



State of Delaware
Commission on Forensic Science

Minutes - 2/10/2020

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

DFS – 1st 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 10:10 a.m. In attendance were:

Voting Commission Members

DAG Barzilai Axelrod	Department of Justice
Representative Franklin Cooke	Delaware House of Representatives
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

Non-voting Attendee

Commission's Legal Support

DAG Lisa Morris	Department of Justice
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Additional Non-voting Attendees

Jamie Armstrong	DFS – LMI/CODIS Administrator
Johna Esposito	DFS - Quality Assurance Manager
John R. Evans	DFS - Director
Amrita Lal-Paterson	DFS – DNA Technical Leader
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
Lisa Schwind, RN, Esquire	Office of Defense Services-Public Defender's Office
Anita Symonds, RN	CCHS - Public Member
Secretary Kara Walker	Department of Health & Social Services

- Chief Hughes said he received the 11/14/19 appointment letter for Representative Cooke and read it into the record:
 - “As Speaker of the House and pursuant to Title 29, Chapter 47, §4714, I hereby appoint Rep. Franklin D. Cooke to serve on the Commission on Forensic Science. Rep. Cooke will replace Rep. John L. Mitchell on the Commission. Rep. Cooke will serve at the pleasure of the Speaker. Sincerely, Peter C. Schwartzkopf, Speaker of the House”.
 - Chief Hughes then extended his congratulations to Rep. Cooke.

2. Approval of the Minutes

- Chief Hughes asked for a motion to approve the 11/12/19 meeting minutes. Secretary Coupe made the motion to approve; Professor Lehman seconded the motion. Hearing no objections, all voting members in attendance unanimously voted to approve the minutes of the November 12, 2019 meeting.

3. Dates for 2020 Commission Meetings

- Chief Hughes recalled there were questions raised at the last meeting about the tentative meeting date of April 13th, due to the Easter holiday and families taking vacations at this time period. After a short discussion, it was determined that the next meeting date would April 20, 2020.

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 moved on to the next item on the agenda but indicated this will remain an agenda item for the next Commission meeting.

5. DFS Director’s Report

Staffing:

- As of today, DFS has two positions posted on the State website. One is for the Casual/ Seasonal Pathologist position in Georgetown and the second is for an Analytical Chemist I position in the Forensic Chemistry Unit due to the recent resignation of one of our newly hired chemists.
- Since the last meeting, DFS has had several new additions to the team to fill vacancies including:
 - An Administrative Assistant in the Medical Examiner Unit.
 - Two Casual/Seasonal Forensic Investigator positions at the Georgetown office.
 - One Casual/Seasonal Forensic Investigator at the Wilmington office.
 - A Forensic DNA Analyst, and
 - A Casual/Seasonal Lab Technician in the Forensic Chemistry Unit.

- A Forensic Evidence Specialist will be joining DFS on March 2nd.
- A selection was made to fill the Casual/Seasonal Management Analyst position and is currently in the background phase of the hiring process.
- Also in background is the Casual/Seasonal Forensic Investigator position at the Wilmington office.

Forensic Chemistry Unit:

- The FCU continues to effectively manage its' caseload with zero cases in backlog and a current turnaround time of approximately 29 calendar days.
- In 2019, the Forensic Chemistry Unit received a total of 1,459 cases and tested a total of 19,151 exhibits. These numbers represent a slight increase in the number of cases submitted over 2018 and a slight dip in the number of exhibits analyzed. This may be due to the fact that the Unit received several extremely large heroin cases in 2018, which resulted in more exhibits being tested.
- At the last meeting, Director Evans said he reported that the Forensic Chemistry Unit was temporarily suspending fire debris casework and explained the need for DFS trained chemists to receive further exposure in data interpretation, due to the subjectivity of pattern recognition. He also shared that the ATF has partnered with DFS in creating opportunities for our chemists to gain this additional experience.
 - Data from the thirteen fire debris cases that DFS had tested have all been sent down to the ATF for review and amended reports have been issued as necessary. Most of the amended reports were due to data interpretation involving the components of gasoline and how they are reported.
 - The DFS has partnered with the Fire Marshal's Office to create additional samples for analyses, which will be reviewed by the ATF.
 - Following those reviews, DFS trained chemists will complete competency testing, and those results will also be sent to the ATF for review.
 - In March, the Fire Debris Section will undergo an audit for re-accreditation, after which the DFS will begin to accept casework.
 - Moving forward, the DFS will continue to partner with ATF for peer review of our casework before the reports are issued.
- There were two work anniversaries in the Forensic Chemistry Unit since the last meeting.
 - Rachel Philibert celebrated her third anniversary, while Reika Haskell has been with us for two years. Both Rachel and Reika are Analytical Chemist II's and he thanked them both for their service.

DNA Unit:

- At the last meeting, Director Evans reported that the DNA Unit underwent an FBI QAS audit checking for compliance on a total of 400 QA standards for both case work and the CODIS database. He is proud to report that the DNA Unit received official notice from the FBI on successfully completing the audit. Congratulations to the DNA team for a job well done.
- The DNA Unit has 1 case in backlog and 58 cases assigned for testing with an average turnaround time of 39 calendar days. There is no backlog in convicted offender samples other than those samples which just came in at the end of January.
- In 2019, there was a total of 592 submissions, including 1,825 items and 3,410 specimens examined in the DNA Unit. Burglary and firearm cases increased in 2019, while homicides and sexual assaults decreased, perhaps due to the large number of SAKI cases examined in 2018.
- There were approximately 25 CODIS hits or matches since the last meeting, 16 at the state level and 9 at the National level.
- There were a couple of work anniversaries in the DNA Unit since our last meeting:
 - Amrita Lal-Paterson (DNA Technical Leader) celebrated 15 years, and
 - Jamie Armstrong (CODIS Manager) has been with DFS for 9 years.

Director Evans thanked both for their years of dedicated service.

Toxicology Unit:

- The Unit received 100 postmortem cases in January coming off a busy month of December, which saw 103 postmortem cases. There were 65 DUI cases. Of note, approximately 50% of the large number of postmortem cases involve suspected drug deaths. Despite the heavy caseload, the turnaround time is 49 calendar days for postmortem and 42 days for DUI.
- In 2019, the Tox Unit received a total of 1008 postmortem cases. This is the first time in over 15 years, that the Tox Unit surpassed 1000 cases. There were 860 DUI cases received in 2019. These caseload numbers represent a 15% increase in postmortem cases and a 10% increase in DUI cases over last year.
- Beginning with 2020 cases, the Tox Unit will receive all DUI blood samples from the DSP Crime Lab that are less than .08 for Ethanol. Prior to 2020, only cases where drugs were suspected and less than .08 were sent to the DFS for drug testing.
- The DFS and Toxicology Unit have signed a Cooperative Research Agreement with the U.S. Army CDC Chemical Biological Center to establish a cooperative effort which involves research and development to evaluate a hand-held device to test for fentanyl in the battlefield.

- The Tox Unit received delivery of four benchtop fume hoods, which were purchased with Federal grant money. That brings DFS to a total of six new benchtop hoods.
- Several meetings ago, Director Evans reported that the Tox Unit received a new LC MS/MS instrument at a cost of approximately \$400,000, which was purchased with grant monies. Today, he is pleased to report that after an extensive validation and training process, the testing method for the Fentanyl, Fentanyl Analog and Synthetic Opioid Confirmation and Quantitation is now live. What this means is that the fentanyl method has increased from just one analyte to now 28 analytes. All 2020 cases will be run on this new Fentanyl method.
- Director Evans acknowledged a couple of upcoming February work anniversaries in the Tox Unit.
 - Jessica Smith will be celebrating 16 years;
 - Sevasti Karampela will be with us 3 years.

He thanked both for their service.

Medical Examiner Unit:

- In 2019, the MEU documented 2549 death investigations. That is an increase of 255 investigations or 11% over 2018, while there were 1449 postmortem examinations with 1445 death certifications. That is an increase of 82 postmortem examinations or 6% over 2018.
- The Medical Examiner Unit has implemented a process to provide staff members with scrubs to be worn during autopsy related functions. The scrubs will be rotated and laundered by an outside vendor.
- There are a few work anniversaries in the unit since our last meeting:
 - Investigator Patrick Quigley celebrates 17 years,
 - Morgue Assistant Doug Ingle has been with DFS for 10 years,
 - Morgue Assistant Gary Rauso celebrates 6 years,
 - Investigator Johanna Gerisch has served the state for 2 years,
 - Dr. Jennifer Swartz has also served the state for two years.

Director Evans thanked them for their service.

Quality Assurance:

- At the last meeting, Director Evans reported that the Customer Satisfaction Survey had just been sent out to DFS customers and stakeholders for year 2019. DFS had 96 respondents, which is more than ever before. He believes all Commission members have received by e-mail a link to the survey but there were 7 areas covered.

- The Units the respondent interacts with at the DFS
 - Rate the accessibility to the DFS services
 - Evaluate communications with DFS Staff
 - Rate the turnaround times for the evidence submitted
 - Describe the clarity and accuracy of analyses and reports
 - Rate the quality and professionalism of Courtroom testimony, and
 - Rate the overall quality of services received.
- Director Evans was pleased to report that most of the feedback was in the “meets” or “exceeds expectations” rating categories.
 - He also reported at the last meeting that the annual internal audit against the DFS Quality Manual, the Tox, DNA, FCU and MEU Quality Manuals, as well as the ISO and ANAB accreditation standards, was underway. That audit has been completed. There were a few minor findings, as well as a few opportunities for improvement identified, many of which are already underway. Director Evans thanked Johna Esposito for leading the project and those Chemists and Analysts who volunteered to be auditors.
 - Director Evans then congratulated Johna on her 12th anniversary with the DFS and thanked her for her service.

Outreach:

- Director Evans thanked the DFS team for their generosity and thoughtfulness over the holidays for overflowing our “Toys for Tots” box with toys for children.
- DFS is now in the process of collecting supplies including soaps, shampoo, deodorant, snacks and craft supplies for the patients at the DHCI (Delaware Hospital for the Chronically III).
- And finally, DFS is working with the Food Bank of Delaware to schedule a date for when we can visit and volunteer.

Questions/Comments

- Director Evans then asked if anyone had any questions or comments.
 - Secretary Coupe asked for an update regarding the search for another location. Director Evans recalled that it was reported at the Commission’s last meeting that he, Amrita Lal-Paterson and Melissa Newell visited the DuPont Chestnut Run site where there were leasing opportunities for some of their buildings. DFS then waited for a proposal and met with OMB’s leasing agent, Dana Chant, and Tripp Way, who works for a commercial leasing group. The proposal was reviewed and found to have a leasing cost that was way out of reach plus a large amount of money would be needed for renovations to fit DFS needs. Director Evans said that he has since received a call from Ms. Chant who is working with Mike Svaby, Facilities Management, and they are looking for existing state structures for DFS. Additionally, Tripp Way is also looking for commercial sites which would accommodate our needs.

- Rep. Cooke asked if DFS were looking to move to a more centrally located facility and Director Evans said that is being considered. Secretary Coupe added that because of the additional staffing, increased workloads and how fragmented the facilities are, an idea for an interim measure would be to locate the Forensic Chemistry and DNA units to a new space to spread out and continue the good work they are doing. The long-term fix would be locating a larger facility housing all the disciplines.
- A short discussion ensued about the operation of the new unit in Toxicology and whether it is adequate. Chief Hughes asked if he is hearing Ms. Smith to say that to have true redundancy, another LC MS/MS instrument is needed. This would require another \$400,000 and the space to put it; both of which DFS does not have at this point in time.
- Chief Hughes asked for the number of employees in each Unit. Ms. Jessica Smith answered Toxicology has 10 employees: 2 managers, 5 casework chemists, 2 research chemists and 1 lab technician. Ms. Amrita Lal-Paterson reported that the DNA Unit has 10 employees: 1 technical leader, 1 CODIS administrator, 1 casework/grant manager, 1 lab technician and 6 analysts (one of which is in training). Ms. Melissa Newell reported that the Forensic Chemistry Unit has 16 employees: 2 managers, 11 analytical chemists, 2 forensic evidence specialists and 1 lab technician.

6. Standards & Certifications Advisory Committee

- Ms. Johna Esposito said that her committee does not have anything further to report and that they are waiting on the Commission for their next charge

7. Strategic Planning & Advisory Committee

- DAG Axelrod echoed Johna's sentiments and said that his committee stands at the ready.

8. Goals/Objectives and Open Discussion

- Chief Hughes said he is combining agenda items 8 and 9 and the floor is open to discussion.
- Rep. Cooke invited fellow Commission members to feel free to stop by his office at Leg Hall if only to say hello. Director Evans said DFS has 2 pieces of legislation in the pipeline, but he does not know where they stand; both dealing with DNA, suspect and felony. They were proposed during the last session but did not go through because they were in draft and must first go through the Governor's office.
- Chief Hughes thanked Julia Vekasy for coming down and sharing information with the Sussex chiefs and noted she did a wonderful job with her presentation. He has heard it was very well received. Ms. Vekasy said she got the opportunity to clear up a lot of confusion around DHSS and DFS.

- DAG Axelrod said he would like to make something clear for the record. He said he became aware of a motion made by someone at ODS that drug evidence needed to be retested and the motion referenced the Strategic Planning Advisory Committee's report to the Commission. The report described an issue with being so close to I-95 but DAG Axelrod is here today to state that in no way did it suggest that the testing results were inaccurate.
- Secretary Coupe recalled that on 11/12/19 he indicated that the Standards & Certification Advisory committee's report was a compact, 7-page report which was good and easy to read. He pointed out that on page 7, the third berger dot paragraph says: "It may be worth considering a multi-year plan wherein some of the FSPs (Forensic Service Providers) in the state begin the consolidation (at a location with enough land for all), with a plan over the subsequent decade to gradually move all services under one roof." Accordingly, he said, if DFS were able to make this first move, then look at moving over the chemists at Delaware State Police and then gradually move all forensic service providers under one roof. He said the committee gave the Commission good direction and as these ideas move forward, we can look for other areas of opportunities for efficiencies.

Adjourn

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

Next Meeting Date: Monday, April 20th
DFS – Wilmington, 1st Floor Conference Room
10:00 am – 12:00 pm