

Additional **Non-voting** Attendees

Sean O'Sullivan	News Journal, Reporter
Amrita Lal-Paterson	Division of Forensic Science, Senior DNA Analyst
Dr. Edward McDonough	Division of Forensic Science, Assistant Medical Examiner
Jill Fredel	Department of Health & Social Services, Communications Director
Sean Carlson	WDDE, Reporter
Kimberly Chandler	Department of Safety & Homeland Security Communication's Chief
Randall L. Hughes	Division of Forensic Science, Acting Director
Mike Chaney	WBOC, Reporter
Mariclaire Luciano	Delaware State Senate, Senator Marshall's Assistant
Terry Pepper	Department of Safety & Homeland Security, Deputy Principal Assistant

Secretary Schiliro briefed everyone on the transfer of the Medical Examiners' Office with the signing of Senate Bill No. 241 by Governor Markell. The work that has been done so far has advanced the essential workings of the Division of Forensic Science.

Secretary Landgraf echoed Secretary Schiliro's outline emphasizing her appreciation of the time members will dedicate to this Commission. The Division of Forensic Science (DFS) plays a critical role in the sciences from both the law-enforcement and the health service perspective. The Department of Health & Social Services (DHSS) and the Division of Public Health (DPH) have gained a lot of insight from the work of the medical examiner relative to addictions. She and Secretary Schiliro can identify issues that impact the commission for members to work on ways to enhance these services.

Secretary Schiliro provided background information on ways the Commission could design a process that would allow integrity and permit the Division to move forward.

- Secretary Schiliro read Commission member's appointment letters for the record.
- DHSS engaged consulting firm Andrews International who did an exhaustive review prior to issuing a report outlining a number of shortcomings and findings. Secretary Schiliro turned the meeting over to Acting Director R. L. Hughes to review the findings of the Andrews International report.

2. Update and Corrective Action relating to the Andrews International Report

R. L. Hughes, Acting Director of the Division of Forensic Science since July 4 introduced himself and two staff members emphasizing that DFS has a number of

great people working there that he wanted to focus on. He is very proud to share that the division has some of the best scientists in the state.

- He is working to address some of the issues from the Andrews International Report as well as any others that there may be.
- The Forensic Quality Services for toxicology and DNA Laboratories were both reaccredited in August 2014. The National Association of Medical Examiners will have an on-site assessment of DFS in December.
- Members received a briefing on issues with the Forensic Science building located at 200 S. Adams Street that was built in 1971. R. L. is working with Director Dennis Groom and the Facilities Management staff to address issues including building foundation issues, storage vs. office space utilization, the lack of a separate HVAC unit for the examine room, HVAC carbon monoxide leaks, ensuring adequate space for histology and DNA sections, scheduling hood repairs for the DNA laboratory, instrument gas supply lines, and having a new piece of equipment that is unusable due to insufficient network drops.

Secretary Schiliro advised that DSHS would like to obtain funding to perform an evaluation of the building itself and the cost to bring it up to speed. It is important that commission members undertake whether or not we can bring in additional services such as ballistic testing which is sent out of state and if the building will support that over the next 3 years.

Acting Director Hughes advised that the Department of Technology Information (DTI) is doing a full scale assessment of DFS hardware, software, network integration, cloud systems, FLIMS, phone systems, electronic reporting systems, bar coding evidence, network transition, hardware and software enhancements. FLIMS is the repository of all of the DFS system. DTI is looking into a bar coding system and trying to get all of the various systems to be able to read the same bar code in order to enter information into a central repository, which is not an easy task. DTI's Project Manager should provide their final draft during the second week of October.

- Members received a briefing on the Controlled substances/Evidence Unit listing changes that have taken place since July 4.

Secretary Schiliro clarified that there will be a future meeting at the DFS lab. He reviewed the change from DFS storing evidence to their testing and returning evidence for law-enforcement agencies to store until trial dates. DFS will no longer accept manila envelopes instead they will be clear so that the person accepting the evidence can see what is inside.

Senator Marshall felt that in light of being within a 90 day timeframe and believing that Secretary Schiliro and Secretary Landgraf have done an outstanding job with the changes made that it will go a long way in restoring confidence in the division and integrity in the process.

Representative Mitchell requested clarification of the process since storage is now switching back to individual police departments.

Chief Topping advised that most evidence departments are adequate and that it will just be a matter of requesting a destruction certification from the Attorney General's (AG) Office. Many agencies already purchased barcoding; however by moving to a statewide barcoding system it will save the smaller agencies a lot of money since the largest cost is of course the server that stores the data.

Secretary Schiliro advised that a satellite office in Georgetown is being considered.

Acting Director Hughes advised that DSHS and DFS are now addressing how individual agencies will know that evidence came to DFS, was at DFS and that it left DFS. The AGs Office did a very nice job developing a triage of evidence cases. The purpose of DFS opening on a limited basis on October 2 is to ensure that evidence is being moved in and out in an efficient manner.

- DFS is looking to explore the feasibility of consolidating all toxicology work for DFS and the Delaware State Police (DSP), as well as reviewing CODIS entry. DFS plans to push out new protocols for drug evidence in home death investigations in partnership with state and local law-enforcement. The DFS is reviewing everything they do including communication with the funeral directors association who provide a wonderful service to the citizens of Delaware.
- Communications Chief Kimberly Chandler is the sole point of contact for media inquiries.

Secretary Schiliro introduced Deputy Principal Assistant Terry Pepper and DAG Lisa Morris to brief members on draft Regulations.

3. Rules and Regulations Preliminary Discussion

- Terry Pepper and DAG Morris provided proposed rules and regulations for the Commission on Forensic Science suggesting several items for Commissioners to review and requesting that members consider tenure for commission members. DAG Morris advised that the proposed regulations have Secretary Schiliro acting as Commission Chair for the first 90 days with members electing a chair and vice chair at the end of the 90 days. The Commission will meet 5 times annually and other times as needed with members not permitted to vote by proxy in order to ensure continuity. Proposed rules and regulations provide permission for the Commission to establish committees with suggestions including professionalism and accreditation committee and potentially a policy committee. The Commission is charged with oversight of the Division of Forensic Sciences. The Commission can expand the proposed Rules & Regulations in the future as necessary.
- Secretary Schiliro asked members to review the proposed rules and regulations and plan to discuss them in more detail at the next Commission meeting. He believes that we have the right people at the table in terms of expertise and their ability to advocate. While there will be a number of issues going forward including consolidation when necessary to make DFS more efficient and building issues, etc. Members need to address concerns including the closeness of DFS to law-enforcement, the autonomy of the medical examiner's officer, consolidation of other forensic functions, and above all the integrity of putting people on the stand that are able to testify credibly. This will be a very open process with reliance on members of the General Assembly to act as advocates for this process.

4. Commission Goals and Objectives Discussion

- Secretary Landgraf felt that the proposed regulations lay the foundation for Commission members with DAG Morris adding some strong points for consideration. It is important to ensure the role of the medical examiner.
- As part of the code there is a report that is due on or before January 2015 that will require member discussions including taking the Andrew's Report and expanding on their recommendations and the work that needs to be done. Additionally, the Commission's work will be vital when working on the FY15 Budget.

- Secretary Schiliro is interested in looking into pursuing reengaging Andrews International to do a re-audit of DFS for the Commission to adopt.

5. Election of Chair and Vice-Chair Discussion

- **Senator Marshall** believes that Secretary Schiliro should be the Chair with Rita Landgraf the Vice Chair for at least a year. Secretary Schiliro agreed for the first year but believe that after the first year another commission member separate from DSHS and DHSS should be Chair.
- **Senator Marshall** made a motion seconded by Chief Topping to make Secretary Schiliro the Chair and Secretary Rita Landgraf the Vice Chair for a period of one year. A discussion between the members ensued with Lisa Schwin from the Public Defender's Office endorsing the extension from 90 days to one year and seconding Senator Marshall's motion. Voting members in attendance unanimously affirmed the motion.

6. Commission Member Open Discussion

- Commission members held an open question and answer discussion on Commission duties, responsibilities, and clarification of points discussed during the meeting.

7. Proposed Meeting Schedule

- Following discussion commission members agreed to meet again the first week of December.
- Secretary Schiliro advised that the next meeting should be held in the same location due to its administrative nature. Commission members should let Dee know of any issues they want to add to the next agenda.

Public Comment

Secretary Schiliro opened the meeting to public comments and questions.

8. Senator Marshall made a motion to adjourn that was seconded by Chief Topping and unanimously approved by voting members in attendance. Meeting adjourned at 12:00.

Next Meeting: Tuesday, December 2, 2014

10:00 am – 12:00 am

Location: Public Safety Building, 2nd Floor Conference Room