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Final - Minutes
Scientific Advisory Committee Meeting
May 15, 2018
Department of Forensic Science, Central Laboratory, Classroom 1

Committee Members Present

Randall E. Beaty (participated remotely pursuant to Virginia Code § 2.2-3708.1)
Maureen C. Bottrell
Kathleen Corrado, Ph.D.
Robin W. Cotton, Ph.D.
Leslie E. Edinboro, Ph.D., Chair
Linda C. Jackson
Barry S. Levine, Ph.D.
George C. Maha, Ph.D.
Richard P. Meyers
Carl A. Sobieralski
Travis Y. Spinder (participated remotely pursuant to Virginia Code § 2.2-3708.1)
Jami J. St. Clair
Kenneth B. Zercie

Staff Members Present

Wanda W. Adkins, Office Manager
Jeffrey D. Ban, Central Laboratory Director
David A. Barron, Ph.D., Deputy Director
Sabrina S. Cillessen, Physical Evidence Program Manager
Amy M. Curtis, Department Counsel
John T. Griffin, Northern Laboratory Director
Katya N. Herndon, Chief Deputy Director
Bradford C. Jenkins, Biology Program Manager
James W. Hutchings, Ph.D., Toxicology Program Manager
M. Scott Maye, Chemistry Program Manager
Kevin M. Patrick, Western Laboratory Director
Susan Stanitski, Eastern Laboratory Director
Carisa M. Studer, Legal Assistant

Call to Order

Leslie Edinboro, Ph.D., the Chair of the Scientific Advisory Committee (“Committee” or “SAC”), called the meeting of the Committee to order at 11:10 a.m. Dr. Edinboro informed the Committee that Randall Beaty and Travis Spinder would be participating remotely pursuant to the SAC’s Policy on Individual Participation in Scientific Advisory Committee Meetings by Electronic Means, which was adopted in accordance with Virginia Code § 2.2-3708.1. Mr. Beaty was participating by telephone because he was attending the Borkestein training course in

46 Bloomington, Indiana. Mr. Spinder was participating by telephone because he had court
47 obligations in Missoula, Montana.

48

49 **Adoption of Agenda**

50

51 The Chair asked if there were any additions or changes to the draft agenda for the meeting. Being
52 none, Dr. Cotton made a motion to adopt the agenda, which was seconded by Mr. Zercie, and
53 adopted by unanimous vote of the Committee.

54

55 **Adoption of Minutes**

56

57 The Chair asked if there were any changes or corrections to the draft minutes from the October 11,
58 2017 meeting. Being none, Mr. Zercie moved to adopt the minutes from the October 11, 2017
59 meeting, which was seconded by Dr. Levine, and adopted by unanimous vote of the Committee.

60

61 **Chair's Report**

62

63 The Chair did not have a report for the Committee.

64

65 Dr. Edinboro announced that this would be his last meeting as Committee Chair, and he thanked
66 the Committee and DFS staff for their participation and support.

67

68 **DFS Director's Report**

69

70 Facilities:

71 Director Jackson gave an update on the Central Laboratory renovation and expansion project. She
72 explained that there was a budget amendment proposed to change the title and scope of the project
73 from "expand current Central Forensic Laboratory and Office of the Chief Medical Examiner," to
74 "expand current or construct new Central Forensic Laboratory and new Office of the Chief Medical
75 Examiner." It is anticipated that the new language will be adopted as part of the budget passed by
76 the General Assembly by June 30, 2018.

77

78 Agency Updates:

79 Director Jackson reported on the Department's onsite accreditation assessment, which occurred
80 May 7 – May 11, 2018. She reminded the Committee that ASCLD/LAB merged with ANAB.
81 Twenty-four assessors from ANAB conducted the assessment of the Department's four regional
82 laboratories and calibration laboratory. The Department's current accreditation expires September
83 2, 2018. Director Jackson explained that a final report from ANAB will be sent to DFS that will
84 include all assessment findings. DFS will have 60 days to address any findings.

85

86 Director Jackson updated the Committee on the Forensic Science Training Program for attorneys
87 and judges that the Department will be implementing. DFS plans to start by offering a DNA
88 training at each DFS regional laboratory in the fall of 2018. Director Jackson explained that,
89 because the training will be strictly about the science and will not include a legal component, there
90 will be no continuing legal education (CLE) credits offered to attorneys. However, there will be
91 no fees charged to attend the class.

92
93 Director Jackson reported to the Committee on the outreach that Department staff has made to its
94 user agencies. Numerous presentations were given on DFS issues to various user groups, including
95 law enforcement, prosecutors, defense attorneys, and judges.

96
97 Director Jackson explained that funding for eight forensic scientist positions (six in Controlled
98 Substances, one in Digital & Multimedia Evidence, and one research position in Forensic Biology)
99 was included in every version of the budget (i.e., the Governor's Introduced Budget, the House
100 Budget and the Senate Budget). All three budgets also included funding to purchase new scientific
101 instruments through the Master Equipment Leasing Program (MELP).

102
103 Director Jackson reported that the Caboose Bill for the FY18 budget includes funding for overtime
104 for Controlled Substances and Forensic Biology examiners. Examiners in those two sections are
105 each working a minimum of forty hours of overtime through May.

106
107 Director Jackson shared with the Committee that, due to the amount of inquiries DFS has received
108 about turnaround times, the Department has posted current turnaround times on the DFS website.

109
110 Director Jackson provided an update on the status of the development of the PERK tracking
111 system. It will be web-based and will be able to track each step for the PERK from when the kit
112 leaves DFS as an uncollected kit, to its collection at the hospital, its transfer to the law enforcement
113 agency, to the DFS laboratory, and then back to the law enforcement agency. The system will not
114 capture any personally identifying information or any testing results. The system is currently in
115 the alpha phase of testing, and the Department is anticipating beta testing with pilot agencies in
116 the coming months.

117
118 Director Jackson reported to the Committee that, at the January 4, 2018 Forensic Science Board
119 ("Board") meeting, the Board approved a Notice of Intended Regulatory Action ("NOIRA") to
120 consider amendments to the Regulations for the Approval of Field Tests for Detection of Drugs (6
121 VAC 40-30). In October 2017, DFS had received a request from a law enforcement agency for
122 the Department to approve a handheld Raman spectrometer for the detection of drugs as a field
123 test. The Department is currently not able to approve these devices, or other handheld instruments
124 for the detection of controlled substances, because the regulations only address the approval of
125 presumptive chemical tests. The NOIRA is currently in the Governor's Office for review.

126
127 Grants:

128 Director Jackson gave an overview of the Department's current grants and shared with the
129 Committee information on the following six grants for which the Department has pending
130 applications:

- 131
132
- 133 • 2019 DMV Highway Safety Grant
 - 134 • 2018 DMV Traffic Records Electronic Data System ("TREDS") Grant
 - 135 • Center for Disease Control ("CDC") Enhanced State Surveillance of Opioid-Involved
136 Morbidity and Mortality Grant Joint Project
 - Paul Coverdell Forensic Science Improvement Program Grant

- 137 • DNA Capacity Enhancement and Backlog Reduction Program Grant
- 138 • Research and Evaluation for the Testing and Interpretation of Physical Evidence in
- 139 Publicly Funded Forensic Laboratories

140
141 Workload/Backlog:

142 Director Jackson provided an update on workload/backlog trends in each of the program areas.

143
144 The Controlled Substances Section currently has five examiners in training. The Section continues
145 to see increased submissions. Submissions in April 2018 were significantly higher than April
146 2017, and the additional submissions equate to the work of approximately 2.5 examiners over a
147 four-month period. DFS has shared the information about these increased submissions with the
148 Office of the Secretary of Public Safety and Homeland Security.

149
150 The Digital and Multimedia Evidence (DME) Section's current turnaround time is approximately
151 160 days. There are currently three examiners, one position is in the hiring process, and one
152 position is open.

153
154 The Firearms Section continues to complete more cases than it has been receiving due to the new
155 National Integrated Ballistic Information Network (NIBIN) Forensic Scientist positions.

156
157 The Forensic Biology Section continues to work on the turnaround times and decreasing the
158 caseload. Scientists in each of the laboratories are reviewing data generated from the private
159 contract laboratory that is conducting the analyses of the PERKs submitted as a result of the DANY
160 grant.

161
162 The Latent Prints Section saw an increase in submissions in the third quarter of 2017, but this
163 increase did not continue for the final quarter of 2017 and into 2018.

164
165 The Toxicology Section has continued to prioritize OCME cases and has been meeting the
166 OCME's accreditation requirements. Director Jackson reported that DUI/D case turnaround times
167 have also decreased.

168
169 The Trace Evidence Section is fully staffed, and all examiners are trained.

170
171 The Chair called for a break at 11:50 a.m.

172
173 The Chair called the meeting back to order at 12:00 p.m. The Chair indicated that the DNA
174 Subcommittee report would be heard after Old Business.

175
176 **Program Area Updates**

177
178 Biology Program Update:

179 Brad Jenkins, Forensic Biology Program Manager, reviewed staffing levels for Forensic Biology,
180 including examiners in training and positions in recruit, for each regional laboratory.

181

182 Mr. Jenkins informed the Committee that relationship training continues so that there will be
183 qualified examiners who could perform these analyses at each of the regional laboratories.
184 STRmix software and computers have been purchased, and the examiners received a four-day
185 training course in April 2018. STRmix validation will begin this summer. A statewide meeting
186 was held in Roanoke in April in order to complete the continuing education goals for the year.
187

188 Mr. Jenkins gave an update on the Serology Case Review. Each case is being reviewed by two
189 scientists. The first review of the 100 cases from the Eastern and Northern Laboratories is
190 complete. A number of the second reviews of those cases have been completed, but the
191 implementation of mandatory overtime for the Section in order to address increased turnaround
192 times has delayed work on the Serology Case Review.
193

194 Mr. Jenkins concluded with a review of new DNA related legislation that will go into effect on
195 July 1, 2018. A bill that creates a fifth exception to the physical evidence recovery kits (PERK)
196 legislation's requirement that law enforcement submit all PERKs to DFS for analysis within 60
197 days. The new exception allows a law enforcement agency to transfer a PERK to another law
198 enforcement agency that has taken over responsibility for the investigation. Data Bank legislation
199 adds two additional misdemeanor violations, assault and battery and trespass, to the list of offenses
200 for which an adult must submit a DNA sample upon conviction.
201

202 Chemistry Program Update:

203 Scott Maye, Chemistry Program Manager updated the Committee on the use of the Board of
204 Pharmacy (BoP) expedited regulatory process since the last meeting. The BoP approved eleven
205 compounds on December 11, 2017, which became scheduled on February 21, 2018. DFS
206 recommended six additional compounds, which the BoP approved March 29, 2018. Those
207 compounds should become scheduled June 2018. Effective July 1, 2018, new legislation
208 permanently adds 28 compounds to Schedule I that temporarily had been scheduled through the
209 BoP's expedited regulatory process.
210

211 Mr. Maye reported to the Committee that, on December 1, 2017, DFS disseminated a Notice of
212 DFS Policy Change for Controlled Substances to its user agencies. Mr. Maye reviewed the policy
213 changes, which resulted from discussions at a stakeholder meeting held on September 18, 2017,
214 that included Commonwealth's Attorneys and narcotics investigators from across the state.
215

216 Controlled Substances examiners each worked 24 hours of mandatory overtime during the last
217 quarter of CY2017.
218

219 Mr. Maye presented revisions to the Controlled Substances Certificates of Analysis, which were
220 effective January 8, 2018. The revisions were the result of new accreditation requirements and the
221 December 1, 2017 policy changes. The new language for the Certificates of Analysis provides
222 gross weights, unless a net weight is needed to satisfy a statutory threshold, the methods used, and
223 a statement with a link to where the Controlled Substances Procedures Manual is located on the
224 DFS website.
225

226 Mr. Maye concluded with an overview of the staffing for the Controlled Substances and Trace
227 Evidence Sections in all of the Department's laboratories.

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Physical Evidence Program Update:

Sabrina Cillessen, Physical Evidence Program Manager, provided an update on the new LatentSleuth software being used in the Latent Prints section. She also discussed a research project to evaluate FRStats.

Ms. Cillessen discussed the newly acquired SoleMate database, which will be used for shoe impression examinations. Installation and training for SoleMate is scheduled for May 17 and 18.

Ms. Cillessen reported that the Firearms & Toolmarks Section acquired four Cadre Forensics 3D virtual microscopy workstations. Also, NIBIN searches have been expanded as of March 27, 2018, to include the following databases: all four DFS laboratories, Newport News Police Department, the D.C. Department of Forensic Sciences, the Montgomery County Police Department, the Prince George’s County Police Department, and ATF Zone 1.

Ms. Cillessen reported that DFS disseminated a Notice of DFS Policy Change for Firearms & Toolmark Evidence to its user agencies on April 2, 2018. Toolmark evidence will not be accepted without a tool for comparisons that can be associated with a suspect. The Notice also advised that pre-submission consultations will be required for distance determination exams.

Ms. Cillessen informed the Committee that, as of April, the Digital & Multimedia Evidence (DME) Section has the GrayKey system that is used to bypass security measures on Apple devices.

Ms. Cillessen gave an overview of staffing, including positions in recruit and positions in training, for the Firearms & Toolmark, Latent Prints & Impressions, and Digital & Multimedia Sections for each laboratory.

Toxicology Update:

Dr. James Hutchings, Toxicology Program Manager, gave an overview of the new method for identifying fentanyl derivatives. The new method went online in early 2018, and Dr. Hutchings presented a list of the most commonly detected derivatives to date.

Dr. Hutchings gave an overview of positions that are open, in recruit, and in training for the Toxicology Section for each regional laboratory.

Dr. Hutchings informed the Committee of the research projects currently underway in the Toxicology Section, including projects on fentanyl analogs, a NPS screen, a QTOF screen, and PDF reporting.

Dr. Hutchings concluded with an update on the Breath Alcohol Section. The Breath Alcohol instrument certification process was modified. Dr. Hutchings presented the new certification worksheets to the Committee. The Breath Alcohol Section is also continuing to pursue web-based recertification for breath alcohol operators.

Old Business

274 Microscopic Hair Comparison Case Review:

275 Amy Curtis, Department Counsel, gave an update on the Microscopic Hair Comparison Case
276 Review to the Committee that included a brief history of the project. Ms. Curtis reported that there
277 is a new staff person in the Director's Office who has been able to assist her in reaching out to
278 Circuit Court Clerks' offices on DFS case files with positive probative associations in order to
279 obtain conviction orders and transcripts. Since February, DFS has received eight transcripts in
280 positive probative association cases where there was a conviction. Ms. Curtis will present the
281 findings to the Board and anticipates the Review Team will meet later this summer on those cases.
282 In the meantime, the Department will continue its research to locate conviction orders and
283 transcripts in positive probative association cases.

284
285 **Forensic Biology Subcommittee Report**

286
287 Amy Curtis reported to the Committee that the Forensic Biology Subcommittee ("Subcommittee")
288 had met earlier in the morning to consider a packet of information sent to the Department's
289 Director from staff at the Virginia Parole Board. The information packet from the Parole Board
290 contained information related to a specific DFS case file. Director Jackson, with the concurrence
291 of the Chair of the Scientific Advisory Committee, requested that the Subcommittee review the
292 information packet from the Parole Board and the Department's case file, and present their findings
293 to the Scientific Advisory Committee.

294
295 Ms. St. Clair made a motion that the Committee move into a closed session, per Virginia Code
296 §2.2-3711(A)(35), to discuss the matter because the Committee would be reviewing case specific
297 information, which would be excluded from the requirements of the Freedom of Information Act
298 under Virginia Code § 2.2-3706(A)(2)(a). She further moved that the Committee allow Amy
299 Curtis, Brad Jenkins, and Carisa Studer to remain in the closed session as required staff. Ms. St.
300 Clair's motion was seconded by Mr. Zercie and approved by unanimous vote of the Committee.

301
302 The Committee went into closed session at 12:39 p.m.

303
304 The Committee concluded the closed session at 1:04 p.m. Ms. St. Clair made a motion to
305 reconvene in open session, which was seconded by Mr. Zercie, and approved by unanimous vote
306 of the Committee.

307
308 A roll call vote was taken, and Mr. Beaty, Ms. Bottrell, Dr. Corrado, Dr. Cotton, Dr. Edinboro,
309 Ms. Jackson, Dr. Levine, Dr. Maha, Mr. Meyers, Mr. Sobieralski, Mr. Spinder, Ms. St. Clair, and
310 Mr. Zercie each certified on the record that only public business matters lawfully exempted from
311 the open meeting requirements were discussed, and only matters identified in the motion by which
312 the closed meeting was convened were heard, considered and discussed.

313
314 Dr. Levine made a motion to accept the Subcommittee's report and recommendation for Amy
315 Curtis to write the response on the Subcommittee's behalf and send the response to the
316 Subcommittee for approval. Dr. Levine further moved that, once the Subcommittee approved the
317 response, Ms. Curtis would send the final response to the Parole Board. This motion, which was
318 seconded by Mr. Zercie, was approved by unanimous vote of the Committee.

319

320 There were no objections from the public.

321

322 **New Business**

323

324 **Annual Election of Committee Chair and Vice Chair:**

325 The Chair called for the annual election of the Committee Chair and Vice-Chair. The Chair asked
326 for nominations for Chair of the Committee, and Mr. Meyers nominated Dr. Corrado for Chair.

327 The nomination was seconded by Ms. St. Clair, and passed by majority vote of the Committee.

328 Dr. Corrado abstained. The Chair asked for nominations for Vice-Chair. Ms. St. Clair nominated

329 Mr. Sobieralski to be re-elected Vice-Chair. The nomination was seconded by Mr. Zercie, and
330 passed by unanimous vote of the Committee.

331

332 **Public Comment**

333

334 None.

335

336 **Future Meeting Date**

337

338 The Scientific Advisory Committee will meet on October 16, 2018, at 9:00 a.m.

339

340 **Adjournment**

341

342 Dr. Edinboro asked if there was a motion to adjourn. Mr. Zercie made a motion to adjourn the
343 meeting of the Scientific Advisory Committee, which was seconded by Ms. St. Clair, and passed
344 by unanimous vote.

345

346 The meeting adjourned at 1:14 p.m.