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Final - Minutes
Forensic Science Board Meeting
August 22, 2018
Department of Forensic Science, Central Laboratory, Classroom 1

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Board Members Present

23 Colonel Maggie A. DeBoard, Chief of Police, Town of Herndon Police Department
24 Emily M. Brewer, Delegate (Designee of Delegate Robert B. Bell, Chair, House Courts of Justice
25 Committee)
26 James F. Entas, Assistant Attorney General (Designee of Attorney General Mark R. Herring)
27 William T. Gormley, M.D., Chief Medical Examiner
28 Colin L. Drabert (Designee of Delegate Robert B. Bell, Chair, Virginia State Crime Commission)
29 Caroline D. Juran, Executive Director, Board of Pharmacy
30 David R. Lett, Petersburg Public Defender
31 Edward M. Macon (Designee for Karl R. Hade, Executive Secretary, Supreme Court of Virginia)
32 Colette W. McEachin, Deputy Commonwealth's Attorney, City of Richmond – *Chair*
33 Richard P. Meyers, Scientific Advisory Committee Member
34 Colonel Gary T. Settle, Superintendent, Virginia State Police
35 Denise M. Toney, Ph.D., Director, Division of Consolidated Laboratory Services
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Board Members Absent

39 Shannon Dion, Director, Department of Criminal Justice Services
40 Vince Donoghue, Essex Commonwealth's Attorney (Designee of Senator Mark D. Obenshain,
41 Chair, Senate Courts of Justice Committee)
42 Leslie E. Edinboro, Ph.D., Scientific Advisory Committee Member
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Legal Counsel for the Forensic Science Board

46 Elizabeth B. Myers, Assistant Attorney General
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Staff Members Present

50 Wanda W. Adkins, Office Manager
51 Jeffrey D. Ban, Central Laboratory Director
52 David A. Barron, Ph.D., Deputy Director
53 Sabrina S. Cillessen, Physical Evidence Program Manager
54 Amy M. Curtis, Department Counsel
55 Leslie H. Ellis, Human Resources Director
56 John T. Griffin, Northern Laboratory Director
57 Katya N. Herndon, Chief Deputy Director
58 James W. Hutchings, Ph.D., Toxicology Program Manager
59 Linda C. Jackson, Director
60 Bradford C. Jenkins, Biology Program Manager
61 Alka B. Lohmann, Director of Technical Services
62 M. Scott Maye, Chemistry Program Manager
63 Carisa M. Studer, Legal Assistant
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66

Call to Order

47 Colette McEachin, Chair of the Forensic Science Board (“Board” or “FSB”), called the meeting
48 to order at 10:00 a.m. The Chair welcomed the Board members and Department of Forensic
49 Science (“Department” or “DFS”) staff, and thanked everyone for their attendance.

50
51 Introductions were made of Board members, designees, and DFS staff members who were present.

52
53 **Approval of Draft Minutes of the May 16, 2018 Meeting**
54 The Chair asked if there were any changes or corrections to the draft minutes from the May 16,
55 2018 meeting. Being none, Mr. Lett made a motion to adopt the minutes, which was seconded by
56 Delegate Brewer and approved by unanimous vote of the Board.

57
58 **Chair’s Report**
59 None.

60
61 **Director’s Report**

62
63 Agency Updates:
64 On July 26, 2018, the Department disseminated a customer input survey that was created through
65 SurveyMonkey®. As of August 17, 2018, 412 responses had been received by DFS. The survey
66 was sent to law enforcement agencies, Commonwealth’s Attorneys, and defense attorneys. The
67 survey closes on August 31, 2018.

68
69 Director Jackson advised the Board that the Department’s accreditation assessment by ANAB
70 occurred May 7 – May 11, 2018. The Department’s current accreditation expires September 2,
71 2018. Director Jackson explained that ANAB is currently in the process of finalizing the
72 assessment. DFS is not anticipating any issues before the current accreditation expires.

73
74 Director Jackson reviewed the new funding provided to DFS in the Budgets for FY19 and FY20.
75 DFS received funding for eight additional forensic scientist positions, six in Controlled
76 Substances, one in Digital & Multimedia Evidence, and one research position in Forensic Biology.
77 Also included is funding to purchase new scientific instruments through the Master Equipment
78 Leasing Program (MELP).

79
80 In CY16 and CY17, DFS saw an annual 10% increase in Controlled Substances submissions, and
81 the projection for CY18 is for another 10% increase. During the same time, the complexity of the
82 samples submitted and time to complete the analyses increased as well. Director Jackson reviewed
83 the numerous actions taken by the Department to address the growing workload, including policy
84 changes, additional staff, and voluntary and mandatory overtime. Director Jackson explained that,
85 to address these unanticipated increases in the Controlled Substances workload, the Administration
86 has transferred additional appropriation from FY20 to FY19 for the Controlled Substances Section.
87 DFS will use the funding to outsource selected backlogged cases, hire additional staff, and
88 purchase additional equipment. Additionally, DFS will be implementing a grant-funded Lean Six-
89 Sigma project in the Controlled Substances Section and evaluating potential Controlled Substances
90 submission policy changes with customer input.

91

92 Director Jackson advised the Board that the report, *Drug Cases Submitted to the Virginia*
93 *Department of Forensic Science Calendar Year 2017*, which was prepared jointly by DFS and
94 the Department of Criminal Justice Services, was published on August 10, 2018. Director Jackson
95 gave an overview of the report, and the Board discussed the various controlled substances
96 submitted to the Department.

97
98 Director Jackson updated the Board on staffing in the Forensic Biology Section and the status of
99 various validation projects.

100
101 Director Jackson reviewed with the Board the status of the seven additional compounds
102 recommended to the Board of Pharmacy (BoP) for expedited expediting scheduling through
103 regulatory process since the last FSB meeting.

104
105 Director Jackson updated the Board on new instrumentation that the Toxicology Section
106 anticipates implementing by the end of the fiscal year. The new methodology will provide the
107 Section with a more comprehensive screening test. The Section also continues to improve OCME
108 case turnaround times, with 100% of cases completed within 90 days, and 94% completed within
109 60 days.

110
111 The Breath Alcohol Section deployed a new online recertification course in early August to
112 coincide with recertification classes occurring in August. As of August 17, 2018, 35 officers had
113 completed the online recertification course. Law Enforcement personnel that are licensed Intox
114 EC/IR II Operators are required to recertify every two years, which previously required them to
115 attend a four hour in-person course.

116
117 Grants:

118 Director Jackson reviewed a list of grants requiring Board approval.

119
120 Director Jackson presented information about the NCIPC: 2018 Opioid Overdose Crisis
121 Cooperative Agreement Supplement grant. In cooperation with Virginia Department of Health
122 (VDH) and the Office of the Chief Medical Examiner (OCME), DFS sought opioid overdose crisis
123 supplemental funding through the Centers for Disease Control and Prevention. The funding is for
124 a one-year period for \$948,000 to fund four toxicology equipment and standards. Ms. Juran made
125 a motion to authorize the Department to apply for and accept funds for NCIPC: 2018 Opioid
126 Overdose Crisis Cooperative Agreement Supplement grant, if awarded. The motion was seconded
127 by Mr. Entas, and approved by unanimous vote of the Board.

128
129 Director Jackson presented information on the Byrne JAG Equipment grant. This grant is for one-
130 time funding of \$220,000 to purchase two Gas Chromatography/Mass Spectrometer instruments
131 with an additional flame ionization detector for the Controlled Substances Section. Mr. Entas
132 made a motion to authorize the Department to apply for and accept funds for the Byrne JAG
133 Equipment grant, if awarded. The motion was seconded by Dr. Gormley, and approved by
134 unanimous vote of the Board.

135
136 Director Jackson presented information on the Byrne JAG Continuation Funding grant for FY19.
137 This grant, which would provide funding of \$46,536 and include an in-kind match of \$11,634,

138 would be used to maintain the increased capacity of the Forensic Training Section by retaining the
139 part-time instructor and adding equipment. Dr. Gormley made a motion to authorize the
140 Department to apply for the Byrne JAG Continuation Funding grant for FY19, if awarded. The
141 motion was seconded by Delegate Brewer, and approved by unanimous vote of the Board.

142
143 Director Jackson presented information on the Virginia Prescription Drug Overdose Prevention
144 Program grant. DFS has been awarded \$50,000 from VDH to contract with the DFS Laboratory
145 Information Management System (LIMS) provider to build a data model that will integrate with
146 the LIMS to provide useful data related to opioid cases to DFS's stakeholders. Ms. Juran made a
147 motion for the Department to accept the Virginia Prescription Drug Overdose Prevention Program
148 grant funding. The motion was seconded by Mr. Entas, and approved by unanimous vote of the
149 Board.

150
151 Director Jackson updated the Board on the status of the grant applications approved by the Board
152 at its May 16, 2018 meeting. She also presented a summary of current DFS grants.

153
154 Workload/Backlog:
155 Director Jackson provided the Board with an update on statistical trends in each of the scientific
156 disciplines.

157
158 The Controlled Substances Section, as previously discussed, has seen a continued increase in
159 submissions. The average turnaround time for cases completed in July was 139 days.

160
161 The Digital and Multimedia Evidence Section recently filled one examiner position and is in the
162 hiring process for the new position provided in the Budget.

163
164 The Firearms Section continues to decrease its backlog as a result of the new National Integrated
165 Ballistic Information Network (NIBIN) Forensic Scientist positions. The NIBIN cases are now
166 separated from the comparison cases.

167
168 The Forensic Biology Section continues to work on turnaround times and decreasing the backlog.

169
170 The Latent Prints Section has completed more cases than it has received for the past three quarters.

171
172 The Toxicology Section continues to improve the average turnaround times for all case types.

173
174 The Trace Evidence Section is fully staffed and at the appropriate level for the cases being
175 received.

176
177 **Old Business**

178
179 Status of the Post-Conviction DNA Testing Program and Notification Project:

180 Colin Drabert provided an update on the case file review that staff from the Virginia State Crime
181 Commission (VSCC) has been conducting of cases from the Post-Conviction DNA Testing
182 Program and Notification Project. VSCC staff and DFS staff met over three days in May-June
183 2018 to discuss approximately 75% of project cases and determine whether due diligence has been

184 met in terms of notification efforts. Staff verified agreement in terms of 1) lab outcome (eliminated,
185 need known, inconclusive, other), 2) notification status (notified, deceased, not notified, other),
186 and 3) whether due diligence has been met. Additional meetings to discuss the remaining 25% of
187 cases are anticipated in the upcoming months.

188
189 Mr. Drabert reported on the finalization of notification efforts for defendants who have not yet
190 been notified, determined deceased, or where due diligence has otherwise not yet been met. VSCC
191 staff has received access to Accurint® beginning August 8, 2018. Over the next month, VSCC
192 staff will prepare mailings for all appropriate leads developed by the Richmond Public Defender's
193 Office and the Department of Corrections in May 2018, as well as any additional leads developed
194 using Accurint® for those who remain to be notified. Once this is complete, there will be
195 categories of individuals for VSCC staff and DFS staff to discuss and determine whether due
196 diligence has been met.

197
198 Serology Case Review Update:
199 Biology Program Manager Brad Jenkins reminded the Board that, at its May 16, 2018 meeting, he
200 advised that the project was on hold due to mandatory overtime for the Section. Additionally a
201 large training effort has been underway to train new employees, which is currently winding down
202 allowing senior staff to resume the reviews. Mr. Jenkins will have an update at the Board's next
203 meeting.

204
205 Microscopic Hair Comparison Case Review Update:
206 Amy Curtis, Department Counsel, advised that the Review Team met on June 27, 2018 to review
207 transcripts from six cases. The Microscopic Hair Comparison Case Review Subcommittee
208 (Subcommittee) of the Board will meet on August 27, 2018 at 1:30 p.m. to discuss the
209 recommendations made by the Review Team for notification. The Subcommittee will also discuss
210 due diligence issues related to case dispositions, locating transcripts, and notification efforts. The
211 Subcommittee members are Vince Donoghue, David Lett, and Lieutenant Colonel Tracy Russillo.

212
213 Update on NOIRA for Field Tests:
214 Ms. Curtis briefly summarized the public hearing on the NOIRA to consider amendments to the
215 Regulations for the Approval of Field Tests for Detection of Drugs (6 VAC 40-30), which was
216 held prior to the Board meeting. No member of the public elected to provide comment in response
217 to the Chair's request. Ms. Curtis reviewed with the Board the three comments and one inquiry
218 that previously had been received. The Public Comment period is open until August 25, 2018.

219
220 Ms. Curtis reviewed with the Board the remaining stages under the Administrative Process Act as
221 the Board proceeds with the consideration of amendments to 6 VAC 40-30. Ms. Curtis will draft
222 the proposed regulations, and she will send the draft regulations to the Board for review prior to
223 the October meeting.

224
225 **Public Comment**
226 None.

227
228 **Future Meeting Dates**
229 The Forensic Science Board will meet next on Wednesday, October 17, 2018, at 9:30 a.m.

230

231 **Adjournment**

232

233 The meeting adjourned at 11:04 a.m.