



State of Delaware
Commission on Forensic Science

Minutes - 4/9/18
10:00 am – 12:00 pm
DFS – 1st Floor Conference Room
200 South Adams Street
Wilmington, DE 19801

1. Welcome, Call to Order, and Introductions

- The meeting was called to order by Chair, Chief R.L. Hughes. In attendance were:

Voting Commission Members

DAG Barzilai Axelrod	Department of Justice
Secretary Rob Coupe	Department of Safety & Homeland Security – Vice Chair
Krystal Hans, PhD	Assistant Professor - Delaware State University
Chief Randall L. Hughes	Delaware Police Chiefs' Council – Chair
Major Daniel Meadows	Delaware State Troopers Association
Senator Robert Marshall	Delaware State Senate
Lisa Schwind, RN, Esquire	Office of Defense Services-Public Defender's Office
Anita Symonds, RN	Christiana Care

Non-voting Attendees

Commission's Legal Support

DAG Caroline Cross	Department of Justice (substituting for DAG Lisa Morris)
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Additional Non-voting Attendees

Jamie Armstrong	DFS - DNA CODIS Administrator
Johna Esposito	DFS - Quality Assurance Manager
John Evans	DFS - Director
Isabella Kaplan	DTI - Customer Engagement Specialist
Christopher M. Klein	DSHS - Deputy Principal Assistant
F. John Krolikowski	DFS – Assistant Medical Examiner
Laura Nichols	DFS – Laboratory Technician-Toxicology
Amrita Lal-Paterson	DFS – DNA Technical Leader
Jennifer Swartz	DFS – Assistant Medical Examiner
Jessica Smith	DFS – Chief Forensic Toxicologist
Rebecca Walker	DFS -- Chief Operating Officer

Absent Voting Commission Members

Representative John Mitchell	Delaware House of Representatives
Secretary Kara Walker	Department of Health & Social Services

2. Approval of the Minutes

- Secretary Coupe made a motion to approve; Major Meadows seconded the motion. Hearing no objections, all voting members in attendance unanimously voted to approve the minutes of February 12, 2018 meeting.

3. DFS Director's Report

- **Staffing:**

- First, said Director Evans, he would like Dr. Collins to introduce the two new DFS Assistant Medical Examiners. Dr. Collins then presented Drs. Krolikowski and Swartz to Commission members and noted DFS is fortunate to have them on board. Dr. Krolikowski said he has been impressed with the efficiency shown by DFS personnel, especially by Dr. Collins. Chief Hughes welcomed both and thanked them for attending today.
- Director Evans continued his staffing report and said that there are no DFS positions currently posted on the Delaware employment website. However, DFS has the following two vacancies:
 - **Forensic Evidence Specialist:** Pleased to report that Kheli Wiltse will be starting with DFS on April 16th. This is a critical role and DFS has been short-staffed for some time and is looking forward to having her on board.
 - **DNA Lab Technician I:** A conditional offer has been made and the applicant is in the background phase at this time.

- **Forensic Chemistry Unit:**

- The process continues to run well. In fact, for the first time in many years, it can be reported that the FCU case evidence **backlog is at zero**. Additionally, the turnaround times in the Unit continue to shorten and they have been able to accommodate several "rush jobs" for the DOJ. Kudos again to the dedicated team in the FCU.
- **Matt Fox**, one of DFS' newest Analytical Chemist III (hired in late August '18), has successfully completed both his verbal and moot court competency tests and is now accepting his own drug casework.
- **Wendee Mohammed**, DFS' newest Forensic Evidence Specialist, successfully completed her moot court competency with respect to our evidence submission process.
- On February 26th, in accordance with the FCU Evidence Inventory Policy, an **internal audit** was conducted of 10% of the contents of the DFS evidence vault, as well as a complete audit of each of the FCU chemists' lockers. All case evidence was located, sealed and labeled as expected and within conformance to policy and accreditation standards.

- **DNA Unit:**

- There was a total of approximately **20 CODIS hits** or matches both at the local and National level since our last meeting. Sixteen of those hits were as a result of the Sexual Assault Kit Initiative (SAKI).
- **Amanda Chang**, our newest Forensic DNA Analyst, successfully completed her verbal/moot court competency in casework. Amanda had previously completed her competencies in CODIS data entry, and now she can also conduct casework.
- Both **Lauren Rothwell** and **Bethany Kleiser** (DNA Analysts) have been promoted to Senior DNA Analysts. Once their training is complete, they can begin to complete technical reviews of casework as well.
- The **2018 DNA Capacity grant** (formerly known as the Case Reduction grant) solicitation has recently been released and **Jen VanZanten** will complete the request by the May 7th deadline.
- Director Evans recognized some good work done by **Bethany Kleiser** (DNA Analyst). She recently analyzed bone fragments from recovered skeletal remains in Maryland and was able to develop a DNA profile and identify the bone as belonging to the offspring of a mother to a missing person in DE. These efforts were able to bring closure to the victim's family. A job well done by Bethany.

- **Toxicology Unit:**

- The Tox Unit continues to see an increase in the number of cases received and, in fact, in February of '18, the Unit signed out more cases than in any prior month since these stats were first recorded beginning in January of 2015. Again, thanks to the hard work and dedicated staff in the Tox Unit as they continue to meet the demands and effectively manage this increased caseload.
 - Chief Hughes asked if there were any specific factors driving this increase. Chief Toxicologist, Jessica Smith, said she thinks it is due to the opioid epidemic (increased TOX and Postmortem specimens) and also the increase in the amount of DUI cases.
- To that end, said Director Evans, the Tox Unit has been cross-training and up-training its' chemists. Doing this will make the most efficient use of staff in an effort to continue to manage the caseload and maintain turnaround times despite being short-staffed.
- Since our last meeting, the Tox Unit has come one step closer to expanding the **ELISA** (enzyme linked immunosorbent assay) drug panel, which is the initial presumptive drug screen used on cases coming into the unit. The validation process is just about complete for not only the original 12 drugs, but for an additional 7 drugs or drug classes. The data is in the review process. Expanding the drug panel will mean faster and more complete results with more drugs being detected presumptively.

- **Medical Examiner Unit:**

- The M.E. Unit is working with minimal supplies on hand at the Wilmington office as DFS continues to prepare for the morgue shutdown. Director Evans again thanked the staff in the M.E. Unit for their flexibility and assistance in this regard.
- **Dr. Gary Collins** was appointed by Dr. Kara Walker, DHSS Secretary, as a member of the Mortality Review Committee which is responsible for reviewing deaths of patients who are in the care of a state facility at the time of their death.
- **Dr. Collins** also recently graduated from the Leadership Development Program hosted by the Delaware State Police. Director Evans thanked the DSP for their invitation to participate and he hopes to continue to send our leadership team to participate in this valuable training opportunity.

- **Morgue Renovation Project:**

- Director Evans recalled that at the last Commission meeting, he discussed a pending MOU with the NCC Government to use a County building as an off-site location to temporarily hold decedents immediately before and after autopsy. Due to some last minute complications with that agreement, plans have changed and DFS will now be using a building on the old Emily Bissell campus as our off-site location.
- Facilities Management is in the process of making modifications to the building DFS will be occupying. Once those modifications have been completed, the vendor will deliver the temporary refrigeration unit and the project can begin. While there is not yet an exact timeline, said Director Evans, he does not expect that the building modifications will take too long and believes there is a two week delivery time for the refrigerated unit.
- The emergency generator replacement work started last week.
- Again, once a start date for the project has been identified, DFS will make formal notification to all of our partners and to the Commission.
- Regarding the DFS parking situation, Director Evans thanked Rebecca Walker for working with the City to secure newly designated street parking on Chestnut Street. Signage was posted and placards were provided by the parking authority.

- **Other Points of Interest:**

- The 2017 Annual Report is in the final review process and has been submitted to the Secretary's Office for review. Director Evans thanked the DFS management team for their submissions and particularly acknowledged Johna Esposito for formatting the report.
 - It comes as no surprise, said Director Evans, but the Annual Report will reveal an increased workload across all disciplines within DFS over past years. He said again it is thanks to the dedicated and hard-working DFS team that the mission continues to be met.

- Unfortunately, said Director Evans, the report will also reveal that the number of confirmed accidental drug deaths in our State continues to increase with 345 dying from overdoses this year versus 308 last year.
- Director Evans noted that DFS has continued its efforts toward community outreach since our last meeting:
 - Jessica Smith has traveled to several high schools in our state and given presentations on Forensic Toxicology.
 - DFS welcomed the Explorers Program from the Newark Police, as well as students from Ursuline Academy and provided a presentation and tour.
 - Becky Walker and Julia Vekasy attended the Future Health Professionals Pipeline program hosted by the University of Delaware Health Sciences at the Star Campus. They assisted as judges in a forensics competition with high school students.
- In early March, reported Director Evans, everyone within DFS was offered an opportunity to become certified in CPR, particularly those employees in the M.E. Unit and the Forensic Chemistry Unit. He thanked the DSP Aviation Section for providing this training. Director Evans said that these CPR certifications bring us one step closer to providing Narcan® in the Forensic Investigator trucks, the morgue area and the Forensic Chemistry Labs to be used in the event of an accidental exposure. Training will be offered at the end of the month regarding internal policies and procedures and the actual administering of Narcan®. Director Evans then thanked Becky Walker for coordinating this effort.
- Director Evans recalled that at the last meeting, Chief Hughes had asked if there were exterior cameras at our Georgetown facility. Director Evans reported that DFS has been working out technical issues with DTI and received a quote from Advantech for both internal and external cameras; work is now in progress on securing a funding source for the project.
- Director Evans said that at past meetings, he has discussed a couple of grant opportunities of which DFS is taking advantage. He then asked Rebecca Walker to give a brief overview on what exactly is being done with those grants.
 - COO Walker reported that two grants were applied for and awarded to DFS:
 1. ESSOS (Enhanced State Surveillance of Opiate Involved Morbidity/Mortality): DFS was awarded \$137,029. With part of this grant, DFS plans to work with DTI to expand reporting capability of FLIMS and also improve integration of PMP into our process involving drug deaths. The second part of this grant will be used to: a) expand testing panel for synthetic opioids fentanyl analogs which involves purchase of equipment and standards; b) enable hiring a consultant (starting sometime in May); and c) to purchase two new turbovap evaporation systems (~\$21K).

2. CJC (Criminal Justice Council) Coverdell Grant: Awarded \$108,332. DFS will use part of this grant to cover personnel training for MAAFS (Forensic Chemistry Unit), NAME and Forensic Investigators (Medical Examiner Unit). This will use \$50K between registration and travel. The rest of the monies will be used to: a) cover cost of buying ten new camera kits (camera, lens, bags, flash, etc.); b) two portable lift systems with swings (Medical Examiner Unit); and c) purchase of two large balances and associated anti-static kits (Forensic Chemistry Unit).

- Director Evans asked if there were any questions. Ms. Anita Symonds asked if any of these grant monies were going toward the DNA lab for new equipment or training needs as she knows their workload has increased with all the processing of SAKI kits. Director Evans said he did mention earlier that the DNA Case Reduction grant application process is underway. He stated the DNA lab is almost solely funded, on the operational side, by grant monies and that the SAKI grant is a separate grant for processing pre-2015 sexual assault kits. He then turned to DNA Technical Leader, Amrita Lal-Paterson, and asked her to speak on the status of a new SAKI grant. Ms. Lal-Paterson said that another grant has come out – the 2018 SAKI Grant. She said that Mike Kelly, from CJC, is working on applying for that grant and the deadline is the end of this week.
- Along those lines, said Chief Hughes, it was just reported that 16 of the 20 CODIS hits were as a result of the SAKI initiative. He said he would like to share this information at the Police Chiefs' Council meeting. Director Evans replied that would be a good thing to share and to let the chiefs know the benefit of submitting these kits and that DNA is vetting the lists they have received thus far.
- Secretary Coupe asked DFS to offer a quick sound bite for Chief Hughes regarding what those SAKI hit numbers actually mean before sharing that information with the Police Chiefs' Council. The Secretary said his first impression when hearing about them in the DFS weekly report was that this news would be in the paper every week, and crime after crime would be solved. However, he has learned it is a much more complicated procedure than that; i.e., once the hit occurs, a lot of times no arrests are made. He then asked if Jamie Armstrong, DNA CODIS Manager, would give everyone background information concerning CODIS hits. Mrs. Armstrong said all kits are first sent to Bode Labs to see if there is foreign or non-foreign DNA present. DNA has uploaded over 100 profiles into CODIS. Director Evans explained that just because DNA gets a hit, does not mean that someone is then arrested. It could be that the person is already in CODIS and DFS is basically confirming the name of suspect. Mrs. Armstrong said she then disseminates the hit information to Mike Kelly (CJC), and the respective county DOJ for follow-up. DNA Technical Leader, Amrita Lal-Paterson, said these hits are not only from the state of Delaware, they are from other states as well.
- Ms. Lal-Paterson further explained that the SAKI initiative grant is for any rape kits collected prior to April 30, 2015. The kits first go to Bode Labs and then results come back to DFS. She said Bode will take three samples of the rape kit for extraction to determine if there is any male DNA present. A DNA profile is then obtained and all the data is put into a web server. DNA gets notified once a month, then everything that is positive is downloaded and data is reviewed for an in-house report which is given to Mrs. Armstrong. She, in turn, checks eligibility and accuracy of the profile.

4. Standards & Certifications Advisory Committee

- Johna Esposito reported the committee is meeting today and plan to put together their report for the Commission regarding increasing salaries, employee service longevity and establishment of career ladders within the laboratory positions. She said the report should be ready for review and comment by the next Commission meeting (6/11/18).

5. Strategic Planning Advisory Committee

- DAG Axelrod reported that the committee met on 3/26/18 and they are realizing that their first priority, which was the outlining of DFS' current space requirements, and then determining needs going forward, is going to be a long, slow process. He said they have made some progress. The committee now has an individual breakdown of laboratory space needed for each discipline. Ultimately, he said, there are some complicated formulas they will have to understand, i.e., staffing needs, the laboratory space that goes with those needs, and then, probably a 30-year look ahead. The data the committee will initially be relying on is the DFS 2017 annual report which will supply the end data for last year. Mrs. Lal-Paterson brought a report to the group that surveyed labs which provided some helpful content for us to review. We were not able to locate any national standards for DNA or Toxicology regarding number of cases analyzed per year versus staffing required. The committee also intends to ask Dr. Collins to reach out to Dr. Fowler to see if the raw data that was used for the Maryland Lab can be obtained. Going forward, he said, the committee will also try to determine what other potential disciplines to include or not in the overall matrix.
- DAG Axelrod said the committee has not yet set a definitive date for their next meeting, but most likely it will be in May,

6. Commission's Purpose and Objectives for 2018

- Director Evans said as a follow-up to our last meeting, it was agreed that it would be a good idea to bring DFS/Commission stakeholders and partners together and share with that group where we are today versus yesterday. DFS would highlight the good work and advances made here, i.e. improved security, the protection of evidence, purchase of sophisticated instrumentation, hiring of additional staff, and the training that is underway – those types of things. He continued that for the Commission's communication with stakeholders, he would like to put together a list of people DFS would like to invite and will present that to the Commission. Director Evans said the presentation could be made in the DFS Auditorium, followed by a tour of the facility. Due to the morgue reconstruction project and all that it entails, he said the timeline should be pushed toward late spring/early summer, when the project has been completed.
- Chief Hughes agreed and said that gives everyone time to get a list of stakeholders/partners put together and have the invitations sent out. He said the Commission would like to have more legislators included and reached out to Senator Marshall to assist the Commission with those invitations.

- DAG Cross recalled that at the last meeting, a discussion was held concerning creation of a website just for the Commission. She said that after careful research and review, that type of e-mail site would not be recommended. DAG Cross said that by assigning, one, two or even three members, the task of monitoring goes beyond fairness, by giving more power to some of the members over others. She believes each e-mail should be reviewed by the entire Commission and answered as a whole and this would create at least a two month lag in response time which is counterproductive. COO Walker said there is a link on the DFS website where a person can go directly to the public meeting calendar and see CFS agendas and minutes there. ODS Schwind said she thinks that it would be difficult for a citizen to navigate, after reaching the public meeting website, as it is like a maze to search and find anything. Secretary Coupe said he, Director Evans, Dr. Walker, and DPA Klein will review the DFS website again.

7. Commission Members Open Discussion

- DAG Cross said she contacted the Governor's office (Lydia Massey) to learn the expiration date of Commission appointments. Their interpretation is that members were appointed at the pleasure of the Governor and, therefore, the appointments do not expire. She said members may remain on the Commission until resignation or the Governor chooses removal.
- DAG Cross reported that two CAR's were incurred since our last meeting.
 1. Unacceptable result in a Toxicology proficiency test. It was a test for a non-active and non-lethal metabolite of marijuana which came back as incorrect. It would not have impacted any cases. Steps are now being taken to cure the problem so that it will not happen again. As this was discovered as part of internal checks and balances and immediately corrected, it shows the systems in place are working and no further action is needed.
 2. Report was released from FCU with incomplete results. The report included a positive hit for a heroin peak but did not initially include a cocaine hit, due to a misunderstanding that it was below the reportable level. During verification review, the unit determined the report was not complete. The report was amended within three weeks, and the data interpretation policy was clarified and disseminated throughout FCU. As this was discovered as part of internal checks and balances and immediately corrected, it shows the systems in place are working and no further action is needed.
- ODS Lisa Schwind asked if there is a social media policy for this agency. Secretary Coupe said this is a very broad topic, as some of our divisions actually have a social media site and others do not. There is a policy at department and division level, but not on an employee level due to first amendment rights.
- Senator Marshall related that at a community meeting recently a constituent asked if it is known where the opioids originate; are they pharmaceutical or home-made opioids. ODS Schwind said some of the fentanyl's are being manufactured in other countries; Secretary Coupe concurred and said then they are shipped/smuggled into the U.S. in a variety of ways. Major Meadows said as far as the opiate epidemic, it probably started with diverted pharmaceutical medications which were being prescribed liberally by a handful of less ethical physicians. Since that time, with new regulations, that supply has been shut off but we are now left with an opioid-addicted base and a greater mortality with the addition of synthetic opioids.

- Chief Hughes said he recently learned that Bensalem/Bucks County now has a local database created by Bode to help in crime solving. Every suspect is asked for a swab at the time of interview. Bode is currently offering a tremendous discount for processing these swabs. He said their success rate is outstanding and that perhaps law enforcement agencies and the DFS DNA folks should take a look at this process.

8. Executive Session pursuant to 29 Del. C. § 10004(b)(6) (discussion of personnel matter)

- Chief Hughes said it is at this point in our meeting that the Commission will go into Executive Session and asked for a motion. Secretary Coupe made a motion to move forward with the session and Major Meadows seconded the motion. Hearing no other objections, all other voting members in attendance unanimously voted to approve the motion.
- The Executive Session began at 11:12 a.m. and concluded at 11:31 a.m.

Adjourn

- The meeting was adjourned upon close of Executive Session.

Next Meeting Date: Monday, June 11, 2018
DFS – Wilmington, 1st Floor Conference Room
10:00 am – 12:00 am