Draft Minutes
Scientific Advisory Committee Meeting
August 11, 2009
Department of Forensic Science, Central Laboratory, Classroom 1

Committee Members Present

Jose R. Almirall, Ph.D.
John M. Butler, Ph.D.
Dale Carpenter, Ph.D., Chair
D. Christian Hassell, PhD.
Dan Krane, Ph.D.
Thomas L.G. Price
Norah Rudin, Ph.D.
Kenneth Smith

Committee Members Absent

Frederick Bieber, Ph.D.
Jo Ann Given
Pete Marone
Alphonse Poklis, Ph.D.

Staff Members Present

Wanda Adkins, Office Manager
Elizabeth Ballard, Forensic Scientist, Forensic Biology
Jeffrey Ban, Central Laboratory Director
David Barron, Ph.D. Technical Services Director
Guinevere Cassidy, Legal Assistant
Leslie Ellis, Human Resources Director
Susan Greenspoon, Ph.D. Molecular Biologist, Forensic Biology
Katie Hall, Ph.D. Forensic Laboratory Specification VI, Forensic Biology
Bradford Jenkins, Biology Program Manager
Alka Lohmann, Training and Calibration Program Manager
Kevin Patrick, Western Laboratory Director
Steven Sigel, Deputy Director
Lisa Schiermeier-Wood, Section Supervisor, Forensic Biology
Susan Uremovich, Eastern Laboratory Director

Call to Order

Chairman Carpenter called the meeting of the Scientific Advisory Committee ("Committee") to order at 9:00 a.m.

Election of Chair

Dr. Rudin moved that Dr. Carpenter be appointed the new Chair of the Committee. Dr. Almirall seconded the motion. Dr. Carpenter was elected Chair by unanimous vote of the Committee.

Adoption of Agenda

Chairman Carpenter asked if there were any additions or changes to the draft agenda for the meeting. Discussion by the Committee ensued and it was agreed that the election of a Vice Chair be moved from Draft Agenda Item II to Draft Agenda Item VIII, Old Business – Amendment to the By Laws regarding a Vice Chair and Election of a Vice Chair. Dr. Hassell moved to adopt the amended agenda which was seconded by Mr. Smith and adopted by unanimous vote of the Committee.

Adoption of Minutes

Chairman Carpenter asked if there were any changes or corrections to the draft minutes from the January 13, 2009 meeting. Dr. Hassell moved to adopt the minutes of the January 13, 2009 meeting which was seconded by Mr. Smith and adopted by unanimous vote.

Chair's Report

Recognition of retired members

Chairman Carpenter recognized retired members of the Committee Joseph Bono, Dominic Denio and Arthur Eisenburg whose terms on the Committee had expired and thanked them for their service to the Department of Forensic Science ("DFS") and the Commonwealth of Virginia.

Chairman Carpenter announced that Deborah Friedman had resigned from the Committee due to personal reasons. The Governor has not announced a replacement for the Quality Assurance Regulation and Monitoring seat on the Committee.

Introduction of new members

Chairman Carpenter welcomed new members of the Committee John M. Butler, Jo Ann Given and Thomas L.G. Price and thanks them for agreeing to serve on the Committee.

Chair's appointment to Forensic Science Board

Chairman Carpenter informed the Committee that he conducted a considered review of the resumes/curricula vita of each member of the Committee regarding the open position of a Committee member to sit on the Forensic Science Board ("Board"). Chairman Carpenter announced that Jo Ann Given would be the Committee member to sit on the Board.

Report of the Biology Subcommittee

Dr. Rudin, Chair of the Subcommittee, informed the Committee that the Subcommittee was provided in advance with the new capillary electrophoresis ("CE") protocol and validation summaries for the PowerPlex 16. Full validation data was made available at the meeting. DFS

was fully cooperative in providing information in a timely fashion. After in-depth discussion, a number of technical and interpretational changes were agreed upon by the group. A list of the major points regarding the changes is included in the Subcommittee's written report. As a normal part of protocol evolution, as dictated by good scientific practice, the group agreed to formally consider several additional issues at the next Committee meeting in January. The Subcommittee preformed a comprehensive review of the new CE protocol and received detailed responses to queries regarding supporting validation studies. Based on that information, and the agreement by DFS to edit the protocol to reflect the agreed upon changes, the Subcommittee recommended the adoption of the CE protocols for both casework and database use.

Discussion by the Committee ensued. Dr. Rudin moved that the Committee recommend that the Board adopt the CE protocols for the Powerplex 16 for both casework and database use. Dr. Butler seconded the motion which was adopted by unanimous vote.

DFS Director's Report

DFS Deputy Director Steve Sigel informed the Committee that Director Pete Marone was called out of town due to a death in the family and that he would be giving the Director's report in Mr. Marone's absence.

On behalf of Director Marone and DFS, Mr. Sigel thanked the retired members of the Committee for their service to DFS and the Commonwealth of Virginia and welcomed the new members to the Committee.

Laboratory Equipment

Mr. Sigel informed the Committee that the acquisition of a Liquid Chromatography/Mass Spectrometry/Mass Spectrometry (LC/MS/MS) from the Division of Consolidated Laboratory Services, Neonatal screening unit continues to move forward.

DNA Platform Change – Training and Implementation

Brad Jenkins, DFS Biology Program Manager gave the Committee an update report on the DNA platform change. Mr. Jenkins stated that DFS has been working on the transition to the new platform for several years. DFS has purchased the 3130xl instruments and they are installed at the labs. The CE protocols are awaiting approval by the Board upon recommendation by the Committee. Regarding training, supervisors were sent in January and February to Marshall University for its week long CE training course which offers lectures on capillary electrophoresis and hands on training with the 3130xl instrument. This week there is a group of examiners at Marshall University for training. Another group will go the first week of September and the last group will go the last week of October. Moving forward there will be trained people in each lab that will do in-house training of examiners. Currently, there are over 100 training samples, some liquid samples and some data samples. Each examiner will be required to complete an oral exam and an examination of a mock case. Throughout the transition, both platforms will remain in the protocol books. The DNA Databank is slated to be online with the new platform in September with the other labs on line beginning in October with the Western Lab.

Discussion by the Committee ensued.

Post Conviction DNA Testing – Additional Testing of Cases with Initial Preliminary Results

Mr. Jenkins presented a brief background of the Post Conviction DNA Testing Program. The testing is being done on 25 – 30 year old leftover work product specifically, cuttings from the enzyme testing process that was taped down in the lab notes in the case files. There is very little DNA and it is very degraded. With the 31 original cases that were tested, it was decided to do consumptive testing to liquid extract. Last summer it was found that BODE was not doing consumptive testing. The cases that were not consumptive tested were sent back for further testing. BODE is now doing consumptive testing to liquid extract on all cases retaining 25% of the liquid extract.

Implication of Melendez-Diaz v. Massachusetts

Mr. Sigel informed the Committee that the amount of witness subpoenas received has increased markedly as a result of the *Melendez-Diaz* decision. DFS is working with prosecutors in scheduling court appearances of the examiners. The impact is felt in many departments and agencies in Virginia. The Governor has called a special session of the General Assembly for August 19, 2009. Chief Deputy Director Gail Jaspen and Department Counsel Stephanie Merritt are at a working group meeting in preparation for the special session.

Discussion by the Committee ensued.

Mr. Sigel informed the Committee that the Northern Lab moved into its new facility in May and had their grand opening in June. The new facility meets the current and growth needs of that portion of the state. Mr. Sigel also informed the Committee that the Western Lab land acquisition is in process.

Old Business

Amendment to the By Laws regarding a Vice Chair

Chairman Carpenter directed the Committee's attention to the minutes from the January 13, 2009 minutes specifically the New Business portion of the meeting in which a motion was passed to vote on the adoption of Director Marone's motion to Bylaws regarding the election of a Vice Chair to the Committee's August meeting. At the January 2009 meeting, Director Marone moved to amend Section 3 of the Bylaws to allow for the election of Vice Chair as follows:

> Addition of underlined text to section 3… *The Committee shall elect a chair from among the members appointed by the Governor. The Chair shall preside at meetings of the Committee and shall perform such additional duties as may be imposed by action of the Committee. The term of office for the Chair begins July 1. The Chair may be eligible for re-nomination and re-election to successive terms not to exceed two total terms.* ~~*The Chair shall appoint a Chair Pro Tempore in the event of his/her absence and, if he.she does not, the quorem of members present at any meeting shall elect a Chair Pro tempore to preside for that meeting.*~~
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> *The Committee also shall elect a vice chair from among the members appointed by the Governor. The Vice Chair shall preside at meetings of the Committee in the*

event of the absence of the Chair and shall perform such additional duties as may be requested by the Chair or imposed by action of the Committee. The term of office for the Vice Chair begins July 1. The Vice Chair may be eligible for re-nomination and re-election to successive terms not to exceed two total terms and may be eligible for nomination and election to the office as Chair.

Discussion by the Committee ensued. Dr. Rudin moved to adopt Director Marone's motion to amend the Bylaws regarding the election of a Vice Chair. Dr. Krane seconded the motion which passed by unanimous vote of the Committee.

Election of Vice Chair

Mr. Smith moved that Dr. Hassell be appointed the new Vice Chairman of the Committee. Dr. Butler seconded the motion. Dr. Hassell was elected Vice Chairman by unanimous vote of the Committee.

New Business

Dr. Krane proposed that in light of the recent National Academy of Science Report the Committee review the protocols for the disciplines that the Committee has not reviewed thus far.

Discussion by the Committee ensued regarding how to move forward with Dr. Krane's proposal. The Committee agreed that it would propose at the next meeting of the Board that Chairman Carpenter would work with Director Marone in preparing a work plan for the systematic review of all DFS protocols by the Committee. The work plan would be finalized at the next Committee meeting and presented to the Board at its January 2010 meeting.

Public Comment

None

Next Meeting

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

Adjournment

Chairman Carpenter asked if there was a motion to adjourn. Dr. Rudin moved that the meeting of the Committee be adjourned which was seconded by Dr. Hassell and passed by unanimous vote.

The meeting adjourned at 9:50 a.m.