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**Final - Minutes**  
**Forensic Science Board Meeting**  
**January 6, 2014**  
**Department of Forensic Science, Central Laboratory, Classroom 1**

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**Board Members Present**

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John Colligan (Designee for Garth Wheeler, Department of Criminal Justice Services)  
Jo Ann Given, Forensic Science Board Chair  
Dr. William Gormley  
Katya Herndon (Designee for Karl Hade, Executive Secretary, Supreme Court of Virginia)  
Kristen Howard (Designee of Senator Thomas K. Norment, Jr., Chair, Virginia State Crime Commission)  
Caroline D. Juran  
Alan Katz (Designee of Attorney General Kenneth Cuccinelli)  
Sheriff A.A. Lipa, Jr.  
David A. C. Long  
Delegate Richard Morris (Designee of Del. David Albo, Chair, House Courts Committee)  
Lt. Col. Robert Northern (Designee of Colonel W. Steven Flaherty, Virginia State Police)  
Claiborne Stokes

**Board Members Absent**

Senator Ryan McDougle (Designee of Sen. Thomas Norment, Chair, Senate Courts Committee)  
Jami St. Clair

**Legal Counsel for the Forensic Science Board**

Joshua Lief

**Staff Members Present**

Wanda Adkins, Office Manager  
Jeff Ban, Central Laboratory Director  
Dave Barron, Deputy Director  
Sabrina Cillessen, Physical Evidence Program Manager  
Leslie Ellis, Human Resources Manager  
John Griffin, Northern Laboratory Director  
Linda Jackson, Department Director  
Gail Jaspens, Chief Deputy Director  
Brad Jenkins, Forensic Biology Program Manager  
Melissa Kennedy, Calibration and Training Program Manager  
Alka Lohmann, Director of Technical Services  
Stephanie Merritt, Department Counsel  
Lisa Schiermeier-Wood, Section Supervisor, Forensic Biology  
Carisa Studer, Legal Assistant

47 **Call to Order by Board Chair Jo Ann Given**

48 Ms. Given called the meeting of the Forensic Science Board (“Board”) to order at 9:04 a.m. Ms.  
49 Given welcomed the Board and introductions were made of Board members and Department of  
50 Forensic Science (DFS or the Department) staff.

51  
52 **Adoption of Agenda**

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

57  
58 **Approval of Draft Minutes of the October 16, 2013 Meeting**

59  
60 Ms. Given asked if there were any changes or corrections to the draft minutes from the October  
61 16, 2013 meeting. Ms. Herndon asked that Mr. Karl Hade be added to the list of members  
62 present at the October 16, 2013 meeting. Ms. Howard asked that in line 12 the Chair of the  
63 Virginia State Crime Commission be changed to Senator Thomas K. Norment, Jr. Ms. Herndon  
64 moved to adopt the minutes of the August 7, 2013 meeting with the suggested changes, which  
65 was seconded by Ms. Howard and adopted by unanimous vote of the Board.

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67 **Chair’s Report**

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69 Although Ms. Given had no formal report, she welcomed the Board, and thanked the members  
70 for their attendance.

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72 **DFS Director’s Report**

73  
74 Facilities: Director Jackson gave a brief update of the laboratory space renovations in each of the  
75 Department’s regional laboratories. The Western Laboratory construction plans to begin the  
76 expansion should begin in the spring. The demolition of the old school house building is  
77 scheduled for March 2014. Construction should take 24 months to complete. The Eastern  
78 Laboratory expansion and renovation project is complete. The Controlled Substances Section  
79 has finished its move and the Toxicology Section will complete its move by the end of January  
80 2014. The Central Laboratory’s formal needs assessment and feasibility study has been  
81 completed for the Central Laboratory renovation and the Department of Planning and Budget  
82 (DPB) is still reviewing the study. The Biotech 8 lease expires in 2016 and it is not expected to  
83 be renewed.

84  
85 Budget Outlook: Director Jackson provided an overview of the Department’s budget. She  
86 indicated the general fund, federal fund, and total fund amounts in this year’s budget. Director  
87 Jackson reported that, in the Governor’s FY15-FY16 budget, there is funding for four Forensic  
88 Scientist positions; two for Controlled Substances, one for Toxicology and one for Forensic  
89 Biology. Additionally, in FY14, there was a one time savings transferred to the general fund  
90 relating to the proceeds from an equipment auction..

91

92 Grants: Director Jackson gave an overview of the current DNA grants. There are new rules for  
93 Federal grants that will require a time limit for the spending of grant funds. The Department has  
94 developed a new strategy on how to use the grant funds. Director Jackson reminded the Board  
95 that the Paul Coverdell grant has decreased for the past few years, and the expectation is for the  
96 grant to continue to decrease in the next budget. Director Jackson gave a brief description of the  
97 Byrne JAG grant and the Highway Safety grant.

98  
99 Director Jackson reported that the Office of the Attorney General *Abbott* Settlement Forfeiture  
100 fund application is still pending. She explained to the Board that the Department had also put in  
101 a second request for *Abbott* Settlement Forfeiture funds to be used for extended service contracts  
102 for instruments in the Chemistry disciplines, equipment for Digital Multimedia Evidence, and  
103 Latent Prints. Ms. Herndon moved that the Board approve the additional request for *Abbott*  
104 Settlement Forfeiture funds and to accept the funds if granted, which was seconded by Delegate  
105 Morris and adopted by unanimous vote of the Board.

106  
107 Workload/Backlog: Regarding the 30-60-90-120 day workload summary report, Director  
108 Jackson summarized average days in the lab system for cases in several different Sections for the  
109 end of the 2013 calendar year. Director Jackson brought to the Board's attention the Latent  
110 Prints Section's statistics. There was a higher turnaround time due to the transition from paper to  
111 digital examinations using the new Mideo software. Analyses were being done by both methods  
112 until September 2013.

113  
114 Ms. Howard asked if the workload summary report could show the past three quarters, not just  
115 the current statistics. Director Jackson agreed.

116  
117 Director Jackson updated the Board on the Controlled Substances Section. There was a decrease  
118 in submissions of Synthetic Cannabinoids to the Department during the last quarter of 2013.  
119 There was also a decrease in submissions of research chemicals to the laboratory, but a rise in  
120 Methylone or "Molly." The largest increase was in Clandestine Lab submissions. The Western  
121 Laboratory received the majority of those submissions.

122  
123 Director Jackson also noted that the trend of increased testimonies continued in 2013 as it has  
124 every year since the *Melendez-Diaz* decision.

125  
126 Strategic Priorities: Director Jackson reviewed the five strategic goals from 2013: improving  
127 case turnaround times for Controlled Substances and Toxicology, implementing on-screen  
128 comparisons in Latent Prints, increasing customer outreach, and increasing continuing education  
129 opportunities for scientific staff.

130  
131 Director Jackson reviewed the two new goals for 2014. First, the implementation of Multiplex  
132 kits for the DNA Data Bank will improve the database's search capabilities and compatibility  
133 with international databases with the addition of DNA loci. Secondly, customer outreach will be  
134 enhanced by utilizing the Department's new website to make available additional information  
135 regarding laboratory capabilities, evidence submission information and records relating to breath  
136 alcohol instrument certifications.

138 The new Laboratory Information Management System (LIMS) is scheduled for internal use  
139 starting March 2014. DFS will look to use the LIMS for external functions such as submitting  
140 Requests for Laboratory Examination (RFLEs) remotely.

141  
142 **Old Business**

143  
144 Post-Conviction DNA Testing Program and Notification Project: Kristen Howard, Chair of the  
145 Notification Subcommittee, met with the Indigent Defense program and the group offered to  
146 assist the Board using their Fellow Program. They will use their legal resources to assist in  
147 researching information for notifications to help close out the notification phase of the project.

148  
149 Gail Jaspén, Chief Deputy Director, continued with a brief update on the Program. She  
150 commented on working with Ms. Howard, the VSCC, and Indigent Defense program to complete  
151 the last stage of research for notifications. Ms. Jaspén provided an update to the scope of the  
152 testing program to the Board. She noted the 142 convicted suspects for whom known samples  
153 are needed. This is the group that will be getting an additional letter indicating more testing  
154 could be done is a known sample is submitted to the Department, and pro-bono attorney  
155 information is provided for legal advice.

156  
157 Status of Proposed Regulatory Amendments: Stephanie Merritt, Department Counsel, updated  
158 the Board on the Department's three fast tracked regulatory actions, which were a part of  
159 Governor McDonnell's Regulatory Reform Initiative. Changes to verbiage and certain  
160 procedures under the Department's Regulations for the Approval of Drug Field Tests became  
161 effective on January 3, 2014. Similar amendments to the Regulations for the Approval of  
162 Marijuana Field Tests will take effect on February 23, 2014. The amendments to the  
163 Regulations for Breath Alcohol Testing will be effective on January 17, 2014.

164  
165 **New Business**

166 Alka Lohmann, Director of Technical Services, updated the Board on the upcoming  
167 ASCLD/LAB International Accreditation. The Department's current accreditation expires on  
168 September 11, 2013. DFS submitted its application on October 4, 2013, and ASCLD/LAB  
169 acknowledged receipt. Two lead assessors have been assigned for the Department's four  
170 laboratories and calibration laboratory. A total of 26 or 27 assessors will be scheduled for site  
171 visits starting May 12, 2014.

172  
173 Ms. Lohmann gave a presentation to the Board on Uncertainty of Measurement (UoM). This  
174 presentation is available on the Department's website.

175  
176 The Board discussed how UoM may affect court cases. Ms. Lohmann explained that the  
177 Certificates of Instrument Accuracy relating to the breath alcohol instruments have been  
178 reporting UoM since 2008. Reporting UoM is also a requirement for accreditation.

179  
180 2014 General Assembly Preview: Ms. Jaspén presented the possible Agency legislation  
181 approved by the outgoing Governor. The first, a proposed bill to facilitate the Department's  
182 conversion to electronic records, addresses the admissibility of electronic signature on  
183 Certificates of Analysis and authorizes the Department to electronically scan Certificates of

184 Blood Withdrawal and affix a copy of this scanned record to its Certificates of Analysis. The  
185 second proposed bill would add the Department to the definition of a “public safety agency” and,  
186 thereby, clarify that courts could order certain HIV and Hepatitis testing when a DFS employee  
187 is potentially exposed to blood borne pathogens. The third proposed bill amends the  
188 membership requirements for two seats on the SAC.  
189

190 Although not DFS agency legislation, Ms. Jaspen also informed the Board of an omnibus bill  
191 relating to synthetic drugs originally drafted by a Public Safety Working Group that included the  
192 Secretary of Public Safety, DFS, the Board of Pharmacy, the Office of the Attorney General, a  
193 Commonwealth’s Attorney, and the Virginia State Crime Commission. The bill would, among  
194 other things, repeal the synthetic cannabinoid statute enacted in 2001 and move prohibited  
195 cannabimimetic agents to Schedule I of the Drug Control Act.  
196

197 Ms. Jaspen concluded by announcing her retirement to the Board. Ms. Given thanked Ms.  
198 Jaspen for her service to the Board and the Commonwealth.  
199

200 **Public Comment**

201  
202 None  
203

204 **Next Meeting**

205  
206 The Forensic Science Board will meet next on Wednesday, April 30, 2014 at 9 a.m. The Board  
207 will meet on Wednesday, August 13, 2014 and October 15, 2014 at 9 a.m.  
208

209 **Adjournment**

210 Mr. Long moved that the meeting of the Board be adjourned, which was seconded by  
211 Ms. Juran and passed by unanimous vote.  
212

213 The meeting adjourned at 10:40 a.m.