

MINUTES

FORENSIC SCIENCE ADVISORY BOARD MEETING

Date: February 9, 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 10:02 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, Alison Gantt, Katy Schell, Zach Kallenbach, Ana Baxter, David Freehling, Aaron Joncich, Wayne Lewallen, Sarah Olson, Chris Parker, Jen Slish, Jody West, Summer Maffett, Karen Morrow, Seth Dearmin, Mackenzie DeHaan, Carroll Pate, Mike Piwowar, Adrienne Reeve, Jennifer West, Matthew Wood, and Amanda Venable

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

Other Teleconference Participants: Brittney Pinkham (Lab Counsel), Kelly Meiklejohn (NCSU Guest), Boz Zellinger (Board Counsel), and Angela Towns (Recorder)

II. MINUTES

A Motion to accept the October 13, 2020 Minutes was made and seconded. The Minutes of October 13, 2020 were accepted.

III. NCSCCL DIRECTOR'S UPDATE [Vanessa Martinucci]

Completed Actions:

- Annual reports were submitted to the General Assembly: Lab-wide report, STIMS report (only our second time submitting this report), and the DNA database report. All reports will be posted on the General Assembly website.

- An all hands bi-annual virtual meeting was held in January 2021. Everyone in the lab heard from all sections/disciplines about their accomplishments over the prior six (6) months and all of 2020. It was very encouraging to hear all the things co-workers were doing that you otherwise would not have known about.

In Progress:

- Our legal counsel, Jason Caccamo, has left for military leave until March. We have quite a few procedures under review for changes, and prefer not to send out procedure reviews to the Board until they are incorporated and you have all the changes at once. Upon Jason's return, he will pull together all of the changes and we will send out the assignments for sections for each Board member at the next Board meeting.
- Previously untested SAKS: As of February 1st, we have completed testing on 2,374 kits. We have in-process 7,046 [includes the completed]. Another 4,700 have been submitted for testing. We have entered 882 profiles into CODIS with 406 CODIS hits [approximately 40% which is standard]. Chairman Kupferschmid inquired whether they are cold hits or expected hits, and if prosecutors are pursuing them? Director Martinucci responded they are a combination of both. We have a survey tool with the Survivor Act that detectives and DA's are supposed to be reporting to the lab when they make an arrest or a conviction based on a CODIS hit of any kind. There have been 10 arrests reported and approximately 30 hits to cold cases including those worked through our project and those that Fayetteville did through their SAKI grant. Kits are shipped from the agency to Bode Technologies directly, and then back to the agency. The lab has no chain of custody. However, we have a good process with Bode where they send us all of the data back. We then do a review of the data. Are there any agencies who have had hits but not doing the follow-up? If so, have you been able to reach out to them with a customized communication asking if they needed help? We have two temps as part of the SAKI grant who are contacting each agency that has any CODIS hits, and providing them with a list of hits to try and gather several different points of information, eg., have they investigated the hit yet; was there an arrest on that hit; was it a non-starter for their investigation; etc. We are trying to collect all of that data as we report these statistics to BJA for the SAKI grant. We are also having several trainings that will assist the agencies on how to do victim notifications, what to do with the CODIS hit report, etc.

IV. QUALITY SYSTEM UPDATE [Timothy Suggs]

- Internal audits are completed. In years past, we would work to bring teams together on-site to do internal audits. Due to COVID and the need to accommodate remote work schedules, that one day has now been extended to one week to get the audits done.
- Since August, there have been 50+ procedures updated, either through versioning or authorized deviations. Currently, there are 65 procedures in the cue for review. One change we implemented was the integration of a

safety review by the safety lab officer to review the procedures. We have invested in training to comply with OSHA guidelines to ensure we are up to speed with safety guidelines. As such, we determined it was important to have our safety officer review our procedures.

- Our Forensic Scientist Academy will be run virtually during the 1st Quarter 2021. We will meet once per week on Wednesdays for approximately 10 weeks to get through all of the blocks in the curriculum.
- In April 2021, we will have our ANAB Remote Surveillance Assessment where we will submit a bunch of documentation to ANAB for review to ensure we are in compliance with the standard. I am in the process of gathering the required materials together for submission to ANAB by March 1st for assessment in April.

V. IT RELATED UPDATE (John Dilday)

- **AIS:** Scanning project for legacy case files – We sent 500+ boxes to the vendor. Most have been completed with the exception of 4 or 5 boxes which are a little more detailed. We have a team reviewing these for completeness and accuracy. Right now, their focus is creating older cases inside of FA so that the scanned files can be stored there.
- **STIMS:** Sexual assault kit tracking is continuing to grow. Currently for our statewide application we have over 700 medical users, 1400 law enforcement users, with last year's implementation of DA's modules so they can view/access kits within their jurisdiction (currently 80 DA users). Since the system went live in October 2018, we have over 5K kits collected/added that are being tracked and 600 anonymous kits. There are 16000+ inventory kits on law enforcement shelves that have been identified and now being tracked. We are also underway with the next phase of development adding functionality to the application.
- **Stop Works and Blood Destructions:** We send an extract of our cases data nightly to be matched with the court's data. We are looking for cases that open at the crime lab that appear to not need to be worked and cases where, statutorily, the blood sample in a DUI case can be destroyed and the sample still at the lab. When we uncover those, once a month we send a list to our DA's, and they confirm whether a case can be stopped or whether a sample can be destroyed. Once we have those lists back, we carry out those instructions. We are revamping our blood destructions rules for things we have seen through the project. For our stop work, we estimate based on the 2020 fiscal year, we save \$2.5M based on the cases that were stopped using the average cost per exam based on our foresight data resulting in quite a saving. This is not just free agent cost, but all the cost in foresight: personnel, equipment, etc.
- **Forensic Advantage / RFID:** The Forensic Advantage vendor was bought on and is now owned by another company. We are working with them to get old tickets closed and getting to know the new vendor. The new RFID is installed. We are waiting on the last printers to be installed that will print

and code the tags on evidence to be put into the floors in different sections so the system can go live. We have gone through new lab report templates with the vendor and they will be started next week. Expect to have them deployed early March. The next version of Forensic Advantage, we have already done pre-upgrade testing on that in the Testing environment, and speaking with the vendor to schedule a time when our IT folks can get together to upgrade our Production environment. Once we are upgraded and our lab reports are updated, we will work on new worksheets inside the Forensic Advantage application.

VI. ADMINISTRATIVE OPERATIONS UPDATE [Amanda Thompson]

Grants:

- We have approximately \$9.5M in grants. We just applied for the 2022 Governor's Highway Safety Program grant approximately two weeks ago for \$1M for Toxicology. The reason for the larger grant is to replace equipment. Everything else which are common grants we receive is active and we receive on an annual basis with the exception of the Biology Implementation grant and HID Quant Systems Grant. These are grant Amanda worked with GCC on to ensure funding to direct replacement of FB equipment. We will be looking for more grant opportunities as we move forward.
- SAKI grant: We continue to prompt sending previously untested SAKS to the vendor. We are now in the final phase of CODIS hits in LEA and prosecution follow-up. There are two temporary employees with experience doing this. One is a retiree from the Forensic Biology section and the other worked there for a long period of time. They are making contact with LEAs on hits specific to the SAKI grant and providing specific hits on information to the agency. A report is issued approximately every two months as the hit information becomes available. They are reaching out to the LEA and providing the list of hits. Each time they call, they are following up on the prior list of hits that are provided for any investigative leads that have occurred (as far as have you been able to do anything with this case, what is the status of it now, do you have any pending arrests, etc.) Law enforcement has been very receptive to their reaching out. They will continue to do that, if not bi-monthly, at least quarterly and try to seek feedback from those LEAs.
- These same two individuals and one other stemming from FB, John Dilday and myself have worked to identify partially tested kits which is a requirement of the SAKI grant. We also generate a certified inventory of partially tested kits. We identified a 14-year window where we wanted to examine partially tested kits. We identified a list of about 7,500 kits which we have further eliminated down to 4,800. The same temp employees will do outreach to the respective LEAs on those partially tested kits to (1) verify they still have the kits in their possession, once we receive confirmation and get certified inventory back, we will vet those kits to determine if there was anything within the kit that would allow us to test. That is something we have started working on with March as the target date to begin outreach to LEAs.

- We previously mentioned the SAK Dashboard. We will be in a great place to show that to the Board as soon as the public webpage has been reviewed and approved by BJA, the funding source for the SAKI grant. I expect that will happen very soon. The grant system has not been the best process moving forward trying to give all the users and user roles access as they should have it. That has caused a bit of delay. We are still working on that with our BJA grant manager. Hopes to roll that out soon with all of its components.
- **Lean Six Sigma:** We are currently in the process of establishing a contract with the vendor for the completion of five projects which stem around Firearms, Drugs, Tox, Latent and Admin Ops. Our goal was to begin in January, but it is being pushed out considering where we are with teleworking.
- **Renovation/Construction:** Fourth floor renovations begin February 17th with projected completion in September this year. The general contractor and all parties are on board. They will begin with the roof replacement which is a 30-45 day process. Nothing has really changed, just the schematic of workstations which are in cubicle form vs. what they currently have with the shared space in between which will afford additional space for new analysts in the future as we hope to get new positions from the General Assembly at some point.
- **Triad Laboratory Lease:** The expansion is on schedule for review by state property. We did have delays because the property was sold and is now under new ownership. We had to give time for the new owner to meet with us, and we are now in agreement on all matters. We will now take that information to the Department of Administration and seek approval. Once we get that approval, the renovation and expansion will begin. We anticipate it will be a 3-4 month process. It is a privately leased property so there are fewer hoops to jump through since it is not state property.
- **Overtime:** We talked about overtime to all disciplines to anyone who wished to work in a discipline where there is a need. Overtime was approved in August 2020. To date, they have completed 1,832 cases; 80 SAK cases for Forensic Biology; 522 database samples have been processed. I was also able to designate a portion of the SAKI grant for overtime for Forensic Biology during this time and they have completed 217 outsourced SAK cases.
- **Personnel:** There are 30 vacancies (8 candidates in progress; 11 positions in interviews; all other positions in process of posting, reallocation or transfer). The breakdown is 19 in Raleigh, 4 in the Triad, and 7 in Western. A snapshot of the hiring and attrition in calendar year 2020 revealed our most successful year with 25 hires and 19 losses, 15 of which were resignations and 4 retirements. There are a number of pending retirements in the next year for administrative and support staff, so we will be making adjustments for that. Our vacancy rate for the calendar year was 10.8%.
- **Recruitment:** We now have virtual recruitment which is embedded in the NC DOJ page which can be accessed at <https://ncdoj.gov/crime-lab/crime-laboratory-careers/>. Once you go to the page, you can select any discipline that you desire with videos to learn more about it. We have received great feedback from candidates and interns which has proved helpful since we are unable to travel to colleges, universities and schools.

VII. TECHNICAL OPERATIONS UPDATE [Liz Patel]

- We currently have 21,156 cases. Over the course of the last year, it has gone up by approximately 2,500. This is the lowest increase due to COVID, and caseloads have been steady as a result of it.
- **Turnaround Time:** Creeping downward at 224 days lead time, and turnaround time for each examination is sitting at 58 days. Liz presented a slide showing the number of trained analysts in conjunction with how many cases there are in each order. We lost some trained scientists. Many are in training right now. Yet, we have been able to keep our output over 8K per quarter from the last four quarters.
- **Training Update:** Drug Chemistry was a recent hire. We have 20 in training in a first or second discipline. From July to January 2020, we had 13 scientists complete training and are now working, and 13 scientists expected to complete training by June 2021.
- **Discipline Updates:**
 - Court process** slowed down due to COVID, specifically Superior Court with jury trials. Toxicologists appeared in District Court. Since March 16, 2020, we have had 162 appearances by scientists who had to drive to the courthouse and either testify or wait for the defendant to plea or have the case continued. Of the 162 appearances, 124 were specifically DWI in district court.
 - Drug Chemistry:** The review queue is current for cases being worked because of COVID. We have worked a very large submission of fentanyl cases containing 1.2 kilos.
 - Digital Evidence:** Remaining busy especially around mobile device submissions at 65%. We had to shift resources and we now have a FS1 trained in audio/video to replace the staffer who retired. The unit is up and running and we are in the process of hiring two more employees into that unit. We did have a promotion of our FS3 to supervisor. Timothy Suggs is still the acting manager over Digital Evidence.
 - Forensic Biology:** We are looking at ways to streamline SAK submissions. They completed their QAS audit in December which was mostly virtual.
 - DNA Database:** In conjunction with our Data Analytic Center, they did a portal which now is accessible to each county's Sheriff's Office where they can go in and pull a list of convicted offenders that we still do not have their DNA profile. That is the lawfully owed report which is for convicted offenders. In conjunction, CMPD was awarded a SAKI grant to be used to assist these counties should they ask for assistance in collecting samples. Seven have already signed up for assistance. Charlotte Police Department wrote the grant to assist the entire state, so they are working in conjunction with any department that reaches out to them.
 - Latent Evidence:** They are currently in the process of doing a study on validation of the footwear/TT results statements.

Firearms: We received word from the ATF that we had reached 5K leads using their NIBIN system. There are only a handful of agencies across the country that have reached this milestone. They will be coming in March to bring us our Commendation. We are first because we are a huge facility in NC and 9th in the nation for leads generated. The Charlotte ATF covers NC and SC, so we are 1st for the Charlotte Division. We did have one scientist trained at another laboratory who came and did a bona fide training, and is now working in the Western lab. As far as certifications, we have one who completed AFTE certification and one in the process awaiting their final practical.

Toxicology: We have four scientists in various stages of training in either BAC analysis or Blood drug analysis. We have seen great benefits in the implementation of our QTOF. We will be verifying the additional use of Mass Spectrometry in conjunction with our GC-FID implementation for alcohol volatile analysis.

Trace Evidence: Fire debris reduced their lead time from 230 days to 57 days. Prior to last year, we had a Hematoxylin validation to ASCLD for a poster presentation at the American Academy and submitted this year to ASCLD for one of their awards.

- **Goals for 2021:**

DASHBOARD: In 2018, my goal was to create a DASHBOARD (technical and administrative) for the lab. The programmer who has assisted with this dashboard has now been able to start working on the technical dashboard. It will automate all of the statistics. We are working to include in that dashboard all submissions, completions, broken down by section and exam, turnaround time, and lead time. In conjunction with the upgrades, now that our worksheets are completely external, we will be using the new worksheet upgrades into FA to collect statistics which can be pulled directly into our dashboard and automate all grant statistics, federal drug statistics and FORESIGHT data and annual reports, and stop our scientists from having to spend time tracking grant metrics in an Excel spreadsheet.

Standard Tracker: Because of all the standards being pushed out now, we have decided as a lab to do standard tracker where we will be following all of the documents and either commenting, adopting or implementing all the standards that are pushed through whether through ASB, OSAC, or ASTM. We will also initiate a quality record should we choose not to follow any standards and do a risk assessment on that as well.

Testimony: We are collaborating with a stakeholder in Union County interested in virtual testimony. It has not happened yet, but the DA is in conversations with the Conference of DA's as well as our staff to see if that is something they would like to try as a pilot for their county.

ASCLD Leadership Academy: We have registered four people to attend the ASCLD Leadership Academy.

VIII: ASSIGNMENTS OF SUB-COMMITTEES FOR PROCEDURE REVIEWS:

These assignments are being postponed until completion upon Jason Caccamo's return from military duty.

IX: SPRING MEETING:

The Spring meeting will be held via MS Teams at 10:00 a.m. on May 4, 2021. Jennifer will send out official invites.

X: ADJOURNMENT:

With there being no other business, a motion was made and seconded to adjourn the meeting. Meeting was adjourned at 10:52 A.M. EST.