

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

Final - Minutes
Scientific Advisory Committee Meeting
October 16, 2015
Department of Forensic Science, Central Laboratory, Classroom 1

18
19

Committee Members Present

20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

Randall E. Beaty
Maureen C. Bottrell
Leslie E. Edinboro, Ph.D.
Jo Ann Given
Linda C. Jackson
Richard P. Meyers, Chair
Alphonse Poklis, Ph.D.
Jami J. St. Clair
Kenneth B. Zercie

37
38

Committee Members Absent

39
40
41
42
43

Robin W. Cotton, Ph.D.
George Maha, Ph.D.
Carl A. Sobieralski
Travis Y. Spinder

44
45
46

Staff Members Present

Wanda W. Adkins, Office Manager
D. Jeffrey Ban, Central Laboratory Director
Sabrina Cillessen, Physical Evidence Program Manager
Jennie Duffy, Breath Alcohol Section Supervisor
Bradford C. Jenkins, Biology Program Manager
Melissa S. Kennedy, Calibration and Training Program Manager
Alka B. Lohmann, Technical Services Director
M. Scott Maye, Chemistry Program Manager
Carisa M. Studer, Legal Assistant

Call to Order

Richard P. Meyers, the Chair of the Scientific Advisory Committee (“Committee” or “SAC”), called the meeting of the Committee to order at 9:06 a.m.

Adoption of Agenda

The Chair asked if there were any additions or changes to the draft agenda for the meeting. Director Jackson asked that the Committee add future Department of Forensic Science (“DFS” or “Department) projects as an item under Other Business. Ms. Given moved to adopt the agenda

47 with the addition of future projects as an agenda item, which was seconded by Dr. Poklis, and
48 adopted by unanimous vote of the Committee.
49

50 **Adoption of Minutes**

51
52 The Chair asked if there were any changes or corrections to the draft minutes from the May 12,
53 2015 meeting. Ms. St. Clair noted typos on page 2 of the minutes and asked that they be
54 corrected. Mr. Zercie moved to adopt the minutes from the May 12, 2015 meeting with the
55 specified corrections, which was seconded by Ms. Given, and adopted by unanimous vote of the
56 Committee.
57

58 **Chair's Report**

59
60 The Chair welcomed the Committee members and thanked them for their attendance. The Chair
61 informed the Committee that Dr. Planz's term on the SAC had expired and that he had not
62 sought reappointment. The Chair advised that Dr. George Maha was recently appointed to fill
63 the Population Geneticist seat on the Committee vacated by Dr. Planz. Dr. Maha is expected to
64 attend meetings beginning in 2016.
65

66 **DFS Director's Report**

67 Agency Events:

68
69 Director Jackson shared with the Committee the Department's new brochure and noted that a
70 copy was included in the materials provided to each member.
71

72 Director Jackson informed the Committee of the changes to the DNA Data Bank statute that
73 went into effect July 1, 2015. The law requires adults convicted of nine additional misdemeanor
74 offenses to provide samples for the DNA Data Bank. The additional offenses include: violation
75 of protective order, stalking, violation of stalking protective order, infected sexual battery,
76 unauthorized use, unlawful entry, indecent exposure, obscene sexual display, and resisting arrest.
77 The Department has seen an increase in submissions to the DNA Data Bank since the additional
78 misdemeanor offenses were added to the statute. Funding was included in the Department's
79 budget for additional kits and supplies. Additional staff is not needed at this time.
80

81 Director Jackson updated the Committee on the status of the PERK Inventory project. Since the
82 Committee last met, the PERK Inventory Report was submitted to the General Assembly on July
83 1, 2015. Subsequent to submission of the report, an agency provided DFS with an updated
84 inventory and pointed out that the instructions for completing the inventory form may have been
85 unclear with regard to which PERKs were required to be counted for the inventory. When DFS
86 staff looked back at the materials, they concluded that, if the instructions for completing the form
87 were read in isolation without any of the other information that was disseminated, they could
88 have been misinterpreted as only seeking PERKs for calendar year 2013.
89

90 In light of the issue regarding the inventory form instructions, DFS contacted all agencies to
91 advise of the potential confusion with the instructions and ask that they review their inventory,
92 revise it, if needed, and return any updates to DFS by Monday, October 5th. The Department is

93 in the process of reviewing the new data. An updated PERK inventory report will be submitted
94 to the General Assembly.

95
96 Director Jackson also advised the Committee that a PERK Work Group was formed and had its
97 first meeting on September 17, 2015 at the Central Laboratory. Secretary of Public Safety and
98 Homeland Security Brian Moran is the Chair of the Work Group. Members include First Lady
99 Dorothy McAuliffe and representatives from victim advocacy groups, Commonwealth's
100 Attorneys, the criminal defense bar, law enforcement, DFS, and forensic nurses.

101
102 The Work Group created four subcommittees (Hospital/Collection Issues, Law
103 Enforcement/Submission Issues, Testing/Data Bank Issues, and Victim Consent/Notification
104 Issues). The Subcommittees will meet and report recommendations back to the full Work Group
105 at its next meeting scheduled for October 23, 2016.

106
107 Director Jackson updated the Committee on the status of the Laboratory Information
108 Management System (LIMS) project. On July 23, 2015 DFS awarded a contract to a vendor to
109 upgrade the current LIMS to a newer version. Work on the system began on August 3, 2015,
110 and it is scheduled to "Go Live" by March 31, 2016. The project must be completed by July
111 2016 when the current server reaches its end of life. Phase II of the project will include new
112 features such as pre-submission data entry for evidence, and electronic distribution of
113 Certificates of Analysis. The system will not immediately include electronic case file record
114 keeping.

115
116 Director Jackson gave an overview of DFS staffing, comparing August 2014 (DFS had 269 filled
117 positions with 26 positions in recruit) and August 2015 (DFS had 261 filled positions with 28
118 positions in recruit). The Department's Maximum Employment Level is 310 positions. Director
119 Jackson noted the decrease in full-time and part-time support staff were the result of required
120 budget reduction strategies.

121
122 During the 2015 General Assembly Session, the Department was allocated funds to restore
123 funding for eight scientist positions that had been either eliminated or held open in FY15. DFS
124 is currently in the process of refilling these positions. Director Jackson noted that two of the
125 scientist positions restored in the FY16 budget were in Digital and Multimedia Evidence (DME).
126 The two DME scientists had accepted trainee positions in another section, but were transferred
127 back to DME, which allowed for the reinstatement of video enhancements effective June 23,
128 2015.

129
130 Director Jackson updated the Committee on the historical case file project. DFS is in the process
131 of hiring two wage employees to scan portions of the archived case files (1973-1995) not in the
132 laboratory information management system (LIMS). There is funding for up to four wage
133 employees. In addition to the scanned Certificates of Analysis, searchable case information will
134 be captured, which should be able to be transferred into the upgraded LIMS. There are
135 approximately one million case files to be scanned. The database is currently undergoing testing.

136
137 Director Jackson reported that the Department is scheduled to distribute a customer satisfaction
138 survey to its user agencies by November 1, 2015 using SurveyMonkey[®]. The survey will

139 include questions regarding the use of National Integrated Ballistic Information Network
140 (NIBIN) association information and Toxicology and Controlled Substances reports.

141
142 Facilities:
143 Director Jackson provided a snapshot of the facilities projects at the Western and Central
144 Laboratories. Currently, the Western Laboratory expansion and renovation project is on budget,
145 but it is about two weeks behind schedule. The manufacturer of the casework (cabinetry) for the
146 new laboratory space is behind schedule causing the delay.

147
148 Also, the Department was awarded funds for the detailed planning phase of the
149 renovation/expansion of the Central Laboratory, which will allow the DFS operations currently
150 housed in Biotech 8 to move back into the expanded Central Laboratory. Contract negotiations
151 are still underway with an architectural and engineering firm for the project.

152
153 Grants:
154 Director Jackson updated the Committee on the Department's current grants: the NIJ Research
155 and Development of Publicly Funded Forensic Science Laboratories to Assess the Testing and
156 Processing of Physical Evidence; the 2016 Highway Safety Grant; the FY 2015 Paul Coverdell
157 grant; the FY 2015 DNA Capacity Enhancement and Backlog Reduction Program grant; and the
158 New York County District Attorney's Office Sexual Assault Kit Backlog Elimination Program.

159
160 Workload/Backlog: Director Jackson presented the Department's statistics in quarterly format
161 using graphs reflecting cases received, cases completed, the caseload, and the average number of
162 days in the system for each Section. Director Jackson pointed out how the cases received by the
163 Controlled Substances Section have decreased since the implementation of the revised marijuana
164 submission policy.

165
166 The Firearms Section continues to see an increase in submissions due to the Bureau of Alcohol,
167 Tobacco, Firearms, and Explosives (ATF) encouraging law enforcement agencies to submit all
168 guns for entry into the NIBIN system.

169
170 Director Jackson reminded the Committee that there has been an increase in the turnaround time
171 for the Forensic Biology Section over the past year due to the new national requirements for
172 increased statistics. Currently, there are six new Forensic Biology examiners in training.

173
174 Director Jackson noted that, although the Toxicology Section has slightly decreased case
175 turnaround times for the past several quarters, the delays are still impacting the Office of the
176 Chief Medical Examiner and Driving Under the Influence of Drugs (DUID) cases.

177
178 Director Jackson also reminded the Committee that the Trace Evidence Section lost three
179 scientist positions through budget reductions last year that were subsequently restored during the
180 General Assembly Session. The Department has filled one position, and the newly hired
181 examiner is in fire debris analysis training. However, two of the positions are still in
182 recruitment.

183
184 Synthetic Drug Testing in Virginia:

185 Director Jackson gave a presentation on the Department's testing of synthetic drugs in the
186 Controlled Substances and Toxicology Sections.

187
188 Director Jackson presented data on the number of cases where the Department had identified
189 different cannabimimetics and research chemicals from January to August 2015. She also
190 showed the number of cannabimimetic agent and research chemical cases that were being
191 completed at each DFS laboratory.

192
193 Director Jackson also shared a joint report by DFS and the Department of Criminal Justice
194 Services on Drug Cases Submitted to DFS in CY 2014. A total of 31,345 drug cases were
195 received by DFS in CY 2014. The report is organized by Virginia State Police Division and
196 shows a breakdown of the types and number of drugs in each area of the Commonwealth.
197 Director Jackson noted that the cannabimimetic agent submissions were down in 2014 compared
198 to previous years.

199
200 Director Jackson discussed analytical challenges relating to the testing of cannabimimetic agents
201 and research chemicals. Samples are screened using the three new DART-TOF instruments
202 purchased with Abbott settlement funds. All three have been verified and all examiners have
203 completed their training on the instruments. She provided the Committee with a case example of
204 the data gathered by a DART-TOF.

205
206 Director Jackson also advised the Committee of the purchase of a Purged Ultimate Union (PUU)
207 which was installed in the Controlled Substances Agilent 7890/5975 GC/MSD. She explained
208 that it allows for the removal and installation of the GC column without venting the MSD. It
209 saves at least four hours of instrument equilibration time. The PUU is currently undergoing
210 testing in the Central Laboratory.

211
212 At the conclusion of Director Jackson's report, there was a discussion of the Department's
213 Toxicology Section's ability to meet the needs of the Office of the Chief Medical Examiner
214 (OCME).

215
216 The Chair called for a recess at 10:00 a.m.

217
218 The Chair reconvened the Committee at 10:10 a.m.

219
220 **Program Area Updates**

221
222 Forensic Biology Program Update: Brad Jenkins, Biology Program Manager, provided the
223 Committee with a Forensic Biology update. The validation of the Powerplex Fusion Kit for case
224 work has begun in the Central Laboratory. The validation is anticipated to be complete by the
225 spring of 2016 and will be sent to the SAC DNA Subcommittee, which includes Dr. Cotton and
226 Mr. Sobieralski. Dr. Maha is anticipated to be appointed the Subcommittee. After the validation
227 is completed in the Central Laboratory, the regional laboratories will begin their validations. The
228 Department anticipates being ready to report on 24 areas of DNA by the fall of 2016. The
229 national deadline for laboratories to move to reporting 24 areas of DNA is early 2017.

230

231 TrueAllele, a computer system used by DFS to calculate statistics for complicated mixture
232 profiles, will also under go additional validation to include the 24 areas of DNA contained in the
233 new Powerplex Fusion Kit. Currently, this system is in use with the Powerplex 16 kit, which
234 tests 16 areas of DNA.

235
236 Mr. Jenkins updated the Committee on the Post-Conviction Testing Project. The Virginia State
237 Crime Commission (VSCC) recommended that additional testing (using YSTRs or Mini STRs)
238 be done on all cases from the project with “inconclusive” results. All 420+ inconclusive cases
239 were reviewed, and less than 40 cases have been identified for additional testing. The
240 Department was provided funds in the budget to outsource the additional testing to a private
241 laboratory. The Department is currently in the procurement process to contract with a private
242 laboratory to conduct this testing.

243
244 Mr. Jenkins informed the Committee that the Federal Bureau of Investigations (FBI) had
245 published information about retesting old FBI DNA cases due to issues with their population
246 frequency database. The Department was not affected by the issue with the FBI’s database.
247 DFS has and continues to use its own population frequency database. DFS user agencies have
248 been informed that the FBI’s report does not affect any DFS cases.

249
250 Finally, Mr. Jenkins advised that DFS is in the final process of going back through older cases
251 that need supplemental statistics due to the SWGDAM Interpretation guidelines.

252
253 Calibration and Training Update: Melissa Kennedy, Calibration and Training Program Manager,
254 provided the Committee with an update on the Breath Alcohol and the Forensic Training
255 Sections. The Breath Alcohol Section distributed two online customer satisfaction surveys on
256 April 7, 2015. The first survey, which was sent to the legal community, had ten questions
257 focusing on testimony and records (236 responses were received). The second survey, which
258 was sent to law enforcement agencies, had 12 questions focusing on training and instrument
259 support (1,470 responses were received). Ms. Kennedy provided an overview of the responses
260 and comments received from law enforcement and the legal community.

261
262 The Breath Alcohol Section continues to increase available public access to its records. Breath
263 Alcohol records were first available on the Department’s website in August 2015 in “.pdf”
264 format. Grant funding received from the Virginia Highway Safety Office has been used to
265 expand the project. Records online now include instrument records, redacted subject test
266 records, operator license information, and statistical reports. Personally identifiable information
267 has been redacted and an authentication disclaimer is posted on the site.

268
269 Ms. Kennedy went over staffing for the Breath Alcohol Section. The 2015 DMV grant will
270 include funding for an additional Forensic Scientist. The additional scientist will increase eh
271 Section’s training and instrument maintenance capacity to allow for the exploration of alternative
272 training methods. Ms. Kennedy also informed the Committee that 10 new law enforcement
273 instructors were trained, and that 19 law enforcement instructors were recertified to teach breath
274 alcohol operator courses.

275

276 Ms. Kennedy provided a brief update on the Forensic Training Section. The Forensic Training
277 Section updated portions of the Evidence Handling Guide and posted each section on the
278 Department's website by laboratory discipline for easier access on mobile devices. The Forensic
279 Training Section opened up the Laboratory Capabilities and Update retraining sessions to all law
280 enforcement in the spring of 2015. Previous retraining sessions were only open to Forensic
281 Science Academy alumni. Attendance increased 25% over 2014, and there was a 40% increase
282 in first time attendees. The Section also held its annual retraining seminar in September 2015,
283 and there were 172 attendees.

284
285 Chemistry Program Update: Scott Maye, Chemistry Program Manager, provided the Committee
286 with an update on the Department's Chemistry Program area. In the Toxicology Section, four
287 immunoassay tests are currently in development to be added to the DUID panel. Mr. Maye
288 anticipates the validation to happen by the end of 2015. A research grant has been awarded to
289 develop and validate two Toxicology methods which will begin January 1, 2016. DFS is
290 currently in the process of procuring a QTOF instrument for research purposes.

291
292 In the Controlled Substances Section, LC-DAD Cannabinoid method development and
293 validation has been completed. Instruments have been ordered for the Central Controlled
294 Substances Section and the Central Toxicology Section.

295
296 Mr. Maye gave a brief overview of the six compounds that DFS recommended the Board of
297 Pharmacy consider adding to Schedule I of the Code of Virginia. The Board of Pharmacy is in
298 the process of adding all six compounds to Schedule I through the expedited regulatory process.

299
300 Mr. Maye gave an overview of the Trace Evidence Section. DFS is currently screening
301 candidates for the two vacant positions for explosives and primer residue. There is one examiner
302 in training. Currently, the Trace Evidence Section has limited its explosives examinations to
303 chemical reactions devices as there are only two examiners statewide who are able to conduct
304 these examinations. The Department has been able to continue with primer residue examinations
305 by recertifying an examiner who was previously certified in primer residue.

306
307 Physical Evidence Program Update: Sabrina Cillessen, Physical Evidence Program Manager,
308 provided the Committee with an update on the Latent Prints Section. The Latent Prints Section
309 is currently testing a new version of the Mideo software. The current version is still being used
310 for case work. The Latent Prints Section is also evaluating new alternative light sources. Ms.
311 Cillessen gave a brief overview of the Section's current staffing, including examiners in training.

312
313 Ms. Cillessen updated the Committee on the Digital and Multimedia Evidence (DME) section.
314 She reminded the Committee that the DME Section restored its video enhancement analysis
315 capabilities. Two new systems were purchased for use in video analysis examinations, and DME
316 examiners will receive training on both systems. DME is also evaluating the possibility of
317 conducting Taser analysis. DME would not perform function testing, but would be able to
318 retrieve image files from the Tasers.

319

320 Ms. Cillessen gave a brief update on the Firearms and Toolmark Section. The Section has been
321 conducting chamber mark research and utilized an intern to assist with the research. The
322 Firearms and Toolmark Section will also be hiring and training three new examiners.

323
324 Ms. Cillessen informed the Committee that the Questioned Documents Section conducted a four
325 hour seminar in Manassas on October 6, 2015 on its laboratory capabilities.

326
327 Finally, Ms. Cillessen shared with the Committee the Department policy change in reporting
328 National Integrated Ballistic Identification Network (NIBIN) associations. Effective July 9,
329 2015, DFS discontinued the concurrent confirmation of NIBIN associations. DFS will now issue
330 a Certificate of Analysis or letter regarding potential NIBIN associations. When confirmation is
331 needed, all evidence relevant to the association will need to be resubmitted by the law
332 enforcement agency. This policy change was implemented to improve efficiency for the
333 Firearms Section.

334
335 All DFS policy notices are posted on the DFS website and sent to the Virginia Sheriffs'
336 Association, the Virginia Association of Chiefs of Police, the Commonwealth's Attorneys'
337 Services Council, the Indigent Defense Commission, the Virginia Association of Criminal
338 Defense Lawyers, and the Criminal Law Section of the Virginia State Bar. The Forensic Science
339 Academy alumni are also often used as a resource for distribution of these notices.

340
341 **Other Business**

342
343 Future Projects:
344 Director Jackson reminded the Committee of work the Department is conducting for which
345 Committee's input will be sought.

346
347 Forensic Biology is currently working on the validations for DNA casework using the Powerplex
348 Fusion Kit. The DNA subcommittee will be receiving information in 2016 from Mr. Jenkins for
349 feedback.

350
351 The Trace Evidence Section is currently reviewing the overall training manual and training
352 program. Maureen Bottrell will review the manual and send any recommendations to Mr. Maye.

353
354 Annual Election of Committee Chair and Vice Chair:
355 The Chair called for the annual election of the Committee Chair and Vice-Chair. The Chair
356 asked for nominations for Chair of the Committee, and Dr. Poklis moved that Mr. Meyers be re-
357 elected as Chair. The nomination was seconded by Dr. Edinboro, and passed by unanimous vote
358 of the Committee. The Chair asked for nominations for Vice-Chair. Ms. Given nominated Mr.
359 Zercie to the Vice-Chair position. The nomination was seconded by Dr. Poklis, and passed by
360 unanimous vote of the Committee.

361
362 Ms. Studer reminded the Committee that their Conflict of Interest Filings are due by December
363 15, 2015.

364
365 **Public Comment**

366

367 None

368

369 **2016 Meeting Dates**

370

371 The Scientific Advisory Committee will meet Tuesday, May 10, 2016, and Friday, October 14,
372 2016.

373

374 **Adjournment**

375

376 The Chair asked if there was a motion to adjourn. Ms. Given moved that the meeting of the SAC
377 be adjourned; this was seconded by Director Jackson, and passed by unanimous vote.

378

379 The meeting adjourned at 11:44 a.m.