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Final Minutes
Scientific Advisory Committee Meeting
January 5, 2010
Department of Forensic Science, Central Laboratory, Classroom 1

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Committee Members Present

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John M. Butler, Ph.D.
Dale Carpenter, Ph.D., Chair
Jo Ann Given
Dan Krane, Ph.D.
Pete Marone
Alphonse Poklis, Ph.D.
Norah Rudin, Ph.D.
Kenneth Smith
Jami J. St. Clair

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Committee Members Absent

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Jose R. Almirall, Ph.D.
Frederick Bieber, Ph.D.
D. Christian Hassell, PhD.
Thomas L.G. Price

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Staff Members Present

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Wanda Adkins, Office Manager
Jeffrey Ban, Central Laboratory Director
David Barron, Ph.D. Technical Services Director
Guinevere Cassidy, Legal Assistant
Ann Davis, Physical Evidence Program Manager
Leslie Ellis, Human Resources Director
Gail Jaspen, Chief Deputy Director
Linda Jackson, Chemistry Program Manager
Bradford Jenkins, Biology Program Manager
Alka Lohmann, Training and Calibration Program Manager
Kevin Patrick, Western Laboratory Director
Steven Sigel, Deputy Director
Susan Uremovich, Eastern Laboratory Director
Amy Wong, Northern Laboratory Director

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Call to Order

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Chairman Carpenter called the meeting of the Scientific Advisory Committee (“Committee”) to order at 10:30 a.m. Chairman Carpenter introduced and welcomed returning member Jo Ann Given and new member Jami St. Clair to the Committee.

47 **Adoption of Agenda**

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49 Chairman Carpenter asked if there were any additions or changes to the draft agenda for the
50 meeting. Being none, Mr. Marone moved to adopt the agenda which was seconded by Dr. Poklis
51 and adopted by unanimous vote of the Committee.
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53 **Adoption of Minutes**

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55 Chairman Carpenter asked if there were any changes or corrections to the draft minutes from the
56 August 11, 2009 meeting. Being none, Mr. Marone moved to adopt the minutes of the August
57 11, 2009 meeting which was seconded by Ms. Given and adopted by unanimous vote of the
58 Committee.
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60 **Chair's Report**

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62 Chairman Carpenter stated that he would reserve his remarks until later in the meeting.
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64 **Report of the Biology Subcommittee**

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66 Dr. Rudin, Chair of the Biology Subcommittee ("Subcommittee"), informed the Committee that
67 the Subcommittee met earlier that day prior to the Committee's meeting to review capillary
68 electrophoresis ("CE") protocol issues previously discussed during the Subcommittee's August
69 meeting. There remain two issues that require additional data and review prior to validation by
70 the Subcommittee. The first issue is the statistical basis for the 4-locus minimum for inclusion
71 and the second being the implementation of the stochastic threshold per that which is being
72 considered by SWGDAM. It is anticipated that the Department of Forensic Science ("DFS")
73 will provide the Subcommittee with additional data for its review and a validation of the
74 protocols will occur in May/June of 2010.
75

76 Brad Jenkins, DFS Biology Program Manager presented an update on the training and
77 implementation of the CE platform with the PowerPlex 16, 3130xl instrument. The DNA
78 Databank went online in October 2009, the Central Laboratory in November 2009, and the
79 Western and Eastern Laboratories over the last days in 2009. It was decided that cases initially
80 worked in the previous DNA platform which have not concluded will be closed out using that
81 technology in order to use the remainder of chemical processes in stock as a fiscally responsible
82 use of the remaining materials in stock. Approximately 54 examiners throughout the state have
83 completed the training and are on line with the CE platform. The training included lectures,
84 outside training opportunities, reading lists, staff testing, data tests, proficiency tests and written
85 tests. Mr. Jenkins further informed the Committee that he made trips to the regional labs to
86 make presentations and for the setting up of the instruments. Excel worksheets have been
87 developed for consistent reporting throughout the laboratory system. Currently there are four
88 instruments at the Central Laboratory, two at the Eastern Laboratory and one each at the
89 Northern and Western Laboratories.
90

91 Discussion by the Committee ensued.
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93 **DFS Director's Report**

94
95 DFS Director Pete Marone informed the Committee that the Northern Laboratory has moved into
96 its new facility and is open. The new Northern Laboratory project is completed and came in
97 slightly under budget. The Western Laboratory purchased the land adjacent to it from the School
98 Board. The land was purchased for expansion of the Laboratory sometime in the future. The
99 Eastern Laboratory has begun an expansion project into the 5th floor of its building. The project
100 is in the bids, planning and contract stage. The Central Laboratory is in the process of moving its
101 administrative section to the first floor. This will allow for the expansion of lab spaces for
102 several disciplines.

103
104 Regarding budgeting and staffing, Director Marone informed the Committee that the amount of
105 witness subpoenas received for its examiners to appear in court has increased markedly as a
106 result of the *Melendez-Diaz* decision by the U.S. Supreme Court. As a result the amount of time
107 the examiners are out of the lab traveling to and from court, appearing at court, testifying and
108 other related tasks has also increased with a resulting impact on the budget. As a result of the
109 decrease in hours in the lab the backlog has increased which has necessitated overtime hours in
110 the lab in addition to the increase in the travel budget to get examiners to and from court.

111
112 Director Marone informed the Committee that money has been allocated to DFS for the
113 recruitment of three toxicology positions. At this time DFS in the telephone interview stage of
114 the hiring process for these positions. The hiring of the three toxicology positions should help
115 relieve some of the *Melendez-Diaz* effect in the Toxicology area.

116
117 Regarding grants, Director Marone informed the Committee that the following grants have been
118 awarded to DFS: FY09 Solving Cold Cases with DNA, \$490,960 to review and investigate
119 violent crime cold cases and to locate and analyze biological evidence associated with these
120 cases; FY09 forensic DNA Backlog Reduction Program, \$950,167 to reduce the case backlog
121 and to increase the DNA analysis capacity in the Forensic Biology Section; FY09 Convicted
122 Offender and/or Arrestee DNA Backlog Reduction Program, \$171,579 to reduce the current
123 backlog in the DNA Data Bank; and 2010 Highway Safety ("DMV") Program, \$136,469 to
124 provide reimbursement of travel costs for law enforcement officers traveling to Richmond for
125 breath alcohol training.

126
127 Director Marone further informed the Committee that DFS has applied for the 2010 Justice
128 Assistance Grant ("JAG") Program which makes funds available through the Department of
129 Criminal Justice Services ("DCJS") to prevent and control crime and improve the functioning of
130 the criminal justice system. With approval of the Forensic Science Board ("FSB") Chair and
131 Vice Chair on November 17, 2009, DFS submitted four grant proposals to fund projects relating
132 to the (i) Digital and Multimedia Evidence Section; (ii) Forensic Science Academy; (iii)
133 Information Technology Section; and (iv) Breath Alcohol Section. DCJS has invited DFS to
134 submit full proposals for two of the four proposals. The first proposal is the Digital and
135 Multimedia Evidence Section Project. This project would involve the acquisition of four
136 complete computer systems and associated hardware and software to enhance service delivery.
137 This will allow two qualified examiners to each be using two computers simultaneously to
138 image, process and analyze data. The second proposal is the Forensic Science Academy Project.

139 This project would obtain and utilize grant funding for the training and personal certification
140 testing of Forensic Science Academy (“FSA”) students and FSA graduates. Certification of
141 personnel who process crime scenes and collect physical evidence has been identified as an
142 emerging need within the forensic science community by the National Research Council of the
143 National Academies. DFS proposes to incorporate certification test preparation, materials, as
144 well as test administration into its Forensic Academy. The full proposals are due in February
145 2010.

146
147 Director Marone informed the Committee that DFS has added an ethics addendum as part of the
148 yearly examiner review process. The ethics addendum will be added to the yearly EWP’s that are
149 signed by the examiner each year at their review.

150
151 Discussion by the Committee ensued.

152
153 Chairman Carpenter reminded the Committee that at its last meeting in light of the recent
154 National Academy of Science Report they discussed a proposed systematic look at all protocols
155 used by the DFS. Chairman Carpenter proposed that during “downtimes” when the Committee
156 was not tasked with a project by the Governor, FSB or DFS that it would look at the protocols of
157 each of the disciplines individually. At each Committee meeting the DFS Program Manager
158 from a given discipline would make a presentation regarding the protocols currently employed
159 by DFS with a presentation at this meeting regarding the Controlled Substances protocols. The
160 Chairman would then appoint a subcommittee chairman to preside over the protocol review and
161 any member of the Committee could volunteer to be on a given subcommittee. After the
162 protocol presentation by the Program Manager and in the period prior to the next Committee
163 meeting all members of the subcommittee would review the protocols and note any questions or
164 issues. Via email, each subcommittee member will present its questions/issues to the Committee
165 Secretary, Guinevere Cassidy who will then forward them to the subcommittee chairman and the
166 DFS Program Manager. Responses to the questions/issues will be emailed to Ms. Cassidy who
167 will then forward them back to the originating subcommittee member. Ms. Cassidy will keep a
168 file of all question/issue and response emails for the subcommittee. It is anticipated that all
169 questions/issues raised regarding a protocol will be resolved through the email process. Any
170 unresolved questions/issues will be reviewed at a meeting of the subcommittee to be held earlier
171 in the same day as the next Committee meeting.

172
173 Discussion by the Committee ensued.

174
175 Chairman Carpenter introduced DFS Chemistry Program Manager Linda Jackson. Ms. Jackson
176 made a presentation to the Committee of the protocols for analysis and reporting in the
177 Controlled Substances section of DFS.

178
179 Discussion by the Committee ensued.

180
181 Chairman Carpenter appointed Dr. Almirall as Chairman of the Controlled Substances
182 Subcommittee (“CS Subcommittee”).

183

184 Regarding the impact of the *Melendez-Diaz* Supreme Court decision on DFS, Chief Deputy
185 Director Gail Jaspen informed the Committee that the largest impact on DFS is felt in the
186 Toxicology, Drugs and Breath Alcohol sections. In August 2009 the General Assembly had a
187 special session shortly after the decision to bring order to the impact of the decision on the
188 Commonwealth. Ms. Jaspen presented charts regarding the marked increase of receipt of
189 witness subpoenas for DFS examiners to appear in court. The numbers of subpoenas have
190 slightly decreased since the issuance of the *Melendez-Diaz* decision on June 25, 2009 and it is
191 anticipated that they will continue to decrease slightly but it is anticipated that the numbers will
192 never be like those prior to the decision.

193

194 **Old Business**

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196 None

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198 **New Business**

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200 None

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202 **Public Comment**

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204 None

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206 **Next Meeting**

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208 The next meeting of the Scientific Advisory Committee is tentatively scheduled for January 12,
209 2010 at 9:00 a.m. pending the Board's scheduling of their January 2010 meeting

210

211 **Adjournment**

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213 Chairman Carpenter asked if there was a motion to adjourn. Director Marone moved that the
214 meeting of the Committee be adjourned which was seconded by Dr. Krane and passed by
215 unanimous vote.

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217 The meeting adjourned at 12:40 p.m.