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Final Minutes
Forensic Science Board Meeting
October 12, 2011
Department of Forensic Science, Central Laboratory, Classroom 1

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Board Members Present

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Caroline D. Juran, Chair
Leah Bush, M.D.
Karl R. Hade
Kristen Howard (Designee of VSCC Chairman Robert Bell)
Alan Katz (Designee of Attorney General Kenneth Cuccinelli)
Joe Marshall (Designee of DCJS Director Garth Wheeler)
Richard Meyers (Appointee of SAC Chair Jo Ann Given)
Colonel Robert Northern (Designee of Colonel W. Steven Flaherty)
Senator Roscoe Reynolds (Designee of Senate Courts Chairman Henry Marsh)

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Board Members Absent

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Steven D. Benjamin
Dale Carpenter, Ph.D.
Delegate William R. Janis (Designee of House Courts Chair David Albo)
Sheriff A.A. Lipa, Jr.
Raymond F. Morrogh

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Legal Counsel for the Forensic Science Board

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Amy Dilworth, Assistant Attorney General

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Staff Members Present

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Wanda Adkins, Office Manager
Jeff Ban, Central Laboratory Director
David Barron, Ph.D., Technical Services Director
Donna Carter, Finance Manager
Sabrina Cillessen, Physical Evidence Program Manager
Leslie Ellis, Human Resources Director
Gail Jaspens, Chief Deputy Director
Brad Jenkins, Forensic Biology Program Manager
Alka Lohmann, Training and Calibration Program Manager
Pete Marone, Department Director
Stephanie Merritt, Department Counsel
Kevin Patrick, Western Laboratory Director
Lisa Schiermeier-Wood, Section Supervisor, Forensic Biology
Steve Siegel, Deputy Director
Susan Stanitski, Eastern Laboratory Director

47 Elise Stroble, Grants Administration/Policy Analyst

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49 **Call to Order by Chairman Caroline Juran**

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51 Chairman Juran called the meeting of the Forensic Science Board (“Board”) to order at 9:08 a.m.

52

53 **Adoption of Agenda**

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55 Chairman Juran asked if there were any additions or changes to the draft agenda for the meeting.
56 Being none, Dr. Bush moved to adopt the agenda, which was seconded by Colonel Northern and
57 adopted by unanimous vote of the Board.

58

59 **Approval of Draft Minutes of May 11, 2011 Meeting**

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61 Chairman Juran asked if there were any changes or corrections to the draft minutes from the
62 August 10, 2011 meeting. Director Marone asked that a correction be made on line 14 changing
63 “Senator” to “Delegate.” Mr. Hade moved to adopt the minutes of the August 10, 2011 meeting
64 as amended, which was seconded by Mr. Marshall and adopted by unanimous vote of the Board.

65

66 **Chairman’s Report**

67

68 Chairman Juran welcomed the Designees to the Board meeting and thanked them for attending.
69 Chairman Juran reported to the Board that she had been invited to meet with Secretary of Public
70 Safety Marla Decker and Deputy Secretary of Public Safety John Buckovich. Chairman Juran
71 informed the Board that Secretary Decker recognized the Board’s hard work and offered her
72 continued assistance to the Board.

73

74 **DFS Director’s Report**

75

76 Director Marone welcomed the Board and thanked them for their attendance. Director Marone
77 then introduced Judge Joe John, who is serving as the Acting Director of North Carolina’s Crime
78 Laboratory. Judge John was attending the Board meeting to observe how Virginia’s Board
79 works since he has been charged with establishing a Forensic Science Board for North Carolina.

80

81 Regarding facilities, Director Pete Marone informed the Board that the Central Laboratory
82 renovation continues. Administrative space was being moved to the first floor in order to expand
83 laboratory space on the second floor. The Eastern Laboratory has almost completed its move to
84 the fifth floor, and construction on the fourth floor is in the planning stage.

85

86 Dr. Bush inquired about plans for the Western Laboratory. Director Marone advised that the
87 Department has purchased the plot of land next to the laboratory. While there are no immediate
88 plans for laboratory facility expansion, the Department hopes that the early stages of planning
89 can commence in the not-too-distant future.

90

91 Regarding the 30-60-90 day workload summary report, Director Marone summarized average
92 days in systems for several different sections and reported on progress being made on old cases.

93 Director Marone noted a continuing concern regarding the Controlled Substance Section because
94 of the growing workload involving the analysis of clandestine meth labs and synthetic marijuana.
95 Director Marone noted that the Toxicology Section's backlog is decreasing. New staff members
96 are now qualified, and new equipment is in the validation process. He also reported that the
97 Forensic Biology Section is completing reports for the Post-Conviction DNA program.
98

99 Grants: Director Marone reviewed the grants that have been awarded, grants that will be
100 expiring, and grants not awarded. The Board was provided a handout that summarized these
101 grants.
102

103 Laboratory News: Director Marone introduced the new Northern Laboratory Director, John
104 Griffin. Director Marone updated the Board on the status of other Department staffing.
105

106 Synthetic Cannabinoids: Legislative Services staff have met with the Department to prepare for
107 the upcoming General Assembly session and expected interest in adding more synthetic
108 cannabinoid compounds to the Virginia Code. The Department is not submitting any legislation
109 but has offered to provide technical support if needed.
110

111 Ms. Howard added that the State Crime Commission is planning to discuss such possible
112 legislation at their next meeting and will work with the Department.
113

114 Stochastic Threshold/Population Statistical Calculations: Brad Jenkins, Forensic Biology
115 Program Manager, updated the Board on developments since the August Board meeting. Mr.
116 Jenkins informed the Board that since May 2011, the Department has had two goals. One was to
117 find a consultant to issue statistical reports, and the other was to obtain software and training for
118 Department staff to perform Likelihood Ratio (LR) statistical analyses and issue reports in the
119 future. The Department has a service contract with Cybergenetics, and they have begun
120 reporting LR statistics in certain cases. Also, Cybergenetics is developing training for the
121 Department. Staff training will be through both distance and on-location learning. Director
122 Marone reminded the Board that the Department was applying the new statistical standards to
123 approximately 375 historical cases.
124

125 Chairman Juran inquired about how long it will take to get through the backlogs, the effect on
126 the Department, and when the Department staff will be able to take over. Mr. Jenkins responded
127 that there was set time frame for getting through the backlog. While unsure at that time of the
128 total impact on the Department, he thought there should be an estimation of both by the next
129 Board meeting. Department staff is expected to be able to take over this Fall.
130

131 **Scientific Advisory Committee (SAC) Chair's Report**

132 Richard Meyers advised the Board of the two new members to the SAC. Mr. Meyers informed
133 the Board that the SAC will continue to review procedures for the DNA and Firearms Sections,
134 and will review the validation of the new Toxicology instrumentation.
135

136 **Old Business**

137

138 Ms. Merritt also provided an update on Regulations for Obtaining Information from the DNA
139 Data Bank and Procedures for Verification and Authorization of Persons Requesting Information
140 from the DNA Data Bank, 6 VAC 40-60. Ms. Merritt explained to the Board the regulations
141 remain with the Governor's Office for review. There are no changes to report.

142
143 **Post-Conviction DNA Testing Program and Notification Project**
144 Notification Subcommittee Chair Kristen Howard updated the Board on the progress of the pro
145 bono work. A total of 126 volunteers were trained and of those, 118 signed forms. Seventy-
146 three volunteers have been assigned 203 cases. There have been 78 completed reporting forms,
147 31 successful notification cases, 28 unsuccessful contacts, and 22 cases reassigned due to the pro
148 bono dropping out of the project. To date, there remain fewer than 500 people who need to be
149 notified. Ms. Howard discussed her meeting with Ms. Jaspens on how to find the remaining
150 people. Ms. Howard opened up the discussion to the Board for new ideas, as the pro bono
151 assignments can be a slow process. The Board discussed methods that have already been used to
152 locate these individuals and the information that is helpful in finding them. Also, Ms. Jaspens
153 informed the Board that conviction information for some cases associated with the program
154 remains incomplete. The Board discussed ways to ascertain conviction information. Ms. Jaspens
155 summarized the options that have already been used by the Department to confirm conviction
156 information. She also reminded the Board of the scope of the program -- to do testing on
157 evidence identified in cases where a suspect was convicted of a violent felony -- and the General
158 Assembly's mandate -- to notify the convicted suspects who may be affected by the testing
159 program. The Department, along with the Crime Commission and Mid-Atlantic Innocence
160 Project, has been working to help the Board fulfill that mission. Senator Reynolds remarked that
161 the Department has gone "above and beyond" in terms of "due diligence" on this project. More
162 discussion ensued on the Board's effort of notification. Ms. Jaspens offered the Board continued
163 assistance, and, if desired, would help the Board with placing an advertisement or making
164 another public announcement about seeking persons potentially affected by the program.

165
166 Dr. Bush suggested doing an Associated Press article or press release. Also, she suggested the
167 OCME's office pull their records for any identifying information on convictions.

168
169 Ms. Howard asked the Board to move forward with a plan before the grant ends that funds this
170 project.

171
172 Ms. Howard moved that Notification Subcommittee work with the Department to develop a
173 message to go out to the public for the purpose of notifying persons who may be affected by the
174 Post-Conviction DNA Program, and authorize the Department to issue the message before the
175 January 2012 Board meeting, which was seconded by Mr. Marshall and passed by unanimous
176 vote.

177
178 Ms. Jaspens concluded the update on the Post-Conviction Program. There were 783 cases
179 identified for testing, and there have 732 certificates of analysis issued. There are 51 reports in
180 progress. There is currently the possibility of one new case with conviction information.

181
182
183 **New Business**

184 Chief Deputy Gail Jaspen presented the Annual Forensic Science Board Report. Ms. Jaspen
185 summarized the report for the Board and identified changes from the circulated draft and
186 suggestions made by Board members and staff. Ms. Jaspen pointed out that she included the
187 SAC's work plan from their October 11, 2011 meeting, and will also include the Board's action
188 discussed at today's meeting.

189
190 Ms. Juran called for a ten minute break at 10:40 am.

191
192 The Board resumed at 10:50 a.m.

193
194 Ms. Juran commended Department staff for an excellent Annual Report.

195
196 Mr. Katz moved to approve the Annual Forensic Science Board Report as amended and submit
197 according to law, which was seconded by Col. Northern and passed by unanimous vote.

198
199 Ms. Juran reminded the Board of the Conflict of Interest training which needs to be completed
200 every two years, and of the Financial Disclosure statement which is due by January 12, 2012 and
201 should be submitted to the Board by January 6, 2012.

202
203 **Public Comment**

204
205 Judge John thanked the Board and Mr. Marone for the invitation to observe the Board meeting.
206 He found it very helpful.

207
208 **Next Meeting**

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210 The Forensic Science Board will meet on Wednesday, January 4, 2012 at 9 a.m.

211
212 **Adjournment**

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214 Dr. Bush moved that the meeting of the Board be adjourned, which was seconded by Ms.
215 Howard and passed by unanimous vote.

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217 The meeting adjourned at 10:55 a.m.

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