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# **FY 2009 American Recovery & Reinvestment Act: Edward Byrne Memorial Competitive Grant Program**

**Category V— Enhancing Forensic And Crime Scene  
Investigations**

**Submitted to: The U.S. Department of Justice, Office of  
Justice Programs, Bureau of Justice Assistance  
April 27, 2009**

**Submitted by: Valarie Tickle  
Criminal Justice Council  
Coordinator**

## **ABSTRACT**

**Applicant:** The State of Delaware Criminal Justice Council (CJC)

**Title of Project:** Forensic Evidence Specialist & Lab Tech

**Dollar Amount Requested:** \$259,735

**Category V:** Enhancing Forensic & Crime Scene Investigations

The Delaware Office of the Chief Medical Examiner (OCME) through the Criminal Justice Council is seeking grant funds to ensure job preservation for a Forensic Evidence Specialist and 2 Laboratory Technicians II. The requested funds will be used to improve the quality and timeliness of the analysis of casework submitted to the DNA, Arson, Controlled Substance and Toxicology Units for analysis by State Law Enforcement Agencies. The evidence specialist and laboratory technician must be retained to provide essential services. The overall goals and measurable objectives are: 1) Improve public safety by reducing violent crime through measures of streamlining case processing; 2) Streamline the DNA, Arson, Controlled Substances and Toxicology analysis of casework samples that are labor and time intensive while maximizing the quality of the data; 3) Turnaround time for case processing would decrease by 10%; 4) Retain a forensic evidence specialist and 2 Laboratory Technicians II; 5) Increase evidence collection efficiency by 20%.

**Statement of Problem:** The mission of the Delaware Office of the Chief Medical Examiner (OCME) is to promote the sound administration of justice through the investigation of sudden, accidental or suspicious deaths and the documentation and presentation of reliable qualitative and quantitative scientific analysis of chemical and biological evidence samples. The mission of the DNA Unit is to provide the people of Delaware with an in-state forensic DNA testing program that produces accurate and reliable results in a timely manner.

Due to the national economic crisis and its impact on Delaware revenues, on November 18, 2008, the Governor implemented a hiring freeze for all State agencies except Legislative, Judicial, Higher Education and local school districts and charter schools. Prior to this November freeze; the state had implemented a hiring review in February of 2008, meaning that all hiring was under scrutiny. This hiring freeze and review meant that the OCME was unable to fill many positions. Thus, we are seeking assistance from the Recovery Act: Edward Byrne Memorial Competitive Grant Program to hire a forensic evidence specialist 2 Laboratory Technicians. The request is to preserve job positions, consistent with the goals of the Recovery Act.

Delaware's fiscal year begins July 1 and ends June 30 of the following year. For fiscal year 2010 the budget gap is approximately \$660 million, however more recent reports place the FY 2010 gap closer to \$750 million. According to the State Constitution, the Governor must present a budget which is balanced at 98 percent of the state's projected revenues. In an effort to eliminate the FY 2010 budget deficit the Governor has proposed a series of budget cuts, new revenue and tax increases including an 8 percent across the board cut in the salaries of all state employees. The budgets for state agencies are being reduced and positions are not being filled or may be removed from budget lines. Therefore, OCME's ability to create or fill existing civilian vacant positions is nonexistent in the FY10 budget.

CODES cases are high priority crimes such as homicide, rape, robbery, etc., in which there is NO known suspect. Samples such as the one still pending from 2006 means that DNA evidence has not yet been extracted, analyzed and a DNA profile of the suspect is not yet developed, which is extremely important. The problem is that cases which are definitely going to trial take precedent over unsolved cases. Since the OCME has experienced staff shortages in the case work area of the DNA labs (cases that are going to trial), a CODIS DNA analyst was moved from CODIS to "suspect identified" types of cases.

Full-time chemists and DNA analysts performing analysis are now literally stopping their important work to wash glassware, unpack laboratory supplies, prepare reagents and scrub bench tops. Analysts fall further behind on casework and the backlog continues to grow as turn-around-times are negatively impacted. Currently OCME has vital vacancies with evidence collection and Laboratory Technicians. The evidence specialist and Laboratory Technicians must be retained with manageable workloads to provide essential services.

The following are current OCME stats: Forensic Pathology & Medical-Legal Death Investigation Services = 926 within the 1<sup>st</sup> quarter of this year; Toxicology = 104 postmortem and 94 DUI cases as of April 1<sup>st</sup>; Arson = 40 cases as of March 31<sup>st</sup>; Controlled Substance = 275 backlog cases as of March 31<sup>st</sup>; DNA = 41 backlog cases as of March 31<sup>st</sup>. This initiative is statewide since the OCME is the sole laboratory handling these cases.

Utilizing a forensic evidence specialist and 2 Laboratory Technicians would improve intelligence, reduce crime, enhance the processing of casework at the OCME and ultimately effect court case processing.

**Program Design and Implementation:** The goal of the OCME is to streamline the DNA, Arson, Controlled Substances and Toxicology analysis of casework samples that are labor and time intensive while maximizing the quality of the data. The requested funds will be used to improve the quality and timeliness of the analysis of casework submitted to the DNA, Arson, Controlled Substances and Toxicology Units for analysis by State Law Enforcement Agencies. Grant funds will be utilized to ensure job preservation for a forensic evidence specialist and 2 Laboratory Technicians. Case processing data supports the timeliness of evidence collection.

Vacancies are posted on the state website, advertised in local newspapers and statewide job fairs. Upon completion of state application process, interviews will be conducted and successful applicants will be selected and trained within one month of subgrant award.

The evidence specialist will ensure a seamless delivery of services and make certain there is coordination and compliance. The class incumbent reports to a technical superior and is responsible for traveling statewide collecting, tagging, securing and preserving the chain of custody for controlled substance evidence submitted by police agencies. In addition, the incumbent informs law enforcement officers of the appropriate chain of custody maintenance process. A class incumbent is responsible for maintaining records on these cases as well as testifying in court about the evidence collection process. In addition, the incumbent responds to and investigates cases of death which are under the jurisdiction of the Office of the Chief Medical Examiner. Essential functions are fundamental, core functions common to all positions in the class series and are not intended to be an exhaustive list of all job duties for any one position in the class. Since class specifications are descriptive and not restrictive, incumbents can complete job duties of similar kind not specifically listed here. **Forensic Evidence Specialist** functions are as follows:

- Collects, tags, secures and maintains a strict chain of custody for controlled substance evidence submitted by law enforcement agencies in the State for analysis.
- Establishes and maintains case records.
- Testifies in court about the controlled substance collection process.
- Responds to death scenes and conducts an investigation involving questioning police, medical personnel, family members, associates, friends and co-workers etc.
- Gathers data and evidence from the death scene to be used in determining the cause and manner of death. Prepares completed investigative reports.
- Photographs the death scene as well as the body at the scene and in the autopsy room.
- Transports the body to the Office of the Chief Medical Examiner in such a manner so as not to disturb any evidence.

Laboratory Technician II is the second level of laboratory work responsible for conducting technical laboratory support services in performing a variety of sample preparations, testing and analysis. **Laboratory Technician II** functions are as follows:

- Work is performed with supervision from a technical superior
- Conducts a variety of standardized tests and analyses in accordance with established methods and procedures while ensuring quality control and time constraints are met.
- Ensures time critical and technically correct sample/specimen preparation and testing.
- Operates and maintains increasingly complex equipment.
- Prepares and performs quality control checks.
- Records sample/specimen/test information such as test results, type of test, observations and laboratory activities.
- Prepares media, reagents and stains. Computes and measures quantity.
- Ensures orderly and environmentally correct storage of media, reagents, supplies, samples and equipment.
- Ensures technically correct cleaning, sterilization and solvent treatment of equipment.
- Conducts laboratory tests and analyses.
- Operates and maintains various laboratory equipment.
- Requisitions, inspects and distributes laboratory supplies and equipment.
- Records information on manual/computerized records, logs and related requests for analysis, shipping/transporting samples, ordering supplies/equipment, and status of water supply system.
- Packs and ships, picks up or delivers supplies, samples and equipment

The goals are: 1) Improve public safety by reducing violent crime through measures of streamlining case processing; 2) Streamline the DNA, Arson, Controlled Substances and Toxicology analysis of casework samples that are labor and time intensive while maximizing the

quality of the data. Measurable objectives are: 1) Turnaround time for case processing would decrease by 10%; 2) Retain a forensic evidence specialist and 2 Laboratory Technicians II; 3) Increase evidence collection efficiency by 20%. All performance measures outlined in the solicitation will be measured.

Upon award of the grant, a presentation will be made to the Criminal Justice Council board for review of the project. Subgrants will then be awarded through the CJC to the OCME within one month after CJC received the federal award. All subgrants include measurable objectives and impact of the program. Quarterly programmatic and financial reports are submitted to the CJC and on- site-monitoring visits are conducted quarterly.

**Capabilities/Competencies:** The Criminal Justice Council (CJC) was created within the Executive Branch of government under Title 11, Chapter 87, 8701 of the Delaware Code. The CJC is the state administrative agency (SAA) for the state. This agency is an independent collaborative body that seeks to improve DE's criminal justice system through innovation and creativity. CJC has administered over 10 million dollars in grants (per year) for over 30 years. CJC also administers other grants such as Byrne JAG, JAIBG, VAWA, VOCA, Weed & Seed, etc. CJC has the knowledge and experience in collaborating committees/teams and program design, data collection, implementation, monitoring and evaluation.

The Criminal Justice Council Board will provide the oversight for this project. This body, which already meets eight times annually on statewide criminal justice issues, demonstrates that there is already a close working relationship between the judiciary, law enforcement and other criminal justice agencies in this small state. Board members include: Commissioner of Correction, Attorney General, Public Defender, President Judges, Dept of Labor, Dept of Education, Dept of Health & Social Services Chief Medical Examiner and Police Departments.

The CJC will be responsible for all federal reporting requirements. This includes the Semi Annual – Categorical Assistance Progress Reports, Final and SF269 reports, which will be completed by the assigned CJC coordinator. The Coordinator, Valarie Tickle, has been employed at CJC for over 11 years and managed over 7 different block and discretionary grants. CJC will also be responsible for administering all subgrants and quarterly monitoring of program overall, which will be completed by the CJC monitor assigned to the grant. Fiscal activity including drawdowns and expenditures will be tracked through the state DFMS system and these funds will have a separate funding code.

The Office of the Chief Medical Examiner was established in 1970 when the constitutionally- mandated system of county coroners, deputy coroners, and coroner's physicians was abolished. It exists to investigate all sudden, accidental, or suspicious deaths that occur in Delaware. The Forensic Sciences Laboratory is operational within the Office of the Chief Medical Examiner, and the Chief Medical Examiner serves as Director of the Forensic Sciences Laboratory. Key objectives are to improve the quality of life for Delaware's citizens by promoting health and well being and protecting vulnerable populations by:

- Supporting law enforcement agencies in the state through the scientific analysis of drug evidence.
- Investigating the essential facts surrounding sudden, accidental, or suspicious deaths.
- Establishing the cause and manner of death within reasonable medical certainty for all investigated deaths.

The OCME has been assessed by the Forensic Quality Services – International Division of the National Forensic Science Technology Center and found to be in compliance with the requirements of ISO/IEC 17025 and the forensic requirements for accreditation. Compliance

with the FBI Director's Quality Assurance Standards for Forensic DNA Testing Laboratories and Convicted Offender DNA Databasing Laboratories ensures that the OCME is capable of processing both criminal casework and convicted offender samples in-house. The OCME has the responsibility of hiring and supervising the forensic evidence specialist and 2 Laboratory Technicians II. The evidence specialist reports to a technical superior and is responsible for traveling statewide collecting, tagging, securing and preserving the chain of custody for controlled substance evidence submitted by police agencies. In addition, the incumbent informs law enforcement officers of the appropriate chain of custody maintenance process. A class incumbent is responsible for maintaining records on these cases as well as testifying in court about the evidence collection process. In addition, the incumbent responds to and investigates cases of death which are under the jurisdiction of the Office of the Chief Medical Examiner.

**Impact/Outcomes, Evaluation, and Sustainment:** The requested funds will be used to improve the quality and timeliness of the analysis of casework submitted to the DNA, Arson, Controlled Substances and Toxicology Units for analysis by State Law Enforcement Agencies. The evidence specialist and 2 Laboratory Technicians II must be retained to provide essential services. The specialist and 2 Laboratory Technicians also ensures a seamless delivery of services and makes certain there is coordination and compliance.

The CJC will administer the subgrant contract to conduct the activities listed in this application. All subgrantees must submit applications that include quantifiable goals, objectives, and impact measures for the program. The CJC also requires all subgrantees to submit quarterly reports on all programmatic and fiscal activities. In addition, CJC grant monitors conduct quarterly on-site visits and to verify all reported programmatic and fiscal progress pertaining to the project. The CJC currently has a detailed monitoring plan and guidelines established. CJC

**Narrative:** Committee members/ key individuals will utilize the travel costs to attend two BJA-sponsored technical assistance workshops and training sessions.

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**D. Equipment**

**TOTAL: \$-0-**

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**E. Supplies**

**TOTAL: \$-0-**

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**F. Consultants/Contracts**

<u>Name of Consultant</u>	<u>Service Provided</u>	<u>Computation</u>
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Office of the Chief Medical Examiner	Total for 24 months	\$238,300
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Annual salary for Forensic Evidence Specialist = \$32,664 x 2 years  
= \$65,328 X 25.5% total fringes = \$16,659 *Grand total* = \$81,987

Annual salary for Laboratory Technician II = \$31,138 x 2 positions x 2 years  
= \$124,552 X 25.5% total fringes = \$31,761 *Grand total* = \$156,313

**Narrative:** Grant funds will be utilized to ensure job preservation for a forensic evidence specialist. A class incumbent reports to a technical superior and is responsible for traveling statewide collecting, tagging, securing and preserving the chain of custody for controlled substance evidence submitted by police agencies. In addition, the incumbent informs law enforcement officers of the appropriate chain of custody maintenance process. A class incumbent is responsible for maintaining records on these cases as well as testifying in court about the evidence collection process. In addition, the incumbent responds to and investigates cases of death which are under the jurisdiction of the Office of the Chief Medical Examiner. Laboratory Technician II is the second level of laboratory work responsible for conducting technical laboratory support services in performing a variety of sample preparations, testing and analysis.

**TOTAL: \$238,300**

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**G. Other**

**TOTAL: \$-0-**

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**TOTAL BUDGET SUMMARY - for 24 months**

<b>Budget Category</b>	<b>Total Amount</b>
Personnel	\$13,000
Fringes	\$3,315
Travel	\$5,120
Equipment	\$0
Supplies	\$0
Consultants/Contractual	\$238,300
Other	\$0
<b>Total</b>	<b>\$259,735.00</b>

**Federal = \$259,735.00**

## Project Timeline

<b>Goals</b>		
<p><b>1) Improve public safety by reducing violent crime through measures of streamlining case processing; 2) Streamline the DNA, Arson, Controlled Substances and Toxicology analysis of casework samples that are labor and time intensive while maximizing the quality of the data.</b></p>		
<b>Program Objectives</b>	<b>Activities/Outputs/Performance Measures/Time Frames</b>	<b>Organization/ Person Responsible</b>
<p><b>1) Preserve jobs: a forensic evidence specialist and 2 Laboratory Technicians II will be retained with Recovery Act funding.</b></p>	<p><b>CJC subgrant will be solicited from DOC within one month of federal award</b></p> <p><b>Position will be posted and specialist will be hired within 1 month of subgrant award</b></p>	<p><b>CJC</b></p> <p><b>OCME</b></p>
<p><b>2) Turnaround time for case processing would decrease by 10%</b></p> <p><b>3) Increase evidence collection efficiency by 20%</b></p>	<p><b>Maintain files documenting the number and detail of evidence collected, case records, testimonies, transports and turnaround time.</b></p> <p><b>To begin 2<sup>nd</sup> month after award. On-going throughout grant period. To be analyzed at the end of 1 year of operation.</b></p>	<p><b>OCME</b></p>

## **Position Descriptions**

### **Forensic Evidence Specialist:**

#### **Nature and Scope**

A class incumbent reports to a technical superior and is responsible for traveling statewide collecting, tagging, securing and preserving the chain of custody for controlled substance evidence submitted by police agencies. In addition, the incumbent informs law enforcement officers of the appropriate chain of custody maintenance process. A class incumbent is responsible for maintaining records on these cases as well as testifying in court about the evidence collection process. In addition, the incumbent responds to and investigates cases of death which are under the jurisdiction of the Office of the Chief Medical Examiner.

#### **Essential Functions**

Essential functions are fundamental, core functions common to all positions in the class series and are not intended to be an exhaustive list of all job duties for any one position in the class. Since class specifications are descriptive and not restrictive, incumbents can complete job duties of similar kind not specifically listed here.

- Collects, tags, secures and maintains a strict chain of custody for controlled substance evidence submitted by law enforcement agencies in the State for analysis.
- Establishes and maintains case records.
- Testifies in court about the controlled substance collection process.
- Responds to death scenes and conducts an investigation involving questioning police, medical personnel, family members, associates, friends and co-workers etc.
- Gathers data and evidence from the death scene to be used in determining the cause and manner of death. Prepares completed investigative reports.
- Photographs the death scene as well as the body at the scene and in the autopsy room.
- Transports the body to the Office of the Chief Medical Examiner in such a manner so as not to disturb any evidence.

**Grant Coordinator:** The grant coordinator will serve as the point of contact for the Office of Justice Programs, Bureau of Justice Assistance, and will be responsible for ensuring compliance with grant regulations and federal reporting requirements. **Grant Monitor:** The grant monitor will serve as the point of contact for the subgrantees, and will be responsible for quarterly monitoring of the subgrants, reporting grant progress and program compliance.