

1 **Final - Minutes**
2 **Scientific Advisory Committee Meeting**
3 **October 11, 2017**
4 **Department of Forensic Science, Central Laboratory, Classroom 1**
5
6

7 **Committee Members Present**
8

9 Randall E. Beaty (participated remotely pursuant to Virginia Code § 2.2-3708.1)
10 Maureen C. Bottrell
11 Kathleen Corrado, Ph.D.
12 Robin W. Cotton, Ph.D.
13 Leslie E. Edinboro, Ph.D., Chair
14 Linda C. Jackson
15 Barry S. Levine, Ph.D.
16 George C. Maha, Ph.D.
17 Richard P. Meyers
18 Travis Y. Spinder
19 Jami J. St. Clair
20 Kenneth B. Zercie
21

22 **Committee Members Absent**
23

24 Carl A. Sobieralski
25

26 **Staff Members Present**
27

28 Wanda W. Adkins, Office Manager
29 Jeffrey D. Ban, Central Laboratory Director
30 David A. Barron, Ph.D., Deputy Director
31 Sabrina S. Cillessen, Physical Evidence Program Manager
32 B. Lee Collins, III, Forensic Biology Section Supervisor and CODIS Administrator
33 Amy M. Curtis, Department Counsel
34 Leslie H. Ellis, Human Resources Director
35 Katya N. Herndon, Chief Deputy Director
36 Bradford C. Jenkins, Biology Program Manager
37 James W. Hutchings, Ph.D., Toxicology Program Manager
38 Alka B. Lohmann, Technical Services Director
39 M. Scott Maye, Chemistry Program Manager
40 Rebecca L. Wagner, Ph.D., Research Analyst
41 Carisa M. Studer, Legal Assistant
42

43 **Call to Order**
44

45 Leslie Edinboro, Ph.D., the Chair of the Scientific Advisory Committee (“Committee” or
46 “SAC”), called the meeting of the Committee to order at 10:02 a.m. Dr. Edinboro informed the

47 Committee that Randall Beaty would be participating remotely pursuant to the SAC's Policy on
48 Individual Participation in Scientific Advisory Committee Meetings by Electronic Means, which
49 was adopted in accordance with Virginia Code § 2.2-3708.1. Mr. Beaty was participating by
50 telephone because he was in a training class in Austin, Texas.

51
52 The Chair welcomed Dr. Kathleen Corrado to the Committee. Dr. Corrado, who is the Director
53 of Laboratories of the Onondaga County Center for Forensic Sciences in Syracuse, New York,
54 was appointed to the Committee as a member of the American Society of Crime Laboratory
55 Directors (ASCLD). Introductions were made of all the Committee members and the
56 Department of Forensic Science ("DFS" or "Department") staff members who were present.

57
58 **Adoption of Agenda**

59
60 The Chair asked if there were any additions or changes to the draft agenda for the meeting.
61 Being none, Mr. Zercie made a motion to adopt the agenda, which was seconded by Ms. St.
62 Clair, and adopted by unanimous vote of the Committee.

63
64 **Adoption of Minutes**

65
66 The Chair asked if there were any changes or corrections to the draft minutes from the May 23,
67 2017 meeting. Being none, Ms. St. Clair moved to adopt the minutes from the May 23, 2017
68 meeting, which was seconded by Ms. Bottrell, and adopted by majority vote of the Committee.
69 Dr. Corrado abstained.

70
71 **Chair's Report**

72
73 The Chair did not have a report for the Committee.

74
75 **DFS Director's Report**

76
77 Director Linda Jackson expressed her appreciation to the members of the Committee for their
78 participation. She discussed the Department's plans to start incorporating new ways of utilizing
79 each Committee member's expertise by expanding the members' interaction with DFS staff
80 while they are in town to attend the meeting. Director Jackson explained that Mr. Spinder would
81 be having a discussion with members of the Firearms and Toolmarks Technical Resource Team
82 following the SAC meeting. DFS plans to schedule similar visits for each Committee member in
83 conjunction with future meetings.

84
85 **Facilities:**

86 Director Jackson gave an update to the Committee on the Central Laboratory building renovation
87 and expansion project. There are several project obstacles that have been identified that will
88 prevent the Department from being able to complete the project within the currently allocated
89 budget. Accordingly, DFS is in discussion with the Department of General Services/Bureau of
90 Capital Outlay Management to change the scope of the project. Director Jackson will update the
91 Committee on the project plans at the next SAC meeting.

92

93 Agency Updates:

94 Director Jackson updated the Committee of the progress of the Archived Case File Project. She
95 reminded the Committee that there are approximately 1 million case files stored at the State
96 Records Center that will need to be scanned as part of the project. The Department has hired
97 five part-time staff members to scan the certificates of analysis and request for laboratory
98 examinations (RFLE) forms, and enter case file information into a database. To date,
99 approximately 94,000 cases have been scanned and uploaded to the database. DFS staff has
100 already been able to use the new database to identify case files for the Serology Review.

101
102 Director Jackson reported that, in late July 2017, DFS released its joint report with the
103 Department of Criminal Justice Services, entitled *Drug Cases Submitted to the Virginia*
104 *Department of Forensic Science Calendar Year 2016*. Director Jackson gave a brief summary of
105 the information included in the report and provided the Committee with the website link to the
106 full report.

107
108 Director Jackson informed the Committee that the Department's approved list of marijuana field
109 test kits was updated and published in the Register of Regulations in August 2017. A list of the
110 approved kits was provided to the Committee. Also, the DUI/D kits were updated to include a
111 new submission information sheet. The kit was updated in response to the Birchfield bill, which
112 passed the General Assembly this past session. While DFS no longer requires an RFLE for
113 search warrant blood if submitted in a DFS DUI/D kit, the new DUI/D Submission Information
114 Sheet will clarify for staff whether the sample was collected pursuant to implied consent, a
115 search warrant, or another method. The Committee discussed when a suspect's blood would be
116 collected versus when a breath test would be conducted under Virginia law.

117
118 Director Jackson shared with the Committee new language that will be included on Certificates
119 of Analysis in toxicology cases. The methods used for each toxicology examination conducted
120 in the case will be included on the reports. The Department is moving towards adding this
121 language on reports for each discipline.

122
123 Director Jackson reported that a two-day supervisors' training held was held on October 3 – 4,
124 2017. Supervisors from all four regional laboratories were in attendance. Training topics
125 included: employment law, dealing with difficult people, emotional intelligence, and building
126 trust. The training was well received by all.

127
128 Grants:

129 Director Jackson presented a summary of DFS grants to the Committee. Current grants include:
130 FY15, FY16 and FY17 DNA Capacity Enhancement and Backlog Reduction Grants; the FY16
131 Paul Coverdell Forensic Science Improvement Grant; the NIJ Research and Development for
132 Publicly-Funded Forensic Science Laboratories (Toxicology) Grant; the FY16 Research and
133 Evaluation for the Testing and Interpretation of Physical Evidence in Publicly Funded Forensic
134 Laboratories (Latent Print) Grant; FY18 Highway Safety Project Grant (DMV) TREDS (Traffic
135 Records Electronic Data System) Program; FY18 Highway Safety Grant Program (DMV) – DFS
136 Breath Alcohol Training Program; Opioid Joint Project – pass through funds from the OCME;
137 and the FY18 Byrne Justice Assistance Grant (JAG) Continuation Funding.

138

139 Director Jackson noted that the Department is using the Opioid Joint Project funds for an
140 additional research scientist and an additional forensic laboratory specialist position in the
141 Toxicology Section. The Byrne JAG Grant will continue to be used to fund an additional
142 Forensic Training Section instructor, which allows the Section to offer a third Forensic Science
143 Academy Session next year, as well as other short courses.
144

145 Director Jackson continued with an update of the two Physical Evidence Recovery Kits (PERK)
146 grants. The New York County District Attorney's (DANY) Sexual Assault Kit Backlog
147 Elimination Program Grant has been used to pay for the analysis of untested kits collected prior
148 to July 1, 2014 and included in the PERK inventory conducted by DFS. To date, five agencies
149 have submitted their kits to the private contract laboratory for testing. The private laboratory has
150 sent data from 653 cases to DFS for review. The DANY grant has been extended to 2018 due to
151 the case load of the private contract laboratory.
152

153 The National Sexual Assault Kit Initiative (SAKI) FY 2016 Competitive Grant is being utilized
154 to outsource the analysis of untested PERKs collected from July 1, 2014 through June 30, 2016.
155 The Request for Proposal (RFP) process for the private contract laboratory is underway. The
156 PERK tracking system software is in development. The software will integrate with the
157 Department's current Laboratory Information Management System (LIMS) and be web-based.
158

159 Director Jackson informed the Committee that the Department currently has three pending grant
160 applications.
161

162 Workload/Backlog:

163 Director Jackson provided the Committee with an update on workload/backlog trends in each of
164 the program areas.
165

166 The Controlled Substances Section has seen a 36% increase in submissions from 2015 to 2017.
167 Other complicating factors include the implementation of additional safety precautions in light of
168 the growing lethality of the compounds encountered and the increasing complexity of the
169 compounds submitted. In light of these factors, the backlog has increased each quarter. DFS has
170 implemented a number of agency initiatives in response to the backlog, which include a notice to
171 customers explaining the ongoing challenges and the implementation of mandatory overtime for
172 Controlled Substances examiners and support staff.
173

174 Director Jackson reminded the Committee of the discussion at the previous SAC meeting about
175 net weights. The discussion was brought before the Forensic Science Board, which
176 recommended a stakeholders meeting on the topic if DFS was interested in pursuing providing
177 gross weights in lieu of net weights unless there is a weight threshold at issue. On September 18,
178 2017, DFS hosted a Stakeholder Meeting of Commonwealth's Attorneys and narcotics
179 investigators. Topics discussed included improved safety for staff and recommended measures
180 to increase the efficiency of analyses, including the net weight issue. Director Jackson discussed
181 the staffing increases for the Controlled Substances Sections for each laboratory.
182

183 The Digital and Multimedia Evidence (DME) Section's quarterly statistics are no longer
184 included with Latent Prints. The current turnaround time for DME cases is over a year. One of

185 the five positions in the Section is currently in recruit. However, DFS is looking for additional
186 resources and mechanisms to improve the turnaround time.

187
188 The Firearms Section has been completing more cases than it has been receiving due to the new
189 National Integrated Ballistic Information Network (NIBIN) Forensic Scientist positions. The
190 NIBIN Forensic Scientists are working on the NIBIN-only submissions, which should result in a
191 significant decrease to the backlog.

192
193 The Forensic Biology Section has seen its backlog consistently rising because of increased
194 submissions as a result of the 2016 PERK legislation and the increased time needed for data
195 interpretation with the implementation of the new PowerPlex Fusion kits.

196
197 The Latent Prints Section saw an increase in submissions in the last quarter. Anecdotally, DFS
198 has heard this is due to the retirement of latent prints examiners that had been working in local
199 law enforcement agencies, resulting in these cases now being submitted to the Department. DFS
200 will continue to monitor these submissions.

201
202 The Toxicology Section turnaround times have continued to improve over the last year. Director
203 Jackson explained how case completion times can vary depending on the complexity of the
204 toxicology cases.

205
206 The Trace Evidence Section is now fully staffed, and all examiners have completed their
207 training. The Section's turnaround times continue to decrease.

208

209 **Toxicology Subcommittee Report**

210 Dr. Edinboro gave a report of the Toxicology Subcommittee. The Subcommittee made
211 recommendations and suggestions to DFS staff for the OpiCoc Protein Precipitation Validation
212 method and the LCMSMS evaluation of Opiate Metabolite Interferences. The Subcommittee
213 closed the reviews of both the OpiCoc Protein Precipitation Validation and the LCMSMS
214 evaluation of Opiate Metabolite Interferences.

215

216 **Program Area Updates**

217

218 Division of Technical Services Update:

219 Alka B. Lohmann, Director of Technical Services, provided the Committee with an update on
220 the Division of Technical Services. Ms. Lohmann reminded the Committee that DFS went live
221 with its Quality System Documents in Qualtrax on January 26, 2017. Ms. Lohmann gave
222 examples of workflows through Qualtrax that are designed to replace multistep paper processes.
223 All DFS staff completed the annual review of the Code of Ethics and annual acknowledgment of
224 the Confidentiality Agreement through Qualtrax. The External Activity General Request
225 (EAGeR) workflow was created to combine three forms required for travel, presentations, and
226 continuing education. The EAGeR workflow automatically routes the request to all appropriate
227 parties. It is currently being piloted in the Eastern Laboratory. Ms. Lohmann presented a list of
228 additional workflows DFS will be able to add to Qualtrax.

229

230 Ms. Lohmann gave an update on the Department's accreditation. She reminded the Committee
231 that ASCLD/LAB has merged with ANAB, which issued new accreditation requirements for
232 both testing and calibration laboratories. All currently accredited laboratories must be in
233 conformance with the new requirements by December 31, 2018. DFS has elected to be in
234 conformance as it renews its accreditation. The Department's current accreditation expires on
235 September 2, 2018. DFS will submit its application for renewed accreditation by December 1,
236 2017 and anticipates the onsite visit to be held in May 2018.
237

238 Ms. Lohmann updated the Committee on the Forensic Science Academy. The continuation of the
239 JAG grant will allow for the part-time Forensic Trainer to remain on staff and for the Department
240 to continue to offer a third Forensic Science Academy to law enforcement next year.
241

242 Ms. Lohmann introduced B. Lee Collins, III, the Department's new CODIS Administrator to the
243 Committee. Other staffing changes, including additional positions in recruit, were reviewed with
244 the Committee.
245

246 Biology Program Update:

247 Brad C. Jenkins, Forensic Biology Program Manager, provided the Committee with an update on
248 the program area. He reviewed the staffing levels, including examiners in training and positions
249 in recruit, for each regional laboratory. There are sixty examiner positions statewide.
250

251 Mr. Jenkins reminded the Committee that the Department is moving to male DNA screening of
252 physical evidence recovery kits (PERKs) and explained the process. DFS will continue to
253 conduct microscopic sperm searches, if requested. Mr. Jenkins anticipates that DFS will move to
254 male DNA screening within the next couple of months.
255

256 Mr. Jenkins informed that Committee that, on July 25, 2017, a presentation was given at the
257 2017 International Forensic Science Error Management Symposium hosted by NIST regarding
258 errors in the NIST database used for statistics. On July 28, 2017, DFS sent out a notification to
259 all user agencies that statistics could be potentially affected in cases from May to July 2017.
260 The revised database has been uploaded to DFS instruments, and the Department is currently
261 identifying affected cases and issuing amended reports. It is anticipated that amended reports
262 will be issued for fewer than 30 cases.
263

264 Mr. Jenkins gave a brief update on the Serology Case Review. The review of 100 cases from the
265 Eastern Laboratory is nearing completion, and the review of 100 cases from the Northern
266 Laboratory has begun. Jami St. Clair is the outside reviewer, and there are three DFS staff
267 members conducting reviews. Mr. Jenkins noted that, to date, the reviewers have not identified
268 any files where the typing results in the case notes would have eliminated the defendant and were
269 not reported, which was the issue identified in the case prompting the Serology Case Review.
270

271 Mr. Jenkins reported to the Committee that, as predicted, PERK submissions have increased
272 approximately 40% with the new PERK legislation. As a result, there is an increase in
273 turnaround times on cases. Mr. Jenkins anticipates the turnaround times will continue to increase
274 due to the large numbers of examiners in training, the additional data requiring review with the

275 implementation of PowerPlex Fusion (24 vs. 16 areas of DNA), and statistics taking longer to
276 calculate with the additional areas of DNA.

277

278 Chemistry Program Update:

279 M. Scott Maye, Chemistry Program Manager, gave an overview of the staffing for the Controlled
280 Substances Section in all of the Department's laboratories. Mr. Maye provided an update to the
281 Committee on the use of the Board of Pharmacy (BoP) expedited regulatory process since the
282 last meeting. DFS recommended three compounds on April 17, 2017, which became scheduled
283 on October 4, 2017. DFS recommended 10 additional compounds on July 15, 2017, which the
284 BoP approved at their September 26, 2017 meeting. These compounds are awaiting publication
285 in the Register of Regulations. The Department will be recommending approximately 10
286 additional compounds to the BoP on October 16, 2017.

287

288 Mr. Maye gave a summary of the proposed efficiency/safety measures recommended as a result
289 of the Stakeholder Meeting: discontinuing providing net weights in cases under any statutory
290 weight threshold, limiting the testing of marijuana food products, and limiting testing in search
291 warrant cases.

292

293 Mr. Maye informed the Committee that he would be participating in a joint DFS/OCME
294 presentation at an Opioid and Addiction Champions Training and Work Session in
295 Charlottesville on October 12, 2017.

296

297 Mr. Maye gave an overview of the staffing and training for the Trace Evidence Section in all of
298 the Department's laboratories. The Trace Evidence Section is currently reviewing report
299 statements for comparisons and developing reporting language to clarify results utilizing a scaled
300 approach for these types of examinations.

301

302 Physical Evidence Program Update:

303 Sabrina Cillessen, Physical Evidence Program Manager, provided the Committee with an update
304 on the Physical Evidence Program Area. Ms. Cillessen informed the Committee of a
305 presentation she gave at the NIST Error Management Symposium, entitled *A Novel Approach to*
306 *Addressing Changes of Opinion in Latent Prints*. Ms. Cillessen summarized the presentation for
307 the Committee regarding changes in opinions by latent print examiners and why they should not
308 be viewed as errors. She presented data to show the reasons for changes of opinions and the
309 frequency that they occur. She emphasized that documentation of any change of opinion and the
310 basis for the conclusion is crucial.

311

312 Ms. Cillessen gave an overview of the staffing, positions in recruit, and positions in training for
313 the Firearms & Toolmarks and Latent Prints & Impressions Sections for each laboratory.

314

315 Ms. Cillessen reported to the Committee that the Latent Print Section will hold a two-day
316 statewide Section meeting at the Central Laboratory on October 26 – 27, 2017. The meeting will
317 focus on statistics in forensics with a focus on the FRStats software.

318

319 Ms. Cillessen concluded with an update of the DME Section's new capabilities. DME has added
320 DVR Examiner software, Chip-Off equipment, and virtual emulation technology. The DME
321 Section has one position in recruit.

322

323 The Chair called for a five-minute recess at 11:47 a.m.

324

325 The Chair reconvened the meeting at 11:53 a.m.

326

327 Toxicology Update:

328 Dr. James Hutchings, Toxicology Program Manager, provided the Committee with an update on
329 the Toxicology Program Area. He presented two new methods: Buprenorphine,
330 Norbuprenorphine, and Naloxone by LCMSMS and Chlordiazepoxide by LCMSMS. Dr.
331 Hutchings went over updates to LIMS for the new report language that Director Jackson
332 introduced to the Committee. Dr. Hutchings presented an example of a report with the new
333 reporting methodology. The electronic distribution of toxicology results to the Office of Chief
334 Medical Examiner is in process.

335

336 Dr. Hutchings gave an overview of the research projects being conducted by the Toxicology
337 Section. There are currently four ongoing research projects: transitioning from HPLC to
338 LCMSMS for NSAIDS, qualitative analysis of fentanyl analogs, a QTOF Screening process, and
339 PDF reporting.

340

341 Dr. Hutchings gave an overview of positions that are open, in recruit, and in training for the
342 Toxicology and the Breath Alcohol Sections.

343

344 Dr. Hutching concluded with an update on the Breath Alcohol Section. The DMV Grant has
345 been renewed which funds one forensic scientist position for the Section, provides
346 reimbursement to law enforcement officers who are attending training, funds continuing
347 education for forensic scientists, and provides the funds for the yearly law enforcement instructor
348 recertification. The Breath Alcohol Section is also pursuing web-based recertification for breath
349 alcohol operators.

350

351 **Old Business**

352

353 Microscopic Hair Comparison Case Review:

354 Amy Curtis, Department Counsel, gave an update on the Microscopic Hair Comparison Case
355 Review to the Committee. She reported that there have been difficulties finding court transcripts
356 for these cases. Students from the University of Richmond School of Law's Actual Innocence
357 clinic researched conviction information for about 98 cases. Law clinic students sent letters to
358 clerks requesting conviction information and transcripts containing hair comparison testimony
359 from DFS examiners. The majority of the clerks responded that they were unwilling to make
360 copies of transcripts free of charge for the students. Only one transcript was obtained by the law
361 students. Ms. Curtis reported that she has had to go to courthouses to seek conviction orders and
362 transcript copies. She was able to obtain three additional transcripts. Ms. Curtis did make
363 inquiries to some court reporters in cases, and they responded that transcripts are routinely
364 destroyed after 10 years. DFS has identified approximately 80 more cases where conviction

365 information is needed. Ms. Curtis is hoping that the Spring law clinic will be able to do the
366 conviction research, and with the help of a law student intern, she will be able to obtain more
367 transcripts so that a Review Team meeting can be scheduled.
368

369 **New Business**

370 Ms. Curtis presented to the Committee the draft of an updated Policy on Individual Participation
371 in SAC Meetings by Electronic Means under Virginia Code § 2.2-3708.1. This Code section
372 was amended in July 2017, and Ms. Curtis updated the Policy to reflect those amendments.
373

374 Director Jackson made a motion to accept the draft changes to the Policy on Individual
375 Participation in SAC Meetings by Electronic Means, which was seconded by Mr. Zercie, and
376 adopted by unanimous vote.
377

378 Katya Herndon, Chief Deputy Director, briefed the Committee on the Forensic Science Training
379 Program for attorneys that DFS is pursuing. The program, which will be loosely modeled after
380 the Arizona Forensic Science Academy, will provide instruction on the underlying science
381 utilized by the various laboratory disciplines offered by DFS, as well as medicolegal death
382 investigation. The training will be offered to prosecutors and criminal defense attorneys, as well
383 as judges. A stakeholder meeting was held in August to get feedback on the idea.
384

385 The feedback from the stakeholders was positive, and DFS has developed and disseminated a
386 Needs Assessment Survey to attorneys across the Commonwealth seeking input on the subjects
387 that would be of most interest to attorneys for the training. The survey closes on October 16,
388 2017, and another stakeholder meeting is scheduled on October 23rd to review the results of the
389 survey. The Department plans to start the program in 2018 by selecting one subject and offering
390 training in that subject in all four DFS regional laboratories.
391

392 **Public Comment**

393
394 None.
395

396 **Future Meeting Date**

397
398 The meeting dates for the 2018 calendar year were set. The Scientific Advisory Committee will
399 meet on Wednesday, May 15, 2018, at 9:00 a.m., and Wednesday, October 16, 2018, at 9:00 a.m.
400

401 **Adjournment**

402
403 Dr. Edinboro asked if there was a motion to adjourn. Mr. Spinder made a motion to adjourn the
404 meeting of the Scientific Advisory Committee, which was seconded by Dr. Levine, and passed
405 by unanimous vote.
406

407 The meeting adjourned at 12:24 p.m.