

MINUTES
FORENSIC SCIENCE ADVISORY BOARD MEETING

Date: February 11, 2020

Location: North Carolina State Crime Laboratory (Via Teleconference)

Chairman Timothy Kupferschmid called the meeting of the Forensic Science Advisory Board to Order at 1:05 p.m. ET. Amanda Thompson performed Roll Call. A quorum was confirmed.

I. ATTENDANCE

Present - NCSCL: Vanessa Martinucci, Amanda Thompson, Timothy Suggs, Liz Patel, John Dilday, Chris Parker, Alison Gantt, Aaron Joncich, Katy Schell, Zach Kallenbach, Jennifer Sligh, Karen Morrow, and Jason Caccamo (Lab Counsel)

Via Teleconference: Tim Kupferschmid, David Hinks, Jamie Becker, C. Todd Hughey, Michael Coble, Michelle Aurelius, Michael Jiroutek, Demi Garvin, Chris Palenik, Kermit Channell, Ana Baxter, Wayne Lewallen, David Freehling, Sarah Olsen, Tracey Dawson Cruz, Alka Lohmann, Brian Dew, S.J. Farber, and Adrienne Reeve

Other Teleconference Participants: Robert Pickett (Board Counsel) and Angela Towns (Recorder)

II. MINUTES

The October 8, 2019 Minutes were not distributed to the full Board prior to this teleconference call. A Motion was made and carried to postpone the reading and approval of the minutes until the next meeting.

III. DIRECTOR'S UPDATE [Vanessa Martinucci]

- **Meetings:**
 - Since the last meeting, Dr. Martinucci attended conferences for the Conference of District Attorneys, District Court Judges, Sheriffs'

Association and Chiefs of Police to introduce herself as new director, share the current status of the lab, and discuss sexual assault testing kits.

- There was an ALL Lab meeting in January at the SBI auditorium in Raleigh. We discussed achievements over the past year and set new goals for the upcoming year. Having everyone in the same place at the same time made for a very productive meeting.
- Still need to schedule meetings with other stakeholders in March and over the summer.
- S315 – *Farm Act of 2019* made the crossover; however, the Senate failed to concur with amendments from the House (10/1/19). It was not addressed when the legislature convened in January. The SCL is requesting additional funding to distinguish smokable hemp from marijuana because we do not quantitate at this time.
- (Ch. SL 2019-221) – The Survivor Act passed in September. The SCL was awarded \$6M over two fiscal years to outsource sexual assault kits. We get weekly submissions for outsourcing. Law Enforcement Agencies (LEA) are required to submit newly collected kits to the SCL within 45 days which is increasing the number of kits the Lab is receiving internally. LEAs are in the process of conducting case reviews to prioritize testing with a due date of approx. mid-March. The Lab is helping when needed, and have temps doing follow-up to ensure agencies have all the info they need and to answer any questions.
- The CODIS hit follow-up submission form survey is on the website to collect information. We have received eight (8) cases to date since the Survivor Act went into effect. These are cold cases and it will take a while to follow-up on these hits. Chairman Kupferschmid asked whether \$6M is enough to cover the backlog of sexual assault cases. Director Martinucci explained the Lab has an additional \$3M from the SAKI grant and that \$9M should be sufficient.
- **Areas of Concern:**
 - The Digital Section is without a manager. The position was posted, interviews held, and an offer made but the candidate declined the job. The position will be reposted, but we are focusing more on FSIII positions. We held interviews for the FSIII positions, and received a good selection of candidates for the FSI position.
 - The Firearms Section is down a few positions, but we are currently in the hiring stage with training immediately following. Case analysts in that section are working on rush cases which creates a backlog that will

continue to grow until those positions are filled and they are hired and trained.

- **Additional Position Request** – In the previous long-session, the SCL requested 12 positions which was reduced to five because the budget did not pass. DOJ made an expansion request to the Governor for the upcoming short session which begins at the end of April. We will go back to our original request for 12 positions (six forensic scientists and six drug chemists) with a specific focus on drug chemists due to the opioid crisis in our state. The remaining six positions would be allocated where needed at the time (and if) we get those positions. These positions are separate from the positions requested in the Farm Act which will allow for an additional six drug chemists for the anticipated increase should the Act pass. The SCL has a large number of vacancies. The primary focus at this time is to get vacancy numbers down and retention. Once the additional positions are filled, SCL will work with DOJ and HR to ensure pay is equitable compared to agencies around us, both private and public. It may be necessary to get a market study to get salaries more in line with other states. We are also exploring the possibility of developing a career ladder [especially for non-sworn employees] to aid in retention.
- Formal introduction of Brian Dew to the Board. Brian is the Forensics Lab Manager at the New Hanover Co SO. Swearing in will take place at meeting in May, 2020.

IV. **ADMINISTRATIVE OPERATIONS UPDATE [Assistant Director Amanda Thompson]**

Grants:

- Approximately \$9.8M in active grants currently awarded to SCL
- Attended meeting at the Governor's Crime Commission to discuss a different grant and walked away with (\$330K). These funds will be used to help forensic biology and replace instrumentation over the next year with plans to purchase a new Quant studio and replace EZ-1s with EZ-2s once they are on the market.
 - *\$165k 2017 BJ Funding HID Quant Systems- Forensic Biology
 - *\$70k 2016 BJ Funding - N.C. State Crime Lab - QIAgilities- Forensic Biology
 - *\$94k 2020 BJ Funding Forensic Biology Instrumentation (combination of Quant Systems and QIAgilities)

- SAKI: Weekly SAKI working group calls; weekly temp calls and bi-monthly SCL meetings on SAKI/GCC progress
- Dashboard for all things SAK currently in progress. External facing. Power BI/Sharepoint Site
- Inventory Techs are following up with LEAs as part of Round 2: first with a call and follow-up in person. Estimated completion date before June 2020.
- **State Budget:**
 - No certified state budget for the current fiscal year which ends June 30, 2020. We are currently operating on the assumption that we would be granted the same allocation received in the previous fiscal year cycle.
 - Utilizing \$3M in state funding received in October 2019 for analysis of outsourced sexual assault kits. To date, \$270K has been spent on analysis. Projections for the end of this fiscal year are that approximately 1080 kits will be tested by June 30 totaling approximately \$740k. These are not the only cases that have been analyzed, with \$1.5M spent on previous kit testing.
 - A reporting to the legislature is due March 1, 2020.
- **Personnel:**
 - 7 Toxicology Internal and 1 Drug Chemistry promotions in the last 3 months across all 3 labs
 - **Vacancies fluctuate. 36 vacancies (24 Raleigh, 4 Triad, 8 Western): 31 in progress**
 - **Vacancy breakdown:**
 - **Raleigh:** FB: 4 analysts, 2 Admin Specialists; Tox: 1 FS, 1 CT; Drugs: 2 FS, 1 CT; DNA DB: 2 CJS/I; Digital: 1 FSM, 3 FS; Firearms: 2 FSI; Trace: 3 FS; FA: 1 Court Coordinator; Procurement: 1 Procurement Specialist
 - **Triad:** Drugs: 2 FS; 1 Admin Specialist; 1 CT
 - **Western:** Firearms: 2 FS; Tox: 3 FS; FB: 2 FS; 1 CT
 - Request for 12 positions from GA: 6 FS, 6 DC; Farm Act-additional 6 positions. HR recognizes importance of market data to adjust salaries to help with employee retention.
 - Hire of additional background investigators; also using sworn agents in the building until high number of vacancies drop
 - Director Martinucci and AD Thompson made 4th Quarter Admin Ops visits: WRL, Triad, Firearms, Drug Chemistry completed. All others scheduled; FB and DB to be rescheduled.
- **Renovations/Construction**

- Final Plans for 4th floor Reno to SCO, then out to bid (4 weeks); contract negotiation (4 weeks); targeting June start date for roof replacement
 - Water Event 9/21-22 to main water line in Raleigh lab – currently being replaced with an estimated completion date of mid-February
 - Eastern Lab – Information will be provided as it becomes available.
 - Capital R&R Requests:
 - Building Envelope Study of RCL
 - Renovation of Evidence Control of RCL
 - Renovation of Firearms Section of RCL/purchase & installation of custom shoot tank
 - New space will allow room for expansion/growth
 - Discussion surrounding possibility of creating a second shift in the future
- **Other:**
 - Completed a draft for a DNA RFP for SAK Outsourcing 2020
 - Contract expires end June 30, 2020
 - LSS RFP will hopefully be awarded prior to June 30

V. STIMS and SAECK OUTSOURCING UPDATE [Director Vanessa Martinucci]
(Mandatory as of October 1, 2018)

- 455 LEO Agencies (as of January 27th)
- 131 Medical Agencies
- 973 kits in custody of SCL
- 13,088 kits inventoried and moved to STIMS (collected before 10/1/18)
- 16,432 total kits tracked in STIMS (650 anonymously held until victim decides to report)
- Retention to keep kits is perpetual unless or until a destruction order is issued.
- Outsourcing for previously untested SAECKS identified in the 2017 Statewide Audit (as of January 27th):
 - 3,207 SAECKS were approved for testing
 - 1,236 were completed by vendor labs and reviewed, 452 of which were profile-eligible and entered into CODIS
 - 279 CODIS hits to date
 - We experienced a 55% increase from 2018 to 2019, with the expectation that numbers for 2020 numbers will increase even more due to the fact that the Survivor Act did not go into effect until September 2019. This will be SCLs first full year requiring agencies to submit all kits within 45 days.

VI. TECHNICAL OPERATIONS UPDATE [Assistant Director Liz Patel]

- Lab totals 19,573 case records (up 4K from the beginning of last year)

- Lead time – 217 days. Turnaround time per exam – avg 70 days. Most examinations can be completed through rush program within 30 days.
- Lean Projects – Down from 50K due to 2017 outsourcing of toxicology kits; increase in submissions
- Laboratory dashboard
- **Forensic Biology**
 - STRmix validation is ongoing with implementation tentative for July 1st
 - Switch from GMIDX 1.4 to 1.6 is ongoing along with Windows 10 upgrade at the same time
 - Familial Searching went live in November. First set of cases has been reviewed and is moving forward
- **DNA Database**
 - Y-STR validation in conjunction with Familial testing
 - Collaboration with GDAC (the State's IT Analytical Center to upgrade the state criminal data case system to include CODIS hit information) which will allow us to look into CJ Leads to identify active hits within their respective counties/agencies
 - No genealogical testing is performed at SCL. Agencies outsource samples and provide SCL with test results.
- **Drug Chemistry**
 - Changed the reporting language for plant material cases; reporting THC and/or CBD when present and not listing a schedule status
 - Hope to reintroduce updates to the Controlled Substance Act to include class language as appropriate and correct the definition of isomer
 - Waiting to see what happens with the Farm Act
- **Toxicology**
 - QTOF Validation completed 12/31/2019
 - Benzodiazepine and Opiate LCMSMS method development
 - Implementation of Headspace GC/MS for Volatile testing in 2020
- **Firearms**
 - Raleigh Laboratory purchased a remote cart firing station for firearm's function testing
 - Lead Time for NIBIS/IBIS entries is down to **20 days** from around 200
 - 11 terminals across the state; SCL partnered with Middle District, ATF, and SBI along with other federal and state agencies to identify ways to streamline NIBIS/IBIS together which hopefully will spread to the Eastern District as well.
- **Digital**

- Increase in cell phone submissions; meeting with agency tomorrow regarding their cell phone packaging
- Posting of FSM of Section; holding steady with 2 examiners; evaluating candidates for 3 vacant positions
- **Latent**
 - Acidified Hydrogen Peroxide Processing method for examination of brass cartridges [fired and unfired] and brass cartridge cases to show likelihood of lifting DNA versus fingerprints from brass cases.
- **Trace Evidence**
 - Hair Root hematoxylin procedure implemented; SCL will have a paper presented at AAFS 2020
 - u-XRF purchase being validated for glass and eventually paint/metal cases
 - Validated GC-FID/MS for arson cases to replace GC analysis only for fire debris analysis

VII: QUESTIONS:

Discussions regarding standards – 3 members on OSAC – we push on everything that comes through. Will SCL follow OSAC standards? Yet to be decided.

VIII: SCHEDULING OF IN-PERSON MEETING

The next meeting will be in-person on Tuesday, May 5, 2020 in Raleigh. Jennifer Councilman will send out logistical information once details are finalized. Any new prospective projects should be forwarded to Chairman Kupferschmid and Director Martinucci for consideration.

Winter Teleconference will take place on Tuesday, February 11, 2020 from 1:00 p.m. to 3:00 p.m. EST. The Spring (In-person) meeting is scheduled for May 5-6, 2020 in Raleigh, NC.

IX. NEW BUSINESS

With no new business, questions or comments, a Motion to adjourn the meeting was seconded at 1:55 p.m.