



Commission on Forensic Science

September 22, 2023

Empire State Development Corporation
633 3rd Ave, 37th Floor, New York, NY 10016

Division of Criminal Justice Services
80 South Swan Street, Room 118, Albany, NY 12210

9:02 AM – 12:16 PM

DRAFT MEETING MINUTES

Commission Members in Attendance:

Pasquale Buffolino, Ph.D.
James Chithalen, Ph.D.¹
Lydia de Castro
Jill Dooley, Ph.D.
William Fitzpatrick, Esq.
Jessica Goldthwaite, Esq.
Michael Marciano, Ph.D.
Hon. Angela Mazzarelli
Acting Superintendent Steven Nigrelli²
Beverly Rauch
Michelli Schmitz
Ann Willey

DCJS Staff in Attendance:

Colleen Glavin, Esq.
Natasha Harvin-Locklear, Esq.
Shelley Palmer
Joseph Popcun
Brianna Robinson
Lindsey Rockwell
Elizabeth Suparmanto

Other Attendees:

Misonara Ahmed – New York City OCME Department of Forensic Biology
Nicole Capitali – New York City Police Department Police Laboratory

¹ Representative of Commission Member James V. McDonald, M.D.

² Nigrelli attended via telephone. In accordance with the Open Meetings Law, Nigrelli will not be counted toward quorum and voting requirements. However, this does not affect the outcome of the meeting.

Neil Fenton – New York City Police Department Police Laboratory
 James Harrison – Westchester County Department of Public Safety Crime Laboratory
 Michael Jankowiak – New York State Police Crime Laboratory
 Rosalyn Joseph – New York City Police Department Latent Print Section
 Thomas Leach – New York State Police Crime Laboratory
 Christopher McDonough – New York State Police Crime Laboratory
 Kyra McKay – New York City OCME Department of Forensic Biology
 Jennifer Odien – New York City OCME Forensic Anthropology Unit
 Scott O’Neill – New York City Police Department Police Laboratory
 Stephanie O’Shea – New York City Police Department Police Laboratory
 Julie Pizziketti – New York State Police Crime Laboratory
 David Pulikowki – New York State Police Crime Laboratory
 Meredith Rosenberg – New York City OCME Department of Forensic Biology
 Kerri Sage – New York State Police Crime Laboratory

*Approximate
video times*

Dr. Jill Dooley opened the meeting by stating that Chair Rosado was unable to attend and had asked Dr. Dooley to chair the meeting in her absence. In honor of National Forensic Science week, the Commission recognized the dedication and hard work of the 22 accredited laboratories and their staff. Dr. Dooley then took a roll call as the members were in attendance in New York, Albany, and virtually. A quorum was established with 10 voting members (Buffolino, de Castro, Dooley, Fitzpatrick, Goldthwaite, Marciano, Mazzarelli, Rauch, Schmitz, and Willey).

00:00:00
00:03:33

Dr. Dooley requested a motion to approve the September 22, 2023, agenda. The motion to approve the agenda was made by Mr. Fitzpatrick, seconded by Judge Mazzarelli, and approved unanimously with 10 votes.

00:03:33
00:04:25

Then, Dr. Dooley requested a motion to approve the minutes of the June 9, 2023, Commission meeting. The motion to approve the minutes was made by Dr. Buffolino. Dr. Marciano seconded the motion, and it was approved unanimously with 10 votes.

00:04:25
00:05:23

Next, the Commission reviewed the Accreditation/Laboratory Updates. During this agenda item, matters regarding the New York City Police Department Latent Print Section, New York City Police Department Police Laboratory, Suffolk County Crime Laboratory, Westchester County Department of Laboratories and Research Division of Forensic Science, Westchester County Department of Public Safety, and Yonkers City Police Department Forensic Science Laboratory were considered. Representatives from the laboratories were available in person or via WebEx to respond to members’ questions.

00:05:23
00:17:50

The Commission reviewed the New York City Police Department Latent Print Section ANAB renewal of accreditation assessment documentation. There was a brief discussion on how later materials may impact this renewal of accreditation and if the Commission should continue with the renewal vote. Dr. Buffolino then made a motion to continue with the renewal vote and Ms. Schmitz seconded the motion. The motion carried in a vote of 7 in favor

00:05:23
00:11:32

(Buffolino, de Castro, Dooley, Marciano, Rauch, Schmitz, and Willey) and 3 opposed (Goldthwaite, Fitzpatrick, and Mazzarelli).

*Approximate
video times*

Dr. Dooley called for a motion to issue full renewal of New York State Accreditation to the New York City Police Department Latent Print Section concurrent with its ANAB accreditation. Dr. Buffolino made a motion, Ms. Schmitz seconded the motion, and it was approved with 8 votes (Buffolino, de Castro, Dooley, Fitzpatrick, Marciano, Rauch, Schmitz, and 2 abstentions (Goldthwaite and Mazzarelli).

00:11:40
00:12:39

The next agenda item was Old Business. Ms. Glavin provided the Commission members with a verbal update on the Familial Search Program. The New York Court of Appeals heard the oral arguments on September 14, 2023, for the familial DNA case, and a decision on the appeal is expected in 6 to 8 weeks.

00:17:50
00:21:00

The Commission then discussed matters regarding the Niagara County Sheriff's Office Forensic Laboratory. Ms. de Castro gave an update from the working group stating that Director Giffin had reported that the laboratory had hired a Quality Assurance Manager that will be starting this fall and the laboratory has successfully completed training regarding the working groups recommendations. The Commission also reviewed the summary from ANAB regarding its investigation of the anonymous complaint against the Laboratory. ANAB representative, Brad Putnam was available to answer questions. After much discussion by Commission members, regarding how ANAB came to its conclusion(s), (e.g., methods of investigation) and the documents used for the conclusion of ANAB's findings (e.g., investigative notes); Dr. Dooley made a motion to have the Office of Forensic Services send a letter to ANAB requesting investigative documentation regarding the anonymous letter in the Niagara County Sheriff's Office Forensic Laboratory. Ms. de Castro seconded the motion, and it was approved with 10 votes (Buffolino, de Castro, Dooley, Fitzpatrick, Goldthwaite, Marciano, Mazzarelli, Rauch, Schmitz, and Willey).

00:21:00
00:54:02

Dr. Dooley then reviewed laboratory disclosures from the Erie County Medical Examiner's Office Forensic Toxicology Laboratory, Monroe County Forensic Toxicology Laboratory, New York City OCME Department of Forensic Biology, New York City OCME Department of Forensic Toxicology, New York City Police Department Latent Print Section, New York City Police Department Police Laboratory, New York State Police Crime Laboratory, Niagara County Sheriff's Office Forensic Laboratory, Suffolk County Crime Laboratory, Suffolk County Toxicology Laboratory, Westchester County Department of Laboratories and Research Division of Forensic Science, Westchester County Department of Laboratories and Research Division of Forensic Toxicology, and Yonkers City Police Department Forensic Science Laboratory. Representatives from the laboratories were available in person or via WebEx to respond to members' questions. A brief intermission of the meeting was taken at 11:10 am and the meeting reconvened at 11:21 am.

00:54:02
02:57:11

Dr. Dooley 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 person. The motion was made by Mr. Fitzpatrick, seconded by Judge Mazzarelli. The motion was approved unanimously.

02:57:11
02:58:20

The Commission adjourned into Executive Session.

The Commission reconvened the open meeting at 12:14 pm and Dr. Dooley indicated that the Commission took no formal action during Executive Session.

*Approximate
video times*
02:58:50
02:58:53

Dr. Dooley stated that the next meeting of the Commission will take place on December 15, 2023. Dr. Marciano made a motion to adjourn the meeting, seconded by Ms. Rauch and approved unanimously.

02:58:53
03:00:05

Note:

Video of the open meeting is available on YouTube.