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**Minutes**  
**Forensic Science Board Meeting**  
**Department of Forensic Science, Classrooms 1 & 2**  
**October 12, 2023**

**Board Members Present**

Tracy Banks, Designee for Jackson Miller, Director, Department of Criminal Justice Service  
Major Richard Boyd, Designee for Colonel Gary Settle  
Maggie A. DeBoard, Chief of Police, Herndon Police Department, *Chair*  
Kristen Howard, Designee of the Chair of the Virginia State Crime Commission, Senator John S. Edwards  
Caroline D. Juran, R.Ph., Executive Director, Board of Pharmacy, *Vice Chair*  
George C. Maha, Ph.D., Scientific Advisory Committee Member  
Richard P. Meyers, Scientific Advisory Committee Member  
Jill Ryan, Designee for Karl R. Hade, Executive Secretary, Supreme Court of Virginia  
Erik Smith, Assistant Attorney General, Designee of Attorney General Jason S. Miyares

**Board Members Attending Virtually**

Delegate Wren Williams, Designee for Delegate Leslie R. Adams, Chair of the House Committee for Courts of Justice

**Board Members Absent**

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  
Michael HuYoung, Esquire, Criminal Defense Attorney  
Denise Toney, Ph.D., Director of the Division of Consolidated Laboratory Services

**Legal Counsel for the Forensic Science Board**

Kelci Block, Assistant Attorney General, Designee of Michelle Welch, Counsel to the Board

**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 Jenkins, Department Counsel  
Brad Jenkins, Forensic Biology Program Manager  
Robyn Larson, Quality Assurance Section Supervisor  
Alka B. Lohmann, Director of Technical Services  
Scott Maye, Central Laboratory Director  
Jessica B. Norton, Sr. Legal Assistant  
Kelly Shelton, Administrative Assistant  
Elise Stroble, Grants and Administration Program Manager/FSB 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 9:38 a.m. and asked for introductions.

52

53 Chief Deputy Director Byrd indicated that Delegate Williams was participating remotely in Stuart,  
54 Virginia, pursuant to the FSB Policy and Virginia Code § 2.2-3708.3 because his principal  
55 residence is more than sixty (60) miles from the meeting location.

56

57 **Adoption of Agenda**

58 The draft agenda, previously provided to the Board, was adopted on motion by Dr. Maha. The  
59 motion was seconded and passed with the unanimous approval of the Board. Mr. Meyers  
60 subsequently moved that the agenda be amended to reflect that he was a Scientific Advisory  
61 Committee Representative, and not the Chair. A motion to amend the agenda was made by Mr.  
62 Meyers which was seconded and passed by unanimous vote of the Board.

63

64 **Approval of Draft Minutes of the July 19, 2023 Board Meeting**

65 Chief Maggie DeBoard asked if there were any proposed changes to the Draft Minutes of the July  
66 19, 2023 meeting. Being none, Chief DeBoard asked for a Motion to Approve the Draft Minutes  
67 as presented. Ms. Howard made the motion, which was seconded and passed by unanimous vote  
68 of the Board.

69

70 **Approval of Draft Minutes of the April 10, 2023 Public Hearing on Approved Amendments**  
71 **to Regulations for the 6 Approval of Marijuana Field Tests for Detection of Marijuana Plant**  
72 **7 Material (6 VAC 40-50)**

73 The approval of the draft minutes of the April 10, 2023 Public Hearing was not on the agenda for  
74 the July 19, 2023 meeting, but members should have recently received a link to the draft minutes  
75 from Mrs. Stroble. Chief DeBoard asked if there were any proposed changes to the draft minutes.  
76 Being none, Chief DeBoard asked for a motion to approve the draft minutes as presented. Ms.  
77 Juran motioned, which was seconded and passed by unanimous vote of the Board.

78

79 **FSB Chair’s Report**

80 Chief DeBoard advised the Board that she did not have anything to report.

81

82 **Scientific Advisory Committee Report**

83 Mr. Meyers provided a report on the October 10, 2023 meeting of the Review Subcommittee of  
84 the Scientific Advisory Committee (SAC) regarding the podcast, *Admissible: Shreds of Evidence*,  
85 and the allegations contained therein. The next meeting of the Review Subcommittee will be  
86 January 9, 2024. Mr. Meyers also reported on the meeting of the Toxicology Subcommittee held  
87 on October 11, 2023 at 9:00 a.m., which included the review of several validation proposals and  
88 validation summaries, and the meeting of the full SAC later that morning at 10:30 a.m. Following  
89 his report, Ms. Howard asked questions regarding whether the Department had received the entire  
90 contents of the box referenced in the podcast. Amy Jenkins indicated that the Department had  
91 received some of the contents of the box, but not all, as indicated by the podcast reporters. Ms.  
92 Howard inquired to the timing of the requests by the Department for the contents of the box and

93 the reporters' responses. Ms. Jenkins indicated that the first inquiry had been sent to VPM in  
94 February 2022. The only documents received by VPM had been provided in July 2023. Amy  
95 Jenkins provided as much information in response to these questions as possible. With no further  
96 questions, Chief DeBoard called for a motion to approve the SAC Report. Major Boyd motioned  
97 for the approval, which was seconded and passed by unanimous vote of the Board.

98

99 **DFS Director's Report**

100 Director Jackson updated the Board regarding the ongoing activities of the Department, including  
101 the progress of the construction of the new Central Laboratory located in Hanover, Virginia, the  
102 accreditation renewal progress, DNA Training for Attorneys and Judges, Forensic Science Week,  
103 and the Supervisor Leadership Retreat in Staunton, Virginia. She advised the Board that Alka  
104 Lohmann provided Quality System updates at each laboratory during July and August for both  
105 supervisors and laboratory staff and shared information about the formation of the new "Quali-  
106 Team." She informed the Board that the Forensic Science Academy 110<sup>th</sup> session began on  
107 September 18, 2023, and graduation is scheduled for November 17<sup>th</sup>. She advised the Board that  
108 there is a project in development with the Office of Data Governance and Analytics (OGDA) for  
109 an interactive dashboard for case statistics performance. DFS is currently sharing data through  
110 DCJS to the Framework for Addiction Analysis and Community Transformation (FAACT)  
111 Project, which includes a new "Curb the Crisis" public-facing website. She spoke about the three  
112 compounds that were already considered by the Board of Pharmacy for scheduling and they are  
113 pending final approval under Virginia Code § 54.1-3443(D). Director Jackson advised the Board  
114 that the bid for a new breath alcohol instrument is being handled by the Department of General  
115 Services – Division of Purchases and Supply (DGS-DPS). She anticipated to have the new  
116 instruments and training in 2024.

117

118 She reported that a contract is now in place with an outsourcing laboratory for the quantitative  
119 analysis of cannabis edibles. If it is determined that the evidence is suitable for testing and  
120 quantitation is needed, DFS will send the samples to NMS Laboratories for the determination of  
121 THC concentration. The FY 2022-2024 biennial budget included one laboratory specialist position  
122 to enable the agency to respond to the changing THC legislation. Director Jackson provided  
123 information regarding Toxicology staffing and outsourcing updates. She stated that DFS renewed  
124 their Memorandum of Understanding with the OCME to allow for continued outsourcing of cases  
125 in Eastern and Western districts and plans for reduction once staff are qualified. She spoke about  
126 how all DUI/DUID samples are now screened for tetrahydrocannabinol metabolites and alcohol,  
127 and the percentage of cases with BACs higher than 0.100% with a quantifiable THC concentration.  
128 Ms. Howard asked for additional information regarding the number of DUI cases analyzed by the  
129 laboratory and how many cases with a blood alcohol content (BAC) greater than or equal to  
130 .0100% and less than 0.100% by weight by volume also included a quantifiable THC  
131 concentration. The Board discussed that this information would be helpful for the General  
132 Assembly members going forward, and it was agreed that it should be made part of the Annual  
133 Report for the Board.

134

135 Director Jackson presented the workload statistics for all sections between fiscal years 2022 and  
136 2023. She updated the Board that the submission of cases for every section has increased which  
137 made a difference in the backlogs, especially for the Forensic Biology Section. Court statistics  
138 were provided for FY23 that demonstrated the significant number of subpoenas received for the  
139 Controlled Substances and Toxicology Sections. While the Toxicology Section is the most likely  
140 Section to be required to appear in Court, the scientists only testify 10% of the time that they  
141 appear.

142  
143 Director Jackson shared information regarding the Department's FY23 year-end general fund  
144 balance and the reason for the balance. She mentioned where the funds were allocated and what  
145 funds were left over with a significant balance attributed to turnover and vacancy from positions  
146 added in FY23 and not yet filled. She advised the Board on the amended budget for FY24 for DFS,  
147 including items that had been included in the Governor's Introduced Budget that were not in the  
148 final budget.

149  
150 Director Jackson spoke briefly about the Grants that were approved to be applied for and awarded  
151 to DFS for hiring additional personnel, training, equipment, reimbursements for travel and  
152 training, and for proposed research projects. There was a question regarding the balance of funds  
153 in the DFS FY23 year-end general fund budget and whether they would carry over to the next  
154 fiscal year. Director Jackson responded that any general funds that are not used are not available  
155 to the agency unless there is a specific request made to have those funds carried over.

156  
157 **New Business**  
158 Chief DeBoard called on Amy Jenkins, Department Counsel, to provide an update on proposed  
159 regulations. Ms. Jenkins spoke to the Board about the Regulatory Requirement Reduction Action  
160 in response to Executive Order 19 from Governor Youngkin. This Executive Order stated that the  
161 Board should reduce the discretionary regulatory requirements for its regulations by 25% by  
162 December 15, 2025. Ms. Jenkins stated that we were working towards identifying which  
163 discretionary requirements can be alleviated in compliance with the Order. Ms. Jenkins provided  
164 the Board with a proposed fast track regulation that would eliminate several discretionary  
165 regulatory requirements in 6VAC40-60, the DNA Data Bank Regulation. Ms. Jenkins reviewed  
166 the proposed amendments with the Board. Chief DeBoard called for a motion to approve the Fast  
167 Track Regulatory Action – DNA Data Bank Regulation. Dr. Maha made the motion, which was  
168 seconded and passed by unanimous approval of the Board.

169  
170 Chief DeBoard called on Mason Byrd, Chief Deputy Director, to provide an update on the Forensic  
171 Science Board Annual Report. Mr. Byrd discussed with the Board the draft Forensic Science Board  
172 Report. He mentioned that there were seven categories in the report for 2023. This report is  
173 scheduled to be submitted to the General Assembly on November 1<sup>st</sup>. Mr. Byrd requested that any  
174 Board member who has a suggestion to make for additions or corrections to the report to send him  
175 an email by October 19. Chief DeBoard called for a motion to approve the Forensic Science Board  
176 Report, to approve any updates and suggestions made by the Board, and to submit the report  
177 pursuant to Virginia Code § 9.1-1110. Major Boyd made a motion to approve, which was seconded  
178 and passed by a unanimous vote of the Board.

179

180 Chief DeBoard called on Mr. Byrd to address the Board regarding the Qualifications for the DFS  
181 Director that were previously approved by the Forensic Science Board on August 9, 2006. He  
182 mentioned that Director Jackson's term as Director of Department of Forensic Science ends on  
183 December 25, 2023s. The Director is appointed by the Governor pursuant to the Virginia Code §  
184 9.1-1100 and serves a term of six (6) years. Chief DeBoard called for discussion and then made a  
185 motion to reapprove the Qualifications for the Director of the Department of Forensic Science.  
186 The motion was seconded and passed by a unanimous re-approval of the Board.

187

188 **Public Comment**

189 None.

190

191 **Selection of 2024 Meeting Dates**

192 Chief DeBoard called on Mrs. Stroble to give the proposed dates for future meetings and to indicate  
193 which date(s) would be virtually conducted. Mrs. Stroble provided the following future meeting  
194 dates: January 3, 2024, April 10, 2024, July 10, 2024, and October 9, 2024, with the January 3<sup>rd</sup>  
195 meeting being held virtually at 9:30 a.m.

196

197 **Adjournment**

198 Chief DeBoard called for a motion to adjourn the meeting. The motion to adjourn, made by Mr.  
199 Smith and seconded, passed unanimously. The meeting was adjourned at 10:59 a.m.