



Commission on Forensic Science

December 7, 2018

ESDC, 633 3rd Avenue, New York, NY

8:59 AM – 11:57 AM

DRAFT MEETING MINUTES

Commission Members in Attendance:

Michael Green, Esq., Chair

George Beach II, Superintendent

Pasquale Buffolino, Ph.D.

Lydia de Castro

Hon. William Fitzpatrick

David Loftis, Esq.

Hon. Angela Mazzarelli

Hon. Scott McNamara

Scott O'Neill, Ph.D.

Benjamin Ostrer, Esq.

Anne Walsh, Ph.D., M.D.

Ann Willey, Ph.D., J.D.

DCJS Staff in Attendance:

Gregory Anastasio

Jill Dooley, Ph.D.

Janine Kava

Brett Knowles

Cathryn Levine

Shelley Palmer

Jackalynne Vimislik

Cathy White

Aimee Zagorski

Other Attendees:

Robert Adamo – Westchester County Division of Forensic Science

Julia Becker – NYSP Crime Laboratory

Dominick Chimento – NYSP Crime Laboratory

Charles Clock – NYS DCJS Latent Print Laboratory

Karen Dooling – Nassau County Division of Forensic Science

Russell Gettig – NYSP Crime Laboratory
 Mark Gil – Nassau County Division of Forensic Science
 Tamara Giwa – Legal Aid Society
 Jessica Goldthwaite – Legal Aid Society
 James Harrison – Westchester County DPS Crime Laboratory
 Janet Hoin – NYS DCJS Latent Print Laboratory
 George Howard – NYS ITS
 Nicole Hurbanek - NYSP Crime Laboratory
 Michael Jankowiak – NYSP Crime Laboratory
 Jennifer Kingsley – NYS DCJS Latent Print Laboratory
 Timothy Kupferschmid - New York City OCME
 Jennifer Lady – New York City Police Department Police Laboratory
 Thomas Leach – NYSP Crime Laboratory
 Jennifer Limoges – NYSP Crime Laboratory
 Colleen Lockhart – Yonkers Police Department Forensic Science Laboratory
 Gabrielle Mazero – Queens County District Attorney’s Office
 Ryan O’Malley – New York State Police
 Lawrence Opisso – Suffolk County District Attorney’s Office
 James Palanzo – Westchester County DPS Crime Laboratory
 Julie Pizziketti – NYSP Crime Laboratory
 David Pulikowski – NYSP Crime Laboratory
 Eric Rosenbaum – Queens County District Attorney’s Office
 Meredith Rosenberg – New York City OCME Department of Forensic Biology
 Michelli Schmitz – Erie County Central Police Services
 Marie Samples – New York City OCME Department of Forensic Biology
 Betsy Spratt – Westchester County Division of Forensic Toxicology
 Preethi Swamy - New York City OCME
 Richard Torres – Legal Aid Society
 Raymond Valerio – Bronx County Office of the District Attorney
 Ray Wickenheiser – NYSP Crime Laboratory
 Nicole Zevotek – NYSP Crime Laboratory

Chairman Green opened the meeting by recognizing the retirement of Jerry Mollen and the introduction of Dr. Jill Dooley as the new Director of the Office of Forensic Services. The chair noted there was a quorum with 12 members present. The Chair then asked for a motion to approve the December 7, 2018 meeting agenda. The motion was made by Mr. Fitzpatrick, seconded by Supt. Beach, and approved unanimously.

*Approximate
video times*

00:05:14 –
00:05:49

The Chair then requested a motion to approve the minutes of the September 12, 2018, Commission meeting. A motion to accept the minutes was made by Mr. McNamara, seconded by Mr. Ostrer, and approved with eleven votes for, zero against, and one abstention (Judge Mazzarelli).

00:05:49 –
00:06:17

Laboratory accreditation items and updates were then considered for Erie County Central Police Services Forensic Laboratory, DCJS Latent Print Laboratory, Nassau County Division of Forensic Sciences, Nassau County Office of the Medical Examiner

00:06:17 –
01:08:40

Toxicology Laboratory, New York City OCME Department of Forensic Biology, New York City OCME Department of Forensic Toxicology, Onondaga County Center for Forensic Sciences, Suffolk County Crime Laboratory, and Westchester County Division of Forensic Toxicology. Representatives from the laboratories were present or available via phone to respond to members' questions.

*Approximate
video times*

Chairman Green requested a motion to grant NYS accreditation to the Erie County Central Police Services Forensic Laboratory for the period of July 22, 2018 through August 31, 2022, which is concurrent with their ANAB accreditation. Supt. Beach made the motion which was seconded by Dr. O'Neill, and approved unanimously.

00:06:17–
00:08:11

The Chair then moved to Old Business. First, Dr. Dooley provided a verbal update regarding the status of the familial search program. Next, Dr. Walsh gave an update regarding the Department of Health permitting of private laboratories. Finally, Dr. Buffolino gave an update regarding the Nassau County NIBIN program which prompted a more in-depth NIBIN discussion among Commission members.

01:08:40 –
01:41:00

The Chair then moved to New Business. A discussion on Rapid DNA took place, including an update from Tim Kupferschmid on the intended use of the New York City OCME's rapid DNA instrument. The Chair asked for a motion to notify all law enforcement agencies, accredited New York State forensic DNA laboratories, and district attorney's offices that the use of rapid DNA technology may be covered by 995 of the Executive Law and that prior to any use of this technology, they must come before the DNA Subcommittee and the Commission to present their intended use and validation studies. The notification will include a copy of the 2016 letter originally stating the Commission's position on Rapid DNA use. The motion was made by Mr. Fitzpatrick, seconded by Judge Mazzarelli, and approved unanimously.

01:41:00 –
01:57:59

An update was then provided by Dr. Dooley on the recent 100% acquisition of ANAB by ANSI. Pam Sale, from ANAB, was available via phone to respond to the Commission's questions.

01:57:59 –
02:07:17

The Chair then moved to Laboratory Disclosures, and the Commission reviewed laboratory disclosures from the New York City Police Department Police Laboratory, New York State Police Crime Laboratory, Niagara County Sheriff's Office Forensic Laboratory, Suffolk County Crime Laboratory, Westchester County Division of Forensic Science, and Westchester County Division of Forensic Toxicology. Representatives from the laboratories were present or available via phone to respond to members' questions.

02:07:17–
02:59:50

The Chair noted that there were no items slated for executive session. The next meeting is scheduled for March 13, 2019 with the primary meeting site in Albany. A motion to adjourn was made by Mr. McNamara, seconded by Mr. Loftis, and approved unanimously.

02:59:50
03:00:48

Note:

Video of the meeting is available upon request.

Approximate video times in parenthesis reflect the streaming video. Times not in parenthesis reflect the video file played using software such as Windows Media Player.