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Final - Minutes
Forensic Science Board Meeting
October 10, 2012
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
Leah Bush, M.D.
John Colligan (Designee of Garth Wheeler, Director of Department of Criminal Justice Services)
Jo Ann Given
Karl R. Hade
Kristen Howard (Designee of the Chairman of the Virginia State Crime Commission)
Alan Katz (Designee of Attorney General Kenneth Cuccinelli)
Sheriff A.A. Lippa, Jr.
Senator Ryan McDougle
Lt. Col. Robert Northern (Designee of Colonel W. Steven Flaherty)
Jami St. Clair

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Board Members Absent

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Steven D. Benjamin
Delegate Richard Morris
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 Jaspens, Chief Deputy Director
Brad Jenkins, Forensic Biology Program Manager
Alka Lohmann, Calibration and Training Program Manager
Pete Marone, Department Director
Stephanie Merritt, Department Counsel
Lisa Schiermeier-Wood, Section Supervisor, Forensic Biology
Steve Sigel, Deputy Director

47 Elise Stroble, Grants Administrator
48 Carisa Studer, Legal Assistant

49

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, Ms. Given moved to adopt the agenda, which was seconded by Dr. Bush and adopted by
58 unanimous vote of the Board.

59

60 **Approval of Draft Minutes of August 8, 2012 Meeting**

61

62 Ms. Juran asked if there were any changes or corrections to the draft minutes from the August 8,
63 2012 meeting. Being none, Dr. Bush moved to adopt the minutes of the August 8, 2012 meeting,
64 which was seconded by Ms. St. Clair and adopted by unanimous vote of the Board.

65

66 **Chair’s Report**

67

68 Ms. Juran welcomed the Board, and thanked the members for their attendance. Ms. Juran
69 reported that she attended the meeting of the White House Subcommittee on Forensic Science on
70 September 14, 2012. Ms. St. Claire and DFS Director Marone also attended. The purpose of the
71 meeting was to share information about work that the Subcommittee on Forensic Science has
72 been doing and to analyze the various processes, implementations, strategies, authorities,
73 enforcement mechanisms, and compliance regulations that are employed by the state and local
74 governments. The Subcommittee discussed working on proposals based on National Forensic
75 Science recommendations. Ms. St. Clair briefly summarized the discussions at the meeting and
76 informed the Board that there was concern by the Subcommittee about all the layers of
77 recommendations. Ms. Juran commented about how much she learned about the differences
78 among the states’ processes and procedures in the field of Forensic Science.

79

80

81 **DFS Director’s Report**

82

83 Facilities: Director Pete Marone briefly updated the Board on the laboratory space renovations in
84 each of the Department’s regional laboratories. The Eastern Laboratory is in the final phase, the
85 parking lot has been fixed to meet proper standards, and the contract has been awarded for the
86 fifth floor renovation. The Western Laboratory expansion is in the planning stage. Design
87 money has been allocated to develop plans for the expansion. The Central Laboratory is
88 currently working on a 6-year plan for expansion.

89

90 Staffing: There will be four Toxicology positions added to the Central Laboratory and two
91 positions added to all the other regional laboratories. Two positions have been posted for the
92 Controlled Substances Section in the Western Laboratory for the new Meth Lab Team.

93
94 Instrumentation: Two Gas Chromatography-Solid State Infrared Spectrometers (GC-IR) were
95 purchased last year and two more will be purchased, allowing each laboratory to have the same
96 analytical capability. The Scientific Advisory Committee heard a report on methods for testing
97 cannabinoids (THC) and benzodiazepines (benzos) that are expected to provide a quicker testing
98 process in Toxicology than that is currently used by the Department. Also in Toxicology, the
99 Department is starting to work on a toxicology screening technique, which is the first step in the
100 testing process. Linda Jackson, Chemistry Program Manager, explained the method is in the
101 development phase. Once the development is complete, it will move into the validation phase.
102 Ms. Juran inquired about how much time will be eliminated from the testing process once the
103 new method is up and running. Ms. Jackson answered that it will be case by case, but it should
104 eliminate weeks of testing time for DUID cases. Dr. Bush inquired whether the OCME's office
105 will go back to receiving Toxicology certificates of analysis with full panels on deceased DUID
106 cases. Director Marone answered that testing protocols would not be changing at this time. The
107 Department is beginning to look at purchasing additional AccuTOF-DARTs (Time of Flight
108 Mass Spectrometer-Direct Analysis in Real Time) instruments for the Controlled Substances
109 section.

110
111 Budget Outlook: Director Marone reported to the Board that the Department is not planning to
112 seek additional funding for the second year of the biennium. The Department may have Budget
113 changes depending on the upcoming legislative session.

114
115 Workload/Backlog: Director Marone summarized average days in the lab system for cases in
116 several different sections and reported on progress being made on old cases. Director Marone
117 noted that all Forensic Biology cases are included in the overall backlog number. It includes
118 cases in special projects such as the post-conviction program, the Familial DNA program, and
119 mitochondrial cases. Director Marone also discussed the continued efforts in the Toxicology
120 section to reduce the number of cases in the backlog. Personnel and instrumentation have been
121 added to the laboratories, and the Toxicology Section has restructured how case work is handled.

122
123 Synthetic Cannabinoids/Bath Salts/Clandestine Meth Labs: Director Marone gave a brief update
124 and informed the Board that two new classes of compounds have been indentified since the 2012
125 legislation has been in effect. The Controlled Substances Section traditionally sees peaks in
126 submissions during March and April and then again in September and October. The Department
127 is now referring to "Bath Salts" as "Research Chemicals." The Board discussed the long-term
128 effects on the Department of the growing case volume and continuously changing variety of
129 research chemicals. DFS is beginning discussion with legislator about updating statutes to
130 address the issue. Ms. Howard informed the Board that the Crime Commission would be taking
131 up this issue at their December meeting.

132
133 The Meth Lab submissions for the current year appear to be essentially on track to meet the
134 number of submissions in 2011, with the majority being in the Western Laboratory. The Eastern
135 Laboratory has also received evidence in meth lab cases as well this year. Ms. Howard inquired
136 whether the Department knows where the meth labs are coming from, e.g., either hotels or cars.
137 Director Marone explained that the Department may not get that type of information when the
138 evidence is submitted. Ms. Jackson commented that the Virginia State Police in the western

139 region of the state does keep those types of statistics on offenses. The Department can
140 categorize it by jurisdiction.

141
142 The *Melendez-Diaz* decision continues to affect the Controlled Substances Section, and
143 examiners spend a large amount of time away from the lab in Court.

144
145 Melendez-Diaz: Director Marone inquired whether Ms. Given has seen that the *Melendez-Diaz*
146 decision has affected other states in the same way it has affected Virginia. Ms. Given stated that
147 she has not seen it have the same affects on forensic labs in other states. Ms. St. Clair also
148 informed the Board that in her state, Ohio, they have not had the same legal issues. Director
149 Marone commented on the amount of hours examiners are spending on the telephone and
150 communicating by email to attorneys before the trial date. Dr. Bush inquired about the
151 discussion from the August 8, 2012 meeting with Mr. Hade, and if he was able to communicate
152 with the Fairfax County judges about the Department's witness subpoena issues. Mr. Hade
153 responded that he has reached out the Fairfax County judges on the issue. Mr. Marone stated
154 that the Department has been informed that Fairfax County may be deciding on a specific DUID
155 day to be scheduled in the Courts. It is a method that seems to work for other jurisdictions. Mr.
156 Hade informed the Board that he was very optimistic that the Judges will come to this resolution.

157
158 Grants: Director Marone updated the Board on all of the Department's grants. The grant for
159 *Using DNA Technology to Identify the Missing* ends December 31, 2012 and will not be
160 renewed. The *2008 Post-Conviction DNA Testing Assistance Program* grant will also end
161 December 321, 2012. Director Marone gave an overview of the other grants, and noted to the
162 Board that the grant money continues to decrease every year.

163 164 Old Business

165
166 Post-Conviction DNA Testing Program and Notification Project: Ms. Howard updated the
167 Board on the Notification Committee's efforts. Case assignments for the 'need knows' have
168 been given to nine pro-bono attorneys. Training for more pro-bono will be recorded for on-line
169 training, which will make training much more accommodating for attorneys throughout the state.

170
171 Ms. Jaspén, Chief Deputy Director, reported the latest statistics to the Board on program eligible
172 cases. The Board was reminded of the difficulty in confirming conviction information for some
173 suspects in cases potentially eligible for the program. Ms. Howard described the manpower and
174 time needed to search through the Clerk's offices archived files, and noted that many records
175 have been destroyed. Ms. Jaspén concluded her update with the 801 reported cases statistics.

176 177 Scientific Advisory Committee (SAC) Report

178
179 The SAC met on Tuesday, October 9, 2012. Ms. St. Clair reported to the Board that the SAC
180 continues to review the Department's policies and procedures. The subcommittees on Biology,
181 Trace and Latents are actively reviewing those procedures and have made suggestions to the
182 Department and the staff has been very receptive to the SAC's suggestions. The SAC approved
183 toxicology validations on THC and Benzos.

184

185 Sheriff Lipppa moved to adopt the SAC's report, which was seconded by Dr. Bush and adopted
186 by unanimous vote of the Board.

187
188 **New Business**

189
190 Ms. Merritt, Department Counsel, reported to the Board that the four regulations under
191 regulatory review have completed the public comment phase. Public comments closed in
192 September 2012. There were no comments made on any of the four regulations. The review
193 process will now be done by the Department. Ms. Merritt reported that the Governor has
194 announced an initiative for reducing the burden on regulations. The Board will need to review
195 the four regulations in the January 2013 Board meeting. The four regulations include (i) Breath
196 Alcohol Testing, (ii) Approval of Field Tests for Detection of Drugs, (iii) Implementation of the
197 Law permitting DNA Analysis upon Arrest for all Violent Felonies and Certain Burglaries, and
198 (iv) Approval of Marijuana Field Tests for Detection of Marijuana Plant Material.

199
200 Chair Juran called for a ten minute break at 10:30 am.

201
202 The Board resumed at 10:45 a.m.

203
204 Chief Deputy Gail Jaspfen presented the Annual Forensic Science Board Report. Ms. Jaspfen
205 summarized the report for the Board and identified changes from the circulated draft and
206 suggestions made by Board members and staff. Ms. Jaspfen pointed out that she included the
207 SAC's work plan from their October 09, 2012 meeting, and will also include the Board's action
208 discussed at today's meeting.

209
210 Ms. Given moved to approve the Annual Forensic Science Board Report and to allow Ms. Jaspfen
211 to amend the report along with Chair Juran, and then submit according to law, which was
212 seconded by Ms. St. Clair and passed by unanimous vote.

213
214 Ms. Jaspfen updated the Board on the Substance Abuse Awareness Vital for Virginia Youth
215 program (SAVVY), the special initiative by the Governor and Secretary of Public Safety
216 "Community Drug Awareness" initiative. The Department will be partnering with other
217 agencies to hold regional events bringing together many groups. SAVVY's goal is to get resource
218 information to both parents and children. The first expo will be held on October 30, 2012 at the
219 Department's Northern Laboratory in Manassas. The second expo will be held on November 14,
220 2012 at James River High School in Chesterfield County. There will be two expos in the spring
221 held in the Tidewater and Southwest regions of the state. Dates and locations are to be
222 announced.

223
224 Dr. Bush inquired if there was any role for the OCME at these expos. Ms. Jaspfen agreed that the
225 OCME should participate and would make arrangements with Dr. Bush after the Board meeting.

226
227 Ms. Juran announced that Virginia has been awarded a \$45,000 policy grant from the National
228 Governor Association to identify ways to reduce prescription drug abuse.

229

230 Sheriff Lippa thanked Director Marone and Ms. Jackson for attending the Sheriff's Association
231 meeting earlier this year.

232
233 Director Marone announced to the Board that Deputy Director, Steve Sigel, will be retiring
234 December 31, 2012.

235
236
237 **Public Comment**

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239 None

240
241 **Next Meeting**

242
243 The Forensic Science Board will meet next on Thursday, January 3, 2012 at 9 a.m.

244
245 **Adjournment**

246
247 Ms. Howard moved that the meeting of the Board be adjourned, which was seconded by Sheriff
248 Lippa and passed by unanimous vote.

249
250 The meeting adjourned at 11:43 a.m.