



Commission on Forensic Science

April 20, 2023

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

9:03 AM – 6:22 PM

DRAFT SPECIAL MEETING MINUTES

Commission Members in Attendance:

Rossana Rosado, Chair
Pasquale Buffolino, Ph.D.
Lydia de Castro
James Chithalen, Ph.D.
Jill Dooley, Ph.D.
Jessica Goldthwaite, Esq.
Michael Marciano, Ph.D.
Hon. Angela Mazzarelli
Beverly Rauch
Michelli Schmitz
Ann Willey, Ph.D., J.D.

DCJS Staff in Attendance:

Dean DeFruscio
Colleen Glavin, Esq.
Andrea Herasimtschuk
Janine Kava
Katherine Mayberry
Shelley Palmer
Joseph Popcun
Brianna Robinson
Lindsey Rockwell
Zilka Saunders

Other Attendees:

Christine Giffin – Niagara County Sheriff's Office
Ashley Hart – NY Defense Association
Claude A. Joerg – Niagara County Sheriff's Office
Robert Richards – Niagara County Sheriff's Office
Pam Sale – ANSI National Accreditation Board

Chair Rosado opened the meeting by stating that per the bylaws, the only matters that may be acted upon at this special meeting are those specified in the notice/agenda of this special meeting; provided however, that matters other than those specified may be discussed but not acted upon. Chair Rosado introduced Dr. James Chithalen, who is DOH Commissioner James McDonald's designee and will be a participating, non-voting member. Chair Rosado then stated there is a quorum with 10 members present (Rosado, Buffolino, de Castro, Dooley, Goldthwaite, Marciano, Mazzarelli, Rauch, Schmitz, and Willey) and a non-voting member (Chithalen).

*Approximate
video times*

00:00:26
00:01:12

Chair Rosado then asked Dr. Dooley to walk the Commission through the next steps. Dr. Dooley requested a motion to approve the April 20, 2023, agenda. The motion was made by Commissioner Rosado, seconded by Judge Mazzarelli, and approved unanimously with 10 votes.

00:01:13
00:02:07

Dr. Dooley then requested a motion to enter Executive Session to hold a hearing regarding the Niagara County Sheriff's Office Forensic Laboratory's or one or more persons in its employ, violations of provisions of Executive Law, Article 49-B, and the regulations promulgated thereunder and at the hearing matters will be discussed that may (1) lead to probation or other discipline of Niagara County Sheriff's Office Forensic Laboratory or one or more persons in its employ, and (2), disclose confidential information or persons and imperil public safety. Ms. DeCastro made the motion, which was seconded by Dr. Buffolino and approved unanimously with 10 votes.

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00:03:27

Dr. Dooley restated the purpose of Executive Session is to keep privileged, private, and otherwise sensitive subjects confidential. Dr. Dooley continued that all information learned or discussed at today's hearing will be held in Executive Session as privileged and confidential and is further exempt from the Freedom of Information Law.

The Commission adjourned into Executive Session. Present were Commission members Rosado, Buffolino, de Castro, Dooley, Goldthwaite, Marciano, Mazzarelli, Rauch, Schmitz, and Willey; and non-voting member Chithalen.

Part 2

The Commission reconvened the open meeting at 6:19pm and Dr. Dooley indicated that the Commission took formal action during Executive Session.

00:00:21
00:00:27

Dr. Dooley stated there was a motion during executive session to have the representative from ANAB, Pam Sale, remain present during executive session and through all the questioning, relating to the hearing and in cooperation with their ongoing investigation. The motion was made by Dr. Dooley, seconded by Dr. Buffolino, and approved unanimously with 10 votes.

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00:00:43

Additionally, Dr. Dooley made a motion to the Commission to develop a working group that will report to the Commission no later than the June 9, 2023 meeting, with its determination of the next steps for laboratory sanctions for the Niagara County Sheriff's Office Forensic Laboratory. The motion was seconded by Ms. Rauch, and it was approved

00:01:04
00:02:47

with 9 votes (Rosado, Buffolino, de Castro, Dooley, Goldthwaite, Marciano, Mazzairelli, Rauch, and Willey) and 1 abstention (Schmitz).

*Approximate
video times*

The next meeting is scheduled for June 9, 2023. A motion to adjourn was made by Ms. Schmitz, seconded by Ms. Goldthwaite, and it was approved unanimously with 10 votes.

00:02:56
00:03:11

Note:

Videos of the open meeting is available at YouTube.