

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

Draft- Minutes
Forensic Science Board Meeting
January 6, 2014
Department of Forensic Science, Central Laboratory, Classroom 1

22
23
24
25

Board Members Present

26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

John Colligan (Designee for Garth Wheeler, Department of Criminal Justice Services)
Jo Ann Given, Forensic Science Board Chair
Dr. William Gormley
Katya Herndon (Designee for Karl Hade, Executive Secretary, Supreme Court of Virginia)
Kristen Howard (Designee of Senator Thomas K. Norment, Jr., Chair, Virginia State Crime Commission)
Caroline D. Juran
Alan Katz (Designee of Attorney General Kenneth Cuccinelli)
Sheriff A.A. Lipa, Jr.
David A. C. Long
Delegate Richard Morris (Designee of Del. David Albo, Chair, House Courts Committee)
Lt. Col. Robert Northern (Designee of Colonel W. Steven Flaherty, Virginia State Police)
Claiborne Stokes

46

Board Members Absent

Senator Ryan McDougle (Designee of Sen. Thomas Norment, Chair, Senate Courts Committee)
Jami St. Clair

Legal Counsel for the Forensic Science Board

Joshua Lief

Staff Members Present

Wanda Adkins, Office Manager
Jeff Ban, Central Laboratory Director
Dave Barron, Deputy Director
Sabrina Cillessen, Physical Evidence Program Manager
Leslie Ellis, Human Resources Manager
John Griffin, Northern Laboratory Director
Linda Jackson, Department Director
Gail Jaspens, Chief Deputy Director
Brad Jenkins, Forensic Biology Program Manager
Melissa Kennedy, Calibration and Training Program Manager
Alka Lohmann, Director of Technical Services
Stephanie Merritt, Department Counsel
Lisa Schiermeier-Wood, Section Supervisor, Forensic Biology
Carisa Studer, Legal Assistant

Call to Order by Board Chair Jo Ann Given

47 Ms. Given called the meeting of the Forensic Science Board (“Board”) to order at 9:04 a.m. Ms.
48 Given welcomed the Board and introductions were made of Board members and Department of
49 Forensic Science (“DFS or the Department”) staff.
50

51 **Adoption of Agenda**

52
53 Ms. Given asked if there were any additions or changes to the draft agenda for the meeting.
54 Being none, Ms. Herndon moved to adopt the agenda, which was seconded by Mr. Long and
55 adopted by unanimous vote of the Board.
56

57 **Approval of Draft Minutes of the October 16, 2013 Meeting**

58
59 Ms. Given asked if there were any changes or corrections to the draft minutes from the October
60 16, 2013 meeting. Ms. Herndon asked that Mr. Karl Hade be added to the list of members
61 present at the October 16, 2013 meeting. Ms. Howard asked that in line 12 the Chair of the
62 Virginia State Crime Commission be changed to Senator Thomas K. Norment, Jr. Ms. Herndon
63 moved to adopt the minutes of the August 7, 2013 meeting with the suggested changes, which
64 was seconded by Ms. Howard and adopted by unanimous vote of the Board.
65

66 **Chair’s Report**

67
68 Ms. Given welcomed the Board, and thanked the members for their attendance. Ms. Given had
69 no Chair’s Report to present to the Board.
70

71 **DFS Director’s Report**

72
73 Facilities: Director Jackson gave a brief update of the laboratory space renovations in each of the
74 Department’s regional laboratories. The Western Laboratory construction plans to begin the
75 expansion should begin in the spring. The demolition of the old school house building is
76 scheduled for March 2014. Construction should take 24 months to complete. The Eastern
77 Laboratory expansion and renovation project is complete. The Controlled Substances section
78 has finished its move and the Toxicology section will complete its move by the end of January
79 2014. The Central Laboratory’s formal needs assessment and feasibility study has been
80 completed for the Central Laboratory renovation and the Department of Planning and Budget
81 (DPB) is still reviewing the study. The Biotech 8 lease expires in 2016 and it is not expected to
82 be renewed.
83

84 Budget Outlook: Director Jackson provided an overview of the Department’s budget. She
85 indicated the general fund, federal fund, and total fund amounts in this year’s budget. Director
86 Jackson reported that in the Governor’s FY15-FY16 budget there is funding for four Forensic
87 Scientist positions. The positions are for two for Controlled Substances, one for Toxicology and
88 one for Forensic Biology. There was a one time savings plan in FY14 for use of the state auction
89 service for old equipment no longer used by the Department, the savings was transferred to the
90 general fund.
91

92 Grants: Director Jackson gave an overview of the current DNA grants. There are new rules for
93 Federal grants that will require a time limit for the spending of grant funds. The Department has
94 developed a new strategy on how to use the grant funds. Director Jackson reminded the Board
95 that the Paul Coverdell grant has decreased for the past few years, and the expectation is for the
96 grant to continue to decrease in the next budget. Director Jackson gave a brief description of the
97 Byrne JAG grant and the Highway Safety grant.

98
99 The Office of the Attorney General *Abbott* Settlement Forfeiture fund application is still pending.
100 Director Jackson anticipates receiving information on receiving some time in January 2014. She
101 explained to the Board that the Department would like to put in a second request for *Abbott*
102 Settlement Forfeiture funds. The funds would be used for extended service contracts for
103 instruments in the Chemistry disciplines, equipment for Digital Multi-Media, and Latent Prints.
104 Ms. Herndon moved that the Board approve the additional request for *Abbott* Settlement
105 Forfeiture funds and to accept the funds if granted, which was seconded by Delegate Morris and
106 adopted by unanimous vote of the Board.

107
108 Workload/Backlog: Regarding the 30-60-90-120 day workload summary report, Director
109 Jackson summarized average days in the lab system for cases in several different sections for the
110 end of the 2013 calendar year. Director Jackson brought the Board's attention to the Latent
111 Prints section's statistics. There was a higher turnaround time due to the transition from paper to
112 digital examinations using the new Mideo software. Analyses were being done by both methods
113 until September 2013.

114
115 Ms. Howard asked if the workload summary report could show the past three quarters, not just
116 the current statistics. Director Jackson agreed.

117
118 Director Jackson updated the Board on the Controlled Substances Section. There was a decrease
119 in submissions of Synthetic Cannabinoids to the Department during the last quarter of 2013.
120 There was also a decrease in submissions of research chemicals to the laboratory, but a rise in
121 "Molly." The largest increase was in Clandestine Lab submissions. The Western Laboratory
122 received the majority of those submissions.

123
124 Director Jackson also noted that the trend of increased testimonies continued in 2013 as it has
125 every year since the *Melendez-Diaz* decision.

126
127 Strategic Priorities: Director Jackson reviewed the five goals from 2013. The first and second
128 goals were to decrease the turnaround times for Controlled Substances and Toxicology cases.
129 These two goals will continue into 2014. The third goal of implementing on-screen comparisons
130 in Latent Prints was accomplished. The fourth goal to increase customer outreach was
131 completed, but will also be another goal for 2014. The fifth goal of increasing continuing
132 educations opportunities for scientific staff was also completed and will be continuing as a goal
133 for 2014.

134
135 A new goal for 2014 will be to implement the use of Multiplex kits for the DNA Databank.
136 Benefits are additional loci will increase the discrimination ability of DNA Data Bank searches
137 and that the Virginia Data Bank and CODIS will be compatible with international databases.

138
139 The second goal will be to continue to increase customer outreach utilizing the Department's
140 new website. DFS will work toward increasing the availability of information regarding
141 laboratory capabilities and law enforcement entering submissions. Also, adding the availability
142 of records relating to breath alcohol instrument certifications. The new Laboratory Information
143 Management System (LIMS) is scheduled for internal use starting March 2014. DFS will look to
144 use the LIMS for external functions such as submitting Request for Laboratory Examinations
145 (RFLEs) remotely.

146
147 **Old Business**

148 Post-Conviction DNA Testing Program and Notification Project: Kristen Howard, Chair of the
149 Notification Subcommittee, met with the Indigent Defense program and the group offered to
150 assist the Board using their Fellow Program. They will use their legal resources to assist in
151 researching information for notifications to help close out the notification phase of the project.

152
153 Gail Jaspen, Chief Deputy Director, continued with a brief updated on the Program. She
154 commented on the working with Ms. Howard, the VSCC, and Indigent Defense program to
155 complete the last stage of research for notifications. Ms. Jaspen provided a scope of the testing
156 program to the Board. She noted the 142 convicted suspects for whom known samples are
157 needed. This is the group that will be getting an additional letter indicating more testing could be
158 done is a known sample was submitted to the Department, and pro-bono attorney information is
159 provided for legal advice.

160
161 Status of Proposed Regulatory Amendments: Stephanie Merritt, Department Counsel, updated
162 the Board on the Department's periodic review of four regulations. She reminded that Board
163 that the Governor's reform initiative began in 2012. The Department had three regulations apart
164 of the initiative, and all have been fast-track changes. The field tests for drugs regulation
165 changed verbiage and clarified procedures. The regulation went into effect on January 3, 2014.
166 The Breath Alcohol regulations, which deleted a form, will be published January 17, 2014. The
167 marijuana field test will be published January 13, 2014 and effective on February 27, 2014.

168
169 **New Business**

170 Alka Lohmann, Director of Technical Services, updated the Board on the upcoming
171 ASCLD/LAB International Accreditation. The Department's current accreditation expires on
172 September 11, 2013. DFS submitted its application on October 4, 2013, and ASCLD/LAB
173 acknowledged receipt. Two lead assessors have been assigned for the Department's four
174 laboratories and calibration laboratory. A total of 26 or 27 assessors will be scheduled for site
175 visits starting May 12, 2014.

176
177 Ms. Lohmann gave a presentation to the Board on Uncertainty of Measurement (U of M). U of
178 M went live on December 31, 2013. The definition of uncertainty is level confidence. It allows
179 users to the measurement result to assess reliability and confidence. Ms. Lohmann gave
180 examples of U of M and presented how it would appear on Certificates of Analysis.

181

182 The Board discussed how the new U of M may possibly affect court cases. Ms. Lohmann
183 explained that the Breath Alcohol instrument certificates have been reporting U of M since 2008.
184 Reporting U of M is also a requirement for accreditation.

185
186 2014 General Assembly Preview: Ms. Jaspen presented the Agency bills to the Board which
187 have were granted by the outgoing administration. The first is to facilitate the Department's
188 conversion to electronic records. The bill addresses the ability to electronically scan the
189 certificates affixed to blood vials. It would also allow certificates of analysis to be electronically
190 signed. The second bill would provide protection of DFS employees when exposed to possible
191 blood borne pathogens. It adds the Department as a public safety agency to this code. The third
192 bill is an amendment to the Scientific Advisory Committee (SAC) statute. It updates the
193 membership composition for two seats on the SAC.

194
195 There is a Public Safety workgroup bill for synthetic drugs. It includes the Secretary of Public
196 Safety, DFS, the Board of Pharmacy, the Office of the Attorney General, the Commonwealth's
197 Attorneys, and the Virginia State Crime Commission. The bill would repeal the synthetic
198 cannabinoid statute enacted in 2001 and move prohibited cannabimimetic agents to Schedule 1
199 of the Drug Control Act.

200
201 Ms. Jaspen concluded by announcing her retirement to the Board. Ms. Given thanked Ms.
202 Jaspen for her service to the Board and the Commonwealth.

203 204 **Public Comment**

205
206 None

207 208 **Next Meeting**

209
210 The Forensic Science Board will meet next on Wednesday, April 30, 2014 at 9 a.m. The Board
211 will meet on Wednesday, August 13, 2014 and October 15, 2014 at 9 .am.

212 213 **Adjournment**

214 Mr. Long moved that the meeting of the Board be adjourned, which was seconded by
215 Ms. Juran and passed by unanimous vote.

216
217 The meeting adjourned at 10:40 a.m.