

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

May 15, 2018  
North Carolina State Crime Laboratory  
Raleigh, NC

**Board members present:** State Crime Laboratory (SCL) Director John Byrd, Chairman Tim Kupferschmid, Vice Chair Tracey Dawson Cruz, Kermit Channell, Michael Coble, Demi Garvin, David Hinks, Michael Jiroutek (via telephone), Peter Marone, Deborah Radisch

**Not present:** Adam Becnel, Alka Lohmann, Christopher Palenik, Bethany Pridgen, Ronald Singer

**Others in attendance:** Jonathan Dilday, David Freehling, Josh Hickman, Aaron Joncich, Zach Kallenbach, Karen Morrow, Chris Parker, Elizabeth Patel, Timothy Suggs, Kathy Schell, Amanda Thompson, Peter Ware, Jody West (SCL); Sarah Rackley Olson, NC Indigent Defense Services; Seth Dearmin (via telephone), Leslie Cooley-Dismukes (NC Department of Justice), State Crime Lab Counsel William Hart, John Bason (NC Department of Justice); Pate Skene (Duke University)

Meeting convened at 10:02 AM by Chairman Tim Kupferschmid. Motion to approve the minutes from the previous meeting as written was made by SCL Director John Byrd, seconded by Kermit Channell, and passed by the board.

### **Director's Report**

Director Byrd: Liz Patel has been promoted from Forensic Science Manager at the Triad Lab to Assistant Director of SCL, replacing Pete Ware who is retiring soon. She has been “shadowing” him to learn more about the new position.

SCL leadership team met offsite for a retreat focused on teambuilding and strategic direction. Organizational strategy, mission statement and values were all tweaked and will be unveiled soon. SCL had its ANSI-ASQ National Accreditation Board (ANAB) on-site reaccreditation in April, and assessors from across the country visited the three labs. Assessors made recommendations and SCL is working through those, but there was nothing significant to report and no surprises. All ANAB recommendations and SCL follow-up actions will be made public upon completion; previous accreditation reports are online at the DOJ website.

AIS scanning project continues. SCL has many years of paper records at the North Carolina State Archives that need to be digitized because they can't be searched easily. When the project is completed, every case file that went through SCL will be searchable. Peter Marone: Will you be able to search by anything but case number? Byrd: Will also be able to search by discipline and analyst. Because of the critical nature of the information, SCL is also handling the quality control on the project.

Stop-Work remains a focus. SCL is working toward automating the process of communicating that a case has been dismissed or otherwise disposed by a court, so analysts don't spend working time on evidence that is no longer needed. Getting District Attorneys to respond in a timely manner has been a problem. Historically SCL has sent letters to DAs listing their district's cases and asking which ones were no longer needed. Some DAs respond quickly, others not at all. Face-to-face meetings are sometimes necessary in order to get cooperation.

Leslie Cooley-Dismukes: AG Stein recently spoke to a meeting of the Conference of District Attorneys,

mentioning the eventual automation of the Stop-Work process but stressing the need for timely cooperation in the meantime. The AG asked DAs to designate one person in their office to take the lead handling Stop-Works.

Board members discussed the desire for universal case numbers to help track cases and analyze data, while acknowledging impediments including legacy computer systems that can't easily communicate with other systems, the lack of authority over officers and other law enforcement officials to require them to utilize the number, and the lack of funding and resources to implement universal case numbers.

Byrd resumes the Director's Report: The Radio-Frequency Identification (RFID) tagging project is getting closer to fruition. It will be extremely helpful in inventory; when incoming evidence is tagged, the system can produce a list showing where everything is, including by shelf and bin number. RFID is complex to start up, but SCL is hoping to begin it this year.

Security improvements at Raleigh and Triad labs, stemming from the advanced system now in place at the new Western Lab, include replacing old analogue equipment and cameras, and adding DVRs. Administrative area of SCL will get paint refreshed, and original (20 year old) carpet replaced.

The Governor's proposed budget has been released and includes items touching on SCL and its employees, including money for testing of Sexual Assault Evidence Collection Kits (SAECK) and a tracking system for kits, but the legislature has final say over the budget. SCL has created a "Tiger Team", a high-intensity/short-duration group focused on the SAECK Tracking and Inventory Management System (STIMS).

In response to the legislative mandate to inventory of all untested SAECKs in the state, 92% of agencies ultimately reported; the remaining 8% were mostly small agencies like company police and railroad police that were unlikely to have had any kits. NC DOJ is recommending that the legislature create a committee of stakeholders to decide the protocols regarding how to handle the kits that have been identified. It would cost about \$10.6 million to test all of the 15,000 kits that were identified in the inventory, and take five to six years at the current rate that vendors can process them.

Marone: Is there any way to know the ultimate outcome when you test a kit and identify a suspect? Byrd: No. The AG and I have discussed this problem. Marone: It's a problem that every state lab has – no one is responsible for finding out what was done when a CODIS hit is reported back to local law enforcement. Sometimes the agencies don't act on the information and the suspect commits additional crimes. Demi Garvin: In South Carolina, an attacker was identified by DNA but wasn't apprehended. He committed additional rapes and a murder and now the sheriff is having to explain what went wrong. Marone: If an agency says "We can't afford" (to provide notification of the outcomes of CODIS hits), the answer should be "You can't afford not to". Channell: In most statutes I've seen that try to address this issue, there's no punitive action that can be related back to law enforcement. The lack of follow-up (regarding disposition after suspects are identified by DNA) is a big problem.

Byrd: We had originally hoped to get a commercial product to provide a statewide tracking system for new kits, but we will be using the SAECK tracking system we got from Idaho and we have hired a programmer to help operate it. Chairman Kupferschmid: Was this system created in Idaho? Byrd: Yes. It is also in use in other states including Arkansas, and Kermit Channell and his staff have been very helpful to SCL. Channell: It can be accessed by victims as well as DAs, law enforcement, hospitals, etc.

Byrd: SCL will continue to handle and process SAECKs from new cases. Kupferschmid: How many new cases do you get, and have submissions increased due to the publicity? Jodi West: We receive about 15 new kits each week, and we have seen an increase in submissions. Byrd: AGO Chief of Staff Seth

Dearmin helped get a \$3 million Sexual Assault Kit Initiative (SAKI) grant application out quickly, thanks to him for that assistance.

### **Administrative Operations**

AD Amanda Thompson: SCL applied for \$6 million in grants, including two that have already been awarded. Three Quadrupole Time of Flight Mass Spectrometer (QTOF) instruments, leased via grants from the Governor's Highway Safety program, should be received by the end of the month and managers are looking forward to that. The bulk of \$1.7 million in state funding went to leasing Gas Chromatograph instruments that will be distributed among the labs, also arriving later this month.

Board members discussed issues surrounding the "Made in America" requirement for some purchases made via federal grants.

Thompson continues: In HR, SCL has worked since late 2016 to update job descriptions as employees were promoted. Polygraph has been reinstated in the hiring process, and SCL has received approval for random drug testing. Vacancies are holding steady. Of 32 current vacancies, 20 have an individual at some step in the hiring process.

Kupferschmid: Do you track your attrition rate? Byrd: Yes. It was once over 50%, now it is down closer to the state government average of about 11%. Thompson: DOJ HR is stressing diversity in hiring and we've created a committee to look for ways to strengthen diversity, including recruiting at historically black colleges and universities. If board members have diversity recruiting strategies they use in their states, SCL would like to hear about them.

Board members discussed the importance of "recruiting locally" because young staff often leave crime labs after they receive training, to move closer to home.

### **Technical Operations**

After a brief break the meeting resumed with the new Assistant Director for Technical Operations Liz Patel presenting. Caseload is steady at about 11,400 and Lead Time (the average customer's experience) is about 192 days, although "rush" orders can be processed much faster when needed.

SCL is experimenting with a program called "Operation Spring Strike" to let new employees (who haven't built up much vacation time) earn comp time by working extra hours, for which they get time-and-a-half. It is voluntary and runs for three months. Employees can earn a total of 80 hours maximum, work no more than 50 hours in a week, and the comp time has to be used within 12 months. First quarter productivity statistics included one month of Operation Spring Strike, and SCL will dig into those numbers to evaluate the program.

SCL is seeing an increase of submissions in several disciplines. Specifically, the drugs in many of today's drug cases (heroin, fentanyl) are more time-consuming and complicated to examine. SCL has also seen an uptick in latent submissions, stemming from several local departments that have stopped doing the work themselves. Channel: Have you looked at your case management guidelines regarding latent prints? Karen Morrow: Our submission standards guidelines are under review. They are changing to mirror DNA's guidelines, where agencies can initially submit 10. If more than 10 are submitted, SCL can choose the best ones for examination and the agency can resubmit the others at a later time.

Channel: Are agencies doing a good job with their (latent fingerprint) lifts? Morrow: Some need guidance. We will have a side conversation with them to let them know that procedure changes are coming. Byrd: We're shifting some personnel internally to deal with the impact of these agencies that are closing. We've gotten word about additional agencies that may be shutting down. It's challenging.

Jody West update on DNA: Since the last FSAB meeting all 30 analysts in DNA are fully trained. All the validations at the Western Lab are completed and they are now working mock cases. Hope Western Lab to be fully operational for casework sometime in June, depending on scheduling with ANAB. Byrd: That completes the Director's Report.

#### **Quality Document Review**

Kupferschmid: Forensic Biology met today and we finished that project. Is there an update on the Quality Manual review? Garvin: We completed our evaluation of the manual and the corresponding forms, and shared a summary of our comments on the template which are pretty straightforward. We have a few follow-up questions, after staff has had a chance to see our comments. Byrd: Staff is prepared to meet with your group at the conclusion of the meeting and I'd recommend we do that.

Garvin continues, now regarding the review of Drug Chemistry: For some unknown reason the template we originally shared was incorrect - it contained items that were no longer needed. You should have the correct one now. Again, the comments are straightforward but don't hesitate to ask questions or raise concerns.

Kupferschmid: Trace Evidence? David Hinks: No update at this time, I will be in touch with Chris Palenik.

Director Byrd presented a preview of a presentation he will deliver in May to a symposium of the American Society of Crime Laboratory Directors (ASCLD). The presentation is titled "Transforming Forensic Science Services in North Carolina: Winning the Hearts and Minds through Transparency and Accountability".

The board confirmed Thursday August 2nd 2018 at 1:00 PM EST for the next meeting, to be held via telephone.

The board set October 22nd and 23rd 2018 as dates for the following board meeting. The 22<sup>nd</sup> will serve primarily as a travel day but it will also provide time for some board members to meet with SCL staff or do other board-related work. The Forensic Science Advisory Board will hold its formal meeting beginning at 10:00 AM on October 23<sup>rd</sup>.

A motion to adjourn was offered by Vice Chair Tracey Dawson Cruz and seconded by Demi Garvin. The meeting adjourned at 12:08 PM.