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Draft - Minutes
Scientific Advisory Committee Meeting
April 29, 2014
Department of Forensic Science, Central Laboratory, Classroom 1

Committee Members Present

Jose R. Almirall, Ph.D.
Randall E. Beaty
Robin W. Cotton, Ph.D.
Leslie E. Edinboro, Ph.D.
Jo Ann Given
Linda C. Jackson
Alphonse Poklis, Ph.D.
Richard P. Meyers
Travis Y. Spinder
Jami J. St. Clair, Chair
Kenneth B. Zercie

Committee Members Absent

John V. Planz, Ph.D.
Carl A. Sobieralski, Ph.D.

Staff Members Present

Wanda W. Adkins, Office Manager
D. Jeffrey Ban, Central Laboratory Director
David A. Barron, Ph.D., Deputy Director
Jennie P. Duffy, Breath Alcohol Section Supervisor
Teresa Gray, Toxicology Section Supervisor
Bradford C. Jenkins, Biology Program Manager
Alka B. Lohmann, Technical Services Director
M. Scott Maye, Chemistry Program Manager
Stephanie E. Merritt, Department Counsel
Susan Stanitski, Eastern Laboratory Director
Carisa M. Studer, Legal Assistant

Call to Order

Chairman St. Clair called the meeting of the Scientific Advisory Committee (“Committee”) to order at 9:00 a.m.

Adoption of Agenda

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

50 **Adoption of Minutes**

51
52 Chairman St. Clair asked if there were any changes or corrections to the draft minutes from the
53 October 15, 2013 meeting. Chairman St. Clair asked that on line 10 that the suffix Ph.D. be
54 added to Leslie Edinboro. Mr. Zercie moved to adopt the minutes of the October 15, 2013
55 meeting with the change Chairman St. Clair requested, which was seconded by Dr. Almirall and
56 adopted by unanimous vote of the Committee.
57

58 **Chair's Report**

59
60 Chairman St. Clair did not have a report for the Board for this meeting.
61

62 **DFS Director's Report**

63
64 Facilities: Director Jackson gave a brief update of the laboratory space renovations in each of the
65 Department's regional laboratories. Demolition of the old school house building at the Western
66 Laboratory is complete. Construction is scheduled to begin June 2014 with an anticipated
67 completion date of December 2015. Renovations of the current Western Laboratory building
68 will begin after the new construction is complete in January 2015 with an estimated completion
69 date of August 2016. Ms. Jackson shared a story of a time capsule that the construction crew
70 found in the old schoolhouse that was published a local Roanoke newspaper. The time capsule
71 was water damaged, but a Bible and three 1939 nickels were salvaged.
72

73 Budget Outlook: Director Jackson provided an overview of the Department's budget. She
74 indicated the general fund, federal fund, and total fund amounts in this year's introduced budget.
75 Director Jackson reported that, in the Governor's FY15-FY16 budget, there is funding for four
76 Forensic Scientist positions; two for the Controlled Substances Section, one for the Toxicology
77 Section and one for the Forensic Biology Section. Additionally, in FY14, there was a one time
78 savings transferred to the general fund relating to the proceeds from an equipment auction. An
79 amendment was put into the proposed Budget for three additional Forensic Biology positions
80 that would work on Physical Evidence Recovery Kits (PERKs) submitted to the Department.
81 DFS is waiting on the Budget process to be completed before hiring for those positions.
82

83 Grants: Director Jackson gave an overview of all current grants including the DNA grant.
84 Director Jackson reminded the Committee that the Paul Coverdell grant has decreased for the
85 past few years, and the expectation is for the grant to continue to decrease in the next budget.
86 Director Jackson gave a brief description of the Byrne JAG grant and the Highway Safety grant.
87

88 Director Jackson reported that the Office of the Attorney General's *Abbott* settlement forfeiture
89 fund memorandum of understanding was signed on April 22, 2014. The Department must
90 expend the funds within 24 months from the date of transfer.
91

92 Director Jackson presented two pending grants that the Board will need to approve at their next
93 meeting. The first is the FY 2014 Paul Coverdell National Forensic Science Improvement Grant,
94 which would be shared with the OCME. The Department would use the funding for continuing
95 education opportunities. The second is the DMV Highway Safety Grant, which would be used
96 for Breath Alcohol Section operator licensure needs. In addition, this grant application has
97 added that a portion of the funding be used to create and maintain an online database of Breath
98 Alcohol records.

99
100 Workload/Backlog: Regarding the 30-60-90-120 day workload summary report, Director
101 Jackson summarized average days in the lab system for cases of each Section for month of
102 March 2014. She also presented the Department's statistics in quarterly format. Graphs of
103 each section demonstrated cases received, completed and case load.

104
105 In addition to the positive information about workload management and turnaround times noted
106 in these graphs, Director Jackson specifically addressed the Controlled Substances Section's
107 statistics. The Department continues to receive more cases than are completed each month. The
108 Section has had a 10 percent increase in cases received per year. Examiners are spending more
109 time in Court, which keeps them from doing casework in the laboratory. The drugs being
110 received are also more complex and require additional time to examine. Currently, there are five
111 positions in recruit and training. Once the Section is fully staffed and new instrumentation is
112 implemented, the turnaround time should decrease.

113
114 Director Jackson also explained the Department of Planning and Budget's (DPB) goals for the
115 Forensic Biology Section. DPB will report a goal of a 65 day average turnaround time for
116 Forensic Biology examinations. The previous goal set by DPB was 75 days. This has not been a
117 DFS goal, but the Department is close to meeting the DPB goal.

118
119 For the Latent Prints Section, there was an anticipated increase in the Section's turnaround times
120 during the implementation of the new Mideo software for on-screen comparison, which has
121 improved.

122
123 Director Jackson noted that the Questioned Document Section backlog numbers have improved.
124 All Questioned Document examiners are now located in the same laboratory, which has helped
125 in the time it takes to complete examinations.

126
127 Director Jackson informed the SAC that the Toxicology Section is continuing to train new staff.
128 The backlog of cases in the Toxicology Section has improved and the Section is completing as
129 many cases as have been submitted. The Trace Evidence Section and Firearms Section have been
130 completed more cases than received per quarter.

131
132 Dr. Almirall inquired about how new synthetic drugs have impacted the Department's
133 turnaround times. Also, he inquired about the types and quantity of these substances received by
134 the Department. Director Jackson answered that there has been an increase of submissions of
135 synthetic drugs, which are complex chemical compounds and require additional examination
136 time. She would have to get the answer from DFS staff to give any statistics about the types of
137 drugs and number of submissions.

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Strategic Priorities: Director Jackson reviewed the five strategic goals from 2013: improving case turnaround times for Controlled Substances and Toxicology, implementing on-screen comparisons in Latent Prints, increasing customer outreach, and increasing continuing education opportunities for scientific staff.

Director Jackson reviewed the two new goals for 2014. First, the implementation of the use of Multiplex kits for the DNA Data Bank, which will improve the search capabilities and compatibility with international databases. Secondly, customer outreach will be enhanced by utilizing the Department's new website to make available additional information regarding laboratory capabilities, evidence submission information and records relating to the Breath Alcohol Section's instrument certifications. The implementation of the new Laboratory Information Management System (LIMS) will be carried over into 2014 with the goal of a web-based LIMS, which will increase customer accessibility. The new LIMS will facilitate the Department's efforts to convert to paperless records management.

Post-Conviction DNA Testing Program and Notification Project: Director Jackson reported to the SAC that all eligible cases in the Post-Conviction DNA Testing Program have been tested and the related Certificates of Analysis have been released. She provided the SAC with a summary of the cases.

Director Jackson announced that Gail Jaspen, former Chief Deputy Director, retired in January 2014. Governor McAuliffe appointed Katy Herndon the new DFS Chief Deputy Director. Ms. Herndon will begin with DFS on May 10, 2014.

Old Business

Kenneth Zercie reported to the SAC that the Latent Prints Subcommittee completed its review of the Latent Prints Section manual. The Subcommittee made all comments to Physical Evidence Program Manager Sabrina Cillessen.

Mr. Zercie moved to recommend approval of the Latent Prints Section's manual for use by the Department, which was seconded by Ms. Given and passed by unanimous vote of the Committee.

Dr. Jose Almirall reported to the SAC that the Trace Evidence Subcommittee completed its review of the Trace Evidence Manual. Dr. Almirall submitted questions and comments to Scott Maye, Chemistry Program Manager, which have been addressed. Dr. Almirall recommended that DFS should continue to pursue methods for elemental analysis for glass examinations.

Dr. Almirall moved to recommend approval of the Trace Evidence Section's manual for use by the Department, which was seconded by Ms. Given and passed by unanimous vote of the Committee.

New Business

184 Alka Lohmann, Director of Technical Services, updated the SAC on the upcoming ASCLD/LAB
185 *International* Accreditation. The Department's current accreditation expires on September 11,
186 2013. DFS submitted its application on October 4, 2013, and ASCLD/LAB acknowledged
187 receipt. Two lead assessors have been assigned for the Department's four laboratories and
188 calibration laboratory. A total 27 assessors will be scheduled for site visits starting May 12,
189 2014. The assessment will begin in the Central Laboratory on Monday and Tuesday. On that
190 Wednesday the assessors will head out to visit the Regional Laboratories. The technical
191 assessors will be finished by Friday and the lead assessor will return to the Central laboratory to
192 conclude the assessment over the weekend.

193
194 Ms. Lohmann gave a presentation to the SAC on Uncertainty of Measurement (UoM). This
195 presentation is available on the Department's website. The Breath Alcohol Section of the
196 Department has been reporting a UoM since 2008. Breath Alcohol examiners have testified in
197 Court on UoM. The Department fully implemented UoM reporting on January 1, 2014. DFS
198 has offered UoM education opportunities to its customers. Ms. Lohmann gave examples of the
199 Certificates for each discipline that now reports a UoM. The SAC and Ms. Lohmann discussed
200 how the Department's approach and methodology for UoM calculation and reporting.

201
202 Dr. Teresa Gray, Central Toxicology Section Supervisor, gave a presentation of an overview of
203 the Toxicology Section manual. The Toxicology Section provides testing in death
204 investigations, implied consent and non-implied consent DUI cases and, more rarely, alcoholic
205 beverage testing. Ms. Gray provided a summary of the Toxicology procedures manual, which
206 consists of 32 sections. She concluded her presentation with an overview of the Toxicology
207 Section training manual and training program goals.

208
209 The SAC Toxicology Subcommittee will begin its review of the Toxicology Section manual. Dr.
210 Poklis will chair the Subcommittee. Dr. Edinboro, Mr. Beatty, Mr. Meyers and Ms. Given will
211 also serve as members of the Toxicology Subcommittee.

212
213 Brad Jenkins, Biology Program Manager, provided the SAC with an overview of the DNA Data
214 Bank goal relating to the use of Multiplex kits. The Department is currently examining 16 areas
215 of DNA. As the DNA Data Bank grows, additional areas of DNA will need to be tested. DFS is
216 preparing for new guidelines that will include examining more than 16 areas of DNA by
217 purchasing new instrumentation. The Department has chosen the PowerPlex Fusion kit that will
218 examine additional area of DNA from 16 to 24. It will increase discrimination ability of DNA
219 Data Bank searches, will be more compatible with data bases outside the United States, and
220 testing will be completed quicker. DFS will first validate the kit to be used for the Data Bank
221 and then there will be a validation for the new 3500 instrumentation. Mr. Jenkins will provide
222 and update to the SAC at the October 2014 meeting. He will also provide validation
223 documentation to the DNA subcommittee. SAC members of the subcommittee are Dr. Cotton,
224 Dr. Planz, and Dr. Sobieralski.

225
226 Stephanie Merritt, Department Counsel, provided the Board with an overview of DFS agency
227 bills and other bills of interest to the Department from the 2014 General Assembly Session. HB
228 518, patroned by Delegate Morris, allows for the admissibility of electronic signatures on
229 Certificates of Analysis. This bill will help move the Department toward its goal of becoming

230 paperless. Currently, Certificates of Analysis must be hand-signed. The bill also includes
231 language to allow the Certificates of Blood Withdrawal to be scanned and electronically
232 submitted with the Certificates of Analysis.

233
234 HB 395, patroned by Delegate O’Bannon, adds the Department to the definition of “public safety
235 agency” in Code § 32.1-45.2, which allows the Department to obtain a court order for source
236 HIV/Hepatitis testing when an employee has had an exposure incident in the workplace.

237
238 SB 342, patroned by Senator McDougle, and HB 517, patroned by Delegate Morris, update the
239 language addressing the Scientific Advisory Committee’s membership. The bills require that the
240 SAC members representing the International Association for Identification (IAI) and the
241 Association of Firearms and Toolmark Examiners (AFTE) be members of their respective
242 organizations’ Boards at the time of initial appointment to the SAC, clarifying that IAI and
243 AFTE members are still eligible to be SAC members when their IAI and AFTE Board terms
244 expire during their membership on the SAC.

245
246 Although not DFS agency legislation, Ms. Merritt also informed the Board of HB1112 and
247 SB594, companion omnibus bills relating to synthetic drugs originally drafted by a Public Safety
248 Working Group that included the Secretary of Public Safety, DFS, the Board of Pharmacy, the
249 Office of the Attorney General, a Commonwealth’s Attorney, and the Virginia State Crime
250 Commission. The bills, among other things, repeal the synthetic cannabinoid statute enacted in
251 2011 and move prohibited cannabimimetic agents to Schedule I of the Drug Control Act.

252
253 Also, SB 658 will require law enforcement agencies to conduct an inventory of untested Physical
254 Evidence Recovery Kits (PERKs) in their custody and report information on the inventory to
255 DFS. DFS will establish the form of the inventory as well as the timeline for agencies to
256 comply. DFS will report the inventory to the General Assembly on or before July 1, 2015. Ms.
257 Merritt explained that DFS does not have any way to estimate how many untested PERKs law
258 enforcement may report. She expects the inventory process will require law enforcement
259 agencies to provide a reason why any untested PERKs may not have been submitted to the
260 Department for testing. This bill does not become effective unless an appropriation effectuating
261 its purposes is included in the budget.

262
263 **Annual Election of SAC Chair and Vice Chair**
264 Chairman St. Clair explained to the Committee that she was no longer eligible to serve as Chair
265 because she has served two terms. Ms. Given is eligible to serve as Vice-Chair for one more
266 term. Chairman St. Clair asked if there were any nominations for Committee Chair. Dr. Poklis
267 nominated Mr. Meyers for election as Chair; the nomination was seconded by Ms. Given and
268 passed by unanimous vote of the Committee. Chairman St. Clair asked for nominations for
269 Vice-Chair. Dr. Almirall nominated Ms. Given for re-election as Vice-Chair; the nomination
270 was seconded Dr. Poklis and passed by unanimous vote of the Committee.

271
272 **Public Comment**
273
274 None

275

276 **Next Meeting**

277

278 The next scheduled meeting of the Scientific Advisory Committee will be Tuesday, October 14,
279 2014.

280

281 **Adjournment**

282

283 Chairman St. Clair asked if there was a motion to adjourn. Dr. Poklis moved that the meeting of
284 the SAC be adjourned, which was seconded by Dr. Almirall and passed by unanimous vote.

285

286 The meeting adjourned at 11:35 a.m.