Trends

No Data Available

Legend:
Increase, Decrease, Steady

Key Performance Areas

No Data Available

Productivity

No Data Available

Legend:
Improving, Worsening, Maintaining

For more information on administrative key, and productivity measures, go to www.vaperforms.virginia.gov/agencylevel/index.cfm

EXECUTIVE PROGRESS REPORT March 2014

Background & History

The Department of Forensic Science (DFS) supports law enforcement and the criminal justice system through the performance of forensic analysis of crime scene evidence and presentation of the results of the analysis through reports, consultations, and expert witness testimony in courts of law.

In 1970, a survey by the International Association of Chiefs of Police demonstrated a need for a statewide forensic laboratory system in Virginia. In 1972, an act of the General Assembly created the Division of Consolidated Laboratory Services (DCLS) within the Department of General Services (DGS). DCLS included a Bureau of Forensic Science that absorbed the Commonwealth's existing drug and toxicology laboratories, in addition to providing other forensic services. In 1990, the rapidly expanding Bureau was elevated to Division status within DGS. In 1996, the Division was transferred to the Department of Criminal Justice Services (DCJS). Finally, in 2005, the Division was elevated to Department status under the Governor's Secretary of Public Safety.

Primary Product & Services

Many DFS products and services are specifically required by the Code of Virginia. This list offers a general description of those products and services and also includes some items not specifically required by Code.

* Perform accurate, relevant, reliable, thorough and timely analyses and examinations of evidence.

* Convey the results of analyses and examinations through clear, objective, balanced, and easily understood reports, consultations and testimony.

* Maintain a DNA testing program and data bank of DNA profiles.

* Provide training to law enforcement and medical personnel in the recognition, collection and preservation of evidence during the investigation of crimes.

* Provide kits to law enforcement and medical personnel for the collection and submission of evidence to DFS for laboratory examination.

* Train and license all law enforcement personnel who administer breath tests and provide calibrated and certified instruments and related supplies to law enforcement for breath testing to determine breath alcohol content.

* Provide facilities to the Office of the Chief Medical Examiner within each DFS laboratory.

Customer Base

The DFS customer base is dictated by the following sections in the Code of Virginia:

§ 9.1-1101 – Provide forensic laboratory services to law enforcement agencies throughout the Commonwealth in any criminal matter and provide laboratory services, research, and scientific investigations for agencies of the Commonwealth as needed.

§ 9.1-1104 – Perform court ordered testing requested by the defense.

Customer Listing

No Data Available

Key Agency Statistics

The information in this section and the values in the table below are for the Fiscal Year ended June 30, 2013.

The total number of cases received is an increase of 2% over the prior fiscal year.

The June 2009 United States Supreme Court opinion in the case of *Melendez-Diaz v. Massachusetts* continues to have a significant impact on DFS operations. Both the number of subpoenas to appear in court and the number of times personnel appeared in court increased in FY13, while the actual number of times expert testimony was provided decreased slightly. For every subpoena received, examiners must log the information and often must spend a significant amount of time scheduling court dates, arranging for travel, and following up with attorneys to ensure their presence is still required. In addition to the time taken for these administrative tasks, in FY13 DFS examiners spent over 8,600 hours traveling to and appearing in court.

A DNA databank hit is when DNA from a crime scene sample is found to match an individual (arrestee or convicted felon) or DNA from another case.

The number of breath tests administered by law enforcement remained steady while the number of breath test operators licensed or retrained increased by approximately 10% over the prior year . The number of law enforcement personnel trained by the Forensic Science Academy decreased slightly in FY13.

Finances

DFS is primarily a general fund agency although some federal grant support is obtained to fund expenses or federal initiatives. Overall, the DFS budget is allocated in the following manner:

65% Personnel expenses – salaries and fringe benefit costs;

14% Laboratory expenses – all items directly related to performing scientific analysis such as gases, chemicals, supplies and equipment;

14% Facilities expenses – direct costs such as utilities, repairs, service contracts, equipment and supplies for operating and maintaining the laboratory buildings;

5% Administrative expenses – information technology, office supplies, postage, and other necessary items that are not directly related to scientific analysis; and

2% Travel expenses – primarily costs related to court travel and some mandatory training.

Fund Sources

No Data Available

Revenue Summary Statement

Federal grant funds make up almost all DFS revenue with a very small amount of revenue provided by the sale of surplus equipment through the state surplus property program.

Key Risk Factors

The primary risk factor that could prevent the Department from fulfilling its mission is the ability to maintain a sufficient number of scientific personnel.

In September 2007 DFS reached its peak employment level of 301 classified employees. However, In October 2007 DFS submitted the first of several budget reduction strategies that would be implemented over the next four years, which included holding open vacant scientist positions. As additional budget reductions were implemented, the number of classified employees continued to drop until we reached a low point of 264 classified employees in March 2010 (a 12% reduction in staff over 2.5 years). Although most of the decline has been the result of DFS budget reduction strategies, some of the decline is the result of the length of time it takes to fill a vacant position, which can range from months to years.

As of August 2013, approximately 5% of DFS' funded positions are vacant and in the process of being filled. Also, approximately 12% of current employees are either eligible now or will be eligible to retire within five years.

In its effort to maintain the appropriate level of scientific personnel in each of its disciplines, DFS has implemented multiple strategies, including (1) hiring and training individuals with the necessary educational credentials but without the practical experience; (2) transferring scientific personnel with appropriate skill sets to related disciplines that are understaffed; (3) using overtime; and (4) utilizing a compensation plan developed in conjunction with the Department of Human Resource Management in order to develop and retain scientific personnel.

Performance Highlights

An important measure of how DFS is meeting its obligations to the criminal justice system and the Commonwealth's citizens is the turnaround time (TAT) from receipt of evidence to issuance of the case examination report (Certificate of Analysis). When Certificates of Analysis are not available in a timely manner, investigations may be delayed; court cases may have to be continued; and cases may even be dismissed if the speedy trial provisions in §19.2-243 of the Code of Virginia are not met. Further, an innocent individual may remain under a cloud of suspicion or even be incarcerated until the forensic testing that would ultimately exonerate him or her is forthcoming.

DFS has implemented a number of strategies to optimize our ability to process cases in a timely fashion. Some of these strategies have included:

* Testing a limited number of specimens submitted in each controlled substances case;

* Creating a specialized team of scientist to focus solely on clandestine methamphetamine laboratory cases. As these cases take an average of 12 times longer to process than other controlled substances cases, assigning them to a dedicated group has increased the overall productivity and case throughput.

* Requiring scientists to work extensive overtime;

* Strategically implementing the use of new laboratory instrumentation that has proven to increase case productivity; and

* Working on the implementation of a new, efficient Laboratory Information Management System (LIMS) that, when fully implemented, should reduce the amount of time scientists spend on report writing and other administrative tasks, thereby freeing up more of their time for analytical work.

Despite implementation of the above strategies, the increases in caseload now exceed the Department's ability to complete forensic analyses within current turnaround time (TAT) goals.

Performance Measures

Management Discussion & Analysis

General Information about the Ongoing Status of the Agency

DFS' focus is on maintaining its status as a nationally-recognized leader in the field that supports the criminal justice system and transportation safety while improving the public's understanding of forensic science. DFS continues to pursue new technologies that can provide cost beneficial advances in case processing time and new types of analysis needed by the criminal justice system.

The value provided by DFS is enhanced when law enforcement officers are able to properly locate, recognize, collect and submit items of physical evidence from crime scenes that have probative value. In order to facilitate this ability, DFS operates the Virginia Forensic Science Academy, which offers an intensive nine-week training program, as well as short courses that range in length from a single day to two weeks. The nine-week Academy session is designed to give law enforcement officers the training necessary to enable them to fully utilize the expertise of the entire DFS laboratory system. It provides classroom instruction by qualified forensic experts, evidence collection demonstrations and numerous practical exercises in simulated crime scenes. The academy session is a rigorous academic program, and the students are evaluated on their class performance, tests, application of recovery techniques, and homework assignments. The short courses provide training in specific areas and allow DFS to reach a greater number of law enforcement officers and jurisdictions.

In addition to the Forensic Science Academy, DFS has made an effort to reach out to law enforcement, attorneys, judges, and the public to provide information about the Department and to address questions or concerns by these groups. DFS continues to see positive results in the awareness of the use and understanding of forensic science in supporting the criminal justice system from this outreach effort.

Information Technology

DFS has made significant investments in various information technology products which are specific to the individual scientific discipline where they are deployed. DFS has also made a significant investment in the transformation to the Commonwealth of Virginia (COV) Information Technology Infrastructure managed services contract (VITA/NG Partnership), which was completed in FY13.

DFS currently has three IT initiatives underway that will facilitate more efficient and effective operations.

- Implementation of a new Laboratory Information Management System (LIMS) in order to take advantage of the operational efficiencies including, but not limited to: integration between scientific instruments and MS Office productivity tools; electronic vs. paper storage of scientific documents; improved efficiency in the capture of examination documentation; partial system generation of the Certificate of Analysis and the ability to electronically delivery the Certificate to investigating agencies and Commonwealth's Attorneys. The LIMS procurement process was completed during FY13 and is currently in the configuration and data migration phases of the project. The anticipated deployment date for the new LIMS is March 2014.

- Implementation of a new latent print application to help meet internal quality assurance standards and reduce hard copy documentation. The procurement process for this application was also completed during FY13 and DFS is currently in the testing and validation phase of the project. DFS anticipates putting this system into production in the fall of 2013.

- Redesign of the DFS website in order to meet several Virginia Information Technologies Agency (VITA) standards including accessibility and content standards. As part of this process, DFS sent electronic surveys to its customers in order to ensure the redesigned website would meet their needs by providing relevant content that would be easy to find. Because DFS did not have the agency resources to complete this project internally, the VITA contract for website services was used. The redesigned website will be put into production in September 2013.

Workforce Development

DFS has utilized a comprehensive workforce development plan for its scientific personnel that was initially implemented a number of years ago and continues to be modified as necessary. The plan has defined knowledge, skills and abilities that must be demonstrated in order to advance. Every scientist is evaluated annually against the criteria in this plan.

Beginning in 2013, DFS has implemented a department goal to provide eight hours of technical continuing education annually for each scientist. The Department has also implemented mandatory training annually for all supervisors to help provide and facilitate both a productive and legal work environment.

Physical Plant

DFS owns, operates and maintains four facilities throughout the Commonwealth that are shared with the Department of Health's Office of the Chief Medical Examiner (OCME). The Northern lab in Manassas, opened in 2009, is the newest lab while the other three labs are between 13 and 16 years old.

The Eastern lab in Norfolk has space that was vacated several years ago and is being renovated in order to expand the capacity of the current operations. DFS anticipates occupying this space in the fall of 2013.

The Western lab in Roanoke has adjacent property that DFS acquired in 2009 in order, eventually, to expand operations. Funding for detailed project planning was received and this phase of expansion is almost complete. Based on the planning work done to date, construction has been funded and is anticipated to begin by December 2013. Given a 24 month construction schedule, DFS should be

able to occupy the expanded facility in FY 2016.

The Central lab in Richmond has exceeded capacity for several years, resulting in the need to rent space to house several DFS functions until building expansion can provide more cost effective space. It is unlikely that the current leased space will be available to DFS after the current lease expires on April 30, 2016 because the building has been acquired by a private entity that needs the entire building for its own operations. A needs assessment and space planning study was conducted in the spring of 2013 and submitted as part of a capital budget request for expanding the current facility. DFS is monitoring all aspects of this situation in order to ensure the least disruption to DFS operations while maximizing the value of Commonwealth resources.

Laboratory facilities are significant consumers of energy. In an effort to reduce energy consumption, DFS entered into an $11 million 'Energy Performance Contract' with Trane in December 2009 to make certain improvements in DFS' three oldest facilities. Final project improvements were completed in December 2012. The contract and associated financing costs are funded entirely with the savings achieved through reduced energy consumption. An added benefit to this project is the extended useful lifetime of some major building heating and cooling systems components.