

1 **Draft Minutes**  
2 **Forensic Science Board Meeting**  
3 **January 6, 2020**  
4 **Department of Forensic Science, Central Laboratory, Classroom 1**  
5

6 **Board Members Present**

7 Colonel Maggie A. DeBoard, Chief of Police, Town of Herndon Police Department  
8 Marilyn Bibbs Freeman, Ph.D., (Designee of Denise M. Toney, Ph.D., Director, Division of  
9 Consolidated Laboratory Services)  
10 William T. Gormley, M.D., Chief Medical Examiner  
11 Karl R. Hade, Executive Secretary, Supreme Court of Virginia  
12 Kristen J. Howard (Designee of Senator Mark D. Obenshain, Chair, Virginia State Crime  
13 Commission)  
14 Caroline D. Juran, Executive Director, Board of Pharmacy  
15 David R. Lett, Petersburg Public Defender, Chair  
16 Richard P. Meyers, Scientific Advisory Committee Member  
17 Holli Wood (Designee of Attorney General Mark R. Herring)  
18

19 **Board Members Absent**

20 Emily M. Brewer, Delegate (Designee of Delegate Robert B. Bell, Chair, House Courts of Justice  
21 Committee)  
22 Shannon Dion, Director, Department of Criminal Justice Services  
23 Colonel Gary T. Settle, Superintendent, Virginia State Police  
24 Vince Donoghue, Essex Commonwealth's Attorney (Designee of Senator Mark D. Obenshain,  
25 Chair, Senate Courts of Justice Committee)  
26 Leslie E. Edinboro, Ph.D., Scientific Advisory Committee Member  
27 Colette W. McEachin, Commonwealth's Attorney, City of Richmond  
28

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

30 Michelle Welch, Assistant Attorney General  
31

32 **Staff Members Present**

33 Jeffrey D. Ban, Central Laboratory Director  
34 David A. Barron, Ph.D., Deputy Director  
35 Sabrina S. Cillessen, Physical Evidence Program Manager  
36 Amy M. Curtis, Department Counsel  
37 Leslie H. Ellis, Human Resources Director  
38 Katya N. Herndon, Chief Deputy Director  
39 James W. Hutchings, Ph.D., Toxicology Program Manager  
40 Linda C. Jackson, Director  
41 Bradford C. Jenkins, Biology Program Manager  
42 Alka B. Lohmann, Director of Technical Services  
43 Jessica B. Norton, Legal Assistant

44 Elizabeth M. Stroble, Grants and Administration Program Manager  
45 Jennifer L. Taylor, Forensic Administrative Specialist  
46 Robyn B. Weimer, Chemistry Program Manager

47

48 **Call to Order**

49 David Lett, Chair, called the meeting to order at 10:01 a.m. He welcomed the Board members and  
50 Department of Forensic Science (“Department” or “DFS”) staff, and thanked everyone for their  
51 attendance.

52

53 **Adoption of Agenda**

54 Mr. Lett asked if there were any additions or changes to the draft agenda for the meeting. Being  
55 none, Ms. Juran made a motion to adopt the agenda, which was seconded by Mr. Hade and adopted  
56 by unanimous vote of the Board.

57

58 **Approval of Draft Minutes of the October 3, 2019 Board Meeting**

59 Mr. Lett asked if there were any changes or corrections to the draft minutes from the October 3,  
60 2019 meeting. Mr. Hade made a motion to approve the October 3, 2019 minutes, which was  
61 seconded by Colonel DeBoard and passed by unanimous vote of the Board.

62

63 **Chair’s Report**

64 The Chair did not have a report.

65

66 **Director’s Report**

67

68 **Facilities:**

69 Director Jackson reviewed with the Board a timeline of what has occurred to date for the Central  
70 Laboratory facility project. She shared that the purchase of the land in Hanover County for the new  
71 Central Laboratory facility was completed on December 10, 2019.

72

73 **Statewide Meetings:**

74 The Department hosted a Management Review meeting for upper management in November 2019.  
75 The Department also hosted a grant-funded Joint Opioid Symposium in December 2019 that  
76 focused on the synthesis and pharmacology of novel synthetic opioids. Director Jackson gave her  
77 annual Director’s address to all four laboratories in December 2019.

78

79 **Accreditation:**

80 Director Jackson reminded the Board that the Department’s offsite surveillance assessment of the  
81 four regional laboratories has been completed. The on-site surveillance assessment will occur in  
82 May 2020.

83

84 **Agency Initiatives:**

85 Director Jackson updated the Board on a Customer Working Group that the Department is working  
86 with the Commonwealth’s Attorneys’ Services Council to develop, which will include laboratory

87 customers and DFS staff who will meet to discuss submissions, laboratory capabilities, and the  
88 triaging of evidence for analysis. The first meeting for the Customer Working Group is planned  
89 for March 2020.

90

91 Director Jackson advised the Board of the Virginia Cybercrime Initiative, which is being sponsored  
92 by the Commonwealth's Attorneys' Services Council. A conference is planned for March 2020.

93

94 Beta testing of the PERK Tracking System concluded in October 2019, and the Department is now  
95 rolling out the system statewide. All agencies are required to use the PERK Tracking System  
96 effective July 1, 2020.

97

98 Director Jackson updated the Board on the Department's training for attorneys and judges. The  
99 Department provided the one-day DNA Training and a new four-hour DUI/DUID training in all  
100 four DFS laboratories between September and November 2019. The Department plans to continue  
101 offering trainings and adding additional disciplines.

102

103 Director Jackson shared information about a new system for the DNA Data Bank, which would  
104 replace the sample search function in the LIDS DNA Sample Tracking System. The Department  
105 is working with the Department of Corrections to integrate the new system with VACORIS. The  
106 new system will provide a real-time searching function to confirm if a person's sample is in the  
107 DNA Data Bank. It will also allow for prelog of and barcode tracking for Data Bank samples.

108

109 Director Jackson reminded the Board that the 100<sup>th</sup> Session of the Forensic Science Academy  
110 begins on February 3, 2020.

111

112 Director Jackson provided the Board with staffing updates in the Controlled Substances and Trace  
113 Evidence Sections. Of the 15 Controlled Substances scientists hired in 2019, 10 are now fully  
114 qualified. The Trace Evidence Section is at full staff capacity in the Eastern and Western  
115 Laboratories, and the Central Laboratory is currently in the hiring process for a Forensic Scientist  
116 position. As of January 2, 2020, 2,968 simple possession drug cases have been outsourced to NMS  
117 Laboratories in Pennsylvania. The average turnaround time for the outsourced cases is 20 days.

118

119 Director Jackson reviewed the Department's progress in validating new methods for quantitating  
120 THC in marijuana plant material. DFS has developed a new analytical scheme to identify  
121 marijuana. Validation is complete for the 4-AP Field Test. The Department distributed the 4-AP  
122 Field Test instructional video that was created with the Virginia State Police. DFS purchased  
123 approximately 16,000 4-AP kits with grant funding from the Department of Criminal Justice  
124 Services and has begun distributing them to law enforcement agencies. All kits should be  
125 distributed by spring 2020. Director Jackson informed the Board that the final analytical scheme  
126 should be online in January 2020.

127

128 Director Jackson shared with the Board the Revised Procedure for Methamphetamine Purity  
129 Determinations that went into effect on January 6, 2020. The policy notice about the change

130 advised DFS users that, in an effort to streamline the analytical process, the weight of any  
131 methamphetamine would be reported without a purity determination. The policy requires that the  
132 Commonwealth's Attorney's Office send a letter to the Department to request quantitation.

133  
134 Director Jackson gave an update on the Forensic Biology program area, in which she reviewed  
135 staffing levels, including examiners in training and positions in recruit. She also gave an overview  
136 of the validation projects that the Forensic Biology Section is currently conducting, which includes  
137 the STRmix™ software.

138  
139 Director Jackson provided a Toxicology program area update, which included information on  
140 QTOF screening and method development for the Toxicology Section. She also shared  
141 information on the Breath Alcohol Section online recertification course, which has allowed 1,240  
142 officers to complete their certifications as of December 1, 2019. The Department is also testing  
143 the new software required for the Intox EC/IR II instrument enhancement.

144  
145 Addressing the Physical Evidence program area, Director Jackson reviewed the policy notice  
146 addressing the Resubmission of Latent Prints for Continued NGI Searching from Pre-2013  
147 Unsolved Cases, which was issued on November 19, 2019.

148  
149 Budget:  
150 Director Jackson discussed the DFS FY20 Budget and the Governor's Introduced FY21/FY22  
151 Budget. DFS received funding for two new IT positions and the additional maintenance costs for  
152 new laboratory equipment.

153  
154 Grants:  
155 Director Jackson shared a list of current and pending grants with the Board. She gave an update on  
156 the progress of kit testing under the National Sexual Assault Kit Initiative (SAKI) grant.

157  
158 Workload/Backlog:  
159 Director Jackson provided the Board with an update on statistical trends in each of the scientific  
160 disciplines, including quarterly data on backlog and turnaround times.

161  
162 **Old Business**

163  
164 Status of the Post-Conviction DNA Testing Program and Notification Project:  
165 Kristen Howard, Executive Director of the Virginia State Crime Commission, provided the Board  
166 with an update on the Post-Conviction DNA Testing Program and Notification Project. She  
167 informed the Board that the last batch of letters has been mailed out to misdemeanor defendants.

168  
169 Microscopic Hair Comparison Case Review Update:  
170 Amy Curtis, Department Counsel, provided an update on the Microscopic Hair Comparison Case  
171 Review. DFS is still continuing to look at positive probative cases from the Historical Case File  
172 project. Ms. Curtis advised that, once additional cases with transcripts are identified, a Hair Case

173 Review Team meeting will be scheduled. Ms. Curtis also noted that a new sub-committee member  
174 for the Microscopic Hair Comparison Case Review is needed.

175  
176 Proposed Regulatory Amendments:  
177 Ms. Curtis reviewed the status of the proposed amendments to the Regulations for the Approval of  
178 Field Tests for Detection of Drugs (6VAC40-30). A public hearing on the amendments was held  
179 prior to the Board meeting, and the public comment period closes on January 8, 2020. The final  
180 regulations, along with any additional public comments received, will be considered by the Board  
181 at its April meeting.

182  
183 New Business  
184  
185 Outlook for 2020 Legislation:  
186 Katya Herndon, Chief Deputy Director, informed the Board of the Department’s two agency bills  
187 for the upcoming General Assembly Session. The first bill clarifies the DNA Data Bank Arrestee  
188 Law, and the second bill addresses tetrahydrocannabinol concentration determinations.

189  
190 Public Comment  
191 There was no public comment.

192  
193 Future Meeting Dates  
194 The Forensic Science Board is scheduled to meet next on April 16, 2020 at 9:30 a.m. The Board  
195 is also scheduled to meet on July 15, 2020, and October 15, 2020.

196  
197 Adjournment  
198 Mr. Lett called for a motion to adjourn the meeting. Dr. Gormley made a motion to adjourn, which  
199 was seconded by Ms. Howard and passed by unanimous vote.

200  
201 The meeting adjourned at 11:00 a.m.