



Commission on Forensic Science

March 10, 2023

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
1920 SW Fountainview Blvd, Port St. Lucie, FL 34986

9:06 AM – 11:50 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 Rauch
Rossana Rosado
Michelli Schmitz

DCJS Staff in Attendance:

Dean DeFruscio
Colleen Glavin, Esq.
Natasha Harvin-Locklear, Esq.
Katherine Mayberry
Shelley Palmer
Joseph Popcun
Brianna Robinson
Lindsey Rockwell

Other Attendees:

Bradley Adams – New York City OCME Forensic Anthropology Unit
Jennifer Alois – NYS DCJS Latent Print Laboratory
Nicole Capitali – New York City Police Department Police Laboratory
Karen Dooling – Nassau County Office of the Medical Examiner Division of Forensic Services

Neil Fenton – New York City Police Department Legal Bureau
 Russell Gettig – New York State Police Crime Laboratory
 Mark Gil – Nassau County Office of the Medical Examiner Division of Forensic Services
 Nichole Hurbanek – New York State Police Crime Laboratory
 Michael Jankowiak – New York State Police Crime Laboratory
 Matthew Johnson – New York City Police Department Police Laboratory
 Rosalyn Joseph – New York City Police Department Police Laboratory
 Jennifer Lady – New York City Police Department Latent Print Section
 Thomas Leach – New York State Police Crime Laboratory
 Andrea Lester – NYS DCJS Latent Print Laboratory
 Brian McGee – New York City Police Department Police Laboratory
 Kyra McKay – New York City OCME Department of Forensic Biology
 Jennifer Odien – New York City OCME Forensic Anthropology Unit
 Scott O’Neill – New York City Police Department Police Laboratory
 Stephanie O’Shea – New York City Police Department Police Laboratory
 Tatiana Perez – New York City OCME Department of Forensic Biology
 David Puikowki – New York State Police Crime Laboratory
 Kerri Sage – New York State Police Crime Laboratory
 Raymond Valerio – Bronx District Attorney’s Office
 Ray Wickenheiser – New York State Police Crime Laboratory

*Approximate
video times*

Chair Rosado opened the meeting by stating she was attending remotely and that due to potential connectivity issues, Dr. Dooley would run the meeting. Dr. Dooley, acting as Chair, took a roll call as the members were in attendance in New York, Albany and virtually. A quorum was established with 10 members (Buffolino, de Castro, Dooley, Fitzpatrick, Goldthwaite, Marciano, Mazzarelli, Rosado, Rauch, and Schmitz).

00:00:56
00:02:23

00:02:24
00:03:24

Dr. Dooley requested a motion to approve the March 10, 2023, agenda. The motion to approve the agenda was made by Ms. Schmitz, seconded by Ms. Rauch, and approved unanimously with 10 votes.

00:03:25
00:04:26

Then, Dr. Dooley requested a motion to approve the minutes of the December 2, 2022, Commission meeting. The motion to approve the minutes was made by Dr. Marciano. Judge Mazzarelli seconded the motion, and it was approved unanimously with 10 votes (Buffolino, de Castro, Dooley, Fitzpatrick, Goldthwaite, Marciano, Mazzarelli, Rosado, Rauch, and Schmitz).

00:04:27
00:33:56

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 Police Department Police Laboratory, New York State Police Crime Laboratory, Niagara County Sheriff’s Office Forensic Laboratory, Suffolk County OCME Toxicology Laboratory, Westchester County Department of Laboratories and Research Division of Forensic Toxicology and Onondaga County Medical Examiner’s Office Forensic Toxicology

Laboratory were considered. Representatives from the laboratories were available in person or via WebEx to respond to members' questions.

*Approximate
video times*

The Commission reviewed the Nassau County Medical Examiner Division of Forensic Services ANAB re-accreditation assessment documentation and the binding recommendation of the DNA Subcommittee. Judge Mazzarelli made a motion to accept the binding recommendation of the DNA Subcommittee to renew the New York State Accreditation of the Nassau County Medical Examiner Division of Forensic Services in the discipline of Biology and renew full New York State Accreditation for a period concurrent with their ANAB accreditation. Ms. De Castro seconded the motion, and it was approved with 9 votes (de Castro, Dooley, Fitzpatrick, Goldthwaite, Marciano, Mazzarelli, Rosado, Rauch, and Schmitz) and 1 abstention (Buffolino).

00:4:43
00:13:52

The next agenda item was Old Business. Dr. Dooley provided the Commission members with a verbal update on the Familial Search Program. The Program is still paused due to ongoing legal proceedings. Ms. Harvin-Locklear provided a written memo and oral advice to Commission members in response to Ms. Goldthwaite's request for guidance on Executive Session at the December 2, 2022 meeting and memo dated March 6, 2023, which provided that it does not appear that the Commission meets the statutory requirements of the Open Meetings Law for Executive Session. Ms. Harvin-Locklear advised that the Executive Sessions conducted by the Commission were properly convened and, thus, the actions of the Commission were not in violation of the Open Meetings Law.

00:32:57
00:58:13

Next, the New York City OCME Department of Forensic Biology gave an update on the scope extension involving Proteomics.

00:39:24
00:58:14

Dr. Dooley then moved to New Business and provided an update regarding the 2022 Annual Lab Summaries. Next, two applications for New York State Forensic Laboratory Accreditation were reviewed. Then, Special Counsel Harvin-Locklear provided an update regarding the Videoconferencing Policy (and related procedures) for Open Meetings pursuant to Chapter 56 of the Laws of 2022 and initiated the public hearing to receive comments on the policy (and related procedures). No oral testimony or written statements were received. Finally, Dr. Dooley gave notice regarding Governor Hochul's 2023 State of the State address, in which a proposal to allow DNA samples from recovered firearms to be uploaded into the database was discussed.

00:58:14
01:13:03

During New Business, Dr. Dooley requested a motion to grant accreditation to the New York City OCME Forensic Anthropology Unit for a period concurrent with their ANAB accreditation. The motion was made by Ms. de Castro, seconded by Ms. Schmitz. The motion was approved with 9 votes (Buffolino, de Castro, Dooley, Fitzpatrick, Marciano, Mazzarelli, Rosado, Rauch, and Schmitz) and 1 abstention (Goldthwaite).

00:59:31
01:07:40

Additionally, Dr. Dooley requested a motion to grant accreditation to the New York City Police Department Latent Print Section for a period concurrent with their ANAB accreditation. The motion was made by Ms. Rauch, seconded by Dr. Buffolino. The motion was approved with 9 votes (Buffolino, de Castro, Dooley, Fitzpatrick, Marciano, Mazzarelli, Rosado, Rauch, and Schmitz) and 1 abstention (Goldthwaite).

01:07:41
01:09:36

Dr. Dooley then reviewed laboratory disclosures from the Nassau County Office of the Medical Examiner Toxicology Laboratory, New York City Police Department Police Laboratory, New York State Police Crime Laboratory, Suffolk County Crime Laboratory, and Suffolk County OCME Toxicology Laboratory. Representatives from the laboratories were available in person or via WebEx to respond to members' questions.

*Approximate
video times*
01:13:04
01:31:32

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 particular person. The motion was made by Commissioner Rosado, seconded by Dr. Buffolino. The motion was approved with 9 votes (Buffolino, de Castro, Dooley, Fitzpatrick, Marciano, Mazzarelli, Rosado, Rauch, and Schmitz) and 1 abstention (Goldthwaite).

01:31:40
01:33:12

The Commission adjourned into Executive Session. Present were Commission members Buffolino, de Castro, Dooley, Fitzpatrick, Goldthwaite, Marciano, Mazzarelli, Rosado, Rauch, and Schmitz.

The Commission reconvened the open meeting at 11:46am and Dr. Dooley indicated that the Commission took formal action during Executive Session. The Commission voted to hold a special hearing per executive law 995-b and related regulations, specifically, 9 NYCRR section 6190.6, where the Commission is authorized to revoke, suspend, or otherwise limit the NYS accreditation of a forensic laboratory. A notice of violation will be served to the Niagara County Sheriff's Office Forensic Laboratory in the manner prescribed in the law stating the nature of the violation(s), the sanction of a probationary term for the NYS accreditation of the laboratory, and outlining the timeframe in which the hearing will take place. The motion was made in Executive Session by Dr. Dooley, seconded by Ms. Goldthwaite. The motion was approved with 9 votes (Buffolino, de Castro, Dooley, Fitzpatrick, Goldthwaite, Marciano, Mazzarelli, Rosado, and Rauch) and 1 abstention (Schmitz).

01:34:13
01:35:05

Dr. Dooley stated that the next meeting of the Commission will take place on June 9, 2023. There was a motion to adjourn the meeting, Ms. Schmitz made the motion and seconded by Dr. Marciano.

01:35:06
01:36:16

Note:

Video of the open meeting is available at YouTube.