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Final Minutes
Scientific Advisory Committee Meeting
May 7, 2019
Department of Forensic Science, Central Laboratory, Classroom 1

Committee Members Present

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

Committee Members Absent

Carl A. Sobieralski
Jami J. St. Clair

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
Jennie P. Duffy, Breath Alcohol Section Supervisor
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
Rebecca Wagner, Ph.D., Research 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 10:30 a.m. Dr. Corrado informed the Committee that Ken Zercie 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. Mr. Zercie was participating by

46 telephone from his home office in Madison, Connecticut because he was physically unable to
47 attend in person.

48

49 **Adoption of Agenda**

50

51 The Chair asked if there were any additions or changes to the draft agenda for the meeting. Being
52 none, Dr. Cotton made a motion to adopt the agenda, which was seconded by Dr. Maha, and
53 adopted by unanimous vote of the Committee.

54

55 **Adoption of Minutes of the October 16, 2018 Committee Meeting**

56

57 The Chair asked if there were any changes or corrections to the draft minutes from the October 16,
58 2018 meeting. Director Jackson pointed out a statutory citation in the minutes that needed to be
59 corrected in three places. Mr. Beaty moved to adopt the minutes with the corrected statutory
60 citations, which was seconded by Ms. Bottrell, and adopted by unanimous vote of the Committee.

61

62 **Chair's Report**

63

64 None.

65

66 **DFS Director's Report**

67

68 Director Jackson announced to the Committee that Alka Lohmann, Director of Technical Services,
69 received the Dr. Kurt M. Dubowski Award at the International Association for Chemical Testing
70 (IACT) Conference. Randall Beaty presented the award to Ms. Lohmann at a banquet held on
71 April 2, 2019 in conjunction with 2019 IACT Annual Conference.

72

73 **Facilities:**

74 Director Jackson updated the Committee on facilities projects with the Central and Western
75 Laboratories. The General Assembly passed HB2057, which removes the requirement that the
76 central office and facilities of the Office of the Chief Medical Examiner (OCME) be located in the
77 City of Richmond. This legislative change was needed so that land outside the City of Richmond
78 could be considered for the Central Laboratory project. The roof on the original Western
79 Laboratory facility was replaced. This project was funded by the Department's maintenance
80 reserve.

81

82 **Agency Initiatives:**

83 Director Jackson informed the Committee that, over the next year, the Department will be
84 providing Arbinger Institute training ("Developing and Implementing an Outward Mindset") for
85 all staff.

86

87 Director Jackson updated the Committee on the Department's training for attorneys and judges.
88 The Department provided a one-day DNA Training for attorneys and judges last year in all four
89 regional laboratories. A stakeholder meeting was held on May 2, 2019 to review the results of a
90 survey of attendees from the 2018 DNA Training, seek input on potential changes to the DNA
91 Training, and discuss subjects for the 2019 trainings. DFS plans to offer the DNA Training again

92 in 2019. A four-hour training on breath alcohol and toxicology for drivers will also be offered at
93 each DFS laboratory in 2019.

94
95 Director Jackson reported to the Committee that Amy Curtis, Department Counsel, organized a
96 Forensic Laboratory Counsel Training at the Central Laboratory in April 2019. Approximately 25
97 attorneys who represent forensic laboratories from across the country attended the training. The
98 training was an opportunity for laboratory counsel to come together to discuss numerous
99 contemporary issues confronting laboratories. The group plans to meet annually moving forward.

100
101 Director Jackson shared a Notice Regarding Controlled Substances Submissions that was
102 disseminated to DFS user agencies on March 11, 2019. The Notice provided an update on efforts
103 by DFS to address the increased backlog and turnaround times confronting the Controlled
104 Substances Section.

105
106 Director Jackson gave an overview of the industrial hemp laws passed during the 2019 General
107 Assembly Session in response to the federal Farm Bill enacted in 2018, as well as the potential
108 issues created for the Department in determining whether an item is marijuana or industrial hemp.
109 Director Jackson explained that the current Duquenois-Levine field tests cannot differentiate
110 between marijuana and industrial hemp. The Department is currently working with the Drug
111 Enforcement Administration (DEA) to validate a field test kit that will evaluate the ratio of
112 tetrahydrocannabinol (THC) and cannabidiol (CBD) concentrations to assist law enforcement in
113 determining if plant material is marijuana or industrial hemp. There was significant discussion
114 among the members of the Committee regarding industrial hemp and the issues involved for the
115 Department in analysis and reporting.

116
117 Budget:
118 Director Jackson presented the DFS FY20 Budget to the Committee. She noted the \$1,660,000 in
119 emergency funding the Governor approved for the Department for FY19 to provide additional
120 resources in response to the backlog of the Controlled Substances Section.

121
122 Grants:
123 Director Jackson presented a summary of current DFS grants and the grant applications waiting
124 for approval from the Forensic Science Board.

125
126 She also provided an update on the New York County District Attorney's (DANY) Sexual Assault
127 Kit Backlog Elimination Program grant, which funded the testing of kits collected, but not
128 submitted for analysis, prior to July 1, 2014. Ninety-nine law enforcement agencies submitted
129 1,805 kits to the private laboratory for testing. The private laboratory completed the testing and
130 submitted the data to DFS for review. The Department reviewed the private laboratory's results,
131 uploaded eligible profiles into the Data Bank for searching, and issued any resulting hit reports.
132 There were 519 profiles searched, and 209 hit obtained as of January 2, 2019.

133
134 The National Sexual Assault Kit Initiative (SAKI) Grant allows for testing of kits collected
135 between July 1, 2014 and June 30, 2016. The Office of the Attorney General conducted an
136 inventory that identified 1,232 unsubmitted kits from that time-period. As of May 1, 2019, 772 of
137 those kits have been submitted to the private laboratory for analysis.

138
139 DFS received funding under the SAKI grant to develop a PERK Tracking System. Beta testing of
140 this system will begin soon. The Department is requesting an additional year of funding for the
141 PERK Tracking System Coordinator grant position.

142
143 Workload/Backlog:

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

146
147 **Breath Alcohol Subcommittee Report**

148
149 Randall Beaty, Subcommittee Chair, gave a report of the Breath Alcohol Subcommittee. The
150 Subcommittee met on May 6, 2019 at 3:00 p.m. Subcommittee members provided comments and
151 made suggestions for DFS to consider for the Breath Alcohol Procedures Manual and Worksheets.
152 The Subcommittee closed the review of the Breath Alcohol Procedures Manual and Worksheets.

153
154 Mr. Beaty moved that the Committee accept the Breath Alcohol Subcommittee report, which was
155 seconded by Dr. Edinboro and adopted by unanimous vote of the Committee.

156
157 **Toxicology Subcommittee Report**

158 Dr. Les Edinboro, Subcommittee Chair, gave a report of the Toxicology Subcommittee, which met
159 at 8:30 a.m. on May 7, 2019. Subcommittee members provided comments and made suggestions
160 for DFS to consider for two validation documents, Qualitative Analysis of Novel Psychoactive
161 Substances using LCMSMS and Validation Summary of Fentanyl Analog Qualitative Analysis by
162 Protein Precipitation using LCMSMS.

163
164 The Subcommittee discussed methods in development: Confirmation and Quantitation of Fentanyl
165 Derivatives in Biological Samples by Solid Phase Extraction Using LCMSMS; Qualitative Drugs
166 Screening Using High-Resolution Mass Spectrometry; GHB, GBL, and 1, 4-Butanediol
167 Quantitation and Confirmation Method by LCMSMS; and Nonsteroidal Anti-Inflammatory Drugs
168 Quantitation and Confirmation Method by LCMSMS.

169
170 Maureen Bottrell made a motion to have the Department consider the Subcommittee's
171 recommendations made for the validations and methods in development, specifically regarding
172 carryover, retention time criteria, the use of relative retention time for identification purposes, and
173 the ion ratio algorithm (sliding scale). The motion was seconded by Dr. Levine, and passed by
174 unanimous vote.

175
176 Richard Meyers made a motion to close the Subcommittee's review of the Toxicology validations
177 and methods in development; the motion was seconded by Dr. Levine, and passed by unanimous
178 vote.

179
180 Ms. Bottrell moved that the Committee accept the Toxicology Subcommittee report, which was
181 seconded by Mr. Beaty, and passed by unanimous vote of the Committee.

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183 **Program Area Updates**

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Division of Technical Services Update:

Alka B. Lohmann, Director of the Division of Technical Services (DTS), provided the Committee with a DTS update. Ms. Lohmann reminded the Committee that the Department's current accreditation expires on September 30, 2022. DFS will begin its transition to ISO/IEC 17025:2017 and AR 3125 on June 1, 2019. The offsite surveillance is currently in process. She also noted that the Footwear and Tire Impressions discipline was added to the Western Laboratory's Scope of Accreditation on April 18, 2019.

Ms. Lohmann updated the Committee on the Department's use of Qualtrax, a compliance management software system. One DFS staff member attended the User Conference from April 30 to May 2, 2019. Ms. Lohmann gave an overview of the workflows in development.

Ms. Lohmann reported that the Forensic Training Section is now offering three basic Crime Scene Investigation courses this year due to demand. The Forensic Training Section will offer laboratory capabilities updates to user agencies for all four DFS laboratories.

Ms. Lohmann announced to the Committee that the 45th anniversary of the Forensic Science Academy will be in December 2019 and that the 100th Academy class will graduate in April 2020.

Forensic Biology Program Update:

Brad Jenkins, Forensic Biology Program Manager, provided the Committee with an update on staffing levels for the Forensic Biology program area, including examiners in training and positions in recruit, for each regional laboratory. Mr. Jenkins noted that there are three examiners in relationship training, and ten examiners in Y-STR training.

Mr. Jenkins updated the Committee on the validations that the section is currently conducting, which include the STRmix software in all four laboratories, expanding Y-STR testing to the Eastern and Western laboratories, the new Real Time PCR instruments, and the evaluation of the automated differential extractions.

Mr. Jenkins reported that the combined probability of inclusion (CPI) recalculations previously approved by the Forensic Science Board have been completed. Mr. Jenkins reminded the Committee of the Scientific Working Group on DNA Analysis Methods (SWGDM) guidelines set in 2010 that began the CPI recalculation project. He reviewed the Department's plan to apply the SWGDAM guidelines retroactively, which was approved by the Forensic Science Board, the Secretary of Public Safety and Homeland Security, and the Office of the Attorney General. Mr. Jenkins gave an overview of the number of cases that required CPI calculations for each laboratory and the preliminary statistics on the number of supplemental reports issued by the Department. Mr. Jenkins noted that to date, the Department is not aware of any case outcomes affected by the CPI recalculations.

Mr. Jenkins advised the Committee of new buccal sample collectors that will be used for the DNA Data Bank. The new collectors will allow the Department to store more samples in one space. The Department's current instrumentation supports the new collectors.

230 Mr. Jenkins concluded with an update on the status of the Serology Review project. A random
231 sample of serology cases (including at least 100 reports each from the Eastern and Northern
232 Laboratories) are being reviewed. The final reviews of each case have been assigned. Mr. Jenkins
233 gave an overview of observations made during the project.

234
235 Chemistry Program Update:

236
237 Ms. Lohmann provided the Committee with an update on the Chemistry Program Area for Scott
238 Maye. The Trace Evidence Section held a one-day statewide section meeting at the Central
239 Laboratory in January 2019. Topics covered included “strength of associations” reporting for
240 comparison examiners, and testing protocols, current trends, and ways to ensure consistency
241 between laboratories.

242
243 Ms. Lohmann provided an update on the use of the Board of Pharmacy (BoP) expedited regulatory
244 process since the last meeting. The six compounds approved by the BoP in October 2018 became
245 scheduled in April 2019. DFS recommended three additional compounds in January 2019, which
246 the BoP approved in March 2019. These compounds are awaiting publication in the Register of
247 Regulations.

248
249 Ms. Lohmann gave a trainee update in the Controlled Substances and Trace Evidence Sections for
250 each laboratory.

251
252 Ms. Lohmann updated the Committee on the NIJ grant DFS received for a fire debris study. This
253 two-year project will utilize Analysis, Comparison, Evaluation and Verification (ACE-V)
254 methodology software to develop and validate a data interpretation method for fire debris analysis.

255
256 Ms. Lohmann reviewed the actions underway in the Controlled Substances Section to address the
257 workload in the section. She presented the notice to customers sent in April 2019 to explain the
258 outsourcing process. Ms. Lohmann provided the Committee with a sample controlled substances
259 report from the private laboratory.

260
261 Ms. Lohmann concluded with an update on the Lean Six Sigma project to increase efficiencies for
262 the Controlled Substances Section. A Request for Proposal will be issued in the near future.

263
264 Physical Evidence Program Update:

265 Sabrina Cillessen, Physical Evidence Program Manager, provided the Committee with an update
266 on the Physical Evidence Program Area. She announced a new supervisor is scheduled to begin
267 at the end of May in the Eastern Latent Prints & Impressions Section. She gave an overview of
268 staffing for the Firearms & Toolmarks, Latent Prints & Impressions, and Digital & Multimedia
269 Evidence Sections, including positions in recruit and positions in training at each laboratory.

270
271 Ms. Cillessen reported on the statewide meetings held by the Latent Prints & Impressions and
272 Firearms & Toolmarks Sections.

273
274 Ms. Cillessen reviewed the validation project for LatentSleuth and Cadre 3D virtual microscopy.

275

276 Ms. Cillessen gave an overview of the October 15, 2018 Notice of Policy Change for
277 Administrative Sampling Plan for NIBIN Searches, the March 11, 2019 Notice of DFS Policy
278 Change for NIBIN Potential Association Notifications, and the March 11, 2019 Notice of DFS
279 Policy Change for Automated Results for Digital & Multimedia Examinations.

280

281 Toxicology Update:

282 Dr. James Hutchings, Toxicology Program Manager, provided the Committee with an update on
283 the Toxicology Program Area. The Annual Toxicology Section Meeting was held on December
284 3, 2018.

285

286 Dr. Hutchings gave an overview of the Toxicology Section's turnaround time for OCME cases
287 and DUI/DUID cases from 2017 to 2019.

288

289 Dr. Hutchings updated the Committee on the Breath Alcohol Section's online recertification
290 course for Breath Alcohol operators. To date, approximately thirty percent of officers are utilizing
291 the online recertification. He also updated the Committee on the Breath Alcohol Section
292 instrument enhancement.

293

294 Dr. Hutching concluded by reviewing the grants and staffing for the Toxicology program area.

295

296 **Old Business**

297

298 Microscopic Hair Comparison Case Review:

299 Amy Curtis, Department Counsel, provided an update on the progress with the Microscopic Hair
300 Comparison Case Review since the last Committee meeting. The Microscopic Hair Comparison
301 Case Review Subcommittee approved a notice to inmates, which was distributed by the
302 Department of Corrections in December 2018. DFS is continuing to review positive probative
303 cases from the historical case file review to identify additional cases for the project. The Review
304 Team met on March 11, 2019 to review transcripts from eight cases. The Subcommittee will meet
305 on May 13, 2019 to discuss the recommendations for notification made by the Review Team.

306

307 Proposed Amendments for Field Test Regulations:

308 Amy Curtis updated the Committee on the status of the proposed amendments to the Regulations
309 for the Approval of Field Tests for Detection of Drugs (6VAC40-30.) The Forensic Science Board
310 approved the proposed amendments at its October 17, 2018 meeting. The Department submitted
311 the agency statement to the Office of the Attorney General on November 30, 2018. The Office of
312 the Attorney General provided its certification in March 2019. The Secretary of Public Safety and
313 Homeland Security conducted its review on May 3, 2019, and the proposed amendments are now
314 at the Governor's office for review. Ms. Curtis reviewed the next steps in the regulatory process
315 once the amendments are approved by the Governor's Office.

316

317 **New Business**

318

319 Annual Election of Committee Chair and Vice Chair:

320 The Chair called for the annual election of the Committee Chair and Vice-Chair. The Chair asked
321 for nominations for Chair of the Committee, and Mr. Meyers nominated Dr. Corrado for re-

322 election as Committee Chair. The nomination was seconded by Ms. Bottrell, and passed by
323 majority vote of the Committee. Dr. Corrado abstained. The Chair asked for nominations for
324 Vice-Chair. Dr. Maha nominated Ms. Bottrell to be Vice-Chair. The nomination was seconded
325 by Dr. Corrado, and passed by unanimous vote of the Committee.

326
327 The Chair called for a brief recess at 12:10 p.m.

328
329 The Chair called the meeting back to order at 12:17 p.m.

330
331 Dr. Corrado noted an additional minor correction that needed to be made to the October 16, 2018
332 minutes and requested a motion. Mr. Spinder made a motion that the minutes be amended to
333 reflect the correction (on line 202, changing the word “by” to “after”). The motion was seconded
334 by Dr. Edinboro and passed by unanimous vote.

335
336 **Public Comment**

337
338 None.

339
340 **Future Meeting Date**

341
342 The Scientific Advisory Committee will meet on October 2, 2019 at 9:00 a.m.

343
344 **Adjournment**

345
346 Dr. Corrado asked if there was a motion to adjourn. Dr. Maha made a motion to adjourn the
347 meeting of the Scientific Advisory Committee, which was seconded by Dr. Edinboro, and passed
348 by unanimous vote.

349
350 The meeting adjourned at 12:20 p.m.