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Final Minutes
Scientific Advisory Committee Meeting
August 11, 2009
Department of Forensic Science, Central Laboratory, Classroom 1

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Committee Members Present

19 Jose R. Almirall, Ph.D.
20 John M. Butler, Ph.D.
21 Dale Carpenter, Ph.D., Chair
22 D. Christian Hassell, PhD.
23 Dan Krane, Ph.D.
24 Thomas L.G. Price
25 Norah Rudin, Ph.D.
26 Kenneth Smith

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Committee Members Absent

29 Frederick Bieber, Ph.D.
30 Jo Ann Given
31 Pete Marone
32 Alphonse Poklis, Ph.D.

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Staff Members Present

35 Wanda Adkins, Office Manager
36 Elizabeth Ballard, Forensic Scientist, Forensic Biology
37 Jeffrey Ban, Central Laboratory Director
38 David Barron, Ph.D. Technical Services Director
39 Guinevere Cassidy, Legal Assistant
40 Leslie Ellis, Human Resources Director
41 Susan Greenspoon, Ph.D. Molecular Biologist, Forensic Biology
42 Katie Hall, Ph.D. Forensic Laboratory Specification VI, Forensic Biology
43 Bradford Jenkins, Biology Program Manager
44 Alka Lohmann, Training and Calibration Program Manager
45 Kevin Patrick, Western Laboratory Director
46 Steven Sigel, Deputy Director
Lisa Schiermeier-Wood, Section Supervisor, Forensic Biology
Susan Uremovich, Eastern Laboratory Director

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Call to Order

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Chairman Carpenter called the meeting of the Scientific Advisory Committee (“Committee”) to order at 9:00 a.m.

47 **Election of Chair**

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49 Dr. Rudin moved that Dr. Carpenter be appointed the new Chair of the Committee. Dr. Almirall
50 seconded the motion. Dr. Carpenter was elected Chair by unanimous vote of the Committee.
51

52 **Adoption of Agenda**

53
54 Chairman Carpenter asked if there were any additions or changes to the draft agenda for the
55 meeting. Discussion by the Committee ensued and it was agreed that the election of a Vice Chair
56 be moved from Draft Agenda Item II to Draft Agenda Item VIII, Old Business – Amendment to
57 the By Laws regarding a Vice Chair and Election of a Vice Chair. Dr. Hassell moved to adopt
58 the amended agenda which was seconded by Mr. Smith and adopted by unanimous vote of the
59 Committee.
60

61 **Adoption of Minutes**

62
63 Chairman Carpenter asked if there were any changes or corrections to the draft minutes from the
64 January 13, 2009 meeting. Dr. Hassell moved to adopt the minutes of the January 13, 2009
65 meeting which was seconded by Mr. Smith and adopted by unanimous vote.
66

67 **Chair's Report**

68
69 **Recognition of retired members**
70 Chairman Carpenter recognized retired members of the Committee Joseph Bono, Dominic Denio
71 and Arthur Eisenburg whose terms on the Committee had expired and thanked them for their
72 service to the Department of Forensic Science (“DFS”) and the Commonwealth of Virginia.
73

74 Chairman Carpenter announced that Deborah Friedman had resigned from the Committee due to
75 personal reasons. The Governor has not announced a replacement for the Quality Assurance
76 Regulation and Monitoring seat on the Committee.
77

78 **Introduction of new members**

79 Chairman Carpenter welcomed new members of the Committee John M. Butler, Jo Ann Given
80 and Thomas L.G. Price and thanks them for agreeing to serve on the Committee.
81

82 **Chair's appointment to Forensic Science Board**

83 Chairman Carpenter informed the Committee that he conducted a considered review of the
84 resumes/curricula vita of each member of the Committee regarding the open position of a
85 Committee member to sit on the Forensic Science Board (“Board”). Chairman Carpenter
86 announced that Jo Ann Given would be the Committee member to sit on the Board.
87

88 **Report of the Biology Subcommittee**

89
90 Dr. Rudin, Chair of the Subcommittee, informed the Committee that the Subcommittee was
91 provided in advance with the new capillary electrophoresis (“CE”) protocol and validation
92 summaries for the PowerPlex 16. Full validation data was made available at the meeting. DFS

93 was fully cooperative in providing information in a timely fashion. After in-depth discussion, a
94 number of technical and interpretational changes were agreed upon by the group. A list of the
95 major points regarding the changes is included in the Subcommittee's written report. As a
96 normal part of protocol evolution, as dictated by good scientific practice, the group agreed to
97 formally consider several additional issues at the next Committee meeting in January. The
98 Subcommittee preformed a comprehensive review of the new CE protocol and received detailed
99 responses to queries regarding supporting validation studies. Based on that information, and the
100 agreement by DFS to edit the protocol to reflect the agreed upon changes, the Subcommittee
101 recommended the adoption of the CE protocols for both casework and database use.

102
103 Discussion by the Committee ensued. Dr. Rudin moved that the Committee recommend that the
104 Board adopt the CE protocols for the Powerplex 16 for both casework and database use. Dr.
105 Butler seconded the motion which was adopted by unanimous vote.

106 107 **DFS Director's Report**

108
109 DFS Deputy Director Steve Sigel informed the Committee that Director Pete Marone was called
110 out of town due to a death in the family and that he would be giving the Director's report in Mr.
111 Marone's absence.

112
113 On behalf of Director Marone and DFS, Mr. Sigel thanked the retired members of the Committee
114 for their service to DFS and the Commonwealth of Virginia and welcomed the new members to
115 the Committee.

116 117 **Laboratory Equipment**

118 Mr. Sigel informed the Committee that the acquisition of a Liquid Chromatography/Mass
119 Spectrometry/Mass Spectrometry (LC/MS/MS) from the Division of Consolidated Laboratory
120 Services, Neonatal screening unit continues to move forward.

121 122 **DNA Platform Change – Training and Implementation**

123 Brad Jenkins, DFS Biology Program Manager gave the Committee an update report on the DNA
124 platform change. Mr. Jenkins stated that DFS has been working on the transition to the new
125 platform for several years. DFS has purchased the 3130xl instruments and they are installed at
126 the labs. The CE protocols are awaiting approval by the Board upon recommendation by the
127 Committee. Regarding training, supervisors were sent in January and February to Marshall
128 University for its week long CE training course which offers lectures on capillary electrophoresis
129 and hands on training with the 3130xl instrument. This week there is a group of examiners at
130 Marshall University for training. Another group will go the first week of September and the last
131 group will go the last week of October. Moving forward there will be trained people in each lab
132 that will do in-house training of examiners. Currently, there are over 100 training samples, some
133 liquid samples and some data samples. Each examiner will be required to complete an oral exam
134 and an examination of a mock case. Throughout the transition, both platforms will remain in the
135 protocol books. The DNA Databank is slated to be online with the new platform in September
136 with the other labs on line beginning in October with the Western Lab.

137
138 Discussion by the Committee ensued.

139 Post Conviction DNA Testing – Additional Testing of Cases with Initial Preliminary Results

140 Mr. Jenkins presented a brief background of the Post Conviction DNA Testing Program. The
141 testing is being done on 25 – 30 year old leftover work product specifically, cuttings from the
142 enzyme testing process that was taped down in the lab notes in the case files. There is very little
143 DNA and it is very degraded. With the 31 original cases that were tested, it was decided to do
144 consumptive testing to liquid extract. Last summer it was found that BODE was not doing
145 consumptive testing. The cases that were not consumptive tested were sent back for further
146 testing. BODE is now doing consumptive testing to liquid extract on all cases retaining 25% of
147 the liquid extract.

148
149 Implication of Melendez-Diaz v. Massachusetts
150 Mr. Sigel informed the Committee that the amount of witness subpoenas received has increased
151 markedly as a result of the *Melendez-Diaz* decision. DFS is working with prosecutors in
152 scheduling court appearances of the examiners. The impact is felt in many departments and
153 agencies in Virginia. The Governor has called a special session of the General Assembly for
154 August 19, 2009. Chief Deputy Director Gail Jaspen and Department Counsel Stephanie Merritt
155 are at a working group meeting in preparation for the special session.

156
157 Discussion by the Committee ensued.

158
159 Mr. Sigel informed the Committee that the Northern Lab moved into its new facility in May and
160 had their grand opening in June. The new facility meets the current and growth needs of that
161 portion of the state. Mr. Sigel also informed the Committee that the Western Lab land acquisition
162 is in process.

163
164 **Old Business**

165
166 Amendment to the By Laws regarding a Vice Chair

167 Chairman Carpenter directed the Committee's attention to the minutes from the January 13, 2009
168 minutes specifically the New Business portion of the meeting in which a motion was passed to
169 vote on the adoption of Director Marone's motion to Bylaws regarding the election of a Vice
170 Chair to the Committee's August meeting. At the January 2009 meeting, Director Marone
171 moved to amend Section 3 of the Bylaws to allow for the election of Vice Chair as follows:

172
173 Addition of underlined text to section 3... *The Committee shall elect a chair*
174 *from among the members appointed by the Governor. The Chair shall preside at*
175 *meetings of the Committee and shall perform such additional duties as may be*
176 *imposed by action of the Committee. The term of office for the Chair begins July*
177 *1. The Chair may be eligible for re-nomination and re-election to successive*
178 *terms not to exceed two total terms. ~~The Chair shall appoint a Chair Pro~~*
179 *~~Tempore in the event of his/her absence and, if he/she does not, the quorum of~~*
180 *~~members present at any meeting shall elect a Chair Pro tempore to preside for~~*
181 *~~that meeting.~~*

182
183 *The Committee also shall elect a vice chair from among the members appointed*
184 *by the Governor. The Vice Chair shall preside at meetings of the Committee in the*

185 event of the absence of the Chair and shall perform such additional duties as may
186 be requested by the Chair or imposed by action of the Committee. The term of
187 office for the Vice Chair begins July 1. The Vice Chair may be eligible for re-
188 nomination and re-election to successive terms not to exceed two total terms and
189 may be eligible for nomination and election to the office as Chair.

190
191 Discussion by the Committee ensued. Dr. Rudin moved to adopt Director Marone's motion to
192 amend the Bylaws regarding the election of a Vice Chair. Dr. Krane seconded the motion which
193 passed by unanimous vote of the Committee.

194
195 Election of Vice Chair

196 Mr. Smith moved that Dr. Hassell be appointed the new Vice Chairman of the Committee. Dr.
197 Butler seconded the motion. Dr. Hassell was elected Vice Chairman by unanimous vote of the
198 Committee.

199
200 New Business

201
202 Dr. Krane proposed that in light of the recent National Academy of Science Report the
203 Committee review the protocols for the disciplines that the Committee has not reviewed thus far.

204
205 Discussion by the Committee ensued regarding how to move forward with Dr. Krane's proposal.
206 The Committee agreed that it would propose at the next meeting of the Board that Chairman
207 Carpenter would work with Director Marone in preparing a work plan for the systematic review
208 of all DFS protocols by the Committee. The work plan would be finalized at the next Committee
209 meeting and presented to the Board at its January 2010 meeting.

210
211 Public Comment

212
213 None

214
215 Next Meeting

216
217 The next meeting of the Scientific Advisory Committee is tentatively scheduled for January 12,
218 2010 at 9:00 a.m. pending the Board's scheduling of their January 2010 meeting

219
220 Adjournment

221
222 Chairman Carpenter asked if there was a motion to adjourn. Dr. Rudin moved that the meeting
223 of the Committee be adjourned which was seconded by Dr. Hassell and passed by unanimous
224 vote.

225
226 The meeting adjourned at 9:50 a.m.