



Commission on Forensic Science

June 9, 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

9:23 AM – 12:30 PM

DRAFT MEETING MINUTES

Commission Members in Attendance:

Pasquale Buffolino, Ph.D.
James Chithalen, Ph.D.
Lydia de Castro
Jill Dooley, Ph.D.
William Fitzpatrick, Esq.
Jessica Goldthwaite, Esq.
Michael Marciano, Ph.D.
Hon. Angela Mazzarelli
Acting Superintendent Steven Nigrelli¹
Beverly Rauch
Rossana Rosado
Michelli Schmitz
Ann Willey

DCJS Staff in Attendance:

Dean DeFruscio
Colleen Glavin, Esq.
Natasha Harvin-Locklear, Esq.
Janine Kava
Katherine Mayberry
Shelley Palmer
Joseph Popcun
Brianna Robinson
Lindsey Rockwell
Elizabeth Suparmanto

¹ 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.

Other Attendees:

Bradley Adams – New York City OCME Forensic Anthropology Unit
 lyman Almubarak – New York City OCME Department of Forensic Biology
 Joseph Avella – Nassau County Office of the Medical Examiner Toxicology Laboratory
 Kristie Barba – Onondaga County Health Department Forensic Toxicology Laboratory
 Lisa-Marie Bergh – New York City Police Department Police Laboratory
 Melanie Braverman – New York City OCME Department of Forensic Biology
 Christopher Cording – Westchester County Dept of Labs & Research Division of Forensic Toxicology
 Erin Butler – New York City OCME Department of Forensic Biology
 Nicole Capitali – New York City Police Department Police Laboratory
 Russell Gettig – New York State Police Crime Laboratory
 Christine Giffin – Niagara County Sheriff’s Office Forensic Laboratory
 James Harrison – Westchester County Department of Public Safety Crime Laboratory
 Rebecca Hartman – Monroe County Office of the Medical Examiner Forensic Toxicology Laboratory
 Nichole Hurbanek – New York State Police Crime Laboratory
 Michael Jankowiak – New York State Police Crime Laboratory
 Timothy Kupferschmid – New York City OCME Department of Forensic Biology
 Thomas Leach – New York State Police Crime Laboratory
 Kyra McKay – New York City OCME Department of Forensic Biology
 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
 Donald Siegel – New York City OCME Department of Forensic Biology
 Tiffany Vasquez – New York City OCME Department of Forensic Biology
 Ray Wickenheiser – New York State Police Crime Laboratory

*Approximate
video times*

Chair Rosado opened the meeting by introducing new member, Acting Superintendent Steven Nigrelli. Acting Superintendent Nigrelli will be the representative of law enforcement on the Commission. Chair Rosado then took a roll call as the members were in attendance in New York, Albany, and virtually. A quorum was established with 11 voting members (Buffolino, de Castro, Dooley, Fitzpatrick, Goldthwaite, Marciano, Mazzarelli, Rosado, Rauch, Schmitz, and Willey).

00:00:25
00:02:23

Chair Rosado requested a motion to approve the June 9, 2023, agenda. The motion to approve the agenda was made by Dr. Dooley, seconded by Judge Mazzarelli, and approved unanimously with 11 votes.

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Then, Chair Rosado requested a motion to approve the minutes of the March 10, 2023, Commission meeting. The motion to approve the minutes was made by Ms. Rauch. Dr. Dooley seconded the motion, and it was approved with 10 votes (Buffolino, de Castro, Dooley, Fitzpatrick, Goldthwaite, Marciano, Mazzarelli, Rosado, Rauch, and Schmitz) and 1 abstention (Willey).

00:03:34
00:04:55

Chair Rosado then requested a motion to approve the minutes of the April 20, 2023, special meeting. The motion to approve the minutes was made by Dr. Willey. Dr. Buffolino seconded the motion, and it was approved with 10 votes (Buffolino, de Castro, Dooley, Goldthwaite, Marciano, Mazzarelli, Rosado, Rauch, Schmitz, and Willey) and 1 abstention (Fitzpatrick).

*Approximate
video times*
00:04:58
00:05:52

Chair Rosado asked Dr. Dooley to walk the Commission through the Accreditation/Laboratory Updates. During this agenda item, matters regarding 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 Office of Chief Medical Examiner Department of Forensic Biology, New York City Office of Chief Medical Examiner Department of Forensic Toxicology, Onondaga County Health Department Forensic Toxicology Laboratory, Suffolk County Office of the Medical Examiner Toxicology Laboratory, Westchester County Department of Laboratories and Research Division of Forensic Toxicology 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.

00:05:57
00:56:40

The Commission reviewed the Erie County Medical Examiner's Office Forensic Toxicology Laboratory ANAB accreditation assessment documentation. Mr. Fitzpatrick made a motion to renew the laboratory's New York State Accreditation for a period concurrent with their ANAB accreditation. Judge Mazzarelli seconded the motion, and it was approved unanimously.

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00:08:23

The Commission reviewed the Nassau County Office of the Medical Examiner Division of Forensic Toxicology ANAB accreditation assessment documentation. Judge Mazzarelli made a motion to renew the laboratory's New York State Accreditation for a period concurrent with their ANAB accreditation. Dr. Marciano seconded the motion, and it was approved with 10 votes (de Castro, Dooley, Fitzpatrick, Goldthwaite, Marciano, Mazzarelli, Rosado, Rauch, Schmitz, and Willey) and 1 abstention (Buffolino).

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00:15:34

The Commission reviewed the New York City Office of Chief Medical Examiner Department of Forensic Toxicology 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. Dr. Buffolino seconded the motion, and it was approved with unanimously.

00:16:56
00:49:15

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

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The Commission reviewed the Westchester County Department of Laboratories and Research Division of Forensic Toxicology ANAB accreditation assessment documentation.

00:51:13

Dr. Buffolino made a motion to renew the laboratory's New York State Accreditation for a period concurrent with their ANAB accreditation. Ms. Schmitz seconded the motion, and it was approved with 10 votes (Buffolino, Dooley, Fitzpatrick, Goldthwaite, Marciano, Mazzarelli, Rosado, Rauch, Schmitz, and Willey) and 1 abstention (de Castro).

*Approximate
video times*

The next agenda item was Old Business. Dr. Dooley provided the Commission members with a verbal update on the Familial Search Program. The New York Court of Appeals has set an oral argument date of September 14, 2023, for the familial DNA case, and a decision on the appeal is expected in October or November.

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Special Counsel, Natasha Harvin-Locklear, then provided an update regarding the Videoconferencing Policy for Open Meetings pursuant to Chapter 56 of the Laws of 2022. Dr. Willey made a motion to adopt the extraordinary circumstances videoconferencing resolution and related procedures, seconded by Ms. Rauch, and approved unanimously.

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Next, the Commission reviewed the New York City Office of Chief Medical Examiner Department of Forensic Biology scope extension assessment documentation. Dr. Buffolino made a motion to approve a scope extension to include the technology used for a novel application to body fluid identification by proteomic mass spectrometry in accordance with their ANAB scope extension. Dr. Marciano seconded the motion, and it was approved with 10 votes (Buffolino, de Castro, Dooley, Fitzpatrick, Marciano, Mazzarelli, Rosado, Rauch, Schmitz, and Willey) and 1 abstention (Goldthwaite).

01:01:01
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The Commission then discussed matters regarding accreditation updates for the Niagara County Sheriff's Office Forensic Laboratory. Director Giffin was available to answer questions from the Commission. The Commission also reviewed a memo of recommendations submitted from the working group that was suggested at the April 20, 2023, special meeting. After questions and discussion by Commission members, Dr. Willey made a motion to adopt the recommendations put forward by the working group regarding 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, Rosado, Rauch, and Willey) and 1 abstention (Schmitz).

01:17:43
01:45:50

Dr. Dooley then reviewed laboratory disclosures from the Erie County Central Police Services Forensic Laboratory, Erie County Medical Examiner's Office Forensic Toxicology Laboratory, Nassau County Office of the Medical Examiner Division of Forensic Toxicology, New York City Police Department Police Laboratory, Westchester County Department of Laboratories and Research Division of Forensic Sciences, Westchester County Department of Laboratories and Research Division of Forensic Toxicology, and Westchester County Department of Public Safety Crime Laboratory. Representatives from the laboratories were available in person or via WebEx to respond to members' questions.

01:46:21
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Dr. Marciano then spoke to the Commission regarding possible changes to the authoritative power given to the Commission to help meet their mission. He asked that this possibility be considered in the future.

02:31:12
02:33:13

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,

02:33:19
02:34:22

demotion, discipline, or suspension of a particular person. The motion was made by Dr. Dooley, seconded by Mr. Fitzpatrick. The motion was approved unanimously.

*Approximate
video times*

The Commission adjourned into Executive Session.

The Commission reconvened the open meeting at 12:27 pm and Chair Rosado indicated that the Commission took no formal action during Executive Session.

02:35:40
02:35:47

Chair Rosado stated that the next meeting of the Commission will take place on September 22, 2023. Dr. Willey made a motion to adjourn the meeting, seconded by Mr. Fitzpatrick and approved unanimously.

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02:36:56

Note:

Video of the open meeting is available on YouTube.