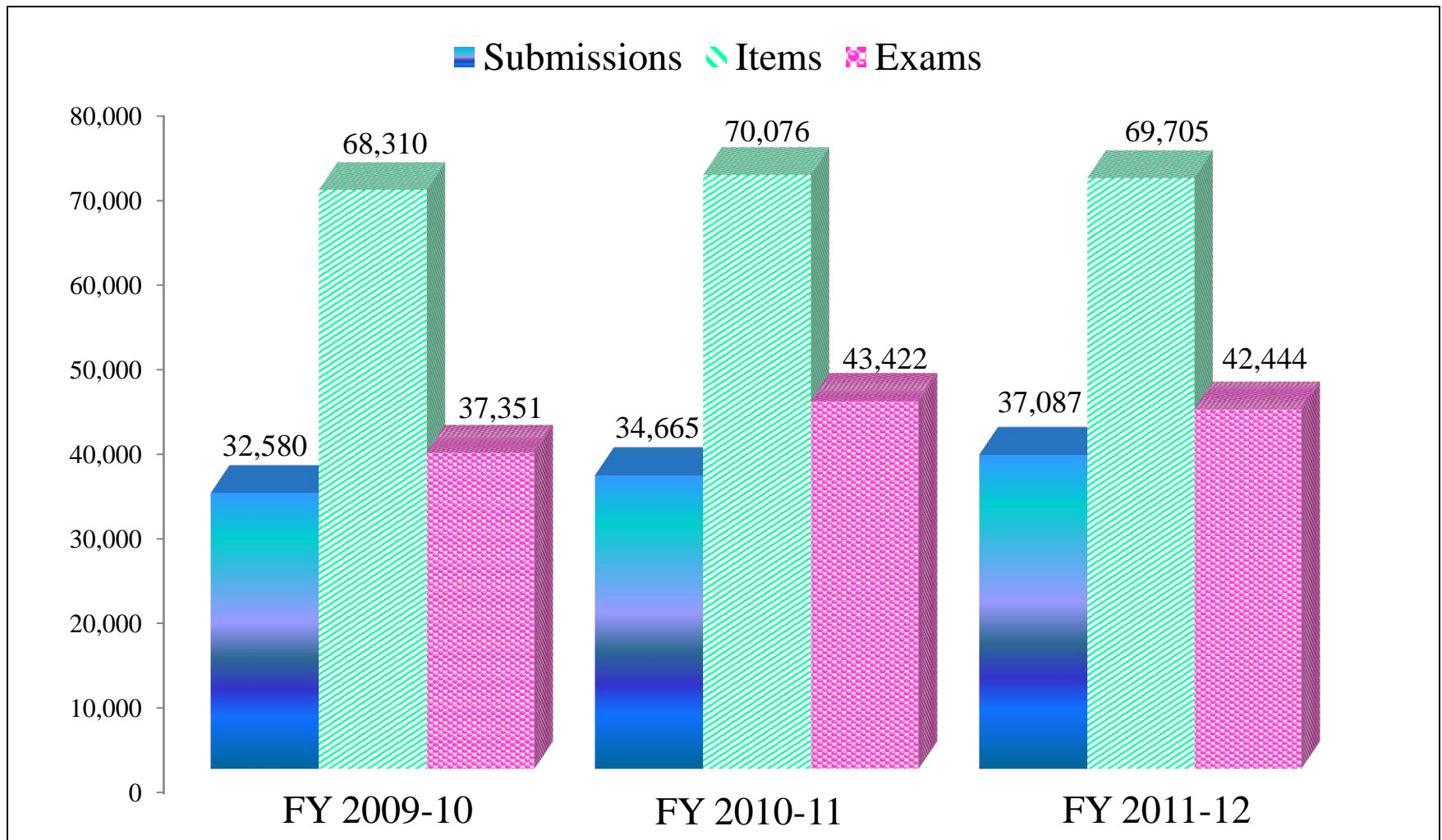
## Analysis

- Requesting officer specifies tests
- Some items may go to multiple sections

## Reports

- Published on Forensic Advantage
- Evidence Control returns evidence


# Submissions



Source: NC State Crime Lab

# Fees

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- No charge to local law enforcement 
- \$600 court fee assessed on offenders (Lab Fee)
  - DNA, toxicology, drug chemistry cases
  - Paid to local or State lab
  - Court fees assessed at discretion of judge
  - Generated \$1,359,449 in FY 2011-12 for State Lab
- \$2 court fee assessed on all offenders (DNA Fee)
  - Statutory appropriation
  - Generated \$534,264 in FY 2011-12

*Source: G.S. 7A-304(a)(7-9); NC AOC Disbursements/Lab Fees FY 2011-2012, January 29, 2013*

# Local Labs

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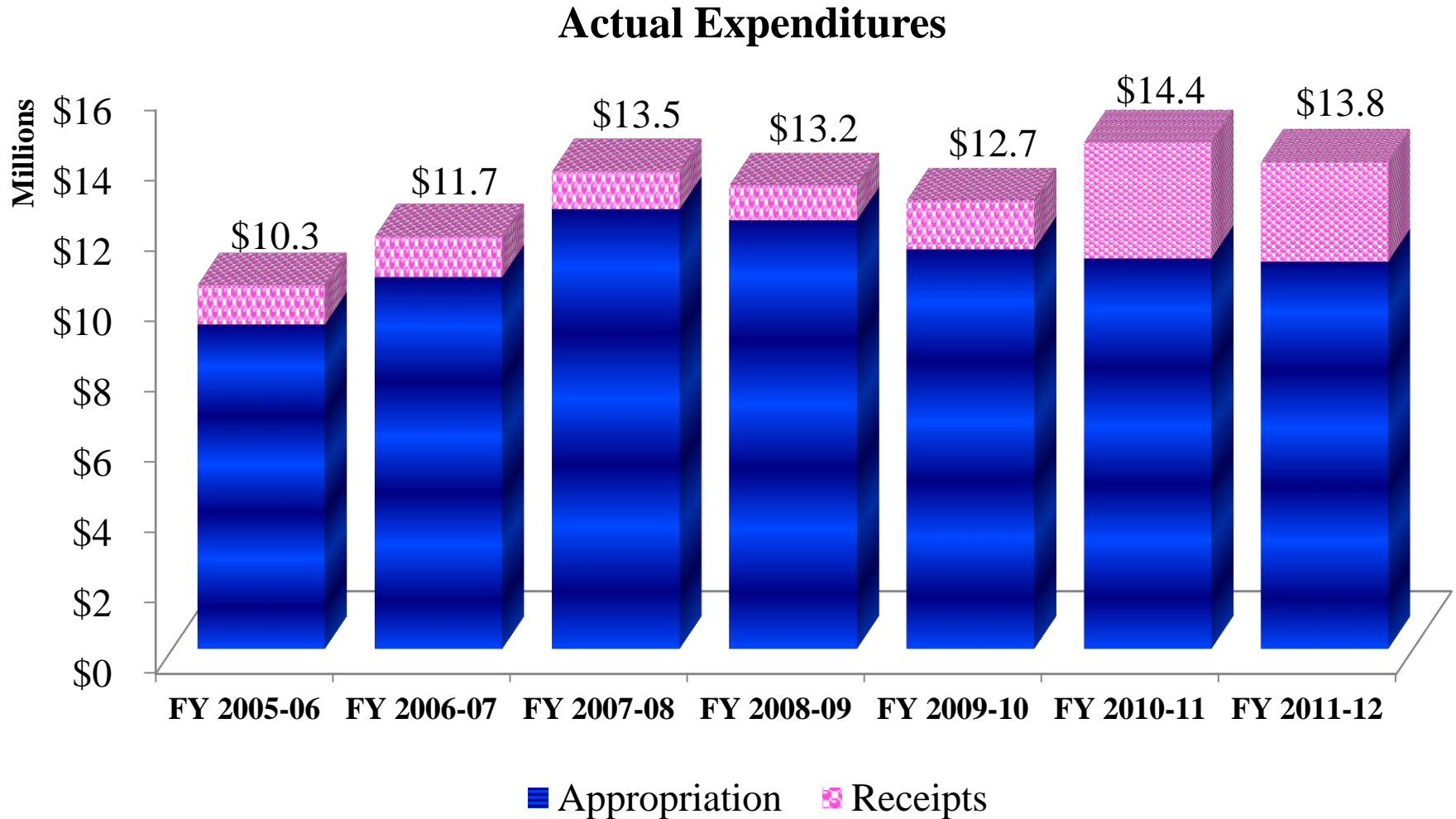
## Five locally operated labs:

- **Charlotte-Mecklenburg PD** (Mecklenburg County)  
Firearms/tool marks, latent prints, drug chemistry, toxicology (alcohol only), fire debris, forensic biology
- **City County Bureau of Identification** (Wake County)  
Latent prints, drug chemistry and toxicology, digital evidence
- **Wilmington PD** (New Hanover County)  
Toxicology (alcohol only), solid dose narcotics
- **Pitt County Sheriff's Office** (Pitt County)  
Latent prints, drug chemistry
- **Iredell County Sheriff's Office** (Iredell County)  
Latent prints, drug chemistry, toxicology (starting in summer 2013, alcohol only)

**Locally funded by county or city, court costs, and receipts**

**Must be accredited by July 1, 2013**

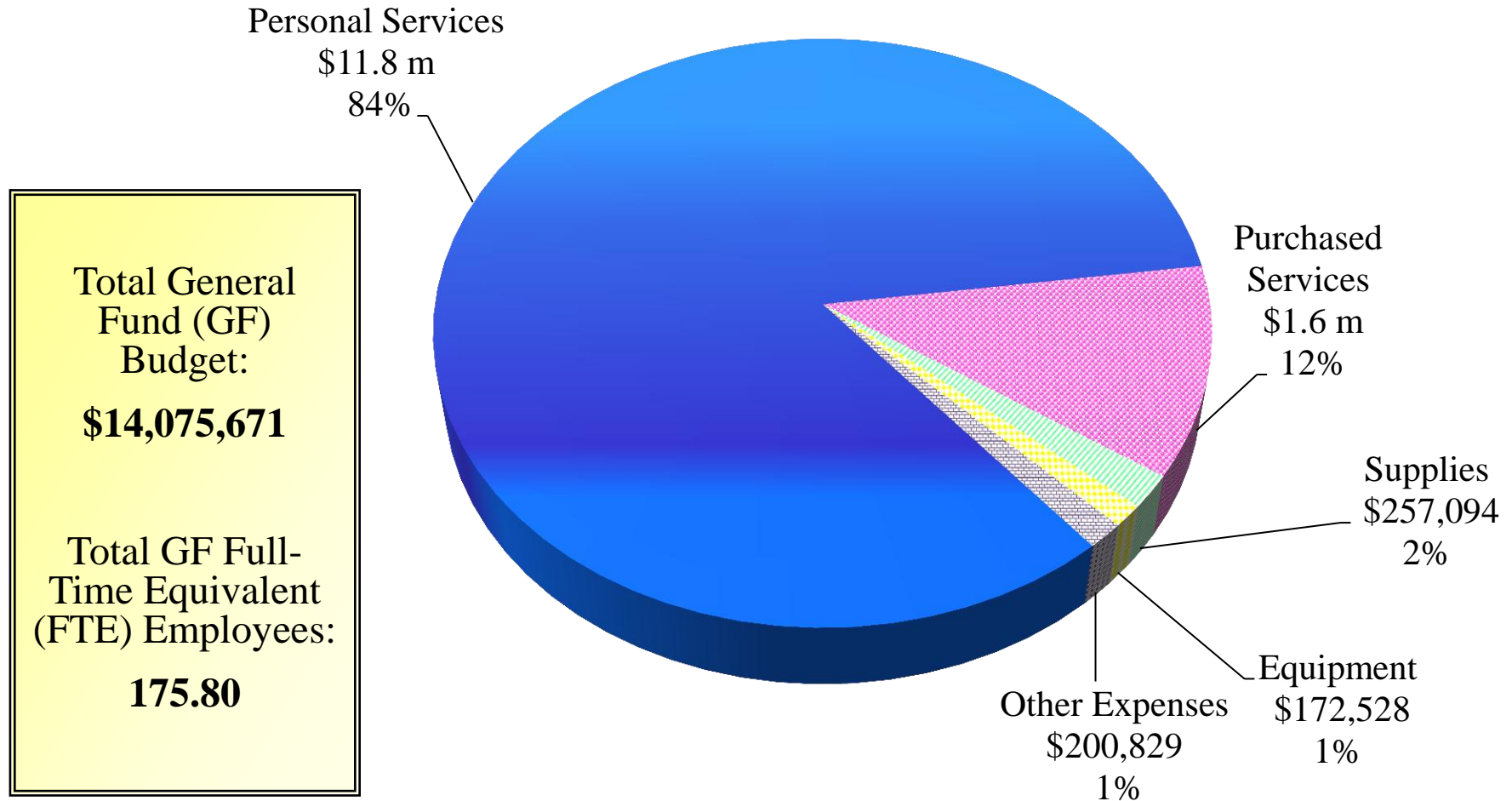
# Crime Lab Budget History



Source: NCAS Budget History and Management Analysis



# FY 2012-13 Authorized Budget

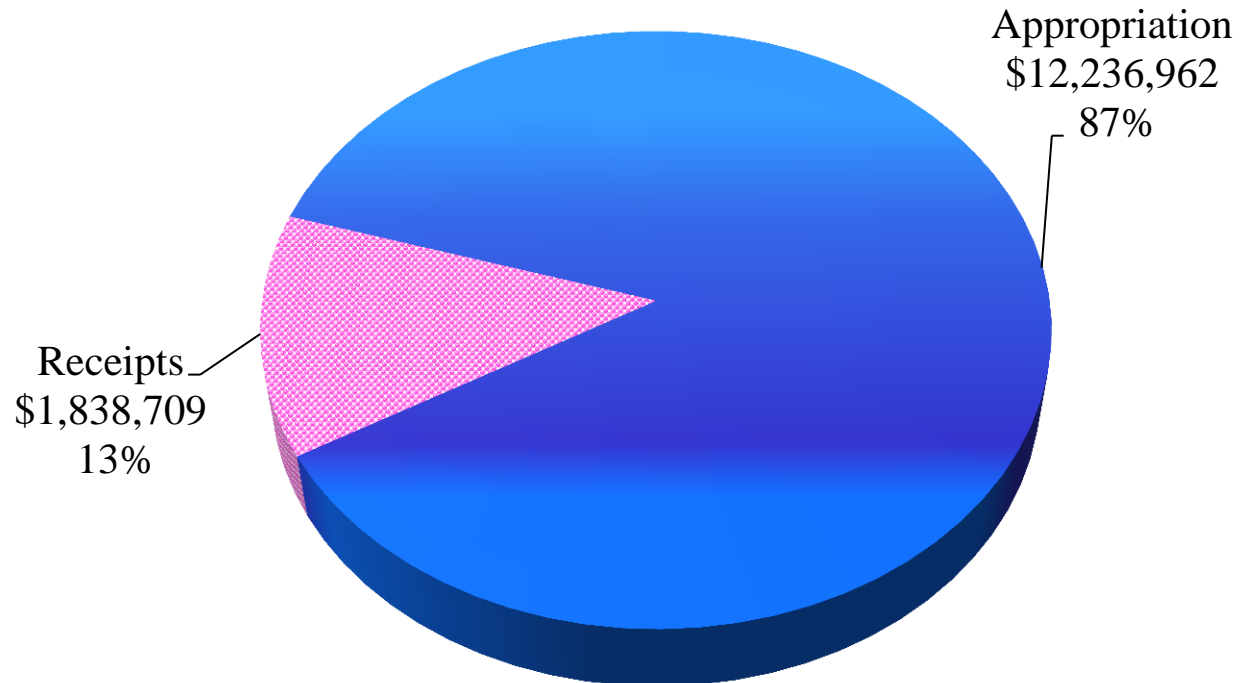


Source: Budget - Authorized Monthly Budget Report for December 31, 2012; FTE – Beacon BO149 December 2012

# FY 2013-15 Authorized Budget

## Receipts come from:

- Federal grants
- Carry-forward
- Court fees



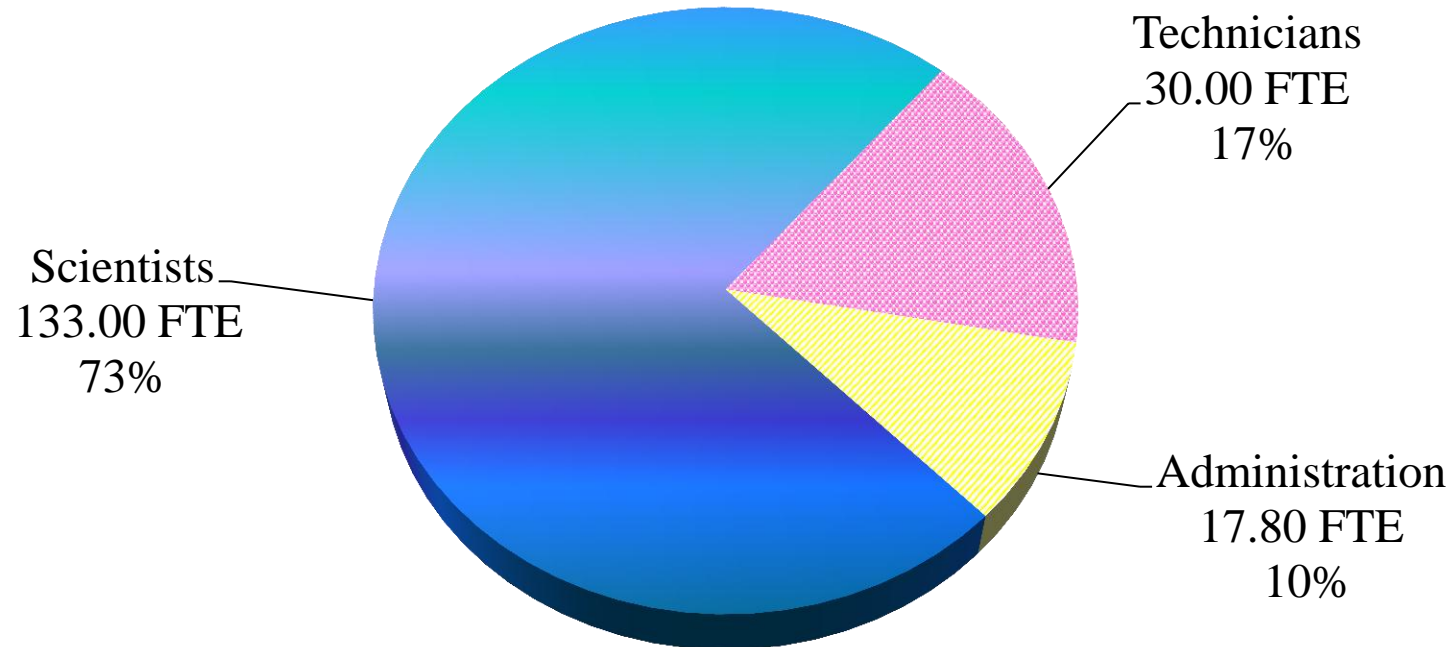
**Total General Fund Budget: \$14.1 million**

**Total GF FTE Employees: 175.80**

*Source: Authorized Monthly Budget Report for December 31, 2012*

# Positions: Total by Category

**Positions by Category  
As of December 2012**



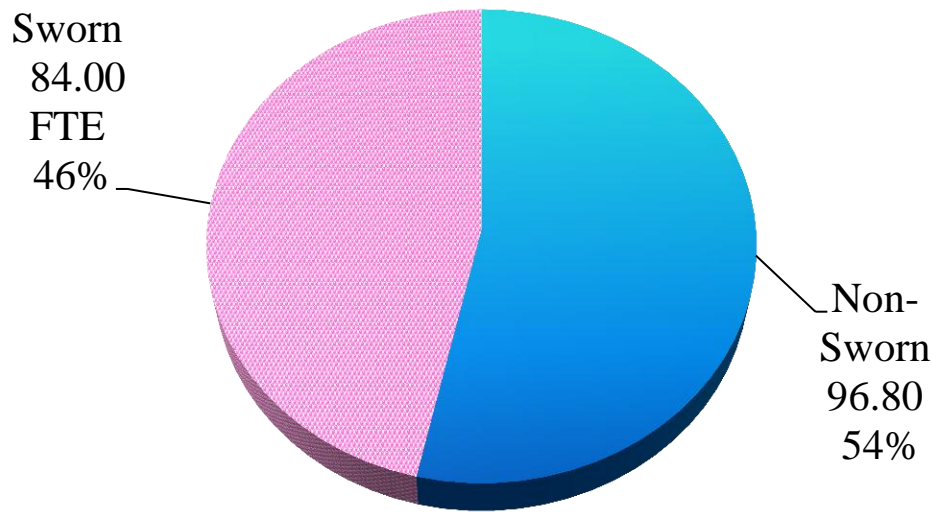
**Total FTE Employees: 180.80**

*Source: FTE – Beacon BO149 December 2012*

# Positions: Sworn vs. Non-Sworn

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**Sworn vs. Non-Sworn FTE  
As of December, 2012**



## Appropriations for Retirement

Non-sworn: 14.23% of salary

Sworn: 19.23% of salary

## **S.L. 2011-145, Sec. 16.5:**

Limits hiring of sworn personnel to:

- Promotion
- Meth lab response
- Supervision of sworn

*Source: FTE – Beacon BO149 December 2012*

# Positions: Hiring, Certification, and Training

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## Hiring process can take up to six months or longer

- Failed background checks re-start the process

## Training can take up to a year or more

- Sworn positions take even longer

## Certification:

- Required for all State forensic scientists
- Formal recognition by an outside body
- Apply within one year of eligibility
- Obtain certification within 18 months
- Time to prep is provided

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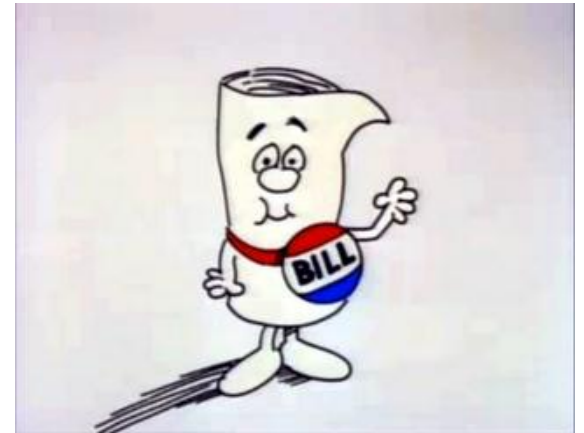
"I pruned a tree once, so technically I'm allowed to put 'branch manager' on my resumé."

# Recent Legislative Action

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## **S.L. 2011-192, Forensic Sciences Act of 2011:**

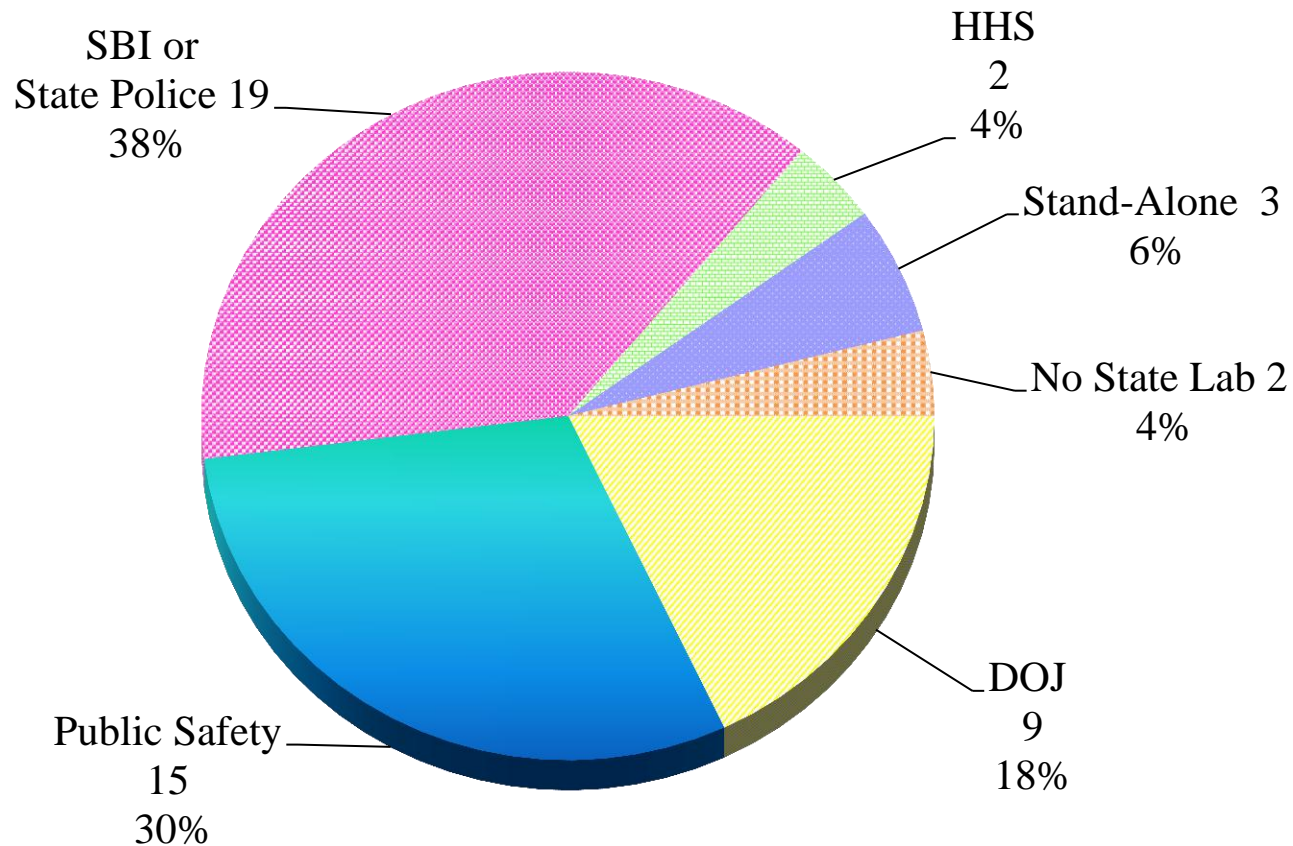
- Renamed the lab
- Replaced “reasonable service to prosecutors” with “reasonable service to the public and the criminal justice system”.
- Requires labs to be ISO accredited (State and local)
- Requires certification of State forensic scientists
- Created Ombudsman
- Created Forensic Science Advisory Board





# Other States

## Administration of State Crime Labs, 2012



Source: NCSL, NCGA Research Division and Fiscal Research Division

# Recent Budget Actions

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## **2011 Budget (S.L. 2011-145)**

No direct changes

Department Vacancy Reduction eliminated 5 FTE

## **2012 Budget (S.L. 2012-142)**

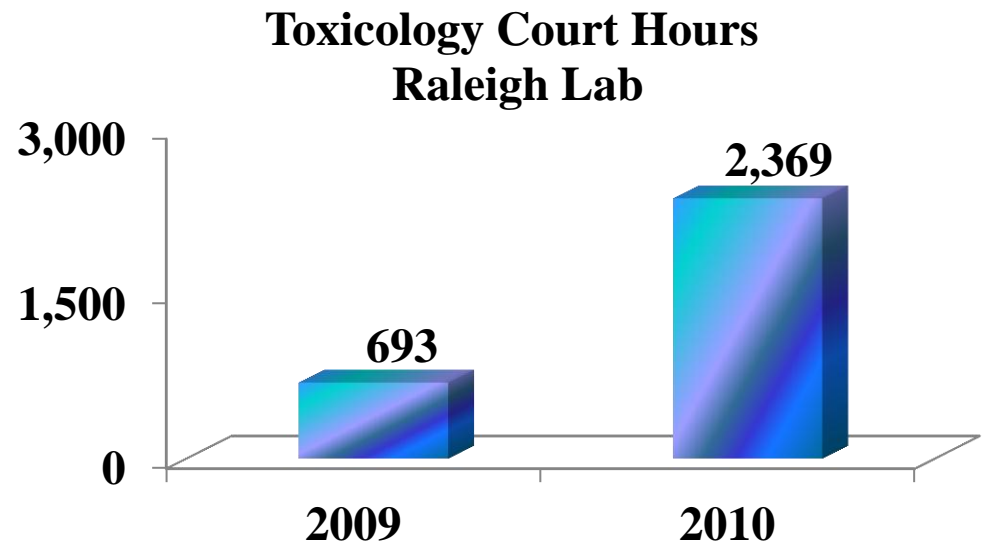
Sec. 15.5 prohibited the elimination of State Crime Lab positions

# Issues for 2013 Session

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## Melendez-Diaz v. Massachusetts

- Requires live testimony by lab analysts
- Resulted in large increase in court hours for analysts
- Toxicology is impacted most (DWI cases)



Source: NC State Crime Laboratory

# Issues for 2013 Session

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## *Melendez-Diaz v. Massachusetts*

### **What's the Lab doing?**

- Mandatory overtime
- Designated geographic assignment of analysts

### **Other Options:**

- Locally funded positions
- Remote testimony
- Add toxicology positions

*Source: NC State Crime Laboratory*

# Issues for 2013 Session

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## Toxicology Position Request - \$1.8 m

- 16 non-sworn forensic scientist FTE
- 2 sworn forensic science supervisors
- 1 evidence technician

## Options for Subcommittee Consideration

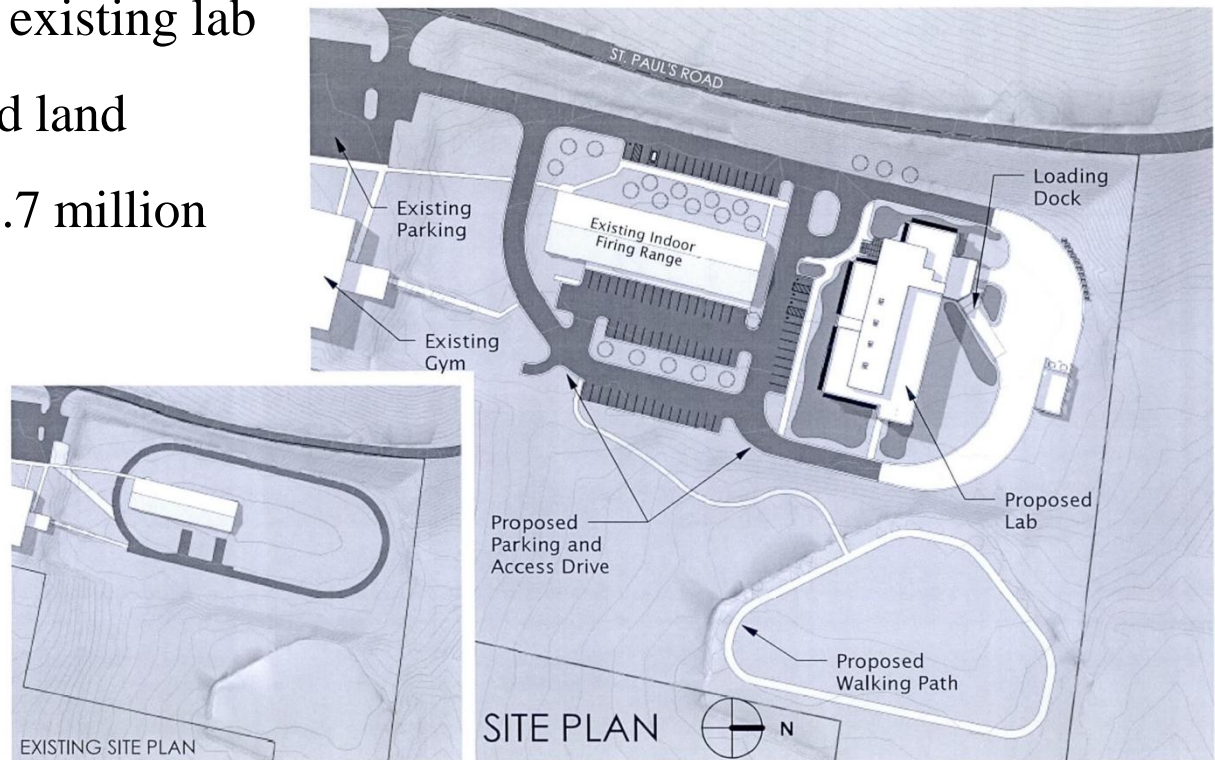
- Fund non-sworn supervisors
- Fund positions at minimum salary for grade
- Authorize position, but don't fund until January 1, 2014
- Lower salary grade for trainees

*Source: Worksheet II Expansion Budget Request*

# Issues for 2013 Session

## Western Lab

- No toxicology unit
- No available space in existing lab
- Available State-owned land
- Cost for new lab: \$16.7 million



Source: DOJ Report on Plan for Western Laboratory