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**Final - Minutes**  
**Scientific Advisory Committee Meeting**  
**May 12, 2015**  
**Department of Forensic Science, Central Laboratory, Classroom 1**

**Committee Members Present**

Randall E. Beaty  
Maureen C. Bottrell  
Leslie E. Edinboro, Ph.D.  
Jo Ann Given  
Linda C. Jackson  
Alphonse Poklis, Ph.D.  
Richard P. Meyers, Chair  
Carl A. Sobieralski, Ph.D.  
Travis Y. Spinder  
Jami J. St. Clair  
Kenneth B. Zercie

**Committee Members Absent**

Robin W. Cotton, Ph.D.  
John V. Planz, Ph.D.

**Staff Members Present**

Wanda W. Adkins, Office Manager  
D. Jeffrey Ban, Central Laboratory Director  
David A. Barron, Ph.D., Deputy Director  
Sabrina Cillesen, Physical Evidence Program Manager  
Amy M. Curtis, Department Counsel  
Katya N. Herndon, Chief Deputy Director  
Bradford C. Jenkins, Biology Program Manager  
Melissa S. Kennedy, Calibration and Training Program Manager  
Alka B. Lohmann, Technical Services Director  
M. Scott Maye, Chemistry Program Manager  
Carisa M. Studer, Legal Assistant

**Call to Order**

Richard P. Meyers, the Chair of the Scientific Advisory Committee (“Committee”), called the meeting of the Committee to order at 10:00 a.m.

**Adoption of Agenda**

46 The Chair asked if there were any additions or changes to the draft agenda for the meeting. Being  
47 none, Ms. Given moved to adopt the agenda, which was seconded by Ms. St. Clair, and adopted  
48 by unanimous vote of the Committee.  
49

### 50 **Adoption of Minutes**

51  
52 The Chair asked if there were any changes or corrections to the draft minutes from the October  
53 14, 2014 meeting. Being none, Ms. Given moved to adopt the minutes from the October 14,  
54 2014 meeting, which was seconded by Mr. Zercie, and adopted by unanimous vote of the  
55 Committee.  
56

### 57 **Chair's Report**

58  
59 The Chair welcomed the Committee and thanked them for their attendance. The Chair did not  
60 have a report for the Committee for this meeting.  
61

### 62 **DFS Director's Report**

63  
64 Agency Events: Director Jackson reported to the Committee the 10,000<sup>th</sup> DNA Hit media event  
65 was held on April 13, 2015. Governor McAuliffe made the announcement at the press  
66 conference held at the Central Laboratory. Senator Warner and Secretary Moran also attend the  
67 event. Governor McAuliffe and Senator Warner toured the DNA portion of the Central  
68 laboratory.  
69

70 Facilities: Director Jackson reported to the Committee that the Western Laboratory expansion  
71 and renovation project is on schedule. The construction project doubles the square footage of the  
72 existing laboratory. The anticipated completion date of the new construction is December 2015.  
73 The renovations project of the existing laboratory will begin in January 2016 with an expected  
74 completion date of August 2016.  
75

76 The Department was awarded money in the budget for the design and total project costs of the  
77 expansion of the Central Laboratory, which would allow the DFS operations currently housed  
78 across the street in Biotech 8 to be moved back into the expanded Central Laboratory. On May 7,  
79 DFS began conducting interviews to select an architect and engineering firm for the Central  
80 Laboratory expansion and renovation project.  
81

82 Budget Outlook: Director Jackson updated the Committee of the Department's FY 15 staffing  
83 adjustments. Due to revenue shortfalls, DFS was directed to make a 5% budget cut from the  
84 Department's FY15 budget, one time savings were allowed. DFS was also directed to make a  
85 7% budget cut from the FY16 budget, no one time savings were allowed. Director Jackson gave  
86 an overview of the Department's expenses and the cost of each fiscal year budget savings. The  
87 FY15 budget reductions were implemented on December 2014 which included 9 staff members  
88 being laid off. The 9 nine layoffs included 4 retirements. The other 5 layoffs were placed in  
89 valid vacancies. The FY16 budget will include 4 administrative staff layoffs effective June  
90 2015. There are no valid vacancies to place the administrative staff. The General Assembly  
91 during the 2015 Legislative Session did restore funding for eight scientist positions for FY16.

92  
93 Director Jackson reported to the Committee other areas that the Department was able to make  
94 reductions. DFS will reduce the frequency of replacing its scientific instrumentation. DFS  
95 began discontinuing the analysis of Marijuana plant material in simple possession cases in  
96 November 2014. Law Enforcement Officers can testify in Court to field test kits. DFS will do  
97 analysis by Court Order. DFS will continue to purchase and distribute field test kits to law  
98 enforcement agencies. The Department has seen a reduction in marijuana submissions since the  
99 policy went into effect. Other reduction strategies include, eliminating general fund support for  
100 discretionary training and delaying fillings positions.

101  
102 Director Jackson gave an overview of the staffing impact and service reductions by discipline.  
103 She noted that the Digital Multi-Media Evidence (DMME) Section had 2 scientists laid off in the  
104 FY15 budget reductions. The funding for the 2 scientists positions has been restored for the  
105 FY16 budget. The DMME Section had eliminated video enhancements, audio enhancements  
106 and comparisons. The video enhancements have been restored.

107  
108 The Trace Evidence Section had 3 scientists laid off from the FY15 budget reductions. All 3  
109 positions were restored in the FY16 budget and have been posted. The Trace Evidence Section  
110 reduced a number of services, including limiting primer residue analysis to cases where there is a  
111 shooting victim, services in fiber, hair and explosive analysis, and general chemical analysis.

112  
113 Discussion ensued about DFS staffing and services. The Department has posted on its website  
114 the Policy Notices that include the reduction in services.

115  
116 Director Jackson informed the Committee that the FY15 and FY16 Budgets included funding to  
117 review archived case files and create a database of the historical files. Funding covers the cost of  
118 personnel, equipment, and data storage. Other Budget items are funding for retesting of Post-  
119 Conviction DNA cases with “inconclusive” results, and funding for the DNA Data Bank  
120 expansion. Additional DNA testing kits and laboratory supplies will be required to process DNA  
121 samples from adults who have been convicted of certain misdemeanor offenses.

122  
123 Grants: Director Jackson gave a brief overview of all current grants. There are six current grants;  
124 the FY13 DNA backlog reduction grant, the FY14 DNA Capacity Enhancement and Backlog  
125 Reduction Program Grant, the FY13 and FY14 Paul Coverdell Grants, the *Abbott* Settlement  
126 Forfeiture Grant, and the FY15 Highway Safety Grant.

127  
128 The Department continues to use the Paul Coverdell grants to provide continuing education and  
129 training to DFS staff. As a cost-effective way of training staff, DFS has brought in outside  
130 speakers to provide training to an entire section at one time.

131  
132 The *Abbott* Settlement Forfeiture funds must be used within two years and will be used to  
133 purchase equipment that will increase capacity and decrease turnaround time in the Chemistry  
134 Program Area. The FY15 Highway Safety Grant, which will continue to be used to pay for costs  
135 associated with law enforcement personnel attending the class for initial breath alcohol operator  
136 licensure and for Breath Alcohol Section scientific staff to receive continuing education. In  
137 addition, a portion of the funding for the DMV grant will be used to create and maintain a

138 searchable online database of Breath Alcohol records, instrument certification information and  
139 statistical reports.

140  
141 There are three pending applications for grants that the Department received approval from the  
142 Forensic Science Board (FSB) to submit applications and accept if approved. The first pending  
143 grant is the “Research and development of Publicly Funded Forensic Science Laboratories to  
144 Assess the Testing and Processing of Physical Evidence.” This will be used to develop, validate  
145 and disseminate two quantitative LC/MS/MS methods for the analysis of whole blood in  
146 accordance with the SWGTOX method validation guidelines. The other two grants are the 2016  
147 Highway Safety Grant and 2015 Paul Coverdell Grant program.

148  
149 Finally, Director Jackson briefed the Committee on the grants which require approval by the  
150 FSB. The grants that need approval are the FY 2015 Paul Coverdell Grant, 2016 Highway  
151 Safety Grant, and the FY 2015 DNA Capacity Enhancement and Backlog Reduction Program.

152  
153 Workload/Backlog: Director Jackson presented the Department’s statistics in quarterly format  
154 using graphs reflecting cases received, cases completed, the caseload, and the average number of  
155 days in the system for each section.

156  
157 Director Jackson brought to the Committee’s attention the Controlled Substances Section’s  
158 statistics. She noted in the last quarter that the section is completing more cases than receiving  
159 incoming cases.

160  
161 For the Toxicology Section, improving turnaround times in Medical Examiner cases has been a  
162 priority for the Department. The Office of the Chief Medical Examiner must have toxicology  
163 reports completed in a specific time-frame in order to meet their accreditation standards. All of  
164 the Department’s regional laboratories are meeting the timeline expect the Western Laboratory.

165  
166 Director Jackson also explained that the Trace Evidence Section’s quarterly statistics have  
167 dropped in number due to the new rules on accepting cases for primer residue analysis.

168  
169 Senate Bill 658 Physical Evidence Recovery Kits (PERKs): Director Jackson updated the  
170 Committee on the status of SB 658. The Department created an online inventory form for all law  
171 enforcement agencies to report their inventory of PERKs that are in their possession. To date,  
172 approximately 385 law enforcement agencies had completed the form which is 93% of all  
173 agencies. The Department is using the statistics collected from the online inventory forms and  
174 will submit a final report to the General Assembly on July 1, 2015. The General Assembly will  
175 then make the report available to the public.

176  
177 The Committee inquired about the amount of PERKs that have been reported to date and if the  
178 Department anticipated analyzing the PERKs that are in the possession of law enforcement.  
179 Director Jackson explained that approximately 2,300 were reported statewide and gave a brief  
180 summary of some of the reason agencies did not submit the PERKs for testing. The report the  
181 General Assembly will enable the Legislators to make any policy and funding decisions on  
182 testing of any of the untested PERKs.

183

184  
185 Toxicology Subcommittee Report: Dr. Alphonse Poklis reported to the SAC that the Toxicology  
186 Subcommittee met prior to the full committee meeting to discuss the Toxicology Procedures  
187 Manual. The Subcommittee provided comments and made suggestions to DFS staff for  
188 consideration for changes and improvements to the new HPLC/MS/MS procedures. DFS will be  
189 reviewing the Subcommittee's suggestions and revise the procedures as needed. The final  
190 version of the procedures will be sent to the subcommittee.

191  
192 Dr. Poklis moved to recommend closure of the Toxicology Procedures Manual review, which  
193 was seconded by Ms. Given, and passed by unanimous vote of the Committee.

194  
195 **Program Area Updates**

196  
197 Forensic Biology Program Update: Brad Jenkins, Biology Program Manager, provided the  
198 Committee with an update on the DNA Data Bank implementation of the new Fusion multiplex  
199 kits which analyzes 24 areas of DNA from 16 areas of DNA. The Department started using the  
200 new kits in the Data Bank in April 2015. The expanded DNA kits will have the ability to analyze  
201 additional loci which will increase the discrimination ability of DNA Data Bank searches; and  
202 the Virginia Data Bank and CODIS will be compatible with international databases in Europe  
203 and Asia.

204  
205 Also, the Department went online with the 3500 genetic analyzers in the Data Bank, four for  
206 purchased for each regional laboratory. The new software GMIDx 54 is online in the Data Bank.  
207 The Department has begun casework validation which was sent to the SAC DNA Subcommittee,  
208 which includes Dr. Cotton, Dr. Planz, and Dr. Sobieralski.

209  
210 Finally, Mr. Jenkins updated the Committee on the Post-Conviction Testing Project. The  
211 Virginia State Crime Commission (VSCC) has requested additional testing be done on  
212 inconclusive cases. Testing to be done using YSTR's and/or Mini STR's. The inconclusive cases  
213 will be individually reviewed and only cases that meaningful testing can be done will be sent for  
214 additional testing. Money has been budgeted for the Department to outsource the additional  
215 testing to a private laboratory.

216  
217 Calibration and Training Update: Melissa Kennedy, Calibration and Training Program Manager,  
218 provided the Committee with an update to the Breath Alcohol Section and the Forensic Training  
219 Academy. The Breath Alcohol Section has been working on a project to provide more public  
220 access to its records. Records will be available on the Department's website in ".pdf" format.  
221 Grant funding received from the Virginia Highway Safety Office is being used to complete the  
222 project. Records that will be online include instrument records, redacted subject test records,  
223 Operator license information, and statistical reports. Anticipated completion date is the summer  
224 of 2015.

225  
226 The Breath Alcohol Section has sent two online customer satisfaction surveys on April 7, 2015.  
227 One survey was to the legal community which had ten questions focusing on testimony and  
228 records. To date, 236 responses have been received. The second survey was to law enforcement

229 agencies which had 12 questions focusing on training and instrument support. To date, 1,470  
230 responses have been received.

231  
232 Ms. Kennedy provided a brief update of the Forensic Training Academy (FSA) Section. The  
233 FSA updated portions of the Evidence Handling Guide on the Department's website for easier  
234 access on mobile devices. It is now easier for law enforcement to navigate and access smaller  
235 portions of the guide. Previously it was one large document that was slow to download and view  
236 on personal computer devices. The FSA has obtained new software to enhance crime scene  
237 photography capabilities. The software allows for panoramas and virtual tours. Three workshops  
238 were offered to update all law enforcement personnel and it was added to the FSA curriculum  
239 starting the fall of 2014. Beginning the spring of 2015 the FSA opened up the Laboratory  
240 Capabilities and Update retraining sessions to all law enforcement. Previous retraining sessions  
241 were only open to FSA alumni.

242  
243 Chemistry Program Update: Scott Maye, Chemistry Program Manager, provided the Committee  
244 with an update to the Department's Chemistry Program areas. All Uncertainty of Measurement  
245 budgets and reporting worksheets were updated December 31, 2014. Mr. Maye briefed the  
246 Committee on the 2014 "Day of" to 2015 "Statewide" Drugs. There were 26 drugs added to the  
247 list. The Department is developing methods to THC-A Oil, Hash Oil, Crystalline and powdered  
248 alcohol. During the 2015 General Assembly Session the Code of Virginia was updated in  
249 regards to those substances.

250  
251 Mr. Maye gave a brief overview of the cannabimimetic agents and research chemicals that have  
252 been added to the Controlled Substances analogs statute. Mr. Maye explained the statute that  
253 authorizes the Board of Pharmacy to amend its regulations via an expedited regulatory process to  
254 temporarily place substances in to Schedule I or Schedule II. Once the Board of Pharmacy has  
255 placed the substance on Schedule I or Schedule II, the General Assembly has 18 months to take  
256 action to enact it into law. The Department provides quarterly information to the Board of  
257 Pharmacy about substances that should be added using the expedited regulatory process. The  
258 next Board of Pharmacy meeting will be in June 2015 and the Department has provided its  
259 recommendations.

260  
261 Mr. Maye updated the Committee on new instrumentation. The DARTS have been delivered  
262 and installed in the three regional laboratories. They are currently undergoing verification. A  
263 statewide training was given to DFS staff on the DARTS on April 21, 2015. New LC/MS/MS  
264 instruments have been delivered to all four laboratories and are currently being installed. A new  
265 XRD has been received, installed, and verified in the Central laboratory. Funding has been  
266 requested to purchase a new SEM-EDS for the Trace Evidence Section and the Department is  
267 currently researching a new instrument.

268  
269 Physical Evidence Program Update: Sabrina Cillessen, Physical Evidence Program Manager,  
270 provided the Committee with an update the Latent Prints Section. The Latent Prints Section has  
271 changed its approach in analysis from a value for comparison to a value of individualization.  
272 The change includes new exclusion documentation for a more transparent process. The Latent  
273 Prints examiners have undergone exclusion training and training on latent print photography.  
274 There was brief discussion with the Committee on the different exclusion levels.

275  
276 Ms. Cillessen updated the Committee on the DMME section. She expanded on Director  
277 Jackson's earlier explanation of the reduction to the DMME section and the restoration of budget  
278 funding for DMME. The DMME will restore services video analysis examinations. Two new  
279 systems were purchased for the use in video analysis examinations, and DMME examiners will  
280 receive training on both systems.

281  
282 Ms. Cillessen gave a brief update on the Firearms and Toolmarks sections. The Firearms and  
283 Toolmarks sections received training in March 2015 to advance and refresh the examiners  
284 knowledge of Sub-Class. The sections UoM was also updated for 2015.

285  
286 Ms. Cillessen concluded that the Questioned Documents section has received a new video  
287 spectral comparator. The new instrument will be used in the analysis of fraudulent documents.

288  
289 **Other Business**

290  
291 Scientific Advisory Committee Board By-Laws: Chief Deputy Director Katya Herndon advised  
292 the Committee that amending the SAC By-Laws requires 2/3 vote of members present at a  
293 meeting. Ms. Herndon had previously presented the proposed amendments to the Committee at  
294 the October 14, 2014 meeting. Ms. Herndon reviewed each of the proposed amendments, the  
295 majority of which were the result of statutory changes that have been made to the laws impacting  
296 the Committee since the by-laws were initially adopted. Mr. Beatty moved that the Board accept  
297 the proposed changes to the By-Laws, which was seconded by Mr. Zercie, and passed by  
298 unanimous vote.

299  
300 2015 Legislative Update: Ms. Herndon advised the Committee that the Department had two  
301 agency bills in 2015 General Assembly Session. The first bill, grants the State Police the explicit  
302 authority to seek confirmation from the DNA Data Bank about whether any person required to  
303 register with the Sex Offender Registry has provided a DNA sample to the DNA Data Bank, and  
304 was carried by Delegate Watts. The bill streamlines the process and allows DFS to directly  
305 notify State Police whether persons in the Sex Offender Registry have provided DNA samples as  
306 required by law. The bill's language mirrors the language in the juvenile offender DNA Data  
307 Bank statute. The second bill, grants law enforcement agencies the authority to donate  
308 unclaimed firearms to DFS for use in its reference collections, was carried by Senator Marsden.  
309 Previously, the statute said law enforcement may destroy any unclaimed firearm once it has  
310 been in their possession for more than 60 days, provided there have been reasonable attempts  
311 made to notify the rightful owner, and the Commonwealth's Attorney has advised that the  
312 firearm is not needed for criminal prosecution. The bill provides law enforcement with the  
313 option of donating an unclaimed firearm to DFS for use in its reference collections in lieu of  
314 destroying the firearm. DFS must agree to the donation of any unclaimed firearm.

315  
316 There were also DNA Data Bank Expansion Bills proposed in both the House and the Senate.  
317 The bills added nine more misdemeanor offenses to the DNA Data Bank statute. The nine  
318 offenses were selected because they show a likelihood of future felony offenses. The  
319 Department can absorb approximately receiving 11,000 more samples a year before needing to  
320 hire additional staff. A fee for collection was added to the budget to offset the additional costs.

321  
322 Ms. Herndon informed the Committee on other legislation of interest to the Department. There  
323 were two bills related to marijuana. The first bill establishes a licensing program for the  
324 cultivation of industrial. It includes an affirmative defense to possession of marijuana for  
325 licensed growers. The second bill is for the possession of marijuana for medical purposes. This  
326 bill as creates includes an affirmative defense to possession for Cannabidiol oil or THC-A oil  
327 when a valid written certification from a doctor treat or alleviate the symptoms of intractable  
328 epilepsy is present.

329  
330 Ms. Herndon also briefly went over the new compounds added the list of Schedule I drugs added  
331 by the Board of Pharmacy via the expedited regulatory process. Finally, she informed the  
332 Committee that powdered or crystalline alcohol was added to the definition of alcoholic  
333 beverages and prohibits containers sold in or shipped into the Commonwealth. It is a class 1  
334 misdemeanor for anyone who purchases, possesses, offers for sale or use, sells or uses a  
335 powdered or crystalline alcohol product.

336  
337 Request from ASCLD/LAB:  
338 Director Jackson reminded the Committee that the FSB agreed to be designated an interested  
339 party for ASCLD/LAB. Being aware that there may be instances when it would be more  
340 advantageous for the Committee to review and comment on proposed changes from  
341 ASCLD/LAB, the FSB also agreed to disseminate information it received from ASCLD/LAB as  
342 an interested party to the SAC as applicable and request that the SAC respond back directly to  
343 the Board with its recommendations.

344  
345 Director Jackson informed the Committee that ASCLD/LAB recently sent draft policies and  
346 documents open for comment from the National Commission on Forensic Science (NCFS) to all  
347 interested parties and were forwarded to the Committee. Since the FSB is meeting on May 13,  
348 2015 and comments are due by May 15, 2015, the Department wanted to give the Committee an  
349 opportunity to look at the documents before the May 15, 2015 deadline.

350  
351 Director Jackson provided background information on the NCFS and the Organization of  
352 Scientific Area Committees (OSAC). The NCFS works with the OSAC as a federal advisory  
353 committee to the Attorney General. The Committee discussed the documents open for comment  
354 and whether or not the Committee had a recommendation for the FSB. Ms. Given, Chair,  
355 recommended that each Committee member take the time to review the documents and make any  
356 comments as individuals. The Committee agreed that if there was more time to do a thorough  
357 review before the comment deadline then they could make recommendations, if needed, to the  
358 FSB.

359  
360 Freedom of Information Act (FOIA) Update: Amy Curtis, Department Counsel, presented  
361 information to the Committee on FOIA Electronic Meeting rules and requirements. Electronic  
362 meetings can be either scheduled in advance or for emergency or personal matters. There can be  
363 only one electronic meeting per year. In order for the Committee to conduct an electronic  
364 meeting it must adopt a policy. Ms. Curtis provided a copy of a Policy on individual  
365 Participation in SAC meetings by electronic means under Virginia Code § 2.2-3708.1. Mr.  
366 Zercie made a motion to accept the Policy on individual Participation in SAC meetings by



367 electronic means under Virginia Code § 2.2-3708.1, which was seconded by Mr. Sobieralski, and  
368 passed by unanimous vote.

369  
370 **Public Comment**

371  
372 None

373  
374 **Next Meeting**

375  
376 The Scientific Advisory Committee will meet Friday, October 16, 2015.

377  
378 **Adjournment**

379  
380 The Chair asked if there was a motion to adjourn. Dr. Poklis moved that the meeting of the SAC  
381 be adjourned, which was seconded by Ms. Given, and passed by unanimous vote.

382  
383 The meeting adjourned at 1:00 p.m..