

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

Minutes
Forensic Science Board Meeting
April 10, 2024

Board Members Present

Megan L. Clark, Commonwealth's Attorney, Prince Edward County
Chief Maggie A. DeBoard, Chief of Police, Herndon Police Department, *Chair*
William T. Gormley, M.D., Chief Medical Examiner
Karl R. Hade, Executive Secretary, Supreme Court of Virginia
Kristin Howard, Designee of the Chair of the Virginia State Crime Commission, Delegate
Charniele Herring
Michael HuYoung, Esquire, Criminal Defense Attorney
Caroline D. Juran, Executive Director, Board of Pharmacy, *Vice Chair*
Lt. Colonel Timothy Lyon, Designee of Colonel Gary T. Settle, Superintendent, Virginia State
Police
George C. Maha, Ph.D., Scientific Advisory Committee Member
Richard P. Meyers, Scientific Advisory Committee Member
Jackson Miller, Director, Department of Criminal Justice Services
Senator Russet Perry, Designee of Senator Scott Surovell, Chair of the Senate Committee for
Courts of Justice
Erik Smith, Designee of Attorney General Jason S. Miyares
Delegate Vivian Watts, Designee of Delegate Patrick Hope, Chair of the House Committee for
Courts of Justice
Shane Wyatt, Designee of Denise M. Toney, Ph.D., Director of the Division of Consolidated
Laboratory Services

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
Samantha Glass, Physical Evidence Program Manager
James W. Hutchings, Ph.D., Toxicology Program Manager
Linda C. Jackson, Director
Amy Jenkins, Legal Counsel
Bradford C. Jenkins, Forensic Biology Program Manager
Alka B. Lohmann, Director of Technical Services
Jessica B. Norton, Sr. Legal Assistant
Julie Smith, Human Resources Director
Elise Stroble, Grants & Administration Program Manager/Board Secretary
Robyn Weimer, Chemistry Program Manager

Call to Order

46 Chief Maggie DeBoard, Chair of the Forensic Scientific Board (“Board” or “ FSB”), called the
47 meeting to order at 9:32 a.m.

48
49 **Adoption of Agenda**

50 Chief DeBoard advised that the first order of business was the adoption of the draft agenda for the
51 meeting, which was previously shared with the Board members by Ms. Stroble. She asked if there
52 were any changes to the draft agenda. Being none, she asked for a motion to approve the draft
53 agenda. Mr. Miller made a motion to adopt the agenda, which was seconded and passed by
54 unanimous vote of the Board.

55
56 **Approval of Draft Minutes of the January 3, 2024 Board Meeting**

57 Chief DeBoard stated that the draft minutes from the January 3, 2024 meeting had previously been
58 shared by Ms. Stroble and asked if there were any proposed changes. Being none, she asked for a
59 motion to approve the draft minutes. Mr. Miller made a motion to approve the January 3, 2024
60 meeting minutes, which was seconded and passed by unanimous vote.

61
62 **FSB Chair’s Report**

63 Chief DeBoard stated that she did not have a report.

64
65 **Scientific Advisory Committee Report**

66 Chief DeBoard called on Mr. Meyers to give the Scientific Advisory Committee (SAC) report.
67 Mr. Meyers’ report included information from three SAC Subcommittees (Review, Toxicology,
68 and Trace Evidence) in addition to a report from the full SAC meeting on April 9, 2024. Chief
69 DeBoard asked for a motion for the Board to accept the report from the Scientific Advisory
70 Committee. Mr. Miller made a motion to accept the report, which was seconded and passed by
71 unanimous vote.

72
73 **DFS Director’s Report**

74 Director Jackson began her report with an update of the Central Laboratory capital project. She
75 shared pictures of the progress to date and described the locations of various DFS and OCME
76 offices and laboratory spaces. Her report also discussed various other new and ongoing activities
77 of the Department. During her discussion of workload statistics and case backlogs, there was
78 discussion surrounding scientist recruitment and retention trends, the salary differential in
79 Northern Virginia, and training periods for new employees.

80
81 Other highlights of the presentation included the following:

- 82
- 83 • Post-Conviction Project – As stated at a previous meeting, DFS is in the process of returning
84 evidence identified in case files to the submitting law enforcement agencies. So far, batches
85 have been returned to 13 agencies. The related case files, which were scheduled to be returned
86 to the State Records Center, are being held for review of the Mary Jane Burton files. They
87 will be returned once those reviews are completed.
 - 88 • Forensic Science Academy (FSA) – This year marked the 50th Anniversary of the FSA. In
89 addition, the 111th FSA Session graduated in March 2024.

- 90 • Updated Evidence Handling & Laboratory Capabilities Guide – The Evidence Submission
91 Section was revised on March 7, 2024. A link to the new guide was shared, which can be
92 found on the DFS website.
- 93 • Customer Notice on Presumptive Field Tests in Virginia – Director Jackson shared a memo
94 that was sent to DFS customers to address a report, entitled Guilty Until Proven Innocent:
95 Field Drug Tests and Wrongful Convictions by the Quattrone Center for the Fair
96 Administration of Justice at the University of Pennsylvania Corey Law School. The memo
97 addressed the report’s incorrect assumptions regarding data from DFS. A link to the memo is
98 provided on the DFS website.
- 99 • Carryover Funds from FY23 – DFS had been approved by the Department of Planning and
100 Budget (DPB) to carry over a balance of funds from FY23 to FY24 to pay for new evidential
101 breath alcohol instruments. Due to the lengthy procurement process, DFS will not have the
102 new instruments in-house before the end of FY24 and will be working with DPB to carry over
103 those funds to FY25.

104

105 Director Jackson also presented three grant applications that required the Board’s approval.

106

- 107 • Two DMV Highway Safety grant projects, one for the Breath Alcohol Section and one for
108 Toxicology – DFS applied for these in February with the permission of the Board Chair and
109 Vice Chair.
- 110 ▪ Chief DeBoard asked for a motion from the Board to approve the Department to apply for
111 and receive funds under the FY 2025 DMV Highway Safety Grant Program, which
112 includes the two separate applications for the Breath Alcohol Training Project and the
113 TREDIS Data Project, if awarded. A motion was made by Mr. Miller, which was seconded
114 and was passed by unanimous vote.
- 115 • Justice Assistance Grant (JAG) continuation funds through the Virginia Department of
116 Criminal Justice Services. DFS requested Board permission to apply for and receive these
117 funds, if awarded.
- 118 ▪ Chief DeBoard called for a motion for DFS to apply for and receive continuation JAG
119 funds through DCJS. A motion was made by Dr. Gormley, which was seconded and was
120 passed by unanimous vote.

121

122 **Old Business**

123

124 Regulatory Requirement Reduction Action for 6 VAC 40-60 DNA Data Bank Regulation

125 Amy Jenkins, Legal Counsel, provided an update on the amendments to 6 VAC 40-60 that
126 establish a new online process for law enforcement officers to obtain information from the Data
127 Bank in connection with ongoing criminal investigations. The fast-track regulatory action was
128 approved and published in the Virginia Register of Regulations on March 25, 2024. The comment
129 period ends on April 24, 2024. No comments had been received thus far. If there are no objections,
130 the amendments will take effect on May 9, 2024.

131

132 National Association of Forensic Science Boards (NAFSB)

133 Mason Byrd, Chief Deputy Director, provided an update on this entity, which has become a non-
134 profit organization since the previous meeting. Mr. Byrd discussed the intent and vision of the
135 organization as well as current membership and officers. He also discussed the three types of

136 membership offered by NAFSB and advised the Board that no action was needed at this time
137 unless the Board was interested in one of the membership options. The Board discussed the
138 potential benefits of membership and which level would be appropriate. The Board ultimately
139 agreed that Type 1 level membership would be the best option and opted to designate Director
140 Jackson to be the Board representative. The Chair called for a motion to designate Director Jackson
141 as representative to the NAFSB and to allow her to appoint a designee to attend in her place, if so
142 desired. A motion was made was made by Dr. Gormley, which was seconded and passed
143 unanimously by the Board.

144
145 THC Testing of High BAC Drivers
146 Dr. James Hutchings, Toxicology Program Manager, advised the Board that all DUI/DUID
147 samples are now screened for a tetrahydrocannabinol metabolite as well as alcohol. He also made
148 the Board aware of an updated method that can now differentiate between $\Delta 8$ - and $\Delta 9$ -THC.

149 New Business

150
151
152 Regulatory Requirement Reduction Action for 6 VAC 40-40-80 and -90 DNA Regulations for the
153 Implementation of the Law Permitting DNA Analysis Upon Arrest for All Violent Felonies and
154 Certain Burglaries
155 Ms. Jenkins discussed the proposed fast track regulatory action that would allow for the use of a
156 prelog function of the DNA Data Bank sample tracking system for the submission of buccal
157 samples and reviewed the proposed amendments to 6VAC 40-40-80 and -90 with the Board
158 members. The Chair asked for a motion to approve the *Regulatory Requirement Reduction Action*
159 *for 6 VAC 40-40-80 and -90 DNA Regulations for the Implementation of the Law Permitting DNA*
160 *Analysis Upon Arrest for All Violent Felonies and Certain Burglaries*. A motion was made by Ms.
161 Clark, which was seconded and passed by unanimous vote.

162 Legislative Update

163
164 Chief Deputy Director Byrd provided explanations and updates on several bills that will impact
165 the Department, particularly HB 898. He stated that HB 898 was a “clean-up” bill that made some
166 substantive changes to various statues related to DFS laboratory procedures and the handling of
167 DNA profiles and Certificates of Analysis. He also discussed several bills that failed for various
168 reasons.

169 Election of the Chair and Vice Chair

170
171 Chief DeBoard reminded the Board that the terms for Chair and Vice Chair are for a period of one
172 year, and that the current terms are about to expire. She stated that the Board needs to elect a Chair
173 and Vice Chair for the coming year. She called on Ms. Stroble to provide a statement regarding
174 the eligibility of members for these positions. Ms. Stroble stated that Chief DeBoard and Ms. Juran
175 are not eligible to serve another consecutive term in their current positions, as they have served in
176 those positions for two consecutive terms.

177
178 Chief DeBoard called for nominations for the position of Chair of the Board. Mr. Meyers
179 nominated Jackson Miller for the position of Chair. There were no other nominations for Chair.
180 Chief DeBoard called for a motion to elect Jackson Miller to the position of Chair. Mr. HuYoung

181 made the motion, which was seconded and passed by unanimous vote of the Board, with Mr. Miller
182 abstaining.

183
184 Chief DeBoard called for nominations for Vice Chair. She stated that she would like to nominate
185 Lt. Colonel Lyon for the position of Vice Chair. Mr. Byrd reminded the Board that the position
186 for which Lt. Colonel Lyon is a designee belongs to Colonel Settle and that designees are not
187 permitted to serve as Chair or Vice Chair, with the exception of permanent designees. This was
188 confirmed by Ms. Welch, Board counsel. Chief DeBoard then called for another nomination for
189 Vice Chair, and Ms. Clark nominated Richard Meyers. There were no other nominations. Chief
190 DeBoard called for a motion to elect Mr. Meyers to the position of Vice Chair. Ms. Clark made
191 the motion, which was seconded and passed by unanimous vote, with Mr. Meyers abstaining.

192
193 **Public Comment**

194 No public comment was provided.

195
196 **Confirm Future Meeting Dates**

197 Chief DeBoard reminded the Board that the next meeting dates are scheduled for July 10 and
198 October 9, 2024. She stated that the July meeting could be a virtual meeting should the Board
199 choose that option. There was some discussion, after which the Board decided to hold the July
200 meeting electronically. Chief DeBoard called for a motion to hold the July meeting electronically.
201 A motion was made by Ms. Clark, which was seconded and passed by unanimous vote.

202
203 **Adjournment**

204 With no further business, Chief DeBoard called for a motion to adjourn the meeting. A motion
205 was made by Ms. Clark to adjourn, which was seconded and passed by unanimous vote. The
206 meeting was adjourned at 11:30 a.m.