

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

Final - Minutes
Scientific Advisory Committee Meeting
May 23, 2017
Department of Forensic Science, Central Laboratory, Classroom 1

23
24

Committee Members Present

25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

Randall E. Beaty
Maureen C. Bottrell
Robin W. Cotton, Ph.D. (participated remotely pursuant to Virginia Code § 2.2-3708.1)
Leslie E. Edinboro, Ph.D., Chair
Jo Ann Given
Linda C. Jackson
Barry S. Levine, Ph.D.
George C. Maha, Ph.D.
Richard P. Meyers
Carl A. Sobieralski
Travis Y. Spinder (participated remotely pursuant to Virginia Code § 2.2-3708.1)
Jami J. St. Clair
Kenneth B. Zercie

Committee Members Absent

None.

Staff Members Present

Wanda W. Adkins, Office Manager
Jeffrey D. Ban, Central Laboratory Director
David A. Barron, Ph.D., Deputy Director
Sabrina Cillessen, Physical Evidence Program Manager
Amy M. Curtis, Department Counsel
Leslie H. Ellis, Human Resources Director
John T. Griffin, Northern Laboratory Director
Katya N. Herndon, Chief Deputy Director
Bradford C. Jenkins, Biology Program Manager
James Hutchings, Ph.D., Toxicology Program Manager
Alka B. Lohmann, Technical Services Director
M. Scott Maye, Chemistry Program Manager
Kevin M. Patrick, Western Laboratory Director
Susan Stanitski, Eastern Laboratory Director
Carisa M. Studer, Legal Assistant

47 **Call to Order**

48
49 Leslie Edinboro, Ph.D., the Chair of the Scientific Advisory Committee (“Committee” or
50 “SAC”), called the meeting of the Committee to order at 9:00 a.m. Dr. Edinboro informed the
51 Committee that Robin Cotton and Travis Spinder would be participating remotely pursuant to the
52 SAC’s Policy on Individual Participation in Scientific Advisory Committee Meetings by
53 Electronic Means, which was adopted in accordance with Virginia Code § 2.2-3708.1. Dr.
54 Cotton participated by telephone from the Boston University School of Medicine in Boston,
55 Massachusetts, due to work scheduling conflicts. Mr. Spinder participated by telephone from the
56 Montana Department of Justice Forensic Science Division in Missoula, Montana, due to work
57 scheduling conflicts.

58
59 **Adoption of Agenda**

60
61 Dr. Edinboro asked if there were any additions or changes to the draft agenda for the meeting.
62 Ms. Given made a motion to adopt the agenda with an amendment to move the Toxicology
63 Program Update so it occurs after the Director’s Report to allow Dr. Hutchings to leave for court.
64 The motion was seconded by Ms. St. Clair and adopted by unanimous vote of the Committee.

65
66 The Chair welcomed Dr. Levine to the Committee. Dr. Levine is a toxicologist certified by the
67 American Board of Forensic Toxicologists. Introductions were made of all the Committee
68 members and Department of Forensic Science (“DFS” or “Department”) staff members who
69 were present.

70
71 **Adoption of Minutes**

72
73 The Chair asked if there were any changes or corrections to the draft minutes from the October
74 14, 2016 meeting. Being none, Mr. Zercie moved to adopt the minutes from the October 14,
75 2016 meeting, which was seconded by Ms. St. Clair, and adopted by unanimous vote of the
76 Committee.

77
78 **Chair’s Report**

79
80 Dr. Edinboro did not have a report for the Committee.

81
82 **DFS Director’s Report**

83
84 Facilities:
85 Director Jackson reported to the Committee that the final certificate of occupancy was issued in
86 January 2017 for the expanded Western Laboratory. The one outstanding project is to replace
87 the roof on the original portion of the Western Laboratory building.

88
89 Director Jackson also updated the Committee on the status of the renovation and expansion
90 project for the Central Laboratory. The project is now in the schematic design phase. Director
91 Jackson presented an example plan showing a new separate building which would house all of
92 the Office of the Chief Medical Examiner (OCME) functions, DFS statewide offices, and

93 parking for staff and visitors. There would be a sky bridge to the original building. The original
94 building would be renovated to hold all DFS Central Laboratory functions.

95
96 Agency Updates:

97 Director Jackson informed the Committee of the Department's participation in the Executive
98 Leadership Team on Opioid Use and Addiction, which was established when Governor
99 McAuliffe signed Executive Directive 9 in December 2016. DFS will participate as a member of
100 the Data Committee and share aggregate seized drug data.

101
102 Director Jackson explained the new procedure for the timely sharing of investigative information
103 related to synthetic fentanyl derivatives and other potent opioids identified by the Controlled
104 Substances Section with the State Police Fusion Center. This will allow the Fusion Center to
105 more quickly disseminate bulletins with safety information to first responders.

106
107 Budget Overview:

108 Director Jackson provided the Committee with an update on the 2016-2018 Biennial Budget.
109 The Budget restores money to the Department in FY17 for overtime pay to reduce case
110 turnaround times. DFS, along with other executive branch agencies, was required to submit
111 saving strategies for FY18; however, the Governor elected not to accept any FY18 savings
112 strategies from DFS and exempted DFS from further budget reductions. Beginning July 1, the
113 Department will be able to begin filling positions that had been held open as a result of FY17
114 savings strategies.

115
116 Grants:

117 Director Jackson presented a summary of DFS grants to the Committee. Current grants include:
118 the FY 15 and FY16 DNA Capacity Enhancement and Backlog Reduction Grants; the FY15 and
119 FY16 Paul Coverdell Forensic Science Improvement Grants; the NIJ Research and Development
120 for Publicly-Funded Forensic Science Laboratories Grant; the FY16 Byrne Justice Assistance
121 Grant (JAG); the FY16 Research and Evaluation for the Testing and Interpretation of Physical
122 Evidence in Publicly Funded Forensic Laboratories Grant; the 2017 Highway Safety Project
123 Grant (DMV); and the 2017 Highway Safety Project Grant (DMV) TREDS (Traffic Records
124 Electronic Data System) Program.

125
126 Director Jackson reviewed the two PERK grants. The New York County District Attorney's
127 (DANY) Sexual Assault Kit Backlog Elimination Program Grant will be used to pay for the
128 analysis of untested kits collected prior to July 1, 2014 and included in the PERK Inventory
129 conducted by DFS. Four agencies have submitted their kits to the private contract laboratory for
130 testing. The private laboratory has sent data to DFS for review in 431 cases, and 100 of those
131 cases have resulted in eligible profiles being uploaded by DFS to the Data Bank for searching.
132 DFS is reporting results of any Data Bank hits obtained to the investigating agency. The
133 National Sexual Assault Kit Initiative (SAKI) FY 2016 Competitive Grant will be utilized to
134 outsource the analysis of untested kits collected from July 1, 2014 through June 30, 2016. The
135 Attorney General's Office has completed an inventory of untested kits still in the custody of
136 Virginia law enforcement agencies covering that period. A request for proposals is in the
137 process of being developed for the outsourced testing contract. The SAKI grant will also allow
138 DFS to develop PERK tracking software. The plan is for the software to be integrated with the

139 DFS Laboratory Information Management System (LIMS). The grant funding will also be used
140 for a research assistant in the Forensic Biology Section.

141
142 Director Jackson gave a summary of the grant applications pending full approval by the Forensic
143 Science Board (“Board”). The Board meets next on May 24, 2017. The Department has applied
144 for these grants, with the approval of the Board’s Chair and Vice-Chair. The grants applied for
145 include: two grants for Research and Evaluation for the Testing and Interpretation of Physical
146 Evidence in Publicly Funded Forensic Laboratories, the Paul Coverdell Forensic Science
147 Improvements Formula Grant, the Paul Coverdell Forensic Science Improvements Competitive
148 Grant, the FY 17 DNA Capacity Enhancement and Backlog Reduction (CEBR) Program Grant,
149 the DMV Highway Safety Grant Program, and the DMV Highway Safety Project Traffic
150 Records Electronic Data System (TREDS) Project Grant.

151
152 Workload/Backlog:

153 Director Jackson provided the Committee with an update on statistical trends in each of the
154 program areas.

155
156 The Controlled Substances Section continues to see rising submissions, which have contributed
157 to the increase in case turnaround times. Examinations are also taking longer to complete due to
158 the growing complexity of the compounds being submitted, as well as the additional safety
159 precautions required in the handling of the increasingly lethal substances received. There are
160 currently seven Controlled Substances positions in recruit or in training. Funding from the
161 restoration of cuts from the FY17/FY18 Biennial Budget will allow for three additional
162 controlled substances examiners to be hired after the new fiscal year begins on July 1, 2017.

163
164 The Firearms Section continues to see an increase in cases being submitted for National
165 Integrated Ballistic Information Network (NIBIN) entry. DFS was given funding for additional
166 staff in the Firearms Section and has created six Forensic Scientist NIBIN positions to complete
167 NIBIN only cases. The individuals in the new NIBIN positions have completed their training.

168
169 The Forensic Biology Section is completing the transition to the new Fusion multiplex kits.
170 Nearly all examiners have completed their training on these new kits.

171
172 The Latent Print Section is fully staffed, and the backlog has continued to decrease over the past
173 year.

174
175 Director Jackson reminded the Committee of the OCME accreditation requirement to have 90%
176 of their toxicology reports completed within 90 days. The Toxicology backlog and turnaround
177 times have been decreasing, and DFS has, in recent months, been consistently meeting the
178 OCME deadlines. The Toxicology Section received funding for six positions, and each
179 laboratory now has two forensic scientists or Toxicologists in training. Once the new hires are
180 fully trained, they will be able to decrease the backlog. Funding from the restoration of budget
181 cuts will also allow for hiring of a new position for toxicology research and method
182 development.

183

184 The Trace Evidence Section is now providing explosive examination services again. The service
185 was discontinued in 2014 due to budget cuts, but the newly hired explosives examiner completed
186 training in January 2017.

187

188 **Program Area Updates**

189

190 Toxicology Update:

191 Dr. James Hutchings, Toxicology Program Manager, provided the Committee with an update on
192 the Toxicology Program Area. He presented information on two new toxicology testing
193 methods. The first method, which is for opiates, cocaine and its metabolites (OpiCoc method),
194 reduces five methods into one to improve efficiency and turnaround times. The validation for the
195 OpiCoc method will be sent to the Toxicology Subcommittee for review. Dr. Hutchings
196 anticipates the new OpiCoc procedure will be online by June 1. Once implemented, DFS will
197 investigate adding fentanyl analogs to the OpiCoc method. The second new Toxicology method
198 is for buprenorphine. Validation of the second method is complete, and the next steps will be to
199 move forward with writing the procedures and planning verifications.

200

201 Dr. Hutchings reported on changes made to how DFS is handling DUI/D submissions as a result
202 of a bill that passed the General Assembly in response to the U.S. Supreme Court decision in
203 Birchfield v. North Dakota. As a result of the statutory changes made, DFS is now treating
204 implied consent and search warrant blood draw cases the same, provided the DFS DUI/D kit is
205 used to collect the samples.

206

207 Dr. Hutchings updated the committee on the progress of the upgrade to the DFS Laboratory
208 Information Management System that will allow for the transmission of results electronically
209 from DFS to the Office of the Chief Medical Examiner. The project is being funded by the
210 TREDs grant.

211

212 Dr. Hutchings also updated the Committee on the additional Breath Alcohol records now
213 available on the Department's website.

214

215 Dr. Hutchings concluded with a staffing update for the Toxicology and Breath Alcohol Sections.

216

217 Division of Technical Services Update:

218 Alka Lohmann, Director of Technical Services, provided the Committee with an update on the
219 Division of Technical Services.

220

221 Ms. Lohmann began with an overview of the safety measures undertaken by the Department in
222 response to the opioid crisis, which included new safety protocols for staff who handle opioids.
223 In December 2016, staff from each DFS regional laboratory attended a *Revive! Train the Trainer*
224 course, provided by Dr. Hughes Melton, Chief Deputy Commissioner at the Virginia Department
225 of Health. This curriculum, which was developed by the Department of Behavioral Health and
226 Developmental Services (DBHDS), provides training on opioid overdose and the administration
227 of naloxone. In January 2017, DFS trained staff provided the DBHDS' REVIVE! Training to
228 their fellow staff members. DFS now has naloxone (Narcan Nasal Spray) on hand at each
229 laboratory. All Controlled Substances staff has also been fit tested for respirators.

230
231 Ms. Lohmann advised the Committee that, on May 8, 2017, the Department received notice from
232 ASCLD/LAB-*International* of the successful continuation of its accreditation following an
233 Offsite Review. The next full accreditation assessment is scheduled for the spring of 2018. DFS
234 anticipates submitting its application for reaccreditation by late Fall 2017.
235

236 Ms. Lohmann reported that, on January 26, 2017, the Department went live with its Quality
237 System Documents in Qualtrax, the quality and compliance management software. The
238 Department is also already using Qualtrax to have employees execute the Code of Ethics and the
239 Department's Confidentiality Agreement. The Department is continuing to work towards
240 implementing workflows through Qualtrax to replace multistep paper processes.
241

242 Ms. Lohmann informed the Committee that, as a result of grant funding, the Forensic Training
243 Section has been able to hire a part-time instructor and add a third Forensic Science Academy
244 session this year.
245

246 Biology Program Update:

247 Biology Program Manager Brad Jenkins provided the Committee with an update on his program
248 area. The Forensic Biology Section went online with the new Fusion chemistries for case work
249 on May 1, 2017. The validation summaries for the Fusion chemistries will be sent to the SAC
250 Forensic Biology Subcommittee for review and comment.
251

252 Mr. Jenkins updated the Committee on the physical evidence recovery kits (PERKs) being
253 outsourced to a private laboratory for analysis under the DANY grant. The DANY grant covers
254 PERKs covered by the Department's 2015 inventory (collected prior to July 1, 2014, but not
255 submitted for analysis). Testing has been completed in 431 cases. The Department receives the
256 results from the private laboratory, conducts a technical review, uploads eligible profiles to the
257 Data Bank for searching, and sends reports to the submitting law enforcement agency to advise
258 of the upload and any subsequent hits. There have been 100 DNA profiles that have been
259 uploaded for searching, resulting in 44 "hits" to offenders. A majority of the "hits" were to
260 Virginia offenders.
261

262 Mr. Jenkins reported that the Department has been receiving approximately 40% more PERKs
263 since the comprehensive PERK legislation went into effect on July 1, 2016. DFS received
264 funding for six additional forensic scientists in the Forensic Biology Section as a result of the
265 legislation.
266

267 Mr. Jenkins also advised the Committee that the Forensic Biology Section is phasing out
268 microscopic sperm identifications, which are time consuming. The new process will instead
269 include DNA extraction and screening for male DNA, followed by differential lysis of
270 appropriate samples. DFS has started reaching out to its customers, and Mr. Jenkins will be
271 speaking on the subject at several DFS user group upcoming conferences. The Committee
272 discussed the transition from microscopic sperm identifications to the new DNA extraction
273 screening process, and provided Mr. Jenkins with feedback and suggestions.
274

275 Finally, Mr. Jenkins gave an overview of new instrumentation purchased for the Forensic
276 Biology Section. Qiagen robotics will be used to further automate the differential lysis method.
277 DFS will also be evaluating new DNA quantitation kits and STRmix software.

278

279 Chemistry Program Update:

280 Scott Maye, Chemistry Program Manager, provided the Committee with an update on the
281 Chemistry Program Area. Mr. Maye gave a status update on two current validation projects.
282 The validation for the LIBS (laser induced breakdown spectroscopy) lithium identification
283 method is complete, two examiners have completed training in its use, and it went online on May
284 12, 2017. The method will be used by the Trace Evidence Section for examinations involving
285 clandestine methamphetamine laboratories.

286

287 The validation for the LC-DAD (liquid chromatography with diode array detection) method for
288 cannabidiol and THCA oils is complete. Two examiners have completed training in the method,
289 and the final step will be to update the Controlled Substances Section standard operating
290 procedures for the method.

291

292 Mr. Maye provided an update to the Committee on the use of the Board of Pharmacy (BoP)
293 expedited regulatory process. Twenty-eight compounds temporarily scheduled by the BoP
294 process will be added to Schedule I in the Code of Virginia on July 1, 2017. Mr. Maye also
295 reviewed the 16 compounds that have been temporarily scheduled by the BoP this calendar year,
296 as well as the three additional compounds that DFS has recommended to the BoP for expedited
297 scheduling.

298

299 Mr. Maye gave an overview of the staffing and instrument updates for the Controlled Substances
300 and Trace Evidence Sections in each of the Department's laboratories.

301

302 Physical Evidence Program Update:

303 Sabrina Cillessen, Physical Evidence Program Manager, provided the Committee with an update
304 on the Physical Evidence Program Area. Ms. Cillessen reported on the statewide meeting of the
305 Firearms & Toolmarks Section and a grant application that has been submitted to acquire Mideo
306 GunWorks software, which would allow for electronic note taking. Ms. Cillessen also gave an
307 update on staffing and equipment for the Firearms and Toolmarks Section.

308

309 Ms. Cillessen informed the Committee of a grant DFS received to evaluate Sciometrics Latent
310 Sleuth software. Ms. Cillessen also provided an update on staffing in Latent Prints and
311 Impressions.

312

313 Ms. Cillessen gave a brief update on the Digital and Multimedia Evidence (DME) Section,
314 explaining that DME cases often involve time consuming analysis due to the nature of the
315 electronics.

316

317 Ms. Cillessen concluded by advising the Committee of the discontinuation of Questioned
318 Documents (QD) services. The Committee had a brief discussion on the volume of QD cases
319 statewide that the Department had received, and the federal agencies where DFS has been
320 referring law enforcement agencies that are seeking Questioned Documents examinations.

321

322 **Old Business**

323

324 Serology Review:

325 Brad Jenkins updated the Committee on the Serology Case Review project. Mr. Jenkins
326 reminded the Committee that, for the Serology Case Review, 100 serology case files from both
327 the Northern and Eastern Laboratories would be reviewed by at least two scientists previously
328 qualified as serologists. Thirty percent of the files will be reviewed by Jami St. Clair who
329 volunteered to assist as the independent external reviewer.

330

331 To date, approximately 140 reviews have been completed. Mr. Jenkins reported that, in those
332 reviews, no files were identified where the typing results in the case notes would have eliminated
333 the defendant and were not reported.

334

335 Microscopic Hair Comparison Case Review:

336 Amy Curtis, Department Counsel, gave an update on the Microscopic Hair Comparison Case
337 Review project. She reminded the Committee that the Board had established a Subcommittee to
338 develop and recommend a review process for DFS microscopic hair comparison cases.

339

340 Ms. Curtis summarized the Subcommittee's work on the review, which included approving
341 notification letters being sent in the five cases that the Review Team recommended. The Review
342 Team considered 10 cases when it met in October 2016. In February 2017, notification letters
343 were mailed to the three defendants who were still incarcerated. Ms. Curtis summarized the
344 information included in the notification letters to the defendants and the prosecutors/law
345 enforcement agencies in the three cases.

346

347 Ms. Curtis informed the Committee of the assistance that the Institute of Actual Innocence at the
348 University of Richmond School of Law has been providing on the Microscopic Hair Comparison
349 Case Review. Ms. Curtis also advised the SAC of the presentation she gave about the project to
350 the Virginia Association of Commonwealth Attorneys (VACA) on April 2, 2017. Two
351 prosecutors have since volunteered to be a part of the Review Team for future meetings.

352

353 There are currently no future meetings scheduled. Once additional conviction information and
354 transcripts are obtained, additional meetings of the Review Team and the Subcommittee will be
355 scheduled.

356

357 The Committee had a brief discussion concerning the difficulties in obtaining transcripts from
358 these old cases.

359

360 **New Business**

361

362 2017 Legislation Overview:

363 Katya Herndon, Chief Deputy Director, gave an overview of DFS related legislation from the
364 2017 General Assembly Session. Ms. Herndon reviewed the DFS companion House and Senate
365 Bills (HB1642 and SB1031) that amend the Code to allow DFS to make naloxone or another
366 opioid antagonist available to staff so that it can be administered in the event of an accidental

367 opioid exposure resulting in an overdose. The bills passed with emergency clauses, and the
368 Senate bill was signed by the Governor first and went into effect on February 13, 2017.

369
370 Ms. Herndon also reviewed bills that permanently scheduled compounds that had been
371 temporarily placed in Schedule I through the Board of Pharmacy expedited regulatory process.
372 She also discussed bills that provide monetary relief to an individual who was exonerated after
373 DNA testing conducted by DFS and had been wrongfully convicted and spent 33 years in prison
374 for crimes he did not commit. Ms. Herndon also advised the Committee that although a bill
375 directing the Virginia State Crime Commission (VSCC) to conduct a study on expanding the
376 Data Bank to include additional misdemeanor offenses was tabled during the Session, the VSCC
377 Executive Committee has decided to conduct such a study. DFS staff recently met with VSCC
378 staff to discuss the upcoming study.

379
380 Controlled Substances Weight Determination:
381 Director Jackson led a discussion with the Committee on the Department's weighing policy and
382 procedures for simple possession and possession with intent to distribute cases. Director Jackson
383 informed the Committee that a recent safety audit identified the process of determining the
384 weight of powders as a high risk activity. The Committee discussed the pros and cons of
385 changing the Department's policy and gave input on ideas for safety.

386
387 Subcommittee Assignments:
388 Validation summaries for the new Fusion chemistries will be sent to the Forensic Biology
389 Subcommittee for review. The members of the Forensic Biology Subcommittee are Dr. Robin
390 Cotton, Dr. George Maha, and Carl Sobieralski.

391
392 Validation summaries for the new toxicology OpiCoc testing method will be sent the Toxicology
393 Subcommittee for review. The members of the Toxicology Subcommittee are Randall Beatty,
394 Maureen Bottrell, Dr. Les Edinboro, Dr. Barry Levine, and Jamie St. Clair.

395
396 Director Jackson announced to the Committee that Jo Ann Given will not be seeking
397 reappointment as a member of the Scientific Advisory Committee when her term ends on June
398 30, 17. Ms. Given, who also serves as one of the SAC members on the Forensic Science Board,
399 has been on the SAC since its inception in 2005. Director Jackson thanked Ms. Given for her
400 service to the Department during her tenure as a member of both the Committee and the Board.

401
402 Annual Election of Committee Chair and Vice Chair:
403 The Chair called for the annual election of the Committee Chair and Vice-Chair. The Chair
404 asked for nominations for Chair of the Committee, and Director Jackson moved that Dr.
405 Edinboro be re-elected as Chair. The nomination was seconded by Ms. St. Clair, and passed by
406 unanimous vote of the Committee. The Chair asked for nominations for Vice-Chair. Ms.
407 Bottrell nominated Mr. Sobieralski to be the Vice-Chair. The nomination was seconded by Ms.
408 St. Clair, and passed by unanimous vote of the Committee.

409
410 Public Comment
411
412 None.

413 **Future Meeting Date**

414

415 The Scientific Advisory Committee will meet next on Wednesday, October 11, 2017 at 9:00 a.m.

416

417 **Adjournment**

418

419 Dr. Edinboro asked if there was a motion to adjourn. Ms. Given made a motion to adjourn the
420 meeting of the Scientific Advisory Committee, which was seconded by Mr. Zercie and passed by
421 unanimous vote.

422

423 The meeting adjourned at 11:15 a.m.