



State of Delaware  
Commission on Forensic Science

Minutes - 11/12/19

10:00 a.m. to 12:00 p.m.

DFS – 1<sup>st</sup> Floor Conference Room, 200 South Adams, Wilmington

1. Welcome, Call to Order, and Introductions

- Chair R. L. Hughes called the Commission meeting to order at 10:05 a.m. In attendance were:

Voting Commission Members

DAG Barzilai Axelrod	Department of Justice
Secretary Rob Coupe	Department of Safety & Homeland Security – Vice Chair
Chief Randall L. Hughes	Delaware Police Chiefs' Council – Chair
Professor Donald Lehman	UOD – Public Member
Major Daniel Meadows	Delaware State Troopers Association
Representative John Mitchell	Delaware House of Representatives
Lisa Schwind, RN, Esquire	Office of Defense Services-Public Defender's Office
Anita Symonds, RN	CCHS - Public Member

Non-voting Attendee

Commission's Legal Support

DAG Lisa Morris	Department of Justice
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Additional Non-voting Attendees

Jamie Armstrong	DFS – DNA State CODIS Administrator
Representative Frank Cooke	Delaware House of Representatives
Johna Esposito	DFS - Quality Assurance Manager
John R. Evans	DFS - Director
Jill Fredel	DHSS – Communications Director
Isabella Kaplan	DTI - Customer Engagement Specialist
Amrita Lal-Paterson	DFS – DNA Technical Leader
Heather Maldonado	DFS - Toxicology Laboratory Manager
Melissa Newell	DFS – Forensic Chemistry Laboratory Manager II
Laura Nichols	DFS – Laboratory Technician III
Jessica Smith	DFS – Chief Forensic Toxicologist
Rebecca Walker	DFS - Chief Operating Officer

Absent Voting Commission Members

Senator Nicole Poore	Delaware State Senate
Secretary Kara Walker	Department of Health & Social Services

- Introduction: Representative Mitchell introduced Representative Frank Cooke, who is in his first term in the Delaware House of Representatives. He said that Frank has been designated to replace him on this Commission. Rep. Mitchell recalled that he became part of the Commission at its inception 5 years ago, however, the Speaker of the House has now assigned him to several taskforces, and he will no longer be able to sit on the Commission. Rep. Mitchell thanked everyone for the great work that has been done by all involved and he expects that great things will continue to happen. Chief Hughes, in turn, thanked Rep. Mitchell for his contributions and support of this Commission and noted we will forever be in his debt for all that he accomplished. Chief Hughes said we look forward to working with Rep. Cooke.

## 2. Approval of the Minutes

- Chief Hughes asked for a motion to approve the 9/9/19 meeting minutes. DAG Axelrod made the motion to approve; Secretary Coupe seconded the motion. Hearing no objections, all voting members in attendance unanimously voted to approve the minutes of the September 9, 2019 meeting.

## 3. Dates for 2020 Commission Meetings

- Chief Hughes distributed a list of tentative dates for the 2020 Commission meetings and asked that members review and advise of any discrepancies against their own 2020 schedules. Chief Hughes asked DAG Lisa Morris how much notice is required if a meeting date needs to be moved, and she answered, 7 days' notice is required. ODS Lisa Schwind commented that the April 13<sup>th</sup> meeting occurs the day after the Easter holiday and thinks many people take vacation at this time of year so that date might be a problem. DAG Morris suggested April 6<sup>th</sup> or April 20<sup>th</sup> be substituted for April 13<sup>th</sup>. Chief Hughes said that as part of the meeting minutes, this list of tentative dates will go out to members to put on their calendars and any changes needed to be made will be handled as they come up.

## 4. Nomination and Selection of New Chair/Vice Chair

- Chief Hughes asked for nominations for Chair and/or Vice Chair. Hearing no response, he said we will move on to the next item on the agenda but cautioned this will be on the agenda once again at the next meeting.

## 5. DFS Director's Report

### **Staffing:**

- As reported at the last meeting, selections were made for two Analytical Chemist I positions in the Forensic Chemistry Unit. Both Andres Peña and Joshua Kotchey started on September 30<sup>th</sup> and their training is now underway.
- Since the last meeting, interviews were conducted for a full-time Forensic Investigator at the Wilmington office. Director Evans said he is happy to report that Wendee Mohammed, one of our Forensic Evidence Specialists, was selected for the position. Wendee started with the Medical Examiner Unit in early October and her training is underway. In addition, Johanna Gerisch transitioned from a casual/seasonal to a full-time investigator.

- Interviews were completed for a Forensic DNA Analyst position. A selection was made and the candidate is in the background phase of the process.
- Interviews were also conducted for the vacant Administrative Assistant position in the MEU. D'edra Handy is scheduled to start with us today (11/12), as well as Taylor Matheson, who will start with us tomorrow (11/13) as a casual/seasonal Lab Tech in FCU. We welcome both aboard
- The casual/seasonal Pathologist position at the Georgetown Office remains posted on the state's website with limited interest.

### **Forensic Chemistry Unit:**

- The FCU continues to effectively manage its' caseload with a current turnaround time of approximately 19 calendar days. To date, the FCU has tested 25% more exhibits than it did in all of last year.
- Director Evans extended his congratulations to David Millard and Sandy Sewitsky, who both successfully passed their verbal and moot court competencies.
  - Chief Hughes asked how many staff members are now in the FCU. Director Evans said 13 chemists are now in that unit.
- Melissa Newell, Lab Manager, presented a lecture at Delaware State University on Forensic Chemistry and to the American Chemical Society on Hemp Marijuana and the Chemistry of Cannabis.
- Director Evans informed the Commission that the Forensic Chemistry Unit is suspending fire debris casework. Before beginning to accept casework, the FCU had the fire debris policies, procedures and training records evaluated by an external auditor and they were found to be compliant with ISO standards. Our two chemists have successfully completed fire debris training at the ATF Lab and the procedures and instrumentation were validated. Although the chemists did receive training in interpretation, they have learned that the subjectivity of pattern recognition and interpreting the complex chromatograms in fire debris analysis warrants their further exposure to data interpretation. The ATF has partnered with DFS in creating opportunities for our chemists to gain this experience. The decision to temporarily suspend fire debris casework was voluntary and made out of an abundance of caution. Again, there are no issues with our fire debris testing processes and the instrument and processes are validated and compliant with ISO standards. This action was taken as a measure to provide our staff the opportunity to expand their knowledge base and gain additional exposure to the complex scientific principles in fire debris analysis. The Fire Marshal's Office and the DOJ are aware of and support our decision. Any fire debris evidence that needs to be tested during this time will be outsourced to a private lab.
  - ODS Schwind asked how they are working with the ATF Lab and are they going there. Director Evans replied, yes, they are offsite. He said our people had processed 13 cases up until the issue with interpretation. Director Evans explained that this is a soft science so there is the testing side and then the interpretation of that data. He said our people need more experience with the interpretation, so the ATF Lab is partnering with us.

- Ms. Anita Symonds asked how many cases a month or year are processed. Melissa Newell replied 20 or so cases per year. Since it is so few, said Ms. Symonds, it should be possible to have 100% peer review. Melissa Newell agreed that until we get several hundred cases under our belt that the ATF Lab will provide these reviews for us.

### **DNA Unit:**

- The DNA Unit underwent an FBI QAS audit checking for compliance on a total of 400 QA standards comprised of one set for case work and one set for the CODIS database. There were only two minor findings, both of which have since been resolved with policy updates. The assessors commented that the Forensic DNA Analysts' passion is evidenced by their excellent work. Director Evans congratulated and recognized the DNA Unit for their successful completion of the audit.
- The DNA Unit was notified that they have been awarded the NIJ FY'19 DNA Capacity Enhancement and Backlog Reduction Grant in the amount of \$431,069.00. The project period is from January 1, 2020 to December 31, 2021. As in past years, these monies will be used for new equipment and supply purchase, training and lab enhancements.
  - Chief Hughes clarified that these are not new monies but are part of the DNA grants obtained to keep DNA running. He said Rep. Cooke should be made aware that DNA runs on grant funding and that we need to find a sustainable income for DNA to continue their good work. Yes, said Director Evans, everything but staffing salaries are covered by grant monies, not State funds. He estimates it would cost the State another million dollars for the operation of this unit without the grant funding.
- There were approximately nine (9) SAKI hits or matches since the last meeting, five (5) at the state level and four (4) at the National level.
- The DNA Unit has five (5) cases in backlog in casework and no backlog in offender samples with a current turnaround time on testing of 33 calendar days.
- Amrita Lal-Paterson, DNA Technical Leader, and Jamie Armstrong, CODIS Lab Manager, gave a presentation and tour of the DNA Unit to approximately ten (10) NCCPD detectives.
- There were several work anniversaries in the DNA Unit since our last meeting:
  - Paul Gilbert (Sr. Forensic DNA Analyst) celebrated 15 years,
  - Jennifer Van Zanten (DNA Casework Lab Manager) 12 years,
  - Bethany Kleiser (Sr. Forensic DNA Analyst) 5 years, and
  - Lesley Shipe (Sr. Forensic DNA Analyst) 4 years.

Director Evans congratulated/thanked each of them for their years of dedicated service.

- A new water purification system, like the one installed in Tox several months ago, has been installed in the DNA Unit.

- Director Evans said he would like to highlight the significant role that Jamie Armstrong (CODIS Lab Manager) played in the efforts leading to a recent arrest that Newark PD made in a sexual assault case from 1993. Jamie began working closely with the NPD in 2018 and, after the unknown male DNA profile from the sexual assault kit did not result in a hit in CODIS, Jamie recommended that the profile be sent to Parabon Nanolabs and she assisted in completing the necessary paperwork to send off the profile. Parabon specializes in DNA phenotyping: the process of predicting physical appearance and ancestry from unidentified DNA. The profile and characteristics were then compared to genealogy websites and ultimately the suspect's name was included in a list of potential contributors. The suspect was known to NPD and they began to surveil him and retrieved one of his discarded items. The DFS was able to develop a DNA profile from that discarded item, which was then compared to the unknown male DNA profile from the sex kit collected in 1993. The comparison by DFS resulted in a match, which led to the arrest. Job well done by the DNA Unit and particularly by Jamie Armstrong.

### **Toxicology Unit:**

- As of last week, there were 51 open postmortem cases and 63 DUI cases in progress. Turnaround time is 52 calendar days for postmortem and 31 days for DUI. Due to the continued hard work of the Tox team and Jessica Smith signing out a higher number of Tox reports in a week than the monthly average, this is the first time the Tox Unit has had below 100 open cases in both postmortem and DUI. Job well done there!
- Jessica Smith, Chief Forensic Toxicologist, presented a lecture to Forensic Biology students at the Delaware State University.
- In follow up to a discussion at the last Commission meeting, Jessica Smith has provided stats that show the breakdown of cases by county.
  - 60% of postmortem Tox cases are from NCC, while 40% are from Kent/Sussex;
  - 43% of DUI cases are from NCC and 57% of DUI cases are from Kent/Sussex.

### **Medical Examiner Unit:**

- The Medical Examiner Unit received its Certificate of Full Accreditation from the National Association of Medical Examiners. The accreditation period expires in January of 2023. Congratulations and job well done by the MEU in successfully completing the accreditation process.
- There were two work anniversaries in the unit since our last meeting:
  - Both Julia Vekasy, Chief Forensic Investigator, and Mark Horton, Forensic Investigator, have completed four (4) years with DFS. Director Evans thanked them for their dedicated service to the State of Delaware.
- Since our last meeting, the MEU has continued to investigate several particularly violent and tragic deaths and have done so in a professional and compassionate manner. In an effort to manage and protect the MEU members' emotional well-being, the Unit met and participated in a Critical Incident Stress Management debrief assisted by the DSP team.

### **Quality Assurance:**

- Last week, Johna Esposito sent out the Customer Satisfaction Survey to our customers and stakeholders. To date, we have already received 67 respondents, which is more than we received in all of last year. Johna Esposito noted that new survey replies have been received and the total now stands at 82. A cursory review of the feedback showed a majority of positive responses in the “meets or exceeds” expectations rating categories. Director Evans asked if this remains true with the influx of new responses and Ms. Esposito replied, yes.
- The annual internal audit is well underway and should be wrapping up within a week or so. Thanks to all of those who volunteered to be auditors.

### **Outreach:**

- The DFS has hosted several high schools with presentations and tours, as well as given presentations at different high schools. Additionally, the DFS participated in the Wilmington University Job Fair and will be attending the Sgt. Rodney Bond Law Enforcement/Forensic Science Career Fair at Del State University at the end of this month.
- The DFS is proud to announce it will be a “Toys for Tots” drop-off site leading up to the holidays.
- In support of the Healthy Delaware and the Work for Wellness Campaign, DFS sponsored a “Walk Week” in October. This event provided our valued team the opportunity to spend 30-60 minutes for exercise, stress relief, fresh air and fun with co-workers, while walking along the Wilmington Riverfront trail.

### **DFS Expansion**

- Director Evans updated the Commission on the potential lease opportunity at the DuPont Chestnut Run site. He said that he, Melissa Newell, and Amrita Lal-Paterson visited and toured the building and found it to be a viable option. DFS is now working with OMB and DSM Commercial to not only consider the Chestnut Run site, but to look for other leasing opportunities.
- Last week, Director Evans attended the Public Hearing at Legislative Hall for the FY '21 Operating and Capital budget request for the Department of Safety & Homeland Security. In part, Secretary Coupe’s request included funding for four additional full-time positions at DFS, as well as increased monies for the contractual and training lines, \$377,000 for the purchase of two new X-ray machines and \$350,000 to conduct an A & E study to explore the feasibility of relocating some sections of the DFS to another location to address the overcrowded conditions at our current site. Director Evans thanked Secretary Coupe for his continued support of the DFS.
  - Chief Hughes acknowledged that Secretary Coupe has been a man of his word when he said this is the year of DFS. Chief Hughes reported that he was in the company of about 12 legislators recently and DFS has a lot of support and the presentation at the budget hearing was well received.

## Questions/Comments

- Director Evans then asked if anyone had any questions or comments.
  - Ms. Anita Symonds asked if the DSP critical incident team has an open relationship with DFS and can be requested any time. Director Evans replied that this relationship with DSP started quite a while ago and a quarterly debrief is in place just to manage the cumulative effect of what our people see and do, along with additional debriefing if a traumatic event occurs. He said that our folks also have been invited to attend system debriefs with fire departments and other critical responders.

### 6. Standards & Certifications Advisory Committee

- Johna Esposito recalled the committee's 2019 Report to the Commission regarding "FSP (Forensic Service Providers) Consolidation" had been e-mailed to Commission members for review and comment. She said this report has a very different feel from the 2018 report, where we were really trying to convince our readers of the DFS need for money, career ladders, and such, for DFS technical positions. This report, she said, focuses primarily on giving information and talking points for the broader discussion of whether consolidating forensic services within the State of Delaware is the right move for us. She then reviewed each section of the 2019 report in detail.
- Chief Hughes said this report is well done and speaks to the things that need to be considered regarding our decision on whether to consolidate forensic services. Secretary Coupe agreed that the report was very well done and is thought-provoking. He said it also ties in nicely with why funding should be obtained in order to look to the future state of forensic services. Major Meadows said there will be interesting discussions going forward and thanked Johna Esposito for bringing all the parts together to provide a cohesive report. ODS Schwind added that she thinks bringing all forensic disciplines under accreditation would be a good move and would bolster the public's confidence in the results that are produced by these services.

### 7. Strategic Planning & Advisory Committee

- DAG Axelrod noted that his committee has not met since the last Commission meeting. The committee awaits Commission orders.
- In reference to the Standards & Certifications Advisory Committee 2019 report to the Commission, DAG Axelrod said he really liked the momentum built by it and the way it was written.

### 8. Goals/Objectives and Open Discussion

- Chief Hughes said he is combining agenda items 8 and 9 into one and will go around the table and ask each member to express any opinions/ideas they may have.

- Chief Hughes said we need to continue to be vocal with the General Assembly moving forward. Momentum has been gained for this group and the division and we need to take advantage of it. We need to push for funding sources and ask the tough questions.
- Chief Hughes reported that he and Director Evans met with funeral directors in Sussex County. He said this type of outreach is very important and that it should be continued.
- As far as goals/objectives are concerned, said Major Meadows, this report keys up very neatly what work needs to be done in consideration for consolidation and provides good concepts for us to work on next year. He said the efforts put forth by this committee were worthwhile.
- Ms. Anita Symonds said she is not ready to give her opinion today as she needs to give it more thought. Chief Hughes agreed that the report provided a lot to digest.
- DAG Axelrod said he would like to take this opportunity to personally thank Representative Mitchell as he has been integral part of putting the structure in place for the Commission. He said he looks forward to working with Representative Cooke, as well. Secretary Coupe echoed these words of praise for Representative Mitchell.
- ODS Lisa Schwind thinks as we look at merging, (of course, it doesn't have to be all at once ... people accept smaller bites at a time), we need to keep the idea of the integrity of the agency at the forefront.

#### Adjourn

- The meeting was adjourned at 10:56 a.m.

Next Meeting Date: **Monday, April 6<sup>th</sup>. 13<sup>th</sup> or 20<sup>th</sup> (?)**  
DFS – Wilmington, 1<sup>st</sup> Floor Conference Room  
10:00 am – 12:00 pm



Commission on Forensic Science  
Tentative Meeting Schedule - 2020

(Commission Meets 5 Times/Year – 2<sup>nd</sup> Monday of the Month)

1. February 10, 2020
2. April 13, 2020
3. June 8, 2020
4. September 14, 2020
5. November 9, 2020