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Final Minutes
Scientific Advisory Committee Meeting
October 16, 2018
Department of Forensic Science, Central Laboratory, Classroom 1

Committee Members Present

Randall E. Beaty
Maureen C. Bottrell (participated remotely pursuant to Virginia Code § 2.2-3708.2)
Kathleen Corrado, Ph.D. – *Chair*
Robin W. Cotton, Ph.D.
Leslie E. Edinboro, Ph.D.
Linda C. Jackson
Barry S. Levine, Ph.D. (participated remotely pursuant to Virginia Code § 2.2-3708.2)
George C. Maha, Ph.D.
Richard P. Meyers
Carl A. Sobieralski
Travis Y. Spinder
Jami J. St. Clair
Kenneth B. Zercie

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
Katya N. Herndon, Chief Deputy Director
James W. Hutchings, Ph.D., Toxicology Program Manager
Alka B. Lohmann, Director of Technical Services
Bradford C. Jenkins, Biology Program Manager
M. Scott Maye, Chemistry Program Manager
John H. Przybylski, Controlled Substances Section Supervisor
Carisa M. Studer, Legal Assistant

Call to Order

Kathleen Corrado, Ph.D., the Chair of the Scientific Advisory Committee (“Committee” or “SAC”), called the meeting of the Committee to order at 9:00 a.m. Dr. Corrado informed the Committee that Maureen Bottrell and Barry Levine would be participating remotely pursuant to the SAC’s Policy on Individual Participation in Scientific Advisory Committee Meetings by Electronic Means, which was adopted in accordance with Virginia Code § 2.2-3708.2. Ms. Bottrell was participating by telephone because she is under the weather at her home in Northern Virginia. Dr. Levine was participating by telephone because he had professional obligations at the Maryland Office of the Chief Medical Examiner.

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Adoption of Agenda

The Chair asked if there were any additions or changes to the draft agenda for the meeting. Being none, Mr. Zercie made a motion to adopt the agenda, which was seconded by Mr. Beaty, and adopted by unanimous vote of the Committee.

Adoption of Minutes

The Chair asked if there were any changes or corrections to the draft minutes from the May 15, 2018 meeting. Katya Herndon, Chief Deputy Director, noted to the Committee two minor edits on lines 213 and 268. The corrected minutes were distributed to the Committee members. The Chair asked if there were any additional changes or corrections to the draft minutes of the May 15, 2018 meeting. Being none, Dr. Cotton moved to adopt the corrected minutes from the May 15, 2018 meeting, which was seconded by Dr. Maha, and adopted by unanimous vote of the Committee.

Chair’s Report

The Chair reminded the Committee of the closed session held during the SAC’s May 15, 2018 meeting. The closed session was to consider a packet of information sent to the Department’s Director from staff at the Virginia Parole Board. The information packet from the Parole Board contained information related to a specific Department of Forensic Science (“DFS” or “the Department”) case file. At the request of the Committee, Amy Curtis, Department Counsel drafted a response to the Parole Board on the Committee’s behalf, which the Forensic Biology Subcommittee approved. Ms. Curtis has sent the final response to the Parole Board.

DFS Director’s Report

Facilities:

Director Jackson gave an update on the Central Laboratory renovation and expansion project. The General Assembly approved a budget amendment to change the title and scope of the project to “expand current or construct new Central Forensic Laboratory and new Office of the Chief Medical Examiner.” The Department of General Services is looking at possible sites for construction of a new laboratory.

Agency Updates:

Director Jackson reported to the Committee that due to the predicted path of Hurricane Florence, the Department had to put its continuity plan into action for the Eastern Laboratory. Governor Northam instituted a mandatory evacuation of Zone A, and the Department’s Eastern Laboratory is located in Zone A. DFS sent out a notice to its customers in advance, advising that the laboratory would be closed. Director Jackson explained how the power to the Eastern Laboratory building was shut down because of the risk of flooding. She also explained the difficulties the Department had in restoring power to the building.

93 Director Jackson reported to the Committee that Governor Northam designated September 16 -
94 22, 2018 as Forensic Science and Medicine Week in the Commonwealth. On September 20, 2018,
95 the Central laboratory and Office of the Chief Medical Examiner (OCME) offered tours to state
96 employees.

97
98 Director Jackson shared with the Committee results of the Customer Input Survey sent to
99 Department customers. The survey was open from July 16 – August 31, 2018, and 420 responses
100 were received. Law Enforcement, criminal defense attorneys, Commonwealth’s attorneys, and the
101 OCME were sent the survey.

102
103 Budget:
104 Director Jackson reviewed the new funding provided to DFS in the Budgets for FY19 and FY20.
105 DFS received funding for eight additional forensic scientist positions, six in Controlled
106 Substances, one in Digital & Multimedia Evidence, and one research position in Forensic Biology.
107 Also included is funding to purchase new scientific instruments through the Master Equipment
108 Lease Program (MELP).

109
110 Director Jackson shared with the SAC the challenges facing the Department’s Controlled
111 Substances Section. In CY16 and CY17, DFS saw an annual 10% increase in Controlled
112 Substances submissions, and the projection for CY18 is for another 10% increase. During the
113 same time, the complexity of the samples submitted and time to complete the analyses also
114 increased. Director Jackson reviewed the numerous actions taken by the Department to address
115 the growing workload, including policy changes, additional staff, and the implementation of
116 voluntary and mandatory overtime. Director Jackson explained that, to address these growing
117 increases in the Controlled Substances workload, the Administration has transferred \$1,660,000
118 from the Department’s FY20 to its FY19 Budget to provide additional resources for the Controlled
119 Substances Section. DFS will use the funding to outsource selected backlogged cases, hire
120 additional staff, and purchase additional equipment. Additionally, DFS will be implementing a
121 grant-funded Lean Six-Sigma project in the Controlled Substances Section and evaluating
122 potential Controlled Substances submission policy changes with customer input.

123
124 Director Jackson noted that the ***Drug Cases Submitted to the Virginia Department of Forensic
125 Science Calendar Year 2017*** report, which was prepared jointly by DFS and the Department of
126 Criminal Justice Services, was published on August 10, 2018.

127
128 Grants:
129 Director Jackson reviewed the New York County District Attorney’s (DANY) Sexual Assault Kit
130 Backlog Elimination Program grant, which ended on September 30, 2018. The DANY grant
131 funded the testing of kits collected by law enforcement prior to July 1, 2014, but not submitted to
132 DFS for testing; 1,810 kits from 99 agencies were submitted to the private laboratory for testing.
133 Under the grant, DFS was awarded \$123,226 for its DNA scientists to work overtime to conduct
134 reviews of the results from the private laboratory, upload all eligible profiles into CODIS, perform
135 testing needed for hit confirmations, and prepare any necessary reports. As of October 1, 2018,
136 the Department had received data from 1,710 cases. The Office of the Attorney General agreed to
137 fund the remaining approximately 900 hours of overtime that will be necessary for DFS to
138 complete the project.

139
140 Director Jackson presented a summary of current DFS grants and awards beginning January 1,
141 2019. She noted a new grant from the Virginia Prescription Drug Overdose Prevention Program.
142 DFS was awarded \$50,000 from the Virginia Department of Health to contract with the DFS
143 Laboratory Information Management System (LIMS) provider to build a data model that will
144 integrate with the LIMS to provide useful data related to opioid cases to DFS's stakeholders.

145
146 Director Jackson also noted a new grant from the NCIPC: 2018 Opioid Overdose Crisis
147 Cooperative Agreement Supplement grant. In cooperation with Virginia Department of Health
148 (VDH) and the OCME, DFS sought opioid overdose crisis supplemental funding through the
149 Centers for Disease Control and Prevention. The funding is for a one-year period for \$948,000 to
150 fund four toxicology instruments, as well as four sets of reference standards.

151
152 Director Jackson concluded the grants presentation by reviewing the National Sexual Assault Kit
153 Initiative (SAKI) Grant. DFS received funding under the SAKI grant to develop a PERK tracking
154 system. A beta test version of the software is anticipated to be completed in early 2019.

155
156 Workload/Backlog:

157
158 Director Jackson provided the Board with an update on statistical trends in each of the scientific
159 disciplines.

160
161 The Controlled Substances Section has seen a continued increase in submissions. The average
162 turnaround time for cases completed in the quarter ending September 2018 was 136 days.

163
164 The Digital and Multimedia Evidence Section has seen an increase in submissions during the last
165 quarter. One examiner position is in training, and the new position provided in the Budget is in
166 the hiring process.

167
168 The Firearms Section continues to decrease its backlog as a result of the National Integrated
169 Ballistic Information Network (NIBIN) Forensic Scientist positions. The NIBIN cases are now
170 separated from the comparison cases. The Section has been consistently completing more cases
171 than it receives.

172
173 The Forensic Biology Section continues to work on turnaround times and decreasing the backlog.
174 The Section is now completing more cases than it is receiving.

175
176 The Latent Prints Section has also been completing more cases than it has received. There are
177 currently two examiners cross-training in impressions.

178
179 The Toxicology Section continues to improve the average turnaround times for all case types due
180 to the implementation of new methodology and increased staffing.

181
182 The Trace Evidence Section is fully staffed and at the appropriate level for the cases being
183 received.

184

185 The Committee briefly discussed with DFS staff the amount of controlled substances submissions
186 that the Department receives for cases that will be prosecuted federally.

187

188 **Program Area Updates**

189

190 Division of Technical Services Update:

191 Alka B. Lohmann, Director of the Division of Technical Services (DTS), provided the Committee
192 with a DTS update. Ms. Lohmann reminded the Committee that the Department's accreditation
193 assessment by ANAB occurred May 7 – May 11, 2018. Twenty-four assessors assessed all four
194 of the Department's laboratories and the Breath Alcohol Calibration Laboratory. On August 30,
195 2018, the Department received official notification that its accreditation was renewed by ANAB
196 and it will expire on September 30, 2022. As part of the accreditation, the Department revised its
197 work authorizations for examiners. New work authorizations have been completed for each
198 examiner and uploaded into the Department's Qualtrax system.

199

200 Ms. Lohmann reviewed the next required accreditation activities. An offsite surveillance will be
201 scheduled for May 2019. The Department will need to be in conformance with the new ISO/IEC
202 17025:2017 and Accreditation Requirements (AR) 3125 standards after June 2019.

203

204 Ms. Lohmann updated the Committee on the Department's use of Qualtrax, a compliance
205 management software system. Due to the Department's IT security policies, a DFS staff member
206 had to assist the assessors during the accreditation assessment in order for them to view records in
207 Qualtrax. Ms. Lohmann explained that Qualtrax has allowed the Department to put a variety of
208 required processes, including Guiding Principles review, annual safety refresher training, annual
209 fire extinguisher training, and new employee onboarding workflow in one place.

210

211 Ms. Lohmann updated the Committee on the expanded use of the Department's Laboratory
212 Information Management System (LIMS). In July, the LIMS vendor provided a demonstration of
213 the pre-submission data entry features. The Department is testing this version and anticipates
214 having customers begin testing the pre-submission feature in 2019. The LIMS may also be used
215 for the electronic distribution of Certificates of Analysis, which is a separate project for the future.

216

217 Ms. Lohmann reported that the Forensic Training Section was able to conduct a third Forensic
218 Science Academy session and additional short courses this calendar year due to the Byrne Justice
219 Assistance Grant, which continues to fund a part-time forensic trainer in the section. The training
220 academy has been able to conduct hands on training at the Virginia Public Safety Training Center,
221 which recently held its 5th Anniversary celebration. The Training Center allows for collaboration
222 with other criminal justice agencies.

223

224 Forensic Biology Program Update:

225 Brad Jenkins, Forensic Biology Program Manager, provided the Committee with an update on the
226 Forensic Biology program area. He reviewed staffing levels, including examiners in training and
227 positions in recruit, for each regional laboratory. Mr. Jenkins reported that relationship training
228 was conducted for examiners in each laboratory. Previously relationship examinations were only
229 conducted in the Central laboratory. Ten examiners were selected from the regional laboratories,

230 and their training began in October 2017. To date, eight have completed the training. The next
231 training will be for Y-STR examinations.

232
233 Mr. Jenkins reviewed the validations that the section are currently conducting, which include the
234 STRmix software in all four laboratories, expanding Y-STR testing to the Eastern and Western
235 laboratories, the new Real Time PCR instruments, and the evaluation of the automated differential
236 extractions.

237
238 Mr. Jenkins updated the Committee on the status of the Serology Review project. A random
239 sample of serology cases (including at least 100 reports each from the Eastern and Northern
240 Laboratories) is being reviewed. Each case is being reviewed separately by two scientists. To
241 date, 98 percent of the Eastern reports have been reviewed, and 60 percent of the Northern reports
242 have been reviewed. There will be one more set of cases sent to the outside, independent reviewer,
243 Jami St. Clair.

244
245 Mr. Jenkins reviewed the new DNA related legislation that went into effect on July 1, 2018. A
246 DFS agency bill that created a fifth exception to the physical evidence recovery kit (PERK)
247 legislation's requirement that law enforcement submit all PERKs to DFS for analysis within 60
248 days. The new exception allows a law enforcement agency to transfer a PERK to another agency
249 that has taken over responsibility for the investigation. Data Bank expansion bills added two
250 additional misdemeanor violations, assault and battery and trespass, to the list of offenses for
251 which an adult must submit a DNA sample upon conviction.

252
253 Mr. Jenkins informed the Committee that the Department has added Data Bank resources to the
254 DFS website, including instructional information on when a Data Bank sample is required and
255 how to collect Data Bank samples.

256
257 Mr. Jenkins concluded his presentation with an update on the 2018 DNA Training for attorneys
258 and judges. The first training was conducted at the Western laboratory on October 12. There are
259 additional DNA Trainings scheduled at each regional laboratory.

260
261 Chemistry Program Update:

262 Scott Maye, Chemistry Program Manager, provided the Committee with an update on the
263 Chemistry Program Area. Mr. Maye reviewed the actions underway to address the continued
264 increase in submissions in the Controlled Substances Section. A Request for Proposal (RFP) to
265 solicit outsource testing services was issued and will close on October 31, 2018. It is anticipated
266 that the contract will be awarded by December 1, 2018. The six positions funded in the FY19
267 Budget have been hired. One of the six additional positions created using funds transferred from
268 the FY20 budget has been hired, and the other five are in the hiring process.

269
270 Mr. Maye advised that the Controlled Substances Section will implement a grant funded Lean Six
271 Sigma project to increase efficiency and quality of the analytical process. DFS will also be
272 evaluating potential submission policy changes with customer input.

273
274 Mr. Maye reviewed the trainings that the Controlled Substance and Trace Evidence Sections have
275 participated in this year.

276
277 Mr. Maye provided an update on the use of the Board of Pharmacy (BoP) expedited regulatory
278 process since the last meeting. The seven compounds approved by the BoP on March 29, 2018,
279 became scheduled on June 13, 2018. DFS recommended eight additional compounds that were
280 approved by the BoP on June 21, 2018, which became scheduled on September 5, 2018. DFS
281 recommended two additional compounds on July 18, 2018, which the BoP approved at their
282 September 25, 2018 meeting. These compounds are awaiting publication in the Register of
283 Regulations. The Department will be recommending approximately nine additional compounds
284 to the BoP this week.

285
286 Mr. Maye gave an overview of the staff in training for the Controlled Substances and Trace
287 Evidence Sections in all of the Department's laboratories.

288
289 Mr. Maye reviewed the NIJ grant DFS received for a fire debris study. It will be a two-year project
290 to utilize ACE-V methodology to develop and validate a data interpretation method for fire debris
291 analysis.

292
293 Mr. Maye concluded his presentation to the Committee by reviewing sections of the report, *Drug*
294 *Cases Submitted to the Virginia Department of Forensic Science Calendar Year 2017*. He
295 highlighted for the Committee submissions of heroin, opioids, synthetic opioids, cocaine,
296 methamphetamines, and other drugs. He presented figures on fentanyl seizures and fentanyl
297 deaths. The Committee discussed the report with DFS staff.

298
299 The Chair called a ten-minute break at 10:15 a.m.

300
301 The Chair called the meeting back to order at 10:27 a.m.

302
303 Physical Evidence Program Update:
304 Sabrina Cillessen, Physical Evidence Program Manager, provided the Committee with an update
305 on the Physical Evidence Program Area. She gave an overview of the staffing for the Firearms &
306 Toolmarks, Latent Prints & Impressions, and Digital & Multimedia Evidence Sections, including
307 positions in recruit and positions in training at each laboratory.

308
309 Ms. Cillessen reported on the statewide meetings held by the Latent Prints & Impressions and
310 Firearms & Toolmarks Sections.

311
312 Ms. Cillessen reviewed the validation projects currently underway, including Cadre 3D virtual
313 microscopy, SoleMate, and LatentSleuth.

314
315 Ms. Cillessen reviewed the Notice of DFS Policy Change sent to user agencies on October 15,
316 2018, which explains the administrative sampling plan for National Integrated Ballistic
317 Information Network (NIBIN) searches that DFS is now using. Implementing a sampling plan is
318 a best practice recommended by the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

319
320 Toxicology Update:

321 Dr. James Hutchings, Toxicology Program Manager, provided the Committee with an update on
322 the Toxicology Program Area. Dr. Hutchings gave an update on new methods, instrumentation
323 and staffing in the Toxicology Section. Dr. Hutchings also reviewed two grants for the Toxicology
324 Section. The first, a grant awarded through the CDC in partnership with VDH, will be used to
325 purchase new instruments and reference materials. The second, an NIH grant for toxicology
326 research and development, includes funding for equipment and a research fellow position.

327
328 Addressing the Breath Alcohol Section, Dr. Hutchings informed the Committee that the Breath
329 Alcohol Section went live with an online recertification course for Breath Alcohol operators in
330 August. To date, 220 operators have used the online recertification. The Breath Alcohol Section
331 has signed a contract to enhance the current Intox EC/IR II to utilize high-speed communications
332 and laser printers. Dr. Hutchings reviewed staffing in the Breath Alcohol Section and noted that
333 one forensic scientist was recently qualified to provide alcohol impairment testimony.

334 **Old Business**

335 Microscopic Hair Comparison Case Review:

336
337 Amy Curtis, Department Counsel, updated the Committee on the progress with the Hair
338 Comparison Review since the previous meeting. The Review Team met on June 27, 2018 to review
339 transcripts from six cases. The Review Team did not recommend any notifications for those six
340 cases. The Microscopic Hair Comparison Case Review Subcommittee of the Board met on August
341 27, 2018 to discuss the recommendations made by the Review Team. The Subcommittee decided
342 that notifications should be made in two of the six cases. Of the two cases, one individual is
343 deceased, and the other individual is no longer incarcerated, and DFS staff has been unable to
344 locate an address for him. Director Jackson has asked the Department of Corrections (DOC) for
345 assistance in locating contact information for defendants who have been released from
346 incarceration and for the next of kin for deceased defendants. DOC has agreed to assist in locating
347 this information. The Department is continuing to identify cases and obtain transcripts for this
348 Case Review. Ms. Curtis anticipates that the Review Team will meet again before the end of the
349 calendar year.

350 **New Business**

351 Proposed Amendments for Field Test Regulations:

352
353 Amy Curtis reviewed with the Committee the proposed amendments to the field test regulations
354 that will be presented to the Board for consideration. The Board has to amend the current
355 regulation (6VAC40-30 Regulations for the Approval of Field Tests for Detection of Drugs) to
356 allow the Department to consider the approval of mobile detection instruments as approved field
357 tests. Ms. Curtis reviewed with the Committee the statutory framework under Virginia Code §
358 19.2-188.1 that allows law enforcement to utilize a field test to screen for a controlled substance
359 and testify to those results in a probable cause hearing. The controlled substance would then be
360 submitted by law enforcement to DFS for analysis.

361
362 John H. Przybylski, Central Laboratory Controlled Substances Section Supervisor, gave an
363 overview of the current evaluation process for presumptive chemical field tests under the
364 regulation. He explained that DFS receives a request from the manufacturer for the field test to be
365
366

367 added to the list of approved field tests. The manufacturer also pays a \$50 fee to cover the
368 Department's cost of each street drug preparation for evaluation. After the evaluation is
369 completed, DFS informs the manufacturer via written correspondence of whether the submitted
370 presumptive chemical test has been approved, and DFS publishes the list of approved field tests in
371 the Virginia Register of Regulations.

372
373 Ms. Curtis reviewed the regulatory process that is required to approve the amendments to the
374 regulation.

375
376 Future Subcommittee Meetings
377 The Toxicology Subcommittee will meet ahead of the May 2019 meeting to review validations.
378 The Subcommittee members are Richard Meyers, Maureen Bottrell, Dr. Les Edinboro, Dr. Barry
379 Levine, and Jamie St. Clair.

380
381 A Breath Alcohol Subcommittee was created to review the validation for the enhancement of the
382 current Intox EC/IR II to utilize high-speed communications and laser printers. The Subcommittee
383 members are Randall Beaty, Dr. Les Edinboro, and Dr. Barry Levine. The Subcommittee will
384 meet ahead of the May 2019 meeting.

385
386 Public Comment
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388 None.

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390 Future Meeting Date
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392 The Scientific Advisory Committee will meet on May 7, 2019 and October 2, 2019. The Breath
393 Alcohol Subcommittee and Toxicology Subcommittee will meet on May 6, 2019.

394
395 Adjournment
396
397 Dr. Corrado asked if there was a motion to adjourn. Dr. Edinboro made a motion to adjourn the
398 meeting of the Scientific Advisory Committee, which was seconded by Mr. Sobieralski, and
399 passed by unanimous vote.

400
401 The meeting adjourned at 11:21 a.m.