



## Commission on Forensic Science

**March 12, 2021**

**Division of Criminal Justice Services  
Virtual Meeting<sup>1</sup>**

**9:05 AM – 12:27 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.  
 Anne Walsh, Ph.D., M.D.  
 Ann Willey, Ph.D., J.D.

#### **DCJS Staff in Attendance:**

Michael Flaherty, Esq.  
 Natasha Harvin-Locklear, Esq.  
 Shelley Palmer  
 Jackalynne Vimislik

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Chairman Green opened the meeting by thanking former members David Loftis and Scott McNamara for their work on the Commission. The Chair also welcomed new members Jessica Goldthwaite, Esq. and Michael Marciano, Ph.D. to the Commission.

*Approximate  
video times*

00:00:00 –  
00:08:00

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<sup>1</sup> 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.**

	<i>Approximate video times</i>
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 12 members in attendance (Buffolino, de Castro, Dooley, Fitzpatrick, Green, Goldthwaite, Marciano, Mazzarelli, O'Neill, Ostrer, Walsh, and Willey).	00:08:00 - 00:09:14
A motion to approve the March 12, 2021 agenda was requested by the Chair, made by Mr. Fitzpatrick, seconded by Dr. O'Neill, and approved unanimously.	00:09:14 – 00:10:20
The Chair then asked Commission members for questions or comments on the minutes from the December 11, 2020 Commission meeting. Mr. Ostrer made a motion to accept the minutes, Judge Mazzarelli seconded the motion, and it was approved with 11 votes for, 0 votes against, and 1 abstention [Marciano].	00:10:20 - 00:11:30
Under Accreditation/Laboratory Updates, the Chair requested Dr. Graham Jones from the American Board of Forensic Toxicology (ABFT) to give an update in response to letters received by the laboratories regarding assessments. Then, accreditation items and updates were considered for the Erie County Toxicology Laboratory, Monroe County Office of the Medical Examiner Forensic Toxicology Laboratory, Nassau County Division of Forensic Services, Nassau County Medical Examiner's Office Forensic Toxicology Laboratory, New York City OCME Department of Forensic Toxicology, New York City Police Department Police Laboratory, New York State Police Crime Laboratory, Niagara County Sheriff's Office Forensic Laboratory, Onondaga County Center for Forensic Sciences Forensic Toxicology Laboratory, Suffolk County Office of the Medical Examiner Forensic Toxicology Laboratory, Westchester County Division of Forensic Sciences, and Westchester County Division of Forensic Toxicology. Representatives from the laboratories were available via Web-Ex to respond to members' questions.	00:11:30 00:18:00  00:18:00 00:20:15          00:20:15 00:36:40
Chairman Green requested a motion to accept the binding recommendation from the DNA Subcommittee and to renew the New York State accreditation of the Westchester County Division of Forensic Sciences for a period concurrent with their ANAB accreditation. Dr. Dooley made the motion, it was seconded by Mr. Ostrer, and approved with 11 votes for, 0 against, and 1 abstention [de Castro].	00:35:00 00:36:00
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. The Commission will await updates from the DNA Subcommittee at their next meeting. A Familial Search Regulation Update was given by Dr. Dooley and Special Counsel Natasha Harvin-Locklear. Last, Dr. Walsh provided Commission members with an update on Investigative Genetic Genealogy.	00:36:00 – 00:45:25       00:45:25- 01:23:37
Next item on the agenda was New Business. The Commission reviewed the 2020 Annual Laboratory Summaries. During this agenda item, Dr. Graham Jones of ABFT submitted an email follow up from his earlier discussion with Commission members and was available via Web-Ex to discuss further. Commission members returned to New Business and heard from the New York State Police Crime Laboratory regarding the	01:23:37 01:45:10

binding recommendation received from the DNA Subcommittee approving their Familial Search Expansion Validation. The Chair then requested a motion to accept the binding recommendation of the DNA Subcommittee to accept the validation thresholds as recommended by the New York State Police Crime Laboratory. The motion was made by Dr. Buffolino, seconded by Dr. O'Neill, and approved with 11 votes for, 0 against, and 1 abstention [Goldthwaite].

01:45:10–  
01:54:40

Also, under New Business, Commission members reviewed a binding recommendation from the DNA Subcommittee regarding the New York City OCME Department of Forensic Sciences' validation on Mitochondrial DNA Massively Parallel Sequencing. Members from the laboratory were available for questions from the Commission Members. After discussion, Chairman Green made a motion to send the binding recommendation back to Subcommittee members to review the validation, considering the updated documents submitted by the laboratory. The motion was seconded by Ms. De Castro and approved unanimously. Last, under New Business, Dr. Dooley discussed accreditation compliance.

01:54:40-  
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02:09:45

The Commission then reviewed disclosures from the Erie County Central Police Services Forensic Laboratory, New York State Police Crime Laboratory, New York City Police Department Police Laboratory, and the Suffolk County Office of the Medical Examiners Forensic Toxicology Laboratory. Representatives from the laboratories were available via Web-Ex to respond to members' questions.

02:09:45  
02:22:44

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. O'Neill made the motion, which was seconded by Dr. Dooley, and approved unanimously.

02:22:44  
02:24:32

The Commission adjourned into Executive Session. Present were Commission members Buffolino, de Castro, Dooley, Fitzpatrick, Green, Goldthwaite, Marciano, Mazzarelli, O'Neill, Ostrer, Walsh and Willey. The Commission did not take any reportable action during executive session, which commenced, after a short break, at 11:31 AM and concluded at 12:19 PM. The Commission reconvened the Open Meeting.

02:24:32  
02:28:07

Two new business items resulted from executive session. First, a motion was made by Chairman Green to have DCJS OFS staff reach out to the New York City OCME Department of Forensic Biology flagging the specific communication with Pam Sale from ANAB in reference to conversations with the FBI, as well as the DNA Subcommittee's comments with regard to that same conversation. The Commission also requests that the OCME and ANAB be available at the next meeting for comment regarding the referenced comments. The motion was seconded by Mr. Fitzpatrick, and approved with 11 votes for, 0 against, and 1 abstention [de Castro]. Secondly, Chairman Green made a motion to have

02:28:07  
02:29:57

ANAB present at the next meeting of the Commission on Forensic Science to answer questions regarding their process and protocols referenced in documents previously provided to the Commission. Judge Mazzarelli seconded the motion, and it was approved with 11 votes for, 0 against, and 1 abstention [de Castro].

The next meeting is scheduled for June 4, 2021. A motion to adjourn was made by Mr. Ostrer, seconded by Dr. O'Neill, and approved unanimously.

**Note:**

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