COOPER DISCOVERED AND CLEARED LOCAL RAPE KIT BACKLOG OF OVER 5,000 KITS

Cooper Began An Initiative To Clear A Backlog Of 6,000 Untested Rape Kits, That Previously Had Sat Untested Because Of A Crime Lab Policy Of Not Testing Rape Kits In Cases Without A Suspect, Due To Limited Resources. "NC. Attorney General Roy Cooper made the welcome announcement recently that the state forensic lab will begin working a backlog of rape cases statewide. It's a move that's long overdue. DNA evidence from these 'cold' cases will be compared to N.C.'s DNA databank, a match being evidence enough to generate an arrest. To expedite this process, the SBI lab in Raleigh will increase staff from 10 to 17 this summer, which will help work the backlog of evidence in 6,000 rape cases that remains unprocessed across the state. According to lab director Jerry Richardson, six more agents are expected to begin working in the State Bureau of Investigation lab in December 2005. […] 'We have now begun attacking this backlog,' Cooper said of the 6,000 unsolved rape cases. 'And fortunately, some of the very first cases that we have tested, that have been sitting on the shelves, have uncovered the identity of rapists. ... This is only the beginning.' Cooper's announcement could re-open thousands of closed rape cases in N.C. In the past, SBI policy limited the lab to working cases in which police already had a suspect." [Editorial, Asheville Citizen-Times, 6/9/04]

AP HEADLINE: "N.C. Attorney General: DNA Test Kits Cleared From Local Police." [Associated Press, 4/28/05]

AP: The Last Of The "No-Suspect" Rape Kits "Collecting Dust" At Local Law Enforcement Agencies Were Cleared In 2005. "State scientists are finally getting their hands on hundreds of rape evidence kits that had been collecting dust at local law enforcement agencies across North Carolina. The last of the "no-suspect" kits are on their way to the State Bureau of Investigation's laboratory for comparison to a growing database of DNA samples from all convicted felons, Attorney General Roy Cooper said Thursday." [Associated Press, 4/28/05]

COOPER'S CRIME LAB SOLVED THOUSANDS OF CRIMES

Crime Lab Annual Report: In 2014-15 "State Crime Lab Scientists Were Able To Complete Work Last Year On Evidence In 42,066 Criminal Cases Submitted By Law Enforcement." "Improvements in efficiency and methodology mean that State Crime Lab scientists were able to complete work last year on evidence in 42,066 criminal cases submitted by law enforcement, an increase of more than 8,800 criminal cases worked compared to the previous fiscal year. Case work completions exceeded case work submissions at each of the Crime Lab's three locations, and the number of cases worked by the State Crime Lab during FY 2014-2015 outnumbered the number of cases submitted during the year." [N.C. Crime Lab Annual Report, October 2015]

In The Last Three Years Alone, The Crime Lab Has Worked Nearly 150,000 DNA And Case Submissions, Fully Processing Nearly 100,000 Criminal Case Submissions. According to the Crime Lab annual reports, the Lab worked 54,986 DNA and case submissions in 2014-15, 46,268 in 2013-14 and 44,215 in 2012-13. According to Crime Lab annual reports the Crime Lab completed 42,066 (non-DNA database) cases in 2014-15, 33,258 in 2013-14 and 19,650 in 2012-13. [N.C. Crime Lab Annual Report, October 2015; October 2014; October 2013]

COOPER FIXED THE CRIME LAB

The North Carolina State Crime Lab Remains Under The Department Of Justice. [North Carolina Department of Justice – About DOJ - State Crime Lab, accessed 8/11/16]

The State Crime Lab Was Not Transferred From The Department Of Justice. "Fortunately, the General Assembly did not transfer the North Carolina Crime Lab to Public Safety. By leaving it in Justice, it has severed the lab from the SBI, which is a good move." [Editorial, Citizen-Times, 8/15/14]

2013 & 2014: State Crime Lab Was Separately Accredited By Two Independent Agencies, Making North Carolina The Only State With A Dual-Accredited Publicly Funded Forensic Lab. The Courier-Tribune reported, "In 2013 and May 2014, the State Crime Lab was separately accredited by two independent agencies under ISO/IEC 17025, the highest standards applicable to forensic laboratories. North Carolina is the only publicly funded forensic laboratory system in the nation to achieve this dual accreditation. It is also the 10th largest accredited state crime lab in the nation." [Courier-Tribune, 10/16/14]

NOTED CRIME LAB CRITIC FRED WHITEHURST CALLED THE TURNAROUND AT THE CRIME LAB "A NATIONAL MODEL"

Noted Crime Lab Whistleblower On Crime Lab Turnaround: "They Should Be Used As A National Model Of How To Get It Right." "A North Carolina attorney who blew the whistle about lab practices at the Federal Bureau of Investigation when he worked there in the 1990s agrees the state lab has made great strides. 'They should be used as a national model of how to get it right,' said Fred Whitehurst, who's now an attorney in Bethel." [Associated Press, 11/21/15]

COOPER IS THE ONE WHO COMMISIONED THE SWECKER REPORT, A THOROUGH EXTERNAL REVIEW OF THE SBI THAT LED TO THE FULL DISCOVERY OF THESE PROBLEMS

News & Observer: The Swecker Report Was "Commissioned By Attorney General Roy Cooper." In 2010, the News & Observer wrote that the Swecker Report was "an audit commissioned by Attorney General Roy Cooper." [News & Observer, 8/19/10]

WTVD: Cooper "Initiated An Outside Review" Of The Crime Lab After An Analyst "Admitted…That Key Blood Evidence Was Never Presented" During A Case. ABC 11 reported, "Attorney General Roy Cooper announced Friday he has initiated an outside review of North Caroline State Bureau of Investigation Crime Lab cases and practices from the early 1990s as well as current methods. The move comes after an SBI agent admitted during testimony at the Greg Taylor innocence hearing last month that key blood evidence was never presented to the jury that originally convicted him." [ABC 11, 3/5/10]

That Case That Led Cooper To Order The Independent Review Was Mishandled Years Before Cooper Took Office

Mishandling Of Evidence In The Greg Taylor Murder Case Occurred In The Early 1990s, Years Before Cooper Took Office As Attorney General In 2001. ABC 11 reported, "Attorney General Roy Cooper announced Friday he has initiated an outside review of North Caroline State Bureau of Investigation Crime Lab cases and practices from the early 1990s as well as current methods. The move comes after an SBI agent admitted during testimony at the Greg Taylor innocence hearing last month that key blood evidence was never presented to the jury that originally convicted him. The alleged presence of blood on Taylor's truck was key to the jury finding him guilty in 1993 of the 1991 murder of Raleigh prostitute Jacquetta Thomas, 26, whose body was found dumped on South Blount Street." [ABC 11, 3/5/10]

THE PROBLEMATIC BLOOD TESTS FOCUSED ON BY THE SWECKER REPORT WERE DISCONTINUED DURING THE BEGINNING OF COOPER'S TIME AS ATTORNEY GENERAL

The Swecker Report Noted That The "Confirmatory Blood Tests That" Spurred The Independent Review Were "Replaced In 2003." According to the Swecker Report, "It should be noted that this review focused mostly on historical practices and policies that are no longer in use at the NC SBI Forensic Laboratory. The confirmatory blood tests that were conducted in the Taylor case are no longer employed by the SBI Laboratory, having been replaced in 2003 by DNA testing and an updated human species test. Accordingly, issues relating to these tests occurred no later than the end of 2003." [North Carolina Department of Justice, "An Independent Review of the SBI Forensic Laboratory," 8/18/10]

AFTER IDENTIFYING THE CRIME LAB'S PROBLEMS, COOPER WORKED AGGRESSIVELY TO REMEDY THE ISSUES

COOPER "DISMISSED" THE SBI DIRECTOR FROM HER POSITION AFTER SHE "STRUGGLED TO ANSWER QUESTIONS ABOUT SBI CASES AND POLICIES"

Cooper "Dismissed Robin Pendergraft After She Struggled To Answer Questions About SBI Cases And Policies." According to the News & Record, "Cooper dismissed SBI Director Robin Pendergraft after she struggled to answer questions about SBI cases and policies." [News & Record, 8/19/10]

Cooper "Removed SBI Director Robin Pendergraft Days After She Strugled To Explain Agency Practices." The News & Observer reported, "Cooper removed SBI Director Robin Pendergraft days after she struggled to explain agency practices and flawed cases in an interview with The News & Observer." [News & Observer, 8/21/10]

COOPER REMOVED THE CRIME LAB'S DIRECTOR

Cooper's New SBI Director Removed The Head Of Crime Lab Immediately After The Release Of The Swecker Report. The News & Observer reported, "The head of the SBI crime lab lost his job Friday, another move in a regime change that leaders promise will bring new standards and attitudes to the state's forensic laboratory. Greg McLeod, on his fifth day at work as SBI director, removed Jerry Richardson as lab director and launched a nationwide search for his replacement. […] Attorney General Roy Cooper, a Democrat who has overseen the SBI since 2001, said Friday that enough is enough. He wants new rules, strong science and a staff that is held accountable if they refuse to heed criticism from the outside. 'I expect SBI leadership and prosecutors to take appropriate action when SBI agents don't perform as they should,' Cooper said. 'Obviously this hasn't been done as much as it should have been done in the last 25 or more years at the SBI. That's going to change.'" [News & Observer, 8/21/10]

COOPER INITIATED AN INTERNAL INVESTIGATION & FIRED PROBLEMATIC ANALYST

Cooper's New SBI Director "Ordered Three Veteran Blood And DNA Analysts To Step Away From Their Work Until He Investigates Their Part" In Withholding Evidence. The News & Observer reported, "[New SBI Director Greg] McLeod also ordered three veteran blood and DNA analysts to step away from their work until he investigates their parts in a 16-year practice of withholding critical evidence in their lab reports." [News & Observer, 8/21/10]

- **Following An Internal Investigation, Cooper Fired Duane Deaver, The Analyst Who Committed The "Most Egregious Violations."** WRAL reported, "The State Bureau of Investigation agent at the center of questions about the state crime lab's policies and procedures, has been fired, a spokeswoman for the state Department of Justice said Monday. Duane Deaver's testimony last year in a landmark case that ended in the exoneration of Gregory Taylor led to an independent review that concluded SBI analysts had frequently misstated or falsely reported blood evidence in about 200 criminal cases during a 16-year period ending in 2003. Some of the most egregious violations found…were linked to Deaver. In two of those cases, Deaver's final report on blood analyses said his tests 'revealed the presence of blood' when his notes indicated negative results from follow-up tests. Deaver was placed on administrative leave following the review while the SBI conducted an internal investigation into his actions." [WRAL, 1/10/11]

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COOPER WAS PRAISED FOR HIS SELECTION OF A NEW CRIME LAB DIRECTOR, AND IMPLEMENTED RECOMMENDED REFORMS

The News & Record Said Cooper Made A "Wise Choice" In Selecting Former Guilford County Judge Joe John As Interim Crime Lab Director. According to the News & Record, "N.C. Attorney General Roy Cooper's wise choice of former Guilford County judge Joe R. John Sr. as interim director of the troubled SBI crime lab buys valuable time. It isn't the first instance in which John was asked to lend a hand with a problem-plagued state agency. Last year, he spent two months filling in at the Department of Motor Vehicles. […] But for the foreseeable future, John, 71, should provide the steady leadership that fosters credibility and stability in short supply following allegations that biased lab results and policies sent innocent people to prison. His role should and will be more than caretaker. According to SBI officials, John will oversee a team of lawyers reviewing policies and procedures to assure information is properly shared with both prosecutors and defense lawyers. With his years of experience as a jurist in District and Superior courts and from 1992 to 2001 on the N.C. Court of Appeals, John is well-suited to handle this critical assignment." [News & Record, 10/15/10]

Cooper Said The SBI Was "Implementing The Report's Recommendations, Including The Automation Of Historical Lab Files; Posting Of Lab Policies…On A Public Website; And The Appointment Of An Ombudsmen." According to NBC – 17 WNCN, "Cooper said the SBI is implementing the report's recommendations, including the automation of historical lab files; posting of lab policies and other rules on a public website; and the appointment of an ombudsman to review lab issues or mistakes." [NBC – 17 WNCN, 8/18/10]

Crime Lab Changed Its Procedures To Ensure That All Information From Testing Is Entered Directly Into A Computer That Tracks Amendments. The News & Record reported, "In a recent change, analysts now log all their test results directly into a computer system, which compiles the information into what becomes the case report. Changes are tracked as amendments. The entire digital file is available to prosecutors, who must provide the information to defense attorneys, John said. There are no longer 'bench notes,' the written notes that were part of the reporting issues found in the murder case that launched the probe into the lab, John said." [News & Record, 2/15/11]

THE SWECKER REPORT NOTED THAT MANY KEY REFORMS WERE IMPLEMENTED AT THE CRIME LAB

Swecker Report: "Lab Files Are Now Provided To Prosecutors Via A Website…Which Places The Laboratory Analyst's Notes In The Hands Of Prosecutors To Enable Them To Be Passed To Accused Defendants." According to the Swecker Report, "Additionally reviewers determined that lab files are now provided to prosecutors via a website accessible to a point of contact within each District Attorney's Office which places the laboratory Analyst's notes in the hands of prosecutors to enable them to be passed to accused defendants on a timely basis." [North Carolina Department of Justice, "An Independent Review of the SBI Forensic Laboratory," 8/18/10]

The Swecker Report Found The SBI Began Implementing An Online Electronic Database Of All Lab Files In 2008 & The Database Had Become Fully Operational For All North Carolina District Attorneys. According to the Swecker Report, "On January 1, 2008 the SBI began to implement an online electronic data base that contained all laboratory files, and on September 17, 2008 they began phasing in access to this data base for the District Attorney's Offices in the State. By March 25, 2010 the SBI had successfully implemented online web based access to laboratory files for every District Attorney's Office in North Carolina. This access was demonstrated to the reviewers and confirmation was obtained from the District Attorneys en masse at the annual District Attorney's conference in May, 2010 that the system was working." [North Carolina Department of Justice, "An Independent Review of the SBI Forensic Laboratory," 8/18/10]

The Swecker Report Found "The SBI Laboratory Meets All FBI DNA Advisory Board (DAB) Quality Assurance Standards For Forensic Testing Laboratories" & "All Analysts Were Determined To Be Qualified." According to the Swecker Report, "A limited review of SBI DNA testing proficiency and quality control was conducted. The review determined that the SBI Laboratory meets all FBI DNA Advisory Board (DAB) Quality Assurance Standards For Forensic DNA Testing Laboratories. The FBI sets these standards pursuant to the Federal DNA Identification Act (42 U.S.C. §14132). These standards require periodic outside audits to maintain certification. The most recent audits were reviewed along with the last two years worth of Internal Analyst proficiency reports. All Analysts were determined to be qualified by education, experience and successfully passing competency tests to conduct DNA tests. […] No issues were identified in these reviews that would call into question the proficiency of analysts, quality control protocols or the adequacy of the SBI's DNA testing procedures." [North Carolina Department of Justice, "An Independent Review of the SBI Forensic Laboratory," 8/18/10]

The Swecker Report Found That The Crime Lab Had Already Begun Filling Vacancies With Analysts Who Were Not Also Sworn SBI Agents. According to the Swecker Report, "According to the Laboratory Assistant Director, Jerry Richardson, The SBI has recently begun filling open Analyst positions with appropriately qualified non sworn employees in all forensic disciplines except Chemical Toxicology and Latent Fingerprints because of the need for these Analysts to assist in processing clandestine drug laboratories." [North Carolina Department of Justice, "An Independent Review of the SBI Forensic Laboratory," 8/18/10]