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**Final - Minutes**  
**Forensic Science Board Meeting**  
**January 3, 2013**  
**Department of Forensic Science, Central Laboratory, Classroom 1**

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**Board Members Present**

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Caroline D. Juran, Forensic Science Board Chair  
Steven D. Benjamin  
Leah Bush, M.D.  
John Colligan (Designee of Garth Wheeler, Director, Department of Criminal Justice Services)  
Jo Ann Given  
Karl R. Hade  
Kristen Howard (Designee of Del. Robert Bell, Chair, Virginia State Crime Commission)  
Alan Katz (Designee of Attorney General Kenneth Cuccinelli)  
Sheriff A.A. Lippa, Jr.  
Lt. Col. Robert Northern (Designee of Colonel W. Steven Flaherty, Virginia State Police)  
Jami St. Clair

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**Board Members Absent**

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Senator Ryan McDougle (Designee of Sen. Thomas Norment, Chair, Senate Courts Committee)  
Delegate Richard Morris (Designee of Del. David Albo, Chair, House Courts Committee)  
Raymond F. Morrogh

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**Legal Counsel for the Forensic Science Board**

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Joshua Lief, Senior Assistant Attorney General

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**Staff Members Present**

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Wanda Adkins, Office Manager  
Jeff Ban, Central Laboratory Director  
Dave Barron, Director of Technical Services  
Donna Carter, Finance Manager  
Sabrina Cillessen, Physical Evidence Program Manager  
Leslie Ellis, Human Resources Director  
John Griffin, Northern Laboratory Director  
Linda Jackson, Chemistry Program Manager  
Gail Jaspén, Chief Deputy Director  
Brad Jenkins, Forensic Biology Program Manager  
Melissa Kennedy, Breath Alcohol Supervisor  
Pete Marone, Department Director  
Stephanie Merritt, Department Counsel  
Lisa Schiermeier-Wood, Section Supervisor, Forensic Biology  
Steve Sigel, Deputy Director

47 Susan Stanitski, Eastern Laboratory Director  
48 Carisa Studer, Legal Assistant

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50 **Call to Order by Board Chair Caroline Juran**

51

52 Ms. Juran called the meeting of the Forensic Science Board (“Board”) to order at 9:05 a.m.

53

54 **Adoption of Agenda**

55

56 Ms. Juran asked if there were any additions or changes to the draft agenda for the meeting. Being  
57 none, Mr. Benjamin moved to adopt the agenda, which was seconded by Ms. St. Clair and  
58 adopted by unanimous vote of the Board.

59

60 **Approval of Draft Minutes of October 10, 2012 Meeting**

61

62 Ms. Juran asked if there were any changes or corrections to the draft minutes from the October  
63 10, 2012 meeting. Ms. Juran suggested changes to lines 226 – 228. Ms. Given moved to adopt  
64 the minutes of the October 10, 2012 meeting, with suggested changes by Ms. Juran, which was  
65 seconded by Ms. St. Clair and adopted by unanimous vote of the Board.

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67 **Chair’s Report**

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

71

72 **DFS Director’s Report**

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74 Facilities: Director Pete Marone briefly updated the Board on the laboratory space renovations in  
75 each of the Department’s regional laboratories. The Eastern Laboratory is in the final phase, with  
76 the fifth floor renovation moving forward. The Western Laboratory expansion is in the design  
77 and plan development stage, with funding for construction plans still in the capital budget.  
78 Expansion needs of the Central Laboratory and Office of Chief Medical Examiner are being  
79 assessed. Potential plans may provide for building expansion into the current parking lot area.

80

81 Staffing: Director Marone announced to the Board that he will be retiring at the end of February  
82 2013. When Director Marone informed the Secretary of Public Safety and the Governor’s Office  
83 of his intentions to retire, the search commenced for a new Director. The Governor selected  
84 Linda Jackson, DFS Chemistry Program Manager, to become the new Director of the  
85 Department, upon Mr. Marone’s retirement. Ms. Jackson is involved nationally with SWGDRG  
86 and the White House Subcommittee on Standards and Practices. Director Marone presented Ms.  
87 Jackson to the Board.

88

89 Ms. Jackson briefly introduced herself. She commented that she is very honored and excited to  
90 be appointed as the next Director of the DFS. Ms. Jackson will be working with Director  
91 Marone over the next two months to ensure a smooth transition. She looks forward to working

92 closely with the Board and Scientific Advisory Committee and to continue to provide service of  
93 the highest quality to the Commonwealth.

94  
95 Ms. Juran thanked Director Marone for his service to the Commonwealth and congratulated him  
96 on his retirement. Ms. Juran also congratulated Mr. David Barron for accepting the position as  
97 Deputy Director, and Ms. Jackson for accepting the appointment as Director.

98  
99 Instrumentation: The Department is moving forward with the implementation of the Triple  
100 Quads. They are up and running with two methodologies, for THC and benzodiazepines.  
101 Methods are being developed for a narcotic that DFS has not previously tested, which has been  
102 found in the Western part of the state. The Medical Examiner's Office currently is sending those  
103 samples out of state for testing. Validation of screening methodologies is continuing over the  
104 next couple of months. Completion will help with evaluation of Medical Examiner samples and  
105 DUIDs.

106  
107 Budget Outlook: Director Marone reported to the Board that the Department is not planning to  
108 seek any substantial budget changes. The Department continues to work through the process of  
109 filling positions, which tends to create a "domino effect."

110  
111 Workload/Backlog: Director Marone summarized average days in the lab system for cases in  
112 several different sections and reported on progress being made on old cases. Director Marone  
113 noted that the Controlled Substances section historically has tried to complete cases within 30  
114 days. Currently there is one case over 120 days old because it is a clandestine meth lab case.  
115 Analyses of research chemicals and synthetic cannabinoids cannot be completed as quickly as  
116 other controlled substances cases. The Department will continue to assess if more staff is needed  
117 for the Controlled Substances section. Director Marone summarized the Forensic Biology  
118 backlog and noted unidentified remains cases were not included in the numbers. The Toxicology  
119 backlog has continued to improve and the turnaround time has been reduced. All of the other  
120 section backlogs are within satisfactory limits.

121  
122 Synthetic Cannabinoids/Bath Salts/Clandestine Meth Labs: Director Marone informed the Board  
123 that the Western Laboratory saw an increase in submission of research chemicals in November  
124 2012. The Department is also on trend to continue an increase in the number of research  
125 chemicals cases from the year before. This creates a strain on staff to complete cases in a timely  
126 manner. Director Marone noted that all forensic laboratories across the country are facing the  
127 same issue, and meth labs appear to be increasing on the East Coast.

128  
129 Dr. Bush asked whether if the western region of the state was getting the majority of research  
130 chemical cases. Director Marone responded that the majority of those cases are in the western  
131 region, but a number of cases have been submitted in the other regions. The other regional labs  
132 have been taking cases from the Western Lab to assist with the case load. Ms. Howard asked if  
133 the increase in cases is due to "one pot" meth lab submissions or if there is an increase in cases  
134 involving meth labs found in homes. Director Marone answered that DFS does not maintain that  
135 data. Lt. Colonel Northern responded that the Virginia State Police is encountering the one pot  
136 scenario the most.

138 Grants: Director Marone updated the Board on all of the Department's grants. The grant for  
139 *Using DNA Technology to Identify the Missing* ends December 31, 2012 and will not be  
140 renewed. The *2008 Post-Conviction DNA Testing Assistance Program* grant also ended  
141 December 31, 2012. Director Marone gave an overview of the other grants, and noted to the  
142 Board that the grant money continues to decrease every year. Director Marone commented to  
143 the Board that if they have the occasion to talk with federal decision makers, they should please  
144 stress the importance of the Coverdell Grant program.

145  
146 Director Marone reviewed the grant application for the Byrne Funding for New Project and One-  
147 Time Equipment Purchases. The grant would be used by the Digital Multi-Media Evidence  
148 Section to replace the two video analysis systems currently in use with new technology and to  
149 provide training.

150  
151 Sheriff Lipa made a motion to approve the Department's application for the Byrne Funding for  
152 New Project and One-Time Equipment Purchases and to approve the Department's acceptance of  
153 the grant if awarded, which Ms. Howard seconded. Mr. Colligan recused himself from the vote.  
154 The motion was adopted by majority vote of the Board.

155  
156 2013 General Assembly Preview: DFS Chief Deputy Director Gail Jaspen gave an overview of  
157 relevant legislation expected to be introduced in the 2013 Session. The Department provided  
158 technical guidance to patrons and Legislative Services staff regarding these bills. There is  
159 expected to be legislation adding substances to the synthetic cannabinoids statute and Schedule I.  
160 The Department recommended compounds and classes for inclusion upon request of Legislative  
161 Services. Ms. Jaspen expects the Crime Commission and Courts Committees to support adding  
162 these new classes and compounds to the Code.

163  
164 Ms. Howard informed the Board that the Virginia State Crime Commission (VSCC) heard this  
165 issue at their December meeting. The VSCC, in fact, has endorsed bills to add the new classes  
166 and compounds to the synthetic cannabinoids statute. Also, the VSCC considered the use of a  
167 section in the Department of Health laws that might be used to remove these substances from  
168 store shelves. The law allows the Health Commissioner to declare a public health emergency  
169 relating to such substances.

170  
171 Ms. Jaspen mentioned Senate Bill 795, introduced by Senator Garrett, for which the Department  
172 had not been asked to provide guidance. DFS has no position on this bill but recommended  
173 amendments that appear to be useful to achieve the patron's objective.

174  
175 Director Marone asked Department Counsel Stephanie Merritt to address the *Maryland v. King*  
176 case on appeal to the US Supreme Court. Ms. Merritt informed the Board that the Department  
177 will be interested in the Court's ruling in this case because it will affect the laws for arrestee  
178 sampling for DNA testing. The ruling is expected in June 2013.

## 179 Old Business

180  
181  
182 Post-Conviction DNA Testing Program and Notification Project: Ms. Howard updated the  
183 Board on the Notification Committee's efforts. Case assignments were made to volunteers. All

184 of the pro-bono attorneys have requested extensions. Ms. Howard is continuing to seek more  
185 volunteers.

186  
187 Ms. Jaspén announced that the Mid-Atlantic Innocence Project (MAIP) had agreed to do an  
188 additional training, but a date for the training has not been announced at this time. Ms. Jaspén  
189 updated the Board on the Department's progress of testing of cases from the program. The  
190 Department has continued to test cases in which conviction information has been confirmed in  
191 the past year. Regarding conviction research, there are approximately 450 cases awaiting  
192 conviction verification. The Attorney General's office has made an inquiry about the  
193 jurisdictions of the cases that still need conviction information. The Department has provided  
194 the Attorney General's Office with the requested information and hopes they will be able to offer  
195 assistance with conviction research.

196  
197 With regard to notifying suspects whose known samples are needed to complete analysis, some  
198 cases have been given to pro-bono volunteers who agreed to try to locate and contact those  
199 individuals. At this time, the Department has received no information back from pro-bono  
200 attorneys in these cases.

201  
202 **New Business**

203  
204 Ms. Stephanie Merritt, Department Counsel, reported to the Board that in the summer of 2012,  
205 the Department started a periodic review of its six regulations. Of those regulations, one is in the  
206 public comment phase, another was updated last summer. The four regulations needing review  
207 include (i) Breath Alcohol Testing, (ii) Approval of Field Tests for Detection of Drugs, (iii)  
208 Implementation of the Law permitting DNA Analysis upon Arrest for all Violent Felonies and  
209 Certain Burglaries, and (iv) Approval of Marijuana Field Tests for Detection of Marijuana Plant  
210 Material. The program managers have reviewed the regulations and submitted recommended  
211 changes. Ms. Merritt reviewed the proposed changes line by line.

212  
213 Dr. Bush moved to approve the changes to the regulations provided by Ms. Merritt, which was  
214 seconded by Ms. Given, and passed by unanimous vote.

215  
216 Ms. Jaspén updated the Board on the Substance Abuse Awareness Vital for Virginia Youth  
217 program (SAVVY), the special "Community Drug Awareness" initiative supported by the  
218 Governor and Secretary of Public Safety. Ms. Jaspén reported to the Board that the first two  
219 SAVVY events were a success. Two more events are being planned for 2013 in Tidewater and  
220 southwestern Virginia, one in the spring and the other will be in the fall.

221  
222 Mr. Benjamin had two announcements for the Board. Mr. Benjamin announced that in  
223 connection with his role as President of the National Association of Criminal Defense Lawyers  
224 (NACDL), he believes in the value of teaching the defense community about forensic science.  
225 The next NACDL meeting will be held at the same time as the next American Academy of  
226 Forensic Sciences (AAFS) in Washington, D.C. Scientists will be giving presentations at the  
227 NACDL meeting. A speaker from each of ten forensic science disciplines has been asked to give  
228 a talk. Mr. Benjamin explained that at the quarterly Board of Director's meeting, the Board will  
229 be taking a position on the Familial DNA issue and privacy. A task force has been created to

230 study the issue. Brad Jenkins from DFS has been able to speak with the task force about the  
231 process of Familial DNA.

232  
233 Finally, Mr. Benjamin moved that the Board thank Mr. Marone for his years of hard work and  
234 service with FSB and the SAC, which was seconded by Ms. Juran and passed by unanimous  
235 vote.

236  
237 **Public Comment**

238  
239 None

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241 **Next Meeting**

242  
243 The Forensic Science Board will meet next on Wednesday, May 15, 2013 at 9 a.m.

244  
245 **Adjournment**

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247 Dr. Bush moved that the meeting of the Board be adjourned, which was seconded by Ms. Given  
248 and passed by unanimous vote.

249  
250 The meeting adjourned at 10:25 a.m.