

NORTH CAROLINA STATE CRIME LABORATORY UPDATE

North Carolina Chief Justice's
Commission on the Administration of Law and Justice
Criminal Investigation and Adjudication Committee
Thursday, October 22
Raleigh, NC



Mission

Conduct forensic analysis in a timely manner in order to produce the highest quality, technically proficient case work and unbiased expert witness testimony for the Criminal Justice community.

Four Things You Need to Know



1. Attrition & Training
2. Case Inventory and Turnaround Time
3. Skin in the Game
4. Transparency and Accountability



Attrition and Training

BIGGEST CHALLENGE:

- **ATTRITION AND NON COMPETITIVE FORENSIC SCIENTIST PAY**

JANUARY 1, 2010 – October 18, 2015

83– Scientist Separations:

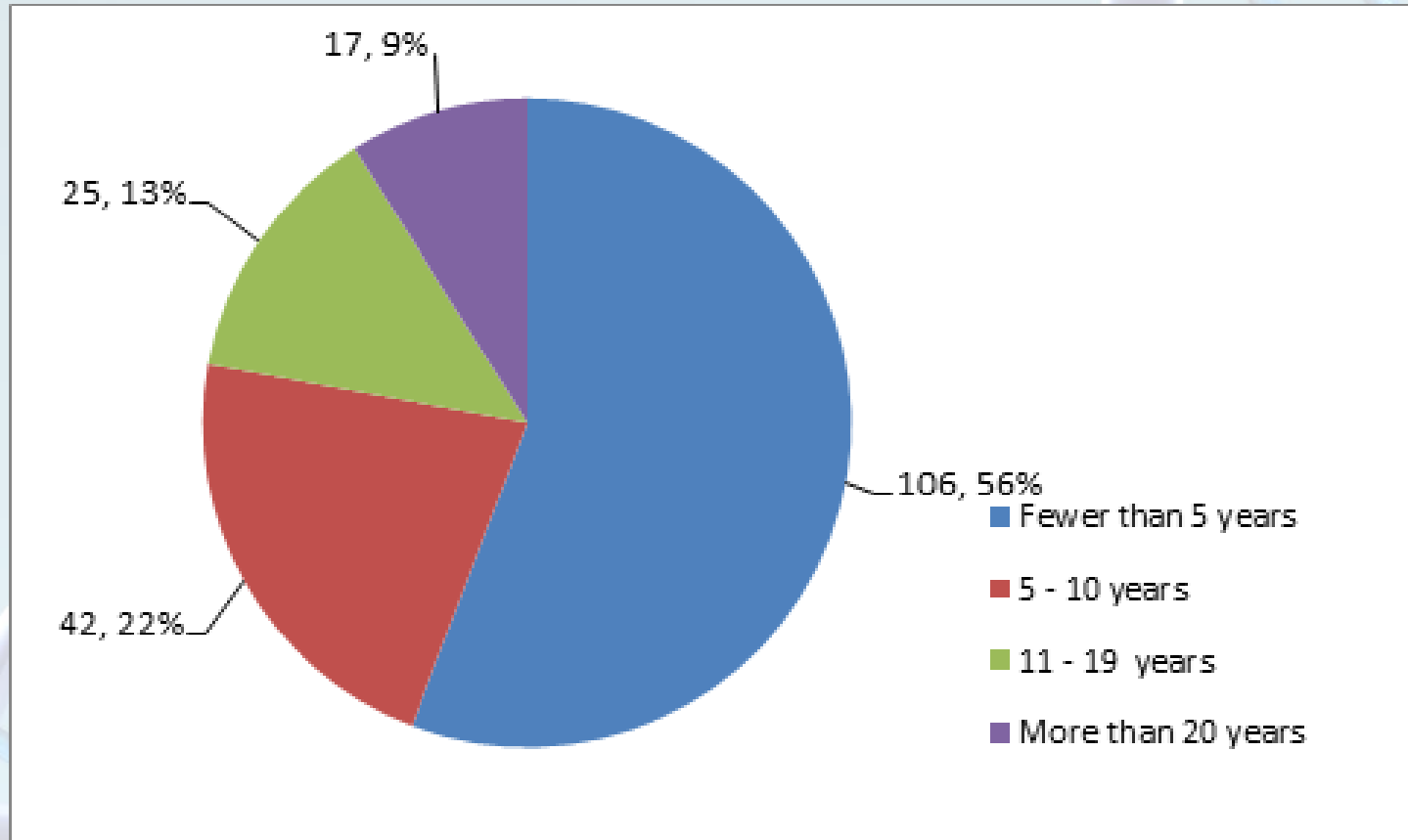
42 – “better employment” (50.6 %)

8 -- retirement

18-- no reason or “personal reasons”

15-- miscellaneous reasons

Crime Laboratory Demographics



56 hired since 7/1/2014 (34 in 2015). Retained 51.

Forensic Scientist Market Adjustment

\$1,023,635 R

- Provides funds for a **market-based salary adjustment** for Forensic Scientists employed in the State Crime Laboratory.

**Incorporated into budget bill
Signed by Gov. 9/18/15**

Training since 6/1/2014

35 Complete/13 in Training/23 Vacancies*

- Forensic Biology (Serology & DNA)
 - 5 completed Serology; 2 completed DNA
 - 15 in training
- Toxicology (BAC & Blood Drug)
 - 17 completed training
 - 5 in training
- Drug Chemistry
 - 11 completed training
 - 3 in training

* Includes ten new positions from 2015 Appropriations Act

Toxicology Open House



Toxicology Open House



Toxicology Open House



Update on New Western Laboratory

**2014 Appropriations Act, § 36.12 (f) (1) :
\$15,400.000 “to finance the capital facility costs
of a Western Crime Lab”**

36,031 Square Feet

48 Staff Members

751 Sq. Feet/Staff Member

Add Forensic Biology & Toxicology Services

Serve 36 counties

Main Building Site- 10/19



Architectural Rendering of New Western Regional Laboratory

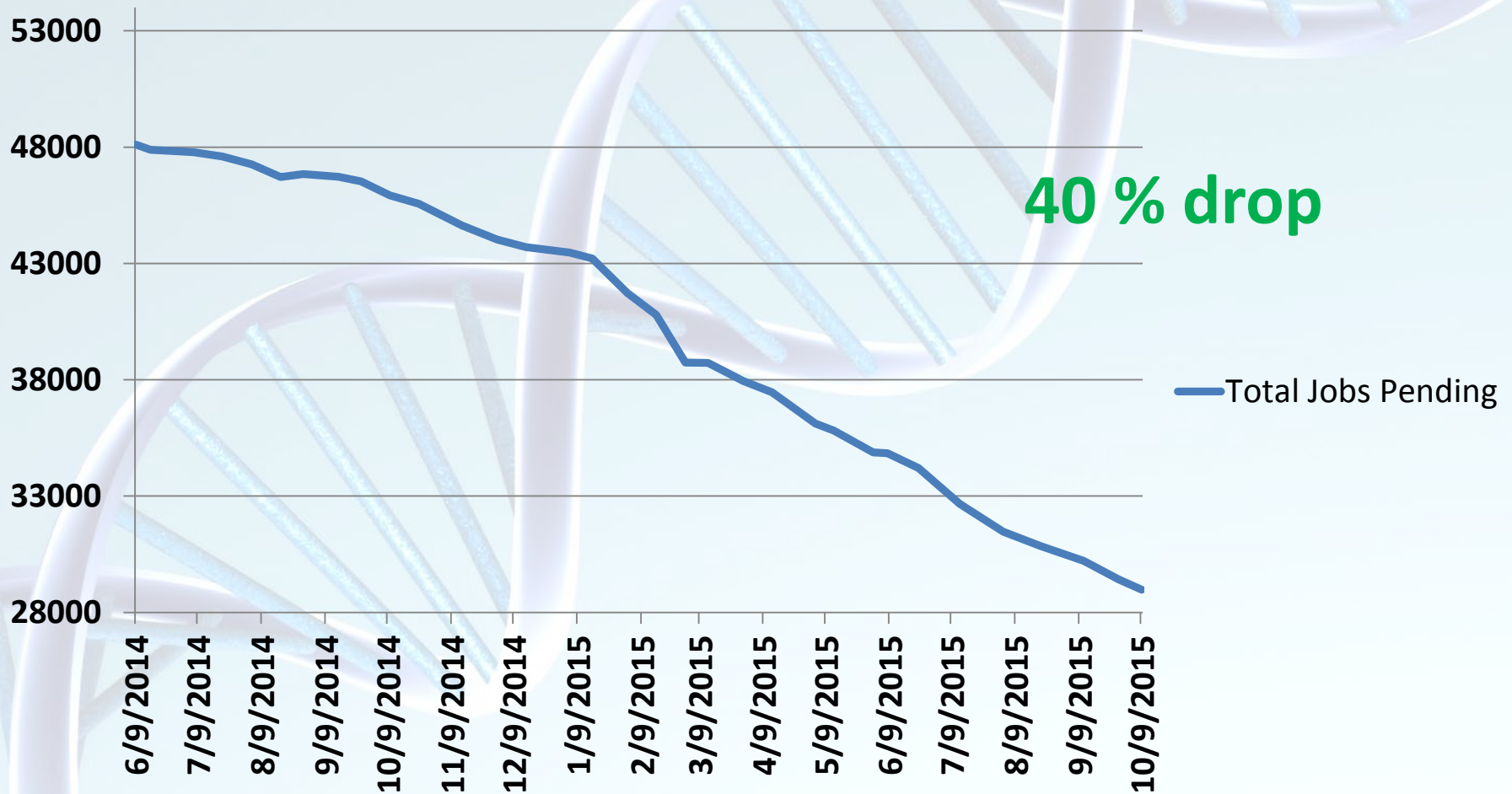




Case Inventory and Turnaround Time

Technical Operations – Overall Case Trends through 10/09/2015

Total Jobs Pending



Average Turn Around Time in Days

<u>Laboratory Disciplines</u>	<u>TAT as of 7/24/15</u>	<u>TAT as of 8/25/15</u>	<u>TAT as of 9/21/15</u>	<u>TAT as of 10/12/15</u>
Lab Average	348	336	335	316

Dropped Lab TAT Average by 32 days in 2 ½ months

Rush Form via FA Web

90 days notice is requested

Rush Request Form (Web Only)

Name of District Attorney or ADA:		
DA's Office Point of Contact and Phone #		
Date Requested for Case Completion:		
Trial Date (if confirmed):		
For DWI/DUI Cases		
Statute of Limitation:		
Habitual	Fatality	Personal Injury to Another

Reason for Rush Request*:

I, the undersigned District Attorney or Assistant District Attorney, am requesting that the North Carolina State Crime Laboratory complete the examination of the evidence submitted in the above reference case as quickly as possible.

DA or ADA:

Please attach this request to your Forensic Advantage Web message. This information can be located by your Agency's FA Administrator. *Rush requests without adequate justification may not be honored.



Skin in the Game

**State Crime Laboratory needs your help!
MOAs, Stop Works, Tox Outsourcing, H357,
Expunctions, Fees**

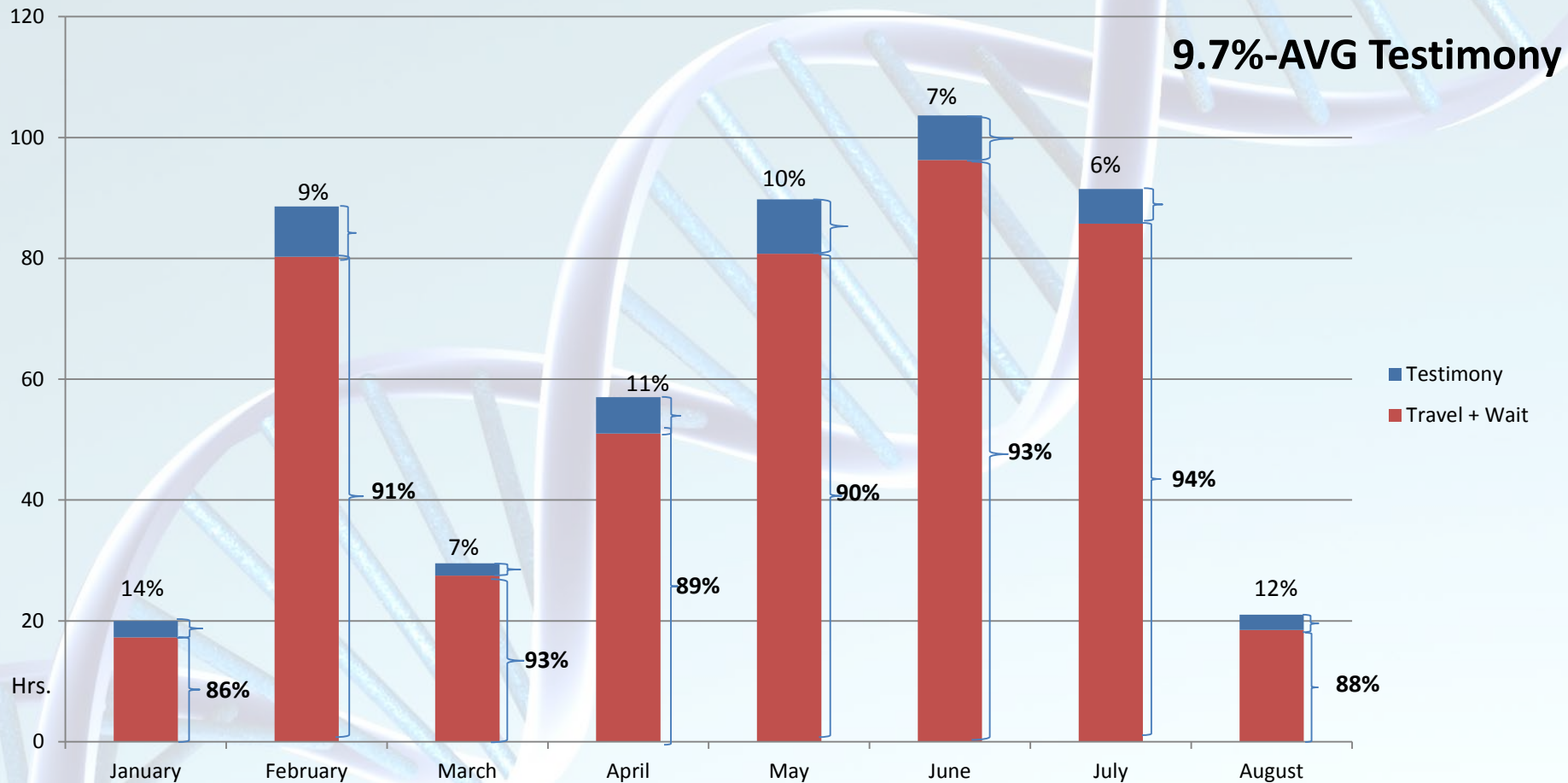
UNC School of Government

Report of the State Crime Laboratory Working Group: Administrative Solutions to Alleviate Lab Backlog

- Memorandum of Agreement (MOA)
 - 17 recommendations
 - 26 Judicial Districts have adopted the MOA or modified MOA
 - 12 are pending finalization
 - **12 have made no indication to adopt**
-
- **Stop Works are addressed in 5 of 17 recommendations.**
 - **Stop Works reduce cases and turnaround time.**

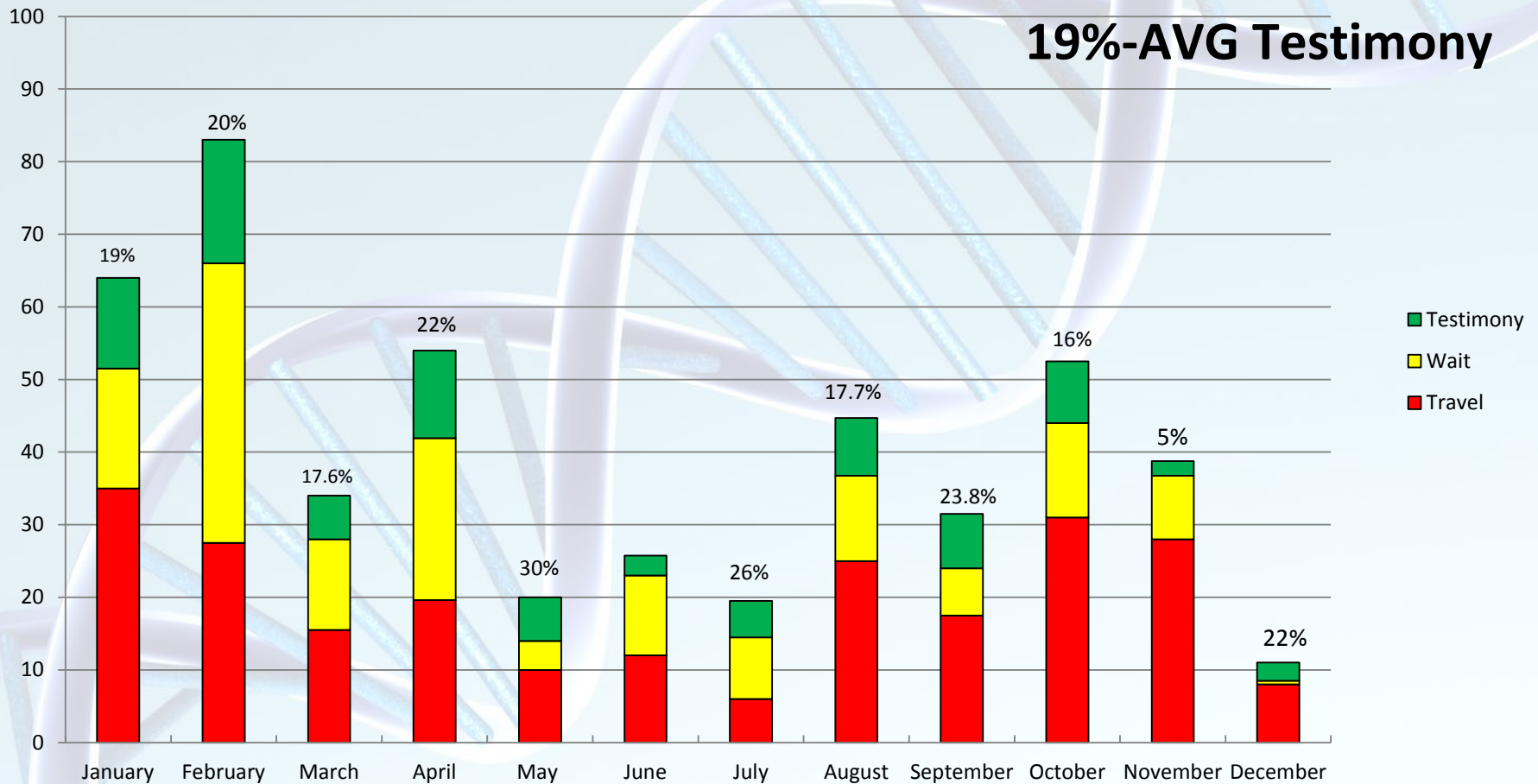
Forensic Biology 2013

Court and Travel/Wait Times



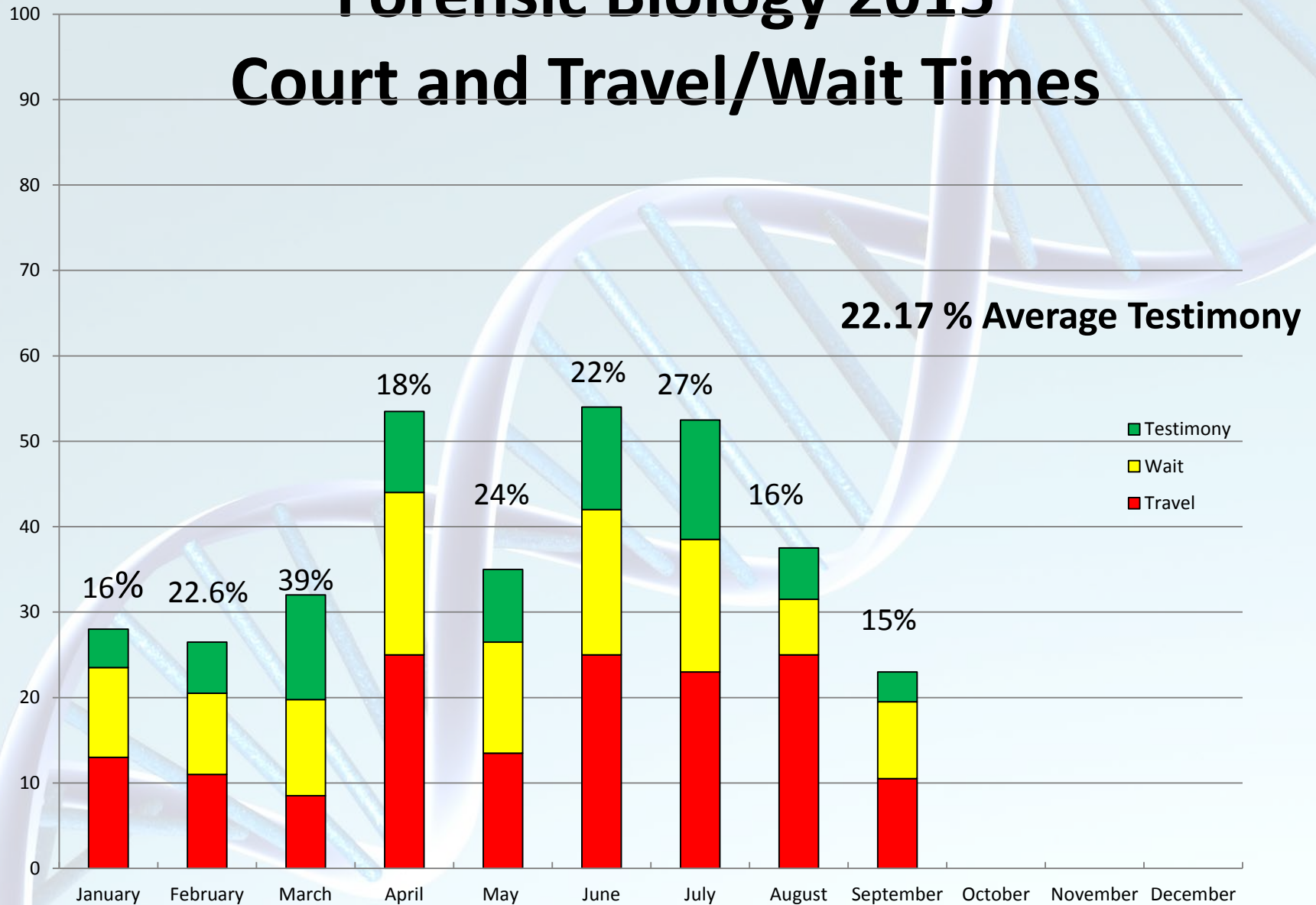
Forensic Biology 2014

Court and Travel/Wait Times



Forensic Biology 2015

Court and Travel/Wait Times



TOXICOLOGY OUTSOURCING

\$1.9 million available

- Have sent six batches to NMS (1009 cases)
 - 7th batch being prepared
- 18 counties currently participating
- By contract specs., 60 day turnaround time
- 3,106 Blood Drug cases & 4,169 Combo
- Testimony expense covered by DOJ

DAs need to help me spend the money!

HB 357 Toxicology Reports

"§ 8-58.21. Toxicology analysis admissible as evidence in criminal prosecution in district court.

(a) Notwithstanding G.S. 8-58.20, in any criminal prosecution in district court a laboratory report of a written toxicology analysis that states the results of the analysis and that is signed and sworn to by the person performing the analysis may be admissible in evidence without the testimony of the analyst who prepared the report provided all of the following criteria are satisfied:

- (1) ...analysis complies... with the provisions of G.S. 8-58.20(b).
 - (2) ...analyst...complies with the provisions of G.S. 8-58.20(c).
 - (3) The district attorney...[must serve a copy of the lab report and affidavit and indicate whether the report and affidavit will be offered as evidence...]no later than 10 business days after receiving...and at least 10 business days before trial.
 - (4) The defendant...has a right to appeal...for a trial de novo...
- (b) Appellant reserves the right to subpoena the analyst...If the analyst fails to comply with the subpoena, and the case is not continued for the analyst to do so, the results of the analysis are inadmissible at trial in the district court.
- (c) Nothing in this section...can violate State or federal rights...with the exception of the right to a jury trial in district court.

SECTION 2. This act becomes effective October 1, 2015, and applies to trials commencing on or after that date.

Expunctions

Arrestee Legislation: N.C.G.S. § 15A-266.3A

- Arresting officer completes the DNA Collection Form.
 - Copy retained in the investigative file.
 - Copy forwarded to DA's office.
- DA has factual information in-hand of the following:
 - An arrest was made of the subject.
 - DNA sample was obtained.
- If applicable, DA should then submit an AOC form for expunction to the State Crime Lab.

(When these steps are not followed, unnecessary work is created for the State Crime Lab and the DA's office)



Transparency and Accountability

In God We Trust. In all else, show me the data...and then verify.

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North Carolina State Crime Laboratory			
Department of Justice			
Raleigh			
Laboratory Report			
TO:	[REDACTED]	DATE:	July 8, 2014
		CRIME LAB NO.:	[REDACTED]
		SBI FILE NO.:	[REDACTED]
		AGENCY FILE NO.:	[REDACTED]
		EXAMINED BY:	[REDACTED]
LOCATION:	[REDACTED]	DATE OF OFFENSE:	May 13, 2014
TYPE OF CASE:	Murder		
SUBJECT(S):	[REDACTED] (Victim)		
<u>ITEM(S) SUBMITTED BY</u>		<u>ON JULY 3, 2014:</u>	

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Questions

<http://ncdoj.gov/crime-lab.aspx>

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