

1 **Draft Minutes**
2 **Scientific Advisory Committee Meeting**
3 **April 9, 2024**
4 **Department of Forensic Science, Central Laboratory, Classrooms 1 and 2**
5

6 **Committee Members Present**

7 Christopher Bommarito
8 Jennifer Breaux
9 William E. Demuth, II
10 Erin P. Forry
11 Linda C. Jackson
12 George C. Maha, Ph.D.
13 Richard P. Meyers
14 Peter M. Vallone, Ph.D., *Vice Chair*
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16 **Committee Members Attending Virtually**

17 Randall E. Beaty
18 Kathleen Corrado, Ph.D., *Chair*
19 Marc A. LeBeau, Ph.D.
20 Aine Ramirez
21 Kenneth B. Zercie
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23 **Staff Members Present**

24 David Barron, Ph.D., Deputy Director
25 Mason Byrd, Chief Deputy Director
26 Samantha Glass, Physical Evidence Program Manager
27 James W. Hutchings, Ph.D., Toxicology Program Manager
28 Amy Jenkins, Department Counsel
29 Bradford C. Jenkins, Forensic Biology Program Manager
30 David Koppenhaver, Eastern Laboratory Director
31 Joshua Kruger, Northern Laboratory Director
32 Alka B. Lohmann, Director of Technical Services
33 Scott Maye, Central Laboratory Director
34 Jessica B. Norton, Sr. Legal Assistant
35 Kevin Patrick, Western Laboratory Director
36 Julie Smith, Human Resources Director
37 Ellen Spain, Forensic Evidence Program Manager
38 Elise Stroble, Grants & Administration Program Manager – SAC Secretary
39 Rebecca Wagner, Ph.D., Chemistry Research Section Supervisor
40 Robyn Weimer, Chemistry Program Manager
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42 **Call to Order**

43 Dr. Vallone, Vice Chair of the Scientific Advisory Committee (“Committee” or “SAC”), called
44 the meeting to order at 10:31 a.m. Mason Byrd, Chief Deputy Director, stated for the record that
45 a majority of the Committee was physically present.
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47 Mr. Byrd addressed the remote participation of several members, pursuant to the Committee's
48 Policy on Individual Electronic Participation and All-Virtual Scientific Advisory Committee
49 Meetings under Virginia Code § 2.2-3708.3. Dr. Corrado participated remotely from Syracuse,
50 NY because her principal residence is more than 60 miles from the meeting location. Dr. LeBeau
51 participated from St. Louis, MO, as he was required to travel for work. Mr. Zercie participated
52 remotely from Madison, CT, because he was caring for an ill family member. Ms. Ramirez
53 participated remotely from Ashburn, VA, because she had a prior work commitment. Mr. Beaty
54 participated remotely from Austin, TX due to a family emergency.

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56 Dr. Vallone reminded the Committee to speak up so that they could be heard clearly. He also
57 reminded members using an audio-visual connection that they should remain on video during the
58 meeting.

60 **Adoption of Agenda**

61 Dr. Vallone advised that the first order of business was the adoption of the draft agenda for the
62 meeting and noted that the agenda was previously shared with the Committee members via email.
63 Director Jackson asked for an addition to the agenda under Item VI to allow for a report from Mr.
64 Bommarito for the Trace Evidence Subcommittee. Dr. Vallone called for a motion to accept the
65 amendment to the agenda. A motion was made by Mr. Demuth and seconded, which was passed
66 by unanimous vote of the Committee. Dr. Vallone then called for a motion to adopt the revised
67 agenda. Mr. Meyers made a motion to adopt the revised agenda, which was seconded and passed
68 by unanimous vote of the Committee.

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70 **Adoption of Minutes of the October 11, 2023 Committee Meeting**
71 Dr. Vallone noted that the draft minutes from the October 11, 2023 meeting were previously shared
72 with the Committee by Ms. Stroble and asked if there were any proposed changes. Being none,
73 Mr. Bommarito made a motion that the minutes be approved, which was seconded and passed by
74 unanimous vote of the Committee.

75 76 **SAC Chair's Report**

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

78 79 **Report from the Review Subcommittee Meetings (January 9 and April 8, 2024)**

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

84

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

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

105
106 Dr. Vallone called for a motion to approve the Subcommittee report. Mr. Bommarito made the
107 motion, which was seconded and passed by unanimous vote.

108 109 **Report from the Toxicology Subcommittee**

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

115 116 **Report from the Trace Evidence Subcommittee**

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

123 124 **DFS Director's Report**

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

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

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- Post-Conviction Project – As stated at a previous meeting, DFS is in the process of returning evidence identified in case files to the submitting law enforcement agencies. So far, batches have been returned to 13 agencies. The related case files, which were scheduled to be returned to the State Records Center, are being held for review of the Mary Jane Burton files. They will be returned once those reviews are completed.
- Updated Evidence Handling & Laboratory Capabilities Guide – The Evidence Submission Section was revised on March 7, 2024. A link to the new guide was shared, which can be found on the DFS website.
- Customer Notice on Presumptive Field Tests in Virginia – Director Jackson shared a memo that was sent to DFS customers to address a report, entitled *Guilty Until Proven Innocent: Field Drug Tests and Wrongful Convictions* by the Quattrone Center for the Fair Administration of Justice at the University of Pennsylvania Corey Law School. The memo addressed the report’s incorrect assumptions regarding DFS data. A link to the memo is provided on the DFS website.
- Carryover Funds from Fiscal Year (FY) 2023 – DFS had been approved by the Department of Planning and Budget (DPB) to carry over a balance of funds from FY23 to FY24 to pay for new evidential breath alcohol instruments. Due to the lengthy procurement process, DFS will not have the new instruments in-house before the end of FY24 and will be working with DPB to carry over those funds to FY25.

Division of Technical Services (DTS) Updates

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

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

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

New Business

Formation of a Breath Alcohol Subcommittee

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

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

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183 Validation of a New DNA Quantitation System
184 Mr. Jenkins stated that he would send materials to the Forensic Biology Subcommittee members
185 through the SAC Secretary for review prior to a possible meeting in October. Each member will
186 provide feedback individually to Mr. Jenkins and a determination will be made as to whether a
187 meeting will be needed.

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

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197 Dr. Vallone asked for nominations for Chair. Mr. Bommarito nominated Dr. Corrado for the
198 position of Chair. Dr. Vallone then asked for a motion to elect Dr. Corrado as Chair. Mr.
199 Bommarito made the motion, which was seconded and passed by unanimous vote, with Dr.
200 Corrado abstaining.

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

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206 Public Comment
207 There was no public comment.

208
209 Confirm Future Meeting Date
210 Dr. Vallone confirmed the next meeting date, scheduled for Tuesday, October 8, 2024 at 10:00
211 a.m., and reminded the Committee that it will be an all-virtual meeting.

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213 Adjournment
214 Dr. Vallone asked for a motion to adjourn. Dr. Maha made a motion to adjourn, which was
215 seconded and passed by unanimous vote.

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

DRAFT