



Commission on Forensic Science

June 15, 2018

ESDC, 633 3rd Avenue, New York, NY

9:20 AM – 12:30 PM

DRAFT MEETING MINUTES

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

Michael Green, Esq., Chair
Pasquale Buffolino, Ph.D.
Lydia de Castro
Hon. William Fitzpatrick
David Loftis, Esq.
Hon. Angela Mazzairelli
Hon. Scott McNamara
Jerry Mollen, Esq.
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
Janine Kava
Brett Knowles
Cathryn Levine
Justin Mason
Shelley Palmer
Jackalynne Vimislik
Aimee Zagorski

Other Attendees:

Christina Atrouni – Monroe County Crime Laboratory
Edward Baskerville – New York State Police
Dan Burhans – Suffolk County Crime Laboratory
John Clark – Monroe County Crime Laboratory
Ellyn Colquhoun – Monroe County Crime Laboratory
Connie Dinkel – Suffolk County Crime Laboratory
Jill Dooley – New York State DCJS Latent Print Laboratory
Colleen Falcone – New York State DCJS Latent Print Laboratory

Julie Fry – Legal Aid Society
 Kori Gawrys – Niagara County Sheriff’s Office Forensic Laboratory
 Robert Genna – Suffolk County Crime Laboratory
 Brian Gestring
 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
 Rebecca Hartman – Monroe County Office of the Medical Examiner Forensic Toxicology Laboratory
 Janet Hoin – New York State DCJS Latent Print Laboratory
 Susan Horan – Kings County District Attorney’s Office
 George Howard
 Florence Hutner – New York City OCME Counsel
 Melissa Huyck – New York City Police Department Forensic Investigations Division
 Michael Jankowiak – New York State Police
 Thomas Leach – New York State Police Forensic Investigation Center
 Allison Lewis – Legal Aid Society
 Colleen Lockhart – Yonkers Police Department Forensic Science Laboratory
 Gabrielle Mazero – Queens County District Attorney’s Office
 Melissa Mourgues – Manhattan District Attorney’s Office
 Ryan O’Malley – New York State Police
 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
 Eric Rosenbaum – Queens County District Attorney’s Office
 Meredith Rosenberg – New York City OCME Department of Forensic Biology
 Kerri Sage – New York State Police Forensic Investigation Center
 Pam Sale – ANAB
 Marvin Schechter
 Rachel Singer – Kings County District Attorney’s Office
 Betsey Spratt – Westchester County Division of Forensic Toxicology
 Kristina Tipton – Legal Aid Society
 Richard Torres – Legal Aid Society
 Raymond Valerio – Bronx County Office of the District Attorney
 Ray Wickenheiser – New York State Police Forensic Investigation Center
 Christian Westring

Chairman Green opened the meeting by welcoming Supt. George Beach, Benjamin Ostrer, Jerry Mollen, and David Loftis as new members and noted there was a quorum, with 11 members present. Mr. Loftis has administrative issues to attend to prior to the next meeting; as such he did not participate in the meeting. Chairman Green requested a motion to approve the June 15, 2018 meeting agenda. The motion was made by Judge Mazzarelli, seconded by Mr. McNamara, and approved unanimously.

*Approximate
video times*

00:02:50 –
00:05:23

The Chair then requested a motion to approve the minutes of the March 21, 2018, Commission meeting. A motion to accept the minutes was made by Mr. Fitzpatrick,

00:05:23 –
00:05:55

seconded by Judge Mazzarelli, and approved with eight for, none against, and three abstentions (Mr. Ostrer, Dr. Willey, Mr. McNamara)

Laboratory accreditation items and updates were then considered for Erie County Forensic Toxicology Laboratory, Monroe County Medical Examiner Toxicology Laboratory, New York State Police Crime Laboratory, Niagara County Sheriff Office's Forensic Laboratory, Suffolk County Crime Laboratory, Suffolk County Medical Examiner Toxicology Laboratory, Erie County Department of Central Police Services, Monroe County Crime Laboratory, Nassau County Toxicology Laboratory, New York City OCME Department of Forensic Toxicology, Onondaga County Medical Examiner's Forensic Toxicology Laboratory, Westchester County Division of Forensic Science, and Westchester County Division of Forensic Toxicology.

00:05:55 –
01:22:42:
(5:55 –
82:42)

Chairman Green requested a motion to grant NYS accreditation to the Erie County Forensic Toxicology Laboratory for the period of July 1, 2018 through June 30, 2020, which is concurrent with their ABFT accreditation. Mr. McNamara made the motion which was seconded by Dr. O'Neill. The motion passed unanimously (Mr. Ostrer did not vote).

00:05:55 –
00:19:31

Chairman Green requested a motion to grant NYS accreditation to the Monroe County Medical Examiner Toxicology Laboratory for the period of July 1, 2018 through June 30, 2020, which is concurrent with their ABFT accreditation. Dr. Buffolino made the motion which was seconded by Mr. Fitzpatrick. The motion passed unanimously (Mr. Ostrer did not vote).

00:19:31 –
00:32:12

Chairman Green requested a motion to grant NYS accreditation to the New York State Police Crime Laboratory for the period concurrent with their ANAB accreditation. Mr. McNamara made the motion which was seconded by Mr. Fitzpatrick. The motion passed with ten votes for, one vote against (Mr. Ostrer) and no abstentions.

00:32:12 –
00:59:30

Chairman Green requested a motion to grant NYS accreditation to the Niagara County Sheriff Office's Forensic Laboratory for the period concurrent with their ANAB accreditation. Mr. McNamara made the motion which was seconded by Dr. O'Neill. The motion passed unanimously.

00:59:30-
01:13:57
(59:30 –
73:18)

Chairman Green requested a motion to grant NYS accreditation to the Suffolk County Crime Laboratory for the period concurrent with their ANAB accreditation. Dr. Buffolino made the motion which was seconded by Mr. McNamara. The motion passed unanimously.

01:13:57 –
01:14:56
(73:18 –
74:56)

Chairman Green requested a motion to grant NYS accreditation to the Suffolk County Medical Examiner Toxicology Laboratory for the period of July 1, 2018 through June 30, 2020, which is concurrent with their ABFT accreditation. Dr. O'Neill made the motion which was seconded by Judge Mazzarelli. The motion passed unanimously.

01:14:56 –
01:18:28
(74:56 –
78:28)

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. The members also discussed delaying any action regarding

01:22:42 –
02:01:30
(82:42 –
121:30)

the ABFT forensic toxicology program until the new standards are published in 2019 and considered. Following the discussion, a motion was made by Dr. O'Neill to make ANSI-ASQ National Accreditation Board (ANAB) the sole entity for the accreditation of public forensic laboratories in New York State. In addition, it was noted that it will be necessary to modify the NYCRR to remove language referencing ASCLD/LAB and reference ANAB in its place. The motion was seconded by Dr. Buffolino. The motion passed with nine votes for, one against (Dr. Willey) and one abstention (Mr. Ostrer). The members then were notified that historical memos pertaining to open meeting law/confidentiality were included with their meeting materials. A verbal update regarding familial search applications was next discussed.

02:01:30 –
02:07:18
(121:30 –
127:18)

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

02:07:18 –
02:07:50
(127:18 –
127:50)

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. McNamara made the motion, which was seconded by Dr. Walsh, and approved unanimously.

02:07:50 –
02:09:05
(127:50 –
129:05)

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

02:09:05 –
02:09:50
(129:05 –
129:50)

A motion to adjourn was made by Mr. McNamara, seconded by Dr. Walsh, and approved unanimously. The next meeting is scheduled for September 12, 2018. The main meeting site is in Albany.

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.