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Draft Minutes
Scientific Advisory Committee Meeting
August 10, 2010
Department of Forensic Science, Central Laboratory, Classroom 1

Committee Members Present

John M. Butler, Ph.D.
Dale Carpenter, Ph.D.
Jo Ann Given, Chair
Pete Marone
Richard Meyers
Alphonse Poklis, Ph.D.
Thomas L. G. Price
Norah Rudin, Ph.D.
Jami J. St. Clair

Committee Members Absent

Jose R. Almirall, Ph.D.
Frederick Bieber, Ph.D.
D. Christian Hassell, Ph.D.

Staff Members Present

Wanda Adkins, Office Manager
Jeffrey Ban, Central Laboratory Director
David Barron, Ph.D., Technical Services Director
Ann Davis, Physical Evidence Program Manager
Leslie Ellis, Human Resources Director
John Griffin, Forensic Science Section Supervisor, Northern Laboratory Controlled Substances
Gail Jaspens, Chief Deputy Director
Bradford Jenkins, Biology Program Manager
Alka Lohmann, Training and Calibration Program Manager
Stephanie Merritt, Department Counsel
John Przybylski, Forensic Science Section Supervisor, Central Laboratory Controlled Substances
Steven Sigel, Deputy Director
Amy Wong, Northern Laboratory Director

Call to Order

Chairman Carpenter called the meeting of the Scientific Advisory Committee (“Committee”) to order at 11:35 a.m.

Adoption of Agenda

47 Chairman Carpenter asked if there were any additions or changes to the draft agenda for the
48 meeting. Being none, Ms. Given moved to adopt the agenda which was seconded by Dr. Rudin
49 and adopted by unanimous vote of the Committee.
50

51 **Adoption of Minutes**

52
53 Chairman Carpenter asked if there were any changes or corrections to the draft minutes from the
54 January 5, 2010 meeting. Dr. Rudin pointed out a typo on line 147 that read “and” and should be
55 “an”. Dr. Poklis moved to adopt the minutes with the suggested change which was seconded by
56 Ms. St. Clair and adopted by unanimous vote of the Committee.
57

58 **Chair’s Report**

59
60 Chairman Carpenter introduced and welcomed new member Richard Meyers and acknowledged
61 the reappointments of Dr. Almirall, Dr. Poklis and himself to the Committee. Dr. Carpenter also
62 acknowledged and thanked Dr. Dan Krane for his service to the Committee for the past 5 years.
63

64 **Report of the Controlled Substances Subcommittee**

65
66 Dr. Almirall had asked Ms. Given to give a progress report of the Controlled Substances
67 Subcommittee (“sub-committee”) in his absence. The sub-committee has been reviewing the
68 protocols and standard operating procedures for the Controlled Substances section. The sub-
69 committee has made one suggestion regarding the reference data and page numbers to Linda
70 Jackson, Program Manager. The sub-committee suggested that they continue to review the
71 training protocols due to the new addition, Mr. Meyers, to the Committee. Ms. Given made a
72 motion that the sub-committee continue to review the training protocols and report their
73 recommendations to the Committee at the next meeting scheduled for May 10, 2011, seconded
74 by Dr. Rudin and passed by unanimous vote of the Committee
75

76 **Annual Election of Committee Chair and Vice Chair**

77
78 Dr. Carpenter, who has twice been elected previously to terms as Chair, asked if there were any
79 nominations for Committee chair. Ms. St. Clair nominated Ms. Given; the nomination was
80 seconded by Mr. Marone and passed by unanimous vote of the Committee. Dr. Rudin thanked
81 Dr. Carpenter for his service to the committee. Dr. Carpenter asked for nominations for Vice
82 Chair. Dr. Rudin nominated Dr. Hassell for re-election to the Vice Chair position; the
83 nomination was seconded by Dr. Carpenter and passed by unanimous vote of the Committee.
84

85 **Report of the Biology Subcommittee**

86
87 Dr. Rudin, Chair of the Biology Subcommittee (“Subcommittee”) informed the Committee that
88 the Subcommittee met earlier that day prior to the Committee’s meeting to review two issues.
89 The first issue is the statistical basis for the 4-locus minimum for inclusion and the second being
90 the implementation of the stochastic threshold. The Subcommittee recommended that
91 Department move forward on implementation. The August 7, 2007 summary report of the
92 former sub-committee on Familial Searches was distributed to the Subcommittee.

93

94 Ms. Given thanked the Biology Subcommittee members for their time and efforts.

95

96 **DFS Director's Report**

97

98 DFS Director Pete Marone informed the Committee that the Northern Laboratory has celebrated
99 its first year anniversary in the new facility. The Eastern Laboratory expansion on the 5th floor
100 project first phase of 6,000 square feet is 95% complete with the next phase at 35% drawing
101 stage. The Central Laboratory is in the process of renovating and has moved the Digital
102 Evidence Section to the first floor. Renovations to the administrative section on the second floor
103 will result in more office space for examiners. The administrative sections will move to the first
104 floor. This will allow for the expansion of lab spaces for several disciplines. Land adjacent to
105 the Western Laboratory was purchased from Roanoke County School Board. The land was
106 purchased for expansion of the Laboratory at some point in the future.

107

108 Director Marone reported that the Department continues to feel the effects of the Melendez-Diaz
109 decision especially in Controlled Substances, Toxicology and Breath Alcohol. The Controlled
110 Substance section has also seen an increase in submissions, particularly in connection with
111 clandestine laboratories in the Western Laboratory. The Toxicology Section continues to spend
112 more time in court and experience increased backlogs. With the hiring of four new toxicologists,
113 however DFS anticipates that once their training is completed, the backlog will start to decrease.

114

115 Director Marone informed the Committee that the number of witness subpoenas received for its
116 examiners to appear in court has increased markedly as a result of the *Melendez-Diaz* decision.
117 The amount of time the examiners are out of the lab traveling to and from court, appearing at
118 court, testifying and other related tasks has also increased, with a resulting impact on the
119 Department's expenses. As a result of the decrease in hours in the lab, the backlog has increased,
120 which in turn, has necessitated overtime hours in the lab, as well as an increase in travel costs to
121 get examiners to and from court.

122

123 Regarding the impact of the *Melendez-Diaz* Supreme Court decision on the Department, Chief
124 Deputy Director Gail Jaspén informed the Committee that the greatest impact on the Department
125 is felt in the Toxicology, Drugs and Breath Alcohol sections. In August 2009, the General
126 Assembly had a special session shortly after the decision to bring order to the impact of the
127 decision on the Commonwealth. Ms. Jaspén presented charts regarding the marked increase of
128 receipt of witness subpoenas for Department examiners to appear in court. The numbers of
129 subpoenas have slightly decreased since the issuance of the *Melendez-Diaz* decision and it is
130 anticipated that they will continue to decrease slightly but it is anticipated that the numbers will
131 never return to pre-Melendez levels.

132

133 Discussion by the Committee ensued on the Melendez-Diaz effects on Virginia as well as in
134 other states.

135

136 Director Marone informed the Committee that the Department is in the process of gathering
137 information on familial DNA searching, existing software and the cost of implementation to the
138 Department. Director Marone explained to the Committee that the CODIS software currently

139 used for searching the database is not capable of being used for familial testing. Director
140 Marone expressed his concerns in using software currently used by California, Colorado and the
141 City of Denver. These jurisdictions have developed their software in-house, and the
142 documentation, protocols and support of the software resides in those laboratories.

143
144 Discussion by the Committee ensued on familial testing, and the Committee requested an update
145 by Department staff at the next meeting.

146
147 **Old Business**

148
149 None

150
151 **New Business**

152
153 Chief Deputy Gail Jaspen briefed the Committee on the importance of renewing their Conflict of
154 Interest training every two years. Each member received a handout with instructions on how to
155 access the training on-line. Upon completed of the training, members are to send or e-mail Chief
156 Deputy Director Gail Jaspen a copy of the certificate of completion or otherwise affirm that they
157 have completed training.

158
159 **Public Comment**

160
161 None

162
163 **Next Meeting**

164
165 The Scientific Advisory Committee briefly discussed changing the dates of the meetings in 2011.
166 Dr. Poklis made a motion to move the meetings dates to May 10th and October 11, 2011 which
167 was seconded by Dr. Butler and passed by unanimous vote of the Committee.

168
169 **Adjournment**

170
171 Chairman Given asked if there was a motion to adjourn. Dr. Rudin moved that the meeting of
172 the Committee be adjourned which was seconded by Ms. St. Clair and passed by unanimous
173 vote.

174
175 The meeting adjourned at 1:40 p.m.