



## Commission on Forensic Science

**December 11, 2020**

**Division of Criminal Justice Services  
Virtual Meeting<sup>1</sup>**

**9:04 AM – 11:53 AM**

### **DRAFT MEETING MINUTES**

#### **Commission Members in Attendance:**

Michael Green, Esq., Chair  
 Pasquale Buffolino, Ph.D.  
 Lydia de Castro  
 Jill Dooley, Ph.D.  
 Hon. William Fitzpatrick, Esq.  
 Jessica Goldthwaite (non-voting proxy for David Loftis)  
 Hon. Angela Mazzealli  
 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:**

Michael Flaherty, Esq.  
 Natasha Harvin-Locklear, Esq.  
 Shelley Palmer  
 Jackalynne Vimislik

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Chairman Green opened the meeting by congratulating Commission member Superintendent Keith Corlett on his retirement with the New York State Police and thanking him for his service as a Commission member. The Chair also congratulated Commission member Ms. Lydia de Castro on her appointment as the Director of the Westchester

*Approximate  
video times*

00:00:00 –  
00:03:14

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<sup>1</sup> 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.**

County Department of Laboratories and Research Division of Forensic Sciences. Chair Green then took a roll call to establish a quorum as the members were in attendance from their own locations. A quorum was established with 11 members in attendance (Buffolino, de Castro, Dooley, Fitzpatrick, Green, Mazzarelli, McNamara, O'Neill, Ostrer, Walsh, and Willey). Mr. David Loftis was unable to attend the meeting but, pursuant to and as authorized by the Commission's bylaws, requested that Ms. Jessica Goldthwaite represent him as a non-voting proxy and speak on his behalf.

*Approximate  
video times*

A motion to approve the December 11, 2020 agenda was requested by the Chair, made by Judge Mazzarelli, seconded by Mr. Fitzpatrick, and approved unanimously.

00:03:14 -  
00:04:40

The Chair then asked Commission members for questions or comments on the minutes from the September 16, 2020 Commission meeting. Mr. Fitzpatrick made a motion to accept the minutes, Mr. Ostrer seconded the motion, and it was approved unanimously.

00:04:40 –  
00:05:51

Laboratory accreditation items and updates were then considered for the Nassau County Division of Forensic Services, New York City OCME Department of Forensic Biology, New York City Police Department Police Laboratory, <sup>2</sup>New York State DCJS Latent Print Laboratory, Niagara County Sheriff's Office Forensic Laboratory, Onondaga County Center for Forensic Sciences, Onondaga County Center for Forensic Sciences, Suffolk County Crime Laboratory, Westchester County Division of Forensic Sciences, and Westchester County Division of Forensic Toxicology. Representatives from the laboratories were available via Web-Ex to respond to members' questions.

00:05:51 -  
00:30:11

Chairman Green requested a motion to accept the binding recommendation from the DNA Subcommittee to renew the New York State accreditation of the Onondaga County Center for Forensic Sciences for a period concurrent with their ANAB accreditation. Mr. Ostrer made the motion, it was seconded by Dr. O'Neill, and approved unanimously.

00:17:00  
00:18:00

Chairman Green requested a motion to grant an extension of NYS accreditation to the March 12, 2021 meeting of the Commission on Forensic Science for the Westchester County Division of Forensic Sciences. Dr. O'Neill made the motion, it was seconded by Judge Mazzarelli, and approved with 10 votes for, 0 votes against, and 1 abstention [deCastro].

00:18:00  
00:23:26

Chairman Green requested a motion to renew the New York State accreditation for the New York State DCJS Latent Print Laboratory for the period concurrent with their ANAB accreditation. Mr. McNamara made the motion, it was seconded by Dr. O'Neill, and approved unanimously.

00:23:26  
00:30:11

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

00:30:11  
01:18:27

<sup>2</sup> Commission Members Chairman Green and Dr. Dooley inadvertently did not abstain from the vote pertaining to the accreditation of the NYS DCJS Latent Print Laboratory. Although they did vote in favor of the accreditation, the abstention does not affect the outcome of the vote.

Commission members with a summary of the discussion with NYCLAC regarding Marijuana/Hemp/THC quantitation, as well as laboratory accreditation programs. Dr. Dooley then provided Commission members with an update regarding the status of discussions related to the letter submitted by the NYS Biology Technical Working Group (BIOTWG) regarding STRMix. Dr. Dooley also provided members an update on the status of the Forensic Laboratory Accreditation program.

*Approximate  
video times*

01:29:30 –  
01:40:25

Last under Old Business, Dr. Graham Jones of American Board of Forensic Toxicologists (ABFT) was available via Web-Ex to discuss the measures taken by ABFT regarding virtual laboratory assessments.

01:18:37 -  
01:57:10

Next item on the agenda was Laboratory Disclosures. The Commission reviewed disclosures from the Nassau County Division of Forensic Services, Nassau County Department of Forensic Toxicology, New York City Office of the Chief Medical Examiner Department of Forensic Toxicology, New York City Police Department Police Laboratory, New York State Police Crime Laboratory, and the Suffolk County Toxicology Laboratory. Representatives from the laboratories were available via Web-Ex to respond to members' questions.

01:57:10  
01:59:23

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 person. Mr. Ostrer made the motion, which was seconded by Mr. McNamara, and approved unanimously.

01:59:23  
02:00:32

The Commission adjourned into Executive Session. Present were Commission members Buffolino, de Castro, Dooley, Fitzpatrick, Green, Mazzairelli, McNamara, O'Neill, Ostrer, Walsh and Willey; in addition to Mr. Loftis' proxy Ms. Goldthwaite. The Commission discussed a complaint and voted to request further information from ANAB and others regarding the issue. Chairman Green requested the motion which was made by Mr. Fitzpatrick, seconded by Judge Mazzairelli, and approved 10 votes for, no votes against, and 1 abstention (de Castro). Executive Session commenced at 11:02 AM and concluded at 11:53 AM. The Commission reconvened the Open Meeting.

02:00:32  
02:02:00

The next meeting is scheduled for March 12, 2021. A motion to adjourn was made by Mr. Fitzpatrick, seconded by Mr. McNamara, and approved unanimously.

### **Note:**

***Video of the open meeting is available at YouTube.***