



Nevada Sentencing Commission 2.23.2024

Washoe County Sheriff's Office
Forensic Science Division

Washoe County Sheriff's Office Forensic Science Division

The Washoe County Sheriff's Office – Forensic Science Division (WCOSO-FSD) provides forensic services for over 70 local, state, federal, and tribal agencies within the 13 northern and central counties in Nevada and one county in Northern California.

The WCOSO-FSD enters into annual contracts with customer agencies for these services.

Washoe County Sheriff's Office Forensic Science Division

The WCSO-FSD has ~ 50 employees and performs forensic work in the following disciplines:

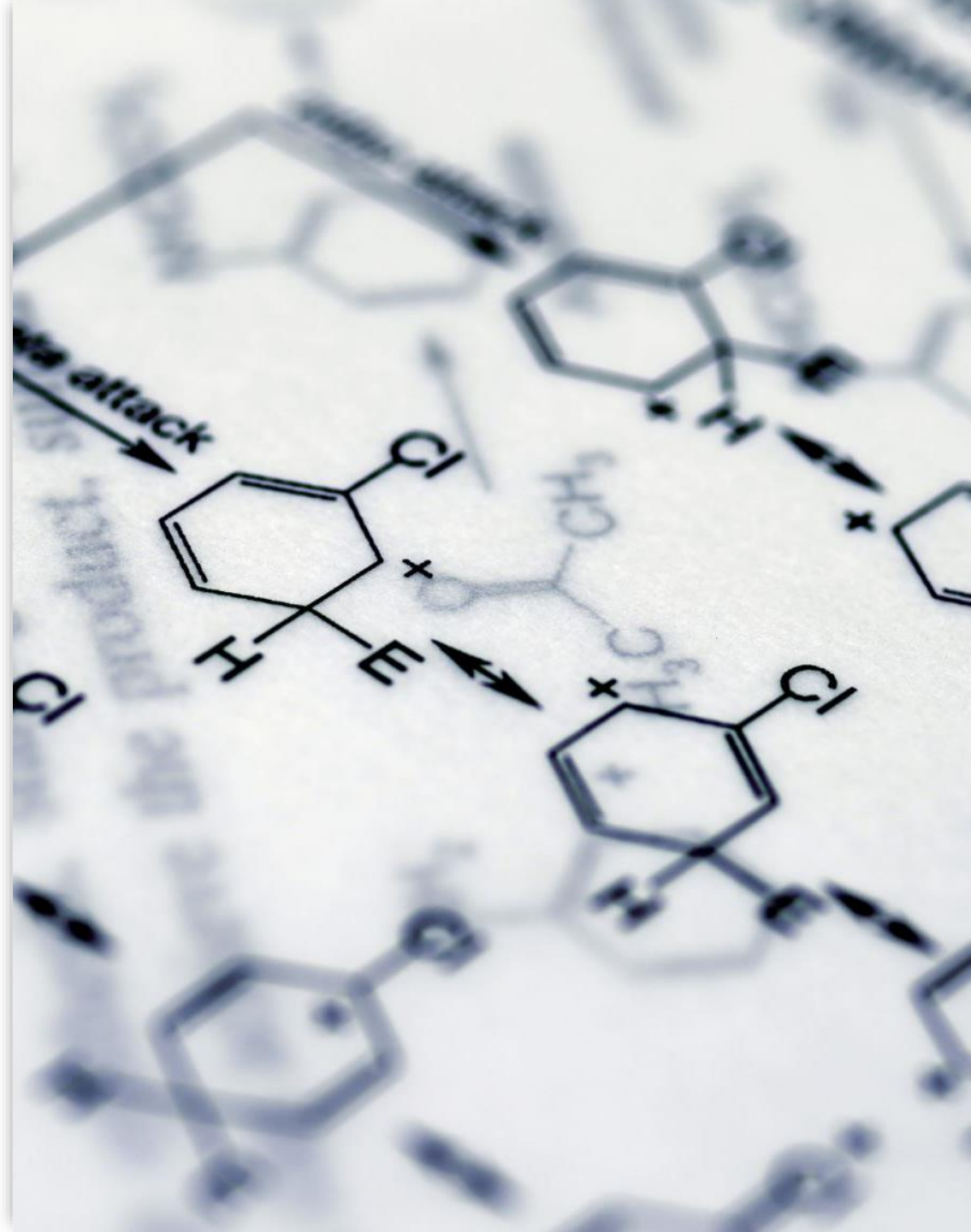
- Breath Alcohol (2)
- Biology (DNA/CODIS) (14.5)
- Controlled Substances (1.25)
- Crime Scene Investigations (3)
- Firearms Examination (includes NIBIN) (4)
- Latent Print Processing (3)
- Latent Print Comparison (includes WIN/AFIS) (2)
- Toxicology (4)



WCSCO-FSD Controlled Substance Section

The Controlled Substance Section currently has 1.25 fulltime equivalent employees (FTEs) with a plan to expand to 2 FTEs in 2025.

In 2023, the section analyzed samples for 392 assignments (16% increase from 2022). Each assignment could have multiple exhibits or samples to analyze.



WCSO-FSD Controlled Substance Section

Instruments used to confirm controlled substances are:

- Fourier Transform Infrared Spectrometer (FTIR)
- Gas Chromatography – Mass Spectrometer (GC-MS)
- Gas Chromatography – Infrared Detector (GC-IRD)

Note: These instruments either cannot be used or dedicated to quantitating controlled substances.



Current Controlled Substance Process

Law enforcement will seize potential controlled substances during an investigation.

Screening tests, such as field color tests or scans conducted with an instrument, such as a TruNarc (Handheld Raman), can be used to determine the potential substance.

Balances can be used to obtain gross weights of the substance.

Screening results + gross weights can be used to determine charges.

Current Controlled Substance Process Continued





Current Controlled Substance Process Continued

The WCSO-FSD receive controlled substance submissions needed to support criminal investigations or for court.

In 2023, the average turnaround time was 65 days

Minimum = 2 days

Maximum = 293 days

Cases are prioritized by court need and dates

Not all cases need to be analyzed by the laboratory to support charges. Courts may settle cases with screening and weight information obtained by the law enforcement agencies.

Current Controlled Substance Process Continued

General Description of the qualitative process

- Obtaining weights and perform screening on the sample(s).
- Sample preparation for analysis.
 - Focus on possible charges based on weight & drug
- Analyze sample(s) to confirm the presence or absence of controlled substances.
- Analytical review of data.
- Report writing.
- Conduct Technical and Administrative Reviews for the notes and report.

On average, a typical assignment can be completed in 2-4 hours.

- 1-3 hours for analysis
- 0.5 – 1 hour for technical and administrative reviews

Process for Quantitative Analysis of all Controlled Substance as written in SB35

1

Law enforcement will seize potential controlled substances during an investigation (no change)

2

Law enforcement can perform the same screening tests to determine the potential substance (no change).

3

Law enforcement can use balances to obtain gross weights of the substance (no change).

Process for Quantitative Analysis of all Controlled Substance as written in SB35 - continued

Unlike with qualitative testing, law enforcement will not be able to use the screening test and weight to develop a charge.

- The screening test may tell the officer what might be in the substance, but not the quantitative amount, or purity of the substance.
- Likewise, the gross weights only provides the officer with the overall weight of the substance, not the quantity, or purity, of the substance.

Quantitative analysis can only be performed in the forensic laboratory; therefore, charging may be delayed until forensic analysis can be performed.

Process for Quantitative Analysis of all Controlled Substance as written in SB35 - continued

All samples will have to be analyzed prior to charging.

Courts may not be able to settle cases without analysis. Potential impacts could increase the number of laboratory submissions by 100% or more.

Note: Reviewing the cases filed in the first 6 months of 2023 at the WCDA's Office, only ~30% of those cases were submitted to the laboratory for testing.

Process for Quantitative Analysis of all Controlled Substance as written in SB35 - continued

General Description of the quantitative process

- Obtaining weights and perform screening on the sample(s) (no change).
- Sample preparation for qualitative analysis (no change).
 - **Focus on possible charges based on weight & drug (cannot be utilize)**
- Analyze sample(s) to confirm the presence or absence of a controlled substance(s) (no change).
- **Sample preparation for quantitative analysis based on qualitative results (added process).**
 - **Statistical Sampling may be needed (uncertainty introduced)**
- **Analyze sample(s) to confirm the quantity or purity of the controlled substance(s) (added process).**
- Analytical review of data **(significant increase in time due to the quantitative process).**
- Reporting writing.
- Conduct Technical and Administrative Reviews for the notes and report.
(significant increase in time due to the quantitative process data)

Time to complete analysis (lab work, report writing, review) is projected increase 4-6 times longer per sample.

Process for Quantitative Analysis of all Controlled Substance as written in SB35 - continued

Turnaround Times

- As presented on January 19th for the Joint Interim Standing Committee on the Judiciary, the WCSO-FSD will need 4-6 more analysts (current FTE is 1.25) to maintain turnarounds of 65 days.
 - This is the best projection based on current information available, but the number may increase (i.e., we have some information about how many cases were filed with the WCDA that we did not need to perform analysis on; however, we don't have that information for the other 12 counties we served).
 - The WCSO-FSD does not have room to create office space / lab space to support more than 4 analysts, therefore, turnaround times will increase which will directly impact the court system.
 - This will have a direct impact on charging and likely a person's rights to a speedy trial.

Process for Quantitative Analysis of all Controlled Substance as written in SB35 - continued

Additional Considerations / Concerns

- As presented on January 19th for the Joint Interim Standing Committee on the Judiciary, all three laboratories in Nevada are concerned about exposure to dangerous compounds to prepare samples, specifically fentanyl and its derivatives.
- As presented on January 19th for the Joint Interim Standing Committee on the Judiciary, there are significant ongoing costs to perform this type of analysis.

Process for
Quantitative
Analysis of all
Controlled
Substance as
written in SB35 -
continued

Additional Considerations / Concerns

- Accreditation Standards
 - Analysis would have to meet accreditation standards. The WCSO-FSD is currently evaluating international accreditation and national standards (OSACs) to determine what process changes would need to occur to perform quantitative analysis.
- Validation Methods per Controlled Substance.
 - The laboratory will have to establish validated methods for each controlled substance that will be quantified.
 - Validated methods are required for accreditation and national standards.

The Goal to Perform Quantitative Analysis

As mentioned by members of the Joint Interim Standing Committee on the Judiciary during the January 19th meeting, the evaluation of quantitative testing was established out of concern for individual users being charged with higher level charges when trafficking levels were lowered.

It was also noted during this meeting that the origin of this bill came from Colorado State House Bill 22-1326



Colorado House Bill 22-1326

The bill established quantitative thresholds for Fentanyl, Carfentanil, Benzimidazole Opiate, or analogs of these substances.

Less than 1 gram = Level 1 drug misdemeanor (4th offense = Level 4 drug felony)

Between 1 – 4 grams = Level 4 drug felony

Between 1 – 4 grams with **60%* total composition** = Level 2 drug felony

Quantitative Analysis is **only** established for the above-mentioned controlled substances between **1-4 grams**.
Quantitative analysis is not required below 1 gram or above 4 grams.

Note: WCSO-FSD has not been able to identify information supporting the percentage listed in this bill.

Over 4 grams = Level 2 drug felony

Trafficking Levels Prior to and After the 2023 Legislative Session

Trafficking levels:

Schedule	Prior to 2023 Session	After 2023 Session
Schedule 1 Substance	100g (low level) 400g (high level)	100g (low level) 400g (high level)
Schedule 2 Substance	100g (low level) 400g (high level)	100g (low level) 400g (high level)
Fentanyl	100g (low level) 400g (high level) Category B; Category A	28g (low level) 42g (high level) Category B; Category B

Colorado vs. Nevada Controlled Substance Possession and Trafficking Laws

Weights & Charges	Colorado	Nevada
< 1 gram	Misdemeanor	N/A
1 – 4 grams	Level 4 Felony (6m-1yr)	N/A
1-4 grams w/60% Fentanyl	Level 2 Felony (8-24yr)	N/A
<14 grams	N/A	PCS, Cat E Felony (1-4yr; Deferral)
4-50 grams	Level 2 Felony (8-24yr)	N/A
14-28 grams	N/A	PCS, Cat C Felony (1-5yr)
28-42 grams	N/A	Low Trafficking, Cat B Felony (1-10yr)
>50 grams	Level 1 Felony (8-32yr)	N/A
42-100 grams	N/A	High Trafficking, Cat B Felony (2-15yr)
100-400 grams	N/A	Cat. B Felony (2-20yr)
>400 grams	N/A	Cat. A Felony (10-25yr)

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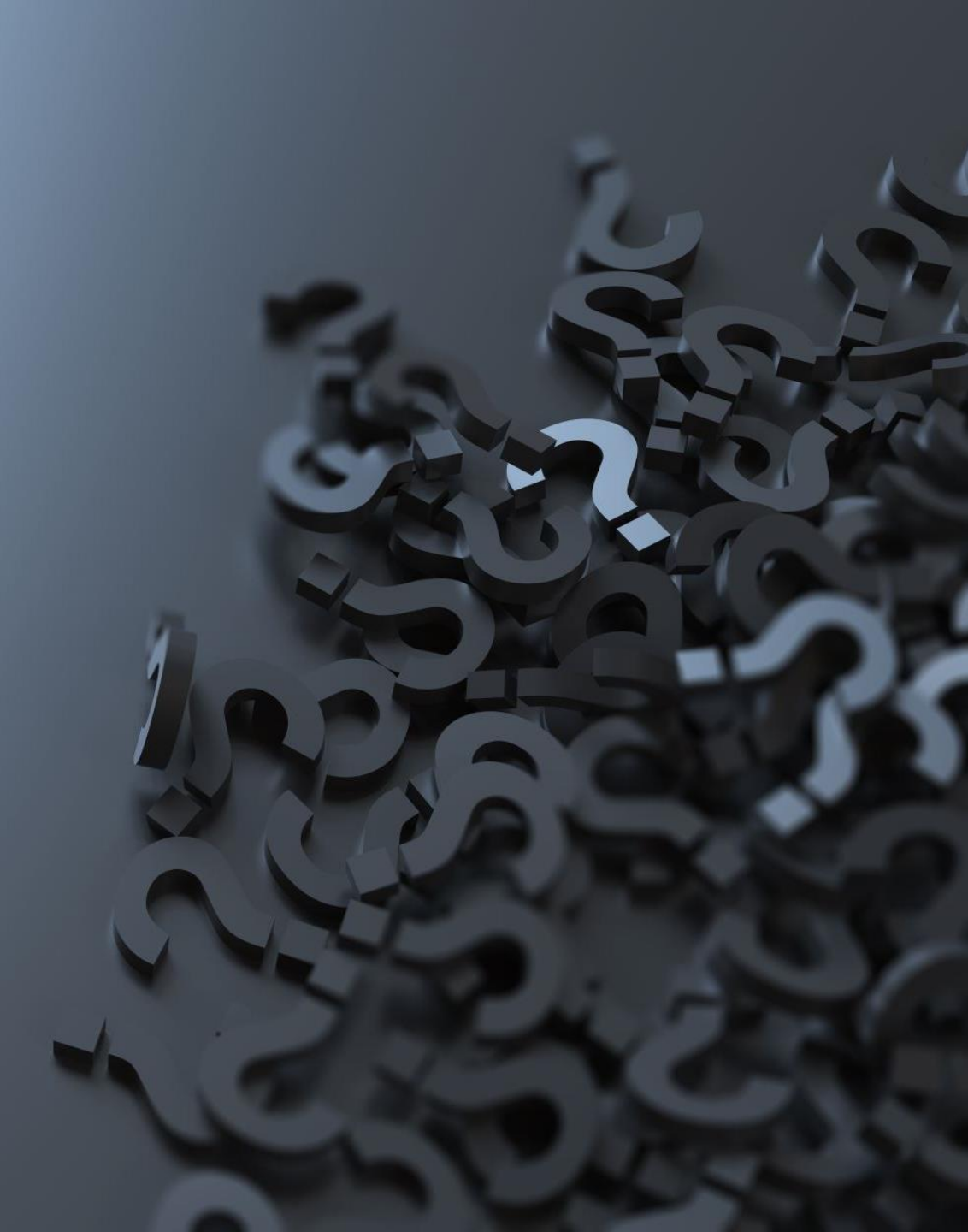
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Questions