

# North Carolina State Crime Laboratory

Certification



# Agenda

- Overview and Timeline
- NC Law change
- Hiring Criteria
- NC Challenges to Certification
- Challenges for the Way Ahead

# Overview/Timeline

- Greg Taylor case overturned by 3 Judge Panel – Feb 2010
- NC DOJ commissions and Independent Review of the SBI Forensic Laboratory (Wolf/Swecker Report) – Mar 2010. Report released–Aug 2010
- NC General Assembly releases report: Joint Select Committee on the Preservation of Biological Evidence recommending, in part, **certification** – Jan 2011
- NC General Assembly passes “*Forensic Sciences Act of 2011*” requiring, in part, **certification**-Mar 2011
- NC State Crime Lab pursues forensic scientist certification with 100% eligible scientists certified by Jan 2013.

# N.C. State Legislation

## Forensic Sciences Act of 2011

- Session Law 2011-19
- AN ACT TO ...(3) REQUIRE CERTIFICATION OF FORENSIC SCIENCE PROFESSIONALS...AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "THE FORENSIC SCIENCES ACT OF 2011."
- **SECTION 4.** Forensic science professionals at the State Crime Laboratory shall be required to obtain individual certification consistent with international and ISO standards **as soon as practicable, but no later than June 1, 2012**, unless no certification is available. All such forensic science professionals shall have access to the certification process.
- Signed by Governor on March 31, 2011

# Amended in Session Law 2011-307

- **“SECTION 4.** Forensic science professionals...shall be required to obtain individual certification...within 18 months of the date the analyst becomes eligible to seek certification according to the standards of the certifying entity or by June 1, 2012, whichever occurs later, ...”
- Signed by Governor on June 27, 2011

# Amended in Session Law 2012-168

- "**SECTION 4.** Forensic Scientists I, II, and III, forensic science supervisors, and forensic scientist managers ...shall be required to obtain individual certification...within 18 months of the date the scientist becomes eligible to seek certification according to the standards of the certifying entity or by January 1, 2013, or as soon as practicable after that date ..."
- Signed by Governor on July 12, 2012

# Issues for NC

- Hiring prior to approval of SL 2011-19 creates legal quandary. If a person fails the certification exam, State has no legal grounds for dismissal (creating a grandfather exception).
- Hiring after the approval of SL 2011-19 does not create a legal quandary.
- How many times do you allow the person to test? NC law says within 18 months of eligibility. Some of the certifying bodies require a “cooling off” period for re-testing which extends past the statutory limit.
- SCL chose to not require sub-discipline certification

# NC Hiring Criteria

Degree in one of the following areas:

Computer science, forensic science, biology, microbiology, molecular biology, genetics, animal science, zoology, medical technology, chemistry, biochemistry, textile chemistry, mechanical engineering, physical science.

For DNA scientists: coursework in biochemistry, genetics, molecular biology, statistics and population genetics

Two years experience or equivalent education and experience

Certification



# Knowledge, Skills and Abilities

1. Employees must have a full knowledge of the principles, concepts, theories, reference sources and laboratory practices involved with the forensic examination of evidence/samples.
2. Employees must have a full knowledge of criminal law and of the rules and regulations regarding evidence gathering and handling.
3. Employees must have a full knowledge of scientific methodology and of laboratory safety practices.
4. Ability to perform and record complex standardized and non-standardized laboratory tests and procedures.
5. Ability to analyze results, and interpret methodology and to understand and solve theoretical problems.
6. Ability to express technical information clearly both orally and in writing when reporting results, testifying or explaining procedures to others.
7. Ability to understand and follow complex oral and written instructions.
8. Ability to perceive colors normally and make olfactory distinctions.
9. Ability to establish and maintain effective working relationships.



# Scientist Certification

All eligible scientists independently certified



***International Association for Identification (IAI)***



***American Board of Criminalistics (ABC)***

***Association of Firearm and Tool Mark Examiners (AFTE)***

***American Board of Forensic Toxicology (ABFT)***

***EnCase Certified Examiner (EnCE)***



***International Association for Property and Evidence (IAPE)***



# Breakdown of Certification

- 161 analysts
  - 100 –American Board of Criminalistics
  - 27 –American Board of Forensic Toxicologists
  - 12 –International Association for Identification
  - 8 – EnCase Certified Examiner (Digital)
  - 14 –Association of Firearm and Tool Mark Examiners
- 1- Evidence Technician – International Association for Property and Evidence (Not statutorily required)

# Challenges to Certification

- Different requirements for different certifying bodies
  - Different time periods for experience (1 yr, 18 mo., 24 mo.)
  - Different fees
  - Membership required
  - Different test requirements
    - Objective (written only -ABC, ABFT)
    - Skills test (IAI, EnCE, AFTE)
    - Sub disciplines

# Challenges to Recertification

Balancing resources for the following:

- Training
- Membership
- Points for recertification
  - Different criteria for each certifying body
  - No consistency across certifying bodies.
  - Five year cycle
- Certifying body changed the rules in mid-cycle (AFTE)

# ABC Summary

- Analysts certified by the ABC include those performing drug, biological, and trace evidence analyses.
- Total of all required initial fees (assuming one attempt at the certification exam): \$250.00/ scientist
- Cost for 5 year recertification cycle (continuing education, fees) [all costs approximate]:
  - Annual recertification fees - \$250.00 (\$50 annually)
  - To maximize points/dollar, the annual dues for each analyst to belong to two forensic organizations - \$300.00
  - Attend 2.5 weeks of regional / national meetings with discipline specific workshops - \$3375.00
  - Attend online training & workshops - \$400
- Approximate total cost: \$250.00 (one-time) + \$4325.00 (recurring)  
Total: \$4,575 per analyst per five year cycle

# ABFT Summary

- Analysts certified by the ABFT include those performing toxicological analyses.
- Total of all required initial fees (assuming one attempt at the certification exam): \$150.00
- Cost for 5 year recertification cycle (continuing education, fees) [all costs approximate]:
  - Annual recertification fees - \$500.00 (\$100 annually)
  - To maximize points/dollar, the annual dues for each analyst to belong to two forensic organizations - \$500.00
  - Attend two regional / national meetings - \$2700
  - Attend online training & workshops - \$400.00
- Approximate total cost: \$150.00 (initial) + \$4100.00 (recurring)  
Total: \$4,250 per analyst per five year cycle

# Overall Lab Costs based on ABC

- Five year continuing education total for 161 analysts: \$696,325.00 [Recurring]
  - Annual continuing education need: \$139,265.00 [Recurring]
- Initial certification costs for 77 analysts: \$19,250.00 [One time]
  - This cost will be distributed over the next few years as analysts become eligible for certification



# One Final Thought

- National Forensics Certification or License
  - Creates consistency across the disciplines
    - Predictable money or no money if federally funded
    - Recertification requirements (Continuing Education)
  - No membership required
  - Predictable, measurable and efficient
  - Address Sub-disciplines

# Questions?

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

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