



## Commission on Forensic Science

**December 3, 2021**

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

**9:09 AM – 1:17 PM**

### **DRAFT MEETING MINUTES**

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

Rossana Rosado, Chair  
 Superintendent Kevin P. Bruen  
 Pasquale Buffolino, Ph.D.  
 Lydia de Castro  
 Jill Dooley, Ph.D.  
 Hon. William Fitzpatrick, Esq.  
 Jessica Goldthwaite, Esq.  
 Michael Marciano, Ph.D.  
 Hon. Angela Mazzarelli  
 Benjamin Ostrer, Esq.  
 Ann Willey, Ph.D., J.D.

#### **DCJS Staff in Attendance:**

Natasha Harvin-Locklear, Esq.  
 Shelley Palmer  
 Joe Popcun  
 Elizabeth Suparmanto

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Dr. Dooley opened the meeting by introducing the new Chair, acting Commissioner Rossana Rosado. Chair Rosado shared her pathway to her new role and expressed her excitement for this opportunity. As authorized by Robert's Rules and not precluded by the bylaws, and to preserve order, Chair Rosado asked Dr. Dooley to walk through the business

*Approximate  
video times*

00:00:00  
00:04:09

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<sup>1</sup> Due to the Coronavirus (COVID-19), and pursuant to Chapter 417 of the Laws of 2021 authorizing the meetings of any state agency, department, corporation, office, authority, board, or commission, as well as any local public body, or public corporation, or a committee or subcommittee or other similar body of such entity to be held remotely by conference call or similar service.

of the meeting. Dr. Dooley then introduced new member Superintendent Kevin Bruen as the new representative of law enforcement to the Commission.

Dr. Dooley then took a roll call as the members were in attendance from their own locations. A quorum was established with 11 members (Rosado, Bruen, Buffolino, de Castro, Dooley, Fitzpatrick, Goldthwaite, Marciano, Mazzarelli, Ostrer, and Willey). 00:04:09  
00:05:03

A motion to approve the December 3, 2021 agenda was requested by Dr. Dooley. The motion was made by Judge Mazzarelli, seconded by Mr. Ostrer, and approved with 9 votes for (Buffolino, de Castro, Dooley, Fitzpatrick, Goldthwaite, Marciano, Mazzarelli, Ostrer, and Willey) and 2 abstentions (Rosado and Bruen). 00:05:03  
00:06:13

Dr. Dooley then asked Commission members for questions or comments on the minutes from the September 17, 2021 Commission meeting. Mr. Fitzpatrick made a motion to accept the minutes, Dr. Willey seconded the motion, and it was approved with 9 votes for (Buffolino, de Castro, Dooley, Fitzpatrick, Goldthwaite, Marciano, Mazzarelli, Ostrer, and Willey) and 2 abstentions (Rosado and Bruen). 00:06:13  
00:07:33

Under Accreditation/Laboratory Updates, matters regarding the Erie County Medical Examiner's Office Forensic Toxicology Laboratory, Nassau County Medical Examiner Division of Forensic Services, New York City OCME Department of Forensic Biology, New York City Police Department Police Laboratory, Niagara County Sheriff's Office Forensic Laboratory, Onondaga County Center for Forensic Sciences, and Suffolk County Crime Laboratory were considered. Representatives from the laboratories were available via WebEx to respond to members' questions. 00:07:33  
01:41:22

The Suffolk County Crime Laboratory is currently engaged in the post assessment remediation process. The DNA Subcommittee will review the final nonconformity resolution and consider a binding recommendation for New York State accreditation at its February 4, 2022 meeting. To allow for this process, Dr. Dooley requested a motion to extend the New York State Accreditation of the Suffolk County Crime Laboratory to March 4, 2022. The motion was made by Judge Mazzarelli, seconded by Ms. de Castro, and approved 9 votes for (Rosado, Bruen, Buffolino, de Castro, Dooley, Fitzpatrick, Marciano, Mazzarelli, and Willey) and 2 against (Goldthwaite and Ostrer). 01:40:22  
01:41:32

Dr. Dooley then moved to Old Business and provided Commission members with a verbal update on Familial Searching. Next, the Commission reviewed the memo dated November 17, 2021 from Dr. Dooley regarding proposed changes to 9 NYCRR 6190.1 that would allow for the option of ISO standard 17020 for applicable disciplines. Dr. Dooley requested a motion to move forward with the proposed changes to 9 NYCRR 6190.1, specifically the ANAB definition as stated in the memo to allow for 17020 to be an accreditation option. Dr. Willey made the motion, Mr. Fitzpatrick seconded the motion, and it was approved unanimously with 10 votes (Chair Rosado was not present during the vote). 01:41:32  
01:42:25  
01:42:25  
01:49:25

Next, NYPD Deputy Chief Emanuel Katranakis and Executive Director Bob Barrows provided Commission members with a description of the New York City Police Department's

intended use of Investigative Genetic Genealogy (IGG). Special Counsel Harvin will review the information presented and return to the Commission with the findings of her analysis regarding if IGG falls under the purview of the Commission. 01:49:25  
02:38:35

The last Old Business item was a discussion of Probabilistic Genotyping. The Commission reviewed a letter from Ms. Goldthwaite dated November 30, 2021. A lengthy discussion, regarding the status of the draft NIST report regarding mixture interpretation and the Commission's request to that the laboratories conducting probabilistic genotyping send their validations and standard operating procedures to the DNA Subcommittee to assist in the evaluation of the foundation review, ensued. Dr. Dooley advised the Commission that all laboratories have submitted documentation to OFS and that OFS will distribute to the DNA Subcommittee when the NIST document has been finalized. Ms. Goldthwaite made a motion to issue a moratorium of the interpretation of complex mixture by publicly accredited laboratories in New York State until such time as an independent body can assess the reliability of the methodology. The motion was seconded by Mr. Ostrer. The motion failed with 9 votes against (Rosado, Bruen, Buffolino, de Castro, Dooley, Fitzpatrick, Marciano, Mazzarelli, and Willey) and 2 votes for (Goldthwaite and Ostrer). 02:38:35  
03:09:32

The Commission then reviewed disclosures from the Erie County Central Police Services, Erie County Medical Examiners' Office Forensic Toxicology Laboratory, Nassau County Medical Examiner Division of Forensic Science, New York City Police Department Police Laboratory, Onondaga County Center for Forensic Sciences, Suffolk County Crime Laboratory, and New York State Police Crime Laboratory. Representatives from the laboratories were available via WebEx to respond to members' questions. 03:09:32  
03:18:55

Dr. Dooley 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. Fitzgerald made the motion, which was seconded by Dr. Marciano, and approved unanimously. 03:18:55  
03:21:08

The Commission adjourned into Executive Session. Present were Commission members Rosado, Bruen, Buffolino, de Castro, Dooley, Fitzpatrick, Goldthwaite, Marciano, Mazzarelli, Ostrer, and Willey. No action was taken during executive session. The Commission then reconvened the Open Meeting.

The next meeting is scheduled for March 4, 2022. A motion to adjourn was made by Mr. Fitzpatrick, seconded by Dr. Buffolino, and approved unanimously. 03:21:08  
03:24:10

**Note:**

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