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Draft Minutes
Scientific Advisory Committee Meeting
April 9, 2024
Department of Forensic Science, Central Laboratory, Classrooms 1 and 2

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Committee Members Present

Christopher Bommarito
William E. Demuth, II
Erin P. Forry
Linda C. Jackson
George C. Maha, Ph.D.
Richard P. Meyers
Peter M. Vallone, Ph.D., *Vice Chair*

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Committee Members Attending Virtually

Randall E. Beaty
Kathleen Corrado, Ph.D., *Chair*
Marc A. LeBeau, Ph.D.
Aine Ramirez
Kenneth B. Zercie

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Staff Members Present

David Barron, Ph.D., Deputy Director
Mason Byrd, Chief Deputy Director
Samantha Glass, Physical Evidence Program Manager
James W. Hutchings, Ph.D., Toxicology Program Manager
Amy Jenkins, Department Counsel
Bradford C. Jenkins, Forensic Biology Program Manager
David Koppenhaver, Eastern Laboratory Director
Joshua Kruger, 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
Julie Smith, Human Resources Director
Ellen Spain, Forensic Evidence Program Manager
Elise Stroble, Grants & Administration Program Manager – SAC Secretary
Rebecca Wagner, Ph.D., Chemistry Research Section Supervisor
Robyn Weimer, Chemistry Program Manager

Call to Order

Dr. Vallone, Vice Chair of the Scientific Advisory Committee (“Committee” or “SAC”), called the meeting to order at 10:31 a.m. Mason Byrd, Chief Deputy Director, stated for the record that a majority of the Committee was physically present.

46 Mr. Byrd addressed the remote participation of several members, pursuant to the Committee's
47 Policy on Individual Electronic Participation and All-Virtual Scientific Advisory Committee
48 Meetings under Virginia Code § 2.2-3708.3. Dr. Vallone reminded the Committee to speak up so
49 that they could be heard clearly. He also reminded members using an audio-visual connection that
50 they should remain on video during the meeting.

51

52 **Adoption of Agenda**

53 Dr. Vallone advised that the first order of business was the adoption of the draft agenda for the
54 meeting and noted that the agenda was previously shared with the Committee members via email.
55 Director Jackson asked for an addition to the agenda under Item VI to allow for a report from Mr.
56 Bommarito for the Trace Evidence Subcommittee. Dr. Vallone called for a motion to accept the
57 amendment to the agenda. A motion was made by Mr. Demuth and seconded, which was passed
58 by unanimous vote of the Committee. Dr. Vallone then called for a motion to adopt the revised
59 agenda. Mr. Meyers made a motion to adopt the revised agenda, which was seconded and passed
60 by unanimous vote of the Committee.

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62 **Adoption of Minutes of the October 11, 2023 Committee Meeting**

63 Dr. Vallone noted that the draft minutes from the October 11, 2023 meeting were previously shared
64 with the Committee by Ms. Stroble and asked if there were any proposed changes. Being none,
65 Mr. Bommarito made a motion that the minutes be approved, which was seconded and passed by
66 unanimous vote of the Committee.

67

68 **SAC Chair's Report**

69 Dr. Vallone stated that he did not have anything to report.

70

71 **Report from the Review Subcommittee Meetings (January 9 and April 8, 2024)**

72 Dr. Corrado began by thanking and commending the members of the Subcommittee and DFS staff,
73 with assistance from the University of Virginia Innocence Project, the Mid-Atlantic Innocence
74 Project, and the Virginia State Crime Commission, for their efforts in reviewing case files. She
75 also recognized and commended the leadership of Director Jackson in relation to this project.

76

77 Dr. Corrado's report included a background of the formation of the Review Subcommittee to
78 review allegations of misconduct by a former Department of Forensic Science (DFS) employee,
79 Mary Jane Burton. At the January 9, 2024 meeting, the Subcommittee reviewed documentation
80 provided by the Podcast reporters as well as the official case file documentation provided by DFS.
81 They were also provided overviews of prior case reviews, including the DFS Serology Review and
82 the exonerations that arose from the Post-Conviction DNA Testing Notification Project. In
83 addition, they were given information regarding a homicide case that was currently pending in the
84 Virginia Supreme Court¹ on a petition for a writ of actual innocence where subsequent post-
85 conviction testing and hair analysis failed to support the conclusions of Ms. Burton, the examiner
86 in the case. Based on the information they were provided, along with public comments from a
87 number of interested parties, the Subcommittee recommended that DFS staff draft notifications to
88 individuals potentially affected by Ms. Burton's work and develop a review plan that would be
89 evaluated at the next meeting.

¹ DFS staff provided the wrong information to Dr. Corrado. The case is currently pending in front of the Virginia Court of Appeals.

90 At the April 8th meeting, the Subcommittee heard from members of the Virginia State Crime
91 Commission regarding their efforts and the proposed scope of the project, reviewed and approved
92 the DFS proposed case plan, and reviewed and made edits to the draft notification letters that will
93 be sent to affected individuals and to Commonwealth's Attorneys, Chiefs of Police, and Sheriffs.
94 Because no further reviews are anticipated by the Subcommittee, they voted to return the matter
95 to the oversight of the full Scientific Advisory Committee with reports being provided by DFS
96 staff at each meeting.

97
98 Dr. Vallone called for a motion to approve the Subcommittee report. Mr. Bommarito made the
99 motion, which was seconded and passed by unanimous vote.

100 **Report from the Toxicology Subcommittee**

101 Dr. LeBeau reported that the members of the Toxicology Subcommittee reviewed documents
102 related to four validation plans/summaries. Due to scheduling conflicts, the meeting scheduled for
103 April 9th had to be postponed and will be rescheduled for a later date. Dr. Vallone called for a
104 motion to approve the Toxicology Subcommittee report. Dr. Maha made the motion, which was
105 seconded and passed by unanimous vote of the Committee.
106

107 **Report from the Trace Evidence Subcommittee**

108 Mr. Bommarito reported that the members of the Trace Evidence Subcommittee individually
109 reviewed documents related to the DFS Trace Evidence Standard Operating Procedures and the
110 Gasoline Sufficiency validation. Mr. Bommarito stated that he would like to have the
111 Subcommittee meet to discuss those items sometime prior to the next full SAC meeting. Dr.
112 Vallone called for a motion to approve the Trace Evidence Subcommittee report. Mr. Demuth
113 made the motion, which was seconded and passed by unanimous vote of the Committee.
114

115 **DFS Director's Report**

116 Director Jackson began her report with an update of the Central Laboratory capital project. She
117 shared pictures of the progress to date and described the locations of various DFS and OCME
118 offices and laboratory spaces. Her report also discussed various other new and ongoing activities
119 of the Department. Highlights of the presentation included the following:
120

- 121
122 • Post-Conviction Project – As stated at a previous meeting, DFS is in the process of
123 returning evidence identified in case files to the submitting law enforcement agencies. So
124 far, batches have been returned to 13 agencies. The related case files, which were scheduled
125 to be returned to the State Records Center, are being held for review of the Mary Jane
126 Burton files. They will be returned once those reviews are completed.
- 127 • Updated Evidence Handling & Laboratory Capabilities Guide – The Evidence Submission
128 Section was revised on March 7, 2024. A link to the new guide was shared, which can be
129 found on the DFS website.
- 130 • Customer Notice on Presumptive Field Tests in Virginia – Director Jackson shared a memo
131 that was sent to DFS customers to address a report, entitled *Guilty Until Proven Innocent:
132 Field Drug Tests and Wrongful Convictions* by the Quattrone Center for the Fair
133 Administration of Justice at the University of Pennsylvania Core Law School. The memo
134 addressed the report's incorrect assumptions regarding DFS data. A link to the memo is
135 provided on the DFS website.

- 136 • Carryover Funds from Fiscal Year (FY) 2023 – DFS had been approved by the Department
137 of Planning and Budget (DPB) to carry over a balance of funds from FY23 to FY24 to pay
138 for new evidential breath alcohol instruments. Due to the lengthy procurement process,
139 DFS will not have the new instruments in-house before the end of FY24 and will be
140 working with DPB to carry over those funds to FY25.

141
142 **Division of Technical Services (DTS) Updates**

143 Alka Lohmann, Director of Technical Services, provided an update on the Division of Technical
144 Services. Her report included updates on agency accreditation, the graduation of the 110th Session
145 of the Forensic Science Academy, and new Chemistry research projects, among other items. She
146 introduced two new Program Managers: Samantha Glass, Physical Evidence and Ellen Spain,
147 Forensic Evidence.

148
149 The Program Managers for the Chemistry, Forensic Biology, Physical Evidence, and Toxicology
150 program areas provided updates on staffing, training, new methodology and caseload statistics for
151 the various subdisciplines within those program areas. In addition, each Program Manager
152 addressed various methodologies within their Standard Operating Procedures. This information
153 had been requested by Dr. Corrado at the previous meeting.

154
155 Following the Forensic Biology report, questions were raised by Committee members and were
156 addressed by Brad Jenkins, Forensic Biology Program Manager, regarding male DNA screening
157 vs. identifying semen in sexual assault cases, and the capabilities of a potential private laboratory
158 for outsourcing of backlogged cases.

159
160 **New Business**

161
162 **Formation of a Breath Alcohol Subcommittee**

163 Dr. Vallone called on Director Jackson to discuss the need for the creation of a Breath Alcohol
164 Subcommittee. Director Jackson referenced the new evidentiary breath alcohol instruments and
165 the related validation and testing that will be needed and stated that feedback would be requested
166 from this subcommittee during the process. She mentioned that Randall Beaty, member of the
167 Board for the International Association for Chemical Testing (IACT), would be a good person to
168 Chair the subcommittee.

169
170 Mr. Beaty agreed to serve, and Dr. Vallone asked for other volunteers to serve on the
171 subcommittee. Mr. Bommarito and Dr. LeBeau volunteered to serve. For the scope of the
172 subcommittee, Mr. Beaty stated that Director Jackson had detailed it well and that modifications
173 could be made later if needed.

174
175 **Validation of a New DNA Quantitation System**

176 Mr. Jenkins stated that he would send materials to the Forensic Biology Subcommittee members
177 through the SAC Secretary for review prior to a possible meeting in October. Each member will
178 provide feedback individually to Mr. Jenkins and a determination will be made as to whether a
179 meeting will be needed.

180
181 **Election of Chair and Vice Chair**

182 Dr. Vallone reminded the Committee that the terms for Chair and Vice Chair are for a period of
183 one year, and that the current terms are about to expire. He stated that the Board needs to elect a
184 Chair and Vice Chair for the coming year and called on Ms. Stroble to provide a statement
185 regarding the eligibility of members for these positions. She advised that Dr. Corrado and Dr.
186 Vallone are both eligible to serve another consecutive term in their current positions as Chair and
187 Vice Chair, as their terms began on July 1, 2023.

188
189 Dr. Vallone asked for nominations for Chair. Mr. Bommarito nominated Dr. Corrado for the
190 position of Chair. Dr. Vallone then asked for a motion to elect Dr. Corrado as Chair. Mr.
191 Bommarito made the motion, which was seconded and passed by unanimous vote, with Dr.
192 Corrado abstaining.

193
194 Dr. Vallone asked for nominations for the position of Vice Chair. Mr. Bommarito nominated Dr.
195 Vallone for Vice Chair. Dr. Vallone asked for a motion to elect him as Vice Chair. Mr. Bommarito
196 made the motion, which was seconded and passed by unanimous vote, with Dr. Vallone abstaining.

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198 **Public Comment**

199 There was no public comment.

200

201 **Confirm Future Meeting Date**

202 Dr. Vallone confirmed the next meeting date, scheduled for Tuesday, October 8, 2024 at 10:00
203 a.m., and reminded the Committee that it will be an all-virtual meeting.

204

205 **Adjournment**

206 Dr. Vallone asked for a motion to adjourn. Dr. Maha made a motion to adjourn, which was
207 seconded and passed by unanimous vote.

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209 The meeting adjourned at 12:28 p.m.