



## Commission on Forensic Science

**September 16, 2022**

**Empire State Development Corporation**  
633 3rd Ave, 37th Floor, New York, NY 10016

**Division of Criminal Justice Services**  
80 South Swan Street, Room 118, Albany, NY 12210

**Videoconference Locations:**  
505 South State Street, 4th Floor, Syracuse, NY 13202  
1220 Washington Ave, Albany, NY 12226

**9:06 AM – 12:04 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.  
William Fitzpatrick, Esq.  
Jessica Goldthwaite, Esq.  
Michael Marciano, Ph.D.  
Hon. Angela Mazzairelli  
Beverly Rauch  
Michelli Schmitz  
Ann Willey, Ph.D., J.D.

**DCJS Staff in Attendance:**

Larry Davis  
Dean Defruscio  
Colleen Glavin, Esq.  
Natasha Harvin-Locklear, Esq.  
Shelley Palmer  
Brianna Robinson  
Lindsey Rockwell  
Elizabeth Suparmanto

**Other Attendees:**

Jennifer Alois – NYS DCJS Latent Print Laboratory  
 Sgt. James Harrison – Westchester County Department of Public Safety Crime Laboratory  
 Andrea Lester – NYS DCJS Latent Print Laboratory

*Approximate  
video times*

Chair Rosado opened the meeting by introducing the new member, Beverly Rauch. Ms. Rauch will fill the role of forensic scientist with experience in quality standards on the committee. Chair Rosado then took a moment to acknowledge the passing of commission member Benjamin Ostrer. Commission members Dooley, Goldthwaite, and Schmitz, each spoke in remembrance of Mr. Ostrer's service to the Commission and dedication to the citizens of New York State. Chair Rosado then took a roll call as the members were in attendance in New York, Albany and virtually. A quorum was established with 12 members (Rosado, Bruen, Buffolino, de Castro, Dooley, Fitzpatrick, Goldthwaite, Marciano, Mazzarelli, Rauch<sup>1</sup>, Schmitz, and Willey).

00:00:52  
00:07:22

Chair Rosado requested a motion to approve the September 16, 2022, agenda. Lydia de Castro requested a minor change to the date of the agenda. The motion to approve the agenda with the correction was made by Mr. Fitzpatrick, seconded by Ms. Goldthwaite, and approved unanimously with 12 votes.

00:07:25  
00:08:47

Then, Chair Rosado requested a motion to approve the minutes of the June 3, 2022, Commission meeting. The motion was made by Dr. Buffolino, Dr. Dooley seconded the motion, and it was approved unanimously with 12 votes.

00:08:55  
00:09:50

Chair Rosado asked Dr. Dooley to walk the Commission through the Accreditation/Laboratory Updates. During this agenda item, matters regarding the Monroe County Crime Laboratory, Niagara County Sheriff's Office Forensic Laboratory, Westchester County Department of Labs and Research Division of Forensic Sciences, Westchester County Department of Public Safety, Yonkers Police Department Forensic Science Laboratory, and Suffolk County Crime Laboratory were considered. Representatives from the laboratories were available in person or via WebEx to respond to members' questions.

00:09:52  
00:19:16

The Commission reviewed the Monroe County Crime Laboratory ANAB re-accreditation assessment documentation and the binding recommendation of the DNA Subcommittee. Dr. Buffolino made a motion to accept the binding recommendation of the DNA Subcommittee to renew the New York State Accreditation of the Monroe County Crime Laboratory in the discipline of Biology and renew full New York State Accreditation for a period concurrent with their ANAB accreditation. Dr. Marciano seconded the motion, and it was approved with unanimously with 12 votes.

00:10:15  
00:14:26

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<sup>1</sup> Due to the timing of the expiration of the State of Emergency and Open Meetings Law suspension, and the date of the meeting, Rauch's location was not disclosed. Accordingly, in accordance with the Open Meetings Law, Rauch will not be counted toward quorum and voting requirements. However, this does not affect the outcome of the meeting.

Next the Commission reviewed the Westchester County Department of Public Safety ANAB renewal of accreditation assessment documentation. Dr. Buffolino made for a motion to renew the laboratory's New York State Accreditation. Ms. Schmitz seconded, and it was approved it was approved with 11 votes (Rosado, Bruen, Buffolino, Dooley, Fitzpatrick, Goldthwaite, Marciano, Mazzarelli, Rauch, Schmitz, and Willey) and 1 abstention (de Castro).

00:15:39  
00:18:03

The next agenda item was Old Business. Dr. Dooley provided the Commission members with a verbal update on the Familial Searching Program. The program is still paused due to ongoing legal proceedings. Dr. Dooley stated that the briefs are being filed and reviewed. Ms. Glavin mentioned that oral arguments are anticipated early in 2023 and followed up with a decision several weeks after that. Dr. Dooley stated there has been no additional applications or progress and no reporting of results.

00:19:20  
00:21:55

The next agenda item was New Business. Ms. Schmitz discussed a letter submitted by NYCLAC regarding the interpretation of a recent change in Executive Law Section 995, which has removed a previous exemption of Latent Fingerprints from the definition of a forensic laboratory.

00:22:00  
00:29:15

The Commission then reviewed disclosures from the Erie County Medical Examiner Forensic Toxicology Laboratory, Monroe County Crime Laboratory, New York City Police Department Police Laboratory, New York State Police Crime Laboratory, Onondaga County Center for Forensic Sciences, Suffolk County Crime Laboratory, Suffolk County Office of the Medical Examiner Toxicology Laboratory, and Westchester County Department of Labs and Research Division of Toxicology. Representatives from the laboratories were available via WebEx to respond to members' questions.

00:29:20  
01:06:38

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 Ms. de Castro, and it was approved with 11 votes (Rosado, Bruen, Buffolino, de Castro, Dooley, Fitzpatrick, Goldthwaite, Marciano, Mazzarelli, Schmitz, and Willey) and 1 abstention (Rauch).

01:06:52  
01:08:34

The Commission adjourned into Executive Session. Present were Commission members Rosado, Bruen, Buffolino, de Castro, Dooley, Fitzpatrick, Goldthwaite, Marciano, Mazzarelli, Rauch, Schmitz, and Willey. The Commission took no action and reconvened the open meeting at 12:01pm.

Mr. Fitzpatrick made a motion requesting a letter to be sent to the Niagara County Sheriff authored by Commissioner Rosado, strongly suggesting that the Sheriff advertise and hire a quality assurance manager for the Niagara County Sheriff's Office Forensic Laboratory. Additionally, that Commissioner Rosado or Dr. Dooley communicate to ANAB the Commission's concerns regarding Niagara before their next on-site visit in February of 2023. The motion was seconded by Judge Mazzarelli, and it was approved with 10 votes

01:09:17  
01:10:58

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(Rosado, Bruen, Buffolino, de Castro, Dooley, Fitzpatrick, Goldthwaite, Marciano, Mazzarelli, and Willey) and 2 abstentions (Rauch and Schmitz).

*Approximate  
video times*

The next meeting is scheduled for December 2, 2022. A motion to adjourn was made by Dr. Dooley, seconded by Dr. Buffolino, and it was approved with 11 votes (Rosado, Bruen, Buffolino, de Castro, Dooley, Fitzpatrick, Goldthwaite, Marciano, Mazzarelli, Schmitz and Willey) and 1 abstention (Rauch).

01:11:04  
01:12:12

**Note:**

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