



COMMONWEALTH of VIRGINIA

FORENSIC SCIENCE BOARD

Chair

DEPARTMENT OF FORENSIC SCIENCE
A Nationally Accredited Laboratory

To: The Honorable David B. Albo
Chair, Virginia Crime Commission
The Honorable John H. Chichester
Chair, Senate Committee on Finance
The Honorable Vincent F. Callahan, Jr.
Chair, House Committee on Appropriations

From: Joseph P. Bono
Chair, Forensic Science Board

Date: October 20, 2007

Re: Forensic Science Board Report

Pursuant to the provisions of Virginia Code Section 9.1-1110(B), the Forensic Science Board is directed to report by November 1 of each year on the following matters:

1. New major programs and plans for activities of the Department of Forensic Science and elimination of programs no longer needed.;
2. Policy and priorities in response to agency needs;
3. General fiscal year operational budget and any major changes in appropriated funds;
4. Actions to foster and promote coordination and cooperation between the Department of Forensic Science and the user programs which are served;
5. Rules and Regulations necessary to carry out the purposes and intent of this chapter; and
6. Any recommendations submitted to the Board or the Director by the Scientific Advisory Committee.

The report for 2007 is attached.

FORENSIC SCIENCE BOARD REPORT

November 1, 2007

1. New Major Programs and Plans for the activities of the Department of Forensic Science (DFS) and the elimination of programs no longer needed

Breath Alcohol Replacement Instruments

An Invitation for Bids for new breath alcohol testing instruments was issued in March 2007. The apparent lowest responsive and responsible bidder was identified and we are now conducting an onsite evaluation of the proposed instruments. Upon successful completion of this evaluation, a contract may be awarded and is expected by mid 2008. Additionally, we are in the process of developing a system to access breath test records online.

Mitochondrial DNA program status

The Mitochondrial DNA program has added two new examiners this year. The technical leader and one examiner attended training for two weeks in February in addition to training provided on-site by the vendors of the new equipment acquired this year. Validation work is still continuing in addition to writing manuals and case submission protocols; the lab should be operational by the spring of 2008.

Northern Virginia Laboratory Project

A ground breaking ceremony was held in May of 2007. Construction of the northern Virginia laboratory and medical examiner's office began in September of 2007. The projected completion date is April of 2009.

Western Laboratory Expansion

The Western Laboratory has reached maximum staffing capacity and the current site does not provide space for expansion. DFS is exploring the possibility of acquiring the 3.7 acres of property adjacent to the current site.

Eastern Laboratory Expansion

The NIJ grant funded expansion of the fourth floor DNA laboratory was completed in December of 2006. Expansion of other scientific disciplines onto the fifth floor of this building will begin in 2008 and is expected to take approximately 9 months to complete.

Central Laboratory / Director's Office Expansion

Director Marone, Deputy Director Sigel, the Director of Technical Services, Legal Services, the Division of Administration and Finance, the Breath Alcohol Section, the Training Academy and Human Resources will be relocating in February of 2008 to the Biotech 8 building directly across Fifth Street from the Central Laboratory. This will allow for the eventual expansion of the Central laboratory into the office space currently occupied by those sections.

Serology Case Review

Former Governor Mark R. Warner ordered the Virginia Department of Forensic Science to conducting a review of old serology cases. A quarterly update of this review is submitted to the Governor's office.

Please find below a summary of the project as of October 5, 2007:

530,000 files total to be screened to determine whether there is crime scene evidence in the file
518,431 files have been screened for crime scene evidence
2,208 files have crime scene evidence and a suspect named in the file
1,900 files only have known suspect or victim samples in the file
837 files have crime scene evidence and no suspect named
473 files have been reviewed by the Forensic Biology Section
233 files have been determined to be ineligible
166 files have been sent to the contract laboratory for testing
107 files with results have been returned to the Department of Forensic Science by the contract laboratory

2. Policy and priorities in response to agency needs

Equipment acquisition and replacement

DFS was appropriated \$225,000 (request was \$1.2 million) for the purchase of scientific equipment in FY2007. DFS was able to increase the budget for scientific equipment and kits to approximately \$1.5 million for FY2008. Scientific instrumentation has a projected replacement cycle of 3 to 8 years dependent upon the type of equipment.

Grants

Grant funding was made available to DFS for use in FY2008 from the National Institute of Justice to support Convicted Offender and/or Arrestee DNA Testing in the amount of \$1.0 million dollars approximately and in the DNA Backlog Reduction programs in the amount of \$360,000.00. DFS has also received funding through a Federal Byrne Grant in the amount of \$80,000.00 for equipment purchases in toxicology and firearms.

DFS has recently received a grant from the Virginia Department of Motor Vehicles in the amount of \$150,088.00 for training and implementation of new breath alcohol instruments. In addition DFS has also received a Coverdell Forensic Science Improvement Grant worth \$50,000.

3. General Fiscal Year Operational Budget and any Major Changes in Appropriated Funds

Budget

DFS began the FY2008 with an increase of approximately \$1.5 million in appropriations, as compared to funding provided in FY2007. A majority of this additional funding was for increases in operation and maintenance expenses of the laboratories, to fully fund existing classified positions which had previously been partially funded, to increase IT security to comply with State mandates, and to support the DFS compensation plan. At the beginning of the second quarter of FY2008, DFS was advised by the Governor that a five percent budget reduction would be implemented which equated to \$1,693,100.00. This five percent reduction must be achieved before the end of FY2008. DFS is in the process of implementing this reduction in the following areas: delaying filling scientific classified positions, reducing expenses for wage employees, terminating the Memorandum of Understanding to the Virginia Institute of Science and Medicine, delaying the purchase of scientific equipment and IT equipment, reducing overtime and reducing training and related travel expenses for agency employees.

4. Actions to foster and promote coordination and cooperation between the Department and the user programs which are served

Controlled Substances Certificates of Analysis

A new drug sampling plan was initiated and language in the Certificates of Analysis was changed to make clear the number of specimens tested. This change originated from a meeting with the Commonwealth's Attorneys' Services Council which was attended by DFS.

Conferences, Presentations, etc.

DFS representatives have attended regional meetings and statewide conferences of its user agencies to give presentations on relevant forensic science issues and be available for feedback and comment on the services that the Department is providing. This included meetings/conferences for investigators, sheriffs, chiefs of police, commonwealth's attorneys, general district court judges and circuit court judges.

Blood Vial Kits / Office of Chief Medical Examiner

At the request of the Forensic Science Board, DFS is reviewing the blood vial kit used in toxicology as well as working with the Office of the Chief Medical Examiner to streamline processes.

Backlogs

Status of Backlogs as of October 1, 2007

Section	Ending Backlog	Average Turn Around Time (in days)	Cases Over 30 days
Controlled Substances	1051	13	2
Firearms	1260	85	925
Forensic Biology	1019	109	676
Latent Prints	539	36	216
Questioned Documents	45	31	16
Toxicology	916	32	358
Trace Evidence	501	172	401

5. Rules and Regulations necessary to carry out the purposes and intent of this chapter

Regulations for Obtaining Information From the DNA Data Bank and Procedures for Verification and Authorization of Persons Requesting Information From the Data Bank (6 VAC 40-60). These regulations were proposed this year to comply with 19.2-310.5 which requires that regulations be adopted by the Department of Forensic Science outlining: 1) methods of obtaining information from the data bank and 2) procedures for verifying the requestor's identity and authority. These regulations are currently in the proposed stage and should become final in the next six months.

Regulations for the Approval of Marijuana Field Tests for Detection of Marijuana Plant Material (6VAC 40-50). The marijuana field test kit regulations are in the final stage and should become final before January of 2008.

6. Recommendations submitted to the Forensic Science Board or the Director by the Scientific Advisory Committee

Scientific Advisory Committee recommendations:

Form a familial searches subcommittee – which met on May 8 and August 6, 2007 and subsequently proffered a report to the Scientific Advisory Committee and the Forensic Science Board.

Recommended change to the language on Certificates of Analysis for controlled substances cases to make clear the fact that the Department of Forensic Science tests only the listed number of specimens and not all of the specimens submitted.

All forensic science examiner positions must require a Bachelor's degree at a minimum.

Forensic Science Board Recommendations:

The Board recommended that the Department implement the DNA and Drug Submission protocols which had been given to the user agencies for comment.

Senate Bill 286, which was proposed during the 2006 General Assembly Session was endorsed by the Forensic Science Board, this bill would have required laboratories in the Commonwealth of Virginia to have accreditation either from ASCLD/LAB or FQSI before conducting DNA analysis. This bill was not successful at the General Assembly.

The Board also recommended that the Virginia Department of Forensic Science review the DUI (driving under the influence) blood vial kit and the accompanying instructions and design the kit and instructions to be more user-friendly.