

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Appropriations Committee February 3, 2022  
Agency 64 - State Patrol  
Rough Draft

**STINNER:** We'll now open with testimony on Agency 64, Nebraska State Patrol. And you've got the-- you've got it. Was it something I said?

**JOHN BOLDUC:** Yes.

**WISHART:** Welcome.

**JOHN BOLDUC:** You're lucky there's only one [INAUDIBLE] most of the state here. OK. So who's the acting Chair now?

**WISHART:** I am.

**JOHN BOLDUC:** Oh, OK. Good afternoon, Vice Chair Wishart and members of the Appropriations Committee. My name is Colonel John Bolduc, B-o-l-d-u-c, Superintendent of the Nebraska State Patrol. I want to thank you for giving me the opportunity to appear before you today to offer testimony concerning the Governor's recommendations in LB1011, the main appropriations bill intended to support the Nebraska State Patrol. Today, I'm speaking about the State Patrol Crime Lab. The current crime lab is housed in a 31,000 square foot building and was opened in 2015. Studies indicated at the time of construction that a space of 55,000 square feet would be needed in the future to meet the needs of the state. With budget constraints, the existing 31,000 square foot building was built with the ability to expand in the future. Since 2015, the State Patrol Crime Lab has experienced significant growth. This growth has resulted in the facility being overcapacity with regards to instrumentation, staffing, available workspace, and storage. Over this timeframe, 17 new employees have been added to the team and to the facility. Additionally, since 2015, the submitted caseload has increased sharply. Examples of this notable increase include, but are not limited to, a 75 percent increase in psilocin samples tested, a 127 percent increase in heroin samples tested, and over 2,600 percent increase in fentanyl samples tested, and a large demand to differentiate between marijuana and hemp, which takes about four times longer to complete than your typical marijuana test. Violent crimes have also increased. Prior to and with the occurrence of the COVID-19 pandemic, the state of Nebraska has witnessed an increase in crime in several areas. As a result, the Nebraska State Patrol Crime Lab has experienced a significant increase in submissions that are related to death investigations. These involve complicated and time-consuming testing. For example, from 2019 to 2020, death investigation cases submitted for biology and DNA testing

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increased by 43 percent. With all of these increases, delays in testing, increased turnaround times, and backlogs will increase without expansion. The backlogs and delays have a direct impact on investigations, court proceedings, and ultimately public safety. The current level of staffing, square footage, and instrumentation is inadequate to meet the current and future needs of the crime lab and should be immediately addressed. The Governor's recommendation in '22 mid-biennium deficit bill would appropriate \$16.8 million to the expansion of the crime lab. This expansion provides an additional 30,827 square feet, which will meet the current and future needs of the crime lab and could be completed by April of 2023. The Nebraska State Patrol supports the Governor's budget recommendations. I want to express our appreciation for your ongoing support of public safety initiatives and request the committee reconsider its preliminary decision not to fund this project. The Nebraska State Patrol remains committed to operating in a fiscally responsible manner and will continue to do so with your support. Be happy to answer any questions that you might have. I've also included a graph which depicts the current increases in several areas within the crime lab.

**WISHART:** Senator Dorn.

**DORN:** Thank you, Senator Wishart. Thank you for being here. I visited with my county attorney here in the last month, and he made the comment kind of off-handed that he said he didn't know if he really wanted to put things up to the crime lab because of the amount of time it took to get the data back that they needed. And then that was ultimately there were cases-- and I know that county, I'm sure other counties that have been, I call it, delayed because of that. Will this address that problem?

**JOHN BOLDUC:** It will, Senator, and that-- that's a reality across the state. We have 93 counties that rely on us for evidence submission; and this will have a positive impact on all 93 sheriffs, county attorneys, and our other law enforcement partners and local police departments across the state.

**DORN:** What-- what would you hope to get down to? I mean, if-- if-- if it's taking a year and I don't know if it is, I'm just using that as a timeline, I mean.

**JOHN BOLDUC:** Well, so at the risk of making promises I can't keep,--

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**DORN:** Yeah.

**JOHN BOLDUC:** --it'll take a year to construct this. It'll take several months to hire the additional staff. It will take a year to train the additional staff, and then they will be able to dig into the caseload. So decisions we make today will have a positive impact two and a half years from now.

**DORN:** Thank you.

**JOHN BOLDUC:** Thank you, sir.

**WISHART:** Additional questions? Senator Hilkemann.

**HILKEMANN:** You do not-- how much of the Omaha crime work do you do?

**JOHN BOLDUC:** We do very little. We're doing a lot of their backlog on the DNA or the sex assault kits. They send those to us in batches. So we're-- we're supplementing their work. Most of their work they're doing in-house or through UNMC lab. There are some restrictions on what they can do due to accreditation factors. So we don't do Omaha for the most part, but we do provide that service to most of the rest of the state.

**HILKEMANN:** What about Douglas County?

**JOHN BOLDUC:** So Douglas County has their own crime lab. We will occasionally get things from them as spillover on certain types of examinations that they're unable to do them. But for the most part, they handle their own.

**HILKEMANN:** Secondly, I've been out to the crime lab after this-- the new crime lab. When was that? When was that-- historically, when was that budgeted? When was that-- when was money appropriated for that?

**JOHN BOLDUC:** I believe, Senator, that was around 2014 when it was first appropriated. The construction happened after that and it was opened in 2015.

**HILKEMANN:** Do you recall, was that appropriation when they did that, was-- did-- did the Legislature appropriate the full amount of money that the Patrol wanted at that time for the crime lab?

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**JOHN BOLDUC:** Well, Senator, I was living in California at the time, so my recall won't be of any use, but perhaps some of my staff could help me with that. OK.

\_\_\_\_\_ : [INAUDIBLE]

**JOHN BOLDUC:** I get it. OK. So no. So the answer, Senator, to your question is no. The full amount of building the building was not appropriated. And so we've been paying for it and paying back the Airport Authority for that construction since that time.

**HILKEMANN:** So shortchanging you has-- has crippled you for the-- for [INAUDIBLE] ten, eight, nine years.

**JOHN BOLDUC:** Senator, if the original program statement had been followed and we built a facility of 55,000 square feet, we wouldn't be in this position today.

**HILKEMANN:** Thank you.

**WISHART:** Any additional questions? Seeing none, thank you.

**JOHN BOLDUC:** OK thank you, Senator. Thank you.

**WISHART:** Additional proponents. Any opponents? Anyone in the neutral? Seeing none, that closes the hearing for Agency 64.