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Final - Minutes
Scientific Advisory Committee Meeting
May 10, 2016
Department of Forensic Science, Central Laboratory, Classroom 1

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Committee Members Present

8 Randall E. Beaty
9 Maureen C. Bottrell
10 Robin W. Cotton, Ph.D.
11 Jo Ann Given
12 Linda C. Jackson
13 George Maha, Ph.D. (participated remotely pursuant to Code § 2.2-3708.1)
14 Richard P. Meyers, Chair
15 Carl A. Sobieralski
16 Travis Y. Spinder
17 Jami J. St. Clair

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Committee Members Absent

21 Leslie E. Edinboro, Ph.D.
22 Alphonse Poklis, Ph.D.
23 Kenneth B. Zercie

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Staff Members Present

27 Wanda W. Adkins, Office Manager
28 D. Jeffrey Ban, Central Laboratory Director
29 David A. Barron, Ph.D., Deputy Director
30 Sabrina Cillesen, Physical Evidence Program Manager
31 Amy M. Curtis, Department Counsel
32 Katya N. Herndon, Chief Deputy Director
33 Bradford C. Jenkins, Biology Program Manager
34 James Hutching, Ph.D., Toxicology Program Manager
35 Alka B. Lohmann, Technical Services Director
36 M. Scott Maye, Chemistry Program Manager
37 Carisa M. Studer, Legal Assistant

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Call to Order

41 Richard P. Meyers, the Chair of the Scientific Advisory Committee (“Committee” or “SAC”),
42 called the meeting of the Committee to order at 10:00 a.m. Mr. Meyers informed the Committee
43 that Dr. George Maha would be participating remotely pursuant to the SAC’s policy on
44 individual Participation in SAC meetings by electronic means in accordance with Virginia Code
45 § 2.2-3708.1. Dr. Maha participated by telephone from Leavenworth, Washington, where he had
46 a speaking engagement before the Washington State Association of Prosecuting Attorneys.

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Adoption of Agenda

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

Adoption of Minutes

The Chair asked if there were any changes or corrections to the draft minutes from the October 16, 2015 meeting. Being none, Dr. Cotton moved to adopt the minutes from the October 16, 2015 meeting, which was seconded by Mr. Spinder, and adopted by unanimous vote of the Committee.

Chair's Report

The Chair welcomed the Committee members and thanked them for their attendance. The Chair did not have a report for the Committee for this meeting.

DFS Director's Report

Facilities:

Director Jackson provided an update of the facilities projects for the Western and Central Laboratories. The Western Laboratory moved into the newly constructed portion of the facility on January 25, 2016. Renovations to the existing portion of the laboratory also began on January 25, 2016. The Western project is scheduled to be completed in September. An Architecture and Engineering firm has been selected for the Central Laboratory expansion project. The next step will be for a construction manager at-risk to be selected.

Agency Events:

Director Jackson updated the Committee on the status of the Laboratory Information Management System (LIMS) project. Phase I of LIMS upgrade is complete. DFS staff received training March 15 -17, 2016, and the new LIMS went live on March 21, 2016. Phase II of the project will include new features such as pre-submission data entry for evidence, and electronic distribution of Certificates of Analysis.

Director Jackson informed the Committee that she participated in the Bill signing for SB291 and HB1160, which are the comprehensive PERK bills that will be discussed in more detail during the legislative review that will be presented by Ms. Herndon.

Director Jackson went over the restructured organization chart for the Department's Division of Technical Services. The Toxicology and Breath Alcohol Sections are now under the new Toxicology Program Area, which replaces the Calibration and Training Program Area. The Forensic Training Section, which was under Calibration and Training, now reports directly to the Director of Technical Services.

93 The Department participated in Public Service Recognition Week during the first week of May.
94 On May 4, 2016, DFS presented 56 employees with awards for their state service. The four
95 Safety Officers, one from each laboratory, also received awards for outstanding contribution.

96
97 Director Jackson advised the SAC of the various conferences across the Commonwealth at
98 which DFS staff had or would be speaking, including Commonwealth's Attorneys, the Indigent
99 Defense Commission, and Circuit Court Judges.

100
101 Director Jackson updated the Committee on the historical case file project. DFS has two wage
102 employees who have been scanning Certificates of Analysis from the archived case files (1973-
103 1995) not in the laboratory information management system (LIMS) and entering data about
104 each case into a database. To date, approximately 10,000 records have been uploaded to the new
105 database. DFS has funding and will be hiring additional wage employees.

106 107 Budget Overview:

108 Director Jackson gave an overview of the FY17/FY18 budget that included an itemized list of
109 DFS budget increases. She also explained the language included in the budget that requires
110 DFS, in cooperation with the Office of the Attorney General, to pursue funding including federal
111 grants to ensure that physical evidence recovery kits (PERKs), which were collected but not
112 submitted to DFS between July 1, 2014, and June 30, 2016, are analyzed. This two year window
113 addresses PERKs not covered by the previous inventory/DANY grant and the new legislation.

114
115 Director Jackson informed the Committee that the ASCLD/LAB expanded surveillance visit of
116 DFS was being held May 10 – May 12, 2016. The technical assessors will be visiting all four
117 testing laboratories and the breath alcohol calibration laboratory. Their focus will be on
118 Biology/DNA Nuclear and Breath Alcohol Calibration. Director Jackson noted that
119 ASCLD/LAB merged with ANSI-ASQ National Accreditation Board (ANAB). The merger
120 does not affect the Department's accreditation status.

121 122 Grants:

123 Director Jackson updated the Committee on the Department's current grants: the FY 2014 DNA
124 Capacity Enhancement and Backlog Reduction Program grant; the FY 2015 DNA Capacity
125 Enhancement and Backlog Reduction Program grant; the FY 2014 Paul Coverdell grant; the
126 Office of the Attorney General *Abbott* Settlement Forfeiture Funds One-Time transfer; the 2016
127 Highway Safety Grant; the FY 2015 Paul Coverdell grant; the New York County District
128 Attorney's Office Sexual Assault Kit Backlog Elimination Program; and the NIJ Research and
129 Development of Publicly Funded Forensic Science Laboratories.

130
131 Director Jackson also gave a brief overview of pending grant applications: the 2017 Highway
132 Safety Grant; the FY 2016 Paul Coverdell grant; the 2016 Research and Evaluation for the
133 Testing and Interpretation of Physical Evidence in Publicly Funded Forensic Laboratories; and
134 the National Sexual Assault Kit Initiative FY 2016 Competitive Grant. DFS's application for the
135 FY 2016 DNA Capacity Enhancement and Backlog Reduction grant has not yet been submitted.

136 137 Trace Evidence Subcommittee Report

139 Maureen Bottrell reported on the Trace Evidence Subcommittee meeting, which took place prior
140 to the full committee meeting. The Subcommittee met to discuss the Qualitative Analysis of
141 Clandestine Methamphetamine Laboratory Evidence using Laser Induced Breakdown
142 Spectroscopy (LIBS) validation study. The Subcommittee provided comments and made
143 suggestions to DFS staff, which will be incorporated into the validation study. The
144 Subcommittee will be provided a copy of the draft procedures resulting from the validation study
145 once they are developed. The procedures will address the analysis of lithium in clandestine
146 methamphetamine laboratory cases.

147
148 The Chair called for a recess at 10:50 a.m.

149
150 The Chair reconvened the Committee at 11:05 a.m.

151
152 **Program Area Updates**

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154 Forensic Biology Program Update: Brad Jenkins, Biology Program Manager, provided the
155 Committee with a Forensic Biology update. The validation of the Powerplex Fusion Kit for case
156 work is underway in all four regional laboratories. The validation is anticipated to be completed
157 by the summer of 2016 and will subsequently be sent to the SAC DNA Subcommittee, which
158 includes Dr. Cotton, Dr. Maha and Mr. Sobieralski. The Department anticipates being ready to
159 report on 24 areas of DNA by the fall of 2016. The national deadline for laboratories to move to
160 reporting 24 areas of DNA is early 2017. Validation for the Fusion kits will also be required for
161 True Allele and Familial Searching.

162
163 Mr. Jenkins advised the Committee that a future project of the Forensic Biology Section will be
164 conducting male DNA screening of sexual assault evidence in place of the current lengthy and
165 cumbersome process that involves microscopic sperm searches. Another future project will be
166 researching the use of STRmix software for DNA mixture interpretation.

167
168 Chemistry Program Update: Scott Maye, Chemistry Program Manager, provided the Committee
169 with an update on the Department's Chemistry Program area. There are currently two research
170 projects involving elemental analysis using laser induced breakdown spectroscopy (LIBS) being
171 conducted by the Trace Evidence Section. The first is the validation of LIBS to analyze lithium
172 in clandestine methamphetamine laboratory samples. The other project will utilize an intern to
173 develop and validate a method to examine evidentiary glass samples.

174
175 The Controlled Substances Section is conducting a research project for an HPLC Cannabinoid
176 method. The instrument has been purchased and installed in the Central Laboratory. Operator
177 training has been completed and the procedures and method verification are in progress.

178
179 Mr. Maye gave a brief overview of the recommendations made to the Board of Pharmacy (BoP)
180 for scheduling through the expedited regulatory process. Six compounds that DFS
181 recommended the BoP consider adding to Schedule I of the Code of Virginia were approved
182 March 25, 2016. On April 15, 2016, DFS recommended seventeen additional compounds to the
183 BoP for consideration. On June 14, 2016, the BoP will hold a public hearing and vote on those
184 additional compounds.

185
186 Mr. Maye gave an overview of the staffing and services provided in the Trace Evidence Section.
187 The three trace evidence positions that had been eliminated in FY 2015 were restored in the FY
188 2016 budget. All three positions are filled with trainees including a fire debris trainee in the
189 Eastern Laboratory, an explosives trainee in the Central laboratory, and a primer residue trainee
190 in the Central Laboratory. Mr. Maye explained upcoming submission changes for explosive and
191 primer residue evidence. After the budget reductions in FY 2015, DFS discontinued explosives
192 examinations and limited the number of primer residue examinations in November 2014. With
193 the additional staff, both examinations will be fully resumed in July 2016. The Trace Evidence
194 Section has purchased a new scanning electron microscope which is currently undergoing
195 verification.

196
197 Physical Evidence Program Update: Sabrina Cillessen, Physical Evidence Program Manager,
198 provided the Committee with an update on the Physical Evidence Sections. Ms. Cillessen
199 updated the Committee on the increased submissions of firearms for function testing in the
200 National Integrated Ballistic Identification Network (NIBIN) database. New positions and
201 NIBIN equipment are being acquired to handle the firearms submissions increase. The Firearms
202 Section held a statewide section meeting in April 2016. Training was provided during this
203 meeting.

204
205 Ms. Cillessen gave a brief update on the Latent Prints Section. The Latent Prints Section
206 acquired a new alternative light source in the Western Laboratory. The Latent Prints Section
207 also held a statewide section meeting in April 2016. Training was provided during this meeting.

208
209 Ms. Cillessen informed the Committee that the Digital and Multimedia Evidence (DME) Section
210 hosted two training courses in the Northern Laboratory.

211
212 Toxicology Update: Dr. James Hutchings, Toxicology Program Manager, provided the
213 Committee with an overview of the Toxicology driving under the influence of drugs (DUID)
214 testing panel, including changes to streamline the DUID testing scheme to reduce turnaround
215 times. Dr. Hutchings provided a brief update of the changes to the Toxicology Procedures
216 Manual. He also gave a brief explanation of the research and development of new
217 instrumentation to be used in the Toxicology Section.

218
219 Dr. Hutchings reminded the Committee that the Breath Alcohol Section continues to increase
220 available public access to its records. Breath Alcohol records were first available on the
221 Department's website in August 2015 in ".pdf" format. Expansion of the website capabilities
222 have continued and include new statistical reports.

223
224 **Other Business**

225
226 Microscopic Hair Comparison Case Review:
227 Amy Curtis, Department Counsel, gave an overview of the proposed microscopic hair
228 comparison review of the Department's cases. At the January 6, 2016 Forensic Science Board
229 ("Board" or "FSB") meeting, Lynn Robitaille-Garcia, General Counsel for the Texas Forensic
230 Science Commission (TFSC), gave a presentation by phone to the Board on Texas's experience

231 conducting a review of its hair microscopy cases. As a result of the presentation and discussion,
232 the Board created a Microscopic Hair Comparison Case Review Subcommittee to develop and
233 recommend a review process for DFS hair comparison cases. The Subcommittee is scheduled to
234 present its proposal for the review at the Board meeting scheduled for May 11, 2016. The
235 proposal includes a three step process: the identification of cases; an initial screening; and a
236 review by a team that includes a DFS scientist and two attorneys. The Subcommittee is
237 recommending the following review criteria, which combines the Texas and FBI criteria: (1) Did
238 the examiner state that an evidentiary hair could be associated with a specific individual to the
239 exclusion of all others?; (2) Did the examiner assign a statistical weight or probability or provide
240 a likelihood that the questioned hair originated from a particular source?; and (3) Does the
241 testimony contain any other potentially misleading statements or inferences?
242

243 The Microscopic Hair Comparison Case Review Subcommittee is also proposing to review
244 transcripts from 12 microscopic hair comparison cases in order to develop more specific criteria
245 for the review team. The Subcommittee is scheduled to meet to conduct the transcript review on
246 June 15, 2016.

247
248 Serology Case Review Proposal:

249 Next, Ms. Curtis described the serology case review proposal. DFS anticipates conducting a
250 random review of 200 of its serology cases. It will begin by looking at cases from 1982, 1986,
251 and 1990 from the Eastern and Northern Laboratories. Ms. Curtis discussed the identification of
252 cases as well as the proposed review criteria and the proposed composition of the review team
253 (two DFS scientists who conducted serology examinations and an outside serologist).
254

255 The Committee discussed the Department's proposal and expressed concern over the
256 Department's ability to find an outside serologist willing to volunteer the time necessary to
257 review all 200 cases. Ms. Given moved that the Department amend the proposal to have the two
258 DFS scientists conduct the serology review as proposed and then have the outside serologist
259 review a random sample of the 200 cases. The motion also expressly referenced that DFS retain
260 the ability to change the process, if necessary, to carry out the review. The motion was seconded
261 by Dr. Cotton, and adopted by unanimous vote of the Committee.
262

263 Review of 2016 Legislation:

264 Katya Herndon, Chief Deputy Director, reviewed with the Committee DFS related legislation
265 from the 2016 General Assembly Session. DFS had one agency bill, HB355, which adds the
266 Director of the Division of Consolidated Laboratory Services (DCLS) or his designee to the
267 Forensic Science Board. HB355 also deletes the outdated provision specifying that the
268 Chairman of the Board of the now-defunct Virginia Institute of Forensic Science and Medicine
269 ('VIFSM') shall be member of the Board.
270

271 Ms. Herndon gave an overview of the comprehensive PERK legislation, which establishes a
272 comprehensive procedure designed to ensure the consistent handling of PERKs collected from
273 victims of sexual assault across the Commonwealth. The Department was provided
274 approximately \$900,000 annually in funding to absorb the estimated 700 additional PERKs it
275 anticipates receiving each year as a result of the mandatory submission provisions of the
276 legislation.

277
278 Ms. Herndon concluded with the two scheduling bills, which add twelve new compounds to
279 Schedule I and one new substance to Schedule IV.

280
281 Annual Election of Committee Chair and Vice Chair:

282 The Chair called for the annual election of the Committee Chair and Vice-Chair. The Chair
283 asked for nominations for Chair of the Committee, and Ms. St. Clair moved that Dr. Edinboro be
284 elected as Chair. The nomination was seconded by Ms. Given, and passed by unanimous vote of
285 the Committee. The Chair asked for nominations for Vice-Chair. Ms. St. Clair nominated Mr.
286 Zercie to be re-elected as the Vice-Chair. The nomination was seconded by Ms. Given, and
287 passed by unanimous vote of the Committee.

288
289 Public Comment

290
291 None

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293 2016 Meeting Dates

294
295 The Scientific Advisory Committee will meet next on Friday, October 14, 2016 at 10:00 a.m.

296
297 Adjournment

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299 The Chair asked if there was a motion to adjourn. Mr. Spinder moved that the meeting of the
300 SAC be adjourned, which was seconded by Mr. Sobieralski and passed by unanimous vote.

301
302 The meeting adjourned at 12:30 p.m.