



Commission on Forensic Science

December 13, 2024

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

Empire State Development Corporation
655 3rd Ave, 4th Floor Boardroom
New York, NY 10017

9:03 AM – 12:41 PM

DRAFT MEETING MINUTES

Commission Members in Attendance:

Lt. Col. Nicholas Banbury
Pasquale Buffolino, Ph.D.
James Chithalen, Ph.D.¹
Lydia de Castro
Steven Epstein, Esq.
William Fitzpatrick, Esq.
Jessica Goldthwaite, Esq.
Michael Marciano, Ph.D.
Erin Murphy, Esq.²
Beverly Rauch
Rossana Rosado
Michelli Schmitz
Ann Willey, Ph.D.

DCJS Staff in Attendance:

Taylor Aaron
Ricardo Cosme Ruiz
Dean DeFruscio
Colleen Glavin, Esq.
Janine Kava
Katherine Mayberry
Shelley Palmer

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, Erin Murphy participated by videoconferencing from a private location due to extraordinary circumstances.

Joseph Popcun
 Brianna Robinson
 Lindsey Rockwell
 Matthew Schrantz, Esq.
 Elizabeth Suparmanto

Other Attendees:

Bradley Adams – NYC OCME, Forensic Anthropology Unit
 Jennifer Alois – NYS DCJS Latent Print Laboratory
 Julia Becker – New York State Police Crime Laboratory
 Jill Dooley, Ph.D. – New York State Police Crime Laboratory
 Russell Gettig – New York State Police Crime Laboratory
 Michael Jankowiak – New York State Police Crime Laboratory
 Timothy Kupferschmid – NYC OCME, Department of Forensic Biology
 Jennifer Lady – NYPD Latent Print Section
 Thomas Leach – New York State Police Crime Laboratory
 Andrea Lester – NYS DCJS Latent Print Laboratory
 Kyra McKay – NYC OCME, Department of Forensic Biology
 Craig O'Connor – NYC OCME, Department of Forensic Biology
 Jennifer Odien – NYC OCME, Forensic Anthropology Unit
 Julie Pizziketti – New York State Police Crime Laboratory
 Meredith Rosenberg – NYC OCME, Department of Forensic Biology
 Raymond Valerio – Office of the Queens County District Attorney
 Tiffany Vasquez – NYC OCME, Department of Forensic Biology
 Christian Westring – Niagara County Sheriff's Office Forensic Laboratory

*Approximate
 video times*

Chair Rosado opened the meeting by introducing new member Lieutenant Colonel Nicholas Banbury, filling the role of representative of a law enforcement agency. Chair Rosado took a roll call as the members were in attendance in Albany, New York City, and virtually. A quorum was established with 11 voting members (Banbury, Buffolino, de Castro, Epstein, Fitzpatrick, Goldthwaite, Marciano, Rauch, Rosado, Schmitz, and Willey); one member participated from a private location due to extraordinary circumstances (Murphy³).

Part 1
 00:00:00
 00:02:15

Chair Rosado then requested a motion to approve the December 13, 2024, agenda. The motion to approve the agenda was made by Mr. Fitzpatrick, seconded by Ms. Schmitz, and approved unanimously with 12 votes.

00:02:18
 00:02:46

Chair Rosado requested a motion to approve the minutes of the September 27, 2024, Commission meeting. The motion to approve the minutes was made by Mr. Epstein, seconded by Ms. Schmitz. The motion was approved with 11 votes (Buffolino, de Castro, Epstein, Fitzpatrick, Goldthwaite, Marciano, Murphy, Rauch, Rosado, Schmitz, and Willey) and 1 abstention (Banbury).

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 00:03:30

Ms. Palmer 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,

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 00:05:20

³ See FN 2.

demotion, discipline, or suspension of a particular person. The motion was made by Ms. de Castro and seconded by Dr. Buffolino. The motion was approved with 9 votes (Banbury, Buffolino, de Castro, Fitzpatrick, Marciano, Rauch, Rosado, Schmitz, and Willey) and 3 opposed (Epstein, Goldthwaite, and Murphy). The Commission adjourned into Executive Session at 9:12 am.

*Approximate
video times*

The Commission reconvened the open meeting at 10:15am and indicated that the Commission took no formal action during Executive Session. It was stated that the working group will continue their work and report back at the March 14, 2025, meeting. Chair Rosado requested that Ms. Palmer lead the accreditation and laboratory updates agenda item.

00:06:20
00:06:45

Next, the Commission reviewed the Accreditation/Laboratory Updates. Matters regarding the following laboratories were considered: Erie County Medical Examiner's Office Forensic Toxicology Laboratory, Monroe County Office of the Medical Examiner Forensic Toxicology Laboratory, Nassau County Office of the Medical Examiner Division of Forensic Services, New York City OCME Department of Forensic Biology, New York City OCME Forensic Anthropology Unit, New York City Police Department Police Laboratory, New York State DCJS Latent Print Laboratory, Onondaga County Center for Forensic Sciences Laboratory, Westchester County Department of Laboratories and Research Division of Forensic Science, and Westchester County Department of Laboratories and Research Division of Forensic Toxicology. Representatives from the laboratories were available in person or via Webex to respond to members' questions. OFS will provide the Commission with an updated copy of the Report Standardization document once it is approved by NYCLAC.

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The Commission reviewed the final documentation from the ANAB reaccreditation assessment activity of the New York State DCJS Latent Print Laboratory. Ms. Schmitz made a motion to issue full renewal of the laboratory's New York State Accreditation for a period concurrent with their ANAB accreditation. Dr. Buffolino seconded the motion. The motion passed with 10 votes (Banbury, Buffolino, de Castro, Epstein, Fitzpatrick, Marciano, Rauch, Rosado, Schmitz, and Willey) and 2 abstentions (Goldthwaite and Murphy).

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00:25:40

The Commission reviewed the Onondaga County Center for Forensic Sciences Laboratory's re-assessment documentation and the binding recommendation of the DNA Subcommittee. Dr. Buffolino made a motion to accept the binding recommendation of the DNA Subcommittee and issue full renewal of the laboratory's New York State Accreditation for a period concurrent with their ANAB accreditation. Ms. Schmitz seconded the motion. The motion passed with 10 votes (Banbury, Buffolino, de Castro, Epstein, Fitzpatrick, Marciano, Rauch, Rosado, Schmitz, and Willey) and 2 abstentions (Goldthwaite and Murphy).

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The Commission reviewed the Westchester County Department of Laboratories and Research Division of Forensic Science's re-assessment documentation and the binding recommendation of the DNA Subcommittee. Ms. Schmitz made a motion to accept the binding recommendation of the DNA Subcommittee and issue full renewal of the laboratory's New York State Accreditation for a period concurrent with their ANAB accreditation. Dr. Buffolino seconded the motion. The motion passed with 9 votes (Banbury, Buffolino, Epstein, Fitzpatrick, Marciano, Rauch, Rosado, Schmitz, and Willey) and 3 abstentions (de Castro, Goldthwaite, and Murphy).

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The next agenda item was Old Business. Ms. Palmer gave a verbal update on the Familial Search Policy.

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00:33:25

Ms. Palmer stated the Biology TWG chair was present at the November 15, 2024, DNA Subcommittee meeting to provide additional discussion regarding the NIST Interagency Report *Forensic DNA Interpretation and Human Factors: Improving Practice Through a Systems Approach*. Ms. Goldthwaite made a motion to request the DNA Subcommittee provide to the Commission a position statement on the NIST Interagency Report. The motion was seconded by Dr. Willey and was approved unanimously with 12 votes.

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00:39:17

Additionally, Ms. Palmer stated that the New York State Police Crime Laboratory provided a closeout regarding the Firearms casework and testimony request made by the Commission at its' June 14, 2024, meeting.

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The Commission then reviewed laboratory disclosures from 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 Forensic Toxicology Laboratory, Nassau County Office of the Medical Examiner Division of Forensic Toxicology, New York City OCME Department of Forensic Biology, New York City Police Department Latent Print Section, New York State Police Crime Laboratory, Westchester County Department of Laboratories and Research Division of Forensic Science, Westchester County Department of Laboratories and Research Division of Forensic Toxicology, 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.

Part 1
00:40:17
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Part 2
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01:39:36

Dr. Marciano requested an overview of which laboratories in the state are either informally or formally adhering to OSAC standards. Ms. Schmitz stated she will gather information from NYCLAC and provide a verbal update at the March 14, 2025, Commission meeting. Mr. Epstein requested a comparison be performed of the New York State Department of Health forensic identity standards for privately operated New York State laboratories and standards for public laboratories. This comparison will be performed by OFS and presented at the March 14, 2025 meeting.

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01:45:25

Chair Rosado stated that the next meeting of the Commission will take place on March 14, 2025. Mr. Epstein made a motion to adjourn the meeting, seconded by Ms. de Castro and approved unanimously.

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01:46:05

Note:

Videos of the open meeting are available on YouTube.