

**Minutes for the State of North Carolina  
Forensic Science Advisory Board Meeting**

May 5, 2016

North Carolina State Crime Laboratory  
Raleigh, NC

**Board members present:** State Crime Laboratory (SCL) Director John Byrd, Adam Becnel, Michael Coble, Tracey Dawson Cruz, Demi Garvin, Mike Jiroutek, Amanda Julian, Tim Kupferschmid, Deborah Radisch, Ronald Singer (all via telephone except Director Byrd)

**Board members not present:** Kermit Channell (Chair), David Hinks, Alka Lohmann, Peter Marone, Christopher Palenik, Bethany Pridgen

**Others in attendance:** John Dilday, Ann Hamlin, Aaron Joncich, Deena Koontz, Elizabeth Patel, Jennifer Remy, Timothy Suggs, Pete Ware, Jody West (SCL); Stormie Forte (SCL Ombudsman); Sarah Olson (NC Indigent Defense Services, via telephone); Legislative Liaison Christy Agner (via telephone), John Bason, Forensic Science Advisory Board (FSAB) Counsel Matthew Boyatt (via telephone) (NC DOJ).

Meeting was called to order at 1:00 pm and began with roll call of members, who were participating via telephone. SCL Director Byrd noted that FSAB Chair Kermit Channell was unable to participate, and that Michael Coble would be chairing the meeting in Channell's absence.

Minutes from the previous meeting were amended to accurately reflect Suzie Barker's new role backing up and assisting John Dilday. Amended minutes approved in a unanimous vote on a motion by Ron Singer, seconded by Director Byrd.

**Director's Report – Director Byrd**

Director has attended a number of meetings on behalf of the SCL including a meeting of the legislature's Joint Appropriations Subcommittee on Public Safety, at which he presented the SCL's annual report to the General Assembly. Director noted his belief that when budgets are rolled out, they will be generally favorable to the SCL. Director has also been invited to address an upcoming meeting of the NC Sheriff's Association in July.

Mock court case to test "video testimony" is scheduled for late May. Judge, prosecutor, and defense attorney have agreed to participate. Results will be reported to the General Assembly. Hope to be able to put the necessary video equipment in a few courtrooms around the state that have a high volume of toxicology cases.

Goal of reducing SCL case inventory under 20,000 by April 1<sup>st</sup> was achieved. New, revised goal is to get under 15,000 by September 1. Still working toward the goal of reducing overall SCL turnaround time to an average of 180 days by the end of 2016.

Director listed the unfunded mandates for which SCL is seeking funding from the Governor and General Assembly. These include the FSAB, lab accreditation costs, employee training and recertification, and the Ombudsman position.

SCL is looking for grant monies to help with equipment costs. Many grants require matching funds, and it is a challenge for SCL to be able to identify money for those matches.

SCL budget requests include \$3.1 million for Toxicology outsourcing. SCL has been a good steward of the outsourcing money that has been allocated previously. Budget request also includes \$2.03 million for SCL operating costs and equipment, and \$1.7 million to cover unfunded mandates and the shortfall of court fee revenue that is used to pay for receipt-funded positions.

One option would be an adjustment in the current DNA fee. Increasing it from \$2 to \$10 would raise the \$1.7 million. SCL is also asking permission to establish a Special Revenue Reserve Fund, to keep unspent funds from prior fiscal year rather than having them revert back.

Governor's proposed budget included increases for SCL analysis and outsourcing (\$2.1 million), and funds to get the Western Lab up and running (\$1.08 million in 1-time funding and \$300,000 in recurring funding, including a fulltime HVAC technician.) Governor's proposed budget also includes a 1-time bonus of 3% (capped at \$3,000) for all state employees.

#### **Administrative Operations – AD Deena Koontz**

There are currently 17 vacancies (9 scientists, and 8 support positions) spread across the lab. Koontz herself is retiring soon; her position and Manager of the Western Lab have been posted. (Director Byrd noted that FSAB member David Hinks is serving on the review board for Koontz' position and expressed his appreciation for that.)

New Western Lab building continues to progress toward completion. It is hoped that most exterior work can be finished before winter so interior construction can continue through the winter months.

#### **Technical Operations – AD Pete Ware**

Total number of jobs pending has dropped more than 5,000 cases since last FSAB meeting in February. All managers have set goals for completing 2014 and 2015 cases. Still working to purchase and implement RFID, which will assist tracking and inventory.

#### **Toxicology Outsourcing – Drug Chemistry FSM Ann Hamlin**

2,768 cases have now been outsourced. The 15<sup>th</sup> batch was sent 5/3/16. Have started sending blood alcohol/blood drug "combo" cases for outsourcing. Of 44 NC prosecutorial districts, 32 have agreed to outsourcing.

Demi Garvin Q RE: court testimony by employees of NMS Labs, the company doing the outsourced work: How many times have NMS Labs' employees been asked to come testify?

SCL Ombudsman Stormie Forte: About 3% of the outsourced cases are actually being tried, a similar percentage to the overall system. When NMS employees have testified, defendants were usually found guilty. (Some found not guilty, for reasons unrelated to NMS' testimony/outsourced evidence.) Some defendants have "pleaded out" once they learned NMS was there ready to testify.

Director Byrd ended his report by noting that, with regard to training, SCL had approximately 30 employees in training when the last meeting occurred and that figure is now down to 23.

Acting Chair Coble: Next item on agenda is Quality Document Review.

Quality Assurance FSM Tim Suggs: I received comments via email from Ron Singer for one training procedure.

Director Byrd: The halfway point for comments from board members on some of the reviews was going to be this meeting. SCL should be finished with all of its reviews by the next meeting.

Director recommends that FSAB regroup on this issue, and select some specific procedures that the board can work on as a team to review. Perhaps do a brief conference call meeting in August to get an update.

Coble: Agreed. Quality Document Review discussion tabled for now. We will arrange a conference call meeting in August to focus on it.

Sarah Olson, NC Indigent Defense Services: Another issue... there is inconsistency on how evidence is being stored by county clerks post-trial. This has come up in a few cases. We would like to start figuring out how we can improve those practices. Is there someone at the lab I could partner with to work on this?

Director: Ombudsman Forte and I were discussing this issue recently. I am addressing a meeting of the Conference of Clerks of Courts in August. We're bringing Chief Evidence Technician Rice Cox, so she can conduct a class on preservation of evidence after trial. Ombudsman Forte and I could get together with you prior to that meeting and brainstorm.

Demi Garvin: You also may want to reach out to Joe Latta, of the International Association for Property and Evidence. He may have some best practices for clerks of court. I will send his contact information.

The board set Thursday August 4<sup>th</sup>, 2016 at 1:00 PM for the next meeting (replacing the previously scheduled meeting on July 24/25.)

The motion to adjourn by was made by Director Byrd, and seconded by Tim Kupferschmid.

The meeting adjourned at 1:43 pm.