



## Commission on Forensic Science

**September 17, 2021**

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

**9:06 AM – 1:19 PM**

### **DRAFT MEETING MINUTES**

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

Michael Green, Esq., Chair  
 Lydia de Castro  
 Jill Dooley, Ph.D.  
 Hon. William Fitzpatrick, Esq.  
 Jessica Goldthwaite, Esq.  
 Michael Marciano, Ph.D.  
 Hon. Angela Mazzarelli  
 Terri Rosenblatt, Esq. (non-voting proxy for Benjamin Ostrer)  
 Ann Willey, Ph.D., J.D.

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

Gregory Anastasio  
 Natasha Harvin-Locklear, Esq.  
 Shelley Palmer  
 Elizabeth Suparmanto

Chair Green opened the meeting by thanking Scott O'Neill for his work on the Commission and acknowledging the end of his term as the Chair of NYCLAC. Chair Green then took a roll call as the members were in attendance from their own locations. A quorum was established with 8 members (de Castro, Dooley, Fitzpatrick, Green, Goldthwaite, Marciano, Mazzarelli, and Willey). Mr. Ostrer was unable to attend the meeting but, pursuant

*Approximate  
video times*

00:00:00  
00:03:09

<sup>1</sup> Due to the Coronavirus (COVID-19), and pursuant to Chapter 417 of the Laws of 2021 authorizing the meetings of any state agency, department, corporation, office, authority, board, or commission, as well as any local public body, or public corporation, or a committee or subcommittee or other similar body of such entity to be held remotely by conference call or similar service.

to and as authorized by the Commission's bylaws, requested that Ms. Terri Rosenblatt represent him as a non-voting proxy and speak on his behalf.

A motion to approve the September 17, 2021 agenda was requested by the Chair. The motion was made by Judge Mazzarelli, seconded by Ms. de Castro, and approved unanimously.

The Chair then asked Commission members for questions or comments on the minutes from the June 4, 2021 Commission meeting. Dr. Dooley made a motion to accept the minutes, Judge Mazzarelli seconded the motion, and it was approved unanimously.

Under Accreditation/Laboratory Updates, matters regarding the Erie County Central Police Services Forensic Laboratory, New York City OCME Department of Forensic Toxicology, New York City Police Department Police Laboratory, Onondaga County Center for Forensic Sciences, Suffolk County Crime Laboratory, Westchester County Division of Forensic Sciences, Westchester County Division of Forensic Toxicology, Westchester County Department of Public Safety, Yonkers Police Department Forensic Science Laboratory, and Niagara County Sheriff's Office Forensic Laboratory were considered. Representatives from the laboratories were available via WebEx to respond to members' questions.

The Chair requested a motion to grant New York State Accreditation to the New York City OCME Department of Forensic Toxicology for a period concurrent with their current ABFT accreditation to expire on June 30, 2022. The motion was made by Ms. de Castro, seconded by Mr. Fitzpatrick, and approved unanimously.

The Chair also requested a motion to grant New York State Accreditation to the Yonkers Police Department Forensic Science Laboratory for a period concurrent with their current ANAB accreditation to expire on September 30, 2025. The motion was made by Judge Mazzarelli, seconded by Mr. Fitzpatrick, and approved unanimously.

The Chair then moved to Old Business. Dr. Dooley provided Commission members with a verbal update on Familial Searching. Next, Commission members revisited the STRMix issue raised in a letter submitted by the NYS Biology Technical Working Group (BIOTWG). The Commission reviewed correspondence and supporting documentation from the DNA Subcommittee in which it stated that the responses from the laboratories and the software developer were satisfactory. The Commission will keep this on as an Old Business agenda item for the December 3, 2021 meeting and Ms. Goldthwaite will provide a letter with additional questions regarding the issue for the Commission to discuss.

Commission members then discussed Investigative Genetic Genealogy (IGG). Special Counsel Natasha Harvin-Locklear provided a brief overview of the Commission's jurisdiction over the use of IGG. It was decided that the extent of use would determine whether the Commission has jurisdiction. The Chair called for a vote to send a letter to the New York City Police Department requesting that they provide a detailed description of their

intended use of IGG at the December 3<sup>rd</sup> meeting of the Commission. The vote was unanimous.

The next item on the agenda was New Business. The Commission reviewed a letter from the DNA Subcommittee regarding the NIST draft report “DNA Mixture Interpretation: A Scientific Foundation Review”. Ms. Goldthwaite made a motion to suspend the use of probalistic genotyping software in New York State on complex mixtures. The motion was not seconded. Ms. Goldthwaite made a motion to request that the laboratories conducting probabilistic genotyping send their validations and standard operating procedures to the DNA Subcommittee to assist in the evaluation of the foundation review. Ms. de Castro seconded the motion, and it was approved unanimously. After a lengthy discussion, Ms. Goldthwaite withdrew another motion to require labs to provide additional data on the use of probalistic genotyping during the third quarter of 2021. OFS was asked to provide the SOPs to the Commission members to determine if additional data could be provided.

01:16:23  
01:57:50

Also, under New Business, the Commission discussed the amendment to Executive Law, Article 49-B, Section 995, which removed the law enforcement latent print exemption to public forensic laboratory accreditation. Dr. Dooley explained that for many law enforcement latent print laboratories, ISO standard 17020 would be an appropriate standard. The Commission asked for the December 3, 2021 meeting that a draft of changes to the regulations be prepared to include 17020 as an accreditation standard.

0:1:57:50  
02:08:00

The Commission then reviewed disclosures from the Erie County Central Police Services, Erie County Medical Examiners’ Office Forensic Toxicology Laboratory, New York State Police Crime Laboratory, and the Suffolk County Crime Laboratory. Representatives from the laboratories were available via WebEx to respond to members’ questions.

02:08:00  
02:17:14

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.

02:17:14  
02:18:30

The Commission adjourned into Executive Session. Present were Commission members de Castro, Dooley, Fitzpatrick, Green, Goldthwaite, Marciano, Mazzarelli, Willey and Rosenblatt (non-voting proxy for Benjamin Ostrer).

The Commission continued to discuss a previous complaint. Judge Mazzarelli made a motion to request ANAB provide addition information at the December 3, 2021 meeting. The motion was seconded by Dr. Dooley and approved unanimously with 8 votes. Additionally, the Commission discussed a personnel issue and voted to request ANAB to conduct a review of the issue. Chair Green requested the motion, which was made by Mr. Fitzpatrick and seconded by Dr. Willey and approved unanimously with 7 votes (Dr. Marciano left the meeting at 12:45 PM). Executive session commenced, after a short break, at 11:26 AM and concluded at 1:16 PM. The Commission then reconvened the Open Meeting.

The next meeting is scheduled for December 3, 2021. A motion to adjourn was made by Mr. Fitzpatrick, seconded by Dr. Dooley, and approved unanimously.

02:18:30  
02:20:53

**Note:**

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