



Commission on Forensic Science

December 8, 2017
ESDC, 633 3rd Avenue, New York, NY
9:11 AM – 12:48 PM

DRAFT MEETING MINUTES

Commission Members in Attendance (Albany, NY):

Ann Willey, Ph.D., J.D.
Anne Walsh, Ph.D., M.D.

Commission Members in Attendance (New York, NY):

Michael Green, Esq., Chair
Pasquale Buffolino, Ph.D
Lydia de Castro
Hon. William Fitzpatrick
Brian Gestring
Hon. Angela Mazzairelli
Hon. Scott McNamara
Scott O'Neill, Ph.D.
Marvin Schechter, Esq.

DCJS Staff in Attendance:

Gregory Anastasio
Shalain Garcia
Janine Kava
Lindsey Levandoski
Cathryn Levine
Eric Knapp
Lauren Moloney
Jerry Mollen
Shelley Palmer
Molly Snyder
Jackalynne Vimislik
Cathy White

Other Attendees:

Robert Adamo – Westchester County Division of Forensic Sciences
Kunjilata Ashar – Westchester County Department of Laboratories and Research
Dan Burhans – Suffolk County Crime Laboratory
John Clark – Monroe County Crime Laboratory

Charles Clock - DCJS Latent Print Laboratory
 Elynn Colquhoun – Monroe County Crime Laboratory
 Dominick Chiumento – New York State Police Crime Laboratory
 Constance Dinkle – Suffolk County Crime Laboratory
 Karen Dooling – Nassau County Office of the Medical Examiner Division of Forensic Services
 Colleen Falcone – DCJS Latent Print Laboratory
 Julie Frye- Legal Aid Society
 Joseph Galdi – Suffolk County Crime Laboratory
 Russell Gettig – New York State Police Crime Laboratory
 Mark Gil - Nassau County Office of the Medical Examiner Division of Forensic Services
 Bruce Goldberger – American Board of Forensic Toxicology
 Jessica Goldthwaite – Legal Aid Society
 Kristine Hamann – Prosecutors’ Center for Excellence
 James Harrison – Westchester County Department of Public Safety Crime Laboratory
 Janet Hoin - DCJS Latent Print Laboratory
 Susan Horan – Kings County District Attorney’s Office
 George Howard – New York State ITS
 Florence Hutner - New York City Office of Chief Medical Examiner
 Melissa Huyck – New York City Police Department
 Graham Jones – American Board of Forensic Toxicology
 Tim Kupferschmid – New York City Office of the Chief Medical Examiner
 Jennifer Lady – New York City Police Laboratory
 Bharat Lakhkar
 Tom Leach- New York State Police Crime Laboratory
 Gabrielle Mazero – Office of the Queens County District Attorney
 Craig O’Connor – New York City Office of the Chief Medical Examiner
 James Palanzo – Westchester County Department of Public Safety Crime Laboratory
 David Pulikowski – New York State Police Crime Laboratory
 Eric Rosenbaum – Office of the Queens County District Attorney
 Meredith Rosenberg – New York City Office of the Chief Medical Examiner
 Pam Sale – ANAB
 Marie Samples – New York City Office of the Chief Medical Examiner
 Elayne Schwartz – Westchester County Division of Forensic Sciences
 Elizabeth Spratt – Westchester County Division of Forensic Toxicology
 Raymond Valerio – Bronx District Attorney’s Office
 Louis Vargas – New York City Office of the Chief Medical Examiner
 Ray Wickenheiser – New York State Police Crime Laboratory
 Helen Wong – Suffolk County Crime Laboratory

Chairman Green opened the meeting and noted there was a quorum with 11 members presents (Buffolino, de Castro, Fitzpatrick, Gestring, Green, Mazzarelli, McNamara, O’Neill, Schechter, Walsh, and Willey). Prior to a motion to approve the December 8, 2017 meeting; Mr. Schechter objected to the use of Executive Session for certain content and suggested such content be held in public session. Chairman Green considered the objection and stated it was appropriate to continue the discussion of this content in Executive Session. Chairman

*Approximate
video times*

00:00.00 –
00:02:45

Green then requested a motion to approve the December 8, 2017 meeting agenda. The motion was made by Dr. O'Neill, seconded by Dr. Buffolino and approved with 10 members in favor (Buffolino, de Castro, Fitzpatrick, Gestring, Green, Mazzarelli, McNamara, O'Neill, Walsh, and Willey) and 1 opposed (Schechter).

The Chair then requested a motion to approve the minutes of the September 13, 2017 meeting. A motion to accept the minutes was made by Mr. McNamara seconded by Dr. O'Neill, and approved with 9 members in favor (Buffolino, de Castro, Fitzpatrick, Gestring, Green, McNamara, O'Neill, Walsh, and Willey) and 2 abstentions (Mazzarelli, Schechter).

00:02:45 –
00:03:25

Laboratory accreditation items and updates from the Division of Criminal Justice Services Latent Print Laboratory, Monroe County Crime Laboratory, Nassau County Division of Forensic Science, New York City Office of the Chief Medical Examiner Department of Forensic Biology, New York City Police Department Police Laboratory, New York State Police Crime Lab System, Onondaga County Center for Forensic Services Laboratory, Suffolk County Crime Laboratory and the Westchester County Department of Laboratories and Research Division of Forensic Toxicology were then considered. Mr. Schechter requested that the Suffolk County Crime Laboratory submit a letter to the Commission regarding the feasibility of their request to attach additional documentation to the 29 cases being reanalyzed. The additional documentation would include communication between the laboratory and the accrediting body as it relates to the mixture interpretation finding. Chairman Green agreed to the submission of this documentation.

00:03:25 –
00:43:00

The Chair then moved to Old Business. Bruce Goldberger and Graham Jones from the American Board of Forensic Toxicology were present to discuss their accreditation program. Pam Sale from ANAB was also present and was asked to address Commission members. Chairman Green requested that the Commission discuss the future of external accrediting bodies at the next meeting to determine a path forward in New York State.

00:43:00 –
01:22:10
(43:00 –
88:10)

A verbal update was provided on the Familial Search Program.

01:22:10-
01:30:20
(88:10 –
90:20)

The Chair then moved to Laboratory Disclosures. The Commission reviewed laboratory disclosures from the Erie County Toxicology Laboratory, Monroe County Crime Laboratory, Monroe County Office of the Medical Examiner Division of Forensic Toxicology Laboratory, Nassau County Office of Chief Medical Examiner Department of Forensic Biology, New York City Police Department Police Laboratory, New York State Police Crime Lab System, Onondaga County Center for Forensic Sciences, and the Westchester County Division of Forensic Sciences. Representatives of the laboratories were available in-person and via telephone.

01:30:20-
01:48:07
(90:20 –
108:07)

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 particular individual. The motion was made by Mr. McNamara, seconded by Dr. O'Neill and approved with 10 members in favor (Buffolino, de Castro, Fitzpatrick, Gestring, Green, Mazzarelli, McNamara, O'Neill, Walsh, and Willey) and 1 opposed (Schechter).

01:48:07 –
01:48:49
(108:07 –
108:49)

During Executive Session, the Chair made a motion to send the December 4, 2017 letter, summarizing the DNA Subcommittee's review of materials relating to a complaint, to the Inspector General, the external accrediting body and the laboratory. The motion was seconded by Mr. Schechter and approved with 10 votes for (Buffolino, Fitzpatrick, Gestring, Green, Mazzarelli, McNamara, O'Neill, Schechter, Walsh, and Willey), none against, and one abstention (de Castro).

The Commission returned to open session and the Chair summarized the Commission's vote in Executive to send a letter to the Inspector General

01:48:49 –
01:49:40
(108:49 –
109:40)

A motion to adjourn was made by Mr. Schechter, seconded by Mr. Fitzpatrick and approved unanimously.

01:49:40 –
01:50:05
(109:40 –
150:05)

Note:

Video of the meeting is available upon request.