



Commission on Forensic Science

June 14, 2024

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

Videoconference Locations:

445 Hamilton Ave., Suite 1203, White Plains
Nassau County Crime Laboratory, 1194 Prospect Ave., Westbury

9:05 AM – 1:31 PM

DRAFT MEETING MINUTES

Commission Members in Attendance:

Pasquale Buffolino, Ph.D.
James Chithalen, Ph.D.¹
Lydia de Castro
Jill Dooley, Ph.D.
Steven Epstein, Esq.
William Fitzpatrick, Esq.
Jessica Goldthwaite, Esq.²
Michael Marciano, Ph.D.
Hon. Angela Mazzarelli²
Beverly Rauch
Rossana Rosado
Michelli Schmitz
Ann Willey, Ph.D.

DCJS Staff in Attendance:

Dean DeFruscio
Colleen Glavin, Esq.
Katherine Mayberry
Shelley Palmer
Joseph Popcun

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

² In accordance with a resolution and related procedures regarding the use of videoconferencing under extraordinary circumstances, which were adopted by the Commission on Forensic Science on June 9, 2023 and added to its bylaws, Jessica Goldthwaite and Judge Mazzarelli participated by videoconferencing from private locations due to extraordinary circumstances and, thus, shall not count toward quorum, but were able to participate and vote as there was a quorum of members at physical location(s) open to the public.

Brianna Robinson
 Lindsey Rockwell
 Elizabeth Suparmanto
 Christine Sweet

Other Attendees:

Kristie Barba – Onondaga County Medical Examiner’s Office Forensic Toxicology Laboratory
 Julia Becker – New York State Police Crime Laboratory
 Bradley Brown – New York State Police Crime Laboratory
 John Clark – Monroe County Crime Laboratory
 Russell Gettig – New York State Police Crime Laboratory
 Rebecca Hartman – Monroe County Forensic Toxicology Laboratory
 Rane Ho – Onondaga County Center for Forensic Sciences Laboratory
 Nichole Hurbanek – New York State Police Crime Laboratory
 Michael Jankowiak – New York State Police Crime Laboratory
 Justine Kreso – Onondaga County Center for Forensic Sciences Laboratory
 Thomas Leach – New York State Police Crime Laboratory
 Christopher McDonough – New York State Police Crime Laboratory
 Julie Pizziketti – New York State Police Crime Laboratory
 Ray Wickenheiser – New York State Police Crime Laboratory

*Approximate
video times*

Chair Rosado opened the meeting and took a roll call as the members were in attendance in Albany and virtually. A quorum was established with 10 voting members (Buffolino, de Castro, Dooley, Epstein, Fitzpatrick, Marciano, Rauch, Rosado, Schmitz, and Willey); two members participated from private locations due to extraordinary circumstances (Goldthwaite and Mazzarelli³).

00:00:00
00:01:43

Chair Rosado then notified the Commission that a request was received from the Onondaga County Center for Forensic Sciences Laboratory to speak on the firearms examination results discussed at the March meeting. A motion to approve this request and discuss under Old Business was made by Ms. de Castro, seconded by Mr. Fitzpatrick, and approved unanimously with 12 votes.

00:01:45
00:02:36

Chair Rosado then requested a motion to approve the June 14, 2024, agenda. The motion to approve the agenda was made by Judge Mazzarelli, seconded by Ms. Schmitz, and approved unanimously with 12 votes.

00:02:39
00:03:17

Then, Chair Rosado requested a motion to approve the minutes of the March 15, 2024, Commission meeting. The motion to approve the minutes was made by Mr. Epstein. Ms. Rauch seconded the motion, and it was approved with 11 votes (Buffolino, de Castro, Dooley, Epstein, Fitzpatrick, Goldthwaite, Marciano, Mazzarelli, Rauch, Rosado, and Schmitz) and 1 abstention (Willey).

00:03:20
00:04:12

³ See FN. 2 above.

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 particular person. The motion was made by Judge Mazzarelli, seconded by Dr. Marciano. The motion was approved with 10 votes (Buffolino, de Castro, Dooley, Fitzpatrick, Marciano, Mazzarelli, Rauch, Rosado, Schmitz, and Willey) and 2 opposed (Epstein, Goldthwaite).

*Approximate
video times*

00:04:21
00:06:22

The Commission adjourned into Executive Session at 9:10 am.

The Commission reconvened the open meeting at 10:34 am. Chair Rosado stated that she was attending the meeting remotely and Dr. Dooley would step in as chair. By unanimous consent, the Commission agreed to form a working group that will further review an ongoing complaint regarding the New York City Office of Chief Medical Examiner.

00:08:09
00:08:50

Next, the Commission reviewed the Accreditation/Laboratory Updates. Matters regarding the following laboratories were considered: Monroe County Forensic Toxicology Laboratory, Suffolk County Office of the Medical Examiner Forensic Toxicology Laboratory, Erie County Central Police Services Forensic Laboratory, Erie County Medical Examiner's Office Forensic Toxicology Laboratory, Monroe County Crime Laboratory, Nassau County Medical Examiner Division of Forensic Toxicology, New York City OCME Department of Forensic Toxicology, New York City OCME Forensic Anthropology Unit, New York State Police Crime Laboratory, Niagara County Sheriff's Office Forensic Laboratory, Onondaga County Medical Examiner's Office Forensic Toxicology Laboratory, Suffolk County Crime Laboratory, Westchester County Department of Laboratories and Research Division of Forensic Toxicology, and Yonkers Police Department Forensic Science Laboratory. Representatives from the laboratories were available in person or via WebEx to respond to members' questions.

00:08:54
00:45:33

The Commission reviewed the Monroe County Forensic Toxicology Laboratory ANAB accreditation assessment documentation. Ms. Schmitz made a motion to renew the laboratory's New York State Accreditation for a period concurrent with their ANAB accreditation. Mr. Fitzpatrick seconded the motion, and it was approved unanimously with 12 votes.

00:09:00
00:11:05

The Commission reviewed the Suffolk County Office of the Medical Examiner Forensic Toxicology Laboratory ANAB accreditation assessment documentation. Ms. Schmitz made a motion to renew the laboratory's New York State Accreditation for a period concurrent with their ANAB accreditation. Ms. Rauch seconded the motion, and it was approved unanimously with 12 votes.

00:11:12
00:22:30

The next agenda item was Old Business. Dr. Dooley provided the Commission members with a verbal update on the Familial Search Program. Both the Partial Match and Familial Search program policies are due for a periodic review. The Office of Forensic Service (OFS) will circulate the current policies to members for review and discussion at the September meeting.

00:45:35
00:54:05

The Commission then discussed additional complaints received in response to the discussion at the March 2024 meeting. During this item, members of the Onondaga County Center for Forensic Sciences Laboratory were given the opportunity to speak. Representatives from the New York State Police Crime Laboratory were also available to respond to members' questions.

*Approximate
video times*
00:54:10
02:08:30

A break was taken at 12:32 pm and the meeting resumed at 12:42 pm.

02:08:35
02:18:12

The Commission then discussed matters regarding a legal memo from Special Counsel Natasha Harvin-Locklear outlining the duties and responsibilities of members in response to a request from Dr. Marciano.

02:18:29
02:19:30

The next agenda item was New Business. It was noted that a report of the Expert Working Group on Human Factors in Forensic DNA Interpretation, co-sponsored by the National Institute of Standards and Technology (NIST) and the National Institute of Justice (NIJ), titled *Forensic DNA Interpretation and Human Factors: Improving Practice Through a Systems Approach*, was released in May 2024. The report was recognized by members of the Subcommittee at their May 2024 meeting, and they requested the Biological Sciences Technical Working Group to review the report and provide feedback for the August Subcommittee's August 2024 meeting. The Subcommittee will discuss at their August meeting and advise the Commission on the matter.

02:19:32
02:20:26
-
02:43:00
02:43:25

Mr. Fitzpatrick requested to return to old business to discuss the additional complaints and determine whether the Commission could make a motion for reviewing the original analyst casework. Mr. Fitzpatrick made a motion to request New York State Police Crime Laboratory voluntarily review five years of casework of the firearms analyst involved in the 2017 examination of evidence discussed by the Commission. The Commission requests a report of the review, including a summary of all the times the individual testified and the conclusions they testified to. The motion was seconded by Mr. Epstein. The motion was approved with 10 votes (Fitzpatrick, Mazzarelli, Chithalen, Buffolino, Goldthwaite, Rauch, Epstein, de Castro, Marciano, and Schmitz), 1 opposed (Willey) and 1 abstention (Dooley).

02:20:28
02:42:59

The next agenda item was Laboratory Disclosures and matters from the Monroe County Office of the Medical Examiner Forensic Toxicology Laboratory, Nassau County Office of the Medical Examiner Division of Forensic Services, Nassau County Office of the Medical Examiner Toxicology Laboratory, New York City OCME Department of Forensic Biology, 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 Center for Forensic Sciences, Suffolk County Crime Laboratory, Suffolk County Office of the Chief Medical Examiner Toxicology Laboratory, Westchester County Department of Laboratories and Research Division of Forensic Sciences, Westchester County Department of Laboratories and Research Division of Forensic Toxicology, Erie County Central Police Services Forensic Laboratory, and Westchester County Department of Public Safety Crime Laboratory were reviewed. Representatives from the laboratories were available in person or via WebEx to respond to members' questions.

02:43:25
03:05:12

Dr. Dooley stated that the next meeting of the Commission will take place on September 27, 2024. Ms. Rauch made a motion to adjourn the meeting, seconded by Mr. Epstein and approved unanimously.

*Approximate
video times*
03:05:13
03:05:50

Note:

Video of the open meeting is available on YouTube.