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**Final - Minutes**  
**Forensic Science Board Meeting**  
**August 20, 2014**  
**Department of Forensic Science, Central Laboratory, Classroom 1**

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23

**Board Members Present**

24 John G. Colligan, Jr., Designee of Francine C. Ecker, Director, Department of Criminal Justice  
25 Services  
26 W. Steven Flaherty, Colonel, Virginia State Police Superintendent  
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 Caroline D. Juran, Executive Director, Board of Pharmacy  
33 Anthony A. Lippa, Jr., Sheriff, Caroline County  
34 David A. C. Long, Esq.  
35 Claiborne H. Stokes, Jr., Commonwealth's Attorney, Goochland County  
36 Richard Vorhis, Designee of Attorney General Mark R. Herring

37  
38

**Board Members Absent**

39 Robin Cotton, Ph.D., Member, Scientific Advisory Committee  
40 Richard L. Morris, Delegate and Designee of Delegate David B. Albo, Chair, House Courts of  
41 Justice Committee  
42 Thomas K. Norment, Jr./Mark D. Obenshain, Senators and Co-Chairs, Senate Courts of Justice  
43 Committee

44  
45

**Legal Counsel for the Forensic Science Board**

46 K. Michelle Welch, Assistant Attorney General

47  
48

**Staff Members Present**

49 Wanda W. Adkins, Office Manager  
50 David A. Barron, Ph.D., Deputy Director  
51 Donna M. Carter, Finance Manager  
52 Sabrina S. Cillessen, Physical Evidence Program Manager  
53 John T. Griffin, Northern Laboratory Director  
54 Leslie H. Ellis, Human Resources Manager  
55 Katya N. Herndon, Chief Deputy Director  
56 Linda C. Jackson, Department Director  
57 Bradford C. Jenkins, Forensic Biology Program Manager  
58 Alka B. Lohmann, Director of Technical Services  
59 M. Scott Maye, Chemistry Program Manager

47 Stephanie E. Merritt, Department Counsel  
48 Carisa M. Studer, Legal Assistant

49

50 **Call to Order**

51

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

54

55 **Adoption of Agenda**

56

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

60

61 **Approval of Draft Minutes of the April 30, 2014 Meeting**

62

63 The Chair asked if there were any changes or corrections to the draft minutes from the April 30,  
64 2014 meeting. Being none, Mr. Long made a motion to adopt the minutes of the April 30, 2014  
65 meeting, which was seconded by Ms. Juran and adopted by unanimous vote of the Board.

66

67 **Chair’s Report**

68

69 There was no formal report from the Chair. Ms. Given welcomed and introduced Mr. Richard  
70 Vorhis, the newly appointed Designee of Attorney General Mark R. Herring. The Board joined  
71 the Chair in welcoming Mr. Vorhis, and each member introduced him or herself.

72

73 **DFS Director’s Report**

74

75 Director Jackson welcomed the Board and thanked them for their attendance. She announced  
76 that Governor McAuliffe had proclaimed the week of August 10 – 16, 2014 as Virginia Forensic  
77 Science Week. The Virginia Department of Forensic Science (“DFS or the Department”)  
78 received a copy of the proclamation from Governor McAuliffe, which was displayed in each of  
79 the regional laboratories. During Virginia Forensic Science Week, the Department offered tours  
80 of the Central, Eastern and Northern Laboratories to the Governor’s Cabinet, federal and state  
81 legislators, user agencies, and the media. Governor McAuliffe and Secretary of the  
82 Commonwealth Levar Stoney toured the Central Laboratory on Monday, August 11, 2014 to  
83 kick off the week. Tours were not offered of the Western Laboratory due to the construction for  
84 the expansion and renovation project.

85

86 **Facilities:**

87 Director Jackson reported to the Board that there was a formal Ground Breaking Ceremony held  
88 at the Western Laboratory on July 28, 2014. Director Jackson and Dr. Gormley welcomed  
89 guests to the Ceremony, and then Secretary of Administration Nancy Rodrigues, Dr. David  
90 Trump, Chief Deputy Commissioner of Health, and Secretary of Public Safety and Homeland  
91 Security Brian Moran gave remarks. The anticipated completion date for the new construction  
92 portion of the project is December 2015. Renovations to the current Western Laboratory

93 building will begin in January 2015 after the new construction is finished, with an estimated  
94 completion date of August 2016.

95  
96 There was detailed planning money included in the budget for the expansion of the Central  
97 Laboratory, which would allow the DFS operations currently housed across the street in Biotech  
98 8 to be moved back into the expanded Central Laboratory. The detailed planning money is being  
99 evaluated by the Department of Planning and Budget. DFS is working with the Division of Real  
100 Estate Services to obtain an extension of the lease for the space used by DFS and the OCME in  
101 the Biotech 8 building. The current lease ends in 2016, and the expected completion date of the  
102 Central Laboratory expansion project is sometime in 2019 at the earliest.

103  
104 Projects:  
105 Director Jackson advised the Board that, as of June 16, 2014, certain Breath Alcohol Instrument  
106 records were made available on the Department's website. Currently, the Breath Alcohol Section  
107 receives approximately 100 requests for records per week. The records available on the website  
108 include Certificates of Instrument Accuracy, instrument maintenance history, quality assurance  
109 worksheets and associated documentation. DFS has requested grant funding from the DMV  
110 Highway Safety grant to post additional breath alcohol records that are test specific on the  
111 website and make those records searchable. Names would be redacted from these records.

112  
113 Additionally, DFS has been working to improve the Department's website by separately posting  
114 portions of the Evidence Handling Guide for Law Enforcement, and making that document  
115 searchable. Currently, the Guide is one large document.

116  
117 Budget Resources:  
118 Director Jackson provided an overview of the Department's budget. She reported that the budget  
119 provided funding for four new Forensic Scientist positions; two in Controlled Substances, one in  
120 Toxicology and one in Forensic Biology. The FY 15 Budget also included the continued funding  
121 for prior year pay raises, changes in benefit rates, and changes in other agency charges.

122  
123 Additionally, there was a budget amendment approved that will fund three additional Forensic  
124 Scientist positions to address critical backlogs in Forensic Biology. It is the intent of the General  
125 Assembly that one of these positions be dedicated to processing the Physical Evidence Recovery  
126 Kits (PERKs) submitted to the Department as a result of Senate Bill 658. DFS is prepared to  
127 have all three positions analyze the PERKs if there is a large volume submitted as a result of the  
128 inventory. These positions are currently in recruit.

129  
130 Grants: Director Jackson gave an overview of all current grants, noting that the majority of DFS  
131 grant funding is allocated to the Forensic Biology Section. However, there are a couple grants  
132 allotted to other Sections of DFS. They include the FY 2013 Paul Coverdell grant, a joint grant  
133 with the Office of the Chief Medical Examiner (OCME) used to fund training of non-DNA  
134 personnel, and the FY 2014 DMV Highway Safety Grant, which is used to pay costs associated  
135 with law enforcement personnel attending the class for initial breath alcohol operator licensure  
136 and for Breath Alcohol scientific staff to receive continuing education. The Board approved the  
137 FY 2014 Paul Coverdell National Forensic Science Improvement Grant and FY 2015 DMV

138 Highway Safety Grant at the April 30, 2014 Board meeting. Both those grants are currently  
139 pending.

140  
141 Director Jackson reminded the Board that the Office of the Attorney General approved the  
142 Department's request for *Abbott* Settlement Forfeiture funds. A memorandum of understanding  
143 was signed on April 22, 2014. DFS is awaiting appropriation before spending the funds, which  
144 will be used to purchase equipment that will increase capacity and decrease turnaround time in  
145 the Chemistry Program Area.

146  
147 Director Jackson presented the FY 2014 DNA Capacity Enhancement and Backlog Reduction  
148 Program to the Board for approval. It had been approved by the Board Chair and Vice-Chair in  
149 late May. The Department will use the funding to continue to pay salaries and benefits of five  
150 forensic scientists and one laboratory specialist; provide continuing education to DNA scientists  
151 and data bank analysts; purchase two 3500 genetic analyzer instruments and software; and  
152 purchase a Qiagen Robot for the DNA Databank. Dr. Gormley made a motion to approve the  
153 Department's grant application for the FY 2014 DNA Capacity Enhancement and Backlog  
154 Reduction Program Grant and to approve the Department's acceptance of the grant funds, if  
155 awarded, which was seconded by Colonel Flaherty. The motion was adopted by unanimous vote  
156 of the Board.

157  
158 Workload/Backlog: Director Jackson reviewed the 30-60-90-120 day workload summary report,  
159 which reflected average days in the system for cases completed by each Section for the month of  
160 July 2014. She also presented the Department's statistics in quarterly format using graphs  
161 reflecting cases received, cases completed, the caseload, and the average days in the system for  
162 each section.

163  
164 Director Jackson informed the Board that there are currently two Forensic Scientists in training  
165 in the Controlled Substances Section. There are two more scheduled to start in the Northern  
166 Laboratory on August 25, 2014, and it can take up to one year to fully train new Forensic  
167 Scientists. The Department is working on implementing mandatory overtime for Controlled  
168 Substances personnel in order to reduce the current backlog in that section. Mr. Long asked if  
169 there is a target for the number of days for controlled substances cases to be in the system.  
170 Director Jackson advised that there is a 30-day target, but noted that the Section has been above  
171 that target as a result of the increased amount of time examiners are spending in court, and  
172 analyzing new types of drugs and the clandestine methamphetamine laboratory cases.

173  
174 Director Jackson noted in the Forensic Biology workload summary that the turnaround time for  
175 that Section has recently gone up because the Section has been incorporating new statistical  
176 methods, which will be addressed in more detail by DNA Program Manager Brad Jenkins during  
177 his presentation under New Business.

178  
179 Director Jackson reminded the Board that the Latent Prints Section had a higher turnaround time  
180 due to the transition from paper to onscreen examinations using the new Mideo software.  
181 Analyses were being done by both methods until September 2013. There has been a learning  
182 curve through the transition, but one benefit of the new system is consistency in terms of the

183 documentation maintained by examiners. DFS expected to see the turnaround time increase  
184 during this transition.

185  
186 Reducing the Toxicology Section's turnaround time has been another goal of the Department.  
187 DFS has been working on rebuilding the Section after the loss of staff. It has taken time to hire  
188 and train new staff, but many of the new hires have now been fully trained, and the turnaround  
189 time has continued to improve.

190  
191 Reaccreditation:

192 Director Jackson informed the Board that the Department had its ASCLD/LAB *International*  
193 Accreditation onsite assessment the week of May 12, 2014. The Department's current  
194 accreditation expires on September 11, 2014. The Department's reaccreditation will be  
195 discussed at an ASCLD/LAB Board meeting scheduled for September 3, 2014.

196  
197 Old Business

198  
199 Post-Conviction DNA Testing Program and Notification Project:

200 Katya Herndon, Chief Deputy Director, presented statistics to the Board for the program testing  
201 and notification project. Ms. Herndon reminded the Board that, at the April 30, 2014 meeting,  
202 the Board discussed the possibility of publicizing, potentially through a press release, the fact all  
203 eligible cases had been tested and most notifications had been completed. Ms. Herndon  
204 explained that the press release has been put on hold.

205  
206 There was language included in the budget passed in 2008 that addressed the notification portion  
207 of this project, and then in 2009, the General Assembly passed Senate Bill 1391, which gave the  
208 Virginia State Crime Commission (VSCC) some oversight over the notification project. The  
209 subject of the notification project will be on the agenda for an upcoming Crime Commission  
210 meeting. It would be premature to send out a press release advising that the project was  
211 concluding with the Crime Commission scheduled to meet to discuss the status of the project. A  
212 report will be made to the Board once the Crime Commission meets, advising what direction  
213 they gave in terms of any additional steps that should be taken for this project.

214  
215 Additionally, Ms. Herndon pointed out that the Crime Commission created and maintains a  
216 separate notification database from that maintained by DFS. DFS and the Crime Commission  
217 have shared information back and forth, but the two databases have not been compared. The  
218 plan is to compare the two databases.

219  
220 Kristen Howard, Chair of the Notification Subcommittee, provided the Board with an update on  
221 the notification project and noted the assistance the Crime Commission Staff received from the  
222 Indigent Defense Commission (IDC). Ms. Howard introduced and thanked Louis Quick and  
223 Grace Stewart, who were instrumental in locating suspects that required confirmed notifications.  
224 Mr. Quick and Ms. Lewis were contract employees hired by the IDC to assist with the post-  
225 conviction notification project. They worked from January to May 2014 on this project,  
226 identifying contact information for 88% of those suspects requiring confirmed notification, and  
227 of those, 33% were completed.

228

229 The Chair welcomed Mr. Quick and Ms. Stewart and thanked them for all of their hard work on  
230 behalf of the Board.

231

232 **New Business**

233

234 **DNA Statistical Reporting Update:**

235 Brad Jenkins, Forensic Biology Program Manager, reported to the Board about the revisions in  
236 the national guidelines regarding the calculation of statistics in DNA analyses. Mr. Jenkins  
237 provided a background explanation on traditional DNA statistics and explained that the  
238 Department has adopted probabilistic modeling for the statistical analysis of complex mixtures.  
239 This process utilizes computer server based software due to the complexity of the calculations  
240 performed. He explained that the Department has devoted significant resources to validate this  
241 protocol so as to continue to be able to provide its customers the capability of complex mixture  
242 interpretations, which is commonly required to effectively interpret “touch DNA” casework.

243

244 This method went “online” in January 2014 and is currently being used by four examiners in the  
245 Central Laboratory Forensic Biology Section. Approximately 100 reports have been issued and  
246 staff has testified approximately 10 times on cases that included these statistical calculations.  
247 There are limiting factors on how many of these “True Allele” cases that can processed, but DFS  
248 is exploring expanding its current server capacity in order to increase its case throughput  
249 capabilities.

250

251 Mr. Jenkins explained that DFS will be identifying historical cases in which this probabilistic  
252 modeling may offer additional interpretive information. Thus far, 280 cases have been identified  
253 for this statistical processing.

254

255 **Forensic Science Board By-Laws:**

256 Ms. Herndon advised the Board that amending the Forensic Science Board By-Laws requires 2/3  
257 vote of members present at a meeting. However, in order to amend the by-laws, proposed  
258 amendments have to be submitted to the Board in writing at the previous meeting. Ms. Herndon  
259 noted that the proposed amendments were being provided to the Board so that the Board would  
260 be able to vote on them at the October meeting. Ms. Herndon reviewed each of the proposed  
261 amendments, which are all the result of statutory changes that have been made to the laws  
262 impacting the Board since the by-laws were initially adopted. The Board will vote on the  
263 proposed amendments at its October 15, 2014 meeting.

264

265 **SB 658 – PERK Inventory:**

266 Ms. Herndon reminded the Board of the requirements of SB 658. Law enforcement agencies  
267 must conduct an inventory of untested Physical Evidence Recovery Kits (PERKs) in their  
268 custody and report information on the inventory to DFS. SB 658 requires DFS to establish the  
269 form of the inventory as well as the timeline for agencies to comply. DFS is required to report  
270 on the inventory to the General Assembly on or before July 1, 2015.

271

272 DFS will be hosting a stakeholders meeting on August 21, 2014 at the Central Laboratory to  
273 gather feedback from interested parties before finalizing the inventory form and timeline. DFS  
274 invited representatives from the Virginia Association of Chiefs of Police, the Virginia Sheriffs’

275 Association, Commonwealth's Attorneys, defense attorneys, victim advocates, forensic nurses,  
276 the OCME, the Department of Criminal Justice Services, the Department of Corrections, the  
277 Division of Consolidated Laboratories, and the Crime Commission. Ms. Herndon will update  
278 the Board at the October 15, 2014 meeting with the outcome from the stakeholder meeting.

279

280 SB594/HB1112:

281 Caroline Juran, Executive Director, Board of Pharmacy, gave an overview of HB1112 and  
282 SB594. These bills, among other things, repeal the synthetic cannabinoid statute enacted in 2011  
283 and move prohibited cannabimimetic agents to Schedule I of the Drug Control Act. The Board  
284 of Pharmacy has been working closely with DFS to keep up with the chemical changes found  
285 within substances submitted to DFS for analysis. DFS will notify the Board of Pharmacy of new  
286 substances identified by the 15<sup>th</sup> of January, April, July, and October, before the Board of  
287 Pharmacy's quarterly meetings. The Board of Pharmacy can then add any substance to the  
288 Schedule I or Schedule II list of the Drug Control Act by a regulatory action exempt from the  
289 Administrative Process Act. Substances added to Schedule I or Schedule II by regulation must  
290 be added to the Code by the General Assembly within 18 months.

291

292 The Board discussed the new course of action for adding substances to the Schedule I and  
293 Schedule II lists of the Drug Control Act.

294

295 Request from ASCLD/LAB:

296 Ms. Given, Chair, recused herself from this agenda item as she is employed by ASCLD/LAB.  
297 Vice-Chair Caroline Juran took over the duties of the Chair.

298

299 Director Jackson presented a request from ASCLD/LAB to the FSB. Director Jackson explained  
300 that, since ASCLD/LAB is an accrediting body, it must ask for input from interested parties  
301 when making changes to its accreditation program. Boards that oversee forensic laboratories in  
302 states have been identified as interested parties. The FSB has been invited to be designated as an  
303 interested party, which will allow the FSB to review and comment on proposed changes to  
304 ASCLD/LAB accreditation programs.

305

306 The FSB discussed becoming an interested party for ASCLD/LAB. Dr. Gormley made a motion  
307 that the Board participate as an interested party, with a second by Colonel Flaherty. The Board  
308 discussed whether or not it would be more advantageous for the Scientific Advisory Committee  
309 (SAC) to review and comment on proposed changes from ASCLD/LAB.

310

311 Dr. Gormley amended his motion to reflect that the Board would participate as an interested  
312 party with the information being disseminated to the SAC and the Board, but that the SAC would  
313 respond back directly to the Board with its recommendations. The motion was seconded by  
314 Sheriff Lipa and adopted by unanimous vote of the Board.

315

316 Public Comment

317

318 None.

319

320 Next Meeting

321  
322 The Forensic Science Board is scheduled to meet next on Wednesday, October 15, 2014 at 9 a.m.  
323

324 **Adjournment**

325  
326 Colonel Flaherty moved that the meeting of the Board be adjourned, which was seconded by  
327 Mr. Long and passed by unanimous vote.

328  
329 The meeting adjourned at 11:00 a.m.