

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

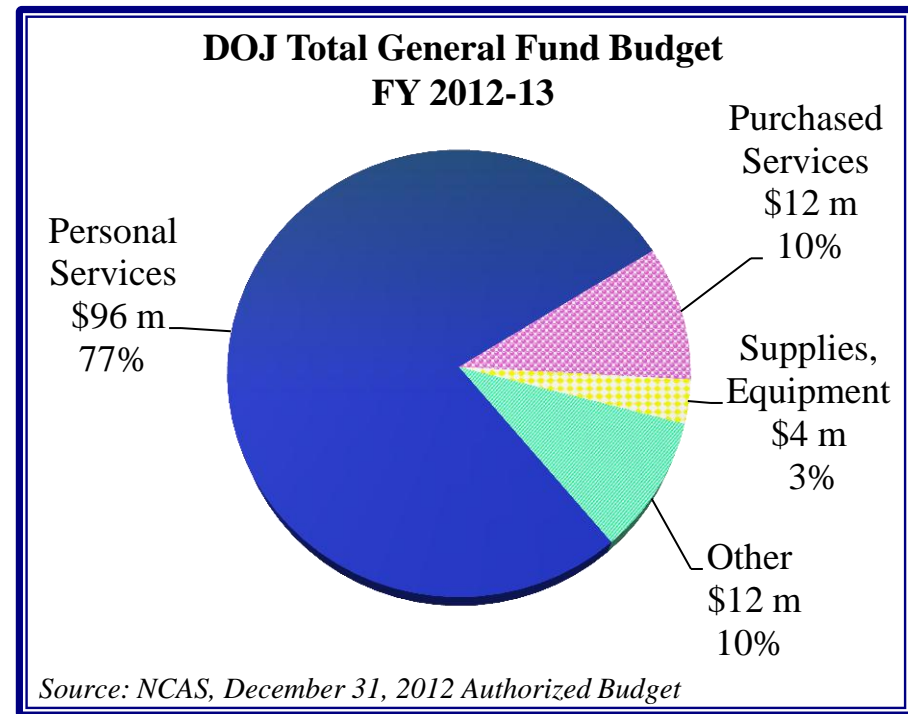
Roy Cooper, Attorney General

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

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

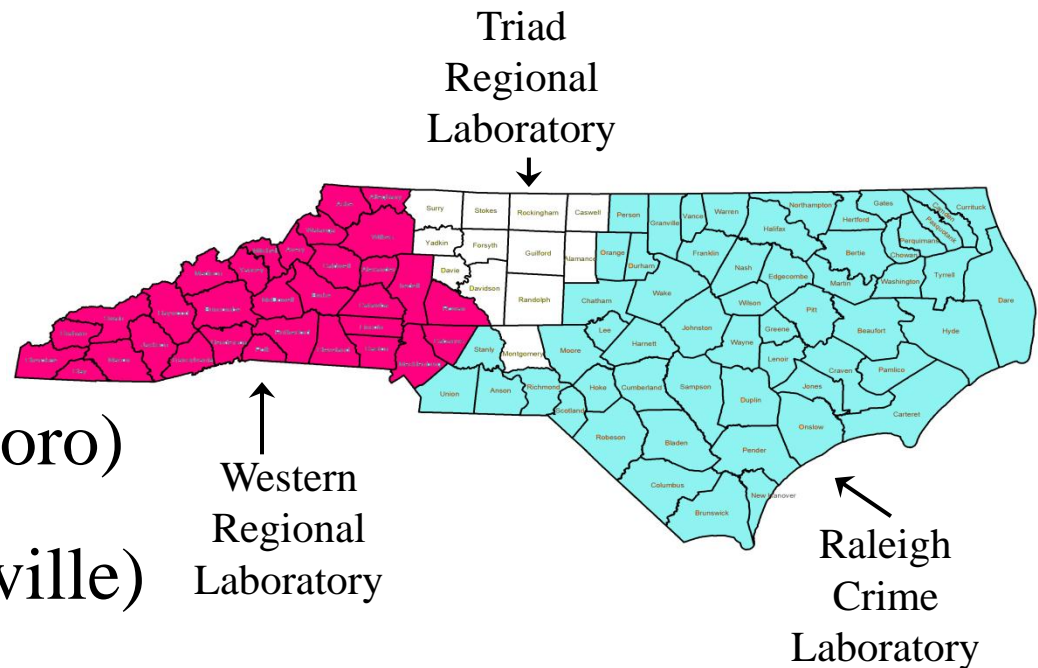


Services

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

- 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

- 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

- Weapons and ammunition
- Matching tools to marks

FY 2012-13 FTE: 16

FY 2011-12 Submissions: 1,098

Labs:

- Raleigh
- Western



Services: Trace Evidence

- 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

- 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

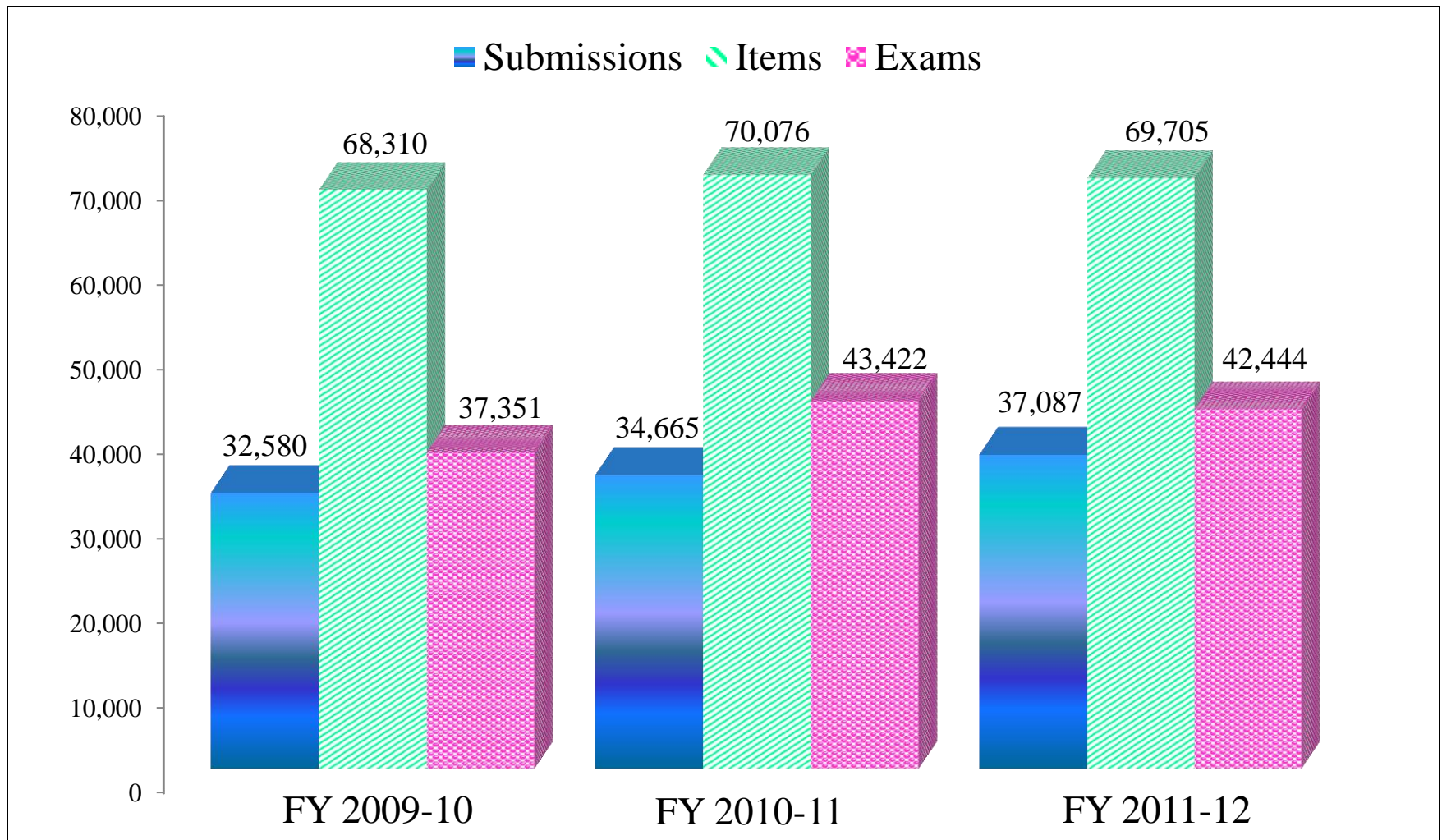
- Requesting officer specifies tests
- Some items may go to multiple sections



Reports


- Published on Forensic Advantage
- Evidence Control returns evidence

Submissions



Source: NC State Crime Lab

Fees

- 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

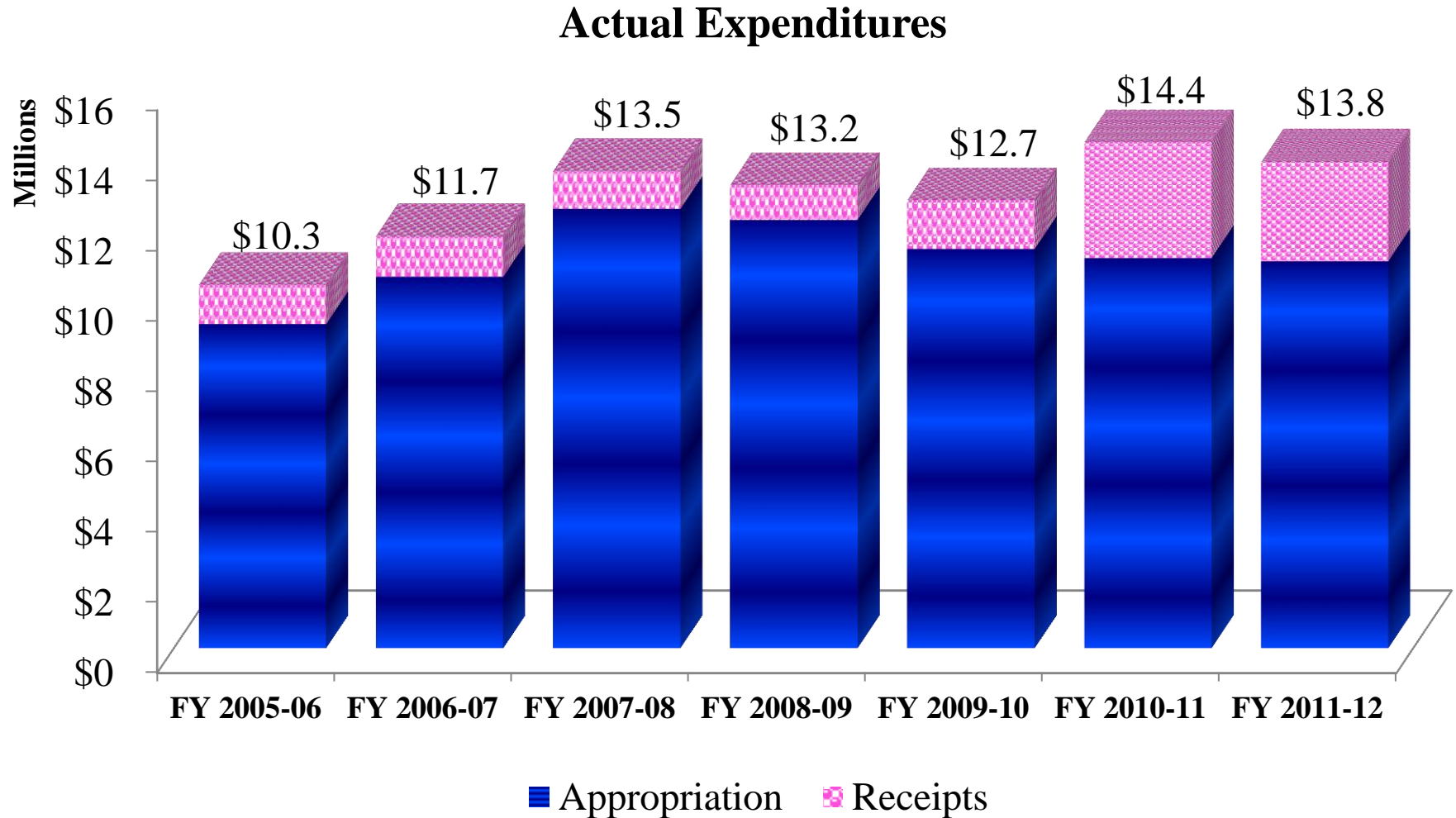
Five locally operated labs:

- **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

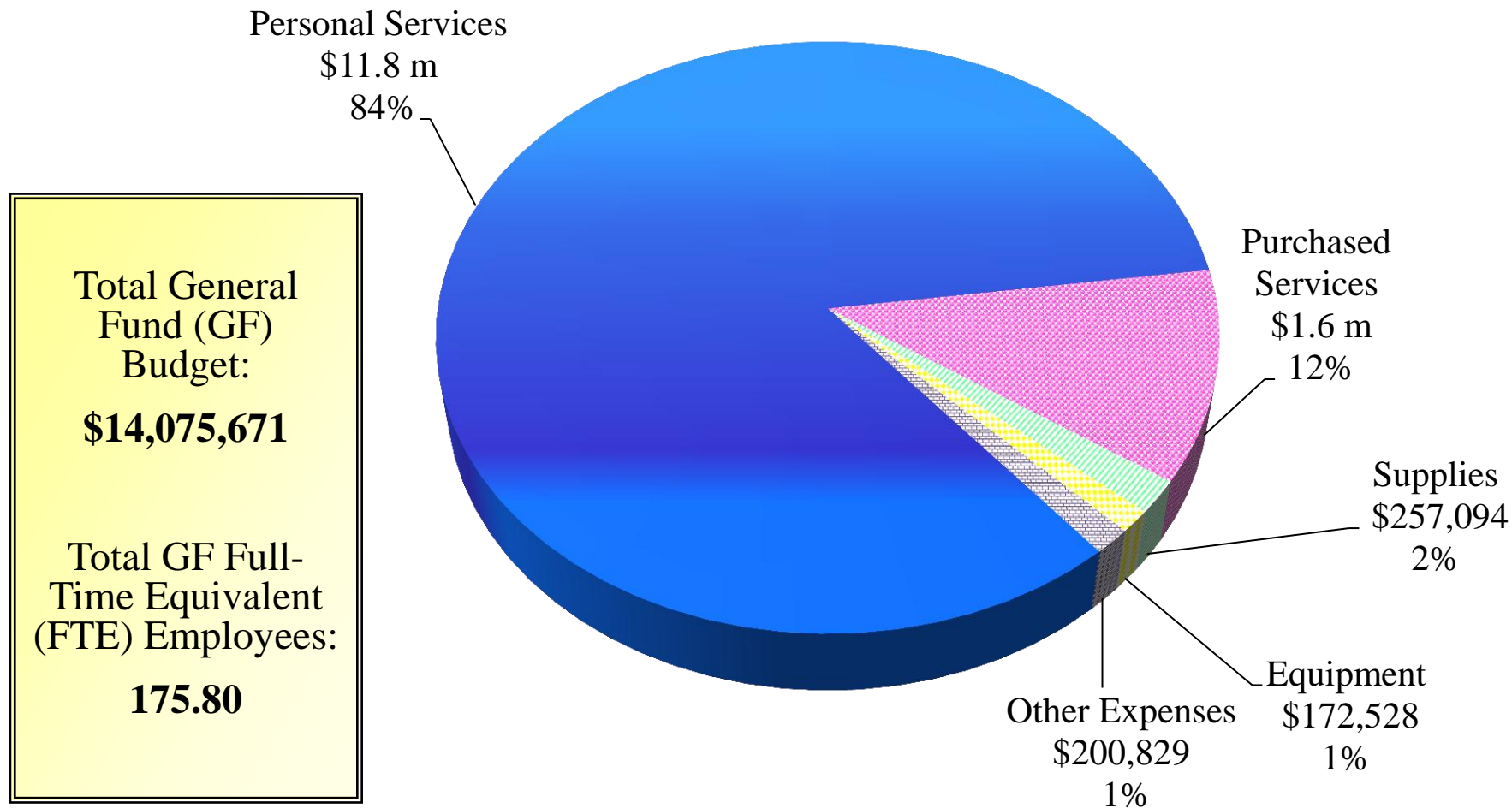
Must be accredited by July 1, 2013

Crime Lab Budget History



Source: NCAS Budget History and Management Analysis

FY 2012-13 Authorized Budget

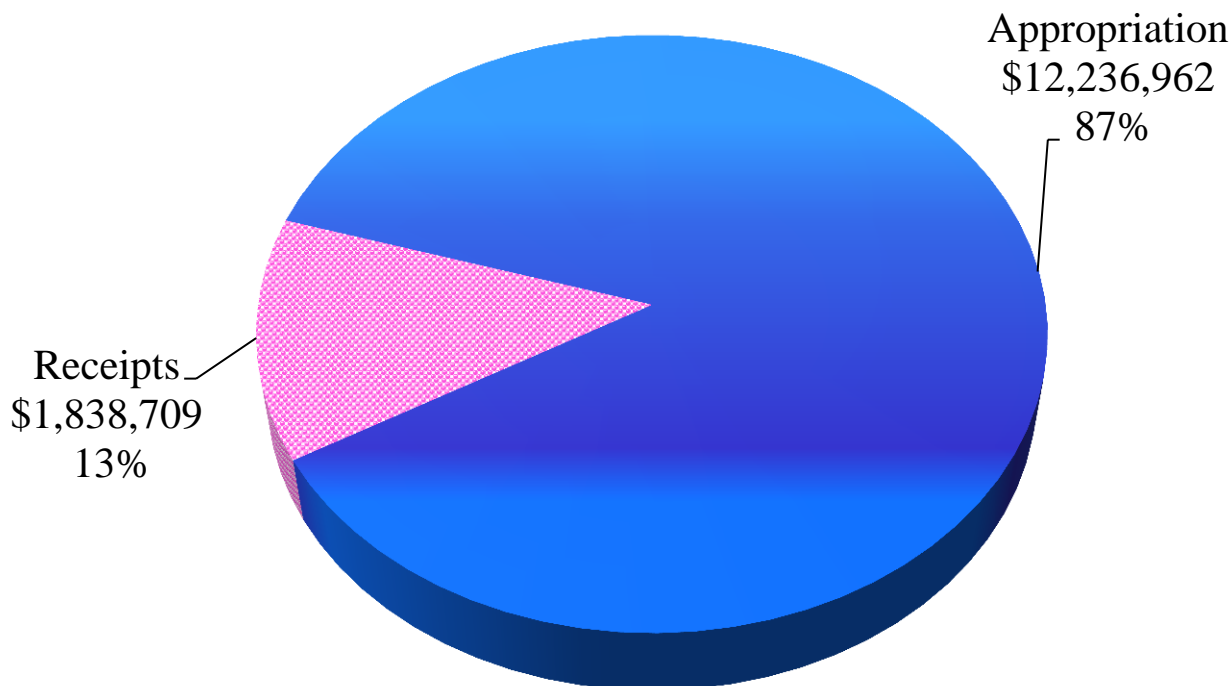


Source: Budget - Authorized Monthly Budget Report for December 31, 2012; FTE – Beacon BO149 December 2012

FY 2012-13 Authorized Budget

Receipts come from:

- Federal grants
- Carry-forward
- Court fees



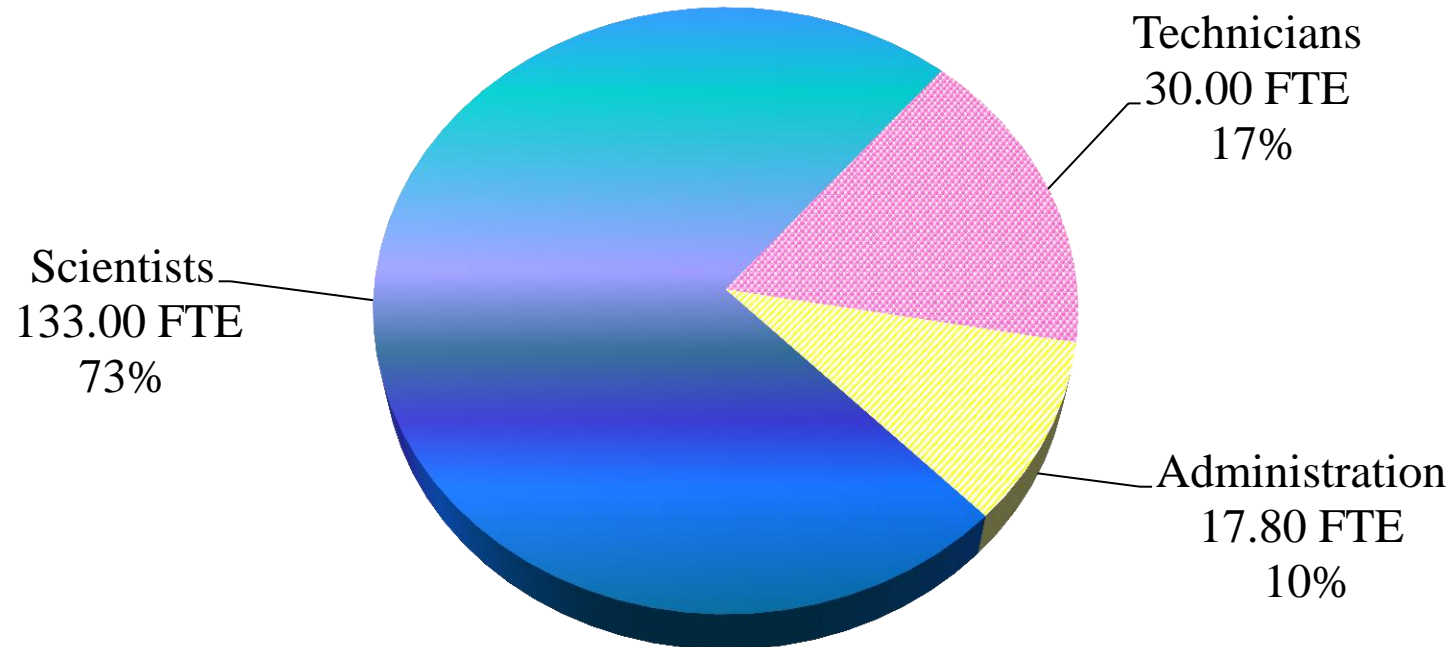
Total General Fund Budget: \$14.1 million

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**

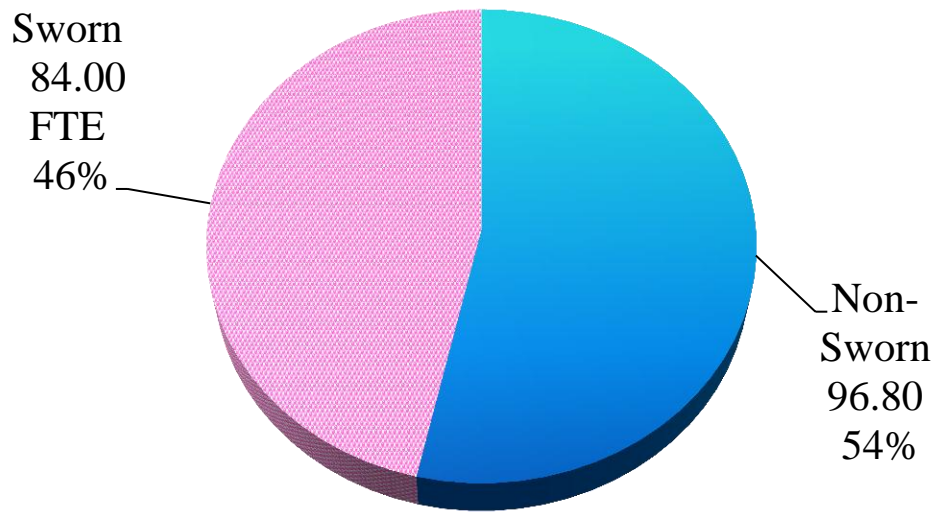


Total FTE Employees: 180.80

Source: FTE – Beacon BO149 December 2012

Positions: Sworn vs. Non-Sworn

**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

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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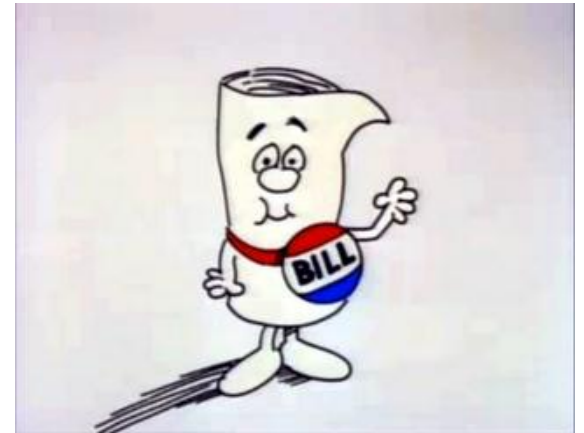


"I pruned a tree once, so technically I'm allowed to put 'branch manager' on my resumé."

Recent Legislative Action

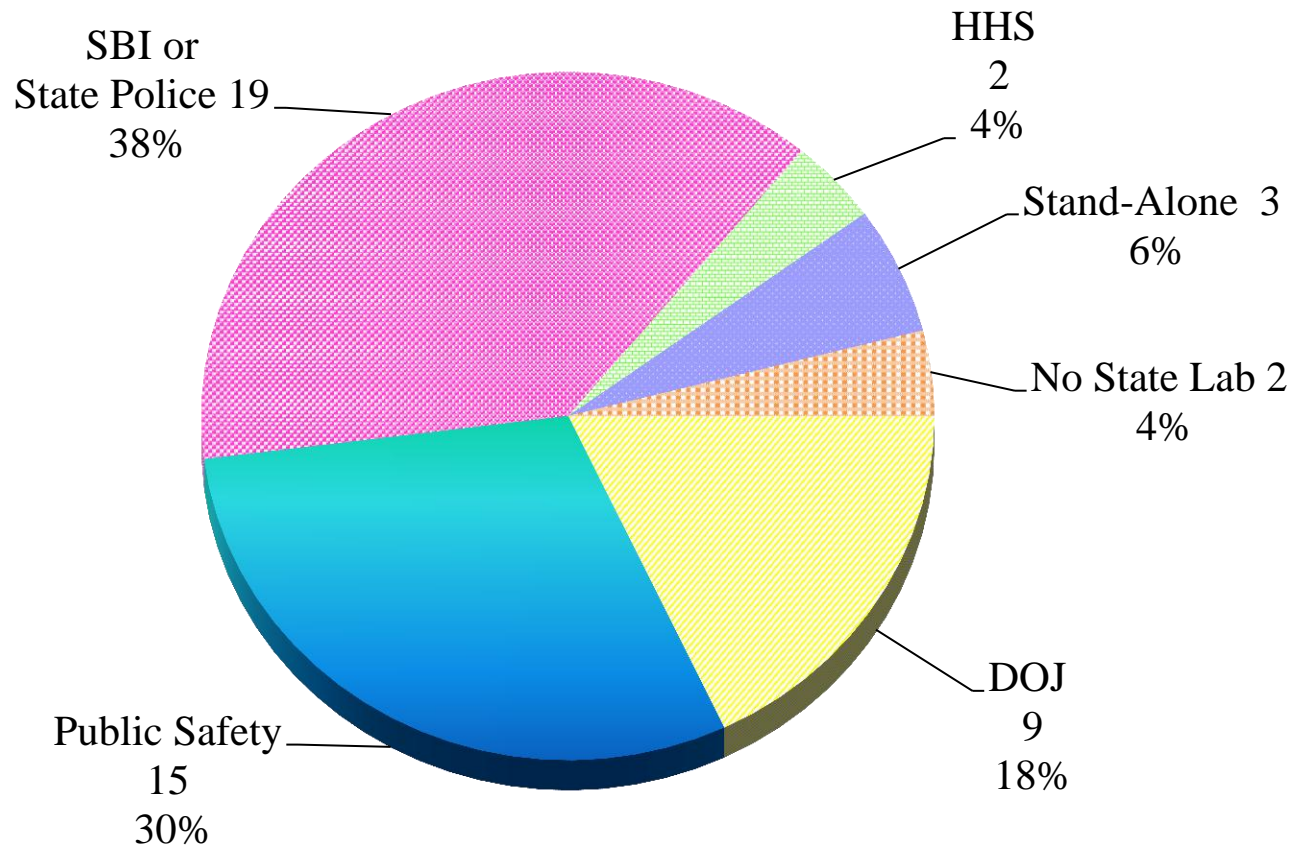
S.L. 2011-192, Forensic Sciences Act of 2011:

- 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

2011 Budget (S.L. 2011-145)

No direct changes

Department Vacancy Reduction eliminated 5 FTE

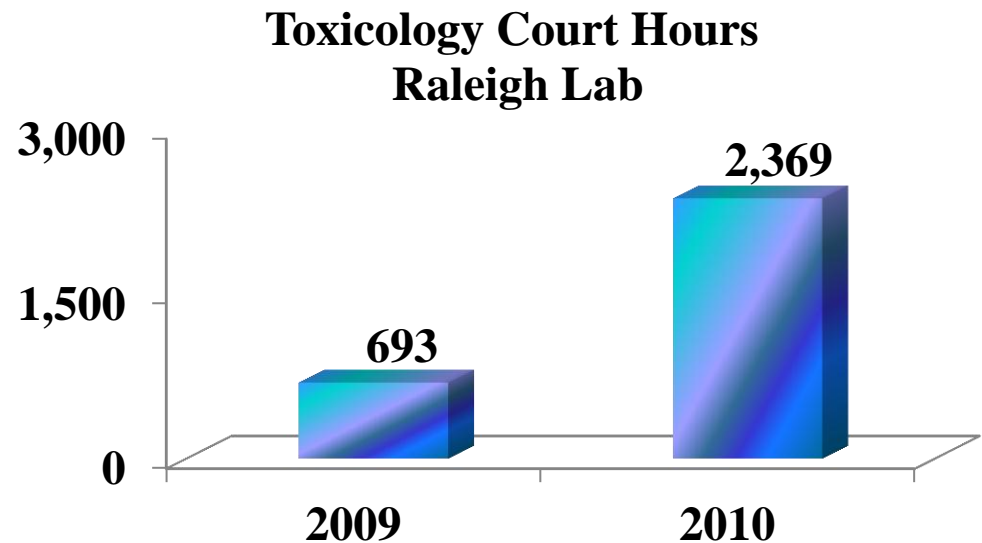
2012 Budget (S.L. 2012-142)

Sec. 15.5 prohibited the elimination of State Crime Lab positions

Issues for 2013 Session

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

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

Toxicology Position Request - \$1.8 m

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

Options for Subcommittee Consideration

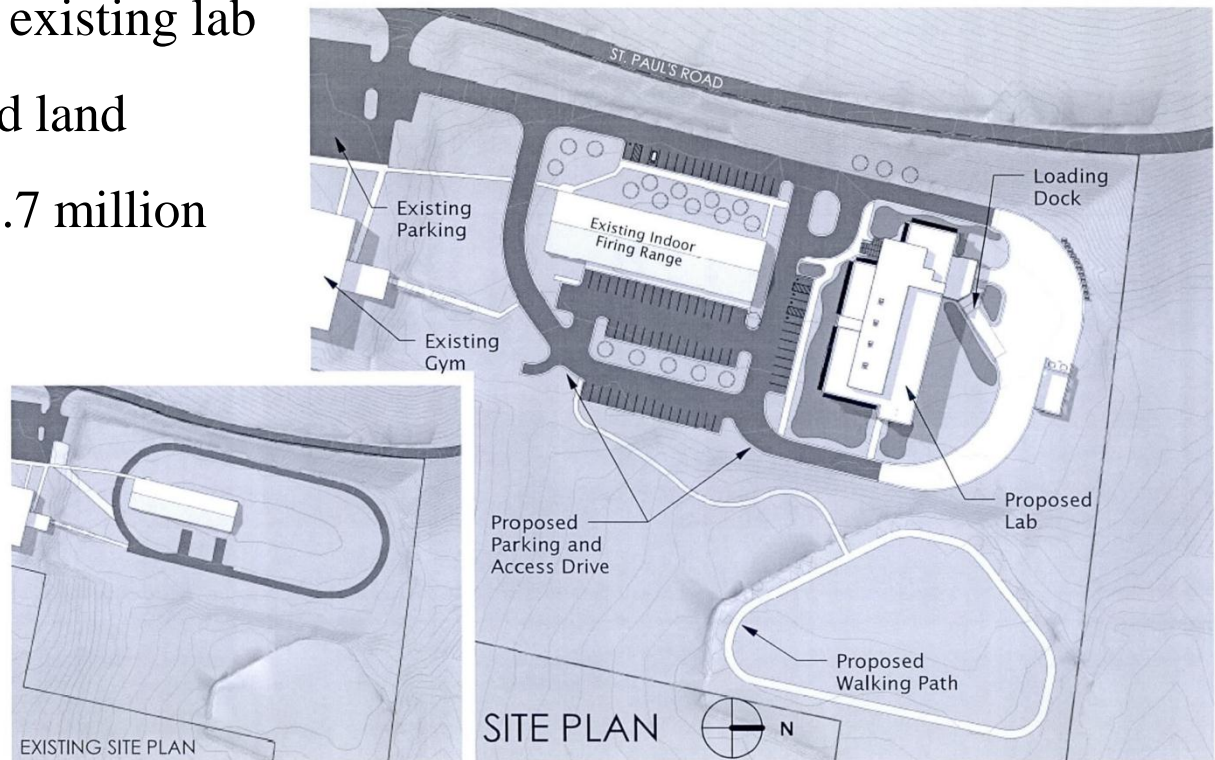
- Fund non-sworn supervisors
- Fund positions at minimum salary for grade
- Authorize position, but don't fund until January 1, 2014
- Lower salary grade for trainees

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