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**Draft Minutes**  
**Forensic Science Board Meeting**  
**April 10, 2024**

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**Board Members Present**

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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

#### 150 New Business

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

#### 163 Legislative Update

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

#### 170 Election of the Chair and Vice Chair

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.

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193 **Public Comment**

194 No public comment was provided.

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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.

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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.