



# Commission on Forensic Science

## MEMORANDUM

**TO:** Commission on Forensic Science (Commission)

**FROM:** Working Group of the Commission

**DATE:** June 8, 2023

**SUBJECT:** Recommendations for Niagara County Sheriff's Office Forensic Laboratory

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The New York State Commission on Forensic Science (Commission) issued a Notice of Violation to the Niagara County Forensic Lab on March 10, 2023. A hearing to consider the violations and proposed penalty of probation was held before the Commission on April 20, 2023, at the Alfred E. Smith State Office Building, 80 South Swan Street, Albany, NY 12210. Based on the allegations, and after review and discussion of the evidence, including testimony of ten witnesses, the Commission voted to develop a Working Group that will report to the Commission at the June 9, 2023, meeting with its recommendation of the next steps for laboratory sanctions for the Niagara County Sheriff's Office Forensic Laboratory (Lab).

The Working Group met several times, including a meeting with Director Christine Giffin and after careful deliberation, believes that the plan outlined below, and agreed to by the Lab, in lieu of sanctions, would be better suited in this matter.

Based on DCJS records, the Lab was granted provisional New York State Accreditation in 1997 based on their application to ASCLD/LAB that continued through December of 1998. NYS Accreditation was granted on December 11, 1998. The March 2023 Notice of Violation is the only one that has been issued since being accredited.

The working group found the following areas of concern related to the Lab:

- A lack of open communication between the Lab and the Commission.
- At times the Lab failed to properly execute the ISO criteria.
- At times, record keeping was inconsistent with best practices.
- The need for a forensic laboratory to operate independently, particularly in the instance where a lab's administration is also a customer of the lab.

The Working Group makes the following recommendations:

1. The Lab and the Working Group will meet<sup>1</sup> and discuss effective ways to improve and maintain lab operations and the ways the Commission can offer support and

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<sup>1</sup> Director Giffin and the Working Group have already had an initial conversation.

- resources. The group should meet once a month for the next 3 months to assess prior to the next Commission meeting if these should continue.
2. All relevant parties, including those with administrative responsibilities to the Lab, should receive ISO training, which will be procured as soon as practicable by the Office of Forensic Services at DCJS.
  3. The Lab shall take steps to employ a Quality Assurance Manager (who is not the Lab Director) with appropriate experience in an accredited multidisciplinary laboratory, subject to a qualification review of the working group. The position should be posted/advertised within the next 90 days.
  4. All relevant parties receive training in Root Cause Analysis, to be procured as soon as practicable by the Office of Forensic Services at DCJS.
  5. Employ the services of an Outside consultant for review of actual casework, either hired privately or enter into an agreement with another laboratory, to be arranged or procured as soon as practicable by the Office of Forensic Services. Adoption of 100% technical review on all casework in the Quality Manual for all disciplines and all analysts<sup>2</sup>.
  6. All relevant parties receive training in the application of ethical practices in forensic science and a review of the code of ethics to be procured as soon as practicable by the Office of Forensic Services at DCJS.
  7. The Lab will participate in agreed upon peer-to-peer site visits at other forensic laboratories to be coordinated by the Office of Forensic Services at DCJS.

The Commission will establish a time for periodic updates, in consultation with the Lab.

#### Conclusion:

In implementing these recommendations, the Lab and the Commission can work together to further the Accreditation program's objectives to: increase and maintain the effectiveness, efficiency, reliability, and accuracy of a forensic laboratory; and promote increased cooperation and coordination among forensic laboratories and other agencies in the criminal justice system<sup>3</sup> as well as improve the overall operations of the Lab and the effectiveness of the Commission. Further, this good-faith effort from all parties will not only assure the public that there is a review mechanism in place but encourage ongoing dialogue and cooperation among and between the Commission, DCJS (the Office of Forensic Sciences), and the Laboratory.

Any accreditation infractions or a lack of good faith, timely participation will be addressed in an appropriate manner.

Accordingly, it is highly recommended that the Commission adopt this memorandum and agree to the recommendations incorporated herein, to be completed in a timeframe that is as expeditious as possible.

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<sup>2</sup> According to Lab Director Giffin, this review is already being conducted where there are more than two analysts in a discipline and being worked into changes in their quality manual.)

<sup>3</sup> Executive Law § 995 b(2)

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