



Commission on Forensic Science

June 3, 2022

Empire State Development Corporation

633 3rd Ave
37th Floor
New York, NY¹

9:04 AM – 1:01 PM

DRAFT MEETING MINUTES

Commission Members in Attendance:

Rossana Rosado, Chair
Superintendent Kevin P. Bruen
Pasquale Buffolino, Ph.D.
Lydia de Castro
Jill Dooley, Ph.D.
William Fitzpatrick, Esq.
Jessica Goldthwaite, Esq.
Michael Marciano, Ph.D.
Hon. Angela Mazzairelli
Benjamin Ostrer, Esq.
Michelli Schmitz
Ann Willey, Ph.D., J.D.

DCJS Staff in Attendance:

Gregory Anastasio
Larry Davis
Dean Defruscio
Colleen Glavin, Esq.
Natasha Harvin-Locklear, Esq.
Shelley Palmer
Joe Popcun
Brianna Robinson

¹ 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.

Elizabeth Suparmanto

Other Attendees:

John Clark – Monroe County Crime Lab
 Karen Dooling – Nassau County OME, Division of Forensic Services
 Mark Gil – Nassau County OME, Division of Forensic Services
 Kyra McKay – NYC OCME, Department of Forensic Biology
 Meredith Rosenberg – NYC OCME, Department of Forensic Biology

*Approximate
video times*

Chair Rosado opened the meeting and took a roll call as the members were in attendance in New York, Albany and virtually. A quorum was established with 12 members (Rosado, Bruen, Buffolino, de Castro, Dooley, Fitzpatrick, Goldthwaite, Marciano, Mazzarelli, Ostrer, Schmitz, and Willey).

00:00:40
00:01:35

Chair Rosado requested a motion to approve the June 3, 2022, agenda. The motion was made by Mr. Fitzpatrick, seconded by Ms. Goldthwaite, and approved unanimously with 12 votes.

00:01:40
00:02:33

Then, Chair Rosado requested a motion to approve the minutes of the March 4, 2022, Commission meeting. The motion was made by Dr. Dooley, Superintendent Bruen seconded the motion, and it was approved unanimously with 12 votes.

00:02:36
00:03:39

Chair Rosado asked Dr. Dooley to walk the Commission through the Accreditation/Laboratory Updates. During this agenda item, matters regarding the Erie County Central Police Services Forensic Laboratory, Erie County Medical Examiner's Office Forensic Toxicology Laboratory, Monroe County Crime Laboratory, Monroe County Office of the Medical Examiner Toxicology Laboratory, Nassau County Medical Examiner Department of Forensic Toxicology, 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 Health Department Forensic Toxicology Laboratory, Suffolk County Crime Laboratory, Suffolk County Office of the Medical Examiner Toxicology Laboratory, and Westchester County Department of Labs and Research Division of Forensic Toxicology were considered. Representatives from the laboratories were available in person or via WebEx to respond to members' questions.

00:03:42
01:21:57

The Commission reviewed the Erie County Central Police Services Forensic Laboratory ANAB re-accreditation assessment documentation and the binding recommendation of the DNA Subcommittee. Mr. Fitzpatrick made a motion to accept the binding recommendation of the DNA Subcommittee to renew the New York State Accreditation of the Erie County Central Police Services Forensic Laboratory in the discipline of Biology and renew full New York State Accreditation for a period concurrent with their ANAB accreditation. Dr. Buffolino seconded the motion and it was approved with 11 votes (Rosado, Bruen, Buffolino, de Castro, Dooley, Fitzpatrick, Goldthwaite, Marciano, Mazzarelli, Ostrer, and Willey) and 1 abstention (Schmitz).

00:04:06
00:14:55

Next the Commission reviewed the Erie County Medical Examiner's Office of Forensic Toxicology Laboratory's ABFT re-accreditation inspection. Dr. Buffolino made for a motion to renew the laboratory's New York State Accreditation. Dr. Marciano seconded, and it was approved unanimously with 12 votes.

*Approximate
video times*
00:14:56
00:24:05

The Monroe County Crime Laboratory is in the process of remediating non-conformances identified during its ANAB full re-accreditation assessment. To allow for the completion of the process and the review by the DNA Subcommittee, Dr. Buffolino a motion for an extension of the current New York State accreditation through the next meeting of the Commission to be held on September 16, 2022. Ms. Schmitz seconded the motion and it was approved unanimously with 12.

00:24:10
00:34:12

Next the Commission reviewed the ABFT re-accreditation inspection of the Monroe County Office of the Medical Examiner Toxicology Laboratory. Mr. Fitzpatrick made a motion to renew the laboratory's New York State Accreditation. The motion was seconded by Judge Mazzarelli, and it was approved unanimously with 12 votes.

00:34:38
00:44:56

The Commission then reviewed the New York City Police Department Police Laboratory's ANAB accreditation renewal documentation. Mr. Fitzpatrick made a motion to renew the New York State Accreditation of the New York City Police Department Police Laboratory concurrent with the ANAB accreditation. The motion was seconded by Commissioner Rosado and approved unanimously with 12 votes.

00:49:58
00:59:07

The Commission reviewed the New York State Police Crime Laboratory ANAB re-accreditation assessment documentation and the binding recommendation of the DNA Subcommittee. Dr. Marciano made a motion to accept the binding recommendation of the DNA Subcommittee to renew the New York State Accreditation of the New York State Police Crime Laboratory in the discipline of Biology and renew full New York State Accreditation for a period concurrent with their ANAB accreditation. The motion was seconded by Mr. Ostrer and approved with 11 votes for (Rosado, Buffolino, de Castro, Dooley, Fitzpatrick, Goldthwaite, Marciano, Mazzarelli, Ostrer, Schmitz, and Willey) and 1 abstention (Bruen).

01:00:32
01:06:37

Next the Commission reviewed the ANAB re-accreditation documentation for the Niagara County Sheriff's Office Forensic Laboratory. There was some discussion of personnel changes. Dr. Dooley made the motion to renew the New York State Accreditation of the laboratory for a period concurrent with their ANAB accreditation with the addition that ANAB would conduct its surveillance visits on site throughout the accreditation cycle. Dr. Buffolino seconded the motion, and it was approved with 11 votes (Rosado, Bruen, Buffolino, de Castro, Dooley, Fitzpatrick, Goldthwaite, Marciano, Mazzarelli, Ostrer, and Willey) and 1 abstention (Schmitz).

01:07:00
01:13:46

Finally, the Commission review the ABFT re-accreditation inspection of the Suffolk County Office of the Medical Examiner Toxicology Laboratory. Dr. Buffolino made a motion to renew the New York State Accreditation of the laboratory concurrent with the ABFT cycle. Commissioner Rosado seconded the motion and it was approved unanimously with 12 votes.

01:16:36
01:19:02

The next agenda item was Old Business. Dr. Dooley provided the Commission members with a verbal update on the Familial Searching Program. The program is currently paused due to the decision in the Steven's case. Ms. Glavin notified the Commission that the Attorney General's Office filed, the morning of June 3, 2022, the notice to appeal the decision. Ms. Harvin also gave an update regarding the status of the ISO 17020 regulation. She further mentioned that a written statement regarding the Commission's jurisdiction over the use of Investigative Genetic Genealogy and the DNA Subcommittee's jurisdiction over the use of body fluid protein testing would be provided to members.

*Approximate
video times*

01:22:05
01:38:55

The Commission then reviewed disclosures from the Erie County Medical Examiner Forensic Toxicology Laboratory, Nassau County Medical Examiner Division of Forensic Science, New York City OCME Department of Forensic Biology, New York City Police Department Police Laboratory, New York State Police Crime Laboratory, and Niagara County Sheriff's Office Forensic Laboratory, Monroe County Office of the Medical Examiner Toxicology Laboratory, Onondaga County Center for Forensic Sciences, Suffolk County Office of the Medical Examiner Toxicology Laboratory, and Westchester County Department of Labs and Research Division of Toxicology. Representatives from the laboratories were available via WebEx to respond to members' questions.

01:39:00
02:38:07

Chair Rosado 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 Superintendent Bruen and approved unanimously with 12 votes.

02:38:16
02:39:17

The Commission adjourned into Executive Session. Present were Commission members Rosado, Bruen, Buffolino, de Castro, Dooley, Fitzpatrick, Goldthwaite, Marciano, Mazzarelli, Ostrer, Schmitz, and Willey. The Commission took no action and reconvened the open meeting at 12:58pm.

Dr. Dooley made a motion requesting the current organizational chart, the personnel qualifications, the past 6 months of quality manuals, 5 years of training records for employees, and the job specifications for the positions within the Niagara County Sheriff's Office Forensic Laboratory to be provided to the Office of Forensic Services by June 17, 2022. The motion was seconded by Mr. Fitzpatrick, and it was approved with 11 votes (Rosado, Bruen, Buffolino, de Castro, Dooley, Fitzpatrick, Goldthwaite, Marciano, Mazzarelli, Ostrer, and Willey) and 1 abstention (Schmitz).

02:39:43
02:41:15

The next meeting is scheduled for June 3, 2022. A motion to adjourn was made by Mr. Bruen, seconded by Dr. Buffolino, and approved unanimously with 12 votes.

02:41:18
02:42:09

Note:

Video of the open meeting is available at YouTube.