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Final - Minutes
Forensic Science Board Meeting
May 15, 2013

Department of Forensic Science, Central Laboratory, Classroom 1

Board Members Present

Caroline D. Juran, Forensic Science Board Chair
Steven D. Benjamin
John Colligan (Designee of Garth Wheeler, Director, Department of Criminal Justice Services)
Jo Ann Given
Dr. William Gormley
Kristen Howard (Designee of Del. Robert Bell, Chair, Virginia State Crime Commission)
Alan Katz (Designee of Attorney General Kenneth Cuccinelli)
Sheriff A.A. Lippa, Jr.
Raymond F. Morrogh
Lt. Col. Robert Northern (Designee of Colonel W. Steven Flaherty, Virginia State Police)
Jami St. Clair

Board Members Absent

Katya Herndon (Designee of Karl R. Hade)
Senator Ryan McDougle (Designee of Sen. Thomas Norment, Chair, Senate Courts Committee)
Delegate Richard Morris (Designee of Del. David Albo, Chair, House Courts Committee)

Legal Counsel for the Forensic Science Board

Joshua Lief, Senior Assistant Attorney General

Staff Members Present

Wanda Adkins, Office Manager
Jeff Ban, Central Laboratory Director
Dave Barron, Deputy Director
Sabrina Cillessen, Physical Evidence Program Manager
Deborah Collard, Research Specialist
John Griffin, Northern Laboratory Director
Linda Jackson, Department Director
Gail Jaspen, Chief Deputy Director
Brad Jenkins, Forensic Biology Program Manager
Alka Lohmann, Director of Technical Services
Butch Martin, Human Resources Generalist
Stephanie Merritt, Department Counsel
Lisa Schiermeier-Wood, Section Supervisor, Forensic Biology
Carisa Studer, Legal Assistant

Call to Order by Board Chair Caroline Juran

47 Ms. Juran called the meeting of the Forensic Science Board (“Board”) to order at 9:05 a.m. She
48 welcomed and introduced Dr. William Gormley, Acting Chief Medical Examiner, to the Board.
49 Board members and Department staff introduced themselves to Dr. Gormley.
50

51 **Adoption of Agenda**

52
53 Ms. Juran asked if there were any additions or changes to the draft agenda for the meeting. Being
54 none, Mr. Benjamin moved to adopt the agenda, which was seconded by Ms. St. Clair and
55 adopted by unanimous vote of the Board.
56

57 **Approval of Draft Minutes of January 3, 2013 Meeting**

58
59 Ms. Juran asked if there were any changes or corrections to the draft minutes from the January 3,
60 2013 meeting. Being none, Mr. Benjamin moved to adopt the minutes of the January 3, 2013
61 meeting, which was seconded by Mr. Morrogh and adopted by unanimous vote of the Board.
62

63 **Chair’s Report**

64
65 Ms. Juran welcomed the Board, and thanked the members for their attendance. Ms. Juran had no
66 Chair’s Report to present to the Board.
67

68 **DFS Director’s Report**

69
70 **Staffing:** Director Linda Jackson updated the Board on the leadership changes within the
71 Department of Forensic Science (The Department or DFS) since the last Board meeting. David
72 Barron, PhD, has accepted the position of Deputy Director. Dr. Barron was formerly the
73 Director of Technical Services. Director Jackson briefly summarized Dr. Barron’s background
74 and qualifications. She added that Dr. Barron was recently elected as Vice-Chair of the
75 American Society of Crime Lab Directors (ASCLD). Alka Lohmann has accepted the position
76 of Director of Technical Services; she was formerly the Calibration and Training Program
77 Manager. Director Jackson also gave a brief summary of Ms. Lohmann’s background and
78 qualifications. The Calibration and Training Program Manager and Chemistry Program Manager
79 positions are currently in recruitment. Interviews have been scheduled for the Chemistry
80 Program Manager position, and the Department is awaiting approval to post the Calibration and
81 Training Program Manager Position.
82

83 **Strategic Priorities:** The Secretary of Public Safety has directed Public Safety agencies to
84 develop new strategic goals. Director Jackson gave an overview of DFS’s four basic strategic
85 priorities. The first priority is timeliness. The Department is working on this goal by
86 decentralizing the DUID toxicology cases. DFS has already seen a decrease in the number of
87 hours that Toxicologists are spending out of the lab for court travel and appearances. The second
88 priority is case documentation. The Department has begun the process of electronically creating
89 latent print examinations reports. The Latent Prints Section will be able to examine cases using
90 video on-screen comparisons. The third priority is external communications. The Department
91 plans to have its website redesigned to update it and make it more user-friendly. Also, customer
92 satisfaction surveys will be developed using online technology rather than continuing paper

93 survey forms that are sent via the mail. The fourth priority is staff training. DFS will begin
94 meeting this goal by offering at least eight hours of scientific training each calendar year to the
95 Department's scientific staff.

96
97 Facilities: Director Jackson described the laboratory space renovations in each of the
98 Department's regional laboratories. The Western Laboratory was built in 1994 and has outgrown
99 its space. DFS has received approval for expansion and planning money is in the budget. The
100 Eastern Laboratory's ongoing multiphase expansion continues. The Toxicology lab there will
101 relocate to new space in June. The Central Laboratory is currently undergoing an expansion
102 needs and feasibility study.

103
104 Budget Outlook: Director Jackson provided an overview of the Department's budget. She
105 indicated the general fund, federal fund, and total fund amounts in this year's budget. She also
106 noted that the Budget was reduced by \$16,000. This reduction was due to an adjustment for
107 licenses for technologies no longer being used by DFS. Director Jackson reported that DFS is
108 authorized for a total of 310 staff positions. Currently, there are 269 positions filled and 13
109 positions in recruit.

110
111 Instrumentation: Director Jackson reported that the Department purchased, validated and will
112 soon be using a new Immunoassay instrument for automated screening tests to be used in the
113 Toxicology Section. The new instrument will help the amount of personnel time used in
114 screening tests and it will allow for more up-front screenings to be done. Also, a new Laser
115 Induced Breakdown Spectroscopy (LIBS) instrument has been purchased for elemental analysis.
116 It will be used in the Western Laboratory. Training for the new LIBS instrument is planned for
117 June.

118
119 The Department has purchased a new Laboratory Information Management System (LIMS).
120 The contract was awarded to the Porter Lee Corporation for their Crime Fighter BEAST (Bar-
121 coded Evidence Analysis Statistical Tracking) system. The BEAST is a LIMS specifically
122 designed for forensic crime laboratories and medical examiners. Configuration of the system
123 allows the LIMS to reach into every section of the lab as well as link the lab to submitting
124 agencies. The Department expects the new LIMS to be implemented by March 2014.

125
126 Grants: Director Jackson updated the Board on all of the Department's grants. Over the past
127 three years, grant funding has continually decreased. The *Paul Coverdell Forensic Science*
128 *Improvement Program* has diminished over the past three year, and the President's FY14 budget
129 has \$0 allocated for this Program. This is the only grant the Department has received for
130 disciplines other than Forensic Biology.

131
132 Director Jackson gave an overview of the current DNA grants and non-DNA grants. The *FY11*
133 *DNA Backlog Reduction Grant* has been extended to December 31, 2013. The *FY11 Paul*
134 *Coverdell Grant* has been extended to March 31, 2014, and the *FY12 Paul Coverdell Grant* has
135 been extended to June 30, 2014.

136
137 Director Jackson reviewed the applications for the following grants: *Using DNA to Identify the*
138 *Missing, FY 13 DNA Backlog Reduction, FY13 Paul Coverdell, 2013 Highway Safety, 2013*

139 *Byrne JAG* (continuation) for training and equipment for Digital Multi-Media Evidence, 2013
140 *Byrne JAG* (continuation) for Forensic Academy Graduates IAI certifications, and 2013 *Byrne*
141 *JAG* (continuation) for enhancement of LIMS.

142
143 Mr. Benjamin made a motion to approve the Department's seven grant applications and to
144 approve the Department's acceptance of the grants if awarded, which was seconded by Mr.
145 Morrogh. The motion was adopted by unanimous vote of the Board.

146
147 Workload/Backlog: Director Jackson explained the difference between how DFS reports its
148 backlog compared to other Laboratory Systems. DFS includes every case in its "backlog"
149 beginning on the date the case is received at the laboratory, whereas other laboratory systems
150 include cases in their backlogs only after a set amount of days in their laboratory. Regarding the
151 30-60-90-120 day workload summary report, Director Jackson summarized average days in the
152 lab system for cases in several different sections. Since the *Melendez-Diaz* decision, the
153 Department has had to change the way it conducts its business. DFS has encouraged Courts to
154 set DUI days in their jurisdictions. This helps to reduce the number of hours that examiners are
155 spending outside of the lab. The Department has seen a 10% increase in drug submissions and
156 has seen a change in the types of drugs submitted. In 2008, DFS received 170 different types of
157 drugs. In 2012, the Department received 212 different drugs. Controlled Substances Examiners
158 are also spending more time in Court due to the *Melendez-Diaz* decision. An additional
159 Examiner position has been filled in the Central Controlled Substances Section and is currently
160 in training.

161
162 Synthetic Cannabinoids/ Research Chemicals/Clandestine Meth Labs: Director Jackson
163 continued her overview of Controlled Substances with an update on Synthetic Cannabinoids.
164 The Department has continued to see steady increase in submissions of Synthetic Cannabinoids
165 since 2011. Also, DFS has continued to see a steady increase in Research Chemicals since 2011.
166 Clandestine Methamphetamine Lab cases are also on the rise, with a continued increase in meth
167 lab submissions to DFS. The majority of the Meth Lab cases continues to be in the Western
168 region of the state and consequently are submitted to the Western Laboratory.

169
170 2013 General Assembly Review: DFS Chief Deputy Director Gail Jaspén gave an overview of
171 the 2013 General Assembly session. There were two bills passed that prohibit additional
172 synthetic Cannabinoids and research chemicals. HB 1941 by Delegate Garrett was emergency
173 legislation that went into effect on March 13, 2013. SB 1083 patroned by Senator Herring did
174 not have an emergency clause, was used to prohibit additional substances by Governor's
175 amendments to the Reconvened Session. It will go into effect July 1, 2013. HB 1806 by
176 Delegate Garrett amended the statute relating to the manufacturing of methamphetamines.

177 178 **Scientific Advisory Committee Chair's Report**

179
180 Jami St. Clair, Chair of the Scientific Advisory Committee (SAC), reported to the Board that the
181 SAC meet on May 14, 2013. The SAC was given a similar Director's Report presentation by
182 Ms. Jackson. The Forensic Biology Subcommittee also met on May 14, 2013. The
183 Subcommittee was given a presentation by Brad Jenkins, Forensic Biology Program Manager, on
184 two validation studies. The first validation is for "TrueAllele" software, and subcommittee

185 members were provided with information to review. Comments from members are due back to
186 Mr. Jenkins in June. The Department is currently working on manuals and plans to move
187 forward by September 1, 2013.

188
189 The second validation is “Armed Xpert,” for which one of the two validations has been
190 completed. Subcommittee members were provided with information for the completed
191 validation, and the other will be provided when it is complete. Members will review the
192 information and present questions to DFS if needed.

193
194 The SAC’s goal is to review all of the Department’s disciplines. Currently, the SAC is
195 reviewing the Trace Evidence manuals. Sabrina Cillessen, Physical Evidence Program Manager,
196 gave a presentation on the Latent Print Section. An overview of the lab structure and functions
197 of the Latent Prints section was provided. Ms. Cillessen described the new Mideo software that
198 the Latent Prints section will use. The Mideo software will be used for onscreen comparisons of
199 latent prints. All of the case file documentation of the analysis will be completely electronic.
200 Ms. Cillessen gave a brief demonstration of the Mideo software. The SAC is reviewing the
201 Latent Prints Manuals and will provide comments to DFS staff prior to the October SAC
202 meeting.

203
204 Ms. St. Clair announced the results of the annual SAC Chair and Vice-Chair elections. Ms. St.
205 Clair was re-elected as Chair, and the new Vice-Chair will be Ms. Jo Ann Given.

206
207

208 **Old Business**

209
210 Status of Regulatory Periodic Review, 6 VAC 40-60: Stephanie Merritt, Department Counsel,
211 reminded the Board that in the summer of 2012, the Department started a periodic review of four
212 regulations. The four regulations needing review were (i) Breath Alcohol Testing, (ii) Approval
213 of Field Tests for Detection of Drugs, (iii) Implementation of the Law permitting DNA Analysis
214 upon Arrest for all Violent Felonies and Certain Burglaries, and (iv) Approval of Marijuana
215 Field Tests for Detection of Marijuana Plant Material. At the January 3, 2013 meeting, the
216 Board voted to adopt amendments to all four of the regulations. The Office of the Attorney
217 General (OAG) has reviewed the regulations, and the periodic review was formally completed on
218 April 23, 2013.

219
220 Ms. Merritt reported to the Board that the OAG advised the change made to the DNA regulation
221 6 VAC 40-40, an updated website address, qualified as an Exempt Regulatory Action. The
222 proposed amendment will be effective June 20, 2013. No further action is needed.

223
224 Ms. Merritt also reported that the OAG recommended the Board’s proposed amendments to the
225 Breath Alcohol Testing regulation, 6 VAC 40-20 for Fast Track Regulatory Action. This action
226 is currently at the Department of Planning and Budget (DPB) for review. Also, the OAG
227 recommended Fast Track Regulatory Action for the proposed amendments to 6 VAC 40-50. Ms.
228 Merritt anticipates that that process will begin in the next few weeks.

229

230 In addition to the proposed amendments approved in January 2013, Ms. Merritt presented
231 proposed amendments to the regulation for the Approval of Field Tests for the Detection of
232 Drugs, 6 VAC 40-30. On line 110 of the regulation, Ms. Merritt presented a proposed
233 amendment to require field test kit manufacturers to pay the actual cost of the “street drug
234 preparations in addition to the current \$50 fee for kits submitted to DFS for evaluation. The
235 current \$50 sum only covers administrative costs to DFS and does not cover the cost to DFS of
236 purchasing the standard for the drug. The proposed change is intended to address the significant
237 increase in the cost to DFS to approve drug field tests.

238
239 Mr. Morrogh moved that the Board approve adoption of the proposed amendment to 6 VAC 40-
240 60, which was seconded by Ms. Given, and passed by unanimous vote.

241
242 Post-Conviction DNA Testing Program and Notification Project: Ms. Jaspén gave an overview
243 of the statistics from the Post-Conviction Testing Program. To date, Certificates of Analysis
244 have been issued in all 835 cases in which qualifying felony convictions have been confirmed.
245 The remaining challenge for the Program will be to continue confirming conviction information
246 and locating convicted individuals whose cases are deemed eligible for DNA testing.

247
248 Ms. Howard updated the Board on the Notification Committee’s efforts. The notification
249 process has been broken down into three different groups. The first group is the original
250 notification group for whom identification of current addresses is still needed. The second is the
251 “need known sample” group. The third group is the conviction verifications, where confirmed
252 conviction information is needed to determine if a case is eligible for testing.

253
254 Ms. Howard continues to work with the Mid-Atlantic Innocence Project (MAIP) throughout the
255 state. She has found that training volunteers is a challenge and she is exploring other options
256 for training. Ms Jaspén pointed out that training is necessary because the General Assembly
257 directed the Board that volunteers seeking individuals and providing notification need to be
258 trained.

259
260 Ms. Jaspén concluded the presentation by announcing that to date, there are no cases to be tested
261 under the program. As DFS receives conviction information in the future, it will move forward
262 with testing those cases.

263
264 **New Business**

265
266 Ms. Jaspén updated the Board on the Substance Abuse Awareness Vital for Virginia Youth
267 program (SAVVY), the special “Community Drug Awareness” initiative supported by the
268 Governor and Secretary of Public Safety. Ms. Jaspén reported to the Board that there have been
269 three SAVVY Expos held -- in Richmond, Manassas, and Newport News. Each was very
270 successful. Twenty-seven agencies and organizations, including law enforcement agencies, had
271 exhibit booths at the latest expo. The purpose of SAVVY is to create conversations within each
272 community and bring awareness of the resources available. There is one more expo being
273 planned for the Southwest Region this summer.

274
275 **Annual Election of Board Chair and Vice Chair**

276 Chair Juran asked if there were any nominations for Board Chair. Mr. Benjamin nominated Ms.
277 Given; the nomination was seconded by Mr. Morrogh and passed by unanimous vote of the
278 Board. Chair Juran asked for nominations for Vice Chair. Mr. Benjamin nominated Ms. Juran
279 for Vice Chair; the nomination was seconded Sheriff Lippa and passed by unanimous vote of the
280 Board.

281

282 **Public Comment**

283

284 None

285

286 **Next Meeting**

287

288 The Forensic Science Board will meet next on Wednesday, August 7, 2013 at 9 a.m.

289

290 **Adjournment**

291

292 Mr. Morrogh moved that the meeting of the Board be adjourned, which was seconded by
293 Sheriff Lippa and passed by unanimous vote.

294

295 The meeting adjourned at 10:20 a.m.