

# **MINUTES**

## **FORENSIC SCIENCE ADVISORY BOARD MEETING**

**Date:** October 5, 2021

**Location:** North Carolina State Crime Laboratory (Via MS Teams)

Chairman Timothy Kupferschmid called the meeting of the Forensic Science Advisory Board to Order at 10:00 A.M. EST. Jennifer Councilman performed Roll Call. A quorum was confirmed.

### **I. ATTENDANCE**

**NCSCCL Present:** Amanda Thompson, Timothy Suggs, Liz Patel, Jennifer Councilman, John Dilday, Katy Schell, Zach Kallenbach, Aaron Joncich, Wayne Lewallen, Chris Parker, Jody West, Dave Freehling, Alison Gantt, Karen Morrow, Jennifer Slis and Julie Butler

**Board Members Via Teleconference:** Tim Kupferschmid, C. Todd Hughey, Michael Coble, Kermit Channell, Alka Lohmann, Demi Garvin, Adam Becnel, Chris Palenik, Tracey Dawson Cruz, Tracy Walraven, Michelle Aurelius, Brian Dew and Vanessa Martinucci

**Absent Board Members:** Mike Jiroutek and Nancy McCombs

**Other Teleconference Participants:** Boz Zellinger, (Board Counsel), Andy Ewens (Guest), Sara Olson (Guest), and Angela Towns (Recorder)

### **II. MINUTES**

The August 3, 2021 Minutes were sent to the Board for review. Corrections were made and sent back to Director Martinucci. With no further corrections, the Minutes of August 3, 2021 were approved.

### **III. NCSCCL DIRECTOR'S UPDATE [Vanessa Martinucci]**

#### **Completed Actions:**

- Last meeting, reported recommendations by Governor Cooper and Senate. Today, we have recommendations from the House which includes five (5) additional scientists, \$9M non-recurring and \$500K recurring for internal SAECK testing (supplies, etc.). An additional line item that was not included in the Senate

budget was \$1M to outsource evidence and training in any area of our choosing. The Governor, House and Senate are in negotiation at this point in time, and we are waiting to see what happens.

- One of the Bills that passed in the General Assembly was amendments to the Controlled Substances Act which we recommended to bring us in line with federal statutes.

**In Progress:**

- Forensic scientist managers, administration, and HR have devoted a lot of time to go through the many candidates to fill vacant scientist positions. Due to their hard work, we have come down from 24 vacant scientists to 14.
- Update on previously untested SAKs: 16,200 inventoried ticks up and down but has leveled off; numbers completed continues to rise with 3,824 to date with 42% more hits.

**IV. IT RELATED UPDATE (John Dilday)**

- **Legacy File Scanning:** We still have our team reviewing the legacy paper files that were sent to our scan vendor for accuracy, and uploading them into Forensic Advantage. We also have teams going to our State Archives location to pull some of the old legacy microscopic hair examination cases. They are being brought back, scanned and uploaded to Forensic Advantage as well.
- **STIMS:** We are constantly getting more users, and the number of kits are increasing as every kit is being placed into the tracking system. Inventory of kits fluctuate as new kits are discovered. Phase 4 development is underway to track the kits, so we are adding more functionality there. Over the last few months, we have put more effort into public safety assault kit dashboard. We have been working on creating a dashboard to be placed on a public website to show the 16,200 inventory SAKs - where they are in the process, completion, were they uploaded to CODIS, are there hits, has an arrest been made, etc. It will not show specific cases, but stats by agency and county with location and total numbers.
- **Forensic Advantage:** We have been working on lab report templates with the vendor. Met with the vendor last week which will hopefully be the final tweak on a few formatting changes to ensure they understood what is needed. We found a few last minute things in the last round and hopefully it will be completed soon. In the interim, we are working to close out some of our old tickets we had in our Forensic Advantage support system.

**V. ADMINISTRATIVE OPERATIONS UPDATE [Amanda Thompson]**

**Grants:**

- We were awarded approximately \$8.8M in grant funding (\$6.8M active plus the 2021 DNA CEBR Award of \$1,954,978). All grants with the exception of the HID Quant Systems-Forensic Biology and Forensic Biology Instrumentation are received on an annual basis.
- **SAKI Grant:** This was a three (3) year grant awarded in 2018. It has been extended for a fourth year until September 30, 2022 which will allow us to do more outsourcing/outreach for law enforcement, follow-up on hits, and shipping of kits to the vendor for analysis. The SAK Dashboard is in final revisions by DOJ and SCL.
- **Lean Six Sigma:** We are moving forward with our project with 20 participants. In the end, we will have 20 individuals who will be discipline certified. All is on track and looking good.
- **Renovation/Construction:** Fourth floor renovations have been ongoing since February 2021, with projected completion and occupancy in December 2021, or at latest, January 2022. Produced pictures of demolition to rebuild.
- **Triad Laboratory Lease:** The lease expansion has been reviewed/approved by the State Property Owner (SPO), and is being sent to the private property owner today. It will come back for final signing by DOJ and produce a fully executed lease. At that time, we will begin expanding that laboratory which is expected to be a three to five month process.
- **Personnel:** NCSCSCL has 25 vacancies (14 scientist positions, 11 administrative positions; 17 in Raleigh, 5 in TRL, and 3 in WRL). There have been 18 hires to date this year, with 3 pending hires, 14 resignations, and 4 retirements. We are on track to have successful hiring with hopefully little of no loss in the coming year.
- Kermit Channell inquired if the SCL had applied/received monies from the American Recovery Act. He explained states received federal funding for capital projects, infrastructure, etc. Amanda Thompson will follow-up with DOJ.

## VI. TECHNICAL OPERATIONS UPDATE [Liz Patel]

- **2021 Goals:**
  - **Dashboard:** Working on completing the Dashboard with an end date of December.
  - **Validation Project Tracker/OSAC Registry:** We have instituted a Validation Project Tracker in spreadsheet form as well as monitor the OSAC Registry with comments as needed when drafts of standards are posted.
  - **Lean Projects** – Several plans/changes in the four disciplines: Drug Chemistry, Toxicology, Latent and Firearms with more to come as more projects are finalized. focused on reducing Lead Time and Turn Around Times for each discipline.
- **Caseload:** We are sitting at approximately 24,000 cases. The lead time average in the 3d quarter is at 288 and turnaround time remains steady at 67.

The past seven quarters has been as high as it has been in quite some time despite COVID.

- **Training Update:** July 2020-June 2021, 25 scientists completed training, 13 of which were new hires working in their first discipline. We have 12 scientists now working in their second discipline.
- **Training Update:** More hires have resulted in more scientists in training. Our last projection showed 28 scientists in training; we now have 32. Twenty-one (21) of these scientists are new hires in their first discipline. Drugs, Tox and DNA are the disciplines with the highest submissions.
- **Forensic Services:**
  - **Cold Case Assistance:** Several agencies are looking at genealogy type testing. We have focused this past year on assisting with those types of cases.
  - **DNA Capabilities:** Familial searching and Paternity determinations in criminal cases are now online.
  - **Firearms:** One change to firearms this year is implementing NIBIN FIRST, and then triaging comparison evidence to fall in line with the case.
  - **Drug Testing:** Our cases are more complex. We are looking at ways in the LEAN Project to make the process as streamlined as possible.
  - **Digital Evidence:** There are currently three (3) scientists in training. Mobile submissions remain high. We also offer Artificial intelligence Vehicle infotainment system center downloads.
  - **Latent Evidence:** There have been some modifications to the way the software processes.
  - **Toxicology:** QTOF implementation has been added. We will also be installing FID-GC for DWI cases.
  - **Statistics and Trends: Toxicology:** Statistics from FY 20/21 showing distribution of the BAC's in our DWI test and results graph. The top 10 drugs were THC, Benzos, Amphetamine/Methamphetamine, Opioids, Cocaine, Alprazolam, Gabapentin, Flualprazolam, Fentanyl and Oxycodone. The top drugs reported from the SCL include Methamphetamine, Cocaine, Fentanyl, Heroin 4-ANPP, THC but no CBD (do not differentiate between the two on lab reports), Oxycodone, Tramadol, Eutylone, Phenethyl 4-ANPP.

## VII: QUESTIONS/COMMENTS:

There were no questions or comments by the Board.

## XIII: PROCEDURE REVIEW:

Chairman Kupferschmid explained the breakdown of the Board into teams of three (3). Members will do a deep dive on all of the technical procedures (read them

carefully, make comments/suggestions/edit if needed). It is an enormous amount of work with hundreds of procedures to review, so the process will be performed in three (3) phases.

Director Martinucci emailed Board assignments to review, and asked that members who wished to move to a different discipline or be part of a discipline other than the one assigned let her know. Board members should submit comments within one week, or the current list of assignments will stand. The Board will work on the logistics offline apart from this meeting.

## **IX. RECOGNITION OF GUESTS/REMARKS**

**Dr. Andy Ewens of Ewens Toxicology Consulting:** Raised issue at last meeting that test results are reported as qualitative. Performed survey of most Wake County residents to look at effects of qualitative results. Questions of 3 scenarios: John Smith was arrested for DUI after crashing his car into another car. He was sent to the hospital. A blood test showed Mr. Smith had Fentanyl in his body. Was Mr. Smith impaired while driving? 64% said yes; 35% were unsure; less than 1% said no. Switched the scenario by adding one sentence. An eight year old girl riding in the other car was killed as a result of the crash. It did not change the outcome of the stats. Added one more sentence to the second scenario, "The lab reported the presence of Fentanyl but did not report how much Fentanyl was in Mr. Smith's blood." When he told them the report was not quantitative, survey results dropped from 64% to 35%. For those who were unsure, survey results of 35% without quantitative increased to 62%, and those who said no jumped to 3%. The survey shows that not quantifying testing causes implicit bias for jury members to indicate that a person was impaired by that drug. Just saying you found a drug, persons will automatically assume the person was impaired and under the influence of that drug. When explained that we do not determine how much is present, that can change the interpretation of the results by jurists.

## **XV. SPRING MEETING:**

The Spring meeting will be held in person (tentatively) at 10:00 a.m. on February 1, 2021.

## **X: ADJOURNMENT:**

With there being no other business, a motion was made and seconded to adjourn the meeting. The meeting was adjourned at 10:38 A.M. EST.