



Commission on Forensic Science

March 4, 2022

***Division of Criminal Justice Services
80 South Swan Street
Albany, NY¹***

9:10 AM – 11:38 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.
Jessica Goldthwaite, Esq.
Michael Marciano, Ph.D.
Hon. Angela Mazzarelli
Benjamin Ostrer, Esq.
Michelli Schmitz
Ann Willey, Ph.D., J.D.

DCJS Staff in Attendance:

Jennifer Alois
Gregory Anastasio
Andrea Lester
Natasha Harvin-Locklear, Esq.
Shelley Palmer
Joe Popcun
Elizabeth Suparmanto

¹ 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.

Chair Rosado opened the meeting by introducing the new member Michelli Schmitz. Ms. Schmitz was appointed to the Commission as Chair of the New York Crime Laboratory Advisory Committee (NYCLAC). She is the director of the Erie County Central Police Laboratory. Chair Rosado then took a roll call as the members were in attendance both in Albany and virtually. A quorum was established with 11 members (Rosado, Bruen, Buffolino, de Castro, Dooley, Goldthwaite, Marciano, Mazzarelli, Ostrer, Schmitz, and Willey).

*Approximate video times*00:00:00
00:02:20

Chair Rosado requested a motion to approve the March 4, 2022, agenda. The motion was made by Mr. Ostrer, seconded by Dr. Dooley, and approved unanimously with 11 votes.

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Then, Chair Rosado requested a motion to approve the minutes of the December 3, 2021, Commission meeting. The motion was made by Judge Mazzarelli, Dr. Willey seconded the motion, and it was approved with 10 votes for (Rosado, Bruen, Buffolino, de Castro, Dooley, Goldthwaite, Marciano, Mazzarelli, Ostrer, and Willey) and 1 abstention (Schmitz).

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Chair Rosado asked Dr. Dooley to walk the Commission through the Accreditation/Laboratory Updates. During this agenda item, matters regarding the Erie County Medical Examiner's Office Forensic Toxicology Laboratory, Nassau County Medical Examiner Division of Forensic Services, Nassau County Medical Examiner's Office Forensic Toxicology Laboratory, New York City OCME Department of Forensic Biology, New York City Police Department Police Laboratory, New York State DCJS Latent Print Laboratory, New York State Police Crime Laboratory, Niagara County Sheriff's Office Forensic Laboratory, and Suffolk County Crime Laboratory were considered. Representatives from the laboratories were available via WebEx to respond to members' questions. During this agenda item, a fire alarm went off at the meeting site and the meeting was paused from approximately, 10:02 AM to 10:16 AM.

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The Commission reviewed the Nassau County Medical Examiner Division of Forensic Service's ANAB scope extension assessment to add the discipline of Firearms/Toolmarks. The Chair asked for a motion to add the discipline of Firearms/Toolmarks to the New York State Accreditation of the Nassau County Office of the Medical Examiner Division of Forensic Services. Judge Mazzarelli made the motion, Ms. Schmitz seconded, and it was approved with 10 votes for (Rosado, Bruen, de Castro, Dooley, Goldthwaite, Marciano, Mazzarelli, Ostrer, Schmitz, and Willey) and 1 abstention (Buffolino).

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The New York City Police Department Police Laboratory is currently engaged in the post assessment remediation process. To allow for this process, ANAB has extended the period of accreditation through June 30, 2022. Chair Rosado requested a motion to extend the New York State Accreditation of the New York City Police Department Police Laboratory current with the ANAB accreditation. The motion was made by Dr. Buffolino, seconded by Superintendent Bruen, and approved unanimously with 11 votes.

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The Suffolk County Crime Laboratory completed the remediation of its ANAB reaccreditation and was granted renewal of ANAB accreditation. The Commission reviewed the final remediation documents and a binding recommendation from the DNA Subcommittee to renew the New York State Accreditation of the Suffolk County Crime Laboratory in the

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discipline of Biology. There was also a lengthy discussion regarding upcoming internal audit and ANAB Surveillance visit. During this discussion, Ms. Goldthwaite made a motion that the Suffolk County Crime Laboratory provide by email to the Commission on Forensic Science a summary of its internal audit. Mr. Ostrer seconded the motion. The motion failed with 2 votes for (Goldthwaite and Ostrer) and 9 votes against (Rosado, Bruen, Buffolino, deCastro, Dooley, Marciano, Mazzarelli, Schmitz, and Willey). Chair Rosado then called for a motion to accept the binding recommendation of the DNA Subcommittee to renew the New York State Accreditation of the Suffolk County Crime Laboratory in the discipline of Biology and renew full New York State Accreditation for a period concurrent with their ANAB accreditation. Dr. Dooley made the motion, Ms. de Castro seconded, and it passed with 10 votes for (Rosado, Bruen, Buffolino, de Castro, Dooley, Marciano, Mazzarelli, Ostrer, Schmitz, and Willey) and 1 abstention (Goldthwaite).

*Approximate
video times*

The next agenda item was Old Business. Dr. Dooley provided the Commission members with a verbal update on Familial Searching. Next, Ms. Harvin reminded the members that as policymakers they are subject to Public Officer's Law Section 74 – Code of Ethics - and are required to file financial filer statements by May; an official notification will be provided. Next, Ms. Harvin explained that the regulation update, to include ISO 17020 as an accreditation standard, is currently being reviewed and the next step would be a public comment period. Finally, as requested, Ms. Harvin reviewed the documents provided regarding the use of Investigative Genetic Genealogy (IGG) by the NYPD. At this time, it was determined that the stated use falls outside of the scope of the Commission.

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Next, under New Business, the Commission reviewed the 2021 Annual Laboratory Summaries for each accredited laboratory. Dr. Dooley gave a brief update regarding how the ABFT 2022 mid-cycle reviews will be conducted. Finally, Dr. Dooley gave an update on the DNA Subcommittee's initial review of the used of body fluid proteomics by the New York City OCME Department of Forensic Biology.

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The Commission then reviewed disclosures from the Monroe County Office of the Medical Examiner Forensic Toxicology Laboratory, Nassau County Medical Examiner Division of Forensic Science, New York City Police Department Police Laboratory, New York State Police Crime Laboratory, and New York City OCME Department of Forensic Biology. Representatives from the laboratories were available via WebEx to respond to members' questions.

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Chair Rosado 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. Dr. Dooley made the motion, which was seconded by Judge Mazzarelli and approved unanimously.

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The Commission adjourned into Executive Session. Present were Commission members Rosado, Bruen, Buffolino, de Castro, Dooley, Goldthwaite, Marciano, Mazzarelli, Ostrer, Schmitz, and Willey. A vote was taken during executive session to refer a matter to the State IG's Office. Chair Rosado requested the motion, which was made by Dr. Dooley, and seconded by Dr. Willey, and approved with 10 votes for and 1 abstention (Buffolino).

Executive Session commenced at 11:27 AM and ended at 11:36 AM. The Commission then reconvened the Open Meeting.

*Approximate
video times*

The next meeting is scheduled for June 3, 2022. A motion to adjourn was made by Dr. Marciano, seconded by Judge Mazzarelli, and approved unanimously.

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Note:

Video of the open meeting is available at YouTube.