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**Final - Minutes**  
**Forensic Science Board Meeting**  
**August 9, 2017**  
**Department of Forensic Science, Central Laboratory, Classroom 1**

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**Board Members Present**

John Colligan, (Designee of Francine C. Ecker, Director, Department of Criminal Justice Services)  
Colonel Maggie A. DeBoard, Chief of Police, Town of Herndon Police Department  
Colin L. Drabert (Designee of Delegate Robert B. Bell, Chair, Virginia State Crime Commission)  
Leslie E. Edinboro, Ph.D., Scientific Advisory Committee Member  
James F. Entas, Assistant Attorney General (Designee of Attorney General Mark R. Herring)  
William T. Gormley, M.D., Chief Medical Examiner  
Sammy Johnson (Designee of Caroline Juran, Executive Director, Board of Pharmacy)  
David R. Lett, Petersburg Public Defender  
Edward Macon (Designee of Karl R. Hade, Executive Secretary, Supreme Court of Virginia)  
Colette W. McEachin, Deputy Commonwealth's Attorney, City of Richmond – Vice-Chair and Acting Chair  
Lieutenant Colonel Tracy Russillo (Designee of Colonel W. Steven Flaherty, Superintendent, Virginia State Police)

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**Board Members Absent**

Vince Donoghue, Essex Commonwealth's Attorney (Designee of Senator Mark D. Obenshain, Chair, Senate Courts of Justice Committee)  
Richard L. Morris, Delegate (Designee of Delegate David B. Albo, Chair, House Courts of Justice Committee)  
Richard Meyers, Scientific Advisory Committee Member  
Denise M. Toney, Ph.D., Director, Division of Consolidated Laboratory Services

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**Legal Counsel for the Forensic Science Board**

Paul Kugelman, Assistant Attorney General

**Staff Members Present**

Wanda W. Adkins, Office Manager  
Jeffrey D. Ban, Central Laboratory Director  
David A. Barron, Ph.D., Deputy Director  
Sabrina S. Cillessen, Physical Evidence Program Manager  
Amy M. Curtis, Department Counsel  
Leslie H. Ellis, Human Resources Director  
Katya N. Herndon, Chief Deputy Director  
James Hutchings, Ph.D., Toxicology Program Manager  
Linda C. Jackson, Director  
Bradford C. Jenkins, Forensic Biology Program Manager  
Alka B. Lohmann, Technical Services Director  
M. Scott Maye, Chemistry Program Manager

47 Carisa M. Studer, Legal Assistant

48

49 **Call to Order**

50 Colette McEachin, Acting-Chair of the Forensic Science Board (“Board”), called the meeting to  
51 order at 9:31 a.m. Ms. McEachin welcomed the Board members and Department of Forensic  
52 Science (“Department” or “DFS”) staff. Vice-Chair McEachin served as Chair in Ms. Ecker’s  
53 absence.

54

55 Introductions were made of Board members, designees, and Department staff. Two new  
56 members were appointed to the Board since the last meeting; Colonel Maggie A. DeBoard, Chief  
57 of Police, from the Town of Herndon Police Department, was appointed as the member from law  
58 enforcement, and David R. Lett, Public Defender from Petersburg was appointed as the criminal  
59 defense attorney representative.

60

61 **Adoption of Agenda**

62 Ms. McEachin asked if there were any additions or changes to the draft agenda for the meeting.  
63 Being none, Dr. Gormley moved to adopt the agenda, which was seconded by Lt. Col. Russillo  
64 and adopted by unanimous vote of the Board.

65

66 **Approval of Draft Minutes of the May 24, 2017 Meeting**

67 Ms. McEachin asked if there were any changes or corrections to the draft minutes from the May  
68 24, 2017 meeting. Being none, Dr. Edinboro made a motion to adopt the minutes, which was  
69 seconded by Dr. Gormley and approved by unanimous vote of the Board.

70

71 **Chair’s Report**

72 There was no report from the Chair.

73

74 **Director’s Report**

75

76 Facilities:

77 Director Jackson updated the Board on the status of the renovation and expansion project for the  
78 Central Laboratory. The architects and construction manager at risk have identified obstacles for  
79 the plan to build on the current parking lot of the Central Laboratory. Code restrictions also  
80 prohibit a new building to be connected to the current building. The overall project costs would  
81 have to be adjusted due to the identified obstacles. DFS, the Department of General Services,  
82 and the Bureau of Capital Outlay Management are currently in discussion and actively working  
83 on the best way to move forward with the Central Laboratory project.

84

85 Agency Updates:

86 Director Jackson reported to the Board that the report, *Drug Cases Submitted to the Virginia*  
87 *Department of Forensic Science Calendar Year 2016*, which is prepared jointly by DFS and the  
88 Department of Criminal Justice Services, was released on July 28, 2017. Director Jackson gave  
89 an overview of the report.

90

91 Director Jackson reported to the Board the lists of compounds that have been approved by the  
92 Board of Pharmacy (BoP) for expedited scheduling. On March 21, 2017 eight new compounds

93 were approved by the BoP to become effective on June 14, 2017. On June 27, 2017 the BoP  
94 approved three additional compounds which are estimated to become effective in September  
95 2017. Director Jackson also shared a list of compounds that have been provided to the BoP and  
96 will be considered for expedited scheduling at the BoP September 26, 2017 meeting.

97  
98 Director Jackson advised the Board that DFS re-evaluated all marijuana field test kits that were  
99 on the approved field test kit list. A revised list of approved kits for detection of marijuana plant  
100 material was published on August 7, 2017. The Department's funding to provide field test kits to  
101 law enforcement agencies was restored in FY18. The Department is currently in the  
102 procurement process for the field test kits and anticipates receiving the first order in the next four  
103 to six weeks. DFS will notify local law enforcement agencies on how to obtain kits.

104  
105 Director Jackson updated the Board on the change to the DUI/D kits that were made as of a  
106 result of the Birchfield Bill. A new DUI Submission form has been added to the DUI/D kits and  
107 requires law enforcement to specify whether the blood sample was collected pursuant to implied  
108 consent, a search warrant or for another other reason, with space to provide the reason. DFS will  
109 send a notice to its user agencies about the forms being added to the kits.

110  
111 Director Jackson reported to the Board on new methodologies for Toxicology that will be going  
112 online. There are two new LCMSMS identification and quantification methods for more  
113 fentanyl derivatives.

114  
115 Director Jackson provided an update on the latest upgrade to the Laboratory Information  
116 Management System (LIMS). The upgrade allows for the integration of the new toxicology  
117 methods and Uncertainty of Measurement on certificates of analysis. It also will allow the  
118 Department to move forward with plans for pre-log and electronic certificates of analysis.

119  
120 Director Jackson announced that George Li, the Department's Forensic Biology Supervisor of  
121 Data Bank and State CODIS administrator, retired after thirty years of service. Lee Collins, who  
122 was a Forensic Biology Group Supervisor from the Central Laboratory, was selected to fill the  
123 position.

124  
125 Director Jackson gave an overview of staffing for the Forensic Biology Section, including those  
126 positions currently in the hiring process and with individuals in training.

127  
128 Director Jackson reported that the Department will begin using a new male DNA screening  
129 method to replace microscopic sperm searches. This new screening is more efficient,  
130 streamlined, and more sensitive to detecting male DNA. It will allow DFS to identify more  
131 samples for DNA testing.

132  
133 Director Jackson reported on a notification sent to DFS user agencies on July 28, 2017 about a  
134 National Institute of Standards and Technology (NIST) population dataset that was revised  
135 effective July 25, 2017. DFS used the dataset to calculate population statistics and temporarily  
136 suspended calculating such statistics while the revised population dataset was verified. The  
137 Department is currently reviewing cases that may potentially need amended reports. The  
138 statistics in cases may become a little rarer or a little more common as a result of the revised

139 dataset. This affects a subset of cases from May to July 2017. Amended reports will be issued  
140 for any impacted cases.

141  
142 An update on the Serology Case Review project was provided. The review of cases from the  
143 Eastern laboratory is nearing completion, and the review of cases from the Northern laboratory  
144 has begun. Director Jackson gave a brief history of the serology review project for the new  
145 Board members.

146  
147 DFS staff has met with Virginia State Crime Commission (VSCC) staff to assist with the studies  
148 the VSCC is conducting on DNA data bank expansion and marijuana decriminalization.

149

150 Grants:  
151

152 Director Jackson provided a list of the Department's current grants, which include the two PERK  
153 grants. The New York County District Attorney's (DANY) Sexual Assault Kit Backlog  
154 Elimination Program Grant, which is being used for the analysis of unsubmitted kits collected  
155 prior to July 1, 2014 and included in the PERK Inventory conducted by DFS, was extended for  
156 one year. To date, five agencies have submitted their kits to the private contract laboratory for  
157 testing, and DFS has received data from the private laboratory in 562 cases. The second PERK  
158 grant, National Sexual Assault Kit Initiative FY 2016 Competitive Grant (SAKI), will be utilized  
159 to outsource the analysis of untested kits collected from July 1, 2014 through June 30, 2016. The  
160 request for proposals process is underway to select a laboratory to conduct the outsourced  
161 testing.

162  
163 Director Jackson also shared a list of the grants with pending applications for which DFS is still  
164 waiting for notice of grant approval.

165  
166 Director Jackson presented the Enhanced State Surveillance of Opioid-Involved Morbidity and  
167 Mortality Program grant for the Board's consideration and approval. The OCME applied for  
168 supplemental grant funds from the Center for Disease Control to support additional personnel in  
169 DFS to improve both the timeliness and comprehensiveness of toxicological studies in deaths  
170 that are suspicious for opioid overdose. Dr. Edinboro made a motion to authorize the  
171 Department to accept funds from the grant, if awarded. The motion was seconded by Mr. Entas  
172 and approved by unanimous vote of the Board.

173  
174 The Department also sought the Board's approval to apply for a continuation of the grant DFS  
175 received from the Byrne Justice Assistance Grant (JAG) Program for FY17. This grant allowed  
176 the Forensic Training Section to hire a part-time instructor to facilitate teaching short courses  
177 concurrently with the Forensic Science Academy. It will allow DFS to retain the part-time  
178 instructor and purchase additional photo equipment. Dr. Gormley made a motion to authorize  
179 the Department to apply for and accept funds for the grant, if awarded. The motion was  
180 seconded by Mr. Entas and approved by unanimous vote of the Board.

181  
182 Workload/Backlog:

183 Director Jackson provided the Board with an update on statistical trends in each of the scientific  
184 disciplines.

185  
186 The Controlled Substances Section continues to see rising submissions, which have contributed  
187 to the increase in case turnaround times. Examinations are also taking longer to complete due to  
188 the growing complexity of the compounds being submitted, as well as the additional safety  
189 precautions required in the handling of the increasingly lethal substances received. The number  
190 of submissions for 2017 is well above the number of submissions in 2016. Three additional  
191 Controlled Substances examiner positions were created as of July 1, 2017. At the Board's  
192 suggestion, the Department will be holding a stakeholder meeting in late September to gather  
193 feedback on case submissions and analysis protocols.

194  
195 The Board discussed the needs of the Department to improve turnaround times in the Controlled  
196 Substances Section. Director Jackson explained that a notice to DFS user agencies about the  
197 Controlled Substances Section workload was being developed. The Board expressed support for  
198 DFS disseminating such a notice to its user agencies.

199  
200 Workload data for the Digital and Multimedia Evidence (DME) was presented for the first time.  
201 DME data was previously included with Latent Prints statistics as that is how DME cases had  
202 been recorded in the Laboratory Information Management System (LIMS). The upgraded LIMS  
203 makes it possible to separate DME cases from those in Latent Prints. The first two quarters in  
204 the workload report only show new cases submitted during those months, and does not previous  
205 submissions. The last three quarters show a more accurate picture of the caseload and  
206 turnaround times for DME.

207  
208 The Firearms Section continues to see an increase in cases being submitted for National  
209 Integrated Ballistic Information Network (NIBIN) entry. However, during the most recent  
210 quarter, the NIBIN only examiners have completed their training and are doing case work, which  
211 allowed the Section to complete more cases than it received. Director Jackson anticipates the  
212 turnaround times to begin to go down now that the NIBIN examiners are doing casework, which  
213 allows the forensic scientists to focus on the more complex comparison cases.

214  
215 The Forensic Biology Section statistics reflect that turnaround times are increasing, as is the  
216 backlog. DFS has seen a 40% increase in PERK submissions since the new PERK law went into  
217 effect. Director Jackson explained that the Section will continue to see increased turnaround  
218 times as there are eleven forensic scientist positions that are either in the hiring process or that  
219 have individuals in training. Also contributing to the increased turnaround times is the additional  
220 time it takes to review cases and calculate the statistics with the new fusion kits.

221  
222 The Board discussed turnaround times and possible solutions for the Forensic Biology Section.  
223 The Board suggested that DFS consider sending a notice to user agencies, similar to the one  
224 being prepared for Controlled Substances, about Forensic Biology Section turnaround times.

225  
226 The backlog in the Latent Print Section has continued to decrease. The Section is currently fully  
227 staffed, and DME statistics are no longer included in Latent Prints.

228  
229 The Toxicology Section backlog and turnaround times continue to improve. The Western  
230 Toxicology Section is continuing to work on improving turnaround times for OCME cases.

231  
232 The Trace Evidence Section is continuing to improve backlog and turnaround times as the  
233 Section is now fully staffed.

234  
235 **Old Business**

236  
237 Status of the Post-Conviction DNA Testing Program and Notification Project:  
238 Colin Drabert provided an update on the case file review that staff from the Virginia State Crime  
239 Commission (VSCC) is conducting of cases from the Post-Conviction DNA Testing Program  
240 and Notification Project. Mr. Drabert provided a brief history of project for the new members of  
241 the Board.

242  
243 VSCC staff has continued to focus efforts on verifying the case file information and notification  
244 status for all eligible defendants. VSCC staff has also begun determining whether or not “due  
245 diligence” has been met for instances where multiple notifications have been made without  
246 success. VSCC and DFS staff will meet to discuss these cases jointly to determine if “due  
247 diligence” has been met in terms of notification efforts.

248  
249 VSCC staff requested assistance from the Indigent Defense Commission (IDC) with the  
250 remaining un-notified “eliminated” and “need known” (vast majority being “need known”) cases  
251 to attempt one last time to either locate the individual or determine if he/she is deceased. The  
252 Richmond Public Defender’s Office agreed to assist, and VSCC staff delivered 90 cases for them  
253 to research on July 12, 2017. They completed their research on August 3<sup>rd</sup>. VSCC staff will  
254 update their database with this information and take any additional steps necessary to try to  
255 notify these remaining individuals.

256  
257 VSCC staff successfully located and notified an additional deceased, eliminated defendant’s  
258 “next-of-kin” in June 2017.

259  
260 VSCC staff will continue to cross-validate records and determine “due diligence” for each case  
261 requiring notification. It is the hope that this project will be completed by the end of year.

262  
263 Proposed Amendments to the Forensic Science Board By-Laws:  
264 Katya Herndon reviewed two proposed amendments to the Board’s by-laws, which had been  
265 provided to the Board in writing at its meeting in May. She reminded the Board that amending  
266 the by-laws requires 2/3 vote of members present at a meeting, and the proposed amendments  
267 must have been submitted to the Board in writing at a previous meeting.

268  
269 The first is a technical amendment that would bring the by-laws into conformance with the  
270 current statutory language. In 2016, the General Assembly amended Code § 9.1-1109, the  
271 statute specifying the members of the Board, to delete from the list of members the Chairman of  
272 the Board of the non-defunct Virginia Institute of Forensic Science and Medicine and insert  
273 instead the Director of the Division of Consolidated Laboratory Services.

274  
275 The second amendment would update the section dealing with Terms of Office for the Board  
276 Chair and Vice-Chair. Currently, the by-laws specify that a Chair or Vice-Chair is eligible for

277 re-election to successive terms, but cannot exceed two total terms. The proposed amendments  
278 would permit a member who has previously served two successive terms as Chair or Vice-Chair  
279 to be re-elected after sitting out an intervening term.  
280

281 Mr. Entas made a motion to accept the two proposed amendments to the Board’s by-laws, which  
282 seconded by Mr. Drabert, and approved by unanimous vote of the Board.  
283

284 **New Business**

285  
286 **Forensic Science Training Stakeholder Meeting:**

287  
288 Ms. Herndon shared information with the Board about a training program for attorneys that DFS  
289 is looking at pursuing. The program would be modeled after the Arizona Forensic Science  
290 Academy, which was created by the Arizona Attorney General’s Office Forensic Science  
291 Advisory Committee. The program trains attorneys (both prosecutors and defense attorneys) on  
292 the science underlying the various laboratory disciplines. Judges are invited to attend and  
293 “audit” the classes.  
294

295 DFS is holding a stakeholder meeting on Wednesday, August 16, 2017, to discuss this proposal.  
296 The stakeholder group includes the Chief Medical Examiner, prosecutors, defense attorneys and  
297 two circuit judges. At the meeting, DFS plans to seek input from the group on what they think  
298 will work and how best to implement a program like this in Virginia.  
299

300 **Public Comment**

301 None.  
302  
303

304 **Next Meeting**

305  
306 The next meeting of the Forensic Science Board is scheduled for Thursday, October 12, 2017, at  
307 9:30 a.m.  
308

309 **Adjournment**

310  
311 Dr. Edinboro moved that the meeting of the Board be adjourned, which was seconded by  
312 Mr. Colligan and passed by unanimous vote.  
313

314 The meeting adjourned at 11:13 a.m.