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Final - Minutes
Forensic Science Board Meeting
October 15, 2014
Department of Forensic Science, Central Laboratory, Classroom 1

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Board Members Present

25 John G. Colligan, Jr., Designee of Francine C. Ecker, Director, Department of Criminal Justice
26 Services
27 Jo Ann Given, Forensic Science Board Chair and Member, Scientific Advisory Committee
28 William T. Gormley, M.D., Chief Medical Examiner
29 Karl R. Hade, Executive Secretary of the Supreme Court
30 Kristen J. Howard, Designee of Senator Thomas K. Norment, Jr., Chair, Virginia State Crime
31 Commission
32 Anthony A. Lippa, Jr., Sheriff, Caroline County
33 David A. C. Long, Esq.
34 Lt. Colonel Robert Northern, Designee of W. Steven Flaherty, Colonel, Virginia State Police
35 Superintendent
36 Alphonse Poklis, Ph.D., Member, Scientific Advisory Committee
37 Claiborne H. Stokes, Jr., Esq., Commonwealth's Attorney, Goochland County
38 Richard Vorhis, Esq., Designee of Attorney General Mark R. Herring

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40

Board Members Absent

41 Caroline D. Juran, Executive Director, Board of Pharmacy
42 Richard L. Morris, Delegate and Designee of Delegate David B. Albo, Chair, House Courts of
43 Justice Committee
44 Thomas K. Norment, Jr./Mark D. Obenshain, Senators and Co-Chairs, Senate Courts of Justice
45 Committee

46
47

Legal Counsel for the Forensic Science Board

48 K. Michelle Welch, Esq., Assistant Attorney General

49
50

Staff Members Present

51 Wanda W. Adkins, Office Manager
52 Sabrina S. Cillessen, Physical Evidence Program Manager
53 Katya N. Herndon, Chief Deputy Director
54 Linda C. Jackson, Department Director
55 Bradford C. Jenkins, Forensic Biology Program Manager
56 Melissa S. Kennedy, Calibration and Training Program Manager
57 Alka B. Lohmann, Director of Technical Services
58 M. Scott Maye, Chemistry Program Manager
59 Stephanie E. Merritt, Department Counsel
60 Lisa Schiermeier-Wood, Forensic Biology Section Supervisor

47 Carisa M. Studer, Legal Assistant

48

49 **Call to Order**

50

51 Jo Ann Given, the Forensic Science Board (“Board”) Chair, called the meeting of the Board to
52 order at 9:00 a.m.

53

54 **Adoption of Agenda**

55

56 The Chair asked if there were any additions or changes to the draft agenda for the meeting.
57 Being none, Mr. Hade made a motion to adopt the agenda, which was seconded by Mr. Long and
58 adopted by unanimous vote of the Board.

59

60 **Approval of Draft Minutes of the August 20, 2014 Meeting**

61

62 The Chair asked if there were any changes or corrections to the draft minutes from the August
63 20, 2014 meeting. Ms. Howard made a motion to adopt the minutes of the August 20, 2014
64 meeting with a change to line 223 to clarify that Mr. Quick and Ms. Lewis were contract
65 employees hired by the Indigent Defense Commission (IDC) to assist with the post-conviction
66 notification project, which was seconded by Sheriff Lipa and adopted by unanimous vote of the
67 Board.

68

69 **Chair’s Report**

70

71 There was no formal report from the Chair.

72

73 **DFS Director’s Report**

74

75 Facilities:

76 Director Jackson reported to the Board on the renovation and expansion project of the Western
77 Laboratory. Construction of the foundation and basement area for the new building has begun.
78 The anticipated completion date for the new construction is December 2015. Renovations to the
79 current Western Laboratory building will begin in January 2015 after the new construction is
80 finished, with an estimated completion date of August 2016.

81

82 Detailed planning money for the expansion of the Central Laboratory has been awarded. The
83 Department was approved to begin the design on August 28, 2014. DFS is continuing to work
84 with the Division of Real Estate Services to renew the lease for the space used by DFS and the
85 OCME in the Biotech 8 building. The current lease ends in 2016, and the expected completion
86 date of the Central Laboratory expansion project is sometime in 2019 at the earliest.

87

88 Budget Resources:

89 Director Jackson provided an overview of the Department’s Budget. The FY15 Budget has not
90 changed since the Board’s August 20, 2014 meeting. However, the *Abbott* Settlement Forfeiture
91 funds have now been appropriated to the Department, and DFS has been given the authorization
92 to use the funds. The Department has moved forward with the procurement process to purchase

93 new instruments using these funds, which will increase capacity and decrease turnaround time in
94 the Chemistry Program Area.

95
96 Director Jackson advised the Board that all state agencies were tasked with putting forward
97 budget reduction strategies. The proposed budget reductions would take 5% in FY15, and then
98 7% in FY16. DFS has not yet been advised which budget reduction strategies will be selected.

99
100 Grants: Director Jackson gave an overview of all current grants. There are no grants pending
101 the Board's approval. Current grants include the FY13 DNA Backlog Reduction Grant, the
102 FY14 DNA Capacity Enhancement and Backlog Reduction Program Grant, the FY13 Paul
103 Coverdell Joint Grant with the Office of the Chief Medical Examiner (OCME), the FY14 Paul
104 Coverdell National Forensic Science Improvement Grant, the Office of the Attorney General
105 *Abbott* Settlement Forfeiture Funds Grant, and the FY 2015 DMV Highway Safety Grant.

106
107 Agency Goals for 2014:

108 Director Jackson provided the Board with an update of the Department's 2014 Agency Goals.
109 She began with the goal to decrease case turnaround time in the Controlled Substances and
110 Toxicology Sections. In the Toxicology Section, training has been completed for several newly
111 hired staff members and they are now completing case work. With the additional staff, the
112 Toxicology Section has been able to improve the turnaround time for the medical examiner
113 cases. Director Jackson explained that the Department has implemented a mandatory overtime
114 period for the Controlled Substances Section from September to October 2014. The Department
115 is also in the process of hiring additional staff for the Controlled Substances Section.

116
117 The Department has worked on increasing customer outreach by sending out two surveys to DFS
118 customers this year. The first survey was about Digital and Multi-Media Evidence Services.
119 The purpose was to gather information and coordinate with agencies that also perform similar
120 services. The second survey was about the Department's Evidence Handling Guide for law
121 enforcement. Based on the information gathered from the Evidence Handling Guide survey, the
122 Department has begun separately posting portions of the Evidence Handling Guide onto the DFS
123 website to assist with download times, and by making that document searchable. DFS also
124 began posting certain Breath Alcohol records on its website starting June 6, 2014. Department
125 staff has provided presentations throughout the year to many different groups, including the
126 Commonwealth's Attorneys, the Indigent Defense Commission, Sheriff's Association, and
127 Judges.

128
129 The Department has continued to provide training to staff throughout the year. A Department
130 wide supervisor training was completed on October 1, 2014.

131
132 As referenced in the Scientific Advisory Committee (SAC) Report, the DNA Data Bank is in the
133 process of validating the new multiplex kits and the instrumentation. Brad Jenkins, Biology
134 Program Manager, provided the SAC with an update on this validation project.

135
136 Finally, Director Jackson informed the Board that the Department has not set a completion date
137 for the implementation of the new Laboratory Information Management System (LIMS), but is

138 continuing to work on the project with a Virginia Information Technology Agency Coordinator.
139 The new LIMS will allow for DFS to be nearly paperless and increase customer service.

140
141 Workload/Backlog: Director Jackson reviewed the 30-60-90-120 day workload summary report,
142 which reflected average days in the system for cases completed by each section for the month of
143 September 2014. She also presented the Department's statistics in quarterly format using graphs
144 reflecting cases received, cases completed, the caseload, and the average number of days in the
145 system for each section.

146
147 Director Jackson brought to the Board's attention the Controlled Substances Section's statistics.
148 She noted the decrease of cases in the backlog which was due to the mandatory overtime that
149 DFS implemented for September and October 2014. She noted that there are two examiners who
150 recently completed training, and there are four newly hired examiners. Two of the new
151 examiners do not have previous experience and will have to be fully trained. The other two new
152 examiners were previously qualified examiners in other laboratories and will have shorter
153 training periods.

154
155 Director Jackson also explained that the Forensic Biology Section's increase in case turnaround
156 time over the past three quarters was due to the new statistical reporting method that was
157 implemented. Now that the Forensic Biology staff members are fully trained on the new
158 reporting methods, it is expected that the turnaround time will go down.

159
160 For the Latent Prints Section, turnaround times have improved since staff has been fully trained
161 on the new Mideo software. Staff is now exclusively doing on screen comparisons.

162
163 Director Jackson noted that the backlogs for cases in the Toxicology and Trace Evidence
164 Sections have continued to decline.

165
166 Reaccreditation:
167 In May 2014, ASCLD/LAB conducted an assessment of the Department's four regional
168 laboratories and calibration laboratory. A total of 26 assessors completed an audit of all four
169 laboratories, the calibration laboratory, and the Quality System Procedures. Director Jackson
170 informed the Board that the ASCLD/LAB *International* Accreditation was granted on September
171 3, 2014 for all Department laboratories. The Department's accreditation has been granted for a
172 period of four years pursuant to the accrediting body's policy.

173
174 Other New Business:
175 Director Jackson announced that Stephanie Merritt, Department Counsel, was elected by the
176 General Assembly to serve as a General District Court Judge in the 9th Judicial District. This
177 will be her final Board meeting. She thanked Ms. Merritt for her service to the Department.

178
179 The Chair brought to the Board's attention her concerns, as both a citizen and a member of the
180 Board, for the State Budget as a whole, and the Department's budget in particular. She asked for
181 the Board's feedback about reducing the number of times it meets per year from four to two.
182 She suggested the Board could do its part to try to reduce costs and meet on the same cycle as the
183 SAC. The Chair wanted the Board to consider the possible cost savings it could provide the

184 Department by meeting two times per year. Katya Herndon, Chief Deputy Director, informed
185 the Board that it would require a legislative change to reduce the number of Board meetings per
186 year, because the current statute requires the Board to meet at least four times per year. The
187 Board discussed the possible change and potential cost saving to the Department. Lt. Colonel
188 Northern made a motion to have the Department gather information about potential cost savings
189 by reducing the number of meetings per year for the next Board meeting, which was seconded by
190 Mr. Vorhis and passed by unanimous vote.

191

192 **Scientific Advisory Committee Report**

193

194 Dr. Alphonse Poklis, a member of the Scientific Advisory Committee (SAC), was appointed by
195 the SAC Chair to serve as the second SAC representative to the Board. Dr. Poklis reported to the
196 Board about the SAC's meeting held on October 14, 2014. The Toxicology subcommittee
197 completed its review of the Toxicology Procedures Manual, and the SAC closed its review of the
198 Manual. Dr. Rebecca Wagner, Chemistry Research Analyst, provided the SAC with an
199 overview of the LIBS validation project. The Trace subcommittee will review the validation
200 once it is complete. Dr. Wagner also presented the new Toxicology methods for the LC/MS/MS
201 instruments on the identification and quantification of amphetamines and anti-epileptic drugs.
202 The Toxicology subcommittee will review validation records for the new amphetamine and anti-
203 epileptic drug procedures. Scott Maye, Chemistry Program Manager, presented an overview to
204 the SAC of the new law addressing controlled substances analogs. Brad Jenkins, Biology
205 Program Manager, provided the SAC with an update on the DNA Data Bank validation project
206 relating to the use of the new Powerplex Fusion kits.

207

208 Dr. Gormley inquired if there was any discussion of the Board's agreement to be designated an
209 interested party for ASCLD/LAB, and the possible need to disseminate information it receives
210 from ASCLD/LAB as an interested party to the SAC and request that the SAC respond back
211 directly to the Board with its recommendations. Director Jackson confirmed that the SAC was
212 informed at their meeting of the Board's agreement to be an interested party for ASCLD/LAB
213 and the possibility that the Board may call upon the SAC to review and comment on proposed
214 changes from ASCLD/LAB.

215

216 **Old Business**

217

218 **Status of the Post-Conviction DNA Testing Program and Notification Project**

219 Katya Herndon, Chief Deputy Director, reviewed updated statistics with the Board for the Post-
220 Conviction DNA Testing and Notification Project. Ms. Herndon also advised the Board that the
221 Crime Commission had included the project on the agenda for its September 23, 2014 meeting.
222 She provided the Board with an overview of what staff presented to the Crime Commission,
223 which included a detailed summary of the project and four policy options for consideration, as
224 well as the Crime Commission's decision with respect to each policy option presented. Ms.
225 Herndon noted that one of the Crime Commission's decisions, in particular, was expected to
226 have a significant fiscal impact on the Department. The Crime Commission concluded that
227 retesting should be conducted in the cases where the initial DNA test results were "inconclusive"
228 for 482 suspects and that the retesting should be prioritized as follows: 1) cases where
229 spermatozoa is present and the suspect is still incarcerated; 2) cases where the suspect is still

230 incarcerated; and 3) cases where spermatozoa is present and the suspect is not still incarcerated;
231 and 4) all other cases.

232

233 SB658 PERK Inventory Update:

234 Ms. Herndon reviewed the requirements of SB658 with the Board and provided an update about
235 the PERK Inventory Stakeholder meeting that DFS held on August 21, 2014. Ms. Herndon
236 advised the Board of the fields that would be included on the Excel spreadsheet form and of the
237 deadline for agencies to submit the completed forms to DFS. She also reviewed the information
238 about the PERK Inventory that is available on the Department's website, showing the Board how
239 to access the FAQs, instructions for completing the form, and other information that is posted.
240 Law enforcement was notified that the information is available on the DFS website.

241

242 Proposed Amendments to the Forensic Science Board By-Laws:

243 Ms. Herndon reminded the Board that amending the By-Laws requires two-thirds vote of the
244 members present at a meeting, and that the proposed amendments have to be submitted to the
245 Board in writing at the previous meeting. A written copy of the proposed amendments were
246 provided to the Board at its August 20, 2014 meeting, and, at that time, Ms. Herndon reviewed
247 each of the proposed amendments, which are the result of statutory changes made to statutes
248 impacting the Board since the By-Laws were initially adopted. Sheriff Lippa moved that the
249 Board accept the proposed changes to the By-Laws, which was seconded by Mr. Hade, and
250 passed by unanimous vote.

251

252 **New Business**

253

254 Annual Report of the Board:

255 Ms. Herndon pointed out that Code § 9.1-1110 (B) specifies the subjects that need to be
256 addressed in the Board's Annual Report that is due to the General Assembly by November 1.
257 Ms. Herndon briefly reviewed the contents of a draft annual report that was disseminated to the
258 Board. She noted that the section of the report addressing the Post-Conviction DNA Testing and
259 Notification Project was yet to be completed. Ms. Howard requested that the Post-Conviction
260 section of the report be provided to the Board for review. Ms. Howard moved to approve the
261 Annual Forensic Science Board Report with revisions to the Post-Conviction DNA Testing and
262 Notification portion, and to allow the Board to review the report along with Chair Given, and
263 then to submit it according to law, which was seconded by Mr. Long, and passed by unanimous
264 vote.

265

266 Revised Marijuana Submission Policy:

267 Scott Maye, Chemistry Program Manager, reviewed with the Board a draft Notice of DFS Policy
268 Change addressing a revised Marijuana Submission Policy. Effective January 1, 2015, the
269 Department will no longer be accepting plant material in simple possession of marijuana cases
270 without a Court Order for the analysis. The new policy is designed to manage DFS resources
271 and decrease turnaround times in the Controlled Substances Section. In 2006, Code §19.2-
272 188.1(B) was enacted, which allows law enforcement officers to testify at trial to the results of
273 any DFS approved marijuana field test kits as to whether plant material, the identity of which is
274 at issue, is marijuana. If the result of the field test is inconclusive field tests may still be

275 submitted to the Department. After the law was enacted in 2006, the Controlled Substances
276 Section submissions to the Department were reduced by 20%.

277
278 Director Jackson noted that the Department has been procuring field test kits to provide to law
279 enforcement since 2006, and that the Department will continue to purchase these field test kits
280 for law enforcement. She noted that there are some jurisdictions that regularly use field test kits,
281 but that there are other jurisdictions that do not.

282

283 **Public Comment**

284

285 None.

286

287 **Next Meeting**

288

289 The Forensic Science Board will meet again on January 7, 2015, May 13, 2015, August 12,
290 2015, and October 15, 2015.

291

292 **Adjournment**

293

294 Ms. Howard moved that the meeting of the Board be adjourned, which was seconded by
295 Dr. Poklis and passed by unanimous vote.

296

297 The meeting adjourned at 10:50 a.m.