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**Approved Minutes**  
**Forensic Science Board Meeting**  
**January 4, 2023**  
**Electronic Meeting via WebEx**

**Board Members Present**

Chief Maggie A. DeBoard, Chief of Police, Herndon Police Department, *Chair*  
Megan L. Clark, Commonwealth's Attorney, Prince Edward County  
Senator John S. Edwards, Chair of the Senate Committee on the Judiciary  
William T. Gormley, M.D., Chief Medical Examiner  
Karl R. Hade, Executive Secretary, Supreme Court of Virginia  
Kristen J. Howard, Designee of the Chair of the Virginia State Crime Commission, Senator John S. Edwards  
Michael HuYoung, Esquire, Criminal Defense Attorney  
Caroline D. Juran, Executive Director, Board of Pharmacy, *Vice Chair*  
George C. Maha, Ph.D., Scientific Advisory Committee Member  
Richard P. Meyers, Scientific Advisory Committee Member  
Jackson Miller, Director, Department of Criminal Justice Services  
Lt. Colonel Timothy Lyon, Designee of Colonel Gary T. Settle, Superintendent, Virginia State Police  
Denise M. Toney, Ph.D., Director of the Division of Consolidated Laboratory Services  
Nicole Wittmann, Designee of Attorney General Jason S. Miyares

**Board Members Absent**

Delegate Wren Williams, Designee of Delegate Robert Bell, Chair of the House Committee for Courts of Justice

**Legal Counsel for the Forensic Science Board**

Michelle Welch, Senior Assistant Attorney General

**Staff Members Present**

David A. Barron, Ph.D., Deputy Director  
Mason Byrd, Chief Deputy Director  
Deea Chakraborty, Legal Assistant  
Sabrina S. Cillessen, Physical Evidence Program Manager  
James W. Hutchings, Ph.D., Toxicology Program Manager  
Linda C. Jackson, Director  
Amy C. Jenkins, Department Counsel  
Brad Jenkins, Forensic Biology Program Manager  
David Koppenhaver, Northern Laboratory Director  
Alka B. Lohmann, Director of Technical Services  
Scott Maye, Central Laboratory Director  
Jessica B. Norton, Sr. Legal Assistant  
Kevin Patrick, Western Laboratory Director  
Susan Stanitski, Eastern Laboratory Director  
Elise Stroble, Grants and Administration Program Manager/Board Secretary

47 Robyn Weimer, Chemistry Program Manager

48

49 **Call to Order**

50 Chief Maggie DeBoard, Chair of the Forensic Scientific Board (“Board” or “FSB”) called the  
51 meeting to order at 9:32 a.m. Chief DeBoard called on Ms. Stroble to address the Board and the  
52 public regarding the all-virtual meeting and to conduct a roll call.

53

54 Ms. Stroble reminded the Board and members of the public that this was an all-virtual meeting,  
55 pursuant to Virginia Code Section 2.2-3708.3, and provided a phone number to call should there  
56 be any technical issues or transmission failures. After the roll was called, Chief Deputy Director  
57 Mason Byrd advised that a majority of the Board members were present. Chief DeBoard  
58 recognized that a quorum existed.

59

60 Chief DeBoard asked that the members of the Board and DFS staff introduce themselves.

61

62 **Adoption of Agenda**

63 Chief DeBoard advised that the first order of business was the adoption of the draft agenda for the  
64 meeting, which was previously shared with the Board members. She asked if there were any  
65 changes to the draft agenda. Being none, she asked for a motion to approve the draft agenda. Ms.  
66 Wittmann made a motion to adopt the agenda, which was seconded by Mr. Hade. A roll call vote  
67 was taken, and the agenda was adopted by unanimous vote.

68

69 **Approval of Draft Minutes of the October 19, 2022 Board Meeting**

70 Chief DeBoard asked if there were any proposed changes to the draft minutes from the October  
71 19, 2022 meeting. Being none, she asked for a motion to approve the draft minutes. Ms. Juran  
72 made a motion to approve the October 19, 2022 meeting minutes, which was seconded by Dr.  
73 Gormley. A roll call vote was started. When it was Mr. Miller’s turn to vote, he asked the Chair  
74 if it would be possible, for expediency in pro forma votes, to ask if there are any who need to  
75 abstain or vote no. The Chair stated that it would be possible and asked if there were any who  
76 needed to abstain or vote no. Noting none, the Chair stated that all other votes would be considered  
77 a *yes* and that the motion passed.

78

79 **FSB Chair’s Report**

80 Chief DeBoard stated she did not have a report.

81

82 **DFS Director’s Report**

83 Chief DeBoard called on Director Jackson to provide her report to the Board.

84

85 **Department Updates**

86 Director Jackson provided updates on various areas of DFS operations, starting with the Central  
87 Laboratory capital project. Director Jackson indicated that the construction permit has been issued  
88 and full funding has been approved. A groundbreaking ceremony has been scheduled for March  
89 2, 2023, and all Board members are invited to attend. DFS is currently making specific selections  
90 for materials. Project completion is anticipated in late 2025/early 2026.

91

92 **Agency Website**

93 Director Jackson advised the Board on the progress of the updated DFS website. She stated that  
94 significant improvements have been made to the navigation of the site, which were part of Phase  
95 I and are now complete. Phase II will consist of integration of the Qualtrax internal document  
96 control system so that procedure manuals and other documents can be automatically updated on  
97 the website when published.

98

#### 99 Training for Attorneys and Judges

100 Director Jackson reminded the Board of the agency's plans to re-institute training sessions at all  
101 four DFS labs in the spring of 2023. There will be a half-day session on Controlled Substances,  
102 which is a repeat of a virtual training on the same topic conducted during the pandemic. In  
103 addition, there will be a full-day training on DNA. There will be no CLE credits offered for these  
104 trainings, as the focus will be on the science and there will be no cost to attend. Information for  
105 these courses will be posted on the DFS website.

106

#### 107 Customer Working Group

108 Director Jackson updated the Board on the Customer Working Group, which was established prior  
109 to and utilized during the pandemic, to seek customer service feedback. Meetings of the group  
110 will be held virtually. Director Jackson gave specific examples of areas where customer input may  
111 be sought: Latent Prints Section reporting changes and DNA Section changes in publishing profiles  
112 and CODIS entry/searches.

113

#### 114 Stress and Vicarious Trauma Training

115 Director Jackson advised the Board of DFS' plans to provide training for forensic scientists that  
116 will offer tools for managing stress and vicarious trauma. The training will be conducted by  
117 MindGen, LLC and will consist of four 45-minute sessions beginning in February and ending in  
118 April 2023.

119

#### 120 Post-Conviction Project

121 Director Jackson advised the Board that case files identified for review as part of the post-  
122 conviction project will be returned to the State Records Center. The Certificates of Analysis have  
123 already been scanned as part of the agency's historical case file project. Evidence identified in the  
124 case files and dried sample extracts will be returned to the submitting agencies to be maintained  
125 as they would any other evidence. The transfers will be done in batches, and a notification will be  
126 sent to sheriffs and chiefs in advance.

127

#### 128 Forensic Training

129 Director Jackson noted that three Forensic Science Academy sessions had been completed in 2022,  
130 and that the 108<sup>th</sup> Session is scheduled to begin on January 30, 2023.

131

#### 132 Division of Administration and Finance

133 Director Jackson made the Board aware of several new systems and processes that have been, or  
134 are being, implemented in the Administration and Finance arenas. Starting in September/ October  
135 2022, the Cardinal Human Resource Management system replaced two older systems for time and  
136 leave reporting. The Commonwealth of Virginia (CoV) Learning Center was updated in  
137 December, which mostly impacted the DFS Breath Alcohol Section as they use this system for  
138 providing virtual Operator Recertification training. The Section will continue to utilize the updated

139 version while they determine whether the changes in functionality meet the needs of the  
140 Department or if a new system will be needed. The Virginia Procurement online system, eVA,  
141 was also updated this past year. Online training for most of these new systems was provided to  
142 employees in advance of their implementation. In addition, DFS will be migrating from Google  
143 to Microsoft 365 for its messaging activities later this month.

144

#### 145 Legislative Update

146 Director Jackson advised the Board that DFS has no agency bills for the upcoming session of the  
147 General Assembly, although the agency is working with external requesters to provide information  
148 as needed for other legislation. DFS has provided technical information to the Virginia State Crime  
149 Commission for their study related to DUI laws and enforcement policy options.

150

#### 151 Field Test Regulation Update

152 Director Jackson provided a brief update on 6VAC40-30 – Regulations for the Approval of Field  
153 Tests for Detection of Drugs. DFS is reevaluating chemical field tests of current manufacturers  
154 who want to remain on the list of approved field tests for detection of drugs for use in preliminary  
155 hearings published in the Virginia Register of Regulations. During this process, two additional  
156 lists of approved kits have been published. Once the reevaluation is complete, there will be one  
157 newly published list of all approved kits. Some of the kits will be removed from the list as the  
158 manufacturers either did not indicate a desire to remain on the list, or they no longer exist. The  
159 links to the current published lists can be found on the DFS website and are included in the  
160 Director’s report presentation.

161

#### 162 Toxicology Updates

163 Director Jackson advised that some of the OCME cases in the Eastern and Western Districts are  
164 currently being outsourced to a private laboratory and that DFS is covering the cost for that testing.  
165 DFS is working to get new Toxicology Section positions hired and trained to increase testing  
166 capacity in the Section. The outsourcing is only being done for post-mortem cases, not for  
167 DUI/DUID.

168

169 Director Jackson also updated the Board on the new DUI/DUID Testing Policy, effective January  
170 1, 2023. All DUI/DUID samples will be screened for a THC (tetrahydrocannabinol) metabolite  
171 and for alcohol. Additional drug screening will continue to be performed on samples with a BAC  
172 of < 0.100%. An updated THC method is in the validation process for confirmation and  
173 quantitation and should be completed within the next few months. Currently, DFS reports some  
174 cases as *inconclusive* if Δ8- and Δ9-THC are present, as the current method cannot always  
175 differentiate between the two when both are present. The new method should alleviate the need  
176 for inconclusive reporting in these types of cases.

177

#### 178 Budget and Resources

179 Director Jackson shared information on the Department’s FY23/FY24 Biennial budget,  
180 highlighting the introduced non-technical budget changes for 2024. One of the items involves  
181 converting a part-time Evidence Receiving Specialist position in the Western Laboratory to full-  
182 time to improve efficiency. Other items include funding software subscription fees for cell phone  
183 investigative tools; providing general fund support for the agency’s PERK (Physical Evidence  
184 Recovery Kit) Coordinator position, beginning October 1, 2023; funding four new biologist  
185 positions to screen evidence for the presence of DNA and perform other preliminary  
186 analyses/reporting; and funding a new laboratory specialist in the Research Section to assist the  
187 agency in developing new methods in response to various changes in THC legislation.

188  
189 Grants  
190 Director Jackson stated that there are no grant items that require Board approval. She advised that  
191 two of the Department’s DNA CEBR (Capacity Enhancement and Backlog Reduction) awards  
192 recently underwent a desk audit by the grantor (Bureau of Justice Assistance) and that there were  
193 no findings. DFS is currently awaiting that audit report.

194  
195 Case Statistics  
196 Director Jackson advised the Board that the end of year and end of quarter statistics will not be  
197 available until after January 6<sup>th</sup>. This data will be provided to members and published on the DFS  
198 website once available.

199  
200 Director Jackson shared the November workload statistics. She made note of the fact that the  
201 Firearms & Toolmarks turnaround time is down, as NIBIN and non-NIBIN submissions have  
202 decreased. She also noted that the Forensic Biology (DNA) Section had the highest turnaround  
203 time and that the Section is looking forward to adding additional staff.

204  
205 Director Jackson also shared a Case Submission Comparison for the third quarter of calendar years  
206 2019-2022. Controlled Substances submissions continue to be significantly lower than in 2019.  
207 There has been an increase in the number of DNA and Toxicology cases. In the Digital &  
208 Multimedia Evidence Section, the turnaround time has increased overall. Director Jackson  
209 explained that cell phone devices needing to be unlocked have a much longer turnaround time than  
210 those that do not: 64 days vs. 15 days on average.

211  
212 Some of the Board members had questions related to the Director’s report, which were addressed  
213 by Director Jackson. Ms. Howard commended DFS staff on their support for the Crime  
214 Commission’s DUI/DUID study, which was “an enormous help.”

215  
216 **Old Business**  
217  
218 Chief DeBoard called on Amy Jenkins, Department Counsel, to provide an update on proposed  
219 regulatory actions.

220  
221 Proposed Amendments to 6VAC40-50, Regulations for the Approval of Marijuana Field Tests for  
222 Detection of Marijuana Plant Material

223 Ms. Jenkins stated that the Department of Planning and Budget has completed its economic impact  
224 analysis and DFS concurred with that analysis. The proposed amendments have been sent to the  
225 office of the Secretary of Public Safety and Homeland Security.

226

227 6VAC40-15, Parking Regulations – Fast Track Regulatory Action

228 Ms. Jenkins advised the Board that the proposed parking regulations are awaiting approval from  
229 the Governor’s Office.

230

231 **New Business**

232

233 6VAC40-11, Public Participation Guidelines - Periodic Review

234 Ms. Jenkins reminded the Board that the periodic review of these Regulations, which is required  
235 every four years, was approved at the October 2022 meeting. She advised the Board that there  
236 have been no public comments and recommended that 6VAC40-11, the *Public Participation*  
237 *Guidelines*, be retained “as is.” A motion was made by Mr. HuYoung and seconded by Ms. Clark.  
238 The motion passed by unanimous vote.

239

240 **Public Comment**

241 No public comment was provided.

242

243 **Confirm Future Meeting Dates**

244 Chief DeBoard called on Chief Deputy Director Byrd to explain a conflict with the proposed  
245 meeting date of Wednesday, April 12, 2023. Mr. Byrd explained that House Joint Resolution No.  
246 471, prefiled on December 30, 2022, has set Wednesday, April 12, 2023, as the date the General  
247 Assembly shall reconvene for the purpose of considering bills that may have been returned by the  
248 Governor. He further indicated that the Scientific Advisory Committee (SAC) was scheduled to  
249 meet on April 11, 2023, and that the Board and SAC typically meet on consecutive days. Chief  
250 DeBoard suggested that the Board meet on Monday, April 10 at 9:30 a.m. and asked if there was  
251 any opposition. Being none, it was decided that the next meeting of the Board will be Monday,  
252 April 10 at 9:30 a.m.

253

254 **Adjournment**

255 Chief DeBoard called for a motion to adjourn. Ms. Howard made a motion to adjourn the meeting,  
256 which was seconded by Dr. Toney and passed by unanimous vote. The meeting was adjourned at  
257 10:26 a.m.