

1 Minutes (Draft)  
2 Scientific Advisory Subcommittee Meeting  
3 May 5, 2008  
4 DFS Central Laboratory, Classroom 1 & 2  
5

6 Members Present  
7

8 Wanda Adkins  
9 Elizabeth Ballard  
10 Jeffrey Ban  
11 David Barron, Ph.D.  
12 Joseph Bono  
13 Katie Carlson  
14 Dale Carpenter  
15 Robin Cotton  
16 Angie Cunningham  
17 Barry Fisher  
18 Michele Gowdy  
19 Ann Marie Gross  
20 Linda Jackson  
21 Bradford Jenkins  
22 Cathryn Knutson  
23 Dan Krane, Ph.D.  
24 Alka Lohmann  
25 Peter Marone  
26 Carna Meyer  
27 Carissa Onorato  
28 Alphonse Poklis, Ph.D.  
29 John Przybylski  
30 Stephen Rodgers  
31 Norah Rudin, Ph.D.  
32 Brian Shannon  
33 Steven Sigel  
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35 Barry Fisher, Chairman of the Scientific Advisory Committee, called the meeting the order at  
36 9:05 a.m.  
37

38 Mr. Fisher thanked all the participants for participating in each of the subcommittee. Mr. Fisher  
39 had all in attendance to introduce themselves and where they were from.  
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41 Mr. Fisher explained that at the Forensic Science Advisory Board meeting on January 9, 2008  
42 that the Board requested the Scientific Advisory Committee to perform and review the Y-STR  
43 testing that DFS is validating and report to the Board by the May 7, 2008 meeting. It was also  
44 requested other new technologies be reviewed for presentation to the Board on May 7, 2008 for  
45 Breath Alcohol New Instrumentation, AccuTOF-Dart and Mitochondrial DNA. He further  
46 explained that the Code of Virginia by statute formed the Forensic Science Board as a policy

47 board and part of their responsibility is to have the Scientific Advisory Committee to review and  
48 make recommendations on new scientific programs, protocols, and methods of testing for the  
49 Board's approval  
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51 As Chairman of the Scientific Advisory Committee, I created subcommittees to review this  
52 information and that's why each of you are here today to look into the procedures and protocols  
53 of each of the areas. Your subcommittees will report to the Scientific Advisory Committee on  
54 May 6, 2008 and then the committee will decide on what information to submit to the Forensic  
55 Science Board at its meeting on May 7, 2008.  
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57 Mr. Fisher explained that these meeting are covered by FOIA (Freedom of Information Act) and  
58 are considered open meetings and maybe attended by the general public. All the meeting will be  
59 recorded and minutes will be taken at the subcommittee meetings.  
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61 Mr. Fisher asked each committee at the end of their meetings today to be able to make a decision  
62 or draw a conclusion on these new methodologies. He felt they each had three choices:

- 63 1) DFS is not ready to implement
- 64 2) DFS is ready to implement
- 65 3) DFS is given provisional approval with further information to be given to Scientific  
66 Advisory Committee for additional review.  
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68 Each subcommittee shall appoint a Chairman and this person will be required to address the  
69 Scientific Advisory Committee on their recommendations at the meeting on Tuesday, May 6<sup>th</sup>.  
70 Each subcommittee's recommendations should be addressed to Mr. Fisher by the end of the day.  
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72 Mr. Fisher dismissed the sub-committees to their respective meeting rooms.  
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Minutes (Draft)  
Scientific Advisory Committee  
Subcommittee on Breath Alcohol  
May 5, 2008  
DFS Biotech 8, Conference Room

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100 Subcommittee Members Present:

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102 Dr. Dale Carpenter  
103 Dr. Alphonse Poklis  
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105 Staff Members Present:

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107 Ms. Alka Lohmann, Breath Alcohol Section Chief  
108 Ms. Carisa Onorato, Administrative Specialist  
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110 Call to Order:

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112 Carisa Onorato called the meeting to order at 10:26 a.m. Dr. Carpenter was designated  
113 Chairperson for the Breath Alcohol subcommittee meeting.  
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115 Overview of the new breath alcohol instrumentation invitation for bid:

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117 Alka Lohmann gave an overview of the invitation for bid (IFB) to the subcommittee. The IFB  
118 contains all the criteria that the new breath alcohol instrumentation must have met before the  
119 contract was awarded. The specifications were met and the contract has been awarded to  
120 Intoximeters for the EC/IR II breath alcohol instrument. Ms. Lohmann explained that the four  
121 binders that were provided contained data which showed that the specifications were met. Ms.  
122 Lohmann presented additional documentation for a described protocol once the new instruments  
123 are implemented. She also described how the determinations for accuracy and precision will be  
124 made on the new instrument. Ms. Lohmann described the testing protocols for operators  
125 conducting a breath test on a subject and indicated that they would remain the same. Ms.  
126 Lohmann then went over a proposed Quality Assurance form.

127  
128 There was discussion regarding the purpose of the subcommittee's role in the Department of  
129 Forensic Science's (DFS) plan on moving forward with the new instrument.  
130

131 Dr. Carpenter inquired as to how many states are currently using the EC/IR II. Ms. Lohmann  
132 responded that West Virginia, Wisconsin, North Carolina, and Tennessee are currently using this  
133 instrument. Arkansas will be using it in the future, and there may be some states that use it in  
134 some localities.

135  
136 The new instrument offers enhanced communication capabilities, increased troubleshooting  
137 abilities from the lab, and the ability to use dry gas versus a wet bath. Also, there was discussion  
138 about how the gas cylinders would be changed in the new instruments. Ms. Lohmann explained

139 what the protocols would be for the gas cylinders. Ms. Lohmann also described how the  
140 communication would work from DFS to the instruments in the field and vice versa.

141  
142 Dr. Carpenter asked Ms. Lohmann to give an overview of the instrument. Ms. Lohmann  
143 described how the instrument functioned, its capabilities, and fuel cell technology. Dr. Carpenter  
144 then inquired about the process of how DFS was going to handle the implementation of the new  
145 instruments once they arrive. Ms. Lohmann gave a summary on the process the new instruments  
146 will go through once they are received by DFS, and referred to the use of the quality assurance  
147 checks which will be memorialized on the above-mentioned form.

148  
149 Dr. Poklis inquired about the types of reports that can be requested from DFS relating to the  
150 EC/IR II. Ms. Lohmann stated that the same reports that are available now will be available for  
151 the new instruments. The format for the reports will be similar to what is already being produced  
152 by DFS.

153  
154 There was discussion on how DFS will perform maintenance on the new instruments  
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156 Dr. Carpenter then asked Ms. Lohmann to discuss the plan for operator training and the phasing  
157 in of the new instruments. Ms. Lohmann gave a summary of the operator training. The new  
158 instruments will be placed in regions and this will coincide with the training of the operators of  
159 the same regions.

160  
161 Dr. Carpenter asked Ms. Lohmann to speak to Breath Alcohol's accreditation plans (ISO 17025).  
162 Ms. Lohmann discussed how the lab was moving forward with plans for accreditation. Making  
163 sure that protocol is being followed and that all gas tanks will be NIST traceable. Dr. Carpenter  
164 gave some suggestions on traceability. Discussion continued regarding ISO accreditation and  
165 the new breath alcohol instrumentation.

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167 Dr. Carpenter and Dr. Poklis agreed on calling Barry Fisher, Chair of the SAC, to join the breath  
168 alcohol subcommittee to seek guidance on how to further proceed.

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170 The Subcommittee recessed at 11:12 a.m. to allow time for Mr. Fisher to join the meeting.

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172 The Subcommittee reconvened at 11:17 am.

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174 Barry Fisher, Chair of the SAC; Michelle Gowdy, DFS Counsel; Dave Barron, PhD., DFS  
175 Technical Director; joined the meeting at that time.

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177 Discussion continued on how the subcommittee would report the full scientific advisory  
178 committee.

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180 The subcommittee recessed at 11:25 a.m.

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182 The subcommittee reconvened at 11:31 a.m.

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185 Recommendation for the SAC and FSB:

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187 Discussion continued on the needs of the SAC from breath alcohol for the final recommendation  
188 to the FSB. Discussion also continued on the plans to move forward with the implementation of  
189 the new instruments. It was decided that Dr. Carpenter would speak to the Scientific Advisory  
190 Committee about where DFS stands in the process of implementing new breath alcohol  
191 instrumentation. The consensus was that the review of the written protocols and accompanying  
192 documentation up until this point are appropriate and DFS is moving in the right direction. The  
193 subcommittee plans on completing their review of final documentation (written protocols and  
194 final procedures) prior to the August 5, 2008 Scientific Advisory Committee meeting and  
195 providing a follow up report.

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197 Public Comment:

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199 Dr. Carpenter asked if there was any public comment. There was none.

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201 Adjourn:

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203 The meeting was adjourned at 11:46 a.m.