

1 **Draft Minutes**
2 **Forensic Science Board Meeting**
3 **Department of Forensic Science Classroom**
4 **October 9, 2024**
5

6 **Board Members Present**

7 Maggie A. DeBoard, Chief of Police, Herndon Police Department
8 William T. Gormley, M.D., Chief Medical Examiner
9 Delegate Charniele Herring, Chair of the Virginia State Crime Commission
10 Beth O'Halloran, Designee of Caroline D. Juran, Executive Director, Board of Pharmacy
11 Lt. Colonel Timothy Lyon, Designee of Colonel Gary T. Settle, Superintendent, Virginia State
12 Police
13 George C. Maha, Ph.D., Scientific Advisory Committee Member
14 Richard P. Meyers, Scientific Advisory Committee Member, *Vice Chair*
15 Jackson Miller, Director, Department of Criminal Justice Services, *Chair*
16 Denise M. Toney, Ph.D., Director of the Division of Consolidated Laboratory Services
17 Robert Tracci, Designee of Attorney General Jason S. Miyares
18

19 **Board Members Attending Electronically**

20 Megan L. Clark, Commonwealth's Attorney, Prince Edward County
21 Senator Russet Perry, Designee of Senator Scott Surovell, Chair of the Senate Committee for
22 Courts of Justice
23

24 **Board Members Absent**

25 Karl R. Hade, Executive Secretary, Supreme Court of Virginia
26 Michael HuYoung, Esquire, Criminal Defense Attorney
27 Delegate Vivian Watts, Designee of Delegate Patrick Hope, Chair of the House Committee for
28 Courts of Justice
29

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

31 Sarah Hornberger, Assistant Attorney General
32

33 **Department of Forensic Science (DFS) Staff Members Present**

34 David A. Barron, Ph.D., Deputy Director
35 Mason Byrd, Chief Deputy Director
36 Samantha Glass, Physical Evidence Program Manager
37 James W. Hutchings, Ph.D., Toxicology Program Manager
38 Linda C. Jackson, Director
39 Amy Jenkins, Legal Counsel
40 Bradford C. Jenkins, Forensic Biology Program Manager
41 Joshua Kruger, Northern Laboratory Director
42 Alka B. Lohmann, Director of Technical Services
43 Scott Maye, Central Laboratory Director
44 Ellen Spain, Forensic Evidence Program Manager
45 Elise Stroble, Grants & Administration Program Manager/Board Secretary
46 Robyn Weimer, Chemistry Program Manager

47

48 **Call to Order**

49 Jackson Miller, Chair of the Forensic Science Board (Board or FSB), called the meeting to order
50 at 9:33 a.m. Chief Deputy Director Mason Byrd announced that a quorum of the Board was
51 physically present. He also addressed the remote participation of two Board members, pursuant to
52 Virginia Code § 2.2-3708.3. He advised that Megan Clark was attending electronically from
53 Staunton, Virginia as she was teaching at a conference there, and Senator Perry was attending
54 electronically from Leesburg, Virginia due to a court responsibility.

55

56 **Adoption of Agenda**

57 Chairman Miller advised that the first order of business was the adoption of the draft agenda for
58 the meeting, which was previously shared with the Board members by Ms. Stroble. He asked if
59 there were any changes to the draft agenda. Being none, he asked for a motion to approve the draft
60 agenda. Mr. Tracci made a motion to adopt the agenda, which was seconded and passed by
61 unanimous vote of the Board.

62

63 **Approval of Draft Minutes of the July 10, 2024 Board Meeting**

64 Chairman Miller stated that the draft minutes from the July 10, 2024 meeting had previously been
65 shared by Ms. Stroble and asked if there were any proposed changes. Being none, he asked for a
66 motion to approve the draft minutes. Lt. Col. Lyon made a motion to approve the July 10, 2024
67 meeting minutes, which was seconded and passed by unanimous vote.

68

69 **FSB Chair's Report**

70 Chairman Miller stated that he did not have a report.

71

72 **Scientific Advisory Committee Report**

73 Chairman Miller called on Mr. Meyers to give the Scientific Advisory Committee (SAC) report.
74 Mr. Meyers' report included information from two SAC Subcommittees (Controlled Substances
75 and Trace Evidence) in addition to a report from the full SAC meeting on October 8, 2024.
76 Chairman Miller asked if there were any questions. Being none, he called for a motion for the
77 Board to accept the report from the Scientific Advisory Committee. Dr. Maha made a motion to
78 accept the report, which was seconded and passed by unanimous vote.

79

80 **DFS Director's Report**

81 Director Jackson began her report with a recognition of Forensic Science Week, which was
82 September 15-21, 2024, sharing the various activities that occurred at the DFS Laboratories. She
83 also provided an update of the Central Laboratory capital project and shared a recent video of the
84 progress, describing the locations of various DFS and OCME offices and laboratory spaces. Her
85 report also discussed various other new and ongoing activities of the Department, which included
86 case statistics, staffing, budget items, and grant awards.

87

88 During the portion of the presentation regarding THC results, a question was raised by a Board
89 member regarding how the concentrations presented for THC equate to concentrations reported
90 elsewhere using different units of measure. Dr. Hutchings, Toxicology Program Manager,
91 provided an explanation.

92

93 Also, during the portion of the presentation regarding Rapid DNA Testing, a question was raised
94 regarding whether there will be items in the upcoming budget to fund this testing. Director Jackson
95 explained that, since the FBI rules have not yet been published, it may be premature to request
96 funding in the upcoming budget as those rules will impact the implementation. Discussion ensued
97 around the timing of any future budget requests, the Board's potential role in this matter, and the
98 value of the testing for law enforcement as an investigative tool. Director Jackson offered to share
99 a copy of the FBI rules once they have been published.

100
101 During the portion of the presentation regarding Latent Prints & Impressions, Director Jackson
102 explained that all three of the examiners in the Northern Laboratory have left DFS to go to a federal
103 agency for better pay. She advised that DFS is planning to work with the Virginia Department of
104 Human Resource Management on a salary study to address the issue. A question was raised by a
105 member of the Board regarding the Federal percentage difference in pay. Director Jackson stated
106 that the difference is significant, perhaps as much as 30%, which she said would need to be
107 verified.

108 **Old Business**

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110
111 Amy Jenkins, DFS Legal Counsel, provided an update on the Amendments to Permit the Approval
112 of Alternative Field Tests and Mobile Instruments for 6 VAC 40-50 Regulations for the Approval
113 of Marijuana Field Tests for Detection of Marijuana Plant Material. The final regulatory action
114 had been approved and published in the August 12, 2024 issue of the Virginia Register of
115 Regulations. One comment, which was deemed beyond the Board's regulatory authority, had been
116 received. The amendments to the regulation became final on September 11, 2024.

117
118 Ms. Jenkins also provided an update on the Regulatory Requirement Reduction Action for 6 VAC
119 40-40-80 and -90 DNA Regulations for the Implementation of the Law Permitting DNA Analysis
120 Upon Arrest for All Violent Felonies and Certain Burglaries (Proposed Fast Track). This proposed
121 fast track action was reviewed and certified by the Office of the Attorney General. It is currently
122 under review by the Department of Planning and Budget.

123
124 Christina Barnes Arrington, Ph.D., Senior Methodologist, Virginia State Crime Commission
125 (VSCC) provided an overview of the Mary Jane Burton Cases. Dr. Arrington provided information
126 regarding cases where analysis was performed by Ms. Burton. She shared that the VSCC staff had
127 reviewed the DFS Historic Case File Project records to determine unique cases, cases with at least
128 one named suspect, those with scientific testimony by Ms. Burton, and those that were linked to
129 the previous Virginia Post-Conviction DNA Testing Program and Notification Project. Dr.
130 Arrington then explained the work plan moving forward and provided a workflow of the project
131 showing current progress. No action was required or taken by the Board.

132 **New Business**

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134
135 Mason Byrd, Chief Deputy Director, was called on to discuss a revision to the Policy on Electronic
136 Meetings and Attendance. Mr. Byrd briefly discussed the proposed, updated policy and noted that
137 the one change is based on a recent change to Virginia Code § 2.2-3708.3 regarding the allowable
138 percentage of all-virtual public meetings held per calendar year. Mr. Byrd also advised that the

139 statute now requires public bodies to adopt a policy on electronic participation and all-virtual
140 meetings an annual basis. Chairman Miller asked if there were any questions or comments. Being
141 none, he called for a motion to adopt the revised policy. The motion was made by Chief DeBoard,
142 which was seconded and passed unanimously by the Board.

143
144 Mr. Byrd also discussed the Forensic Science Board Annual Report. He explained the purpose of
145 the annual report per statute, described the seven content topics that must be reported on, and
146 briefly explained how the report is compiled. He advised that the draft report will require updates
147 for new statistics that were not available when the report was drafted and for actions of the Board
148 taken at this meeting, including information from the October 8th meeting of the Scientific
149 Advisory Committee. He asked the Board members to review the draft and provide feedback to
150 him no later than October 18, 2024. A member of the Board asked whether they would be able to
151 see the revisions, to which Mr. Byrd replied that he would provide it. Chairman Miller then called
152 for a motion to approve the draft report, to allow the Department to update the report as described
153 by Mr. Byrd, and to allow the Department to submit the revised report to the legislature. Dr.
154 Gormley made the motion, which was seconded and approved unanimously.

155

156 **Public Comment**

157 No public comment was provided.

158

159 **Selection of 2025 Meeting Dates**

160 Chairman Miller called on Elise Stroble to provide the proposed 2025 meeting dates. Ms. Stroble
161 proposed the following dates for 2025:

162

- 163 • Monday, January 6 @ 1:30 p.m. – potentially electronic
- 164 • Wednesday, April 23 @ 9:30 a.m. – in person
- 165 • Wednesday, July 9 @ 9:30 a.m. – potentially electronic
- 166 • Wednesday October 8 @ 9:30 a.m. – in person

167

168 She advised the members that DFS recommends holding the January and July meetings virtually,
169 upon approval from the Board. Chairman Miller asked if there were any questions or discussion
170 regarding the recommendation for the two virtual meetings. Being none, he called for a motion to
171 approve the virtual meetings in January and July 2025. A motion was made by Lt. Col. Lyon,
172 which was seconded and passed by unanimous vote.

173

174 **Adjournment**

175 With no further business, Chairman Miller called for a motion to adjourn the meeting. A motion
176 was made by Chief DeBoard to adjourn, which was seconded and passed by unanimous vote. The
177 meeting was adjourned at 10:52 a.m.