

1 **Final Minutes**
2 **Forensic Science Board Meeting**
3 **July 31, 2019**
4 **Department of Forensic Science, Central Laboratory, Classroom 1**
5

6 **Board Members Present**

7 Colonel Maggie A. DeBoard, Chief of Police, Town of Herndon Police Department
8 Shannon Dion, Director, Department of Criminal Justice Services
9 Colin Drabert (Designee of Senator Mark D. Obenshain, Chair, Virginia State Crime Commission)
10 Leslie E. Edinboro, Ph.D., Scientific Advisory Committee Member
11 William T. Gormley, M.D., Chief Medical Examiner
12 Sammy Johnson (Designee of Caroline D. Juran, Executive Director, Board of Pharmacy)
13 David R. Lett, Petersburg Public Defender, Chair
14 Eddie Macon (Designee of Karl R. Hade, Executive Secretary, Supreme Court of Virginia)
15 Richard P. Meyers, Scientific Advisory Committee Member
16 Lieutenant Colonel Tracy Russillo (Designee of Colonel Gary T. Settle, Superintendent, Virginia
17 State Police)
18 Edwin Shaw (Designee of Denise M. Toney, Ph.D., Director, Division of Consolidated Laboratory
19 Services)
20

21 **Board Members Absent**

22 Emily M. Brewer, Delegate (Designee of Delegate Robert B. Bell, Chair, House Courts of Justice
23 Committee)
24 Vince Donoghue, Essex Commonwealth's Attorney (Designee of Senator Mark D. Obenshain,
25 Chair, Senate Courts of Justice Committee)
26 James F. Entas, Assistant Attorney General (Designee of Attorney General Mark R. Herring)
27 Colette W. McEachin, Deputy Commonwealth's Attorney, City of Richmond
28

29 **Legal Counsel for the Forensic Science Board**

30 Michelle Welch, Assistant Attorney General
31

32 **Staff Members Present**

33 Wanda W. Adkins, Office Manager
34 Jeffrey D. Ban, Central Laboratory Director
35 David A. Barron, Ph.D., Deputy Director
36 Sabrina S. Cilllessen, Physical Evidence Program Manager
37 Amy M. Curtis, Department Counsel
38 Leslie H. Ellis, Human Resources Director
39 Katya N. Herndon, Chief Deputy Director
40 James W. Hutchings, Ph.D., Toxicology Program Manager
41 Linda C. Jackson, Director
42 Bradford C. Jenkins, Biology Program Manager
43 Alka B. Lohmann, Director of Technical Services

44 M. Scott Maye, Chemistry Program Manager
45 Jennifer L. Taylor, Forensic Administrative Specialist

46

47 **Call to Order**

48 David Lett, Chair, called the meeting to order at 9:32 a.m. He welcomed the Board members,
49 Department of Forensic Science (“Department” or “DFS”) staff, and the public and thanked
50 everyone for their attendance.

51

52 **Adoption of Agenda**

53 Mr. Lett asked if there were any additions or changes to the draft agenda for the meeting. Being
54 none, Dr. Gormley made a motion to adopt the agenda, which was seconded by Dr. Edinboro and
55 adopted by unanimous vote of the Board.

56

57 **Appointment of Board Secretary**

58 Mr. Lett requested, in accordance with the Board’s by-laws, that a new board secretary be
59 appointed. Director Jackson advised that Carisa Studer, who previously served as the Board
60 Secretary, was no longer employed with the Department. She recommended that Jennifer Taylor
61 be appointed as the new Board Secretary. Shannon Dion made a motion to appoint Jennifer Taylor
62 as Board Secretary, which was seconded by Colonel Maggie DeBoard and adopted by unanimous
63 vote of the Board.

64

65 **Approval of Draft Minutes of the May 8, 2019 Board Meeting**

66 Mr. Lett asked if there were any changes or corrections to the draft minutes from the May 8, 2019
67 meeting. Lieutenant Colonel Tracy Russillo made a motion to approve the May 8, 2019 minutes,
68 which was seconded by Colonel DeBoard and passed by unanimous vote of the Board.

69

70 **Chair’s Report**

71 The Chair did not have a report.

72

73 **Director’s Report**

74 Director Jackson reminded the Board that John Griffin, who had been the Department’s Northern
75 Laboratory Director, recently retired after 31 years with the agency. She announced that Scott
76 Maye, who currently serves as the Chemistry Program Manager, was selected as the new Northern
77 Laboratory Director.

78

79 **Facilities:**

80 Director Jackson reviewed with the Board a timeline of what has occurred to date for the Central
81 Laboratory facility project. She shared the location of the site in Hanover County selected for the
82 new Central Laboratory facility.

83

84 **Accreditation:**

85 Director Jackson reminded the Board that the Department’s current accreditation expires on
86 September 30, 2022. DFS has begun its transition to ISO/IEC 17025:2017 and AR 3125. The

87 offsite surveillance assessment of the calibration laboratory has been completed, and the
88 assessments of the four regional testing laboratories are currently in process.

89

90 Agency Initiatives:

91 Director Jackson reminded the Board of the DNA Training for attorneys and judges the
92 Department provided in 2018. The Department will be offering the full-day DNA Training again
93 in 2019 and will also be doing a four-hour training on DUI/DUID, which is new. Both trainings
94 will be offered in all four regional laboratories.

95

96 Beta testing of the PERK Tracking System began with a handful of agencies in the Richmond area
97 in June. The system will be rolled out statewide over the next year as legislation mandates that all
98 agencies use the system effective July 1, 2020.

99

100 Director Jackson provided an update on compounds that the Department recommended to the
101 Board of Pharmacy for scheduling via the expedited regulatory process, including three
102 compounds that were added to Schedule I via regulation effective June 10, 2019, and nine
103 additional compounds recommended to the Board of Pharmacy for consideration in July.

104

105 Director Jackson informed the Board of the status of the Controlled Substance backlog and case
106 submissions, as well as measures the Department has taken to address the Controlled Substances
107 workload, including hiring new staff, purchasing additional equipment, implementing mandatory
108 overtime, outsourcing cases, and the Request for Proposals for the lean six sigma project. As of
109 July 29, 2019, 1,377 simple possession cases have been outsourced to NMS Laboratories in
110 Pennsylvania. The averaged turnaround time for the outsourced cases is 22 days. She gave an
111 update on the training status of the 15 Controlled Substances scientists hired in the past year; two
112 recently completed their training, nine additional scientists are scheduled to complete their training
113 by November of 2019, and four additional should complete their training in the spring of 2020.

114

115 Director Jackson reviewed the industrial hemp laws passed during the 2019 General Assembly
116 Session in response to the federal Farm Bill enacted in 2018, as well as the potential issues created
117 for the Department in determining whether an item is marijuana or industrial hemp. She explained
118 that the currently approved Duquenois-Levine field tests cannot differentiate between marijuana
119 and industrial hemp. The Department has been working with the Drug Enforcement Administration
120 (DEA) to validate a cannabis typification field test kit that evaluates the ratio of
121 tetrahydrocannabinol (THC) and cannabidiol (CBD) concentrations in cannabis. This field test
122 should be used by law enforcement in cases where the defendant is raising the affirmative defense,
123 or there is an issue as to whether the item is a hemp product, to assist in determining when to
124 submit the item to the laboratory for analysis. Director Jackson shared two flow charts; one that
125 illustrates use of the field tests and when to submit evidence to the laboratory (potential cannabis
126 screening scheme,) and a second that illustrates how the Department will handle the analysis of
127 items submitted to the laboratory for analysis (potential cannabis analytical scheme). Director
128 Jackson also reviewed the Department's progress in validating new methods for quantitating THC
129 in marijuana plant material.

130
131 Director Jackson gave an update on the Physical Evidence program area, which focused on site
132 visits that the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is conducting of the
133 DFS Firearms & Toolmarks Sections in each laboratory. The ATF is assessing compliance with
134 their new Minimum Required Operating Standards (MROS) for the National Integrated Ballistic
135 Information Network (NIBIN).

136
137 Addressing the Forensic Biology program area, Director Jackson reviewed staffing levels,
138 including examiners in training and positions in recruit. She also gave an overview of the
139 validation projects that the Forensic Biology Section is currently conducting, which include
140 Casework Direct for male DNA screening, Y-STR analysis on the AB3500, and STR MIX
141 software.

142
143 Director Jackson provided a Toxicology program area update, which included information on
144 QTOF screening, Hamilton STAR, and method development. She also shared information on the
145 Breath Alcohol instrument enhancement.

146
147 Budget:

148 Director Jackson shared the DFS FY20 Budget with the Board.

149
150 Grants:

151 Director Jackson shared a list of current and pending grants with the Board.

152
153 Director Jackson described a Department of Criminal Justice Services (DCJS) grant, which would
154 provide \$52,500 in funds for the purchase of approximately 15,000 cannabis typification field test
155 kits for use by law enforcement officers. The typification kits can be used to differentiate industrial
156 hemp from marijuana when used in conjunction with the Duquenois-Levine field test. Colonel
157 DeBoard made a motion to authorize the Department to apply for and accept funds for the DCJS
158 grant, if awarded. The motion was seconded by Mr. Meyers and approved by unanimous vote of
159 the Board. Ms. Dion abstained from the vote.

160
161 Director Jackson discussed the Forensic Training Academy grant, which has provided funding for
162 a part-time forensic trainer and enabled the Forensic Science Academy to be offered three times
163 per year. This funding will be continued for one additional year.

164
165 Director Jackson gave an update on the National Sexual Assault Kit Initiative (SAKI) grant,
166 including the number of kits submitted to the private laboratory for analysis, the number of kits
167 with testing completed/data received by DFS, and the number of cases where the data reviews have
168 been completed by the Department. DFS also received funding under the SAKI grant, as a sub-
169 recipient of the Office of the Attorney General, to develop the PERK Tracking System.

170
171 Workload/Backlog:

172 Director Jackson provided the Board with an update on statistical trends in each of the scientific
173 disciplines, including quarterly data on backlog and turnaround times.

174

175 **Old Business**

176

177 Status of the Post-Conviction DNA Testing Program and Notification Project:

178 Colin Drabert provided an update on the case file review that staff from the Virginia State Crime
179 Commission (VSCC) has been conducting of cases from the Post-Conviction DNA Testing
180 Program and Notification Project. Mr. Drabert anticipates that a final presentation on the project
181 will be given at the Board's next meeting.

182

183 Serology Case Review Update:

184 Brad Jenkins, Forensic Biology Program Manager, gave an update on the Serology Case Review,
185 which included a review of a random sample of serology cases including at least 100 reports each
186 from the Eastern and Northern Laboratories. Each case is being reviewed separately by two
187 scientists. Mr. Jenkins gave an overview of observations made this far during the project.

188

189 Mr. Jenkins shared a draft letter with the Board that the Department plans to send out to its users
190 in order to identify additional cases for the review. Mr. Jenkins noted that the plan is to provide a
191 final report on the project to the Scientific Advisory Committee (SAC) at its next meeting in
192 October, and then report to the Board at its meeting the next day.

193

194 Microscopic Hair Comparison Case Review Update:

195 Amy Curtis, Department Counsel, provided an update on the Microscopic Hair Comparison Case
196 Review. Ms. Curtis advised that she had received several letters from inmates in response to the
197 notice distributed by the Department of Corrections in December 2018. DFS is continuing to work
198 to identify eligible cases from its historical case file review. DFS sent approximately 125 letters
199 to Virginia Circuit Courts seeking transcripts and conviction orders in July.

200

201 The Microscopic Hair Comparison Case Review Subcommittee met on May 13, 2019 and, after
202 meeting in closed session, approved notification in five cases. The Subcommittee Chair signed
203 notification letters for two cases where the inmates are still incarcerated. Ms. Curtis noted that
204 VSCC staff has agreed to assist in attempting to locate defendants in the additional cases.

205

206 Proposed Regulatory Amendments:

207 Amy Curtis updated the Board on the status of the proposed amendments to the Regulations for
208 the Approval of Field Tests for Detection of Drugs (6VAC40-30.) The proposed amendments are
209 now at the Governor's Office for review. Ms. Curtis reviewed the next steps in the regulatory
210 process that will occur if the amendments are approved by the Governor's Office.

211

212 Ms. Curtis reminded the Board that, if approved by the Governor's Office, she would submit the
213 proposed amendments to the Virginia Registrar of Regulations to be published. If that occurs with

214 enough advance notice, a public hearing will be set prior to the next Board meeting. To date, no
215 additional public comments or objections have been received.

216

217 **Public Comment**

218 No member of the public provided comment.

219

220 **Future Meeting Dates**

221 The Forensic Science Board is scheduled to meet on Thursday, October 3, 2019 at 9:30 a.m.

222

223 The Board discussed potential meeting dates for its January meeting and agreed to schedule the
224 meeting for Monday, January 6, 2020 at 9:30 a.m.

225

226 **Adjournment**

227 Mr. Lett called for a motion to adjourn the Board meeting. Dr. Gormley made a motion to adjourn
228 the meeting, which was seconded by Dr. Edinboro, and passed by unanimous vote.

229

230 The meeting adjourned at 11:00 a.m.