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Minutes
Forensic Science Board Meeting
July 19, 2023

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Board Members Present

27 Delegate Robert Bell, Chair of the House Committee for Courts of Justice
28 Megan L. Clark, Commonwealth's Attorney, Prince Edward County
29 William T. Gormley, M.D., Chief Medical Examiner
30 Karl R. Hade, Executive Secretary, Supreme Court of Virginia
31 Kristin Howard, Designee of the Chair of the Virginia State Crime Commission, Senator John S.
32 Edwards
33 Michael HuYoung, Esquire, Criminal Defense Attorney
34 Caroline D. Juran, R.Ph., Executive Director, Board of Pharmacy, *Vice Chair*
35 Lt. Colonel Timothy Lyon, Designee of Colonel Gary T. Settle, Superintendent, Virginia State
36 Police
37 Richard P. Meyers, Scientific Advisory Committee Member
38 Jackson Miller, Director, Department of Criminal Justice Services
39 Robert Tracci, Designee of Attorney General Jason S. Miyares
40 Shane Wyatt – Designee of Denise M. Toney, Ph.D., Director of the Division of Consolidated
41 Laboratory Services
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Board Members Attending Virtually

47 Senator John S. Edwards, Chair of the Senate Committee on the Judiciary
48 George C. Maha, Ph.D., Scientific Advisory Committee Member
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Board Members Absent

53 Chief Maggie A. DeBoard, Chief of Police, Herndon Police Department, *Chair*
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Legal Counsel for the Forensic Science Board

58 Michelle Welch, Senior Assistant Attorney General
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Staff Members Present

63 David A. Barron, Ph.D., Deputy Director
64 Mason Byrd, Chief Deputy Director
65 Deea Chakraborty, Legal Assistant
66 Sabrina S. Cillesen, Physical Evidence Program Manager
67 James W. Hutchings, Ph.D., Toxicology Program Manager
68 Linda C. Jackson, Director
69 Amy Jenkins, Department Counsel
70 Brad Jenkins, Forensic Biology Program Manager
71 David Koppenhaver, Eastern Laboratory Director
72 Joshua Kruger, Northern Laboratory Director
73 Robyn Larson, Quality Assurance Section Supervisor
74 Alka B. Lohmann, Director of Technical Services
75 Scott Maye, Central Laboratory Director

47 Jessica B. Norton, Sr. Legal Assistant
48 Kelly Shelton, Administrative Assistant
49 Julie Smith, Human Resources Director
50 Elise Stroble, Grants and Administration Program Manager/FSB Secretary
51 Robyn Weimer, Chemistry Program Manager

52

53 **Call to Order**

54 Caroline Juran, Vice Chair of the Forensic Scientific Board (“Board” or “FSB”), advised the Board
55 that Chief DeBoard, FSB Chair, was unable to attend and stated that she would be serving as Chair
56 for the meeting. She asked Chief Deputy Director Byrd to confirm that a quorum of the Board
57 was present. She then called the meeting to order at 9:33 a.m. and asked for introductions.

58

59 Chief Deputy Director Byrd indicated that both Dr. Maha and Senator Edwards were participating
60 remotely pursuant to FSB policy and Virginia Code § 2.2-3708.3. Senator Edwards participated
61 from Roanoke, VA and Dr. Maha participated from Burlington, NC, as both of their principal
62 residences are more than 60 miles from the meeting location. Further, Dr. Maha had a temporary
63 medical condition that prevented his physical attendance.

64

65 **Adoption of Agenda**

66 The draft agenda, previously provided to the Board as a handout was adopted as presented on
67 motion by Mr. HuYoung and seconded by Ms. Clark with the unanimous approval of the Board.

68

69 **Approval of Draft Minutes of the April 10, 2023 Board Meeting**

70 The draft minutes from the April 10, 2023 meeting as presented were amended as follows: on line
71 279, the effective date for the Trace Evidence Collection Kits legislation was amended from July
72 1, 2005 to July 1, 2025. Ms. Clark made a motion to approve the April 10, 2023 meeting minutes
73 as amended, which was seconded by Mr. Hade, and approved unanimously by the Board.

74

75 **FSB Chair’s Report**

76 Ms. Juran stated she did not have a formal report but noted she had recently attended the graduation
77 ceremony for the 109th Session of the Forensic Science Academy and commented on the
78 importance of this training for law enforcement.

79

80 **Scientific Advisory Committee Report**

81 Mr. Meyers provided a report on the April 11, 2023 meeting of the Scientific Advisory Committee
82 (SAC). He stated that the validation summary for the addition of THC isomers to an existing
83 method was provided to and accepted by the Controlled Substances Subcommittee. The SAC
84 formed a Trace Evidence Subcommittee, and Ms. Schelling appointed Christopher Bommarito to
85 serve as Chair of that subcommittee. Finally, the Committee elected Dr. Kathleen Corrado as the
86 new Chair and Dr. Peter Vallone as the new Vice Chair.

87

88 **DFS Director’s Report**

89 Director Jackson updated the Board on the progress of the new Central Laboratory Building,
90 stating that the estimated completion is still slated for the end of calendar year 2025. She
91 introduced David Koppenhaver, the new Eastern Laboratory Director, and Joshua Kruger, the new
92 Director of the Northern Laboratory, to the Board members. In May, DFS underwent its external
93 surveillance document review. The new Certificates of Accreditation and Scopes have been issued
94 and are available on the DFS website.

95
96 Director Jackson discussed external training opportunities in Controlled Substances and DNA for
97 attorneys and judges and training available to law enforcement through the Forensic Training
98 Section. Section training for DFS scientific staff, either through internal workshops or attendance
99 at professional association meetings, is in progress. An off-site leadership retreat for DFS
100 supervisory staff will be held in Stanton, Virginia, September 18-20, 2023. The keynote speaker
101 will be Dean Gialamas, a High-Performance Leadership Coach and retired forensic laboratory
102 director.

103
104 Recent customer notices regarding FBI Next Generation Identification (NGI) system palm print
105 searches and the return of evidence relating to the Post-Conviction DNA Testing Project were
106 reviewed.

107
108 Director Jackson updated the Board on the recent meeting of the Customer Working Group that
109 occurred on May 8th, which included discussions regarding new latent print report formatting and
110 the removal of allele tables from Forensic Biology (DNA) Certificates of Analysis. Director
111 Jackson reviewed with the Board an example of a Latent Prints report with the new formatting,
112 that will include a table at the top of the report with the results and interpretations for convenience.

113
114 DFS plans to create a Sexual Assault Kit Processing Unit in the Central Laboratory that will be
115 trained on a more streamlined workflow for the analysis of Physical Evidence Recovery Kits
116 (PERKs). Director Jackson stated that implementation of this project requires additional positions
117 that were a part of the Governor's introduced FY24 budget.

118
119 Director Jackson discussed DFS' plans to have dashboards with case statistics available on the
120 DFS website. Once completed, this project, with assistance from the Office of Data Governance
121 and Analytics (ODGA), will not only allow public access to statistical data but will also be helpful
122 internally.

123
124 The procurement for the new Breath Alcohol evidential instruments is currently being handled by
125 the Department of General Services – Division of Purchases and Supply (DGS-DPS). DFS
126 projects it will need 220 new instruments.

127
128 A toxicology staffing update was provided. Director Jackson reminded the Board that, beginning
129 January 1, 2023, DFS began testing all DUI/DUID samples for a THC (tetrahydrocannabinol)
130 metabolite in addition to alcohol. For the first quarter of 2023, approximately 18% of cases with
131 BAC (blood alcohol content) less than 0.100% w/v had a quantifiable THC concentration.
132 Director Jackson also discussed a new method anticipated to be online soon that will differentiate
133 between $\Delta 8$ -THC and $\Delta 9$ -THC. The Board members discussed the data collected and how it may
134 be utilized by policy makers.

135
136 Director Jackson shared a new report, *Drug Cases Submitted to the Virginia Department of*
137 *Forensic Science CY 2022*, created in partnership with DCJS (Virginia Department of Criminal
138 Justice Services). The report, found on the DFS website, provides data on drug trends, broken out
139 by Virginia State Police Divisions and Court Districts, for the years 2013-2022.

140
141 Director Jackson spoke about Chapters 744 and 794 of the 2023 Acts of the General Assembly
142 and how the recently enacted legislation regulates hemp products by changing the definition of
143 tetrahydrocannabinol (THC) and total tetrahydrocannabinol. DFS has revised its methods to
144 include the additional isomers of THC and their acids and will continue to validate methods to
145 encompass additional isomers. Director Jackson also briefly discussed hemp enforcement after
146 July 1, 2023. She shared a customer notice issued on June 29, 2023, which updated submission
147 guidelines and announced outsourcing for edibles. Director Jackson advised that DFS will do
148 initial qualitative testing before sending specimens out for testing. DFS is recommending that only
149 one specimen be tested initially to see if it meets the criminal statute before further testing. The
150 Board members discussed the fees associated with the testing of edibles and any required
151 testimony. DFS will continue to assess the need for in-house capability for testing of edibles based
152 on case submissions received and outsourced.

153
154 Director Jackson shared workload statistics for fiscal years 2022 and 2023. She discussed
155 submissions, staffing levels and recruitment efforts in each of the disciplines. She also stated that
156 the most critical area currently is DNA where case submissions continue to increase.

157
158 Director Jackson reminded members that the agency remains at funding levels provided in the
159 FY23/FY24 biennial budget. She presented two grant applications that required Board approval
160 for DFS' receipt of funds, if awarded. The first grant, entitled *Overdose Data to Action in States*,
161 is a federal grant program under the Centers for Disease Control, National Center for Injury
162 Prevention and Control. The Virginia Department of Health will be the main recipient of the
163 award, with DFS as a subrecipient. DFS' portion of the funds will continue to support additional
164 staff in the Toxicology Section, allowing for faster dissemination of information regarding opioid
165 overdoses. The second grant is the *FY23 National Sexual Assault Kit Initiative (SAKI)*. The
166 Virginia Office of the Attorney General will be the main recipient of the award, with DFS as a
167 subrecipient. DFS' portion of the funds will continue to pay for the PERK tracking coordinator
168 position. Ms. Clark moved that the Board approve the Department's receipt of funds under the
169 two grant programs, if awarded, and Mr. Meyers seconded the motion. The Board unanimously
170 approved the motion.

171
172 **Old Business**

173
174 **Final Amendments to 6VAC40-50, Regulations for the Approval of Marijuana Field Tests for**
175 **Detection of Marijuana Plant Material**

176
177 Amy Jenkins, Department Counsel, reminded the Board of the purpose of the proposed
178 amendments, which have been posted on the Virginia Regulatory Town Hall website. She advised
179 the Board that the *proposed stage* has just been completed and no public comments were received,
180 either on Virginia's Town Hall website or at the previous public hearing held by the Board in

181 April. The Board unanimously approved the final amendments to the 6VAC40-50 on motion by
182 Mr. HuYoung and seconded by Lt. Col Lyon.

183

184 New Business

185

186 Quality Management Update

187 Alka Lohmann, Director of Technical Services and Quality Manager, provided an in-depth review
188 of the Quality Management System. Covered topics included the agency’s Statement of Quality
189 Policy, document control, existing quality system documents, personnel education requirements
190 and training, and the DFS *Code of Professional Responsibilities and Ethics*, which she shared in
191 her presentation. Ms. Lohmann went on to describe evidence submission and handling
192 requirements, chain of custody documentation, requirements for records and case files, the
193 specified requirements for reagents, equipment and supplies, and reporting wording, along with
194 technical and administrative review. Ms. Lohmann also discussed nonconforming work and
195 corrective actions, including the distinction between Level I and Level II nonconformities, as well
196 as the goals of the corrective process. She also discussed how complaints are addressed, both
197 internally and if external referral is required. She reviewed the continuous monitoring,
198 improvement efforts, and risk identification and mitigation efforts made by DFS.

199

200 At the conclusion of her presentation, Ms. Lohmann was asked to describe how someone would
201 know if a report had been changed or amended. Ms. Lohmann stated that Department procedures
202 require that, at the top of the report, there is a notation that states that the report was amended and
203 provides the reason for that amendment. All reports are signed by the issuing examiner.

204

205 Legislative Update

206 Chief Deputy Director Byrd reminded the Board of the previously signed bills discussed at the
207 April meeting. All are in effect today, except for HB2150 (Ch.312), which creates “trace evidence
208 collection kits” to be collected as part of a forensic medical examination of a person in connection
209 with an alleged strangulation. The effective date for HB2150 is July 1, 2025. He reviewed the
210 legislation regarding the differences in industrial hemp, regulated hemp products and marijuana
211 (Chapters 744 and 794 passed in the Reconvened Session).

212

213 Formation of a National Association of Forensic Science Boards/Commissions

214 Mr. Byrd discussed the possible formation of a National Association of Forensic Science
215 Boards/Commissions. He stated that a third-party planning committee has scheduled a meeting
216 for later this year in Austin, TX and is hoping to have participation from representatives from
217 various forensic science boards/commissions who would discuss their purpose, performance,
218 statutory authorization, etc. He stated that he was asked by the organizers whether the Virginia
219 FSB would be interested in speaking and if our Board had suggested topics. There was a brief
220 discussion around the purpose of the Association, whether it would address perceived problems,
221 and the value in participating. After the discussion, Dr. Gormley made a motion that the Board
222 take no action at this time, and Mr. Meyers seconded the motion. Further discussion ensued. Ms.
223 Clark made a motion to call for a vote, which was seconded by Delegate Bell. A vote was taken,
224 and the original motion was passed by a majority of the Board, with Sen. Edwards opposed and
225 Ms. Howard abstaining.

226

227 **Podcast Summary**

228 Ms. Jenkins reminded the Board members that Director Jackson had referenced a podcast at the
229 April meeting and indicated that DFS would brief the Board at this meeting once the podcast had
230 concluded. The first season of the VPM podcast, entitled “Admissible: Shreds of Evidence,”
231 concluded on April 25, 2023. Ms. Jenkins provided a synopsis of the podcast’s 12 episodes for
232 the Board.

233
234 Ms. Jenkins informed the Board that DFS is not in possession of the logbooks that the podcasters
235 indicate were changed from the 1970s. In addition, DFS has not been able to locate any agency
236 records pertaining to the investigation of allegations raised by Ms. Demas, the former employee
237 interviewed in the podcast, or her subsequent lawsuits against the then-Bureau of Forensic Science.
238 Ms. Jenkins reminded the Board that DFS had requested copies of the documents referenced in the
239 podcast in February 2022 and that VPM denied the request. With the conclusion of the podcast,
240 DFS was approached by Ms. Kramer, the host of the podcast, who indicated that she would provide
241 the documents DFS had requested as part of an on-the-record interview. DFS declined an
242 interview but renewed the request for documents. Some copies of documents were provided to
243 DFS on July 6, 2023. DFS responded by indicating that the Director intends to turn over the
244 documents to the Scientific Advisory Committee (SAC) for review, pursuant to Virginia Code §
245 9.1-1113(C), and requested that, if VPM had further documents that they referenced in the podcast
246 and wanted those considered by the SAC, they should be provided. Ms. Jenkins advised the
247 members that no action needed to be taken by the Board, as Director Jackson can make a direct
248 referral of this matter to the SAC.

249
250 **Public Comment**

251 No public comment was provided.

252
253 **Confirm Future Meeting Dates**

254 Ms. Juran reminded the Board that the next meeting is scheduled for October 12, 2023. The
255 October meeting would be an in-person meeting.

256
257 **Adjournment**

258 Ms. Juran called for a motion to adjourn the meeting. The motion to adjourn, made by Mr. Hade
259 and seconded by Ms. Howard, passed unanimously. The meeting was adjourned at 11:53 a.m.