



Central (Richmond)



Northern (Manassas)



Eastern (Norfolk)



Western (Roanoke)

# DEPARTMENT OF FORENSIC SCIENCE UPDATE

Linda C. Jackson, Director

Presented to the Scientific Advisory Committee

April 9, 2024



# Central Laboratory Construction Project

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

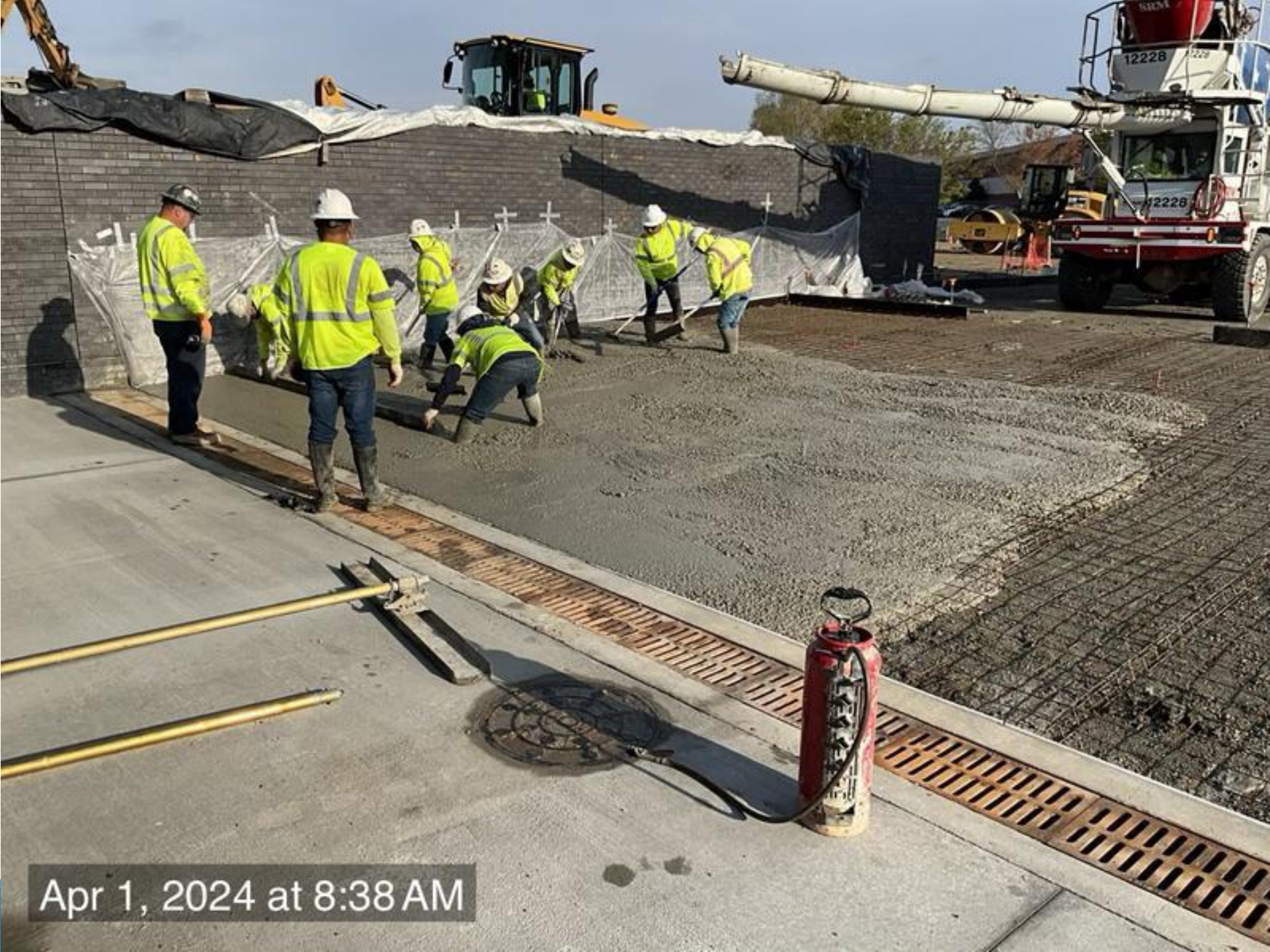




Apr 1, 2024 at 9:01 AM



Apr 1, 2024 at 1:58 PM



Apr 1, 2024 at 8:38 AM



Apr 1, 2024 at 1:54 PM



# Agency Outreach

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- Southwest Virginia Law Enforcement Summit, March 29, 2024 (Kevin Patrick, Dr. Trista Wright)
- Commonwealth's Attorneys' Services Council and Spring Institute, April 14 – 16, 2024 (Linda Jackson, Amy Jenkins, Jesse Lindmar)
- Virginia Sheriffs' Association, April 24 – 26, 2024 (Amy Jenkins)





# Customer Working Group

- Seeking feedback from customers on evidence submission policies and services provided
- Virtual meeting scheduled April 22, 2024
- Potential topics:
  - Tablet counts versus weights
  - Submission policies for trace DNA
  - DNA profiles in Certificates of Analysis





# Training for Attorneys and Judges

- All trainings are from 8:30 AM – 12:30 PM
- Friday, May 17, 2024 – Eastern
- Friday, May 31, 2024 – Central
- Friday, June 7, 2024 – Western
- Friday, June 14, 2024 – Northern

Join us for

## BREATH ALCOHOL & TOXICOLOGY TRAINING

For Virginia Criminal Attorneys and Judges





# Post-Conviction Project

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- Batches of evidence identified in case files and dried sample extracts have been returned to 13 law enforcement agencies
  - Five additional batches are ready for pickup
- Related case files identified for review as part of project will be returned to State Records Center after additional reviews are complete relating to the review of Mary Jane Burton cases



# Evidence Receiving Restructuring

- Addressing risk
- Forensic Evidence Program Manager – Ellen Spain
- Increasing quality assurance
- Decreasing reliance on part-time staff
  - Funding and FTEs to convert 3 part-time Forensic Evidence Specialists to full-time in Governor's Introduced Budget





# Updated Evidence Handling & Laboratory Capabilities Guide

- Revised Evidence Submission Section – March 7, 2024
- Overarching Guidance for Submissions, Packaging, Evidence Seals, and Safety
- Section-specific submission guidelines with links to policy notices
- New Evidence link from DFS home page ([dfs.virginia.gov](https://dfs.virginia.gov))

## Demonstrate Safe Condition:

It is strongly recommended that a safety appliance (chamber flag, safety block or zip-tie) be placed in or through the action of a firearm prior to laboratory submission.

For pistols, remove the magazine and clear the chamber. With the slide pulled rearward, insert a chamber flag into the barrel through the open ejection port then advance the slide forward to hold the flag in place.



# Customer Notice – Presumptive Field Tests

- Quattrone Center for the Fair Administration of Justice at the University of Pennsylvania Carey Law School - [Guilty Until Proven Innocent: Field Drug Tests and Wrongful Convictions](#)
- Notice addressed the usage of [data from DFS](#)
- Emphasized that suspected controlled substances or marijuana in criminal cases should be submitted to DFS for confirmatory testing, especially suspected fentanyl or other synthetic opioids




## COMMONWEALTH of VIRGINIA

### DEPARTMENT OF FORENSIC SCIENCE

OFFICE OF THE DIRECTOR  
A Nationally Accredited Laboratory

700 NORTH 5<sup>TH</sup> STREET  
RICHMOND, VIRGINIA 23219  
(804) 786-2281 FAX (804) 786-6857

To: All Agencies Served by DFS  
From: Linda C. Jackson, Director   
Date: February 27, 2024  
RE: Presumptive Field Tests in Virginia

On January 9, 2024, the Quattrone Center for the Fair Administration of Justice at the University of Pennsylvania Carey Law School released a report entitled [Guilty Until Proven Innocent: Field Drug Tests and Wrongful Convictions](#) that seeks to address drugs misidentified by color-based presumptive tests and resulting false arrests. The authors reported a calculated “estimate” of the Commonwealth of Virginia’s presumptive drug identification error rate of 6.6%. While the Department of Forensic Science (DFS) has always indicated that the chemical field tests that it approves for use under Virginia Code [§19.2-188.1](#) are presumptive only, the data relied upon by the Quattrone Center does not accurately estimate their efficacy. A resulting negative analysis by DFS for the presence of controlled substances would neither necessarily indicate a false positive preliminary field test nor a false arrest.

To establish this “estimate,” the authors had requested the total number of suspected controlled substance cases submitted to DFS and the total number of cases in which DFS results indicated that “no controlled substances were found” for calendar year 2021 (CY21). The [data provided by DFS](#) (linked in the report) was based on the number of items (rather than cases) analyzed in CY21 and does not reflect:

- whether an item actually was field tested and tested positive (as DFS has no requirement of a positive field test for submission),
- whether an item that field tested negative was subsequently submitted to DFS for analysis,
- whether the individual was placed under arrest prior to the analysis of the suspected controlled substances by DFS, or
- the reduced use of chemical field tests by law enforcement agencies in recent years due to the dangers posed by fentanyl exposure as communicated by the U.S. Drug Enforcement Administration in warnings issued to law enforcement officers beginning in 2015.

While the Quattrone Center accurately reflected that approved field tests are admissible in trials for possession of marijuana by persons under 21 years of age, it did not report that [Virginia](#) currently has no such approved field tests. Otherwise, presumptive field tests, whether chemical field tests or recently available mobile instruments, may not be utilized in Virginia at trial for purposes of determining guilt or innocence. **All items of suspected controlled substances and marijuana in criminal cases should be submitted to DFS for confirmatory testing.** The presumptive field tests approved by DFS are simply a tool to be utilized by law enforcement in the investigation of these offenses, taking into consideration all other evidence to support probable cause for arrest. DFS also continues to encourage law enforcement officers to submit suspected items of fentanyl or other synthetic opioids to DFS for analysis due to the inherent dangers involved in field testing these items with chemical tests.

The [Department’s website](#) contains additional information regarding the approval of field tests for use at preliminary hearings and the list of currently approved field tests.

# Case Statistics

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# CY 2023 Case Statistics Comparison

Discipline	2019	2020	2021	2022	2023	% change
						(19 to 23)
Controlled Substances	35,423	29,584	25,271	24,909	28,555	-19%
Digital & Multimedia Evidence	202	177	189	237	234	16%
Firearms & Toolmarks	7,017	7,919	7,249	6,116	6,263	-11%
Forensic Biology (DNA)	6,075	6,137	6,295	6,630	6,807	12%
Latent Prints & Impressions	2,696	2,337	2,033	2,283	2,249	-17%
Toxicology	9,918	10,765	10,635*	9,907*	10819*	9%
Trace Evidence	693	707	662	730	720	4%

\*2021 - 2023 Toxicology submissions are artificially low due to OCME outsourcing. Outsourcing was completed in CY2023.

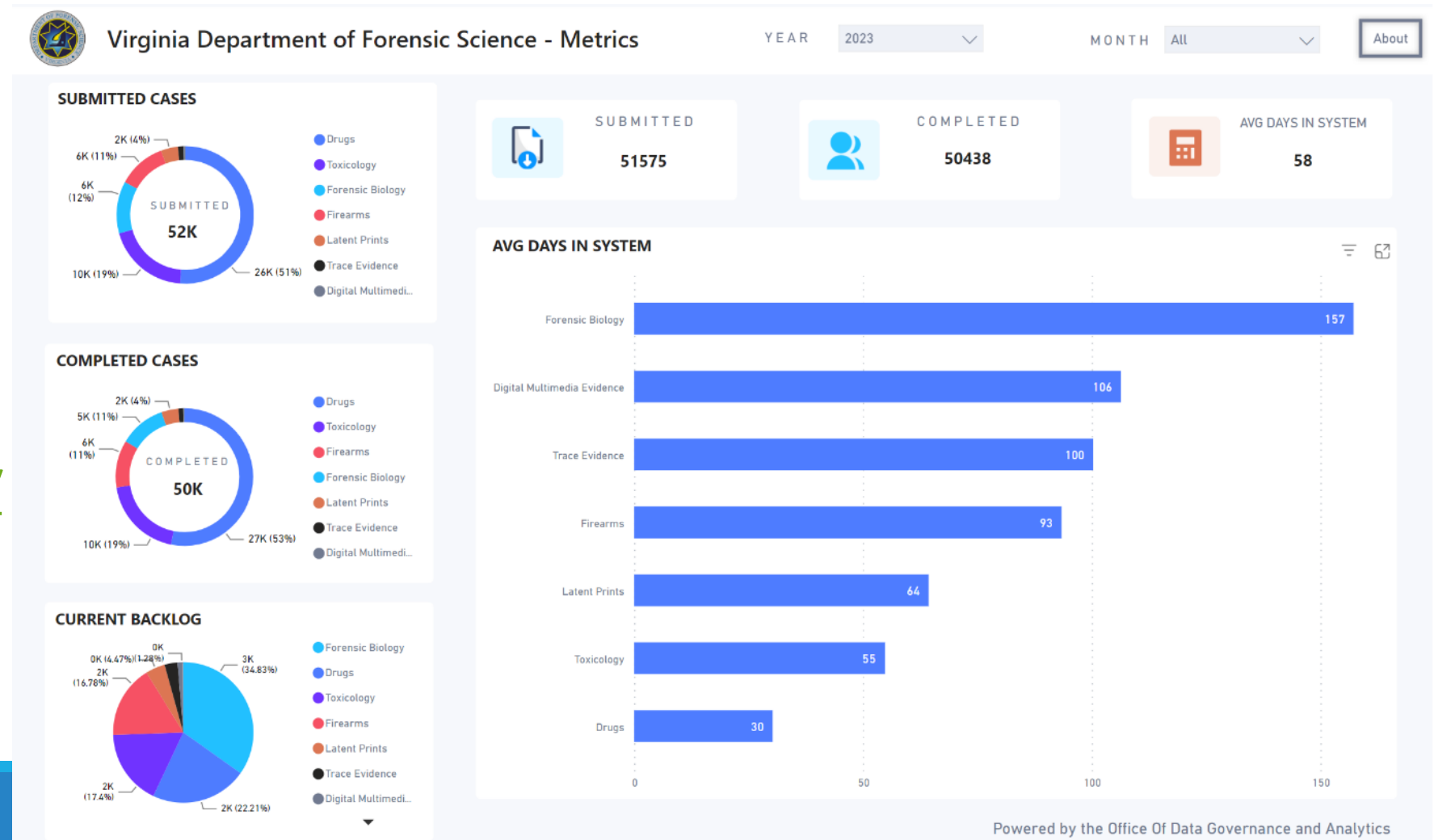




# Dashboards for Case Statistics

- Project with the Office of Data Governance and Analytics (ODGA)
- Draft public dashboard provided for interactive performance statistics


<https://dfs.virginia.gov/about-dfs/case-statistics-dashboard/>





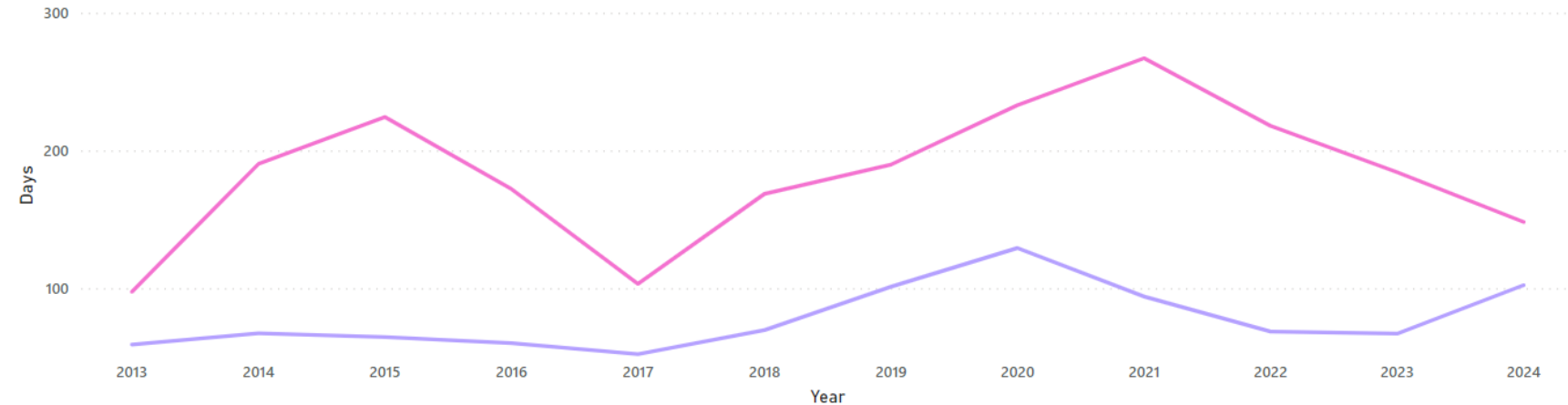
# Internal Power BI Dashboards

- Continuation of External Dashboard project
- Statistics by Laboratory and Exam Code


**Department of Forensic Sciences Avg TAT Cases Completed Report**
YEAR 
SECTION 
EXAM TYPE 
LABS

Average Turnaround for Cases Completed (in Days)

Exam Type ● Impression - Latent Prints ● Latent Prints



Exam Type	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Impression - Latent Prints	97	190	224	172	103	169	190	233	267	218	184	148
Latent Prints	59	67	65	60	52	70	101	129	94	69	67	102
<b>Total</b>	<b>61</b>	<b>71</b>	<b>71</b>	<b>65</b>	<b>53</b>	<b>71</b>	<b>104</b>	<b>131</b>	<b>97</b>	<b>71</b>	<b>69</b>	<b>103</b>

# Budget and Resources

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# Carryover Funds from FY23

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- DFS was approved by the Department of Planning and Budget to carryover a balance of \$2,365,142 to FY24 to pay for new evidential Breath Alcohol instruments
- Due to the anticipated dates of delivery for the new instruments, DFS will be requesting to carryover the balance to FY25

# Governor's Introduced Biennial Budget for FY25/26



Title	FY25	FY26	GF FTE	NGF FTE
Fund increase in staffing for Forensic Biology (DNA) Section (2 Biologists, 1 Forensic Scientist)	\$ 278,026	\$ 353,976	3	-
Fund increase in staffing and oversight for Evidence Receiving Section	\$ 225,548	\$ 225,548	3	-
Fund tools used to unlock mobile cellular devices	\$ 107,770	\$ 107,770	-	-
Reclassify positions to align with fund source	-	-	-	2
Fund strangulation kits and DNA Forensic Scientist position (required by HB2150 (2023))	\$ 119,333	\$ 163,442	1	-

Item 408 #1c

**Public Safety and Homeland Security**

**FY24-25**

**FY25-26**

Department of Forensic Science

(\$126,752)

(\$126,752) GF

**Language:**

Page 461, line 34, strike "\$63,963,945" and insert "\$63,837,193".

Page 461, line 34, strike "\$64,084,004" and insert "\$63,957,252".

**Explanation:**

(This amendment makes a technical correction of amounts included in House Bill 30 which incorrectly calculated annualization of costs of amounts included in Chapter 1, 2023 Special Session I.)

Technical  
Correction  
Included in  
Conference  
Report

Item 408 #2c

<b>Public Safety and Homeland Security</b>	<b>FY24-25</b>	<b>FY25-26</b>	
Department of Forensic Science	\$238,739	\$196,638	GF
	1.00	1.00	FTE

**Language:**

Page 461, line 34, strike "\$63,963,945" and insert "\$64,202,684".

Page 461, line 34, strike "\$64,084,004" and insert "\$64,280,642".

Page 462, after line 38, insert:

"G. Beginning January 1, 2025, the Department of Forensic Science shall identify all blood samples submitted in driving under the influence cases that it analyzed for alcohol and tetrahydrocannabinol content but did not screen for the presence of drugs within a drug class. If eligible for destruction pursuant to subsection B of § 18.2-268.7, any personal or case identifying information shall be removed from the identified blood samples and such blood samples shall be screened for the presence of drugs within a drug class. On at least an annual basis based on the calendar year, the Department of Forensic Science shall report the results of such drug screenings, including the number of blood samples screened, the types of drug classes detected, and the judicial districts in which the related driving under the influence cases arose, to the Department of Motor Vehicles in an aggregate manner.

Beginning January 1, 2025, the Department of Forensic Science shall provide for the analysis of all blood samples of drivers killed in motor vehicle and commercial motor vehicle accidents, as submitted by the Office of the Chief Medical Examiner, for both alcohol and drug content and shall report such content to the Office of the Chief Medical Examiner."

Virginia State  
Crime  
Commission  
recommendation  
included in  
Conference  
Report

## Legislative Department

Virginia State Crime Commission

Language

### Language:

Page 22, line 2, before "Included" insert "A."

Page 22, after line 4, insert:

"B. The Virginia State Crime Commission shall review cases at the Virginia Department of Forensic Science (Department), in consultation with the Department's Scientific Advisory Committee, where testing or analysis was performed by Mary Jane Burton and report on the total number of the following: (i) case files that contain at least one named suspect; (ii) cases where scientific testimony was provided; and (iii) named suspects who were convicted of an offense related to such testing, categorized by persons: (a) currently incarcerated, on probation, or on parole; (b) executed; or, (c) deceased.

Notwithstanding any other provision of law, the Crime Commission and other state and local agencies may receive and disseminate to individuals, state and local agencies, and private organizations involved in the completion of this review (i) personal or case identifying information related to the named suspects, (ii) Virginia criminal history record information related to the named suspects, (iii) expunged or sealed police and court records related to the Department case file of a named suspect, and (iv) any other information that may be necessary to the successful and timely completion of the review. Information received or disseminated for purposes of this review shall not be subject to the Virginia Freedom of Information Act (§ 2.2-3700).

The Virginia State Crime Commission shall have the authority to review additional case files to address related matters as deemed appropriate, in consultation with the House Appropriations and Senate Finance and Appropriations Committees. The Crime Commission shall report on its findings by the first day of each General Assembly Session until completion of this review."

# Budget Language in Conference Report





# Grant Applications – Board Approval Needed to Accept Funds

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## FY 2025 DMV Highway Safety Grant Program

DFS applied to the DMV Highway Safety Office for grant funding to support two separate projects, detailed below. Applications were due to DMV by February 28, 2024.

1. Breath Alcohol (BA) Section - funding to support reimbursement of travel costs for law enforcement officers traveling to Richmond for breath alcohol training, continuing education for BA Section staff, and paperless processing for continuity of operations. Federal funding was requested in the amount of **~\$311,273** with an in-kind match requirement of 25%.
2. Toxicology (TX) Section - funding to support two part-time Forensic Laboratory Specialist (FLS) II positions, and six full-time FLS III positions. These positions, which will provide laboratory and administrative support, enable TX examiners to focus their time on forensic analyses, thereby helping to reduce case turnaround time in the section statewide. Federal funding from the Traffic Records Electronic Data System (TREDS) program was requested in the amount of **~\$468,760**, with an in-kind match requirement of 25%.

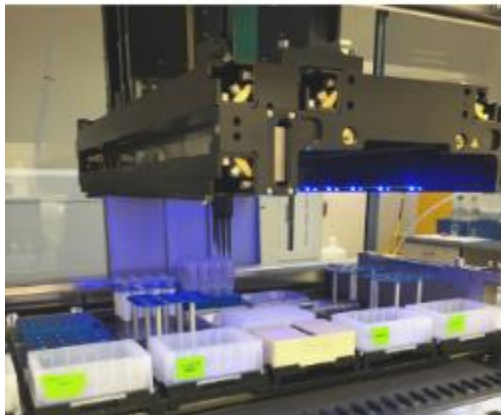
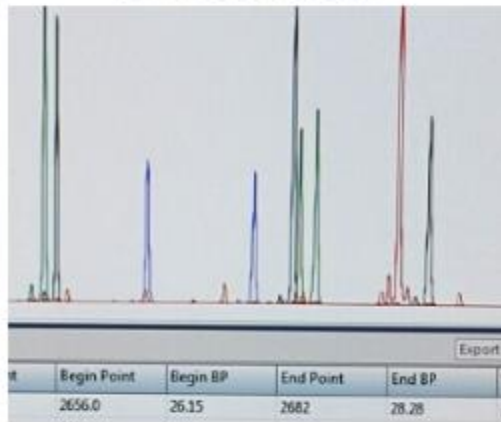


# Grant Applications – Board Approval Needed to Accept Funds

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## Byrne Justice Assistance Grant Program (JAG) Funding through Department of Criminal Justice Services (DCJS)

- DFS requested continuation funding from DCJS under their JAG award to continue support for a part-time Forensic Trainer position in the Forensic Training Section.
- The request included funding for wages, FICA, and travel related to the position for one year in the amount of **\$53,865**.
- The position is currently funded under the DCJS JAG program via an MOU that will end on June 30, 2024.



Thank you!