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**Final Minutes**  
**Forensic Science Board Meeting**  
**January 5, 2011**  
**Department of Forensic Science, Central Laboratory, Classroom 1**

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**Board Members Present**

21 Steven D. Benjamin  
22 Leah Bush, M.D.  
23 Alan Katz (Designee for Attorney General Cuccinelli)  
24 Colonel Northern (Designee for Colonel W. Steven Flaherty)  
25 Katya Herndon (Designee for Karl R. Hade)  
26 Kristen Howard (Designee for Senator Howell)  
27 Caroline Juran  
28 Sheriff A.A. Lipa Jr.  
29 Raymond F. Morrogh  
30 John Colligan (Designee for Garth L. Wheeler)

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32

**Board Members Absent**

33 Dale Carpenter, Ph.D.  
34 Jo Ann Given  
35 Delegate William R. Janis  
36 Senator Henry L. Marsh III

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38

**Legal Counsel for the Forensic Science Board**

39 Amy Dilworth - Absent

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41

**Staff Members Present**

42 Wanda Adkins, Office Manager  
43 Jeff Ban, Central Laboratory Director  
44 David Barron, Ph.D. Technical Services Director  
45 Henry Bosman, Senior Accountant  
46 Doug Chandler, IT Manager  
47 Leslie Ellis, Human Resources Director  
48 Linda Jackson, Chemistry Program Manager  
49 Gail Jaspén, Chief Deputy Director  
50 Brad Jenkins, Forensic Biology Program Manager  
51 Alka Lohmann, Training and Calibration Program Manager  
52 Pete Marone, Department Director  
53 Stephanie Merritt, Department Counsel  
54 Lisa Schiermeier-Wood, Section Supervisor, Forensic Biology  
55 Steve Siegel, Deputy Director  
56 Susan Staniski, Eastern Laboratory Director

47 Elise Stroble, Grants Administration/Policy Analyst  
48 Carisa Studer, Legal Assistant  
49 Amy Wong, Northern Laboratory Director

50

51 **Call to Order by Chairman Raymond Morrogh**

52

53 Chairman Morrogh called the meeting of the Forensic Science Board (“Board”) to order at 9:05  
54 a.m.

55

56 **Adoption of Agenda**

57

58 Chairman Morrogh asked if there were any additions or changes to the draft agenda for the  
59 meeting. Being none, Ms. Howard moved to adopt the agenda, which was seconded by Mr.  
60 Benjamin and adopted by unanimous vote of the Board.

61

62 **Approval of Draft Minutes of October 15, 2010 Meeting**

63

64 Chairman Morrogh asked if there were any changes or corrections to the draft minutes from the  
65 May 12, 2010 meeting. Ms. Juran requested a correction to Line 263, correcting mad to made.  
66 Mr. Benjamin moved to adopt the minutes of the October 15, 2010 meeting with the correction  
67 to Line 263. Ms. Howard seconded the motion which was adopted by unanimous vote of the  
68 Board.

69

70 **Chairman’s Report**

71

72 Chairman Morrogh made no report to the Board at this meeting.

73

74 **DFS Director’s Report – State of the Agency**

75

76 Regarding facilities, Director Pete Marone informed the Board that the Eastern Laboratory  
77 expansion is still progressing with completion of the current phase expected in the next few  
78 months.

79

80 Regarding the 30-60-90 day workload summary report, Director Marone informed the Board that  
81 the Controlled Substances section has placed an emphasis on maintaining turnaround times under  
82 30 days. Director Marone commented that the Department is unsure of how “Spice” legislation  
83 will affect the lab and is looking at how other states have been handling the potential workload.

84

85 Director Marone informed the Board that the Forensic Biology Section had a turn around time of  
86 less than 3 months, even including its older cases. Dr. Bush commented favorably on the  
87 Department’s ability to assist the Medical Examiner’s Office with DNA testing.

88

89 The Latents and Firearms section are working on their 90 day backlog.

90

91 Regarding grants, Director Marone informed the Board there were no new grants to report. The  
92 Department is tracking all active grants.

93  
94 Regarding resources and budget, Director Marone introduced Susan Staniski, the newly  
95 appointed Eastern Laboratory Director. Director Marone explained to the Board that the  
96 Firearms Section and Latents Section will be experiencing turnover in the future due to  
97 upcoming retirements. Consequently, DFS has identified the need to start the hiring process  
98 because of the extensive training process.

99  
100 Director Marone briefly reviewed the implication for DFS of the Governor's proposed budget.  
101 Director Marone answered Colonel Northern's question about VITA expenses.

### 102 103 **Update on Impact of Melendez-Diaz Decision**

104 Chief Deputy Director Jaspén provided an update of the impact on the Department of the  
105 *Melendez-Diaz* decision, presenting graphs to demonstrate the effect on various sections over  
106 time. The increased number of subpoenas received remains at a plateau. The greatest impact  
107 continues to be on the Controlled Substances Section, and it is not expected to diminish. The  
108 Breath Alcohol Section continues to see its subpoena numbers plateau back to pre- *Melendez-*  
109 *Diaz* levels. Ms. Jaspén will continue with *Melendez-Diaz* updates at future Board Meetings.

### 110 111 **Update on General Assembly Legislation**

112 Chief Deputy Director Jaspén provided the Board with an overview of upcoming Public Safety  
113 legislation expected to be heard in the 2011 Session of the General Assembly. There will be at  
114 least a dozen bills to criminalize "Spice" ("synthetic marijuana") introduced to the General  
115 Assembly. The Department has no position on criminal penalties, but has provided Legislative  
116 Services assistance on technical wording and inclusion of all "Spice" compounds.

117  
118 The Department has an interest in 2 pre-filed bills. The first relates to the DNA data bank and  
119 disclosure of information to relevant persons other than law enforcement officers. At this time  
120 the Department cannot provide Commonwealth's Attorneys, US Attorneys, or the OCME DNA  
121 data bank information and the expected legislation would solve that issue. The second relates to  
122 collections of DNA samples from persons arrested or convicted of sex offenses against a minor.  
123 The expected legislation would expand sample collection to include such individuals.  
124 Legislation was pending in the last Congress that would provide additional grant money to states  
125 with statutes that include these individuals.

126  
127 Mr. Benjamin asked if there has been any consideration of expanding DNA collection legislation  
128 beyond the scope described. Ms. Jaspén answered that the Department was not aware of any  
129 such discussions.

130  
131 The Board discussed various chemical compounds for specifics in legislation, the ability of the  
132 Department to test for the compounds, possible provisions of legislation, and whether any of the  
133 "Spice" compounds have a legitimate pharmaceutical use.

### 134 135 **Update on Familial DNA Searching**

136 Brad Jenkins, Biology Program Manager, updated the Board on the Department's progress on  
137 implementing familial DNA searching. The Attorney General's Office has been in contact with  
138 the Department and expressed support with moving forward with familial DNA searching. The

139 AG's office has informed the Department that the Code authorizes DFS to perform the method  
140 and there is no need for additional legislation. Mr. Jenkins shared with the Board that the  
141 Department gave a presentation on familial DNA searching to the Crime Commission at their  
142 November 15, 2010 meeting. Mr. Jenkins also indicated that the officials from Denver,  
143 Colorado have offered to share their search software with Virginia, and the Department has  
144 accepted their offer. There will be a need for some computer code adjustments. A  
145 confidentiality agreement between the Department and Denver has been completed. The  
146 Department had completed the computer system setup to run the program, and software is  
147 operational. The Department is in the process of validation testing and performance checks. Mr.  
148 Jenkins also explained to the Board that the Department is nonetheless preparing a bid process to  
149 possibly procure software if needed.

150  
151 Mr. Benjamin questioned Mr. Jenkins about standards that would apply in conducting familial  
152 searching and recommended research documented in an article by Dooley (?-spelling) and  
153 Eisenberg that is reportedly.

154  
155 **Old Business**

156  
157 Ms. Merritt, Department Counsel provided an update on Regulations for Obtaining Information  
158 from the DNA Data Bank and Procedures for Verification and Authorization of Persons  
159 Requesting Information from the DNA Data Bank, 6 VAC 40-60. Ms. Merritt has completed the  
160 language and uploaded it into the Registrar system, and completed all the paperwork for  
161 Townhall. The next step is for the language to go into the Administrative review stage, and then  
162 back into the public comment stage.

163  
164 **Post-Conviction DNA Testing Program and Notification Project**

165 Notification Subcommittee Chair Kristen Howard updated the Board on expected training  
166 sessions for Westlaw. Continuing Learning Education training credits have now been received  
167 for the Westlaw training, and it has been shortened from two hours to one hour. Training  
168 sessions are going to be scheduled around the state, and Ms. Howard continues to seek pro-bono  
169 assistance from attorneys.

170  
171 Regarding notification and testing updates, Ms Jaspén informed the Board that there have been  
172 362 confirmed suspect notifications to date. There are 515 undelivered notifications. There has  
173 been significant progress in the testing program since 2009. There are 797 cases with evidence  
174 and a named suspect confirmed convicted of a felony crime against a person. Final completed  
175 case results have been returned in 665 cases. A year ago it was at 353. To date, there are 549  
176 cases in which certificates of analysis have been issued. For suspects who meet NIJ criteria, 53  
177 suspects were determined not indicated or eliminated on the tested evidence. Among suspects  
178 who do not meet NIJ criteria, 29 were not indicated or eliminated.

179  
180 Mr. Benjamin asked Department staff about how cases in which there is insufficient scientific  
181 data upon which to draw a conclusion and how that is addressed in reports. Ms. Schiermeier-  
182 Wood and Mr. Jenkins responded.

183  
184 **New Business**

185  
186 Director Marone inquired about a journal article Mr. Benjamin referred to during the familial  
187 DNA discussion, and asked if Mr. Benjamin would share it with the Board. Mr. Benjamin  
188 agreed to share it with the members of the Board.

189  
190 Chairman Morrogh reminded the Board of the Conflict of Interest training that needs to be  
191 completed, and the financial disclosure statements are due to the Department by January 5, 2011,  
192 for transmittal to the Secretary of the Commonwealth. If a member is in a position that requires  
193 filing of a Statement of Economic Interest, that will suffice.

194  
195 **Public Comment**

196  
197 None

198  
199 **Next Meeting**

200  
201 The Forensic Science Board will meet on Wednesday, May 11, 2011 at 9 a.m.

202  
203 **Adjournment**

204  
205 Dr. Bush moved that the meeting of the Board be adjourned, which was seconded by Ms. Juran  
206 and passed by unanimous vote.

207  
208 The meeting adjourned at 10:19 a.m.

209  
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