



Commission on Forensic Science

December 2, 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

9:02 AM – 9:42 AM

DRAFT MEETING MINUTES

Commission Members in Attendance:

Pasquale Buffolino, Ph.D.
Lydia de Castro
Jill Dooley, Ph.D.
William Fitzpatrick, Esq.
Jessica Goldthwaite, Esq.
Michael Marciano, Ph.D.
Hon. Angela Mazzarelli
Beverly Rauch¹
Michelli Schmitz
Ann Willey, Ph.D., J.D.

DCJS Staff in Attendance:

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

Other Attendees:

Jennifer Alois – NYS DCJS Latent Print Laboratory
Andrea Lester – NYS DCJS Latent Print Laboratory
Raymond Valerio – Bronx District Attorney's Office

¹In 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.

Dr. Dooley opened the meeting by stating that Commissioner Rosado was unable to attend the meeting. Dr. Dooley referred to the bylaws of the Commission, article 2 section 3, "When the Chairperson is absent from a meeting of the Commission, the Director of the Office of Forensic Services shall convene the meeting and shall act as Chairperson thereof". Dr. Dooley, acting as Chair, then took a roll call as the members were in attendance in New York, Albany and virtually. A quorum was established with 9 members (Buffolino, de Castro, Dooley, Fitzpatrick, Goldthwaite, Marciano, Mazzarelli, Schmitz, and Willey).

*Approximate
video times*

00:00:40
00:01:54

Dr. Dooley requested a motion to approve the December 2, 2022, agenda. The motion to approve the agenda was made by Judge Mazzarelli, seconded by Dr. Buffolino, and approved unanimously with 9 votes.

00:01:55
00:02:51

Then, Dr. Dooley requested a motion to approve the minutes of the September 16, 2022, Commission meeting. Ms. Goldthwaite requested a minor change to the votes made for the September 16, 2022, agenda approval. The motion to approve the minutes, with the correction, was made by Ms. Goldthwaite. Dr. Buffolino seconded the motion, and it was approved unanimously with 9 votes (Buffolino, de Castro, Dooley, Fitzpatrick, Goldthwaite, Marciano, Mazzarelli, Schmitz, and Willey).

00:02:54
00:04:24

Dr. Dooley then walked the Commission through the Accreditation/Laboratory Updates. During this agenda item, matters regarding the Nassau County Medical Examiner Division of Forensic Services, New York City OCME Department of Forensic Biology, New York City OCME Department of Forensic Toxicology, New York City Police Department Police Laboratory, NYS DCJS Latent Print Laboratory, Onondaga County Center for Forensic Sciences, and Westchester County Department of Public Safety were considered. Representatives from the laboratories were available in person or via WebEx to respond to members' questions.

00:04:30
00:23:10

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 brief was filed by the AG (Attorney General) and we are awaiting an oral argument date. Ms. Harvin-Locklear added that the DAs (District Attorneys) Association has filed an amicus brief on our behalf. Dr. Dooley then provided a reminder that in 2023, the ABFT accreditation program will begin to sunset. A brief update was given regarding the status of the following four laboratories transition from ABFT by the June 2023 deadline: Onondaga County Health Department Forensic Toxicology Laboratory, Nassau County Office of the Medical Examiner Toxicology Laboratory, NYC OCME Forensic Toxicology Laboratory, and Westchester County Department of Laboratories & Research Division of Forensic Toxicology. Additionally, the Erie County Medical Examiner's Office Forensic Toxicology Laboratory has applied for ANAB accreditation ahead of its June 2024 sunset date. Next, Ms. Harvin-Locklear gave a legal update regarding the status of the ISO 17020 regulation that goes into effect December 14, 2022. Finally, Ms. Goldthwaite requested future legal guidance addressing open vs executive session.

00:23:13
00:27:52

The Commission then reviewed disclosures from the Monroe County Crime Laboratory, New York City Police Department Police Laboratory, and Suffolk County Crime

00:27:57
00:36:45

Laboratory. Representatives from the laboratories were available via WebEx to respond to members' questions.

*Approximate
video times*

Prior to adjourning, Judge Mazzarelli requested the December 2, 2022, meeting agenda be updated to reflect the correct date for the next meeting, which is scheduled for March 10, 2023. A motion to adjourn was made by Mr. Fitzpatrick, seconded by Ms. Schmitz, and it was approved with 9 votes (Buffolino, de Castro, Dooley, Fitzpatrick, Goldthwaite, Marciano, Mazzarelli, Schmitz, and Willey).

00:37:14
00:39:55

Note:

Video of the open meeting is available at YouTube.