



**Department of Forensic Sciences
Science Advisory Board WebEx Meeting Minutes
January 15, 2021**

The Department of Forensic Sciences (DFS) Science Advisory Board (SAB) WebEx meeting was called to order by Board Chairman Peter Marone at 9:07 a.m. Roll call of Board members present, in addition to the Board Chairman, included: Ms. Marla Carroll, Mr. John P. Jones II, Dr. Jeanne Jordan, Dr. LaKeisha McClary, Ms. Danielle O’Neill, Dr. Michael Pentella and Mr. Robert Thompson. A quorum was established to conduct board business. Minutes from the October 16, 2020, meeting were presented and read.

Motion to Approve Minutes: Board Member Jordan

Seconded: Board Member O’Neill

Motion to Approve Minutes Passed

Board member Jones announced the scheduled release of a firearms process map by the National Institute of Standards and Technology (NIST) that was engineered through collaboration of the Organization of Scientific Area Committees (OSAC) firearms and tool marks subcommittee and the Association of Firearm and Tool Mark Examiners (AFTE). The process map, which describes the process that most firearms examiners use when analyzing evidence, will be sent to SAB Chairman Marone by Board member Jones for distribution to all SAB members.

Dr. Jenifer Smith’s Director’s report included a retrospective of the 2016 President’s Council of Advisors on Science and Technology (PCAST) Report relating to scientific standards and forensic methods to which the SAB responded, issuing statements addressing DNA, firearms and latent fingerprint issues presented in the PCAST report. On January 13, 2021, the Department of Justice (DOJ) released its response to the PCAST Report. DFS general counsel Todd Smith conducted a review and interpretation of the DOJ document in comparison to the SAB’s 2018 statement and finds that the USDOJ statement in response to the PCAST Report confirms the SAB’s responses to PCAST. The SAB statement, slide show and link to the full text of the USDOJ statement are posted on the DFS Open Government web page.

Dr. Smith noted that the Department of Forensic Sciences Crime Scene team responded to the insurrection at the Capitol assisting the DC Metropolitan Police Department with investigation of the officer-involved shooting.

Mr. Abdel Maliky, Senior Deputy Director reported that the Quality Assurance team completed 46 QCARs in fiscal year 2020 (FY20). DFS received 3 quality corrective action reports, Crime Scene Sciences received 4, the Public Health Laboratory received 9 and 30 corrective actions were received by the Forensic Science Laboratory, largely due in part to quality-related issues within the Firearms Examination Unit. FY20 QCARS will be sent to the SAB for review and further discussion. Board member McClary requested an opportunity to review FY19 corrective action reports for comparison purposes.



Page 2 of 4
SAB WebEx Board Meeting Minutes
January 15, 2021

A Clinical Laboratory Improvement Amendments (CLIA) Re-Certification Survey of the Public Health Laboratory was conducted November 18-20, 2020. Given the departure of former PHL Director, Dr. Anthony Tran, Dr. Julia Kiehlbauch, Chief of Microbiology, was recognized as holder of the certified CLIA certificate. Units surveyed included Accessioning, Immunology and Virology, Microbiology, Chemistry and Toxicology, Molecular, Mobile and Laboratory Response Network.

The Survey findings and deficiencies results were received December 3, 2020, acknowledging that:

- The Microbiology Unit and Laboratory Response Network failed to document incubation time frames and read times of microbiology plates to ensure they were reviewed according to manufacturer's instructions of 18-24 hours.
- Based on direct observation, manufacturer's instructions, and interviews, the Microbiology Unit failed to indicate the new open vial stability date and preparation date on BD Gram's iodine reagent.
- Review of laboratory's Quality Control (QC) documentation in Laboratory Response Network (LRN), interview with the section supervisor, the laboratory failed to document actual QC reaction results of gram stain, catalase, oxidase, indole, and other biochemical results.

Deficiencies were corrected within 10 calendar days of receipt of notice and plans of correction were accepted by Centers for Medicare & Medicaid Services (CMS). On December 16, 2020, the Public Health Laboratory was recertified.

Senior Deputy Director Maliky also reviewed activities associated with an FBI QAS audit August 10 through August 12, 2020, for which there were no conformities for the Forensic Biology Unit for the fifth straight year. DFS requested an interim assessment of the Firearms Examination Unit, in response to concerns raised by the department's prosecutorial stakeholders, prompting an on-site assessment conducted in accordance with accreditation requirements July 6 through July 10, 2020, covering ISO/IEC 17025: 2017 Testing/Calibration Laboratories and ANAB Forensic Testing and Calibration AR 3125:2019 Sections 6, 7 and 8.7. All nonconforming and conforming with comment issues were addressed and a continuation of accreditation was granted October 1, 2020.

The June 16, 2020, complaint filed with ANAB against DFS by Assistant United States Attorney Michael Ambrosino involving erroneous identification of two cartridges was revisited. After ANAB's review, the complaint was closed October 2, 2020, by ANAB.

The following have been identified among ANAB updates, as of January 5, 2021:

- An Appeal of a Nonconformity is now referred to as a Challenge.
- The term 'Appeal' will now be limited to the appeal of a laboratory's accreditation status.
- New Accreditation Committees have been created for each standard (ex. ISO/IEC 17025), formerly grouped under the Forensic Accreditation Council.



Page 3 of 4
SAB WebEx Board Meeting Minutes
January 15, 2021

- Rearrangement of terms in ANAB Terms and Conditions for Accreditation (AG 1008.)
- New flowchart to reflect the FBI QAS Version change on an ANAB Scope of Accreditation.

Ms. Pamela Sale, ANAB Vice President, Forensic, conducted an overview of ANAB's review of the Firearms Examination Unit (FEU), at the request of DFS. The objective for the review was to assess staff competency, review case work records and determine conformance with laboratory procedures utilizing a subset of accreditation standards. Ms. Sale acknowledged that three to four weeks prior to ANAB's on-site review, the U.S. Attorney's Office filed a complaint with ANAB about FEU and requested ANAB's confidentiality regarding the complaint at that time. ANAB honored the USAO's request and DFS was not informed of the complaint. Assessors reviewed the complaint and were provided with specific directions in order to investigate issues related to the case. There were few non-conformities, all resolved by the laboratory and DFS was issued ANAB's report. Approximately two months later a standard surveillance activity was conducted whereby, at the request of the laboratory, ANAB assessed more disciplines than customary during a standard surveillance. Again, all non-conformities were resolved by the laboratory.

There was discussion concerning aspects of the USAO complaint including the FEU examiner's inconclusive finding supported by notes, the non-accredited independent reviewer's exclusion finding supported by notes and the possibility for potential policy options that may be available to the SAB to respond to future similar complaints as that filed by the U.S. Attorney's Office.

As a point of information, DFS General Counsel Todd Smith confirmed the USAO's endorsement of third-party accreditation when previously communicated by the USAO's testimony provided during a 2011 public hearing before the Council of the District of Columbia from which a portion of the archive testimony footage was presented.

Board Chairman Marone reported that previous Board requests for information from the USAO had been unsuccessful and asked if ANAB would provide the Board with notes of the USAO. ANAB V.P. Sale agreed that upon receipt of the Board's written request to receive notes related to the USAO complaint, ANAB legal counsel would be consulted in determining ANAB's position in disclosure of the information. In the meantime, V.P. Sales indicated that she would again review the confidentiality of releasing information associated with an open case.

Dr. Luke Short reported that from March 2, 2020, to January 6, 2021, the Public Health Laboratory conducted 154, 409 COVID-19 tests. Of the 19,576 drive-thru tests, 1,326 were positive, 93 of 1,262 mobile tests were positive, and, 2,718 of 133,571 submissions to the Public Health Laboratory were positive. The laboratory has demonstrated its ability to expand testing and analysis in support of the District's COVID-19 mission and recognizes the growth and work of the DFS Quality team to help make it possible.

Dr. Jocelyn Hauser has joined the Public Health Laboratory as Chief of Molecular Diagnostics and



Page 4 of 4
SAB WebEx Board Meeting Minutes
January 15, 2021

Microbiology Units, replacing former unit chief Colleen Courtney, and is currently continuing to perfect and optimize the Whole Genome Sequencing SARS COV-2 work Dr. Courtney started. Having sequenced 120 samples since inception, the PHL is capable of sequencing 14 isolates weekly but working toward increasing the lab's current capacity with additional staff and developing partnerships. Use of the data is intended to assist D.C. Health with epidemiologic investigations of outbreaks throughout the District as well as compare what may be circulating throughout the surrounding areas of Maryland and Virginia and elsewhere and to track how the virus has been changing over the course of time. This will allow for the identification and tracking of emerging variants, i.e. UK variant and South African variant, and determine whether it has reached the District. Based on current sequence data collected, the new British variant known as "B.1.1.7" has not been detected. Included among the sources of the laboratory's sequenced isolates, in addition to DC Health, is the DC Metropolitan Police Department, MedStar Georgetown University Hospital, DC Department of Corrections, Howard University Hospital, Sibley Hospital, Department of Rehabilitation Services, GW Medical Faculty Associates, DC Fire and EMS and a host of small long-term care facilities.

During a Forensic Chemistry update, Dr. Luke Short acknowledged the laboratory's receipt of 2019-2022 funding from CDC for the Opioid Surveillance Lab. While there have been 4 discoveries of new opioids in the District since January 2019, there have been a total of 11 discoveries of new opioids since May 2017, with the most recent synthetic opioid fentanyl analog (Chlorofentanyl) appearing in October 2020. This synthetic opioid has been seen throughout the eastern coast. The status of fentanyl and heroin use geographically across the District was previously reported revealing an increase toward more fentanyl use, as well as a mixture of heroin and fentanyl. More recently, there appears to be a market presence for use of pure fentanyl and pure heroin, resulting in a decline of the mixture. Pills (M33) have become a significant problem as they are produced and stamped to look like oxycodone but are fentanyl. DEA has recovered approximately 46,000 counterfeit pills during the first seven months of 2020, nearly four times the amount seized in all of 2019. Monitoring of Spice analogs is continuing. Analysis of syringes from the exchange program began in September 2020. Synthetic cathinones have been found in program samples; synthetic cannabinoids have been found in a single exchange program syringe; cocaine is more than twice as prevalent in syringe associated with death investigations than in syringe exchange samples; Methamphetamine and fentanyl are both more likely to be found in syringe exchange samples than in syringes associated with death investigations. To date, 578 syringes have been analyzed.

Jonathan Fried, Firearms Examination Unit (FEU) supervisor returned, following up an earlier appearance before the SAB, to discuss ongoing reviews relating to the initial complaint (error) by the US Attorney's Office. The presentation included additional completed reviews and interim report by the ad hoc audit team, a comprehensive analysis and summary of case rework, a January 2020 false identification and subsequent 20% case rework, requirements, resources and improvements. FEU intends to resume installation and training on the use of the Evofinder workstations.

The meeting adjourned at 11:51 a.m. An audio recording of the meeting is available upon request.