

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

**Approved Final Minutes
Forensic Science Board Meeting
April 21, 2022**

Department of Forensic Science, Central Laboratory, Classrooms 1 and 2

Board Members Present

Chief Maggie A. DeBoard, Chief of Police, Herndon Police Department, *Vice-Chair*
Delegate Robert Bell, Chair of the House Committee for Courts of Justice (participated remotely pursuant to Virginia Code § 2.2.-3708.2)
Senator John S. Edwards, Chairman of the Senate Committee for Courts of Justice (participated remotely pursuant to Virginia Code § 2.2.-3708.2)
William T. Gormley, M.D., Chief Medical Examiner
Karl R. Hade, Executive Secretary, Supreme Court of Virginia
Kristen J. Howard, Designee of the Chair of the Virginia Crime Commission, Senator John S. Edwards
Caroline D. Juran, Executive Director, Board of Pharmacy
George C. Maha, Ph.D., Scientific Advisory Committee Member
Richard P. Meyers, Scientific Advisory Committee Member
Jackson Miller, Director, Department of Criminal Justice Services
Lieutenant Colonel Tracy S. Russillo, Designee of Colonel Gary T. Settle, Superintendent, Virginia State Police
Denise M. Toney, Ph.D., Director of the Division of Consolidated Laboratory Services
Nicole Wittmann, Designee of Attorney General Jason S. Miyares

Board Members Absent

Megan L. Clark, Commonwealth's Attorney, Prince Edward County
Michael HuYoung, Esquire

Legal Counsel for the Forensic Science Board

Michelle Welch, Senior Assistant Attorney General

Staff Members Present

David A. Barron, Ph.D., Deputy Director
Sabrina S. Cillessen, Physical Evidence Program Manager
Leslie H. Ellis, Human Resources Director
James W. Hutchings, Ph.D., Toxicology Program Manager
Linda C. Jackson, Director
Amy C. Jenkins, Department Counsel
Brad Jenkins, Forensic Biology Program Manager
Alka B. Lohmann, Director of Technical Services
Jessica B. Norton, Legal Assistant
Elise Stroble, Grants and Administration Program Manager
Robyn Weimer, Chemistry Program Manager

Call to Order

46 Chief Maggie DeBoard, Vice-Chair of the Forensic Scientific Board (“Board” or “FSB”) called
47 the meeting to order at 9:38 a.m. Amy Jenkins advised Chief DeBoard that a majority of the FSB
48 members were present, and Chief DeBoard confirmed there was a quorum present. Chief DeBoard
49 took a moment to acknowledge the passing of David Lett, a prior member and Chair of the Board
50 before his retirement in 2021.

51
52 Chief DeBoard called on Ms. Jenkins to address the remote participation of two FSB members.
53 Ms. Jenkins advised that Senator Edwards and Delegate Bell would be participating remotely
54 pursuant to the FSB’s Policy on Participation of Forensic Science Board Members in Meetings by
55 Electronic Means Pursuant to Virginia Code § 2.2-3708.2. Chief DeBoard had all of the Board
56 members introduce themselves.

57
58 **Adoption of Agenda**

59 Chief DeBoard advised that the first order of business was the adoption of the draft agenda for the
60 meeting, which was previously shared with the Board members. She asked if there were any
61 changes to the draft agenda. Being none, she asked for a motion to approve the draft agenda. Dr.
62 Gormley made a motion to adopt the agenda, which was seconded by Ms. Wittmann and adopted
63 by unanimous vote of the Board.

64
65 **Approval of Draft Minutes of the January, 2022 Board Meeting**

66 Chief DeBoard asked if there were any proposed changes to the draft minutes from the January 5,
67 2022 meeting. Being none, she asked for a motion to approve the draft minutes. Senator Edwards
68 made a motion to approve the January 5, 2022 meeting minutes, which was seconded by Dr.
69 Gormley, and passed by unanimous vote of the Board.

70
71 **FSB Chair’s Report**

72 Chief DeBoard stated she did not have a report.

73
74 **DFS Director’s Report**

75 Chief DeBoard called on Director Jackson to provide her report to the Committee.

76
77 **Department Updates**

78 Regarding the Central Laboratory capital project, Director Jackson indicated that updated
79 construction/working drawings are in the third review by the Division of Engineering and
80 Buildings (DEB). Groundbreaking/site preparation is currently anticipated to occur in the second
81 quarter of 2022, with the project completion anticipated for late 2024 or early 2025.

82
83 The Department’s current ANSI National Accreditation Board (ANAB) accreditation expires on
84 September 30, 2022, and a full reassessment is scheduled for the week of June 6, 2022. Director
85 Jackson reminded the Board members that the Department’s certificates and scopes of
86 accreditation are available on the DFS website.

87
88 Eastern Laboratory Forensic Scientist Senior David Koppenhaver has been selected as the
89 Northern Laboratory’s new Director. He begins April 25, 2022.

90 The Department has been working on a refresh of its website. The goals of the refresh include
91 updates to current standards for accessibility, increased flexibility for viewing on mobile devices,

92 and an integration of the Qualtrax internal document control system so that procedure manuals can
93 be automatically updated on the website when published.

94
95 The Department received 177 responses to its online Customer Satisfaction Survey that was open
96 from January 27 – February 28, 2022. One hundred and one respondents indicated that DFS
97 exceeds expectations. Forty respondents indicated various areas for improvement, including case
98 turnaround times, availability of toxicologists, and additional customer training.

99
100 Director Jackson discussed the graduation of the 105th session of the Forensic Science Academy
101 on April 1, 2022, which was held in person with families and commanding officers in attendance.
102 The 106th session will begin April 25, 2022. A virtual Laboratory Capabilities and Update was
103 held on April 7, 2022, and a virtual homicide scene seminar was currently being conducted by the
104 Forensic Training Section.

105
106 A marijuana policy notice was forwarded to user agencies on April 12, 2022. Customers were
107 notified that all Duquenois-Levine field tests had been removed from the list of approved field
108 tests for marijuana plant material under 6VAC40-50. Director Jackson reminded the Committee
109 members that the removal of the Duquenois-Levine field tests under 6VAC40-50 did not affect
110 their approval for use during preliminary hearings in Virginia under Virginia Code § 19.2-188.1(A)
111 and 6VAC40-30. The Department also provided a revised submission policy notifying customers
112 that the Department would accept all underage marijuana possession cases and clarifying the
113 packaging requirements for violations of the home cultivation statute.

114
115 As a result of Senate Bill 591 (Hanger) from the 2022 General Assembly Session, DFS is working
116 to expand its semi-quantitative method for cannabis sativa plant material and cannabis extracts to
117 include other tetrahydrocannabinols: Delta-8-THC, Delta-10-THC, and Delta-6a,10a-THC. The
118 Department will be working on a contract for outsourcing edibles as needed.

119
120 Data Bank staff have been working with the Department of Corrections to train staff on the
121 electronic portal for sample information and pre-submission of sample data that has been
122 developed by the Department. An electronic data submission form, in lieu of a paper form, will
123 be much more efficient. This new DFS system will go live on July 1, 2022 now that legislation
124 mandating its use by law enforcement agencies has passed the General Assembly.

125
126 Director Jackson provided updated information to the Board members on the Department's PERK
127 Tracking System. All hospitals and almost 80% of law enforcement agencies have been given
128 access and are using the PERK tracking system. Of those agencies not trained to use the system,
129 the majority are smaller agencies that rarely, if ever, handle PERKs.

130
131 Director Jackson reviewed with the Board the joint report with DCJS entitled *Drug Cases*
132 *Submitted to the Virginia Department of Forensic Science CY2021*, which had recently been
133 released.

134
135 The Department continues to recommend compounds to the Board of Pharmacy (BoP) for
136 scheduling via the expedited regulatory process. DFS recommended ten (10) compounds to be
137 considered for scheduling at the BoP's June 6, 2022 meeting.

138

139 Department Section Updates

140 Director Jackson shared with the Board that the DME Section is fully staffed. She discussed recent
141 advancements in DME analyses that would be helpful to investigators and parties in criminal
142 proceedings. In the Firearms and Toolmarks Section, Director Jackson shared that there has been
143 a reduction in submissions NIBIN entries, as increasingly law enforcement agencies have their
144 own NIBIN capabilities. The American Rescue Plan Act (ARPA) funding received by DFS to
145 purchase an additional NIBIN system may be transferred to the Virginia State Police via a budget
146 amendment. For the Forensic Biology Section, Director Jackson reported that STRmix, a
147 probabilistic genotyping software, had been brought online in December 2021. Additional DNA
148 staff are being trained in the utilization of STRmix in their casework. Director Jackson shared
149 with the Board that the Central and Western Toxicology Sections are rebuilding capacity.
150 Outsourcing of Office of the Chief Medical Examiner (OCME) cases continued, particularly for
151 these districts. The Breath Alcohol Section has two (2) Forensic Scientists in training and two (2)
152 Forensic Scientists in the hiring process.

153

154 Workload Statistics

155 Director Jackson reviewed the current March Workload Statistics with the Committee. She shared
156 statistics comparing case submissions for each discipline for the first quarter of fiscal years 2019,
157 2020, 2021 and 2022. DNA turnaround times have increased due to the national pipette tip supply
158 shortage, the training requirements to put STRmix online, and increased submissions. Firearms &
159 Toolmarks submissions for NIBIN entry only have dropped due to law enforcement agencies
160 having their own NIBIN capabilities. Toxicology submissions have continued to increase. While
161 the 2022 Toxicology submissions seem to demonstrate a reduction, the submissions are artificially
162 low due to the outsourcing of OCME cases. Director Jackson discussed the continued downward
163 trend of Controlled Substances case submissions. Current turnaround times were provided for each
164 discipline.

165

166 Budget

167 Director Jackson shared information on the Department's Biennial FY2022 budget, showing a
168 breakdown of the budget by service area and expense category. Director Jackson shared with the
169 Board the four New Budget Items for FY23-FY24, which include funding for:

170

- 171 • Five toxicology forensic scientist positions and equipment
- 172 • Additional toxicology positions and supplies for THC data collection
- 173 • Support for a forensic trainer
- 174 • Non-general fund appropriation and non-general FTEs to increase the maximum
175 employment level

176

177 Grants

178 Director Jackson gave an overview of the two (2) grants applied for under the FY2022 DMV
179 Highway Safety Grand Program that pertain to the DFS Breath Alcohol (BA) Training Program
180 and the DFS TREDs Data Project.

181

182 Director Jackson noted the Board’s Vice-Chair had approved the Department’s applications for
183 these grants pursuant to the Board’s Bylaws. The acceptance of the funds, if awarded, also
184 required Board approval. Chief DeBoard called for a motion for the Board to approve acceptance
185 of the funds from the DMV Highway Safety Grant Program, if awarded. Ms. Wittmann made the
186 motion, which was seconded by Dr. Gormley and passed by unanimous vote.

187
188 Director Jackson advised the Committee that the Department had received the FY2021 Paul
189 Coverdell Forensic Science Improvement Grant. This block grant is shared with the Office of the
190 Chief Medical Examiner (OCME) and will be utilized for continuing education for scientific staff
191 and to contract with the Department’s LIMS provider for a paperless review process for reports.

192
193 Director Jackson also advised the Committee of two (2) new upcoming grant applications for
194 research projects:

- 195
- 196 • DNA Research - Beta testing, validation and implementation of the Biomek® i5
197 automated workstation for forensic biology casework sample processing.
- 198 • Fire Debris Research – Fire debris interpretation using quantitative measures of
199 chromatographic features in medium range ignitable liquids and the use of graphical
200 display to demonstrate data sufficiency.

201
202 Director Jackson noted that approval for these grant applications will be sought when the budgets
203 have been determined.

204
205 **Old Business**

206
207 Proposed Amendments to 6VAC40-50
208 Amy Jenkins, Department Counsel, provided an update on the proposed amendments to 6VAC40-
209 50, the Regulations for the Approval of Marijuana Field Tests for Detection of Marijuana Plant
210 Materials. The NOIRA stage has been completed and the public comment period closed on
211 February 2, 2022. No public comments were received. Ms. Jenkins notified the Board that the
212 next stage was the Proposed Stage and asked for a motion that the regulatory package for the
213 proposed amendments for 6VAC40-50 be submitted for Executive Review via Virginia’s
214 Regulatory Town Hall. Del. Bell made a motion that the proposed amendments proceed to the
215 Proposed Stage, which was seconded by Sen. Edwards, and passed by unanimous vote of the
216 Board. Ms. Jenkins indicated that a public hearing would be scheduled as part of the public
217 comment period for the Proposed Stage.

218
219 **New Business**

220
221 Fast-Track Parking Regulations
222 Ms. Jenkins discussed with the Board issues that the Department has encountered, particularly
223 with its Eastern Laboratory, with members of the public utilizing the parking for the facility when
224 they had no business in the building with the Department or any of its tenants. After conferring
225 with Michelle Welch, counsel to the Board, Ms. Jenkins had drafted parking regulations for DFS
226 facilities and giving the Department the authority to tow motor vehicles that were violating those
227 regulations from the property, utilizing the parking regulations of other state agencies and the City

228 of Norfolk as a guide. The Board has the authority, under its enabling statute (Virginia Code §
229 9.1-1110(A)(1)) to adopt regulations for the administration of the Chapter. Because it is
230 anticipated that these parking regulations will be non-controversial, they were proposed as fast-
231 track regulations, which will need to be fully reviewed by the Executive Branch and designated
232 legislative committees as well. Ms. Jenkins reviewed the fast-track process and the language of
233 the proposed regulations with the Board members. Ms. Wittmann made a motion that the fast-
234 track parking regulations be approved by the Board and submitted via Virginia's Regulatory Town
235 Hall for review, which was seconded by Sen. Edwards, and passed by unanimous vote of the
236 Board.

237

238 Legislative Update

239 Ms. Jenkins reviewed with the Board members several bills from the 2022 General Assembly
240 session with impact on the Department. The Department's agency bills, HB748 carried by
241 Delegate Bell and SB150 carried by Senator Edwards, would replace all references to the Local
242 Inmate Data System (LIDS) in the Code and replace them with references to the Department's
243 new DNA Data Bank Sample Tracking System. Ms. Jenkins noted that this legislative change will
244 require the Board to make corresponding amendments to 6VAC40-40 at its July meeting. Ms.
245 Jenkins also reviewed the Board of Pharmacy bills (HB193 (Hodges) and SB759 (Newman)) that
246 added new chemicals to Schedule I of the Drug Control Act. Ms. Jenkins discussed Senator
247 Hanger's SB591 and Governor Youngkin's substitute bill that would be considered at the veto
248 session scheduled for April 27, 2022.

249

250 Election of Chair and Vice-Chair

251 Chief DeBoard called for the annual election of the Committee Chair and the Vice-Chair and asked
252 for nominations. Mr. Meyers nominated Chief DeBoard as Chair, which was seconded by Dr.
253 Gormley. Chief DeBoard was elected Chair by unanimous vote of the Committee, with Chief
254 DeBoard abstaining.

255

256 Mr. Meyers nominated Caroline Juran as Vice-Chair, which was seconded by Dr. Gormley, and
257 passed by unanimous vote of the Board, with Ms. Juran abstaining.

258

259 Public Comment

260 No public comment was provided.

261

262 Confirm Future Meeting Dates

263

264 Chief DeBoard confirmed the remainder of the Board's 2022 meeting dates:

265

- 266 • Wednesday, July 13, 2022
- 267 • Wednesday, October 19, 2022

268

269 Adjournment

270 Chief DeBoard called for a motion to adjourn. Sen. Edwards made a motion to adjourn the
271 meeting, which was seconded by Ms. Wittmann, and passed unanimously by the Board. The
272 meeting was adjourned at 11:08 a.m.