



## Commission on Forensic Science

**September 13, 2017**  
**80 South Swan Street – DCJS 1<sup>st</sup> Floor, Albany, NY**  
**9:07 AM – 12:10 PM**

### **DRAFT MEETING MINUTES**

#### **Commission Members in Attendance (Albany, NY):**

Michael Green, Esq., Chair  
Hon. William Fitzpatrick  
Brian Gestring  
Hon. Scott McNamara  
Anne Walsh, Ph.D., M.D.  
Ann Willey, Ph.D., J.D.

#### **Commission Members in Attendance (New York, NY):**

Pasquale Buffolino, Ph.D  
Lydia de Castro  
Scott O'Neill, Ph.D.  
Marvin Schechter, Esq.

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

Gregory Anastasio  
Gina Bianchi  
Natasha Harvin-Locklear  
Janine Kava  
Eric Knapp  
Gerald Mollen  
Shelley Palmer  
Jackalynne Vimislik  
Cathy White  
Aimee Zagorski

#### **Other Attendees:**

John Clark – Monroe County Crime Laboratory  
Gail Cooper- NYC OCME Forensic Toxicology Laboratory  
Constance Dinkle – Suffolk County Crime Laboratory  
Colleen Falcone – DCJS Latent Print Laboratory  
Julei Frye – Legal Aid Society  
Robert Genna – Suffolk County Crime Laboratory  
Russell Gettig – New York State Police Crime Laboratory

James Harrison – Westchester County Department of Public Safety Crime Laboratory

Janet Hoin - DCJS Latent Print Laboratory

Susan Horan – Kings County District Attorney's Office

Nicole Hurbanek – New York State Police Crime Laboratory

Rebecca Johannesen – New York City Office of the Chief Medical Examiner

Jennifer Lady – New York City Police Department Police Laboratory

Margaret Lafond – New York State Police Crime Laboratory

Bharat Lakhkar - DCJS Latent Print Laboratory

Thomas Leach – New York State Police Crime Laboratory

Allison Lewis – Legal Aid Society

Colleen Lockhart – Yonkers Police Laboratory

James Palanzo – Westchester County Department of Public Safety Crime Laboratory

Julie Pizziketti – New York State Police Crime Laboratory

David Pulikowski – New York State Police Crime Laboratory

Randy Querry – American Association for Laboratory Accreditation

Tim Rosenblatt

Pam Sale – ANAB

Elizabeth Spratt – Westchester County Dept of Laboratories and Research Forensic Toxicology

Raymond Valerio – Bronx District Attorney's Office

Louis Vargas – New York City Office of the Chief Medical Examiner

Elizabeth Whalen – DCJS Latent Print Laboratory

Ray Wickenheiser – New York State Police Crime Laboratory

*Approximate  
video times*

Chairman Green opened the meeting and noted there was a quorum with 10 members presents (Buffolino, de Castro, Fitzpatrick, Gestring, Green, McNamara, O'Neill, Schechter, Walsh, and Willey). Chairman Green requested a motion to approve the September 13, 2017 meeting agenda. The motion was made by Mr. Fitzpatrick, seconded by Mr. McNamara but no vote was taken as Mr. Schechter inquired as to why an issue was in Executive Session instead of open session. After a discussion, Mr. Schechter made a motion to move the issue to open session. The motion was not seconded. Another motion to approve the September 13, 2017 meeting agenda was made by Mr. McNamara, seconded by Ms. de Castro and approved with 9 members in favor (Buffolino, de Castro, Fitzpatrick, Gestring, Green, McNamara, O'Neill, Walsh, and Willey) and 1 opposed (Schechter).

00:00.00 –  
00:07:00

The Chair then requested a motion to approve the minutes of the June 16, 2017 meeting. A motion to accept the minutes was made by Mr. McNamara seconded by Dr. Walsh, and approved with 9 members in favor (Buffolino, de Castro, Fitzpatrick, Gestring, Green, McNamara, O'Neill, Walsh, and Willey) and 1 member not voting (Schechter).

00:07:00 –  
00:07:33

Laboratory accreditation items and updates were then considered.

The Laboratory Director from the Westchester County Department of Laboratories and Research, Division of Forensic Toxicology was present to discuss the resolution of outstanding reaccreditation assessment items carried over from the last meeting of the

00:07:33 –  
00:46:48

Commission. After a lengthy discussion, Commissioner Green made a motion to renew the New York State accreditation for the Westchester County Department of Laboratories and Research, Division of Forensic Toxicology covering September 13, 2017 to June 30, 2019; subject to confirmation of correspondence with ABFT where the accrediting body indicated that Item J3 was no longer a non-conformity. Additionally, the laboratory must remove the investigative language that they have been using, and in these instances, spell out the limitations of the testing performed. The motion was seconded by Mr. Schechter and approved unanimously.

The Chair then requested a motion to renew the New York State accreditation for the Yonkers Police Department Forensic Science Laboratory for the period concurrent with its ASCLD/LAB accreditation from July 20, 2017 to December 30, 2021. The motion was made by Mr. McNamara, seconded by Dr. Willey and approved unanimously.

00:46:48 –  
00:48:27

Updates from Erie County Medical Examiner's Toxicology Laboratory, Monroe County Crime Laboratory, Monroe County Medical Examiners Forensic Toxicology Laboratory, New York State Police Crime Laboratory, Niagara County Sheriff's Office Forensic Laboratory, Suffolk County Crime Laboratory, Suffolk County Medical Examiner Toxicology Laboratory, Westchester County Department of Public Safety Crime Lab, and the DCJS Latent Print Laboratory were then reviewed.

00:48:27 –  
00:53:18

The Chair then moved to Old Business. Randy Querry from the American Association of Laboratory Accreditation was present to discuss their accreditation program.

00:53:18 –  
01:55:50  
(053:18 –  
115:50)

The Commission then reviewed the comments submitted by the public regarding Familial Search Regulations. A motion was made by Dr. Willey that DCJS Office of Forensic Services share the assessment of the public comments with Commission Members prior to publication. The motion was seconded by Mr. Schechter and failed with four votes for [de Castro, Schechter, Walsh and Willey] and six votes against. Commissioner Green did agree to send the Commission Members the published assessment.

01:55:50 –  
02:00:00  
(115:50 –  
120:00)

The Chair then moved to Laboratory Disclosures. The Commission reviewed laboratory disclosures from the DCJS Latent Print Laboratory, New York City Office of the Chief Medical Examiner Department of Forensic Toxicology, New York City Police Department Police Laboratory, New York State Police Crime Laboratory, Niagara County Sheriff's Office Forensic Laboratory, and the Suffolk County Medical Examiner Toxicology Laboratory. Representatives of the laboratories were available in-person and via telephone.

02:00:00 –  
02:16:40  
(120:00 –  
136:40)

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 Mr. Fitzpatrick and approved unanimously.

02:16:40 –  
02:17:33  
(136:40 –  
137:33)

The Commission returned to open session and the Chair indicated that during the Executive Session a motion was made to table the matter related to documents provided to the Commission by the Inspector General regarding a letter and attachments from Legal Aid and the Federal Public Defender until the next meeting of the Commission. This action

02:17:33 –  
02:20:03  
(137:33 –  
140:03)

was taken so that a copy of the documents could be provided to the DNA Subcommittee and request that it provide the Commission with appropriate feedback. In addition, the recording of the October 24, 2014 Commission meeting will be sent to Commission members, an invitation extended to the two persons who are the focus of the letter's accusations to attend the next meeting of the Commission, and confirmation with OCME that LCN/FST testing is not currently utilized by the laboratory. The motion was approved with 9 votes for and one abstention.

A motion to adjourn was made by Mr. McNamara, seconded by Dr. Willey and approved unanimously.

02:20:03 –  
02:20:22  
(140:03 –  
140:22)

**Note:**

***Video of the meeting is available upon request.***