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Final - Minutes
Scientific Advisory Committee Meeting
April 29, 2014
Department of Forensic Science, Central Laboratory, Classroom 1

Committee Members Present

Jose R. Almirall, Ph.D.
Randall E. Beaty
Robin W. Cotton, Ph.D.
Leslie E. Edinboro, Ph.D.
Jo Ann Given
Linda C. Jackson
Alphonse Poklis, Ph.D.
Richard P. Meyers
Travis Y. Spinder
Jami J. St. Clair, Chair
Kenneth B. Zercie

Committee Members Absent

John V. Planz, Ph.D.
Carl A. Sobieralski, Ph.D.

Staff Members Present

Wanda W. Adkins, Office Manager
D. Jeffrey Ban, Central Laboratory Director
David A. Barron, Ph.D., Deputy Director
Jennie P. Duffy, Breath Alcohol Section Supervisor
Teresa Gray, Ph.D., Toxicology Section Supervisor
Bradford C. Jenkins, Biology Program Manager
Alka B. Lohmann, Technical Services Director
M. Scott Maye, Chemistry Program Manager
Stephanie E. Merritt, Department Counsel
Susan Stanitski, Eastern Laboratory Director
Carisa M. Studer, Legal Assistant

Call to Order

Jami St. Clair, the Chair of the Scientific Advisory Committee (“Committee”), called the meeting of the Committee to order at 9:00 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, Dr. Poklis moved to adopt the agenda, which was seconded by Ms. Given, and adopted by
48 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 15, 2013 meeting. The Chair requested that, on line 10, the suffix Ph.D. be added to Leslie
54 Edinboro's name. Mr. Zercie moved to adopt the minutes of the October 15, 2013 meeting with
55 the change requested by the Chair, which was seconded by Dr. Almirall, and adopted by
56 unanimous vote of the Committee.

57

58 **Chair's Report**

59

60 The Chair did not have a report for the Committee for this meeting.

61

62 **DFS Director's Report**

63

64 Facilities: Director Jackson gave an update on the renovations in the Eastern and Western
65 Regional Laboratories. The Eastern Laboratory expansion and renovation project is complete.
66 Demolition of the old school house building at the Western Laboratory has been completed.
67 Construction is scheduled to begin June 2014 with an anticipated completion date of December
68 2015. Renovations of the current Western Laboratory building will begin in January 2015 after
69 the new construction is finished, with an estimated completion date of August 2016. Ms.
70 Jackson shared a story published in a local Roanoke newspaper of a time capsule that the
71 construction crew had found in the old school house. The time capsule had a lot of water
72 damage, but a Bible and three 1939 nickels were salvaged.

73

74 Budget Outlook: Director Jackson provided an overview of the Department's budget. She
75 reported that, in the Governor's introduced budget for FY15-16, there is funding for four new
76 Forensic Scientist positions; two for Controlled Substances, one for Toxicology and one for
77 Forensic Biology. Director Jackson also noted that, in FY14, there was a one time savings
78 transferred to the general fund from the Department relating to the proceeds from surplus
79 equipment that was auctioned. Additionally, there was a budget amendment introduced in both
80 the House and Senate that would create three additional Forensic Biology positions to test
81 Physical Evidence Recovery Kits (PERKs) submitted to the Department in FY15.

82

83 Grants: Director Jackson gave an overview of all current grants, including the DNA grant, the
84 Byrne JAG grant, and the Highway Safety grant. She reported that the Office of the Attorney
85 General approved the Department's request for \$2.9 million in *Abbott* Settlement Forfeiture
86 funds. A memorandum of understanding was signed on April 22, 2014. These funds will be
87 used to purchase equipment that will increase capacity and decrease turnaround time in the
88 Chemistry Program Area. The Department must expend the funds within 24 months from the
89 date of transfer.

90

91 Director Jackson presented two pending grants that the Forensic Science Board will need to
92 approve at its meeting, which will take place on April 30, 2014. The first is the FY 2014 Paul
93 Coverdell National Forensic Science Improvement Grant, which would be shared with the
94 OCME. The Department would use the funding for continuing education opportunities for
95 approximately 140 scientists in the Physical Evidence, Chemistry, and Calibration and Training
96 Program Areas. The second is the DMV Highway Safety Grant, which would be used to pay for
97 costs associated with law enforcement personnel attending the class for initial breath alcohol
98 operator licensure and for Breath Alcohol Section scientific staff to receive continuing education.
99 In addition, a portion of the funding for the DMV grant will be used to create and maintain an
100 online database of Breath Alcohol records.

101
102 Workload/Backlog: Director Jackson reviewed the 30-60-90-120 day workload summary report,
103 which reflected average days in the system for cases completed by each Section for the month of
104 March 2014. She also presented the Department's statistics in quarterly format using graphs
105 reflecting cases received, cases completed and the caseload for each section.

106
107 Director Jackson brought to the Committee's attention the Controlled Substances Section's
108 statistics. The Department continues to receive more cases than are completed each month. The
109 Section has had a 10 percent increase in cases received since 2011. Additionally, examiners are
110 spending more time in court which keeps them from doing casework in the laboratory, and some
111 of the drugs being received are more complex, requiring more time for examinations. Director
112 Jackson noted that there are three Controlled Substances positions in training, and two more in
113 the hiring process.

114
115 Director Jackson also explained the Department's performance measures relating to the Forensic
116 Biology Section on the Department of Planning and Budget's Virginia Performs. The current
117 goal for average case turnaround time is 65 days down from the previous goal of 75 days.

118
119 For the Latent Prints Section, there was an anticipated increase in the Section's turnaround times
120 during the implementation of the new Mideo software for on-screen comparisons, which has
121 improved.

122
123 Director Jackson noted that the Questioned Documents Section backlog numbers have improved.
124 All Questioned Document examiners are now located in the same laboratory, which has helped
125 in the time it takes to complete examinations.

126
127 The Toxicology Section is continuing to train new staff. The backlog of cases in the Toxicology
128 Section has improved, and the Section is completing as many cases as are being submitted. The
129 Trace Evidence and Firearms Sections have been completing more cases than received per
130 quarter.

131
132 Dr. Almirall inquired about how new synthetic drugs have impacted the Department's
133 turnaround times. Also, he inquired about the types and quantity of these substances received by
134 the Department. Director Jackson answered that there has been an increase of submissions of
135 synthetic drugs, which are complex chemical compounds and require additional examination
136 time. She did not have statistics on hand about the types of drugs and number of submissions.

137
138 Strategic Priorities: Director Jackson reviewed the five strategic goals from 2013: improving
139 case turnaround times for Controlled Substances and Toxicology, implementing on-screen
140 comparisons in Latent Prints, increasing customer outreach, and increasing continuing education
141 opportunities for scientific staff.

142
143 Director Jackson reviewed two new goals for 2014. First, the implementation of the use of
144 Multiplex kits for the DNA Data Bank, which will improve the search capabilities and
145 compatibility with international databases. Second, customer outreach will be enhanced by
146 utilizing the Department's new website to make available additional information regarding
147 laboratory capabilities, evidence submission and records relating to the Breath Alcohol Section's
148 instrument certifications. The implementation of the new Laboratory Information Management
149 System (LIMS) will be carried over into 2014 with the goal of a web-based LIMS, which will
150 increase customer accessibility. The new LIMS will facilitate the Department's efforts to
151 convert to paperless records management.

152
153 Post-Conviction DNA Testing Program and Notification Project: Director Jackson reported to
154 the SAC that all eligible cases in the Post-Conviction DNA Testing Program have been tested,
155 and the related Certificates of Analysis have been released. She provided the SAC with a
156 summary of the cases.

157
158 Director Jackson announced that Gail Jaspen, former Chief Deputy Director, retired in January
159 2014. Governor McAuliffe appointed Katya Herndon as the new DFS Chief Deputy Director.
160 Ms. Herndon will begin with DFS on May 10, 2014.

161
162 **Old Business**

163
164 Latent Prints Manual Review: Kenneth Zercie reported to the SAC that the Latent Prints
165 Subcommittee completed its review of the Latent Prints Section manual. The Subcommittee
166 provided all comments to Physical Evidence Program Manager Sabrina Cillessen.

167
168 Mr. Zercie moved to recommend closure of the Latent Prints Section's Manual review, which
169 was seconded by Ms. Given, and passed by unanimous vote of the Committee.

170
171 Trace Evidence Manual Review: Dr. Jose Almirall reported to the SAC that the Trace Evidence
172 Subcommittee completed its review of the Trace Evidence Manual. Dr. Almirall submitted
173 questions and comments to Scott Maye, Chemistry Program Manager, which have been
174 addressed. Dr. Almirall recommended that DFS should continue to pursue methods for
175 elemental analysis for glass examinations.

176
177 Dr. Almirall moved to recommend closure of the Trace Evidence Section's Manual review,
178 which was seconded by Ms. Given, and passed by unanimous vote of the Committee.

179
180 **New Business**

181

182 Accreditation Update: Alka Lohmann, Director of Technical Services, updated the SAC on the
183 Department's upcoming ASCLD/LAB-*International* Re-Accreditation. The Department's
184 current accreditation expires on September 11, 2014. DFS submitted its application on October
185 4, 2013, and ASCLD/LAB acknowledged receipt. Two lead assessors have been assigned for the
186 Department's four regional laboratories, and its calibration laboratory. A total 27 assessors will
187 participate in onsite visits starting on Monday, May 12, 2014. The assessment will begin in the
188 Central and Calibration Laboratories on Monday and Tuesday. On Wednesday, the assessors
189 will head out to visit the Regional Laboratories. The technical assessors will be finished by
190 Friday, and the lead assessor will return to the Central Laboratory to conclude the assessment
191 over the weekend.

192
193 Uncertainty of Measurement Overview: Ms. Lohmann gave a presentation to the SAC on
194 Uncertainty of Measurement (UoM), which is available on the Department's website. The
195 Breath Alcohol Section has been reporting a UoM since 2008, and Breath Alcohol examiners
196 have testified in court on UoM. The Department fully implemented UoM reporting on January
197 1, 2014. DFS has offered UoM educational opportunities to its customers. Ms. Lohmann gave
198 examples of the language for the Certificates of Analysis for each discipline that now reports
199 UoM. The SAC and Ms. Lohmann discussed the Department's approach and methodology for
200 UoM calculation and reporting.

201
202 Toxicology Manual Overview: Dr. Teresa Gray, Central Laboratory Toxicology Section
203 Supervisor, presented an overview of the Toxicology Section Procedures Manual. The
204 Toxicology Section provides testing in death investigations, implied consent and non-implied
205 consent DUI cases and, more rarely, alcoholic beverage testing. She concluded her presentation
206 with an overview of the Toxicology Section Training Manual and training program goals.

207
208 The SAC Toxicology Subcommittee will begin its review of the Toxicology Section Manual.
209 Dr. Poklis will chair the Subcommittee, and Dr. Edinboro, Mr. Beatty, Mr. Meyers and Ms.
210 Given will serve as members.

211
212 DNA Data Bank Goal: Brad Jenkins, Biology Program Manager, provided the SAC with an
213 overview of the DNA Data Bank validation project relating to the use of new multiplex kits and
214 instrumentation. The Department's current protocol exploits 16 areas of DNA. In preparation
215 for anticipated revisions to the Scientific Working Group on DNA Analysis Methods and
216 Combined DNA Index System guidelines, DFS is in the process of purchasing new
217 instrumentation and validating multiplex kits that will examine an additional 8 areas of DNA,
218 which will be an increase from 16 to 24 areas. While several types of kits are available, the
219 Department's studies have demonstrated that the PowerPlex Fusion kit best meets its analytical
220 requirements. The enhanced process will increase the discrimination ability of DNA Data Bank
221 searches, will be more compatible with data bases outside the United States, and will be quicker.
222 DFS will first validate the kit to be used for the Data Bank and then there will be a validation for
223 forensic case work. Mr. Jenkins will provide an update to the SAC at the October 2014
224 meeting. He will also provide validation documentation to the SAC DNA Subcommittee, which
225 includes Dr. Cotton, Dr. Planz, and Dr. Sobieralski.

226

227 2014 General Assembly Review: Stephanie Merritt, Department Counsel, provided the SAC
228 with an overview of DFS agency bills and other bills of interest to the Department from the 2014
229 General Assembly Session. HB 518, patroned by Delegate Morris, allows for the admissibility
230 of electronic signatures on Certificates of Analysis. This bill will help move the Department
231 toward its goal of becoming paperless. Currently, Certificates of Analysis must be hand-signed.
232 The bill also includes language to allow the Certificates of Blood Withdrawal to be scanned and
233 electronically submitted with the Certificates of Analysis.

234
235 HB 395, patroned by Delegate O'Bannon, adds the Department to the definition of "public safety
236 agency" in Code § 32.1-45.2, which allows the Department to obtain a court order for source
237 HIV/Hepatitis testing when an employee has had an exposure incident in the workplace.

238
239 SB 342, patroned by Senator McDougle, and HB 517, patroned by Delegate Morris, update the
240 language addressing the Scientific Advisory Committee's membership. The bills require that the
241 SAC members representing the International Association for Identification (IAI) and the
242 Association of Firearms and Toolmark Examiners (AFTE) be members of their respective
243 organizations' Boards at the time of initial appointment to the SAC, clarifying that IAI and
244 AFTE members are still eligible to be SAC members when their IAI and AFTE Board terms
245 expire during their membership on the SAC.

246
247 Although not DFS agency legislation, Ms. Merritt also informed the SAC of HB1112 and
248 SB594, companion omnibus bills relating to synthetic drugs originally drafted by a Public Safety
249 Working Group that included the Secretary of Public Safety, DFS, the Board of Pharmacy, the
250 Office of the Attorney General, a Commonwealth's Attorney, and the Virginia State Crime
251 Commission. The bills, among other things, repeal the synthetic cannabinoid statute enacted in
252 2011 and move prohibited cannabimimetic agents to Schedule I of the Drug Control Act.

253
254 Also, SB 658 will require law enforcement agencies to conduct an inventory of untested Physical
255 Evidence Recovery Kits (PERKs) in their custody and report information on the inventory to
256 DFS. DFS will establish the form of the inventory as well as the timeline for agencies to
257 comply. DFS will report the inventory to the General Assembly on or before July 1, 2015. Ms.
258 Merritt explained that DFS does not have any way to estimate how many untested PERKs law
259 enforcement may report. She expects the inventory process will require law enforcement
260 agencies to provide a reason why any untested PERKs may not have been submitted to the
261 Department for testing. This bill does not become effective unless an appropriation effectuating
262 its purposes is included in the budget.

263 **Annual Election of SAC Chair and Vice Chair**

264
265
266 Chairman St. Clair explained to the Committee that she was no longer eligible to serve as Chair
267 because she has served two terms. Ms. Given is eligible to serve as Vice-Chair for one more
268 term. Chairman St. Clair asked if there were any nominations for Committee Chair. Dr. Poklis
269 nominated Mr. Meyers for election as Chair; the nomination was seconded by Ms. Given, and
270 passed by unanimous vote of the Committee. Chairman St. Clair asked for nominations for
271 Vice-Chair. Dr. Almirall nominated Ms. Given for re-election as Vice-Chair; the nomination
272 was seconded Dr. Poklis, and passed by unanimous vote of the Committee.

273

274 **Public Comment**

275

276 None

277

278 **Next Meeting**

279

280 The next scheduled meeting of the Scientific Advisory Committee will be Tuesday, October 14,
281 2014.

282

283 **Adjournment**

284

285 The Chair asked if there was a motion to adjourn. Dr. Poklis moved that the meeting of the SAC
286 be adjourned, which was seconded by Dr. Almirall, and passed by unanimous vote.

287

288 The meeting adjourned at 11:35 a.m.