



Commission on Forensic Science

March 21, 2018

**DCJS Crimestat Room 118
80 South Swan Street
Albany, NY 12210
9:00 AM – 12:15 PM**

DRAFT MEETING MINUTES

Commission Members in Attendance (Albany, NY):

Commissioner Michael Green, Chair
Hon. William Fitzpatrick
Brian Gestring
Dr. Anne Walsh

Commission Members in Attendance (New York City, NY):

Lydia de Castro
Hon. Angela Mazzarelli
Dr. Scott O'Neill
Marvin Schecter

DCJS Staff in Attendance:

Gregory Anastasio
Janine Kava
Cathryn Levine
Jerry Mollen
Shelley Palmer
Jackalynne Vimislik
Catherine White
Aimee Zagorski

Other Attendees:

Bradley Brown – New York State Police Forensic Investigation Center
Paul Buckowski – Times Union
Dominick Chuimento – New York State Police Forensic Investigation Center
John Clark – Monroe County Crime Laboratory
Ellyn Colquhoun – Monroe County Crime Laboratory
Jill Dooley – New York State DCJS Latent Print Laboratory
Colleen Falcone – New York State DCJS Latent Print Laboratory
Russell Gettig – New York State Police Forensic Investigation Center
Christine Giffin – Erie County Medical Examiner's Office Forensic Toxicology Laboratory

Jessica Goldthwaite – Legal Aid Society
 James Harrison – Westchester County Department of Public Safety Crime Laboratory
 Janet Hoin – New York State DCJS Latent Print Laboratory
 Nichole Hurbanek – New York State Police Forensic Investigation Center
 Jennifer Lady – New York City Police Department Police Laboratory
 Margaret LaFond – New York State Police Forensic Investigation Center
 Jennifer Limoges – New York State Police Forensic Investigation Center
 Kari Midthun – New York State Police Forensic Investigation Center
 James Palanzo – Westchester County Department of Public Safety Crime Laboratory
 Julie Pizziketti – New York State Police Forensic Investigation Center
 David Pulikowski – New York State Police Forensic Investigation Center
 Meredith Rosenberg – New York City OCME Department of Forensic Biology
 Pam Sale – ANAB
 Rachel Silberstein – Times Union
 Raymond Valerio – Bronx District Attorney’s Office
 Richard van der Meulen – Westchester County Department of Public Safety Crime Laboratory
 Vivian Wang – New York Times
 Ray Wickenheiser – New York State Police Forensic Investigation Center

Chairman Green opened the meeting and noted there was a quorum, with seven members present. The members reviewed the agenda; Mr. Schechter requested the addition of a topic to New Business. The Chair then requested a motion to approve the March 21, 2018, meeting agenda with the addition. A motion to accept the agenda with the addition was made by Mr. Fitzpatrick, seconded by Dr. O’Neill, and approved unanimously [Judge Mazzarelli was not present for the vote].

*Approximate
video times*

00:02:50 –
00:05:56

The Chair then requested a motion to approve the minutes of the December 8, 2017, Commission meeting. A motion to accept the minutes was made by Mr. Fitzpatrick, seconded by Ms. de Castro, and approved unanimously [Judge Mazzarelli was not present for the vote].

00:05:56 –
00:06:39

Laboratory accreditation items and updates were then considered for Monroe County Crime Laboratory, New York City Police Department Police Laboratory, New York City OCME Department of Forensic Biology, New York State Police Crime Laboratory, New York State DCJS Latent Print Laboratory, Niagara County Sheriff’s Office Forensic Laboratory, and Suffolk County Crime Laboratory. Mr. Gestring requested a motion to grant NYS accreditation to the New York City Police Department Police Laboratory for the period of January 9, 2018 through March 31, 2022, which is concurrent with their ANAB accreditation. Dr. Walsh made the motion which was seconded by Judge Mazzarelli. The motion passed with seven votes for, no votes against, and one abstention (Dr. O’Neill). Mr. Schechter requested that the New York State Police Crime Laboratory provide to the Commission its written protocols used for determining the use of CPI and its interpretation, as well as how a comparison result is determined to be an inclusion, exclusion, or inconclusive. Mr. Wickenheiser, the New York State Police Crime Laboratory Director, indicated that he would discuss the matter with the laboratory’s legal counsel and provide a written response to the Chair regarding the request.

00:06:39 –
01:29:04
(6:39 –
89:04)

The 2017 Annual Laboratory Summaries were also reviewed. Representatives from the laboratories were present or available via phone to respond to members' questions.

The Chair then moved to Old Business. The members first discussed the comparison of Accreditation Programs. Pam Sale from ANAB was present to answer questions from the members. Dr. Walsh requested that a review and comparison of price structure between ANAB and A2LA be created for the Commission to review.

01:29:04 –
02:14:55
(89:04 –
134:55)

The Commission then heard a verbal update on Familial Search.

02:14:55 –
02:18:11
(134:55 –
138:11)

The Chair then moved to Laboratory Disclosures, and the Commission reviewed laboratory disclosures from Erie County Central Police Services, Erie County Medical Examiner's Office Forensic Toxicology Laboratory, Monroe County Crime Laboratory, New York City OCME Department of Forensic Biology, New York City Police Department Police Laboratory, New York State Police Crime Laboratory, Onondaga County Center for Forensic Sciences, Suffolk County Crime Laboratory, Westchester County Division of Forensic Services, and Westchester County Department of Public Safety. Representatives from the laboratories were present or available via phone to respond to members' questions.

02:18:11 –
02:51:45
(138:11 –
171:45)

The Chair then moved to New Business. Mr. Schechter questioned whether DCJS was involved in the testing of DNA samples. Chairman Green responded that DCJS serves an administrative function regarding sample eligibility for the DNA Databank, but does not perform any actual DNA testing.

02:51:45 –
02:54:15
(171:45 –
174:15)

The Chair then requested a motion to enter Executive Session to discuss matters relating to a current investigation or matters that may lead to the appointment, promotion, demotion, discipline, or suspension of a particular person. Mr. Schechter made the motion, which was seconded by Mr. Fitzpatrick, and approved unanimously [Judge Mazzarelli was not present for the vote].

02:54:15 –
02:54:56
(174:15 –
174:56)

The Commission returned to open session and the Chair indicated that the Commission did not take any formal action during Executive Session. Mr. Gestring left the meeting during Executive Session.

02:54:56 –
02:55:08
(174:56 –
175:08)

A motion to adjourn was made by Mr. Fitzpatrick, seconded by Dr. Walsh, and approved unanimously [Mr. Gestring was not present for the vote]. The next meeting is scheduled for June 15, 2018. The main meeting site is in New York City.

02:55:08 –
02:55:39
(175:08 –
175:39)

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.