

## State of North Carolina

## FORENSIC SCIENCE ADVISORY BOARD

## Raleigh, North Carolina

8 May, 2014

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Subject: State Crime Laboratory Report

The North Carolina Forensic Science Advisory Board, created by the General Assembly in 2011, reports tremendous progress by the State Crime Laboratory over the past 24 months. The Board has also observed an urgent need for more Laboratory resources.

Notable accomplishments by the Laboratory include, but are not limited to:

- **ISO 17025 accreditation**, the highest international recognition accorded to forensic laboratories, by two independent accrediting bodies; less than a handful of US laboratories have achieved this dual distinction.
- Individual independent certification of all eligible scientists in their respective disciplines; achievement of 100% analyst certification is extremely rare.
- **Full-time, on-site legal counsel** who coordinates Laboratory interaction with all components of the criminal justice system.
- Implementation of Lean Six Sigma, a private industry efficiency methodology, increasing the productivity of existing staff and notably reducing overall caseload inventory.
- Integration of the Laboratory information management and the criminal
  justice system computer databases, achieving more efficient client-side
  management of Laboratory submissions and court scheduling, and
  improving the transparency and efficiency of Laboratory-client interaction.
- An outreach program to engage, educate, and solicit feedback from
  prosecuting and defense attorneys, judges, and law enforcement, including
  Laboratory tours as well as Lab presentations on newly implemented
  sample submission guidelines and computer linkages.

These achievements indicate efficient and effective use of available resources and demonstrate significant, measurable progress in a remarkably short time frame.

On the other hand, the Board is deeply concerned that the **Laboratory lacks critical resources** necessary to serving North Carolina taxpayers and the criminal justice system at the highest operational level. Non-competitive scientist pay resulting in persistent attrition, crushing caseloads and too few analysts, and ongoing court demands for in-person testimony—all continue to take their toll on the Laboratory.

Therefore, the **Board unanimously supports and strongly recommends** that the General Assembly approve and implement the following:

• **10% Laboratory Scientist Salary increase** as recommended in the April, 2014, Report of the legislative study Committee on Judicial Efficiency and the Administration of Justice.

A 2013 independent salary survey concluded that Laboratory salaries ranked 16% below "the average minimum, maximum and survey total" averages. The departure of Laboratory scientists to better paying positions at other public labs in North Carolina and neighboring states has caused serious Laboratory workflow disruptions and has cost the state more than \$3.2 million since January, 2010.

This 10% salary adjustment would close the "revolving door," and help to retain competent, well trained employees as well to attract future scientists from North Carolina's outstanding universities and colleges.

• Western Regional Laboratory Capital Funding to build an expanded laboratory in western North Carolina.

During FY 2012-13, 38% of toxicology submissions and 20% of forensic biology (DNA) submissions originated from counties supported by the current Western Regional Laboratory. Because neither toxicology nor DNA analysis is available in the existing facility, these cases must be transferred to either the Triad or Raleigh Labs.

The lack of DNA and toxicology services in western North Carolina has caused drastic inefficiencies in evidence transfer, court travel and testimony of analysts from the Triad and Raleigh Lab as well as lengthy case turn-around-time, all of which is unacceptable.

An expanded new Western Regional Laboratory will add DNA, Toxicology and Digital Evidence analysis and afford western counties better and quicker access to Laboratory scientists, improving efficiency and reducing travel and other costs. Analysts at the Triad and Raleigh Labs would also be freed to concentrate upon case submissions from counties within their service areas.

Construction of the new Western Laboratory needs to be built out in its entirety during the initial phase. This will be more cost effective and offer immediate services required by the Lab's customers.

21 additional DNA Analysts to meet rapidly escalating needs.

DNA analysis is in constant demand from North Carolina's 600+ law enforcement agencies as a conclusive tool to implicate or eliminate individuals during criminal investigations.

Further, the "CSI Effect" has inflated public expectations to the point that prosecutors and defense counsel insist upon DNA testimony in all criminal trials. Lab DNA scientists expended 501 hours simply in court time during 2013.

The Laboratory has averaged 3,299 DNA casework submissions over the past five fiscal years and funded 4,577 overtime hours for DNA analysts in 2013. The total work hours required to complete the average annual submissions would necessitate a minimum of 55 DNA analyst positions. Unfortunately, the Laboratory currently has been allocated only 24 DNA case working positions.

Funding a minimum of 21 additional DNA scientists will allow the Laboratory to address its responsibilities in this critical discipline.

The Board thanks the North Carolina General Assembly for the opportunity to be of service and for its careful consideration of the recommendations herein.

Respectfully submitted on behalf of the Board,

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Kermit B. Channell, II

Chair, North Carolina Forensic Science Advisory Board

cc: Roy Cooper, North Carolina Attorney General

Replies should be directed c/o Matthew L. Boyatt, Assistant Attorney General & Counsel for the North Carolina Forensic Science Advisory Board, Post Office Box 629, Raleigh, NC 27602-0629