

Division of Forensic Science Caseload/Funding Issues

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Director

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Department of Criminal Justice Services, Division of Forensic Science
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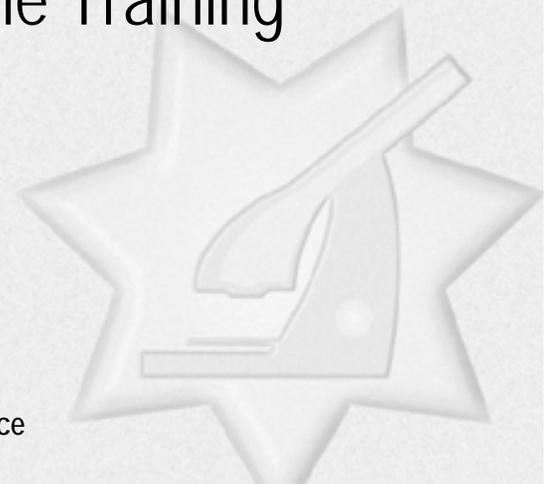
Functions

- Service to all 400 Law Enforcement Agencies
- Commonwealth's Attorneys
- Medical Examiners Offices
- All Criminal Investigative State Agencies
- Public Defenders Only Under Court Order



Forensic Services Offered

- Drug Analysis
- Firearms/Toolmarks
- Forensic Biology
- Forensic Toxicology
- Latent Prints & Impressions
- Trace Evidence
- Questioned Documents
- Bloodstain Pattern Examination
- Breath Alcohol
- Photographic Processing
- Crime Scene Training





Background

- The Division of Forensic Science (DFS) became a division under the Department of Criminal Justice Services in 1996. Prior to that time, DFS was a division in the Department of General Services under the Secretary of Administration.
- DFS currently operates four regional forensic laboratories:

Roanoke	44 FTEs
Norfolk	38 FTEs
Fairfax	30 FTEs
Richmond	132 FTEs
- DFS is appropriated \$23,586,182 and 244 total FTEs in FY 05.
- Of the 244 total FTEs, 157 (64%) are allocated for forensic examiner positions.

Delays in Testing

- The average time necessary to test evidence in all types of cases has more than doubled in the past 5 years; in FY 99 the average case took 39 days to complete and in FY 04 the average was 95 days.
- DNA cases are taking the longest period of time to test with an average of approximately 8 months for completion.

Case Type	Avg. Days in System FY 99	Avg. Days in System September 04
Drugs	27	87
Firearms	60	146
Latent Prints	56	105
Questioned Documents	32	73
Forensic Biology	141	239
Trace Evidence	106	133
Training	195	182
Toxicology	27	30
Case Support	79	51
Average All Cases	39	95

Factors Contributing to Delays

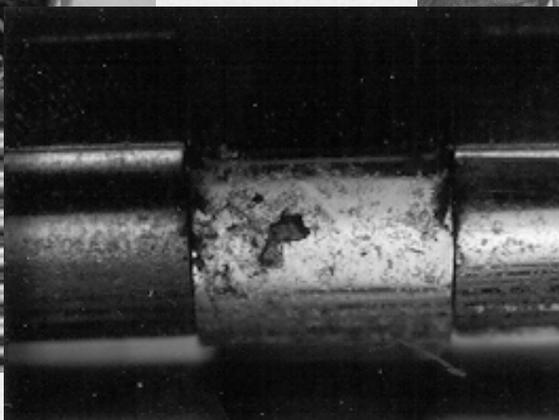
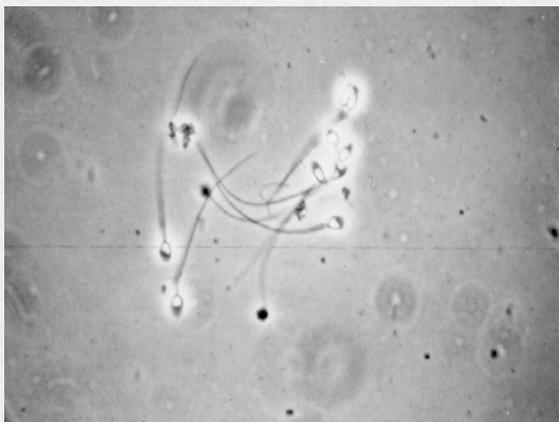
- 1) Increased workload;
 Number of cases
 Quantity of Evidence Collected
 Post-Conviction Cases
- 2) Lack of funding for requested positions and program expansion;
- 3) Staff turnover; and
- 4) Inability to hire fully qualified, experienced staff for approved positions due to salary compression.



New Cases

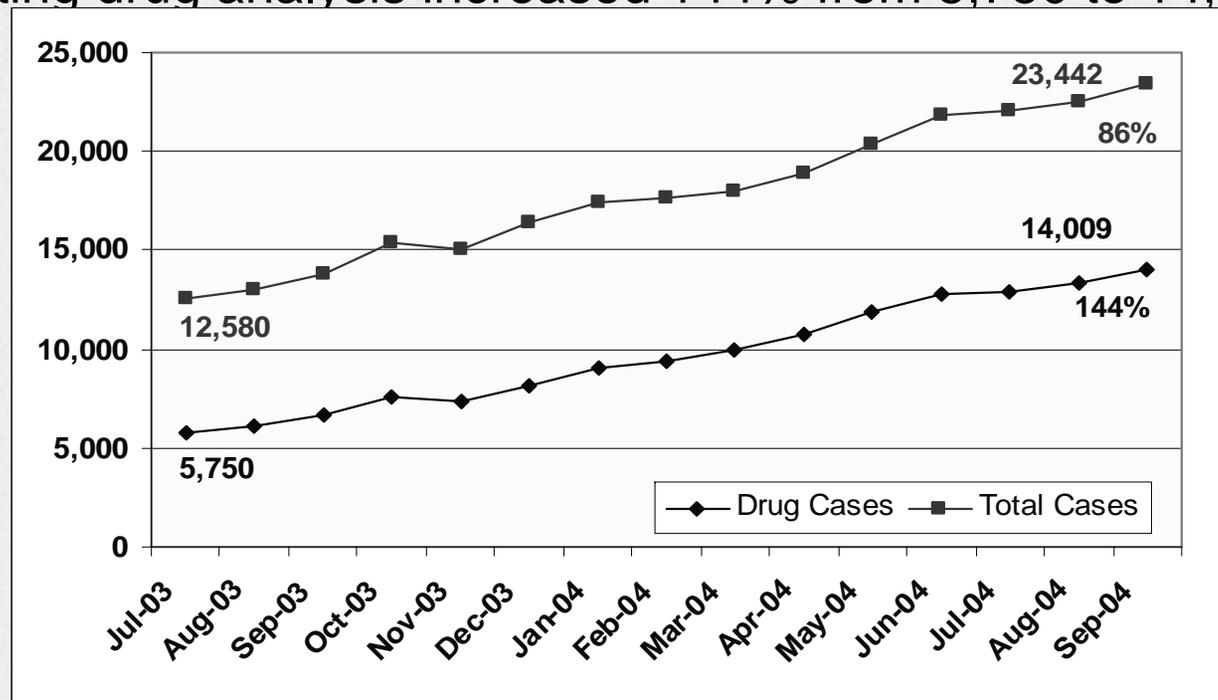
- From FY 1999 to FY 2004, the number of new cases submitted to the lab for testing increased 17.8% from 61,253 to 72,189.
- The discipline growing at the fastest rate during the 5 year period was the DNA discipline where the number of new cases grew 111%.

New Cases Received	FY 99	FY 04	Growth in New Cases
Drugs	39,330	44,947	14.3%
Forensic Photography	1	0	n/a
Firearms	2,706	4,131	52.7%
Latent Prints	5,234	5,877	12.3%
Questioned Documents	801	918	14.6%
Forensic Biology	2,165	4,576	111.4%
Trace Evidence	1,914	1,985	3.7%
Training	19	27	42.1%
Toxicology	8,395	9,066	8.0%
Case Support	718	662	(7.8%)
Total New Cases	61,283	72,189	17.8%

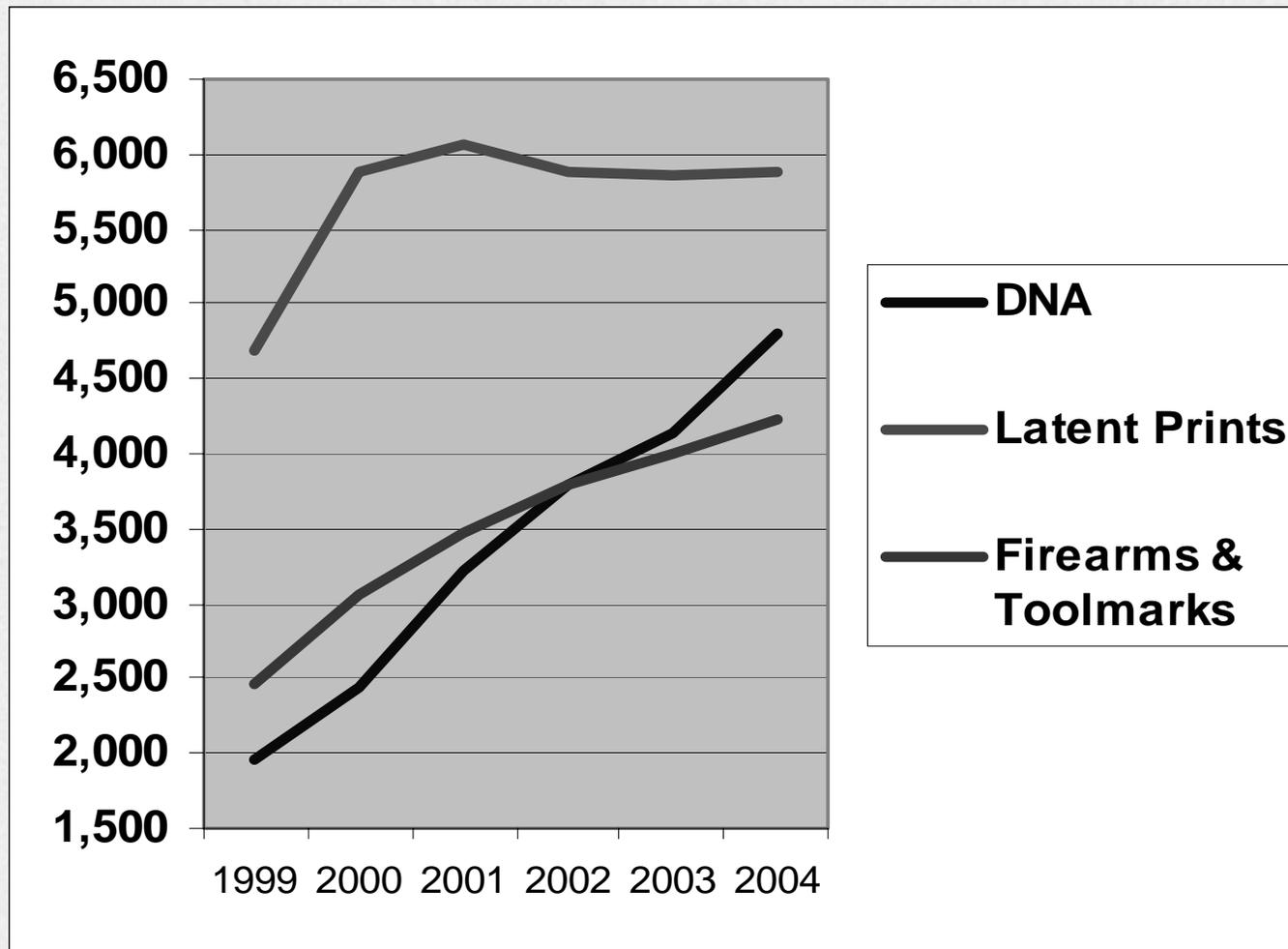


Increased Cases

- Requests for tests at the lab reached an all time high at the end of September 2004 with over 23,000 cases at the lab to receive testing.
- In particular, since July 2003 the monthly number of total cases awaiting drug analysis increased 144% from 5,750 to 14,009.



Cases Received by Section



Year 2004 data is projected from 1st 8 months

Short-term Strategies to Reduce Submissions

- Not Accept "Touch Evidence" (DNA) in non-Violent Crimes
- Require Pre-submission Conference on Major Cases
- CWA Seek Stipulation to Drug ID in plea agreements
- CWA to Contact Lab to Terminate Exams when case Adjudicated without analysis
- Reduce Submissions of Drug Cases without Suspects
- Expand Use of Drug Field Testing by Officers when ID of Drug not at Issue
- Mandatory Overtime Jan. to April '06





Resource Needs

Department of Criminal Justice Services, Division of Forensic Science
September, 2004



Forensic Science Staff

- Based on workload and case backlogs, DFS has a shortage of forensic scientists.
- Utilizing the DFS guidelines per caseload/examiner, DFS needs an additional 58 examiners just to handle the anticipated 2004 workload in the four most numerous and time consuming disciplines.

Discipline	Projected 2004 Case Receptions	Annual Guidelines Caseload / Examiner	DFS Capacity	Shortfall	Number of Examiners Needed
DNA	4,798	72	2,640	2,158	30
Latent Prints	5,887	276	4,596	1,291	4.7
Firearms & Tool marks	4,224	216	2,998	1,226	5.7
Controlled Substances	47,140	936	30,576	16,564	17.2

- Given space considerations and the ability to train new staff in DFS disciplines, DFS can only absorb 26 forensics staff and 5 support staff FTEs in FY 06; DFS estimates cost for staff at \$2.1 million in FY 06.

Salary Adjustments

- DFS is hindered in its ability to hire qualified forensic staff due to salary compression;
 Implemented Professional Achievement Program in 2004 and absorbed costs (~\$300,000/yr)
- Due to the lack of comparable raises at the state level over many years, DFS salaries for middle and senior forensics staff are behind those of other governmental and private labs.
- A 1999 DFS salary survey found at that time DFS forensic salaries were 30% behind comparable federal salaries; DFS was appropriated a 14.7% increase in 2000.
- However, since the 2000 appropriation of the partial raises, federal raises have outgrown state raises by an additional 11%.
- Thus, DFS forensic staff salaries are at least 26.3% behind those of comparable federal positions
- DFS estimates that \$3.1 million would be necessary in FY 06 to realign forensic salaries to the 26.3% competitive level.

Improve Staff Retention

- Examples of offers of employment for better compensation:
 - (1) Forensic Scientist II in Computer Forensics left in September 2003 making \$52,128; was offered a starting salary of \$82,000.
 - (2) Forensic Scientist II in Imaging Section left in November 2001 making \$47,000; was offered a starting salary of \$70,000.
 - (3) Forensic Scientist II in DNA left in November 2001 making \$46,634; was offered a starting salary of \$55,000.
 - (4) Forensic Scientist II in DNA left in September 2002 making \$55,730; was offered \$61,500 in addition to
 - a guaranteed yearly step increase in salary (approximately 10% a year);
 - time and a half for overtime;
 - a separate 401K, in addition to the regular county pension program; and,
 - payment of full medical insurance upon retirement.

Northern Virginia Lab

- The Northern Virginia lab is the oldest of the DFS regional labs and was established in 1985 before the advent of DNA technology.
- Two lab disciplines, testing trace evidence and question documents, have been moved out of this facility due to lack of room; these samples must now be transported to Richmond for testing.
- The current DFS lab is on property adjacent to the State Police Division 7 headquarters and there is not room to expand on the property.
- Realizing the growing lack of space at the Northern Virginia lab, DFS requisitioned plans for a new lab and submitted a budget request for a new facility for the FY 2001/02, FY 03/04 and FY 05/06 biennia.

Eastern Virginia Lab

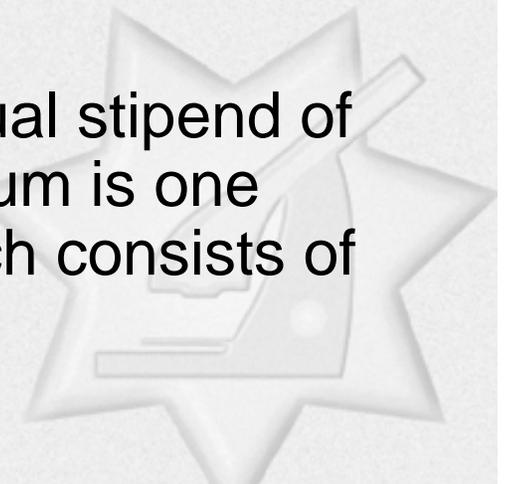
- The Eastern Virginia lab in Norfolk is also at capacity.
- The Eastern Virginia lab is currently in a building owned by the City of Norfolk.
- The building housing the Eastern lab has unoccupied space that could be built-out to satisfy the space needs of DFS.
- The 6,000 square feet of unoccupied space could be built out to fit the lab's workload and staffing needs for a one time cost of \$1.2 million.
- Rental costs of the additional space will be \$54,000 annually thereafter.



Training of Forensic Scientists

The Virginia Institute of Forensic Science and Medicine began in 1999 as a public-private partnership to provide training for new forensic scientists;

- State financial support for the Institute was eliminated in 2002 and the Institute currently relies on private donations and federal grants for operational expenses.
- The next class will graduate 17 students.
- Students at the Institution are paid an annual stipend of \$23,000 to attend the Institute; the curriculum is one year for all disciplines except firearms which consists of a two year curriculum.



Institute Funding

- Grants funding the Virginia Institute of Forensic Science and Medicine will start to expire in September 2005
- Full elimination of grant funds will occur in September 2006
- Since 1999, 25 of the Institute's 26 graduates have been employed by DFS.
- DFS will need \$906,000 in FY 2006 to continue operations at the Institute and prepare the next class of forensic scientists.

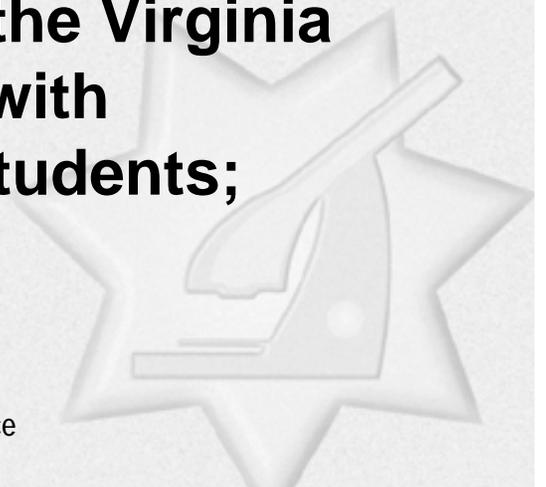


New Technologies

- Mitochondrial DNA testing allows for testing of degraded DNA, skeletal remains and hair strands without a root.
- Mitochondrial DNA was used to identify victims of the September 11th attacks and has been used to solve a number of “cold cases” nationwide.
- DFS does not at the current time perform mitochondrial DNA testing; when testing is needed the FBI requires at least six months to perform the work or a private lab conducts the testing at \$3,000 per case.
- The inability of the lab to do this type of testing undermines the intent of the 2001 DNA law allowing for post-conviction access to scientific testing that “was not available” at the time of trial.
- DFS has determined that \$376,500 will be needed in FY 2006 to fund a mitochondrial DNA program.

Summary of Funding Requests

- **\$2,140,726 for 31 new forensic scientists;**
- **\$3,096,922 to raise lab salaries 26.3% across the board to correct salary compression and allow for competitive hiring with federal forensics labs;**
- **\$300,000 for the Forensic Professional Achievement Program;**
- **\$906,000 to restore funding for the Virginia Institute of Forensic Science and Medicine with requirements for contract employment by students;**



Requests (Continued)

- - \$1,254,000 to expand the Eastern Lab and \$54,000 to pay rent on the new space;
- - \$376,500 to begin a mitochondrial DNA testing program;
- - funds to acquire land and plan for a new Northern Virginia facility (most recent DFS estimate of land acquisition/planning was \$3,517,000 in 2003).

