

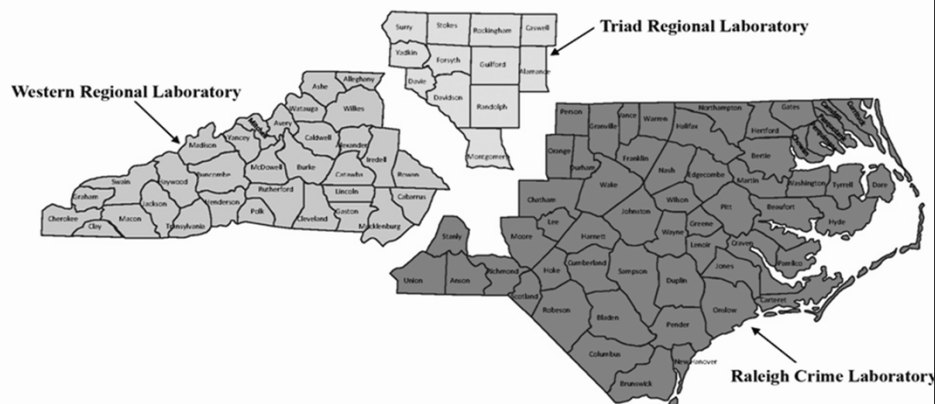
# **NORTH CAROLINA GENERAL ASSEMBLY**

**Presentation to the Joint Legislative  
Oversight Committee on Justice and Public Safety**

## **NORTH CAROLINA STATE CRIME LABORATORY**

**JOSEPH R. JOHN, SR.  
LABORATORY DIRECTOR  
DECEMBER 13, 2013**

### **North Carolina State Crime Laboratory**



## **FORENSIC ANALYSES CONDUCTED AT RALEIGH LABORATORY (STATEWIDE):**

<b>Digital Evidence</b>	computers, digital media, audio/video
<b>DNA Database</b>	maintenance of State DNA Database
<b>Drug Chemistry</b>	controlled substances
<b>Firearm &amp; Tool Marks</b>	weapons, ammunition, unidentified markings
<b>Forensic Biology</b>	blood, body fluids, DNA testing
<b>Latent Evidence</b>	fingerprints, palm prints, footprints, footwear, tire impressions
<b>Toxicology</b>	controlled substances, incl. alcohol/drugs, in blood/urine
<b>Trace Evidence</b>	hair, fiber, glass, paint, headlight filaments, gunshot residue, explosives and fire debris

## **FORENSIC ANALYSES CONDUCTED AT TRIAD LABORATORY (12 COUNTIES):**

**Drug Chemistry**  
**Latent Evidence**  
**Toxicology**

## **FORENSIC ANALYSES CONDUCTED AT WESTERN REGIONAL LABORATORY (36 COUNTIES):**

**Drug Chemistry**  
**Firearm & Tool Mark**  
**Latent Evidence**  
**Trace Evidence (fire debris only)**

## **CRIME LAB ACHIEVEMENTS/IMPROVEMENTS**

- 1. ISO/IEC 17025 ACCREDITATION**
- 2. 100 % FORENSIC SCIENTIST CERTIFICATION\***
- 3. FORENSIC SCIENCE ADVISORY BOARD\***
- 4. 3 PERFECT FBI National DNA Index System  
ANNUAL Quality Assurance Standards AUDITs—  
FORENSIC BIOLOGY**
- 5. FULL-TIME, ON-SITE LAB LEGAL COUNSEL**

\*Required by Session Law 2011-19

## **ACHIEVEMENTS/IMPROVEMENTS, cont.**

- 6. LEAN SIX SIGMA PROJECT—PRIVATE SECTOR  
EFFICIENCY METHODOLOGY**
- 7. DNA DATABASE SECTION—CURRENT ON  
SUBMISSION INVENTORY**
- 8. MODERNIZED CASE MANAGEMENT GUIDELINES**
- 9. DEPLOYED ROBOTIC TECHNOLOGY--DNA**
- 10. ELECTRONIC INFORMATION SYSTEM (FORENSIC  
ADVANTAGE) ENHANCED**

## **ACHIEVEMENTS/IMPROVEMENTS, cont.**

- 11. SECURED CONTINUOUS POSTING OF VACANCIES, EXPEDITED HIRING PROCESS, & NEW "ASSOCIATE" CLASSIFICATION**
- 12. HOST AGENCY: WVU "FORENSIC SCIENCE TRAINING CONFERENCE FOR LABORATORY COUNSEL"**
- 13. CONDUCTED CUSTOMER SATISFACTION SURVEY**
- 14. SESSION LAW 2013-171: "AMEND ... DISPOSITION OF BLOOD EVIDENCE, ADMISSIBILITY OF REPORTS AFTER NOTICE & DEMAND, AND EXPUNCTION OF DNA SAMPLES TAKEN UPON ARREST."**

## **ONGOING CHALLENGES**

### **1. CASE SUBMISSIONS—**

**FY 2012/13: 35,174 case submissions +  
28,779 CODIS/DNA on Arrest  
63,894**

### **2. MELENDEZ-DIAZ V. MASSACHUSETTS--**

**FY 2012/13: 2,822 hours of analyst court time =  
70.55 five day weeks**

### **3. INSUFFICIENT FORENSIC PERSONNEL--**

**FY 2012/13: 124 case working scientists  
11 DNA database scientists**



## **ONGOING CHALLENGES, cont.**

### **4. ATTRITION AND NON-COMPETITIVE FORENSIC SCIENTIST PAY—**

**FY 2012/13: 18 DEPARTURES;  
9 for "BETTER PAY."**

**18 DEPARTURES = 10.4 % of WORKFORCE.**

## **1/1/2010--11/20/2013**

### **75 Employee Separations:**

- 29 — "better employment"  
(38.7%)
- 18 — retirement
- 15 — no reason or "personal reasons"
- 7 — miscellaneous reasons
- 6 — transfer to SBI position

### **54 Scientist Separations:**

- 27 — "better employment"  
(50%)
- 5 — retirement
- 13 — no reason or "personal reasons"
- 4 — miscellaneous reasons
- 4 — transfer to SBI position

**Per analyst cost to State—**

**assuming a 2 yr. Lab investment in employing,  
training & developing a new scientist, plus  
scientist salary & costs:**

**\$114,625**

**9 x \$114,625 = \$1,031,625**

**27 x \$114,625 = \$2,751,000**

**2013 NC DOJ  
INDEPENDENT SALARY  
SURVEY OF FORENSIC SCIENTISTS:**

- **NCSCCL “*below the average minimum,  
maximum and survey total averages*”**

**Average Actual Salary for Comparable  
Forensic Scientist III Position--****Charlotte/Mecklenburg Crime Lab \$79,359****Va. Department of Forensic Science \$78,764****Raleigh/Wake City County Bureau  
of Identification \$64,169****N.C. State Crime Laboratory \$57,239****Average Actual Salary for Comparable  
Forensic Scientist II Position--****Va. Department of Forensic Science \$66,567****Charlotte/Mecklenburg Crime Lab \$65,273****Raleigh/Wake City County Bureau  
of Identification \$50,352****N.C. State Crime Laboratory \$47,410**



## **Average Actual Salary for Comparable Forensic Scientist I Position--**

**Va. Department of Forensic Science    \$66,567**

**Charlotte/Mecklenburg Crime Lab    \$46,684**

**N.C. State Crime Laboratory                \$42,036**

## **WESTERN CRIME LABORATORY PLANNING**

**SESSION LAW 2012-142, § 15.4**

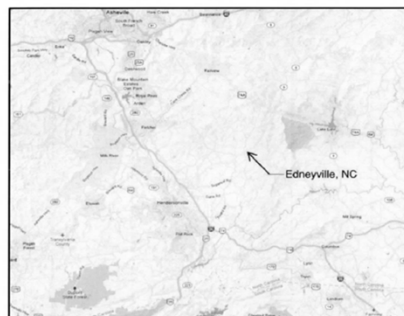
**FEB. 2, 2013 REPORT TO NCGA**

**[On 2/1/13, NCDOJ shall  
Present to the NCGA a]  
Plan [for] a Western Regional  
Laboratory to be located on  
the Edneyville Campus of the  
Training Academy . . . .**

**36,0311 Square Feet  
48 Staff Members  
751 Sq. Feet/Staff Member  
All current forensic services  
Add Forensic Biology and  
                  Toxicology  
Serve 36 counties  
\$16,845,050**



## Appendix A: Architectural Rendering- New Western Crime Laboratory/Site Orientation view/ Floor Plan



Edneyville, NC



Larry T. Justus Western Justice Academy

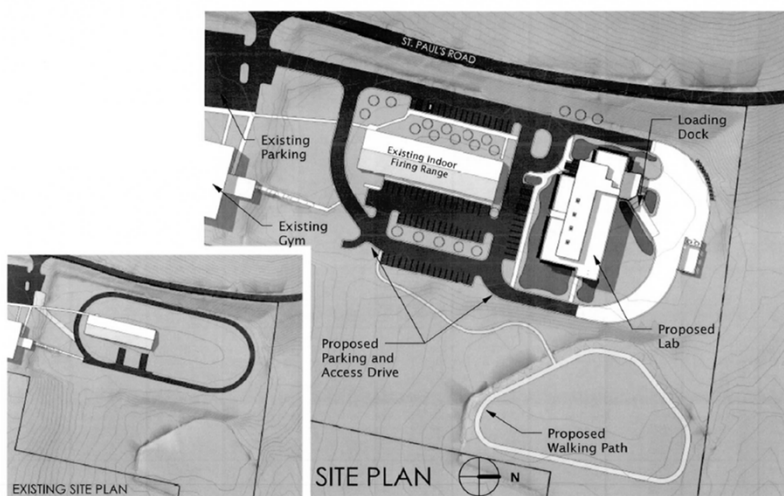


## North Carolina State Crime Laboratory – Western Regional Laboratory

Page 6 Aerial Photograph of Edneyville & Vicinity/Location Maps  
 Scale: 1" = 40'-0"  
 Project No. 1238.01

**RND**  
 ROUGHTON NICKELSON DE LUCA  
 architects

## Appendix A: Architectural Rendering- New Western Crime Laboratory/Site Orientation view/ Floor Plan



## North Carolina State Crime Laboratory – Western Regional Laboratory

Page 7 Conceptual Site Plan

Project No. 1238.01

**RND**  
 ROUGHTON NICKELSON DE LUCA  
 architects

## **WESTERN CRIME LABORATORY PLANNING, cont.**

S.L. 2013-360, SECTION 36.2 (a)  
**CAPITAL APPROPRIATIONS GENERAL FUND:**

**[DOJ] --Western Crime Laboratory Planning: NR \$1,442,000**

### **MONEY REPORT**

**DOJ Capital Expenditures Budget:  
No construction appropriation, but  
reiterated \$1,442,000 planning money, noting:**

*“Initial planning funds were authorized in  
S.L. 2012-42. The planned facility will be 36,050 square feet. The  
estimated cost of this project is \$16.8 million.”*

## **DOJ Continuation Budget**

### **¶ 54: [NCSCL] TOXICOLOGY POSITIONS:**

**R \$1,500,000 funding—  
for 19 new toxicology positions in the  
[NCSCL] to serve the western part of the  
State (includes personnel, up to \$224,500/yr.  
in lease funds, and scientific supplies).**

### **¶ 55: [NCSCL EQUIPMENT]:**

**NR \$1,055,773 funding—  
for equipment to expand the [NCSCL]’s  
ability to provide toxicology services in the  
western part of the State.**

## **FORENSIC BIOLOGY AND LAB SPACE EXPANSION REQUEST FY 13-15**

- **18 DNA Forensic Scientists, 2 Forensic Science Supervisors and 1 Evidence Technician needed to staff Western and Triad laboratory facilities (21)**
- **12,600 combined additional square feet of lab space required in Triad Greensboro and Western North Carolina areas.**

## **DOJ Continuation Budget, cont.**

**¶ 56: TOXICOLOGY OUTSOURCING FUNDS:  
NR \$750,000 2014-15 funding--  
for outsourcing of toxicology cases to private  
lab service providers. Priority should be  
given to cases originating in the western part  
of the State.**



**S.L. 2013-360, cont.**

**SECTION 18B.4: [DA OUTSOURCING]**

**NR \$500,000 2013-14 funding to [DA Conf.]--**

**to establish a grant fund to provide district attorneys ... with the resources to obtain toxicology analysis from local hospitals on persons charged with driving while impaired whose conduct did not result in serious injury or death."**

**S.L. 2013-360**

**SECTION 17.6 (a): [NCSCS TRANSFER]**

***The [NCSCS] and the State DNA Database and Databank are hereby transferred from the State Bureau of Investigation and shall be relocated elsewhere within the [DOJ] as determined by the Attorney General.***

**S.L. 2013-360, cont.**

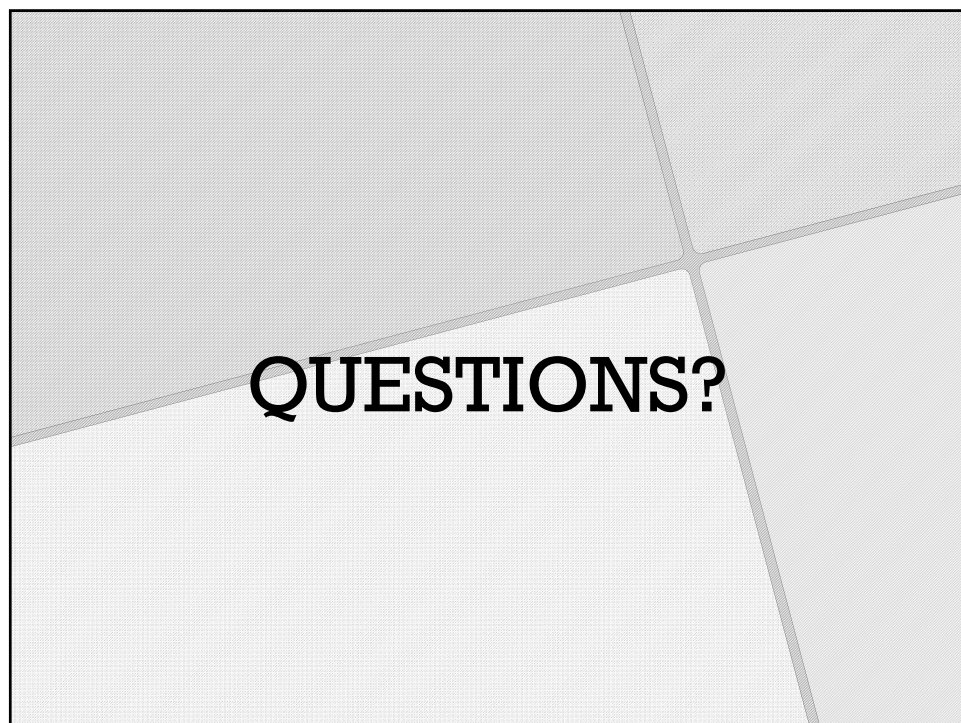
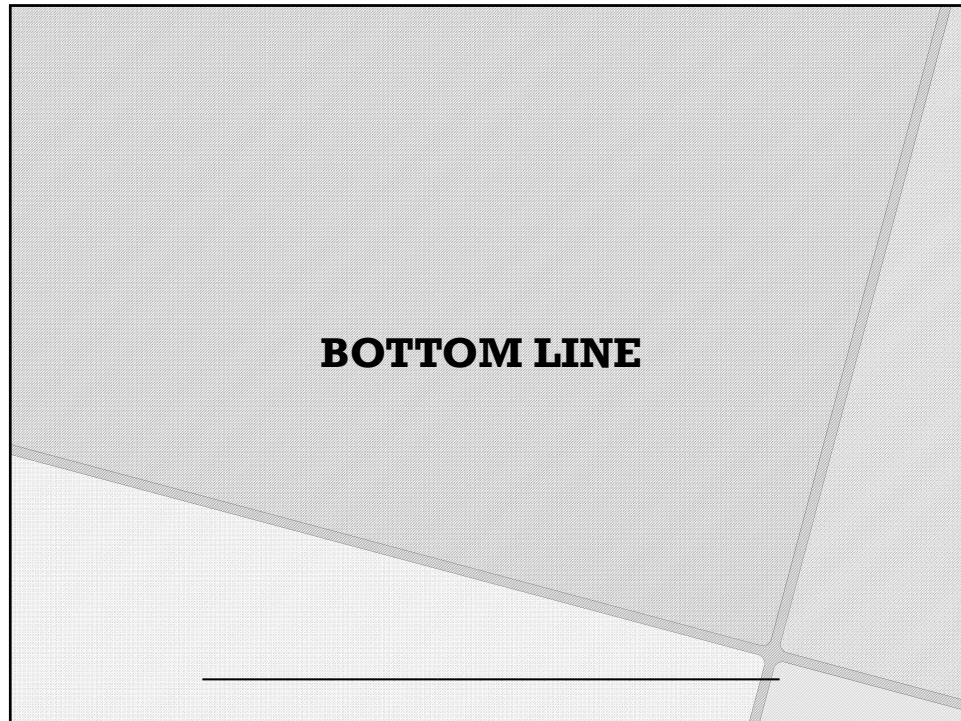
**SECTION 17.3 (a) (b): [DA TRAINING]**

**The [NCSCL], in conjunction with the [UNC SOG] and the [Conf. of Dist. Attys.] shall develop a training curriculum for district attorneys that shall include ... instruction on the fundamentals of Laboratory forensic science disciplines, the Laboratory's electronic information system, and the Laboratory's case management guidelines .... [and] shall report on its progress on developing the program on October 1, 2013.**

**S.L. 2013-360, cont.**

**SECTION 17.2: [NCSCL ANNUAL REPORT]**

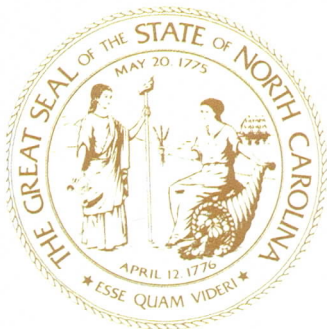
**Beginning on Oct. 1, 2013, and yearly thereafter, the [AG] shall report on the work of the [NCSCL] during the previous fiscal year"**





***If the law has made you a witness  
Remain a creature of science.  
You have no victim to avenge,  
No guilty or innocent person  
to convict or save—  
You must bear testimony  
within the limits of science.***

**Dr. P.C.H. Brouadel, 19<sup>th</sup> Century French Medico-Legalist**



State of North Carolina  
**FORENSIC SCIENCE ADVISORY BOARD**  
Raleigh, North Carolina

9 December, 2013

MEMORANDUM

Peter M. Marone, Chair  
Virginia Dept. of Forensic Science

Michael Coble, Vice-Chair  
National Institute of Standards & Technology

Kermit B. Channell, II  
Arkansas State Crime Laboratory

Tracey Dawson Cruz  
Virginia Commonwealth University

David Hinks  
North Carolina State University

Joseph R. John, Sr.  
North Carolina State Crime Laboratory

Amanda W. Julian  
Florida Department of Law Enforcement

Roger Kahn  
Harris County (TX)  
Institute of Forensic Sciences

Alka B. Lohmann  
Virginia Dept. of Forensic Science

Bruce R. McCord  
Florida International University

Christopher S. Palenik  
Microtrace, LLC (IL)

Bethany P. Pridgen  
Wilmington (NC)  
Police Department Crime Laboratory

Deborah Radisch  
North Carolina Chief Medical Examiner

Ronald L. Singer  
Tarrant County (TX)  
Medical Examiner's Crime Laboratory

Leonard A. Stefanski  
North Carolina State University

Peter R. Stout  
RTI Center for Forensic Science (NC)

Robert E. Zipf  
Forensic Pathologist (NC)

To: North Carolina Senate President Pro Tempore Phil Berger, Senator Harry Brown, Senator Peter S. Brunstetter and Senator Neal Hunt  
Speaker of the North Carolina House of Representatives Thom Tillis,  
Representative Nelson Dollar, Representative Justin Burr,  
Representative Bryan R. Holloway, Representative Linda P. Johnson and  
Representative Pat McElraft

From: The North Carolina Forensic Science Advisory Board

Subject: Consideration for Salary Adjustments at the North Carolina  
State Crime Laboratory

The North Carolina Forensic Science Advisory Board (NCFSAB) was created by NC Session Law 2011-19. This memorandum addresses the Board's determination of a singular priority issue for the North Carolina State Crime Laboratory (NCSCSL).

The results of an independent salary survey commissioned in early 2013 by the North Carolina Department of Justice were discussed at the NCFASB meeting on October 22, 2013. Public crime laboratories in Virginia, North Carolina, South Carolina and Georgia were surveyed. Disparities in pay were noted across the board when positions offered by the NCSCSL were compared to those of other crime laboratories in the region:

- NCSCSL Forensic Scientist I, II and III average salaries (pay grades 72, 74 and 77) were approximately 20% lower than the average salaries of comparable positions in the region.
- NCSCSL management average salaries (pay grades 78, 79, and 80T) were all lower than the average in the region.
- The current *maximum* salary for the NCSCSL Crime Laboratory Director (pay grade 82) is lower than the *average* salary of the crime lab directors of all the four responding laboratories. Two of the four labs appear to employ less than a fourth of the personnel employed by the NCSCSL.

The NCSCL has lost more than 10% of its workforce in each of the last two years. Hiring, training and achieving certification for each replacement scientist requires roughly two years and costs over \$100,000 per position. Personnel retention is becoming increasingly difficult as salaries have not increased for several years. Retention is a key part of reducing turnaround times and reducing pending caseloads.

The NCFSAB strongly recommends that the North Carolina General Assembly review and implement options to improve the financial benefits for NCSCL employees. A combination of salary adjustments and position reclassifications should be considered. Competitive salaries are a key part of ensuring that the NCSCL is able to provide the highest quality crime laboratory services in a timely matter.

Respectfully submitted on behalf of the NCFSAB,



Peter M. Marone, Chair

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 Advisory Board, Post Office Box 629, Raleigh, NC 27602-0629*