



Commission on Forensic Science

June 4, 2021

**Division of Criminal Justice Services
Virtual Meeting¹**

9:07 AM – 1:25 PM

DRAFT MEETING MINUTES

Commission Members in Attendance:

Michael Green, Esq., Chair
 Pasquale Buffolino, Ph.D.
 Lydia de Castro
 Jill Dooley, Ph.D.
 Hon. William Fitzpatrick, Esq.
 Jessica Goldthwaite, Esq.
 Michael Marciano, Ph.D.
 Hon. Angela Mazzarelli
 Scott O'Neill, Ph.D.
 Benjamin Ostrer, Esq.
 Ann Willey, Ph.D., J.D.

DCJS Staff in Attendance:

Natasha Harvin-Locklear, Esq.
 Shelley Palmer
 Jackalynne Vimislik

Chairman Green opened the meeting by thanking former member Anne Walsh for her work on the Commission. Chair Green then took a roll call to establish a quorum as the members were in attendance from their own locations. A quorum was established with 11 members in attendance (Buffolino, de Castro, Dooley, Fitzpatrick, Green, Goldthwaite, Marciano, Mazzarelli, O'Neill, Ostrer, and Willey).

*Approximate
video times*

00:00:00 –
00:02:49

¹ Due to the Coronavirus (COVID-19), and pursuant to Governor Cuomo's Executive Order 202.1, issued on March 12, 2020, suspending the Open Meetings Law and **authorizing the attendance of meetings telephonically or other similar service.**

A motion to approve the June 4, 2021 agenda was requested by the Chair. The motion was made by Mr. Fitzpatrick, seconded by Mr. Ostrer, and approved unanimously. 00:02:49
00:04:10

The Chair then asked Commission members for questions or comments on the minutes from the March 12, 2021 Commission meeting. Judge Mazzarelli made a motion to accept the minutes, Mr. Fitzpatrick seconded the motion, and it was approved unanimously. 00:04:10
00:05:21

Under Accreditation/Laboratory Updates, items and updates were considered for the Erie County Central Police Services Forensic Laboratory, Monroe County Crime Laboratory, Nassau County Division of Forensic Services, New York City Police Department Police Laboratory, New York State Police Crime Laboratory, Niagara County Sheriff's Office Forensic Laboratory, and the Suffolk County Crime Laboratory. Representatives from the laboratories were available via WebEx to respond to members' questions. 00:05:21
00:10:35

Also under Accreditation/Laboratory Updates, Commission members considered items and updates for the Erie County Medical Examiner Forensic Toxicology Laboratory, Monroe County Medical Examiner's Office Toxicology Laboratory, Suffolk County Office of the Medical Examiner Toxicology Laboratory, Nassau County Medical Examiners' Office Forensic Toxicology Laboratory, New York City Office of the Chief Medical Examiner Department of Forensic Toxicology, Onondaga County Medical Examiner's Office Forensic Toxicology Laboratory, and the Westchester County Department of Laboratories and Research Division of Forensic Toxicology. Dr. Graham Jones from the American Board of Forensic Toxicology (ABFT) joined the meeting via WebEx to answer questions from Commission members. Representatives from the laboratories were also available via WebEx to respond to members' questions. 00:10:35
00:48:52

The Chair requested a motion to grant New York State Accreditation to the Erie County Medical Examiner Forensic Toxicology Laboratory for a period concurrent with their current ABFT accreditation to expire on June 30, 2022. The motion was made by Mr. Fitzpatrick, seconded by Judge Mazzarelli, and approved unanimously. 00:12:40
00:13:45

The Chair then requested a motion to grant New York State Accreditation to the Monroe County Medical Examiner's Office Toxicology Laboratory for a period concurrent with their current ABFT accreditation to expire on June 30, 2022. The motion was made by Dr. Buffolino, seconded by Dr. O'Neill, and approved unanimously. 00:19:40
00:20:40

The Chair then requested a motion to grant New York State Accreditation to the Suffolk County Office of the Medical Examiner Toxicology Laboratory for a period concurrent with their current ABFT accreditation to expire on June 30, 2022. The motion was made by Dr. Dooley, seconded by Dr. Willey, and approved unanimously. 00:21:40
00:22:30

The Chair then requested a motion to grant New York State Accreditation to the Nassau County Medical Examiners' Office Forensic Toxicology Laboratory for a period concurrent with their current ABFT accreditation to expire on June 30, 2023. The motion was made by Mr. Fitzpatrick, seconded by Mr. Ostrer, and approved unanimously. 00:26:50
00:27:40

The Chair made a motion to extend the New York State Accreditation for the New York City Office of the Chief Medical Examiner Department of Forensic Toxicology to September 18, 2021. The motion was seconded by Mr. Fitzpatrick and approved unanimously.

00:31:00 –
00:32:05

The Chair then requested a motion to grant New York State Accreditation to the Onondaga County Medical Examiner's Office Forensic Toxicology Laboratory for a period concurrent with their current ABFT accreditation to expire on June 30, 2023. The motion was made by Mr. Ostrer, seconded by Dr. O'Neill, and approved unanimously.

00:33:10 –
00:33:55

Last under Accreditation/Laboratory Updates, the Chair requested a motion to grant New York State Accreditation to the Westchester County Department of Laboratories and Research Division of Forensic Toxicology Laboratory for a period concurrent with their current ABFT accreditation to expire on June 30, 2023. The motion was made by Mr. Fitzpatrick, seconded by Judge Mazzarelli, and approved with 10 votes for and 1 abstention [de Castro].

00:47:15 –
00:48:05

The Chair then moved to Old Business. Dr. Dooley provided Commission members with a verbal update on Familial Searching. Next, Commission members revisited the issue related to the letter submitted by the NYS Biology Technical Working Group (BIOTWG) regarding STRMix. No action was taken. The Commission will await updates at their next meeting from the DNA Subcommittee, which is scheduled to hold a special meeting in June. Commission members then discussed Investigative Genetic Genealogy. Beverly Rauch from the New York State Department of Health was available via WebEx to answer questions from members regarding the issue. Chairman Green asked that Special Counsel Natasha Harvin-Locklear review the Commission's statutory authority and letter from the New York City Police Department regarding their intended use of the technology to determine if the Commission has jurisdiction over the use of the technology. An update will be provided at the next meeting of the Commission on Forensic Science.

00:48:52 –
01:27:56

Last under Old Business, Commission members reviewed the resubmitted binding recommendation from the DNA Subcommittee regarding the New York City OCME Department of Forensic Sciences' updated validation on Mitochondrial DNA Massively Parallel Sequencing. Members from the laboratory were available for questions from Commission Members. After discussion, Chairman Green asked for a motion to approve the binding recommendation. The motion was made by Dr. Buffolino, seconded by Judge Mazzarelli, and approved unanimously.

1:24:35 –
1:27:56

Next item on the agenda was New Business. The Commission reviewed a letter submitted by Brian Gestring regarding samples received in the DNA Database. Commission members then discussed accreditation assessment conflict resolution. Pam Sale from ANAB was available via WebEx to answer questions for this portion of the meeting. Commission members then discussed the Toxicology Accreditation Transition. The DCJS Office of Forensic Services provided a timeline to transition for Commission members.

01:27:56 –
02:31:14

The Commission then reviewed disclosures from the Nassau County Medical Examiner Office Division of Forensic Toxicology, New York City Police Department Police Laboratory, New York State Division of Criminal Justice Services Latent Print Laboratory, New York State Police Crime Laboratory, Suffolk County Crime Laboratory, and the Suffolk County Office of the Medical Examiners Forensic Toxicology Laboratory. Representatives from the laboratories were available via WebEx to respond to members' questions.

02:31:14-
03:17:53

The Chair 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. [Mr. Fitzpatrick was not present for this vote]

03:17:53
03:19:00

The Commission adjourned into Executive Session. Present were Commission members Buffolino, de Castro, Dooley, Green, Goldthwaite, Marciano, Mazzarelli, O'Neill, Ostrer, and Willey. The Commission did not take any reportable action during executive session, which commenced, after a short break, at 12:32 PM and concluded at 1:13 PM. The Commission reconvened the Open Meeting.

03:19:00
03:20:56

The next meeting is scheduled for September 17, 2021. A motion to adjourn was made by Ms. de Castro, seconded by Mr. Ostrer, and approved unanimously.

Note:

Video of the open meeting is available at YouTube.