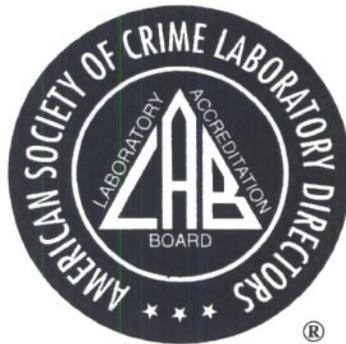


**ASCLD/LAB
INTERIM INSPECTION REPORT**



**NORTH CAROLINA STATE BUREAU OF INVESTIGATION
CRIME LABORATORY
RALEIGH, NORTH CAROLINA**

AUGUST 9, 2011

INTRODUCTION

This is the report of the ASCLD/LAB limited scope interim inspection for the North Carolina State Bureau of Investigation (SBI) Crime Laboratory in Raleigh, North Carolina conducted during the period of October 26-28, 2010. The team and the Board of Directors reviewed documentation provided by the laboratory concerning compliance with criteria for which the laboratory was found to not be fully compliant during the interim inspection.

The on-site inspection team consisted of the following members:

Richard S. Frank, Staff Inspector ASCLD/LAB, Towson, MD
Thomas L. G. Price, Kansas Bureau of Investigation, Topeka, KS
Brian Wraxall, Serological Research Institute, Richmond, CA

SCOPE AND CONDUCT OF INTERIM INSPECTION

The interim inspection was initiated because ASCLD/LAB became aware of information suggesting serious negligence or misconduct substantially affecting the integrity of forensic results, or noncompliance with accreditation standards by an accredited laboratory. The information in question is contained in an investigative report prepared for the North Carolina Attorney General's Office and has also been published by a Raleigh, NC newspaper (The News and Observer) in a series of articles.

The limited scope interim inspection considered selected essential requirements of the 2008 version of the ASCLD/LAB Accreditation Manual.

INTERIM INSPECTION FINDINGS

The following summarizes the Essential criteria for which the Inspection Team determined the laboratory to not be in compliance at the time of the interim inspection and documents the basis for the findings under the heading of Interim Inspection finding. The report also documents the laboratory responses and remediation to the findings under the heading of Interim Supplemental finding.

- 1.4.2.5 (E) Are the procedures used generally accepted in the field or supported by data gathered and recorded in a scientific manner?

Interim Inspection Finding:

Controlled substances procedure for representatively sampling evidence to report the entire composition of units in an item is not generally accepted in the field or supported by data gathered and recorded in a scientific manner. The laboratory extrapolates the entire composition based upon "square root plus one."

Interim Supplemental finding:

A revised technical procedure for sampling was implemented on December 13, 2010, which clearly identifies when inferences about the entire composition of controlled substances evidence may be made by laboratory examiners. The procedure identified for extrapolation of the entire composition is generally accepted in the field. This finding is considered to be resolved.

- 1.4.2.16 (E) Are conclusions and opinions in reports supported by data available in the case record, and are the examination documents sufficiently detailed such that, in the absence of the examiner(s), another competent examiner or supervisor could evaluate what was done and interpret the data?

Interim Inspection Finding:

Conclusions in firearms reports are not always supported by data available in the case record so that in the absence of the examiners, another competent examiner or supervisor can evaluate what was done and interpret the data.

Interim Supplemental finding:

- **The outside vendor responsible for programming the Forensic Advantage (FA) laboratory information system has reformatted the system to allow for the conclusions available in the electronic worksheets to be consistent with the wording in the procedures manual. The reformatting of FA also permits an entry of “not applicable” or “n/a” which the laboratory reports will resolve text fields being left blank. The laboratory provided revised worksheets and a copy of the applicable procedures manual page.**
- **All Firearms examiners have been instructed to import the entire computerized list generated by the GRC database into FA. A copy of the acknowledgement by all Firearms examiners has been provided.**
- **Regarding weapon type determinations being reported for bullets and cartridge cases without supporting examination documentation for the cartridge cases in case records, the laboratory advises that use of the GRC program is intended for investigative purposes only and not as a basis for analytical opinions in reports. The laboratory advises that where GRC data was obtained from a combination of cartridge cases and bullets, statements in notes and reports are qualified by stating “If the [fired bullet] and the [fired cartridge case] were fired by the same firearm, then the combined class characteristics of the [fired bullet] and the [fired cartridge case] are similar to those exhibited by [---] caliber firearms that are manufactured by or known as [---].” Any references of listings from the GRC database in notes and reports specify the intent that the information is for investigative purposes, is properly qualified, and does not suggest or imply that the bullets and cartridge cases may have been fired in the same firearm or the assumption that bullets were associated with cartridge cases examined in the case.**

The laboratory was requested to provide the inspection team with approximately 90 days of casework beginning with implementation of the modifications to the worksheets in Forensic Advantage and other corrective actions taken by the laboratory.

On April 18, 2011, the laboratory sent electronic copies of over ninety (90) Firearms case records to review covering a ninety day period from December 15, 2010 to March 15, 2011. The inspection team requested on May 9, 2011, copies of the current Firearms technical procedures, which were received by the team in the latter part of May. Forty-five (45) cases were randomly selected and reviewed. This finding is considered to be resolved.

- 1.4.2.7 (E) Are the technical procedures used by the laboratory documented and are the documents available to laboratory personnel for review?

Interim Inspection Finding:

In the Firearms/Toolmarks discipline, general rifling characteristics file (GRC) examinations for cartridge cases are being conducted and the technical procedures are not documented.

Interim Supplemental finding:

A technical procedure for General Rifling Characteristics (GRC) File Protocol for Cartridge Cases was implemented on December 21, 2010, and a copy of it provided to the inspection team. This finding is considered to be resolved.

- 1.4.2.25 (E) If the laboratory has an indication of a significant technical problem, is there a procedure in writing and in use whereby the laboratory initiates a review and takes any corrective action required?

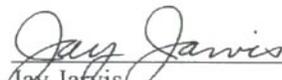
Interim Inspection Finding:

In discussing use of the laboratory corrective action procedure with laboratory management, it was determined that there is no record to demonstrate that laboratory corrective action procedure was implemented on any of the allegations addressed in The News and Observer.

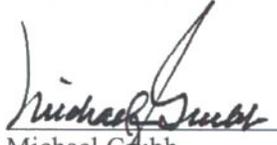
Interim Supplemental finding:

Immediately following the Interim Inspection, the laboratory Quality Manager instructed the heads of the Biology, Firearms/Toolmarks and Controlled Substances disciplines to evaluate the issues raised by the media and to establish, if necessary, a tentative Corrective Action plan for any possible discrepancies which may have occurred within the respective disciplines. On April 21, 2011, records were received from the laboratory demonstrating that the laboratory's corrective action procedure was used by the Biology, Firearms/Toolmarks and Controlled Substances disciplines to address allegations published by the New Observer. The actions taken appear to be appropriate. This finding is considered to be resolved.

Prepared by: Richard S. Frank, ASCLD/LAB Staff Inspector



Jay Jarvis
ASCLD/LAB Chair



Michael Grubb
ASCLD/LAB Board Coordinator