

DEPARTMENT OF FORENSIC SCIENCE UPDATE

Linda C. Jackson, Director

Presented to the Forensic Science Board

July 19, 2023

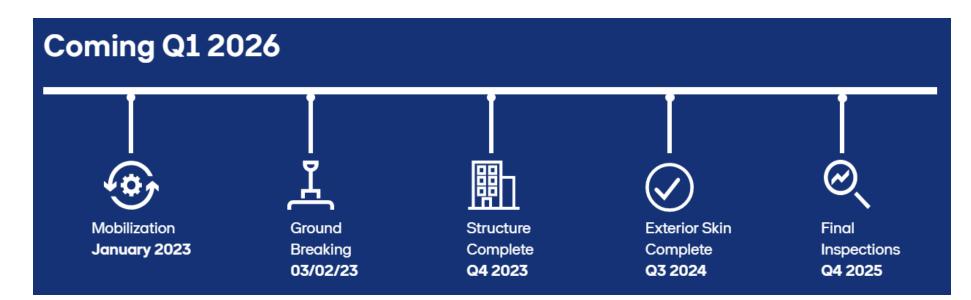




Central Laboratory Capital Project

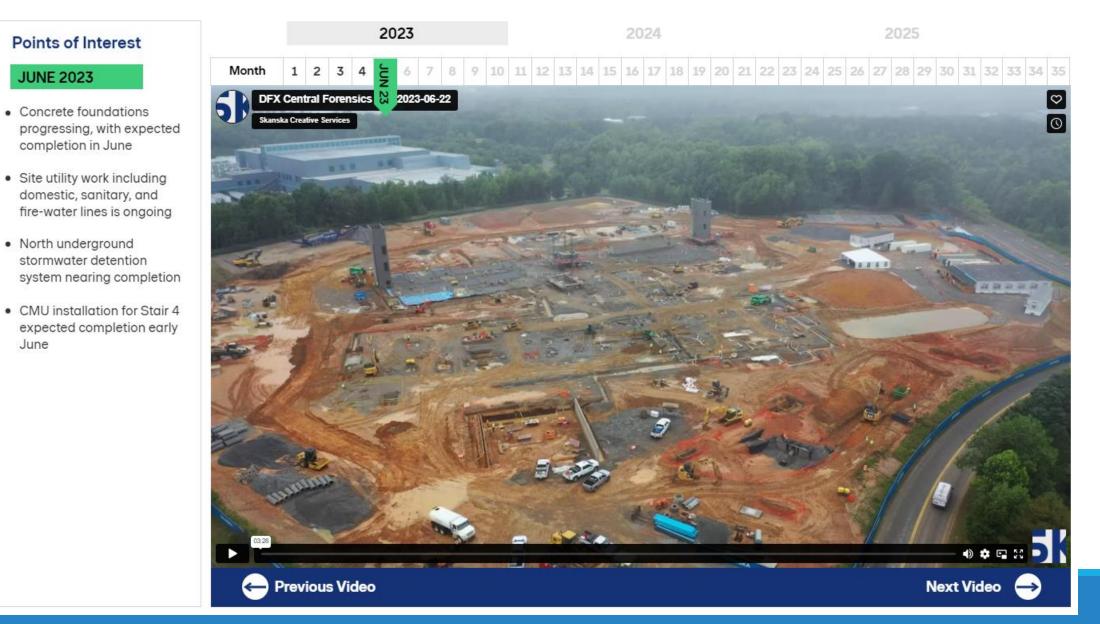
Building updates available online

https://dfs.virginia.gov/regional-labs/new-central-laboratory-facility/



Check back monthly for new video updates as the Central Laboratory takes shape.

June





New Lab Directors for Eastern and Northern Laboratories





Eastern Laboratory: David J. Koppenhaver <u>David.Koppenhaver@dfs.virginia.gov</u> Phone Number: 757.355.5914

Northern Laboratory: Joshua Kruger Joshua.Kruger@dfs.virginia.gov Phone Number: 703.334.9733



CERTIFICATE OF ACCREDITATION

The ANSI National Accreditation Board

Hereby attests that

Virginia Department of Forensic Science Crime Laboratory System

Fulfills the requirements of

ISO/IEC 17025:2017 ANAB Forensic Testing & Calibration AR 3125:2019 FBI Quality Assurance Standards for Forensic DNA Testing Laboratories:2020 FBI Quality Assurance Standards for DNA Databasing Laboratories:2020

In the field of

Forensic Testing & Calibration

This certificate is valid only when accompanied by a current scope of accreditation document. The current scopes of accreditation can be verified at <u>www.anab.org</u>.



Expiry Date: 30 September 2026 Certificate Numbers: FT-0051 FT-0052 FT-0054 FT-0054 FC-0004





Accreditation



- Completed Surveillance Document Review May 2023
- Certificates and Scopes are available on the DFS website: <u>https://www.dfs.virginia.gov/about-</u> <u>dfs/accreditation/accreditation-documentation/</u>
- Current cycle expires September 30, 2026



Training for Attorneys and Judges

- Planning in-person, full-day sessions for DNA:
 - September 29—Central (Richmond)
 - October 6—Western (Roanoke)
 - October 20—Eastern (Norfolk)
 - November 3—Northern (Manassas)
- No registration fee or CLE credits
- Registration closed on July 14, 2023
- Controlled Substances sessions held at all four laboratories in May 2023

Join us for DNA Training

for Virginia Criminal Attorneys and Judges

https://www.dfs.virginia.gov/training/attorneys_judges/



Staff Training

- Leadership Retreat: September 18 -20, 2023
- Section Meetings
 - Firearms: June 6 8
 - Latent Prints: August 21 25 all attending International Association for Identification Conference
 - Forensic Biology: October 2 4
 - Controlled Substances: October 17 -19
 - Toxicology: October 18 19

LEADERSHIP RETREAT

SAVE THE DATE

We are thrilled to announce this multiday training retreat that will cover:

- Discovering Your Leadership Style
- Essential Leadership Skills
- Courageous Conversations
- Mentoring and Succession Planning



September 18 - 20, 2023
Hotel 24 South, Staunton, VA

Keynote Speaker:

Dean Gialamas, is a Certified High Performance Leadership CoachTM, who has been active in the forensic science community and has served in several crime laboratory leadership positions for the Orange County Sheriff's Department and Los Angeles Sheriff's Department. Mr. Gialamas has been providing leadership training to government agencies and companies since 2006.

Forensic Training

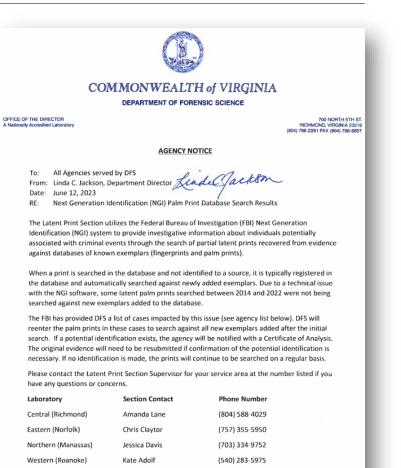
- 109th FSA Session graduated June 23, 2023
- 6 Short Courses in July & August
 - Basic Crime Scene Photography
 - CSI/Laboratory Overview
 - Alternate Light Source & Impression Evidence
- Annual FSA Retraining Sept. 6-8, 2023





NGI Palm Print Database Searches

- Programing error for FBI Next Generation Identification (NGI) system palm print searches
- Initial search results were not impacted
- Saved latent palm prints were not being automatically searched against newly added known palm prints
- Palm print searches for approximately 250 cases will be re-launched





PC Project Evidence Return

- All evidence and samples relating to the DNA Post-Conviction project will be returned to the originating law enforcement agency
- Begins August 2023
- Samples can be stored at room temperature

COMMONWEALTH of VIRGINIA							
DEPARTMENT OF FORENSIC SCIENCE							
	OFFICE OF THE DIRECTOR 700 NORTH 5 th STREET A Netionally Accredited Laboratory RICH-MORQ, VIGRIUA, 32319 (804) 786-2251 FAX (804) 786-6857 DFS POLICY NOTICE						
DESPOLICY NOTICE TO: All Agencies Served by Department of Forensic Science (DFS) FROM: Linda C. Jackson, Department Director (AG) DATE: July 17, 2023 RE: Return of Evidence Relating to the Post-Conviction DNA Testing Project During the review of a case file for possible Post-Conviction DNA testing in 2001, DFS discovered that some of its historic case files (from 1972-1987) contained portions of previously tested evidence and/or known reference samples. After this discovery, DFS retrieved and reviewed case files from the Library of Virginia State Records Center in order to identify cases containing previously tested evidence or known reference samples. Some of these cases were the subject of Post-Conviction (PC) DNA testing that was ordered by Governor Warner in 2005. A summary of the testing project is available here: http://vscc.virginia.gov/2020/DNA%20Project%20Overview.pdf. Other cases, where a portion of evidence or reference standard was retained, were not tested because the case was not eligible, or no record of a conviction was identified. DFS has since stored all of this material at our laboratory in the event that further requests for							
law enforcen Beginning in be returned an itemized I manilla enve in each batch The returned	of this project will be to return the discovered evidence and/or reference samples to the originating nent agencies. August 2023, previously tested evidence and/or reference samples from these historical cases will to the originating law enforcement agency. Evidence batches (up to 25 cases) will be returned with ist of the samples present for each case. The evidence for each case will be packaged in one or two lopes. Chain of custody forms will be used to document the evidence transfer and identify the cases a by FS Lab # (and agency case #, if available), which can be matched to your agency records.						

If you have any questions regarding this Notice, please contact Shelley Edler, Forensic Biology Group Supervisor, at (804) 588-4084.

returned evidence



Customer Working Group

- Customer Working Group (CWG) met on May 8, 2023
 - Feedback from customers on evidence submission policies and services provided
 - Supportive of proposed changes to Latent Prints report wording
 - Discussed statutory language regarding reporting DNA allele tables



Latent Print Report Wording Updates

- Start with the BLUF New format
- New table following the item descriptions

RESULTS AND INTERPRETATIONS:

COMPARISON RESULTS OVERVIEW:

Name	Identification	Exclusion	Inconclusive
	(Total/Item)	(Total/Item)	(Total/Item)
John DOE	1 / Item 02	N/A	3 / Item 01
Jane DOE	2 / Item 01	N/A	1 / Item 01



Sexual Assault Kit Processing Unit

- Hire 4 Biologists (pending in budget)
- They will join Biologist on staff in Central Laboratory
- Training on kit screening and DNA processing
- Kits transferred from around the state to Central for examination (1,400 kits estimated)
- Report writing will be divided up between the scientist staff based on complexity of results



Dashboards for Case Statistics

- Project with the Office of Data Governance and Analytics (ODGA)
- Project scope identified
- ODGA staff background checks completed
- Data transfer permissions and protocols
- Dashboards for case submissions, completions, backlogs and average turnaround times



Breath Alcohol Instruments

- Bid for new instrument is being handled by the Department of General Services – Division of Purchases and Supply (DGS-DPS)
- DGS-DPS met with DFS to discuss bid documentation on July 6
- New instruments and training expected in 2024



Toxicology Updates

Outsourcing

- Still being utilized in Eastern and Western OCME
- Reducing usage as staffing increases
- Extremely helpful for locations that experience staffing shortages
- Staffing building capacity
 - 43 Forensic Scientists/Toxicologists (33 qualified, 7 in-training, 3 in-hiring)
 - 9 Forensic Lab Specialists (7 qualified, 1 in-training, 1 in-hiring)



Toxicology THC Testing

- All DUI/DUID samples are now screened for a tetrahydrocannabinol metabolite and alcohol
- Quantitative: Δ^9 -THC, Δ^9 -carboxy-THC, Δ^9 -hydroxy-THC

NEW:

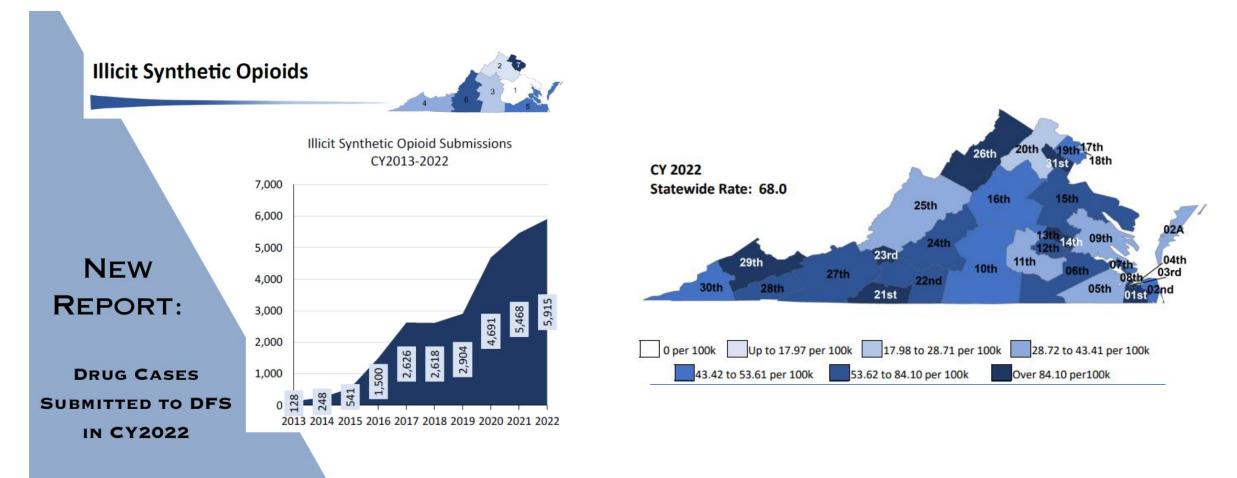
- Qualitative: Δ^8 -THC, Cannabidiol
- Other isomers and compounds will be in future work including Δ^8 -carboxy-THC, Δ^8 -hydroxy-THC, Δ^{10} -THC/ $\Delta^{6a,10a}$ -THC, HHC

 For Q1 2023, ~18% of cases with BAC >0.100 % w/v had a quantifiable THC concentration

,	For Q1 CY 2023							
		Cases with BAC	Cases with BAC					
		>0.100% w/v	<0.100% w/v					
	Average THC	0.0047 mg/L	0.0074 mg/L					
	Concentration	0.0047 mg/L	0.0074 mg/L					
	Median THC	0.0027 mg/L	0.0042 mg/L					
	Concentration							



Drugs Submitted to DFS in 2022



https://dfs.virginia.gov/wp-content/uploads/Final2022DfsDrugReport_05252023.pdf

Legislation to regulate hemp products effective July 1, 2023

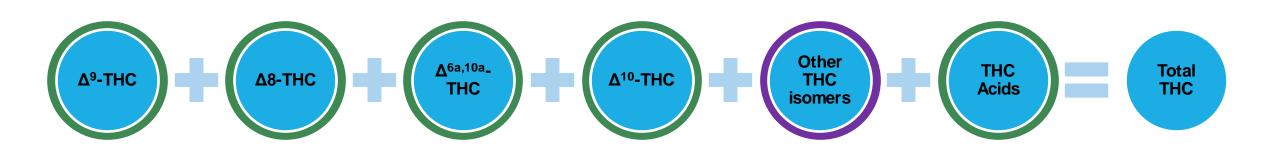


Definition Changes in Chs. 744 and 794:

"Tetrahydrocannabinol" means any naturally occurring or synthetic tetrahydrocannabinol, *including its salts, isomers, and salts of isomers* whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation and any preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of tetrahydrocannabinol. *For the purposes of this definition, "isomer" means the optical, position, and geometric isomers*.

"Total tetrahydrocannabinol" means the sum, after the application of any necessary conversion factor, of the percentage by weight of tetrahydrocannabinol and the percentage by weight of tetrahydrocannabinolic acid.

Total THC includes sum of THC and THC acid for all isomers



- Total THC greater than 0.3% is marijuana
- DFS expanded semi-quantitative method to include the most common THC isomers and their acids
- Validations continue to encompass additional isomers



Hemp Enforcement after July 1, 2023

Hemp products cannot:

- Contain more than 0.3% total THC (no longer just Δ^9 -THC)
- Contain more than 2 mg of total THC per package <u>unless</u> the product has an amount of CBD that is at least 25:1 CBD to THC
- Contain synthetic derivatives of THC (if for human consumption)

- There are registration and packaging, labeling and testing requirements for retailers
- Civil penalties apply under the Virginia Consumer Protection Act (§ 59.1-200) and the Food and Drink Act (Title 3.2, Article 5)
- Violations can be Class

 misdemeanors and/or could
 be referred to law enforcement



DFS Support for Marijuana Enforcement

- Simple possession cases of marijuana and marijuana products of more than 4 ounces
- Home cultivation cases with five or more marijuana plants

- Underage possession of marijuana (although civil penalty)
- Possession with intent to distribute or distribution of marijuana (for criminal charges)

DFS Support for Marijuana Enforcement

Individual



 Under 21 years of age in possession of marijuana (> 0.3% THC)

- Simple possession of more than 4 oz or contested civil cases of between 1 4 oz of marijuana
- Distribution or possession with intent to distribute of marijuana (> 1 oz)

 Selling marijuana (over 0.3% THC) to general public (distribution or possession with intent to distribute) whether representing the product to be marijuana or knowingly selling marijuana products packaged to look like compliant hemp products

	Offense	Policy		
•	Possession of marijuana and marijuana products (§ 4.1-1100)	Accepted: Quantities over 4 ounces Accepted with Limitations: Contested civil offenses	P	olicy
		(greater than 1 ounce but less than 4 ounces) submitted by law enforcement Not Accepted: Quantities under 1 ounce OR uncontested civil offenses	J	une 2
•	Home cultivation of marijuana (§ 4.1-1101)	Accepted: Five or more separately packaged plants or portions thereof, if a plant count is needed Not Accepted: Four or less plants, or portions thereof		Updat
•	Possession of marijuana and marijuana products by individuals under the age of 21 (§ 4.1-1105.1)			guidel
•	Other misdemeanors with no weight thresholds (§§ 4.1-1107, 4.1-1108, 4.1-1109, and 4.1-1110)	Accepted: All weighable quantities (not residue		offens
•	Manufacture, Sell, Distribute or PWID Marijuana (§ 18.2-248.1)	amounts) seized during criminal investigations or were the subject of controlled purchases Not Accepted: Edibles in violation of labeling and		Clarifi suppo
	 Offering for sale or selling at retail a substance that has total THC that is outside the legal limit for hemp products (§ 3.2-4112) or industrial hemp extracts (§ 3.2-5145.1) and would, therefore, meet the definition of marijuana under Virginia Code §§ 4.1-600 and 18.2-247 	packaging requirements as described in §§ 3.2-4123 or 3.2-5145.4:1 or inhalants in violation of labeling and packaging requirements as described in § 3.2- 4123[contact the Virginia Department of Agriculture and Consumer Services (VDACS) for enforcement guidance]		involv oils, e cartric
•	Possession of marijuana by prisoners (§ 53.1- 203(6)) and delivery of marijuana to prisoners (§		•	Annou ability

Table 2: Updated submission guidelines for Cannabis

18.2-474.1)

Policy Notice June 29, 2023



- Updated submission guidelines for Cannabis offenses
- Clarifies capabilities to support criminal charges involving plant material, oils, extracts, vape cartridges, and edibles
- Announced outsourcing ability for edibles

https://dfs.virginia.gov/wp-content/uploads/NOTICE.Marijuana-Submission-Policy-2023.pdf



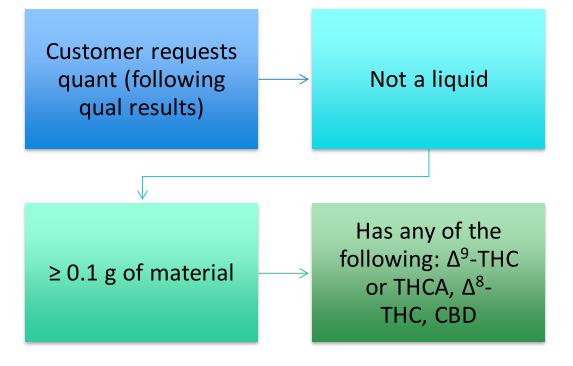
Cannabis Edibles Update

- Outsourcing is now available (NMS Laboratories) for quantitation of THC concentration in edibles
- DFS will do initial qualitative testing and report identification of cannabinoids present
- If THC quantitation is needed and is suitable for testing, DFS will send edibles to NMS Labs
- Will continue to assess the need for in-house testing capability of edibles



Outsourced Testing for THC Concentration

Suitability for Outsourced Testing



Testing Approach

- Test 1 (previously untested)
- Will consult with customer if there is a need to meet a weight threshold and will request letter from Commonwealth's Attorney due to potential fiscal impact



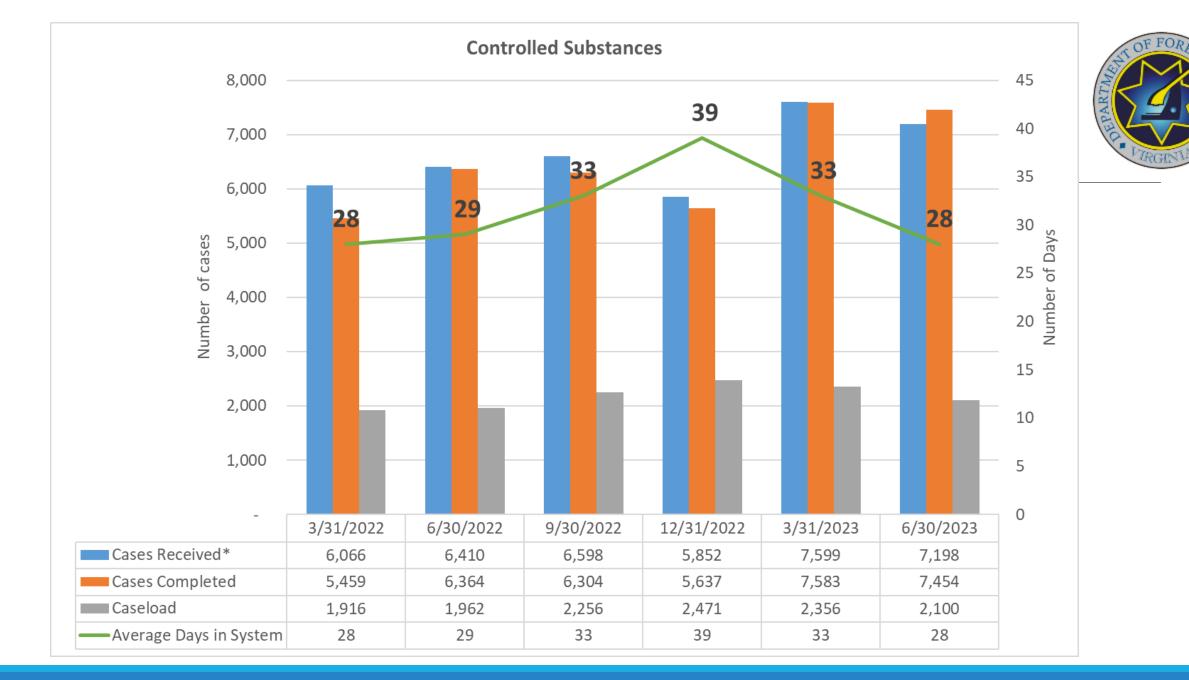
Case Statistics

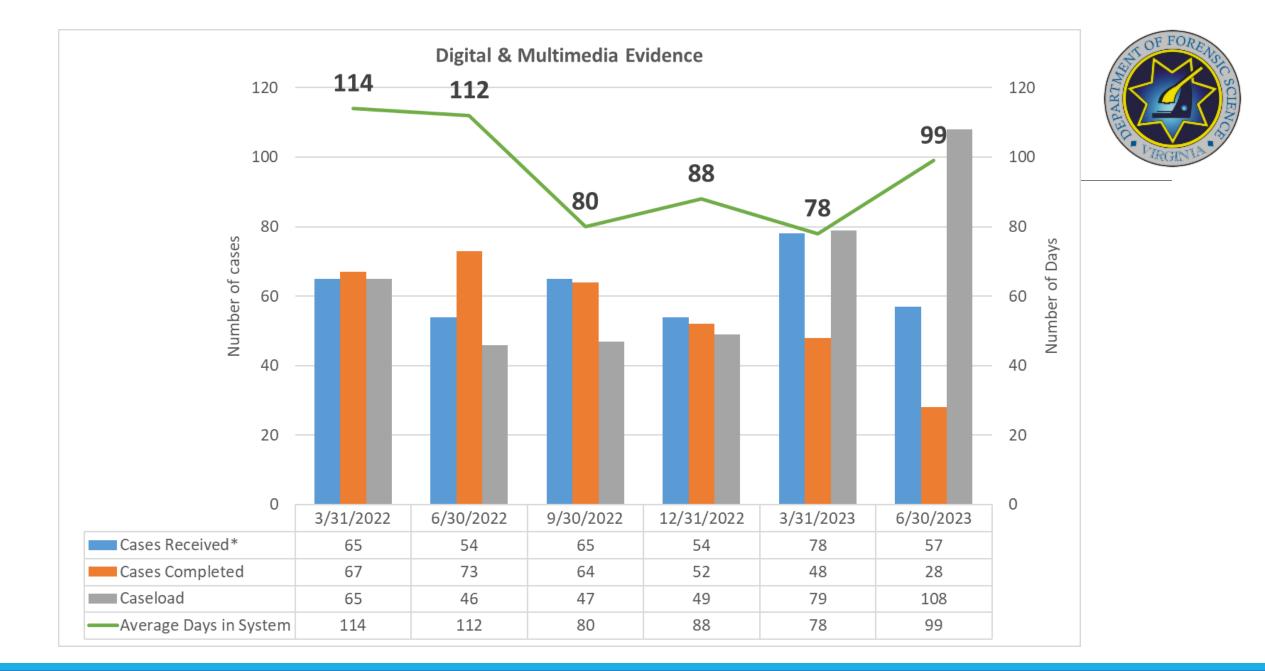


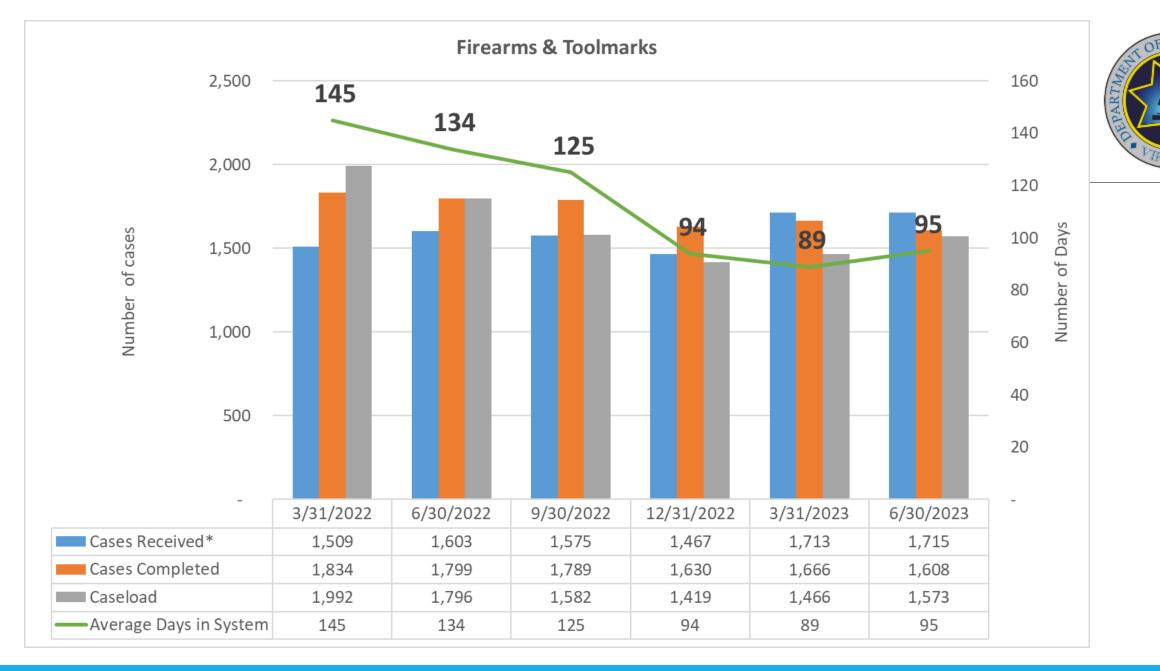


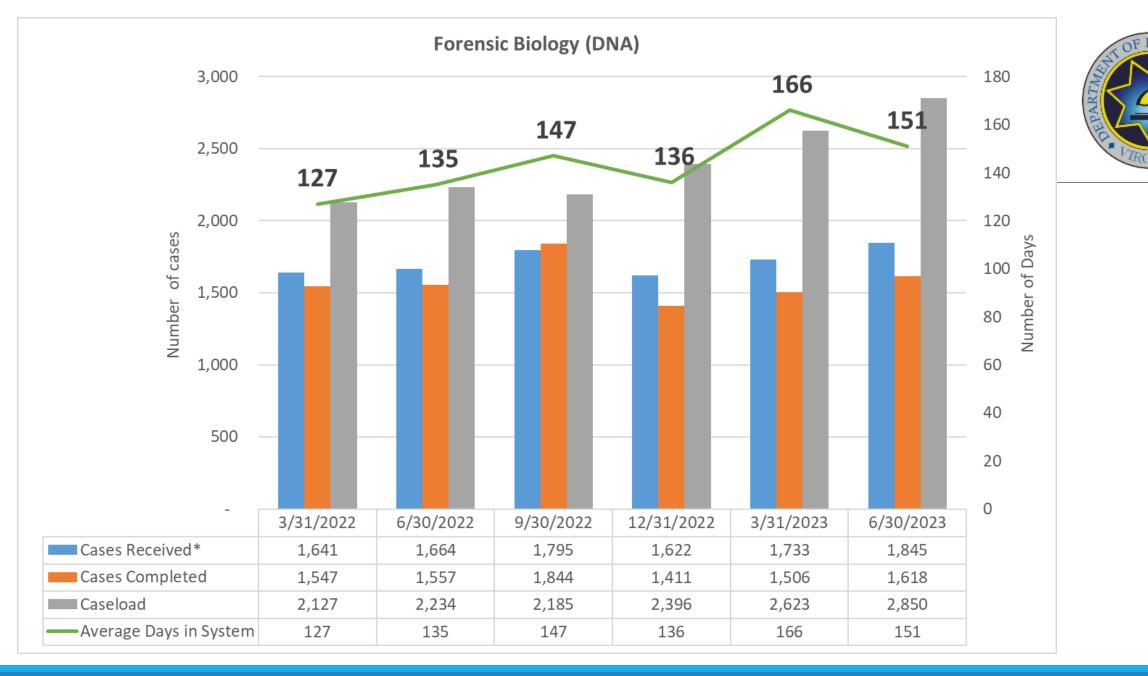
Fiscal Years	Submissions		Backlog (end of June)			
	FY 22	FY 23	% change	FY 22	FY 23	% change
Controlled Substances (CS)	23,997	27,217	+13%	1,986	2,103	+6%
Digital Evidence (DME)	212	254	+20%	46	108	+135%
Firearms & Toolmarks (FT)	6,314	6,450	+2%	1,798	1,573	-13%
Forensic Biology (DNA)	6,450	6,891	+7%	2,252	2,861	+27%
Latent Prints & Impressions (LP)	2,143	2,355	+10%	365	408	+12%
Toxicology (TX)**	9,883	10,642	+8%	1,300	1,694	+30%
Trace Evidence (TE)	702	725	+3%	159	223	+40%
TOTAL	49,701	54,534	+10%	7,906	8,970	+13%

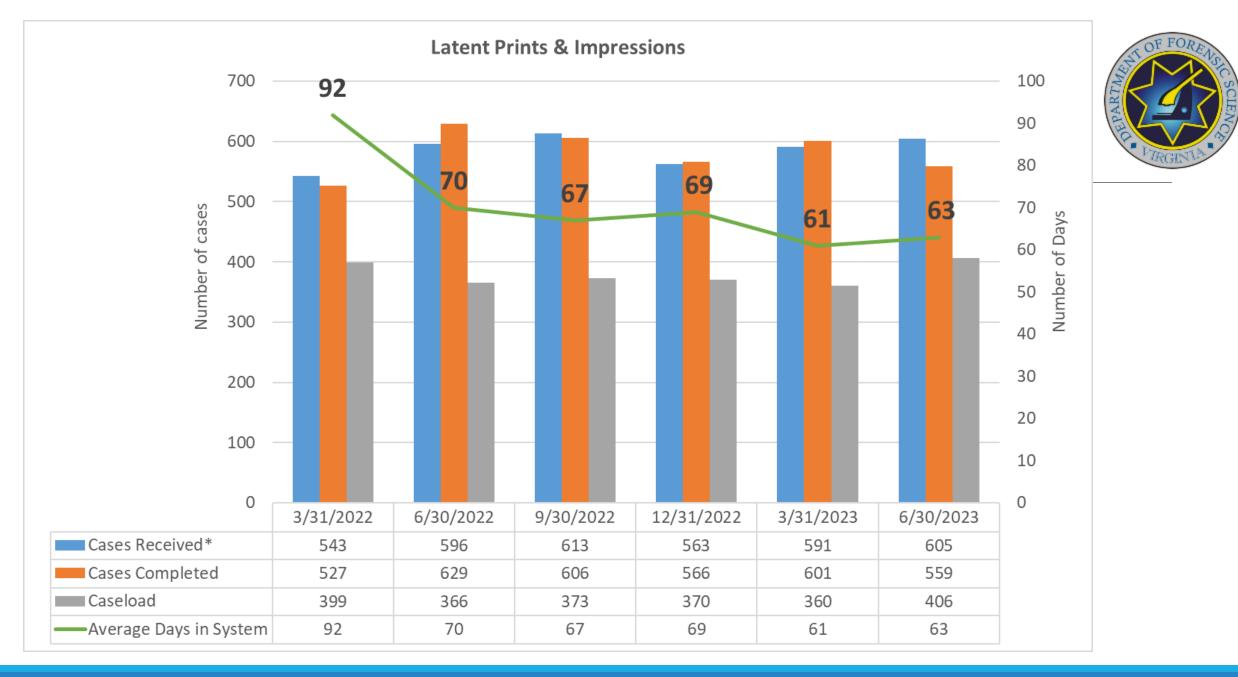
**Samples outsourced directly from Office of Chief Medical Examiner (OCME) not included

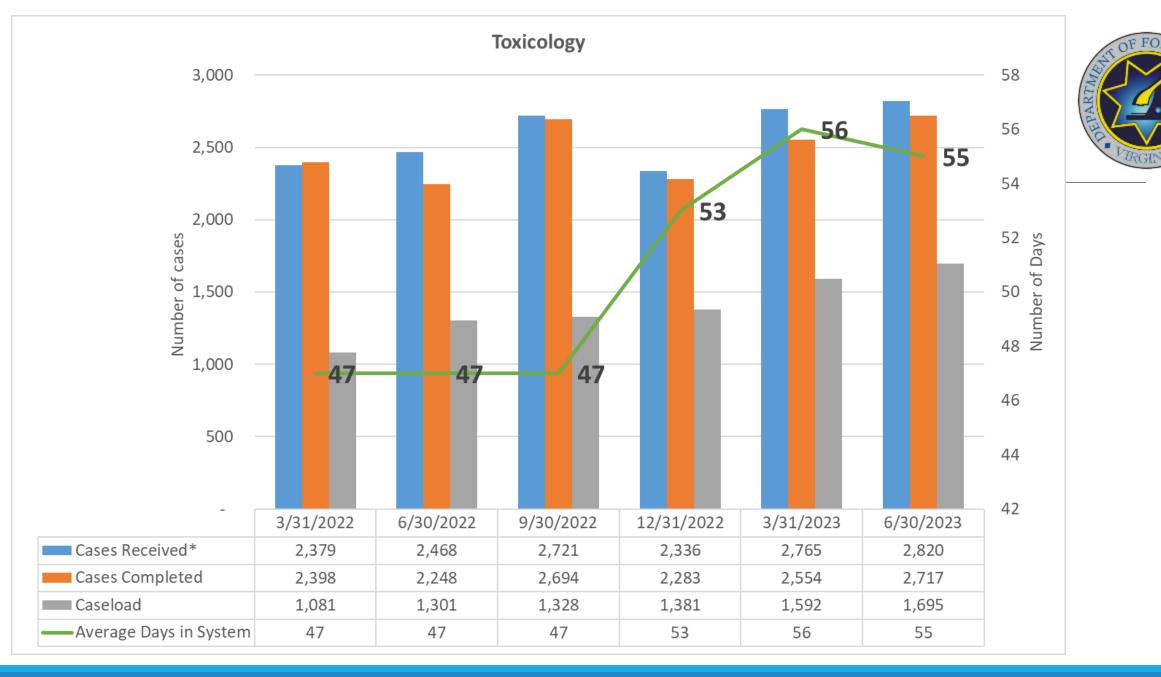


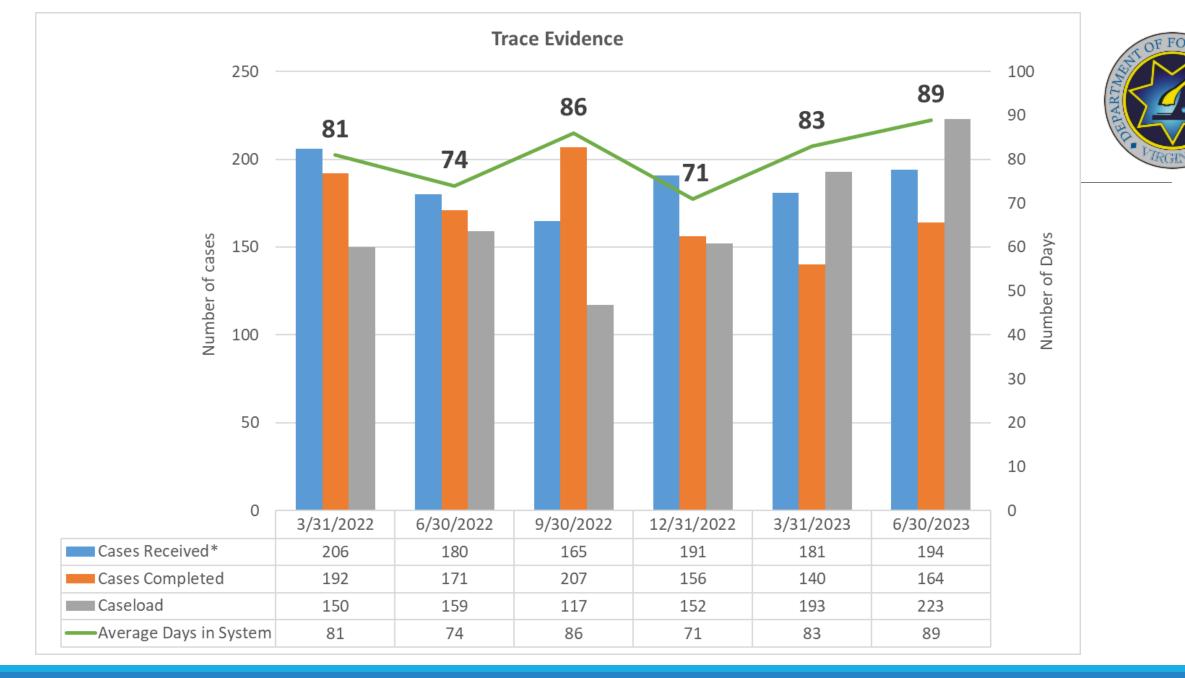












Budget and Resources



Governor's Introduced Budget

Department of Forensic Science

	Operating Budget Summary			Authorized Position Summary		
	General Fund	Nongeneral Fund	Personnel Cost	General Fund	Nongeneral Fund	Total Positions
2019 Appropriation	\$45,818,010	\$2,043,270	\$33,962,401	326.00	0.00	326.00
2020 Appropriation	\$50,014,798	\$2,259,770	\$34,918,472	326.00	2.00	328.00
2021 Appropriation	\$52,605,974	\$2,447,593	\$37,320,641	328.00	3.00	331.00
2022 Appropriation	\$53,325,654	\$2,438,930	\$37,737,079	331.00	4.00	335.00
2023 Appropriation	\$56,446,890	\$2,680,488	\$40,028,270	341.00	14.00	355.00
2023 Intro Changes	\$O	\$O	\$O	0.00	0.00	0.00
2023 Total	\$56,446,890	\$2,680,488	\$40,028,270	341.00	14.00	355.00
2024 Appropriation	\$55,639,990	\$2,680,488	\$40,125,846	341.00	14.00	355.00
2024 Intro Changes	\$634,406	\$O	\$524,336	6.00	0.00	6.00
2024 Total	\$56,274,396	\$2,680,488	\$40,650,182	347.00	14.00	361.00



Needs Remain

Operating Budget Changes

Introduced Budget Non-Technical Changes

Convert part-time evidence receiving technician position to full-time status

Provides one position and additional funding to convert a part-time evidence receiving technician position to full-time status. These positions maintain the chain of custody for evidence samples that are submitted to the Department.	General Fund Authorized Positions	2023 \$0 0.00	2024 \$49,167 1.00
Fund software subscription fees for cell phone investigative tools Appropriates funding to cover the cost of software used to unlock cell phones that may contain evidence related to criminal investigations.	General Fund	202 <u>3</u> \$0	<u>2024</u> \$107,770

Provide general fund support for Physical Evidence Recovery Kit (PERK) coordin	ator position		
Provides general fund appropriation for a position that supports the agency's		2023	2024
PERK tracking software. This position is currently supported by a federal grant that expires on September 30, 2023.	General Fund	\$0	\$77,585
Provide support for four biologist positions		2023	2024
Funds four biologist positions to address workload issues in the forensic	General Fund	\$0	\$314,637
biology section. These positions screen evidence submitted to the Department for the presence of DNA and perform other preliminary analyses and reporting.	Authorized Positions	0.00	4.00
Provide laboratory specialist position to enable agency response to THC legislati	ion		
Provides funding for one forensic laboratory specialist position to address the		2023	2024
analysis of tetrahydrocannabinol (THC) edibles, pursuant to potential	General Fund	\$0	\$85,247
legislation that may be introduced in the 2023 Session of the General Assembly.	Authorized Positions	0.00	1.00

Grant Applications Submitted – Full Board Approval Needed

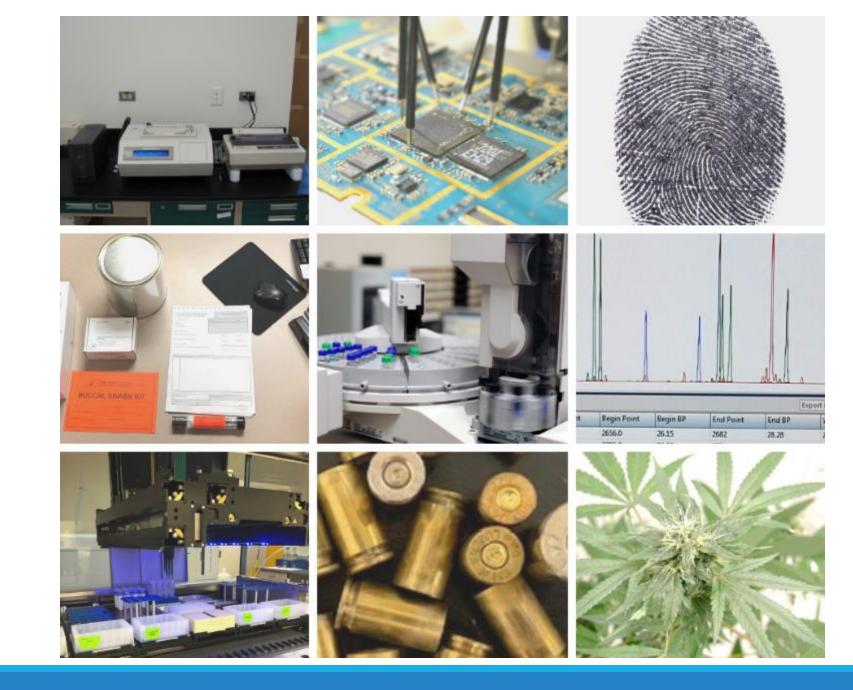


Centers for Disease Control, National Center for Injury Prevention and Control - Overdose Data to Action in States

- The Virginia Department of Health applied for funding under this program as part of a planned coordination effort among the Virginia Department of Health's Offices of Emergency Medical Services (OEMS), Epidemiology (OEpi), the Office of the Chief Medical Examiner (OCME), and DFS for purposes of conducting statewide surveillance of mortality related to overdoses.
- Funds, in the amount of \$376,050 per year for five years, will be provided to DFS as a part of this project to conduct expanded toxicology testing in cases of opioid and stimulant overdose deaths. Funding for this purpose will be utilized for additional personnel, equipment, and supplies. This new funding will begin on September 1, 2023, if awarded.

FY 2023 National Sexual Assault Kit Initiative

The Virginia Office of the Attorney General submitted an application under this grant program that included a portion of funds for DFS for the PERK Tracking System Coordinator position, in the amount of \$205,282 for two years of the three-year project that will begin on October 1, 2023, if awarded.



Thank you!