



## Commission on Forensic Science

***March 11, 2020***

***DCJS CrimeStat Room 119  
80 South Swan Street  
Albany, New York***

**9:11 AM – 10:50 AM**

### **DRAFT MEETING MINUTES**

#### **Commission Members in Attendance:**

Michael Green, Esq., Chair  
Pasquale Buffolino, Ph.D  
Lydia de Castro  
Jill Dooley, Ph.D.  
William Fitzpatrick, Esq.  
Hon. Angela Mazzarelli  
Scott McNamara, Esq.  
Scott O'Neill, Ph.D.  
Benjamin Ostrer, Esq.

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

Gregory Anastasio  
Michael Flaherty, Esq.  
Natasha Harvin-Locklear, Esq.  
Janine Kava  
Shelley Palmer  
Elizabeth Suparmanto  
Jackalynne Vimislik

#### **Other Attendees:**

Jennifer Alois – NYS DCJS Latent Print Laboratory  
Nicholas Banbury – NYSP Crime Laboratory  
Bradley Brown – NYSP Crime Laboratory  
Nicole Capitali – New York City Police Department Police Laboratory  
John Clark – Monroe County Crime Laboratory  
Christopher Cording – Westchester County Division of Forensic Toxicology  
Kathleen Corrado – Onondaga County Center for Forensic Sciences  
Russell Gettig – NYSP Crime Laboratory

Jessica Goldthwaite – Legal Aid Society  
 James Harrison – Westchester County Department of Public Safety Crime Laboratory  
 Janet Hoin – NYS DCJS Latent Print Laboratory  
 Susan Horan – Kings County District Attorney’s Office  
 Maksudul Kahn – NYS ITS  
 Margaret LaFond – NYSP Crime Laboratory  
 Thomas Leach – NYSP Crime Laboratory  
 Andrea Lester – NYS DCJS Latent Print Laboratory  
 Colleen Lockhart – Yonkers Police Department Forensic Science Laboratory  
 Kyra McKay – New York City OCME Department of Forensic Biology  
 Ryan O’Malley – NYSP  
 Stephanie O’Shea – New York City Police Department Police Laboratory  
 James Palanzo – Westchester County Department of Public Safety Crime Laboratory  
 Julie Pizziketti – NYSP Crime Laboratory  
 Phil Pulaski – Onondaga County District Attorney’s Office  
 Danielle Reddan – Kings County District Attorney’s Office  
 Meredith Rosenberg – New York City OCME Department of Forensic Biology  
 Terri Rosenblatt – Legal Aid Society  
 Louis Vargas – New York City OCME  
 Ray Wickenheiser – NYSP Crime Laboratory  
 Nicole Zevotek – NYSP Crime Laboratory

Chairman Green opened the meeting with an introduction of new special counsel to the Commission on Forensic Science, Ms. Natasha Harvin-Locklear. A quorum was present with eight members in attendance (Green, Dooley, McNamara, Fitzpatrick, Mazzarelli, De Castro, O’Neill, and Buffolino).

*Approximate  
video times*

00:02:52 –  
00:03:30

A motion to approve the March 11, 2020 agenda was requested by the Chair, made by Mr. Fitzpatrick, seconded by Mr. McNamara, and approved unanimously.

00:03:30 –  
00:03:41

The Chair then requested a motion to approve the minutes of the December 13, 2019 Commission meeting. A motion to accept the minutes was made by Dr. Dooley, seconded by Hon. Mazzarelli, and approved unanimously.

00:03:41 –  
00:04:21

Laboratory accreditation items and updates were then considered for the Erie County Forensic Toxicology Laboratory, Nassau County Division of Forensic Services, Division of Criminal Justice Services Latent Print Laboratory, New York City OCME Department of Forensic Biology Laboratory, New York City Police Department Police Laboratory, Suffolk County Crime Laboratory, Westchester County Division of Forensic Toxicology, and the Niagara County Sheriff’s Office Forensic Laboratory. Representatives from the laboratories were present or available via phone to respond to members’ questions.

00:04:21 –  
00:19:20

During the review of the New York City OCME Department of Forensic Biology Laboratory reaccreditation, Commission Member Ostrer joined the meeting. Following a

00:08:00 –  
00:14:23

*Approximate  
video times*

brief discussion of the accreditation activity and documentation, Chairman Green requested a motion to grant NYS accreditation to the New York City OCME Department of Forensic Biology Laboratory for a period concurrent with its ANAB accreditation. Mr. McNamara made the motion, it was seconded by Dr. Buffolino, and approved with 8 votes for, 0 votes against, and 1 abstention (de Castro).

The Chair then moved to Old Business. Dr. Dooley provided Commission members with a verbal update on familial searching. Next, Dr. Walsh was not available for an update regarding investigative genetic genealogy; this item will therefore be added to the June 5, 2020 Commission meeting.

00:19:20 -  
00:20:47

Under New Business, Commission members reviewed the 2019 Annual Laboratory Summaries from all 20 accredited laboratories. This document summarized the annual communications regarding accreditation reviewed by the Commission. The next item for discussion was the review of the Partial Match and Familial Search Policies. Dr. Dooley explained that DCJS and NYSP had worked together to evaluate both policies and had determined a few areas for potential updates. The updates to the Partial Match Policy include the removal of Attachment A, the inclusion of any definitions from Attachment A into the body of the policy, and the removal of the mandatory two-year policy review. The updates to the Familial Search Policy include the incorporation of Unidentified Human Remains to case and sample requirements and the addition of the Memorandum of Understanding language into the application step of the policy. OFS will draft documents based on the discussion and present them to the DNA Subcommittee at their next meeting to continue the process of updating both policies.

00:20:47 -  
00:38:05

The Chair then moved to Laboratory Disclosures, and the Commission reviewed laboratory disclosures from the New York City OCME Department of Forensic Toxicology, New York State Police Crime Laboratory, Onondaga County Center for Forensic Sciences, Suffolk County Crime Laboratory, and the Westchester County Division of Forensic Toxicology. Representatives from the laboratories were present or available via phone to respond to members' questions.

00:38:05 -  
01:19:08

The Chair then requested a motion to enter Executive Session to discuss the closure of an investigation into a complaint received about a laboratory which might lead to disciplinary against a particular person, or persons, within that laboratory. Mr. McNamara made the motion, which was seconded by Mr. Ostrer, and approved unanimously (Mr. Fitzpatrick was not present for the vote).

01:19:08 -  
01:20:00

The Commission returned to open session and the Chair indicated that the Commission did not take any formal action during Executive Session. The next meeting is scheduled for June 5, 2020 with the primary meeting site in NYC.

01:20:00 -  
01:20:58

Mr. Fitzpatrick asked for a motion to get an update at the next Commission meeting from Scott O'Neill, the representative of NYCLAC, as to whether or not the laboratories in the state are equipped to determine the level of THC concentrations in cannabis. Additionally, the motion requests feedback from laboratory director's as to what effect the

01:20:58 -  
01:24:30

new discovery laws have had on their operation and accreditation. Dr. Buffolino seconded the motion, and it was approved unanimously.

*Approximate  
video times*

A motion to adjourn was made by Mr. Fitzpatrick, seconded by Ms. de Castro, and approved unanimously.

01:24:30 -  
01:24:53

**Note:**

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