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Final - Minutes
Forensic Science Board Meeting
October 16, 2013
Department of Forensic Science, Central Laboratory, Classroom 1

Board Members Present

John Colligan (Designee for Garth Wheeler, Department of Criminal Justice Services)
Jo Ann Given, Forensic Science Board Chair
Dr. William Gormley
Karl Hade
Kristen Howard (Designee of Del. 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
Lt. Col. Robert Northern (Designee of Colonel W. Steven Flaherty, Virginia State Police)
Jami St. Clair
Claiborne Stokes

Board Members Absent

Senator Ryan McDougle (Designee of Sen. Thomas K. Norment, Jr., Chair, Senate Courts Committee)
Delegate Richard Morris (Designee of Del. David Albo, Chair, House Courts Committee)

Legal Counsel for the Forensic Science Board

Josh Laws (Appearing for Sr. Asst. Attorney General Joshua Lief)

Staff Members Present

Jeff Ban, Central Laboratory Director
Dave Barron, Deputy Director
Donna Carter, Finance Director
Sabrina Cillessen, Physical Evidence Program Manager
Linda Jackson, Department Director
Gail Jaspen, Chief Deputy Director
Brad Jenkins, Forensic Biology Program Manager
Alka Lohmann, Director of Technical Services
Scott Maye, Chemistry Program Manager
Stephanie Merritt, Department Counsel
Lisa Schiermeier-Wood, Section Supervisor, Forensic Biology
Elise Stroble, Grants Administrator
Carisa Studer, Legal Assistant

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Call to Order by Board Chair Jo Ann Given

Ms. Given called the meeting of the Forensic Science Board (“Board”) to order at 9:05 a.m. Ms. Given welcomed the Board and introductions were made of Board members and Department of Forensic Science (“DFS or the Department”) staff.

Adoption of Agenda

Ms. Given asked if there were any additions or changes to the draft agenda for the meeting. Being none, Mr. Katz moved to adopt the agenda, which was seconded by Sheriff Lippa and adopted by unanimous vote of the Board.

Approval of Draft Minutes of August 7, 2013 Meeting

Ms. Given asked if there were any changes or corrections to the draft minutes from the August 7, 2013 meeting. Being none, Ms. St. Clair moved to adopt the minutes of the August 7, 2013 meeting, which was seconded by Dr. Gormley and adopted by unanimous vote of the Board.

Chair’s Report

Ms. Given welcomed the Board, and thanked the members for their attendance. Ms. Given had no Chair’s Report to present to the Board.

DFS Director’s Report

Facilities: Director Jackson gave a brief update of the laboratory space renovations in each of the Department’s regional laboratories. The Western Laboratory expansion project plans have been approved for construction. The Eastern Laboratory expansion and renovation project is coming to a close. The fifth floor is currently being completed and is expected to be finished by the end of the year. A formal needs assessment and feasibility study has been completed for the Central Laboratory, and the Department of Planning and Budget (DPB) is still reviewing the study. Director Jackson anticipates having an update on the Central Laboratory at the next Board meeting. A new Public Safety Training Center has opened in Hanover County, with an area designated for the Department’s Training Academy. It will be used for outdoor crime scene training. A double fence is being constructed for the space to keep out wildlife.

Budget Outlook: Director Jackson provided an overview of the Department’s budget. She indicated the general fund, federal fund, and total fund amounts in this year’s budget. Director Jackson reported that DFS is authorized for a total of 310 staff positions. The average number of staff during 2013 has been 268.

Workload/Backlog: Regarding the 30-60-90-120 day workload summary report, Director Jackson summarized average days in the lab system for cases in several different sections. Director Jackson called to the Board’s attention the notable change relating to the Controlled Substances Section. DFS implemented changes to decrease the amount of cases in the controlled substances backlog. During the month of September, DFS implemented mandatory overtime of

93 16 hours per examiner. Examiners were able to decrease the backlog by 1,000 cases. Director
94 Jackson also noted the continuing increase in the number of Synthetic Cannabinoids and
95 Research Chemicals submitted to DFS. The spike in numbers from April to June 2013 was due
96 to the new law going into affect.

97
98 Director Jackson also reported that, to date, DFS has received more Clandestine
99 Methamphetamine Laboratories (clan labs) submissions in 2013 than was received for the entire
100 year of 2012. The Western laboratory continues to receive the majority of submissions.

101
102 Subpoenas for the Controlled Substances section continue to increase over 2012 levels. For the
103 second quarter of 2013, there were 2309 Subpoenas received. Examiners made 198 appearances,
104 and there were 56 testimonies.

105
106 Strategic Priorities: Director Jackson reported that the Department is continuing to contact
107 customers that responded to the Department's customer satisfaction survey. Regional
108 Laboratory Directors are reaching out to customers in their regions that have had any comments,
109 questions or concerns.

110
111 The Department's website is complete and went live on September 13, 2013. DFS now has the
112 capability to manage and update the website in-house. Customers will be able to use the website
113 to register for Law Enforcement trainings and view information on the Board.

114
115 Grants: Director Jackson briefly updated the Board on all of the Department's grants. There are
116 currently no grant applications. Action by the Board is not required at this time.

117
118 In light of the Federal government shutdown, Director Jackson explained to the Board that the
119 current Federal grants that have been awarded to the Department are still guaranteed. DFS must
120 wait for the shutdown to end before it can request any reimbursements under the grants,
121 however. Director Jackson also updated the Board on the status of the Department's application
122 for Abbot Settlement funds. The application is currently in the office of the United States
123 Treasury, and DFS is awaiting approval.

124
125 **Scientific Advisory Committee Chair's Report**

126
127 Jami St. Clair, Chair of the Scientific Advisory Committee (SAC), reported to the Board that the
128 SAC met on October 15, 2013. The SAC was given a similar Director's Report presentation by
129 Ms. Jackson. Ms. St. Clair reported that the SAC has three active subcommittees reviewing
130 procedures in the trace, latent prints, and toxicology sections. The subcommittees will provide
131 recommendations upon completion of their reviews.

132
133 The Forensic Biology Subcommittee completed its review and approval of the "TrueAllele"
134 software. Ms. St. Clair made a motion that the Board accept the recommendation of the SAC to
135 approve the validation of the "TrueAllele" software, which was seconded by Lt. Col. Northern.
136 There was brief discussion about the software. Ms. St. Clair offered a short description of
137 "TrueAllele." Basically, it does calculations on mixtures of DNA. Brad Jenkins elaborated on
138 its description. Dr. Gormley inquired if the software has been used in cases that have gone to

139 Court. Mr. Jenkins explained that “TrueAllele” has been introduced in many Court cases, and it
140 has been found admissible in Virginia. It is also recommended by SWGDAM. The motion was
141 adopted by unanimous vote of the Board.

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143

144 **Old Business**

145

146 Status of Regulatory Periodic Review, 6 VAC 40-60: Stephanie Merritt, Department Counsel,
147 updated the Board on the Department’s periodic review of four regulations. At the January 3,
148 2013 meeting, the Board voted to adopt amendments to all four of the regulations. The Office of
149 the Attorney General (OAG) has reviewed the regulations, and the periodic review was formally
150 completed on April 23, 2013.

151

152 Ms. Merritt reported to the Board that the change made to the DNA regulation 6 VAC 40-40,
153 became effective June 20, 2013. Ms. Merritt also reported that the other actions are currently at
154 the Governor’s Office for review.

155

156 Post-Conviction DNA Testing Program and Notification Project: Kristen Howard, Chair of the
157 Notification Subcommittee, reported to the Subcommittee met on October 2, 2013. Mr. Long
158 and Lt. Col. Northern also members of the Subcommittee were in attendance. Ms. Howard
159 reported that the conviction verification portion of the project is almost complete. Two
160 jurisdictions still needed to be researched at the time of her report. The subcommittee focused
161 on the convicted suspects for whom known samples are needed portion of the project. The
162 subcommittee discussed how notification and advisement of those individuals should proceed.
163 Ms. Howard reported that the Mid-Atlantic Innocence Project (MAIP) had submitted a proposal
164 to assist the Board on locating, notifying and advising the individuals. MAIP would have a
165 special training for their staff, obtain signed waivers from the individuals, and provide the Board
166 with regular progress reports.

167

168 Ms. Howard moved to adopt the Notification Subcommittee’s recommendation to move forward
169 with MAIP’s proposal for notifications of convicted suspects for whom known samples are
170 needed, which was seconded Sheriff Lipa and adopted by unanimous vote of the Board.

171

172 Gail Jaspen, Chief Deputy Director, continued with a brief update on the Program. Ms. Jaspen
173 commended the staff of the Virginia State Crime Commission for the amount of work they have
174 put into researching conviction and address information for notifications. VSCC research is
175 being provided to DFS for staff review. DFS will work any cases that are deemed eligible. Ms.
176 Jaspen will provide an update of cases added to the program to the Board at the next meeting.

177

178 Ms. Given inquired if the program would ever come to completion. Ms. Jaspen responded to the
179 Board that there is an expectation of completion. Once all conviction information is found then
180 testing will be completed. Notifications may not be completely confirmed if the suspects choose
181 not to respond.

182

183 **New Business**

184 Ms. Jaspen updated the Board on the Substance Abuse Awareness Vital for Virginia Youth
185 program (SAVVY), the Governor's community drug abuse awareness initiative. The final
186 SAVVY Expo was held on September 18, 2013, in Abingdon. There were 31 exhibitors and it
187 was a great success. Substance abuse is a serious issue in the western region of the state, and the
188 Expo provided a good platform for community discussion. SAVVY will continue as an online
189 resource, supported by VABC.

190
191 Alka Lohmann, Director of Technical Services, reported to the Board on the upcoming
192 ASCLD/LAB International Accreditation. The Department's current accreditation expires on
193 September 11, 2014. DFS submitted its application on October 4, 2013. ASCLD/LAB
194 acknowledged receipt and a lead assessor will be assigned. The Department anticipates having
195 the onsite assessment in the spring or summer of 2014.

196
197 Ms. St. Clair inquired about the number of criteria to be met by the laboratories. Ms. Lohmann
198 answered that there are 200 criteria to be met. Technical and overall management criteria are
199 assessed.

200
201 Ms. Jaspen presented the Annual Forensic Science Board Report. Ms. Jaspen summarized the
202 report for the Board which includes activities of the Board and SAC including actions taken for
203 the year. Ms. Jaspen will also include the Board's action discussed at today's meeting. The
204 Board discussed inserting information about changes in case backlogs over the year, as well as
205 data regarding the anticipated budget.

206
207 Ms. St. Clair moved to approve the Annual Forensic Science November 1, 2013, Board Report
208 and to allow Ms. Jaspen to amend the report along with Chair Given, and then to submit
209 according to law, which was seconded by Ms. Juran and passed by unanimous vote.

210
211 2014 General Assembly Preview: Ms. Jaspen reported to the Board that the Department has
212 requested a legislative change to the SAC Membership code. Ms. Jaspen explained that the
213 current statute for SAC membership has certain positions for association Board members, which
214 can limit an individual's ability to serve on the SAC because Board member terms do not always
215 coincide with SAC terms of appointment. DFS would like to strike the term "Board," and allow
216 organization members to be appointed to the SAC. This would give SAC members the ability to
217 fulfill their SAC terms.

218
219 Ms. Jaspen reported to the Board that DPB approached the Department about the language in the
220 State Budget that relates to the Notification Project. DPB presented new language and inquired
221 if DFS wanted the change. The Board discussed the language proposed by DPB. Ms. Jaspen
222 explained that there was no deadline to act, the language is just a suggestion made by DPB.

223
224 Ms. Howard moved that the Board recommend to the Department of Planning and Budget (DPB)
225 and the Secretary Public Safety that any changes to the DFS budget language, Item 405. B.1, be
226 deferred to the 2015 General Assembly Session in order to allow for appropriate review by the
227 Board, which were seconded by Dr. Gormley and adopted by unanimous vote of the Board.

228
229 **Public Comment**

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231 None

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233 **Next Meeting**

234

235 The Forensic Science Board will meet next on Monday, January 6, 2014 at 9 a.m.

236

237 **Adjournment**

238 Ms. St. Clair moved that the meeting of the Board be adjourned, which was seconded by
239 Sheriff Lippa and passed by unanimous vote.

240

241 The meeting adjourned at 10:45 a.m.