Joint Appropriations Subcommittee on Justice and Public Safety

NC State Crime Laboratory

March 17, 2015
Department of Justice (DOJ)

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

Roy Cooper, Attorney General

Includes:
- Legal services
- Consumer Protection
- Criminal Justice Training and Standards
- NC State Crime Lab

Total General Fund Base Budget:
$83.1 million

Total FTE Employees:
807.76

Source: NCIBIS, DOJ Worksheet I, 3/3/2015
NC State Crime Laboratory

John Byrd, Director

Statutory authorization in G.S. 114-60:

- Establishes the lab
- 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 2015-16 Base Budget: $17.7 million

Total FTE: 207.00

Total Lab Facilities: 3
Forensic Sciences Act of 2011

S.L. 2011-19, Forensic Sciences Act of 2011:

• Renamed the lab

• Replaced “reasonable service to prosecutors” with “reasonable service to the public and the criminal justice system.”

• Created Forensic Science Advisory Board (G.S. 114-16.1)

• Requires labs to be ISO accredited (State and local)

• Requires certification of State forensic scientists

• Created Ombudsman
Forensic Science Advisory Board

G.S. 114-61

- 15 members
- Biannual meetings
- Provide advice to Crime Lab director

Makes recommendations concerning:

- New programs, protocols, and methods
- Sustaining and improving existing programs
- Eliminating unnecessary programs
- Guidelines for court presentations
- Qualification standards for scientists
Submissions

Source: NC State Crime Laboratory Annual Report
Process

Collection
- Certified law enforcement agency
- Official criminal investigation

Submission
- In-person or mailed
- Goes to the Evidence Control Unit (9 FTE)

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

Reports
- Published on Forensic Advantage
- Evidence Control returns evidence
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: Digital and Latent Evidence

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

FY 2013-14 FTE: 24
FY 2013-14 Submissions: 1,164

Labs:
- Raleigh
- Triad
- Western (Latent evidence only)

Services: Firearms and Tool Marks

- Weapons and ammunition
- Matching tools to marks

FY 2014-15 FTE: 14
FY 2013-14 Submissions: 582

Labs:
- Raleigh
- Western
Services: Trace Evidence

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

FY 2014-15 FTE: 10
FY 2013-14 Submissions: 938

Labs:
- Raleigh
- Western (Fire debris only)
Services: Forensic Biology

- Blood and body fluids
- DNA testing

FY 2014-15 FTE: 36
FY 2013-14 Submissions: 1,636

Labs:
- Raleigh
Services: DNA Database

CODIS uploads for:

- DNA on arrest
- Convicted Offender DNA

FY 2014-15 FTE:  21

FY 2013-14 CODIS Submissions:  26,549

- DNA on Arrest Submissions:  10,581
- Convicted Offender Submissions:  15,968

Labs:

- Raleigh
Services: Drug Chemistry and Toxicology

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

FY 2014-15 FTE: 59 FTE
FY 2013-14 Submissions: 24,212

Labs:
- Raleigh
- Triad
- Western (drug chemistry only)

Toxicology Issues

*Melendez-Diaz v. Massachusetts*

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

Source: NC State Crime Laboratory
Toxicology Issues

Melendez-Diaz v. Massachusetts

What’s the Lab doing?

• Mandatory overtime
• Designated geographic assignment of analysts
• Stopwork Project in conjunction with AOC and the DAs
• Outsourcing training
• Lean Six Sigma processes

“Thinking outside of the box is difficult for some people. Keep trying.”
Toxicology Issues

Melendez-Diaz v. Massachusetts

What has the General Assembly done?

Appropriations

• 19 new toxicology positions for the Western Lab - $1.5 million
• Equipment for western toxicology - $1.1 million
• Capital funds for new Western Lab facility – $15.4 million
• $250,000 (R) for toxicology outsourcing
• $500,000 (NR) to the Conference of DAs for hospital toxicology

Policy Changes

• Changed notice and demand statutes
• Authorized video testimony
• Required training of DAs and judges
Toxicology Issues

Melendez-Diaz v. Massachusetts

What are the stakeholders doing?

School of Government Working Group Recommendations

• Calendaring and motions hearings
• DA utilization of Forensic Advantage system
• Timely stopwork orders
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

• $2 court fee assessed on all offenders (DNA Fee)
  - Statutory appropriation

$1,388,273 distributed to the Crime Lab in FY 2013-14

Source: G.S. 7A-304(a)(7-9); NC AOC Disbursements FY 2013-2014
Fees

Actual Collections Since FY 2009-10

- Forensic Testing
- Expert Witness
- DNA Database

Source: AOC
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, 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

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

Must be accredited by July 1, 2016
Crime Lab Budget History

Actual Expenditures

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<th>Fiscal Year</th>
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Source: NCAS Budget History and Management Analysis
FY 2016-16 Base Budget

Total General Fund (GF) Budget:
$17,730,346

Total GF Full-Time Equivalent (FTE) Employees:
207.00

FY 2015-16 Base Budget

Receipts come from:

- Federal grants
- Court fees

Total General Fund Budget: **$17.7 million**

Total GF FTE Employees: **207.00**

Total FTE Employees: 207.00

Source: FTE – BEACON BO149 3/5/2015
Positions: Sworn vs. Non-Sworn

Sworn vs. Non-Sworn FTE

Non-sworn
Total
149.00
72%

Sworn
Total
58.00
28%

Appropriations for Retirement

Non-sworn: 15.21% of salary
Sworn: 20.21% of salary

S.L. 2013-360, Sec. 17.5:
Prohibits the hiring of sworn personnel to fill vacant positions.

Source: FTE – BEACON BO149 3/5/2015
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

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

“I pruned a tree once, so technically I’m allowed to put ‘branch manager’ on my resumé.”
# Recent Budget Actions

## 2013 Budget (S.L. 2013-360)

- Funded 19 Toxicology Positions (Western Lab) **$1,500,000** R
- Western Lab Toxicology Equipment **$1,055,773** NR
- Toxicology Outsourcing Funds (2
  nd Year) **$750,000** R
- DA Hospital Toxicology Funds **$500,000** NR

- **Sec. 17.6** moved the Crime Lab out of the SBI

## 2014 Budget (S.L. 2014-100)

- Transferred five admin positions from the SBI **$267,661** R
- Reduced Toxicology Outsourcing Funds **($500,000)** R
- Funded 10 Forensic Biology/DNA Positions (Western Lab) **$267,390** R
- Capital Funds for New Western Crime Lab **$15,400,000** NR
Questions