




COMMONWEALTH of VIRGINIA

DEPARTMENT OF FORENSIC SCIENCE

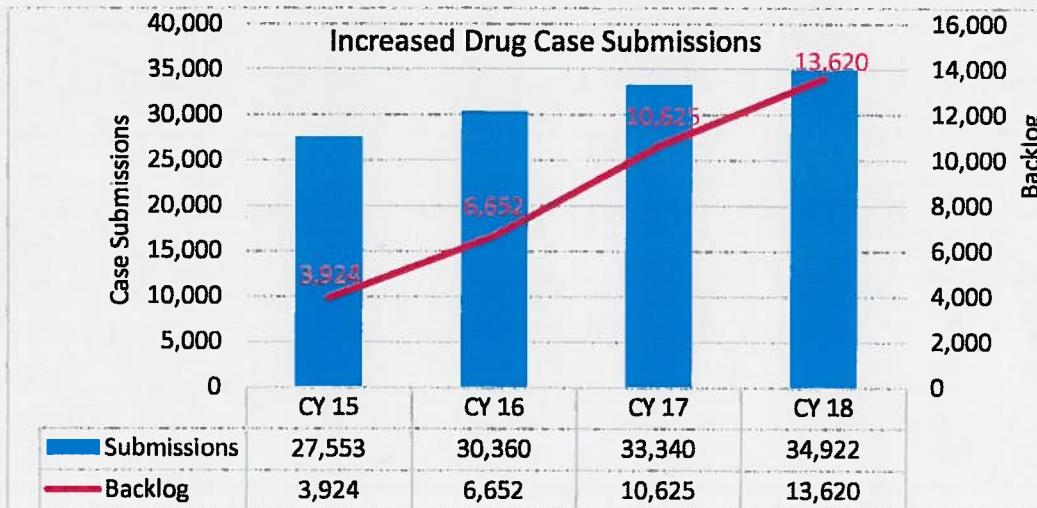
OFFICE OF THE DIRECTOR
A Nationally Accredited Laboratory

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NOTICE REGARDING CONTROLLED SUBSTANCES SUBMISSIONS

To: All Agencies served by DFS
From: Linda C. Jackson, Department Director 
Date: March 11, 2019
RE: Update on Controlled Substances Submissions

The Department of Forensic Science is providing this Notice to apprise its users regarding continuing increased submissions to the Controlled Substances Section. As illustrated in the graph below, the Controlled Substances Section has seen an increase of 27% in submissions since CY2015.



As of March 1, 2019, the statewide backlog was 12,609 controlled substances cases, and the average turnaround time was 141 days for cases completed in February 2019. Numerous factors, in addition to growing submissions, encumber the average turnaround time for these cases, including the complexity of cases analyzed and the safety precautions required by the lethality of compounds encountered. The Department continues to monitor the Controlled Substances workload and pursue initiatives that would assist in reducing turnaround times and the resulting impact on the criminal justice system. An overview of recent measures is listed below.

New Controlled Substances Positions

A total of 12 additional Controlled Substances Forensic Scientist positions were created; six were funded through the normal budgeting process effective July 1, 2018, and six additional were funded by the Governor on an emergency basis effective August 1, 2018. Eight of these 12 additional positions have

been filled, and the new scientists are in training. It takes between nine and twelve months for new trainees to be qualified as DFS scientists. Four of the new positions are still in the hiring process.

Voluntary and Mandatory Overtime

The Department has implemented three mandatory overtime (OT) periods for Controlled Substances examiners over the past eighteen months, including one that is currently in place. At other times, examiners also have been permitted to work voluntary OT.

Outsourcing

DFS has entered into a contract to outsource selected controlled substances cases to NMS Labs of Willow Grove, PA. The Department anticipates outsourcing approximately 8,000 cases over the next three years from across the Commonwealth while it increases its own analytical capacity. NMS Labs (NMS) is a testing laboratory accredited to the ISO/IEC 17025:2005 International Standard that has been performing forensic testing for over 40 years. Virginia Code §§ 19.2-187 and 19.2-187.01 provide for the admissibility of Certificates of Analysis and evidence of chain of custody when such analyses are performed by a laboratory authorized by DFS.

The Department anticipates outsourcing only one- or two-item cases where the charge noted on the Request for Laboratory Examination form is simple possession of a controlled substance. NMS will conduct the analyses in those selected cases and provide Certificates of Analyses that are fully compliant with the requirements outlined in the Virginia Code. DFS will forward each Certificate of Analysis prepared by NMS to the Commonwealth's Attorney's Office for the jurisdiction where the offense will be heard.

If a Commonwealth's Attorney's Office receives notification that the defendant is objecting to the admissibility of the Certificate of Analysis from NMS and the case is going forward to trial, upon resubmission of the evidence, the Department will reanalyze the evidence on an expedited basis and provide a Certificate of Analysis prepared by DFS. A DFS Controlled Substances Forensic Scientist would then be available to testify at trial as to the results of the reanalysis.

Once DFS has expanded its own capacity, it will cease outsourcing cases.

Other Efforts

DFS has worked to educate its customers regarding the long-standing Drug Item Reduction Policy (DIRP) to reduce the submission of evidence that will not be tested to more effectively use Department resources. DFS will utilize awarded NIJ Coverdell grant funds to conduct a Lean Six Sigma study of Controlled Substances Section processes to identify any systemic inefficiencies and improve workflows. DFS will continue to strive to identify additional ways to maximize agency resources to meet the needs of the criminal justice system. We also will continue to assess submissions and our capacity to more timely perform the requested analyses. We welcome input from all affected agencies in this endeavor.

Contact Information

For general questions about Controlled Substances case turnaround times or resources, please contact Chemistry Program Manager Scott Maye at (804) 588-4168. For case specific questions, please contact the Controlled Substances Section Supervisor at the DFS Laboratory providing service to your agency:

Central (Richmond) – John Przybylski (804) 588-4154

Eastern (Norfolk) – Brian Meinweiser (757) 355-5958

Northern (Manassas) – Jeana Rodenas (703) 334-9736

Western (Roanoke) – Chris Bryant (540) 283-5927