

Minutes (approved)
FORENSIC SCIENCE BOARD MEETING
May 9, 2007 at 10:00 a.m.
DFS Central Laboratory, Training Room 1

Board Members Present:

Mr. Steven Benjamin
Mr. Joseph Bono
Dr. Marcella Fierro
Colonel W. Steven Flaherty
Ms. Katya Herndon (designee for Mr. Karl Hade)
Sheriff F. W. Howard
Mr. Robert Jensen
Mr. Alan Katz (designee for Ms. Marla Decker)
Ms. Demris Lee
Mr. John Mahoney (designee for Mr. Leonard Cooke)
Ms. Elizabeth Russell
Mr. S. Randolph Sengel, Chair

Board Members Absent:

Senator Kenneth Stolle

Staff Members Present:

Ms. Wanda Adkins, Office Manager
Mr. Jeff Ban, Forensic Biology Section Chief
Dr. David Barron, Central Laboratory Director
Ms. Leslie Ellis, Human Resources Director
Ms. Michele Gowdy, Department Counsel
Ms. Linda Jackson, Controlled Substances Section Chief
Ms. Meghan Kish, Board Secretary
Mr. Ron Layne, Director of Administration and Finance
Mr. Pete Marone, Department Director
Mr. Jim Pickelman, Firearms Section Chief
Ms. Susan Scholl, Eastern Laboratory Director
Mr. Steve Sigel, Deputy Director

Call to Order:

Mr. Sengel called the meeting to order at 10:04 a.m.

Adoption of Agenda:

Mr. Sengel asked if there were any changes to be made to the agenda. There were none. Mr. Bono made a motion that the agenda be adopted as it is written. The motion was seconded. The agenda was adopted unanimously.

Approval of draft minutes

Mr. Sengel directed the Board's attention to the February 7, 2007 Meeting Minutes, and asked if there were any comments or changes. Ms. Herndon made a motion that the minutes be adopted, and the motion was seconded. The minutes were adopted by unanimous vote.

Chairman's Report:

Mr. Sengel reported that he had received a letter from Mr. Barry Fisher, the newly elected Chairman of the Scientific Advisory Committee. In the letter, Mr. Fisher designated himself and Mr. Bono as the two members of the SAC who would serve on the Board, pursuant to Virginia Code § 9.1-1109, effective July 1, 2007.

Mr. Sengel publicly thanked Demris Lee for her contributions to the Board. He explained that her term is expiring, and due to work obligations, is unable to be considered for re-appointment.

Mr. Sengel explained that, during the month of July, he was intending to visit each of the regional laboratories, and speak with the firearm and toolmark, latent print, and toxicology examiners at each of the facilities, in an attempt to solicit suggestions regarding submission procedures for each of their sections. He announced his intention to report back to the Board about his findings with the idea that, should the Board find it appropriate, they could act to improve submission procedures.

Mr. Sengel, in his last meeting as chair, observed that the relationship between the Board and the Department as a work in progress, and expressed a hope that the building blocks for a beneficial relationship had been put into place during the two years since the Board's creation. He thanked the Board for the opportunity to serve as Chairman, and explained that it had been an honor for him.

Director's Report:

Mr. Marone reported that the solicitation for bids had gone out for the breath alcohol equipment. He reported that, of four viable manufacturers, three had attended the pre-bid conference, and two had submitted bids. He reported that the Department was in the process of evaluating the technical specifications of the instruments. If both vendors meet the specifications, then the sealed dollar figures will be revealed, hopefully by the end of the month. Once this is done, the vendor must supply prototypes to the Department for evaluation. Currently, the two vendors that provided bids were Intoximeter and CMI.

Mr. Jensen inquired if training and implementation plans had been developed yet. Mr. Marone explained that, due to the huge learning curve seen initially with changeover from the Breathalyzer 900A to the automated infrared technology, a lot of the specifications were intended to make the new model transparent to the users. There is a training plan in place, which involves implementation in local jurisdictions first, prior to moving outward.

Mr. Marone explained that the Department had applied for a DMV grant to assist in covering the financial costs of that training program, which involves transportation and equipment costs.

Mr. Jensen inquired if the law enforcement users had any input on the type of machine selected. Mr. Marone responded that input was received from law enforcement by way of the instructors that assist the department with the basic classes, who were consulted when developing specifications.

Mr. Bono asked if there was a plan in development to get the Department accredited as a calibration laboratory for these instruments, or if there were plans to outsource the calibrations. Mr. Marone responded that the Department does intend to seek accreditation as a calibration laboratory, but explained that the program for assessing the laboratories will likely not be available until next year.

In addition to the DMV grant, Mr. Marone reported that the Department had applied for a post-conviction grant through NIJ. Due to certain strict requirements, the Department may have to take several extra steps in order to meet the guidelines. Although the budget has been accepted already, the Department is still waiting for some guidance from NIJ on how to proceed. Some general discussion followed.

Mr. Marone next reported on the status of the post-conviction testing projects. He explained that 60-70 cases are at the private laboratory. The data from the first 8 cases has come back, but the cases were either inconclusive, or did not contain enough information to yield results. He also explained that Bode, the independent laboratory, is merely coming up with the data, and that Department examiners are then using that data to come up with the results. He announced that the screening process has been going well, and that research from Virginia State Police, the courts, and the Commonwealth's Attorney's office has helped to identify many of the cases as ineligible. Many of the listed suspects were never convicted of the crime. He reported that we are almost at the point of sending batches over to be tested every couple of weeks. Discussion followed between several Board members and DFS staff regarding specifics of the testing process. [See **Addendum #1** for full transcription of discussion]

Mr. Marone reported that the backlog situation was going well. The drug backlog was now resting at around 2,000-2,200 per month. The average time a case spends in the system is around 23 days. The total number of cases that are over 30 days in the system is down to 191. The drug section has been directed to try to make it so there are no cases over 30 days old. Mr. Marone also reported that the firearms section had reduced its

backlog to only 1,000 cases, only a few hundred of which are from 2006. The goal for this fiscal year is to complete all 2006 cases. Mr. Marone explained that interviews will soon be taking place for five additional firearms trainee positions, which will add five more examiners to the firearms section in two years time. He stated that, in addition to these efforts, pilot programs such as the one discussed at the last meeting involving the Norfolk Police Department and NIBIN are helping to reduce the amount of work required of the Department in hundreds of cases. Of these roughly 600 cases, 372 have been entered into NIBIN by the police, which led to a dozen associations, two of which involved homicide. Mr. Marone went on to explain some other benefits of this program, and responded to requests for clarification of the steps involved in the process. This led to discussion of the firearms procedure manual, and the process used by examiners when making associations and identifications in casework.

Mr. Marone reported that DNA's backlog was reduced from 1400 to 1227 cases, and latent prints were down to 380 from 486 backlogged cases. He completed his summary of the backlog situation by stating that his ultimate goal for the Department was to work every case within 30 days from receipt of the evidence. Mr. Jensen inquired if the Board could receive reports on the backlogs that include 30, 60, and 90 day trends, so that the Department's progress can be more clearly followed. Mr. Marone responded that the Department would look into providing that information for the next meeting.

Mr. Marone moved on to discuss Capital Submissions. He explained that the Eastern laboratory is looking at a lease to build out the fifth floor, and has every intention to expand. Groundbreaking is set for the Northern Laboratory on May 22, 2007, with a projected completion date of January, 2009. The Western laboratory, although it cannot currently expand, is still considering the purchase of adjacent land to allow for additional space in the future. The Department Administration will be moving to a building across the street from the Central laboratory once construction of that building has been completed. The Department plans to expand the laboratory space in the future. Mr. Marone finished his Director's report by stating that summaries of these projects have all been forwarded to the Department of Planning and Budget so that they are aware of the future budgeting requirements for DFS.

Subcommittee on Familial Searches Report:

Ms. Lee, a member of the Subcommittee, presented a summary on the meeting held the day before. She informed the Board that the Subcommittee, comprised of Dr. Frederick Bieber (Chairman), Mr. Dominic Denio, Dr. Arthur Eisenberg, Dr. Dan Krane, and herself, had heard several presentations, including one from Ms. Gowdy, Department Counsel, regarding the legislation in place regarding the databank. Mr. George Li, CODIS Administrator for DFS, presented on current CODIS capabilities, and how CODIS is currently being used by the Department to perform searches. He explained the difference between high, moderate, and low stringency searches, and responded to inquiries from subcommittee members about current Department policies and practices. Mr. Ban then presented examples of two situations in the past ten years in which familial relationships have played key roles in the forensic analysis, and discussed the possible

application of familial searches to casework in Virginia. Dr. Krane then presented on statistical analyses of pairs (related and unrelated) in individuals, using results from experiments with simulated scenarios, which led to discussions of acceptable error rates, as well as the arbitrary nature of trying to determine thresholds for matches.

Ms. Lee explained that Dr. Eisenberg presented on the current status of familial searches within the U.S. today. He explained that studies are underway with CODIS, as well as private sector programs.

Ms. Lee reported that the subcommittee expressed interest in having Dr. Tom Callahan, the CODIS Program Manager at the FBI, address the committee on the current status, the issues facing the program, and the future state of CODIS at a future meeting. Later in the meeting, the subcommittee voted to ask the Department to do a preliminary impact study to look at the cost/personnel/time involved in producing a Y-STR profile for male offender samples going into the Virginia Database from a given point forward.

At the end of Ms. Lee's summary, Mr. Bono inquired about the upsides to familial searches, as it seemed to him that the subcommittee discussions had focused on the negative factors. Ms. Lee explained that, with the right software, familial searches would generate more leads for law enforcement, a benefit that Mr. Benjamin asserted was crucial.

Mr. Benjamin recalled that Dr. Dan Krane had been appointed to chair the subcommittee and inquired as to why this had changed. Mr. Bono explained that he had contacted Dr. Krane on multiple occasions prior to the meeting, and having received no response, asked Dr. Bieber to chair the subcommittee.

Discussion of Collection and Reporting Data:

Mr. Sengel explained that he had received a number of requests via email from Mr. Jensen, and suggested that those requests be addressed at this point in the meeting. Speaking from his business background, Mr. Jensen inquired if the Department had developed any methods for tracking user satisfaction in place. Mr. Marone responded that, as a part of the process of seeking ISO accreditation, a survey is being developed. Mr. Jensen requested that a sample be provided at the next meeting.

Mr. Jensen next inquired if there was a method to track the quality and quantity of specimens submitted to the lab. Mr. Sengel responded that, on multiple occasions, the Department was able to provide him with ample information regarding submissions. Mr. Marone added that, although the tracking methods are somewhat anecdotal and informal, they are in place. There is an ongoing dialogue between the laboratory, prosecutors, and law enforcement personnel to deal with this on a case-by-case basis.

Mr. Jensen requested that the Department provide quarterly data reports to Board. Mr. Marone stated that that should not be a problem. He added that it may not be in the same format that Mr. Jensen suggested, but that the information could be provided.

Mr. Jensen asked if the Department had developed a training model for incoming trainees. Mr. Marone explained that the training manuals for the sections were regularly compared against those for other laboratories, and were updated to meet or exceed the requirements of other agencies. Mr. Jensen suggested that perhaps an outside source should review the process. Mr. Bono explained that there was no need to outsource, and that the task could instead be delegated to the Scientific Advisory Committee. Mr. Marone concurred, pointing out that that duty was outlined in the SAC's bylaws.

Mr. Jensen made a motion that the Scientific Advisory Committee undertake a benchmarking system for the effectiveness of the recruitment, screening, and training of new scientists within an established timeframe. Mr. Bono seconded the motion. There was no discussion, and the motion was put to vote. All were in favor, and the motion passed.

Elections:

Mr. Sengel announced that his term as Chairman of the Board was ending on June 30, 2007, and that the Board needed to elect a new Chairman for the August meeting. Colonel Flaherty, on behalf of the Board, thanked Mr. Sengel for his hard work and dedication to the Forensic Science Board, as well as the Department of Forensic Science.

Mr. Benjamin nominated Mr. Randy Sengel. Mr. Sengel reported that the Board's bylaws do not permit him to serve a third consecutive term, and thus he would have to decline.

Colonel Flaherty nominated Mr. Joseph Bono for the position of Chair. The nomination was seconded. There were no further nominations, and thus Mr. Bono was elected Chairman of the Forensic Science Board, to serve from July 1, 2007 to June 30, 2008.

Mr. Sengel next announced that the Board would have to vote on the position of vice-chair, a position currently held by Colonel Flaherty. Ms. Herndon nominated Colonel Flaherty for a second term. That nomination was seconded. No other nominations were made; Colonel Flaherty was elected to serve a second term as vice-chair.

Director Marone stood and reiterated Colonel Flaherty's gratitude to Mr. Sengel for acting as Chairman of the Board for the past two years. He also thanked Mr. Bono for his work as Chairman of the Committee, and Ms. Lee for her work on both the Board and the Committee. Mr. Marone presented all three individuals with Certificates of Appreciation.

New Business:

Mr. Benjamin recalled that Mr. Marone had announced that the Department had hired a Section Supervisor for the Mitochondrial DNA Section, and asked who the individual was. Mr. Marone informed the Board that Mr. Brad Jenkins, formerly a group supervisor in the Forensic Biology Section at the Central Laboratory. Mr. Jenkins is currently in training with Ms. Lee's AFDIL laboratory.

Public Comment:

Mr. Sengel asked if any member of the public would like to address the board. No one came forward.

Adjourn:

The meeting adjourned at 12:00 p.m.

**Transcription of Audio Recording from
May 9, 2007 Forensic Science Board Meeting
Discussion of Post-Conviction Review (Mary Jane Cases) Project**

Mr. Marone: Since we were talking about that grant, let me jump to the post-conviction testing and kind of tell you where we are on that...I didn't grab it...We have about 60 or 70, 60 cases now that have been, that are at ht private vendor, BODE technologies. The first 10 were sent. 8 were sent back, two of them we pulled back because we realized they really didn't meet the criteria to be worked, so the results of the first 8 are back, and for the most part, these are the oldest cases. We started with the '73 cases and are working our way through. Ah, the results that, our staff reviewed the results, and BODE is not doing the, the review, they are just doing the work and giving us the raw data. Uh, the, ah, results of the first 8 are that they are either inconclusive, no real determinations can be made for it, from them, or there is just no real pertinent information at all. Very limited results coming back. Hopefully as we get newer and newer cases, we'll get better results. But those first 8 are back, they are working on the remainder of that first batch, and I believe the next set of samples are almost ready to go. Keep in mind the process we are going through is, once we've determined that we have a case with evidence, we make sure it's the appropriate evidence- we've got victim sample, suspect sample, case samples, and they are appropriate samples that we need to look at, go forward. We then make sure that the individual listed is the suspect, and in fact was convicted of that crime. And we're getting fairly good response back. Its taken a little bit of time, but we are getting a fairly good response. We're sending information to State Police, and they are looking through VCIN to see if they can come up with records. At the same time, we are also sending letters to, both to the commonwealth's attorneys and the clerks office, to help them actually go through the files and [inaudible]. Between them and us and everyone else, uh, we can pretty much determine the direction that we are going, and its amazing the number of folks that we found out haven't been convicted of that crime, and so that's falling off there. But we've got the next batch of 60 or so to go, ready to go. A few more, we're waiting for the results on, and then, a third batch is almost at that level to. So we're going to start beginning the process of every couple of weeks be able to send the next batch of samples up.

Mr. Jensen: A question on Bode. Do we do blind testing? Do you send stuff to other labs to see if they get the same results that you've tested, given their high turnover of people and some issues?

Mr. Marone: Jeff, would you like to address what we do to ensure that the results we are getting are...?

Mr. Ban: They are being given...blind offender samples that have previously been analyzed that they don't know the answer to. Its very hard to make blind cases up, but what we are doing is we're taking them to ensure that these are samples that they should

get results on, that are in our database, that we can go ahead and search them , and although they have not been submitted yet, they will be submitted along with cases.

Mr. Jensen: So is this like a regular program of any lab we use, I mean there's been such issues with some of the DNA vendors...?

Mr. Ban: We have always, any of the grants we've been involved in, that's always been a requirement. There is a certain amount of quality control samples inserted into there, and we are going to take the same approach that we've done with all the other grants, or any time we've ever outsourced. We did that with all the offender samples when they all were sent to Bode years ago. And so we're going to do the same thing, yes.

Mr. Marone: Joe?

Mr. Bono: Another logistics question. When Bode does a case based on a contract with the Department, when that report goes out, is it on Bode's letterhead? Or on the Department's?

Mr. Marone: Department letterhead. As I said, all Bode is doing is giving us all the raw data. We're doing the review, the analysis, and the reporting.

Mr. Bono: If testimony is required, who testifies?

Mr. Marone: The person who signed the report.

Mr. Bono: Not the person who did the analysis?

Mr. Marone: No.

Mr. Bono: Is Bode ISO [inaudible] accredited?

Mr. Marone: Yes they are.

Mr. Bono: That's interesting. I didn't realize that. So the person who interprets the data, not the person who runs the analysis actually testifies.

Mr. Marone: Right. It would be the same as if you had a technician working in the laboratory who does the work, and the examiner then reviews the results, and signs it out.

Mr. Bono: Except the difference is, that second scenario, that work is being done in house.

Mr. Marone: in house, correct

Mr. Bono: And the scenario, not the scenario, the case we're dealing with, the work is being done in another laboratory.

Mr. Jensen: Why are we outsourcing this? We don't have the technology or training?

Mr. Marone: Well, the determination at the time was made by the governor who didn't want to impact the cases that we were working, the ongoing cases that we're working, the day-to-day cases that we're working. The additional load would require us to pull people off casework to do that, and he didn't want to do that. Steve, you had a question?

Mr. Benjamin: Thank you, what on these eight that were returned, when you say, you've got nothing helpful from them...I'm not sure what you mean. Were there profiles?

Mr. Marone: I'll let Jeff pick it up.

Mr. Ban: One of the 8 cases that couldn't be determined was that the victim's blood was on the victim's clothing, which ultimately wasn't probative in the case, not to demonstrate that the individual who was originally convicted of the crime, committed the murder [inaudible]. The other ones, for the most part, there is just not sufficient information. They're...poor quality-

Mr. Benjamin: Can you get...do you get profiles?

Mr. Ban: They're able to get some types off of them. One that I refer to, that we found blood, or they tested it and found it was the victim's blood, their DNA on their own clothes. That was actually a very good profile. There is 16 areas that they are testing, and they were able to get results off, for the most part, all of those. Most of these that came back, they're getting results at probably about half of the available areas of the DNA that we test, so they are not very good samples to begin with.

Mr. Benjamin: And you say they are getting half of the areas you test for...?

Mr. Ban: The samples are very weak to begin with. All these are samples that were originally tested for serological testing years ago. So they were originally wet- they had chemicals on them, and then they were taped to the case files, and dried in the case files. So, you've already diluted out the sample that might have been there. So, because of the sensitivity of the technology, the STR technology, we are able to get results, but sometimes it's just not enough information to reach a conclusion. Now one of the problems we run into is many of these cases do not have the suspect sample, and we don't have the victim sample, so although we might get results back, we still can't make any conclusions, and what we're trying to do, is on some of these cases, not these first eight, but there were 31 cases originally sent out, I guess it was almost two years ago to Bode Technology when we started this. When we have multiple items, maybe a vaginal/cervical swab, anorectal swab, and then you have a panty swab, we are looking at enough areas that we can build what's called a non-sperm fraction, which is the portion that is donated by the victim, to figure out what the victim's type looks like. And then whatever is foreign to that is what we assume to be the donor.

Mr. Benjamin: Can we just stick with the 8 right now? I take it in the first one you had the victim's blood on the victim's clothes, so what was it that was taped inside the file?

Mr. Ban: It was primarily--

Mr. Benjamin: --Swabs, fabric?

Mr. Ban: I think it was, if I remember right, it was some pieces of string, that were used to tie the victim, I think it was a sack, that I think the victim's body was wrapped up in, and what we were hoping to find there was--

Mr. Benjamin: --Various evidentiary items were taped inside of the file by DFS?

Mr. Ban: Yes.

Mr. Benjamin: And each of those evidentiary items was submitted to Bode?

Mr. Ban: What they are being submitted is, there on the work forms that the analyst, the serologist, when they taped that evidence into the file, they are getting that--we are photographing that evidence so that we have a record of that, and then they are getting that entire sheet. So what they are doing is they are removing the tape from the cuttings, so just the cuttings in those cases, and they go forward and do the DNA analysis on those cuttings.

Mr. Benjamin: So in this particular case, each of those evidentiary pieces that Bode received, all they were able to detect was the victim's profile?

Mr. Ban: In that particular one, yes. The victim's profile—

Mr. Benjamin: On that particular case.

Mr. Ban: The other one, you might have, just a few areas where—

Mr. Benjamin: --Wait a minute, what areas?

Mr. Ban: We are looking, when we do the DNA testing right now, we are testing basically 16 different areas

Mr. Benjamin: Loci?

Mr. Marone: Loci. Use the technical terminology.

Mr. Ban: OK, the 16 loci is what we are primarily looking—

Mr. Benjamin: --So, you'd love to find, with each evidentiary item, 16 loci.

Mr. Ban: Right. Many times when they are coming back, there's only results at 4 or 5 of the loci.

Mr. Benjamin: And on the other loci?

Mr. Ban: On the other loci, we aren't getting anything at all. We're not able to come up with anything. One of the problem's we're—

Mr. Benjamin: --wait, you have...lets stick to that. You have situations where you are only getting a handful of loci, are you comparing, is anyone making an effort to compare those loci with the suspect's loci?

Mr. Ban: Many times what happens is the suspect profile, we don't have the suspect's sample.

Mr. Benjamin: Ok.

Mr. Ban: So we are hoping--

Mr. Benjamin: --Do we know in these cases if anyone has been convicted?

Mr. Ban: Yes.

Mr. Marone: Yes.

Mr. Benjamin: Well we have some loci, in these remaining sets of cases, to the extent that...well, are you then going to the convicted person, if you can then determine that they are still incarcerated, do you have any place to go to these people incarcerated to get the sample to see if they match the evidentiary sample at at least those five loci.

Mr. Ban: What we are trying to do, is if they were convicted, then hopefully their profiles are in the convicted offender database. And what we are doing, is in a situation where there are four loci, there is not a lot you can do with that. But if you come up with something like 10 loci, we can then take that profile and search it.

Mr. Benjamin: But many cases you don't have 10 loci, you only have four.

Mr. Ban: In this particular situation, that's right...

Mr. Benjamin: So if you only have four, and I understand if you ran these four loci, you'd get a bunch of matches, but in that case, you know who was convicted, and you plug in the name of the convicted person, and get their profile back, you can can't you?

Mr. Marone: Yeah.

Mr. Benjamin: And so, are we doing that?

Mr. Ban: Well, what we're doing is we can determine whether the person, we can determine whether we have an individual's sample in the database. Now as far as going and physically pulling out the individual's profile, my understanding is the way that the [Virginia] Code is written, we can't actually pull out the actual individual's profile and do a direct comparison using the profile from the data bank.

Mr. Marone: Why not?

Mr. Jensen: Yes, that's something that was presented yesterday.

Mr. Marone: No, I thought we were using it.

Mr. Ban: No, what we're doing is we determine whether the person is in the database, and then if they're in the database and we do a search, and we don't hit against that individual, then we can assume that that individual is not...the perpetrator, if they are not in the database, and we do a search, then we don't have any more information.

Mr. Marone: What's precluding us from taking Jeff Ban's profile out of, and looking. Because I know where Steve's going. Steve's going and saying, you've only got four, but if three of those four are different than Jeff Ban, then you need to look further, alright? That's the point he's making.

Mr. Ban: Maybe its my understanding of the way that the Code is written, but I am under the impression that we cannot use the database, I mean, we get law enforcement agencies to call us all the time and want us to use the profile in the database, but they, instead of going and getting the sample, they want us to use that as the known sample. And we've been recommending for years—

Mr. Marone: —That's a different issue—

Mr. Ban: —that we can't use the database in that fashion.

Mr. Sengel: I think—

Mr. Marone: If we had an instance, if we had an....

Mr. Sengel: I was just going to say, I think you may be mixing apples and oranges there. I think the restriction you are referring to had to do with use of the database samples taken from a convicted felon for comparison purpose to prove a subsequent case in court, is clearly not the practice that the Department practices or the prosecutors use. But, it would seem to me, just kind of intuitive here, that for purposes of this type of analysis and review, that it would be appropriate to do the kind of comparison that Steve's talking about here where you take whatever you got back and if you do have a profile from whatever source to just say look, lets just make sure here that this is either consistent or not. Its not, then that triggers further inquiry.

Mr. Ban: If this Board—

Mr. Marone: —Yeah, I don't see an issue with it either. I truly thought that we were doing that, and even at the worst, if you find out that you needed something, at that point that would trigger going and getting a new sample from the individual, just to make sure that you had the right person. But I truly thought that we were using that as, if we didn't have the suspect and we had that sample, we were looking at that profile.

Mr. Ban: What we're determining [inaudible]—

Mr. Marone: Then we need to make that happen.

Mr. Ban: And then we go forward—

Mr. Marone: Ok, then we need to make that happen.

Mr. Benjamin: Pete, can you follow up on this?

Mr. Marone: In fact, what I will do is, I'm not going to wait until whenever, next Board meeting, I'll just email the Board and let them know where we are going.

Mr. Benjamin: Yeah, terrific. Thank you.

Mr. Bono: Ok, great.

Mr. Marone: Ok, backlog status...

[transcription ends]

Transcribed by:
Meghan Kish
Board Secretary