



Commission on Forensic Science

September 16, 2020

**Division of Criminal Justice Services
Virtual Meeting¹**

9:13 AM – 2:07 PM

DRAFT MEETING MINUTES

Commission Members in Attendance:

Michael Green, Esq., Chair
 Lydia de Castro
 Superintendent Keith Corlett
 Jill Dooley, Ph.D.
 Hon. William Fitzpatrick, Esq.
 David Loftis, Esq.
 Hon. Angela Mazzarelli
 Hon. Scott McNamara, 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:

Natasha Harvin-Locklear, Esq.
 Shelley Palmer
 Jackalynne Vimislik

Chairman Green opened the meeting with a roll call to establish a quorum due to members of the Commission being in attendance from their own locations. A quorum was present with 12 members in attendance (Corlett, de Castro, Dooley, Fitzpatrick, Green, Loftis, Mazzarelli, McNamara, O'Neill, Ostrer, Walsh, and Willey).

*Approximate
video times*

00:00:00 –
00:04:45

¹ Due to the Coronavirus (COVID-19), and pursuant to Governor Cuomo's Executive Order 202.1, issued on March 12, 2020, suspending the Open Meetings Law and **authorizing the attendance of meetings telephonically or other similar service.**

*Approximate
video times*

A motion to approve the September 16, 2020 agenda was requested by the Chair, made by Mr. Fitzpatrick, seconded by Mr. Ostrer and approved unanimously.

00:04:45 -
00:06:19

The Chair then asked Commission members for questions or comments on the minutes from the June 5, 2020 Commission meeting. Judge Mazzarelli suggested an edit to amend a typographical error. Mr. Ostrer made a motion to accept the minutes with the mentioned edit, Judge Mazzarelli seconded the motion, and it was approved with eleven votes for, and one abstention (Willey).

00:06:19 –
00:08:18

Laboratory accreditation items and updates were then considered for the Erie County Central Police Services Laboratory, Erie County Medical Examiner's Office Toxicology Laboratory, Monroe County Office of the Medical Examiner Toxicology Laboratory, Nassau County Office of the Medical Examiner Toxicology Laboratory, New York City OCME Department of Forensic Toxicology, New York City Police Department Police Laboratory, New York State DCJS Latent Print Laboratory, Niagara County Sheriff's Office Forensic Laboratory, Onondaga County Center for Forensic Sciences, Onondaga County Department of Forensic Toxicology, Suffolk County Crime Laboratory, Suffolk County OCME Toxicology Laboratory, Westchester County Division of Forensic Sciences, Westchester County Division of Forensic Toxicology, Westchester County Department of Public Safety Crime Laboratory, and the Yonkers Police Department Forensic Science Laboratory. Representatives from the laboratories were available via Web-Ex to respond to members' questions. Dr. Graham Jones of American Board of Forensic Toxicologists (ABFT) was available via Web-Ex to discuss the accreditation extensions granted due to the limitations of laboratory inspections during the pandemic.

00:08:18 -
00:59:17

Chairman Green requested a motion to grant an extension of NYS accreditation to be concurrent with the extension of accreditation granted by ABFT for the Erie County Medical Examiner's Office Toxicology Laboratory. Mr. Fitzpatrick made the motion, it was seconded by Judge Mazzarelli, and approved with eleven votes for, and one abstention (Willey).

00:22:50
00:24:04

Chairman Green requested a motion to grant an extension of NYS accreditation to be concurrent with the extension of accreditation granted by ABFT for the Monroe County Office of the Medical Examiner Toxicology Laboratory. Judge Mazzarelli made the motion, it was seconded by Dr. Dooley, and approved unanimously.

00:24:04
00:25:31

Chairman Green requested a motion to grant an extension of NYS accreditation to be concurrent with the extension of accreditation granted by ABFT for the Suffolk County OCME Toxicology Laboratory. Mr. Ostrer made the motion, it was seconded by Mr. Loftis, and approved unanimously.

00:51:51
00:53:05

The Chair then moved to Old Business. Dr. Dooley provided Commission members with a verbal update on Familial Searching. Next, Dr. Walsh provided Commission members with an update on investigative genetic genealogy. Dr. O'Neill then provided

00:59:17
01:56:30

Commission members with a summary of the discussion with NYCLAC regarding Discovery law, Marihuana/Hemp/THC quantitation, as well as COVID, and current events.

*Approximate
video times*

Commission members then had a brief discussion regarding both the Partial Match and Familial Search Policies. A motion to accept the binding recommendation provided by the DNA Subcommittee at their August meeting was made by Mr. Fitzpatrick, seconded by Judge Mazzarelli, and approved with ten votes for, zero votes against, and two abstentions (Loftis, Ostrer). Last under Old Business, Commission members had a discussion regarding the forensic laboratory accreditation program.

01:56:30
02:11:23

The Chair then moved to New Business where Commission members discussed a letter submitted by the NYS Biology Technical Working Group (BIOTWG). A motion was made by Chairman Green to request a written response from the DNA Subcommittee as to whether they feel any action should be taken by laboratories regarding the BIOTWG letter. Mr. Loftis seconded the motion, and it was unanimously approved with ten votes (Mazzarelli left the meeting and Willey was having technical difficulties).

02:11:20 –
02:46:40

Next item on the agenda was Laboratory Disclosures. The Commission reviewed disclosures from the New York City Police Department Police Laboratory, New York State Police Crime Laboratory, Onondaga County Center for Forensic Sciences, Suffolk County Crime Laboratory, and the Westchester County Division of Forensic Toxicology. Representatives from the laboratories were available via Web-Ex to respond to members' questions.

02:46:40 –
03:03:40

The Chair then requested a motion to enter into 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 person. Mr. Ostrer made the motion, which was seconded by Mr. Loftis, and approved unanimously.

03:03:40
03:04:59

The Commission adjourned into Executive Session. Commission members present were: Green, Corlett, de Castro, Dooley, Fitzpatrick, Loftis, McNamara, O'Neill, Ostrer, Walsh and Willey. The Commission discussed a complaint, and voted to conduct a further investigation into said complaint. Chair Green made a motion, with was seconded by Mr. Fitzpatrick, and approved with ten votes for and one abstention (de Castro). Executive Session commenced at 12:23 PM and concluded at 2:05 PM. The Commission reconvened the Open Meeting.

03:04:59
03:06:08

The next meeting is scheduled for December 11, 2020. A motion to adjourn was made by Dr. O'Neill, seconded by Mr. McNamara, and approved unanimously with ten votes (Ostrer had left the meeting).

03:06:08
03:06:31

Note:

Video of the open meeting is available at YouTube.