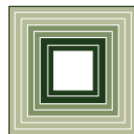


Joint Appropriations Subcommittee on
Justice and Public Safety

NC State Crime Laboratory

March 17, 2015



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

JPS - DOJ

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**

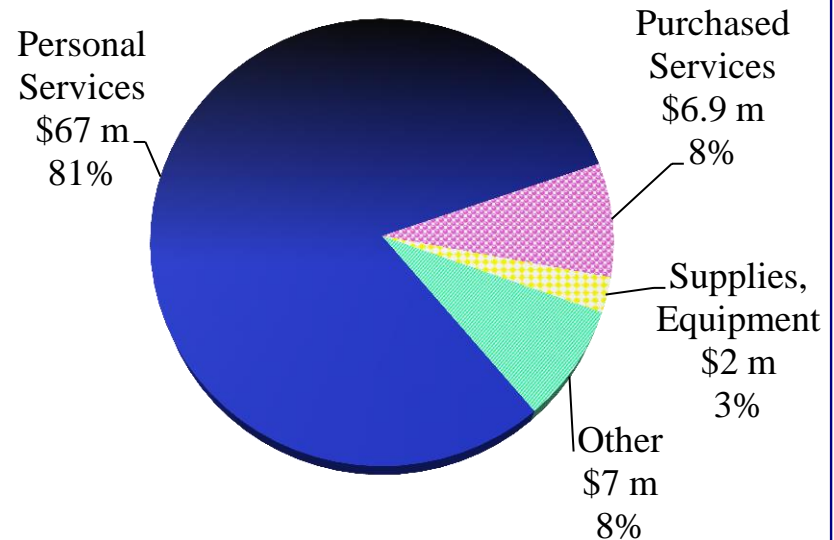
Total General Fund Base Budget:

\$83.1 million

Total FTE Employees:

807.76

**DOJ General Fund Base Budget
FY 2015-16**



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

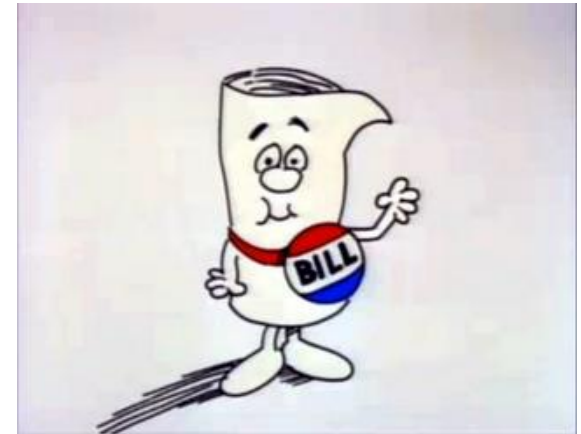
Total Lab Facilities: 3



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

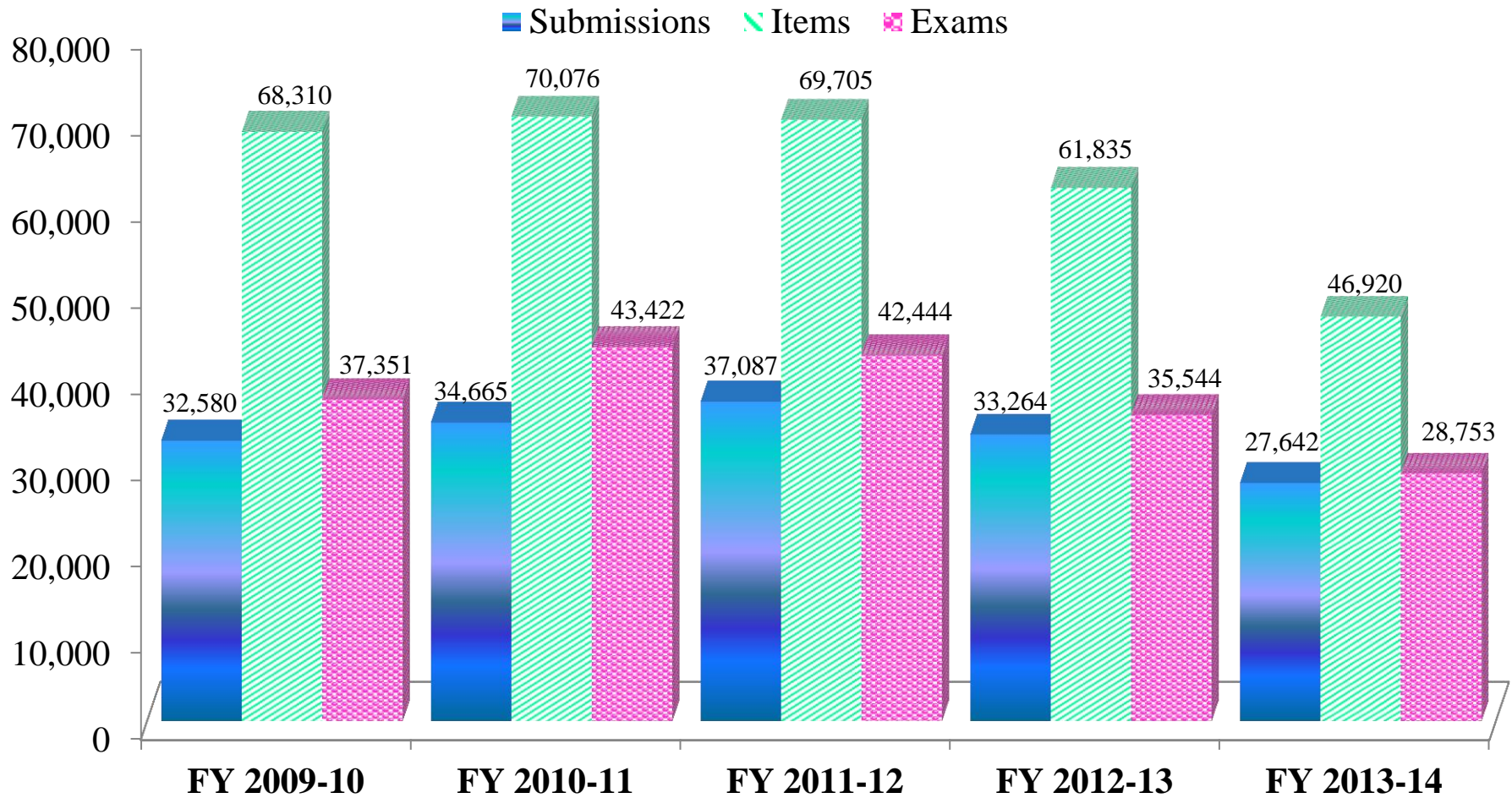
- 15 members
- Biannual meetings
- Provide advice to Crime Lab director

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

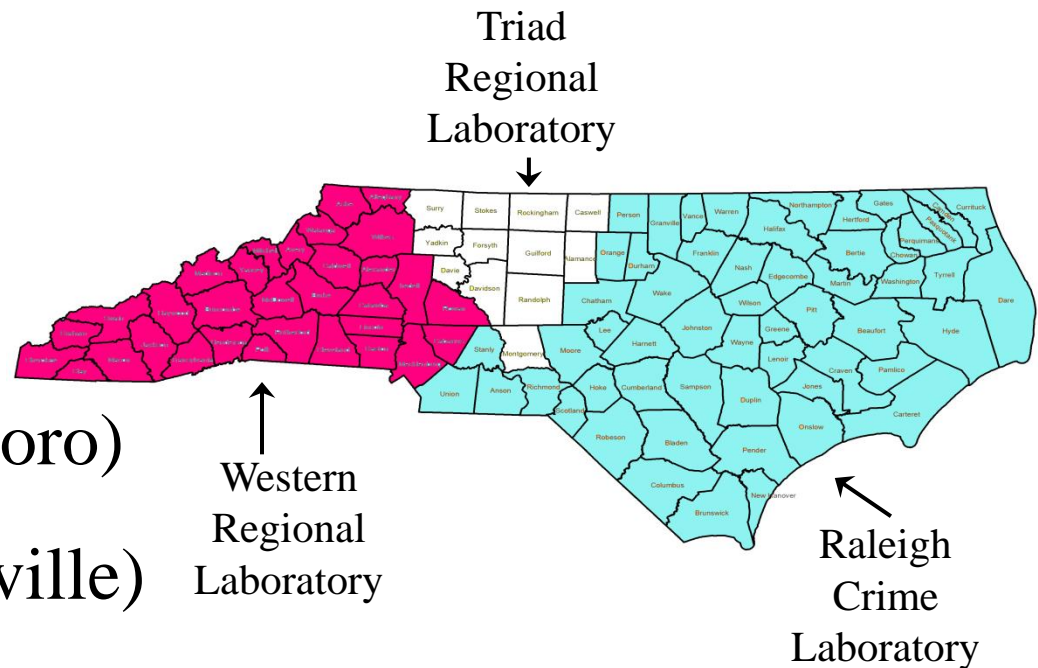
- Published on Forensic Advantage
- Evidence Control returns evidence

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)



Source: FTE – BEACON B0149, 3/5/2015; Submission data: State Crime Laboratory Annual Report, FY 2013-2014

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

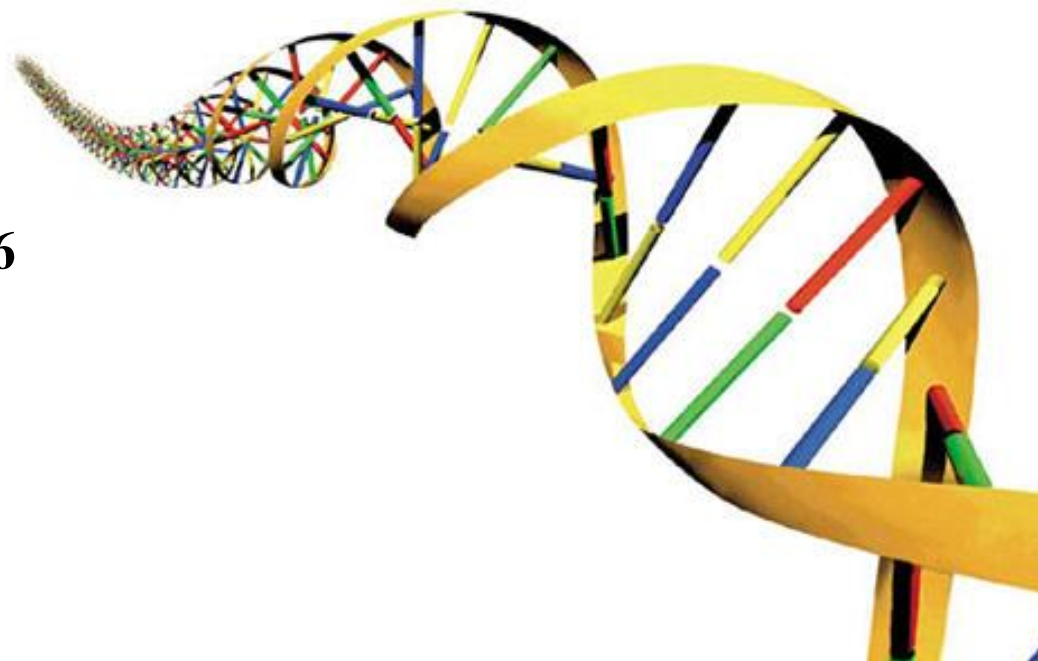
- Blood and body fluids
- DNA testing

FY 2014-15 FTE: 36

FY 2013-14 Submissions: 1,636

Labs:

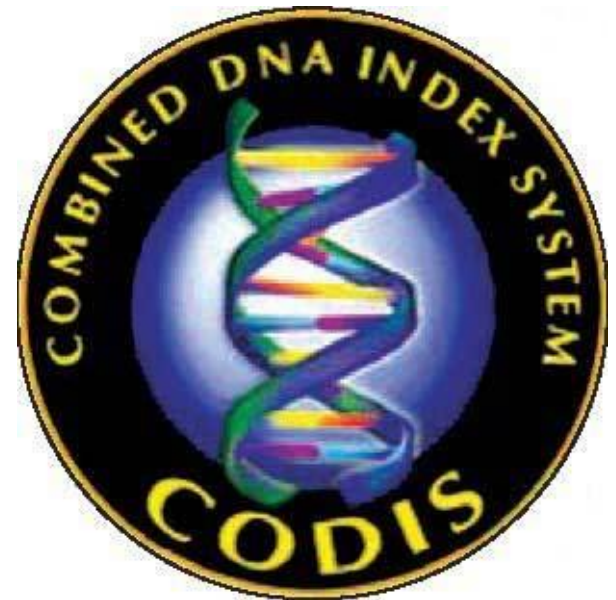
- Raleigh



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:

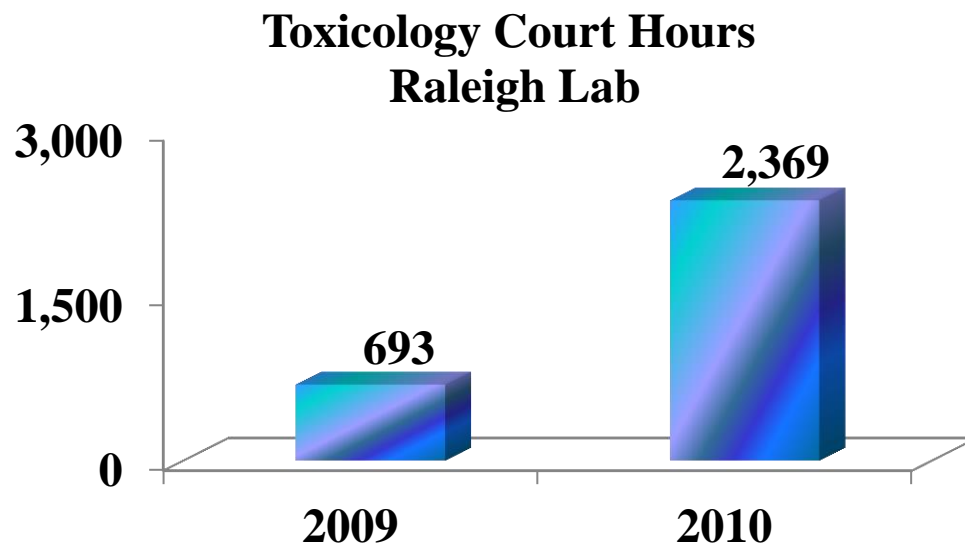
- Raleigh
- Triad
- Western (drug chemistry only)

Source: FTE – BEACON B0149, 3/5/2015; Submission data: State Crime Laboratory Annual Report, FY 2013-2014

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

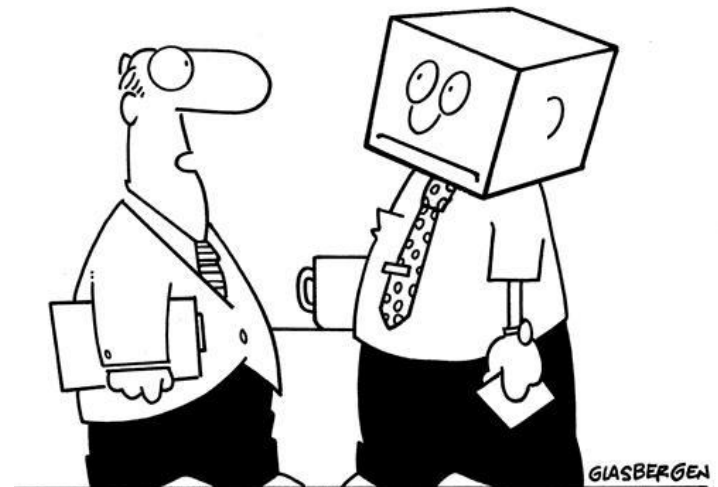
Toxicology Issues

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

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“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

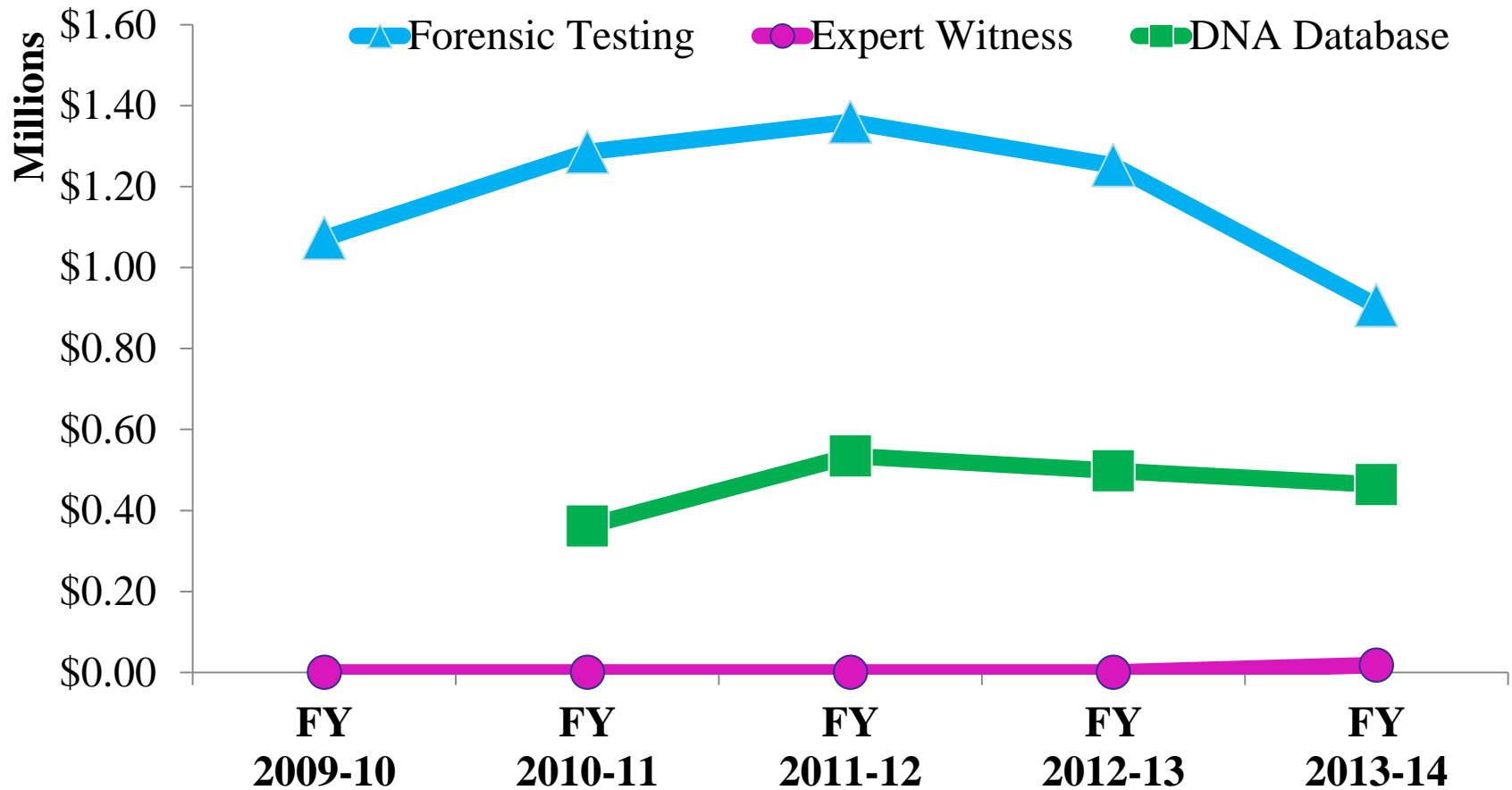
- No charge to local law enforcement 
- \$600 court fee assessed on offenders (Lab Fee)
 - DNA, toxicology, drug chemistry cases
 - Paid to local or State lab
 - Court fees assessed at discretion of judge
- \$2 court fee assessed on all offenders (DNA Fee)
 - Statutory appropriation

\$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



Source: AOC

Local Labs

Five locally operated labs:

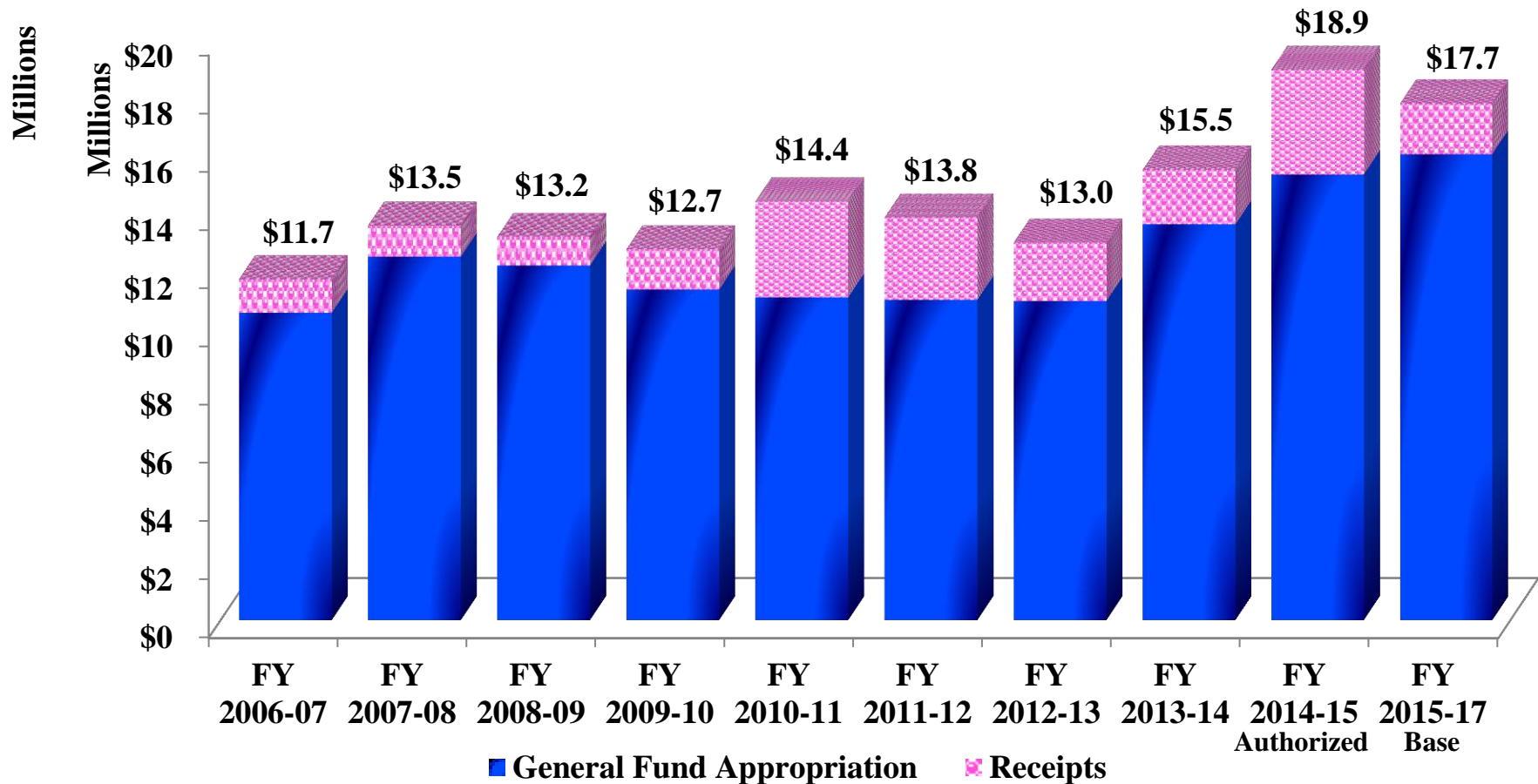
- **Charlotte-Mecklenburg PD** (Mecklenburg County)
Firearms/tool marks, latent prints, drug chemistry, toxicology (alcohol only), fire debris, forensic biology
- **City County Bureau of Identification** (Wake County)
Latent prints, drug chemistry and toxicology, digital evidence
- **Wilmington PD** (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

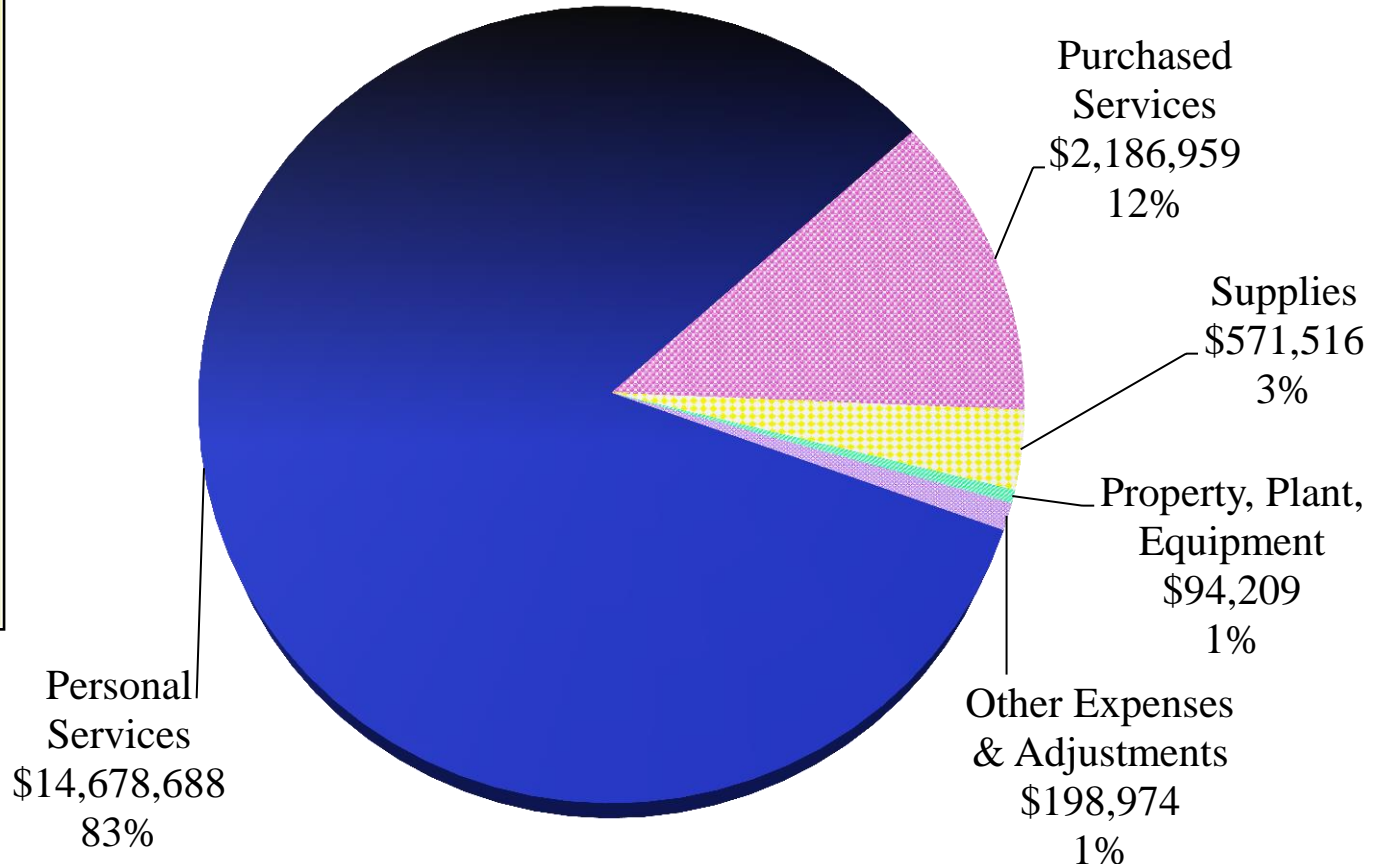


Source: NCAS Budget History and Management Analysis

FY 2016-16 Base Budget

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

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

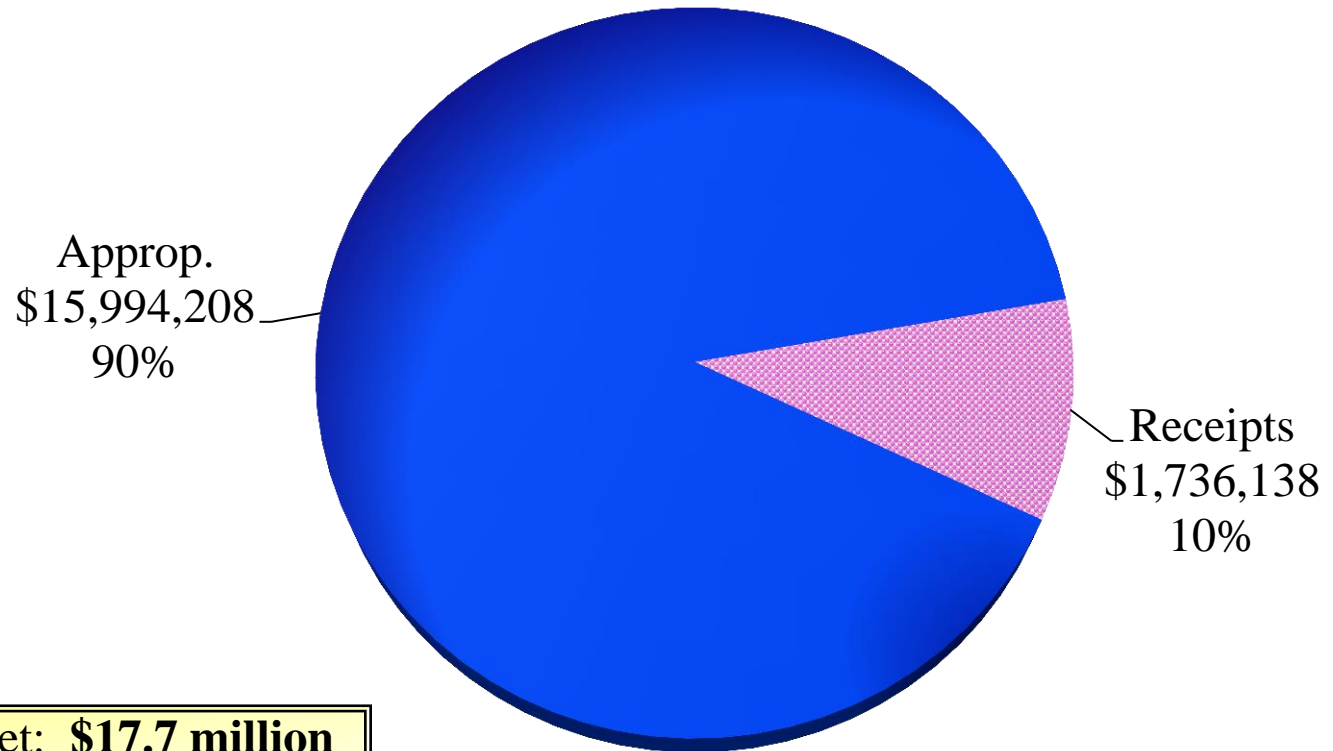


Source: NCIBIS, DOJ Worksheet I, 3/3/2015; FTE – BEACON B0149, 3/5/2015

FY 2015-16 Base Budget

Receipts come from:

- Federal grants
- Court fees

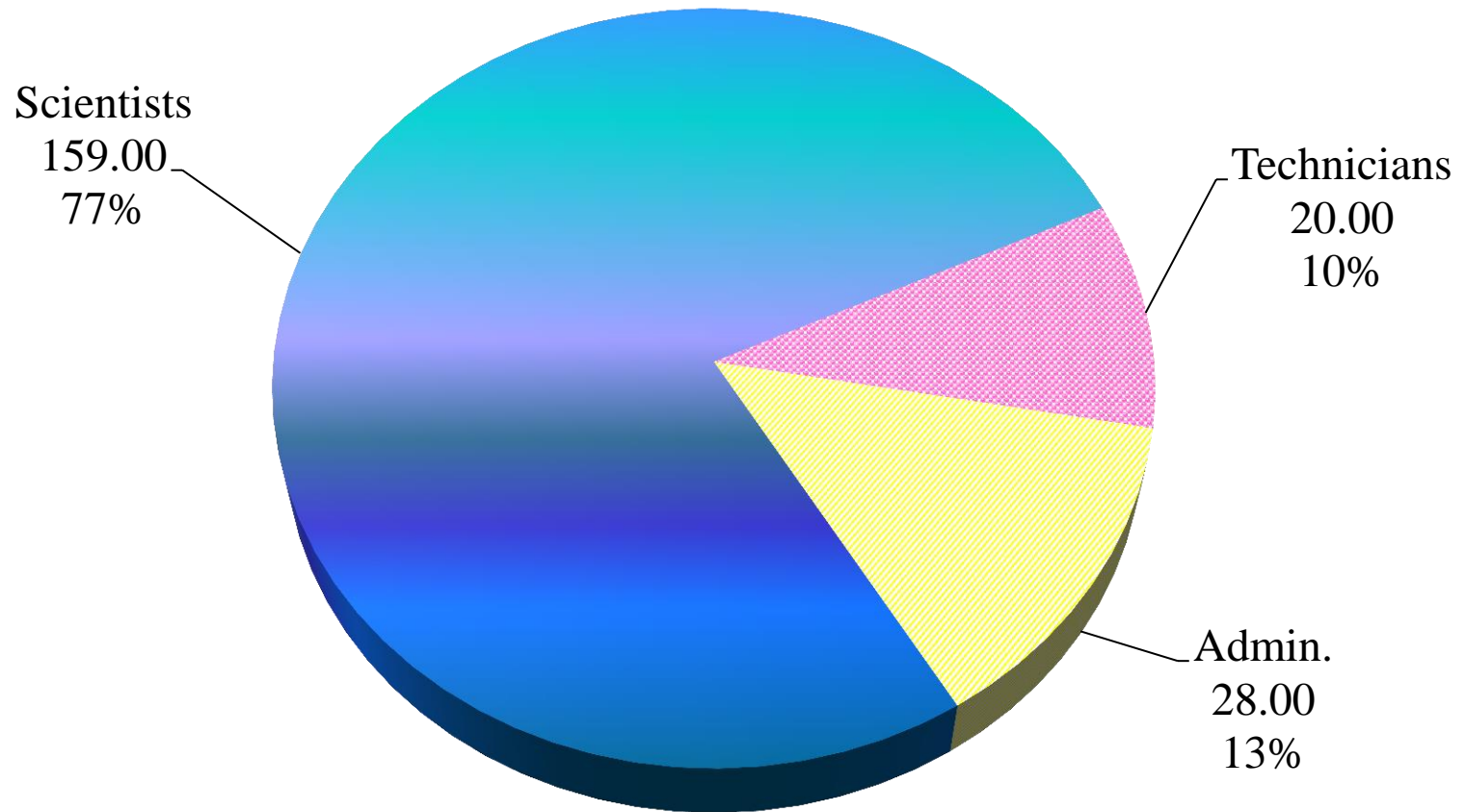


Total General Fund Budget: **\$17.7 million**

Total GF FTE Employees: **207.00**

Source: NCIBIS, DOJ Worksheet I, 3/3/2015; FTE – BEACON B0149, 3/5/2015

Positions: Total by Category

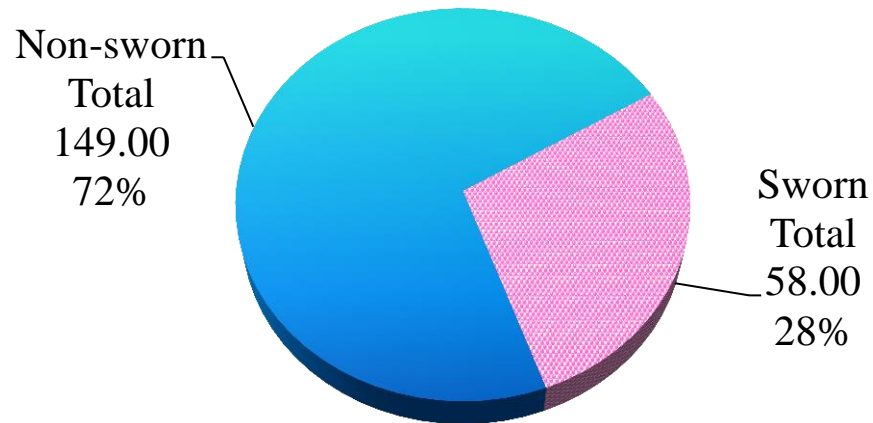


Total FTE Employees: 207.00

Source: FTE – BEACON BO149 3/5/2015

Positions: Sworn vs. Non-Sworn

Sworn vs. Non-Sworn FTE



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

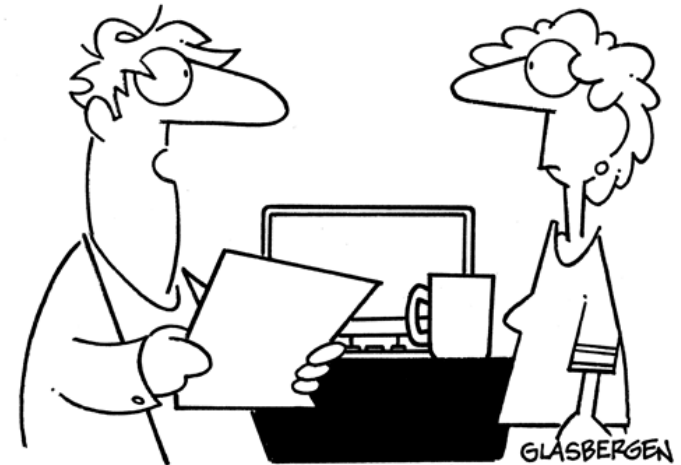
- Failed background checks re-start the process

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

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"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

